GRACE & GRIT CONSULTING AND TRAINING

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SUBMISSION

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

To:	Legislative Scrutiny Committee, Northern Territory Legislative Assembly
Via:	sc@nt.gov.au
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About Grace & Grit Consulting and Training

Grace & Grit Consulting and Training is a registered not-for-profit social enterprise co-founded by Tanya Brooks-Cooper and Marg Cranney, a senior practitioner with more than 40 years' experience in family violence, community development, leadership, and systems reform across regional and remote Australia.

We deliver evidence-based family violence practice development, community education, and workforce capability building across Australia. Our work is grounded in the principle that lasting change requires both grace — compassion, relationship, and cultural humility — and grit: the sustained effort to shift systems, not just individuals.

Our expertise spans:

- Family violence practice development across community-controlled, government and cross-sector workforces
- Communities of Practice for practitioners working across child protection, DFV, housing and community services
- Workforce capability building in regional, remote and island communities

This submission is authored by Tanya Brooks-Cooper, drawing on 34 years of cross-sector experience in child protection, family violence, youth justice, community development, and social policy across Queensland and Tasmania. Tanya has presented before the House of Representatives Standing Committee on Social Policy and Legal Affairs (April 2026) on domestic, family and sexual violence and suicide, and is a member of the Tasmanian Family and Sexual Violence Alliance (TFSVA) and board member of the Youth Network of Tasmania (YNOT).

Grace & Grit contributes to this inquiry with specific expertise in the intersection of family violence, child protection practice, and workforce development. We welcome the opportunity to provide further evidence or briefings to the Committee.

Clause Reference Index

The Call for Submissions states the Committee may not accept submissions that do not directly address the content of the Bill. The following table maps each substantive concern in this submission to the specific Bill clauses engaged. Positive provisions are also noted.

Bill Clause(s)	Concern or Note	Submission Section
s.8(2) vs s.8(3)	Demotion of cultural connection to secondary 'may be relevant' category	Sections 2 & 4
s.12C(4)	Aboriginal children principles made subject to placement/permanency principle — formal subordination of ATSICPP	Section 2
s.65B, s.65D	FRA provisions lack perpetrator-pattern documentation requirement; DV risk management insufficient	Section 3
s.65D(6)	'Event of concern' triggers capture DFV impacts on children without identifying perpetrator	Section 3
s.102E(1)(c)	FRO can direct income management, banned drinker orders, housing compliance against non-offending parent	Section 3
s.128(1B)	Hard cap of 2 short-term orders (~2 years) ignores DFV safety timelines; drives premature permanency	Section 3
s.94, s.125, s.137D	Carer standing after 8 months advantages non-kin placement; undermines ATSICPP	Section 5
s.143A	Mandatory legal representation for children in long-term matters — positive provision	Section 6
s.122	Proactive efforts documentation before protection order — positive but undermined by DFV gaps	Section 6

1. The Consultation Process Is Itself a Harm

> The Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 represents one of the most significant proposed changes to the NT's child protection system in decades. Providing one week — in some cases 48 hours — for communities, peak bodies and service providers to respond is not consultation. It is exclusion.

The Bill introduces structural reforms with profound consequences for families across the Territory, including:

- Family responsibility agreements and orders (new Part 2.1A; ss.65A–65F; ss.102A–102T)
- Broader early intervention powers (ss.32, 35 amended)
- Tighter reunification timeframes and a hard cap on short-term orders (s.128(1B))
- A strengthened emphasis on permanency over reunification (s.8(2), s.12B)
- Formal subordination of the ATSICPP to the placement and permanency principle (s.12C(4))
- Increased integration with policing, housing, income management and alcohol compliance systems (s.102E(1)(c))

A coalition of eight NT legal services — including NAAJA, NAAFLS, CAAFLU, Legal Aid NT, TEWLS, KWILS, CAWLS and DCLS — has publicly confirmed there was no genuine consultation with Aboriginal organisations, legal services, family violence experts or community-controlled sectors prior to introduction. This is not a procedural oversight. It is a values failure.

The communities most affected by these amendments — Aboriginal families and their representative organisations — are precisely those with the least institutional infrastructure to respond rapidly to complex legislative proposals. Compressed timeframes privilege those already inside the system.

The terms of reference for this inquiry ask the Committee to consider whether the Bill has 'sufficient regard to the rights and liberties of individuals' (term (iii)) and to the 'institution of Parliament' (term (iv)). A Bill that bypasses meaningful engagement with the communities it most directly affects falls short on both counts.

What genuine consultation requires

This submission calls on the Committee to recommend:

- A minimum six-week consultation period on any revised Bill
- Plain English and First Nations language materials provided before consultation opens
- Genuine co-design with ACCOs, Aboriginal legal services and DFV specialists before any amendments proceed
- A public response to the concerns raised by NT legal services regarding the absence of prior consultation

2. The ATSICPP Is Child Safety Evidence, Not a Barrier to It

> The Aboriginal and Torres Strait Islander Child Placement Principle is not a competing consideration to child safety. It is child safety. The Bill's structural amendments at sections 8 and 12C subordinate cultural connection to permanency in ways that are legally incorrect and evidentially unsupported.

The structural mechanism: sections 8(2), 8(3) and 12C(4)

The Bill's most consequential ATSICPP change is not explicit. It operates through the interaction of three provisions:

Section 8(2) introduces a mandatory, hierarchical best interests framework. The need to ensure the child's safety (s.8(2)(a)), protection from harm (s.8(2)(b)), and permanency in living arrangements (s.8(2)(d)) appear in the mandatory ordered list.

Section 8(3) demotes the child's right to cultural connection and family contact to a secondary tier of considerations that 'may also be relevant'. These are no longer required considerations — they are optional ones.

Section 12C(4) then makes all of the Aboriginal children principles in section 12C — including the obligations to place children in proximity to family and community, and to support cultural connection — expressly subject to the placement principles in section 12B, which prioritise permanency and stability.

> Together, these three provisions create a cascade: permanency is a mandatory consideration (s.8(2)(d)); cultural connection is optional (s.8(3)); and Aboriginal-specific protections are subordinate to permanency (s.12C(4)). This is the structural mechanism through which the ATSICPP is formally overridden — without the Bill ever saying so explicitly.

What the evidence says

Decades of Australian evidence — including the Bringing Them Home Report (1997), the Royal Commission into the Protection and Detention of Children in the Northern Territory (2017), and every Family Matters report published since 2015 — confirms consistently that:

- Cultural connection is protective, not peripheral to child safety
- Forced separation causes documented intergenerational harm
- Placement with kin or community, where safe, produces better outcomes
- Disconnection from culture and identity is itself a form of harm, with long-term consequences

Public commentary suggesting the ATSICPP 'competes' with child safety is legally incorrect and evidentially unsupported. The existing Act already makes the best interests of the child paramount. The ATSICPP has always operated within that framework — not as a limit on it. To frame culture as a risk factor is to misread both the legislation and the evidence, and to expose Aboriginal children to a different, well-documented category of harm: disconnection from identity, family and Country.

UNDRIP and international obligations

Australia is a signatory to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The Bill's subordination of cultural connection to permanency is in tension with:

- **Article 7(2):** Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to forced assimilation or destruction of their culture
- **Article 8:** Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture
- **Article 9:** Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned

The Committee's terms of reference ask whether the Bill has sufficient regard to 'the rights and liberties of individuals'. We submit that it does not, in relation to these international obligations.

3. A Safe & Together Lens: Applied to Specific Bill Provisions

> The Safe & Together model is a nationally recognised practice framework that asks three foundational questions of any child protection intervention: Does it document the perpetrator's pattern of behaviour and its impact on the child? Does it assess the non-offending parent's protective actions in the context of that pattern? Does it hold the perpetrator accountable rather than treating the non-offending parent as the problem to be fixed? Applied to this Bill, the answers are consistently: no.

Family responsibility agreements and the misidentification problem (ss.65D, 65F)

Section 65D(6) defines 'event of concern' as the trigger for CEO involvement in family responsibility agreements. These triggers include: a child exhibiting criminal or anti-social behaviour, a school-age child not attending school, or any event that adversely affects a child's wellbeing.

These are among the most common presentations for children living with domestic and family violence. School non-attendance, anti-social behaviour, and general wellbeing deterioration are well-documented effects on children of exposure to perpetrator behaviour.

When these triggers are met, the CEO must invite a parent to enter into a family responsibility agreement. But the Bill contains no requirement to:

- Identify which parent is using violence before inviting a parent to enter an FRA
- Document perpetrator behaviour patterns and their specific impact on the child and non-offending parent
- Assess the non-offending parent's protective capacity in the context of coercive control
- Distinguish between a parent who is causing harm and a parent who is responding to harm

Section 65B requires that DFV risks be managed 'in a way consistent with the family violence framework' (the NT's RAMF). This is insufficient. The RAMF is a risk assessment tool, not a practice framework for child protection intervention. Meeting the RAMF threshold does not ensure perpetrator-pattern documentation, does not prevent misidentification, and does not guarantee that an FRA is offered to the right person.

> The Bill creates a mechanism to make non-offending parents accountable for the effects of perpetrators' behaviour on children. This is the central misidentification error the Safe & Together model exists to prevent.

Coercive control: a critical gap (ss.65D, 65F, 102E)

The Bill contains no recognition of coercive control as a distinct form of family violence. This is particularly significant because:

- Coercive control is characteristically invisible in incident-based risk assessment frameworks
- FRAs require the non-offending parent to 'comply' — a requirement that is itself coercive when the perpetrator controls her access to children, finances, housing or transport
- Section 65D(5)(c)(iii) requires the CEO to check for existing agreements or orders before entering an FRA, but does not require identification of coercive control patterns
- A victim-survivor's apparent failure to comply with an FRA — caused by perpetrator interference — becomes the basis for escalation to a court-ordered FRO

NT legal services — including TEWLS, KWILS and CAWLS — have raised concerns that the Bill may increase risk for women attempting to leave violence and may punish victim-survivors for the actions of perpetrators. This submission endorses those concerns.

Family responsibility orders and coercive mechanisms against families (s.102E(1)(c))

Section 102E(1)(c) is the most operationally significant gap in the Bill's DFV provisions. A family responsibility order can direct the CEO to:

- Apply for income management (enhanced regime) for a parent — s.102E(1)(c)(i)
- Apply for a banned drinker order for a parent — s.102E(1)(c)(ii)
- Provide information about anti-social behaviour to the Housing CEO for the purpose of an acceptable behaviour agreement — s.102E(1)(c)(iii)
- Apply for the family's home to be declared restricted premises under the Liquor Act 2019 — s.102E(1)(c)(v)

These are significant coercive interventions. They can be applied to any parent who is a party to FRO proceedings. In a DFV context, this means they can be directed against a victim-survivor who has been unable to comply with an FRA because of perpetrator behaviour — and who then faces income management, housing compliance action, and restricted premises declaration as a consequence.

> The Explanatory Statement describes these directions as 'intended to support the wellbeing of children and their families and to build parental capacity and capability to care for their child'. In a DFV context, without Safe & Together perpetrator-pattern documentation as a prerequisite, they will do the opposite: they will punish victim-survivors and strengthen perpetrators' control.

The permanency provisions and DFV timelines (s.128(1B))

Section 128(1B) introduces a hard cap of two short-term parental responsibility directions for any child. Combined with the one-year maximum on each direction (s.123, amended), this creates a two-year outer limit on short-term arrangements before long-term orders must be pursued.

The Explanatory Statement acknowledges this is modelled on an 'active efforts' approach and is intended to promote permanency and stability. The NT risks repeating the errors of the Victorian model, which Victoria has since revised in response to evidence that it:

- Reduced reunification opportunities for families with genuine capacity to be safe
- Disproportionately harmed Aboriginal families, where cultural, housing, and systemic barriers extended timelines beyond what any legislative cap could accommodate
- Prioritised administrative timelines over children's actual safety circumstances

In DFV cases specifically, two years is frequently insufficient. Safety fluctuates. A woman may be in the process of leaving, subject to ongoing coercion, separated and then returned, before reaching the point at which reunification is genuinely safe. A hard legislative cap that treats all child protection timelines as equivalent does not reflect the reality of DFV-affected families.

4. Carer Standing Provisions and the ATSICPP

Sections 94, 125 and 137D **(amended)** each give carers who have had a child placed with them for more than eight months standing as a party to child protection proceedings.

This is presented in the Explanatory Statement as recognition that carers 'can inform the court on matters relevant to the proceedings, particularly where they have formed a trusting and nurturing relationship with the child'. This may be appropriate in some circumstances.

However, read alongside the Bill's subordination of the ATSICPP to permanency (s.12C(4)) and the demotion of cultural connection in the best interests hierarchy (s.8(3)), these provisions create a systemic risk:

- A child placed with a non-kin, non-community carer — particularly where placement decisions have been made under a framework that already undervalues cultural connection — will generate an eight-month relationship with that carer
- That carer then gains standing as a party to proceedings, including applications for long-term and permanent orders
- The carer's evidence about the child's attachment and stability will, in practice, carry significant weight against family members seeking reunification
- This procedural advantage compounds decisions made under a principle framework the Bill has already tilted away from the ATSICPP

We do not oppose carers having a voice in proceedings in all circumstances. We do submit that these provisions, in combination with the broader structural changes, systematically advantage non-kin placement and should be reviewed as part of any revision.

5. Provisions the Submission Acknowledges as Positive

Grace & Grit is committed to evidence-based engagement with the actual text of the Bill. Two provisions represent genuine improvements that should be retained and, where possible, strengthened.

Section 143A: Child legal representation

The replacement of section 143A to require legal representation for children in applications for permanent care orders and long-term parental responsibility directions is a meaningful reform. It is consistent with the NT Royal Commission's recommendations and with the ATSICPP's intent to ensure Aboriginal children have genuine voice in decisions that shape their lives.

We support this provision and recommend it be retained in any revised Bill.

Section 122: Proactive efforts documentation

The requirement that the CEO specify and provide evidence of proactive efforts before applying for a protection order — including why efforts were unsuccessful, alternatives considered, and whether parents engaged with family support services — is potentially a meaningful accountability mechanism.

However, this provision is undermined by the DFV gaps identified in Section 3. Where a non-offending parent has been unable to engage with family support services because of perpetrator interference or coercive control, s.122 may appear as a record of 'non-engagement' without the context that explains it. The requirement at s.122 should be strengthened to require documentation of perpetrator behaviour as a prerequisite to assessing parental engagement.

6. Summary of Recommendations

Grace & Grit respectfully makes the following recommendations. Each recommendation is cross-referenced to the specific Bill clauses it addresses.

#	Recommendation	Bill Clause(s)
1	Reject the Bill in its current form; require genuine co-design with ACCOs, legal services and DFV specialists	s.8, s.12C, s.65D
2	Amend s.8(2)/(3) to restore cultural connection and ATSICPP compliance as mandatory best interests considerations, not secondary factors	s.8(2), s.8(3)
3	Remove s.12C(4) or amend to ensure Aboriginal children principles are not subordinate to placement/permanency principle	s.12C(4), s.12B
4	Require perpetrator-pattern documentation (Safe & Together) before any FRA is offered or escalated; amend s.65B to mandate this	s.65B, s.65D
5	Amend s.65D to require coercive control identification before FRA is offered or escalated to FRO	s.65D, s.65F
6	Remove or restrict s.102E(1)(c) directions (income management, drinker orders, housing compliance) from use against non-offending parents	s.102E(1)(c)
7	Remove the two-order cap in s.128(1B) or provide explicit DFV exception; reunification timelines must be individually assessed	s.128(1B)
8	Review carer-standing provisions (s.94, s.125, s.137D) to ensure they do not systematically advantage non-kin over family	s.94, s.125, s.137D
9	Anchor the Bill explicitly to UNDRIP Articles 7, 8 and 9 and ensure compliance review before passage	All

10	Mandate a minimum six-week consultation period for any revised Bill, with First Nations language materials and ACCO co-design	All
11	Invest in upstream supports — housing, therapeutic services, perpetrator accountability programs, and ACCO capacity	Policy
12	Retain and strengthen s.143A (child legal representation) and s.122 (proactive efforts documentation)	s.143A, s.122

7. A Path Forward: What Evidence-Based Reform Looks Like

This submission critiques the Bill because the stakes are too high for anything less than honesty. But critique alone is insufficient. Below are seven achievable, evidence-grounded pathways the NT Government could pursue — each of which would deliver more for children than the reforms currently proposed.

Option 1: Invest Before You Intervene

Early intervention is the most effective child protection strategy — and the most cost-effective. Family support hubs embedded in communities, wrap-around case coordination, and flexible funding that stays alongside families before crisis hits produce better outcomes for children at lower cost and with less harm than late-stage statutory intervention. Family responsibility agreements can play a role here — but only if they are designed with Safe & Together principles embedded from the outset.

Option 2: Resource and Trust ACCOs

ACCOs are not gap-fillers. They are the primary vehicle for culturally safe, community-led child and family support. Long-term funding, ACCOs as first point of contact, and genuine recognition of cultural authority would transform outcomes for Aboriginal children across the Territory. This requires the Government to invest in ACCO capacity — not to expand statutory intervention as a substitute for it.

Option 3: Adopt Safe & Together Across the System

A system-wide shift to perpetrator-pattern based practice — across the Department of Children and Families, police, housing, health and community services — would be one of the most significant improvements to child safety outcomes in the NT. It holds the right person accountable, builds on the protective capacity already present in families, and prevents the misidentification errors this Bill currently enables.

Option 4: Embed Family-Led Decision Making

The NT Royal Commission recommended family group conferencing and Aboriginal-led decision making processes. It remains unimplemented. This Bill does not address it. Legislating these processes would produce more durable, more trusted, and more culturally grounded outcomes than plans developed without families.

Option 5: Fix the Housing Crisis as a Child Safety Priority

Housing is not adjacent to child safety. It is child safety. Families cannot reunify without a home to return to. Children cannot be protected in conditions of overcrowding, instability or homelessness. Any genuine commitment to child safety must address the housing crisis directly — not use housing compliance under s.102E(1)(c) as a lever of family surveillance.

Option 6: Invest in the DFV System — Don’t Cut It

You cannot expand statutory child protection intervention while defunding the services that keep families safe. The recent NT Budget reduced DFV system capacity at precisely the moment this

Bill seeks to expand intervention. Specialist DFV services in regional, remote and island communities, perpetrator accountability programs (including Men's Behaviour Change programs), and therapeutic support for children are the infrastructure child safety depends on.

Option 7: A Genuine Co-Design Process

Reform that is not built with communities will not work for communities. A co-design table with majority Aboriginal membership, independent facilitation, a minimum six-month process, and a non-negotiable floor protecting the ATSICPP would produce legislation that communities trust, practitioners can implement, and children benefit from.

Closing Statement

> Every child deserves to be safe. Every child also deserves to know who they are, where they come from, and that their family and community fought for them. These are not competing values. They are the same value.

Thirty-four years of practice across child protection, family violence and community development has taught me this: systems that separate children from culture in the name of safety too often create a different category of suffering — slower, quieter, but just as real.

The question before the Committee is not whether to protect children — everyone agrees on that. The question is whether the NT Government is willing to invest in the conditions that make protection possible: safety, culture, housing, healing, and genuine partnership.

I urge the Committee to resist urgency and political momentum, and to insist that any changes to the Act are grounded in evidence, developed in genuine partnership with communities, compliant with Australia's international obligations, and worthy of the trust placed in government by the Territory's most vulnerable children and families.

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