



Australian
Childhood
Foundation

Submission to the Legislative Assembly Committee Inquiry

May 2026

Executive Summary

The Australian Childhood Foundation acknowledges the importance of strengthening child protection responses in the Northern Territory. However, we have significant concerns that the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 expands statutory intervention without addressing the structural conditions required to keep children safe within their families and communities.

Our concerns relate not to a single provision, but to the interaction between expanded legislative powers, system capacity constraints and the current structure of the out-of-home care system.

Key issues include:

- **Expansion of intervention without sufficient system capacity**
The Bill broadens the circumstances in which statutory intervention may occur and introduces stronger compliance mechanisms without ensuring access to housing, therapeutic services, and early supports that families require to safely care for children.
- **Increased reliance on compliance-based mechanisms and enforceable mechanisms.**
Family responsibility agreements and orders shift engagement from relational, therapeutic practice to compliance-driven responses, which may be experienced as punitive and reduce trust and help-seeking.
- **Misalignment with evidence on child wellbeing and permanency**
While stability and permanency are critical, the proposed timeframes and pathways do not adequately reflect the complexity of children's lives or the importance of maintaining connection to family, culture and community to achieve positive long-term outcomes.
- **Significant structural limitations within the out-of-home care system**
The Northern Territory has the lowest rates of kinship placement in Australia and is increasingly reliant on paid placement models. Without reform and investment in kinship care, foster care and therapeutic models, increased intervention is likely to result in more children entering less optimal care arrangements.
- **Departure from established evidence base and national commitments**
The proposed reforms risk moving away from the drivers identified in Closing the Gap and previous inquiries, which emphasise prevention, early intervention and strengthening family and community capacity.
- **Workforce and implementation risks**
High vacancy rates, workforce turnover and limited investment in training, supervision and cultural capability mean that expanded legislative powers may not translate into improved outcomes in practice.
- **Risks to victim-survivors of domestic and family violence**
Without a sufficiently differentiated response, there is a risk that compliance-based frameworks may inadvertently increase risk for victim-survivors while failing to address perpetrators' behaviour.

Conclusion

While the Australian Childhood Foundation supports the intent of strengthening child safety, we are concerned that the Bill, in its current form, expands statutory intervention without ensuring the system capacity required to support children and families.

We are particularly concerned that the Bill risks undermining the Aboriginal and Torres Strait Islander Child Placement Principle. This principle is a foundational safeguard, grounded in evidence and national commitment, which recognises that connection to family, kinship, community and culture is inseparable from child safety. Any reform must strengthen its application in practice rather than reduce its influence in decision-making.

Without sufficient investment in housing, therapeutic services, workforce capability and the out-of-home care system, there is a significant risk that families will be unable to meet new expectations and that more children will enter a care system already under strain.

We recommend that reform be progressed through a staged and collaborative approach, including genuine consultation with Aboriginal community-controlled organisations, sequencing implementation to align with system capacity, and targeted amendments to ensure the Bill supports engagement, cultural safety and relational practice.

Australian Childhood Foundation

The Australian Childhood Foundation is a national not-for-profit organisation dedicated to supporting children and young people who have experienced trauma, abuse, neglect and family violence.

The Australian Childhood Foundation brings a strong practice-based perspective to policy and system design, particularly in relation to child protection, family support and responses to complex vulnerability.

In the Northern Territory, the Australian Childhood Foundation has over 15 years experience working directly alongside the child protection system through the delivery of training and providing clinical services, including assessment, therapeutic counselling and support to children, young people and families involved with statutory systems. This work provides a direct and ongoing view of the impacts of child protection intervention on children and families, as well as the structural, cultural and service system factors that shape outcomes across the Territory.

With more than three decades of experience in therapeutic care, trauma-informed practice and working in partnership with Aboriginal organisations and communities, the Australian Childhood Foundation brings a strong practice-based perspective to policy and system design, particularly in relation to child protection, family support and responses to complex vulnerability.

Overview

The Australian Childhood Foundation supports the importance of keeping children safe and recognises the need for effective and responsive child protection systems. However, we hold significant concerns about the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026, which expands intervention and compliance expectations without ensuring the conditions necessary for families to safely care for children are in place.

The Bill represents a substantial expansion of the Northern Territory Government's powers to intervene in family life—particularly at earlier stages and in response to broader “wellbeing” concerns—without a corresponding expansion in the therapeutic, social, housing and community supports required for families to safely care for their children.

The Bill lowers the threshold for intervention, enabling statutory involvement in response to broad concerns such as wellbeing, school attendance and anti-social behaviour. At the same time, it introduces compliance-based mechanisms through family responsibility agreements and orders, which require parents to engage with services and behavioural conditions with escalation pathways where these are not met.

A critical gap in the current reform approach is the absence of investment in the child protection workforce itself. Effective implementation of any legislative reform depends on a skilled, supported and stable workforce. However, the Northern Territory continues to experience high vacancy rates, workforce turnover and difficulty attracting and retaining experienced practitioners. Without sustained investment in workforce development, including training, supervision, cultural capability, and retention strategies, there is a significant risk that expanded legislative powers will not translate into improved outcomes for children, and may instead increase system strain.

From practice, many issues that bring families into contact with child protection are driven by structural conditions such as poverty, trauma, housing instability and barriers to service access rather than an absence of care. These factors are well recognised in national evidence, including the Closing the Gap framework, which identifies poverty, housing instability, systemic exclusion and intergenerational trauma as key drivers of child protection involvement. Target 12 specifically commits to reducing the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care. The proposed reforms move away from this evidence base by increasing intervention without addressing the structural conditions that drive system entry.

We are concerned that the Bill risks increasing surveillance and coercive intervention in the lives of families already under significant pressure, rather than strengthening the conditions that support children to remain safely with family and community. This alone will undermine the intent to improve outcomes for Aboriginal Children. These concerns arise not from a single aspect of the Bill, but from the interaction between expanded powers, system capacity constraints and the structure of the current out-of-home care system.

Short-Term Impacts on Children and Families

This Bill is likely to have immediate negative impacts on the children and families our services work alongside.

Expanded thresholds for intervention mean more families will come into contact with statutory systems earlier, particularly those already experiencing disadvantage and exclusion.

Families we work with are often already:

- waiting extended periods for stable housing;
- unable to access timely therapeutic or rehabilitation services;
- navigating fragmented service systems;
- cautious or fearful about engaging with formal systems.

The introduction of family responsibility agreements and orders shifts engagement from relational and voluntary to compliance-based and, in practice, experienced as punitive.

In contexts where services are unavailable or inaccessible, families may be required to meet expectations that are not achievable.

We are concerned this may:

- reduce trust in services;
- discourage early help-seeking;
- reframe unmet need as non-compliance.

This shift risks changing the way families experience services, from support-based engagement to compliance-driven interaction, which may ultimately reduce participation and undermine early intervention efforts.

Long-Term Impacts on Children, Families and Communities

The Bill strengthens a focus on permanency and limits repeated short-term care arrangements, positioning stability and long-term placement as central to decision-making.

The Australian Childhood Foundation strongly supports the importance of stability, permanency and the child's right to safety and enduring relationships. However, permanency cannot be understood as a fixed timeframe or procedural threshold. Decisions about reunification and long-term care require nuanced, individualised assessment that meaningfully considers children's developmental needs, relationships, culture and family context.

Evidence consistently demonstrates that children experience better outcomes when they maintain connection to family, community and culture, including improved wellbeing and reduced trajectories into the justice system. In this context, permanency must be realised through stable, relational and culturally connected care arrangements, rather than accelerated decision-making processes. This highlights that stability is not achieved through speed alone, but through the quality and continuity of relationships surrounding the child.

Without addressing these conditions, there is a significant risk that the reforms will result in:

- earlier entry into long-term care;
- reduced opportunity for reunification;
- increased separation from family, community and culture.

Changes affecting Aboriginal children risk further weakening the prioritisation of kinship and cultural continuity. From practice, separation from culture and community contributes to long-term trauma and poorer developmental outcomes. There are well-established links between out-of-home care and contact with the youth justice system. Children who experience disconnection from family and culture, combined with placement instability, are at increased risk of adverse outcomes, including engagement with justice systems. Strengthening pathways into long-term care without strengthening relational and cultural stability risks reinforcing these trajectories.

Compliance-based Frameworks and Therapeutic Practice

These approaches may be experienced as coercive, particularly where services are not accessible or culturally appropriate.

Effective change for families requires:

- trust and relational safety;
- cultural legitimacy;
- access to appropriate supports;
- engagement that is not solely compliance-driven
- reduced engagement and co-operation.

Compliance-based approaches risk undermining these conditions and may be experienced as punitive rather than supportive.

Domestic and Family Violence

The Bill does not sufficiently distinguish between perpetrators and victim-survivors of domestic and family violence within its intervention and compliance frameworks. Domestic and family violence operates through patterns of coercion, control and power imbalance. Without a sufficiently nuanced and differentiated response, there is a risk that victim-survivors may be held responsible for circumstances beyond their control or required to comply with expectations that place them at further risk.

Legislative frameworks must explicitly recognise these dynamics and ensure that responses are trauma-informed, differentiated and aligned with established family violence risk frameworks.

There is a risk that victim-survivors may be penalised or required to meet expectations that do not account for coercive control dynamics. This may result in system responses that inadvertently increase risk for victim-survivors while failing to address the behaviour of those using violence.

A stronger trauma-informed and differentiated response is required.

System Capacity and Implementation Risk

The Bill assumes access to services including housing, counselling, rehabilitation and family support. While the Bill requires that services needed to comply with agreements are “reasonably available”, current service constraints raise questions about how this will operate in practice.

Current service systems are already under strain, with:

- long waitlists;
- workforce shortages;
- limited culturally safe services;
- significant regional and remote gaps.

Without substantial investment, families may be set up to fail and system pressure will increase.

Out-of-Home Care System Capacity and Structure

The implications of permanency-focused reforms must be considered in the context of the existing structure of the out-of-home care system in the Northern Territory.

Nationally, kinship care has become the predominant and fastest-growing form of out-of-home care, reflecting a policy and practice shift toward placing children within family and community wherever possible. However, the Northern Territory stands in stark contrast to this trend.

Available national data from the Australian Institute of Health and Welfare (AIHW) demonstrates that the Northern Territory has the lowest rates of placement with family and kin in Australia, with only around 16–18% of Aboriginal children in out-of-home care placed with relatives or kin. This represents a substantial divergence from national trends toward kinship-based care and undermines the application of the Aboriginal and Torres Strait Islander Child Placement Principle. This principle recognises that connection to family, kinship, community and culture is central to safety and long-term wellbeing for Aboriginal children.

At the same time, the system is under pressure from limited availability of foster care placements and increasing reliance on paid care models, including residential care. This suggests that children entering care are more likely to be placed outside of family and community-based settings.

We also note that the Northern Territory does not currently have a comprehensive, scaled therapeutic foster care system. Therapeutic foster care models, where carers are supported to provide consistent, trauma-informed care, are associated with improved placement stability and reduced escalation into residential care. This represents a critical gap in the continuum of care for children who require stable, relationally based and trauma-informed placements.

In this context, legislative reforms that increase intervention and accelerate pathways into care must be accompanied by a prioritised reform of the out-of-home care system itself.

Missed Opportunity for Prevention and Early Intervention

While framed as early intervention, the Bill does not sufficiently invest in prevention. We know that effective early intervention requires

- stable housing;
- therapeutic support;
- culturally grounded services;
- sustained engagement.

The Bill prioritises compliance and escalation rather than investment in the conditions that enable families to safely care for children. Effective prevention requires community-led, culturally grounded responses that strengthen families and support self-determination over time. Without this, early intervention risks becoming an extension of surveillance rather than a pathway to meaningful change.

Conclusion

While the Australian Childhood Foundation supports the importance of strengthening child safety and recognises the intent of the proposed reforms, we do not consider that the Bill, in its current form, will achieve improved outcomes for children.

The Bill expands statutory powers and introduces more structured intervention mechanisms, including family responsibility agreements and orders. However, these reforms rely on the availability of services and system capacity that are not currently in place across the Northern Territory. Without sufficient access to housing, therapeutic supports, workforce capability and community-based services, families may be unable to meet the expectations set by the legislation.

At the same time, the out-of-home care system is already under significant pressure. The Northern Territory has some of the lowest rates of placement with family and kin nationally, alongside a constrained pool of foster carers and limited availability of therapeutic care models. In this context, reforms that increase intervention, particularly at earlier stages, are likely to result in more children entering a system that is not equipped to provide stable, relational and culturally connected care.

We are deeply concerned that the Bill risks undermining the Aboriginal and Torres Strait Islander Child Placement Principle. This principle is a foundational safeguard, grounded in evidence and national commitment, which recognises that connection to family, kinship, community and culture is inseparable from child safety. Any reform must strengthen its application in practice rather than reduce its influence in decision-making. In a system already experiencing limited kinship placement and constrained family-based care options, any weakening of this principle risks further reducing opportunities for children to remain connected to family, community and culture.

The Foundation is also concerned that the Bill's compliance-based mechanisms may shift practice away from relational and therapeutic engagement. Where services are not accessible, there is a risk that unmet need may be reframed as non-compliance, potentially reducing trust and discouraging help-seeking. These dynamics are particularly significant in the context of domestic and family violence and for Aboriginal families, where culturally safe, community-controlled responses are critical to effective engagement.

Sustainable improvements in child safety require not only legislative reform, but investment in the conditions that enable families and communities to safely care for children.

Accordingly, the Australian Childhood Foundation recommends that the Northern Territory Government:

- **Pause progression of the Bill and undertake genuine consultation**, including with Aboriginal community-controlled organisations, communities, and affected families, to ensure reform is co-designed and aligned with principles of self-determination and cultural safety
- **Sequence reform to align with system capacity**, ensuring investment in housing, therapeutic services, workforce capability and the out-of-home care system, including strengthening kinship care, addressing the limited availability of foster

care placements, and expanding therapeutic care models, prior to the expansion of legislative powers

- **Amend key mechanisms within the Bill**, including family responsibility agreements and orders and permanency settings, to ensure they support engagement, cultural safety and developmentally appropriate decision-making, rather than reliance on compliance-based responses

Reform of this significance presents an important opportunity. Achieving better outcomes for children will depend on a staged, well-resourced approach that strengthens systems, builds trust with families and communities, and ensures that legislative powers are matched with the capacity required to deliver safe and effective care.