

# Explanatory Statement

## CARE AND PROTECTION OF CHILDREN LEGISLATION AMENDMENT (EVERY CHILD MATTERS) BILL 2026

### SERIAL NO. 67

LEGISLATIVE ASSEMBLY OF THE  
NORTHERN TERRITORY

MINISTER FOR CHILD PROTECTION

#### GENERAL OUTLINE

This Bill amends the *Care and Protection of Children Act 2007* (the Act).

The Bill amends the Act to keep children safe and central to decision making; hold parents accountable in caring for and meeting the basic needs of their children; and promotes an early intervention model to respond to child wellbeing concerns. The Bill achieves this by:

- (a) removing Part 6A of the *Youth Justice Act 2005* (NT) (responsible care and supervision within the family) and inserting this into the Act;
- (b) introducing accountability measures applicable to parents who refuse to engage with the Chief Executive Officer (CEO), supports and services;
- (c) clarifying the operation of the guiding principles of the Act;
- (d) introducing a broad Child Placement Principle to guide placement decisions with a focus on permanency and stability;
- (e) introducing a legislative framework for proactive efforts to support early intervention and better decision making, and promote accountability; and
- (f) strengthening children's access to independent legal representation in long-term child protection matters

These reforms seek to systemically address the drivers of statutory child protection and youth engagement by providing a stepped escalation pathway and shared accountability for addressing the needs of children and families living in the Northern Territory. This reform will offer early intervention support to parents via family responsibility agreements and orders, which are not intended to replace statutory child protection intervention.

Once families enter the statutory child protection system, this reform seeks to support consistent child-focused decision making with an emphasis on safety, long-term stability and permanency considerations for the child.

Additionally, the Bill amends the Act's Working with Children Clearance (WWCC) scheme contained in Part 3.1 of the Act to extend the period of validity of a clearance from two to five years; introduce the power to suspend a clearance or an application; remove the CEO's discretion to issue WWCC exemptions; address administrative inefficiencies; and support the operationalisation of mutual recognition of negative notices in the Northern Territory.

## **NOTES ON CLAUSES**

### **Part 1. PRELIMINARY MATTERS**

#### **Clause 1. Short Title**

This is a formal clause which provides for the citation of the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026. Once passed, the Bill will be referred to as the *Care and Protection of Children Legislation Amendment (Every Child Matters) Act 2026*.

#### **Clause 2. Commencement**

This clause outlines when the *Care and Protection of Children Amendment (Every Child Matters) Act 2026* will commence.

Subclause (1) provides that the Act will commence on notice given by the Administrator in the Northern Territory Government Gazette.

Subclause (2) provides that where a provision of the Act does not commence before 11 May 2028, it will commence on that day.

It is expected that parts of the Act will commence at separate times. Provisions relating to WWCC reforms in particular are likely to commence separately to all other Parts of the Act.

### **Part 2 Amendments relating to objects and principles of Act, family responsibility and Court proceedings**

#### **Division 1 Care and Protection of Children Act 2007**

#### **Clause 3. Act amended**

This is a standard clause that provides for amendments to the *Care and Protection of Children Act 2007*.

#### **Clause 4. Section 4 amended (Objects of Act)**

Clause 4 makes a minor amendment to the Act's Objects at section 4(a) to include references to safety, long-term stability and security. This amendment reflects the underlying policy intent of these reforms.

#### **Clause 5. Section 5 amended (Overview)**

A minor consequential amendment is made to the section 5 Overview of the Act to include a reference to new Part 2.1A which provides for family responsibility agreements.

#### **Clause 6. Part 1.3 replaced**

Clause 6 replaces the existing Part 1.3 in the Act with a new Part 1.3, which inserts new sections 12A to 12F and updates other existing sections in the Part, to clarify and modernise the Act's principles. These amendments are to ensure the principles operate as intended by providing improved guidance for those who are exercising a power or function under the Act.

The title of new Part 1.3 has been updated to now provide for universal principles, roles and responsibilities, to emphasise the policy position that the Act's principles apply to all children. The new Part also reorders the old principles and related provisions in sections 6 to 12 in the Act so that the overarching principles appear first, starting at section 8, followed by the provisions relating to

responsibilities of the Northern Territory Government and public authorities (as defined in section 13 of the Act).

New section 6 defines **significant decision**, involving a child, to mean a decision likely to have a significant impact on the child's life. A significant decision could be (but is not limited to) a decision about placing a child in care, or about the placement arrangement for a child.

New section 7 prescribes the underlying principles of the Act which are now found at sections 8 to 12D. New section 7 is an updated version of section 6 'Principles' provision currently in the Act, which now makes it explicitly clear that the principles in sections 9 to 12D are subject to the principle at section 8, that is, the best interests of the child is the paramount concern.

New section 7 also clarifies that the Court, the CEO, an authorised officer (under the Act) or any other person exercising a power or performing a function under the Act must as far as practicable uphold the principles contained in Part 1.3.

New section 7(4) emphasises that the principles contained in Part 1.3 do not create or confer on any person any right or entitlement enforcement at law or affect the operation of any law in the Territory.

These changes to the original section 6 'Principles' provision reflect the underlying policy intent of the Bill specifically, that the principles are placed in the Act to provide guidance to those who are required to apply the Act.

New section 8 replaces section 10 of the Act, that currently provides the principle regarding the best interests of the child. New section 8, consistent with the section it replaces, provides that the best interests of the child is the paramount concern and is the overriding consideration for a child, when a decision involving a child is made. The guiding principles contained in the Bill at new Part 1.3 are subject to, and do not derogate from the best interests principle.

New section 8 reinforces the existing language in the section and strengthens the best interest principle by clarifying and providing guidance to persons exercising power or a function under the Act, on how this principle must be applied.

New section 8(2) prescribes the manner in which the best interests principle is to be applied, by introducing a hierarchy of considerations when determining the best interests of a child. While this hierarchy largely includes the original factors provided at section 10, 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.

New section 8(3) provides additional matters that may also be relevant in determining the best interests of a child. These additional matters are: the need to strengthen, preserve and promote positive relationships between the child and the child's parents, family members and other persons who are significant in the child's life; in circumstances where the child has been removed from the care of the child's family, all possibilities related to reunifying the child with the child's parents; the child's right to enjoy the culture and tradition of the child's family and community including the need to maintain ongoing contact with the child's family.

These additional matters do not derogate from the hierarchy of best interest considerations provided in section 8(2).

New section 9 replicates existing section 10A in the Act.

New section 10 is modelled on section 9 of the Act that prescribes the principle for treating a child with respect.

Section 11 is modelled on the existing section 11 of the Act prescribing for a child's participation in a decision involving them. The updated section 11 ensures that a child must, rather than should, be given the prescribed information, opportunity and assistance to participate in a decision involving a child, with their wishes and views to be taken into account, having regard to the child's maturity and understanding.

New section 12 provides for the principle for the treatment of children with disabilities, which is largely modelled on the provision in section 12A of the Act, with minor amendments. Age has been removed as a factor when deciding what weight should be allocated to their wishes based on their maturity and understanding on an equal basis with other children.

New section 12A is based on existing section 8 of the Act, which provides the principle for the 'role of family' with respect to a child. Subsection (3) has been updated to clarify that a child must be removed from their family if there is a significant and likely risk of harm to the child. Subsection (4)(b) relating to the eventual return of a child to their family is removed to avoid confusion regarding the interaction with other principles in new Part 1.3.

New section 12B introduces a principle providing for the placement of children. This new provision aims to promote positive long-term outcomes for children in the statutory child protection system through timely decision making and decisive action towards either reunification with family or alternative long-term care to mitigate the trauma, emotional, and behavioural difficulties caused by uncertainty and multiple placement changes.

As far as practicable, a child will be placed with, where consistent with the principles set out in new section 8, a parent of the child. If this is not practicable, or in the child's best interest, section 12B provides guidance for decision makers for where a child is to be placed.

In the first instance, if placement with a parent is not practicable or consistent with the child's best interests, the child is to be placed (where practicable and in their best interests) with:

- a family member of the child;
- an individual approved by the CEO.

In considering a placement, section 12B emphasises permanency and stability as a consideration by ensuring that when a significant decision involving a child is to be made, the decision should ensure:

- the child will have stable living arrangements that meet the child's developmental, education, emotional, health, intellectual and physical needs; and
- the legal arrangements for the child's care provide the child with a sense of permanence and long-term stability; and
- as far as practicable, the child will be cared for by an appropriate family member of the child; and
- the child will have ongoing positive, trusting and nurturing relationships with persons of significance to the child including the child's parents, siblings, other family members and carers.

New section 12C contains the principles relating to Aboriginal children, which is presently provided for at section 12 of the Act. New section 12C removes the provisions relating to the Aboriginal Child

Placement, which is now provided for through the new placement of children principle at section 12B, which applies to all children.

Section 12C(1) recognises the role that kinship groups and communities have through self-determination, in promoting the wellbeing of Aboriginal children.

Section 12C(2) provides an updated guiding principle for when a significant decision involving an Aboriginal child is to be made. Section 12C(2)(a) provides that a child and their family members will no longer have a right to participate and be enabled to participate in an administrative or judicial process for making a significant decision relating to an Aboriginal child. Rather the child and their family will be provided an opportunity to participate. This update ensures that children and their families have a voice in significant decisions that involves them and reflects the underlying policy intent that the Act's principles do not create or confer on any person any right or entitlement enforcement at law or affect the operation of any law in the Territory.

Section 12C(2)(b), consistent with subsection (2)(a), has been amended to remove the right of a child and their family to identify persons (as prescribed by this subsection) to participate in decision making for the child, and instead provides that a child and their family should be given the opportunity to identify persons significant in the child's life. These amendments ensure that only persons with sufficient interest and connection to the child can participate in significant decision making involving the child.

New section 12C(3) ensures that when an Aboriginal child is removed from their parents, the child should, as far as practicable and consistent with the best interests of the child, be placed in close proximity to the child's family and community; and be supported to develop and maintain connection with the child's family, community, culture, traditions, language and country, particularly when the child is placed with a person who is not a member of the child's community or a member of the child's kinship group.

New section 12C(4) clarifies that the principles in section 12C are subject to the placement principles set out in section 12B, to reflect that permanency and stability extends to all children, and the underlying policy intent that the paramount concern for those administering the Act is the best interests of the child as prescribed in new section 8.

New section 12D introduces a new principle into the Act that provides for 'proactive efforts'. This new principle provides a framework for child protection practitioners that specifies timeframes for reunification of a child with their parents or family following removal and steps to be taken, subject to the child's best interests as set out at new section 8, to address the risks to a child who may be considered at risk of harm. The intent of this 'proactive efforts' framework is to ensure thorough and timely actions are being taken by the CEO of the Agency responsible for administering the Act, and promote stability for children.

New section 12D(1) requires that where a child is considered to be at risk of harm, proactive efforts are taken by the CEO to address the risks to the child with the aim of preventing the child from needing to be removed from their parents.

Section 12D(2) provides the general principle of proactive efforts which is that the CEO take all reasonable proactive efforts to reunify the child with the child's parents, or if reunification is not in the best interest of the child, with a family member of the child, within 2 years after the removal.

Section 12D(3) provides that the CEO's proactive efforts in the first six months after the removal of a child must be targeted at: addressing the grounds on which the child was removed from the child's parents with the aim of reunifying the child with the child's parents; or if the CEO is not satisfied that

reunification with the child's parents under subsection is in the best interest of the child – placing the child with an appropriate family member of the child.

The general and targeted timeframes emphasise the overall intention for reunification to be achieved within 2 years and the intensive efforts to address the risks necessitating the child's removal in the first 6 months of the 2 year time period.

Proactive efforts reflect existing functions and powers prescribed under the Act, but section 12D(4) provides additional guidance by outlining a number of steps that may comprise proactive efforts.

The inclusion of this principle in the Act was inspired by active efforts principles in other Australian jurisdictions that reinforce the underlying intent of these reforms, which is to promote the best interests of a child and elevate a child's wellbeing through safety, long-term stability and permanency.

New section 12E is modelled on section 7 of the Act, which prescribes the responsibility of the Northern Territory Government under this Act. This principle has been updated by the Bill to include the responsibility for promoting and safeguarding the safety, long-term stability and security of children.

New section 12F is modelled on section 8A of the Act, which prescribes the responsibility of public authorities under this Act. This principle is updated by the Bill to include the responsibility for promoting and safeguarding the safety, long-term stability and security of children.

#### **Clause 7. Section 13 amended (Definitions)**

Clause 7 updates the Act's definition section to support the replacement and update of Part 1.3 and to support reforms being made to introduce family responsibility agreements and orders.

New defined term ***family responsibility agreement*** is signposted to new section 65C.

New defined term ***family responsibility order*** is defined to mean an order made under section 102B(1)(b), 102J(1)(a) or 102S(1)(d).

New defined term ***family support services*** is inserted to describe services provided to a parent or family member of a child that may support the parent or family member of a child in improving and safeguarding that child's wellbeing. These services may be prescribed for in a family responsibility agreement or order.

New defined term ***member of kinship group*** has been inserted to acknowledge those persons within cultural and community structures that may have direct and recognised relationships with a child and a significant role in the child's care, upbringing and development.

New defined term ***operator of family support services*** is inserted to mean a person who controls the operation of a family support services, who may be a party to a family responsibility agreement.

New defined term ***significant decision*** is signposted to section 6.

Additional minor consequential amendments are also made to the defined term ***underlying principles of this Act***.

#### **Clause 8. Section 32 amended (CEO may make inquiries)**

Clause 8 amends section 32 of the Act to broaden the CEO's powers to make inquiries relating to a child's wellbeing to reflect the new provisions relating to family responsibility agreements and orders.

Subsection (1) is replaced with new subsection which introduces a new power, that the CEO can make inquiries about a child for the purposes of assessing the effectiveness of, or compliance with, a family responsibility agreement or family responsibility order relating to the child.

Section 32(2) is also amended to signpost Part 2.1A (which provides for family responsibility agreements) as an action the CEO may decide to take for a child on completing an inquiry.

**Clause 9. Section 35 amended (CEO's power to investigate)**

This clause expands the CEO's power to initiate an investigation, when a Court makes a family responsibility order directing the CEO to commence an investigation.

The existing powers of investigation remain unaffected, that is, where the CEO believes on reasonable grounds the child might be in need of protection (whether or not inquiries about the child have been made under section 32 or 33).

**Clause 10. Section 42 amended (What CEO may do generally)**

A minor amendment is made to section 42 to reflect that, in addition to services provided to families, the CEO must now take reasonable steps to ensure interactions with families in accordance with the Act are, where appropriate: meaningful; in a language and manner families understand; culturally responsive; involve a holistic assessment of children and families to ascertain risk; and promote decision making processes.

**Clause 11. Chapter 2, Part 2.1A inserted**

New Part 2.1A is inserted into Chapter 2 by clause 11 of the Bill to provide for family responsibility agreements. Sections 65A to 65F are included in this new part.

Provisions relating to family responsibility agreements have been moved into the Act from the *Youth Justice Act 2005* and redrafted to broaden and refocus the children and young persons captured by the scheme. The Bill provides an event of concern as a trigger to invite parents to enter into a family responsibility agreement. This is an expansion from the current 'behavioural problems' trigger currently in the *Youth Justice Act 2005*. The underlying intent of these reforms is to make parents and families accountable for their children through earlier intervention where: child wellbeing concerns present that do not meet the statutory threshold for child protection intervention; or for a child who is demonstrating criminal (where *doli incapax*) or anti-social behaviour; and to address concerns before they reach crisis point and interactions with the youth justice or statutory child protection systems.

Section 65A sets out the objects of the Part, being to promote the wellbeing of children by increasing parental involvement and accountability; addressing the needs of parents and improving their capacity and capability; and preventing the need to escalate to child protection and criminal proceedings.

Section 65B ensures domestic and family violence risks are managed appropriately in relation to family responsibility agreements, by prescribing that any risk of domestic violence affecting children or families encountered while exercising powers or performing functions under this Part must be managed in accordance with the framework (known as the Northern Territory domestic and family violence risk assessment and management framework – RAMF) approved under section 124Q of the *Domestic and Family Violence Act 2007*. This section emphasises that domestic and family violence risks cannot be appropriately managed using family responsibility agreements and could potentially escalate domestic and family violence risks against the child or other family members if used incorrectly.

Section 65C defines **family responsibility agreement**, as signposted by the new defined term contained in section 13 of the Act. Section 65C prescribes that a family responsibility agreement contains the provisions mentioned in section 65F and is made between the CEO; and one or more parents of a child.

Subsection (2) provides the additional option for an operator of family support services and any other family member of the child to also be parties to the agreement where they want to assume an active support role in assisting the parent to comply with FRA provisions.

Section 65D sets out the circumstances in which the CEO must invite a parent of a child to enter into a family responsibility agreement. This invitation provides parents with an opportunity to put in place supports for their child (and family) and offers family support services to address factors causing or contributing to the events of concern.

These circumstances will arise if the CEO believes on reasonable grounds that: an event of concern has occurred or is at risk of occurring in relation to the child; and the child's family circumstances may have caused or contributed to the event of concern or the risk of the event of concern; and the child's family circumstances may be improved by the agreement. The CEO however may not invite a parent to enter into a family responsibility agreement if the CEO instead makes an application to the Court for a family responsibility order. The circumstances where an order may be applied for are set out at section 102C.

Section 65D(6) broadly defines **event of concern** to mean a child exhibiting criminal or anti-social behaviour; a school-age child not attending school; or an event that adversely affects a child's wellbeing. An event of concern is a trigger for the CEO's involvement in an early intervention approach to ensure parents are accountable for their children and supported to make changes.

The CEO is not precluded from inviting a parent of a child to enter into a family responsibility agreement in other circumstances, if the CEO considers it appropriate to do so. This allows for family responsibility agreements to be flexible and be made in appropriate circumstances where the criteria prescribed by new section 65D(1) has not been met in full, or there are other circumstances where it is in the child's best interest to enter such an agreement.

Before entering into a family responsibility agreement, the CEO must: ensure that any facilities or services reasonably required by a party to the agreement in order to comply with the agreement are reasonably available to the party; and ensure that procedures are in place for the agreement to be regularly reviewed to assess the parties' compliance and capacity to comply with the agreement.

The CEO is further required to be satisfied that the terms of the agreement are appropriate, having regard to: the circumstances of the child's family and the likely effect of the agreement on the family, including any potential escalation of wellbeing or other safety risks; whether the child, or a parent of the child, lives with a disability; and whether there are any existing agreements, orders or programs imposing requirements on the parent in relation to their child.

Section 65E enables Police officers to make referrals to the CEO of the Agency with responsibility for administering the Act, and for the CEO to consider whether a family responsibility agreement should be entered into, or an application for a family responsibility order be made.

Police officers may make referrals after a finding by a Court under section 38A or 43AQ of the Criminal Code, that a child cannot be held criminally responsible for an offence. Additionally, Police officers may make referrals to the CEO where a previous finding under sections 38A or 43AQ has been made in relation to a child and subsequent interactions with Police or continued anti-social behaviour has occurred. This intends to capture a cohort of children and families who cannot

ordinarily be engaged under the *Youth Justice Act 2005*, as they cannot be held criminally responsible for their actions, but who also do not reach the threshold to compel statutory child protection intervention to offer early intervention services and support.

Section 65F prescribes the content and term of a family responsibility agreement and the actions a parent may be required to perform to improve the circumstances of a child's family. Actions may include counselling or therapy directed at assisting parents to manage their behaviour and responsibilities, personal development courses or programs, and the exercise of proper care and supervision of the child, including that the child attends school, keeps away from and avoids contact with persons named or described in the agreement or that the child participates in sporting, community or cultural activities.

A family responsibility agreement remains in force for the term of the agreement but it must not exceed 12 months, or extend beyond the day on which a child turns 18 years of age.

**Clause 12. Section 72A amended (Participation in care plan)**

A minor consequential amendment is made to section 72A as a result of changes made through the insertion of new section 12C in the Act by the Bill.

**Clause 13. Section 74 amended (Review of care plan)**

A minor consequential amendment is made to section 74 as a result of changes made through the insertion of new section 12C in the Act by the Bill.

**Clause 14. Section 77 (CEO must enter into placement arrangement)**

A minor consequential amendment is made to the notes to section 77(1) as a result of changes through the insertion of new Part 1.3 in the Act by the Bill with new sections 12B and C.

**Clause 15. Section 94 amended (Parties to proceedings)**

Clause 15 amends section 94(1) by inserting a provision that allows carers to have standing as a party to proceedings where the child has been placed with that carer for more than 8 months. This clause also replaces section 94(2) to expand the general provision relating to parties to a proceeding to contemplate new sections 102F, 102P, 125 and 137D.

This will ensure the exemption to the general provision relating to parties to proceedings (which prescribes parties for a particular Court proceeding or order under the Act) relating to family responsibility orders, and ensures parents are parties to those proceedings. **Clause 16. Chapter 2, Part 2.3, Division 4, Subdivision 1A inserted**

New Subdivision 1A is inserted into Chapter 2, Part 2.3, Division 4 by clause 16 of the Bill to provide for family responsibility orders. New sections 102A to 102T are inserted as part of new Subdivision 1A.

Family responsibility orders are being reintroduced by this Bill to address anti-social behaviours of children and youth and to provide a clear escalation pathway to support compliance and accountability of parents.

New section 102A sets out the object of the subdivision to promote the wellbeing of children by increasing parental involvement and accountability; addressing the needs of parents and improving parenting capacity and capability; and preventing the need to escalate to child protection proceedings.

Section 102B prescribes that a family responsibility order may be made in relation to a parent of a child on the application of the CEO of the Agency administering the Act; or on the Court's own initiative if, in determining an application for a protection order, the Court considers that insufficient proactive efforts have been made or the making of the family responsibility order is appropriate.

Family responsibility orders are able to be made by the Court whether or not proceedings under Part 2.3, Division 4 of the Act are being made.

Family responsibility orders are an escalation mechanism where a parent has refused to engage with the CEO or family support services, or has not complied with a family responsibility agreement, or other circumstances where the child's wellbeing is being adversely affected.

Section 102C sets out the circumstances that may lead to an application for a family responsibility order being made by the CEO. The CEO may make an application to the Court for a family responsibility order if the CEO believes on reasonable grounds that a parent of a child: has refused to enter into a family responsibility agreement; has not complied with a family responsibility agreement; or the child has been found under sections 38A or 43AQ of the Criminal Code to not be criminally responsible for an offence. Additionally, if the CEO believes on reasonable grounds that the child's wellbeing is being adversely affected, and the child's family circumstances may have caused or contributed to the child's wellbeing being adversely affected, the CEO may apply to the Court for a family responsibility order.

The ability for the CEO to apply to the Court for a family responsibility order acts as an escalation pathway for parents who do not engage or comply with a family responsibility agreement, but also recognises that in some circumstances it may be more appropriate that an application for a family responsibility order be made in the first instance, despite a family responsibility agreement not being attempted.

Section 102D sets out the information that must be specified by the CEO in an application for a family responsibility order.

Section 102E sets out the content and term of a family responsibility order. The content of the order will contain directions, which could include those directions for a parent as set out at section 65F, as well as a direction for the parent to take, or not take any other action relevant to the effective care and supervision of the child. Section 102E also prescribes that the order may contain directions for the CEO to take certain actions which form an accountability mechanism for parents, which are intended to encourage parental responsibility and engagement with support services.

These actions include (but are not limited to) arranging for a parent to be subject to: enhanced income management; a banned drinker order; providing information about anti-social behaviour to the CEO Housing for the purposes of considering an acceptable behaviour agreement for a parent; or applying for a premises where the child resides to be a declared restricted premises for the purposes of the *Liquor Act 2019*. Although these directions may appear punitive, they are intended to support the wellbeing of children and their families and to build parental capacity and capability to care for their child. Orders may also include direction for the CEO to initiate investigations or apply for a protection order under the Act.

Section 102E also prohibits a family responsibility order from giving a direction that gives parental responsibility or daily care and control of a child to a person. This provision is to make clear that these orders are intended for use as an early intervention mechanism and is not to be used in place of, or as a less intrusive alternative to, a temporary protection order or a protection order under the Act.

The duration of a family responsibility order is for a term that is specified in the order but not exceeding 12 months or extending beyond the date on which the child turns 18. This term is consistent with the term for a family agreement order.

Section 102F prescribes that the parties to proceedings for an application for a family responsibility order are the CEO and the parent or parents proposed to be given a direction under the order.

Section 102G is a standard clause that requires the CEO to give notice of an application for a family responsibility order to each parent to whom the application relates.

Section 102H permits the Court to hear an application for a family responsibility order in the absence of a parent who is a party to the proceedings, where the Court is satisfied that the CEO has given notice of the application to the parent, or in circumstances where the CEO has not complied with the notice of requirements but the Court is otherwise satisfied that the application should be heard in the absence of the parent.

Section 102J provides that a Court may make a family responsibility order in relation to a child after hearing an application. Under this new section, the Court is empowered to either make the order as proposed by the CEO; make the order specifying other directions as the Court considers appropriate; or dismiss the application by the CEO.

If the Court proposes to specify directions different to those specified in the CEO's application, the Court must hear submissions from the parties in relation to those directions. This ensures that directions are suitable having regard to a family's circumstances and that the parties have the ability to comply.

Family responsibility orders are not intended to act as an alternative to any order under Part 2.3, Division 4 of the Act. The intent of these reforms is that family responsibility orders may be put in place concurrently with other orders under the Act, as an additional mechanism to provide support to parents.

Section 102K is a standard provision, that provides that the CEO must give a written notice and a copy of the order to each parent who is party to the proceedings as soon as reasonably practicable after a family responsibility order is made.

Section 102L contemplates a significant contravention of an order, that applies in circumstances where the CEO believes on reasonable grounds that a parent has contravened a family responsibility order and considers the contravention has resulted in a significant adverse effect on the child's wellbeing. If the CEO also holds the beliefs mentioned in section 121(1)(a), that this child is in need of protection or would be in need of protection but for the fact that the child is currently in the CEO's care, then the CEO must make an application for a protection order. Otherwise, the CEO must make an application under section 102M to vary or replace the order. This ensures appropriate escalation where a family responsibility order has been significantly contravened, whilst ensuring that safeguards are in place for the child, so that the safety and best interests of the child remain paramount in considering the action that must be undertaken to safeguard the child's wellbeing.

Section 102M enables a party to the proceedings for the making of a family responsibility order to apply to the Court, before the order ceases to be in force, for the order to be varied, revoked and replaced by a new family responsibility order. This allows for additional accountability or support mechanisms to be applied to an order where significant contravention has occurred and for orders to be varied, revoked or replaced when directions are no longer serviceable.

Section 102N prescribes the information to be included in an application to vary or revoke a family responsibility order. This includes the reasons as to why the replacement, variation or revocation is sought and, in circumstances where a replacement or variation is sought, the proposed directions.

Section 102P sets out that the parties to proceedings for revocation, replacement or variation of a family responsibility order are the parties to the proceedings for the original family responsibility order, and if the application proposes directions to be given to a parent who was not a party to the original family responsibility order, that parent will also be added as a party to the proceedings.

Section 102Q is a standard provision relating to notice required to be given to parties regarding an application for variation, revocation or replacement of a family responsibility order. If the applicant under this section is the CEO, section 102G applies in relation to the application as if it was made under section 102C. Alternatively, if the applicant is a parent, the parent must give a copy of the application to the CEO and each other parent who is a party, as soon as practicable after making the application.

Section 102R sets out that the Court may hear an application under section 102M for variation, revocation or replacement of a family responsibility order in the absence of a parent. The Court must be satisfied that either the parent has been given notice in accordance with section 102Q; or that the application should be heard in the absence of the parent regardless of whether notice has been given. This clause does not permit applications to be heard in the absence of the CEO.

Section 102S provides that the Court may revoke and replace the family responsibility order; vary the order; revoke the order; or confirm the order, after hearing an application under section 102M. If the Court replaces or varies the order, the Court may do so as proposed by the applicant or specifying other directions as the Court considers appropriate. If the Court proposes to specify other directions, the Court is required to hear submissions from the parties in relation to those directions. This ensures directions are appropriate and serviceable. This clause also allows the Court to take into account any contravention of the order by a person when considering the application.

Section 102T is a standard clause relating to notice of the revocation, replacement or variation of a family responsibility order. If on application of the CEO, the order is replaced or varied, section 102K applies in relation to notice of the varied or replaced order. If the order is revoked, the CEO is obligated to inform the other parties to the family responsibility order that it has been revoked. This ensures that parents are informed of any changes to their obligations under a family responsibility order.

#### **Clause 17. Section 121 amended (Applying for protection order)**

This clause amends section 121 to allow for the CEO to apply to the Court for a protection order where the Court has made a family responsibility order directing the CEO to make the application. This allows the CEO to make the application for a protection order if directed to do so, regardless of whether the requisite beliefs in section 121(1)(a) are held by the CEO in relation to the application.

This new process forms part of the stepped escalation process being introduced by this Bill.

#### **Clause 18. Section 122 amended (Applications)**

This clause replaces section 122(1) to expand the information that must be included in an application for a protection order. In addition to specifying the proposed order and the reasons for seeking it, the CEO must now provide evidence of the proactive efforts undertaken before the application was made, the reasons those efforts were unsuccessful, and any alternative options that were considered but determined not to be appropriate. The clause also requires information about whether the child's parents engaged with family support services.

#### **Clause 19. Section 123 Amended (Direction in protection orders)**

Clause 19 amends section 123(1)(c) to change the maximum period that can be specified in a short-term parental responsibility direction from 2 years to 1 year. This clause further amends section 123(1)(d)(i) to reflect that a long-term parental responsibility direction is a direction that exceeds 1 year. This amendment aligns the duration of protection order directions with the time frames for proactive efforts to reunify a child with family or where reunification is not practicable, placing a child with family under new section 12D and supports the underlying intention to achieve permanency and stability for children in care. **Clause 20. Section 125 amended (Parties to proceedings)**

Clause 20 amends section 125 to provide carers standing as a party to proceedings for a protection order under subdivision 3, where the child has been placed with that carer for more than 8 months. This amendment recognises carers can inform the court on matters relevant to the proceedings, particularly where they have formed a trusting and nurturing relationship with the child and have an interest in the child's long-term stability.

#### **Clause 21. Section 128 amended (Order of Court)**

Clause 21 replaces subsection 1A in section 128 to limit when the Court may make a further short-term parental responsibility direction for a child. The amendment provides that if a short-term parental responsibility direction has previously been made, the Court may only make another such direction where it is satisfied that there is a high probability of reunifying the child with their parents, and that issuing a further short-term direction will not adversely affect the child's long-term stability and security.

New subsection (1B) is also inserted to limit the number of short-term orders that can be made in relation to a child, to a maximum of two orders.

Current section 128(1A) is renumbered as new section 128(1C) with no amendments to the wording of the provision to accommodate the insertion of new section 128(1A) and 128(1B).

This supports the policy intent of positive long-term outcomes for children by achieving permanency and stability, by limiting consecutive short-term orders where the likelihood of reunification is remote.

#### **Clause 22. Section 130 amended (Court to consider certain matters)**

This clause replaces section 130(1)(ca) to clarify that the Court must consider whether the proactive efforts made in relation to the child were sufficient and appropriate in the circumstances.

#### **Clause 23. Section 137D amended (Parties to proceedings)**

Clause 23 amends section 137D to provide carers standing as a party to proceedings for a permanent care order under subdivision 4, where the child has been placed with that carer for more than 8 months. This amendment recognises that long-term carers may not be the persons proposed to given parental responsibility for a child under the order, but should be enabled to inform the court on matters relevant to the wellbeing of the child, particularly where they have formed a trusting and nurturing relationship with the child and have an interest in the child's long-term stability.

#### **Clause 24. Section 138 amended (Court may adjourn proceeding)**

Section 138 of the Act provides the Court with the power to adjourn proceedings for an application for an assessment order, protection order or a permanent care order, and is amended by clause 22 to include the ability to adjourn proceedings for a family responsibility order.

#### **Clause 25. Section 143A replaced**

Clause 25 strengthens a child's access to legal representation in long-term child protection proceedings. This is achieved by replacing section 143A with a new section 143A that provides that the Court must not hear an application for a permanent care order or a protection order with a long-term parental responsibility direction unless the child is represented in the proceedings by a legal practitioner or the Court is satisfied that the child has made an informed and independent decision not to be represented.

The exception to this is where the Court is satisfied that the matter should be heard as a matter of urgency and it is in the best interests of the child to proceed with the matter. This exception seeks to ensure the best interests of the child remain paramount and urgent proceedings are not unduly delayed to the detriment of the child.

This clause provides that in any proceedings under the Act, the Court may order the appointment of a legal practitioner to represent the child if it is not satisfied that the child has made an informed and independent decision not to be represented, and on adjournment the Court may make any interim orders it could make if the child was represented by a legal practitioner. This retains the Court's discretion to order legal representation in all other proceedings.

Strengthening and clarification of provisions relating to a child's access to legal representation reflects the underlying policy intent of these reforms to elevate children's voices and ensures children's views are properly heard in decisions that shape their future.

#### **Clause 26. Section 293N amended (Framework principles)**

A minor consequential amendment is made to section 293N to reflect the replacement and update of Part 1.3 of the Act.

A minor drafting amendment is also made to rectify a typographical error.

#### **Clause 27. Chapter 5, Part 5.6, Division 7 inserted**

This clause inserts new Division 7 into Chapter 5, Part 5.6 of the Act, to provide for transitional matters relating to family responsibility agreements and orders.

For the purposes of Chapter 5, Part 5.6, Division 7, new section 346 defines **Commencement** to be the commencement of Part 2 of the *Care and Protection of Children Legislation Amendment (Every Child Matters) Act 2026* to support the Bill's transitional arrangements.

Section 347 ensures that provisions relating to proactive efforts do not apply to a child who is removed from the child's parents until the amending Act (i.e. the Bill) commences, to provide clarity around the timing of the operation of the provisions.

Section 348 applies in relation to family responsibility agreements entered into before commencement of the measures contained in this Bill. Any agreements entered under section 140D of the *Youth Justice Act 2005* or that were in force immediately before commencement of this Bill will be considered a family responsibility agreement under Part 2.1A. This will provide certainty and stability for children and families whilst ensuring the continuation of the administration of agreements under these reforms.

Section 349 provides transitional arrangements for amendments to sections 122 (evidence of proactive efforts), 128 (short term parental responsibility directions) and 130 (court consideration of whether proactive efforts are sufficient). To preserve procedural fairness and maintain continuity for matters already before the Court, the provisions that were in force immediately before

commencement will continue to apply to an application for a protection order that was made before the commencement and remains unresolved at that time.

Similarly, section 349 provides that section 143A, as in force before the amending Act (i.e. the Bill) commences, continues to apply to proceedings in progress before these reforms commence. This ensures that the amendments in relation to legal representation of a child, do not retrospectively affect ongoing proceedings and that matters continue under the legal framework that applied when the matters began.

## **Division 2. Consequential amendments**

### **Subdivision 1. Liquor Act 2019**

#### **Clause 28. Act amended**

This is a formal clause that provides that this subdivision amends the *Liquor Act 2019*.

#### **Clause 29. Section 190 amended (Application for declaration of restricted premises)**

Clause 29 consequentially amends section 190 of the *Liquor Act 2019* by inserting new subsection (3A) into section 190, which provides for an application for a declaration of a restricted premises.

New subsection (3A) authorises the CEO (being the CEO of the Department, i.e. the Agency administering the *Care and Protection of Children Act 2007*) to apply for a declaration of restricted premises where the CEO is directed to do so under a family responsibility order.

### **Subdivision 2 Youth Justice Act 2005**

#### **Clause 30. Act amended**

This is a formal clause that makes consequential amendments to the *Youth Justice Act 2005* to support the reforms being implemented by the Bill, specifically the provisions relating to family responsibility agreements.

#### **Clause 31. Section 5 amended (Interpretation)**

Clause 31 consequentially amends the interpretation section of the *Youth Justice Act 2005* by replacing the existing definition of 'family responsibility agreement' with a signposted definition that refers to section 65C of the Act.

#### **Clause 32. Section 51 amended (Youth in need of protection)**

This clause consequentially amends section 51(5), that provides the definition of **parent** in the *Youth Justice Act 2005*, to signpost the definition of **parent** contained in section 17 of the Act.

#### **Clause 33. Sections 64B, 89A and Part 6A repealed**

Clause 33 repeals sections 64B, 89A and Part 6A from the *Youth Justice Act 2005* to reflect the transfer of provisions relating to family responsibility agreements to the Act.

### **Subdivision 3 Other laws amended**

#### **Clause 34. Other laws amended**

Clause 34 provides that the legislation set out in the Schedule to the Bill are consequentially amended.

## **Part 3 Amendments relating to worker screening**

### **Division 1 Care and Protection of Children Act 2007**

#### **Clause 35. Act amended**

Clause 35 is a formal clause that specifies that this Division of the Bill amends the Act.

#### **Clause 36. Section 185 amended (Child-related employment)**

Clause 36 of the Bill amends the definition of 'child-related employment' at section 185 by narrowing the scope of the contact threshold in that provision.

This amendment is in line with recommendations made in the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse and ensures the definition of 'child-related employment' captures roles where contact with children is a usual and more than incidental part of the work.

To achieve this, the Bill amends section 185(2), by removing from the definition 'may potentially involve contact' and inserts the new requirement; that the child-related work involve 'contact, other than merely incidental contact, by the person'. This will confine the need for a WWCC to roles involving actual, substantive contact with children and excluding work where any contact is only incidental or speculative.

#### **Clause 37. Section 187 replaced**

This clause replaces section 187 to update and clarify obligations relating to child-related employment. The amended section confirms that an individual must hold a WWCC that is in force, unless they meet the limited conditions that allow for work while an application is being determined. These conditions require that the application is properly made and that the individual is not subject to an interim bar. The clause also confirms that employers must not engage a person in child-related employment unless the individual meets the same requirements. The offence and penalty provisions are retained, with intentional contraventions attracting the existing maximum penalty.

New section 187A establishes notification obligations for both workers and employers. Individuals must notify the Screening Authority of the commencement and cessation of each child-related employment arrangement. Employers must also notify the Authority when a worker ceases employment. These obligations ensure that the Authority maintains accurate and up to date information to support continuous compliance monitoring and risk assessment.

#### **Clause 38. Section 188 amended (Application for clearance notice)**

Section 188, which provides for an application for a clearance notice, is amended by clause 38.

Subclause (1) makes a minor amendment to section 188(1) to provide that applications for a clearance notice are subject to the restrictions in sections 188A and 194B(3).

Subclause (2) inserts new subsections (4) and (5) to confer on the Screening Authority the power to close an application where an applicant, without reasonable excuse, fails to provide the requested further information within 30 days of a request made under subsection (3).

Where an application is closed on that basis, the Screening Authority is required to notify both the applicant and any listed person who is an employer or prospective employer for child-related work in writing as soon as practicable. This amendment to the Act aims to improve the operational efficiency of the Screening Authority and improve processing times for WWCC applications.

### **Clause 39. Section 188A inserted**

New section 188A is inserted by clause 39 into the Act to restrict a person's entitlement to apply for a clearance following a notice of refusal or revocation. This is an operational amendment which enables the Screening Authority to manage frivolous and vexatious applications from people who continue to submit applications despite previous refusals by the Screening Authority to issue a clearance.

Subsection (1) captures persons that the Screening Authority has refused to issue a clearance notice based on an unacceptable risk assessment under section 189(4), or where the Screening Authority has revoked a notice for reasons other than a prescribed conviction under section 189(1). Subsection (2) prohibits this category of persons from making a further application for a period of 2 years from the date the applicant was notified of that decision.

Subsection (3) captures persons that the Screening Authority's has refused to issue a clearance notice due to the applicant having been convicted of an offence or having criminal history prescribed by regulation under section 189(1), or the notice was revoked because the person was convicted of an offence prescribed by regulation under section 189(1). Subsection (4) prohibits such persons from making any future application.

Subsection (5) enables a person to whom the Screening Authority has not issued a clearance, or who has had a clearance notice revoked, to make a further application for a WWCC despite the prohibition to apply, if there has been a relevant change of circumstances in relation to the reason for the prohibition or there are other exceptional circumstances that the Screening Authority would allow for reconsideration of the reason of the prohibition.

Subsection (6) expressly excludes persons covered by section 194B(3) of the Act who are subject to a negative notice (to be inserted into the Act by the *Care and Protection of Children Amendment (Worker Screening) Act 2026* (NT)) and are not subject to these restrictions.

Subsection (7) defines **relevant change of circumstances** to provide clarity in applying the exemption at subsection (5)(a) to the prohibition to apply for a WWCC.

### **Clause 40. Section 189 amended (Decisions on application)**

Clause 40 amends section 189 by inserting subsection (7), which provides, for the avoidance of doubt, that the Screening Authority is not required to consider or make a decision on an application submitted by a person captured under sections 188A and 194B(3).

The intent is to address the administrative burden by clarifying that where the Screening Authority receives an application from persons not entitled to make the application, the Screening Authority will automatically refuse the application and is not required to issue a decision or response, as the previous decision remains in effect.

### **Clause 41. Sections 191A and 191B inserted**

This clause inserts section 191A, that confers on the Screening Authority the power to temporarily suspend a WWCC, where it considers there is likely to be a risk to the safety of children should the person continue in child-related work. A suspension prevents the individual from engaging in child-related employment for the duration of the suspension, which remains in effect for up to 12 months unless cancelled earlier.

Section 191A further requires the Screening Authority to give written notice of the suspension, including reasons and review rights, to the individual, the applicant (if different), and any employer

of the individual in child-related work. The Screening Authority may cancel the suspension at any time if satisfied that the risk no longer exists. To avoid doubt, if the Screening Authority later decides to revoke the clearance altogether, the suspension ceases and the revocation provisions under section 192 of the Act will apply.

This clause also inserts section 191B to confer on the Screening Authority the power to impose an interim bar on a person whilst their clearance application is being assessed. An interim bar may be issued where the Screening Authority believes it is likely that there is a risk to the safety of children if the person engages in child-related employment before the assessment is complete.

The effect is that the individual is prohibited from working in child-related employment until the interim bar is removed, the clearance application is decided, or 12 months has elapsed. The Authority must provide written notice of the interim bar, including reasons and review rights, to the individual, the applicant (if different), and any employer of the individual. The Screening Authority may remove the bar at any time if satisfied that the risk no longer exists.

#### **Clause 42. Section 192 amended (When clearance notice ceases to be in force)**

This clause makes a minor amendment to section 192 of the Act to extend the validity period of a WWCC from 2 years to 5 years. The new validity period aligns the Northern Territory with the clearance validity periods in New South Wales, Victoria and South Australia, and will reduce unnecessary frequency of WWCC renewal applications.

This measure is supported by the Screening Authority's continuous monitoring of WWCC holders, and the powers to suspend a clearance notice under section 191A, introduced by this Bill. Further continuous monitoring of WWCC holders in the Northern Territory will be supported at the national level by the upcoming National Continuous Checking Capability (NCCC) service, that will perform continuous checking of WWCC holder against the Australian Criminal Intelligence Commission (ACIC) national police information systems.

#### **Clause 43. Section 194 amended (Local Court may review decision of Authority)**

This clause clarifies that decisions made by the Authority to suspend a clearance notice under section 191A(1) or to impose an interim bar under section 191B(2) are reviewable decisions under section 194. This ensures that these new risk-based determinations are subject to the same review rights as other decisions of the Screening Authority.

#### **Clause 44. Chapter 5, Part 5.6, Division 7, Subdivision 2 inserted**

Clause 44 inserts new sections 350 to 353 into the Act to provide for transitional matters for the WWCC provisions in the Bill.

For the purposes of transitional arrangements for Chapter 5, Part 5.6, Division 7, Subdivision 2, new section 350 defines **commencement** to mean the commencement of Part 3 of the *Care and Protection of Children Legislation Amendment (Every Child Matters) Act 2026*.

New section 351 sets out the transitional arrangements for the commencement of section 187A. The provision applies to individuals who were engaged in child-related employment immediately before commencement and who continue in that employment afterwards. These individuals must provide the employer details required under section 187A(1)(a) to the Screening Authority within 60 days of commencement.

New section 352 provides that section 188A applies only to decisions not to issue a clearance notice or a decision to revoke a clearance notice, that occur after the commencement of Part 3, including section 188A.

Section 353 establishes transitional arrangements for amendments to section 192. Clearance notices issued before commencement continue to be governed by the previous section 192 of the Act. Only WWCCs issued after the Bill commences will be valid for a period of five years. All WWCC's issued before the Bill commences will continue to be valid for two years from the date of issuance.

## **Division 2 Care and Protection of Children (Screening) Regulations 2010**

### **Clause 45. Regulations amended**

This clause specifies that this Division amends the Care and Protection of Children (Screening) Regulations 2010.

### **Clause 46. Regulation 3 amended (Child-related work)**

This clause makes a consequential amendment to regulation 3 to reflect the amended definition of child-related work in the Care and Protection of Children (Screening) Regulations 2010.

### **Clause 47. Regulation 13 repealed (Meetings)**

This clause repeals regulation 13, removing the requirement for members of the Screening Authority to meet for the purpose of exercising its powers and performing its functions, and removing the requirement for a meeting quorum of 2 members when the Screening Authority has more than one member.

The effect is that members of the Authority may exercise powers and functions independently to facilitate contemporary operational requirements of the Screening Authority.

## **Division 3. Consequential amendments to the Teacher Registration (Northern Territory) Act 2004**

### **Clause 48. Act amended**

Clause 48 provides that this Division amends the *Teachers Registration (Northern Territory) Act 2004*.

### **Clause 49. Section 66A amended (Board may request information from Screening Authority)**

Consequential amendments are made to section 66A of the *Teachers Registration (Northern Territory) Act 2004* to enable the Teachers Registration Board to request information from the Screening Authority in relation to whether the Authority suspends a person's clearance; imposes an interim bar; or revokes a person's clearance notice; and the Authority has reason to believe that the person is, or was a teacher or authorised person under the *Teachers Registration (Northern Territory) Act 2004*.

### **Clause 50. Section 67D amended (Relevant person to notify Board of other events)**

Section 50 consequentially amends section 67D to provide that a relevant person (as defined in section 4 of the *Teachers Registration (Northern Territory) Act 2004*) must give the Teachers Registration Board written notice if the Screening Authority imposes an interim bar on the person.

**Clause 51. Repeal of Act**

This is a formal clause which provides that Part 4 of the Bill is to be repealed on the day after it commences.

**Schedule – Other laws amended**

The Schedule makes minor consequential amendments to the *Education Act 2015*; *Alcohol Harm Reduction Regulations 2017*; *Care and Protection of Children (Mediation Conferences) Regulations 2010*; and *Youth Justice Regulations 2006* as a result of the reforms in this Bill.