

22 May 2026

Legislative Scrutiny Committee
Legislative Assembly of the Northern Territory
GPO Box 3721
DARWIN NT 0801

BY EMAIL: lsc@nt.gov.au

Dear Sir/Madam

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

Introduction

Thank you for the opportunity to provide this submission to the Legislative Scrutiny Committee in relation to the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 (Bill)*. The Bill seeks to amend the *Care and Protection of Children Act 2007 (NT) (Act)*. The Central Australian Women's Legal Service (**CAWLS**) does *not* support the Bill and instead, endorses the submission made by Northern Territory Legal Assistance Forum to this Committee on 22 May 2026 (**NTLAF Submission**). A copy of this submission is **enclosed** to this letter which is unsigned but understood to be in its final form.

In addition to the issues raised in the NTLAF Submission, CAWLS submits that the proposed Bill adversely impacts people living in remote communities and people experiencing domestic, family and sexual violence (**DFSV**). These issues are important to consider given the Northern Territory continues to experience the highest rates of domestic and family violence in Australia.¹

About Us

CAWLS is a trauma-informed community legal centre for women in Central Australia and the Barkly region. CAWLS provides specialist legal advice, representation and community legal education to people experiencing DFSV including providing advice and representation on child protection matters.

Domestic, Family & Sexual Violence

In sections 65F and 102E of the Bill, the Chief Executive Officer of the Department of Children and Families (**CEO**) may direct a parent of a child to do a variety of things such as attending counselling, support groups and other programs, by inviting the parent to engage in a Family Responsibility Agreements (**FRA**) and/or applying in the Local Court for a Family Responsibility Order (**FRO**). In making a FRA or a FRO, the Bill fails to make a distinction between victim-survivors and perpetrators of violence and subjects both parties to the same requirements. There are no protections for victim-survivors who are unable to comply with a FRA and a FRO as a direct result of DFSV. For instance, a victim-survivor who is subject to a FRA, may be required to attend counselling but may be unable to safely attend due to the intervening behaviours of

¹ NT Government, 'NT Domestic and Family Violence Risk Assessment and Management Framework' (September 2020) 28.

the perpetrator of violence. This stands to increase the ability of perpetrators to control and manipulate the family lives of victim-survivors, by creating circumstances in which preventing a victim-survivor from engaging with services may lead directly to the removal of her children from her care, in addition to the pre-existing harmful impacts of that control.

Lack of Safeguards

The Bill states that any risk of domestic violence affecting children of families must be managed in accordance with the NT Domestic and Family Violence Risk Assessment and Management Framework (**RAMF**).² In the Bill's explanatory memorandum, it is acknowledged that *'this section emphasises that domestic and family violence risks cannot be appropriately managed using family responsibility agreements and could potentially escalate domestic and family violence risks against the child or other family members if used incorrectly'*.³ Sole reliance on the RAMF is inappropriate in managing DFSV in this context as it was not drafted with these amendments in mind. It is not clear what the practical impact of applying the RAMF might be in the context of government intervention in the family lives of Territorians under the Bill, given the tailoring of the RAMF to a non-child protection context. Section 65D does not go far enough to provide real safeguards for families affected by DFSV.

Section 65D(5)(b) requires the CEO to ensure that *'procedures are in place for the agreement to be regularly reviewed to assess the parties' compliance and capacity to comply with the agreement'* prior to making an FRA, yet there are no provisions in the Bill allowing for a parent to be released from a FRA due to the adverse effects of the FRA on families experiencing DFSV. The Bill only considers non-compliance with a FRA to be a ground for the CEO to apply for a FRO under s 102C of the Bill. The Bill punishes victim-survivors in circumstances where it should be working with them to ensure the safety of both the child and the victim-survivor. This not only highlights the fundamental lack of choice given to parents who are invited to participate in a FRA, but also reveals both FRAs and FROs as blunt instruments unsuited to the adaptive and specific needs of families affected by DFSV.

Prior to making an FRA, the CEO must be satisfied that the terms of the agreement are appropriate having regard to the *'...likely effect of the agreement on the family, including any potential escalation of risks to the child's wellbeing or other safety risks'* pursuant to s 65D(5)(c)(i). This section considers the risk of physical violence but not coercive controlling behaviours. For instance, it does not contemplate the collusion of perpetrators and/or their extended family to use the terms of an FRA to undermine the parental capacity of the victim-survivor.

Section 102C(a) of the Bill states that if a parent refuses to enter into a FRA, the CEO may apply for an FRO. This is a low threshold and does not provide any exemptions to victim-survivors of DFSV. There is no review mechanism in the Bill for parents who refuse to enter into a FRA or fail to engage with a FRA due to DFSV. For instance, the CEO may reasonably believe that an event of concern is at risk of occurring on the basis of incomplete or incorrect information. However, parents have no way to dispute that belief without being deemed as refusing to engage with a FRA and therefore, opening themselves up to a FRO and court proceedings. CAWLS cannot support the introduction of FRAs or FROs in circumstances where they are likely to be used to further the use of coercive control against victim survivors of DFSV and exacerbate its harmful impacts on the whole family.

Further, we echo the point raised in the NTLAF submission that similar provisions in the child protection legislation of other Australian jurisdictions (notably New South Wales and the

² Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 (NT), s 65B

³ Explanatory Memorandum, Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 (NT), 7.

Australian Capital Territory) require the relevant child protection agency to ensure that parents are given an adequate opportunity to access independent legal advice on the effects of any agreements prior to entering into them. It is CAWLS' view that this type of requirement could reduce the risk of harmful FRAs being used to control victim-survivors of DFSV, if other amendments were also made to the current drafting of the Bill. In particular, it would have little utility to ensure that parents are able to access legal advice prior to entering a FRA if the FRA itself is not meaningfully voluntary. It would be necessary to also revoke the recognition of refusal to engage into a FRA as a ground for the CEO to seek a FRO, so that any legal advice given to a victim-survivor could include advice not to sign the FRA (or not to sign it without amendments) without immediately causing the parent to become embroiled in a Court proceeding.

Reporting DFSV

Section 65D(6) defines an *'event of concern'* to include *'an event that adversely affects a child's wellbeing'*. This is a broad definition that is likely to capture all reports of DFSV between parents or family members of a child. Under this definition, the CEO must invite the parents of a child to enter an FRA as soon as they have received a notification of DFSV pursuant to s 65D(1) of the Bill. Within the context of DFSV and child protection mandatory reporting obligations in the NT, this will inevitably lead to a significant increase in the Department of Children and Families' intervention in the lives of Territorian families who are otherwise engaged with other forms of support services. CAWLS is concerned that this requirement amplifies an already significant barrier for victim-survivors to report DFSV and seek help. The fear of police involvement and potential child removal can discourage DFSV disclosure, particularly among Aboriginal women with historical experiences of child separation. It's acknowledged in the RAMF that *'non-disclosure and under-reporting levels are even higher within Aboriginal communities due to a complex interplay of systemic and socio-cultural reasons which include... fear of children being removed...'*⁴ Creating barriers to disclosure perpetuates under-reporting of DFSV and is contrary to the NT Government's commitment to reducing DFSV.

Remote Communities

The Bill will disproportionately impact Aboriginal women living in remote communities who are more likely to experience DFSV and now, as a result of the Bill, will be more likely to be subjected to an FRA or FRO. FRAs and FROs will require parents to engage with services, such as specialist counselling or residential programs, which are not meaningfully available to people living in remote communities or even people living in urban areas outside of Darwin. This creates another barrier for Aboriginal women living in remote communities to comply with the terms of a FRA and/or a FRO.

Section 65D(5)(a) requires the CEO to ensure that, prior to making an FRA, that *'any facilities or services reasonably required by a party to the agreement in order to comply with the agreement are reasonably available to the party'*. The Bill does not consider how a FRA would operate if those facilities or services were no longer available to a parent if they relocated due to leaving a DFSV environment or simply because those services were not longer operating due to funding and resourcing constraints. Further, there is no indication of how the lack of available services will be dealt with in circumstances where the CEO would otherwise be satisfied of the need for a FRA or an application for a FRO, raising concerns that families in remote communities may be more likely than families in urban areas to have their children removed from family care simply due to the chronic underservicing of their home communities.

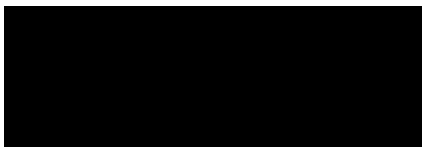
⁴ NT Government, 'NT Domestic and Family Violence Risk Assessment and Management Framework' (September 2020) 29.

CAWLS is also concerned about the impacts of the introduction of strict timeframes for reunification being introduced to the legislation without similar timeframes being applied to the government services that are required for effective reunification. Under the proposed changes, a family would have a maximum of two years from the date of first removal of the child to address protection concerns and achieve reunification into parental care, but this does not reflect the availability of housing, healthcare, mental health supports, disability supports, and other necessary services in remote areas of the NT. For example, if insecure housing is a protection concern that needs to be addressed to facilitate reunification, it is worth noting that the waitlists for priority housing in Alice Springs, Tennant Creek, and remote communities in Central Australia and the Barkly Region often exceed 8-10 years. It is unclear how a family could be expected to address the issues of overcrowding, homelessness, or housing insecurity within a two-year timeframe when the NT government itself takes five times that long to solve the same issue, often for the same cohort of people.

Conclusion

Thank you again for the opportunity to comment on the Bill. We reiterate our support and endorsement for the NTLAF submission dated 22 May 2026 and the need for any amendment to consider people living in remote communities and people affected by DFSV.

YOURS FAITHFULLY



Sarah Edwards
Principal Legal Officer

Encs.