

**CARE AND PROTECTION OF CHILDREN LEGISLATION AMENDMENT
(EVERY CHILD MATTERS) BILL
Serial 67**

Ms CAHILL (Child Protection): Madam Speaker, first I thank the members of the Legislative Scrutiny Committee for the work they did, and I put on the record that recommendations 1, 4 and 5 were adopted and the remaining recommendations 2, 3 and 6 will be addressed in my summation to this debate.

Ms CAHILL (Child Protection)(in reply): Madam Speaker, every child in the Northern Territory deserves the same simple promise: if they are unsafe, the adults responsible for protecting them will act early, act wisely, and act in their best interest. That promise sits at the heart of this bill. This debate has rightly generated strong views. Child protection should never be easy. It asks parliament to make decisions about some of the most difficult circumstances any family can face. It asks us to balance the rights of parents, responsibilities of government, and above all else, the welfare of children. Reasonable people will differ about how that balance should be struck, but there should be no disagreement about the objective. Every child deserves to grow up safe, deserves stability and the opportunity to belong. That is what this legislation seeks to achieve.

During this debate, much has been said about legal principals, statutory drafting and competing interpretations of individual clauses. These matters are important, but before we talk about legislation, we should remember who this legislation is for. It is for children who have no control over the circumstances into which they are born, children who rely entirely on the adults around them and upon this parliament to protect them when they cannot protect themselves.

When I introduced this bill, I spoke about two Territory children. I do so again today because they remind us why reform is necessary. The first child entered care at just one-year of age because of neglect. Year after year, the goal remained reunification, and year after year, the circumstances that led to removal failed to change. Today, that child is 10 years old. Their entire childhood has been spent moving through a system that offered uncertainty instead of permanency. 10 years—an entire childhood spent waiting for adults to make decisions that never came.

The second child entered care at only three-months of age. They formed a secure attachment with a loving carer. Despite little progress towards reunification, it still took five years before long term certainty was finally achieved. For that child, home already existed. The law simply took years to recognise it. These are not extraordinary cases; they are the predictable consequence of a system that too often rewards delay instead of decisive action. It is a system that mistakes uncertainty for caution; and can leave children waiting while the adults around them continue debating what should happen next. No child experiences delay as a legal concept. A child experiences delay as another birthday spent wondering where they belong, that is why reform is needed because every child gets only one childhood. We cannot give it back once it has passed.

This Bill begins with a simple proposition: removing a child should never be regarded as success. Success is keeping families safe and together wherever that is possible; identifying risks earlier; supporting parents before circumstances deteriorate into crisis; and giving family the opportunity to overcome challenges before a court is ever asked to intervene. That is why one of the most significant reforms contained in this legislation is the introduction of proactive efforts. Instead of waiting until removal becomes the only remaining option, the law will require earlier engagement with families, earlier support and earlier intervention. That represents an important shift in philosophy. The child protection system should not exist only to respond after harm has occurred. Wherever possible, it should work to prevent that harm occurring in the first place.

Throughout this debate we have heard claims that this Bill somehow weakens protection for children and alters the existing thresholds for removing a child from their family. I absolutely reject that proposition. Nothing in this legislation lowers the legal threshold for removing a child from their family. Nothing reduces the court's responsibility to determine whether intervention is necessary.

This Bill increases the obligation placed upon government to support families through proactive efforts to strengthen the family unit. Nothing expands the circumstances in which a government may intervene. Before seeking a protection order the department must demonstrate the proactive efforts undertaken to support the family. It must explain what assistance was offered and why those efforts were unsuccessful. It must identify what alternatives were considered before asking the court to remove a child. That is greater accountability for government, not less protection for families.

This Bill was not developed in isolation. It has been informed by extensive consultation, detailed policy work and thorough parliamentary scrutiny. The Legislative Scrutiny Committee received 150 submissions, and conducted public hearings, heard evidence from Aboriginal organisations, legal services, medical professionals, foster and kinship carers, police, community organisations and child protection experts. I thank every individual and organisation that contributed to that process.

Not every submission supported the Bill, some opposed it entirely, others suggested amendments, but all contributed to a better understanding of the issues before this parliament. That is how scrutiny should work.

After considering the evidence the committee reached its majority conclusion and recommended that the Assembly pass the Bill. That recommendation matters. It reflects careful consideration of the evidence, not simply competing political arguments. The government has accepted the committee's recommended amendment and has accepted recommendations aimed at helping families better understand their rights and the department's obligations.

Today I will also place important clarifications on the parliamentary record so there can be no uncertainty about parliament's intent to enacting these reforms. This Bill is founded upon a simple belief. Children cannot wait for perfect systems. They cannot wait until every housing challenge has been solved or until every workforce shortage has disappeared. They cannot wait while governments commission another review describing problems we already understand. Children live their childhood one day at a time, and our responsibility is to ensure the law serves them today, not at some uncertain point in the future, and that is why this Bill is before the Assembly.

No issue has attracted greater attention during this debate than the Aboriginal Child Placement principle; nor should it. The history of Aboriginal child removal in Australia casts a long shadow. It is a history that cannot be ignored, minimised or forgotten. It continues to shape how Aboriginal families and communities view child protection. Any government that proposes reform in this area has a responsibility to listen with humility and respond with respect. I have listened carefully and I understand why many Aboriginal organisations, community leaders and advocates have spoken with passion about this Bill. These concerns come from a place of lived experience and historical truth, and they deserve to be acknowledged.

However, acknowledging history does not relieve parliament of responsibility to confront the failures of the present. Today too many Aboriginal children are entering care. Too many remain there for years without certainty, experiencing repeated replacements instead of lasting stability. Those outcomes should concern every member of this Assembly. The question before us is not whether Aboriginal children should remain connected to their families, community, language and culture, because of course they should; the real question is whether our current system is delivering those outcomes. The evidence tells us that it is not.

This Bill does not abandon the Aboriginal child placement principle. It strengthens the principles that matter most. It continues to recognise that family comes first. It recognises that Aboriginal children should maintain meaningful connections to their family, community, culture, language and country. These principles remain central because they are central to a child's identity and wellbeing. Nothing in this legislation diminishes that.

What this Bill does make clear is something equally important: every placement must be safe. Safety and culture are not competing values. For Aboriginal children they belong together. A child should never be asked to sacrifice one for the other. This has guided the government throughout the development of this legislation. Some of the strongest criticism directed at this Bill has rested upon the claim that it makes it easier for government to remove Aboriginal children from their families, and that claim is simply incorrect.

Let me state this as plainly as I can: the legal threshold for removing a child from their family does not change—not one clause of this Bill lowers that threshold. Not one clause expands the circumstances in which a child may be removed. Those legal protections remain exactly as they are today.

What changes is the responsibility placed upon government. Before asking a court to remove a child, the department must now demonstrate the proactive efforts it has undertaken to keep that family together. It must show what support has been offered and explain why those efforts did not succeed. It must account for the alternatives that were considered before seeking intervention. That is not a reduction in accountability; it is an increase. It places a greater burden on government before it seeks the most serious order available under the Act.

Another issue has been raised repeatedly throughout this debate. The Bill removes the words 'any Aboriginal person' from the placement hierarchy. Some have suggested that this represents a weakening of the Aboriginal child placement principle. I do not accept that. Every child deserves to be placed with a person

who is safe, capable and able to meet their needs. This has always been true, and it remains true. Aboriginal children deserve both cultural connection and personal safety. The government rejects the notion that those two objectives are somehow incompatible. Our responsibility is to achieve both.

One of the most compelling pieces of evidence received by the Legislative Scrutiny Committee did not concern legislative drafting; it concerned implementation. The Northern Territory has the lowest rate in Australia of Aboriginal children in out-of-home care being placed with Aboriginal kin. This should concern every one of us. It tells us that simply preserving existing legislative wording has not delivered the outcomes we all want to see. The problem is larger than the language of the Act.

Aboriginal organisations spoke about unnecessary bureaucracy. They described lengthy approval processes. They identified barriers preventing suitable kinship carers from becoming approved. Those are practical problems that require practical solutions. Our government through the Department of Children and Families is already working alongside Aboriginal organisations to reduce those barriers while maintaining rigorous child safety standards. This work will continue.

If we genuinely want more Aboriginal children cared for by their own family and community, improving implementation is just as important as improving legislation.

This Bill is not about choosing between safety and culture; it is about recognising that every Aboriginal child deserves both. It is about preserving cultural identity while ensuring children are protected from harm. It is about supporting families earlier, strengthening accountability and making better decisions for children whose futures depend upon the choices made by adults. Those, again, are not competing objectives; they are complementary responsibilities and they sit together at the heart of this Bill.

The second major issue raised through the committee's inquiry concerned the broader circumstances confronting Territory families—poverty, housing, remoteness and access to services. Those issues deserve serious consideration because legislation alone cannot solve them, yet neither can they become an excuse for leaving children trapped in a system that everyone agrees requires reform. That is where I now turn.

Throughout the committee's inquiry many organisations reminded us that child protection legislation does not operate in isolation. Families live with the realities of housing shortages, financial hardship, addiction, domestic and family violence, poor health, unemployment and remoteness. Many parents are asked to engage with services that simply do not exist in their community. These realities are well known to every member of this Assembly, and no responsible government should pretend otherwise. This Bill does not seek to legislate those challenges away because legislation cannot build houses, train social workers overnight, eliminate poverty or heal generations of trauma. Those challenges demand sustained investment in services, stronger partnerships with Aboriginal organisations and continued support to the dedicated professionals working with Territory families every day.

However, recognising those realities is not an argument against legislative reform. It is an argument for ensuring that the law supports earlier intervention while government continues investing in the services families need. For too long our legislation has encouraged intervention only after circumstances have deteriorated to the point where statutory action becomes necessary. By then, opportunities have often been lost, relationships have broken down and children have experienced trauma that might otherwise have been prevented.

That is why this Bill introduces a proactive efforts framework. It changes the expectations placed upon government. Instead of waiting until families reach crisis, the department will be required to work with parents earlier, identify risks sooner and demonstrate the practical steps taken to help families safely remain together wherever possible. That is not simply a procedural reform; it is a cultural change shifting the focus of the child protection system from responding to failure towards preventing it.

When government ultimately seeks a protection order, it must show the court what it did before reaching that point. The department will need to demonstrate the supports offered, the work undertaken with the family, the alternatives considered and the reasons intervention has become necessary. That is greater accountability to families, the court and, ultimately, to the children whose lives are shaped by these decisions.

Some concern has been expressed that families experiencing poverty or homelessness may be unfairly drawn into the child protection system, and I want to address that concern directly. Poverty is not neglect. Homelessness is not neglect. A family should never fear losing a child simply because they are poor or because housing is beyond their reach. The assessment required under this legislation remains a holistic

assessment of the child's circumstances and safety. Those protections remain unchanged. Families deserve to know that this parliament understands the difference between social disadvantage and parental neglect.

Another significant reform concerns permanency. One of the clearest messages I have heard from young people who have grown up in care is that uncertainty can be as damaging as instability itself. Children measure time differently from adults. A year is not an administrative period; for a five-year-old it is one-fifth of their life. Every extension of a temporary order is another year spent wondering where they belong. Our current system too often allows children to remain on successive short-term orders while adults continue searching for certainty that never arrives. This Bill says that we can do better.

The evidence shows that when reunification succeeds, it is most likely to occur within the first two years after a child enters care. That is where the department's greatest efforts should be directed. Parents should receive intensive support during that critical period. Every reasonable opportunity for safe reunification should be pursued, but where those efforts have not succeeded children should not be left in indefinite legal limbo.

At some point the system must stop asking children to wait. This Bill requires that difficult decisions be made earlier, not because we value reunification less but because we value childhood more. Importantly, those reforms do not close the door on parents who later overcome the challenges that lead to intervention. The Act will continue to allow protection orders to be buried or revoked where circumstances have genuinely changed.

Hope and opportunity remains; what changes is the expectation that government must actively pursue permanency rather than allowing uncertainty to become the default.

The Bill introduces family responsibility agreements and family responsibility orders. Some have characterised these reforms as punitive. That is not their purpose. Their purpose is to provide families with support before statutory child protection becomes necessary. Family responsibility agreements are voluntary; they encourage parents to engage with services and assistance at the earliest possible stage.

Family responsibility orders provide a structured response where voluntary engagement has not occurred. They do not transfer parental responsibility, nor do they remove children from their families. They exist to prevent those outcomes wherever it is safe to do so. That approach reflects the evidence provided by the Northern Territory Police Association, whose members often see families beginning to experience crisis long before the child protection system is legally able to respond.

Earlier intervention is not about expanding government power; it is about creating lawful opportunities to help families before problems become tragedies.

I acknowledge the concerns raised by organisations supporting victim-survivors of domestic and family violence. These concerns deserve careful consideration, no person experiencing violence should be held responsible for the actions of the person using that violence. This Bill continues to require domestic and family violence risks to be managed through the Territory's established risk assessment framework. That safeguard is essential, and I expect it to be applied consistently in every case.

Finally, this Bill recognises the people who know children best. For too long carers who have provided day-to-day care have had limited opportunity to place their knowledge directly before the court. This legislation changes that. Where a child has lived with a carer for a significant period, that carer can participate in proceedings affecting the child's future. That is a practical reform. It ensures decisions about children are informed by those who know their daily routines, understand their needs, and have earned their trust.

When courts make decisions about children's futures, every informed voice matters. Most importantly, the child's voice matters. That is where these reforms seek to protect.

This debate has involved passionate disagreement, and that is entirely appropriate. The welfare of children deserve careful scrutiny and respectful debate, but after months of consultation, detailed parliamentary examination and extensive public discussion, the question before this assembly is now a simple one: do we leave the system as it is, or do we act to give Territory children the safety, stability and certainty they deserve? That is the choice before us today.

Throughout this debate, much has been said about consultation. I welcome that discussion because legislation of this significance should never be developed behind closed doors. Over the past 18 months the government has listened to Aboriginal organisations, foster and kinship carers, legal services, medical

professionals, police, the judiciary community organisations, departmental staff and, most importantly, young people who have experienced the child protection systems themselves.

Their perspectives and experiences differ, but one message emerged with remarkable consistency: the system intervenes too late. Children remain in uncertainty for too long. Families often receive meaningful support only after circumstances have reached crisis. That message has shaped this Bill.

The Legislative Scrutiny Committee then undertook a comprehensive examination of these reforms. As I said earlier, it received 150 submissions, heard evidence from organisations representing a wide range of professional expertise and lived experience, questioned the department in detail and considered competing views. That process has strengthened this legislation.

The government has accepted the committee's recommended amendments to include a note to clarify the CEO's responsibilities when working with families. I give the assurance that the department will support families to understand their rights and obligations with regard to proactive efforts, noting that these efforts are beholden on the department to support families to stay together and, in a worst case scenario where a child has been removed from their family, to achieve reunification.

Most critically, there has been no change to this principle to support Aboriginal children to remain with family, connected to their culture and their community. They are, in fact, reinforced and elevated to apply to any and all children who are at risk because every child deserves to be safe, supported and cared for, living in stable homes with family, surrounded by those who love them.

Today I place the government's intentions clearly on the *Parliamentary Record* so there can be no misunderstanding about the operation of these reforms. That is parliamentary scrutiny working exactly as it should. Whilst the principles detailed in the Every Child Matters Bill—as is the case with the current legislation—are not inalienable rights—again as is the case for the current legislation—they will guide policy and regulatory frameworks, with the addition of safety as the primary consideration when determining what is in the best interests of a child. This Bill gives an unequivocal direction to the department: keep our children safe.

Some have argued that we should delay these reforms and undertake further consultation. I respectfully disagree. There will always be another review that can be commissioned; another report that can be written; another inquiry that can be recommended for further discussion. While governments continue discussing reform, children continue living with the consequences of a system that everyone agrees is not delivering the outcomes they deserve.

Delay is not a mutual choice; it has consequences. Every year we postpone reform is another year in which children remain on temporary orders with no certainty about their future, in which families miss opportunities for earlier support, and children continue waiting for adults to make decisions that should already have been made. This parliament has debated the issues carefully, the evidence has been heard, the concerns have been considered, the legislation has been scrutinised, the time has now come to decide.

No piece of legislation is perfect, no Act of parliament can eliminate child abuse and no statute can end poverty, addiction, domestic violence or intergenerational trauma. These challenges require sustained commitment from governments, communities and families alike. Legislation can establish clearer expectations, approve accountability, ensure earlier intervention, provide children with greater stability and require government to do more before asking a court to separate a child from their family.

That is exactly what this Bill does. It puts children at the centre of every decision. It requires the department to demonstrate what is has done to help families before seeking the most serious intervention available under the law. It promotes earlier support instead of later crisis, values permanency over prolonged uncertainty, strengthens the voice of carers who know their children best and preserves the importance of family, culture and connection while recognising that every child also has an unquestionable right to safety.

This Bill is not founded on the belief that government always knows best; it is founded on the belief that children deserve better support for families, better accountability from government, better decisions made sooner and better opportunities to grow up in homes where they are safe, loved and able to thrive.

Ultimately, this debate comes down to a simple question: when we know that our child protection system is leaving too many children waiting in uncertainty, that earlier intervention offers a better chance of keeping families safely together and when we know that children experience delays as lost childhoods rather than administrative processes, what is our responsibility as legislators

I believe it is to act, because every child gets only one childhood, once chance to feel safe, to experience the security of belonging, to build the relationships that will shape the rest of their lives. Those years cannot be recovered once they are lost. That is why this legislation matters. Not because it answers every challenge facing child protection, but because it makes meaningful improvements where parliament has the power to act, today.

Future generations will not judge this parliament by how many reports we commissioned or how many inquiries we conducted. They will judge us by whether vulnerable children were safer because we had the courage to act when reform was needed. This Bill reflects that responsibility. It reflects the simple principle that has guided these reforms from the beginning: every child matters, and deserves the safety, stability and opportunity that this legislation seeks to deliver.

I commend the Bill to the Assembly. Motion agreed to; Bill read a second time.

DRAFT