



31 January 2020

Joint Select Committee on Australia's Family Law System  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Email: [familylaw.sen@aph.gov.au](mailto:familylaw.sen@aph.gov.au)

Dear Director of Legal Policy,

**RE: Joint Select Committee Australia's Family Law System**

Thank you for the opportunity to make this submission to the Joint Select Committee Australia's Family Law System.

The following is a joint submission on behalf of the three Northern Territory Women's Legal Services, collectively known as the "NTWLS". The NTWLS includes the Central Australian Women's Legal Service ("CAWLS"), the Top End Women's Legal Service ("TEWLS") and the Katherine Women's Legal Service ("KWILS"). The views put forward in this submission are informed by our direct professional experience in family law assisting women experiencing domestic, family and sexual violence. This submission is made in addition to the contributions made by the Women's Legal Services Australia.

About NTWLS

The NTWLS is part of a national network of community legal centres specialising in women's legal issues. Our services provide free and confidential legal information, advice and representation to women across the Central Australian, Barkly, Katherine and Top End regions

of the Northern Territory ("NT"). We primarily deliver services to women at risk of or experiencing domestic and family violence, as well as related legal issues including family law, discrimination, child protection, housing and victims of crime compensation. A high percentage of our clients identify as Aboriginal and Torres Strait Islander, whose English may be a second or third language. We also represent a significant number of culturally and linguistically diverse ("CALD") clients who encounter similar barriers within the family law system. Almost all women we assist experience financial disadvantage.

To provide context to service delivery in the NT, we provide the following deidentified client stories:

#### **Positive outcomes for mother and her children, despite extended systems abuse**

**Sophie\*** first attended TEWLS during our weekly volunteer clinic. She gave instructions to the TEWLS volunteer solicitor that she had been served with initiating documents for family law (parenting) proceedings by her ex-partner, who was represented by another free legal service provider. Sophie told TEWLS that there were two children of the relationship, the youngest being the biological child of her ex-partner, and that the children had not seen her ex-partner since his conviction and incarceration for sexual assault against the eldest child. The volunteer solicitor referred Sophie to the TEWLS in-house service for further advice and representation.

TEWLS advised Sophie that her ex-partner's initiating application was without merit and commenced to act on her behalf. TEWLS drafted relevant response documents and successfully sought orders for a Family Report at the matter's first return date, as well as the appointment of an Independent Children's Lawyer. TEWLS advocated on Sophie and the children's behalf that usual processes should not be followed given the history of the matter, with the Court making orders for the children not to have any time with the ex-partner, including during the preparation of the Family Report.

Around six months later, the Family Report was released to the parties, consistent with the advice of TEWLS and Sophie's belief that the children should not have any time or contact with the ex-partner. The parties prepared Consent Orders for the matter in line with the Family Report, which were subsequently approved by the Court. Following the conclusion of the matter,

the Independent Children's Lawyer advised TEWLS that she would be making a systems abuse complaint to the government funded legal service provider that represented the ex-partner.

### **Passports issued in time for Christmas holidays**

**Claire\*** first attended TEWLS during our weekly volunteer clinic seeking assistance in relation to her daughters' passports. She gave instructions to the TEWLS volunteer solicitor that she had left a violent relationship along with her two young daughters. There was a full non-contact domestic violence order ("DVO") in place for four years with her and her daughters as protected persons, and her ex-husband the defendant. Her ex-husband had taken all passports of his dual-citizenship daughters and Claire had a family holiday planned to her home country.

Claire had managed to source replacement passports from her home country for her daughters however Australian authorities were proving more difficult as she was unable to source the permission of her ex-husband to renew their Australian passports. Claire was also faced with barriers in attempting to travel out of the country with her daughters on their foreign passports as they are Australian citizens. Claire was referred for a TEWLS in-house appointment.

The TEWLS Solicitor assisted Claire in liaising with both the Department of Home Affairs and Australian Border Force, and was successful in assisting with two separate solutions to Claire's issues. The first was assistance with an application to allow for the lodgement of a child's passport application without both parents consent in exceptional circumstances, in this case domestic violence, and the second, in the alternative, being the preparation of an application for a special permit placed on the foreign passports to identify that they were Australian citizens and to permit travel and return to Australia classed as such.

Claire was able to obtain travel documents for both girls and she and her daughters were able to spend Christmas with her family overseas. Of note, the referral came from another free legal service provider with multiple family lawyer positions that had declined to provide assistance.

**Cross-jurisdictional issues involving family law, child protection and domestic violence**

**Jane\*** is a client that attended CAWLS for assistance making a recovery application in regards to her three children. Jane identifies as an Aboriginal Women.

Jane had left her ex-partner, Sam\* due to domestic violence. They had 3 children together. Jane left the children with Sam as Sam would not allow her to take the children with her when she left. Shortly after Jane left Sam, Sam moved interstate and left the children with his sister Jackie. After Sam left, Jane tried to collect the children from Jackie, but Jackie alleged that Jane's new partner, Phil\* perpetrated domestic violence against Jane and that this occurred in front of the children and so she refused to give the children back to Jane.

The matter went before the Federal Circuit Court. Orders were made in the Federal Circuit Court that the children live with Jackie, spend time with Jane and that Phil was not be anywhere near the children at any time.

During the Federal Circuit Court proceedings, police issued non-intoxication Domestic Violence Order's ("DVO's") against both Jane and Phil, naming each other as defendants and each other as protected persons.

Jane and Phil also had a child together, Cathy. Cathy was subsequently removed by Territory Families when the DVO's were issued against the parties.

CAWLS continues to assist Cathy with respect to her family law matter in the Federal Circuit Court, Child protection and DVO matters in the local court.

### **Recovery of child for a remote client following unilateral interstate removal**

**Amanda\*** is a client that CAWLS assisted with her family law matter in regards to her daughter. Amanda has been separated from her ex-partner Peter\* following a history of domestic violence. Amanda identifies as an Aboriginal Women. Amanda was a remote client residing in a community in the Central Australian region.

Amanda was the primary carer of their daughter. Peter filled an application in the Federal Circuit Court for shared time and CAWLS represented Amanda due to the extensive domestic violence she had experienced during the course of the relationship. After more than 2 years CAWLS successfully obtained final court orders by consent.

Approximately 10 months after the matter was finalised, Peter unilaterally removed their daughter interstate and Amanda approached our service again for assistance.

CAWLS assisted Amanda with filing a recovery order in the Federal Circuit Court in Darwin as a matter of urgency. At this time the client was still residing in the abovementioned remote community, this meant that the CAWL office in Alice Springs had to take instructions from the client over the telephone and arrange for the signing of court documents to occur with the assistance of a third party.

The matter was listed in Darwin and CAWLS appeared by the telephone, unfortunately the court was unable to facilitate more than two telephone link-ups so the client was not present during the mention.

CAWLS was successful in obtaining the recovery order for Amanda's daughter to be returned to her and obtained a costs order against Peter.

### Our response to the Joint Select Committee on Australia's Family Law System

As a consequence of the above, and given the high volume of family law matters involving women and children experiencing or at risk of domestic, family and sexual violence, it is NTWLS' submission that any recommendations flowing from the Joint Select Committee on Australia's Family Law System must address safety as a priority, as well as ensuring the family law system accommodates and acknowledges the diversity in culture and family structure. This

includes ensuring that all parties, including children, are protected from domestic and family violence and abuse in the first instance.

We note that the NT has one of the highest rates per capita of domestic and family violence in Australia. This resulted in the implementation of mandatory reporting legislation in 2009,<sup>1</sup> following a coronial inquest into the death of an Aboriginal woman in 2005.<sup>2</sup>

We set out our response to select questions of the Terms of Reference as follows:

(a) Ongoing issues and further improvements relating to the interaction and information sharing between the family law system and state and territory child protection systems, and family and domestic violence jurisdictions, including:

1. the process, and evidential and legal standards and onuses of proof, in relation to the granting of domestic violence orders and apprehended violence orders, and
2. The visibility of and consideration given to, domestic violence orders and apprehended violence orders in family law proceedings.

In the NT, the *Domestic and Family Violence Act 2007* (NT) ("the Act") establishes the legislative framework for obtaining a DVO.

Under section 41(1) of the Act, a police officer may make a DVO if satisfied it is necessary to ensure a person's safety because of urgent circumstances or because it is not otherwise practicable in the circumstances to obtain a Local Court DVO. Alternatively, a person in a domestic relationship with the defendant may apply for a Local Court DVO under section 28 of the Act. A DVO can name one or more protected persons (s 28(2)). An application for a Local Court DVO must be made in an approved form and be filed in court (s 30).

As soon as practicable after the application is filed, a registrar must give written notice to the parties to the DVO of the time and place for the hearing of the application (s 31). Proceedings can become protracted where defendant's live in remote communities, and it can often take several months for defendants to be served with the application and notice of hearing. In the

---

<sup>1</sup> *Domestic and Family Violence Amendment Act* (NT) s124A(1)a.

<sup>2</sup> Inquest into the death of Jodie Palipuaminni [2006] NTMC 083.

meantime, the court may make an interim court DVO under section 35 of the Act. It will not however, commence operation until served upon the defendant.

Under section 32 of the Act, the Court may decide an application in the absence of the defendant. Defendants who reside in remote Aboriginal communities frequently make no appearance at court for DVO matters, due to limited accessibility, cultural and language barriers.

The issuing authority may make a DVO only if it is satisfied on the balance of probabilities that there are reasonable grounds for the protected person to fear the commission of domestic violence against them, by the defendant (s 18(1)). This is an objective test; thus, orders may be made even where the protected person denies or does not give evidence about fearing the commission of domestic violence.

#### **A Issue of misidentification of perpetrators and the increased issuing of reciprocal DVOs**

Across the NT, women's legal services are assisting an increasing number of women who are misidentified by police as a primary aggressor and being issued with a DVO against them, even in circumstances where there has been a long history of domestic and family violence predominantly against these same women. Central Australia and the Barkly region has also seen an increase in children being included as protected persons on DVO's where the prescribed defendant is the woman and the primary caregiver.

When attending a domestic violence incident and before the issuing of a DVO, police should assess and identify any coercive and/or controlling behaviour being used by the primary perpetrator, as well as assessing any prior incidents of domestic and family violence. However, this does not always occur during the chaos of such incidents, which can result in this issue of misidentification and the increased number of female defendants on DVO's.

For women seeking to contest DVO applications against them, proceedings can be on foot for up to 18-24 months due to limited hearing dates and court backlog. This can result in women being subject to interim orders for extended periods, where the initial police DVO application is only for a 12-month order.

This alarming trend of female defendants on DVO's in the Territory appears to be disproportionately affecting Aboriginal women. The Act is intended to send a message to perpetrators that violence will not be tolerated and to prevent serious crime. However, we are observing that the system is being weaponised by male abusers with far reaching consequences. While some female defendants may use violent, a significant proportion of these women are in fact the primary victim of abuse in the relationship. This has overarching consequences for the protection of these victims from violence as it impacts their trust in a system that is meant to protect them, resulting in a further reduction in reports to the police. This can also send a message to very dangerous manipulative perpetrators that the system supports them.

## **B Information sharing laws in the NT**

Mandatory Reporting obligations in the NT differ from other Australian states and territories, creating a unique information sharing regime in the context of domestic and family violence, child protection and family law. The Act establishes the framework for mandatory reporting of domestic violence in the NT. Under section 124A of the Act, all adults in the NT must make a mandatory report to a police officer either orally or in writing, if he or she believes on reasonable grounds either or both of the following circumstances exist:

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

An adult who fails to make a mandatory report in these circumstances can be criminally penalised.

Further, under section 26 of the *Care and Protection of Children Act 2007* (NT) ("CPC Act"), any adult is required to make a mandatory report where a child (under 18) has suffered or is likely to suffer harm or exploitation. Under section 15 of the CPC Act, harm to a child involves any significant detrimental effect caused by any act, omission or circumstance on the physical, psychological or emotional wellbeing or development of a child.

New information sharing laws came into effect in August 2019 under Chapter 5A of the Act. These laws require designated "Information Sharing Entities" to share certain information about domestic and family violence, even where the consent of the person has not been given. This includes a common risk assessment tool for domestic and family violence, developed as part of the scheme.

In our experience in the child protection context, mandatory reporting laws and notifications of domestic and family violence can and does lead victims/survivors to have less than favourable experiences which are shaped by factors such as payback for making a report, the police response and, more concerningly, the lack of empathy and understanding of the dynamics of domestic and family violence by child protection agencies. Through case work evidence in this area, it is our opinion that in some instances police and child protection agencies hold the woman to account rather than focusing on the behaviour of the perpetrator. The victim/survivor is often admonished and held to account for failing to keep her children safe despite serious levels of domestic and family violence.

Case work demonstrates that it is these women that are often pressured by child protection to take out a DVO or risk losing her children rather than focusing upon the perpetrator taking responsibility for their behaviour. This has resulted in victims/survivors taking steps to deliberately avoid service providers (who may be obligated to report on their behalf) thereby putting themselves and their children at risk.

It is worth acknowledging that there are instances where mandatory reporting has made it easier for the protection of victims, specifically when these reports to police have resulted in the perpetrator being charged. However, this is only a workable mechanism of protection if the victim is deliberately included and empowered to be part of the process and she is not victim blamed.

### **C Systems abuse – women having to engage in proceedings in multiple jurisdictions**

Many women seeking legal assistance through the NTWLS are engaged in proceedings across multiple jurisdictions, including domestic and family violence (DVOs), child protection and family law. In some cases, perpetrators of domestic and family violence misuse particularly the family

law process as a form of coercive control over, and abuse against, the victim. It is also notable that in the NT, there are often additional cultural and language barriers, remoteness and limited access to timely specialist legal advice complicating our client's involvement in multiple jurisdictions.

When domestic and family violence is occurring in the context of families and children, separations may also occur, requiring parties to apply to a court to exercise its jurisdiction under the *Family Law Act 1975* (Cth). Parties are required to ensure that a copy of any existing DVO is filed with the Family Court or Federal Circuit Court when making an application for parenting order.<sup>3</sup> However, even when there are grounds for a DVO and orders have been confirmed, in NTWLS' experience they are rarely given weight in family law proceedings. Domestic and family violence is often not established until hearing, which can sometimes be two to three years from the date when initiating applications are filed. At hearing, legal systems unfortunately appear to equate nil domestic and family violence, post separation or after the commencement of legal proceedings, with nil domestic and family violence risk, rather than working from best evidence of ongoing future risk when systemic contact ceases.

The NTWLS have also identified the prevalence of self-represented litigants in both domestic and family violence and family law proceedings. The perpetrator can often use their own self-represented status in the court process to further subject the victim to abuse. Whilst the amendments to the *Family Law Act 1975* (Cth) now provides protections for victims of domestic and family violence during cross-examination, this may not go far enough for a few reasons. The ban applies where either party has been convicted or charged with domestic and family violence, where there is a family violence order (other than interim order) applying to both parties or if the court is satisfied that an injunction under sections 68B or 114 of the *Family Law Act 1975* (Cth) for personal protection is required. Whilst the court has the discretion to apply this personal ban, the process of the court exercising this discretionary power is mostly unknown and it presumably still places some onus on the victim to establish the need for the injunction.

Moreover, where domestic and family violence is prevalent within the family unit, the parent that is experiencing the violence can be at risk of having their children removed by the child protection authority. This means that when a child becomes subject to a child protection order a

---

<sup>3</sup> *Family Law Act 1975* (Cth), s 60CF.

Family Court does not have jurisdiction to make a parenting order with respect to that child unless the court order either comes into effect once the child protection order expires or there is consent from the child protection authority.<sup>4</sup> When families are involved with more than once jurisdiction, often they are high risk and vulnerable. When there are multiple courts dealing with matters relating to domestic and family violence, the fragmentation of the legal system can be incredibly challenging for parties, particularly women who have experienced violence. Engaging in proceedings across multiple systems is both challenging and complex. These challenges are exacerbated for NTWLS clients due to issues of remoteness, lack of social and support services and language and cultural barriers. Many clients present with pre-existing trauma including a history of family violence, contact with the criminal justice system and exposure to substance abuse in particular alcohol.

The NTWLS assist a large proportion of Aboriginal and CALD clients in relation to family law, child protection and domestic and family violence matters. In our experience, the family law system is not appropriately adapted to Aboriginal and CALD families and communities. The NTWLS supports building greater cultural competency among all areas of the family law system, including judicial officers, family report writers, legal representatives and family consultants.

The NTWLS assists a large proportion of Aboriginal clients who often live remotely and with no internet or phone coverage. This creates significant barriers to engagement in the family law, child protection and domestic and family violence jurisdictions. There are limited services available in remote communities, including family relationship centres, contact centres for changeover, counselling, safe houses for women effected by family violence, police stations and interpreters where English is not the main language in the community. Transport to the closest town can be limited and prohibitively expensive.

With reference to CALD women, domestic and family violence and visa status contains significant intersectionalities. This high level vulnerability to and from domestic and family violence can flow from factors including gender roles and norms, social isolation and economic insecurity<sup>5</sup>, CALD women are often vulnerable additionally to financial abuse, reproductive coercion and immigration-related violence. Further, "traumatic pre-arrival experiences and

---

<sup>4</sup> *Family Law Act 1975* (Cth), s 69ZK.

<sup>5</sup> (ANROWS: Promoting community-led responses to violence against immigrant and refugee women in metropolitan and regional Australia: the ASPIRE Project: State of knowledge paper, 12/2015, pg 12).

stress associated with settlement acculturation<sup>6</sup> means that legal and related service provision require complex multidisciplinary specialist trauma informed service provision for positive connectivity and improved outcomes into the future. In addition, CALD women and their children often face specific and compounding barriers to seeking support, including lack of knowledge of available services, lack of English language skills and lack of understanding of their rights.<sup>7</sup>

The NTWLS therefore supports the fast-tracking of family law matters involving family violence and abuse once the matter has been filed in Court. In these matters, the NTWLS support the appointment of Independent Children's Lawyers at the earliest possible opportunity and for compulsory mediation as discussed below.

(c) Beyond the proposed merger of the Family Court and the Federal Circuit Court any other reform that may be needed to the family law and the current structure of the Family Court and the Federal Circuit Court

It is the NTWLS' position that there should be a greater focus on the following principles to guide the redevelopment of the family law system:

- Recommendation: Ensuring that all parties, including children, are protected from domestic and family violence and abuse;
- Recommendation: Provision of therapeutic and other support services to families during the course of family law proceedings/disputes in order to assist families in resolving and managing family disputes; and
- Recommendation: Ensuring the family law system accommodates Aboriginal and Torres Strait Islander families and culturally and linguistically diverse families.

In accordance with these principles, the NTWLS supports the immediate implementation of the Women's Legal Services Australia Safety First in Family Law Plan ("the WLSA Five Step Plan"). This is an evidence-based approach drawn from research and recommendations from previous family law inquiries, emphasising the early determination of family violence in family law proceedings.

<sup>6</sup> Dr Alissar El-Murr on behalf of the Child Family Community Australia (Cth), Intimate partner violence in Australian refugee communities: Scoping review of issues and service responses.

<sup>7</sup> Report of National Advocacy Group on Women on Temporary Visas Experiencing Violence, Path to Nowhere: Women on Temporary Visas Experiencing Violence and Their Children, pg 10.

The Five Step Plan calls for the government to:

1. Strengthen family violence response in the family law system;
2. Provide effective legal help for the most disadvantaged;
3. Ensure family law professionals have real understanding of family violence;
4. Increase access to safe dispute resolution models; and
5. Overcome the gaps between the family law, family violence and child protection systems.

Regarding improvements to cultural competency within the family law system, the NTWLS supports:

- Recommendation: Working with Aboriginal communities to develop culturally appropriate family dispute resolution practices which are designed and developed by that community in order to ensure that it is in line with the particular cultural context and takes into account community dynamics;
- Recommendation: Increased funding to provide services to remote communities in a culturally safe and appropriate way, including family law, family dispute resolution, contact centres, counselling and family violence prevention/crisis services;
- Recommendation: Increased collaboration with existing services in remote communities, including Aboriginal services, (where appropriate). This may involve building the capacity of these services;
- Recommendation: Increased training for Aboriginal interpreters in communities in relation to family disputes and family law;
- Recommendation: Increased flexibility by the Family Court and Federal Circuit Court for parties who live in remote communities, including in relation to attendance in person at Court and Court deadlines;
- Recommendation: Increased knowledge and understanding among all areas of the family law system in relation to the remote context, including judicial officers, family report writers, family lawyers and family consultants.

We further note that there is no dedicated facility for the Federal Circuit Court to hear matters in Alice Springs or Tennant Creek. The Federal Circuit Court currently sits in the Alice Springs

Local Court three times a year and previously sat in the Northern Territory Civil and Administrative Tribunal building. The Family Court does not sit at all in the Central Australia or the Barkly region.

For urgent issues arising between sittings in Central Australia, the Barkly and Katherine regions, matters are conducted by telephone to Darwin. The Darwin Registry only facilitates two phone lines (one for each party to the proceedings), raising multiple issues for our clients. If a client is not located in close proximity to their legal representative and are unable to travel to their office for the court mention, they will be unable to participate in the proceedings. This can cause further delays in obtaining instructions, prevents these clients from being addressed directly by the Judge and can make them feel further disillusioned by an 'elitist' legal system that appears to be excluding them from the process.

(e) The effectiveness of the delivery of family law support services and family dispute resolution processes

#### **A Issues with accessing FDR where there is family violence**

In the NT context, there are currently three main family dispute resolution ("FDR") services, being Relationships Australia ("RA"), Anglicare and Family Law Conferencing through the Northern Territory Legal Aid Commission ("NTLAC"). Family Law Conferencing through NTLAC involves legal representatives and is subject to a financial means test set by NTLAC, consequently being available only to parties that meet this financial threshold. This service is accessible by the NTWLS as legal representatives for clients who meet same means test.

RA provides free Legally Assisted & Culturally Appropriate FDR. This is specifically targeted at people who identify as Aboriginal or Torres Strait Islander or CALD who have experienced an abusive relationship. This is not means tested enabling both parties, regardless of their income to access the service.

The NTWLS recognise that the costs in family law proceedings can be extremely high. In particular, the NTWLS recognise that there can be a gap in available low-cost legal services for families who are low-to-medium income and do not qualify for legal aid or community legal

centres in relation to property disputes. The NTWLS supports continued additional funding of free or low-cost legal services for this purpose, noting the expertise held by the NTWLS.

In light of these challenges, we support the continuation of funding for FDR services specifically designed for families experiencing domestic and family violence. The NTWLS supports the involvement of legal representatives in the FDR process in order to address unequal power dynamics, as well as other support services, such as counsellors and social workers, to assist families outside of the actual mediation. Further, the NTWLS considers that this service should be low-cost or free where a party to the dispute is experiencing financial hardship. The NTWLS recommends that FDR be undertaken at the earliest possible opportunity.

With respect to the legal and related needs of women and their children who experience and or at risk of domestic and family violence, best practise initiatives to prevent, address and reduce domestic and family violence supports multidisciplinary preventative and proactive holistic specialist women's legal services, such as the NTWLS.

- Recommendation: The Australian Government fund an expansion of existing models of Legally Assisted Family Dispute Resolution (LAFDR) in both parenting and property matters.
- Recommendation: The Australian Government to increase funding for Women's Legal Services specialising in domestic and family violence to continue to provide a preventative and proactive service.

(f) The impacts of family law proceedings on the health, safety and wellbeing of children and families involved in those proceedings

As noted above, the NTWLS supports the adoption of the WLSA Five Step Plan, which addresses urgent concerns relating to the health, safety and wellbeing of children and families engaged in family law proceedings.

(g) Any issues arising for grandparent carers in family law matters and family law court proceedings

In Aboriginal families, grandparents often play a critical care role alongside other family members as part of the kinship and child rearing practices of their culture. There are often three ways that grandchildren can come to live with their grandparents. Firstly, via parenting orders which are made by the Family Court of Australia or the Federal Circuit Court. Secondly, through the intervention of the child protection authority by protection order made in the local court. Thirdly, via an informal arrangement as a result of familial discussions and decision-making. We note that the family law system can provide a level of autonomy and control for a family that is not necessarily available when a care and protection order is made in the local court.

The *Family Law Act 1975* (Cth) expressly references the Convention on the Rights of the Child “CRC”), which acknowledges the rights of Indigenous children. Specifically, the *Family Law Act 1975* (Cth) requires the court to consider the right of the child to enjoy their Indigenous culture and the likely impact of any parenting order on that right, and it must have regard to kinship and childrearing practices of their culture.<sup>8</sup>

However, the accessibility of these family law options for Indigenous grandparents needs to be improved in order for grandparents to engage in the family law system. NTWLS recommends targeted funding be provided for Indigenous grandparents to access free, specialist, and culturally appropriate legal advice to provide knowledge about available legal options, leading to informed decision-making. It is also critical that legal representatives, the judiciary, court staff and service providers are trained to adequately identify and address the Indigenous family law needs and the kinship network.

- Recommendation: Availability of free, specialist, and culturally appropriate legal advice for Grandparents, specifically within remote Indigenous communities.

(h) Any further avenues to improve the performance and monitoring of professionals involved in family law proceedings and the resolution of disputes, including agencies, family law practitioners, family law experts and report writers, the staff and judicial officers of the courts, and family dispute resolution practitioners

<sup>8</sup> Explanatory Memorandum, Family Law Amendment (Shared Parental Responsibility) Bill 2005 (Cth) 11 [41], 14–15 [63], 17 [74], 26–7 [130]–[131]. These amendments implemented recommendations 1, 3 and 4 of Family Law Council, ‘Recognition of Traditional Aboriginal and Torres Strait Islander Child-Rearing Practices: Response to Recommendation 22: Pathways Report, *Out of the Maze*’ (Report, December 2004) 8 (*Response to Out of the Maze Report*).

All professionals involved in family law matters should receive regular and ongoing training in domestic and family violence as continuing professional development. Given NTWLS' specialist expertise, NTWLS is of the view that women's legal services should be funded to develop and implement this ongoing training.

NTWLS endorses WLSA's submission to on the Council of Attorney-general Family Violence Working Group's Consultation Paper: Options for improving the family violence competency of legal practitioners. NTWLS agrees that the following recommendations should be implemented:

- Recommendation: Women's Legal Services should be provided with on-going funding to deliver family violence training to CLC lawyers.
- Recommendation: Women's legal services in all States and Territories should be key partners in developing and implementing family violence training to legal practitioners.

#### Conclusion

We appreciate the opportunity to make this submission and to support ongoing policy and legal development for women in the NT.

Yours faithfully,

**NORTHERN TERRITORY WOMEN'S LEGAL SERVICES**

Janet Taylor

Managing Principal Solicitor, CAWLS, on behalf of the NTWLS