



TOP END WOMEN'S LEGAL SERVICE INC.

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7 September 2018

c/o Dr Jennifer Buckley
Committee Secretary
GPO Box 3721
DARWIN NT 0801

Select Committee on a Northern Territory Harm Reduction Strategy for Addictive Behaviors

By email: RAB@nt.gov.au

Dear Committee,

Submission of the Top End Women's Legal Service Inc. – Women incarcerated at Darwin Correctional Centre – Harm Reduction Strategy for Addictive Behaviors

The Top End Women's Legal Service ("TEWLS") welcomes the opportunity to make a submission to the Select Committee on a Northern Territory Harm Reduction Strategy for Addictive Behaviours.

Our submission focuses on women incarcerated in the Darwin Correctional Centre ("DCC") and the cyclic intersectionality of domestic and family violence, addictive behaviors, contact with the justice system, incarceration, and the urgent need for harm reduction strategy actions for women incarcerated in the DCC.

We note that we **endorse** the submission of the Domestic & Family Violence Network (Alcohol Review Submission) and **enclose** a copy with this submission.

About TEWLS

TEWLS is a community legal centre focused on the advancement of women's rights. Founded in 1996, TEWLS is funded by the Commonwealth Departments of the Attorney General and Prime Minister and Cabinet. TEWLS' team of six provide high quality, responsive and culturally appropriate legal advice, casework, community legal education and advocacy in civil and family law areas to women living in the Greater Darwin region.

TEWLS provides holistic legal services in Darwin, Palmerston, Royal Darwin Hospital, six Indigenous communities in the Greater Darwin region, Adult Migrant English Programs, and the DCC. The most frequently requested areas of assistance include family law, domestic and family violence, housing and tenancy, consumer law, debts, fines and welfare rights, sexual assault, discrimination, compensation for victims of crime, and complaint matters.

In the 2017/2018 Financial Year, TEWLS –

- Assisted more than 2,500 women;
- Provided more than 1,250 women with information and or referral;
- Delivered legal advice to over 650 women on more than 1,000 legal matter types;
- Represented over 500 women in a wide range of legal matter types; and,
- Presented over 25 law reform submissions, community legal education sessions, and advocacy matters.

In addition, during this period –

- Over 60% of all TEWLS clients had domestic and family violence and financial disadvantage indicators;
- Almost all clients presented with a complex matrix of interrelated legal matters and vulnerabilities that required, and received, a dedicated holistic focus; and
- Over 20% of all clients were homeless, without income, with a disability or mental health condition, and/or with English as a second language.

Our submission

TEWLS' submission is based our longstanding civil legal services to women incarcerated at DCC, including Aboriginal and Torres Strait Islander women, and women from culturally and linguistically diverse backgrounds.

TEWLS is presently the only scheduled legal service providing a civil and family law advice and representation service to women at the DCC. With strong connectivity established over many years, a TEWLS solicitor and TEWLS Indigenous Community and Project Officer currently attend DCC every third Thursday. Where capacity exists, community legal education presentations are provided on salient topics including domestic and family violence and domestic violence orders; family law and child protection; victims of crime applications; fines; consumer and contract law.

As a consequence of TEWLS' DCC legal services, we have identified high levels of addictive behaviours and substance abuse problems for incarcerated women, both pre and post incarceration, and an urgent need for harm reduction strategies to be available to these women. The availability of programs to reduce harm would aim to reduce contact and costs associated with both legal system contacts and reincarceration, whilst improving individual, familial, and community engagement and outcomes.

Our submission reflects anecdotal evidence indicating that a significant majority of women incarcerated at the DCC have domestic and family violence indicators, which can serve as a foundational basis and establish vulnerabilities for a broad range of subsequent harmful addictive behaviours. TEWLS' holistic service provision, premised on best practice linked-up, multidisciplinary connectivity, where counselling and related support services are cognisant and inclusive of domestic and family violence, advocates for services to be made available

for women incarcerated at the DCC to reduce the individual and social harm caused from alcohol and other substance use, that stem from a background of domestic and family violence and intergenerational trauma.

A Addictive substances statistics for women in DCC

A history of substance abuse and addiction is a common connector amongst women incarcerated at the DCC, and contributes disproportionately to overall rates of Indigenous incarceration. It is a strong element and indicia to offending, particularly for Indigenous prisoners who comprise the majority of the women incarcerated at the DCC. The *Drug Use of Female Offenders study* highlights statistics regarding the current environment of offending, stating that 90% of Indigenous prison entrants link their offending to substance abuse,¹ and Indigenous people are 1.5 - 3.8 times more likely to be under the influence of drugs or alcohol at the time of their offence, when compared to non-Indigenous people.² These statistics highlight the need for appropriate, culturally aware and responsive programs within the DCC to address addictive behaviors.

In TEWLS' experience, substance abuse is regularly normalised through exposure as a child, experience in relationships, and through inter-generational trauma where alcohol abuse and alcohol fueled violence are witnessed and experienced. Of note, alcohol misuse and abuse, an addictive behavior of particular concern in TEWLS' work, is consistently reported in Northern Territory ("NT") Crime Statistics to be involved in the vast majority of domestic and family violence matters attended by NT police.³ Additionally, women incarcerated at the DCC frequently report the use of alcohol and other substances to "self-medicate" in order to forget or numb the traumatic impacts of having experienced domestic and family violence. This self-reported violence is regularly and repeatedly high level, with significant physical injuries requiring admission to hospital, and are often connected with repeated partner victimisation. Of note, the Australian National Research Organisation for Women's Safety ("ANROWS") has reported that "drug and alcohol use was considered a pervasive issue for incarcerated women when out of prison, who often used it as a means of escaping inter-personal violence."⁴

Given over 60% of TEWLS clients have domestic and family violence indicators, TEWLS submits that there is a demonstrated need for specialised domestic and family violence counselling that is cognisant and inclusive of addiction behaviors and harm reduction within the DCC.

¹ Johnson, H (2004). Key findings from the Drug Use Careers of Female Offenders study. Trends & issues in crime and criminal justice no. 289. Canberra: AIC.

² Johnson, H (2004). Key findings from the Drug Use Careers of Female Offenders study. Trends & issues in crime and criminal justice no. 289. Canberra: AIC.

³ NT Crime Statistics April 2016 p.18 accessed at <http://www.pfes.nt.gov.au/Police/Community-safety/Northern-Territory-crime-statistics/Statistical-publications.aspx> on 05/09/17.

⁴ Australia National Research Organisation for Women Safety, 'The Forgotten Victims: Prisoner experience of victimisation and engagement with the criminal justice system: *Key findings and future directions.*'

The complex matrix of incarcerated women's addiction behaviors requires and deserves a holistic and comprehensive linked up service provision. Whilst we understand that the DCC supports and would welcome a visiting external specialist domestic and family violence counsellor, this is not currently available to women incarcerated within the DCC due to resource restraints. Whilst TEWLS has secured and facilitated sexual assault counselling for women at DCC via Ruby Gaea, the specialist sexual assault service in Darwin, there is insufficient capacity within existing specialist family and domestic violence services to address the presently identified need to specifically address domestic violence indicators in tandem with substance abuse and harm reduction strategies.

B Access to services in prison

Unfortunately, incarceration presents as a crucial potential opportunity in the NT to access primary and preventative medical, support, therapeutic and related services, that may not otherwise be available or engaged with outside incarceration. TEWLS submits such access and provision should be a priority agenda item for women incarcerated at the DCC. Research from Johnson supports this submission, noting that female Indigenous prisoners experience greater rates of mental health and more extensive substance abuse histories than male prisoners, and many enter prison following a history of sexual or physical abuse.⁵

It is our submission that the intersectionality between substance abuse and domestic and family violence could be best addressed through the provision of counselling and support services whilst incarcerated, particularly counselling in relation to domestic and family violence, which is currently a significant gap in service provision at the DCC. In noting domestic and family violence as a foundational issue for a broad range of women's offending, and the significantly increasing rate of female incarceration, TEWLS perceives the provision of heightened services as an innovative and new opportunity that may be effective in the NT context to show case results with a small group of women incarcerated in the DCC.

In TEWLS' experience, incarceration presents a period of time to make meaningful impact in terms of access to services. The DCC presents a relatively "safe" environment, as compared to what may have been a woman's environment pre-incarceration, given the access to food, clothing, medical assistance, and a substance-free environment. TEWLS is of the belief that the DCC can be seen as a personal development opportunity, where service provision can meaningfully address the health and mental health effects of addictive substances and domestic violence. The previously referred ANROWS report highlights that going to prison, for some women, is a way to escape violence and an opportunity to find out about formal services, and this is confirmed by some of TEWLS clients at DCC. It is for this reason that TEWLS has been advocating for the provision of a domestic and family violence counsellor, as well as an increase in access to services for women in prison, given that the provision of specialist care in prison would assist women to seek positive pathways and outcomes beyond incarceration.

⁵ Johnson, H (2004). Key findings from the Drug Use Careers of Female Offenders study. Trends & Issues in crime and criminal justice no. 289. Canberra.

C Recidivism and transitioning out of prison

The need is pressing for new approaches to how women incarcerated can be provided with appropriate harm reduction strategies and coordinated treatment approaches to address addictive behaviors. The typical archetype of a woman incarcerated is young, under 30 years old, with an average prison sentence of less than one year. Women in the NT are the fastest growing group of people incarcerated.⁶ The NT Ombudsman states compellingly,

“if their [an incarcerated woman] time in custody is not spent with an intensive focus on rehabilitation and preparing them for their future lives, these are likely outcomes that will continue to weigh on the community and require ongoing commitment of substantial public resources in the justice and health systems.”⁷

It is for this reason that time in prison should be regarded as a crucial juncture in the woman’s life, where she can readily access the relevant services required to treat medical, psychological and substance abuse issues. This access needs to link up with relevant stakeholders including Throughcare services available immediately prior to and post release, in order to facilitate durable positive outcomes, better maternal and child health and to divert and differentiate from the cyclical nature of reoffending.

Addressing substance abuse issues is statistically supported to reduce recidivism. Re-entry into the community is a time of risk, where housing, family and support networks can take some time to be re-established and temptations for pre-incarceration addictions can be strong. If a woman were to have received appropriate substance abuse counselling in prison, as well as counselling relating to possible domestic and family violence, the outcomes would be remarkable in that the respective woman would have been empowered with the strategies and capacity to deal with difficult circumstances in a context where there are pressures and statistical reinforcement that reoffending would occur.

Release from incarceration can be a very difficult phase, with a number of pressures presenting such as loss of connection to community and culture, access issues to children, housing and tenancy issues and financial stress. If incarceration has been a real and tangible opportunity for rehabilitation and working towards addressing harmful addictive behaviors, it is hoped that the transitioning period and capability to deal with post release circumstances will be more conducive to reintegration and positive outcomes.

Conclusion

TEWLS appreciates the opportunity to make this submission and to support ongoing policy and legal development in responding to harmful addictive behaviors for women in the Top End.

⁶ Higgins, D, and Davis, K (2014). Law and justice: prevention and early intervention programs for Indigenous youth. Closing the Gap Clearinghouse, Resource sheet no. 34. Canberra: AIHW; www.girlsacademy.com.au/wp-content/uploads/2016/11/Prospectus-2017.pdf.

⁷ NT Ombudsman, ‘Women in Prison II – Alice Springs Women’s Correctional Facility,’ Ombudsman NT Investigation Report, vol. 1, p. 1.

TEWLS will continue to advocate for the women incarcerated in the DCC to have equal access to appropriate counselling services in domestic and family violence and substance abuse, as well as a strategy for coordinated treatment of addictive behaviors and holistic services and programs that would empower these women following their release from incarceration.

We thank you for your consideration of the above and would be pleased to be contacted by phone on (08) 8982 3000 or email to admin@tewls.org.au (contact person Vanessa Lethlean) should you wish to discuss this submission further.

We look forward to the outcome of the Select Committee Inquiry.

Yours faithfully,

TOP END WOMEN'S LEGAL SERVICE INC.



Vanessa Lethlean
Managing Solicitor

Enclosed Submission of the Domestic & Family Violence Network (Alcohol Review Submission)