



NAAFLS
NORTH AUSTRALIAN
ABORIGINAL FAMILY
LEGAL SERVICE

**CENTRAL AUSTRALIAN ABORIGINAL FAMILY LEGAL UNIT
(CAAFLU) & NORTH AUSTRALIAN ABORIGINAL FAMILY
LEGAL SERVICE (NAAFLS)**

**REVIEW OF LEGISLATION AND THE JUSTICE RESPONSE TO
THE DOMESTIC AND FAMILY VIOLENCE IN THE NORTHERN
TERRITORY**

12 October 2022

JOINT SUBMISSION (SYSTEMIC REFORM PROPOSALS)

Acknowledgement

***CAAFLU and NAAFLS would like to acknowledge the
traditional owners of the land on which we live and work.
We pay deep respect to Elders past and present.***

About Central Australian Aboriginal Family Legal Unit (“CAAFLU”)

The Central Australian Aboriginal Family Legal Unit (CAAFLU) is an Aboriginal Community Controlled Organisation (ACCO) providing a holistic, multidisciplinary, trauma-informed legal and support service for Aboriginal and Torres Strait Islander victim-survivors of domestic, family, and/or sexual violence (DFSV), predominantly Aboriginal women.

CAAFLU is funded solely through the National Indigenous Australians Agency (NIAA) as one of 16 specialist Family Violence Prevention and Legal Services (FVPLSs). FVPLSs were established in recognition of the gap in access to culturally appropriate legal and support services for Aboriginal and Torres Strait Islander victim-survivors of DFSV.

CAAFLU was established in 2000 and has offices in Alice Springs (Mparntwe) and Tennant Creek (Jurnkkurakurr). Each office provides outreach services to several remote Aboriginal communities including Hermannsburg (Ntaria), Yuendumu, Papunya (Warrumpi), Santa Teresa (Ltyentye Apurte), Harts Range (Atitjere), Ali Curung, Elliott (Kulumindini) and other communities nearby. CAAFLU is the only organisation in Central Australia and the Barkly Region exclusively dedicated to assisting Aboriginal victim-survivors of DFSV.

As a specialist DFSV ACCO, cultural safety is embedded in our unique service delivery model. Our team of lawyers are led by a Principal Legal Officer (PLO) who is a local Aboriginal woman. In addition, our Client Service Officers (CSOs) are all identified positions and are led by our CEO, who is a qualified social worker and is also a local Aboriginal woman. CAAFLU’s lawyers and CSOs work side-by-side to deliver culturally appropriate, wrap-around legal and non-legal support to clients. CAAFLU specialises in providing advice and representation in the areas of Domestic Violence Orders (DVOs), Victims of Crime Compensation, Child Protection and Family Law.

Our CSOs provide a wide range of client supports including, assistance with housing applications, support in attending appointments, support and follow up throughout the legal process, arranging interpreters, ongoing safety checks and referrals where appropriate. CSOs also play a pivotal role in maintaining strong engagement with our outreach communities through building stakeholder relationships and liaising with relevant community leaders around cultural business.

CAAFLU also delivers community-based and early intervention and prevention programs (EIP), community legal education (CLE) as well as undertaking policy and law reform work. Everything we do at CAAFLU is led by local Aboriginal women and the majority of CAAFLU’s staff are Aboriginal with connections to both Central Australia and the Barkly Region. Our work is informed by the experiences, strength, and resilience of our clients – the unsung heroes.

To avoid legal conflicts, CAAFLU does not provide legal advice and assistance to perpetrators of DFSV. It is important to note that this does not impact our ability to assist victim-survivors who have used force or violence, and subsequently been misidentified as perpetrators or ‘primary aggressors’ – particularly Aboriginal women.

About North Australian Aboriginal Family Legal Service (“NAAFLS”)

NAAFLS is a government funded Aboriginal organisation and accredited community legal centre providing culturally safe legal assistance and advice to Aboriginal and Torres Strait Islander victims of domestic and family violence in the Top End. We have offices in Darwin, Katherine and Nhulunbuy, and service over 40 remote communities spanning from the Tiwi Islands, across to Borroloola and down to Lajamanu.

Our lawyers work alongside client support officers and case workers, which are Aboriginal and Torres Strait Islander identified positions, to ensure that our service is culturally safe and holistic. Our primary areas of law are domestic violence orders, child protection proceedings,

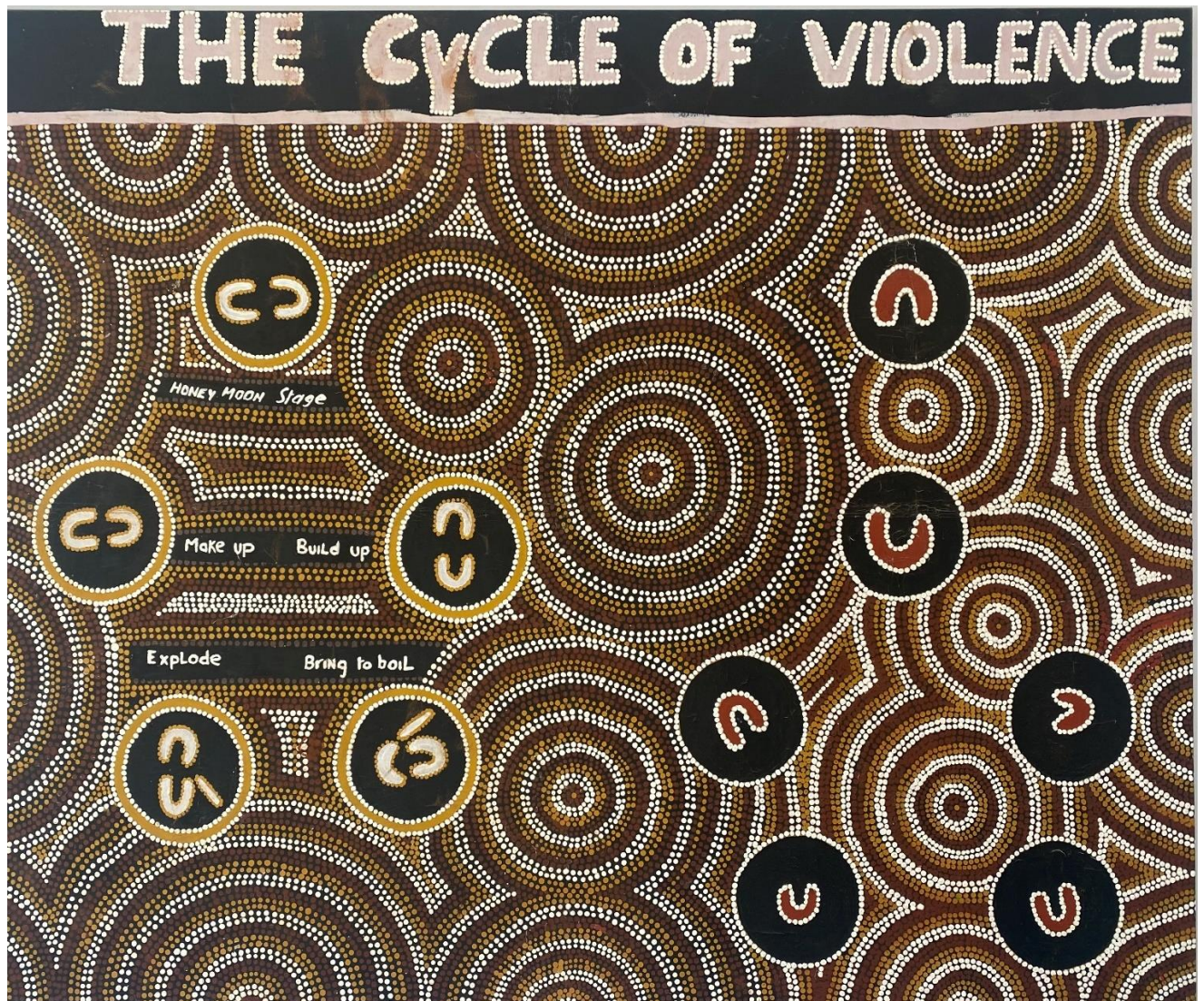
family law and victims of crime compensation, and our client support workers provide assistance with housing, information, referrals and general advocacy.

NAAFLS provides community legal education to community members and stakeholders, with a dedicated legal education team providing intensive program delivery to a small number of remote communities. We contribute to law reform and prevention initiatives, and advocate for Aboriginal and Torres Strait Islander victims of domestic, family and sexual violence.

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'The Cycle of Violence' by ML from Ali Curung (dec.)

This painting is displayed in the CAAFLU Alice Springs Mparntwe office. The artist explicitly asked CAAFLU to continue displaying the artwork after she had passed so the message could continue. "The painting is a graphic representation of two ways education using mainstream theory on violence and traditional dot painting symbols of Australian Indigenous desert people".

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Key Recommendations

This submission calls for:

The need to better align the path forward on Domestic and Family Violence with the National Agreement on Closing the Gap

CAAFLU and NAAFLS recommend stronger alignment of the DFV Review with the National Agreement on Closing the Gap. Specifically, the four Priority Reforms of the National Agreement, which address the need for structural change, should underpin all aspects of the DFV Review. Without Aboriginal community-led structural and systemic change, progress toward the targets, and toward closing the gap will continue to be slow and ineffective.

ACCOS must be adequately funded and prioritised to engage as genuine partners in the DFV Review and implementation

CAAFLU and NAAFLS recommend to ensure strong alignment with Priority Reform 1, all parties to the National Agreement are committed to the strong partnership elements at Clauses 32 and 33. As a result, all Government parties recognise that adequate funding is needed to support the Aboriginal and Torres Strait Islander community-controlled sectors, including the DFSV ACCO sector to be partners with Government in matters which impact on our communities. To ensure alignment with Priority Reform 2, the NT Government should implement funding prioritisation policies which preference ACCOs with relevant expertise for funds to deliver services to Aboriginal and Torres Strait Islander people.

CAAFLU and NAAFLS recommend that the NT Government commit to funding FVPLS (jointly with and in addition to the Commonwealth) as a matter of urgency. Resolving the joint funding responsibility will support greater cooperation at Territory and Commonwealth levels and address the current restrictions, fragmentation and gaps experienced in the sector.

The system is failing our community

CAAFLU and NAAFLS recommend the DFV Review prioritise support to DFSV ACCOs including specialist FVPLSs, ACCHOs, and other community-controlled organisations, as key providers of legal, health, and support services to Aboriginal and Torres Strait Islander people and families impacted by violence. This requires meaningful investment in community-driven solutions to deliver safety beyond police and prison systems.

CAAFLU and NAAFLS recommend the availability and operation of the Aboriginal Interpreter Service be expanded to meet the current demands, particularly in remote communities.

Housing must be addressed as part of the DFV Review

CAAFLU and NAAFLS recommend housing be addressed as a preventative measure in the DFV Review. This will require expansion of services to meet the significant unmet need including increasing the number and bed capacity of safehouses including establishing 24 hour safehouses in communities, crisis accommodation, investment in transitional housing (short and medium term) and increasing public housing, including on community

Coercive Control reforms

CAAFLU and NAAFLS as specialist DFSV ACCOs **strongly support Option 1** under the DFV Review paper and recommend against the criminalisation of coercive control.

The Inter-agency Co-ordination and Reform Office (DFSV-ICRO)

SR1A. CAAFLU and NAAFLS support greater integration and coordination of government responses to DFV and a joined-up approach to the implementation of systems reforms. However, the DFV Review must include a genuine mechanism for Aboriginal leadership and alignment with the National Agreement on Closing the Gap.

SR1B. There should be an obligation on DFSV-ICRO to properly consult with Aboriginal organisations to ensure representation of Aboriginal views and concerns.

SR4. Consultation with the Aboriginal sector must be undertaken in order to get cultural input and direction.

Aboriginal Justice Agreement (AJA)

SR2A. The alignment of DFV reforms and the AJA should adopt the National Agreement on Closing the Gap's principles of self-determination, community control and long-term partnerships with Aboriginal communities in the development of programs and policies that affect them. The approach should be explicitly aligned with the National Agreement Priority Reforms:

- a. Priority Reform 1 - Formal Partnerships and Shared Decision-Making
- b. Priority Reform 2 - Building the Community-Controlled Sector
- c. Priority Reform 3 - Transforming Government Organisations
- d. Priority Reform 4 - Shared Access to Location Specific Data and Information at a Regional Level.

SR2B. Support in principle the establishment of an Aboriginal Advisory Group, however further detail is needed to assess whether it will be an effective guiding authority.

SR2C. Specialist DFSV ACCOs should lead on-the-ground consultations with communities and program design and delivery under the alignment with the AJA.

Mandatory Sentencing and Reform of Community Based Sentencing Options

SR3.A. The cross-agency Sentencing Reform Implementation Group should ensure that that specialist DFSV ACCOs are engaged fully in consultations on reforms to community-based sentencing options.

SR3.B. Mandatory Sentencing and reform of Community Based Sentencing Options must have regard to not only the AJA but the Justice Policy Partnership commitments under the National Agreement on Closing the Gap.

Shared expectations of the justice responses

SR5. 'Stakeholder collaboration' to agree on shared expectations of the justice response must ensure adequate representation of DFV ACCOs and other Aboriginal Community Controlled Organisations. It must include adequate remote representation.

Coercive control prevention and reform

SR6A. See CAAFLU and NAAFLS comments at 1.1 - 1.2 above. We consider there needs to be a stronger alignment of the DFV Review with the National Agreement on Closing the Gap. Specifically, the four Priority Reforms of the National Agreement, which address the need for structural change, should underpin all aspects of the DFV Review.

SR6B. DFSV-ICRO must undertake proper consultation with the Aboriginal sector, especially DFSV ACCOs.

SR7. While we support the funding of community education on coercive control and DFV, this funding must be provided to ACCOs, especially DFSV ACCOs and the Law and Justice Groups in order for the education to be culturally appropriate.

SR8A. We support the significant expansion of DFV training and education but it must be delivered with an appropriate cultural lens, requiring the input and delivery by Aboriginal people and organisations, including specialist DFSV ACCOs.

SR8B. Training should be on DFSV holistically, not coercive control in isolation.

SR8C. If this training is rolled out, we support it being mandatory for police, prosecutors, judges, lawyers and front-line workers.

SR9. We strongly support a major NT-wide public health campaign about healthy and safe relationships, including a focus on coercive control. The campaign messaging and delivery must be tailored to the audience, requiring Aboriginal communities and community-controlled organisations' involvement in design and delivery.

Specialist DFV Court Approaches

SR10A. Evaluation of the Specialist DFV Court must be undertaken utilising the expertise and perspectives of DFSV ACCOs.

SR10B. Any expansion in the specialist DFV Court approach should be met with significant investment in culturally appropriate Mens Behaviour Change Programs and the employment of Aboriginal men as facilitators.

SR10C. The Specialist Court approach should require an Aboriginal cultural expert/advisory group and appropriate alignment with the AJA.

SR10D. Further consultations are needed to inform the approach with Special Courts in relation to remote defendants/participants.

Improved Policing of DFV

SR11A. The Police General Order should be provided to DFV service providers, including specialist DFSV ACCOs, for consultation and input prior to being amended.

SR12A. Training of police officers should be delivered by external providers, including DFSV ACCOs and Aboriginal people who can provide training through a cultural and remote lens.

SR12B. The review of police training on DFV should be undertaken by an independent, external specialist with input by Aboriginal organisations, especially DFSV ACCOs and the Domestic Family and Sexual Violence Cross Agency Working Group.

SR12C. We do not see the relevance of the Scottish model to the Northern Territory and do not believe that it should be used as a model for police reform.

SR13. We support the development of a publicly available Common Risk Assessment Tool but note that it requires transparency and tailoring in order to work for remote Aboriginal victims.

SR15. While we support consideration of a 24 Hour DFV Specialist Referral Service, we strongly suggest that the service should be operated by an organisation other than TFHC to remove the association with child removal and to ensure it is approachable, culturally safe and trauma informed. Consideration of

this concept must be done in collaboration with Aboriginal communities and ACCOs especially specialist DFSV ACCOs, to avoid implementing a mainstreamed 'one size fits all' approach.

Improved prosecution of DFV offences

SR16A. We support the review of the Witness Assistance Service to determine resourcing needs. The criminal justice system is difficult for victims, especially our clients who have significant trauma, cultural barriers and language barriers.

SR16B. Witness Assistance Service must be better resourced to improve accessibility and cultural safety.

SR17A. We support the development of trauma informed policies at the DPP and training on trauma informed best practice.

SR17B. Consideration should be given to future-proofing trauma informed policies and training given our perception of relatively high turnover of staff and under resourcing.

Legal Assistance for parties in DFV proceedings

SR18A. Service gaps in remote communities where NAAFLS is conflicted and cannot provide legal advice or representation to victim-survivors should be urgently addressed.

SR18B. Strongly support the funding of legal representation for defendants. Currently there is a duty lawyer funded for defendants in Darwin and Alice Springs through NTLAC's family lawyer, but defendants in remote communities, Katherine and Tennant Creek are left without representation.

Non-legal support and assistance at Court

SR19. In the event that there is an expansion of specialist DFV courts, we support further resourcing to meet demand.

Access to quality DFV perpetrator programs and services

SR20. We strongly support the funding of counselling services for female prisoners that is culturally appropriate, given the majority of female prisoners are Aboriginal. This counselling should be run by specialist DFSV services in collaboration with ACCOs and must be available to prisoners on remand.

SR21A. We strongly support the development of DFV perpetrator programs developed in collaboration with ACCOs and where possible, delivered by Aboriginal staff at ACCOs. These programs must be available to prisoners on remand and be adapted for remote participants.

SR21B. The programs need to be declared by the Minister in a timely manner so that referrals can be made under the DFV Act, otherwise they will sit separately to the relevant legislation.

SR22. We support the establishing of a multi-agency oversight committee or body for DFV perpetrator programs if the committee or body centres Aboriginal voices and prioritises consultation with ACCOs, in particular specialist DFSV ACCOs.

Identifying DFV and managing the risk of DFV

SR23. We generally support expanded RAMF training but do not consider this to be a priority matter.

SR23B. Any expansion of RAMF training should prioritise non-DFV services such as health, law enforcement and corrections.

Family Safety Framework (FSF)

SR24.A Particular attention be given to the impact of the Family Safety Framework on Aboriginal women, specifically the increased risk of subsequent child removals through the inclusion of child protection.

SR24.B Consider appropriate reform to the *Care and Protection of Children Act* to require Territory Families to work with Aboriginal mothers to support safety and remove increased risk of child removal.

Multi-agency Children and Community Safety Teams/Framework

SR25A. Responses to children exposed to and affected by DFV and their families should include the establishment of a child protection notification scheme requiring mandatory referral to a FVPLS for an Aboriginal child.

SR25B. Responses to children who are primary victims or otherwise exposed to DFV must include availability of child counselling, psychology and therapy services that are available NT-wide.

SR25C. MACCST response guidelines should include specific means for Aboriginal family & community involvement.

Introduction

CAAFLU and NAAFLS make this submission in response to the paper 'Review of Legislation and the Justice Response to the Domestic and Family Violence in the Northern Territory' (DFV Review). Given the short timeframe for submissions and the partial extension of time on the legislation review, we will provide our submission in two parts, with this first part addressing the proposed **systemic reforms**. We note that the segmented submission must be read together for completeness, recognising the indivisibility of the response at all levels to Domestic and Family Violence.

We would also like to draw your attention to our concerns about the Department's consultation process. We do not believe this process or the Department's broader approach to the development of the DFV Review as currently proposed will fully and effectively consider the voices of Aboriginal women and their families, communities or community-controlled organisations. CAAFLU and NAAFLS include general submissions addressing this concern, in addition to our joint submissions in response to the specific systemic reform proposals within the DFV Review paper.

Throughout the submission the term 'Aboriginal' is in reference to, and includes 'Aboriginal and Torres Strait Islander peoples'.

The need to better align the path forward on Domestic and Family Violence with the National Agreement on Closing the Gap

The four Priority Reforms under the National Agreement on Closing the Gap must drive the development and implementation of the DFV Review as it applies to Aboriginal peoples through an inclusive, transparent, and self-determining process. The DFV Review should be explicitly aligned with the National Agreement on Closing the Gap Priority Reform 1 by clearly articulating the need for formal partnerships and shared decision making with Aboriginal people. Aboriginal people must determine, develop and lead priorities and strategies for DFV responses. Aboriginal people must be parties to equal partnerships in joint planning with government and other organisations at the local level and at the National, and Territory levels. The proposed partnerships must be accountable and representative, with the voices of Aboriginal peoples, communities and organisations holding as much weight as those of governments. This partnership approach should be clearly reflected in the process and practice of the DFV Review.

As is emphasised in the DFV Review report, Aboriginal women and children are more likely to experience family violence than other Territorians. However, family violence within Aboriginal communities is both a cause and an effect of social disadvantage and intergenerational trauma. A multidirectional response which addresses the whole of community needs is necessary for the progression towards Target 13 under the National Agreement on Closing the Gap, which requires a *significant and sustained reduction in violence and abuse against Aboriginal and Torres Strait Islander women and children towards zero*.

The proposed reforms in the DFV Review paper, as currently stated, do not adequately meet the needs of those most disproportionately impacted by Domestic and Family Violence – Aboriginal women and children. The path forward on the DFV Review must ensure that the commitments in the National Agreement on Closing the Gap are embedded across every element from the identification of areas for reform, to the generation of proposals, implementation, and review. The over-representation of Aboriginal people and communities impacted by all forms of violence can only be addressed with

responses that are led by Aboriginal people and the community controlled sector in the design, implementation, and evaluation of all efforts.

The approach and proposals must go further in order to demonstrate commitment to the National Agreement on Closing the Gap. At minimum this requires departments, inter-agency groups and specific agencies (such as police and Territory Families) to undertake proper consultation, collaboration and shared decision-making with Aboriginal community-controlled organisations and have ongoing input by Aboriginal leaders and organisations into its DFV reform initiatives.

CAAFLU and NAAFLS recommend stronger alignment of the DFV Review with the National Agreement on Closing the Gap. Specifically, the four Priority Reforms of the National Agreement, which address the need for structural change, should underpin all aspects of the DFV Review. Without Aboriginal community-led structural and systemic change, progress toward the targets, and toward closing the gap will continue to be slow and ineffective.

ACCOS must be adequately funded and prioritised to engage as genuine partners in the DFV Review and implementation

The DFV Review process should include specific provision for adequate funding of Aboriginal community-controlled organisations (ACCOS) particularly ACCOS who are also Domestic, Family and Sexual Violence (DFS) specialists to engage as partners in review and implementation, including CAAFLU and NAAFLS as both ACCOS and specialist DFS services. To ensure strong alignment with *Priority Reform 1*, all parties to the National Agreement are committed to the strong partnership elements at *Clauses 32 and 33*. As a result, all government parties recognise that adequate funding is needed to support the Aboriginal and Torres Strait Islander community-controlled sectors to be partners with Government in matters which impact on our communities. A genuine partnership approach for the DFV Review requires more than simply consulting Aboriginal people, their communities and the organisations which represent them. It means ensuring there are Aboriginal people empowered to share decision-making authority with governments on those policies and programs which affect them. This is an opportunity for the NT Government to act in accordance with the commitment to embrace the strong partnership elements of the National Agreement on Closing the Gap.¹

Working in genuine partnership with the Aboriginal Community Controlled Sector on the DFV Review and implementation will produce better outcomes for Aboriginal people and for the NT Government. It is the only way to ensure the reforms will meet the needs of Aboriginal people, including ensuring the initiatives are culturally safe. CAAFLU and NAAFLS are 2 of 16 Family Violence Prevention Legal Services (FVPLSs) across Australia. As Aboriginal corporations exclusively dedicated to providing culturally appropriate DFV services to Aboriginal people, predominantly women and their children, in Central Australia, the Barkly and the Top End, we are a necessary voice on the DFV experiences of Aboriginal peoples in the Territory and should be included as genuine partners within the DFV Review. CAAFLU and NAAFLS invites the NT Government to fulfil its obligations under the National Agreement on Closing the Gap by engaging with us, other Aboriginal community controlled organisations, and their communities to undertake work in genuine partnership for a reformed DFV response.

¹ National Agreement on Closing the Gap, <<https://www.closingthegap.gov.au/sites/default/files/files/national-agreement-ctg.pdf>>. See specifically Priority Reform One: Formal Partnerships and Shared Decision-Making.

The DFV Review and its implementation should be explicitly aligned with the National Agreement's *Priority Reform 2 – Building the community-controlled sector*. The DFV Review must prioritise, proactively engage and fund Aboriginal community-controlled organisations through implementation to deliver reforms and programs, both in town and remote settings. CAAFLU and NAAFLS raise concerns with previous large government tenders for DFV services to Aboriginal clients, which have been regularly awarded to non-Aboriginal organisations, despite there being established Aboriginal community-controlled organisations with DFSV expertise and strong community trust and relationships with capacity to deliver the programs. The National Agreement recognises that Aboriginal community-controlled organisations achieve better results for Aboriginal people, employ more Aboriginal people and are often preferred over mainstream services. Community-controlled organisations allow Aboriginal people to bypass mainstream institutions where racism exists. Greater impact and effectiveness is achieved through supporting Aboriginal specific and community controlled organisations, especially DFSV ACCOs to deliver DFV programs for Aboriginal people and communities. Advancing Aboriginal people's self-determination is also fundamental to sustainably addressing family violence in Aboriginal communities. We urge the NT Government to meet its commitments under the National Agreement on Closing the Gap through implementing funding prioritisation policies to preference ACCOs to deliver services to Aboriginal and Torres Strait Islander people and communities across all Closing the Gap outcome areas, especially DFV. Where funding is intended to service the broader population across Closing the Gap outcome areas, we urge the NT Government to allocate a meaningful amount to ACCOs with relevant expertise such as DFSV ACCOs. A meaningful amount must consider the needs of existing ACCOs as well as the service demands of Aboriginal Territorians across Closing the Gap outcome areas.

Additionally, we highlight that at the present time, there is no formal funding agreement between the Commonwealth and Northern Territory government to jointly fund FVPLS (including CAAFLU and NAAFLS) or for legal services for Aboriginal women more generally. Both CAAFLU and NAAFLS receive no ongoing funding from the NT Government. As a result there is no joint commitment between the Northern Territory and the Commonwealth to a long-term solution that supports a Territory-wide service model. Without formal collaboration between Territory and Commonwealth governments significant gaps remain and services are unnecessarily restricted and fragmented. This impedes our organisations' capacity to engage fully in the DFV Review and implementation.

CAAFLU and NAAFLS recommend to ensure strong alignment with Priority Reform 1, all parties to the National Agreement are committed to the strong partnership elements at Clauses 32 and 33. As a result, all Government parties recognise that adequate funding is needed to support the Aboriginal and Torres Strait Islander community-controlled sectors, including the DFSV ACCO sector to be partners with Government in matters which impact on our communities. To ensure alignment with Priority Reform 2, the NT Government should implement funding prioritisation policies which preference ACCOs with relevant expertise for funds to deliver services to Aboriginal and Torres Strait Islander people.

CAAFLU and NAAFLS recommend that the NT Government commit to funding FVPLS (jointly with and in addition to the Commonwealth) as a matter of urgency. Resolving the joint funding responsibility will support greater cooperation at Territory and Commonwealth levels and address the current restrictions, fragmentation and gaps experienced in the sector.

The system is failing our community

The DFV Review proposals should be explicitly aligned with the National Agreement on Closing the Gap's *Priority Reform Area 3 – Transforming government organisations*, which specifies a range of actions needed for the systemic and structural transformation of mainstream government organisations. The current system is failing Aboriginal people. To respond to the needs of our communities we need far greater integration across the service system so that it can address the whole family in a way that avoids further trauma. We need Aboriginal led, whole of community solutions that focus on primary prevention at the community level.

The reforms proposed in this review need to be accompanied by widespread investment in culturally appropriate support services through ACCOs, particularly DFSV ACCOs with Aboriginal staff for both victim-survivors and perpetrators, including in remote communities. This includes counselling, mental health support and DFV-specific programs for men, women and children, including men's behaviour change and healing programs. Building a service system around existing trusted relationships through ACCOs amplifies the opportunity and reach of programs. Primary prevention approaches have a demonstrated ability to deliver sustainable local solutions that not only reduce the number of family violence incidents experienced but they contribute to more positive life outcomes for Aboriginal people. These local solutions can incorporate Aboriginal knowledge and cultural elements to strengthen their effectiveness. To support these types of approaches Aboriginal community-controlled organisations, particularly DFSV ACCOs need adequate resourcing to strengthen their ability to meet the need. The support for our organisations should include the key elements of a strong sector including workforce capability, capital infrastructure investment, service delivery resources and governance.

We also note that for some time, there have been significant issues in the delivery of the Aboriginal Interpreter Service, which has not been touched on in the DFV review. Whilst this is not a DFV-specific issue, the lack of availability of interpreters, from our experience, results in police rarely using them when serving DVOs on defendants, resulting in a lack of understanding of the rules of the DVO and who may not have the literacy requirements to read the papers provided to them. In our experience, there is often a very low level of understanding of DVOs in remote communities and the failure of government agencies like the police to use interpreters is a contributing factor. This is also an issue when interpreters are unavailable to assist in court proceedings or for legal advice. Inability to access an interpreter also affects victim-survivors accessing counselling, legal service, safety planning services and housing. This issue particularly affects Aboriginal people in remote communities.

CAAFLU and NAAFLS recommend the DFV Review prioritise support to DFSV ACCOs including specialist FVPLSs, ACCHOs, and other community-controlled organisations, as key providers of legal, health, and support services to Aboriginal and Torres Strait Islander people and families impacted by violence. This requires meaningful investment in community-driven solutions to deliver safety beyond police and prison systems.

CAAFLU and NAAFLS recommend the availability and operation of the Aboriginal Interpreter Service be expanded to meet the current demands, particularly in remote communities.

Housing must be addressed as part of the DFV Review

Safehouses, crisis accommodation, public housing and private rentals have not been addressed in the DFV Review. Looking at domestic violence through a criminal justice and policing lens alone will not lead to a reduction in DFV rates. There needs to be significant investment in housing so that victim-survivors have somewhere safe to go. This is particularly crucial in the remote context where there is significant overcrowding and highly limited interim, crisis and safehouse availability.

In a crisis setting, a victim's highest priority is finding somewhere to stay, and there are insufficient places available to meet the need. Safehouses and women's shelters are routinely booked out and a number of communities do not have safehouses. Outside of a crisis situation, the public housing waitlist is so long that women who are looking to leave their partners do not have anywhere else to go that is affordable. The lack of housing availability across all forms is keeping victim-survivors who want to leave under the same roof as perpetrators.

Additionally, the focus areas and proposals do not identify inadequate housing as a catalyst of violence, particularly for Aboriginal peoples. A recent study from the ANU sought to determine what it would take to effectively address family and community violence in Aboriginal and Torres Strait Islander communities. The study found that housing shortages were interconnected with other community issues, including violence. It further identified that having stable housing and living conditions that were not overcrowded were significantly associated with a lower prevalence of violence².

Aboriginal women and children have very limited housing pathways to choose from in the aftermath of domestic and family violence:

- Acute shortages in crisis, transitional and long-term housing particularly in regional and remote locations mean Aboriginal women and children are routinely turned away from refuges and safe houses because they are at capacity. In these circumstances they become trapped in a revolving door between crisis and transitional services, homelessness—often involving shelter with family/friends—or returning to an unsafe home.
- The unintended consequences of limited housing pathways puts Aboriginal women at significant risk of having their children removed by Child Protection. Reunification is also compromised if long-term stable housing cannot be secured. Lack of housing also serves as a barrier to potential kinship care arrangements, impacting the assessment of carers as suitable placements.
- Developing culturally appropriate responses to domestic and family violence and improving integration between housing, domestic and family violence and child protection services should reduce rates of injury and death for Aboriginal women, as well as rates of children in out-of-home care.

CAAFLU and NAAFLS recommend housing be addressed as a preventative measure in the DFV Review. This will require expansion of services to meet the significant unmet need including increasing the number and bed capacity of safehouses including establishing 24 hour safehouses in communities, crisis accommodation, investment in transitional housing (short and medium term) and increasing public housing, including on community.

² Family and Community Safety for Aboriginal and Torres Strait Islander Peoples Study Report, 2020, pg. 48

Coercive Control reforms

CAAFLU and NAAFLS as specialist DFSV ACCOs **strongly support Option 1** under the DFV Review paper and recommend against the criminalisation of coercive control. For the reasons that have been repeated over a number of inquiries nationally, including in extensive evidence-based submissions by other FVPLS and Aboriginal Legal Services,³ the particular risks that a criminal offence of coercive control would pose to Aboriginal people, particularly Aboriginal women and their children, are significant. This includes the misidentification of victims leading to the laws put in place to protect victims being used against them, increasing numbers of Aboriginal people incarcerated without any impact on reducing rates of DFV. Expanded criminal sanctions may reduce reporting of domestic abuse, especially among Aboriginal women, for those who fear that trying to seek help will mean sending their partner to prison and exposing them to the dangers Aboriginal people face in custody. In addition, there is a concern that the proposed changes will see an increase in mandatory reporting leading to more Aboriginal children entering the Child Protection system.

It must be recognised that the Northern Territory has well-documented issues with the treatment of Aboriginal peoples at all levels of the justice system. The disproportionate impact on Aboriginal people and the risks associated with mainstream-centred responses, necessitates Aboriginal leadership in the design, delivery and evaluation of all responses. CAAFLU and NAAFLS recognise the harm caused by coercive control and the need for an improved response to it. We do not support criminalising coercive control as an effective or necessary step in the Northern Territory. Creating a new criminal offence is unlikely to protect women at risk of violence, particularly Aboriginal women, and risks becoming a new source of harm to victim-survivors of abuse and to the Aboriginal community. CAAFLU and NAAFLS strongly endorse alternative approaches to dealing with this serious form of abuse which prioritise early intervention and prevention. In particular we highlight the need to prioritise:

- Increased culturally appropriate DFV support services and programs (for men and women) in remote communities, delivered by ACCOs including DFSV ACCOs wherever possible;
- Increased community education on DFV, including coercive control designed and delivered by ACCOs including DFSV ACCOs wherever possible;
- Increased availability of safehouses in remote communities; and
- Availability of public housing in remote communities to enable women to choose to leave and not live under the same roof as the perpetrator.

Centering the voices and experiences of Aboriginal women

If the NTG seeks to identify proposals to address coercive control most likely to promote safety and justice for all women, it would be appropriate to begin with a thorough assessment of the expertise, interests, opinions and experiences of those most disproportionately affected – Aboriginal women. The drivers of DFV against Aboriginal women are embedded in harmful historical policies and practices, intergenerational trauma, racism, and the ongoing impacts of colonisation. These drivers result in key differences in the ways in which Aboriginal women and children experience violence compared with non-Indigenous people and require healing-centred, culturally safe responses.⁴ A ‘one size fits all’ approach to addressing violence against women fails to acknowledge the intersection of race and gender (and other

³ VALS paper, Djirra [and others]

⁴ *Draft National Plan to End Violence against Women and Children 2022-2023* Page 43

characteristics) which shape an Aboriginal woman’s experience of violence. Aboriginal women and women of colour have long been speaking up about the dangers of white feminist approaches that assume a universal experience of being a woman. Such approaches are dangerous in that they risk making Aboriginal women even more invisible in DFV policy responses, contributing to the disproportionate rates of violence against Aboriginal women.

The DFV Review paper does not appear to convey any investigation into the knowledge and understanding of what coercive control means in remote communities, what forms it might take or the way victim-survivors might seek to respond to coercive control. Aboriginal women’s perspectives and concerns have not been centred. We caution the NT Government against taking a mainstream or ‘one size fits all’ approach to defining and understanding coercive control, particularly through a Western or non-Aboriginal lens. Any definition of coercive control must be based in localised, Aboriginal led understandings of coercive control so as not to impose concepts which fail to reflect the realities of what communities, especially victim-survivors, are facing. Aboriginal communities, Aboriginal controlled DFSV services, including Aboriginal Family Violence Prevention Legal Services (FVPLSs) must be resourced to lead the development and implementation of localised and culturally appropriate responses to coercive control.

We refer to the paper commissioned by CAAFLU in June 2021 (at **Annexure A**), which contains extensive discussion on understanding coercive control in a First Nations context.

Specific Systemic Reform proposals

CAAFLU and NAAFLS provide specific comments and recommendations below in response to the systemic reform proposals contained in the DFV Review paper.

1.1. The Inter-agency Co-ordination and Reform Office (DFSV-ICRO)

SR #	Proposal	CAAFLU & NAAFLS recommendation
SR1	It is proposed that the systems reforms identified in this review are integrated into the DFSV-ICRO reform agenda.	<p>SR1A. CAAFLU and NAAFLS support greater integration and coordination of government responses to DFV and a joined-up approach to the implementation of systems reforms. However, the DFV Review must include a genuine mechanism for Aboriginal leadership and alignment with the National Agreement on Closing the Gap.</p> <p>SR1B. There should be an obligation on DFSV-ICRO to properly consult with Aboriginal organisations to ensure representation of Aboriginal views and concerns.</p>
SR4	It is proposed that the DFSV-ICRO (and the DFV inter-agency coordination mechanism which succeeds it) co-ordinates a DFV analysis of proposed new Government initiatives.	SR4. Consultation with the Aboriginal sector must be undertaken in order to get cultural input and direction.

We are concerned that the DFSV-ICRO will not be informed by Aboriginal views and experiences and does not propose a mechanism for Aboriginal leadership in the design, delivery and evaluation of all DFV

initiatives. CAAFLU and NAAFLS support greater clarity on the mechanism for Aboriginal leadership and express alignment to genuine partnerships capable of ensuring a self-determined approach to DFV reform. Further consideration is required in the use of terminology for ‘specialist expertise on DFV’, where ACCOs which specialise in DFSV should be acknowledged as the specialist expertise.

1.2. Aboriginal Justice Agreement (AJA)

SR #	Proposal	CAAFLU & NAAFLS recommendation
SR2	<p>It is proposed that DFV reforms and AJA reforms are aligned to ensure that:</p> <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. 	<p>SR2A. The alignment of DFV reforms and the AJA should adopt the National Agreement on Closing the Gap’s principles of self-determination, community control and long-term partnerships with Aboriginal communities in the development of programs and policies that affect them. The approach should be explicitly aligned with the National Agreement’s:</p> <ul style="list-style-type: none"> a. Priority Reform 1 - Formal Partnerships and Shared Decision-Making b. Priority Reform 2 - Building the Community-Controlled Sector c. Priority Reform 3 - Transforming Government Organisations d. Priority Reform 4 - Shared Access to Location Specific Data and Information at a Regional Level. <p>SR2B. Support in principle the establishment of an Aboriginal Advisory Group, however says that further detail is needed to assess whether it will be an effective guiding authority.</p> <p>SR2C. Specialist DFSV ACCOs should lead on-the-ground consultations with communities and program design and delivery under the alignment with the AJA.</p>

Alignment with the National Agreement on Closing the Gap

CAAFLU and NAAFLS support in principle the proposal to align DFV reforms and AJA reforms and priorities. What is absent from SR2 and surrounding discussion is sufficient detail on the processes and structures to enable the alignment and achieve the listed objectives. This is a positive proposal in a broad sense, although it needs more detail on content and process.

We are concerned that the DFV Review paper refers to DFSV-ICRO as “ensuring that Aboriginal Territorians have an *opportunity to contribute to the work of the DFSV-ICRO and other efforts to prevent and respond to DFSV*”. More is required than an “opportunity to contribute”. Aboriginal people and communities must determine, develop and lead priorities and strategies for DFV reforms. Aboriginal people must be parties to equal partnerships in joint planning with government and other organisations

at the local level and at the national, state and territory levels. Partnerships must be accountable and representative. In these partnerships, the voices of Aboriginal people, communities and organisations must hold as much weight as those of governments. This partnership approach should be reflected in DFV reform proposals on aligning the DFV reforms and AJA. Effectively addressing DFV will require widespread systemic reform aligned with the National Agreement. We repeat our comments made above under *ACCOs must be adequately funded and prioritised to engage as genuine partners in the DFV Review and implementation.*

More detail needed on the mechanism and Aboriginal Advisory Group

CAAFLU and NAAFLS reinforce the recognition in the DFV Review paper of the importance of ensuring policies and actions to address DFV are culturally safe and competent and note the proposal to establish an “Aboriginal Advisory Group”. It is unclear from the paper how the views and experiences will inform DFV reforms. We note that other jurisdictions have mechanisms and frameworks to ensure Aboriginal people are leading this work. Despite 9 out of 10 victims of DFV being Aboriginal, there is no dedicated plan or framework to address violence against Aboriginal people in the Territory. There is discussion of an “Aboriginal Advisory Group” but we are yet to see how these representatives will be chosen and how much weight, if any, this group will have.

We note the following:

- These objectives should be achieved through on-the-ground consultation with Aboriginal communities, conducted in a culturally sensitive and trauma-informed manner, and co-ordinated by specialist DFSV ACCOs.
- Any offenders’ programs should also be designed and operated by specialist DFSV ACCOs within a culturally sensitive and trauma informed framework.
- In regards to (b.), there should be minimum standards for assessing whether programs are ‘culturally safe and competent’ to ensure mainstream services and government are held accountable when describing their programs or services as such
- Supporting Aboriginal communities to heal from intergenerational trauma and recent trauma would require a holistic approach combining both preventative and remedial interventions. This would involve allocating funding and resources to culturally appropriate housing solutions, crisis accommodation, mental health services, interpreter services and specialist DFSV ACCOs.
- The fact that housing, crisis accommodation, interpreter services and mental health services are scarcely mentioned within the non-legal/systemic reform section of this proposal suggests an unwillingness to engage with the issue of DFSV in its entirety and a failure to address the complex nature of DFSV within Aboriginal and Torres Strait Islander communities.
- In regards to (a.), the views of Aboriginal people need to span across the NT and include people from various areas, genders, generations and roles in their community, including past offenders and past victim-survivors as well as those working in the space, where possible. Further information about the appointment of the Aboriginal Advisory Group and its precise role in the system would be needed to assess whether that will be an effective guiding authority.

Both of our organisations are committed to working with the NTG as specialist DFSV ACCOs in achieving the proposal objectives.

1.3. Mandatory Sentencing and Reform of Community Based Sentencing Options

SR #	Proposal	CAAFLU & NAAFLS recommendation
SR3	<p>It is proposed that reforms to community-based sentencing options and the expansion of programs:</p> <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. 	<p>SR3.A. The cross-agency Sentencing Reform Implementation Group should ensure that that specialist DFSV ACCOs are engaged fully in consultations on reforms to community-based sentencing options.</p> <p>SR3.B. Mandatory Sentencing and reform of Community Based Sentencing Options must have regard to not only the AJA but the Justice Policy Partnership commitments under the National Agreement on Closing the Gap.</p>

CAAFLU and NAAFLS support community based sentencing options but are concerned about ensuring victim-survivor safety and accessibility and efficacy for offenders. We endorse the involvement of organisations with specialist expertise on DFV in the development of reforms to community-based sentencing and highlight the unique position of our organisations as *both* ACCOs and specialist DFSV services. We are concerned about the lack of detail of this proposal. The proposal needs to be expanded with consultation from organisations working across offender and victim services in metro *and* remote locations, including ACCOs and re-released for public consultation.

1.4. Shared expectations of the justice responses

SR #	Proposal	CAAFLU & NAAFLS recommendation
SR5	<p>It is proposed that collaboration between stakeholders occur to agree on shared expectations of the justice response, with the above expectations as a starting point for discussion.</p>	<p>SR5. ‘Stakeholder collaboration’ to agree on shared expectations of the justice response must ensure adequate representation of DFV ACCOs and other Aboriginal Community Controlled Organisations. It must include adequate remote representation.</p>

The expectations contained in 5.3.2 are a positive starting point, however it is challenging to identify how the proposal will be sufficient to achieve 5.3.1 - 5.3.2. If there is to be inter-agency “discussions” arranged, further detail is required about how the outcomes of these discussions will inform further changes, and how it will be ensured that DFV ACCOs are adequately represented to ensure that the stakeholders are not overwhelmingly non-Aboriginal and Darwin/Alice Springs based organisations without any remote representation.

1.5. Coercive control prevention and reform

SR #	Proposal	CAAFLU & NAAFLS recommendation
SR6	<p>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.</p>	<p>SR6A. See CAAFLU and NAAFLS comments at 1.1 - 1.2 above. We consider there needs to be a stronger alignment of the DFV Review with the National Agreement on Closing the Gap. Specifically, the four Priority Reforms of the National Agreement, which address the need for structural</p>

		<p>change, should underpin all aspects of the DFV Review.</p> <p>SR6B. DFSV-ICRO must undertake proper consultation with the Aboriginal sector, especially DFSV ACCOs</p>
SR7	<p>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.</p>	<p>SR7. While we support the funding of community education on coercive control and DFV, this funding must be provided to ACCOs, especially DFSV ACCOs and the Law and Justice Groups in order for the education to be culturally appropriate.</p>
SR8	<p>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.</p>	<p>SR8A. We support the significant expansion of DFV training and education but it must be delivered with an appropriate cultural lens, requiring the input and delivery by Aboriginal people and organisations, including specialist DFSV ACCOs.</p> <p>SR8B. Training should be on DFSV holistically, not coercive control in isolation.</p> <p>SR8C. If this training is rolled out, we support it being mandatory for police, prosecutors, judges, lawyers and front-line workers.</p>
SR9	<p>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.</p>	<p>SR9. We strongly support a major NT-wide public health campaign about healthy and safe relationships, including a focus on coercive control. The campaign messaging and delivery must be tailored to the audience, requiring Aboriginal communities and community-controlled organisations' involvement in design and delivery.</p>

CAAFLU and NAAFLS support a two-way dialogue within Aboriginal communities about coercive control and DFV and an expansion of community education programs designed and delivered by Aboriginal peoples and community-controlled organisations. Territory ACCOs, including CAAFLU, have been advocating for this for many years. We do not support TF itself designing and delivering education to Aboriginal peoples and communities due to the required expertise, cultural competency and safety.

NTG should fund culturally appropriate community legal education to expand knowledge about coercive control and the options available for people experiencing it. Community legal education should also be funded to support and inform people who have committed family violence offences, including by providing community legal education in prisons. This will address challenges that we see in communities, in particular remote Aboriginal communities, around recognising coercive control as abuse or to be aware

that there are legal avenues for responding to it. This challenge is acute in remote communities as generalist legal and family violence education is often less accessible.

1.6. Specialist DFV Court Approaches

SR #	Proposal	CAAFLU & NAAFLS recommendation
SR10	<p>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:</p> <p>Southern Region</p> <ol style="list-style-type: none"> a. continuation of the Specialist Approach in Alice Springs; and b. commence discussions in Tennant Creek. <p>Northern Region</p> <ol style="list-style-type: none"> c. commence discussions in Darwin; and d. 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 (AJU), as part of the AJA. g. The DFSV-ICRO reform agenda include consideration of funding for a comprehensive training package on DFV for all personnel 	<p>SR10A. Evaluation of the Specialist DFV Court must be undertaken utilising the expertise and perspectives of DFSV ACCOs.</p> <p>SR10B. Any expansion in the specialist DFV Court approach should be met with significant investment in culturally appropriate Mens Behaviour Change Programs and the employment of Aboriginal men as facilitators.</p> <p>SR10C. The Specialist Court approach should require an Aboriginal cultural expert/advisory group and appropriate alignment with the AJA.</p> <p>SR10D. Further consultations are needed to inform the approach with Special Courts in relation to remote defendants/participants.</p>

	<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> <p>a. advanced understanding of the dynamics of DFV; and</p> <p>b. best practice court craft and a trauma-informed approach to handling DFV matters in court.</p>	
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CAAFLU and NAAFLS are concerned about the expansion of the specialist DFV court approach in light of an evaluation which has not met community needs and the lack of available programs. Anecdotally, the Specialist Court in Alice Springs does not have a good completion rate for Aboriginal people. The reasons for this must be considered and evaluated from an Aboriginal perspective. This may include that the MBCP is not culturally appropriate or due to participants needing to remain in town, away from community, for the duration of the program. We consider that more needs to be undertaken on what is a culturally appropriate MBCP.

The Specialist Court approach needs to have an Aboriginal cultural expert/advisory group and to align with the AJA. We suggest consideration be given to an Aboriginal community court structure, similar to the Murri court, given that the majority of people going through the specialist list are Aboriginal.

If the expansion goes ahead, there needs to be significant investment into Mens Behaviour Change Programs and the employment of Aboriginal men as facilitators of this program. This will support continuity in the availability of the Specialist Court.

We also suggest that greater consideration needs to be given to remote defendants in any expansion of the Specialist Court approach. Currently it is available to those in major centres which creates overcrowding when remote participants attend and can increase issues in town. We consider that this could be a contributing factor to the low participation rates. For example, a person who is from a remote community is not eligible for the specialist list unless they can stay in town for the duration of the program, which can be up to 12 weeks.

1.7. Improved Policing of DFV

SR #	Proposal	CAAFLU & NAAFLS recommendation
SR11	<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: <i>[a-h excluded here]</i></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>	<p>SR11A. The Police General Order should be provided to DFV service providers, including specialist DFSV ACCOs, for consultation and input prior to being amended.</p>
SR12	<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>SR12A. Training of police officers should be delivered by external providers, including DFSV ACCOs and Aboriginal people who can provide training through a cultural and remote lens.</p>

	<ul style="list-style-type: none"> b. high level training for selected officers; c. the identification of selected police members as DFV champions to foster best practice through NT Police (see the Scottish model). <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 DFV experience and DFV experts outside of NT Police.</p>	<p>SR12B. The review of police training on DFV should be undertaken by an independent, external specialist with input by Aboriginal organisations, especially DFSV ACCOs and the Domestic Family and Sexual Violence Cross Agency Working Group.</p> <p>SR12C. We do not see the relevance of the Scottish model to the Northern Territory and do not believe that it should be used as a model for police reform.</p>
SR13	<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> <ul style="list-style-type: none"> a. At the scene, <ul style="list-style-type: none"> i. ensure the immediate safety of alleged victims, alleged offenders and children; ii. ensure that the parties are interviewed separately to accurately identify risk in the context of the relationship overall. b. Develop a modified Common Risk Assessment Tool (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: <i>[(i) – (vi) removed]</i> 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>SR13. We support the development of a publicly available Common Risk Assessment Tool but note that it requires transparency and tailoring in order to work for remote Aboriginal victims.</p>
SR14	<i>[removed]</i>	<p>This is replicated in LR 11 - CAAFLU and NAAFLS will respond to this in the LR review.</p>
SR15	<p>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.</p>	<p>SR15. While we support consideration of a 24 Hour DFV Specialist Referral Service, we strongly suggest that the service should be operated by an organisation other than TFHC to remove the association with child removal and to ensure it is approachable, culturally safe and trauma informed. Consideration of this concept must be done in collaboration with Aboriginal communities and ACCOs especially specialist DFSV ACCOs, to avoid implementing a mainstreamed ‘one size fits all’ approach.</p>

Policing revisions must be done in consultation with with DFSV service providers including specialist DFSV ACCOs

CAAFLU and NAAFLS are supportive of improvements to policing, including policy and police procedures, however, it is difficult to make submissions on the General Order in circumstances where we have not been able to review its contents. In principle, we suggest that the General Order should be reviewed and further developed by Aboriginal people to appropriately centre responses to Aboriginal victims and Aboriginal perpetrators. It must centre culturally safe practices. This minimum requirement for consultation would mean that the Police General Order is provided to DFV service providers, including specialist DFSV ACCOs for consultation prior to being amended.

Police training should be delivered by external providers

Training of police must include culturally appropriate responses to DFSV victim-survivors to be meaningful and effective. This cannot be done by mainstream services. Any training of police should be delivered by external providers including Aboriginal people and organisations (such as specialist DFSV ACCOs) who can provide training through a cultural and remote lens. In 2021, CAAFLU delivered training for Police Command Groups over the course of a 5-week period. This training centred on culturally appropriate responses to DFSV victim-survivors. We urge the NT government to provide funding for specialist DFSV ACCOs such as CAAFLU and NAAFLS to deliver training to Police on an ongoing basis.

1.8. Improved prosecution of DFV offences

SR #	Proposal	CAAFLU & NAAFLS recommendation
SR16	It is proposed that the resourcing of the Witness Assistance Service at the Director of Public Prosecutions 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.	<p>SR16A. We support the review of the Witness Assistance Service to determine resourcing needs. The criminal justice system is difficult for victims, especially our clients who have significant trauma, cultural barriers and language barriers.</p> <p>SR16B. Witness Assistance Service must be better resourced to improve accessibility and cultural safety.</p>
SR17	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.	<p>SR17A. We support the development of trauma informed policies at the DPP and training on trauma informed best practice.</p> <p>SR17B. Consideration should be given to future-proofing trauma informed policies and training given our perception of relatively high turnover of staff and under resourcing.</p>

1.9. Legal Assistance for parties in DFV proceedings

SR #	Proposal	CAAFLU & NAAFLS recommendation
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SR18	<p>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:</p> <ol 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. 	<p>SR18A. Service gaps in remote communities where NAAFLS is conflicted and cannot provide legal advice or representation to victim-survivors should be urgently addressed.</p> <p>SR18B. Strongly support the funding of legal representation for defendants. Currently there is a duty lawyer funded for defendants in Darwin and Alice Springs through NTLAC's family lawyer, but defendants in remote communities, Katherine and Tennant Creek are left without representation.</p>
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NAAFLS notes that there are a number of legal organisations providing free victim-based services in the Top End, including Top End Women's Legal Service (TEWLS), Domestic Violence Legal Service (DVLS), Katherine Women's Legal Service (KWLS) and NAAFLS. However, funding is urgently needed to cover service gaps in remote communities where NAAFLS is conflicted and cannot provide legal advice or representation. There are currently no other legal services providing victim-based legal services in remote communities in the Top End.

1.10. Non-legal support and assistance at Court

SR #	Proposal	CAAFLU & NAAFLS recommendation
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 DFVA 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 	<p>SR19. In the event that there is an expansion of specialist DFV courts, we support further resourcing to meet demand.</p>

Although CAAFLU and NAAFLS have reservations about the specialist DFV court being expanded (see SR 10, above), if this was to occur, we would support further appropriate resourcing of non-legal support and assistance at court to meet demand.

1.11. Access to quality DFV perpetrator programs and services

SR #	Proposal	CAAFLU & NAAFLS recommendation
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>	<p>SR20. We strongly support the funding of counselling services for female prisoners that is culturally appropriate, given the majority of female prisoners are Aboriginal. This counselling should be run by specialist DFSV services in collaboration with ACCOs and must be available to prisoners on remand.</p>

SR 21	<p>It is proposed that DFSV-ICRO in collaboration with TFHC and AGD (including AJU and NT Correctional Services (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> <ul style="list-style-type: none"> a. aligned with recognised good practice and standards for DFV programs; b. able to provide a culturally competent and cultural safe program for Aboriginal participants; c. address all forms of abuse, including coercive control; d. prioritise victim safety; e. operate across three settings but with shared principles: <ul 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. 	<p>SR21A. We strongly support the development of DFV perpetrator programs developed in collaboration with ACCOs and where possible, delivered by Aboriginal staff at ACCOs. These programs must be available to prisoners on remand and be adapted for remote participants.</p> <p>SR21B. The programs need to be declared by the Minister in a timely manner so that referrals can be made under the DFV Act, otherwise they will sit separately to the relevant legislation.</p>
SR 22	<p>It is proposed that DFSV-ICRO give consideration to establishing a multi-agency oversight committee or body comprised of key agencies (TFHC and AGD, including the AJU and 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 <i>Domestic and Family Violence Act 2007</i> and the <i>Sentencing Act 1995</i></p>	<p>SR22. We support the establishing of a multi-agency oversight committee or body for DFV perpetrator programs if the committee or body centres Aboriginal voices and prioritises consultation with ACCOs, in particular specialist DFSV ACCOs.</p>

1.12. Identifying DFV and managing the risk of DFV

SR #	Proposal	CAAFLU & NAAFLS recommendation
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 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>SR23. We generally support expanded RAMF training but do not consider this to be a priority matter.</p> <p>SR23B. Any expansion of RAMF training should prioritise non-DFV services such as health, law enforcement and corrections.</p>

1.13. Family Safety Framework (FSF)

SR #	Proposal	CAAFLU & NAAFLS recommendation
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SR 24	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>SR24.A Particular attention be given to the impact of the Family Safety Framework on Aboriginal women, specifically the increased risk of subsequent child removals through the inclusion of child protection.</p> <p>SR24.B Consider appropriate reform to the <i>Care and Protection of Children Act</i> to require Territory Families to work with Aboriginal mothers to support safety and remove increased risk of child removal.</p>
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The Family Safety Framework should be strengthened to reduce the risk of subsequent child removals

CAAFLU and NAAFLS consider that whilst the Family Safety Framework can be an effective tool in supporting the safety and wellbeing of victim-survivors of DFV, there are specific concerns with its operation and impact on Aboriginal women with children. In our experience, the presence of Child Protection at FSF meetings can lead to an increased risk of subsequent child removals rather than providing support to Aboriginal women to improve the safety of children exposed to DFV. This deepens the trauma caused by the system and furthers distrust and reluctance for Aboriginal women to report DFV.

This may be addressed through a strengthening of the obligations on Territory Families through the FSF to work with Aboriginal mothers engaged in the FSF process to support safety. This could be achieved through a new reform being built into the Care and Protection of Children Act.

1.14. Multi-agency Children and Community Safety Teams/Framework

SR #	Proposal	CAAFLU & NAAFLS recommendation
SR 25	<p>It is proposed that TFHC, in collaboration with DFSV-ICRO, give consideration to developing guidelines on how the Multi-Agency Children and Community Safety Teams will deal with children exposed to, and affected by DFV, and their families, that is aligned with the NT's DFV RAMF. The guidelines should prioritise victim safety and offender accountability and include:</p> <ul 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 d. responses to the high risk factors outlined in the RAMF. 	<p>SR25A. Responses to children exposed to and affected by DFV and their families should include the establishment of a child protection notification scheme requiring mandatory referral to a FVPLS for an Aboriginal child.</p> <p>SR25B. Responses to children who are primary victims or otherwise exposed to DFV must include availability of child counselling, psychology and therapy services that are available NT-wide.</p> <p>SR25C. MACCST response guidelines should include specific means for Aboriginal family & community involvement.</p>

The need for a child protection notification scheme

CAAFLU and NAAFLS consider that proposal SR 25 should include mandatory referral to an Aboriginal community controlled organisation with relevant expertise, including specialist Family Violence Prevention Legal Services (FVPLSs) for all Aboriginal parents and carers at the earliest instance to lower the risk of child removals associated with exposure to DFV. The FVPLS sector have made sustained calls for a child protection notification scheme which would operate in a similar way to the custody notification scheme for the Aboriginal Legal Services. This would require a mandatory referral to the relevant FVPLS for independent, specialist and preventative legal advice and culturally safe wraparound support at the earliest opportunity where child protection becomes involved with an Aboriginal child.

The strong relationship between DFV and child removal in the Northern Territory, and indeed generally across the country, supports the need for a child protection notification scheme to require a mandatory referral to the relevant FVPLS. As the NT Government is well-aware, Aboriginal children are approximately 11.1 times more likely to be in out-of-home care than non-Indigenous children and make up approximately 89% of all children in care. Men's violence against Aboriginal women is the number one driver of the disproportionate and escalating rates of Aboriginal child removal in the Territory. There is a desperate need for greater front-end support for Aboriginal mothers. The earlier that mothers are linked in with a specialist Aboriginal community controlled organisation with family violence expertise, the better the outcomes are for her and her children. Early referral to specialist, culturally safe and preventative legal and non-legal support from an Aboriginal community controlled organisation with family violence expertise, such as CAAFLU and NAAFLS, is an essential step to support Aboriginal mothers to take proactive action and engage early with culturally safe and specialist supports to address interrelated mental health, family violence and child protection concerns.

An effective referral system relies on the availability of resourced, quality and culturally appropriate services to refer families to, and cannot be successful independent of other recommendations.

MACCST response guidelines to include specific means for Aboriginal family & community involvement

We, together with a number of Territory ACCOs, consider MACCSTs to be problematic as there is no specific means for families to be involved or to articulate their needs, and even the inclusion of Aboriginal community members can be rare. We are concerned that there is no way for families to be involved in MACCSTs to articulate their needs (and the inclusion of community members is often minimal). We are also concerned that data sharing provisions will discourage families from engaging with ACCOs who sit on MACCSTs, due to fears that reaching out for help will see Territory Families removing their children.
