



CO-PATRONS IN CHIEF

The Honourable Sir William Deane AC KBE
The Honourable Dame Quentin Bryce AD CVO

PATRONS

We are supported by over 140 patrons who are eminent Australians, crossing party political lines.

Submission to the NT Legislative Scrutiny Committee Inquiry into the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026

22 May 2026

Introduction

The Justice Reform Initiative (JRI) welcomes the opportunity to make a submission to the Northern Territory Parliamentary Legislative Assembly Scrutiny Committee inquiry into Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 ('the Bill'). The JRI has significant concerns about the Bill.

We are concerned that the Bill significantly expands the Northern Territory Government's powers to intervene in family life without first ensuring families can access the housing, therapeutic support, rehabilitation, counselling and early intervention services needed to safely care for children. We are also concerned that the bill will result in the further criminalisation of children and families who need the most support. We note the strong association between the experience of child-protection systems and the experience of the justice system. We are concerned that this bill will increase the intervention of the NT Government in children's lives in ways that will be harmful.

The JRI endorses the submission from NTCOSS. This submission is in addition to that endorsement.

Section 8 - Paramount concern is best interests of the child

Section 8(1) states that when a decision involving a child is made, the best interests of the child are the paramount concern.

Section 8(2) creates a new hierarchy of considerations when determining the best interests of a child. While this hierarchy largely includes the original factors provided in the original section, the hierarchy prioritises the order that these factors should be considered when ascertaining the best interest of a child. Under this new hierarchy, the need to ensure the safety of the child and protect the child from harm and exploitation are the priority considerations in that order. Considerations regarding the child's need for permanency in living arrangements and the child's need for stable and nurturing relationships have also been elevated. The effect of this is to de-prioritise the Aboriginal child placement principles. It does this by removing sections of the current act which state an Aboriginal child "has the right to be brought up within their own family and community and on the child's own country".

The bill removes the direct reference to the Aboriginal child placement principle. While the Bill states that a child's family has the primary responsibility for their care and upbringing, it states but "a child must be removed from the child's family if there is a significant and likely risk of harm to the child".

JRI is particularly concerned about the potential criminalising impact this will have on young people in its reorientation of child placement principles. The JRI is concerned that this will result in increased likelihood of more First Nations children being removed from family, community and culture, and the effect of this on disengagement and cultural destruction is likely to be extraordinarily harmful. The Royal Commission into Aboriginal Deaths in Custody identified this as a factor contributing to First Nations over-representation in the Criminal Justice system.

Part 2.1A - Family Responsibility Agreements

While this part of the Bill may be seen as encouraging a form of early intervention involving families when an "event of concern" occurs, the JRI has the following concerns about Part 2.1A:

- "Event of concern" is broadly defined. This means that the CEO has significant discretion to determine whether to invite a parent of a child to enter into a Family Responsibility Agreement, raising the likelihood of making a decision to intervene in circumstances where such intervention is not warranted or appropriate.
- Section 65E empowers police to notify the CEO in circumstances where a child cannot be held criminally responsible, either due to age or a lack of evidence to rebut the presumption of *doli incapax*. The JRI is concerned that this will prematurely draw children into contact with the police and the criminal justice system, even before they have reached the age of criminal responsibility. This will have a criminalising effect on children even before they have attained the age of criminal responsibility or are capable of criminal responsibility.

Part 3 - Amendments relating to worker screening

The JRI is also concerned about the potential impact of the changes to the Working with Children provisions particularly the restrictions for people who have previously had applications rejected and who have no capacity to appeal or shift this determination.

The JRI is concerned about the breadth of the proposed WWCC framework and the potential for future expansion of disqualifying offences through regulation rather than primary legislation. Overly broad screening regimes compound the exclusion of Aboriginal and Torres Strait Islander people, particularly in community-controlled, lived experience, peer-support, and child and family service roles. The ability for additional offences to be prescribed through regulation, with limited public scrutiny or parliamentary debate, creates uncertainty and increases the risk of incremental "mission creep" beyond the original intent of screening frameworks.

Importantly, the proposed amendments appear to contain tension between clauses that permanently prohibit reapplication following certain disqualifying offences and provisions elsewhere that recognise the possibility of "relevant changes in circumstances" or "exceptional circumstances" warranting reconsideration. We are concerned about the proposed section 188A and the interaction between automatic disqualification provisions under section 189(1) and the prohibition on future applications following refusal or revocation of a clearance.

Although the explanatory materials frame these amendments as operational measures designed to prevent frivolous or vexatious repeat applications, the practical effect may be far broader, particularly for people with conviction histories engaged in lived experience, peer-support, education, disability, advocacy, or community-sector work.

About the Justice Reform Initiative

The Justice Reform Initiative is an alliance of people who share long-standing professional experience, lived experience and/or expert knowledge of the justice system, further supported by a movement of Australians of goodwill from across the country who believe

jailing is failing and that there is an urgent need to reduce the number of people in Australian prisons.

The Justice Reform Initiative is committed to reducing Australia's harmful and costly reliance on incarceration. Our patrons include more than 120 eminent Australians, including two former Governors-General, former Members of Parliament from all sides of politics, academics, respected Aboriginal and Torres Strait Islander leaders, senior former judges including High Court judges, and many other community leaders who have added their voices to end the cycle of incarceration in Australia.

We seek to shift the public conversation and public policy away from building more prisons as the primary response of the criminal justice system and move instead to proven evidence-based approaches that break the cycle of incarceration. We are committed to elevating approaches that seek to address the causes and drivers of contact with the criminal justice system. We are also committed to elevating approaches that see Aboriginal and Torres Strait Islander-led organisations being resourced and supported to provide appropriate support to Aboriginal and Torres Strait Islander people who are impacted by the justice system.

The NT Patrons of the Justice Reform Initiative include:

- Pat Anderson AO. Human rights advocate and Chairperson of the Lowitja Institute.
- Richard Coates. Former Magistrate, Legal Aid Director, Director of Public Prosecutions and CEO Justice Department of the NT.
- Suzan Cox OAM KC. Former Director, NT Legal Aid Commission.
- Most Reverend Charles Gauci. Bishop of Darwin.
- Olga Havnen. Former Chief Executive Officer, Danila Dilba Health Service in Darwin and former Executive Officer of the National Indigenous Working Group.
- The Hon Clare Martin. Former Chief Minister of the NT.
- Karen Sheldon AM. President NT Chamber of Commerce. Entrepreneur.

For further information, please feel free to contact:

Dr Mindy Sotiri
Executive Officer
Justice Reform Initiative



Dr Louis Schetzer
National Legal Research and Policy Coordinator
Justice Reform Initiative

