

22 May 2025

Secretary, Legislative Scrutiny Committee
GPO Box 3721
Darwin NT 0801

By email to LSC@nt.gov.au

Dear Committee,

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

The Top End Women's Legal Service ('TEWLS') is a specialist Women's Legal Service providing legal and client support services across the Top End Region of the Northern Territory. TEWLS' legal practice includes practice in matters under the Care and Protection of Children Act 2007 (NT) ('CaPoCA') where same overwhelmingly intersect issues of domestic, family and sexual violence ('DFSV').

TEWLS welcomes the opportunity to make submission to the Legislative Scrutiny Committee's inquiry into the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 ('the Bill').

Of note, TEWLS is a member of the Northern Territory Legal Assistance Forum ('NTLAF') and has made substantive and technical submission to the Bill as a member of same. This submission is complementary to the NTLAF submission and is focussed on TEWLS' expertise as a gender and DFSV specialist legal service.

Noting the Committee's Terms of Reference, TEWLS submits –

1. The Committee should recommend that the Legislative Assembly not pass the Bill; and
2. In reaching this recommendation, the Committee should convene a public hearing to hear from expert organisations, including legal and Aboriginal Community Controlled organisations, regarding the anticipated impact of the Bill.

About TEWLS

TEWLS is a not-for-profit, specialist Women's Legal Service focussed on advancing the rights of women and non-binary persons. Located on Larrakia Land in Darwin, we support women across the Top End Region to access integrated, trauma-informed, and culturally safe free legal and client support services.

TEWLS' client-centred service model has impact that our clients can access legal assistance from one legal practitioner in multiple areas of law, with the average legal issues per advice appointment being 4.5.¹ A specialist DFSV service, TEWLS maintains a significant DFSV

¹ TEWLS Summary Annual Report FY24-25.

and Family Law legal practice, as well as an extensive civil law practice, and provides in-house and outreach services for women incarcerated in the Darwin Correctional Centre, women seeking shelter at any of the five (5) women's shelters in the Greater Darwin Region, women and non-binary persons presenting to the Royal Darwin Hospital, and Aboriginal and Torres Strait Islander women and non-binary persons in six (6) town communities in the Top End Region.

Our Response to the Bill

Support for other views put forward to the Committee

We reiterate our support of the NTLAF submission, which responds to the technical detail of the Bill including the removal of the Aboriginal and Torres Strait Islander Child Placement Principle.

We further and expressly note our agreement with the views put forward by the following organisations:

- The Northern Territory Council of Social Service ('NTCOSS'), who highlight the basic needs of family and the Government's prioritisation of support pathways outside of a legislative response;
- The Katherine Women's Information and Legal Service ('KWILS'), who refer to the practical realities of the Bill, including trajectories of recovery and healing, and the impacts of geography and severe weather systems, as well as turnover and availability of Departmental case workers;
- The Aboriginal Medical Services Alliance Northern Territory ('AMSANT'), who highlight that the proposed amendments are inconsistent with the NT Government's commitments under the *National Agreement on Closing the Gap*, and that critical role that all aspects of the Aboriginal Child Placement Principle play in creating safety for Aboriginal children; and
- We also support the evidence-based comments made by our colleagues from Our Watch (established under the *National Plan to Reduce Violence Against Women and their Children* as the National evidence-based body for primary prevention of violence against women) and Australia's National Research Organisation for Women's Safety ('ANROWS'), who have an expert understanding of the connections between gender-based violence and the care and protection system.

An illusion of "safety"

While TEWLS considers that strong legislative mechanisms prioritising the safety of children are a cornerstone of a well-functioning legal system, we express deep concern that in this Bill, the concept of "safety" has been used to frame reform that will strengthen a punitive and surveillance-based model of family regulation rather than addressing the material and structural conditions that place women and children at risk.

From our work with women and their children, including Aboriginal communities, culturally and linguistically diverse communities, and women with intersecting vulnerabilities including experiences of DFSV, disability, and financial disadvantage, we know that many of the issues driving child protection involvement are closely connected to poverty, housing stress, service shortages, men's violence against women, and intergenerational disadvantage rather than a lack of care or love for children. In proposing this Bill without accompanying resourcing to the service system, TEWLS is concerned that the very families who are intended to be supported will instead be penalised for their experiences of disadvantage, with the Bill increasing surveillance and coercive intervention into the lives of families already struggling under significant social and economic pressure.

Perpetuating gender-based inequity – the experience of women in the NT child protection system

It is critical to ground the Bill in the reality of the families currently captured under the CaPoCA. In current practice, the NT child protection system is rarely gender-neutral; while the CaPoCA, like the Family Law system, refers to “parents”, it is mothers and female kin who are most often scrutinised, blamed and expected to compensate for poverty, violence, housing insecurity, service failure and men's use of violence.

While assisting women across the operation of the CaPoCA, including preventative and reunification actions, our team witness the impact of gender in respect of expectations by Department staff, particularly in the context of ongoing misunderstanding of DFSV. In TEWLS' experience, questions of, “why don't you leave”, continue to be asked of mothers in family units impacted by DFSV, and it is not uncommon for safety planning to focus on the responsibilities and requisite actions of the mother only as opposed to bringing focus to the DFSV perpetration of the father. This reality is particularly concerning in the context of legal assistance services' turn away numbers – in the past two months, TEWLS has turned away one in three women from receiving critical legal advice.² In our submission, and in the above content, the Bill risks converting women's unmet needs into legal evidence of parental failure, which will serve to perpetrate further gender-based inequity against women in our community.

Unanticipated cross-over and duplication with the Family Law system

We express concern that the Bill will result in unanticipated cross-over and duplication with the Family Law system because of the draft lower threshold for intervention.

One of the most significant changes is the lowering of the practical threshold for Territory intervention into family life. Currently, child protection systems are generally understood as responding to abuse, neglect or serious safety concerns. Under the proposed Bill, intervention may occur much earlier and in response to broader “wellbeing” concerns, including instances of anti-social behaviour, “events of concern”, and family circumstances contributing to poor outcomes. In TEWLS' experience, these concerns are likely to occur in the context of separation, where parents currently pursue remedies through the Family Law

² Between 1 March 2026 – 30 April 2026, TEWLS provided legal advice to 184 women, and turned away a further 92 women.

system under the *Family Law Act 1975* (Cth). Pursuing remedies under the Family Law system can be time-consuming and emotionally burdensome for all parties involved, including children. In our submission, there is real risk that the lower threshold for intervention will result in a duplication of systems over the top of current Family Law systems, with impact that trauma for children and their families will be duplicated, and in addition, that confusion will result with impact that those impacted are in fact less safe.

Legal system capability in the Top End Region

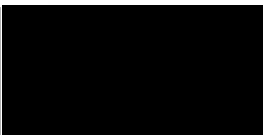
For the Committee's awareness, we highlight that the capacity and capability of the legal system in the Top End Region, and indeed, across the entirety of the Northern Territory, is already over-stretched, with parties already appearing unrepresented in CaPoCA proceedings because of there being no service available to assist. With the Bill's proposal for two additional parties to be represented in proceedings, the current situation will be exacerbated, with impact that natural justice will be unable to be afforded to parties who have not had the benefit of legal advice and representation.

Further comment

Should the Committee benefit from any further information from TEWLS or would like to arrange for a member of our service to appear at a Committee hearing, please contact myself by email to admin@tewls.org.au or phone on (08) 8982 3000.

Yours sincerely,

TOP END WOMEN'S LEGAL SERVICE INC.



Caitlin Weatherby-Fell
Chief Executive Officer and Principal Lawyer