

Possibilities – development of a specialist DV court in Alice Springs

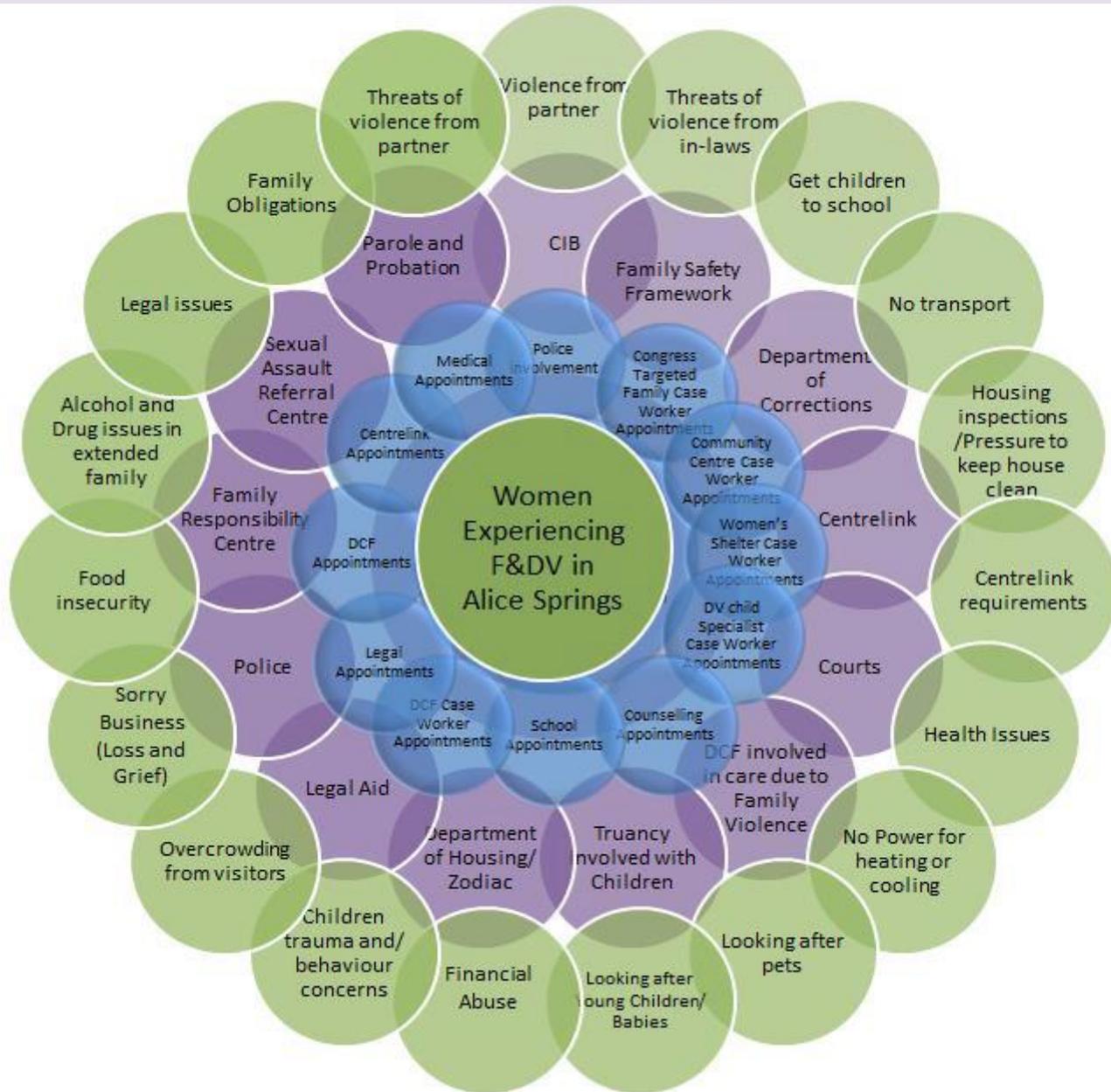


**A perspective from Centralian Women's Legal Service
presented by
Janet Taylor, Managing Principal Solicitor**

Specialist Approach to Domestic Violence at the Alice Springs Local Court

Why?

- Alice Springs has a very high rate of domestic and family violence (DFV)
- The NT has a higher rate of DFV than any other jurisdiction. 49% of assaults are committed by family members.
- In Alice Springs in 2017:
 - There were 995 defendants found guilty of DFV related offences
 - 869 were male (87%)
 - 842 were repeat offenders (85%)
 - 923 were Aboriginal (93%)
 - There were 1357 victims of DFV related offences
 - 1187 were female (87%)
 - 1253 were Aboriginal (92%)



Entrance to Alice Springs local court entrance prior to renovations



CAWLS role in lobbying for a space for women at the Local Court

Previously there has not been a designated space for women at the local court in Alice Springs.

CAWLS along with other organisations have lobbied on behalf of women for many years.

***The Northern Territory Government will trial a specialised domestic violence court in Alice Springs to respond to extreme levels of violence against women and children.
(The Guardian 4 October 2016)***

Works will include provision of:

- **Five fully refurbished courtrooms incorporating one multipurpose court**
- **A Court Room where a victim cannot see or be seen by the defendant**
- **A separate entrance, waiting and interview areas to cater for vulnerable witnesses**
- **Additional interview rooms for service providers on both floors**
- **Additional video conference room**
- **Refurbishment of staff working area including new kitchen/lunch area**
- **More culturally appropriate waiting areas on both floors**
- **Upgrade building throughout to bring it up to Disability Discrimination Act (DDA) standards, including provision of lifts.**

Elements of the Specialist Approach

- **Major court refurbishment – Separate waiting areas and entrances for victims and better facilities for vulnerable witnesses to give evidence.**
- **Domestic Violence Courtroom: no visual contact between victim and defendant**
- **New practice directions and listing practices**
- **In contested criminal matters – fast tracking of hearings**
- **All victims of domestic violence will be treated as vulnerable witnesses**

Specialist elements continued.....

- **Access to legal representation for victims and defendants**
- **Specialist support services for victims and defendants (employed by NGOs) will be co-located at the court and key times**
- **Victims will receive risk assessments, safety planning and links to support services**
- **Defendants will be assessed to determine their suitability for programs and their non-legal needs, including referral to support services (* conditions apply)**
- **The court may order defendants to attend programs as part of sentencing options (if they plead guilty) or as part of domestic violence orders**

Development of the Evaluation Framework for Alice Springs Local Court - Specialist Approach to Domestic Violence

20 stakeholders attended a workshop in September 2017 in Alice Springs to contribute to the evaluation planning process.

Following the workshop a draft evaluation plan was developed and circulated to stakeholders.

Feedback from stakeholders was taken into account and incorporated into the next draft.

Activities

- Meetings held to facilitate implementation of the specialist approach
- Provide specialist training for Judges, court staff, lawyers, and support services.
- Implement operational procedures for the specialist approach: eligibility for therapeutic orders, supervision of orders, fast tracking of contested DV matters
- Court support workers and legal services provide information, referrals and advice to victims and perpetrators
- Services provide eligibility assessments and referrals to therapeutic programs for perpetrators, and risk assessments for victims
- Services provide therapeutic programs for perpetrators, victims and families
- Provide safe spaces for vulnerable witnesses, and facilitate use of legislative protections
- Meetings to coordinate services and improve processes, including pre-sitting coordination meetings and court user forums

Major court refurbishment

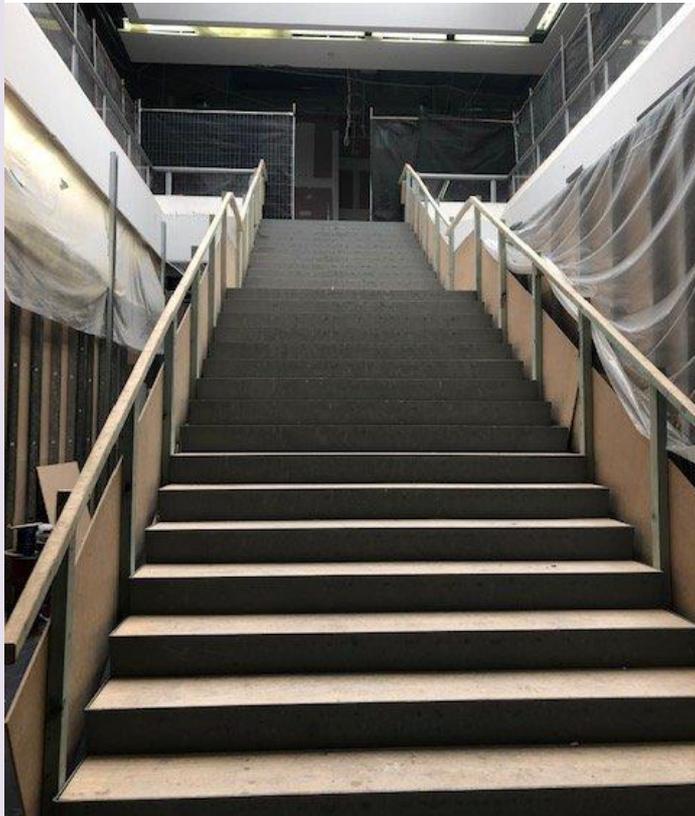
Before: local court foyer, victims and defendants seated in the same area.
This space is also where lawyers meet and talked to clients.



During: Construction work starts each day at 4am.
Court commences at 10am – no construction noise allowed except between 1-2pm



The local court foyer now has a staircase leading up to courts on the second floor. Clients meet with lawyers in designated rooms.

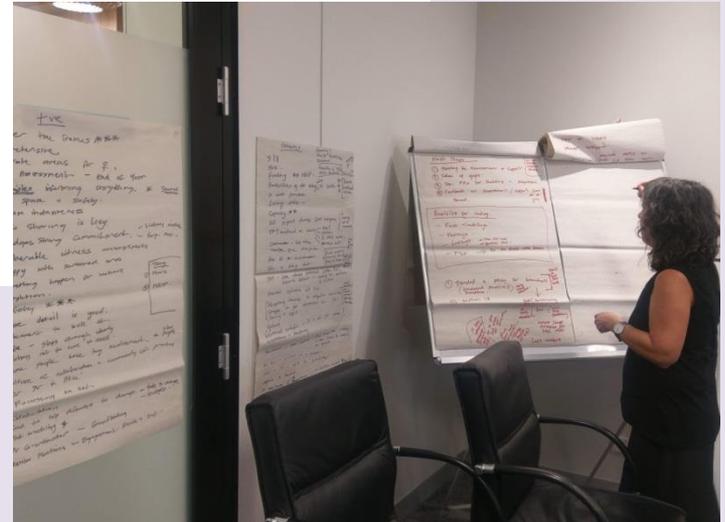


The designated DV court includes a screened area for victims or they can give evidence using video equipment in a separate room.

Developing Guidelines – Challenges

- Mandatory reporting
- Information sharing
- How to get women to attend court after so many years of not having a space
- Availability of Aboriginal interpreters
- Continued resourcing & monitoring Men's Behaviour Change programs
- Risk management
- Cultural Safety
- Funding/resources

**The Planning meetings
continue.....**



Short Term outcomes

- **All court users and stakeholders have increased satisfaction and experiences with court processes**
- **Stronger coordination and collaboration between court, lawyers and service providers**
- **Increased participation in and completion by eligible perpetrators of treatment programs that address offending behaviour**
- **Increased level of support provided to victims, perpetrators, and their families including children**
- **Victims and perpetrators have increased understanding of court processes**
- **Increased participation by victims and perpetrators in domestic violence court processes**

Medium term outcomes

- **The court process is more committed to, appropriate, coordinated and efficient in dealing with domestic and family violence (DFV) related matters**
- **Perpetrators are more accountable for their behaviour and demonstrate behaviour change**
- **Court process is safer and more accessible to victims of domestic violence**

Long term outcomes

Court contributes to a
reduction in violence
against women and their
children

What the Court looks like from the outside post renovations



**The court looks almost the same from the outside.
There is now a new entry directly to the DV court around the side of
the building.
.....but it is the changes within these walls that will bring greater
access to justice for women in Central Australia**

CREDITS

- NT Government Department of Attorney-General and Justice
- The Guardian
- Central Australian Women's Legal Service
- Images provided courtesy of the Northern Territory Courts and Tribunals

Reciprocal DVOs

Reciprocal DVOs refer to circumstances where there are DVOs in place against each party in a domestic or family relationship. As a result, a woman may simultaneously be a defendant and a protected person in relation to a DVO. The number of cross- applications and cross-orders by both private applicants and the police in the NT has been steadily increasing in the recent years. Evidence from our casework highlights that these women are frequently being misidentified as perpetrators of violence by police, despite a history of ongoing domestic and family violence. Whilst research is limited, the Wangamann 's study found that cross-applications can be used by men as a tactic to bring about mutual withdrawal. We have observed that reciprocal DVOs can be used by the perpetrator of violence to further control and abuse the victim, and operate as a barrier for women to seek help and safety in an emergency.

Case study 1

There was a long history of domestic violence between Sam and Lisa. After a long period of abuse by Sam against Lisa, including verbal, physical and emotional abuse, Lisa retaliated. There were reciprocal DVOs in place. Sam used the DVO as a way of continuing to coercively control Lisa. When Sam assaulted or abused Lisa, he would threaten Lisa that if she called the police, he would tell the police that she breached the DVO. As a result of this, Lisa did not seek assistance from the police despite frequent and serious violence against her by Sam.

Case study 2

Kelly sought advice following an incident involving her ex-partner Kyle. Kelly instructed that Kyle had assaulted her and then he called the police alleging that Kelly had assaulted him, when in fact Kelly had been trying to defend herself. The police attended and after speaking to both parties placed reciprocal non-harm DVO's on both of them. Police also included the parties children on both the DVO's as the incident occurred when the children were at home with them. Since the incident occurred, Kelly moved interstate with the children. Whilst Kyle consented without admission to the DVO against him, Kelly has ongoing assistance to defend the DVO against her.

Case study 3

Debra attended for advice and representation to defend a DVO served on her by police. The DVO was for the protection of 2 of her 4 children. Debra had recently divorced her now ex- husband, Lawrence, after a long history of high-level Domestic Violence. The family law proceedings were extremely volatile and Lawrence continues to cause conflict. The DVO was taken out after Lawrence made a statement to police accusing Debra of hurting two of her children after he found bruises on them. There is no history of any accusations against Debra of hurting the children. Submissions were made to police categorically denying the allegations and raising the issues of Domestic Violence and ongoing conflict; however these submissions were rejected and

the matter set for hearing. The matter is ongoing.

Case study 4

Jessie lives in a town camp in Alice Springs with her children, her partner James and his extended family. She has no other family in town. Jessie seek legal assistance on Monday morning following a DV incident that occurred over the weekend. James has been locked up and she wants to find out what's happening and drop any charges that have been laid against her partner. Inquiries are made and ascertain that following the incident over the weekend, police issued reciprocal non-intoxication/non-harm DVOs against Jessie and James as they were both intoxicated and both had scratches and bruising. James is remanded in custody on aggravated assault charges. Jessie wants to drop the charges because she does not want James to go to prison. She needs him to be around to help at home and look after the kids, as she is having a big operation soon. Jessie feels trapped in a cycle of violence but cannot leave the relationship because she has nowhere else to stay in Alice Springs. James has made threats to report Jessie to Territory Families if she takes the children away from him. Jessie is scared Territory Families will take her children away because they have been exposed to drinking and fighting.

Case study 5

Sally lives in Tennant Creek and has experienced severe physical, verbal and mental abuse perpetrated by her partner Collin for many years. Sally sought legal advice shortly after her 10 month old son William* was removed by Territory Families following a domestic violence incident where Collin wrapped a wire around Sally's neck. Territory Families alleged that William was present during the incident, and has been exposed to ongoing domestic and family violence, alcohol misuse and neglect. As there were reciprocal non-intoxication, non-harm DVOs in place, Sally and Collin were both charged with breach of DVO as both parties were intoxicated at the time of the assault. Collin was also charged with aggravated assault. William was placed in temporary foster care in Alice Springs, around 5 hours drive away, as there were no placements available in Tennant Creek. Sally advises her lawyer that she has been contemplating ending her relationship with Collin, but has been unable to leave due to an escalation in physical violence, Collin's regular threats of suicide and the risk of homelessness. She is now struggling to cope with additional pressures associated with the removal of her child, alcohol dependency and upcoming criminal matters. Territory Families did not support Sally to keep William and did not acknowledge or appreciate the ongoing violence perpetrated by Collin and the impact this has on parenting.