



Via email:

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The OCC welcomes the opportunity to comment on 'Review of legislation and the justice response to domestic and family violence in the Northern Territory' consultation paper. The OCC seeks to provide feedback on Part 6: Proposed systemic reforms.

Research, evidence and responding to children in their own right

The OCC is determined to ensure the Northern Territory Government provide Territory children with the best start in life and receive everything they need to grow and thrive into adulthood. Advancing systemic reforms for domestic and/or family violence from a human rights lens is critical for change that is lasting, person-centred and evidenced from a public health approach.

The United Nations Convention on the Rights of the Child (CRC) underpins the holistic way in which legislation, policies and programs should give primary consideration to a child's best interests.

Evaluation of legislation, policies, programs and practice should seek to identify the effect of specialist approaches on children. For example, the Internal Evaluation Report of local court reforms (proposal SR 10) must consider how its review and ongoing evaluations monitor service provision to children. Evaluations should include the participation of children and child-sector experts to determine the effectiveness of measures, implementation and address areas for improvement.

The OCC requests the Department provide further clarification on how proposals 24 and 25 will align to address concerns regarding children with low-risk factors of DFV. The Family Safety Framework (FSF) applies to victim-survivors – including children. The OCC suggests the reform agenda include action-based, integrated, multi-service responses for children victim-survivors, not only women. TFHC Multi-Agency Children and Community Safety Teams (MACCST) in conjunction with RAMF, responds to high-risk factors for children who are exposed to DVF, affected by DFV and/or victim-survivors. The OCC suggest further consideration on how MACCST or other mechanisms will address concerns for those children who do not meet the 'high-risk' threshold and who also may be at risk of being overlooked by the Family Safety Framework.

Child specific programs/services

The prevention and early intervention of domestic and/or family violence must include specialised and targeted programs and campaigns for children and young people. Child-specific programs are integral to achieving generational change. The OCC supports the proposed reforms for programs and services and requests that each identify how they will explicitly target children at risk of experiencing, perpetrating and/or witnessing DFV. It is critical the systemic reforms for children are targeted, evidence based and have capacity to integrate with family/community programs where necessary.

Proposals for systemic reform: 3, 9, 19, 21, 22 and 24 require designated steps and inclusion for child-specific responses. For example,

- SR9 proposes a campaign about healthy and safe relationships with a focus on coercive control education. It is vital the Department account for a campaign directly aimed at children and young people, commencing for children primary school-age to continue through high school; consistently delivered and evolving as required. Campaigns on healthy



and safe relationships are key to influencing improved outcomes for children and should include particular topics like conflict resolution skills.

- SR 19 reforms should consider how adequately resourced existing DFV support services involve child victim-survivors in proceedings
- SR 20 reform requires child-specialised trauma informed counselling services for children in youth detention, regardless of whether they are on remand or sentenced. Access to quality programs and services for children in detention must consider challenges regarding continuity of services between youth detention and the community and place-based service delivery of services in conjunction with other services to the child through health, NDIS etc.
- SR 21 requires increased availability of high quality DFV perpetrator programs that are; child specific, particular to sibling-to-sibling relationships, young intimate relationships, harmful sexual behaviours
- SR 22 oversight committee/body reviews of existing programs, development and best practice standards require inclusion of child-expertise and child-specific measures.

Training and education specific to children

Childhood is a critical period of intensive neurobiological and social development. Professionals who work with children, or on child-related matters, across a multitude of sectors are required to understand the sensitivities of childhood and the impact adverse experiences can have on a child's healthy development. Specialised programs and services regarding children require training, education and supports for the adults who deliver them.

- SR 10 specialist DFV training for judges who sit in youth courts or deal with child-matters require training in child-friendly (age-appropriate) approaches, including through a cultural lens.
- SR 11 revision of Police General Orders on DFV to strengthen recognition and responses to children as victim-survivors in their own right. Training and education for police on child-safe interactions and methods of engagement, including responses to child-perpetrators.
- SR 13 requires consideration of the sufficiency of CRAT to recognise children as victim-survivors and/or witnesses in their own right.
- SR 17 specialist DFV and sexual assault training for prosecutors must include relevant and evidence-based education about its impact on children

Australian evidence about the impact of children's experience of DFV is growing. It is becoming increasingly outdated to consider that children are unaffected or resilient to experiences of DFV. An ANROWS study found at least 89% of children who had used family violence reported experiencing child abuse. Strengthening reforms to address the particular needs of children experiencing DFV will increase opportunities to reduce the prevalence of future harm.

Thank you for the opportunity to provide a submission. Should you have any queries, please do not hesitate to contact Clare Patterson, Strategy and Rights Officer, at clare.patterson@nt.gov.au.

Yours sincerely,



A/Children's Commissioner

Nicole Hucks



Attachment 1

Below is a snapshot of data from the OCC Annual Report 2021-22 relevant to children's experience of domestic and/or family violence.

Child protection:

- 38% or 11,481 notifications received involved domestic and/or family violence.
- 61% or 7,045 notifications where domestic and/or family violence was a contributing factor did not proceed to investigation.
- Domestic and/or family violence safety concerns for children are captured as either neglect and/or emotional abuse. Almost 76% of substantiated notifications for 2021-22 relate to either neglect or emotional harm.
- 60% of all substantiated notifications identified domestic and/or family violence as a contributing factor
- 60% of children who have had harm substantiated are aged under 10 years.

OCC audit of children aged under 14 years in youth detention

- 89% of children had domestic and/or family violence as a contributing factor to notifications
- 96% of children had notifications for neglect
- 63% of children had notifications for physical harm
- 74% of children had notifications for emotional harm.

Children and young people have told the OCC:

- "Grog makes kids not come to school. Too much fighting is a problem. Parents are fighting, kids too much watching the violence" Female, 12 years.
- "Smoking, drinking and fighting. Adults and kids" Male, 14 years.
- "Fighting, swearing and jealousy" Female, 15 years.
- "When there's fights around our house. Throwing stones and hitting houses. This happens a lot. Very scary sometimes they use machetes and spears and there's little kids there. I don't like them watching" Male, 17 years.
- "Yep. There is too much punching and swearing. Close to your family. I feel sad and worried. It stops me from going to others people's houses." Female, 13 years.