

# Domestic, family and sexual violence and the Care and Protection of Children Legislation Amendment Bill 2026

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An ANROWS submission to the Legislative Assembly of the  
Northern Territory on the *Care and Protection of Children  
Legislation Amendment Bill 2026*

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## ANROWS

AUSTRALIA'S NATIONAL RESEARCH  
ORGANISATION FOR WOMEN'S SAFETY  
*to Reduce Violence against Women & their Children*

Australia's National Research Organisation for Women's Safety Limited  
PO Box Q389, Queen Victoria Building, NSW, 1230  
ABN 67 162 349 171  
Phone +61 2 8374 4000 | [anrows.org.au](https://anrows.org.au)

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## Overall comments

ANROWS welcomes the Legislative Scrutiny Committee regarding the *Care and Protection of Children Legislation Amendment Bill 2026*. Domestic and family violence (DFV) is one of the key drivers of child protection system involvement in Australia. As a result, reforms to child protection legislation have significant implications for women and children experiencing violence, which is central to ANROWS' research mandate. Consistent with this role, ANROWS recommends evidence-informed decisions on several provisions in this Bill, acknowledging their potential impact of DFV and child protection responses.

We welcome the opportunity to discuss the evidence base as it relates to this legislation, and to work with the Northern Territory Government in our role informing action to improve the safety of women, children and the community.

## Recommendations

- Ensure all provisions of the Bill are subject to specialist DFV risk assessment, including at the Family Responsibility Order stage.
- Ensure compliance mechanisms in the Bill are accompanied by investment in accessible, trauma-informed, and culturally safe early intervention support services.
- Restore the Aboriginal Child Placement Principle and associated cultural connection safeguards as independent, non-subordinated protections.
- Commit adequate and sustainable funding to Aboriginal community-controlled organisations to lead child safety responses.
- Adopt the *Healing Our Children and Young People* framework as a guiding document for all legislative reforms affecting Aboriginal children and their families.
- Ensure the legislative response is guided by the existing evidence base and informed through genuine, substantive consultation with Aboriginal communities, organisations and legal services to strengthen community confidence, cultural safety and long-term outcomes for children and families.

## The intersection of domestic and family violence, and child protection

### Recommendation

- Ensure all provisions of the Bill are subject to specialist DFV risk assessment, including at the Family Responsibility Order stage.
- Support compliance mechanisms in the Bill with investment in accessible, trauma-informed, and culturally safe early intervention support services.

Children must be recognised as victim-survivors of DFV in their own right (Gilfeather-Spetere & Watson, 2024). Children’s experiences of DFV are widespread and can have serious and long-term impacts on their safety, wellbeing and development. One in three children reported to child protection had parental DFV identified as a concern, and that children in DFV-affected families entered out-of-home care at significantly higher rates than those without (Luu et al., 2024).

## **Family Responsibility Agreements and risks relating to domestic and family violence**

The Bill includes a provision requiring that DFV risks identified during Family Responsibility Agreements (FRA) be managed in accordance with the Northern Territory (NT)’s DFV Risk Assessment and Management Framework. This is a welcome recognition that DFV and child protection intervention need to coexist with specialist DFV risk management.

However, this safeguard applies only to the voluntary FRA stage. The Bill does not extend an equivalent requirement to Family Responsibility Orders (FRO) which are court-mandate orders. This is a significant gap given victim-survivors may be unable to comply with an order due to increased and heightened risk and violence during legal and child protection interventions. A person using coercive control may seek to control, prevent or sabotage victim-survivors’ ability to meet requirements (Nancarrow et al., 2020). That non-compliance can trigger escalation to a FRO, at which point the specialist DFV safeguard no longer applies. In systems which cannot reliably distinguish between a person using violence and a person experiencing it, victim-survivors can be further harmed. This includes increased surveillance, compliance requirements they cannot safely meet, and risk of child removal (Buxton-Namisnyk, 2022; Nancarrow et al., 2020). These risks are particularly significant for Aboriginal and Torres Strait Islander women, who are disproportionately affected by systemic racism and misidentification within policing and legal systems. (Bevan, Lloyd & McGlade, 2024; Nancarrow et al., 2020).

Research on family law further demonstrates that punitive responses to non-compliance can actively prevent parties from seeking safer arrangements (Carson et al., 2022). This is consistent with the Joint Select Committee on Australia’s Family Law System (2021) in its review of the contravention regime. The same logic applies here: increasing court-mandated compliance pathways without addressing the underlying challenges families face can further harm safety outcomes for children. These barriers include DFV, housing instability, holistic health care and limited access to timely and appropriate support services.

## **Events of concern and families affected by domestic and family violence**

The Bill's definition of an "event of concern" is so broad that it could encompass any event that adversely affects a child's wellbeing. In practice, this could result in families affected by DFV being routinely drawn into compliance and surveillance mechanisms, even where the parent experiencing violence is not the source of risk to the child.

For families affected by DFV, a child's wellbeing is inherently affected by the violence being perpetrated against their protective parent. The Bill should contain adequate safeguards to ensure that the person using violence, rather than the victim survivor, is identified as the source of risk and the focus of legal intervention in these circumstances. Targeted interventions need to be co-designed with communities. Without this, they can contribute to systemic injustice or increase statutory child protection or police involvement in the lives of families already experiencing disadvantages (Gilfeather-Spetere & Watson, 2024). The events of concern mechanism, as drafted, risks functioning as over-surveillance.

## **Family Responsibility Orders**

The Bill's FRO mechanism enables courts to impose mandatory compliance requirements to families experiencing crisis. In order to improve safety outcomes for children and/or families, accessible, violence and trauma-informed and culturally safe services are required. In the interface between child protection and DFV, timely and accessible specialist service support is a key foundation to address the underlying drivers of risk. (Humphreys & Healey, 2017). Analysis of longitudinal child protection data in New South Wales further shows that families experiencing co-occurring DFV, housing instability and service gaps are more likely to enter escalating child protection pathways, because the services needed to support them are inaccessible or absent (rather than because of a failure of parenting) (Luu et al., 2024).

In the context of service system constraints such as limited funding, high workforce turnover, and reliance on individual relationships. In addition, the NT child protection system is already operating under significant pressure. Almost 40 per cent of child protection positions were vacant and we have recommended further investment in developing the DFV workforce in the NT (Hamilton et al., 2025). This means the system is operating with substantially reduced workforce capacity while responding to increasingly complex needs (Inquests into the deaths of Miss Yunupinju, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjaji Haywood, 2024).

Greater investment in Aboriginal-led services in the NT in the context of DFV will support positive outcomes for Aboriginal families (Hamilton et al., 2025). While the 2026-27 NT Budget allocates \$329.9 million to the Department of Children and Families, this investment is weighted toward tertiary responses: out of home care alone accounts for \$143.4 million – nearly three times the \$49.5 million allocated to family support and early intervention (Northern Territory Government, 2026). The new child and family initiative in this Budget is \$10 million for out of home care placement costs, signalling that the Government expects the system to place more children, not fewer. This may undermine the Bill's intent as a reform that will improve family outcomes (Northern Territory Government, 2026)

## Aboriginal children, women and the Aboriginal Child Placement Principle

### Recommendation

- Restore the Aboriginal Child Placement Principle and associated cultural connection safeguards as independent, non-subordinated protections.
- Commit adequate and sustainable funding to Aboriginal community-controlled organisations to lead child safety responses.
- Adopt the *Healing Our Children and Young People* framework as a guiding document for all legislative reforms affecting Aboriginal children and their families.

The Bill replaces the existing Aboriginal Child Placement Principle framework with a new universal placement principle, to which all Aboriginal-specific principles are explicitly subordinated. In practice, this means that cultural connection, kinship placement and connection to community may become secondary considerations, with permanency and stability given greater priority, rather than treating these as essential protections in their own right. The shift of participation ‘rights’ of Aboriginal children and families in significant decisions to ‘opportunities’ is inconsistent with Australia’s Aboriginal and Torres Strait Islander standalone and dedicated ten-year National Plan *Our Ways Strong Ways Our Voices*.

As Aboriginal and Torres Strait Islander-led research has identified, DFV against Aboriginal and Torres Strait Islander children is shaped by the ongoing intersecting impacts of colonisation, including state-sanctioned violence and child removal, efforts to undermine Aboriginal culture and parenting practices, and enduring systemic racism and intergenerational trauma (Morgan et al., 2023b). Child protection and social service systems need to focus on healing, underpinned by systems change led by Aboriginal and Torres Strait Islander peoples, otherwise they will continue to cause harm to children and young people and their families (Morgan et al., 2023b). For some Aboriginal and Torres Strait Islander children, cultural disconnection itself can be experienced as a form of harm.

The ANROWS-funded *Healing Our Children and Young People* framework was developed through participatory action research with Aboriginal and Torres Strait Islander community members across rural and remote Queensland. It provides an applicable model for practitioners and policymakers working with Aboriginal children at the child protection and DFV interface. The framework recommends prioritising healing, cultural connection and community self-determination over compliance and surveillance. (Morgan et al., 2023a).

## The need for evidence-based and community-led reform

### Recommendation

- Ensure the legislative response is guided by the existing evidence base and informed through genuine, substantive consultation with Aboriginal communities, organisations and legal services to strengthen community confidence, cultural safety and long-term outcomes for children and families.

The independent review commissioned by the NT Government has not yet reported. Pausing the Bill until the review is complete will enable its findings to inform the legislative response; and to include genuine and substantive consultation with Aboriginal communities, organisations and legal services before the Bill proceeds.

The evidence does not support Bill's assumption that strengthening safety and accountability outcomes for children and families will occur through the specific compliance-based mechanisms proposed. The Bill also misses an opportunity to adopt the substantial and growing evidence base supporting community-led and early intervention approaches. Ensuring that the legislative response is informed by this evidence will help strengthen the Bill's long-term effectiveness, community confidence and capacity to improve outcomes for children and families across the NT.

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Australia's National Research Organisation for Women's Safety Limited (ANROWS) is the country's independent, trusted voice for reliable and informed evidence on domestic, family and sexual violence.

ANROWS was established by the Commonwealth, state and territory governments under Australia's first National Plan to Reduce Violence against Women and their Children (2010–2022). As an ongoing partner to the National Plan, ANROWS continues to build, strengthen and translate the evidence base that informs the current National Plan to End Violence against Women and Children 2022–2032.

Our work is underpinned by a commitment to producing high-quality, policy-relevant evidence to inform and influence practice, service delivery, and systems reform. Since our establishment, ANROWS has led, contributed to, or commissioned more than 150 research projects. We undertake targeted research both internally and in collaboration with academic institutions and sector partners.

Every aspect of our work is motivated by the right of women and children to live free from violence and in safe, equitable communities. We engage closely with victim-survivors, communities, service providers, governments and policymakers to ensure our work reflects the diversity of lived experiences and supports collective responses.

We are committed to reconciliation with Aboriginal and Torres Strait Islander peoples, and work to recognise and amplify the strength and knowledge that exists in First Nations communities.

ANROWS is a not-for-profit organisation jointly funded by the Commonwealth and all state and territory governments. We are also commissioned from time to time by individual jurisdictions, and competitively tender for research and evaluation work.

We are registered as a harm prevention charity and deductible gift recipient, governed by the Australian Charities and Not-for-profits Commission (ACNC).

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