

domestic violence LEGAL SERVICE

8 May 2015

Secretary
'Ice' Select Committee
GPO Box 3721
DARWIN NT 0801

Via email: LCOMM@nt.gov.au

Dear Secretary,

DVLS SUBMISSION INTO ICE INQUIRY

We refer to the above Inquiry and thank you for the opportunity to comment on an issue that has had and continues to have a significant impact on our clients.

Confidentiality

We request that the case studies provided at Appendix A remain confidential. This request is made as, although all identifying information has been removed, the facts of each case study are sufficiently distinctive such that parties may be identified in such a small place such as Darwin. Our submission is provided on this condition.

Overview of our Service

The Domestic Violence Legal Service (DVLS) is funded by the Northern Territory Government Department of Attorney-General and Justice and operates under the auspices of the Northern Territory Legal Aid Commission.

DVLS is a standalone specialist legal service (two lawyers and one administration coordinator) providing a free legal service to victims and people at risk of domestic and family violence in the Darwin and Greater Region.

Annually, DVLS provides court duty assistance, individual legal advice and casework assistance to around 1250 victims and people at risk of domestic and family violence. Around 80% of clients are women and 20% men. Approximately, 20% of clients are Indigenous, and 15 % are born overseas.

In addition to legal assistance, DVLS provides referrals to victims who come into contact with the service to a range of other agencies and services, including counselling, parenting programs, drug and alcohol services, family law mediation and family law services.

DVLS also carries out advocacy on DV-related issues, contributes to law and policy reform in DV-related areas, and provides community legal education about NT domestic violence law and legal processes to community groups, government agencies and NGOs.

Limitations

Our current database does not capture statistical information of the number of clients accessing our service where Ice is a contributing factor to their need for protection. As such, our submission is limited to anecdotal evidence of our staff members. However, we note that the staff members who have contributed to the submission have worked within the service for a significant number of years, for example:

- Managing Solicitor has worked within the organisation since 2009;
- Previous Solicitor has worked for a period of 4 years in the service;
- Current Solicitor has been in the role since October 2013, and prior to this as a lawyer at the Central Australian Aboriginal Family Legal Unit since February 2012;
- Office Co-ordinator has worked within the organisation since 2010.

OBSERVATIONS

Several years ago, Ice was rarely mentioned by our clients. In the last 12-18 months, clients have increasingly cited the use of Ice to our service and / or in their application for domestic violence orders. Prior to this, we would have averaged one Ice related application every three months. It is now not uncommon to have one or two matters a week at court where Ice is cited as a major factor for the need for protection.

The increasing prevalence of Ice is of such concern due to the level and ferocity of the violence that accompanies its use. We often see cases where the Ice user goes on a rampage over a period of three to four days, where the victim is often held against their will and subjected to serious physical and sexual violence.

In addition, users often suffer serious mental illness as a consequence of their use. This means that their violence is often predicated on delusional thinking, making their actions unpredictable and uncontrollable. This causes tremendous grief and distress to family members. Because users are extremely irrational, children and other family members are at greater risk of serious physical harm, or death.

Clients often report a sudden deterioration in the other party's mental state. This can be over a short period of time. There is often a propensity for self-harm. This makes it extremely hard to

often assist victims as they wish to stay with their partners especially when they are having suicidal ideations. Family and partners often choose to stay in the hope that they can help and that the defendant will return to normal. This often places the family members at serious risk. It is not uncommon for these matters to result in the need for a police domestic violence order. Given the extreme nature of the violence that Ice engenders, we often see Department of Children and Families involvement when there are children to the parties.

When a domestic violence order is taken out, they are often in the form of a full non contact order. This is mainly due to the defendant being unable to have insight into their behaviour and the impact it has on their family. Often families cite the lack of support to assist the Ice user to get help. Sadly, we have seen the impact of the lack of services with a defendant recently committing suicide whilst the domestic violence order application was before the court.

To assist the Committee, we have provided six case studies illustrating the above observations of our service. Please see attached **APPENDIX A**.

RECOMMENDATIONS

1. Mental Health Facilities and Treatment Framework

It is critical that there are sufficient mental health services and facilities and a treatment framework that effectively responds to an Ice user's mental disturbances. In the present system, symptoms are regularly dismissed as merely the effect of the use of the drug and those affected are consequently ineligible for voluntary or involuntary treatment. Family members are completely unable to cope with the violence and propensity of self harm that Ice use provokes. Families need to know that when a loved one is delusional, erratic, and acting dangerously that the user can find appropriate medical care and be supported by family in accessing treatment.

2. Territory wide Domestic Violence Duty service for Defendants

It is our experience that many Ice users first contact with the court system is through being served with a Police domestic violence order or an application for a domestic violence order being sought by a partner or family member. Often the people seeking the protection do not wish to press charges. They simply want the violence to stop and for the defendant to seek treatment for their addiction. Often the Ice user is not in a position to afford a lawyer, and is often confused by the actual application; this combined with delusional thinking can be catastrophic as we have seen recently with the loss of a defendant in the last few months. A duty service could act as a triage service, providing appropriate referrals to mental health services and to medical treatment, and also alerting the appropriate organisations when someone is at serious risk of self harming.

A duty service for defendants will also have significant benefit for the protected persons. It is our experience that when a defendant receives legal advice about the process and their options, that there is a higher chance of compliance, and less animosity and anger directed towards the protected person. This provides a safer environment for the protected person. This especially is the case in Police domestic violence orders, as the defendant often does not understand or believe that the Police can bring the application regardless of the protected parties' wishes. Having a solicitor represent the defendant often eliminates this misunderstanding, resulting in less pressure being placed in the protected person by the defendant and / or their family to withdraw the application.

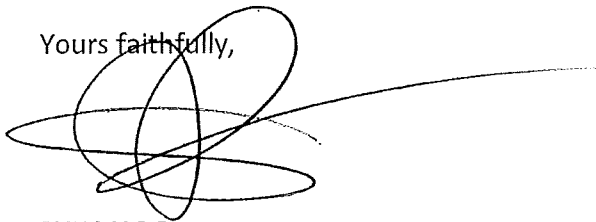
3. Education and Courses for Service Providers

Services on the ground require greater education on Ice and its impacts. Staff also need training on how they can remain safe when assisting parties who can often be erratic and delusional. We have found that Ice has created a whole new type of client, where the violence is extreme, sudden and sits outside the traditional "cycle of violence" framework that we normally work within.

If you would like further information on the above, please do not hesitate to contact me on (08) 8999 7977 or sue.phoo@dvls.nt.gov.au.

Once again we thank you for the opportunity to comment on this issue and look forward to working with the government in their response to 'Ice' in the Northern Territory.

Yours faithfully,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

SUE PHOO
Managing Solicitor