

15 December 2022

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 1600
Parliament House
Canberra ACT 2600

By email to FirstNationswomenchildren.sen@aph.gov.au

Dear Committee Secretary,

Submission to the Inquiry into missing and murdered First Nations women and children – Northern Territory Women's Legal Services

Thank you for inviting submissions to the Senate Legal and Constitutional Affairs Committee's Inquiry into missing and murdered First Nations women and children ('the Inquiry'). 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 Inquiry and to participate in further consultations. Together, the NTWLS provide this submission based on our experience and expertise providing legal and support services to women across the Northern Territory ('NT').

In this submission, "First Nations" is used to describe Aboriginal and Torres Strait Islander peoples in line with the Inquiry's terms of reference. Notably, in 2021, First Nations people represented 26.3% of all people in the NT,¹ the largest proportion of any Australian jurisdiction's total population. In 2021/22, 58.3% of NTWLS clients identified as First Nations women and children.²

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: TEWLS in the Top End, KWILS in Katherine and Big Rivers regions, and CAWLS in the Central Australia and Barkly regions.

¹ Australian Bureau of Statistics, *Census of Population and Housing - Counts of Aboriginal and Torres Strait Islander Australians*, released 31 August 2022

<<https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/census-population-and-housing-counts-aboriginal-and-torres-strait-islander-australians/2021>>.

² Figures based on individual clients receiving services at any of the NTWLS during the 2020/21 Financial Year; this figure does not reflect reoccurring attendances and/or depth of legal and social services provided these individual clients.

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 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., domestic, family and sexual violence (‘DFSV’), discrimination, sexual assault, child protection, housing and tenancy, credit and debt, and restraining orders].

We place strong emphases on providing culturally secure services to First Nations and Culturally and Linguistically Diverse (‘CALD’) women, as well as 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 DFSV, where DFSV victimisation was linked to a disproportionately elevated experience of a broad range of legal issues, including substantial and multiple legal problems.³

In the NT, women’s legal services occupy space as specialist DFSV legal services, working collaboratively with the broader DFSV and legal sectors 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 DFSV 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. We provide place-based and responsive community services within urban centres, as well as within remote and very remote regions of the NT, noting that there remain expansive areas of and particularly First Nations communities within the NT currently under-served or without accessible services.

Our submission to the Review

I Background

The NTWLS strongly support the establishment of the Inquiry in providing a space for “difficult” issues to be discussed, dissected, and improved. As gender-specialist services within the NT, we provide significant levels of service alongside and for First Nations women, their families, and communities, with each of our services entrenched into local networks to assist vulnerable women and their children, particularly in times of crisis related to experiences of DFSV.

By way of background to our submission, we note that of the 390 First Nations women who were victims of murder in Australia between 1 July 1989 and 30 June 2020, 30% of these crimes were recorded in the NT.⁴ In the same period, 84% of all adult victims of murder in the NT were First Nations women, the highest percentage of any jurisdiction.⁵ Tragically, 76% of all child victims of murder in the NT in the same period were First Nations children; again, the largest proportion of any jurisdiction.⁶

³ 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).

⁴ Australian Institute of Criminology, *Inquiry into missing and murdered First Nations women and children – Answers to written questions on notice*, 29 September 2022, 5-6.

⁵ *Ibid.*

⁶ See above n 4, 7.

Further, the NT is at the epicentre of the DFSV crisis, with the epidemic worsening; in the past 12 months, the NT not only recorded a 12% increase in domestic and family violence assaults,⁷ but was the jurisdiction with the highest percentage of women victims (78%),⁸ and retained the title of the highest victimisation rate.⁹

Notably, First Nations women in the NT continue to be disproportionately impacted by rates of DFSV; the AIHW has reported that 28% of persons admitted to hospital due to domestic and family violence identified as Aboriginal and Torres Strait Islander, with women accounting for 70% of those hospitalised.¹⁰ With the smallest jurisdictional population, yet highest rate of DFSV victimisation in the country, soaring assault rates continue to result in significant impacts to communities across the urban, regional, rural, remote and very remote spectrum.

II Submission to the Inquiry

i ToR B - Current and historical practices, including resources, to investigating the deaths and missing person reports of First Nations women and children in each jurisdiction compared to non-First Nations women and children

The NT stands as one of the few Australian jurisdictions without a formal DFSV death review process,¹¹ with limited mechanisms currently available through the NT Coroner's Office. Whilst we recognise that currently a part-time researcher provides support to the NT Coroner in relation to DFSV-related inquests, there is no current framework or sufficient resourcing for DFSV 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.¹² Additionally, it is noteworthy that between 1 July 1989 and 30 June 2020, the NT recorded an average of four First Nations women who were victims of murder each year, the highest of any jurisdiction for this period.¹³

Over the past decade, the NTWLS have strongly advocated for the introduction of a DFSV death review process in the NT,¹⁴ including a submission to the NT's recent *Review of Legislation and the Justice Response to Domestic and Family Violence in the Northern Territory*, itself a significant piece of proposed systemic and legislative reforms. In 2021, there were 13 victims of homicide and related offences recorded in NT, with the majority attempted

⁷ Being the highest percentage increase nationally; 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>>.

⁸ Ibid.

⁹ See above n 7, Table 30.

¹⁰ Australian Institute of Health and Welfare, *Examination of hospital stays due to family and domestic violence 2010-11 to 2018-19* (Catalogue No FDV 9, 16 December 2021).

¹¹ 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>; Australian Domestic and Family Violence Death Review Network, & Australia's National Research Organisation for Women's Safety (2022), *Australian Domestic and Family Violence Death Review Network Data Report: Intimate partner violence homicides 2010-2018* (2nd ed.; Research report 03/2022).

¹² See above n 7.

¹³ Australian Institute of Criminology, - *Answers to written questions on notice*, 29 September 2022 (received 30 September 2022).

¹⁴ 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.

murders (62% or eight victims) and more than half DFSV related (54% or seven victims).¹⁵ In light of the impact of DFSV on homicide and related offences, NTWLS strongly support expanding and enhancing the DFSV death review process in order to conduct detailed reviews of deaths linked to DFSV, with aims to identify weaknesses and strengths in the systems and processes that are designed to respond to same.

By way of summation, the NTWLS have most recently advocated for an expanded NT DFSV death review process, with 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.¹⁶

In our submission, the focus of a review process is to analyse the systematic, organisational, and procedural responses to victims and perpetrators of DFSV. In this way, a DFSV death review process is complementary to the traditional and existing criminal and coronial processes.

ii ToR C – Institutional legislation, policies and practices implemented in response to all forms of violence experienced by First Nations women and children

The National Plan to End Violence against Women and Children 2022-32 ('the National Plan') stands as the most recent and overarching national policy framework with vision to end gender-based violence in one generation, including gender-based violence against First Nations women and children. Notably, the proposed implementation of the National Plan includes the development of an Aboriginal and Torres Strait Islander Action Plan, which will subsequently feed into a First Nations National Plan.¹⁷ The National Plan was guided by existing evidence bases, including the Wiyi Yani U Thangani (Women's Voices) Report.¹⁸

As a signatory to the Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW'),¹⁹ Australia has reporting obligations in respect of the CEDAW, including the national progress in upholding the rights of women against discrimination, including DFSV, poverty, and lack of legal protections. In its most recent periodic report, while the CEDAW Committee referred to Australia's legislative reform progress [including a definition of family violence in the *Family Law Act 1975 (Cth)*],²⁰ it expressed principal areas of concern and recommendations, including, "[t]he absence of constitutional recognition of the rights of the First Nations [peoples], as a result of which indigenous women are deprived of their rights".²¹ The CEDAW Committee further referred to the absence of culture and gender-sensitive legal processes at the national level, as well as the non-recognition of Aboriginal customary laws,

¹⁵ See above n 7.

¹⁶ David, Nadia, *Exploring the Use of Domestic Violence Fatality Review Teams*, Issues Paper 15, Australian Domestic & Family Violence Clearinghouse, 2007.

¹⁷ Commonwealth of Australia (Department of Social Services), *National Plan to End Violence against Women and Children 2022-2032* (2022), 20.

¹⁸ Australian Human Rights Commission, *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report*, 2020.

¹⁹ United Nations, *Convention on the Elimination of All Forms of Discrimination against Women*, New York, 18 December 1979.

²⁰ Committee on the Elimination of Discrimination against Women, *Concluding observations on the eighth periodic report of Australia*, adopted by the Committee at its seventieth session (2–20 July 2018) (CEDAW/C/AUS/CO/8), 2.

²¹ See above n 20, 3.

with same resulting in mistrust in the justice system among First Nations women and girls.²² It is noteworthy that Australia's ninth periodic report was due to be submitted July 2022, with same not yet publicly available.

On a local level, the NT legislative system is ill-equipped to respond to the breadth of violence experienced by First Nations women and children, with the DFSV system currently under both systemic and legislative review.²³ By way of example, DFSV victim-survivors with proceedings in "bush courts", a circuiting court on a monthly, bi-monthly or quarterly basis in remote communities of the NT,²⁴ are currently under or unrepresented/without legal advice within DFSV restraining order proceedings as a result of inadequate funding, noting that same persons are primarily First Nations women. There are well-explored and documented cross-sections between First Nations women and children's experiences of violence and both the criminal and the civil legal systems, including child protection, noting that cycles of violence and trauma remain for the most part, unaddressed.²⁵

In the NT, key policies, frameworks and principles include –

- The Closing the Gap targets;²⁶
- The Aboriginal Justice Agreement;²⁷
- The APO NT Partnership Principles;²⁸
- The Northern Territory's Domestic, Family and Sexual Violence Reduction Framework 2018-2028;²⁹
- The Northern Territory's Sexual Violence Prevention and Response Framework 2020-2028;³⁰ and
- The Northern Territory Domestic and Family Violence Risk Assessment and Management Framework.³¹

²² See above n 20, 4.

²³ The NTWLS made two submissions to the review, regarding both the proposed systemic and legislative reforms, with both available for review upon request. See Northern Territory Government (Department of the Attorney-General and Justice), *Review of Legislation and Justice Responses to Domestic and Family Violence in the Northern Territory*, August 2022.

²⁴ See e.g., Siegel, Natalie, *Is white justice delivery in black communities by "bush court" a factor in Aboriginal over-representation within our legal system?*, *Monash University Law Review* (Vol 28, No 2 2002).

²⁵ Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, 17 December 2017.

²⁶ National Agreement on Closing the Gap, Coalition of Aboriginal and Torres Strait Islander Peak Organisations, and all Australian Governments, June 2020.

²⁷ Northern Territory Government (Department of the Attorney-General and Justice), *Aboriginal Justice Agreement 2021-27*, 2021.

²⁸ Aboriginal Peak Organisations Northern Territory (APO NT), *APO NT Partnership Principles for working with Aboriginal organisations and communities in the Northern Territory*, May 2017.

²⁹ Northern Territory Government, *The Northern Territory's Domestic, Family and Sexual Violence Reduction Framework 2018-2028: Safe, Respected and Free from Violence*, 2018.

³⁰ Northern Territory Government, *The Northern Territory's Sexual Violence Prevention and Response Framework 2020-2028*, 2020.

³¹ Northern Territory Government, *Northern Territory Domestic and Family Violence Risk Assessment and Management Framework*, 2020.

The NTWLS has also 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.³² In such circumstances, and particularly in situations where police apply for domestic violence orders ('DVOs') against victim-survivors of DFSV, 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:³³

- 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;
- Separation from children and trauma to children;
- Loss of reputation/access to services, employment, housing rights and access to crisis accommodation, homelessness;
- 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 that 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.³⁴

³² 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>>.

³³ 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>>.

³⁴ Ibid.

- iii *ToR D – Systemic causes of all forms of violence, including sexual violence, against First Nations women and children, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of First Nations women and children*

In 2007, the Ampe Akelyernemane Meke Mekarle: Little Children are Sacred Report ('the Little Children are Sacred Report') was published, drawing stark attention to the needs of First Nations communities in the NT, including disproportionate rates of DFSV and the interwoven needs for education, eradication of poverty, adequate health, and housing security.³⁵ The Little Children are Sacred Report explored and determined that violence against First Nations women and their children does not occur because of only one cause; violence, in all of its forms, is the consequence of a complex matrix, filled with issues including intergenerational trauma (including ongoing impacts felt in respect of the Stolen Generations,³⁶ as well as ongoing child protection interventions), homelessness, and financial insecurity.

Today, these issues continue; in the most recent report of the Australian Institute of Health and Welfare, 28% of clients assisted by specialist homelessness services in 2021-22 identified as First Nations (with women accounting for 62% of this group).³⁷ The causes of violence compound each other; by way of example, not having affordable, secure and appropriate housing can further compound the social exclusion and disadvantage experienced by some First Nations people.³⁸

Later, understandings of lateral violence were developed, with some often described as "internalised colonialism"; [T]he organised, harmful behaviours that we do to each other collectively as part of an oppressed group.³⁹ Lateral violence, being behaviour that is often the result of disadvantage, discrimination and oppression and arising from working within a society that is not designed for the oppressed group, must be understood as distinct from DFSV, and a further burden on First Nations women and children in the NT. This form of violence has its roots in colonisation and control of First Nations people, and continues today because of ongoing power imbalances, identity conflict, and trauma. Lateral violence is intrinsically linked to the disadvantage faced by First Nations communities relative to the broader Australian population. As described by the Little Children are Sacred Report, violence in the NT, including sexual abuse, was, at that time, as a reflection of historical, present and continuing social dysfunction. In our submission, this is unchanged.

Relevantly, the Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse reported that,

The key indicators of Aboriginal disadvantage have been well documented in a formal sense but, in any event, are well-known throughout the country. We will have lost another nine years by 2009 in thinking and talking about and designing principles and models for service delivery. It's time for some brave action. We have an enormous amount of knowledge and experience about the problems. It should now be applied.⁴⁰

³⁵ Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse 2007, *Ampe Akelyernemane Meke Mekarle: "Little Children are Sacred"*, 30 April 2007.

³⁶ Nogrady, Bianca, *Trauma of Australia's Indigenous 'Stolen Generations' is still affecting children today*, Nature 570, 423-424 (2019).

³⁷ Australian Institute of Health and Welfare, *Specialist homeless services annual report 2021-22*, released 8 December 2022.

³⁸ *Ibid.*

³⁹ Australian Human Rights Commission, *Chapter 2: Lateral violence in Aboriginal and Torres Strait Islander communities*, Social Justice Report 2011. 8.

⁴⁰ See above n 35, 6-7.

While the Little Children are Sacred Report called for empowerment and local decision-making and action, the response was the NT National Emergency Response (commonly referred to as “the Intervention” or “NTER”);⁴¹ and although directed at addressing all forms of violence against First Nations women and children, including sexual violence, as well as the endemic disadvantage suffered in terms of health, housing, employment and justice, the Intervention was widely criticised by First Nations communities, particularly with respect to the lack of consultation and limiting of individual freedoms and human rights.

In the NT, First Nations women and children face further vulnerabilities, including the impacts of remoteness. Analysis of recent mortality data shows that among First Nations females, the rate of homicide deaths was higher in remote than non-remote areas,⁴² with the rate of homicide deaths for First Nations women living in remote and very remote areas 2.8 times as high for those living in major cities, and 4.6 times as high as for those living in inner and outer regional areas. Comparatively, for non-First Nations women, the same data showed no difference in the rate of homicide deaths by remoteness.

Current cycles of incarceration and violence are also contributing to alarming levels of over-representation of First Nations people in the prison system, as well as a saturation of First Nations children in the child protection system.⁴³ In amongst rising levels of First Nations incarceration stand First Nations women; in 2016, the rate of imprisonment of First Nations women was not only higher than that of non-Indigenous women, but also higher than the rate of non-Indigenous men.⁴⁴ On a local level, the Office of the Ombudsman NT has now undertaken two separate enquiries and made corresponding recommendations in relation to women in NT prisons.⁴⁵ These reports are clear in their advocacy for solutions designed for and by women, including solutions specifically designed for and by First Nations women (noting the key reference to the recommendations of the Little Children are Sacred Report with respect to empowerment and decision-making). There is key connectivity between experiences of DFSV and imprisonment, as well as mental health and ongoing trauma.⁴⁶

It would be remiss to fail to reference the ongoing and ever-present issue of racism and unconscious bias in First Nations’ interactions with differing levels of community, including first responders. In the NT, first responders’ capability and capacity to respond to violence remains a key issue of concern, particularly noting increasing levels of misidentification of primary perpetrators of violence (which, in the NTWLS’ experience, disproportionately impacts First Nations women). We note that recent funding for a two-year project has been announced to fund the creation of front-line responder training in the NT, with same to be part of mandatory training for NT Police and Department of Health staff, as well as being accessible to the broader NT workforce. The NTWLS form part of the Technical Advisory Group for this project.

Further, there are ongoing issues securing in-person interpreters in the NT, particularly through the Aboriginal Interpreter Service (‘AIS’), who we understand is understaffed. In our

⁴¹ See e.g., Gray, Dr Stephen, *The Northern Territory Intervention: An evaluation*, Castan Centre for Human Rights Law, July 2015.

⁴² Australian Institute of Health and Welfare, *Inquiry into missing and murdered First Nations women and children – Answers to spoken questions on notice*, 5 October 2022.

⁴³ See Australian Law Reform Commission, *Pathways to Justice: Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Report No 133, December 2017).

⁴⁴ *Ibid*, 91.

⁴⁵ Office of the Ombudsman Northern Territory, *Women in Prison: Report of the investigation into complaints from women prisoners at Darwin Correctional Centre*, 2008; Office of the Ombudsman Northern Territory, *Women in Prison II: Alice Springs Women’s Correctional Facility*, 2017.

⁴⁶ See e.g., Australia’s National Research Organisation for Women’s Safety (ANROWS), *Research Synthesis: Women’s Imprisonment and Domestic, Family and Sexual Violence*, Research Paper, March 2020.

experience, criminal matters are prioritised over all other matters, including DFSV, family, migration, and civil law matters, such that the experiences of our clients, particularly First Nations women, is a system where they are unable to have a voice and/or receive procedural fairness. It is noteworthy that the resources available to AIS interpreters refer almost entirely to criminal matters and proceedings,⁴⁷ with effect that the particularity and nuance of DFSV, child protection, family and civil proceedings are supplementary matters.

This issue is further compounded for women and children incarcerated in NT prisons, where incarcerated clients are often unable to access interpreters in a timely manner due to constrictions in relation to:

- The location of the respective interpreter;
- The gender of the interpreter, particularly in relation to key subject matter, noting that in the experience of our clients, they are often unable to discuss inter-personal issues with the assistance of a male interpreter for fear of shame; and
- The realities of NT correctional facilities, where there is often restricted capacity for services and/or service providers to meet with clients as a result of issues including understaffing.

With respect to overarching causes of violence, and particularly gender-based violence, it is well known that violence against women is driven by gender inequality, with underlying social context including other forms of oppression such as racism, ableism, ageism, classism, cissexism, and heteronormativity.⁴⁸

Overall, violence against women and girls is a manifestation of inequality and discrimination based on gender, race, and power imbalances. For First Nations women and children, compounding power imbalances and trauma equate to the current and epidemic levels of violence, particularly in the NT.

iv ToR E – Policies, practices and support services that have been effective in reducing violence and increasing safety of First Nations women and children, including self-determined strategies and initiatives

As provided in the Little Children are Sacred Report and continually referenced in reports, studies and reviews thereafter, effective, culturally secure and trauma-informed policies, practice and support services are place-based and community-led requiring substantial and significant long-term investment to establish and maintain appropriate mechanisms, including establishment of safe houses, provision of legal and support services, ongoing community legal education delivered within community and across age groups and within sporting organisations.

In our experience, secure and reliable legal representation delivered within a trauma-informed and integrated framework is essential in increasing the safety of First Nations women and children, noting the importance of building trust and truly hearing the stories of First Nations

⁴⁷ See e.g., Aboriginal Resource and Development Services (ARDS), North Australian Aboriginal Justice Agency (NAAJA) Aboriginal Interpreter Service, Northern Territory Government (AIS), *The Plain English Legal Dictionary, Northern Territory Criminal Law: A resource for Judicial Officers, Aboriginal Interpreters and Legal Professionals working with speakers of Aboriginal languages*, 2015.

⁴⁸ See above n 17, 34.

people.⁴⁹ In the NT, effective service provision includes a multiplicity of legal services (including specialist gender-specific services, such as women’s legal services, and Aboriginal Community Controlled Organisations) ensuring access around conflict issues, as well as space for choice and autonomy, noting that same is currently impossible in an underfunded and overwhelmed legal assistance sector environment. As noted in the National Plan, person-centred service systems deliver safe, inclusive and accessible services.⁵⁰

v *ToR F - Identification of concrete and effective actions that can be taken to remove systemic causes of violence and to increase the safety of First Nations women and children*

Per the CEDAW Committee, concrete and effective actions that can be taken to remove systemic causes of violence and increase the safety of First Nations women and children include, “allocate[ing] adequate resources... and enhance[ing] efforts to ensure the availability of women-only and women-led support services for victims of gender-based violence”.⁵¹ Noting our submission above with respect to the complex matrix of violence-drivers and causes, further concrete and effective actions include:

- Ensuring long-term funding for safe, secure and affordable housing for First Nations women;
- Ensuring implementation of the Aboriginal and Torres Strait Islander child-placement principle in all cases in line with the Closing the Gap priorities;
- Ensuring culturally secure, gender-specialist legal and social support services for First Nations women and children, including training more First Nations legal professionals to provide legal assistance to First Nations women;
- Developing programmes that address the needs of women in prison and promote alternatives to detention;
- Ensuring that all front-line staff, including police, health and correctional facility staff receive mandatory training on women’s rights, gender-sensitive behaviour, and drivers of violence against First Nations women and children (including DFSV).⁵²

The recommendations of a multiplicity of reports, including the Little Children are Sacred Report and most recent NT Royal Commission,⁵³ stand as touchstones to the next steps for action; the empowerment of First Nations communities, including women and children, consistent with principles of self-determination that will enable First Nations peoples to reclaim their narrative and eradicate violence in all of its forms.

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 via Caitlin Weatherby-Fell,

⁴⁹ See Langton et al, *Improving family violence legal and support services for Aboriginal and Torres Strait Islander women* (Research report), Sydney: Australia’s National Research Organisation for Women’s Safety (ANROWS), 2020.

⁵⁰ See above n 17, 71.

⁵¹ See above n 19, 8.

⁵² See above n 19, 16-18.

⁵³ See above n 24.

TEWLS Chief Executive Officer by phone on (08) 8982 3000 or email to cweatherbyfell@tewls.org.au.

Yours faithfully,

NORTHERN TERRITORY WOMEN'S LEGAL SERVICES



Anna Ryan
Acting Chief Executive Officer
Central Australian Women's
Legal Service



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



Caitlin Weatherby-Fell
Chief Executive Officer
Top End Women's Legal
Service