



SENATOR JACINTA NAMPIJINPA PRICE
SENATOR FOR THE NORTHERN TERRITORY

22 May 2026

Secretary
Legislative Scrutiny Committee
GPO Box 3721, DARWIN NT 0801
by email to LSC@nt.gov.au

Dear Committee Members,

RE: Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026

Northern Territory children experience among the highest rates of child protection involvement in Australia, with Aboriginal children disproportionately represented across notifications, substantiations and out-of-home care systems.¹ Many children grow up in circumstances marked by violence, neglect, chronic disengagement from education, substance abuse, family dysfunction and ongoing exposure to trauma. For too many children, instability and harm become normalised long before systems intervene.

Across the Territory, families, carers, medical professionals, frontline workers and communities have repeatedly expressed frustration with systems that too often intervene only after harm has already occurred. The consequence is that children move through repeated cycles of intervention, placement instability and escalating vulnerability, often without long-term certainty or sustained support. Children should not bear the burden of systemic failure.²

Evidence demonstrates that childhood exposure to abuse, neglect and instability is associated with poorer health, education and justice outcomes later in life. Children involved with child protection systems are significantly more likely to later engage with youth justice systems,³ reinforcing the importance of earlier intervention and effective protective responses.

Children's safety cannot become secondary to process.

Too often, public discussion in this area becomes framed around systems, structures and competing interests. Important as those matters may be, the central question remains straightforward: is the child

¹ AIHW, *Child Protection Australia 2023–24*, Figure 1 (NT statistics), showing disproportionately high child protection involvement and Aboriginal overrepresentation across key child protection indicators.

<https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2023-24/contents/child-protection-system-in-australia>

² Royal Commission findings on repeated failures/intervention gaps, <https://www.royalcommission.gov.au/system/files/2020-09/report-overview.pdf>

³ Australian Institute of Health and Welfare, *Young people in child protection and under youth justice supervision 2014–15 to 2018–19*. AIHW analysis identified a strong association between child protection involvement and later youth justice supervision. <https://www.aihw.gov.au/reports/children-youth/young-people-in-child-protection-and-under-youth-justice-supervision-2014-15-to-2018-19>

safe? The Bill seeks to reorient the system toward that objective by placing child safety and best interests at the centre of decision-making, while strengthening expectations around permanency, accountability and earlier intervention.

Whether the Assembly Should Pass the Bill

At its core, the Bill seeks to place a child's best interests, safety and protection from harm at the centre of decision-making. Importantly, the Bill also recognises that children require stable and nurturing relationships and greater certainty in living arrangements.

These considerations reflect what many families, carers and frontline workers have raised repeatedly: prolonged uncertainty itself can become a source of harm. Repeated placement disruption and unstable care arrangements can compound vulnerability and undermine stability for children already experiencing trauma. Evidence has identified unstable care arrangements as a contributing factor to poorer outcomes for children in care.⁴

The Bill also introduces Family Responsibility Agreements and Family Responsibility Orders intended to encourage earlier intervention and greater parental accountability. Children generally do best when raised safely within strong family environments. Families have the primary responsibility for care and upbringing.

However, systems cannot avoid intervention where children face serious and ongoing risk. Parents should be supported wherever possible. In this sense, support and accountability should not be treated as competing ideas. The proposed framework attempts to establish earlier pathways for intervention before families reach crisis points. The objective of preventing avoidable escalation is both reasonable and proportionate. The Bill also strengthens access to independent legal representation for children involved in long-term child protection decisions. Children affected by decisions shaping the course of their lives should have meaningful opportunities for participation and representation.

Children should not remain in limbo, too often for lengthy periods, while systems deliberate indefinitely.

Whether the Assembly Should Amend the Bill

The broad objectives of the Bill are justified. However, legislative reform alone will not achieve meaningful improvement unless implementation capacity matches legislative intent. Systems have previously failed Territory children not simply because legislation was absent, but because intervention often occurred too late, implementation was inconsistent and longstanding systemic concerns remained unresolved. As recent events⁵ in the Territory have reinforced, expressions of concern and grief mean little without action.

To maximise effectiveness in practice, implementation should include:

- recruitment and retention of experienced caseworkers, specialised workforce development, timely carer assessments, stronger family-led decision-making pathways and earlier intervention services;
- clear interagency accountability measures;
- earlier identification of risk and improved intervention pathways;
- regular public reporting against child safety and permanency outcomes; and
- stronger monitoring of placement stability and long-term outcomes.

⁴ Victorian Commission for Children and Young People, Annual Report 2023–24, *Let Us Learn* findings identifying unstable care arrangements as a contributing factor affecting outcomes for children in care. Page 9, <https://www.parliament.vic.gov.au/4961b6/globalassets/tables/paper-documents/tables/paper-8622/commission-for-children-and-young-people-2023-24-annual-report.pdf>

⁵ <https://pfes.nt.gov.au/newsroom/2026/charges-operation-chelsfield-alice-springs>

The Bill also leaves unresolved broader questions regarding permanent care pathways. While adoption raises complex legal, cultural and historical considerations, difficult issues should not be excluded from public debate. Where reunification is not possible and children require long-term safety and stability, Parliament should remain open to examining whether existing permanency arrangements are adequately serving vulnerable children.

Permanency decisions also require careful consideration of long-term stability and continuity of care. There have been deeply distressing cases where children have experienced repeated disruption between care environments, family arrangements and communities, resulting in further trauma and instability. These realities reinforce the importance of ensuring systems are capable of delivering enduring safety, stability and belonging for vulnerable children.

Without meaningful practical implementation measures, there is a risk that reform becomes procedural rather than transformational. Reform in difficult policy areas requires sustained resolve and a willingness to confront challenges that have too often been avoided.

Consideration of Alternative Views

Concerns have been raised by stakeholders regarding aspects of the Bill, particularly changes relating to Aboriginal child placement principles and family responsibility mechanisms. Some stakeholders may argue that stronger emphasis on permanency and universal placement principles could weaken important cultural protections and self-determination considerations. Respectfully, those concerns should be considered carefully and in the broader context of the Bill.

Cultural connection, family and community remain important factors in a child’s life and the Bill retains specific provisions⁶ recognising the role of Aboriginal kinship, family and community structures. However, the Bill makes clear that these considerations operate within an overarching framework where the child’s safety and best interests remain paramount. Where children face serious and ongoing harm, systems must remain capable of acting decisively.

Stakeholders have also proposed stronger “active efforts”⁷ obligations requiring child protection agencies to demonstrate purposeful and culturally appropriate efforts to support family preservation and reunification before more intrusive interventions occur.

These proposals seek greater accountability from systems themselves and should be considered carefully.

Response to anticipated concerns

Stakeholders including (non-exhaustively) Aboriginal organisations, legal services and child advocacy bodies have argued that aspects of the proposed reforms may create unintended consequences for Aboriginal children and communities, particularly in relation to consultation processes, changes to placement principles, and the possibility of unintended consequences for Aboriginal children and communities. Recent commentary and stakeholder submissions have argued these reforms risk departing from established evidence and repeating historical mistakes.

These concerns should not be dismissed lightly.

⁶ Explanatory Statement, Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 — provisions strengthening permanency and long-term certainty for children.

⁷ NAAJA Submission to the Review of the Care and Protection of Children Act (2 May 2025), pp. 2–4, advocating stronger “active efforts” obligations and culturally appropriate measures supporting family preservation and reunification, <https://www.naaja.org.au/wp-content/uploads/2025/05/Submission—Review-of-the-Care-and-Protection-of-Children-Act-2007-NT-2-May-2025-1.pdf>

Consultation in this area will rarely produce unanimity. However, there is also value in listening closely to those living and working with these realities every day, including foster and kinship carers, adoptive and long-term parents, frontline services, medical professionals, paediatricians, social workers, elders and those working directly with vulnerable children and families.

Significant reform in this area will inevitably attract competing institutional views, particularly where longstanding approaches and service frameworks are being reconsidered.

Territory communities have also seen substantial investment, repeated reviews and longstanding institutional arrangements over many years. Communities are entitled to ask whether outcomes for vulnerable children have improved at the same pace.

Communities are entitled to expect more than process. They are entitled to measurable improvements in the lives of children and families.

Difficult history cannot prevent governments from confronting present realities. The first obligation of any child protection system must remain clear: children have a right to be safe and to thrive.

Recent reporting and individual cases⁸ have reinforced broader community concerns regarding whether systems are consistently prioritising child safety and best interests in practice. Territory communities often struggle to understand decisions where process appears disconnected from what many would regard as common-sense protective outcomes.

Whether or not individual cases engage unique legal circumstances, they reinforce a broader issue: public confidence depends on people believing systems are acting decisively and consistently in the interests of vulnerable children.

The Territory is also confronting a difficult present reality: children continue to experience serious harm despite decades of inquiries^{9,10}, reviews, recommendations and reforms. Communities have repeatedly been told systems would improve. Yet too often children continue falling through known gaps that have persisted for years.

The question before Parliament is not whether culture matters. This is an area where difficult questions are too often avoided — including the most fundamental question of all: a child's right to be safe and to thrive.

Culture, kinship, family and community are important protective factors in children's lives and should remain important considerations. But safety and culture should never be presented as mutually exclusive concepts. A child should not be forced into a choice between maintaining cultural connection and being safe.

The more difficult question is what occurs when systems repeatedly fail to keep children safe.

Importantly, the Bill does not remove recognition of Aboriginal children, family or community connections. It retains dedicated principles recognising culture and kinship while establishing a

⁸ Carer told to return NT boy to 'where he was raped', <https://www.theaustralian.com.au/nation/indigenous/carer-told-to-return-nt-boy-to-where-he-was-raped/news-story/e47c2936dad7be082ff517333f2d4b17>

⁹ See, for example: *Little Children are Sacred* (2007); Royal Commission into the Protection and Detention of Children in the NT; NT Children's Commissioner Annual Reports. https://tfhc.nt.gov.au/data/assets/pdf_file/0004/229375/little-children-are-sacred.pdf

¹⁰ Inquiry into the Child Protection System in the Northern Territory, *Growing them Strong, Together* (Volume 1), identifying longstanding structural and implementation concerns across the child protection system. https://cmc.nt.gov.au/media/docs/strategies-and-plans/inquiry-into-the-child-protection-system/CPS_Report_Volume_1.pdf#n10,

broader framework where safety and best interests remain paramount. Existing outcomes also demonstrate significant challenges in achieving kinship and family placement objectives in practice.

The challenge before Parliament is how systems better achieve both safety and connection.

Children's safety and protection from harm should remain the overriding consideration. The more difficult debate is how systems best achieve that objective. There is also force in arguments that legislation alone cannot resolve systemic failures.

Many stakeholders have argued that workforce capability, family support services and implementation challenges may be more significant barriers than legislative architecture itself.

Those concerns should be taken seriously.

Strong laws and effective implementation are not competing ideas. Territory children require both.

Across multiple reviews and inquiries over many years, the Territory has repeatedly identified concerns regarding workforce capability, delayed intervention, implementation challenges and longstanding systemic failures affecting vulnerable children¹¹. Similar concerns continue to be identified today. Legislation should not become a substitute for implementation. However, implementation challenges are not themselves an argument against reform where existing systems are producing unacceptable outcomes.

Children cannot wait for another round of reviews while systems continue delivering the same results.

Reviews alone do not protect children. Systems that act do.

Whether the Bill has sufficient regard to the rights and liberties of individuals

The Bill engages important considerations relating to family autonomy, parental responsibilities and state intervention. In assessing these issues, it is relevant to consider proportionality. The objectives pursued by the Bill are legitimate and pressing: protection of children from harm, earlier intervention, improved family accountability and stronger long-term outcomes. The measures introduced are rationally connected to those objectives. Safeguards remain through judicial oversight, procedural requirements, legal representation and review mechanisms. Importantly, intervention powers continue to operate within a framework where the best interests of the child remain the paramount consideration. In this context, the Bill represents a proportionate legislative response to ongoing child protection challenges within the Northern Territory.

Whether the Bill has sufficient regard to the institution of Parliament

Evidence-based lawmaking strengthens public confidence. Parliament has a responsibility to respond where evidence demonstrates ongoing systemic failures affecting vulnerable children. The Territory has experienced numerous reviews, inquiries and recommendations over many years. Communities are entitled to expect more than further analysis. They are entitled to measurable action and practical reform. Federally, Closing the Gap reporting continues to demonstrate the persistence of intergenerational disadvantage and poor outcomes across multiple indicators.

Considering the above, evidence alone does not change outcomes. Institutions acting on evidence do.

¹¹ Office of the Children's Commissioner NT, Annual Report 2024–25, identifying ongoing concerns relating to system capacity, support effectiveness, continuity and outcomes for vulnerable children (p.8), https://occ.nt.gov.au/data/assets/pdf_file/0005/1588847/OCC-AR-24-2025-FINAL.pdf

Legislation alone cannot solve intergenerational disadvantage or family dysfunction. Nor should legislative reform be treated as a substitute for implementation. Parliament has an obligation to ensure legislative frameworks support earlier intervention, accountability and child safety, and this Bill meets those requirements.

Conclusion

Children cannot advocate for themselves in the way adults can. The burden of protection must rest with systems and institutions, not with children already experiencing vulnerability and harm. The Bill reflects a resolve to strengthen earlier intervention, reinforce parental responsibility and improve stability for children experiencing risk. Importantly, it re-establishes a principle that should never become controversial: children's safety comes first. The effectiveness of these reforms will ultimately depend upon implementation, accountability and a sustained commitment to outcomes over process.

Territory children deserve safety, stability and adults willing to act.

Yours sincerely,



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