

12 October 2022

Director
Legal Policy
Department of Attorney-General and Justice
GPO Box 1722
Darwin NT 0801

By email to: Policy.AGD@nt.gov.au

Dear Director,

Submission to the Review of Legislation and the Justice Response to Domestic and Family Violence in the Northern Territory – Systemic Reforms – Northern Territory Women's Legal Services

Thank you for inviting comments and consultation on the Review of Legislation and the Justice Response to Domestic and Family Violence in the Northern Territory ("the Review"). The Central Australian Women's Legal Service ('CAWLS'), Katherine Women's Information & Legal Service ('KWILS'), and Top End Women's Legal Service ('TEWLS') (collectively, the Northern Territory Women's Legal Services, hereafter referred to as the 'NTWLS') welcome the opportunity to make a submission in response to the Review and to participate in further consultations.

We note that the following submission is directed to Part 5 of the Review in respect of systemic reforms to address domestic and family violence ('DFV').¹ NTWLS position on the proposed legislative reforms and detailed position on criminalisation of coercive control will be addressed in a further submission.

About NTWLS

Women's legal services are specialist, women-led, and accredited community legal centres specifically developed to improve women's lives through specialist legal representation, support, and advocacy. Across Australia, we provide high-quality and free legal services, including representation and law reform activities, to support women's safety, access to rights and entitlements, and gender equality. In the NT, the three women's legal services cover a geographic region more than 4.5 times the size of Victoria; with TEWLS in the Top End, KWILS in Katherine and Big Rivers regions and CAWLS in the Central Australia and Barkly regions.

Women's legal services prioritise women's safety, access to rights and entitlements and gender equality. We have specialist expertise in safety, risk assessment and management, maintaining holistic and trauma-informed legal practices. The holistic socio-legal operating models adopted

¹ We note that throughout this submission, we will refer to "domestic and family violence" per the definition used in the Review. Despite this, we note that within our respective practices, and reflective of the NT Government's current work through the ICRO, we refer to "domestic, family and sexual violence" or "DFSV", with same implicit within this submission.

by specialist women’s legal services are not replicated in mainstream, generalist legal services, with result that our practices are able to provide “one stop shop” services across multiple areas of law, including family law and civil law [e.g. DFV, discrimination, sexual assault, child protection, housing and tenancy, credit and debt, and restraining orders). We place strong emphases on providing culturally safe services to Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse (‘CALD’) women and providing a safe and accessible practice for vulnerable women and those with intersectional barriers to equity such as disability, sexuality and remoteness. Critically, we note and echo the findings of the first quantitative assessment on legal and related problems coinciding with DFV, where DFV victimisation was linked to elevated experience of a broad range of legal issues, including substantial and multiple legal problems.²

In the NT, women’s legal services occupy space as specialist DFV legal services, working collaboratively with the broader DFV and legal sectors, as well as the NT Government, to provide the best possible services to represent clients, while using service experience and expertise to advocate for systemic change. Our services are entrenched within the DFV system, providing community legal education services at the “front-end”, and triage and response services in times of crisis, including significant levels of court representation and alternative dispute resolution services.

Our submission to the Review

I Background

NTWLS strongly supports reform to address the ongoing crisis of DFV in the NT. NTWLS supports amendments to legislation and changes to the justice sector’s approach and understanding of DFV that will modernise and strengthen the capabilities of the justice sector to deal with the scourge of DFV and supports the need to implement systemic reforms to achieve these aims.

As the Review notes, DFV is a “highly gendered behaviour”. Recently released figures by the Australian Bureau of Statistics reveal that in 2021, almost two-thirds (63%) of assaults in the NT were DFV related and that most victims of assault were female (also 63%).³ Notably, a high proportion of our clients have had or are experiencing DFV, with far reaching consequences - from the impact on children and family life, to accommodation and workplace concerns. NTWLS promotes the creation of a justice system that is trauma-informed and provides wraparound services and support for victim-survivors. As multidisciplinary socio-legal practices providing assistance, support and advice from commencement, NTWLS work to reduce trauma by providing consistent and continuing services, a model which we advocate for use throughout the justice system.

NTWLS supports the introduction of effective programs, services and institutional responses, and strong education and prevention initiatives as the backbone of systemic reform. Noting that strong early prevention results in increased requests for assistance from the legal sector, there is a

² The mean number of legal problems of all types, including domestic and family violence victimisation, was 20.0 for domestic and family violence respondents compared to only 2.4 for others; Law and Justice Foundation of New South Wales, *Quantifying the legal and broader life impacts of domestic and family violence* (Justice Issues Paper 32, June 2019, ISSN 1834-7266).

³ Australian Bureau of Statistics, *Recorded Crime – Victims, 2021: Northern Territory*, released 28 July 2022 <<https://www.abs.gov.au/statistics/people/crime-and-justice/recorded-crime-victims/2021#northern-territory>>.

subsequent requirement that commensurate funding be made available so that there are no gaps in providing the required assistance to victim-survivors.⁴

NTWLS provide this submission as a high-level response to broad proposals for systemic reforms. We look forward to the opportunity to provide further input at later stages of consultation and be involved in the operational components of these reforms, including in the development and implementation of proposed initiatives to address systemic reform. As specialist practitioners active in the DFV space, we seek to utilise our expertise to ensure proposals address victim-survivor concerns and lived experiences.

NTWLS have provided extended comment on particular proposals for systemic reform noting that, through our extensive time working in the DFV space, we have accrued considerable expertise, research and engaged with policy issues emerging from DFV issues over the course of decades. As such, we have referred to and are able to provide at request a number of papers as a means of furthering discussion and consultation in developing the broad proposals for systemic reforms outlined.

II Response to the Review

A SR 7, SR 8 and SR 9 – Community awareness, training and public health campaign in respect of coercive control

NTWLS submit that, until such time as recognition of the role of coercive control in DFV and addressing the systemic barriers to confronting systems of control by perpetrators of DFV, there would be little utility – and perhaps some harm – in committing to legislating criminalisation of same. NTWLS will address the issue of coercive control criminalisation in further detail when responding to the Review’s proposed legislative reforms.

NTWLS key position is that, as an overarching aspect of DFV, it is vital that service providers in the justice system as well as the wider community develop a greater understanding of coercive control, with interconnectedness between the five Departments with membership on the ICRO. The recently released *National Principles to Address Coercive Control* identifies the need for a coordinated approach and enhanced community understanding to recognise, understand and respond to coercive control.⁵ In this space, we submit that specialist DFV service providers stand ready to contribute to and develop a coordinated approach.

NTWLS broadly support the systemic reforms proposed to address the lack of recognition of the dynamics of coercive control in DFV situations. Until such time as there is sufficient "literacy" regarding coercive control in the community and by service providers, including police, it is our view that the criminalisation of same will be unactionable as an element of DFV in the justice

⁴ For example, a marked increase in requests for assistance is currently being experienced at TEWLS in calendar year of 2022, with accompanying increases in services; see TEWLS Annual Report 2021-22, 3 <<https://tewls.org.au/wp-content/uploads/2022/09/TEWLS-Annual-Report-2021-22.pdf>>.

⁵ Commonwealth Attorney General’s Department, *National Principles to Address Coercive Control: Consultation Draft*, September 2022, <https://consultations.ag.gov.au/families-and-marriage/coercive-control/user_uploads/coercive-control-consultation-draft-14-september-2022.pdf>.

system. NTWLS advocate for focusing on systems changes to build up capacity and knowledge in the community.

We note that it can be common to focus on prevention and early intervention, without acknowledging that a strategy to respond to DFV will never have instant results. Consequently, the corresponding importance to adequately fund back-end response and recovery processes can be overlooked, thereby failing to capture current matters and assist to heal trauma from back to front. We emphasise that supporting the population to identify DFV inherently results in increased numbers of people seeking assistance, and that appropriate resourcing of specialist DFV services, including women's legal assistance, is crucial for a holistic strategy on response and recovery. For this reason, we submit that funding should be administered by both the Departments of Territory Families, Housing and Communities and Attorney-General.

B SR 10 – Specialist approach to DFV centred around the Local Court

NTWLS strongly support a specialist approach to DFV centred around particular regions. Noting that CAWLS is intrinsically linked to the specialist Alice Springs Court, TEWLS in the Darwin region and KWLS in the Katherine & Big Rivers region; the NTWLS would be key stakeholders for the development and rollout of such a response, and already hold significant DFV expertise.

In respect of the specialist Alice Springs Court, CAWLS expresses concern regarding the referred Internal Evaluation Report, with same lacking data in respect of victim-survivors. Further, CAWLS holds concerns in relation to the current funding levels for service delivery within the specialist court, which to date have not reflected the establishment of the specialist structure.

NTWLS strongly supports the recognition of the importance of legal representation for all parties involved in DFV proceedings and submit that representation needs to be adequately funded for victim-survivors voices to be truly heard within the justice system.

Notably, and with respect to holistic legal and social services, the Commonwealth Government currently funds one (1) combined domestic violence unit ('DVU') and health justice partnership ('HJP') in the NT. This pilot site, based in Alice Springs and Tennant Creek, covers the Central Australia and Barkley regions, and is delivered by CAWLS. These services help women affected by DFV, providing tailored legal assistance and other holistic support including financial counselling, tenancy assistance, and trauma counselling, as well as bringing lawyers and health professionals to assist women experiencing DFV.

In 2019, Social Compass completed an evaluation of the pilot program of specialist DVUs and HJPs to identify if and how women in Australia experiencing, or at risk of experiencing, DFV were benefiting from integrated legal and social support services models.⁶ The evaluation was overwhelmingly positive, with outcomes, and consequently, benefits, for clients and other stakeholders, including in areas of increased legal access, outcomes with non-legal issues (including housing, health, and mental health), improved safety, and critically, improved wellbeing through feeling respected and empowered. The evaluation found that the pilot sites were a

⁶ Social Compass, Evaluation of the pilot program of specialist domestic violence units and health justice partnerships established under the Women's Safety Package – Final Report, February 2019.

successful, with recommendations in respect of extending the capacity of current sites, and implicitly, extend the pilot program into other areas of DFV need.

As noted above, the only current site for the DVU and HJP pilot in the NT is in Central Australia, and consequently accessible only by 18.7% of the NT population. We urgently seek the extension of this operating model to the balance of the NT as a means of addressing the increasing DFV rates and propose for joint advocacy in respect of same.

Tied to enhanced specialist approaches to DFV in urban centres is the delivery of same in bush courts. Within our respective practices, NTWLS member services have noted increasing levels of requests for DVO legal assistance from women and persons identifying as women in bush court locations, as both protected persons and defendants. Currently, there is some funded service provision by the National Indigenous Australians Agency in these locations, however, clients continue to give instructions to NTWLS that they are conflicted out of these services (noting that NAAJA does not provide DVO services, and issues in respect of identification of primary perpetrators of violence), do not feel culturally secure attending the funded service as a consequence of family and/or ties to that service, or simply prefer a women's service in the first instance. NTWLS submits that as an inherent right, victim-survivors need choice in respect of their representation, particularly when the provision of same will mean that all parties are able to be legally represented. The NTWLS note that separate discussions have occurred and continue to occur with the Department of the Attorney-General, with the NTWLS reiterating our expertise and existing DFV service delivery in this space.

C SR 11 – NT Police General Order on DFV

NTWLS has identified, along with a number of other Australian jurisdictions, the issue of misidentification of the primary perpetrator of abuse by police as an ongoing issue for women in the NT, and that these concerns are more acute for Indigenous women.⁷ In such circumstances, and particularly in situations where police apply for domestic violence orders ('DVOs') against victim-survivors of DFV, the consequences can be dire and far-reaching, including flow-on effects for women in the criminal justice and child protection systems, impacts for housing and engagement with services, and lack of trust in police and justice systems. Women's Legal Service Victoria have summarised the range of outcomes of misidentification, which mirror the experience of NTWLS clients, as follows:⁸

- Criminal charges: women with no prior criminal history face criminalisation (replicates trauma and abuse, gas-lighting), and women with a prior history face continued criminalisation;

⁷ Nancarrow, Heather, Thomas, Kate, Ringland, Valerie & Modini, Tanya, *Accurately identifying the "person most in need of protection" in domestic and family violence law*, ANROWS Research Report Issue 23, November 2020 <<https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/10/Nancarrow-PMINOP-RR.3.pdf>>.

⁸ Ulbrick, Madeleine & Jago, Marianne, *Policy Paper 1: "Officer she's psychotic and I need protection": Police misidentification of the 'primary aggressor' in family violence incidents in Victoria*, Women's Legal Service Victoria, published July 2018 <<https://www.womenslegal.org.au/~womensle/wp-content/uploads/2021/04/MisID-Policy-Paper.pdf>>.

- Separation from children and trauma to children;
- Loss of reputation/access to services, employment, housing rights and access to crisis accommodation, homelessness;
- Immigration rights/visa status – already precarious for victims of DFV, and worse for victims of police misidentification;
- Issues arise in other jurisdictions such as family law (both parenting and property) and child protection;
- Serious economic costs: as well as being economic abuse, it is a significant waste of the victim's (as well as policing, legal and judicial) time and resources;
- Denial of financial payments from crisis services, implications for VOCAT (Victorian victims of crime) claims;
- Increased vulnerability to further violence; and
- Loss of trust in police and the justice system; "I thought they were there to keep me safe".

NTWLS strongly advocate for revising the NT Police General Order on DFV and other relevant policy and procedures to ensure that police responses focus on the actual risk to DFV victim-survivors in the context of their lived realities. Evidence-based policy and procedures for policing are vital to dispelling erroneous myths of an 'ideal victim' and preventing perpetrators from using the justice system as an avenue through which to continue to exert control and "systems abuse" on the victim-survivor.⁹

We support the approach taken in other jurisdictions, such as Victoria, where publication of the VIC Police's comparable *Code of Practice for the Investigation of Family Violence* ('the Code of Practice') has led to greater transparency. Publication of the Code of Practice is reported to have aided practitioners assisting women in DFV matters to ascertain whether proper practice has been used by police in assessing a DFV situation where police have misidentified the person most in need of protection.¹⁰ This would be a highly favourable outcome should the NT Police General Order on DFV be published in the NT, and NTWLS see no positive reason why NT Police would continue to resist same.

In addition, the NTWLS support a review of SupportLink, noting that should the system be strengthened such that it operates at full capacity, same would need to be accompanied by significant bolstering to the DFV specialist sector to ensure that service capacity is able to meet the anticipated level of demand.

⁹ Ibid.

¹⁰ Ibid.

D SR 16 – Resourcing of the Witness Assistance Service and accompanying DFV victim-survivor supports

With respect to the current functionality of the criminal justice system for DFV victim-survivors, the NTWLS notes as follows –

- There are ongoing issues securing in-person interpreters in the NT, particularly through the Aboriginal Interpreter Service, who we understand is understaffed. In our experience, criminal matters are prioritised over all other matters, including DFV, family, migration and civil law matters, such that the experiences of our clients is a system where they are unable to have a voice and/or receive procedural fairness; and
- Noting the interconnectedness with LR 45, the NTWLS notes that the current functionality of the NT Victims’ Register is that victims and concerned persons are unable to be registered until a conviction is recorded against the respective offender, with impact that updates in respect of bail conditions are directed to be sought from the understaffed Witness Assistance Service.

E SR 18 – Review of legal services capacity to provide legal assistance to protected persons and defendants in proceedings under the Domestic and Family Violence Act 2007 (NT)

With respect to Part 5.6 of the Review, we note that while not named as legal service providers in the NT relevant to DFV matters, both KWLS and TEWLS carry extensive DFV-related practices, including significant court representation in DVO proceedings. The NTWLS reiterates our support for the proposition that the provision of legal assistance is a critical element of the NT’s justice respect to DFV, and emphasise the expertise held by DFV specialist service providers, particularly those operating within a gendered lens reflecting the DFV space.

The NTWLS note the ongoing advocacy by our services in respect of the current service configurations in the delivery of legal services in proceedings under the *Domestic and Family Violence Act 2007* (NT) (‘DFVA’) and reiterate the ongoing gaps between capacity and requests for assistance for all three of our services. In 2022, and in an anecdotal review of our respective practices, turn away numbers have continued to rise, which, in and of itself, is unsurprising in the context of rising rates of DFV in the NT.

While acknowledging the utility of defendant DVO legal services, which per the Review, would provide support to male defendants in DVO proceedings, the NTWLS note that currently, we are called upon to provide legal services to women who are both protected persons and defendants in DVO proceedings, generally the result of a misidentification of the primary perpetrator or violence or systems abuse (in and of itself, a form of DFV). As the only legal services able to provide these representation services, we strongly advocate for the review to include consideration of legal assistance to this group of women and persons identifying as women.

F SR 20 – Consideration of funding for a specialist, trauma-informed DFV counselling service for incarcerated women

TEWLS has previously brought to the attention of the Attorney General’s department the critical need for a specialist DFV counsellor at the Darwin Correctional Centre (‘DCC’), which is echoed by the NTWLS across all NT correctional facilities.

Of note, in 2019, TEWLS conducted Legal Health Checks (LHC) over the course of 12 months with female prisoners at the DCC.¹¹ The data obtained highlighted the urgent need for trauma-informed DFV counselling services for incarcerated women, as:

- 92% did not think there was good mental health support whilst incarcerated;
- 76% had experienced DFV either as a child or an adult;
- 76% had received an injury from a violent act;
- 74% had issues with alcohol and/or drugs;
- 53% had a pre-existing mental health condition; and
- 63% wanted to speak to a DFV or trauma counsellor.

Further analysis of these statistics is laid out in the final report published by TEWLS in November 2020.¹²

A key theme in the final report is the high prevalence of complex trauma among women prisoners. To address this trauma, therapeutic service provision is required, and the number one ask of incarcerated women is for a specialist DFV counsellor. Unfortunately, however, there is currently no DFV counselling available to women in any NT correctional facilities. Additionally, the services that are provided are aligned with criminal sentencing, and do not holistically address either the needs of incarcerated women, or the issues foundational to their incarceration or cycles of recidivism. We advocate for a specialist DFV counsellor to be funded by government but that would, critically, function independently of government to increase engagement of the female prison population.

The criminogenic profile of women prisoners is profoundly different from that of male prisoners. While women on average serve significantly shorter sentences than male offenders, they tend to have higher recidivism rates. Their experiences of complex trauma contribute directly to their risk of re-offending. In the event specialist DFV counselling were available, women would be greatly assisted to address pre-existing trauma, such that upon their return to the community, they are assisted to break out of their own cycle of detention.

¹¹ A legal health check is a legal screening tool that adapted by TEWLS to ‘diagnose’ the precursors to incarceration and to identify the multiple legal needs of women incarcerated in Darwin.

¹² Lohan, Carmel and Lethlean, Vanessa, *Women Incarcerated at Darwin Correctional Centre – Advocating for and Shining a Light on Women Ordinarily Invisible at a Policy, Systems and Structural Level*, Top End Women’s Legal Service Inc, published August 2020 < <https://tewls.org.au/wp-content/uploads/2021/03/120920-Final-LHC-DCC-Report.pdf>>.

G SR 21 – Increase in availability of high-quality DFV perpetrator programs

While supportive of high-quality, evidence-based and evaluated DFV perpetrator programs, NTWLS advocates for holistic and well-resourced victim-survivor programs including parenting programs related to women's experiences of intimate and intergenerational or lateral DFV, including sexual violence. NTWLS are concerned that the focus on perpetrator programs, whilst necessary, ignores the growing need for high-quality tailored programs to address the experiences of women subject to DFV and the interrelated issues that stem from same.

In 2021, staff from TEWLS and NAAJA's Your Story Disability Legal Support Service met with and provided community legal education workshops women incarcerated at the DCC. These workshops resulted in a joint submission to the Commonwealth Disability Royal Commission, with notable key 'ask' from female prisoners was for specialist DFV counselling and therapeutic casework.¹³ In particular, the following elements were seen as lacking:

- Mental health professionals and consistent treatment;
- Culturally safe and appropriate services for Indigenous women, including interpreters for women where English is not a first language; and
- Access to programs like 'Women of Worth'¹⁴ or 'Healing our Children'.¹⁵

While this snapshot relates to life inside the DCC, NTWLS finds amongst all of our client bases that there is often a disjointed approach to service availability and quality for victim-survivors, and that the necessity for high-quality therapeutic holistic programs to address the trauma and flow-on effects of FDV remains high. NTWLS strongly suggests that funding be prioritised for victim-survivor programs that can provide wraparound support, as is canvassed for perpetrators.

H SR 26 – Establishment of a DFV Death Review Process in the NT

The NTWLS have strongly advocated for the introduction of a DFV death review process in the NT for the past decade.¹⁶ We note that most Australian jurisdictions have established DFV death review processes in place.¹⁷

¹³ Top End Women's Legal Service Inc., *Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission)*, May 2021.

¹⁴ The Women of Worth (WoW) program, delivered by YWCA Australia, was defunded in early 2021. Women of Worth provided pre- and post-release support to female prisoners in the DCC through a gendered lens. The program was the only one of its kind in Darwin and supported women to re-engage and reconnect with community.

¹⁵ The Healing our Children program takes place across various sites in Darwin, Palmerston, and remote Communities and has stated aims of supporting pregnant women and those responsible for looking after children who may in the future be at risk of exposure to DFV.

¹⁶ Webster, Emily and Walters, Adrienne, *Reducing domestic fatalities in the NT: Why the Territory needs a formal domestic and family violence death review process*, Law Society of the Northern Territory, Balance 03/2012, 28-33.

¹⁷ See e.g., Australian Human Rights Commission, *A National System for Domestic and Family Violence Death Review*, December 2016 <https://humanrights.gov.au/sites/default/files/document/publication/AHRC_2016_12_19_Expanding_DV_Death_Review.pdf>.

In 2021, there were 13 victims of homicide and related offences recorded in NT, with the majority attempted murders (62% or eight victims) and more than half DFV related (54% or seven victims).¹⁸ In light of the impact of DFV on homicide and related offences, NTWLS strongly support expanding and enhancing the DFV death review process in order to conduct detailed reviews of deaths linked to DFV, with aims to identify weaknesses and strengths in the systems and processes that are designed to respond to same.

We advocate for an expanded DFV death review process with the basic objectives being twofold:

1. To reduce domestic fatalities by improving the service provision and systemic responses to DFV; and
2. To compile and interpret accurate, detailed data concerning domestic fatalities.¹⁹

We support the implementation of a legislated multi-agency taskforce, consisting of both government and non-government organisations across the sector, with emphasis on specialist DFV service providers.

NTWLS submit that the four main tasks of such a review process would be to:

1. Identify deaths that occur in a domestic violence context for review.
2. Review individual deaths; this review would encompass not just the circumstances of the death itself, but also explore the context in which the death occurred, including the history of the violent relationship, the victim's contact with, and access to, DFV intervention strategies and services, and the effectiveness of those strategies and services. The review would aim to identify oversights, barriers, gaps and/or failures in systems and services.
3. Conduct broader reviews of all DFV related deaths that occur in a given period, and maintain statistics and data on DFV deaths to:
 - a. Identify risk and contributory factors associated with domestic violence; and
 - b. Identify trends, patterns of behaviour and systemic issues.
4. Make recommendations to Government agencies, statutory bodies, other agencies and organisations involved in DFV prevention, aimed at improving responses to DFV.²⁰

In our view, the focus of a review process is on analysing the systematic, organisational and procedural responses to victims and perpetrators of DFV. In this way, a DFV death review process can be seen as complementary to the traditional criminal and coronial processes.

¹⁸ See above n 3.

¹⁹ David, Nadia, *Exploring the Use of Domestic Violence Fatality Review Teams*, Issues Paper 15, Australian Domestic & Family Violence Clearinghouse, 2007.

²⁰ Ibid. See also Coroners Court of Victoria (2011), *Victoria's Coronial Model for Investigating Family Violence Related Death*, State of Victoria, 10.

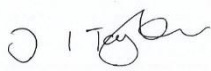
Whilst we recognise that currently a part-time researcher provides support to the NT Coroner in relation to DFV-related inquests, there is no current framework or sufficient resourcing for DFV related deaths to be investigated and reviewed as a subset and with the assistance of cross-agency experts, despite same making up the majority of homicides in the NT.²¹

III Conclusion

We thank you for the opportunity to make this submission. Should you wish to discuss this submission further, please do not hesitate to contact the NTWLS through any of the below referred contact points.

Yours faithfully,

NORTHERN TERRITORY WOMEN'S LEGAL SERVICES



Janet Taylor
Chief Executive Officer
Central Australian Women's
Legal Service



Siobhan Mackay
Chief Executive Officer
Katherine Women's
Information & Legal Service



Caitlin Weatherby-Fell
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Encl Annexure 1 – Short-form responses to Part 5 of the Review

²¹ See above n 3.

Annexure 1 – Short-form responses to Part 5 of the Review

Page #	SR #	SR proposal	NTWLS response
103	SR 1	It is proposed that the systems reforms identified in this review are integrated into the DFSV-ICRO reform agenda.	NTWLS concur with this proposal.
104	SR 2	It is proposed that DFV reforms and AJA reforms are aligned to ensure that: <ul style="list-style-type: none"> a. the views and experiences of Aboriginal people inform DFV reforms; b. DFV responses and programs are culturally safe and competent; c. victim-survivor safety is the first priority of all responses and programs; d. offenders are supported to take responsibility for their behaviour and to change their behaviour in order to reduce DFV offending and reoffending; e. in addition to behaviour change objectives, there are culturally appropriate supports in place to ensure that Aboriginal women, Aboriginal men, and Aboriginal children are supported to heal from inter-generational trauma and recent trauma. 	NTWLS concur in principle with this proposal, with comment that the establishment of the Aboriginal Advisory Group should include quotes to ensure diversity (including diversity of gender, sexuality, lived experience, employment, skills, location, and remoteness), as well as further information required regarding the practical functions of the Group.
401	SR 3	It is proposed that reforms to community-based sentencing options and the expansion of programs: <ul style="list-style-type: none"> a. are informed by specialist expertise on DFV, and b. include safeguards to monitor and prioritise the safety of victim-survivors while DFV offenders are on community-based orders and participating in community-based programs. 	NTWLS concur in principle with this proposal, noting our recent submission to the <i>Draft Sentencing and Other Legislation Amendment Bill 2022 (Mandatory Sentencing)</i> and complementary consultation with Ernst & Young.
105	SR 4	It is proposed that the DFSV-ICRO (and the DFV inter-agency co-ordination mechanism which succeeds it) co-ordinates a DFV analysis of proposed new Government initiatives.	NTWLS concur with this proposal.
107	SR 5	It is proposed that collaboration between stakeholders occur to agree on shared expectations of the justice response,	NTWLS concur with this proposal.

		with the above expectations as a starting point for discussion.	
108	SR 6	It is proposed that the DFSV-ICRO be tasked with driving the implementation of reforms to combat coercive control in the context of strengthening the inter-agency response to DFV.	NTWLS concur with this proposal.
109	SR 7	It is proposed that the DFSV-ICRO reform agenda include consideration of funding for TFHC to implement an extensive program of community awareness raising about coercive control and DFV. The project will empower Aboriginal families and communities to identify, prevent and respond to coercive control through culturally safe and appropriate community-level engagement. The project aims to initiate greater community action on DFV and coercive control on an ongoing basis, through a range of non-government agencies and through involvement of the Law and Justice Groups, established under the AJA.	Please see extended response above.
109	SR 8	It is proposed that the DFSV-ICRO reform agenda include consideration of funding to significantly expand the availability of training in relation to DFV, including training and education specifically tailored to police, prosecutors, judges, lawyers and front-line workers to assist in identifying and responding to coercive control and DFV.	Please see extended response above.
109	SR 9	It is proposed that the DFSV-ICRO reform agenda include consideration of a major NT-wide public health campaign about healthy and safe relationships, to make people aware that coercive control is a form of DFV.	Please see extended response above.
113	SR 10	It is proposed that the NT progressively work towards a specialist approach to DFV (incorporating civil and criminal law) centred around the Local Court in the following areas: Southern Region <ul style="list-style-type: none"> • continuation of the Specialist Approach in Alice Springs • commence discussions in Tennant Creek Northern Region	Please see extended response above.

		<ul style="list-style-type: none"> • commence discussions in Darwin • commence discussions in Katherine <p>It is further proposed that:</p> <ol style="list-style-type: none"> a. The specialist approach to DFV be permitted to evolve in each location to take into account local needs and circumstances but that it be guided by a set of Territory-wide overarching shared principles to ensure consistency and co-ordination and to align with good practice. b. The DFSV-ICRO reform agenda include consideration of funding for a DFV Co-ordinator/Registrar position in each Local Court (other than Alice Springs which already has that position) and a central position in the AGD dedicated to support the development of the response. c. The Specialist Approach to DFV in the Local Court in Alice Springs continue and that the DFSV-ICRO reform agenda include consideration of funding to strengthen its approach in line with its Internal Evaluation Report. d. AGD identify funding to conduct the three-year external evaluation of the Specialist Approach for the period July 2020 to June 2023. e. The Local Court commence discussions with key stakeholders about the establishment of a Specialist Approach to DFV in the Local Court in Darwin, Katherine and Tennant Creek. f. AGD consider how a more integrated specialist approach can be fostered in bush courts, and that this be done in collaboration with the Aboriginal Justice Unit, as part of the Aboriginal Justice Agreement. g. The DFSV-ICRO reform agenda include consideration of funding for a comprehensive training package on DFV for all personnel 	
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		<p>working in the justice system, including both introductory and advanced courses.</p> <p>h. The DFSV-ICRO reform agenda include consideration of funding for additional specialist DFV training for judges, with a two-tiered approach:</p> <ul style="list-style-type: none"> a. advanced understanding of the dynamics of DFV; b. best practice court craft and a trauma-informed approach to handling DFV matters in court. 	
118	SR 11	<p>It is proposed that the Commissioner of Police – in collaboration with the DFSV-ICRO and informed by consultation with DFSV specialists – revise the police General Order on DFV and other relevant policy and procedures to:</p> <ul style="list-style-type: none"> a. convey a contemporary understanding of DFV, that reflects the centrality and seriousness of coercive control and psychological abuse; b. assist police officers to identify the ‘red flags’ for coercive control; c. assist police to identify and manage the high-risk factors associated with DFV in a way that is aligned with the NT’s Risk Assessment and Management Framework (RAMF) including: <ul style="list-style-type: none"> i. history of DFV between the parties; ii. coercive control; iii. choking; iv. threats to kill; v. pregnancy of new birth; vi. actual or pending separation; d. guide police officers on when to initiate a Police DVO; e. guide police in identifying the person most in need of protection where there are mutual allegations of violence or signs that both parties may have used violence (also a process for an internal review where mutual DVOs are being considered); 	Please see extended response above.

		<p>f. guide police in relation to appropriate responses to intoxicated victim-survivors (to prioritise safety and so that the best practice response is not downgraded if victims are intoxicated);</p> <p>g. encourage the use of recorded statements for victim evidence where possible;</p> <p>h. guide police responses in remote contexts where there are limited services and options for safe accommodation available.</p> <p>It is further proposed that the police General Order on DFV – or a summary of police procedures in responding to DFV – is made available to DFV service providers to facilitate continuous improvement of inter-agency responses to DFV.</p>	
119	SR 12	<p>It is proposed that a review of police training on DFV be conducted to bolster the training with respect to DFV and coercive control. Consideration should be provided to:</p> <p>a. compulsory training for all police officers in the NT;</p> <p>b. high level training for selected officers;</p> <p>c. the identification of selected police members as DFV champions to foster best practice through NT Police (see the Scottish model).</p> <p>It is further proposed that the review be jointly conducted by the DFSV-ICRO and the police Training and Assessment Advisory Committee (TAAC), and include representation from Police with a high level of DFSV experience and DFSV experts outside of NT Police.</p>	NTWLS concur with this proposal.
119	SR 13	<p>It is proposed that NT Police, in collaboration with DFSV-ICRO, institute effective practices to assess and manage risk associated with DFV that are aligned with the NT's Risk Assessment and Management Framework (RAMF), including:</p> <p>a. At the scene,</p> <p>i. ensure the immediate safety of alleged</p>	NTWLS concur with this proposal.

		<p>victims, alleged offenders and children,</p> <ul style="list-style-type: none"> ii. ensure that the parties are interviewed separately to accurately identify risk in the context of the relationship overall. <p>b. Develop a modified CRAT specifically for frontline police to assist them to accurately assess and manage risk of harm, or further harm, from DFV during operational duties that:</p> <ul style="list-style-type: none"> i. is aligned with, and informed by, the RAMF/CRAT, ii. assists frontline police to accurately identify the person most in need of protection, iii. meets police requirements and is compatible with the existing police IT systems (Promise/Serpro), iv. minimises administrative burden for frontline police officers, v. is incorporated into the NT Police Minimal Response <p>c. Continue to use the CRAT to identify victims at risk of serious harm for referral to the Family Safety Framework inter-agency response.</p>	
119	SR 14	<p>It is proposed that, in accordance with the proposed legislative amendments (see proposal LR 11 above), the Commissioner of Police require police to provide a certificate to the Court at the first mention in all applications for DVOs, that summarises the defendant's criminal history and a history of all DVOs that have been in force, in accordance with the legislative amendment.</p> <p>It is further proposed that this be an automated system in similar terms to the</p>	<p>NTWLS strongly concur with this proposal.</p>

		generation of criminal histories to ensure the certificates can be generated efficiently by police with minimal administrative burden. Alternatively, the process could mirror to current practice for the production of antecedent reports for courts in criminal matters.	
121	SR 15	It is proposed that the DFSV-ICRO reform agenda include consideration of funding for TFHC to establish a 24 Hour DFV Specialist Referral Service and that TFHC and NTPFES via the DFSV-ICRO develop an appropriate service model so the service operates effectively across all the regions of the NT and in urban and remote community settings.	NTWLS strongly concur with this proposal, however, reiterate that should the system be strengthened to provide all requisite referral pathways (including significant and ongoing funding to establish a 24/7 referral line), same would need to be accompanied by significant bolstering to the DFV specialist sector to ensure that service capacity is able to meet the anticipated level of demand (see extended response to SR 10 above).
122	SR 16	It is proposed that the resourcing of the Witness Assistance Service at the Director of Public Prosecution be reviewed by the DFSV-ICRO to determine if it is adequate in light of the current level of DFV offending and the needs of complainants in DFV and sexual offences.	Please see extended response above.
122	SR 17	It is proposed that AGD, in collaboration with the DFSV-ICRO, identify the best way to provide prosecutors with specialist training on DFV and sexual assault.	NTWLS concur with this proposal.
124	SR 18	It is proposed that as part of the DFSV-ICRO reform agenda, AGD review the capacity of legal services to provide legal assistance to protected persons and defendants in proceedings under the DFV Act, with a view to: <ul style="list-style-type: none"> a. strengthening the provision of legal advice and assistance for protected persons in DVO proceedings; b. introducing a service in Alice Springs to provide legal advice, assistance and support to male defendants in DVO proceedings; c. identifying other service gaps in relation to legal assistance for proceedings under the DFV Act. 	Please see extended response above.

125	SR 19	<p>It is proposed that as part of the DFSV-ICRO reform agenda consideration be given to whether:</p> <ol style="list-style-type: none"> a. existing DFV support services for victim-survivors and defendants involved proceedings under the DFV Act at court are resourced adequately to meet current demand; b. an expansion of specialist DFV courts in the NT would require an increased capacity for support. 	Please see extended response to SR 10 above.
129	SR 20	<p>It is proposed that the DFSV-ICRO reform agenda include consideration of funding for a specialist trauma-informed counselling service for women prisoners who have experienced DFV, sexual abuse, child abuse or other forms of trauma.</p>	Please see extended response above.
129	SR 21	<p>It is proposed that DFSV-ICRO in collaboration with TFHC and AGD (including AJA and NTCS) give consideration to developing a costed plan to increase the availability of high quality DFV perpetrator programs in the NT. It is proposed that programs are:</p> <ol style="list-style-type: none"> b. aligned with recognised good practice and standards for DFV programs c. able to provide a culturally competent and cultural safe program for Aboriginal participants d. address all forms of abuse, including coercive control e. prioritise victim safety f. operate across three settings but with shared principles: <ol style="list-style-type: none"> i. correctional settings; ii. residential facilities / Alternatives to Custody settings (For example the DFV Alternatives to Custody being developed as part of the AJU in Alice Springs); iii. community based settings. 	Please see extended response above.
129	SR 22	<p>It is proposed that DFSV-ICRO give consideration to establishing a multi-agency oversight committee or body</p>	NTWLS concur with this proposal.

		<p>comprised of key agencies (TFHC, AGD, AJU, NTCS) and DFV experts whose purpose is to ensure a suite of accountable high quality DFV perpetrator programs are provided in the NT that prioritise victim safety and offender accountability. The committee or body may include a review of existing programs, development of best practice standards, and recommendations as to which programs should be declared or approved for the purposes to the DFV Act and the <i>Sentencing Act 1995</i>.</p>	
131	SR 23	<p>It is proposed that the DFSV-ICRO reform agenda include consideration of funding for TFHC to significantly expand the implementation process and training for the NT's DFV Risk Assessment and Management Framework (RAMF) to ensure that the approach to DFV risk assessment and management is consistent across the system, and that coercive control is recognised as a predominant feature of DFV.</p>	<p>NTWLS concur with this proposal.</p>
132	SR 24	<p>It is proposed that the DFSV-ICRO reform agenda include consideration of strengthening the Family Safety Framework (FSF) as an action based, integrated, multi-service response for women experiencing or at risk of experiencing serious harm or death because of DFV.</p>	<p>NTWLS concur with this proposal.</p> <p>We note for efficacy of the FSF throughout NT, oversight is key. There must be an identifiable, practical and trauma informed response to risk that considers the victim-survivors views and agency as well as a consistency across regions.</p>
132	SR 25	<p>It is proposed that TFHC, in collaboration with DFSV-ICRO, give consideration to developing guidelines on how MACCST will deal with children exposed to, and affected by DFV, and their families, that is aligned with the NT's DFV Risk Assessment and Management Framework (RAMF). The guidelines should prioritise victim safety and offender accountability and include:</p> <ol style="list-style-type: none"> a. responses to children who are primary victims or otherwise exposed to DFV; b. responses to non-offending adults who are victims of DFV; c. responses to DFV perpetrators; and 	<p>NTWLS concur with this proposal.</p>

		d. responses to the high risk factors outlined in the RAMF (these are summarised in Part 3.6 above).	
133	SR 26	<p>It is proposed that, as part of the DFSV-ICRO reform agenda, consideration be given to:</p> <ul style="list-style-type: none"> a. establishing a model for a systems-driven DFV Death Review Process in the NT; b. including consideration of funding to implement the model for a DFV Death Review Process in the NT; and c. linking the DFV Death Review Process to the ongoing inter-agency leadership and governance structure for DFSV going forward. 	Please see extended response above.