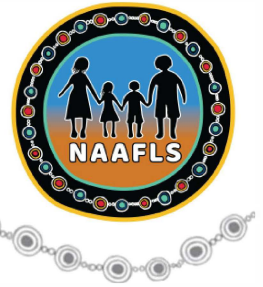


North Australian Aboriginal Family Legal Service



Committee Secretariat

Legislative Scrutiny Committee

GPO Box 3721

Darwin NT 0801

Email: LSC@nt.gov.au

LA.Committees@nt.gov.au

Dear Committee Secretariat

Submission to the Legislative Scrutiny Committee

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

Introduction

The North Australian Aboriginal Family Legal Service (**NAAFLS**) is a non-government Aboriginal Corporation providing legal advice, representation and community legal education to Aboriginal people living in Communities and small towns across the Top End of the NT. We provide advice and representation to victims of Domestic Violence, including Family Law clients and to families who are subject of Child Protection Applications or Orders. NAAFLS has offices in Darwin, Katherine and Nhulunbuy and assists clients in over 44 remote communities

This submission raises serious concerns regarding the proposed Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 (**the Bill**) and its likely impacts on Aboriginal children, families and communities across the Northern Territory.

We endorse the submission and legislative analysis prepared by the Northern Territory Legal Aid Forum (NTLAF). The purpose of our submission is to provide additional context about how the proposed Bill is likely to impact Aboriginal and Torres Strait Islander families and children, families experiencing domestic, family and sexual violence, and families living in remote communities.

NAAFLS strongly opposes the passing of the Bill. We suggest that the Bill is appropriate for a public hearing and we request that representatives from NAAFLS and the NTLAF be invited to appear before the Scrutiny Committee.

Darwin

1800 041 998

(08) 8923 8200

32 Dripstone Road, Casuarina NT 0810

PO Box 43104, Casuarina NT 0811

admin@naafls.com.au

Nhulunbuy

1800 041 998

(08) 8923 8200

7/30 Arnhem Road, Nhulunbuy NT 0880

PO Box 1616, Nhulunbuy NT 0881

Katherine

1800 041 998

(08) 8923 8200

16 Katherine Terrace, Katherine NT 0850

PO Box 240, Katherine NT 0851

kadmin@naafls.com.au

The Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) supports child safety

1. The Bill proposes significant changes to the Northern Territory's child protection framework, including fundamentally reshaping and weakening the operation of the ATSICPP. The NT Government has publicly stated that these reforms are necessary because the existing legislation does not adequately support the safety of the child as the paramount concern. Respectfully, that position reflects a dangerous misunderstanding of the existing *Care and Protection of Children Act 2007 (NT)* (the Act).
2. **The Act already places the best interests of the child, including safety and protection from harm, as the paramount consideration in all child protection decision-making.** Reshaping and weakening the ATSICPP does not improve safety for children, rather, it undermines protections designed to prevent further harm to Aboriginal and Torres Strait Islander children and families. Framing the rights of Aboriginal and Torres Strait Islander people as conflicting with child safety relies on harmful deficit narratives that ignores the ongoing impacts of colonisation, intergenerational trauma, systemic racism, and the historical over-surveillance and removal of Aboriginal children from their families and culture.
3. The ATSICPP is frequently misunderstood as merely a placement hierarchy¹. In reality, it is a comprehensive framework comprised of five interconnected elements: prevention, partnership, placement, participation and connection. Each element directly informs the proper assessment of an Aboriginal child's best interests and reflects national and international evidence about what promotes child safety, healing and long-term wellbeing for Aboriginal children.
4. The ATSICPP is not a consideration that overrides the best interests of the child. The principles do not compete with, weaken or dilute the primary consideration of safety for children who come into contact with the care and protection system. Rather, the principles provide the framework through which best interests must properly be understood and applied for Aboriginal children. This reflects well-established evidence about the critical importance of family, culture, community and Country to safety, wellbeing and long-term outcomes.
5. The Act already explicitly prioritises immediate safety and protection from harm. Once safety can be secured, a child's culture must also be actively protected and maintained rather than treated as an optional consideration. The question posed by the ATSICPP is therefore not whether culture outweighs safety. Rather, it asks how the safety of Aboriginal children can be ensured without unnecessarily severing their cultural identity, kinship systems and community connection.
6. The research is clear - children who enter out-of-home care are among the most vulnerable children in the community and when Aboriginal children are repeatedly removed, harm persists into that child's future and for generations to come. The *Family is Culture* report² found:
 - a. Such harm increases the likelihood of future child protection involvement;
 - b. Aboriginal care leavers were found to be more than ten times more likely than the general population to later have a child enter out-of-home care; and
 - c. Loss of family and cultural connection as a significant risk factor for later involvement in the criminal justice system.

¹ Gray, P. (2021). *Beyond placement: Realising the promise of the Aboriginal and Torres Strait Islander Child Placement Principle*. *Judicial Officers Bulletin*, 33(10), 99–106.

² Davis, M. *Family is Culture*, Independent Review of Aboriginal Children and Young People in Out of Home Care (OOHC) (Final Report, 25 October 2019)

7. Developmental research consistently demonstrates that Aboriginal children experience better outcomes when families and communities are empowered to design and deliver solutions, and when culture is recognised as a protective factor rather than treated as secondary to safety³.
8. In this context, the proposed weakening of the ATSICPP is deeply concerning. The removal of a clear legislated Aboriginal placement framework in favour of a broader permanency model risks subordinating cultural connection to administrative concepts of stability and long-term placement. This is particularly troubling given the evidence that Aboriginal children experience better long-term outcomes when connected to family, culture and community, and the well-documented intergenerational harms caused by prior child removal policies in the Northern Territory.

Best Interests of Children

9. The Bill proposes to change the way the court must assess the best interests of a child. The Bill proposes to assess best interests in order of priority, placing stability and permanency above parental capacity.
10. This fails to reflect the reality of the Northern Territory child protection system. Aboriginal children represent approximately 90 per cent of all children in out-of-home care, yet only 16.7 per cent are placed with family⁴. Against this backdrop, the Minister has stated that “the safety and wellbeing of the child must be the first consideration” and that the existing legislation does not provide for this. That statement is incorrect.
11. The Act already establishes the best interests of the child as the paramount consideration in all child protection decision-making. This is not aspirational language or a secondary principle; it is a binding legal standard governing investigations, removals, placements, court orders, reunification planning and service delivery. Decision-makers are required to actively apply this principle, with a clear statutory focus on the child’s immediate safety and protection from harm as the primary concern.
12. The Act further requires consideration of a range of factors relevant to a child’s best interests, including the child’s safety, wellbeing and development; protection from abuse and neglect; emotional, psychological and developmental needs; stability and continuity of care; the child’s views and wishes; family, cultural and linguistic identity; and the likely long-term impacts of decisions made about the child. While multiple considerations are relevant, none may override the paramountcy of the child’s best interests, and none take precedence over each other.
13. This is of critical importance, as each family and each child is unique. What might affect one child and family might not affect another. By ordering the consideration of one factor over another, the Bill is effectively reducing the court’s discretion to determine what is in a child’s best interests specific to them.
14. Further, NAAFLS notes that prioritising factors such as stability of placement over parental capacity will likely result in children being removed from their parents and kept in the care system until they turn 18 years of age, despite their parents’ making changes for the safety of the child. The practical effect of these proposed amendments is that the court could decide a parent has capacity and is

³ Aboriginal Child, Family and Community Care Secretariat. (2016). *Achieving a Holistic Aboriginal Child and Family Service System for NSW*

⁴ SNAICC. (2025). *Family Matters Report 2025* – Figure 28

safe to care for their child, but the court will be mandated to weigh placement stability higher than parental capacity, keeping the child in care instead of returning them to family.

The long-term outcomes for children in Out of Home Care

15. Mandatory restriction on the ability for children to be reunified with family disproportionately affects Aboriginal and Torres Strait Islander children who come from regional or remote communities. This is due to the proposed amendments:
 - a. Reshaping and weakening the ATSI CPP from the principles of the Act;
 - b. Increasing the requirement for statutory involvement with families due to circumstances outside of their control;
 - c. Only requiring contact to be "encouraged and supported" between children and parents "where practicable";
 - d. Unreasonably restricting timeframes for reunification and allowing discretionary decision making on whether reunification will even be attempted at all within the first 6-months of an order being made;
 - e. Unreasonably restricting the length of orders that can be made without providing accountability measures when the Department or other third parties contravene support requirements or reunification processes; and
 - f. Requiring best interests to be assessed according to a priority list that places stability of placement above parental capacity.

16. These proposed amendments directly contradict decades of evidence into the effects of similar protectionist legislation and policy. Such evidence includes:
 - a. The *Bringing Them Home* report (1997) documented extensive evidence regarding the disruption to identity, belonging and cultural knowledge caused by forced child removal policies.⁵
 - b. Davis (2019) in *Family Is Culture* found that repeated child removals, particularly where the underlying causes of neglect remain unaddressed, create intergenerational harm and increase the likelihood of future child protection involvement.⁶
 - c. The findings of the 2017 *Royal Commission into the Protection and Detention of Children in the Northern Territory* (the Royal Commission) which heard extensive evidence from Aboriginal children, families and Elders regarding the profound trauma caused by removal and cultural disconnection. The Commission heard from children and young people with lived experience of removal with the Commissioners recording that: "*Children and young people said they suffered trauma as a result of the act of removal and that it was the worst day of their lives.*"⁷
 - d. The Royal Commission repeatedly heard evidence that separation from family, kinship systems, language, culture and Country caused lasting emotional and psychological harm for Aboriginal children:
 - i. Evidence given by one young person explained: "*I don't speak any language. When family speak language I feel lost inside because I don't understand them... It feels like I have been left behind with law and culture.*"⁸

⁵ Commonwealth of Australia. (1997). *Bringing Them Home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*

⁶ Davis, M. *Family is Culture*, Independent Review of Aboriginal Children and Young People in Out of Home Care (OOHC) (Final Report, 25 October 2019)

⁷ Royal Commission into the Protection and Detention of Children NT (2017)

⁸ Royal Commission into the Protection and Detention of Children NT (2017)

- ii. Elders directly connected contemporary child protection practices with the legacy of the Stolen Generations.
 - iii. Giving evidence in the Royal Commission, a Warlpiri Elder said: “*We want Welfare to stop coming in like a snake and taking our children... That was the Stolen Generations. Those kids from Stolen Generations grew up not knowing who they are, not knowing family and where they come from.*”⁹
 - e. The Royal Commission recognised these concerns as central to the evidence before it, including repeated evidence regarding “*the loss of cultural identity that the young people suffer through removal.*”¹⁰
 - f. Findings that culture is foundational to resilience, healing and belonging and for Aboriginal individuals’ culture is foundational to health and wellbeing¹¹. This is consistent with recommendations contained in the National Agreement on Closing the Gap (2020) which identifies strong families and cultural connection as central protective factors for resilient communities.¹² The evidence which led to the recommendations similarly recognise that strong connection to culture, family, language and land is associated with improved life and health outcomes for Aboriginal and Torres Strait Islander peoples.
 - g. The *Significance of Culture to Wellbeing, Healing and Rehabilitation* report (2021)¹³ confirmed that placement instability, lack of cultural and family connection, and poor support on leaving care significantly increase long-term harm and intergenerational vulnerability
 - h. More recently, the Yoorrook Justice Commission (2023) heard evidence that there remains an “*unbroken connection*” between historical child removal practices and the experiences of Aboriginal families in contemporary child protection systems.¹⁴
17. NAAFLS reiterates the importance of this evidence before the Committee. Long-term safety and wellbeing for Aboriginal children cannot be understood solely through immediate physical protection. Aboriginal and Torres Strait Islander concepts of Social and Emotional Wellbeing (SEWB) recognise that health encompasses “*the social, emotional and cultural wellbeing of the whole community*”¹⁵. Aboriginal concepts of SEWB recognise that wellbeing is deeply connected to family, kinship, community, culture, Country, spirituality and identity. This wellbeing is profoundly shaped by the ongoing impacts of colonisation, family separation, racism, cultural disconnection and loss of identity¹⁶. Aboriginal young people disconnected from culture experienced social

⁹ Royal Commission into the Protection and Detention of Children NT (2017)

¹⁰ Royal Commission into the Protection and Detention of Children NT (2017)

¹¹ Bourke, S. C., Chapman, J., Jones, R., Brinckley, M. -M., Thurber, K. A., Calabria, B., Doery, K., Olsen, A., & Lovett, R. (2022). Developing Aboriginal and Torres Strait Islander cultural indicators: an overview from Mayi Kuwayu, the National Study of Aboriginal and Torres Strait Islander Wellbeing. *International journal forequity in health*

¹² Coalition of Peaks & Commonwealth of Australia. (2020). *National Agreement on Closing the Gap*

¹³ Vanessa Edwidge and Paul Gray. (2021). *Significance of Culture to Wellbeing, Healing and Rehabilitation*.

¹⁴ Yoorrook Justice Commission, *Yoorrook For Justice: Report into Victoria’s Child Protection and Criminal Justice Systems* (delivered 4 September 2023)

¹⁵ Le Grande, M., Ski, C. F., Thompson, D. R., Scuffham, P., Kularatna, S., Jackson, A. C., & Brown, A. (2017). Social and emotional wellbeing assessment instruments for use with Indigenous Australians: A critical review. *Social science & medicine*

¹⁶ Le Grande, M., Ski, C. F., Thompson, D. R., Scuffham, P., Kularatna, S., Jackson, A. C., & Brown, A. (2017). Social and emotional wellbeing assessment instruments for use with Indigenous Australians: A critical review. *Social science & medicine*

disconnection, emotional distress, identity confusion and feelings of “*not feeling Aboriginal enough*.”¹⁷

18. Overwhelmingly, what the evidence does not support, is the proposition that increased child removal and out-of-home care improve long-term outcomes for Aboriginal children. Rather, the evidence demonstrates that Aboriginal children who experience deeper involvement with statutory child protection systems experience increasing risk of poorer health, justice and wellbeing outcomes across the life course. Evidence available to the Committee shows:

a. **Out-of-home care is associated with significantly higher rates of youth justice involvement.**

Research examining Aboriginal children in the Northern Territory found a clear “gradient of risk” where the likelihood of youth offending increased with deeper child protection involvement. Children who had experienced out-of-home care had the highest rates of later offending. By age 16, Aboriginal boys who had experienced out-of-home care had a cumulative risk of youth offending of 33.7%, compared with 3.2% for boys with no child protection contact. For Aboriginal girls, the figures were 13.2% compared with 0.6%. The study concluded that “Children placed in out-of-home care had the highest risk for subsequent youth offences.”¹⁸

b. **Young people in out-of-home care experience dramatically worse mental health outcomes.**

A peer-reviewed population study examining mental health-related hospitalisations found an “increasing gradient” of harm associated with higher levels of child protection and youth justice involvement. Young people who experienced both out-of-home care and detention had “20 times higher prevalence and 30 times higher incidence of mental health-related hospitalisation” than peers with no child protection or youth justice involvement. Importantly, after adjusting for other factors, out-of-home care itself remained independently associated with higher incidence of mental health-related hospitalisation.¹⁹

c. **Child protection and out-of-home care involvement are associated with significantly higher risks of self-harm and violence.**

A longitudinal study of Aboriginal children found that children with substantiated maltreatment in both early and middle childhood had a nine-fold higher risk of self-harm in adolescence. The study also found that 72% of children hospitalised for self-harm had prior involvement with child protection services. Separately, research examining violence against Aboriginal girls found that prior child protection involvement, including out-of-home care, was associated with significantly increased rates of assault hospitalisation during adolescence. Children with a history of out-of-home care had assault hospitalisation rates more than three times higher than children with no child protection involvement.²⁰

19. Child protection systems can themselves disrupt the domains of wellbeing identified within SEWB frameworks through removal from family, kinship systems and Country, placement instability and insufficient cultural support within care arrangements. The Committee should carefully consider whether legislative reforms that weaken the ATSI CPP and increase pathways toward permanency and long-term removal are supported by the available evidence. The research before the Committee consistently points toward the importance of prevention, culturally-led early

¹⁷ Murrup-Stewart, C., Whyman, T., Jobson, L., & Adams, K. (2021). “Connection to Culture Is Like a Massive Lifeline”: Yarning With Aboriginal Young People About Culture and Social and Emotional Wellbeing. *Qualitative Health Research*

¹⁸ He, Guthridge & Leckning, *Protection and Justice: A study of the crossover of NT children between two services* (2019)

¹⁹ Leckning et al., *Mental health-related hospitalisations associated with patterns of child protection and youth justice involvement during adolescence* published in *Children and Youth Services Review* (2023)

²⁰ Leckning et al., *Patterns of child protection service involvement by Aboriginal children associated with a higher risk of self-harm in adolescence* published in *Child Abuse & Neglect* (2021), and Moore et al., *Violence & adolescent Aboriginal girls in the NT* published in *BMC Public Health* (2022).

intervention, self-determination, family strengthening and proper implementation of the ATSI CPP as critical protective factors for improving long-term outcomes for Aboriginal children and communities.

20. The Committee should also carefully consider whether the proposed amendments regarding permanency and stability introduced by the Bill appropriately preserves the ability to assess the individual best interests of each child on their own facts and circumstances. The Bill places increased emphasis on permanency, long-term stability and enduring legal arrangements, including through s 8 and s 12B, and introduces a statutory expectation that reunification efforts occur within a compressed two-year timeframe. Contrastingly, this timeframe is further restricted through the addition of discretionary powers to the Department to unilaterally, and without the making of reasonable attempts, to determine within the first 6-months of an order that reunification cannot occur. While stability is an important consideration for children, the evidence does not support a rigid or time-driven approach to permanency that risks prioritising administrative certainty over the nuanced and individual needs of Aboriginal children and families.
21. Importantly, Victoria has recently moved to repeal similar permanency timeframes following significant criticism that the framework constrained judicial discretion and failed to allow proper consideration of the best interests of individual children. The risk of rigid permanency planning is particularly acute for Aboriginal children, where connection to family, kinship, community, language and Country are themselves protective factors linked to long-term wellbeing and identity. In this context, permanency planning that privileges long-term placement stability over culturally safe reunification and kinship restoration risks reproducing the very harms that the ATSI CPP was designed to prevent.

Oversurveillance and Under-Resourcing will lead to unnecessary child removals

22. NAAFLS is extremely concerned about the inadequate resourcing attributed to the care and protection and community services sectors for the foreseeable increase in demand for resources the proposed amendments will have.
23. The proposed amendments create mandatory obligations for the Department to be involved with families:
 - a. whose child is not attending school;
 - b. Where there is a *risk* that a child is not attending school;
 - c. With a child displaying “anti-social behaviour”;
 - d. When any event that actually or *may* adversely affect a child which could include:
 - i. Children in families that do not have stable housing and may be living in shelters, refuges or with other family members in homes with multiple other people;
 - ii. Where families are on income support payments or other social security payments and are struggling to make ends meet;
 - iii. Children of a parent who is a victim-survivor of domestic and family violence, even when the victim-survivor is acting protectively by leaving the relationship, attending counselling, or removing the children from harm and placing them with other family members during times of violence.
24. The proposed amendments require intervention where a family’s circumstances may be improved. This broad language fails to consider that all family circumstances may be improved with formal support, however that formal support must be legitimately available. The Bill ultimately creates a

requirement for government oversight in most families in the Northern Territory, due to circumstances outside of that family's control, and without appropriate resourcing and services.

25. The NT Government released the 2026-27 budget without additional funding for early intervention supports, and a decrease in funding for Domestic and Family Violence services, community corrections, mental health supports and primary health care in remote regions. The demand for these support services will inevitably increase due to the obligation on the Department to intervene in families at significantly earlier points in time notwithstanding the numerous barriers to accessing these supports. NAAFLS highlights these practical barriers to accessing support exist now and will only worsen with the introduction of the amendments. Examples of the already existing barriers include:
- a. In the over 42 remote communities in the Northern Territory that NAAFLS supports, more than 10 do not have a permanent police presence.
 - b. Even in the communities that have police, the limited personnel and facilities mean that victims of violence often wait multiple hours or even days for a police response, and when the response comes, perpetrators of violence are often bailed straight back into community where the victim-survivor and their children live. Some remote communities do not have a safe house to care for women and children who are attempting to leave a violent situation.
 - c. The cost of living in regional and remote communities is exponentially higher than that in metropolitan areas, yet these communities house a significant portion of lower socio-economic families in the country.
 - d. Most households in remote Aboriginal communities, as well as some urban public houses, use prepayment meters for electricity. When these meters are not topped up with sufficient funds, power to the household is disconnected. Reconnection can take up to 11.5 hours in some areas once payment is made. The Northern Territory also has some of the highest costs for electricity in the country, averaging \$346 per quarter for a one-person household. For a three-person household, that cost is \$766 per quarter.²¹
 - e. On average, a person on income support payments caring for two children in the Northern Territory will be left with less than \$242 per week to cover all other expenses outside of rent for the family. These expenses include, but are not limited to, electricity, gas, water, food, daycare fees, school supplies and uniforms, and transport costs.
 - f. Aboriginal Territorians make up 98% of individuals who live in an overcrowding situation and 87% of the homelessness population. This is due to a range of factors including the limited availability of housing in remote communities, the lack of services available for people leaving violence, and the high proportion of Aboriginal people living in poverty.²²
26. NAAFLS further notes the findings in 2024 by the NT Coroner in the *Inquests into the Deaths of Miss Yunupingu, Ngeygo Ragurk, Malcolm Rabuntja and Chris Haywood* which highlighted that 39.8% of the Department's child protection positions in the NT were vacant.²³ In 2025, this finding was reiterated in the *Inquest into the Death of Didbala Anzac* wherein the NT Coroner found that excessive caseloads and limited staff meant that children were not receiving casework and support that was needed.²⁴

²¹ NTCOSS Cost of Living in the Northern Territory May 2025. <https://ntcoss.org.au/wp-content/uploads/2025/05/2025-May-Cost-of-Living-in-the-NT-Factsheet-FINAL-WEB.pdf>

²² Department of CHILDREN AND FAMILIES Northern Territory Homelessness Strategy 2025–2030 Background paper. <https://families.nt.gov.au/media/documents/homelessness/nt-homelessness-strategy-2025-2030-background-paper.pdf>

²³ Northern Territory Coroner, *Inquests into the Deaths of Miss Yunupingu, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjayi Haywood* (Findings, Judge Elisabeth Armitage, 25 November 2024)

²⁴ Northern Territory Coroner, *Inquest into the Death of Didbala Anzac* (Findings, Judge Elisabeth Armitage, 12 August 2025)

27. Through this Bill, the NT Government has prioritised earlier state intervention without adequately funding the services that will be required to support such intervention. When a system is under-funded and over-extended, harm is caused to all those involved.
28. The practical effects of these amendments will be an expansion of surveillance and monitoring, disproportionately affecting Aboriginal families in communities already facing extreme housing shortages, poverty, violence, inadequate policing, and limited access to health and social supports. The NT Budget's failure to invest in early support infrastructure means the cost of these amendments will be borne by already overstretched services and by families themselves, increasing the risk of unnecessary child removals and deeper system involvement rather than improving child and family wellbeing.

Services in remote areas/ regional complexity

29. The Committee should carefully consider the regional and remote context in which this Bill will operate. Many of the circumstances that may trigger child protection intervention under the Bill — including overcrowding, school non-attendance, family instability, behavioural concerns and broader “wellbeing” concerns — are deeply connected to structural disadvantage and chronic service failures in remote communities, rather than parental unwillingness or inability to care for children.
30. Housing issues in these regional and remote areas will become pressure points for statutory intervention. These issues include:
 - a. minimum suitable housing standards being met with houses in remote communities existing without air-conditioning, appropriate insulation and flooring, or delayed maintenance responses leaving houses derelict or unliveable;
 - b. Chronic overcrowding due to severe housing shortages often leave families living in circumstances where there may be intergenerational sharing of living spaces;
 - c. In some communities, cultural avoidance relationships are forced to reside within the same dwelling because there is simply nowhere else to go.
31. These pressures become even more acute during weather events and emergency situations when overcrowding intensifies.
32. The Bill reframes these systemic failures as child protection concerns attributable to families themselves. This is particularly concerning for victim-survivors of domestic, family and sexual violence in remote communities. Many women are forced to make impossible decisions because there are no safe housing alternatives available. In practice, victim-survivors are often expected to remove themselves and their children from homes and communities, rather than systems effectively removing the person using violence. The Committee should carefully consider that this dynamic can place the burden of preventing and ending violence onto women and children.
33. The Committee should also consider the importance of kinship systems, connection to Country and cultural authority in remote communities. For many Aboriginal children, the inseparable weaving (Gurrutu) of safety and wellbeing with family, language, community and Country are crucial to positive SEWB. Effective responses to violence and child safety concerns in remote communities require culturally informed approaches, including community-led resolution models, appropriate policing responses and systems capable of safely removing users of violence while allowing women and children to remain connected to home, family and community where possible.

34. Regional and remote communities in the NT also face significant workforce shortages and pressures which directly affect child and family safety. The shortage of employment housing in remote communities undermines the ability to recruit and retain experienced staff across health, education, child protection, counselling and legal sectors. Positions remain vacant for extended periods of time and often remain vacant entirely. This directly affects the reliability, continuity and quality of services available to vulnerable children and families in these areas. Without additional and sufficient ongoing resourcing, earlier statutory intervention in the lives of families from these areas will only result in further disadvantage and continued failure to address underlying structural drivers of vulnerability and harm.

Interaction between the Domestic Family and Sexual Violence (DFSV) Strategy and the Bill

35. NAAFLS welcomes intent for stronger provisions relating to the protection of parents and children from domestic and family violence. However, the Bill fails to acknowledge the entrenched structural disadvantages faced by victim-survivors in the NT when seeking support.
36. The Northern Territory Domestic, Family and Sexual Violence Reduction Strategy 2025–2028 adopts a public health framework built around prevention, early intervention, response and recovery, healing, accountability and systemic reform.²⁵ The Strategy recognises that DFSV is driven by complex and intersecting social factors, including gender inequality, poverty, disadvantage, harmful alcohol use, homelessness, disability, remoteness and the ongoing impacts of racism and colonisation. The Strategy also expressly recognises that Aboriginal culture and cultural strengthening are protective factors against violence, and that effective responses must be evidence-based, coordinated and developed in partnership with Aboriginal stakeholders and community leadership. At the same time, the Strategy includes strong accountability measures, including specialist courts, police co-responder models, behaviour change programs, prison programs and system-wide monitoring and oversight mechanisms.
37. There are some points of alignment between the Strategy and the Bill. The Bill includes a domestic violence risk provision in Part 2.1A, requiring any domestic violence risk encountered in Family Responsibility Agreement processes to be managed consistently with the family violence framework. It also defines family support services to include domestic and family violence services, counselling, housing, health, parental support and alcohol and other drug rehabilitation services. On its face, this reflects the DFSV Strategy's emphasis on early intervention service coordination and family safety.
38. However, there is also a significant tension between the two documents. The DFSV Strategy frames early intervention as therapeutic, coordinated and prevention-focused, including specialist DFSV services, wraparound support, behaviour change programs, health responses, housing pathways, women's safe houses and Aboriginal-led sexual assault and community-based services. By contrast, the Bill's early intervention mechanisms are embedded in a child protection framework through Family Responsibility Agreements and Family Responsibility Orders, with compliance monitoring, court orders and escalation pathways into protection proceedings.
39. This matters because victim-survivors of DFSV, particularly mothers leaving violence, often experience instability that is created by the violence itself:

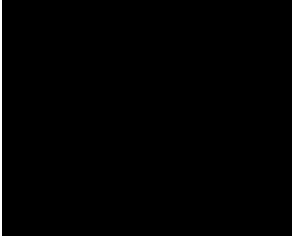
²⁵ Northern Territory Government, *Northern Territory Domestic, Family and Sexual Violence Reduction Strategy 2025–2028* (2025)

- a. housing disruption;
 - b. school disruption;
 - c. trauma;
 - d. financial insecurity;
 - e. police contact and service involvement.
40. Under the Bill, those same indicators may be treated as “events of concern” or wellbeing concerns that trigger child protection intervention. The risk is that the Bill may convert the consequences of violence into evidence of parental failure, rather than responding in the way the DFSV Strategy requires; that is by supporting safety, recovery and healing.
41. The Committee should consider whether the Bill undermines the Strategy’s stated commitment to victim-survivor-centred, trauma-informed and culturally safe responses. Without strong safeguards, the Bill may increase surveillance of families experiencing DFSV at the same time the Strategy is trying to build trust, improve support pathways and reduce trauma. This is particularly concerning for Aboriginal women and children, remote families and families with disability, who are specifically recognised in the Strategy as requiring distinct, responsive and culturally safe service responses.
42. Notwithstanding the significant detrimental impact such monitoring and intervention can have, the additional practical question for the Committee is whether the Bill funds and enables the supports identified in the DFSV Strategy, or whether it creates another compliance pathway for families already experiencing violence and service system failure. If the Strategy’s approach is accepted, then the legislative response should prioritise safety planning, housing, specialist DFSV support, culturally safe healing, behaviour change for people using violence and Aboriginal-led services; not broadened child protection intervention that may punish victim-survivors for the impacts of violence committed against them.

Recommendations:

43. For the reasons set out in this submission, NAAFLS is of the view that the Bill fails to recognise the rights and liberties of Aboriginal and Torres Strait Islander children and families. The Bill is a reiteration of protectionist policies and legislation that led to the Stolen Generation and such harm has continued to impact Aboriginal and Torres Strait Islander individuals to date.
44. If the NT Government introduce the proposed amendments, NAAFLS anticipates the bill will significantly disproportionately affect Aboriginal and Torres Strait Islander families and children.
45. NAAFLS strongly recommends the Bill is not passed.
46. The Northern Territory already has decades of evidence, inquiries and expert recommendations identifying both the causes of child protection involvement and the reforms needed to improve outcomes for children. What is needed now is implementation. The Government should instead commit to working in genuine partnership with Aboriginal Community Controlled Organisations and Aboriginal leaders to develop and deliver a long-term, Aboriginal-led generational strategy focused not only on care and protection, but on the broader social determinants of child safety, including housing, disability, health, education, family violence prevention and corrections reform.

Yours sincerely



Clara Mills

Principal Lawyer

North Australian Aboriginal Family Legal Service