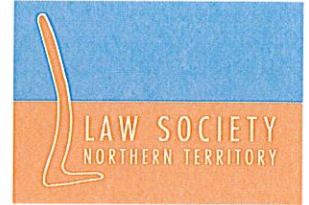


GPO BOX 2388, Darwin Northern Territory 0801  
TELEPHONE: (08) 8981 5104  
FAX: (08) 8941 1623  
EMAIL: [lawsoc@lawsocietynt.asn.au](mailto:lawsoc@lawsocietynt.asn.au)  
WEB: [www.lawsocietynt.asn.au](http://www.lawsocietynt.asn.au)  
ABN: 62 208 314 893



24 July 2014

Senate Finance and Public Administration Committees  
PO Box 6100  
Parliament House  
Canberra ACT 2600

[fpa.sen@aph.gov.au](mailto:fpa.sen@aph.gov.au)

### **Federal Government inquiry into domestic violence policy factors**

Thank you for your email of 16 July 2014 requesting input into the inquiry into domestic violence. The Law Society Northern Territory (Society) welcomes this opportunity to make submission to the Finance and Public Administration References Committee.

The Society welcomes the inquiry into the prevalence and impact of domestic violence in Australia as it affects all Australians and, in particular, as it affects:

- women living with a disability; and
- women from Aboriginal and Torres Strait Islander backgrounds.

The Society makes the following comments:

#### **The factors contributing to the present levels of domestic violence:**

The Society recognises that domestic violence does not occur in isolation from other challenges faced by individuals and communities and welcomes a holistic approach to reducing domestic violence. The Society considers issues such as adequate housing, income, and food are relevant and has long been concerned about the role of alcohol in domestic violence. The Society is concerned about a lack of coherent and health focused response to alcohol abuse and particularly responses by the Northern Territory Government that have in effect re-criminalised public drunkenness. Whilst the Society acknowledges that there appears to be some positive impact it relates primarily to supply reduction enforced by members of the Northern Territory Police.

#### **The adequacy of policy and community responses to domestic violence:**

The Society recognises the significant overrepresentation of Aboriginal and Torres Strait Islander women in domestic violence statistics and encourages culturally appropriate services to assist both victims and perpetrators. This includes for example, the use of interpreters at all stages such as education and prevention, policing, medical and legal assistance, in prison and during rehabilitation.

The Society notes that Northern Territory legislation mandates reporting of domestic violence. Although this law applies to all adults it is not widely understood by the general public and it is uncertain what impact this position is having. Further, it does not focus on prevention. Anecdotal evidence suggests that a majority of the population consider

domestic violence to be a personal issue between the victim and perpetrator. More needs to be done to educate the general population.

The Society is a participant in the Northern Territory Aboriginal Early Childhood Coalition which acknowledges the impact of exposure to domestic violence in early childhood and the connection with criminal offending in later years. The Society supports the aim of that coalition to streamline early-childhood services and address and ensure they are part of a coherent and integrated strategy, which to-date has not occurred.

Reducing the risk of recidivism among perpetrators of domestic violence must be based on sound evidence and best practice and acknowledge the need to be culturally appropriate.

To address repeat domestic violence offending, the Northern Territory government needs to invest in effective and accessible rehabilitation and therapeutic programs and education for domestic violence offenders at each stage of the criminal justice system. The current reliance on prison alone as the default response to domestic violence offending is ineffective in reducing domestic violence in the long term. The *Sentencing Act* requires a minimum mandatory jail sentence from three to 12 months depending on the severity of the offence. While prison may be appropriate, the focus on prison as *the answer* is concerning. Further, it is important that the courts have discretion to tailor sentences to best address the particular circumstances of the case and have the ability to include culturally appropriate punishment.

Where prison is an appropriate response to domestic violence offending, the term of imprisonment must be used to deliver culturally appropriate and holistic offender rehabilitation, therapeutic programs and education to seek to change the offender's behaviour and address contributing factors in the offender's life. Without therapeutic interventions that engage the offender, and where appropriate, the offender's family and community, the criminal justice system will continue to be a crude and largely ineffective response to this complex issue. It is unclear what rehabilitation programs are available in the corrections system for perpetrators of domestic violence. What is clear is that perpetrators sentenced to short prison terms, for example three months, and those who have lengthy periods on remand, are often unable to access any programs (such as sentenced to a job) whilst in custody.

**The effects of policy decisions regarding housing, legal services, and women's economic independence on the ability of women to escape domestic violence:**

The Society is deeply concerned about the failures of public housing in the Northern Territory, particularly in remote communities. The Society is concerned that inconsistent policy approaches have led to homelessness and overcrowding, leaving victims vulnerable and financially dependent. The Society and legal service providers have for years now advocated locally and federally for a funded remote tenancy legal advice service, seeking to address systemic issues as well as provide individual advocacy in this area of high legal need. Despite resounding approval of the idea, resources have never been found and individuals are forced to navigate incoherent and arbitrary systems alone. System side issues have not been addressed.

The Society is also concerned about the recent funding cuts to legal and support services and the decision of the Northern Territory Government to strip funding from the Crime Victims Services Unit (CVSU). Among the reasons given was that the CVSU is supporting the perpetrator. It says nothing of the valuable support given to victims seeking to escape domestic violence. CVSU provides financial and other support to people who have been the victims of a crime. This seems to contradict the recently launched Domestic Violence

Strategy and there is no evidence that the services provided are in fact supporting perpetrators of crime.

**How the Federal Government can best support, contribute to and drive the social, cultural and behavioural shifts required to eliminate violence against women and their children:**

The Society is concerned with severe budget cuts in legal and support services for victims of domestic violence. The Society strongly recommends law and justice targets form part of funding arrangements. In particular, the Society advocates Law and Justice Impact Assessments are mandated where policies may impact disproportionately on Aboriginal and Torres Strait Islander people, legal support for which is provided by Commonwealth Aboriginal and Torres Strait Islander Legal Services.

**Conclusion**

This submission summarises views expressed by its Social Justice Committee. Many more issues could be explored further which are related to domestic violence and government policy. However, due to the short timeframe in which we were given to respond we are not in a position to extrapolate these issues further.

Should you like to receive further information, please do not hesitate to contact me.

**Megan Lawton**  
Chief Executive Officer