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**Date:** May 2026

## **Submission to the Legislative Scrutiny Committee**

**To the Legislative Scrutiny Committee of the Northern Territory Parliament,**

**Re: Care and Protection of Children Legislation Amendment (Every Child Matters)**

**Bill 2026**

### **Submitted by:**

#### **Tangentyere Family Violence Prevention Division (TFVPD)**

Tangentyere Council Aboriginal Corporation  
Alice Springs (Mparntwe), Northern Territory

### **Introduction**

Tangentyere Family Violence Prevention Division (TFVPD) strongly opposes the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026. We are deeply concerned that the proposed amendments will increase child removals, undermine the safety and wellbeing of children, and disproportionately harm Aboriginal and Torres Strait Islander children and families.

The Bill is framed as a reform to improve child safety. However, in practice, it risks repeating punitive and ineffective policy approaches that respond to family distress by expanding state intervention rather than addressing underlying causes of harm.

This submission argues that the Bill:

- is not grounded in evidence or lived experience;
- risks increasing removals of Aboriginal children from family, community and culture;
- further punishes victim-survivor mothers experiencing domestic and family violence;
- confuses poverty, housing insecurity, and family distress with parental neglect;

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- weakens the practical application of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP); and
- fails to invest in the culturally safe, Aboriginal-led supports that are evidenced to improve child and family safety.



## About Tangentyere Family Violence Prevention Division

Tangentyere Council Aboriginal Corporation is the peak organisation representing the 16 Alice Springs Town Camps and has worked alongside Aboriginal families in Central Australia for over four decades. TFVPD provides specialist Aboriginal-led responses to domestic, family and sexual violence (DFSV), including prevention, early intervention, men's behaviour change, healing, advocacy, and support services for women, children and families.

Tangentyere also operates Tangentyere Safe House, an Aboriginal Community-Controlled out-of-home care service that has provided care for Aboriginal children since 2002. Our recent peer-reviewed research demonstrates the importance of culturally grounded, relational, community-led care models that maintain children's connection to family, kin, community, language and Country.<sup>1</sup>

Our expertise spans:

- supporting children and families affected by DFSV;
- culturally safe out-of-home care;
- reunification and family strengthening;
- trauma-informed and healing-centred practice;
- working directly with Aboriginal communities impacted by child protection intervention.

This submission reflects both our frontline experience and evidence from research and practice.

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<sup>1</sup> Chay Brown et al., "Sharing the Care: One Aboriginal Community-Controlled Organisation's Approach to Out-of-Home Care of Aboriginal and Torres Strait Islander Children," *Australian Social Work* (2024).



## 1. The Bill risks increasing unnecessary child removals

The Bill presents child removal as a necessary pathway to child safety, despite existing legislation already clearly stating that:

“When a decision involving a child is made, the best interests of the child are the paramount concern.”<sup>2</sup>

This has been Northern Territory law since 2007. The problem is not the absence of legal powers - it is the failure to adequately resource early intervention and family support.

The proposed amendments elevate “safety,” “long-term stability,” and “permanency” in ways likely to favour removal over support.<sup>3</sup> While physical safety is essential, child wellbeing cannot be reduced to physical protection alone.

Research by Krakouer, Wise, and Connolly (2018) found that cultural connection is foundational to Indigenous identity and wellbeing, and that for Aboriginal children specifically, family connection is a critical component of cultural connection - not separable from it.<sup>4</sup> A study by McDowall (2016) surveyed 296 Indigenous children in OOHHC aged 10-18 across all states and territories and found that 31% did not feel connected to culture, and only 14% were aware of a personal cultural support plan despite plans being a national standard requirement since 2011.<sup>5</sup> Knowledge of family story was the strongest predictor of cultural connection.<sup>6</sup>

Krakouer's 2023 Aboriginal-led qualitative study of 10 care-experienced Aboriginal young people found that cultural connection is not a static state but a heterogeneous journey shaped by identity formation, intergenerational removal, and dominant narratives about what constitutes Aboriginal culture.<sup>7</sup> Cripps and Laurens (2016) and others specifically highlight the

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<sup>2</sup> *Care and Protection of Children Act 2007* (NT), s 10(1); retained in proposed Bill.

<sup>3</sup> *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*, amendments to objects and principles.

<sup>4</sup> Krakouer, J., Wise, S., & Connolly, M. (2018). “We Live and Breathe Through Culture”: Conceptualising Cultural Connection for Indigenous Australian Children in Out-of-home Care. *Australian Social Work*, 71(3), 265–276. <https://doi.org/10.1080/0312407X.2018.1454485>

<sup>5</sup> McDowall, J.J. (2016). Connection to culture by indigenous children and young people in out-of-home care in Australia.

<sup>6</sup> McDowall, J.J. (2016). Connection to culture by indigenous children and young people in out-of-home care in Australia.

<sup>7</sup> Krakouer, J., Wise, S., & Connolly, M. (2018). “We Live and Breathe Through Culture”: Conceptualising Cultural Connection for Indigenous Australian Children in Out-of-home Care. *Australian Social Work*, 71(3), 265–276. <https://doi.org/10.1080/0312407X.2018.1454485>



risk of cultural disconnection for children exiting care via permanent care orders, where ongoing contact with family is often severed.<sup>8</sup>

The consistent message across the evidence is that even current policy and practice systematically underdelivers on cultural connection – this amendment would worsen it.

For Aboriginal children, safety includes:

- cultural identity;
- connection to family and kin;
- connection to Country;
- language and belonging;
- relational and emotional security.

Evidence shows that removal itself can create lifelong harm. Children placed in out-of-home care often experience “limited improvement and, in some cases, worse developmental and wellbeing outcomes than children supported to remain safely at home.”<sup>9</sup>

A 2021 *JAMA Pediatrics* cohort study of all children born in Finland between 1986 and 2000 (roughly 855,000 people) compared people placed in care against their own siblings who were not, they control for shared family and genetic factors. Even after these adjustments, individuals placed in OOHC were 1.4 to nearly 5 times more likely to experience a wide range of adverse adult outcomes: substance misuse (23% vs 5% cumulative incidence), violent crime arrests (25% vs 5%), and substantially elevated rates of psychiatric disorder.<sup>10</sup>

A 2025 *Review of Economic Studies* paper by Helénsdotter, using Swedish court data and variation across judges' individual tendencies to order removal as a natural experiment, found that court-ordered removal itself causes large increases in mortality among the marginal child - primarily driven by suicides occurring while children are still in care - as well as increases in hospitalisation for mental illness and non-drug related

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<sup>8</sup> Cripps, K., & Laurens, J. (2016). The protection of cultural identity in aboriginal and Torres Strait islander children exiting from statutory out of home care via permanent care orders: Further observations on the risk of cultural disconnection to inform a policy and legislative reform framework. *Australian indigenous law review*, 19, 70.

<sup>9</sup> Brown et al. (2024), citing Maclean et al. (2016).

<sup>10</sup> Sariaslan A, Kääriälä A, Pitkänen J, et al. Long-term Health and Social Outcomes in Children and Adolescents Placed in Out-of-Home Care. *JAMA Pediatr.* 2022;176(1):e214324. doi:10.1001/jamapediatrics.2021.4324



crime.<sup>11</sup> For children on the margin of removal (where the decision could have gone either way), removal appears to worsen outcomes.<sup>12</sup>

#### *Adult outcomes: the care-leaver evidence*

A 2021 meta-analysis of 19 longitudinal studies (604,000 participants total) in *European Child and Adolescent Psychiatry* found that 30% of adults with a child welfare care history had any mental disorder - roughly 1.3 to 2.8 times the population rate - and this persisted into adulthood across multiple disorder categories.<sup>13</sup>

Australian data is consistent with this. A retrospective cohort study using Western Australian linked administrative data found that care leavers had nearly twice the hospital admission rate of children who never had child protection contact, were almost three times more likely to have a mental health contact, were less likely to finish high school or attend university, and were more likely to have adult detention records.<sup>14</sup> Aboriginal care leavers had a particularly elevated risk of poor outcomes within the care-leaver group itself. Victorian linked data found that 60% of young people transitioning from care experienced homelessness within the follow-up period, with mental health and substance use disorders strongly predicting the most severe homelessness trajectories.<sup>15</sup>

#### *The specific harm of parent-child separation*

Separate from the OOH outcomes literature, the developmental science on parent-child separation is clear that early and prolonged separation disrupts attachment, and that these disruptions carry forward. A prospective cohort from China (n=3,829, 8-year follow-up) found that parent-child separation lasting 3+ months was associated with moderate-to-severe depression and impaired peer and parent relationships in adolescence and early adulthood, with a dose-response relationship - longer separation,

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<sup>11</sup> Ronja Helénsdotter, Surviving Childhood: Effects of Removing a Child From Home, *The Review of Economic Studies*, Volume 93, Issue 2, March 2026, Pages 1001–1037, <https://doi.org/10.1093/restud/rdaf044>

<sup>12</sup> Ronja Helénsdotter, Surviving Childhood: Effects of Removing a Child From Home, *The Review of Economic Studies*, Volume 93, Issue 2, March 2026, Pages 1001–1037, <https://doi.org/10.1093/restud/rdaf044>

<sup>13</sup> Seker, S., Boonmann, C., Gerger, H. *et al.* Mental disorders among adults formerly in out-of-home care: a systematic review and meta-analysis of longitudinal studies. *Eur Child Adolesc Psychiatry* **31**, 1963–1982 (2022). <https://doi.org/10.1007/s00787-021-01828-0>

<sup>14</sup> Lima, F. (2018). "Exploring outcomes for children who have experienced out-of-home care in Western Australia." *International Journal of Population Data Science*, 3(4). DOI: 10.23889/IJPDS.V3I4.728.

<sup>15</sup> Chikwava, F., O'Donnell, M., Ferrante, A., Pakpahan, E., & Cordier, R. (2022). "Patterns of homelessness and housing instability and the relationship with mental health disorders among young people transitioning from out-of-home care: Retrospective cohort study using linked administrative data." *PLOS ONE*. DOI: 10.1371/journal.pone.0274196.



worse outcomes.<sup>16</sup> A review in *Annual Review of Developmental Psychology* covering institutionalisation, forced displacement, and other separation contexts concludes that effects are consistently negative on social-emotional development and mental health, more severe when prolonged or accompanied by other deprivation, and that early stable placement mitigates (but does not eliminate) these harms.<sup>17</sup>

*For Aboriginal and Torres Strait Islander children: an additional layer*

For this population, removal does not only mean separation from family - it also typically means separation from culture, country, language, and community, which are integral to identity and wellbeing in ways that don't apply to non-Indigenous children in the same way. Silburn and colleagues (2006) produced some of the first empirical data documenting that children and grandchildren of people who were forcibly removed have measurably worse social and emotional wellbeing than those whose families were not removed - a multigenerational signal.<sup>18</sup> Menzies (2019) argues, drawing on this and related literature, that the trauma of forced separation constitutes a form of collective and intergenerational trauma still active in communities today.<sup>19</sup>

A 2026 study of American Indian and First Nations youth (longitudinal, n=708) found that Indigenous young people with any child welfare placement had significantly lower family satisfaction, lower family cohesion, and lower rates of flourishing in early adulthood compared to those never placed.<sup>20</sup> This is not Australian data, but the structural parallels are strong.

For all children, removal into care is associated with substantially elevated rates of adverse adult outcomes, and the best causal evidence suggests these are at least partly attributable to removal itself (not only pre-existing disadvantage). For Aboriginal and Torres Strait Islander children, the harm is compounded by cultural disconnection, which carries its own

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<sup>16</sup> Li, H., Liu, K., Fei, J., Yuan, T., & Mei, S. (2024). "Association of early parent-child separation with depression, social and academic performance in adolescence and early adulthood: a prospective cohort study." *Child and Adolescent Psychiatry and Mental Health*. DOI: 10.1186/s13034-024-00769-1

<sup>17</sup> Waddoups, A. B., Yoshikawa, H., & Strouf, K. (2019). "Developmental Effects of Parent-Child Separation." *Annual Review of Developmental Psychology*, 1, 387-410. DOI: 10.1146/annurev-devpsych-121318-085142

<sup>18</sup> Silburn and colleagues (2006) produced some of the first empirical data documenting that children and grandchildren of people who were forcibly removed have measurably worse social and emotional wellbeing than those whose families were not removed - a multigenerational signal.

<sup>19</sup> Menzies (2019) argues, drawing on this and related literature, that the trauma of forced separation constitutes a form of collective and intergenerational trauma still active in communities today

<sup>20</sup> Gillson, S., Hautala, D., Steinberg, R., & Walls, M. L. (2026). "The ongoing legacy of Indigenous family separation: Long-term outcomes of child welfare involvement among American Indian and First Nations youth." *International Journal of Child Abuse & Neglect*. DOI: 10.1016/j.chiabu.2026.107884.

independently documented developmental consequences and operates across generations

Young people leaving care face significantly higher risks of:

- homelessness;
- mental health distress;
- contact with the criminal legal system;
- social disconnection.<sup>21</sup>

Removing more children without addressing systemic causes of harm will worsen - not improve - outcomes.

## **2. Women and children experiencing family violence cannot be blamed for unsafe housing or systemic failure**

Domestic, family and sexual violence is a major driver of child protection involvement in the Northern Territory.

A 2010 Board of Inquiry specifically examined the child protection system and documented that family violence was a central driver of child protection involvement in the NT.<sup>22</sup> A 2024 retrospective observational cohort study using linked child protection and police records for all NT children aged 0–17 in 2018. It found that 13.3% of NT children overall had a recorded exposure to DFV, with Aboriginal children experiencing rates around six times higher than non-Aboriginal children (24.4% vs 4.2%). Aboriginal children aged 0–4 had the highest prevalence at 31.4%. The study also shows substantial overlap between DFV exposure and child protection notifications - DFV-related substantiated notifications accounted for a large share of child protection contact.<sup>23</sup>

Children are therefore often reported to child protection not because mothers have harmed them, but because they are living in environments shaped by violence perpetrated against them.



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<sup>21</sup> Brown et al. (2024), citing Mendes (2022).

<sup>22</sup> Bamblett, M., Bath, H., & Roseby, R. (2010). *Growing Them Strong, Together: Promoting the Safety and Wellbeing of the Northern Territory's Children: Report of the Board of Inquiry into the Child Protection System in the Northern Territory*. NT Government.

<sup>23</sup> Phan, H.T., He, V., Clifford, S., Jackson, W., & Guthridge, S. (2024). "Prevalence of exposure to domestic and family violence among Aboriginal and non-Aboriginal children in the Northern Territory of Australia." *Children and Youth Services Review*. DOI: 10.1016/j.chilyouth.2024.107828.

Current child protection responses too often place responsibility on non-offending mothers to “protect” children from violence they themselves are experiencing.

This Bill risks deepening that injustice.

Victim-survivor mothers cannot be held responsible for:

- inadequate housing;
- overcrowding;
- poverty;
- lack of refuge beds;
- chronic underfunding of specialist DFSV services;
- failures of policing and justice systems to stop perpetrators.

Removing children does not solve these conditions. It simply removes the children



#### Case Study:

Within one TFDV program, practitioners worked alongside a young mother whose baby had been removed from her care. Mum had been misidentified by police and child protection as the primary perpetrator of violence in a relationship characterised by prolonged coercive control and physical violence.

Following two months of legal separation that significantly impacted the relationship and attachment between mother and baby, court proceedings were initiated in which Police sought a five-year full-exclusion domestic violence order to prevent further contact between them. Fortunately, through extensive collaboration between multiple services that consistently reinforced the mother’s position as a DFSV victim-survivor, the application was denied and mother and baby were permanently reunited.

Despite their reunification, the separation of mother and child caused harm to both. Some of the known harms include the psychological and emotional impact on mum which significantly declined after her baby was removed, the attachment and developmental harm to baby and disruption of early bonding during a critical developmental period, potentially affecting baby’s emotional regulation, and long-term wellbeing.

Additionally, the mother’s trust and confidence in the systems intended to protect her and her baby including Police and Child Protection services were further undermined, impacting her willingness to engage with these services in the future.

Scenarios like this are not uncommon within the DFSV sector and demonstrate how violence is commonly used to weaponise mothers who are victim-survivors of DFSV with the threat of child removal.

In Alice Springs, Women's Safety Services of Central Australia (WoSSCA) - the region's only domestic violence crisis shelter - reports that they are often at full capacity and often under-resourced.<sup>24</sup>

There are often no viable alternatives for women fleeing violence.

Punitive child protection responses can:

- deter women from reporting violence;
- discourage engagement with services;
- increase fear and mistrust of government systems;
- strengthen perpetrator control and coercion.

Coroner Armitage's 2024 inquest into the deaths of four Aboriginal women in the Northern Territory expressly endorsed keeping victim-survivors and their children together rather than defaulting to removal, finding that evidence supported a shift in child protection practice toward supporting mothers experiencing violence rather than separating them from their children. The Safe and Together Model, embedded within the NT Department of Children and Families (DCF) as a core child protection framework, provides an evidence-based approach for doing exactly this, keeping children safely with non-offending parents by mapping perpetrator patterns and holding perpetrators accountable rather than penalising the parent who has been harmed. During the inquest, DCF recommitted to rolling out the Safe and Together model to all their staff. However, this Bill's proposed amendments risk undermining that approach in practice, moving child protection responses in the opposite direction to what both the evidence and the Coroner have recommended.

Child safety requires investment in:

- safe housing;
- crisis accommodation;
- Aboriginal-led DFSV case management;
- healing programs;
- family support and reunification services.



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<sup>24</sup> *Inquests into the deaths of Miss Yunupingu, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjayi Haywood* [2024] NTLC 14.



### 3. Poverty and housing insecurity are being mistaken for neglect

Research consistently shows that poverty and socioeconomic disadvantage significantly increase the likelihood of child protection involvement and child removal.<sup>25</sup>

Skinner, Hodges, and Kennedy (2025) conducted a systematic review on economic inequalities and child abuse and neglect, concluding that children in the most deprived areas are consistently more likely to be involved in child protection services or placed in OOHC across multiple countries.<sup>26</sup>

Kim, Chung, and Ahn (2023) published a systematic review of 27 studies on poverty and child maltreatment in the US, finding that across nearly all studies, families in poverty had higher risk of maltreatment and child welfare contact.<sup>27</sup>

Poverty and socioeconomic disadvantage includes:

- overcrowded or unsafe housing;
- unemployment;
- food insecurity;
- social isolation;
- limited access to services.

These are structural failures - not evidence of parental unfitness.

Aboriginal families in Central Australia experience these inequities as direct legacies of colonisation and ongoing systemic neglect.

Families should not be punished because governments have failed to provide:

- safe and affordable housing;
- accessible health care;
- culturally safe family supports.

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<sup>25</sup> Brown et al. (2024).

<sup>26</sup> Skinner, G. C. M., Hodges, N., & Kennedy, E. (2025). A Systematic Review of the Relationship between Economic Inequalities, the Social Gradient and Child Abuse and Neglect. *Child & Youth Services*, 46(4), 811–869.  
<https://doi.org/10.1080/0145935X.2025.2456625>

<sup>27</sup> Kim, J., Chung, Y., & Ahn, H. (2024). Poverty and child maltreatment: a systematic review. *Journal of Public Child Welfare*, 18(4), 882–914.  
<https://doi.org/10.1080/15548732.2023.2264819>



The Bill risks further criminalising poverty through family responsibility agreements and orders, which may compel parents into compliance-based requirements under threat of further intervention.<sup>28</sup>

These measures risk becoming tools of surveillance and punishment rather than support.

#### **4. Notifications do not equal harm**

The Northern Territory continues to record child protection notification rates substantially above the national average. In 2023–24, the national rate was 53 children per 1,000 who were the subject of notifications, while Northern Territory reporting remains approximately three times higher, reflecting the ongoing intensity of child protection system involvement in the Territory, yet notifications do not necessarily mean substantiated abuse or neglect.<sup>29</sup>

Mandatory reporting systems can generate high volumes of referrals that overwhelm an already overstretched child protection workforce.

This can lead to:

- unnecessary investigations;
- poor-quality assessments;
- rushed decision-making;
- increased removals without adequate evidence.

The Bill expands powers for investigations and intervention based on broad “wellbeing” concerns.<sup>30</sup> This risks widening the net of child protection involvement even further.

#### **5. The Aboriginal and Torres Strait Islander Child Placement Principle must be fully upheld**

We are particularly concerned that the Bill appears to prioritise physical safety while insufficiently recognising broader cultural safety and wellbeing.

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<sup>28</sup> Family responsibility agreements/orders provisions.

<sup>29</sup> Australian Institute of Health and Welfare. (2025). *Child protection Australia 2023–24*. AIHW. <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2023-24>

<sup>30</sup> CEO powers and expanded investigations.



The Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) is not simply a placement hierarchy. It is a framework for child wellbeing and self-determination.

Its five elements are:

- **Prevention** – protecting children’s right to grow up in family, community and culture;
- **Partnership** – Aboriginal community involvement in decisions;
- **Participation** – meaningful involvement of children, parents and family;
- **Placement** – ensuring placement with kin, community or Aboriginal carers wherever possible;
- **Connection** – maintaining cultural, family and Country ties.<sup>31</sup>

Tangentyere’s own experience shows that cultural connection strengthens children’s safety and wellbeing - it does not compete with it.<sup>32</sup>

Aboriginal Community-Controlled Organisations must be central to any child protection reform.

## Recommendations

TFVPD urges the Committee to reject the Bill in its current form and instead recommend:

### 1. Prioritise family preservation

- Increase investment in early intervention and reunification services.
- Expand Aboriginal-led family support programs.

### 2. Invest in DFSV responses

- Increase funding for women’s safety services and crisis accommodation.
- Expand culturally safe supports for mothers and children.

### 3. Address structural drivers

- Improve housing access and overcrowding responses.
- Recognise poverty as a systemic issue, not parental failure.

### 4. Strengthen ATSICPP implementation

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<sup>31</sup> SNAICC, *The Aboriginal and Torres Strait Islander Child Placement Principle*.

<sup>32</sup> Brown et al. (2024).

- Require full application of all five ATSI CPP elements.
- Embed ACCO leadership in decision-making.

#### **5. Reduce punitive child protection responses**

- Review family responsibility agreements and orders.
- Ensure victim-survivors are not penalised for violence perpetrated against them.



### **Conclusion**

Children's safety cannot be achieved through greater surveillance, coercion, and removal.

For Aboriginal children, safety means more than protection from immediate harm. It means growing up connected - to family, kin, culture, language and Country.

The Northern Territory must not repeat the mistakes of the past by expanding systems that separate Aboriginal children from their families while failing to address the conditions causing harm.

The solution is not more child removal.

The solution is stronger families, safer communities, and sustained investment in Aboriginal-led supports.

Yet this Bill moves in the opposite direction.

This Bill does not represent progress. It dials back advances already made within the DCF, moves away from evidence-based, best-interest practice, and risks entrenching the very harms it claims to address. It punishes poverty rather than confronting the systemic failures that leave families without safe housing, adequate income, or accessible support. It punishes victim-survivors, women and children already living with violence, rather than holding perpetrators accountable. Governments have an obligation to move forward. This legislation moves backwards, and we call on the Committee to reject it.