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Ms Megan Mitchell
National Children's Commissioner
Australian Human Rights Commission
GPO Box 5218
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Dear Commissioner

Thank you for your invitation to make a submission in relation to your examination of children affected by domestic and family violence. By way of response, we would like to draw your attention to Safety is Everyone's Right, Northern Territory Domestic and Family Violence Reduction Strategy 2014-2017 (Attachment A refers), and the specific issues faced by Northern Territory children who are affected by domestic and family violence. We request that this letter is not made public, however, we look forward to sharing further information with you through the roundtable session in August 2015.

Safety is Everyone's Right was launched in September 2014 and aims to increase the safety of victims and their children, reduce rates of intergenerational trauma, increase the accountability of perpetrators and establish integrated service delivery systems. The action items of Safety is Everyone's Right are also directly aligned to the outcomes of the National Plan to Reduce Violence against Women and their Children 2010-2022.

Safety is Everyone's Right is an integrated response with five key areas of action:

- prevention;
- early intervention;
- protection – safety for victims;
- rebuilding the lives of victims and their children; and
- accountability and positive change for perpetrators.

It is collaboratively led by the Department of the Attorney-General and Justice, Northern Territory Police, Fire and Emergency Services and the Department of Local Government and Community Services. A further seven Northern Territory Government departments, the Commonwealth Government, Local Government and a number of non-government organisations are also partners in working towards the goals of the Strategy.

Extensive information is available on the impact of domestic and family violence on children in the Northern Territory. The following documents that may assist you have been enclosed (*):

- Safety is Everyone's Right Overview (Attachment A);
- Northern Territory Submission to the Senate Inquiry into Domestic Violence in Australia (Attachment B);
- *A Share in the Future*, Review of Indigenous Education in the Northern Territory (Attachment C); and
- Little Children are Sacred, Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse (Attachment D).

The responses provided below aim to supplement what is provided in these documents, and focus on the implementation of Safety is Everyone's Right.

What are the definitional issues in relation to family and domestic violence affecting children?

Despite increasing recognition that children who are affected by domestic and family violence experience serious psychological, social, behavioural and developmental consequences; large gaps subsist in how this impact is captured by data and how service responses meet the specific needs of children.

Service responses

Substantial gaps exist in service responses for children affected by domestic and family violence. Some key areas are discussed below.

Service availability

There are few specialist services on offer for children affected by domestic and family violence. This service shortage is heightened in remote areas, which are more populated in the Northern Territory than any other jurisdiction of Australia. Almost 44% of the Northern Territory population, including 27% of children, live in very remote areas. This may be compared to the average of 0.7% for the Australian population. This poses significant logistical and economic challenges for delivering services to Northern Territory children affected by domestic and family violence.

Of the Northern Territory Indigenous population, 80% live in remote or very remote areas. To be considered alongside this statistic is the finding that Aboriginal children are disproportionately affected by exposure to domestic and family violence, with 42% of Aboriginal young people reporting that they have witnessed violence against a mother or step-mother, compared to 23% of all children. This further highlights the importance of delivering specialist services to children living in remote and very remote areas.

Service referrals

Services and referral practices traditionally focus on harm to the primary victim and can consequently overlook the impact on children present or otherwise affected. For example, from 1 July 2013 and 30 June 2015 only 3% of referrals for victims of domestic and family violence through the Northern Territory's electronic referral service, SupportLink, were for victims under the age of 18.

Shortage of parenting skills programs for perpetrators and victimised caregivers

A limited number of parenting skills programs are available in the Northern Territory for perpetrators and victimised caregivers. It is important that the availability of these programs is increased given research findings that parents frequently underestimate the extent of children's exposure to domestic violence and severity of its impact. It is also anticipated that a high proportion of prisoners with domestic violence related convictions are fathers, and as such parenting skills programs are an appropriate and important accompaniment to men's behaviour change programs.

Domestic Violence Orders

Domestic Violence Orders (DVOs) taken out by Police or individuals can, but do not always, include children as protected persons. Consequently, where there is no DVO protecting the child, contact arrangements with children following separation can expose the mother and her child to increased risk. For example, family law arrangements can at times make the mother feel compelled to permit contact with the child, even where the child is fearful of the abusive parent or reluctant to spend time with them. It is important that consistent practice around this area of the *Domestic and Family Violence Act* (NT) (the Act) is developed to decrease risk to the mother and child.

A positive is that the Act enables separate DVOs to be made for individual children, separate to caregiver, where the authority is 'satisfied there are reasonable grounds to fear the child will be exposed to domestic violence committed by or against a person whom the child is in a domestic relationship'. However, this tends to be utilised where the child is living independently and could be used more broadly.

Northern Territory Legislation

As part of Safety is Everyone's Right, the Northern Territory Government is currently reviewing the *Domestic and Family Violence Act*. An issues paper was released in April 2015 and submissions are currently being sought, with a due date of 13 July 2015.

On 10 June 2015, a discussion group was held in relation to the protection of children who are affected by domestic and family violence under the Act. The discussion group identified several key issues for review, such as the limited ability of the legislation to protect children who are witnesses of domestic and family violence.

Data

There are numerous issues that affect both the ability to collect and consolidate data. These include:

- the general under-reporting of domestic violence;
- non-reporting due to fear of family separation;
- tendencies for data to only capture the 'primary' victim;
- fragmented data systems; and
- inconsistent definitions.

These issues constrain the ability to understand prevalence, impact and service uptake, and consequently inhibit the planning, development and evaluation of domestic and family violence policies and programs.

What do we know about the prevalence and incidence of family and domestic violence affecting children, including who is involved in family and domestic violence events?

Domestic and family violence is a prevailing issue in the Northern Territory.

Crime figures from the Australian Bureau of Statistics show that the Northern Territory has the highest rate of assault victimisation in Australia. Between 2012 and 2013 the assault victimisation rate in the Northern Territory grew by 10%; more than three times the rate of Western Australia, which is the next highest jurisdiction for which data is available.

Northern Territory crime statistics indicate that there were 6,993 assault offences between 1 May 2014 and 30 April 2015; of these 59% were classed as domestic violence related assault. Furthermore, this statistic captures only physical domestic and family violence, and only that which is reported.

Indigenous females in the Northern Territory are almost 22 times more likely to be victims of domestic violence than non-Indigenous females; they represented 73% of victims in 2012-13. Consequently, Indigenous children are also far more likely to be affected by domestic and family violence.

The extent of domestic and family violence in the Northern Territory is also evident through the child protection system. Of all substantiated cases of child abuse or neglect in 2013-14, 23% (383 of 1667) identified domestic or substance abuse as a causal factor in the harm experienced by the child. Furthermore, anecdotal evidence from practitioners suggests that the actual percentage may be higher.

Family Safety Framework data

A key component of Safety is Everyone's Right, Northern Territory Domestic and Family Violence Reduction Strategy 2014-2017, is the implementation of the Family Safety Framework. The Family Safety Framework focuses on protecting high risk victims from further harm and homicide by coordinating a response across government and non-government agencies. Key aspects include a common risk assessment tool, information sharing and fortnightly Family Safety Meetings where agencies plan immediate actions for referred victims and jointly monitor safety improvements for each referral. At present, Family Safety Meetings are held in Alice Springs, Darwin, Katherine and Tennant Creek.

A more rigorous data collection system around the Family Safety Framework is currently being implemented, including the collection of data around children affected; however, some basic information is available for the Alice Springs region.

As at June 2015, Alice Springs had held 77 Family Safety Meetings. Some key findings include:

- Five of the 226 referrals to the Alice Springs Family Safety Meetings have been young women under the age of 18. Of these:
 - in all five cases the offenders were male;
 - in two cases the nominated offender was also under 18 years of age; and
 - in all five cases the parties indicated that they had been in a domestic relationship for more than six months.
- Over 50% of all other Family Safety Meeting referrals (221) indicated that children were present in the relationship.

Although not comprehensive, this data gives an indication of how many children were affected by domestic and family violence in this small sample from Alice Springs. It also depicts the concerning issue of domestic and family violence being perpetrated by young people.

SupportLink data

Northern Territory SupportLink data also provides an indication of the proportion of domestic and family violence cases where children are affected. From 1 July 2013 to 30 June 2015, in 40% of referrals (234 of 576) the person making the referral answered 'yes' to the question 'Were children present during the incident?'.

What are the impacts on children of family and domestic violence?

Children may be exposed to domestic and family violence in a range of ways, and the consequences can be similarly diverse. Safety is Everyone's Right aims to both prevent and improve service delivery responses to reduce domestic and family violence. Key action items specifically targeting children include to:

- build young people's capacity to develop personal and social capabilities;
- improve responses to children exposed to domestic and family violence, with Indigenous children as a priority;
- support and expand specialist domestic violence and assault services;
- support mainstream services to identify and respond to needs, including acknowledging children as victims;
- continue to improve capacity of schools to meet the mental health and wellbeing needs of children; and

- develop evidence based domestic violence related programs for young people that are accessible to young people within the youth justice system.

Other key action items of Safety is Everyone's Right that are not specifically related to children also support the achievement of these items. For example, the implementation of SupportLink electronic referral services enables children to be more readily referred to appropriate services by Northern Territory Police, Northern Territory Health, the Department of Housing and the Department of Children and Families. As at 29 April 2015, 83 agencies across the Northern Territory are signed up to receive referrals through SupportLink, including 33 domestic violence services.

Safety is Everyone's Right particularly recognises the current deficit in specialised domestic and family violence services for children, and Indigenous children in particular. Using funding awarded under the Indigenous Advancement Strategy – Safety and Wellbeing program, Safety is Everyone's Right will fund specialist domestic and family violence support services to Indigenous youth aged between 12 and 17 years in Alice Springs, surrounding Town Camps and identified remote communities. A non-government agency will be contracted to provide a service that is:

- age-appropriate and gender based;
- tailored and trauma informed;
- designed to break the generationally embedded cycle of violence;
- focusses on healthy relationships, where the safety and respect of all members of the family is prioritised; and
- provides structured, evidence-based and culturally informed learning opportunities for young people to model their own futures.

What are the outcomes for children of public policy approaches and educational campaigns targeting family and domestic violence?

Mandatory reporting

In 2009, the Northern Territory Government amended the *Domestic and Family Violence Act* (NT) to require all people over the age of 18 to notify police as soon as practicable if:

- another person has caused, or is likely to cause, harm to someone else with whom the other person is in a domestic relationship; and/or
- the life or safety of another person is under serious or imminent threat because domestic violence has been, is being, or is about to be committed.

Failure to report as soon as reasonably practicable is an offence, subject to certain defences.

An evaluation report released in October 2012 considered the impact of introducing mandatory reporting in relation to the extent to which mandatory reporting achieves the objects of the Act, the effect on stakeholders and the effect on help-seeking behaviour and individual decisions to report.

The evaluation found that there was a 19% increase in domestic and family violence-related reports to Northern Territory Police following the introduction of mandatory reporting. Whilst the total number of all criminal incidents reported to Northern Territory Police also increased over the relevant period, domestic and family violence reports accounted for 18% of the overall increase.

Overall, the KPMG report titled "Evaluation of the impact of mandatory reporting of domestic and family violence", stated that, 'there is little evidence that mandatory reporting has had an impact on deterring perpetrators from committing domestic and family violence', however, there is a strong argument that there have been other tangible benefits, such as the increased public awareness that has gone with the policy. The KPMG report is publically available.

Safety is Everyone's Right

Consideration is currently being undertaken as to how the effectiveness of the Strategy is captured and evaluated. The intent is to build an evidence-base around approaches that produce positive outcomes for children in the Northern Territory and reduce the intergenerational transmission of violence.

What are the surveillance and data gaps/needs in relation to children affected by family and domestic violence?

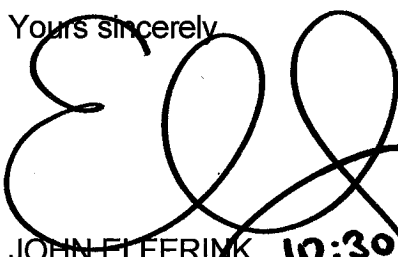
The substantial gap in the availability of domestic and family violence services is a priority issue. It is therefore preferable that data collection be increased through the funding of further specialist services. Achieving outcomes for children should be given precedence over resource-intensive data collection systems.

It is recommended that existing data collection systems are considered as far as possible to collected data on areas such as:

- help seeking behaviour in Aboriginal communities;
- prisoners convicted of domestic violence related offences that are fathers;
- longitudinal data on successful programs; and
- the long-term effects of being affected by domestic and family violence on a child's development.

We hope this information is of use to you in your examination, and look forward to reviewing your valuable insights when the Children's Rights Report 2015 is handed down.

Yours sincerely



JOHN ELFERINK



BESS PRICE
11 AUG 2015

(* Encl

- Safety is Everyone's Right Overview (Attachment A)
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