



Submission to the Northern Territory
Legislative Scrutiny Committee: *Care and
Protection of Children Legislation
Amendment (Every Child Matters) Bill 2026*

Submission Details

Inquiry: Care and Protection of Children Legislation Amendment (Every Child Matters) 2026, Legislative Scrutiny Committee, Legislative Assembly of the Northern Territory

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Acknowledgement of Country

Families Australia celebrates more than 65,000 years of custodianship and connection to lands and sea country of First Nations people.

We acknowledge the Traditional Owners of Country throughout Australia and pay our respects to Elders and Ancestors.

For millennia, Aboriginal and Torres Strait Islander communities have been nurturing children and young people through lore, kinship systems and the powerful cultural role of Elders.

The wellbeing of Aboriginal and Torres Strait Islander families, children, and young people is fundamental to the health and prosperity of this country. Families Australia's purpose is to improve the wellbeing of all families.

To achieve this, Aboriginal and Torres Strait Islander organisations and communities must be at the forefront of policy and community conversations on strengthening all families.



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Executive Summary

The Legislative Scrutiny Committee (**the Committee**) has invited submissions on the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 (the Bill)*. The Committee's Terms of Reference require it to assess whether the Legislative Assembly of the Northern Territory should pass or amend the Bill, whether it has sufficient regard to the rights and liberties of individuals, which includes consideration of whether the Bill has sufficient regard to Aboriginal and Torres Strait Islander tradition.

Families Australia acknowledge the intent of the Bill to improve child safety in the Northern Territory. Families Australia emphasise that prioritising and strengthening the safety and wellbeing of children is paramount and universally recognised as a fundamental priority.

Families Australia welcomes the Committee providing organisations and individuals with the opportunity to make a submission in respect of the Bill. However, Families Australia is deeply concerned by the extremely limited timeframe for submissions - only one week - which significantly constrains meaningful consultation, stakeholder engagement and appropriate legislative scrutiny of the Bill. Moreover, that the timing for submissions is prior to findings and recommendations of an inquiry announced by the Minister for Child Protection after the tragic death of Kumanjayi Little Baby and may be disrespectful to her family's request for privacy and to undertake sorry business.

In the limited time available to consider the Bill and prepare a submission, Families Australia notes that the Bill is extensive, complex and represents a substantial divergence from child protection legislation in all states and territories. Further, that it appears to be inconsistent with Australia's international commitments under the United Nations Convention of the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples, as well as the National Agreement on Closing the Gap and Safe and Supported: Australia's National Framework for Protecting of Australia's Children 2021-2031 (Safe and Supported). It is also noted that the Minister for Child Protection indicated that the development of the Bill has been underway for a year. However, no data, evidence, modelling or policy work or evidence demonstrating that the Bill will improve child safety and wellbeing without causing unintended harm, has been publicly released.

Families Australia recommends that the time for submission and consultation on the Bill is extended and that data, evidence, modelling and policy work informing the Bill is released to enable meaningful consultation and amendments to the Bill.

This submission also outlines concerns and proposed amendments to the Bill focused on the following key issues:

- The significant shift proposed in the Bill - toward a more interventionist, state-led approach without clear responsibility, accountability and increased investment by the Northern Territory Government to support prevention, early intervention and addressing underlying drivers of harm, abuse and neglect experienced by children.
- The expansion of child protection statutory powers to intervene in the lives of families, combined with a stronger focus on permanency and tighter reunification timeframes, despite the evidence that these amendments can cause harm and adversely impact the rights, liberties and transitions of Aboriginal and Torres Strait Islander people, negatively the safety and wellbeing of Aboriginal and Torres Strait Islander children and risks increasing the number of children entering out-of-home care and remaining there for longer.
- The removing and dilution of the Aboriginal and Torres Strait Islander Child Placement Principle (**ATSICCP**) and reducing the partnership between the child protection system and



Aboriginal and Torres Strait Islander Community Controlled Organisations reducing the opportunity for culturally informed supports for Aboriginal and Torres Strait Islander children.

- The risk of causing and entrenching intergenerational harm and structural disadvantage experienced by Aboriginal and Torres Strait Islander people and the potential for future blame to be assigned for Aboriginal and Torres Strait Islander families for poor child outcomes.
- The need to, instead, recognise and address the failure of governments to address issues such as poverty, housing insecurity and overcrowding and the limited availability of timely, accessible and culturally safe services such as health, mental health, alcohol and other drug treatments, intensive family support services and family and domestic violence services.

The Bill represents a significant departure from the ATSI CPP and the focus on culturally grounded early intervention, which risks entrenching disadvantage of the Aboriginal and Torres Strait Islander children living in the Northern Territory.

Families Australia urges the Northern Territory Government to work in partnership with the Aboriginal and Torres Strait Islander people, communities, community controlled organisation, the Northern Territory Children's Commissioner, Ms Shahleena Musk, and the National Commissioner for Aboriginal and Torres Strait Islander Children and Young People, Ms Sue-Anne Hunter, to develop amendments to the Bill. Specifically, to embed a partnership approach that ensures government, sector workers and community are working together to support families keep their children safe, at home and thriving.

Families Australia concludes that the Bill does not have sufficient regard to the rights and liberties of individuals or to Aboriginal and Torres Strait Islander tradition. Therefore, we ask the Committee recommend this Bill not be passed in its current form by the Legislative Assembly of the Northern Territory.

Families Australia's Recommendations

Families Australia makes the following recommendations:

CONSULTATION AND ENGAGEMENT ON THE CARE AND PROTECTION OF CHILDREN LEGISLATION AMENDMENT (EVERY CHILD MATTERS) BILL 2026

1. The *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* is not passed by the Legislative Assembly of the Northern Territory in its current form and without further time for consultation and submissions (significantly beyond the current one-week period), which will enable meaningful consultation, appropriate legislative scrutiny, and significant amendment.
2. The Northern Territory Government publicly release data, evidence modelling and policy work underpinning the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* and of the outcomes of comparable prior amendments to the *Care and Protection of Children Act 2007* (NT). This should include evidence demonstrating how the proposed reforms and amendments in the Bill are expected to improve the safety and wellbeing of children and reduce on-going cycles of harm, risk and instability experienced by children and families engaged in the child protection system.



PROPOSED AMENDMENTS TO THE CARE AND PROTECTION OF CHILDREN LEGISLATION AMENDMENT (EVERY CHILD MATTERS) BILL 2026

3. The Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 is reviewed and amended to align with the international instruments Australia has committed too (such as the United Nations Convention of the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples) and national agreements (such as National Agreement on Closing the Gap and Safe and Supported: The National Framework for Protecting of Australia's Children 2021-2031).
4. The Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 is amended to introduce legislative responsibility and accountability on the Northern Territory Government to improve the safety, health and wellbeing of children in out-of-home care.
5. The Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 is amended to remove timeframes for reunification and the limitations on the number of short-term protection orders and their duration that can be made by a court before moving to long-term or permanent arrangements.
6. The Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 is amended to ensure that the Aboriginal and Torres Strait Islander Child Placement Principle is retained and all five of its elements are implemented. Further, that the important role of cultural connection and kinship is recognised by restoring the central role of the Aboriginal and Torres Strait Islander Child Placement Principle in decision-making on Aboriginal and Torres Strait Islander children's safety and care.
7. The Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 is amended to incorporate independent reviews within three and five years respectively from commencement, which include assessing the impacts of Aboriginal and Torres Strait Islander children, young people and families, the availability of services to address protective concerns within the legislative timeframes, and to identify any unintended consequences, trends and outcomes for children, young people and their families.



Detailed Submission

Background

About Families Australia

Families Australia is a not-for-profit national peak body that strives to improve the wellbeing of Australian families, especially those experiencing the greatest vulnerability. Families Australia represents more than 600 members and stakeholders around Australia, all of whom work to advance family wellbeing and participation. It has a ‘hands-on’ approach by partnering with government, service delivery organisations and researchers to suggest, trial and deliver practical, innovative solutions to problems facing families. As well as focusing on improving the safety and wellbeing of children, and ending family and domestic violence, Families Australia has a strong interest in policies that encourage workforce participation while maintaining healthy family dynamics.

Families Australia’s commitment to self-determination

Families Australia recognises the wisdom and expertise of Aboriginal and Torres Strait Islander community-controlled organisations (**community-controlled organisations**), communities and cultural knowledge holders and the important role they play in strengthening connection to family, community and cultural and supporting children to be healthy, well and thriving.

Families Australia supports the self-determination of Aboriginal and Torres Strait Islander people to lead, design, and make decisions about the services and systems that support Aboriginal and Torres Strait Islander children and families to be safe, healthy and flourishing within their families, communities, and cultures.

Families Australia and its members partner with Aboriginal and Torres Strait Islander peak bodies and community-controlled organisations to support the implementation of the National Agreement on Closing the Gap. This includes a commitment to shifting resources, decision-making and services to community-controlled organisations in recognition of their central role in achieving improved outcomes for Aboriginal and Torres Strait Islander children and their families.

The Northern Territory Department of Children and Families

The Department of Children and Families is responsible for the administration of the *Care and Protection of Children Act 2007* (NT) (**the Care and Protection of Children Act**).

The Department of Children and Families leads the Northern Territory Government’s responses to homelessness, domestic family and sexual violence, and child protection.¹ In its Strategic Plan 2025-2029, the Department of Children and Families states that it provides or *enables* “early intervention and tertiary services for children, young people and adults experiencing vulnerability, which are crucial to breaking generational cycles of disadvantage and supporting people to create pathways for lasting change.”

The three priority areas for the Department of Children and Families Strategic Plan 2025-2029 are: innovate for change; strengthen the system; and modernise our department.²

¹ Department of Children and Families, Strategic Plan 2025-2029, pg 5, at <https://families.nt.gov.au/media/documents/strategic-plans/dcf-strategic-plan-2025-29.pdf>.

² Department of Children and Families, Strategic Plan 2025-2029, pg 5, at 8.



Child protection and out-of-home care

Child protection is a tertiary, statutory service system designed to intervene and override parental rights to raise a child only when a child needs care and protection as:

- a. they have suffered harm, or are likely to suffer harm, because of an act of omission of a parent of the child; and
- b. there is no family member willing, able or with sufficient capacity to care for the child.³

The child protection system undertakes functions along a continuum - from 'intake' and screening of reports of concern about a child or an unborn child (from mandatory reports, professionals and members of the community), which progress to an investigation if a threshold is met. If a child protection investigation substantiates that a child has suffered harm, or is likely to suffer harm, statutory interventions are utilised with the aim of managing the risk of future harm to a child. These interventions include working with families to reduce and manage risks, or where a child cannot remain safely at home removing a child and placing them in out-of-home care.

When a child is removed and placed in out-of-home care in the Northern Territory, they are generally placed in:

- Kinship care: a kinship carer is a family member or person known to a child.
- Foster care: a foster carer who has undergone an assessment and approval process and is unknown to the child prior to their placement.
- Purchased home-based care: a fee-for-service arrangement between the Department for Children and Families and contracted providers, used for emergency or high needs care placements or when there are insufficient kinship or foster carers available.
- A residential care house with a 24/7 rostered workforce.

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

The Explanatory Statement provides a general outline for the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 (the Bill)* and its proposed amendments to the Care and Protection of Children Act. The Explanatory Statement states that the Bill reforms and amends the Care and Protection Act 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.”⁴

³ When a child is in need of care and protection, s. 20, *Care and Protection of Children Act 2007* (NT).

⁴ 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, at https://parliament.nt.gov.au/_data/assets/pdf_file/0015/1612500/Explanatory-Statement-Care-and-Protection-of-Children-Legislation-Amendment-Every-Child-Matters-Bill-2026-Serial-67.PDF.



Key reforms and amendments in the Bill include:

- reducing the legislative recognition of the importance of Aboriginal and Torres Strait Islander children maintaining connection to family, community, culture and Country, including through the dilution of the ATSICPP;
- holding parents accountable in caring for and meeting the basic needs of their children;
- using Family Responsibility Agreements and Orders as a mechanism to provide early intervention supports to families to respond to child wellbeing concerns; and
- imposing time limits on the period for a child to reunite with their parents after removal.⁵

The Legislative Scrutiny Committee's Inquiry

Terms of Reference

The Terms of Reference require the Legislative Scrutiny Committee (**the Committee**) to assess whether the Legislative Assembly of the Northern Territory should pass or amend the Bill, whether it has sufficient regard to the rights and liberties of individuals and regard to the institution of Parliament.⁶ The Committee's consideration of whether the Bill has sufficient regard to the rights and liberties of individuals includes whether the Bill has sufficient regard to Aboriginal and Torres Strait Islander tradition.⁷

Call for Submissions

The Committee has invited submissions to its inquiry into the Bill. The Committee has allowed one week for submissions, which are due by close of business on Friday 22 May 2026.

Consultation, submissions and legislative scrutiny of the Bill

Prioritising and enhancing the safety of children in the Northern Territory is paramount and universally recognised as a fundamental priority.

The Northern Territory Minister for Child Protection has indicated that work on the reforms and amendments in the Bill has been undertaken for over a year.⁸ Further, that the amendments in the Bill have been designed to protect children from the “*on-going cycle of harm, risk and uncertainty*” and that “*under these amendments there will be more consistent support and better outcomes for both children and families*”.⁹

⁵ 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, at https://parliament.nt.gov.au/_data/assets/pdf_file/0015/1612500/Explanatory-Statement-Care-and-Protection-of-Children-Legislation-Amendment-Every-Child-Matters-Bill-2026-Serial-67.PDF.

⁶ Legislative Assembly of the Northern Territory 15th Assembly, Legislative Scrutiny Committee, Terms of Reference, adopted on 15 October 2024, at <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/LSC-Terms-of-Reference-16-October-2024.pdf>.

⁷ Legislative Assembly of the Northern Territory 15th Assembly, Legislative Scrutiny Committee, Terms of Reference, adopted on 15 October 2024, Term of Reference (3)(b)(iii)(J).

⁸ Crisis of First Nations children in care will worsen under NT child protection reforms, advocates warn, Guardian Australia, 13 May 2026, at <https://www.theguardian.com/australia-news/2026/may/13/northern-territory-child-protection-reforms-first-nations-indigenous-children-in-care-ntwnfb>.

⁹ Minister Cahill, Minister for Child Protection, Media Release, ‘Every Child Matters – Landmark Amendments to the Care and Protection of Children Act’, 13 May 2026, at <https://territorystories.nt.gov.au/10070/1036684>.



The timeline for submissions should be extended

The reforms and proposed amendments in the Bill are lengthy and complex. The period of one week for submissions is insufficient and should be extended to allow for meaningful consultation, scrutiny and to reflect good legislative practice. The following matters are highlighted in support of the critical need to extend the time for submissions on the Bill and to allow for significant amendments to be made.

The Bill diverges from child protection legislation in all Australian states and territories and is inconsistent with national and international commitments and agreements

Child protection legislation across all Australian states and territories is underpinned by the paramount principle that the best interests, safety and wellbeing of the child must be the primary consideration in all decisions and actions affecting children. It reflects the rights of children and Indigenous people recognised in the United Nations Convention on the Rights of the Child¹⁰ and the United Nations Declaration on the Rights of Indigenous Peoples.¹¹ Child protection legislation has also evolved in response to findings and recommendations in numerous Royal Commissions and inquiries and advances in research, evidence and contemporary practice aimed at improving outcomes for children and families.

The proposed reforms and amendments in the Bill to the Care and Protection of Children Act represent a substantial divergence from child protection legislation across all Australian states and territories. They are also inconsistent with international human rights instruments that Australia has ratified and endorsed and national agreements, such as the National Agreement on Closing the Gap and Safe and Supported.

As the Bill represents a marked departure from child protection legislation across all Australian jurisdictions, Australia's international commitments on the rights of children and Indigenous people and national agreement to improve outcomes for children, time for a rigorous and evidence-based assessment of the Bill and associated submissions to the support the Committee's inquire is of profound importance.

In addition, as the Bill is inconsistent with the rights set out in the United Nations Convention of the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples, including the right to participation in decision making¹² and respect for and protection of culture.¹³ Families Australia is concerned by the disproportionate impact of this Bill on the rights of Aboriginal and Torres Strait Islander children and families, as there appears to be insufficient regard to Aboriginal and Torres Strait Islander tradition and therefore recommends the Bill is significantly revised to ensure those rights are respected by law.

¹⁰ Australia ratified the Convention on the Rights of the Child on 17 December 1990 and became legally binding on 16 January 1991.

¹¹ Australia endorsed the Declaration on the Rights of Indigenous Peoples on 3 April 2009.

¹² Articles 18, 19 and 32(2), Declaration on the Rights of Indigenous Peoples.

¹³ Articles 7(2), 8, 11, 13, 14, 17(2), Declaration on the Rights of Indigenous Peoples.



Assessing whether the Bill is likely to achieve its intended outcomes, or cause further harm, is impeded by the absence of data and evidence

It is apparent that proposed reforms and amendments in the Bill are inconsistent with the evidence of what works to improve outcomes for children and families. Limited evidence has been provided that the Bill will address the “*on-going cycle of harm, risk and uncertainty*” or that children and families in the Northern Territory will receive more consistent support and achieve better outcomes.

The reforms and amendments in the Bill have been developed over a year. The Minister for Child Protection has committed to delivering “*evidence-based real change*” and to accountability and transparency to clients, partners and the wide community.¹⁴ The Department of Children and Families strategic priority to Strengthen the System includes a focus on strengthening evaluation of programs and service delivery to better understand what works in the Territory.¹⁵

Meaningful public consultation, scrutiny and amendment of the Bill should be supported by data, modelling, policy work and evidence of the anticipated impacts of the reforms and amendments. This evidence could draw on earlier the data and evidence of effectiveness of earlier legislative amendments to the Care and Protection of Children’s Act with similar intentions. For example, whether earlier services and supports were available, timely, accessible, resulted in improvements in child safety and reduced child removals.

Lessons from the impact of earlier reforms prenatal support: s. 183A, Care and Protection of Children Act

By way of example, in 2021 s. 183A Prenatal Support was introduced and passed to the Care and Protection of Children Act. The intention of s. 138A is to support the identification of parents requiring support to improve child safety and support service provision to reduce protective concerns and child removals. Section 183A prescribes a voluntary prenatal support framework for pregnant persons and persons involved in caring for a child (such as family members). The aim of s. 183A is to provide a pregnant person and/or persons who may be involved in caring for a child with the right support to enhance their capability to care and protect their child once born. Under s. 183A, the Department of Children and Families can:

- refer a pregnant person (with their consent) and persons who may be involved in caring for the unborn child once born to providers of prenatal and child-related services for advice, services and support; and
- provide or arrange voluntary support services for the pregnant person and any person who may be involved in caring for the unborn child when the child is born.¹⁶

Data, modelling and evidence since the introduction of s. 183A Prenatal Support, such as its implementation and operational learnings and challenges, data capture, review and reporting, the number of referrals, the availability, accessibility and timeliness of services and supports that addressed protective concerns and their underlying drivers, and the outcomes for children (such as reduced protective concerns and removals) would be invaluable in understanding its effectiveness. Importantly, understanding the effectiveness of amendments to the Care and Protection of Children Act such as s. 183 is directly relevant to considering comparable amendments in the Bill – also intended to promote the safety and wellbeing of children through the provision of family support

¹⁴ Department of Children and Families’ Strategic Plan 2025-2029, Forward by the Minister Robyn Cahill OAM, Minister for Children and Families, Minister for Child Protection, Minister for Prevention of Domestic Violence, pg 3.

¹⁵ Department of Children and Families’ Strategic Plan 2025-2029, Our Strategy, pg 8.

¹⁶ Explanatory Statement, Territory Families Legislation Amendment Bill 2021, Serial No. 31 Legislative Assembly of the Northern Territory, Minister for Territory Families and Urban Housing, pg 4.



services,¹⁷ which address the needs of parents and improve their parenting capacity and capability and are prescribed under formal Responsibility Agreement.¹⁸

In the absence of supporting data, modelling and evidence regarding the effectiveness of previous and comparable amendments, it remains unclear whether earlier reforms have resulted in improved child safety and wellbeing outcomes. Accordingly, the continued introduction and expansion of amendments to the Care and Protection of Children Act (such as those in the Bill, which are comparable to earlier amendments to Care and Protection of Children Act) risk proceeding without a robust evidence base demonstrating their effectiveness, impact or whether they may give rise to unintended harm to children, families and communities.

Given the paramount importance of keeping children safe, and the commitment by the Minister for Child Protection and the Department of Children and Families to evaluation, evidence and transparency, Families Australia would urge the Northern Territory Government to release any data it has used to inform this legislative package. Further, the release of evidence related to previous legislative amendments and current data on the effectiveness and timeliness of services to families and children would better inform public consultation and scrutiny of the Bill.

Reasonable time for consideration of the Bill is imperative to consider unintended outcomes for child safety

Careful consideration of whether the Bill may unintentionally undermine child safety, despite its best intentions, is imperative. In this context, child protection interventions represent one of the most significant and intrusive powers exercised by the Northern Territory Government into the lives of children and families. Research has demonstrated that the exercise of statutory child protection powers and coercive interventions can be harmful, counter-productive and deter families with multiple and complex challenges from seeking help, resulting in a worsening of the risk of child abuse and neglect.¹⁹

The Bill is premature given the recent announcement of a review into the child protection system

The Bill's progression prior to the review into the child protection system announced by the Minister for Child Protection after the tragic death of Kumanjaya Little Baby²⁰ is also premature. The findings and recommendations of that review may identify systemic issues, priority reforms and recommendations directly relevant to the proposed reforms and amendments in the Bill.

Respecting the request of the family of Kumanjaya Little Baby for privacy and time for sorry business

The family of Kumanjaya Little Baby has requested time and privacy to conduct sorry business. Consequently, the period of one week for submissions on the Bill may prevent the family, impacted individuals and communities from engaging with the Bill.

¹⁷ The Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 introduces a newly defined term under s.13 the definitions section of the Care and Protection of Children Act for 'family support services', which are defined as "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". Examples of a family support services include medical or other health-related services; counselling services, housing services, parental support services; domestic and family violence services and alcohol and other drug rehabilitation services.

¹⁸ Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026, Part 2.1A, s. 65A.

¹⁹ See, for example, Bromfield, L. Cox, S., Perfect, D., Bromley, A., and O'Donnell, M. (2026). *The Public Health Approach and Child Protection*, Australian Centre for Child Protection, Adelaide University: Adelaide.

²⁰ The Minister for Child Protection has announced a review to be undertaken by Ms Karen Webb, a former New South Wales Police Commissioner, and Mr Greg Shanahan, a former Chief Executive Officer of the Northern Territory Attorney-General's Department.



RECOMMENDATIONS - CONSULTATION AND ENGAGEMENT ON THE BILL

1. The *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* is not passed by the Legislative Assembly of the Northern Territory in its current form and without further time for consultation and submissions (significantly beyond the current one-week period), which will enable meaningful consultation, appropriate legislative scrutiny, and significant amendments.
2. The Northern Territory Government publicly release data, evidence modelling and policy work underpinning the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* and of the outcomes of comparable prior amendments to the *Care and Protection of Children Act 2007* (NT). This should include evidence demonstrating how the proposed reforms and amendments in the Bill are expected improve the safety and wellbeing of children and reduce on-going cycles of harm, risk and instability experienced by children and families engaged in the child protection system.
3. The *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* is reviewed and amended to align with the international instruments Australia has committed too (such as the United Nations Convention of the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples) and national agreements (such as National Agreement on Closing the Gap and Safe and Supported: the National Framework for Protecting Australia's Children 2021-2031).

The disproportionate impact of the Bill on Aboriginal and Torres Strait Islander people due to the over-representation of Aboriginal and Torres Strait Islander children and families in child protection

The Northern Territory consistently has the highest level of over-representation of Aboriginal and Torres Strait Islander children in child protection and out-of-home care nationally. As of 30 June 2024, 89 per cent of children in out-of-home care were Aboriginal.²¹ As a result, the Bill will have a disproportionate impact on the rights and liberties of Aboriginal and Torres Strait Islander people in the Northern Territory.

Concerns and proposed amendments to the Bill

Expanded child protection statutory powers to intervene in the lives of families

The Bill expands intervention powers over Northern Territory families, enabling earlier and broader state involvement based on broad wellbeing definitions. It also introduces coercive mechanisms such as Family Responsibility Agreements and Orders without a corresponding commitment by the Northern Territory Government to fund and provide timely, accessible, culturally safe and effective services to address protective concerns and family needs.

Legislating intervention powers in the form of Family Responsibility Agreements and Orders places a disproportionate burden of responsibility on families experiencing structural disadvantage and multiple and complex needs. It can also result in families being blamed for poor child outcomes, whilst insufficiently recognising and requiring government to address broader social, economic and systemic conditions and the limited availability of timely, accessible and cultural safe services that address family disadvantage and need that shape child outcomes.

²¹ Report on Government Services, Child Protection Services 2025.



Research has also demonstrated that statutory child protection powers should be used only when necessary and always in a manner that reflects the principle of the least coercive intervention required to keep children safe. In this respect, coercive intervention can be harmful, counterproductive and deter families experiencing disadvantage and multiple challenges from seeking help.²²

A whole-of-government approach to reducing disadvantage and child protection concerns

Child protection is a tertiary, statutory system. Its design, authority and funding make it ill-suited to address the root causes of protective concerns and family need, which increase the risk of child abuse and neglect and brings children to its attention (such as poverty housing insecurity, parental ill-health and/or alcohol or substance misuse, family and domestic violence).²³

Reducing disadvantage cannot be resolved through statutory child protection interventions. Instead, it requires a coordinated, funded and accountable whole-of-Northern Territory Government prevention and early intervention approach to address economic, social and structural disadvantage. This approach was reflected in the 10-Year Generational Strategy for Children and Families in the Northern Territory 2023-2033 (**10-Year Generational Strategy**) and the Coordinated Investment Framework,²⁴ which were developed in response to a recommendation in the Royal Commission into the Protection and Detention of Children and with extensive community consultation.²⁵ The 10-Year Generational Strategy was agreed to by Northern Territory and Commonwealth Governments to plan, fund and deliver services to prevent harm and improve safety and wellbeing outcomes for children in the Northern Territory.

The discontinuation of the 10-Year Generational Strategy by the Northern Territory Government has been described as a serious loss of long-term accountability by the Aboriginal Peak Organisations NT (representing Aboriginal Medical Service Alliance Northern Territory, North Australian Aboriginal Justice Agency, Central Land Council, Northern Land Council, Tiwi Land Council, Anindilyakwa Land Council, Aboriginal Housing NT and the Northern Territory Indigenous Business Network).²⁶

Children engaged in child protection and out-of-home care systems experience poorer outcomes

Australian and international evidence demonstrates that child protection contact is associated with significant long-term adverse outcomes for children, including higher welfare dependence, poorer health, and ongoing social disadvantage across the life course.²⁷ National data also shows that child protection involvement is strongly associated with broader system contact over time, with around 65 per cent of young people under youth justice supervision having prior child protection involvement.

Despite multiple and complex health needs, poor physical health, developmental delays and compromised mental health children in out-of-home care have limited access to health services and resources that are otherwise routinely available to the rest of the community and poor continuity of

²² See, for example, Bromfield, L. Cox, S., Perfect, D., Bromley, A., and O'Donnell, M. (2026). *The Public Health Approach and Child Protection*, Australian Centre for Child Protection, Adelaide University: Adelaide.

²³ Higgins, D.J., Herrenkohl, T. I., Lonnie B., Scott, D., “*Advancing a prevention-oriented support system for the health and safety of children*”, *Children and Youth Services Review* 159 (2024) 107521.

²⁴ At https://rmo.nt.gov.au/_media/documents/10-year-generational-strategy/Coordinated-Investment-Framework-FINAL.pdf

²⁵ See <https://rmo.nt.gov.au/updates/10-year-generational-strategy-for-children-and-young-people>.

²⁶ Family Matters Report, 2025m pg 105.

²⁷ Segal, L and Mathews, B, ‘Intergenerational child maltreatment and the case for intensified support for child protection involved families’ (2026) *Child Abuse & Neglect* 177, 108069.



care.²⁸ Research has also demonstrated that outcomes for children placed in out-of-home care are often poorer than for similarly at-risk children who remain safely with their families with adequate support.²⁹

Families Australia recommends the Bill is amended to introduce a legislative responsibility and accountability on the Northern Territory Government to improve the safety, health and wellbeing of children in out-of-home care. This legislative responsibility should provide for all government departments and agencies to be responsible and accountable for providing children in out-of-home care with:

- with the recommended assessments and coordinated treatment plans recommended in the *National Clinical Assessment Framework for Children and Young People in Out-of-Home Care*;³⁰
- treatment and support to heal from the impacts of abuse and neglect prior to their entry into out-of-home care³¹;
- assessments, treatment and supports to address multiple and complex health needs, poor physical health, developmental delays and compromised mental health;³²
- continuity of care to support health, wellbeing, meeting developmental milestones, and meaningfully engaging in education.

RECOMMENDATION

4. The Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 is amended to introduce legislative responsibility and accountability on the Northern Territory Government to improve the safety, health and wellbeing of children in out-of-home care.

Imposing timelines for reunification from the removal of a child

In prioritising permanency and stability for children, the Bill restricts the number of protective orders and imposes a two-year time limit for reunification from the time of child removal. The Bill also requires intensive services are provided within the first six months of child removal directed to the protective concerns and aimed at reunification.

Imposing strict timelines on reunification prevents consideration of a child's view, having regard to their age and maturity, from being heard and considered in decisions that affect them. It also removes the discretion of the Court to make decisions regarding an individual child and their individual needs and circumstances.

²⁸ "National Clinical Assessment Framework for Children and Young People in Out-of-Home Care" March 2011, [national-clinical-assessment-framework-for-children-and-young-people-in-out-of-home-care.pdf](#).

³⁰ The *National Clinical Assessment Framework for Children and Young People in Out-of-Home* sets out core elements that cover physical, developmental and mental health for children and young people in care. However, compliance with this framework is poor [National clinical assessment framework for children and young people in out of home care | Australian Government Department of Health, Disability and Ageing](#).

³¹ The prevalence of child maltreatment is higher and more intense for children in care than for the general population. Harris LG, Higgins DJ, Willis ML, Lawrence D, Meinck F, Thomas HJ, Malacova E, Scott JG, Pacella R, Haslam DM, "Dimensions of child maltreatment in Australians with a history of out-of-home care. *Child Maltreatment*" 2025 August, 30(3):525-39.

³² "National Clinical Assessment Framework for Children and Young People in Out-of-Home Care" March 2011, [national-clinical-assessment-framework-for-children-and-young-people-in-out-of-home-care.pdf](#).



Mandating a timeframe for reunification in the absence of data and evidence as to the availability of timely, culturally safe and accessible services across the Northern Territory, which are matched to and effectively meet the needs and protective concerns of parents, is premature and can set parents up to fail. Data and evidence on the implementation and child outcomes of prior amendments to the Care and Protection of Children Act, which are also intended to facilitate services to address parental needs and protective concerns (such as s. 138A Prenatal Supports outlined above), would assist consideration of whether legislative amendments in the Bill would result in actual provision of timely and effective services to parents.

Legislative reforms prioritising permanency and imposing strict timelines for reunification have also been found to be unfair for Aboriginal and Torres Strait Islander parents and repealed in other jurisdictions. In this respect, strict time limits for reunification from the time of child removal were found to disproportionately impact Aboriginal and Torres Strait Islander parents as:

- Aboriginal and Torres Strait Islander parents are less likely to be able to access supports needed to address protective concerns within strict timeframes;
- time limits are inflexible and cannot be overridden by a court; and
- as a result, Aboriginal and Torres Strait Islander children are denied opportunities to enjoy their human rights to identity, family and culture.³³

The Bill imposing timeframes for reunification from the time of child removal and the limitations on the number of short-term protection orders and their duration that can be made by a court before moving to long-term or permanent arrangements disproportionately impacts the rights and liberties of Aboriginal and Torres Strait Islander people and their traditions.

RECOMMENDATION

5. The Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 is amended to remove timeframes for reunification from the time of child removal and the limitations on the number of short-term protection orders and their duration that can be made by a court before moving to long-term or permanent arrangements.

³³ For example, in 2014 in Victoria permanency reforms amended the *Children, Youth and Families Act 2005* (Vic). A parent had 12 months from removal of their child to meet protective concerns and be reunified with their child, with a 12-month extension was available in exceptional circumstances. In the 2023, the Yoorrook for Justice, Report into Victoria's Child Protection and Criminal Justice System, found that the permanency reforms were not working for Aboriginal and Torres Strait Islander children, young people and families and that they had created unnecessary harm (at <https://www.yoorrook.org.au/reports-and-recommendations/reports/yoorrook-for-justice-report>, pg 255). In 2026, the *Children, Youth and Families Amendment (Stability) Act 2026* (Vic) repealed the permanency reforms. The Victorian Children's Court now considers the best interest of an individual child in determining reunification timelines, with the legislation replacing 'permanency' with 'stability' as a key element in determining the best interest of a child.



Removing the ATSICCP and diluting the rights of Aboriginal and Torres Strait Islander children and families

Aboriginal and Torres Strait Islander children have the right to receive special protection measures to address the specific vulnerabilities they face

The Royal Commission into the Protection and Detention of Children in the Northern Territory recognised that Aboriginal and Torres Strait Islander children have “*the right to receive special protection measures to address the specific vulnerabilities they face*”.³⁴

Colonisation led to the dispossession of Aboriginal and Torres Strait Islander people of their land through settlement and violent dispersals, which were followed by legislative and administrative actions that forcibly removed Aboriginal and Torres Strait Islander children from their families, communities and Country on racial grounds under the pretext of 'Protection'.

In 1997, the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (the Bringing them Home Report) attributed the overrepresentation Aboriginal and Torres Strait Islander children in child protection and out-of-home care systems to the impacts of forced removal, socio-economic disadvantage and systemic racism in the broader society. This report found that these factors combined to “*produce cultural differences between welfare departments and Indigenous communities, substance abuse, violence, poor nutrition, alienation from social institutions including the education system, family services and the criminal justice system, limited and poor housing options and a loss of hope, particularly among younger people.*”³⁵

In 2017, the the Royal Commission into the Protection and Detention of Children in the Northern Territory (**the Northern Territory Royal Commission**) found that the overrepresentation of Aboriginal and Torres Strait Islander children in child protection and out-of-home care could not be fully understood without an appreciation of the historical policies that have sought to control and intervene in Aboriginal family life.³⁶

Today, Aboriginal and Torres Strait Islander people continue to experience systemic disadvantage and limited access to timely and culturally safe services and supports - across multiple services systems, including health, mental health, disability, employment, housing and education.

The overrepresentation of Aboriginal and Torres Strait Islander children in child protection and out-of-home care reflects a deeply entrenched cycle of marginalisation and dispossession that has severed cultural and familial ties and entrenched structural disadvantage.³⁷

Cultural connection and identity are integral to child safety and wellbeing

The incorporation of the ATSICPP into the Care and Protection of Children Act supports Aboriginal and Torres Strait Islander children maintain their connection to family, community, culture and Country when interacting with the child protection system. The ATSICCP seeks to address the

³⁴ Royal Commission into the Protection and Detention of Children in the Northern Territory, Volume 1, Chapter 4, pg 196.

³⁵ Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, 1997, Bringing Them Home, Chapter 21, Child Welfare – Care and Protection.

³⁶ Royal Commission into the Protection and Detention of Children in the Northern Territory, Volume 1, Chapter 4.

³⁷ South Australian Commissioner for Aboriginal Children and Young People, “Holding on to Our Future. Final Report of the Inquiry into the application of the Aboriginal and Torres Strait Islander Child Placement Principle in the removal and placement of Aboriginal children and young people in South Australia”, May 2024.



impacts of intergenerational trauma and significant inequities faced by Aboriginal and Torres Strait Islander children.

The ATSICPP promotes the safety, wellbeing and best interests of Aboriginal and Torres Strait Islander children through culturally informed decision-making, participation of families and communities in decision making and supporting self-determination.

Culture and cultural connection are key protective factors for Aboriginal and Torres Strait Islander children in the child protection system. However, the Bill together with *section 9* (Decisions involving intervention in life of child) -shifts decision-making toward a universal model that applies the same arrangements to all children without adequately recognising the factors driving the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care. Within this framework, provisions specific to Aboriginal and Torres Strait Islander children -particularly *section 12C* (Aboriginal children) - are treated as considerations rather than foundational elements in determining their safety and wellbeing.

This shift is significant. The universal approach as proposed in this Bill does not fully account for the legacy of intergenerational trauma and structural inequality experienced by Aboriginal and Torres Strait Islander children – driving a system change that may appear equal but is fundamentally inequitable.

Under the ATSICPP, connection to family, community, culture and Country is central to a child’s safety and wellbeing. The Bill treats culture, community, Country and kinship as subordinate considerations, rather than protecting and strengthening Aboriginal and Torres Strait Islander child identity, wellbeing and health.

The Bill reframes these matters within a broader decision-making framework. While *section 12C* (Aboriginal children) acknowledges culture, community, and kinship, it does not make these factors determinative. Instead, they sit alongside other considerations and could be easily outweighed in the operation of the law. This is reinforced by the operation of sections 8 and 9, which place primary emphasis on a generalised concept of best interests and necessary intervention. The result is that cultural connection becomes negotiable rather than foundational.

The absence of Aboriginal and Torres Strait Islander partnership weakens prevention and early intervention

A further concern is the lack of statutory reference in the Bill to community-controlled organisations and leadership. The ATSICPP recognises the benefits of partnership and shared decision-making. Specifically, Aboriginal and Torres Strait Islander communities being best placed to support families and make decisions about children.

While the Bill recognises family in *s. 12A* (Role of family) and the responsibilities of public authorities in *section 12F* (Responsibility of public authorities), it does not include reference to:

- shared decision-making
- statutory involvement of community-controlled organisations in care, planning and placement decisions

This omission is particularly clear in *section 12D* (Proactive efforts). While that section requires efforts to prevent removal and support reunification, it does so within a state-led framework and does not require partnership with community-controlled organisations.

Similarly, the introduction of compliance mechanisms such as Family Responsibility Agreements and Orders (sections 65A–65F and 102A–102T) expands the state’s capacity to intervene in family life without a corresponding expansion of community authority or culturally grounded support.



Families Australia considers that the combined effect of these provisions undermines decades of progress toward self-determination and reduce children's right to access their identity, culture and Country.

First Nations cultural practices in family and child rearing

The strengths of First Nations culture in family and child rearing have been explored in research, with key themes including:

- A collective community focus on child rearing.
- Children having the freedom to explore and experience the world around them, to help them develop the skills to successfully negotiate their pathways to adulthood.
- Elderly family members are important to family functioning; they are highly respected for their contributions to family life.³⁸

However, child protection practices and decision-making tools are commonly underpinned by non-indigenous concepts of families and child rearing, applying standards that privilege nuclear family structures and individual parent responsibility. Research has shown that First Nations parents believed that they are often expected to prove their parenting according to white, middle class standards.³⁹

Families Australia highlights that applying universal standards of family could give rise to child placement decisions not having regard to these family systems and values.

RECOMMENDATION

1. The Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 is amended to ensure that the Aboriginal and Torres Strait Islander Child Placement Principle is retained and all five of its elements are implemented. Further, that the important role of cultural connection and kinship is recognised by restoring the central role of the Aboriginal and Torres Strait Islander Child Placement Principle in decision-making on Aboriginal and Torres Strait Islander children's care and wellbeing.

Lack of transparency and oversight of systems and practices

Families Australia is concerned that the Bill also lacks provision aimed at strengthening transparency, accountability or independent oversight alongside these powers.

Families Australia highlights risks identified via review of other government systems, including Professor Megan Davis' *Family is Culture* review. The Davis Review highlights what can occur where there are deficiencies in accountability, transparency and oversight in child protection systems affecting Aboriginal children and families.⁴⁰ It also reflects broader concerns that child protection

³⁸ See Lohoar, S, Butera, N and Kennedy, E, *Strengths of Australian Aboriginal cultural practices in family life and child rearing* (CFCA Paper No 25, Australian Institute of Family Studies, 2014); Krakouer, J, Wise, S and Connolly, M, "'We Live and Breathe Through Culture": Conceptualising Cultural Connection for Indigenous Australian Children in Out-of-home Care' (2018) 71(3) *Australian Social Work* 265.

³⁹ See Lohoar, S, Butera, N and Kennedy, E, *Strengths of Australian Aboriginal cultural practices in family life and child rearing* (CFCA Paper No 25, Australian Institute of Family Studies, 2014); Krakouer, J, Wise, S and Connolly, M, "'We Live and Breathe Through Culture": Conceptualising Cultural Connection for Indigenous Australian Children in Out-of-home Care' (2018) 71(3) *Australian Social Work* 265.

⁴⁰ Davis, M. (2019, October 25). *Family is Culture: Independent Review into Aboriginal and Torres Strait Islander Children and Young People in Out-of-Home Care in New South Wales*. Independent Review of Aboriginal Children in OOHC.



systems can become overly focused on risk management, liability and crisis response, rather than care, support and prevention.⁴¹

The Bill if enacted, must include minimum statutory safeguards, independent scrutiny and meaningful community oversight to keep state decisions and processes accountable.

RECOMMENDATION

6. The Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 is amended to incorporate independent reviews within three and five years respectively from commencement, which include assessing the impacts of Aboriginal and Torres Strait Islander children, young people and families, the availability of services to address protective concerns within the legislative timeframes, and to identify any unintended consequences, trends and outcomes for children, young people and their families.

Regard to Prevention, participation and the need for investment

Families Australia acknowledges that the Bill includes some positive elements, including the linking of early intervention to reunification in *section 12D (Proactive efforts)*, and child participation rights in *section 11 (Child participation)*.

However, achieving the intent of these reforms depends on sustained and effective investment in supports that address the drivers of harm. Without adequate investment to address whole-of-family and system-wide factors, the underlying conditions contributing to child harm will remain unaddressed and reunification even more challenging.

⁴¹ Davis, M. (2019, October 25). *Family is Culture: Independent Review into Aboriginal and Torres Strait Islander Children and Young People in Out-of-Home Care in New South Wales*. Independent Review of Aboriginal Children in OOHC.