

The Alice Springs Integrated Response to Family and Domestic Violence

Introduction

The Alice Springs Integrated Response to Family and Domestic Violence Project (ASIR) commenced in January 2012 with funding from the Australian Government under the Alice Springs Transformation Plan. The overall aim of the project is to increase safety for women and children experiencing family and domestic violence¹ and to improve accountability of men who use violence and support them to change their behaviour. The project's original three year funding horizon has been extended until 30 June 2017.²

The ASIR informed the development of the Northern Territory wide *Safety is Everyone's Right* domestic violence reduction strategy³ which commenced in 2014 and is the Territory's plan to implement the Second National Action Plan (2013-2016) under the National Plan to Reduce Violence against Women and their Children.⁴ The Northern Territory and Australian Governments have jointly committed \$6 million per year for the three years of the Northern Territory strategy.

This paper outlines the elements of the ASIR, looks at its achievements and challenges and suggests some areas for consideration in developing the next phase.

What is an integrated response?

The ASIR was deliberately designed as an 'integrated' or coordinated community response. It has some similarity with responses under the "Duluth Model";⁵ in

¹ The definition of family and domestic violence for the project is same as s 5 of the *Domestic and Family Violence Act* (NT).

² Northern Territory Government, *Northern Territory 2016-2017 Budget Overview*, 13 at https://budget.nt.gov.au/_data/assets/pdf_file/0011/277607/Budget-Overview-2016-17-book.pdf

³ Northern Territory Government, *Northern Territory Domestic and Family Violence Reduction Strategy (2014-17): Safety is Everyone's Right* https://justice.nt.gov.au/_data/assets/pdf_file/0008/259127/domestic-family-violence-reduction-strategy-2014-17.pdf

⁴ National Plan to Reduce Violence Against Women and their Children and Second Action Plan can be viewed at <https://www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022>

⁵ The Duluth Model was developed first in Duluth Minnesota in 1993. For a discussion of the development of integrated responses see Dr Michelle Macvean, Prof Cathy Humphreys, Dr Lucy Healey, Ms Bianca Albers, Dr Robyn Mildon, Prof Marie Connolly, Dr Arno Parolini, Ms Sophia Spada-Rinaldis, *The PATRICIA Project: PATHways and Research In Collaborative Inter-Agency working: State of knowledge paper*, ANROWS, Landscapes, Issue 14, 2015, 15 http://media.aomx.com/anrows.org.au/s3fs-public/14_4.5%20Landscapes%20PATRICIA_F_0.pdf

particular the focus upon both improving victim safety and holding perpetrators to account. However, the justice system was central to the ASIR from the beginning and the design of the project was heavily informed by the 2010 report *Family Violence – A National Legal Response* published by the Australian Law Reform Commission and the NSW Law Reform Commission. In discussing what makes an integrated response the report notes that these features may be included in a comprehensive integrated response, but not all are required in every case:

- common policies and objectives, potentially including pro-arrest and
- prosecution policies;
- inter-agency collaboration and information sharing, which may include:
 - coordinated leadership across services and resources; sharing of resources and protocols; and
 - inter-agency tracking and management of family violence incidents;
- the provision of victim support;
- commitment to ongoing training and education;
- ongoing data collection and evaluation, with a view to system review and process improvements; and
- specialised family violence courts, lists, and offender programs for those who engage in family violence.⁶

For the purposes of the ASIR the definition of an integrated response is one in which agencies made a commitment to work collaboratively together to achieve the aims of the project. Healey et al describe an integrated response as

agencies forming shared arrangements at a strategic level, and intensive case management based on shared protocols and data sharing arrangements at the operational level for frontline workers.⁷

There is no one accepted definition of what makes an integrated response, and no one way to deliver it.⁸ The detailed content of any particular project will largely

⁶ Australian Law Reform Commission, NSW Law Reform Commission, *Family Violence – A National Legal Response*, Report No 114/128 (2010) 1351

⁷ Healy, I & Humphreys, C, *Governance and interagency responses: improving practice for regional governance – a continuum matrix*, Australian Domestic and Family Violence Clearinghouse (the University of New South Wales) (2013)

⁸ Breckenridge, J., Rees, S, Valentine, K., Murray, S., *Meta-evaluation of existing interagency partnerships, collaboration, coordination and/or integrated interventions and services responses to violence against women: State of knowledge paper*, University of New South Wales, ANROWS Landscapes, State of Knowledge Issue 11, September 2015, 9 <http://anrows.org.au/publications/landscapes/meta-evaluation-existing-interagency-partnerships-collaboration-coordination>

depend upon local factors.⁹ It is also important to note that, collaboration between service providers, while an essential element, is not of itself sufficient for a successful integrated response.¹⁰ Although most examples of integrated practice in Australia involve grassroots collaborations,¹¹ there is also a recognised element of strategic integration at the system or policy level.¹²

The geographic scope of the project is confined to the Alice Springs town area, including town camps, and the project aims to work with all people in the area; Indigenous and non-Indigenous, residents and visitors. Beyond geography, and at the core of the ASIR, is an agreement between the partners that there will be: a shared vision; an agreed set of values, principles and definitions; a structure for governance and management; and a list of activities to undertake under five project components.

The shared vision of the ASIR is

A Central Australia in which women, children and men live free from violence in safe communities and enjoy and benefit from respectful relationships.¹³

The values and principles underpinning the ASIR were negotiated with all of the partners at the beginning of the project. They have been adapted from the National Plan to Reduce Violence against Women and their Children and are stated as:

- Everyone in the NT has a right to be safe and live in an environment that is free from violence
- F&DV and sexual assault are unacceptable and against the law – all responding agencies agree to actively and consistently reinforce this message and to model respectful relationships and communication.
- Responses to F&DV should prioritise the safety and needs of victims or survivors of violence.

⁹ Ibid.

¹⁰ Some writers describe the range of different models of collaboration as existing on a continuum. See Christine Potito, Andrew Day, Prof Ed Carson, Patrick O’Leary, “Domestic Violence and Child Protection: Partnerships and Collaboration”, *Australian Social Work*, (2009) Volume 62, Issue 3, 369-387, 371.

¹¹ Breckenridge et al, above n 8, 12.

¹² Sometimes strategic collaborations are referred to as ‘partnership’, recognising that partnership between agencies involves a level of shared goals and accountability, but can involve various degrees of service level collaboration. Nomenclature varies and is somewhat fluid.

¹³ Project Management Plan, ASIR

- Children are harmed by witnessing, experiencing or any other exposure to F&DV, children's safety and well-being is a priority.
- Everyone has a right to access and participate in justice processes that are fair and just.
- Sustainable change must be built on community participation by men, women, children and young people understanding the problems and contributing to solutions.
- Agencies acknowledge past failures and the need for new collaborative approaches to preventing violence against Indigenous women.
- Responding to family violence requires a respectful, timely and co-ordinated approach to women, children and men who are experiencing or have experienced violence.
- Responding to family violence requires a respectful, timely and co-ordinated approach to people who use violence that holds them accountable for their behaviour and encourages their participation in programs to help them change their behaviour.
- Working collaboratively across agencies and sharing information is fundamental to improving the safety and well-being of women and children. ¹⁴

A central plank of the ASIR governance arrangements is the Reference Group which was established at the beginning of the project and includes 21 government and non-government agencies. The Reference Group, in addition to providing strategic advice and guidance to the project, has a critical role in driving collaboration. There have also been sub-groups established to focus on component development, implementation and monitoring and other issues arising from time to time. At a day to day level two project officers, one from each lead department, have been responsible for implementation and monitoring of the project plan.

The shared vision, principles, values and definitions are set out in written foundational documents. The key document is the Project Management Plan which encapsulates both the intent and the activities which are part of the project. Other important documents include a memorandum of understanding between the 11 (out of 21) project partners who are part of the Family Safety Framework and Terms of Reference for the Reference Group. Written funding agreements between the Australian and Northern Territory Governments, and various non-government

¹⁴ Northern Territory Government, Family Safety Framework Practice Manual, 2015, 11 may be viewed at <http://www.pfes.nt.gov.au/Police/Community-safety/Family-Safety-Framework.aspx> together with other relevant documents.

agencies involved in service delivery set out further obligations and accountability measures.

Components of the ASIR

There are five components of the ASIR:

1. The Family Safety Framework

The Family Safety Framework (FSF) is based upon the successful South Australian Family Safety Framework model, which in turn was adapted from the United Kingdom's Co-ordinated Action against Domestic Abuse.¹⁵ It is an action-based crisis intervention response aimed at increasing the safety of women and their children who are at high risk of injury or death as a result of family and domestic violence. The lead agency for the FSF is Northern Territory Police. The main elements of the FSF are a common risk assessment form or process, an interagency referral process, a formal information sharing protocol and fortnightly Family Safety Meetings (FSM), which include monitoring and review of previously referred cases.

Agencies come together in fortnightly FSM to review cases, assess risk, develop safety plans and work out how agencies might best support families. Risk assessments are usually carried out, using the common risk assessment form, by the agency which first has contact with the family and risk assessments are then referred to Police who act as secretariat for the meetings. Police may have additional information, or it may be available from other agencies, which may be added to increase or decrease an initial risk rating. Actions from FSM may include obtaining or varying a domestic violence order, arresting a perpetrator, locating and serving an order on a perpetrator, and referrals to medical or other programs. Victim safety plans are developed and may include actions such as maintaining regular contact and welfare checks, accommodation assistance and other practical support. When the risk to a particular victim and their children is sufficiently reduced they are moderated out of the FSF, but may be re-referred if risk escalates later.

¹⁵ Above n 14, 2.

Family Safety Meetings commenced in Alice Springs on 11 July 2012 and as at 31 May 2016 there had been 102 meetings resulting in 315 referrals of which 176 were accepted, 139 were not accepted, 173 moderated and 3 actively under management. In order to participate in FSM, and to identify those who may benefit, it is necessary to undergo training. As at 30 April 2016 the project team had delivered over 45 training sessions in Alice Springs to more than 750 individuals, ranging from executives to front-line workers, from a range of sectors (child protection, police, corrections, legal services, housing, youth, health and general case workers). The FSF is subjected to regular internal stakeholder reviews to ensure quality and consistency of responses is maintained.

2. Victim and defendant support in court

An objective of the ASIR was to create two new court-based services; one to provide support to victims and another to assess and refer defendants to men's behaviour change programs and other relevant services. A Victim Support and Advocacy Service (VSAS) commenced working with victims attending the Alice Springs Local Court in January 2013. The worker is employed by the Alice Springs Women's Shelter (ASWS) and operates in close cooperation with the ASWS Outreach Service. The service provides safety assessment and planning, support and information as to the court process, and referrals. The guidelines for the VSAS were developed by a working group which took into account the results of consultation with clients of the ASWS. As at 30 April 2016 1204 victims had been supported in the Alice Springs Local Court, including three men. The men's assessment and referral worker position has not been implemented to date.

3. Men's behaviour change program

A key feature of domestic violence interventions based upon the Duluth model is support for perpetrators to change and the facilitation of this through group work programs for men who use violence.¹⁶ An objective of the ASIR was to

¹⁶ Above, n 8

develop a best practice men's behaviour change program (MBCP). This has been achieved. The program is operated by a consortium made up of Tangentyere Council, Alice Springs Women's Shelter and Jesuit Social Services and commenced operation in October 2014. As at 31 May 2016 the program has performed 91 assessments and has had 182 referrals. There are currently 11 participants in the program.

The program is open to those who are referred through courts or corrections and for voluntary referrals. However the program is not currently offered to those who are in prison. In line with the National Outcome Standards for Perpetrator Interventions¹⁷ the program works with partners and ex-partners concerning their safety; this element is delivered by the ASWS. The cultural advisor to the MBCP actively engaged with local community leaders on the town camps regarding the development of the MBCP, including included attending 4 Corners (men's) group meetings, and presenting to Tangentyere Council executive.

4. Respectful relationships education for young people

In Phase One of the ASIR the National Association for Prevention of Child Abuse and Neglect (NAPCAN) led this component of the ASIR. Localised, culturally appropriate, community-based approaches to educating young people about respectful relationships were developed under the NAPCAN "Growing Respect" framework.¹⁸ Thirteen teaching staff at the Alice Springs Juvenile Detention Centre and local agency community workers were trained in 2012 and commenced delivering the Respectful Relationships training (LOVE BiTES) to young people in detention and in schools.

Partnerships were established with Centralian Senior College, Centralian Middle School and Alice Outcomes. Resources were adapted for Alice Springs and 19 primary school and community service staff were trained in the All Children Being Safe Protective Behaviours Program (Respectful

¹⁷ Council of Australian Governments, *National Outcome Standards for Perpetrator Interventions* at https://www.coag.gov.au/sites/default/files/files/National_Outcome_Standards_Perpetrator_Interventions.pdf

¹⁸ NAPCAN, "Growing Respect" website at <http://growingrespect.org.au/what-we-do/overview/>

Relationships for 4-7 year olds) in September 2013. NAPCAN completed their component of this work in September 2014.

Under the *Safety is Everyone's Right* strategy Tangentyere Council, with support from Alice Springs Women's Shelter and Jesuit Social Services, are funded to operate a Domestic Violence Specialist Children's Service providing support to Aboriginal young people aged 12 to 17 years. This service includes case management and pathways to other services including education, living arrangements, health and legal services. It commenced operation in March 2016.

5. Community engagement

From the beginning, use of community engagement to inform the development of the project was a central objective. It is essential to ensure relevance to local Indigenous communities and to maximise the uptake of programs and services. The concept is not just that community members are involved, but are driving the measures which they think will prevent violence in their community. A formal Community Engagement Strategy was developed in November 2012. Elements include workforce development for Aboriginal workers and production of resources to inform individuals, community organisations and service providers.

As part of the community engagement component a partnership was established with Tangentyere Council to support the re-establishment of the Town Camp Women's Group. The project supported the women of the town camps to develop resources and processes relating to the identification and prevention of domestic and family violence, referrals to appropriate family support services and empowerment of participants. The Tangentyere Women's Committee (TWC) has fostered formation of a Family Safety Group comprised of 25 women, and some men, who volunteer their time and work with a project co-ordinator employed by Tangentyere Council to help the TWC achieve its aims.

The Group develops and conducts training, produces and distributes resources, holds events and conducts activities in public spaces. They also liaise with and lobby government, and others, to pay heed to and support their voices, and to recognise the expertise and knowledge they bring to the aim of reducing family and domestic violence. Training about the dynamics and impacts of family and domestic violence upon women, their children and their communities was developed in consultation with and delivered to the TWC Family Safety Group. A program outline together with facilitators' and participant manuals were produced. This training is now being progressively rolled out by the Family Safety Group in town camp settings. In July 2015 permanent signs were installed outside Alice Springs Town Camps bearing a message developed by the TWC Family Safety Group that makes it clear that family and domestic violence is not acceptable in town camps. Tangentyere Women's Committee Family Safety Group has also had considerable input into the MBCP, and therefore there has been significant lateral integration between these elements of the project.

Evaluation

The ASIR was evaluated by a research partnership led by the University of New England over 2014 and 2015, focusing upon the Family Safety Framework and associated training, the Men's Behaviour Change Program and the Victim Support and Assistance Service elements. The framework for the evaluation was developed and approved in March 2014 with ethics approval obtained from the Central Australian Human Research Committee and the Human Research Committee of the University of New England in May 2014. A range of data sources were used in the evaluation including quantitative information drawn from government systems (e.g. numbers of offences and domestic violence order applications, hospital admissions and Family Safety Framework numbers) as well as qualitative measures such as specially designed surveys, focus groups, individual interviews and a documentation review. The Evaluation Report was delivered in November 2015.¹⁹

¹⁹ Judy Putt, Robyn Holder, Gillian Shaw, *Alice Springs Integrated Response to Family and Domestic Violence Project: Final Evaluation Report*, University of New England, 2015. Note that the report is not yet published but at time of writing it is intended that it will be made available on the Northern Territory Government website.

The key findings of the ASIR Evaluation Report are:

- The FSF was found to be not only successful in achieving its aims but a key driver of the ASIR overall. Women accepted into the FSF were found to experience improvements in their safety. In addition, the processes associated with the FSF were themselves beneficial in driving collaboration. FSF training was found to play a critical role in communicating key messages about family and domestic violence to a range of personnel and building confidence in workers as to how to respond. Beyond this, the FSF process was an important mechanism to facilitate inter-agency responses to women and children at high-risk. The evaluators described the FSF as “the critical building block, driver and architecture of change”²⁰ and recommended that it be given more work to do in future initiatives.
- Victims supported by the VSAS reported that their sense of safety was increased by the VSAS worker. Women reported receiving relevant information not only in relation to their case and how the justice system works but also in relation to the impacts of violence upon themselves and their children. They also reported feeling supported in the court system.²¹
- The MBCP was found to be carefully and skilfully designed with highly qualified staff and strong support among stakeholders. Participants in the program reported that the program was relevant and appropriate and were positive about their participation.

At a general level the evaluation found positive signs of improved and additional service provision as a result of the ASIR, including more focused and greater attention to specific responses and improved understanding of family and domestic violence among those surveyed. Collaboration between agencies was found to be strong with a network of more informed and confident practitioners. The evaluators noted that the effect of creating focused and purposeful attention to family and

Page numbers referred to in this paper may differ from those in the published report due to formatting changes.

²⁰ Ibid, 10

²¹ The service most often assists victims giving evidence in criminal matters in the Local Court whereas the Witness Assistance Service run by the Director of Public Prosecutions is primarily available for cases in the Supreme Court. Much of the interaction with victims undertaken by the VSAS worker happens outside of the court building and many victims do not attend court physically, although they are supported when they do attend, usually as witnesses.

domestic violence in the community is important in itself as it raises awareness, which is a precondition for change.

However, the evaluation also pointed out some areas where improvements could be made. In relation to the Family Safety Framework, the evaluators' primary recommendation was that its success be extended by using a similar approach with lower risk cases. At the time of writing the evaluators felt that as the primary mechanism by which agencies acted together to make a difference the FSF was also the 'glue' which bound the ASIR together.²² A fundamental element of the FSF is the FSF training which not only informs and educates but also inducts individuals into the growing community of practice. FSF training is integral to the effective working of the FSF. A senior manager was reported as saying

I think it has been a lot more work than people expected, certainly the training, but also the participation to the level of preparation that's required prior to the session. Everyone talks very highly of it. One of the unintended consequences was the notion of bringing a whole lot of front-line workers up to a certain minimum level of the dynamics around family and domestic violence and risk processes, communication and information sharing. That's probably been the most important component of the whole process. So you've got people with a shared language around DV.²³

The evaluators also recommended that consideration be given to better resourcing non-government agencies who were struggling to meet requirements as a result of involvement with Family Safety Meetings. Committing a staff member one day per fortnight runs a real risk of reducing capacity for service delivery in smaller organisations. Resource imbalance is a disincentive to integrated service provision for practical reasons and also has the potential to erode trust between collaborators.

Another area of concern in relation to the FSF is couched in relation to information sharing but is also related to a significant underlying issue, the reluctance of some victims to seek help. The evaluators comment that they would like to see women more deeply involved in developing their own safety plans and suggest that at the time of seeking consent for referral to the FSF there is an opportunity to more fully explain the process and the likely consequences of involvement, both positive and

²² Above n 19, 34. Note as, described below, that the project managers no longer believe that this is the case and now cite the community engagement through the Tangentyere Women's Committee Family Safety Group as a key driver.

²³ Above n 19, 55

negative as a means of progressing this. Although consent is always sought if possible, cases can be referred without consent. The FSF Practice Manual²⁴ gives advice about when it is appropriate to share information without consent, and cautions against sharing information where that might increase risk.

The evaluators also recommended that particular attention should be paid to the justice system in the next phase of the ASIR, in particular to build upon the improvements to victims' experience delivered through the VSAS. This is important because the evaluator's research indicates that aspects of the justice system, including domestic violence orders, are crucial to women's sense of safety,²⁵ and because of the sheer volume of family and domestic violence related cases that are heard at the Alice Springs courts given the size of the population. The evaluators recommended that best practice guidelines be developed within the justice system to better assist victims and to hold perpetrators to account.

Other areas the evaluators recommended for further consideration include improved information sharing between VSAS and the justice sector (courts and police), improved information and education for victims, early referral of perpetrators to the MBCP, early evidence collection options for police, increased police and courts use of video and digital technology to reduce scope for intimidation of witnesses, court listing which enables consolidation of criminal charges relating to family and domestic violence and domestic violence orders, specialist prosecution services, improved court facilities for victims, and increased use of vulnerable witness procedures.²⁶ To this list might be added specialist training for lawyers (including summary prosecutors), judicial officers and court staff.

Going Territory-Wide – The *Safety is Everyone's Right* Strategy

In mid-2014 the Northern Territory Government released its *Safety is Everyone's Right* strategy (the Strategy)²⁷ under the Second Action Plan (2013-16) of the National Plan to Reduce Violence against Women and their Children (2010-2022).²⁸

²⁴ Above n 14, 21

²⁵ Above n 19, 71

²⁶ Ibid

²⁷ Above n 4

²⁸ Above n 5. A Third National Action Plan is currently being developed.

The Strategy builds directly upon the work done in the ASIR but aims to extend and broaden the approach and range of actions.²⁹ The Strategy replicates the local coordination and collaboration approaches used in the ASIR and also seeks to achieve vertical integration at a Territory-wide level across Northern Territory Government departments and other key agencies. Internal integration is driven by having a responsible Minister, three lead agencies with accountability at the CEO level (Police, Attorney-General and Justice and Local Government and Community Services) and a CEO Steering Committee comprising the CEOs of each of the nine internal partner agencies. External agencies are involved through a Territory-wide implementation committee. There are also other groups supporting the work, most important are the Local Reference Groups which have been established in Darwin, Katherine, and Tennant Creek and Alice Springs, in addition to the existing ASIR Reference Group.

The element most obviously extended from the ASIR to the Strategy is the Family Safety Framework. The FSF is now operating in Darwin, Katherine, Tennant Creek, Nhulunbuy and Yuendumu. Options to expand the FSF to other areas are under consideration. One suggestion is to create 'hubs' which will utilise technology (computer webcam) to connect agency officers in smaller communities. For example, a Barkly FSF based in Tennant Creek may consider cases referred from smaller communities such as Ali Curung and Elliot. Several issues have to be addressed in order to make this work. Firstly the technology and human resources (Police and other government personnel) need to be in place, along with safe accommodation options for women and children and appropriate response services.

Of greater concern, however, is the difficulty in crafting effective safety plans given the thin spread of relevant services in very remote areas. Services such as accommodation, safe houses, family support, medical and legal services are often crucial. While some services can be provided on an outreach basis from major centres, or even through use of technology, this will not always be a solution. The FSF relies heavily upon all of those involved taking the time to comply with processes as to assessment, referral and consideration of cases, attend meetings and progress agreed actions. As reported in the evaluation of the ASIR, many

²⁹ The ASIR evaluators describe significant elements of the Strategy as having a 'core debt' to the ASIR. See above n 19, 24

agencies find this onerous. The risk that stretched services are diverted from providing direct assistance needs to be carefully balanced against the benefits of the collaborative approach in the very remote settings.

The *Safety is Everyone's Right* strategy contains a large number of activities beyond the FSF. Of particular note are the Critical Intervention Outreach Services which have been established in Alice Springs, Tennant Creek, Katherine and Darwin. These services provide assistance to Indigenous women across 16 remote communities and 27 town camps. There is also a pre-existing outreach service available to all women operated by the ASWS. Under the Strategy there has also been significant expansion of the electronic referral system "SupportLink" which was originally trialled by Northern Territory Police in Alice Springs alongside the ASIR but has now been extended to all Police and also to other agencies including the Top End and Central Australian Health Services. The referral system is a website which allows a victim to be immediately referred (with their consent) to a range of potential service providers. Other elements of the Strategy include significant policy work (including consideration of legislative reform), training, funding for legal services for victims and some men's initiatives.

What's Next?

The Third National Action Plan is under development and expected to be released later in 2016. The Northern Territory will need to develop its new implementation strategy for commencement July 2017. It is important that the Northern Territory's family and domestic violence strategy considers how the needs of Aboriginal Territorians, and those living in remote areas, are met. The Evaluation Report from the ASIR raised this question and stressed the need to engage and train more Aboriginal staff and to improve cultural awareness training for service providers. Similar issues have been identified in a recent report about access to justice for Aboriginal and Torres Strait Islander women prepared by the Judicial Council on Cultural Diversity (JCCD).³⁰ There are too many issues to cover in a paper of this length but set out below are some which merit particular attention.

³⁰ Judicial Council on Cultural Diversity, *The Path to Justice: Aboriginal and Torres Strait Islander Women's Experience of the Courts*, 2016, 33-35, at http://www.jccd.org.au/wp-content/uploads/2016/04/JCCD_Consultation_Report_-_Aboriginal_and_Torres_Strait_Islander_Women.pdf

Information Sharing

Good access to information is widely regarded as essential to keeping victims safe. Although the law is clear that information about a person may be shared in the Northern Territory without consent where there is a serious and imminent risk to a person's safety,³¹ or in certain situations relating to the safety or wellbeing of children,³² there is some doubt as to whether current legislation allows information to be shared to provide collaborative case management outside of an emergency crisis response such as the Family Safety Framework. The absence of a 'second tier' or non-crisis response which operates outside of but is tied to the FSF was identified by the ASIR evaluation report as a service and integration gap which should be filled.³³ This will be difficult without a robust and easy to use information sharing framework.

Other jurisdictions have looked at this issue and have made recommendations for reform. The Victorian Royal Commission into Family Violence noted the practical need for information sharing and referred to the failure to share information described by the Victorian State Coroner, Judge Gray, in the Coronial Inquest into the death of Luke Batty and the actions being taken to address legislative and policy impediments to information sharing in that State.³⁴ The Victorian Royal Commission Report points to the complex legislative environment family violence professionals must navigate when sharing information which includes not only Commonwealth and State privacy legislation but also subject specific statutes with their own requirements.³⁵ Three overriding problems were described: legislation and policy are complex, confusing and restrictive; information sharing culture and leadership are lacking; and outdated IT systems impeded information sharing.³⁶ The same is true in the Northern Territory.

The Northern Territory *Information Act* is 14 years old, but the policy behind it is considerably older. Consideration might be given to reviewing the policy settings relating to information privacy to ensure that the balance between privacy protection

³¹ *Information Act* (NT), s 65(1), IPP, 2.1 (d)

³² *Care and Protection of Children Act* (NT), Part 5.1A

³³ Above n 19, 12.

³⁴ Victoria, Royal Commission into Family Violence: Report and Recommendations, Vol 1, Parl Paper No 132 (2014-16), 159 viewed at <http://www.rcfv.com.au/Report-Recommendations>

³⁵ *Ibid*, 163.

³⁶ *Ibid*, 170.

and information sharing, particular in human service delivery, still meets community expectations.³⁷ Although it is true that there are existing mechanisms for sharing information the Victorian Royal Commission report pointed out that none of them provide a comprehensive answer. A similar conclusion was reached by the Australian Capital Territory Board of Inquiry which, referring to the privacy concerns cited for the apparent lack of information sharing, said

It was not possible to determine whether this is as result of a culture where there is little collaboration, distrust and protecting “patches” between relevant actors, or a genuine lack of understanding of privacy requirements and a fear of breaching privacy due to the complex and confusing model operating in the Territory.³⁸

The above quote encapsulates the dual nature of the problem; complicated legislative regime and practice culture which does not support appropriate information sharing. However, it isn't a practical solution to simply conclude that family violence practitioners should become more versed in the current system.

Both the Victorian Royal Commission and the Australian Capital Territory Board of Inquiry recommend introduction of specific legislation (by amendment to the domestic violence statute) to set up a framework for information sharing in cases of domestic violence similar to that contained in Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* (NSW). The benefits of this are clear legislative intent and clear authority for frontline workers to feel comfortable sharing information.³⁹ A similar regime to the New South Wales legislation already exists in the Northern Territory in relation to children in Part 5.1A of the *Care and Protection of Children Act* (NT).⁴⁰ A further amendment to the Northern Territory Information Privacy Principles to remove the word ‘imminent’ as a requirement for sharing information when a person’s life, health or safety is at risk should also be considered.

³⁷ The ‘siloeing’ effect of the definition of ‘public sector organisation’, *Information Act* (NT) s 5, may no longer be the most efficient approach.

³⁸ Australian Capital Territory, Board of Inquiry, *Report of the Inquiry: Review into the system level responses to family violence in the ACT*, April 2016, 87

³⁹ Ibid.

⁴⁰ This information sharing framework was introduced for very similar reasons. See the discussion in Chapter 11 Northern Territory Government 2010, *Growing them Strong, Together: Promoting the safety and wellbeing of the Northern Territory’s children*, Report of the Board of Inquiry into the Child Protection System in the Northern Territory 2010, M. Bamblett, H. Bath and R. Roseby, at http://www.childprotectioninquiry.nt.gov.au/_data/assets/pdf_file/0010/49798/CPS_Report_Volume_2.pdf

Domestic and Family Violence and Justice System Processes

The JCCD reported that

Stakeholders noted that Aboriginal and Torres Strait Islander women frequently had complex legal needs that had family violence at their core, but were heard across a variety of criminal, family, children's and drug courts with little case coordination. They noted their clients found the system fragmented, complex and difficult to navigate.⁴¹

Because the system is often not coordinated judicial officers dealing with multiple matters involving the same family will not always have all relevant information, giving rise to the risk that decision making may be inconsistent with insufficient focus upon the needs of the victim and children and a failure to hold the perpetrator properly to account.⁴² An integrated or 'one court one family' approach, as exists in the Family Violence Division of the Magistrates' Court of Victoria, has been suggested as a way of addressing this concern.

The 2010 Australian Law Reform Commission Report, *Family Violence – A National Legal Response*, recommended that specialised family violence courts be developed, or expanded, within existing courts and that those courts have power to make orders across a range of family violence related matters.⁴³ The Victorian Royal Commission into Family Violence considered court-based responses to family violence and noted that despite the existence of specialist family violence courts in Victoria their services were not available to all victims. The Royal Commission recommended that a unified approach be adopted so that as far as possible victims are able to have all of their issues determined in the same court.⁴⁴ Similar issues were raised, and recommendations made, by the Queensland Special Taskforce on Domestic and Family Violence.⁴⁵

The establishment of a specialised court is a return to the idea of integration across all relevant sectors responding to family and domestic violence which formed part of

⁴¹ Above n 30, 27

⁴² Ibid, 28

⁴³ Above n 6, 1509

⁴⁴ Above n 34, Volume III, 158

⁴⁵ Queensland Government, Special Taskforce on Domestic and Family Violence in Queensland, Report 'Not Now Not Ever' – Putting an End to Domestic and Family Violence in Queensland, (2014) 278 – 284 viewed at <https://www.qld.gov.au/community/getting-support-health-social-issue/dfv-read-report-recommendation/index.html>

the initial design of the ASIR based upon the ALRC report. However a “stand alone” court, or part of a court, may or may not be the most appropriate, or feasible, approach in a small jurisdiction with a disproportionate number of family and domestic violence related matters. When the need to sit in remote locations is included the picture becomes even more complicated. However, that does not mean that the Northern Territory cannot learn from approaches in specialist courts which could be applied more generally. For example, the successful establishment of the VSAS under the ASIR points the way to one element which might be part of a general best practice approach to domestic violence. Any initiatives in this area should ideally be considered through a lens of system wide and sustainable integration.

Community Engagement for Response and Prevention

Prevention is simultaneously the most difficult and the most important part of any plan to reduce family and domestic violence. The most obvious prevention component of the ASIR, healthy relationships education for young people was necessarily small in scale, given the scope of the ASIR project overall, and the evaluators commented that it did not appear to be well integrated with other elements.⁴⁶ However, a broad-scale prevention program was never part of the plan and the activity which was undertaken demonstrated, as appropriate for a pilot, that local people could undertake the education role with materials adapted for local conditions.

There is no doubt that much more work is needed in this area and as part of the *Safety is Everyone’s Right* strategy a separate prevention strategy is being developed for the Northern Territory. This policy work is in its early stages but a range of consultation workshops have been held and the Local Reference Groups are engaged with the process.⁴⁷ Prevention frameworks set out a vision for achieving a shift in community attitude so that domestic and family violence is no longer acceptable and include governance and accountability elements. Under the

⁴⁶ Above n 19, 33

⁴⁷ An example of a state government prevention strategy is the Queensland Government Domestic and Family Violence Prevention Strategy 2016-2026. Queensland Government, *Not Now Not Ever; Domestic and Family Violence Prevention Strategy 2016-2026*, at <https://www.communities.qld.gov.au/resources/gateway/campaigns/end-violence/dfv-prevention-strategy.pdf>

framework, governments and other agencies develop action plans which include particular initiatives or projects.⁴⁸

At the national level considerable recent work has been done with the release of the national prevention framework, *Change the Story* in late 2015.⁴⁹ Our Watch is the national prevention foundation established to drive nation-wide change in the culture, behaviours and attitudes that encourage violence. The Northern Territory is now partnered with Our Watch, along with other jurisdictions.⁵⁰ The Victorian Royal Commission Report notes that the common features of best practice prevention approaches are those that: involve the community; have strategies rather than single programs; engage with men and boys; and take account of the circumstances of particular groups.⁵¹ *Change the Story* emphasises the importance of working in the community in a variety of settings including workplaces, schools, universities sporting and social clubs, hospitals and health centres, faith based organisations and media and public spaces. The way in which the 'No More' campaign works with sporting clubs to change attitudes to family and domestic violence is an example of community led prevention activity.

The Tangentyere Women's Committee Family Safety Group, which was started under the ASIR, also has prevention as a central part of its community engagement work and significant activity of that Group has been aimed at changing norms surrounding family and domestic violence. Although at the time of the evaluation the FSF was the most high profile activity in the ASIR, and performed the function of holding project components together, senior project staff argue that that is no longer the case because the TWC Family Safety Group has now developed to the point where it is at least equally important in influencing project discourse and thinking. The project managers point out that the TWC has a much wider reach to

⁴⁸ The Victorian Indigenous Family Violence Primary Prevention Framework is an example of a prevention strategy developed to guide the development of prevention initiatives for the Indigenous community Victorian Government, Department of Human Services, *Indigenous Family Violence Primary Prevention Framework*, http://www.dhs.vic.gov.au/data/assets/pdf_file/0005/718439/Indigenous-family-violence-prim-preventionframework.pdf

⁴⁹ Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth (2015) *Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia* Our Watch, Melbourne, at <http://www.ourwatch.org.au/getmedia/c81eceab-c8a0-4f3a-a6fb-2202334b398b/Change-the-story-framework-prevent-violence-women-children-AA-new.pdf.aspx>

⁵⁰ Above n 34, Vol VI 10

⁵¹ The *Change the Story* framework makes it clear that a separate and additional document addressing prevention for Aboriginal and Torres Strait Islander people is being developed by Our Watch.

stakeholders than does the FSF as they can engage directly with media, the political sphere and community members.⁵²

Community engagement has also been funded through the Northern Territory Office of Men's Policy to engage community groups in thinking about how to prevent family and domestic violence. An example is *A Galiwin'ku Community Statement to Prevent Family Violence* completed in May 2016.⁵³ It proposes, among other things, a Yolngu and refers to the importance to the community of the respect for Yolngu law. The proposal for a community authority is somewhat controversial, and may be difficult to achieve in many cases. However, it is not the first time that it has been suggested that local justice initiatives may have a role in combating family and domestic violence, or other social problems. The *Not Now, Not Ever* report notes the existence of Community Justice Groups and the remote JP program in Queensland and recommends that the Queensland Government work with Indigenous communities to develop and support an effective local authority model to respond to crime and violence, with family and domestic violence as a priority.⁵⁴

Conclusion

A committed and sustained human effort is required to reduce family and domestic violence and it must include overt integration on policy, principles, governance and service delivery. The ASIR has made a necessarily small, but determined, start in modelling integrated services. Its benefits are tangible and point the way for the development of future initiatives. Of course there remains much to do. Towards an integrated approach has been further developed in the Northern Territory under the *Safety is Everyone's Right* strategy.

While government involvement, and often leadership, is crucial, lasting change must come from the community. The ASIR has shown that a community based integrated response can make a significant contribution by improving quality of service provision, and creating a shared vision and principles which enable key stakeholders to focus upon the issue at a local level. An important driver of success has been the sharing of information between services and the FSF processes, which engender

⁵² Email from Liz Olle to Meredith Day, 12 July 2016

⁵³ ARDS Aboriginal Corporation, *A Galiwin'ku Community Statement to Prevent Family Violence*, May 2016

⁵⁴ Above n 45, 261-265

trust and a willingness to work together.⁵⁵ However, it is the work of the Tangentyere Women's Committee Family Safety Group in ensuring that community women make a strong contribution in public discussions of matters that directly affect them which has emerged as the, perhaps initially unexpected, binding force in the ASIR. It is essential that women's voices continue to be heard.⁵⁶

⁵⁵ Above, n 19, 94

⁵⁶ The author would like to acknowledge the assistance of Jo Sangster, Liz Ollie and Erika Sauzier of the Domestic Violence Directorate, Dept of Local Government and Community Services, for their invaluable assistance in preparing this paper.