

Committee Secretary
Legislative Scrutiny Committee
Legislative Assembly of the Northern Territory

22 May 2026

By email

Dear Committee

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

I am writing to you as **NT State Branch President of the Australian Lawyers Alliance (ALA)**. The ALA welcomes the opportunity to provide this brief submission to the Legislative Scrutiny Committee's inquiry into the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*.

The ALA is a national association of lawyers, academics and other professionals dedicated to protecting and promoting access to justice and equality before the law. Our members include legal practitioners who act for children, families and vulnerable people across a range of civil justice contexts.

At the outset, the ALA acknowledges that child protection law in the Northern Territory operates in a complex and highly sensitive environment. It must respond to the immediate safety and welfare of children, while also recognising the Territory's significant geographic diversity, the centrality of culture, kinship and Country, and the long history of state intervention in Aboriginal families and communities.

The ALA supports the fundamental proposition that the best interests of the child must be paramount. There can be no dispute that the safety, welfare and wellbeing of children should sit at the centre of any child protection framework. We also support, in principle, the inclusion of provisions that expressly recognise the right of children, so far as practicable and appropriate, to participate in decisions affecting their own welfare. A child protection system should not treat children merely as passive subjects of administrative decision-making. Their views, experiences and relationships should be meaningfully considered, consistently with their age, maturity and circumstances.

However, the ALA is concerned that significant aspects of the Bill appear to move beyond those ostensibly uncontroversial objectives. Notably, we are concerned by the proposed blanket removal of Aboriginal child placement protections in the considerations of a Child Wellbeing and Safety Framework (s26 of the Bill) and increased emphasis on the permanency of placements (s8 of the Bill). It is not apparent on the face of it how such changes would improve child safety or welfare outcomes. A framework that separates safety from considerations of cultural circumstances risks misunderstanding the lived reality of Aboriginal children, for whom connection to family, community, culture and Country is integral to their sense of identity and long-term wellbeing.

The ALA endorses the concerns raised in the joint statement issued by the *North Australian Aboriginal Justice Agency* (NAAJA), together with other Northern Territory legal and community legal services. Those organisations are well placed to speak directly to the practical operation of the child protection system in Aboriginal communities in the Northern Territory. Their concerns should be given substantial weight by the Committee and by the Northern Territory Government.

Given the history of imposed legislative and administrative interventions affecting Aboriginal families, the ALA submits that any reform of this kind must be developed through genuine consultation with Aboriginal communities, Aboriginal community-controlled organisations, Aboriginal legal services, family violence services, child protection practitioners and those with direct lived experience of the system. Consultation should not be treated as a procedural formality merely after the appropriate policy position has already been determined. Consultation should shape the substance of the reform, not be conducted as a formality after policy positions have already been settled.

The ALA is particularly concerned that reforms which increase state intervention, accelerate permanency pathways, or reduce the practical operation of Aboriginal placement principles may lead to more children being separated from family, kin, community and culture, without addressing the structural conditions that often bring families into contact with the child protection system in the first place. These include housing insecurity, poverty, family violence, disability, trauma, lack of access to legal assistance, and limited culturally safe support services in regional and remote communities.

For that reason, the ALA submits that legislative reform should not proceed on the assumption that the problem is merely one of administrative efficacy or court process. If the objective is to improve child safety, reform must be accompanied by properly resourced early intervention, family support, culturally safe therapeutic services, housing supports, and Aboriginal community-controlled service

delivery. Without those supports, stronger statutory powers may simply widen the pathways by which Aboriginal youth enter such coercive systems.

The ALA supports reforms that place children's safety, dignity and welfare at the centre of the child protection system. However, those objectives will not be achieved by reforms that diminish Aboriginal-led protections or proceed without the meaningful involvement of the communities most affected by them.

The ALA would be happy to speak further to any questions the Committee may have in relation to our submission.

Yours sincerely,

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Clarissa Phillips

President, NT State Branch

Australian Lawyers Alliance