

Ms Oly Carlson MLA  
Chair, Legislative Scrutiny Committee  
Northern Territory Legislative Assembly

By email: [LSC@nt.gov.au](mailto:LSC@nt.gov.au)

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

Dear Chair,

We write jointly as the NSW Advocate for Children and Young People and the NSW Children's Guardians to provide our views on the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*. We acknowledge the significant responsibility of the Committee in scrutinising this Bill and welcome the opportunity to contribute to its consideration, given its profound implications for the safety, wellbeing and rights of children and young people, particularly Aboriginal and Torres Strait Islander children.

We write to emphasise that the Bill is both fundamentally flawed and raises significant concerns that extend beyond discrete drafting issues, and instead reflects a broader shift in the landscape of the child protection system within the Northern Territory. In line with the Legislative Scrutiny Committee's terms of reference and having regard to the cumulative impact of the reforms, we cannot in good conscience support any aspect of the Bill. These concerns relate not only to the process through which these reforms have been developed but also to the substance of the reforms themselves.

We are greatly concerned by the lack of comprehensive and genuine consultation with Aboriginal and Torres Strait Islander communities, whose children will be disproportionately impacted by any legislative change and who continue to be disproportionately represented in the child protection system. Culturally informed and meaningful child protection reform must be grounded in genuine partnership with Aboriginal and Torres Strait Islander peoples, and the absence of such engagement risks undermining both the legitimacy and the effectiveness of the reforms.

We are also deeply concerned that several reforms proposed in the Bill are not supported by evidence and, in some instances, diverge from established best practice and the broader aims of the National Closing the Gap Agreement. Of particular concern is the restructuring of the Aboriginal and Torres Strait Islander Child Placement Principle to prioritise safety and permanency above cultural connection.

The Bill effectively dismantles the Aboriginal Child Placement Principle by removing its centrality within the legislative framework and replacing it with a generalised approach that elevates stability and permanency over cultural connection. As highlighted by the North Australian Aboriginal Justice Agency (NAAJA), this change weakens long-standing safeguards for Aboriginal children, including the prioritisation of placement with family, kin and community, and the requirement to maintain connection to culture, Country and identity.

By comparison, New South Wales, the Aboriginal and Torres Strait Islander Child Placement Principles are embedded in legislation, policy and casework practice. The application of the Principles position connection to culture, Country and kin as a protective factor and, there is no

evidence to suggest the Principles have compromised the safety of Aboriginal and Torres Strait Islander children in New South Wales. On the contrary, their inclusion strengthens decision-making by ensuring that safety is understood holistically, encompassing safety from harm alongside connection to culture, Country and kin.

Similarly, the introduction of rigid timeframes for reunification, including a two-year limit on efforts to reunify children with their families, raises concerns about whether sufficient regard is being given to the complex social and structural factors that influence family capacity and engagement with support services. These provisions, combined with an emphasis on permanency pathways, may have the practical effect of accelerating permanent separation from family and community, particularly in circumstances where systemic barriers remain unaddressed.

Further concerns arise from the introduction of Family Responsibility Agreements and Orders, which adopt a compliance-based and potentially punitive approach to family engagement. The NAAJA has identified that these provisions could draw families into coercive processes not because of immediate risk to children, but due to unmet social and economic needs, with limited assurance that the necessary services are available to support compliance. In this context, these measures risk further marginalising families rather than strengthening their capacity to care for their children.

It is our view that any consideration and redesign of the legislation must only take place after an independent inquiry into the broader child protection system to inform any proposed reform. The independent inquiry should be led by the Northern Territory Children's Commissioner with the support of the National Children's Commissioners. Such an inquiry should examine the underlying drivers of child protection involvement, assess why previous inquiries and reform recommendations have not been consistently implemented, and identify opportunities to strengthen outcomes for children through evidence-based, culturally responsive and collaborative approaches. It is imperative that the inquiry is Aboriginal-led and embeds the voice of Aboriginal communities across the Northern Territory.


In this context, we wish to express our strong support for the work and recommendations of the Northern Territory Children's Commissioner and the National Children's Commissioners. Their independent insights and advocacy provide a critical evidence-base and play an essential role in ensuring that the voices and rights of children and young people are central to policy and legislative development.

We urge the Committee not to support this Bill in its current form and instead recommend a comprehensive, independent Aboriginal-led inquiry into the Northern Territory child protection system. We further urge the Committee to rely on the expertise of the Northern Territory Children's Commissioner to lead ongoing discussions about strengthening child protection systems in ways that are effective, equitable and grounded in the rights and best interests of all children.

Yours sincerely,



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