



CatholicCare NT

CatholicCare NT Submission on the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026

1. Introduction

CatholicCare NT is pleased to have the opportunity to provide feedback on the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026. CatholicCare NT recognises the complexity and challenging context in which this legislation operates. This submission is offered in a spirit of hope that the child protection system in the Northern Territory can be designed and implemented in a way that places the whole child at the center.

CatholicCare NT provides a broad range of place-based community and family services across the Northern Territory, supporting children, families and communities in urban, regional and remote contexts. This work brings CatholicCare NT into close partnership with Aboriginal families who continue to experience the intergenerational effects of colonisation, forced child removal and structural disadvantage. The proposed reforms should therefore be assessed not only by whether they respond to immediate safety concerns, but by whether they strengthen the long-term conditions in which children can remain safely connected to family, community, culture and Country.

2. Safety and the Best Interests Framework

2.1 Historical context of “safety”

A narrow understanding of “safety” cannot be separated from the lived history of Aboriginal people in the Northern Territory. Past child removal laws and practices were also justified at the time as being in children’s best interests and necessary for their protection, yet the long-term consequences for Aboriginal children, families and communities have been profound and devastating. That history means safety cannot be understood only as immediate physical protection or risk avoidance. A contemporary child protection framework and legislation must recognise that, for Aboriginal children, safety also includes connection to family, kin, community, culture and Country, and protection from the enduring harms that can flow from unnecessary removal.

2.2 Changes to objects and principles

Against that background, CatholicCare NT is concerned that the Bill shifts the child protection system further towards coercion and removal, and further away from prevention, healing and

family support. The Bill amends the objects of the Act to include “wellbeing, safety, long-term stability and security” and restructures the principles framework in new sections 8 to 12F.

Under new section 8(2), the best interests test requires decision-makers to consider, in order of priority, the need to ensure the child’s safety, protect the child from harm and exploitation, support stable and nurturing relationships, and promote permanency in the child’s living arrangements. By contrast, preserving family relationships, reunification and the child’s right to enjoy culture and maintain contact with family appear only as matters that “may also be relevant” under section 8(3).

2.3 Implications of the reordered framework

That drafting choice matters. It elevates permanence and stability above family preservation, reunification and cultural connection, and risks normalising removal as the preferred pathway rather than the measure of last resort. Although section 9 states that intervention should be the least intrusive intervention consistent with the child’s best interests, that principle is subordinate to the reordered framework in section 8.

In CatholicCare NT’s view, the Bill reflects too narrow a conception of safety. For Aboriginal people in the Northern Territory, safety cannot be separated from the legacy of past removal policies that were also said to be protective and in children’s best interests, but which instead caused profound and intergenerational harm. That history cannot continue to be treated as an unfortunate past exception. It requires a contemporary understanding of safety that includes cultural identity, family connection, community belonging and protection from the trauma of unnecessary removal.

3. Rights of Aboriginal Children

3.1 Aboriginal Child Placement and universal principles

A central concern for CatholicCare NT is that the Bill does not sufficiently safeguard the distinct rights of Aboriginal children.

CatholicCare NT is concerned that the Bill removes the existing Aboriginal Child Placement Principle and replaces it with a universal placement principle in section 12B, while reducing Aboriginal-specific protections to subordinate considerations in section 12C. Although section 12C refers to connection with family, community, culture, language and Country, section 12C(4) makes those principles subject to section 12B, meaning they no longer operate as the primary placement framework for Aboriginal children.

The Bill’s new section 12C recognises that kinship groups and communities of Aboriginal people have a major role, through self-determination, in promoting the wellbeing of Aboriginal children. However, in CatholicCare NT’s view, this structure is inadequate. It does not establish a sufficiently strong and explicit statutory recognition of the rights of Aboriginal children as First Nations children of this country.

3.2 Need for explicit, enforceable rights

Connection to family, kin, community, language, culture and Country should not be treated as discretionary or secondary. These should be articulated as enduring rights that decision-makers must actively protect, not merely factors that may be taken into account.

CatholicCare NT submits that the legislation should be amended to expressly protect an Aboriginal child's right to ongoing and enduring connection with:

- family and kin
- community
- culture, language and traditions
- Country
- Aboriginal decision-making in matters affecting the child

The legislation should also restore stronger Aboriginal-specific placement protections, rather than subordinating them to a universal principle that can dilute cultural obligations. For Aboriginal children, identity, belonging and safety are inseparable from family, culture, kinship systems and Country. Legislation that weakens these connections risks reproducing the very harms the child protection system should seek to prevent.

4. Removal Threshold and Reunification

4.1 Lowering the threshold for removal

CatholicCare NT is troubled that the Bill makes removal easier while weakening the practical force of reunification. New section 12A(3) states that a child must be removed from the child's family if there is a "significant and likely risk of harm" to the child. This is very likely to increase removals, including in circumstances where adequate support could reasonably be expected to reduce the risk and avoid the trauma of removal.

4.2 Weakening of reunification in practice

The Bill weakens the place of reunification in the statutory framework. While section 12D requires "proactive efforts" to prevent removal and, after removal, to reunify the child with parents or family within two years, section 7(4) makes clear that these principles do not create enforceable legal rights, and section 8(3)(b) treats reunification only as a factor that "may" be relevant rather than a primary consideration. This concern is reinforced by the Bill's reduction of short-term parental responsibility directions from two years to one year and by the requirement in section 128(1A) that any further short-term order can only be made where there is a high probability of reunification and no adverse impact on long-term stability and security, which may push matters more quickly toward long-term separation.

This will create significant downstream pressure and increase poor outcomes for young people (including loss of language, connection to Country and cultural deprivation with lifelong adverse impacts) when they leave statutory care, particularly given that existing services do not adequately support the transition for young people exiting care.

4.3 Legislative commitment to reunification

CatholicCare NT submits that the Act should retain a clear and strong legislative commitment to reunification, where safe and in the child's best interests, and should require genuine, active and reviewable efforts to restore children to family and kin wherever possible.

5. Historical Harm and Intergenerational Trauma

CatholicCare NT is deeply concerned that the Bill does not adequately grapple with the historical reality that child removal has caused profound and lasting harm to Aboriginal people, families and communities, and that these impacts are felt by all of us.

In Australia, the unintended consequences of removal have been devastating. The history of the Stolen Generations demonstrates that separation from family, community and culture can produce lifelong trauma, fractured identity, grief, loss of belonging and enduring intergenerational harm. These harms are not historical in the sense of being finished; they remain present in families, communities and services across the Northern Territory.

CatholicCare NT sees the effects of this history directly. The organisation includes staff and families who are descendants of the Stolen Generations, and their lived experience is a constant reminder that removal is never a neutral administrative act. It can carry lifelong emotional, cultural, spiritual and relational consequences for children, parents, siblings and extended kin.

For that reason, CatholicCare NT submits that the Bill should be amended to:

- expressly acknowledge the historical and intergenerational harms caused by forcible removal of Aboriginal children
- require all decisions affecting Aboriginal children to be healing-focused, trauma-informed and culturally safe
- retain and strengthen, rather than weaken, the principles that support reunification and cultural connection
- require active planning for family, kin and community connection from the first point of intervention

6. Prevention and Social Determinants

6.1 Limits of compliance and coercion

CatholicCare NT strongly submits that genuine reform in child and family wellbeing will not come from broader compliance powers, earlier court intervention or more pathways to removal. Real reform will come from addressing the social determinants that place families under pressure in the first place, including poverty, housing insecurity, overcrowding, family violence, poor health, untreated trauma, educational exclusion and limited access to culturally safe support services.

6.2 Focus on social determinants

CatholicCare NT submits that lasting child protection reform must focus more strongly on the social determinants of harm. Although the Bill defines “family support services” to include

housing, health, counselling, alcohol and other drug services, parenting support and domestic and family violence services, it does not guarantee that these supports will be available, accessible or properly resourced for families who are expected to comply with statutory requirements. Families are likely to be drawn into child protection and court processes because they are experiencing poverty, housing stress or service gaps rather than because their children are in immediate danger. Reform should therefore prioritise investment in housing, education, healing, community-led supports, Aboriginal community-controlled services and non-government services.

6.3 Investment priorities

CatholicCare NT submits that legislation should be framed around strengthening families and communities to care safely for their own children. Priority should be given to sustained investment in:

- safe and affordable housing
- early childhood and school engagement supports
- culturally safe parenting and family support programs
- healing services for trauma, grief and family violence
- alcohol and other drug support
- community-led place-based services
- Aboriginal community-controlled responses

Children are safest when families are nurtured, resourced and supported. A child protection system that responds to structural disadvantage with surveillance or coercion risks punishing families for the conditions in which they are trying to parent, rather than addressing the causes of harm.

7. Family Responsibility Agreements and Orders

CatholicCare NT is worried that family responsibility agreements and orders create a coercive pathway into deeper government intervention. Under sections 102C and 102E, a family responsibility order may be made where a parent refuses or breaches an agreement, or where a child's wellbeing is said to be affected by family circumstances, and may then trigger income management, alcohol restrictions, housing action, child protection investigation or an application for a protection order. The Bill also allows applications to be heard in a parent's absence under section 102H and permits notice of an order to be left at or posted to a last known address under section 102K, raising serious concerns about procedural fairness and the risk that poverty and unmet need will be met with punishment rather than support.

Under section 65F, agreements may require parents to undertake counselling, therapy, programs or support groups, and to exercise "proper care and supervision" of the child in prescribed ways, including ensuring school attendance, health appointments, avoiding certain people or places, participating in activities, or residing in specified premises.

In CatholicCare NT's view, these provisions create a framework that is more coercive than supportive. Although the Bill refers to parental accountability and capability, coercion is not an effective pathway to sustained change where the underlying drivers are trauma, poverty,

housing stress, disability, domestic violence or lack of service access. The law should not respond to unmet need with escalating compulsion. There is limited evidence that punitive approaches to parenting lead to increased and sustained safety.

CatholicCare NT is also concerned that these measures may deepen distrust of services and government agencies, increase surveillance of family life, and create further pathways into statutory intervention. Families who most need support may become less likely to seek help if assistance is linked to compliance, monitoring and the threat of escalation.

The Bill should therefore be amended to:

- remove or substantially narrow family responsibility agreements and family responsibility orders
- prohibit their use where appropriate services are not actually available, accessible and culturally safe, or where families are experiencing domestic and family violence or homelessness
- ensure legal assistance and culturally safe advocacy for parents before any agreement or order is made
- prevent non-compliance, by itself, from becoming a shortcut to removal
- prioritise voluntary, relational and targeted family support over coercive mechanisms.

8. Unintended Consequences of Removal

CatholicCare NT also wishes to highlight the broader unintended consequences of child removal. Beyond the immediate trauma of separation, removal can entrench long-term stories of harm across generations. It can disrupt attachment, identity, belonging and cultural continuity, and can expose children and families to enduring emotional, spiritual and relational trauma.

Removal can also compound other forms of vulnerability. Family disconnection may contribute to instability, disengagement from education, mistrust of institutions, material hardship and increased exposure to exploitation or abuse. In this way, a system intended to protect children can, if poorly designed, reproduce cycles of trauma instead of interrupting them.

These risks are especially acute when the law weakens the focus on return to family and elevates permanence in ways that can operate against reunification. CatholicCare NT is therefore concerned that the Bill's structure may produce outcomes that are formally lawful but profoundly harmful in lived experience, particularly for Aboriginal children.

9. Summary of Recommendations

CatholicCare NT recommends that the Bill be amended to:

- Restore and strengthen explicit protections for the rights of Aboriginal children, including the right to be raised in connection with family, kin, community, culture, language and Country.
- Restore stronger Aboriginal-specific placement protections rather than subordinating them to the universal placement principle in section 12B.

- Ensure that the rights and protections of Aboriginal children are not expressed merely as non-enforceable guiding principles under section 7(4).
- Reinstate a clear legislative commitment to reunification where this is safe and in the child's best interests.
- Require active and ongoing support for family contact, kinship connection and cultural connection from the earliest point of intervention.
- Remove or substantially limit family responsibility agreements and family responsibility orders, especially where they function as coercive responses to poverty and unmet need.
- Ensure that "proactive" efforts are enforceable, properly resourced and directed first toward prevention and family preservation.
- Embed a stronger statutory focus on addressing the social determinants of harm, including housing, health, education, family support and community wellbeing.
- Increase investment in Aboriginal community-controlled and community-led services that support children to remain safely with family and community.
- Ensure the legislation expressly recognises the historical and intergenerational harms caused by the removal of Aboriginal children in Australia.