From:	sally sievers
To:	Legislative Scrutiny Committee
Subject:	Legislative Scrutiny Committee - Care and Protection of Children Legislation Amendment(Every Child Matters) Bill 2026
Date:	Friday, 22 May 2026 4:14:27 PM

Good afternoon

Submission to Legislative Scrutiny Committee - as community member

I have had the privilege for the last 38 years of living and working on Garramilla, the land of the Larrakia, in my professional career I have worked with the *Care and Protection of Children Act 2007* across legal, independent statutory oversight and community sector roles. My experience includes appearing as a lawyer in coronial inquests into the deaths of children; involvement with earlier Family Responsibility Order frameworks; serving as an Acting Magistrate in the Child Protection and Youth Courts; and supervising lawyers in child protection matters.

I have also worked alongside Aboriginal Community Controlled Organisations (ACCO) and other non-government services supporting children and families through Children and Family Centres, early intervention programs, early learning and youth services. As Acting Children's Commissioner and Anti-Discrimination Commissioner, I participated in oversight bodies including the Child Death Review Committee and reviewed data relating to the number of children under 12 in detention, most of whom were in the child protection system, and the harm experienced by children in care.

Broad Overview

We all want Territory children to be safe and thrive.

The recently introduced Bill, risks creating the appearance of a solution to a complex issue while the longstanding systemic failures at its core remain unaddressed as they require sustained investment and long-term reform efforts.The key challenge is not the absence of legislative powers, but the lack of sustained investment and strategic commitment required to improve outcomes for Northern Territory children, particularly Aboriginal children.

Improved outcomes depend on addressing the underlying drivers of child protection involvement, including poverty, overcrowded and inadequate housing, limited access to education, and insufficient Aboriginal lead and controlled early intervention and family support services. Also important is ensuring a properly resourced and skilled child protection workforce capable of implementing the existing legislation effectively.

Currently, the system is under significant pressure, with high notification volumes limiting the capacity for prevention, early intervention and timely reunification work. This is a systemic issue rather than a reflection on individual staff.

Any reform of the legislation or the systems that implement it in the NT must be done in consultation with Aboriginal people and Aboriginal peak organisations such as NAAJA, CARFLU, NAAFLS, AMSANT and AHNT.

Best Interests and Threshold Test

The existing “best interests of the child” test has always included a child’s safety, including immediate physical safety. The proposed amendments in Clause 8 introduce a prioritised list of considerations that may unnecessarily constrain professional and judicial decision-making across the entirety of a child’s engagement with the statutory system. There is no clear evidence base for the way matters are prioritised or any transparency about where they have come from in comparison to the Aboriginal and Torres Strait Islander Child Placement Principles.

The Aboriginal and Torres Strait Islander Child Placement Principles have been developed over decades as a recognised legal framework to protect the rights and wellbeing of Aboriginal and Torres Strait Islander children in care. These principles encompass prevention, partnership, participation, placement and connection.

While aspects of these principles are reflected in the current Act, they have not been fully operationalised in practice, as demonstrated by the low proportion of First Nations children placed in kinship care and in care generally in the NT.

Further of concern in the draft Bill is the lowering of the threshold for government statutory involvement in a families lives with the inclusion of wellbeing concerns, including "events of concern", anti-social behaviour, family circumstances contributing to poor outcomes etc. As set out above, where are the skilled staff to work with families caught in this widening net going to come from, how is the system with increasing numbers going to ensure those in most need and children in danger are prioritised and protected.

Long-Term Outcomes and Out-of-Home Care

The Bill gives insufficient attention to the long-term impacts of out-of-home care on children’s wellbeing and future outcomes. It also does not strengthen accountability mechanisms for government agencies responsible for funding kinship care, oversight and quality assurance of kinship, foster and purchased out of home care arrangements.

The Northern Territory continues to rely heavily on purchased out-of-home care services, while kinship and foster care systems remain inadequately supported to deliver trauma-informed and culturally safe care. These need to be addressed first.

A few concerning Features

- The Bill places significant emphasis on statutory timelines and limits children to two short-term orders before transition to permanent care. This risks prioritising procedural timeframes over the individual circumstances and needs of children and families. The preeminence of permanency over reunification and connection to country, family and culture.
- While the concept of “proactive efforts” is included, the Bill does not establish meaningful accountability where government agencies fail to meet these obligations.
- The proposed provisions reduce obligations on non-Aboriginal placements to actively maintain a child’s connection to family, community and culture. Experience in the Territory has demonstrated that strong cultural connection is critical to identity, wellbeing and long-term for Aboriginal children in care to thrive.
- Young people with lived experience of care and youth justice systems consistently

identify cultural strength and connection as central to their ability to thrive beyond those systems. The reduction in legislative emphasis on cultural connection risks poorer long-term outcomes for Aboriginal children and young people.

- Where are all of the types of services listed in the Bill that families are supposed to access, to ensure they comply with a Family Responsibility Agreement/ Order, or have to participate in to be able to reunify with their children going to come from? They do not exist now within the government (nor should they) or in the ACCO or NFP sectors. Will they be co-designed with ACCO's?

Government Accountability

While Clause 12 refers to proactive efforts by government agencies, the Bill does not establish any accountability mechanisms or consequences where these obligations are not met. This differs from the Family Responsibility Orders framework, which includes enforceable requirements and consequences for non-compliance by parents including income management and referral into the statutory child protection system.

Similarly, Clause 12E outlines actions Northern Territory agencies are expected to undertake, yet provides no mechanism to ensure compliance, accountability or consequences if these actions are not carried out.

Further, Clause 7(4) of the Bill expressly states that the principles in the Bill do not create any legally enforceable rights or entitlements.

These clauses create a significant imbalance in accountability for implementation: individuals and communities may be subject to expectations and obligations, while government agencies are not subject to equivalent enforceable standards or consequences.

In conclusion, the time period to comment and make submission on such a foundational piece of legislation, with intergenerational consequences was way too short and this is reflected in the quality of the email above.

Kind Regards

Sally Sievers AO