

13th July 2015

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

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

Dear Director

Re: Review of the Domestic and Family Violence Act NT

This letter is a short response to your consultation regarding the proposed review of the Domestic and Family Violence Act NT. We at CDU would be pleased to take part in research evaluation and relevant training in this field. Several of our researchers have expertise in this area and in the area of indigenous people, policy and customary law.

The School of Law at CDU is presently engaged in a significant project on women's health and the law in partnership with Menzies School of Health, the nation's leader in Indigenous and tropical health research, and internationally with other major research centres and organisations. I recently delivered a paper in Singapore on achieving the G20 gender equality target by tackling sexual exploitation through legal uniformity, extra territoriality and corporate responsibility. Clearly, cross jurisdictional offending needs consideration and women will be empowered if broader health issues are improved.

We are also planning a research programme with the Northern Institute, which leads in interdisciplinary research in the areas of social and public policy that is critically important to central and northern Australia and its near neighbours. We consider it would considerably benefit NT legal policy development if there were engagement with CDU, as the only University in the NT, particularly on the complex area of family violence and domestic homicide.

In response to your consultation I suggest the following:

- Following the Istanbul convention
<http://conventions.coe.int/Treaty/EN/Treaties/Html/210.htm> (this is particularly informative on legislative and funding policies)
- Having a wide definition of vulnerability such as:
 - A child should be defined as anyone under the age of 18.
 - Anyone who suffers from an illness or disability
 - Anyone who is the alleged victim of a sexual or violent or traumatic event
 - Anyone who is vulnerable because of their own personal circumstances and / or the circumstances which have occurred/ under consideration.
- Having a wide definition of violence to include harassment and trauma etc
- Recognising the importance of mediation, particularly where families do not wish to separate and the alleged perpetrator is willing to engage.
- Recognising the importance of provision of accredited mediation and updating the court list of accredited mediators to include those who have undergone training in cultural awareness.
- Adding honour violence and traditional practices, such as female genital mutilation, to the definition of family violence and child abuse, particularly in the context of mandatory reporting.
- Recognising that both parties to family violence may be vulnerable.
- Special measures for advocacy with vulnerable people - I am on the Management committee of [The Advocates Gateway](#) which produces toolkits for advocacy with vulnerable people and we at CDU are in the process of producing similar Australian toolkits. Questioning of vulnerable adult witnesses and children is woefully inadequate in the NT. There is a particular need for police training to ensure that victims of family violence are able to effectively communicate. Also bespoke training for lawyers and judiciary can be given.
- One major issue is the style of policing in the NT. It makes police appear unapproachable for vulnerable people, particularly indigenous people. There is a clear need for a wholly new approach on how family violence is reported and evidence collected.
- A commitment to diversion as a primary focus for child offenders, including in relation to sexual offending.
- Some focus on the effect of online harassment, revenge postings and other cybercrime.

- Consider judicially supervised community orders rather than imprisonment for adult offenders.
- Prioritise educational and work reform - with work and education - explosive murderous situations are less likely to happen at home.
- Improving alcohol policy to restrict alcohol availability.
- Simple human trafficking referral mechanisms - victims are often coerced by family members.

We would be very happy to provide further support for your review through proper research and evaluation

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Felicity Gerry'. The signature is written in a cursive, flowing style with a long, sweeping underline that extends to the right.

Felicity Gerry QC

Chair of Research and Research Training Committee, School of Law, Charles Darwin University.