

# Submission to the Inquiry into the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026



Prepared by Our Watch

May 2026

# Contents

<b>Acknowledgement of Country</b>	<b>3</b>
<b>About Our Watch</b>	<b>3</b>
<b>About our submission</b>	<b>4</b>
<b>What we know about the drivers of violence against Aboriginal and Torres Strait Islander women</b>	<b>4</b>
<b>Child protection and violence against Aboriginal and Torres Strait Islander women and children</b>	<b>5</b>
<b>Our Watch's response to <i>Care and Protection of Children Legislation Amendment (Every Child Matters) 2026</i></b>	<b>5</b>
– Recommendation 1: Our Watch recommends the Northern Territory Government recommit to embedding the Aboriginal Child Placement Principle, noting that the legislative changes proposed in the Care and Protection of Children Legislation Amendment (Every Child Matters) 2026 are not alligned to the evidence base on preventing violence against Aboriginal and Torres Strait Islander women and children and risk undermining their safety.	6
– Recommendation 2: Our Watch recommends any changes to legislation should be developed in consultation with the Aboriginal and Torres Strait Islander community-controlled sector, peak bodies and leaders in order to avoid unintended negative consequences.	7
– Recommendation 3: Our Watch recommends investing in what the Changing the picture evidence-base tells us works for preventing violence against women and children	8

## Acknowledgement of Country

Our Watch acknowledges the Traditional Owners of the land across Australia on which we work and live. We pay respects to Elders past and present and recognise the continuing connection Aboriginal and Torres Strait Islander people have to land, culture, knowledge, and language for over 65,000 years.

As a non-Aboriginal organisation, Our Watch understands that violence against Aboriginal and Torres Strait Islander women and children is a whole of community issue. As highlighted in Our Watch's national resource *Changing the picture*, it is the intersection between racism, sexism and the ongoing impacts of colonisation that drive violence against Aboriginal and Torres Strait Islander women.

Our Watch has an ongoing commitment to the prevention of violence against Aboriginal and Torres Strait Islander women and children, who continue to experience violence at significantly higher rates than non-Aboriginal women. We acknowledge all Aboriginal and Torres Strait Islander people who continue to lead the work of sharing knowledge with non-Aboriginal people and advocating for an equitable, violence-free future in Australia.

## About Our Watch

Our Watch is a national leader in the primary prevention of violence against women and their children in Australia. We are an independent, not for profit organisation established in 2013. All Australian governments are members of Our Watch.

Our vision is an Australia where women and their children live free from all forms of violence. We aim to drive nation-wide change in the culture, behaviours, attitudes and social structures that drive violence against women.

Guided by our ground-breaking national framework, *Change the story: A shared framework for the primary prevention of violence against women in Australia*, we work at all levels of our society to address the deeply entrenched, underlying drivers of violence against women, especially those stemming from gender inequality. We work with governments, practitioners and the community, at all levels of Australian society, to address these drivers of violence in all settings where people live, learn, work and socialise.

Our Watch's work to prevent violence against Aboriginal and Torres Strait Islander women is central to our Strategic Plan, which specifically acknowledges that Aboriginal and Torres Strait Islander women experience disproportionately high rates of violence due to the combined impact of racism, colonisation, and gender inequality. Our work to prevent this violence is led by the Our Watch Directorate of Aboriginal and Torres Strait Islander Strategy and grounded in our national *Changing the picture* framework.

## About our submission

We welcome the Northern Territory's Government invitation for submissions the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*.

Throughout our submission, we provide you with evidence that shows that the legislation in its current form would not achieve its ambitions to keep children safer, and in fact, would likely have unintended negative consequences. We would welcome an opportunity to meet or further discuss reforms that avoid such unintended consequences.

For further information regarding this submission, please contact **Dr Sanjugta Vas Dev, Director of Government Relations, Policy and Evidence** at [sanjugta.vasdev@ourwatch.org.au](mailto:sanjugta.vasdev@ourwatch.org.au).

## What we know about the drivers of violence against Aboriginal and Torres Strait Islander women

While across Australia gender inequality is the primary and consistent driver of violence against women, it does not operate in isolation. In the Northern Territory, intersecting forms of structural inequality, including the ongoing impacts of colonisation and intergenerational trauma, racism, geographic remoteness and poverty, shape both the risk of violence and children and women's access to safety, justice and prevention.

*Changing the picture*, Our Watch's national framework for the prevention of violence against Aboriginal and Torres Strait Islander women and children, shows that a significant underlying cause of contemporary forms of violence within Aboriginal and Torres Strait communities is the intergenerational trauma experienced by Aboriginal and Torres Strait Islander people.

Experts in the field of psychological trauma suggest that Aboriginal and Torres Strait Islander people experience unique forms of trauma and post-traumatic stress.<sup>1</sup> These are the result of 'the ongoing and cumulative effects of colonisation, loss of land, language and culture, the erosion of cultural and spiritual identity, the forced removal of children, and racism and discrimination'.<sup>2</sup>

The race-based policies that created the Stolen Generations have produced an ongoing cycle of intergenerational trauma for Aboriginal and Torres Strait Islander families. Today, Aboriginal and Torres Strait Islander children continue to be removed from their families at extremely disproportionate rates, and family violence is a primary driver of their significant over-representation<sup>3</sup> in out-of-home care.<sup>4</sup>

## Child protection and violence against Aboriginal and Torres Strait Islander women and children

Our Watch's vision is for an Australia where women and their children live free from all forms of violence. This requires systems which prioritise the physical and cultural safety of Aboriginal women and their children.

In the Northern Territory, there is significant overlap between domestic, family and sexual violence and the child protection system. This means that efforts to improve the safety of children cannot be separated from efforts to prevent and respond to men's violence against women and their children.

Rates of domestic, family and sexual violence (DFSV) in the Northern Territory are consistently and significantly higher than those recorded in other Australian jurisdictions. The DFSV assault rate is three times the national average, and the DFSV related homicide rate is seven times the national average.<sup>5</sup> Aboriginal women are over-represented in these statistics, and make up over 90 per cent of domestic violence homicides recorded in the Northern Territory.<sup>6</sup>

At the same time, Aboriginal and Torres Strait Islander children make up 89 per cent of all children in out-of-home care in the Northern Territory. Despite the existence of the Aboriginal and Torres Strait Islander Child Placement Principle, only 16.7 per cent of Aboriginal and Torres Strait Islander children within the child protection system are placed with Aboriginal and Torres Strait Islander family members.<sup>78</sup> The significant, detrimental impacts of child removal are well-established, and include the embedding of disadvantage and the perpetuation of intergenerational trauma.<sup>9</sup>

The over-representation of Aboriginal and Torres Strait Islander women and their families in each of these systems is inherently linked, and a product of the ongoing impact of colonisation and systemic racism.

Family violence against women is the leading reason for the disproportionately high numbers of Aboriginal and Torres Strait Islander children removed from their families.<sup>10</sup> For Aboriginal and Torres Strait Islander children, families and communities, removal of a child compounds the harm caused by violence, because it continues the traumatic intergenerational cycle of family, cultural and community disruption, disconnection from Country, grief and loss.<sup>11</sup>

At a community level, the extremely high rate of removal of Aboriginal and Torres Strait Islander children from their families drives further violence within Aboriginal and Torres Strait Islander communities as the protective factors of culture and connection are disrupted.

## Our Watch's response to *Care and Protection of Children Legislation Amendment (Every Child Matters) 2026*

Our Watch is concerned that several amendments proposed in the *Care and Protection of Children Legislation Amendment (Every Child Matters) 2026* are contrary to the evidence base on preventing violence against Aboriginal and Torres Strait Islander women and children and risk undermining their safety. Which would be an unintended and adverse consequence of the

legislation. In particular, the proposed reforms could more adequately consider the interconnected nature of child protection involvement, domestic, family and sexual violence, colonisation and systemic racism. Our Watch's recommendations urge evidence-based actions to strengthen the safety of women and children.

**Recommendation 1:** *Our Watch recommends the Northern Territory Government recommit to embedding the Aboriginal Child Placement Principle, noting that the legislative changes proposed in the Care and Protection of Children Legislation Amendment (Every Child Matters) 2026 are not aligned to the evidence base on preventing violence against Aboriginal and Torres Strait Islander women and children and risk undermining their safety.*

The Bill risks adversely affecting the rights and liberties of Aboriginal people – a specific risk the Legislative Scrutiny Committee is tasked with assessing (Terms of Reference Item 3. iii) G). It also does not have sufficient regard to Aboriginal and Torres Strait Islander tradition (Terms of Reference Item 3. ii) J)

Rather than proceeding with this Bill, we recommend the Northern Territory Government recommit to fully embedding the Aboriginal and Torres Strait Islander Child Placement Principle and Aboriginal and Torres Strait Islander decision-making into child protection systems.<sup>12</sup>

To end violence against women and ensure the safety of children all parts of the system must be working together in mutually reinforcing ways. There is significant evidence demonstrating that the amendments to be introduced by the *Care and Protection of Children Legislation Amendment (Every Child Matters Bill) 2026* do not support or reflect what we know is needed to prevent violence against Aboriginal and Torres Strait Islander women and their children. Specifically, Clauses 6 and Clause 8-11, work in opposition to the evidence-based actions identified in *Changing the picture*.

*Changing the picture* Action 1 outlines the need to address the legacies and ongoing impacts of colonisation for Aboriginal and Torres Strait Islander people, families and communities<sup>13</sup>. One of the specific actions identified is to 'Strengthen and support Aboriginal and Torres Strait Islander families'; this includes:

- Reduce the negative impacts of some child protection practices on Aboriginal and Torres Strait Islander children and young people. This would include improving the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle in child protection systems, and addressing identified barriers and increasing proven supports to implementation.<sup>14, 15</sup>
- Embed Aboriginal and Torres Strait Islander decision making into child protection systems.<sup>16</sup>

The proposed removal of the Aboriginal and Torres Strait Islander Child Placement Principle and replacement of the new placement of children principle at section 12B (which applies to all children) work against the two specific aims outlined above.

It is also not aligned to decades of evidence developed and led by Aboriginal and Torres Strait Islander community-controlled organisations and leaders affirming the need for responses to

Aboriginal and Torres Strait Islander children to be grounded in culture, connection to community, Country, family and kin.<sup>17</sup>

Both the Northern Territory Children’s Commissioner, Shahleena Musk, and the National Commissioner for Aboriginal and Torres Strait Islander Children and Young People, Sue-Anne Hunter, have opposed any weakening of the Aboriginal and Torres Strait Islander Child Placement Principle.<sup>18</sup>

The National Aboriginal and Torres Strait Islander Children’s Commissioner, Queensland’s Aboriginal and Torres Strait Islander Children’s Commissioner, SNAICC – National Voice for Our Children, and Queensland Aboriginal and Torres Strait Islander Child Protection Peak have all emphasised that: “Cultural safety is inseparable from child safety. Connection to culture, identity and community is a key protective factor that supports resilience and wellbeing.”<sup>19</sup>

The Aboriginal and Torres Strait Islander Child Placement Principle connects children’s safety, wellbeing and identity to families and communities. It recognises that Aboriginal and Torres Strait Islander community-controlled organisations are best placed to make decisions about children’s care and protection. Any changes to the legislation which enshrines this Principle should be led by this expert knowledge, in line with Priority Reform 1 of the *National Agreement on Closing the Gap*.<sup>20</sup>

**Recommendation 2:** *Our Watch recommends any changes to legislation should be developed in consultation with the Aboriginal and Torres Strait Islander community-controlled sector, peak bodies and leaders in order to avoid unintended negative consequences.*

Community ownership, community control and self-determination are repeatedly identified as key principles for many kinds of initiatives in Aboriginal and Torres Strait Islander communities,<sup>21</sup> and a key indicator of success.<sup>22</sup> In 2007 the United Nations *Declaration on the Rights of Indigenous Peoples* specifically provided that states shall take measures, **in conjunction with Indigenous peoples**, to ensure that Indigenous women and children enjoy full protection and guarantees against all forms of violence and discrimination (Article 22)<sup>23</sup>.

Because this Bill has been developed without adequate consultation, it risks adversely affecting the rights and liberties of Aboriginal people – a specific risk the Legislative Scrutiny Committee is tasked with assessing (Terms of Reference Item 3. lii) G). The lack of consultation also means the Bill does not have sufficient regard to Aboriginal and Torres Strait Islander tradition (Terms of Reference Item 3. lii) J)

At the national level, the *National Agreement on Closing the Gap*<sup>24</sup> and *Our Ways – Strong Ways – Our Voices*<sup>25</sup> establish and positions self-determination and genuine and meaningful consultation as key to redefining and creating safer systems that meet the needs of Aboriginal and Torres Strait Islander children, women, families and communities.

These sentiments are reflected in the recent Joint Media Release from the North Australian Aboriginal Justice Agency (NAAJA), the North Australian Aboriginal Family Legal Services (NAAFLS), Central Australian Aboriginal Family Legal Service (CAAFLU), Central Australian Women’s Legal Service (CAWLS), Top End Women’s Legal Service (TEWLS),

Katherine Women's Information and Legal Service (KWILS), Darwin Community Legal Centre (DCLS), and Legal Aid NT (LANT).<sup>26</sup> The statement reinforces the need for genuine consultation with Aboriginal and Torres Strait Islander community-controlled organisations and leaders in the Northern Territory on reforms to keep children safe.

Changes to the Care and Protection of Children Legislation must be undertaken in consultation with the Aboriginal and Torres Strait Islander community-controlled sector and leaders. This includes Our Ways Strong Together: National Aboriginal and Torres Strait Islander Family, Domestic and Sexual Violence Peak, the Northern Territory Children's Commissioner, the National Commissioner for Aboriginal and Torres Strait Islander Children and Young People, SNAICC – National Voice for Our Children and Aboriginal and Torres Strait Islander legal services. Consultation must be grounded in the principles shared decision-making outlined by Priority Reform 1 of the *National Agreement on Closing the Gap*.<sup>27</sup>

**Recommendation 3:** *Our Watch recommends investing in what the Changing the picture evidence-base tells us works for preventing violence against women and children, including:*

- Continuing to invest in Aboriginal and Torres Strait Islander community-controlled organisations to lead community-driven, culturally safe projects that strengthen and support Aboriginal and Torres Strait Islander families. This is aligned with Thread 2 of *Our Ways – Strong Ways – Our Voices*<sup>28</sup> and Priority Reform 2 under the *National Agreement on Closing the Gap*<sup>29</sup>.
- Continuing to invest in and embed gender equality and prevention of violence against women in initiatives across key settings including workplaces, education institutions and sport.
- Invest in increasing the availability of Men's Behaviour Change Programs, including for men in custodial settings or who are living in remote communities.
- Increase investment in proven community-led gender equity initiatives, such as Tangentyere Council's *Girls Can Boys Can* initiative.

*Every Child Matters Bill 2026* has a strong focus on the role of child protection systems and law enforcement agencies. Our Watch advises the Committee to also consider the evidence base and need for a primary prevention approach to keeping children and women safe and well – one that directly addresses the underlying drivers of violence against women and children and contact with child protection systems. We would welcome an opportunity to discuss this further.

Colonisation, racism and gender inequality intersect not only with each other but with other forms of oppression and discrimination. These include classism, ageism, disability discrimination, homophobia and transphobia, all of which can generate additional drivers of violence, increase the perpetration of violence, exacerbate and complicate its impacts, and create additional barriers to reporting for some Aboriginal and Torres Strait Islander women.

For Aboriginal and Torres Strait Islander women common experiences within state systems include racist attitudes and discriminatory practices from both authorities (police, legal, justice and child protection agencies), and services (health, welfare and housing). The ongoing

failures of such state agencies creates deep distrust. Many women hold very real fears that reporting violence may lead to child protection intervention, child removal, loss of access to housing or other accommodation, perpetrator misidentification and other unwanted attention, criminalisation or intrusion.<sup>30</sup>

Investing in primary prevention will better align systems to address to all the drivers of violence against Aboriginal and Torres Strait Islander women and their children identified in *Changing the picture*.

- <sup>1</sup> Atkinson, J. (2002). Ryan et al also note that the particular kinds and combinations of trauma and chronic stress Indigenous people experience are not well recognised or captured within mainstream diagnoses such as post traumatic stress disorder (2016), p. 45.
- <sup>2</sup> Steering Committee for the Review of Government Service Provision (2016) citing Bryant (2009), Clapham et al (2006); Human Rights and Equal Opportunity Commission (1997) and Zubrick et al (2004).
- <sup>3</sup> Nationally, Aboriginal and Torres Strait Islander children represent over 35% of children living in out-of-home care: Australian Institute of Health and Welfare (2016).
- <sup>4</sup> Australian Institute of Health and Welfare (2016), State of Victoria (2016), Commission for Children and Young People (2016).
- <sup>5</sup> The Equality Institute (2023). Evidence Snapshot: what we know about domestic, family, and sexual violence in the Northern Territory – and what we don't. Retrieved from: [Evidence-Snapshot-What-We-Know-About-Domestic-Family-and-Sexual-Violence-in-the-Northern-Territory-and-What-We-Dont.pdf](#)
- <sup>6</sup> Inquests into the deaths of Miss Yunupirju, Ngeygo Ragurrk, Kumarn Rubuntja and Kumanjayi Haywood [2024] NTLC 14
- <sup>7</sup> The Office of the Children's Commissioner, Northern Territory (2025). Submission to the CAPCA Review May 2025. Retrieved from: [Other Reports | OCC site](#)
- <sup>8</sup> SNAICC – National Voice for our Children (2025). Family Matters Report 2025 – Strong, loved and full of potential. Retrieved from: [Family Matters Report 2025](#)
- <sup>9</sup> See for example, Commonwealth of Australia. (1997). *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. Sydney: Human Rights and Equal Opportunity Commission.
- <sup>10</sup> Aboriginal Family Violence Prevention and Legal Service Victoria. (2015b). Submission to Victorian Royal Commission into Family Violence.
- <sup>11</sup> Australian Institute of Health and Welfare. (2016). Child protection Australia 2014–15, Canberra, ACT: Australian Institute of Health and Welfare.
- <sup>12</sup> For example, see Aboriginal and Torres Strait Islander Social Justice Commissioner (2006); the various publications and resources produced by the NPY Women's Council on this issue (<https://www.npywc.org.au/resources/publications/>); the set of 2010 policy papers and numerous submissions by the Aboriginal Family Violence Prevention and Legal Service Victoria (available at <http://fvpls.org>), and the report of its 2012 national conference, Aboriginal Family Violence Prevention and Legal Service Victoria (2013); and the recent Redfern Statement released by 18 Aboriginal and Torres Strait Islander peak organisations, which highlights the prevention of violence against Aboriginal and Torres Strait Islander women as one of six priority areas requiring urgent government action, National Congress of Australia's First Peoples (and other organisations) (2016), pp. 14–15.
- <sup>13</sup> Our Watch (2018). Changing the picture. Retrieved from: [Changing the picture \(ourwatch.org.au\)](#)
- <sup>14</sup> For example, see Aboriginal and Torres Strait Islander Social Justice Commissioner (2006); the various publications and resources produced by the NPY Women's Council on this issue (<https://www.npywc.org.au/resources/publications/>); the set of 2010 policy papers and numerous submissions by the Aboriginal Family Violence Prevention and Legal Service Victoria (available at <http://fvpls.org>), and the report of its 2012 national conference, Aboriginal Family Violence Prevention and Legal Service Victoria (2013); and the recent Redfern Statement released by 18 Aboriginal and Torres Strait Islander peak organisations, which highlights the prevention of violence against Aboriginal and Torres Strait Islander women as one of six priority areas requiring urgent government action, National Congress of Australia's First Peoples (and other organisations) (2016), pp. 14–15.

- <sup>15</sup> See SNAICC (2025). Reviewing Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle Northern Territory 2025. Retrieved from: [Reviewing Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle Northern Territory 2025 | Report | SNAICC](#)
- <sup>16</sup> For example, see Aboriginal and Torres Strait Islander Social Justice Commissioner (2006); the various publications and resources produced by the NPY Women’s Council on this issue (<https://www.npywc.org.au/resources/publications/>); the set of 2010 policy papers and numerous submissions by the Aboriginal Family Violence Prevention and Legal Service Victoria (available at <http://fvpls.org>), and the report of its 2012 national conference, Aboriginal Family Violence Prevention and Legal Service Victoria (2013); and the recent Redfern Statement released by 18 Aboriginal and Torres Strait Islander peak organisations, which highlights the prevention of violence against Aboriginal and Torres Strait Islander women as one of six priority areas requiring urgent government action, National Congress of Australia’s First Peoples (and other organisations) (2016), pp. 14–15.
- <sup>17</sup> SNAICC – National Voice for our Children (2025). Family Matters Report 2025 – Strong, loved and full of potential. Retrieved from: [Family Matters Report 2025](#)
- <sup>18</sup> Commissioners Call for Independent Inquiry into Systems Designed to Protect the Territory’s Children (2026). Retrieved from:
- <sup>19</sup> Joint statement urging governments to protect and fully implement the Aboriginal and Torres Strait Islander Child Placement Principle (2026). Retrieved from: [Joint statement urging governments to protect and fully implement the Aboriginal and Torres Strait Islander Child Placement Principle](#)
- <sup>20</sup> National Agreement on Closing the Gap (July 2020). Retrieved from: [National Agreement on Closing the Gap | Closing the Gap](#)
- <sup>21</sup> For example, Dudgeon et al (2014), p. xxiv, Change the Record Coalition (2015), p. 4
- <sup>22</sup> Hunt J. (2016). Let’s talk about success: exploring factors behind positive change in Aboriginal communities. CAEPR Working Paper No. 109, Australian National University. Retrieved from [http://caepr.anu.edu.au/sites/default/files/Publications/WP/Working%20Paper%2016-046-\(24May16\).pdf](http://caepr.anu.edu.au/sites/default/files/Publications/WP/Working%20Paper%2016-046-(24May16).pdf).
- <sup>23</sup> United Nations (2007). Declaration on the Rights of Indigenous Peoples. Retrieved from: [UN Declaration on the Rights of Indigenous Peoples | OHCHR](#)
- <sup>24</sup> National Agreement on Closing the Gap (July 2020). Retrieved from: [National Agreement on Closing the Gap | Closing the Gap](#)
- <sup>25</sup> Our Ways – Strong Ways – Our Voices: National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence (2026). Retrieved from: [Our Ways - Strong Ways - Our Voices: National Aboriginal and Torres Strait Islander Plan to End Family, Domestic, and Sexual Violence 2026-2036](#)
- <sup>26</sup> Joint Release – Serious concerns raised about proposed NT child removal reforms (2026). Retrieved from: [JOINT RELEASE - Serious concerns raised about proposed NT child removal reforms - NAAJA](#)
- <sup>27</sup> National Agreement on Closing the Gap (July 2020). Retrieved from: [National Agreement on Closing the Gap | Closing the Gap](#)
- <sup>28</sup> Our Ways – Strong Ways – Our Voices: National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence (2026). Retrieved from: [Our Ways - Strong Ways - Our Voices: National Aboriginal and Torres Strait Islander Plan to End Family, Domestic, and Sexual Violence 2026-2036](#)
- <sup>29</sup> National Agreement on Closing the Gap (July 2020). Retrieved from: [National Agreement on Closing the Gap | Closing the Gap](#)
- <sup>30</sup> Smith, A. (2007). Native American feminism, sovereignty and social change. In J. Green (Ed.), Making space for Indigenous feminism, (pp. 93–107). Halifax: Fernwood Publishing, p. 102.