

Top End Women's Legal Service Inc.

Toll Free: 1800 234 441 • Telephone: (08) 8982 3000 • Facsimile: (08) 8941 9935 • Email: TEWLS@clc.net.au
2/5 Edmunds Street, Darwin • GPO Box 1901, Darwin NT 0801 • ABN: 42 830 944 1784

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Senate Finance and Public Administration Committee
PO Box 6100
Parliament House
Canberra ACT 260

Via email: fpa.sen@aph.gov.au

Dear Sir/Madam,

Senate inquiry into Aboriginal and Torres Strait Islander experience of law enforcement and justice services

We thank the Senate Finance and Public Administration Committee ('the Committee') for providing us with the opportunity to make a submission to the inquiry into Aboriginal and Torres Strait Islander experience of law enforcement and justice services.

About TEWLS

Top End Women's Legal Service ('TEWLS') is a community legal centre focused on the advancement of the rights of all women. We are funded by the Commonwealth Attorney General's Department to provide legal advice, casework and community legal education to women living in the Top End of the Northern Territory. Indigenous women, who we directly assist through our Indigenous Women's Project and Women's Prison Project, constitute a significant proportion of our client base.

Indigenous Women's Project

The Indigenous Women's Project commenced in February 2008 and aims to provide legal advice, information, education and referral services to Indigenous women of the Top End. The project was originally funded as part of the Northern Territory Emergency Response, and is currently funded through the Stronger Futures program. We have recently received confirmation that this project will receive ongoing funding under the Indigenous Advancement Strategy.

TEWLS conducts regular outreach clinics to a number of Indigenous town camps and shire communities. Since 2008, TEWLS solicitors and legal volunteers have visited the following Indigenous communities:

- Belyuen
- Knuckeyes Lagoon
- Gurdorrka (Palmerston Indigenous Village)
- Bagot
- Amangal (Adelaide River)
- Acacia Larrakia.

The main issues that arise from these outreach clinics include consumer complaints, debts, and tenancy issues.

Women's Prison Project

TEWLS also conducts a fortnightly clinic for women imprisoned at Darwin Correctional Precinct ('DCP'). A significant portion of the women we assist at DCP are Indigenous, and primarily seek assistance with domestic violence orders, personal violence restraining orders, victims of crime compensation, and police and prison complaints.

Terms of reference

Our submission will specifically focus on terms of reference a, d and e.

a) The extent to which Aboriginal Torres Strait Islanders have access to legal assistance services

It is our submission that the level of appropriate and accessible legal assistance available to Indigenous women of the Top End is inadequate. We have observed that the legal issues our clients experience are often compounded by our client's inability to recognise an issue as being of a legal nature, and a lack of awareness of the remedies available to them.

Adequate access to outreach legal services such as those offered by TEWLS would work to reduce this issue greatly. Due to recent funding uncertainty, TEWLS has had great difficulty maintaining its current outreach programs and has been severely restricted in efforts aimed at initiating preventative and systemic change, such as community legal education.

Recommendation 1: Provide increased funding for women's legal services so they can provide adequate and targeted assistance to women in indigenous communities.

Due to insufficient funding, TEWLS has been unable to introduce new and innovative projects aimed at assisting Indigenous women access the justice system, including outreach services at Royal Darwin Hospital and services with a focus on youth.

The hospital outreach program at Royal Darwin Hospital ('RDH') was to service Indigenous women subject to domestic and family violence, mental health and other serious health issues, as well as carers and women having to relocate from remote areas for treatment or to support family members receiving treatment. This program would have provided an opportunity to assist Indigenous women from remote Top End communities, as the RDH is the only major hospital in the North Australian region.

The youth project was to involve an outreach service to a Darwin based Indigenous medical centre and collaboration with a program that assists young women who had discontinued schooling after becoming pregnant. This project was aimed at young indigenous women and would have played a key role in informing these women of their legal rights and responsibilities, worked to prevent legal issues occurring, and assisted to resolve legal issues early.

Recommendation 2: Provide funds and support for the implementation of outreach legal services aimed at young Indigenous females.

Recommendation 3: Provide funding and support for the implementation of preventative community legal education programs aimed at young Indigenous women and girls.

Recommendation 4: Work with Indigenous legal services in the development of new and creative ways to service Indigenous women from remote communities.

d) The consequences of mandatory sentencing regimes on Aboriginal and Torres Strait Islander incarceration rates

While TEWLS does not work within the area of criminal law, from the Women's Prison Project we have an insight into the consequences of mandatory sentencing on offenders. We note the United Nations Committee Against Torture's recommendation in late 2014 for the Northern Territory government to review mandatory sentencing laws with a view to abolishing them, given the disproportionate impact they have on Indigenous Australians. We submit that imprisonment is retributive and does not work to rehabilitate individuals, many of whom are severely disadvantaged and have complex and multiple needs. We also note that imprisonment is costly and is not a strong deterrent, as evidenced by the Northern Territory's extremely high rates of re-offending.

Recommendation 5: That mandatory sentencing laws be abolished.

e) The reasons for the high incarceration rates for Aboriginal and Torres Strait Islander men, women and juveniles

Anecdotally speaking, many of the women we provide legal advice and assistance to as part of our work at DCP have been the victims of sexual, physical or child abuse. We often hear sad and complex stories of these women's lives, whose imprisonment is often the culmination of a life characterised by domestic and lateral violence, sexual abuse, drug and alcohol addiction, mental health issues and multiple interactions with the criminal justice system. We have also assisted clients who are incarcerated for physically injuring their abusive current or former partners out of retaliation, and women who intentionally offend so as to be imprisoned and have refuge from a violent partner.

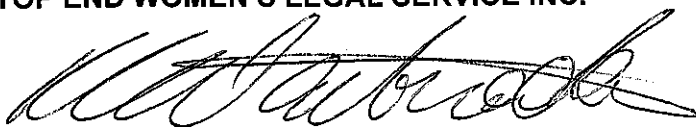
For many of the women we assist in prison, legal assistance, for example in the form of assistance to complete a victims of crime compensation application is essential to them finding a degree of closure. This is particularly so with regards to our Indigenous prison clients, where we have observed a pattern between recidivism and domestic and family violence and sexual assault. It is our submission that the current level of legal assistance available to women in prison is insufficient.

Recommendation 6: Develop long-term programs for Indigenous women in prison that targets recidivism through addressing issues such as domestic and family violence, mental health, and education, as well as a strong focus on support networks for those women that have been the victims of physical and sexual assault.

We thank you for your consideration of the above and would welcome the opportunity to provide further evidence to the Committee should the opportunity arise. Should you require further information please do not hesitate to contact myself on (08) 8982 3000.

Yours Sincerely,

TOP END WOMEN'S LEGAL SERVICE INC.



Melanie Warbrooke
Acting Managing Solicitor