

THESE ARE NOT THE FINDINGS OR RECOMMENDATIONS OF THE CORONER

Inquests into the deaths of Miss Yunupiju (D0165/2018), Ngeygo Ragurk (D0219/2019),
Kumarn Rubuntja (A0002/2021) and Kumanjayi Haywood (A0058/2021)¹

COUNSEL ASSISTING'S CLOSING SUBMISSIONS – COMMON ISSUES²

19 August 2024

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¹ At the request of their families, the first names of the deceased have not been used during the inquests. They are each referred to in the manner requested by their families.

² These are the closing submissions of Senior Counsel Assisting the Coroner in relation to the common issues that arose during the course of these Inquests. They are not the findings or recommendations of the Coroner. These submissions have been provided to the interested parties in the Inquest, who have been granted leave to appear, so that they may make their own submissions in relation to these issues and the findings and recommendations that the Coroner may make.

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A. INTRODUCTION

When I first had my little boy... we used to be just violence... fighting... and it's got to stop... no more violence... it's not only for me it's for everyone... stop the violence.

Kumarn (R) Rubuntja, Tangentyere Women's Group film on *Hope and Healing*³

I invite all the accountability that this inquest can possibly create, and then some more, so that no more lives are lost.

Dr Chay Brown, Statement dated 8 November 2023⁴

Opening remarks

1. These submissions highlight some of the “common issues” encountered over the course of the Northern Territory Coroner’s in-depth Inquests⁵ into the deaths of four much loved women resulting from final acts of domestic family sexual violence (DFSV).⁶ While each of those Aboriginal women was unique and uniquely cherished, and each of them came from different areas of the Northern Territory, there was one aspect of their stories that was chilling in its similarity. Each of these women had suffered years of horrific, escalating violence in the lead up to their deaths. They each lived and died in fear for their lives, in spite of the efforts of family members and frontline service providers.
2. These submissions cannot hope to do justice to their lives, or to present those four women as they were in life: vibrant, hopeful, enriched by their Aboriginal cultures and much loved. Miss Yunupingu was a Yolŋu woman born in Yirrkala. She was 29 years old when she was brutally stabbed by Neil Marika, and she is survived by a child she adored, who was [REDACTED] years old at the time. Ngeygo Ragurk was a much loved sister, daughter, mother, and grandmother, who did not have biological children of her own but helped raise up many other children and grandchildren in her community of

³ <https://www.youtube.com/watch?v=v6um1EReLs4>

⁴ (Common brief: 1-2BBB).

⁵ The Coroner heard evidence in relation to the deaths of Kumanjayi Haywood from 13 to 16 June and 22 to 23 June 2023 at Alice Springs Local Court, and in relation to the death of Ngeygo Ragurk at Darwin Local Court from 26 to 30 June and 2 to 3 July 2023. The death of Miss Yunupingu was examined at a hearing from 14 to 18 August 2023 at Darwin Local Court, and the Coroner heard evidence in relation to the death of Kumarn Rubuntja at Alice Springs Local Court from 21 to 25 August 2023. For two weeks from 30 October to 10 November 2023, and then a final day on 20 May 2024, the Coroner heard evidence from institutional and organisational witnesses, experts and other individuals, in relation to common and systemic issues.

⁶ The term “domestic, family violence” (or DFV) is described in the NT Government’s 10 year Framework as “violence targeted at spouses and partners as well as people in a family relationship, including a relative according to Aboriginal tradition or contemporary practice”. See p11 (Common brief: 7-76). It is elsewhere referred to as Domestic, Family Sexual Violence (or DFSV) or “family violence”. Both of those terms are used in these submissions.

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Minjilang on Croker Island. She spoke three traditional languages (Mawng, one of the languages on the Goulburn Islands and Croker Island; Kunwinjku, one of the languages spoken in West Arnhem Land, and Kunbalang, her maternal grandmother's language and people). She was only 40 years of age when she was bashed to death, strangled and drowned by Garsek Nawirridj (aka Moreen), within metres of the public on the shores of Mindil Beach. Kumanjayi Haywood was born in Tennant Creek and had two young children when she died, aged 34 years, as result of horrific burns caused by her partner, Kumanjayi Dixon, setting her on fire. Kumarn Rubuntja was raised on the lands of the Western Arrernte people in Alice Springs and had family in Hermannsburg and surrounding communities. She was a fierce advocate for other victim/survivors of DFV but was killed on 7 January 2021 after being repeatedly and deliberately run over by her then partner, Malcolm Abbott. She has been described by those who worked alongside her as strong, funny and smart, and she dearly loved her children.

3. On the first day of these Inquests, the Court heard that since the year 2000 in the Northern Territory, 79 women had been killed by a partner or former partner, and that seventy-four of those women were Aboriginal.⁷ Since oral hearings began in June 2023, as at the time of these submissions it is known that a further four women have been killed by a partner or former partner, and at least one other death is under investigation. All of these women were Aboriginal women. The true harms that are caused by their deaths cannot be calculated - multiple family members are devastated; children are left without care; the generational trauma of those children and other family members is perpetuated; and more of our frontline service providers who knew these families or responded to the emergency call (or perhaps failed to because of completing resources) will have been traumatised.
4. The worsening scourge of domestic and family violence in the Northern Territory goes beyond these tragic deaths, and the stories told in this Court are all too familiar. Among the genuinely shocking statistics the Court learnt over the course of the Inquest, the following stood out:
 - (a) DFSV rates in the Northern Territory are **far higher** than in other jurisdictions in Australia.⁸
 - (b) In 2021, the rates of domestic and family violence related assault were **three times** the national average, and **five times** that of most other jurisdictions where data is reported.⁹

⁷ Transcript of the Inquest into the death of Kumanjayi Haywood, 13 June 2023 at T11.

⁸ Brown, C and Leung, L. – The Equality Institute, *Evidence Snapshot: what we know about domestic, family and sexual violence in the Northern Territory – and what we don't* (Common brief: 11-6). See also DFSV-ICRO Mapping Report, dated 1 May 2023 at p19 (Common brief: 7-21).

⁹ Brown, C and Leung, L. – The Equality Institute, *Evidence Snapshot: what we know about domestic, family and sexual violence in the Northern Territory – and what we don't* (Common brief: 11-6). See also DFSV-ICRO Mapping Report, dated 1 May 2023 at p19 (Common brief: 7-21).

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- (c) In 2021, the rate of domestic and family violence-related homicide in the Northern Territory was **seven times** the national average.¹⁰
 - (d) 40% of DFV-related assaults in the NT involve weapons, a higher proportion than any other Australian jurisdiction.
 - (a) Aboriginal women in the Northern Territory are 40 times more likely to be hospitalised as a result of family violence.¹¹
 - (b) NT Police statistics that show DFSV accounts for somewhere between 50-80% of police time.
 - (c) Between 2022 and 2023, the number of hours NT Police spent on domestic violence cases had jumped from 712,000 to 882,000. Based on those statistics, the cost of DFSV to NT police was projected to reach \$156 million by 2027 and \$209 million by 2030 – almost half of the entire police operating budget.
 - (d) 6/10 of incarcerated men in the NT are on remand or serving sentences for DFSV related offences.¹²
5. As if these current statistics were not shocking enough, the evidence revealed that the problem is getting worse. As Deputy Commissioner Michael White explained, in the past 10 years, NT Police recorded a 117% increase in the number of DFSV reports, and they predict a further 73% jump during the next decade.¹³ For the past five financial years, each year there has been an increase in reported domestic violence incidents across the Northern Territory.¹⁴
6. During 2021-2022, an estimated 712,649 hours of police time were dedicated to responding to reported domestic violence incidents. This equates to 387 full time police working solely on responding to domestic violence incidents for the entire year to meet the current demand for police services in the Northern Territory. During 2022-23, the average total hours spent on domestic violence incidents in the Northern Territory increased to 882,000 hours, with a reported 37,621 domestic violence incidents.¹⁵

¹⁰ Brown, C and Leung, L. – The Equality Institute, *Evidence Snapshot: what we know about domestic, family and sexual violence in the Northern Territory – and what we don't* (Common brief: 11-6). See also DFSV-ICRO Mapping Report, dated 1 May 2023 at p19 (Common brief: 7-21).

¹¹ Statement of Michael Torres dated 3 October 2023 p3 (Common brief: 1-9).

¹² Supplementary statement of Dr Chay Brown dated 19 May 2024, p3 (Common brief: 1-2CCC).

¹³ Evidence of Deputy Commissioner Michael White, Inquest into the death of Ngeygo Ragurk, 3 July 2023 at T375, T379.

¹⁴ Statement of Deputy Commissioner Michael White, 20 October 2023 (Common brief: 2-5).

¹⁵ Statement of Deputy Commissioner Michael White, 20 October 2023 (Common brief: 2-5) at [41].

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7. Domestic Violence across the Northern Territory for 2022-2023 was estimated to take up \$101 million in activity hours of police, which is close to 24% of the Police budget. Projected costs of the police response to domestic violence incidents were calculated purely based on the existing trend line of the data. Using this trend line, it was determined that the cost of police response to domestic violence in 2026-27 at a minimum will be in excess of \$156 million. This projection does not consider factors such as inflation. It is projected that the response to domestic violence in 2029-30 will cost \$209 million.¹⁶
8. Police applications for domestic violence orders have also increased from 3,138 in 2018/2019 to 4,231 in the last financial year, demonstrating a 34% increase over that period. It is likely that these numbers will continue to increase.¹⁷
9. Domestic, family and sexual violence is not unique to the Northern Territory, but the scale of the problem is the worst in the country. This is our national shame.
10. Police response times have more than doubled in most parts of the Northern Territory over the past five years, meaning that code one callouts (which should be acted on within 10 minutes) are now taking an average of 43 minutes for police to respond to. A report commissioned by NT Police and tendered to the Coroner proved what Territorians have been saying anecdotally for years: the average police response time has blown right out and is not sustainable. From 2018-19 through to 2022-23, the average minutes to respond to priority 1 callouts in the main centres has increased by 96%, or nearly doubled, with increases of 90% in Palmerston, 108% in Darwin, 109% in Alice Springs, and 165% in Casuarina. While increases are smaller in Humpty Doo (56%), Katherine (53%), and Tennant Creek (16%), they are still worrying and part of an alarming trend.¹⁸
11. In 2022-23, approximately 15% of priority 1 callouts, 35% of priority 2 callouts, and 57% of priority 3 callouts (41% overall) did not have a unit recorded as arriving at all.¹⁹
12. Those delays have a devastating impact on callers and call takers. Those calling for help may face injury or death, and even when they escape serious physical harm, it can erode faith and trust in police. For police officers themselves, who join the Northern Territory force with the aim of upholding its motto “to serve and protect”, this can contribute to burn out, disillusionment, a sense of hopelessness, post-traumatic stress disorder (PTSD), long term sick leave and leaving the force.
13. The Court received written and oral evidence from a number of highly skilled police officers of various rank. Many of the police who gave evidence at Inquest had been deeply affected by the weight of the

¹⁶ Statement of Deputy Commissioner Michael White, 20 October 2023 (Common brief: 2-5) at [46].

¹⁷ Statement of Deputy Commissioner Michael White, 20 October 2023 (Common brief: 2-5) at [47].

¹⁸ Statutory declaration of Carolyn Whyte dated 24 August 2023 (Common Brief: 2-6).

¹⁹ Statutory declaration of Carolyn Whyte dated 24 August 2023 (Common Brief: 2-6).

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work, its relentless nature, the lack of resources and the worsening of the problem. Senior Constable Brad Wallace, an initiated Arrernte man and police officer with over 25 years' experience, gave a compelling account of what it is like for even a highly experienced officer, with a deep cultural knowledge, to work in general duties:²⁰

Even though I was part of the central Australian Arrernte community and I know a lot of people in remote communities, it wasn't until I was working a van in Alice Springs and then I moved into the domestic violence and the child abuse task force, did I truly get an appreciation of where we're at with what's going on in our community. And yeah, your honour, it shocked me ...

I've never been exposed to the level of frequent and high level violence that I see in my day to day duties in Central Australia.

14. While it is well understood that DFV is perpetrated across Australia by persons of all cultural and socio-economic backgrounds, the Northern Territory confronts the stark reality that the frequency and lethality of violence in this jurisdiction is the worst in the country. An understanding of why DFV is so much worse in the Territory requires an understanding of history, and of the terrible impact of colonisation and structural inequality on all Aboriginal peoples across Australia, and particularly in parts of the Territory.
15. An inescapable truth, evidenced in these Inquests and in the deaths over the last two decades, is that most Aboriginal women killed by a violent partner in the Northern Territory are killed by Aboriginal men. That fact should not be used to demonise Aboriginal men or women, but rather, to understand why both genders are the victim of horrific levels of trauma and violence that is directly attributable to disempowerment and decline post colonisation. To own that truth does not denigrate Aboriginal men, and nor does it excuse the violence. It is simply part of the factual matrix that, if responded to with good will, commitment and compassion, will help lead to the right actions to reduce violence.
16. In the NT's *Domestic, Family and Sexual Violence Reduction Framework 2018-2028*, the authors explain the "lateral violence" impacting many Aboriginal families and the way in which it contributes to DFSV. They wrote:²¹

Lateral violence, also known as 'horizontal' or 'sideways' violence or intra-racial conflict, is a product of a complex mix of historical, cultural and social dynamics that results in a spectrum of behaviours that include: gossiping, jealousy, bullying, shaming, social exclusion, family feuding, organisational conflict and physical violence. Lateral violence has sometimes been described as stemming from "internalised colonisation" and/or "internalised sexism".

²⁰ Evidence of Senior Constable Brad Wallace, 7 November 2023, at T465.

²¹ p30 (Common brief: 7-76).

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17. While alcohol is not the cause of DFV, severe intoxication is a feature in each of these deaths examined by the Coroner and in so many vicious assaults that police are called out to in the Northern Territory. It is no coincidence that in a jurisdiction with the highest death and injury rate from DFSV, per capita alcohol consumption is one and a half times higher than the Australian average, with alcohol consumption rates for Aboriginal and non-Aboriginal people higher than the national average in every age category.²² No serious policy to tackle violence can ignore the ‘rivers of grog’ that have fuelled it, and have lined the pockets of those in the alcohol and gambling industries in the Northern Territory. They too should be part of a solution that promotes more ‘responsible’ drinking, rather than ejecting consumers after they have spent their money becoming intoxicated.
18. Across the weeks of hearings in these Inquests, the Court saw junior and senior men and women from across sectors, including frontline policing; the JESCC call centre; emergency shelters; crisis support workers and policy makers, breaking down in tears as they described their trauma, fear and frustration. That is a marker of their care about the issues and the terrible personal cost of doing so.
19. The increase in response wait times mirrors evidence of an increase in unmet demand for other services needed by the victims of DFSV, including women’s shelters and counselling. Just as police suffer when they cannot protect those most in need and cannot get through their case load, so too do other frontline staff, particularly those offering emergency support and crisis counselling where demand for services has increased, and baseline funding has gone backwards.
20. Deputy Commissioner Michael White perfectly expressed what victim/survivors know about DFSV, and what is known by other first responders and those working in the criminal justice system when he said: “We’re at an epidemic proportion and I can’t see a way out of it unless there’s radical change”. He echoed the evidence of so many witnesses before the Inquest when he said: “It is no longer an option for the current status quo to continue”.²³
21. This issue should be at the core of any discussion about how to make the Northern Territory a jurisdiction that is fair, safe and prosperous for all who live and work here. There is no “law and order” strategy that will be effective, without a long term sustained investment in a coordinated DFSV response that prioritises the health and welfare of victims, as well as those who respond to help them.
22. Although the initial reaction to increasing rates of violence may be to call for a more punitive response, including higher prison terms or more arrests, it is obvious that the scourge of DFSV will not be reversed by “arresting our way out of this”. As the Court heard, the NT already has the “dubious

²² NT Government Ten year strategy 2018-2028, “Domestic Family and Sexual Violence Reduction Framework, p14 (Common brief: 7-75).

²³ Evidence of Assistant Commissioner Michael White, 1 November 2023, at T180.

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distinction of having the highest rate of incarceration for indigenous peoples” in the world.²⁴ Professor Harry Blagg, an expert in DFSV and trauma gave evidence that high rates of family and domestic violence are largely traceable back to trauma, loss and grief in communities and families.²⁵ While a well-resourced criminal justice system is important, locking up offenders (most of whom have been directly or indirectly victimised by violence themselves) it is not a long term solution to preventing the harms or healing the victims/survivors.

23. The Court heard from the most senior Police in the Northern Territory, including Assistant Commissioner Michael White, Commander Sachin Sharma and Superintendent Kirsten Engels, who are experts in the area of DFV and have demonstrated that they are committed to working with the community sector. Those senior officers are convinced of the need for a commitment to sustained and increased resourcing (of all sectors battling DFV, not just police) and a radical approach to cooperation and skills sharing, in order to turn back the tide.
24. Senior Police joined with other subject experts, including long term victim/survivor advocates, the Commissioner for Corrective Services, the first Domestic, Family and Sexual Violence Commissioner, Men’s ‘behavioural change’ advocates, survivors of violence and their families in calling for a serious increase in funding, and (just as importantly) a longer-term commitment to sustainable funding.
25. The evidence is in: there must be adequate crisis support to address those immediately at risk, **and** a long-term, co-ordinated approach focused on prevention of further violence. That requires support for current and potential victims of violence, **and** rehabilitation and monitoring of perpetrators.

Issues: facts and themes in common

26. In the case of each of the four women whose deaths were the subject of these Inquests, three characteristics stood out. **First**, the violence began with coercive control, including jealousy, and escalated quickly into physical violence; **second**, the deaths involved extreme violence and physical force, with a variety of lethal weapons and **third**, each of the perpetrators was known to police for their acts of violence on other and **fourth**, none of them (or their victims) were currently part of the Family Safety Framework, in spite of the fact that they were clearly at risk of being seriously injured, given the men they were in relationships with.

²⁴ Evidence of Professor Harry Blagg, 9 November 2023, at T674.

²⁵ Report of Professor Harry Blagg, “Rehabilitation and Diversionary Programs delivered to Aboriginal Men and Women in Prison in the Northern Territory” 2022 at p5 (Common brief: 11-5).

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27. A review of the deaths in these Inquests revealed facts that are shocking, and yet they will come as no surprise to Aboriginal women, nor to service providers like Women's Crisis shelters, NT Police, doctors, nurses and ambulance officers. They include:
- (a) a system crumbling under the shocking lack of investment in preventing DFV - over many generations and successive governments,
 - (b) rates of DFV getting worse and projected to get much worse again over the next decade,
 - (c) victims experiencing shocking levels of violence, over many years and the use of weapons to inflict life threatening injuries in the lead up to a death,
 - (d) chronic underfunding of women's and children's crisis accommodation and support services, meaning they have gone backwards in their ability to meet demand,
 - (e) chronic underfunding and underinvestment in programs and case work for the perpetrators of violence,
 - (f) tacit acceptance of the level of violence against women, and a failure of communities to speak out and hold perpetrators (mostly male) accountable,
 - (g) a dramatic increase in callout times for NT Police to arrive on scene at a domestic violence incident,
 - (h) unprecedented levels of vicarious trauma and PTSD affecting frontline workers who witness DFV or its aftermath, and feel powerless to reverse the trend,
 - (i) frontline workers on long term sick leave, adding to the workload of those who remain in employment,
 - (j) challenges recruiting staff to the NT to fill important positions across the sector, particularly in Territory Families Housing and Communities (TFHC), Police and crisis shelters,
 - (k) challenges keeping staff in positions (specially in TFHC, when the work is so demanding),
 - (l) lack of any long term suitable accommodation for the victims of DFSV,
 - (m) misidentification of victim/perpetrators and a lack of understanding of coercive control,
 - (n) the impact of generational trauma on Aboriginal people in the NT, since colonisation, and a lack of culturally appropriate healing services needed to respond to that trauma, and

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- (o) chronic underinvestment in the interpreter service meaning that there are challenges for victims and service providers across the NT in every relevant sector.

The need for a DFV-lens for all frontline staff

- 28. While the Court heard much evidence from hardworking, caring and skilled professionals across the frontline services, there was also evidence of many missed opportunities to intervene to prevent violence and, in some cases, a lack of understanding about the complexity of DFV. Some frontline personnel responded poorly to victims and/or inadvertently colluded with perpetrators. This was articulated by senior policy lawyer, Penny Drysdale,²⁶ as follows:

[D]uring my work over the past five years I have formed a belief that the day-to-day responses to DFV in the NT often fall well short of a reasonable standard. There are many dedicated personnel in police, health services, courts, child protection, and other statutory and universal services doing a skilled job to respond to DFSV in challenging circumstances. However, it is also true that many frontline personnel do not respond to people who commit DFV or to victim-survivors of DFV with a DFV-informed lens, nor do they draw on specialist DFV knowledge. Oftentimes frontline responders do not identify or manage the risks associated with DFV. This allows the cycle of violence to continue over many years and does not contribute to the prevention of DFV. Tragically this results in ongoing harm, especially to women and children, and on too many occasions, the loss of life. I believe the majority of men who commit violence in the NT are not challenged about their conduct or receive any real intervention to help them stop using violence. The evidence I have heard in the DFV-related Coronial inquests has confirmed these beliefs. I believe this is a travesty when DFV is preventable. I believe with good will and DFV expertise all government and non-government organisations can respond more effectively, and in a joined-up way, to prevent violence.

- 29. As the Court heard, some of the stress for frontline staff, whether it be in a Women's Crisis Centre, NT Police called to the scene or a JESCC operator, is wondering if the one person they didn't get to help that night is going to be the one who loses their life to an act of violence.
- 30. In each of the cases of Kumanjayi Haywood, Kumarn Rubuntja, Miss Yunupiju and Ngeygo Ragurk there were service providers asking themselves what, if anything, they could have done differently, to prevent the final acts that caused their deaths. While it is worthwhile asking those questions for the purpose of identifying problems in our systems, and opportunities to improve them, this Inquest has been conducted in a way that aims to avoid any focus on individual blame, and to recognise the heroic

²⁶ As outlined below, Penny Drysdale is a senior policy lawyer who was appointed the AGD's representative on the Northern Territory Government's Domestic, Family and Sexual Violence Interagency Co-ordination and Response Office (ICRO).

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efforts of so many frontline workers in the NT across the professions, to try to prevent injury and death.

The need to respect, support and elevate senior police in charge of domestic family violence

31. It is only since the commencement of this Inquest that NT Police have appointed an Assistant Commissioner in charge of Domestic Violence and Youth, and Commanders have been appointed to be in charge of the police response to domestic violence in both the Top End and in the Southern Region. The position of Assistant Commissioner in Charge of DFV and Youth is currently Assistant Commissioner Michael White, who received widespread thanks and recognition through the Inquest, for his assistance to the sector and this Court. Assistant Commissioner White gave evidence that this is a significant step forward and reflects the Police Force's serious prioritisation of the domestic and family violence problem that exists in the Northern Territory.²⁷
32. Given the amount of Police time and resourcing that DFV accounts for, the positions of Assistant Commissioner, Commander and Superintendent, should be filled by the most experienced officers, who should be incentivised to stay in those roles. That is vital, in order to secure and build on a relationship of trust between NT Police and the DV sector. In his oral evidence Commissioner Murphy agreed with that and committed to the current Assistant Commissioner, Commander and Superintendent to remaining in their roles. Recommendation 12 is directed towards this.
33. The Court heard evidence of a new Police General Order relating to DFV which commenced in November 2023 and, amongst other changes, educates police on coercive control, updates issues in relation to risk assessment and imposes auditing obligations on an expanded Domestic and Family Violence Unit (DFVU). That will be empty rhetoric if the reforms are not driven by senior police who will require support and significant human resources.

A note on recommendations made by a Coroner

34. In addition to the Coroner's core function to make findings about facts such as the identity of those who have died, and their physical cause of death, the Coroner has an important death prevention function, achieved by making recommendations to the Northern Territory Government that are aimed at preventing similar deaths. At the conclusion of these submissions, there are 30 recommendations focused on that aim.

²⁷ Affidavit of Assistant Commissioner White dated 20 October 2023 at [18] (Common brief: 2-5).

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35. While the recommendations speak for themselves, there are some aspects that need highlighting here.
36. It became apparent during the Inquest that in 2022, the NT Government had an excellent initiative in the establishment of a 12-month Domestic Family and Sexual Violence Inter-Agency Co-ordination and Reform Office (abbreviated to ICRO), to enable relevant agencies to work together in a co-ordinated way with a single point of accountability, to prevent and respond to DFSV in the NT.²⁸ The ICRO was staffed by one representative from each of the five relevant agencies – Police, Health, Justice, Education and Territory Families – and was located in the Reform Management Office in TFHC. The work of ICRO was an excellent example of collaboration between government departments, and between government and non-government. It involved extensive and good faith cooperation.²⁹
37. The ICRO working group identified that \$180 million over five years was the "absolute minimum" the government needed to provide to the DFV sector (not including the amount required to address the shortfall in baseline funding for crisis services like women's shelters). Not only was that amount identified, but it was carefully allocated to new and existing initiatives, and thoughtfully and clearly outlined in Action Plans 1 and 2 and a Mapping Report. The amount of \$180 million can be seen as modest and a sensible investment in the future of all Northern Territorians, given that DFV is estimated to cost the community somewhere between \$457.2 million to \$606.1 million each year.³⁰ It is glaringly obvious that an investment in the ICRO funding plan would save millions of dollars that will be needed later if the money is not spent.
38. The work of ICRO was designed to complement and fit within the Northern Territory's ten year plan – "*Domestic Family and Sexual Violence Reduction Framework 2018-2028: Safe, Respected and Free of Violence*"³¹, and the *National Plan to End Violence against Women and Children 2022-2023*.³²
39. Sadly, as the Inquest heard, the initial response of Government was dispiriting. Instead of the longer-term commitment (a key aspect of the plans) of \$180 million over five years, the 2022 Government commitment was \$20 million over 2 years. This was revealed during the course of the Inquests and was devastating to anti-domestic violence campaigners.³³

²⁸ Statement of Penny Drysdale dated 26 October 2023, at [30] (Common brief: 1-3).

²⁹ Statement of Penny Drysdale dated 26 October 2023, (Common brief: 1-3).

³⁰ Mapping Report, Annexure 2 (Common brief: 7-83).

³¹ (Common brief: 10-14).

³² (Common brief: 9-9).

³³ Dr Chay Brown, for example described it as a "betrayal": <https://www.abc.net.au/news/2023-09-01/nt-domestic-violence-funding-announcement-labelled-betrayal/102800752>.

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40. The ICRO's carefully costed plans, which are clearly articulated and mapped, are not only based on expert collaboration, but they are common sense. They mirror many of the recommendations made in the past by the NT Coroner,³⁴ Boards of Inquiry³⁵ and Royal Commissions.³⁶
41. The community is entitled to ask the rhetorical question: "what is the point of spending money on frameworks, working groups, inquiries and inquests, if the recommendations of experts are so easily ignored, without explanation or accountability"?
42. While the Coroner has the power to make recommendations, the community relies on governments to listen. The urgent need to tackle DFSV should enjoy bipartisan support. It is too important for party politics, and nothing in these submissions is intended to express support or criticism of any political party.
43. It is hugely encouraging that in July 2024, three months after this Court adjourned and while submissions were being written, both major NT political parties publicly committed to spending \$180 million over five years to combat DFSV, although the detail of that spending is yet to be revealed. The recommendations attached to these submissions should be understood as supporting the funding plan as mapped out by ICRO. Where possible, Counsel Assisting has referenced some of the recommendations to ICRO Action Plan initiatives. Nothing in these submissions should be understood as cutting across those recommendations, which were the subject of collaboration over many months, by experts, many of whom have dedicated their entire working lives to combatting family violence. Neither is it suggested that \$180 million over five years is sufficient, particularly since that did not factor in the urgent need to provide for an increase in baseline funding for crisis services.
44. Six things then might be highlighted here in relation to the recommendations:
 - (a) **First**, they are intended to fully embrace and support the ICRO Actions Plans and Mapping Report,
 - (b) **Second**, they recommend an urgent increase in baseline funding for frontline DFSV services like crisis accommodation and outreach,
 - (c) **Third**, they emphasise that men must be part of the solution, and that prevention of violence requires widespread, culturally appropriate programs to change attitudes and behaviours.

³⁴ *Roberta Curry* [2022] NTLC 010; *HD* [2021] NTLC 029; *Sasha Green* [2018] NTLC 016; *Wendy Murphy and Natalie McCormack* [2016] NTLC 024.

³⁵ For example, the 'Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse; *Ampe Akelyernemane Meke Mekarle; Little Children are Sacred* (2007).

³⁶ Report of the 'Royal Commission into the Protection and Detention of Children in the Northern Territory' (2016).

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Supporting men to own their actions and change their behaviours should be understood as part of the plan to support women, children and the broader community,

- (d) *Fourth*, a properly funded and sustainable a co-responder model is an essential reform to assist police to manage the worsening DFSV crisis and it cannot be funded in a piecemeal, or short-term way, that will set it up to fail. While the current Alice Springs pilot is a good start, the funding is seriously inadequate and falls well short of the original costing. An obvious example of why this is important is that with respect to two of the women whose deaths are the subject of these Inquests - Miss Yunupiju and Ms Haywood - a five year non-contact DVO was in place to try to keep them safe from their partners, but it was not effective. While DVOs have their place, further initiatives that are less blunt, and more coordinated, are required,

- (e) *Fifth*, one consistent theme the Court heard throughout the Inquests was that there is a chronic skills shortage across most areas affecting services for the victims of DFSV, including in TFHC, NT Police, crisis accommodation and outreach services, NT Corrections, NT Health and the interpreter services, that is worse following the COVID epidemic. That suggests a need for Government to coordinate a short, medium and long-term Workforce Strategy, targeting the workforce needed to address DFSV and involving the local university and communities,

Included within the issue of workforce planning in the NT, must be recognition of the lack of interpreters to assist service providers responding to DFSV. There should be a greater investment in the Aboriginal Interpreter Service to assist with recruiting and retaining staff. The shortage of available interpreters was obvious even for the purpose of these Inquests, where the Court was committed to trying to hold the Inquest in a way that is inclusive and allows Aboriginal families to participate. While the Court had the expert and excellent help of Ms Valda Napurrula Shannon for several of the Inquests, if she was unavailable, the Court was left without a Warlpiri interpreter. The Court was also invaluablely assisted by other skilled interpreters, but the availability of these interpreters was uncertain up until each day of Court, because of their limited numbers. The Court heard that interpreter shortages are experienced across the services and create a real barrier for the victims of violence seeking to communicate their need, and

- (f) *Sixth*, experts agree that while alcohol doesn't cause DFSV, it is a major enabler and increases the probability, frequency and severity of violence. Knowing that, there is a gross hypocrisy in allowing licensed dine-in or takeaway outlets to sell alcohol to intoxicated persons, and then to complain of the social carnage that results. Any DFSV strategy must include the most effective and appropriate controls on alcohol, driven by independent, evidence-based advice,

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not profit or convenience. Outlets selling alcohol have a responsibility to train staff to recognise when they can play a role to reduce the risk to the victims of DFV. There are recommendations at the end of these submissions that address this issue.

Accountability after the Inquest findings

45. Maree Corbo, Manager of the Family Safety Programs at Tangentyere Council Aboriginal Corporation, expresses the hope of so many of the witnesses who the Court heard from throughout the Inquest when she said:³⁷

I am by nature an optimistic person and I think to work in the domestic and family violence (DFV) space in the Northern Territory you must be. You have to hold hope, hope that things will get better, that change will occur. I walk in solidarity with the Tangentyere Women's Family Safety Group, a strong group of Aboriginal women who, despite everything, hold eternal hope for their communities, and a hope that not one more woman dies as a result of violence.

I know that during this inquest I should have a feeling of impending change and hope, however, I am worried. I am worried that this inquest will not bear fruit and that life will go on, sadly we have seen this happen with various reports, inquests recommendations and evaluations.

46. For most Territorians, the desire to live in a safe community, free from violence and property crime, is a key priority. Advocates for change, families, government employees and front-line service providers have invested greatly in these Inquests, as have the lawyers who appear for them. Despite their commitment, it is inevitable that this Court will be called on again to hold an Inquest into the deaths of women who have died as a result of DFSV. That will provide this Court with the opportunity to review what action has been taken by relevant agencies who made promises in these Inquests, and by the Government of the day, which will be called on to respond to its recommendations. At least in that way, there is some accountability to the community and to the women whose lives are taken.
47. The Court would have been impressed by the cooperation of the interested parties represented at the Inquest, and by so many of the witnesses who dedicated their time to preparing written and oral evidence, many of whom have spent many years working in and for the Northern Territory and are deeply invested in community safety and real reform. These inquiries are conducted for the benefit of all Territorians, and it is the sincere hope of those who participated, that the Court's recommendations will be implemented fully, and that meaningful, long term change will result, so that the tide of violence can be turned.

³⁷ Statement of Maree Corbo dated 1 November 2023, at [3]-[4] (Common brief: 1-2C).

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Role of the Coroner in investigating these deaths

48. A Coroner has the power to consider this seemingly overwhelming problem of DFV in the NT in the context of specific unlawful killings by domestic partners. The *Coroner's Act 1993* provides that a death in the Territory is a "reportable death" if it appears to have been a violent death or to have resulted from an injury³⁸. A Coroner has jurisdiction to investigate a death if it appears to be, or may be, a reportable death,³⁹ and must investigate such a death if it is reported to him or her.⁴⁰
49. Miss Yunupiju died on 4 October 2018 in Darwin, after being stabbed in the chest, back and arm by her partner, Neil Marika.
50. Ngeygo Ragurrk died on 23 December 2019 at Mindil Beach in Darwin, as a result of multiple blunt force head injuries that were inflicted by her partner, Garsek Nwarridj, with a contributing factor being pressure to the neck and immersion in water.
51. Kumarn Rubuntja died outside Alice Springs Hospital on 7 January 2021 from multiple blunt force (crush-type) injuries, after being deliberately and repeatedly run over by a car driven by her partner, Malcolm Abbott.
52. Kumanjayi Haywood died on 7 November 2021 at Alice Springs Hospital, as a result of extensive burns to 90% of her body caused by her partner, Kumanjayi Dixon. She had been hiding in a bathroom, taking refuge from an ongoing attack by Kumanjayi Dixon, when he poured petrol under the door of the bathroom and set it and her alight. Kumanjayi Dixon also died as a result of burns he sustained in that fire.
53. The deaths of Miss Yunupiju, Ngeygo Ragurrk, Kumarn Rubuntja and Kumanjayi Haywood were each horrific and they were also "reportable deaths" in the language of the Act. A police investigation was conducted on behalf of and at the direction of the Coroner in relation to each of these deaths.
54. A Coroner investigating a death must, if possible, make formal findings about the identity of the person who has passed away, the time and place of their death, the medical cause of their death and "any relevant circumstances concerning the death".⁴¹ In each case, there is no controversy as to any of the formal findings, but the real focus is on the relevant circumstances concerning each of the deaths.

³⁸ *Coroners Act 1993*, s12(1)(a).

³⁹ *Coroners Act 1993*, s14(1).

⁴⁰ *Coroners Act 1993*, s14(2).

⁴¹ *Coroners Act 1993*, s34(1).

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55. Why then, hold a public inquest, with witnesses being called to court, if so much is already known about the deaths? Where a Coroner has jurisdiction to investigate a death, the Coroner may, if he or she thinks fit, hold an inquest if the death occurred in the Territory and the Coroner suspects unlawful killing.⁴² The deaths of Miss Yunupiju, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjayi Haywood were unlawful killings. The Territory Coroner, Judge Armitage, determined that it was appropriate to hold an inquest into the circumstances of each of these deaths, in the context of the appalling rates of domestic violence killings in the Northern Territory and the worsening DFSV crisis.

Role of the Coroner's Court

56. Section 34(1)(a) of the *Coroners Act* requires the Court to make findings, if possible, as to the identity, date, and place of death; the cause of death, and must, if possible, find:
- (i) the identity of the deceased person; and
 - (ii) the time and place of death; and
 - (iii) the cause of death; and
 - (iv) the particulars needed to register the death under the *Births, Deaths and Marriages Registration Act 1996*; and
 - (v) any relevant circumstances concerning the death.
57. The *Coroner's Act* provides that '[a] coroner may comment on a matter, including public health or safety or the administration of justice, connected with the death ... being investigated',⁴³ and '[a] coroner may report to the Attorney-General on a death' they investigate.⁴⁴ Further, '[a] coroner may make recommendations to the Attorney-General on a matter, including public health or safety or the administration of justice connected with [such] a death'.⁴⁵
58. Death prevention (saving lives) is a major part of the Coroner's function.
59. The function of the Coroner's Court is very different to the function of a criminal court. This Court is not concerned with punishing the offenders of the domestic violence, who have already been dealt with at law,⁴⁶ and who are often also the victims of trauma, dispossession, and violence. Nor is the function of this Court to award compensation under a civil scheme. It is also not the aim of an inquest to shame individual decision-makers working for Government agencies or services aiming to help

⁴² *Coroners Act 1993*, s15(1A).

⁴³ *Coroners Act 1993*, s34(2).

⁴⁴ *Coroners Act 1993*, s35(1).

⁴⁵ *Coroners Act 1993*, s35(2).

⁴⁶ *Coroners Act 1993*, s34(3).

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stop the cycle of violence and protect victims. It is not to criticise policy or strategy makers, who have a huge task in determining how to lower those shocking statistics. Rather, the aim of an inquest is to identify matters, including public health or safety or the administration of justice that are connected with the death, which can help us to understand and prevent further deaths.⁴⁷

60. As noted in the introduction, throughout these Inquests, the Court has been careful to stress that it is not interested in individual blame. For many frontline workers, part of their stress is fear that someone will take their own life and they will have been helpless to intervene. The Coroner's Court respects and appreciates the huge responsibility on the shoulders of those workers.

Structure of Counsel Assisting submissions

61. These submissions address the common themes that emerged across the Inquests.
62. The Counsel Assisting team has prepared a separate submission with respect to the deaths of each of the four women killed by their violent partners. In each case, the issues relate to the circumstances surrounding each death and what can be learnt to prevent, wherever possible, further tragedies.
63. The Court may wish to prepare common findings relating to the deaths of the four women, who have in common that they were each killed by their partner after years of domestic and family violence, in circumstances where, with the benefit of hindsight, there may have been opportunities to intervene to prevent their deaths, but where each death highlights broad systemic failures. It is respectfully submitted that the death of Kumanjayi Dixon, who set fire to the bathroom in the arson that caused the death of Kumanjayi Haywood, may be the subject of a short coronial finding that is separate from the other four deaths.⁴⁸

The 'Common Issues List'

64. An issues list distributed to parties prior to the hearing identified some of the issues that were likely to be common to all four of the deaths, and to put parties on notice of the types of matters to be covered. They were:
- 1) What factors are relevant to understanding the history of domestic violence between victim and perpetrator in these cases? Given the evidence that both the perpetrators and victims

⁴⁷ *Coroners Act 1993*, s34(2).

⁴⁸ For an example of how those findings might be put, parties are referred to the findings of Coroner Cavanagh in *Inquest into the deaths of Fiona Yarranganlagi James, Keturab Cheralyn Mamarika and Layla Leering* [2020] NTLC 022, an inquest into the death of three teenage girls in remote communities in the Northern Territory.

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were severely affected by alcohol on the day of their deaths, what role does alcohol play in the cycle of violence?

- 2) Is the Family Safety Framework working to protect victims of violence, and how can it be strengthened?
- 3) Is the 'General Order- Domestic and Family Violence' currently sufficient to assist police in their investigation of domestic violence offences?
- 4) Is the training that police receive adequate to understanding their obligations when investigating potential domestic violence?
- 5) Is communication between service providers, eg NT Health, NT Police, NT Corrections, and women's shelters, adequate?
- 6) Are adequate risk assessments being conducted by service providers engaging with the victims of domestic violence?
- 7) What additional supports do police need when attending a suspected domestic violence incident, in particular, where the complainant does not wish to take further action?
- 8) What further community supports and resources are required to reduce the risk of victims dying from domestic violence assaults?
- 9) Each of the men involved in the deaths had served time in custody for prior acts of violence against women. Did they receive any programs/counselling in relation to the need for behavioural change?
- 10) What, if any, community controlled, Aboriginal led programs are there to support the victims of domestic violence to stay safe and assist the perpetrators of domestic violence to stop offending?
- 11) Is there a need for further education of the public in relation to the supports they can access to assist the victims of domestic violence?

65. An issues list is not a type of pleading, but rather is a guide for the benefit of the Coroner and interested parties. A practice has developed over the last decade of distributing such a list in some inquests, where Counsel Assisting considers it might be helpful. These submissions do not address each topic under a separate heading with a question and answer. Those issues that did indeed arise are dealt with broadly in the submissions below.

B. DOMESTIC AND FAMILY VIOLENCE (DFV) DEATHS IN THE NT

The highest rate of DFV and DFV deaths in the country

66. Senior Constable Brad Wallace is an initiated Arrernte man with a long and distinguished history in the federal and territory police force. He gave extremely valuable evidence to this Inquest, including these comments:⁴⁹

“Considering I have been involved in law enforcement for a period of over 20 years, working in diverse areas in multiple national and international spheres of operations, the levels of Domestic and Family Violence and sexual violence in Alice Springs and surrounding

⁴⁹ Statement of Senior Constable Brad Wallace dated 3 November 2023 (Common brief: 2-4A).

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communities shocks me. The frequency and the voracity of Domestic Violence-associated crime in the Northern Territory is nothing short of horrific and reflects strongly the significance of the current social, housing, health, education and justice issues faced by remote, regional and urban Aboriginal women, children and men”.

67. On 11 July 2017, hundreds of women and a smaller number of men marched from the Town Council lawns to the Local Court in Alice Springs to raise awareness about DFSV and to send a message that it would not be tolerated. The marchers included Federal, Territory and Local government politicians and the then Police Commissioner. Tangentyere Women's Family Safety Group co-ordinator Shirleen Campbell said the women of the Alice Springs town camps were fed up with violence in their communities. One of those marching, who took the protest all the way to Canberra, was Kumarn Rubuntja, one of the founding leaders of the Tangentyere Women’s Family Safety Group. Just a few years later, Kumarn was trapped in a relationship with Malcolm Abbott, a man who repeatedly used violence against her and on 1 January 2021, she was killed by him in an act that was as senseless as it was brutal.
68. In spite of that advocacy and commitment, in the three and a half years between 11 July 2017 and Kumarn Rubuntja’s death on 7 January 2021, DFSV in the Northern Territory got worse.
69. Some of the most confronting statistics are set in the introduction above, but bear repeating. They include:
- (a) In 2021, the rates of DFV related assault in the NT were **three times** the national average, and **five times** that of most other jurisdictions where data is reported.⁵⁰
 - (b) In 2021, the rate of domestic and family violence-related homicide in the NT was **seven times** the national average.⁵¹
 - (c) Forty per cent of DFV-related assaults in the NT involve weapons, a higher proportion than any other Australian jurisdiction.
 - (d) Aboriginal women in the NT are 40 times more likely to be hospitalized as a result of family violence.⁵²
 - (e) DFV accounts for somewhere between 50- 90% of police time, depending on the location.

⁵⁰ Brown, C and Leung, L. – The Equality Institute, *Evidence Snapshot: what we know about domestic, family and sexual violence in the Northern Territory – and what we don’t* (Common brief: 11-6). See also DFSV-ICRO Mapping Report, dated 1 May 2023 at p19 (Common brief:7-21).

⁵¹ Brown, C and Leung, L. – The Equality Institute, *Evidence Snapshot: what we know about domestic, family and sexual violence in the Northern Territory – and what we don’t* (Common brief: 11-6). See also DFSV-ICRO Mapping Report, dated 1 May 2023 at p19 (Common brief: 7-21).

⁵² Statement of Michael Torres dated 3 October 2023 p3 (Common brief: 1-9).

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- (f) 6/10 of incarcerated men are incarcerated for domestic family violence related offences.⁵³
70. During the course of her evidence, Penny Drysdale, a senior law and policy expert who was the AGD's representative on the ICRO, set out how much of AGD's work, and the work of other justice agencies, was related to DFV in 2022-2023:⁵⁴
- (a) more than 63% of assaults are DFV-related,
 - (b) more than 63% of prisoners in the NT are being held for DFV,
 - (c) an estimated 60% of matters dealt with by the DPP are DFSV related, and
 - (d) 60% of matters dealt with by the Crimes Victims Services Unit are DFSV related.
71. In addition to the terrible toll of lost lives, the financial, social and emotional cost to the broader community is obvious. The economic cost estimated by the ICRO in its excellent Mapping Report is somewhere between \$457.2 to \$606.1 million each year.⁵⁵ The emotional impact on Aboriginal families, including the interruption of cultural education, the incarceration of so many men and women as a result of violence; the forced separation and removal of children and the generational trauma perpetuated, is incalculable. So too is the impact on first responders and bystanders, who may feel powerless to help.

Failure to report and underreporting of DFV

72. It is well accepted that the available statistics do not present the full picture of how much violence families experience, given a significant amount of violence goes unreported.
73. Dr Chay Brown told the Court:⁵⁶

According to the latest data from the Australian Bureau of Statistics (ABS), the 2021 victimisation rate for assault in the Northern Territory was the highest in the ABS' twenty-seven year time series (Australian Bureau of Statistics, 2021). Approximately 63% of all assaults in the Northern Territory are related to domestic violence. Domestic violence related assaults are disproportionately severe, with weapons used in two out of every five assaults. Some estimates suggest that up to seven or eight out of every ten women in the Northern Territory experience domestic, family, or sexual violence (this compares to around 3 in 10 women elsewhere in Australia – this aligns with global figures of around 1 in 3 women).

It must also be stated that these figures do not and cannot reflect the true prevalence because less than 40% of violence against women is ever reported to anyone, and less than 10% is ever

⁵³ Supplementary statement of Dr Chay Brown dated 19 May 2024, at p3 (Common brief: 1-2CCC).

⁵⁴ Statement of Penny Drysdale dated 26 October 2023, at [41] (Common brief: 1-3).

⁵⁵ See (Common brief: 7-83 and 7-21).

⁵⁶ Statement of Dr Chay Brown dated 25 August 2023 (Common brief: 1-2).

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reported to police. 9 out of 10 women who have experienced sexual assault in the last ten years in Australia have never reported the violence to formal agencies.

74. Reporting to Police, and to others who might help, including schools, hospitals, social workers or Territory Family support workers, is likely to be more challenging in NT because of language and cultural barriers.
75. The Court heard evidence from experts that the challenges faced by the NT are greater than in other parts of Australia because of the shockingly high levels of violence, combined with the expense of service delivery, geographical distance, remoteness of some areas, challenges of recruiting and retaining the skilled labour and lack of basic infrastructure.⁵⁷

Vicarious Trauma

76. Each of the deaths considered in these Inquests highlighted the extraordinary social, emotional and financial cost of vicarious trauma that is caused by domestic, family and sexual violence.
77. For the families of the deceased women, the grief and loss are obvious, but also shocking. This Court heard directly from some of those family members. In two cases, the women who died had texted or called their loved ones to say that they would soon be killed. In the case of Kumanjaya Haywood, her mother told others of her fear that she would have to bury her daughter because she would be killed by Kumanjaya Dixon, only to one day learn that he had caused her death by setting her alight, and she was being asked to identify the body.
78. For the service providers who try so hard to prevent the deaths, and in other cases have to attend a scene to deal with horrifying assaults and fatalities, the impact is long lasting, debilitating and in many cases permanently scarring. It causes many first responders to leave their profession and others to need intensive psychiatric support and long absences from work.
79. As noted in the introduction, across many weeks of hearing, the Court saw junior and very senior men and women from across sectors including policing, crisis support and policy setting, break down in tears describing their trauma, fear and frustration. That is a marker of their care about the issues and the terrible cost of doing so.
80. DFSV Commissioner Cronin gave evidence that, as part of tackling vicarious trauma, it is crucial to ensure appropriate levels of staffing to enable the workforce to undertake their roles with adequate

⁵⁷ See, for example, supplementary statement of Dr Chay Brown, dated 19 May 2024, at p3 (Common brief: 1-2CCC).

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support.⁵⁸ Further, there must be organisational awareness and appropriate responses to the impact of vicarious trauma, include HR policies, debriefing and training. Those concerns underscore the need to respond urgently to the issues raised by ICRO, and the recommendations made by this Court.

Why is there so much death and near death from DFV in the NT?

81. While it is well understood that DFV is perpetrated across Australia by persons of all cultural and socio-economic backgrounds, the Northern Territory confronts a stark reality that the frequency and lethality of violence in this jurisdiction is the worst in the country. An understanding of why DFV is so much worse in the NT requires an understanding of history, and of the terrible impact of colonisation and structural inequality on all Aboriginal people across Australia, and particularly in parts of the Territory.

82. In the NT's Domestic, Family and Sexual Violence Reduction Framework 2018-2028, the authors explain the "lateral violence" impacting many Aboriginal families and the way in which it contributes to DFSV. They wrote:

Lateral violence, also known as 'horizontal' or 'sideways' violence or intra-racial conflict, is a product of a complex mix of historical, cultural and social dynamics that results in a spectrum of behaviours that include: gossiping, jealousy, bullying, shaming, social exclusion, family feuding, organisational conflict and physical violence. Lateral violence has sometimes been described as stemming from "internalised colonisation" and/or "internalised sexism".

83. Dr Brown gave evidence that:⁵⁹

The prevalence of domestic, family, and sexual violence in the Northern Territory is a result of the intersecting drivers of violence against women: gender inequality, the ongoing impacts of colonisation, and systemic disadvantage and discrimination. Gender inequality is a primary factor, with these forms of violence predominantly perpetrated by men against women and children...

84. The socio-economic model helps to explain why violence in the Northern Territory is at such high levels, by breaking down the explanation into the individual, family/relationship, community, and societal levels. This was explained by Dr Brown:⁶⁰

At the individual level, factors like gender inequitable attitudes, age, income, substance abuse and history of violence can make a person more vulnerable to violence.

⁵⁸ Statement of Commissioner Michaela Cronin dated 5 November 2023 (Common brief: 1-2D).

⁵⁹ Statement of Dr Chay Brown dated 25 August 2023, at [8] (Common brief: 1-2).

⁶⁰ Statement of Dr Chay Brown dated 25 August 2023, at [18]-[19] (Common brief: 1-2).

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At the relationship level, relationship dynamics such as conflict, unequal power and decision-making can increase the risk of violence. ...

At the community level, the setting in which relationships exist can increase the risk of violence. For instance, lack of social support, reduced mobility and community condonation of violence make the individual more vulnerable to violence and less able to leave violent situations.

At the societal level, social and cultural norms such as government policies, inequality, and enforcement of stereotypical gender norms can increase the risk of violence.

Risk factors are also cumulative, so the presence of each additional risk factor increases the possibility that an individual will experience violence.

This framework can help explain the prevalence of violence in the Northern Territory where many of these risk factors disproportionately exist. This is compounded by geographic disadvantage which is the chronic and ongoing underfunding of domestic, family, and sexual violence responses as well as of regional and remote communities in general.

85. It is important to recognise that both women and men use violence, and both women and men experience violence, but male violence differs in important respects and is much more likely to be deadly. Violence used by men and women differs in its motivations, frequency, impacts and severity. As Dr Brown explained:

Men's violence against women is more likely to result in hospitalisation, injury, long-term disability, and death. Men's violence against women is most commonly motivated by entitlement, power and control, whilst women's violence is most commonly motivated by self-defence, either pre-emptive or retaliatory.⁶¹

Social inequality

86. Social inequality contributes to women being victimised by DFV, making it more difficult for victims to find basic supports, including housing.

Extreme Trauma

87. The level of trauma that many Aboriginal men and women in the NT are exposed to as children contributes to the violence perpetuated in homes when they are adults.

⁶¹ Statement of Dr Chay Brown dated 25 August 2023 (Common brief: 1-2).

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Extreme Violence

88. These submissions have already referred to the severity of the violence experienced by many women and children in the NT. Family members are often trapped in a cycle of violence, perpetuating roles of victim and perpetrator that they saw as children.

Entrenched community attitudes

89. Some of the most distressing things that the Court saw during the Inquests were the widespread acceptance of the levels of violence experienced by many Aboriginal women in the community, and the way in which some members of the public may have become inured to the levels of violence around them.
90. There are programs already operating that have had some levels of success in challenging community attitudes to violence and inequality, including two that are run by Tangentyere Council. Dr Brown informed the Court that the evaluations of the ‘Girls Can Boys Can’ project and the ‘U Right Sis?’ project show that these programs are having some success in shifting underlying attitudes that drive violence.⁶²
91. As noted below, there is a need to fund, evaluate and implement community led programs, uniquely designed to engage different communities across the NT.

Coercive control

92. One of the common themes in the four deaths investigated by this Court was of a significant degree of coercive control, which may not be understood by the perpetrator or victim, or even some service providers.
93. Coercive control is defined as “a range of strategies used to manipulate, dominate and control the actions of another with the aim of achieving and maintaining personal power, particularly over an intimate partner.”⁶³
94. In their interview with police following the death of Kumarn Rubuntja, Ms Corbo and Ms Simpson from Tangentyere Council referred to the way in which threats of suicide are used as a means of

⁶² Statement of Dr Chay Brown dated 8 November 2023, at [h] (Common brief: 1-2BBB).

⁶³ Northern Territory’s “Domestic-Sexual-Violence Reduction Framework (2018-2028) (Common brief: 7-76).

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coercive control.⁶⁴ Women become worried about the possibility of suicide, not just because they care for the perpetrator, but also because they may get the blame if they die.⁶⁵ Tangentyere Council provides education about that issue to women who participate in its Family Safety Program, and also to men participating in its Men's Behavioural Change programs. Tangentyere is the lead for the PART training (discussed further below) and this understanding of unique aspects of coercive control is included in that training.

95. The Tangentyere Women's Family Safety Group (TWFSG) is actively involved in contributing to policy reform particularly for Aboriginal women and children living in the Town Camps of Alice Springs. They provided evidence that for Aboriginal women, coercive control can involve family stalking; humiliation; isolation; stopping a woman seeing her children; threats of suicide; using culture to stay in the relationship; humbugging from jail and forcing a woman to stay with a man's family while he is in jail.⁶⁶
96. The TWFSG explain that jealousy or jealousing is a term used in some Aboriginal cultures to describe a type of behaviour that is seen to provoke a jealous response, which might be violent or controlling.⁶⁷ Their expert opinion is helpful in understanding the phenomena of 'jealousing', which in some cases appeared to come from both the male and female partners in the relationships in these Inquests. The feeling of jealousy may cause behaviours that drive patterns of coercive control and might be used to justify controlling or violent behaviour. Examples given include:⁶⁸
 - (a) if a woman dresses up, a man might accuse her of trying to look good for other men, or
 - (b) a man might "jealous" his partner for spending time with her family and not his, and then isolate her from her family.
97. Regardless of how insidious this problem is, the TWFSG do not consider that criminalising coercive control is an effective response. Rather, prioritising strategic reforms, like police training about coercive control, is more effective.
98. In the case of Miss Yunupiju, the Court heard evidence of vicious assaults that she had been subjected to for over a decade before she died, from the time she was a teenager. Yet there was evidence of a significant degree of cultural pressure (manipulation) on her from one family member in particular, to

⁶⁴ Record of interview of Maree Corbo and Carmel Simpson dated 30 September 2021, at p13 (Rubuntja brief: 3-14).

⁶⁵ Transcript of Inquest, 23 August 2023, at T116; Record of interview of Maree Corbo and Carmel Simpson dated 30 September 2021, at p13 (Rubuntja brief: 3-14).

⁶⁶ Tangentyere Women's Family Safety Group Submission into the Review of Legislation and the Justice Response to DFV in the NT at p6 (Common brief: 10-13).

⁶⁷ Tangentyere Women's Family Safety Group Submission into the Review of Legislation and the Justice Response to DFV in the NT (Common brief: 10-13).

⁶⁸ Tangentyere Women's Family Safety Group Submission into the Review of Legislation and the Justice Response to DFV in the NT, at p8 (Common brief: 10-13).

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stay in the relationship or return to it, or risk losing her child. Service providers suspected that Miss Yunupingu's mother-in-law was manipulating her in that way, but they were powerless to intervene.⁶⁹

99. In each of the four cases, extended family, friends and community members, became aware that the women were the subject of repeated abuse, but they were not able to intervene to prevent it continuing.
100. This underscores the need for a community education campaign, designed with and for, each distinct community and delivered in language. Such programs must be careful not to shame community members or the victims of abuse. They should aim to help victims, perpetrators and family to gain a full understanding of the factors that lead to violence, and how and where to get help.

Racist attitudes and structural inequality

101. The Court heard and saw evidence of racist attitudes and structural inequality that helps perpetuate violence against women in the Northern Territory.
102. Practical examples of racial bias could be seen in the way in which some (through certainly not most) attending police were dismissive of the concerns expressed by Aboriginal victims when they arrived on scene. In one instance, police officers focused on tipping out the alcohol of a woman who had called for help and in another, they seemed to show little understanding of the pressures that a victim might be subject to if the offender's family members were nearby when they spoke asked her to tell them what had happened.
103. During a day of hearing in May 2024, Commissioner Murphy gave evidence related to concerns about racism in the NT Police force. During questioning by Phillip Boulten SC, counsel for the family of Kumarn Rubuntja, it was revealed that an officer in Alice Springs was disciplined by the Professional Standards Command (PSC) after circulating a photo of a topless Aboriginal woman on a social media chat with fellow officers in 2022. Commissioner Murphy acknowledged there were some "cultural issues" but insisted that there were changes being implemented. Earlier in the year, he had denied knowing about instances of racism in the police Force.
104. Shortly after giving evidence in these Inquests, Commissioner Murphy appeared again at another Inquest, by which time he had accepted that there was evidence of more widespread racism in the

⁶⁹ The Counsel Assisting team wrote to Miss Yunupingu's mother-in-law in October 2023 to inform her that evidence had been received in relation to this, and that there might be findings made that were critical of her. That correspondence invited her to give evidence to assist the Coroner; however, no evidence or formal response has been received from her.

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Police force, and that he had effectively “gaslit” the community by his earlier denials.⁷⁰ The Court could take judicial notice of the fact that since giving that evidence in May, the Commissioner has made public statements acknowledging that racism is more widespread than he initially appreciated, and committing to further reform.⁷¹

105. Our Watch, a national peak body targeting the prevention of domestic violence against women and children, recommends that to prevent violence against Aboriginal and Torres Strait Islander women, programs must challenge misconceptions about the violence perpetrated against them. These misconceptions include that violence is a part of traditional Indigenous cultures, that violence against Indigenous women is exclusively perpetrated by Indigenous men, and that violence against Indigenous women is caused by alcohol or other substance abuse.⁷²
106. Through her research, Dr Brown found that these racist attitudes and stereotypes also meant that violence against non-Indigenous women in the NT was “minimised or dismissed”, because of the attitude that violence against women is ‘an Aboriginal problem’. She advised the Court that “[m]any Indigenous women in this research expressed repeated concern that violence against Indigenous women was being ignored and allowed to ‘fly under the radar’.”⁷³
107. An important part of tackling racial bias is to continue with PART training, discussed below, so that NT Police hear the lived experience of the victims of DFV.

C. RIVERS OF GROG- The Contribution of alcohol to DFV deaths in the NT

Alcohol intoxication in the five deaths investigated

108. Each of the four female deceased and the men who committed the acts that caused their deaths were heavily intoxicated. In the case of Kumanjayi Haywood, she had a blood alcohol level (BAL) at autopsy of 0.12%. Kumarn Rubuntja had a BAL of 0.21%. Ngeygo Ragurk was 0.18% and Miss Yunupiju returned a positive result of 0.235% blood alcohol concentration. Further, each of the victims had suffered periods of alcohol dependency and binge drinking.

⁷⁰ Evidence of Commissioner Murphy in the Inquest into the Death of Kumanjayi Walker, 29 May 2024, (Common brief: 2-3).

⁷¹ Garma Festival Speech of Commissioner Michael Murphy dated 3 August 2024 (Common brief: 2-3B).

⁷² (Our Watch, 2018), cited by Dr Chay Brown, statement dated 25 August 2023 at [16] (Common brief: 1-2).

⁷³ Dr Chay Brown, statement dated 25 August 2023 at [17] (Common brief: 1-2).

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109. Those medical results are not in any way intended to cast blame or shame on the victims of this horrific abuse.
110. In each case, the perpetrator of the fatal violence was severely intoxicated, although evidence indicates that there were other times when they were each extremely violent when sober.

Alcohol doesn't cause of DFV, but it increases the frequency and severity

111. There is little doubt that the people of the Northern Territory are victims of significant alcohol-related harm in a number of ways, including many as a result of domestic and family violence. While excessive alcohol consumption is a problem Australia-wide, the NT has the highest reported rates of alcohol consumption per capita in Australia, with correspondingly high rates of alcohol fuelled violence and crime. A 2018 report released by the NT Department of Attorney-General and Justice indicated that the estimated per capita alcohol consumption in the NT for persons aged 15 or over in 2017 was 11.6 litres per person, and while that had decreased by 14 per cent over the seven years prior, it was still the highest consumption of alcohol for any state or territory in Australia.⁷⁴ According to the Northern Territory Primary Health Network:

“The NT has the highest alcohol consumption per capita and the highest rates of hospitalisations and deaths due to alcohol misuse in Australia. Approximately 48% of adults in the NT exceed the National Health Medical Research Council guidelines related to alcohol consumption, these consumption rates are 173% greater than the national average”.⁷⁵

112. While it is clear that alcohol is not the cause of domestic violence, one of the consistent themes across each of the Inquests was the devastating impact of alcohol on community and the contribution of excessive alcohol consumption to the scale and severity of the DFV problem. This is the conclusion reached by the experts giving evidence at these Inquests and more broadly. As set out in the ICRO Mapping Report, “While alcohol is not a cause of DFV, there is a strong correlation between harmful alcohol use and the frequency and severity of DFV.”⁷⁶ The NT’s ten year Framework document recognises that:⁷⁷

“Alcohol is not sufficient in itself to predict violence, but alcohol abuse increases the probability, frequency and severity of violence. Women consistently report that coercive and controlling violence occurs whether their partners are drunk or sober. However, in the context of power imbalances and attitudes that normalise violence, the harmful use of alcohol and/or drugs increases the risk of DFSV”.

⁷⁴ J Smith; S Whetton and P d’Abbs, “The Social and economic costs and harms of alcohol consumption in the Northern Territory, February 2019, Menzies School of Health, at p10 (Common brief: 11-20).

⁷⁵ <https://ntphn.org.au/programs/alcohol-and-other-drugs/>.

⁷⁶ Mapping Report, at p23 (Common brief: 7-83).

⁷⁷ Ten year strategy, at p14 (Common brief: 7-76).

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113. In June 2023, Dr Richard Johnson was called to give evidence at the coronial Inquest into the death of 34-year-old Kumanjayi Haywood, who was killed in a house fire lit by her partner, Kumanjayi Dixon, at an Alice Springs home in November 2021. Dr Johnson gave evidence that was echoed by a number of experts, that the causes of domestic violence are complex and multi-factorial and alcohol is better understood as an enabler rather than a cause of the violence. He told the Court:⁷⁸

Alcohol lowers the threshold through which a human needs to pass in order to provoke that violent confrontation that leads to assault. So that lowering of threshold may turn somebody who wouldn't get to that point of violence, into somebody who is violent but the actual background of the cause of the violence are the social determinants - essentially the social determinants of health, it's poverty, it's overcrowding, it's disenfranchisement, it's generational trauma, it's generational lack of access to education and resources and it's the long term and intergenerationally part of colonialism in this population. It's similar to what we see in other populations around the world when you have intergenerational disenfranchisement. There are populations in the UK that you see similar patterns. So it is not necessarily just purely due to colonialism but that is a very, very significant component of the inputs into what we see in Central Australia, but the things that we can fix are that intergenerational access to health care, to education, to housing, the diseases of poverty.... Alcohol policy is a way of improving the short term, giving us an opportunity to reduce harm whilst we look at the entwined causes and fix that.

114. In each of the deaths that these Inquests have investigated, the male perpetrators have been heavily intoxicated. Their female victims have also been intoxicated. There is a consistent theme of the female victims turning to alcohol to self-medicate after many years of trauma. In the case of Kumarn Rubuntja, for example, she had previously received treatment for depression and anxiety related to her many years of suffering physical and mental abuse.
115. The health costs of responding to DFV "victim survivor presentations and admissions to hospital with injuries; maternal and child health services, mental health services and alcohol and other drug services provided to victim survivors (and people who have committed DFV). In addition, there is a significant health toll on first responders".⁷⁹
116. There are no easy answers as to how to address the shocking levels of domestic violence, but there is enough evidence before this Court to suggest that it is likely to involve short and long terms goals, needs-based assessment, community led solutions, community leadership, real and sustained engagement and partnership between Government and Aboriginal communities.
117. Further, any changes that allow for greater availability of alcohol or the scourges associated with them, like gambling, should be resisted. While Government and business might be superficially attracted to

⁷⁸ Inquest into the deaths of Kumanjayi Haywood and Kumanjayi Dixon, Exhibit 15, see discussion during the evidence of Dr Richard Johnson, 23 June 2021, T424-425.

⁷⁹ Mapping Report, at p23 (Common brief: 7-83).

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the short term dollar value, the long term destruction of culture and community has a devastating cost that far outweighs any short term financial interests

118. There was ample evidence of the need to provide more funding for specialist alcohol and other drugs rehabilitation, including access to medically supervised withdrawal. Victims of DFV are often self-medicating with alcohol and there is little access to specialist support programs, especially in remote areas.⁸⁰

A spike in the violence related to increased supply

119. Over the course of the four Inquests, the Court heard evidence about the impact of reducing alcohol restrictions on the rates of domestic violence in the Northern Territory and particularly in Central Australia. Clearly, it is too simplistic to say that there is a direct causative link between the restrictions and levels of abuse, but the weight of evidence does demonstrate that restrictions on supply should be one part of the community strategy to reduce domestic violence.
120. The Court had the benefit of a contribution from Dr John Boffa [a GP and the public medical officer at the Central Australian Aboriginal Health Congress in Alice Springs] and Donna Ah Chee (then the CEO of Congress and a Bundjalung women with a deep knowledge of health policy and practice). They provided the Court with a graph prepared by NT Police entitled "*The Effects of Alcohol Policy, on Alcohol Related Harm in Alice Springs, 2015 to 2023*". The graph appears to show a significant spike in domestic violence assaults in Alice Springs in a period between June 2022, when alcohol restrictions were lifted, and January 2023.⁸¹ It suggests that the average monthly DV assaults in Alice Springs increased by 77 per cent after the alcohol restrictions were lifted, and decreased by 37 per cent when new restrictions were imposed in early February 2023.
121. The data prepared by Police was then compared with data kept by the hospital over a similar period, to determine whether the increase in the number of assault charges was mirrored by the number of presentations to Alice Springs hospital.⁸² The data needs to be qualified in that it did not show all presentations to the emergency department, but rather a number of presentations over a period, which were determined by staff to be more likely to be secondary to an alcohol-related effect. It had not undergone any statistical analysis. With those qualifications in mind, it was apparent that the data showed an elevation in presentations between December 2022 to the end of January 2023.

⁸⁰ Statement of Dr Chay Brown, 8 November 2023, at p9 (Common brief:1-2BBB).

⁸¹ Inquest into the deaths of Kumanjayi Haywood and Kumanjayi Dixon, Exhibit 15, see discussion during the evidence of Dr Richard Johnson, 23 June 2021, T421.

⁸² Inquest into the deaths of Kumanjayi Haywood and Kumanjayi Dixon, Exhibit 15, see discussion during the evidence of Dr Richard Johnson, 23 June 2021, T421; Exhibit 16, Data sheet, Alice Springs Hospital Domestic Violence and Social Disorder.

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Numerically the number of presentations that are attributed to alcohol intoxication, domestic assaults, domestic violence and assaults, all seem to decrease in number following the end of January 2023, after the introduction of new restrictions related to supply of alcohol.⁸³

122. It is not only the data, but also the anecdotal experience of staff like Dr Johnson, that paints an important picture of the impact of alcohol restrictions. When asked by the Coroner about the effect that the changing restrictions had had on staff, he gave evidence that:⁸⁴

I think it was like a light switch being flicked...the level of both numerical and the ferocity of the effect of the assaults that we saw as Emergency clinicians through November, December and January last year, beginning of this year, was devastating. I think – having worked in Alice Springs for 12 years, I think that's the first and only time I have questioned what we do or what we can do - what we are capable of. I think the impact that it had on staff was dramatic. The morale and the ability of staff to cope with what they were seeing on a day to day basis was eroded significantly and it was a difficult period.

123. While the reduction in assault related presentations was welcomed by staff, the impact of that spike in alcohol related violence had an ongoing effect, on recruitment (particularly given the long impact of negative media reporting) and morale.⁸⁵ That is an experience shared by many other service providers in town who offer assistance for the victims of domestic violence and their families, including ambulance officers and police. As referred to further below, it is why a recommendation is put forward that the Government research and resource a strategy for recruitment of hospital and essential workers, as well as long terms investment in training and support for the local work force, particularly Aboriginal Territorians.⁸⁶

The NT Banned Drinkers' Register (BDR) and licensed premises

124. The Banned Drinkers' Register (BDR) operates across the Northern Territory and is a tool aimed at reducing harm by identifying people who are on a "banned" list and preventing them from purchasing takeaway alcohol.

⁸³ Inquest into the deaths of Kumanjaya Haywood and Kumanjaya Dixon, Exhibit 15, see discussion during the evidence of Dr Richard Johnson, 23 June 2021, T422-423.

⁸⁴ Inquest into the deaths of Kumanjaya Haywood and Kumanjaya Dixon, Exhibit 15, see discussion during the evidence of Dr Richard Johnson, 23 June 2021, T423.

⁸⁵ Inquest into the deaths of Kumanjaya Haywood and Kumanjaya Dixon, Exhibit 15, see discussion during the evidence of Dr Richard Johnson, 23 June 2021, T423.

⁸⁶ Inquest into the deaths of Kumanjaya Haywood and Kumanjaya Dixon, Exhibit 15, see discussion during the evidence of Dr Richard Johnson, 23 June 2021, T424.

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125. If a person is on the BDR, a licensee or licensee's employees must refuse to serve them (s138 *Liquor Act*).
126. Section 128 and 129 of the *Liquor Act 2019* and Regulation 106 of the *Liquor Regulations 2019* require a grocery store authority or a takeaway alcohol authority to use and maintain an identification system for licensees to determine whether a person is banned from purchasing or consuming alcohol. The effect of this legislation is that a person who is purchasing takeaway alcohol must have their identification checked prior to purchase to ensure that they are not on the banned drinkers' register. This is done by way of a BDR identification scanner; however, there is no such obligation when a person is purchasing alcohol to consume on premises.
127. Licensed premises that sell both takeaway alcohol and alcohol that is consumed on premises, such as the Gillen Club in Alice Springs, are provided with BDR scanners, which they use for takeaway sales, but not for patrons who are drinking alcohol on premises. That meant that although Kumarn Rubuntja was on the BDR, she was not scanned at the Gillen Club and so was allowed to purchase and consume alcohol.
128. The BDR scanners are provided, free of charge, by the Department of Corporate and Digital Development (DCDD) to prescribed licensees. Elise Roussos, who is the Banned Drinker Registrar, is not aware of any restriction that would prevent a licensee from using the BDR scanners for patrons who are consuming alcohol on premises.⁸⁷
129. Although it is recognised that alcohol abuse and effective policy is complex, a recommendation is directed towards trialling the BDR in licensed premises and an independent evaluation of the same.
130. Further, the Court heard about the benefit that the Gillen Club had obtained by doing a three hour training session with Dr Chay Brown titled "Becoming DV Aware", focused on the specific role that hospitality staff, management and security can play in identifying and responding to DFV. Dr Brown is working on a new written component to be included in the Gillen Club induction pack for new staff, and other relevant resources. Dr Brown hopes to offer similar training to all NT pubs and clubs,⁸⁸ and it would be worthwhile for the NT government to fund the development of a similar package, and to mandate that training, or to offer incentives as part of the broader scheme of licensing clubs. A recommendation is directed to this.

⁸⁷ Affidavit of Elise Roussos dated 20 October 2023 (Rubuntja brief: 3-38A).

⁸⁸ Statement of Dr Chay Brown dated 8 November 2023 at p11 (Common brief: 1-2BBB).

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D. THE FUNDING CRISIS

A sector neglected for decades ... until recently

131. The overwhelming evidence from a large number of subject experts would support the following findings:
- a) Funding to the DFSV sector continues to be piecemeal and insufficient.⁸⁹
 - b) There is a requirement for needs-based funding, taking into account the geographical spread in the Northern Territory, the challenges of service delivery, languages spoken and high need.
 - c) It is a significant problem that funding is not only inadequate, but is often short term and focused on new projects and not sustainability. There is a need for funding that is adequate, long term, and can be used for core service delivery.⁹⁰
 - d) While there have been recent injections of money into the sector from both the NT and Commonwealth Governments, it is not sufficient to address the scale of the problem, given the decades of underinvestment in the NT.

A sector with reports and plans, but starved for resources on the ground

National and Territory frameworks

132. In relation to the plan to tackle DFSV, there is no shortage of excellent ‘Frameworks’, ‘Strategic Plans’, ‘Action Plans’ and ‘Mapping Reports’ at a national and Territory level.
133. On 17 October 2022, the Australian, state and territory governments released the **National Plan to End Violence against Women and Children 2022–2032** (National Plan), an overarching national policy framework that will guide actions towards ending violence against women and children over the next 10 years. To be clear, that policy framework has been committed to by the Commonwealth and all state and territory governments.
134. The plan “highlights how all parts of society, including governments, businesses and workplaces, media, schools and educational institutions, the family, domestic and sexual violence sector, communities and all individuals, must work together to achieve the shared vision of **ending gender-**

⁸⁹ See, for example, supplementary statement of Dr Chay Brown, dated 19 May 2024, at p2 (Common brief: 1-2CCC).

⁹⁰ Supplementary statement of Dr Chay Brown dated 19 May 2024, at p2 (Common brief: 1-2CCC).

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based violence in one generation” (emphasis added). It outlines what needs to happen to achieve that across four domains: ‘Prevention’, ‘Early Intervention’, ‘Response’ and ‘Recovery and healing’.

135. The Domestic, Family and Sexual Violence Commission (the **Commission**) was established on 1 July 2022 and the Court heard evidence from the agency head, Michaela Cronin, who is the first Domestic, Family and Sexual Violence Commissioner for Australia.
136. The important work of the Commission includes promoting the objectives of the National Plan across all parts of Australian society and enhancing coordination across Commonwealth, state and territory government and between the government and non-government sectors. The functions of the Commission are as follows:
- (a) Provide strategic policy advice to the Minister for Women’s Safety,
 - (b) Promote and enhance coordination across Commonwealth, state and territory governments, and the not-for-profit and private sectors,
 - (c) Promote coordinated and consistent monitoring and evaluation frameworks by all government for the National Plan,
 - (d) Develop and maintain a supportive and structured approach to victim-survivor engagement,
 - (e) Inform priorities for policy, research and data collection in cooperation with jurisdictions and relevant organisations and agencies, and
 - (f) Promote the objectives of the National Plan across all parts of Australian society.
137. Commissioner Cronin outlined the national figures, which are shocking enough, and then set out her particular concerns for the Northern Territory, and the plans to focus on this jurisdiction in the year ahead. At a national level a woman is killed by an intimate partner on average every 10 days, and more than this in the past year.⁹¹ In the Northern Territory, the DFV homicide rate is seven times higher than the national average.
138. In August 2023 the Government released the First five year Action Plan, the dedicated Aboriginal and Torres Strait Islander Action Plan 2023-2025 and the Outcomes Framework 2023-2032.⁹² The dedicated Aboriginal and Torres Strait Islander Action Plan was developed in recognition of the disproportionately high rates of family, domestic and sexual violence that Aboriginal and Torres Strait Islander women experience and is intended to work alongside the First Action Plan. Commissioner

⁹¹ Statement of Commissioner Michaela Cronin dated 5 November 2023 (Common brief: 1-2D).

⁹² These documents are explained in the Statement of Commissioner Michaela Cronin, dated 5 November 2023 (Common brief: 1-2D).

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Cronin explained in her evidence that “[a]ctivities within the Action Plan acknowledge the unique underlying causes of violence against Aboriginal and Torres Strait Islander peoples, such as the ongoing impacts of colonisation, intergenerational trauma, and systemic and institutional racism.”⁹³

139. The Aboriginal and Torres Strait Islander Action Plan is said to be fundamental to addressing Target 13 of National Agreement on Closing of the Gap - to reduce all forms of violence against Aboriginal and Torres Strait Islander women and children by at least 50% by 2031, as progress towards zero. The following areas have been identified as the focus for reform:
- (a) Voice, self-determination and agency,
 - (b) Strength, resilience and therapeutic healing,
 - (c) Reform institutions and systems,
 - (d) Evidence and data eco-systems – understanding our stories, and
 - (e) Inclusion and intersectionality.
140. In order to progress the work of the Commission, Commissioner Cronin has held roundtables across the country with a focus that has included measuring impact, youth issues and men and healthy masculinity. The Commissioner told the Court of her plans for round tables with all state and territory Government in early 2024, including in the Northern Territory.⁹⁴
141. In 2018, the NT Government introduced the *Domestic Family and Sexual Violence Reduction Framework 2018-2028: Safe, Respected and Free of Violence*, the NT’s strategy to reduce all forms of domestic, family and sexual violence.⁹⁵ The work is said to align with the National Plan to Reduce Violence against Women and their Children and to integrate with other NT policies and reform initiatives.⁹⁶
142. The Vision, Principles and Outcomes set out in the ten year Framework are laudable and worthy of a full commitment. The Vision is that Territorians are safe, respected and free from violence, wherever they choose to live, work, learn and play. The seven principles include: “shared responsibility, partnerships and local responses”; “evidence and needs based and outcomes-focused”; “focus on long term social and cultural change” and “challenging systemic racism and inequality”.
143. There are five outcomes listed:

⁹³ Statement of Commissioner Michaela Cronin dated 5 November 2023, at [12] (Common brief: 1-2D).

⁹⁴ Statement of Commissioner Michaela Cronin dated 5 November 2023 (Common brief: 1-2D).

⁹⁵ (Common brief: 10-4)

⁹⁶ Executive Summary, at p5 (Common brief: 10-4).

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- (a) One: Domestic, family and sexual violence is prevented and not tolerated,
 - (b) Two: Territorians at risk of experiencing violence are identified early and provided with effective interventions,
 - (c) Three: People experiencing domestic family and sexual violence are protected and helped to recover and thrive,
 - (d) Four: Perpetrators are held accountable and connected early to responses that change their behaviour and reduce violence, and
 - (e) Five: Legislation, policy and funding models enable a responsive, high quality and accountable domestic, family and sexual violence service system.
144. While it is possible to be cynical about the plethora of written plans, policies, and aspirations around domestic family violence, the Framework is a thoughtful and up to date outline of intentions, which captures current thinking and breaks down each of the five outcomes listed into further actions that are clear and purposeful. For example, under outcome four, there are four specific actions planned, listed as:
- 4.1 Connect perpetrators to timely, effective and evidence-based behaviour change interventions.
 - 4.2 Ensure behavioural change interventions are effective and reduce reoffending.
 - 4.3 Refocus the justice system on the rehabilitation and restoration of perpetrators to violence-free families.
 - 4.4 Empower the community to support perpetrators to end the use of violence.
145. The First Action Plan- *Action Plan 1: Changing Attitudes, Intervening Earlier and Responding Better 2018-21*- was developed by Territory Families in 2018 and set out “the key initiatives and actions” that were to be taken in the first three years, including how they would be funded and who would deliver them.⁹⁷ A second Action Plan (Action Plan 2) was finalised by the ICRO, and is discussed further below.

Domestic Family and Sexual Violence Inter-Agency Co-ordination and Reform Office (ICRO)

146. In mid-2022 the NT Government established an initiative that demonstrated innovation, excellence and commitment: a 12-month Domestic Family and Sexual Violence Inter-Agency Co-ordination and Reform Office (abbreviated to ICRO) to enable relevant agencies – police, health, justice, education

⁹⁷ Executive Summary, at p5 (Common brief: 10-4)

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and territory families – to work together in a co-ordinated way with a single point of accountability to prevent and respond to DFSV in the NT.⁹⁸ The more the Court heard as to the scope of their work, and the thought that went into the drafting of Actions plans 1 and 2, and the Mapping Report which sets out how they would be implemented, it became increasingly frustrating that the Government had not committed the fundings necessary to implement the reform that had been laid out.

147. The work of ICRO was an excellent example of collaboration between government departments, and between government and non-government organisations. It involved extensive and good faith cooperation.⁹⁹ The ICRO was staffed by one representative from each of the five relevant agencies – police, health, justice, education and territory families – and was located in the Reform Management Office in TFHC. Anna Davis, a highly experienced and very well-respected subject expert was appointed the Director of ICRO, and was also the TFHC representative on the ICRO. At the same time, she continued to lead her existing team in TFHC’s Office of Domestic, Family and Sexual Violence Reduction.¹⁰⁰
148. While further funding for a new ICRO is in place for a limited period, it has proven itself to be worthy of permanent status and it is an important plank of the reforms required.¹⁰¹ A recommendation is directed to this.
149. The ICRO reported to the Hon Kate Worden MLA as the newly appointed Minister for the Prevention of Domestic, Family and Sexual Violence, and at various stages of its work, to the Children and Families Standing Committee which is comprised of the CEOs of relevant NT Government agencies.
150. Thanks to the contribution and leadership of those involved, the Inquest gathered evidence that enabled the Court to understand the magnitude and value of the task that was undertaken by ICRO. As Ms Drysdale explained,¹⁰² the ICRO’s role was to establish a whole-of-government reform agenda for DFSV which included the following tasks:
- (a) map existing agency initiatives and investment on DFSV across all agencies,
 - (b) co-ordinate and align DFSV reforms and other related policies and reforms,
 - (c) establish a monitoring and evaluation framework for DFSV reform,
 - (d) develop a cross-agency funding bid to address gaps and priorities,
 - (e) establish an Aboriginal Advisory Board for DFSV, and

⁹⁸ Statement of Penny Drysdale dated 26 October 2023, at [30] (Common brief: 1-3).

⁹⁹ Statement of Penny Drysdale dated 26 October 2023, (Common brief: 1-3).

¹⁰⁰ Statement of Penny Drysdale dated 26 October 2023, at [31] (Common brief: 1-3).

¹⁰¹ This was a recommendation of the DFSV-ICRO Mapping Report, at p145 (Common brief: 7-21).

¹⁰² Statement of Penny Drysdale dated 26 October 2023, at [34] (Common brief: 1-3).

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- (f) advise on a cross-agency co-ordination and governance mechanism for DFSV going forward.
151. The plan for ICRO was that it would finalise Action Plan 2 under the above Framework, once the outcome of the funding bid was known, and would include a mixture of initiatives continuing from Action Plan 1, new initiatives to be implemented within the existing resources of agencies, and new initiatives funded as a result of the ICRO funding bid.
152. It would have been obvious to all those working in ICRO and to all service providers contributing their time and expertise to the process and to all service providers on the ground, that for Action Plan 2 (and the ten year Framework) to make any meaningful change, there would need to be a significant injection of funding, which was sustainable and long term.
153. The role of the head of each agency (police, health, justice, education and territory families) was to complete a mapping of existing activity and investment on DFSV within their portfolios and to identify and develop funding proposals to address gaps and priorities within the justice portfolio for inclusion in the DFSV cross-agency bid.
154. Taking Ms Drysdale as an example, she developed the AGD proposals for the ICRO funding bid in consultation with her colleagues at AGD and ICRO, and these were endorsed by the CEO of the AGD.
155. In November 2022, ICRO provided an overview of the bid (a 'business case') to the Budget Review Sub-committee for just over \$180 million over five years, to fund the plan. That proposal was a sensible, modest plan, and a fraction of what DFSV is estimated to cost the Northern Territory each year. According to the calculations of ICRO:¹⁰³

Conservatively...the total cost of violence against women in the Northern Territory could be at least around \$403.3 million in 2015-16 (\$534.7 million if the additional cost of underrepresented groups were to be added). Just taking into account inflation over this period, this could be as much as \$457.2 to \$606.1 million in 2020-21 dollars (representing between 1.75 and 2.32% of gross state product in the Northern Territory).

156. The amount of \$180 million over five years is not the complete figure for what is required, but it is a conservative and carefully costed proposal that is likely to make a real difference, and it was put together by genuine experts at the request of the NT Government, which had specifically created a portfolio of 'Minister for the Prevention of Domestic, Family and Sexual Violence' and committed to the ten year Framework. If there is to be any serious commitment to achieving the outcomes set out

¹⁰³ ICRO Mapping Report, Appendix 2, p153 (Common brief: 7-38).

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in the Territory and national Framework, then the proposal must be approved in its entirety, immediately.

157. It is no exaggeration then, to submit that it was shocking to learn during the course of these Inquests, that after all the effort and commitment to producing a 10 year Framework, drafting Action Plans 1 and 2, setting up ICRO and preparing a detailed Mapping Report, the budget allocation fell so far short. Instead of \$180 million over five years, in March 2023 Budget Cabinet approved only \$20 million for the ICRO Funding Bid, over the short term two year period. The ICRO was subsequently forced to revise the funding allocations and Action Plan 2 (publicly released on 30 August 2023) in accordance with this decision.¹⁰⁴ This is in spite of the fact that a notation on the submissions to Cabinet by Minister Worden read: *“Please push for as much in the DV place (sic) as possible”*.¹⁰⁵ The reasoning of treasury and Cabinet is confidential and it is not known why this excellent business case was not given the priority it deserved at that time, when it appeared to have so much support.
158. Successive NT governments of different political persuasions have failed to adequately fund measures to target DFSV. What was particularly disappointing about this experience, was that the Government had set up the Ministry and the ICRO and those who participated had cause to hope for a meaningful commitment. They were therefore dismayed by the inadequate response, described by some in the sector as a “betrayal”.¹⁰⁶
159. To be clear, these submissions are not intended to suggest that one political party has been better than the other at committing resources to addressing the domestic and family violence crisis in the Northern Territory. It is not the role of Counsel Assisting or the Coroner to make such an assertion and there is no such assertion intended or implied. There has been some new and additional funding into the sector over the last two years, which is important and was welcomed (especially to grow primary prevention and early intervention work).¹⁰⁷ What is clear, however, is that over many decades in the NT, both major political parties have failed to give the DFSV sector the funding it deserved, and the NT Community is less safe as a result. The ICRO was an excellent initiative from the current Government, and it requires an urgent, genuine and ongoing commitment moving forward, regardless of which party is in power.

¹⁰⁴ Initial approval was granted to proceed with the bid, but with a direction to progress the Department of Education component within existing resources and to reduce the overall bid by 50 per cent to \$90 million over five years, which the ICRO did. Even still, that amount, and the long term nature of it, would have proved worthwhile, and reflected some respect for the process and commitment of the ICRO. It was after that direction that Cabinet approved only \$20 million.

¹⁰⁵ Budget Cabinet Submission 2023, (Common brief: 7-79).

¹⁰⁶ See statements of Dr Chay Brown dated 25 August 2023, 8 November 2023 and 19 May 2024 (Common brief: 1-2, 1-2BBB and 1-2CCC).

¹⁰⁷ Statement of Rachel Uebergang dated 18 May 2024 (Common brief: 1-10).

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160. Penny Drysdale was sympathetic to the challenge of making funding decisions, but gave evidence as follows:¹⁰⁸

I found the provision of two-year funding disappointing and dispiriting because it is widely accepted that reducing DFSV requires a long-term commitment and investment over a generation (that is, generational change). Two years is not a sufficient length of time to stand up new programs, recruit, attract and induct skilled staff, give programs an opportunity to start doing some good, and properly evaluate the merits of the program. It is widely accepted that for meaningful change to occur – at an individual level, an organisational level and a community level – it takes time. The DFSV Program Codesign Workshop identified a shortage of skilled DFSV workforce in the NT as a significant issue so it can take even longer than usual to get a program up and running in the NT. Two-year funding also means that someone will have to go through the process of developing a new DFSV funding bid all over again before the two-year funding period elapses (on 30 June 2025) to avoid a cessation of services. The uncertainty for service providers and communities that this creates is significant. In my view neither NT Government funding nor Commonwealth funding for the NT is commensurate with the sheer scale of DFSV in the NT. Current funding does not recognise the sustained investment required for change.

161. At the time of completing these submissions (August 2024), almost a year after Action Plan 2 was released, both of the two major parties have committed to fully funding \$180 million over five years, although there is no specification as yet as to how it will be spent.¹⁰⁹
162. The justice initiatives set out in Action Plan 2 are vital to the plans for targeting DFSV (eg expanding men’s behaviour change programs in community settings under the new Framework; expanding DFV programs in prison to prisoners on remand or serving sentences less than two years; providing trauma-informed DFSV counselling for female prisoners through a non-government specialist service; strengthen the Specialist DFV Court Model at the Alice Springs Local Court, and many others). Stripping funds from each of these initiatives, and providing for only short term funding, massively reduces the chance that they can make any meaningful difference.
163. The amount requested was an excellent start, and would demonstrate a true commitment to lasting reform, rather than piecemeal stop gaps, but it should be the beginning of the discussion about the amount required to make a genuine difference and to ensure the long term sustainability of services and the humans who staff them.
164. Again, the issue is best expressed by one the subject experts the Court heard from, on this occasion, Penny Drysdale:

¹⁰⁸ Statement of Penny Drysdale dated 26 October 2023, at [48] (Common brief: 1-3).

¹⁰⁹ <https://www.abc.net.au/news/2024-07-31/nt-labor-clp-promise180-million-domestic-violence-funding/104158948#>.

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DFSV is preventable. There is much in the NT Government's current approach to DFSV that is positive and going in the right direction, but what we are doing now is simply nowhere near enough to change the entrenched levels of violence in the NT and revamp and coordinate frontline responses. In my view the NT Government should build on the existing DFSV Reduction Framework and Action Plan 2, but increase its effort and its funding allocation exponentially over a generation or longer. The scale of the response needs to be commensurate with the scale of the problem if we are to achieve change.

165. In the interests of clarity, the commitment of resources that ought to be made immediately, and deserves bipartisan support, should include:
- (a) **First**, fully funding Action Plans 1 and 2 (the \$180 million over 5 years) and allowing for any incidental cost caused by inflation,
 - (b) **Second**, committing urgent sums to address the shortfall in baseline funding for existing crisis response services, properly indexed for inflation and immune from any so called 'efficiency' cuts, and
 - (c) **Third**, establishing a peak body that can assist the sector to work together, to coordinate responses and to achieve meaningful, lasting change.

The need for a peak body

166. Although there is compelling justification for funding grass roots services, the Court also heard unanimous calls from the non-government sector for the formation of a peak body in the Northern Territory.
167. Penny Drysdale is a senior policy lawyer with a deep knowledge of the DFV sector. In July 2022 she was appointed as AGD's representative (sometimes called the 'justice representative') on the ICRO, based in the Department of Territory Families, Housing and Communities (TFHC), and she held that position from mid July 2022 until 31 May 2023, when she resigned.¹¹⁰ After that time, she was contracted by the NT Council of Social Service (NTCOSS) to codesign a model for a peak body for domestic, family and sexual violence services (DFSV) in the NT.
168. The consistent evidence from service providers was that the absence of a peak organisation adversely impacts on sector's ability to be strategic and well organised and has a negative impact on the

¹¹⁰ Statement of Penny Drysdale dated 26 October 2023 at [2] (Common brief: 1-3).

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government's ability to consult with and take advice from the sector.¹¹¹ A peak body would also assist in elevating the voices of those with lived experiences.

A coordinated response

169. At the conclusion of her excellent statement setting out the history of the ICRO and some of the good work that has been done to date by the government and non-government sector, Ms Drysdale offered her expert opinion (based on her experience in the NT and Victoria working on DFSV reform) as to seven points that are essential to effectively strengthen responses and reduce DFSV in the NT. While some of them may form the basis for separate recommendations, all of them are issues that require cooperation, consistency and coordination, which a peak body can assist with. The seven essential points put forward by Ms Drysdale are:¹¹²

- (a) A co-ordinated, integrated, joined-up approach across all relevant government agencies and non-government service providers is necessary to achieve change. As acknowledged in the NT's Risk Assessment and Management Framework (RAMF) this includes all universal and statutory services, as well as DFSV specialist services. This must be more than the mere appearance of co-operation and collegiality or the creation of a single overarching policy document or strategy. There must be a continuing joint effort over time to create a joined-up system and ensure there is continuous improvement of that system. All agencies and non-government organisations need to have shared ownership of this approach.
- (b) Within each government agency there needs to be a whole-of-agency response to DFSV. In some agencies there is one person or a small group of dedicated individuals with a DFSV-lens working hard to improve responses to DFSV, but their advice and proposals are isolated and not necessarily embedded across the organisation as a whole. This lack of policy cohesion and alignment within each agency is a significant barrier to changing the rates of DFSV.
- (c) Having a DFSV-lens and DFSV-informed approach to legislation, policy, programs and practice across all the agencies is critical. The NT's RAMF creates a framework for risk identification and management but there needs to be greater investment in implementing and embedding the RAMF across all universal, statutory and DFSV specific services. This has started to occur in the NT but there is a need to go further. A co-ordinated approach to risk identification and management can save lives. There is a growing body of work and DFSV expertise that can be drawn on to shape responses in the NT.

¹¹¹ Statement of Rachael Uebergang dated 18 May 2024 (Common brief 1-10).

¹¹² Statement of Penny Drysdale dated 26 October 2023, at [72] (Common brief: 1-3).

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- (d) Improved policing is a critical component of reform. There must be significant improvement to police procedures, supervision and training and this must be developed in collaboration with DFSV specialists. There needs to be DFSV informed leadership from the Commissioner of Police down through all ranks of NT Police. We need to identify the police who are skilled at handling DFSV and reward them and make them available to support other members. To echo a comment made by Assistant Commissioner Michael White say many times: Police cannot arrest their way out of this issue and police cannot address this issue on their own. Police working alongside other responders and service providers is critical.
- (e) The NT needs to better support and cultivate Aboriginal leadership and community development that is specifically targeted at reducing violence, abuse and jealousy at the local level. This work needs to be very localised, or nothing will change. Local people need to be actively involved in shaping local solutions to prevent violence and to respond assertively when it occurs. This requires a level of investment (in terms of paid positions at a community level) that is not currently supported in the NT but the rates of DFSV cannot change without it.
- (f) There needs to be an intensive push for more DFSV-specific training across all professional groups and organisations in the NT, that is, across universal, statutory and specialist services. Training must be accompanied by organisational change to articulate and embed best practice responses within the policies, procedures and practices of all organisations. Training and organisational change must occur side by side.
- (g) There needs to be more interventions targeted at men who commit violence, including group programs, individual work, and support to address other forms of disadvantage. These interventions need to encourage men to take responsibility for their actions (giving a clear message that DFSV is never acceptable) and also to support men to heal from their own trauma. It is critical that people working with men who use violence do not collude with men or seek to minimise or excuse violence or blame the victim. Programs and interventions need to operate in a DFSV-informed environment (that is, have the support and backing of the community) and there needs to be a skilled DFSV-informed and culturally safe workforce in order to effectively support men in the change process.

The need for culturally appropriate and community-led two-way mediation services

- 170. A strong picture emerged during the Inquest of the need for highly qualified, high skilled, trauma informed and culturally appropriate mediation services, in order to prevent arguments resulting in

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DFSV, or worsening DFSV, and to attempt to resolve tension that may result in further serious injury or death. The recommendation that the Northern Territory invests in such mediation services goes directly to the Court's death prevention function.

171. The evidence suggests that skilled mediation services are required at the following points:
- (a) to assist parties to resolve conflict in a way that might limit a victim/survivor being put back in a position of risk (eg Miss Yunupiju going back to live with the perpetrators family),
 - (b) to assist parties to resolve conflict that arises out of jealousy issues, or a major past upset or perceived wrong, that can linger for months,
 - (c) to help reduce tensions that flare up immediately after someone is seriously injured or killed (eg the tensions that built between the families of Kumarn Rubuntja and Malcolm Abbott after Kumarn was killed, when some family members did not accept the overwhelming evidence that Malcolm was responsible for the death), and
 - (d) to help reduce tensions that can lead to more serious violence, when court proceedings related to a death come up many months, or even years after the death (eg the criminal and later coronial court process in Kumarn Rubuntja's case).
172. As the Tangentyere Women's Family Safety Group stated, often extended family members become involved in cycles of violence and sometimes increase the risk of harm to victim/survivors. One TWFSG member said:¹¹³
- “We need to go back to the old ways, where we have a mediation within our communities where the elders would be back in that circle”.
173. Examples of effective mediation were outlined in the statement of Justine Davis, who has worked in conflict resolution and peacemaking for over 30 years, with a focus on intercultural mediation. Ms Davis explained the importance of peacemaking initiatives as part of a solution to address DFSV and its flow on impact on the community. As an example of the work that can be done, she gave evidence about 'Mawul Rom', a leadership and peacemaking program across two knowledge systems – the Yolju (the people of Arnhem land) and Balanda (non-Aboriginal people).
174. Mawul Rom was first offered by the Dhurili Clan Nation of North East Arnhem Land through the Mawul Rom pilot project in 2004 and ran for consecutive years from 2007 to 2009, with sponsorship from The Australian Federal Police. From 2011, the program entered a partnership with Charles

¹¹³ Tangentyere Women's Family Safety Group Submission into Review of Legislation and the Justice Response to DFV in the NT (Common brief: 10-13).

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Darwin University and was established as a 4-year Master of Indigenous Knowledges (Mawul Rom) degree. Several hundred people participated in the program from a very diverse background, including Yolŋu students from across Arnhem Land and First Nations peacemakers from across Australia and beyond, NT and Australian Federal police, Emergency services workers, Mediators, human rights organisations, lawyers, community development workers, academics, judges and many others. Approximately 30 people have graduated in both the Yolŋu and Balanda academics, and at least 300 students have completed part of the program. The program is in need of further investment.¹¹⁴

175. As explained by Justine Davis, Mawul Rom is working with others to develop a model where Yolŋu peacemakers can be brought in to mediate inter-familial and other disputes. This would require the balanda system to value their time and expertise and create referral pathways and reasonable remuneration. Currently, peacemakers are expected to do this in their own time, voluntarily, and on top of their existing work and other commitments, and that system is not sustainable.
176. One of the graduates of Mawul Rom is Senior Constable Brad Wallace, an initiated Arrernte man who is a Senior Constable of the NT Police with a long and distinguished career in federal and Territory policing. Senior Constable Wallace gave evidence in these proceedings. In addition to lending his expert view, he was integral in assisting the Coroner, and the Rubuntja and Abbott families during delicate stages of the Inquest, putting his expertise into practice in the service of the Court, police and community.
177. Many remote communities throughout the NT continue to practice traditional peacemaking, but this is mostly unpaid and without resources. Peacemaking groups include:
 - (a) Mawul Rom Mediators (Arnhem Land),
 - (b) Pongki Mediators (Tiwi Islands),
 - (c) ARDS Napuŋuwuy team (ARDS supports and facilitates peacemakers,
 - (d) in Nhulunbuy (and the greater Miwatj area), Galiwin'ku, Miliŋimbi, Ramingining, Gapuwiyak and surrounding homelands),
 - (e) Groote Eylandt peacemakers (Groote Eylandt),
 - (f) Kurdiji Mediators (Lajamanu),
 - (g) Southern Tanami Kurdiji Indigenous Corporation peacemakers (Yuendumu and Willowra),
 - (h) Watjarr group (Ngukurr),
 - (i) Pekpek Marda group (Wadeye), and
 - (j) Ali Curung mediators.

¹¹⁴ Statement of Justine Davis dated 5 November 2023 (Common brief: 1-2E).

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178. Training for the groups has been provided by a number of organisations, primarily the Community Justice Centre (CJC), NAAJA, and Mawul Rom, and some consultancy groups.¹¹⁵ In 2021 – 2023 NAAJA ran a mediation training project with five communities under a ‘Safe Respected and Free From Violence’ grant through the Department of Territory Families, Housing and Communities. The overarching aim was to support Elders and community members to identify and prevent violence in their communities including domestic violence and broader community conflict. This project followed the same framework as other trainings on country, namely by:
- acknowledging and respecting existing peacemaking work occurring on country,
 - introducing tools and skills from ‘mainstream’ peacemaking processes (mediation and restorative justice), and
 - co-designing and delivering training in line with the Australian National Mediation Standards.
179. The key conflict ‘type’ that peacemakers identified repeatedly as wanting and needing to resolve were matters involving DFV, which stood out to Ms Davis as a powerful example of “community acknowledging the problem and wanting to use their skills to support families and resolve these particular kinds of conflict”. The final stage of the project was bringing community peacemakers and elders together to learn from each other and to identify further opportunities for preventing violence and increasing peace in community. In May 2023, NAAJA and the CJC co-hosted a mediator gathering bringing together approximately 60 peacemakers from across the NT in Katherine. Ms Davis gave evidence that it is essential that peacemaking groups are supported to exchange information and to drive reform in a justice system that prioritises community-led processes.¹¹⁶
180. The mediation training described by Ms Davis appears to be an excellent initiative, developed around best practice guidelines of being community led and driven, with a focus on capacity building, two way learning and sustainability. It is respectfully suggested that recommendations supporting this important work ought to be made by the Court and are directly relevant to the Court’s death prevention function.¹¹⁷

Needs based funding

181. A theme in the common hearings section of these Inquests, and in other NT specific inquiries, is that the unique history, demography and geography of the Northern Territory requires a “needs based”

¹¹⁵ Statement of Justine Davis dated 5 November 2023 (Common brief: 1-2E).

¹¹⁶ Statement of Justine Davis dated 5 November 2023 (Common brief: 1-2E).

¹¹⁷ Statement of Justine Davis dated 5 November 2023, and the recommendations set out at pp9-10 (Common brief: 1-2E).

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funding contribution from the Commonwealth Government. That issue cannot be the subject of a direct recommendation from the NT Coroner (save for a recommendation that the NT Government continue to negotiate with the Commonwealth Government to develop a methodology for needs-based funding for the DFV sector). It is, however, part of the factual matrix and is thus included below.

182. According to Dr Chay Brown, the Commonwealth Government has previously committed to developing a methodology for needs-based funding but if it has been done, it has not been made available to the sector.¹¹⁸
183. Again, it is important to emphasise that there is no political comment or criticism intended or implied, by pointing out the calls for needs based funding. Any failure to invest in needs based funding to date is a bipartisan one and the current crisis is the result of decades of failed policy post colonisation of the Territory. It is also important to recognise that the current Federal Government has committed significant resources to the Northern Territory to assist with issues including domestic and family violence.
184. Advocates for the sector point out that the level of DFSV-related need in the NT is extreme, and DFV assaults in the NT appear to be increasing. There is clearly no simple, easy or quick remedy.
185. The situation was explained clearly by senior policy lawyer, and an expert in DFV, Penny Drysdale, as follows:¹¹⁹

At a National level more funding than ever before is being invested to tackle DFSV under the National Partnership Agreement and the new National Plan to End Violence Against Women and Children (the National Plan). However, the Commonwealth Government provides funding to states and territories based on population, rather than need. The NT has a relatively small population (around 250,000) and so the NT's share of national funding is never sufficient given the extreme level of need in the Territory. This problem is exacerbated because the cost of delivering services in the NT is particularly high and Territorians often face multiple forms of disadvantage in addition to DFSV.

Aboriginal women and children in the Northern Territory bear the brunt of this funding shortfall as they are the group most affected by DFV in the NT.

Allocating Commonwealth funding on the basis of need rather than population would mean that the NT would obtain a greater share. 'Needs-based funding' rather than 'population-based funding' could make a huge difference to women, children and men in the NT.

¹¹⁸ Supplementary statement of Dr Chay Brown dated 19 May 2024, at p2 (Common brief: 1-2CCC).

¹¹⁹ Statement of Penny Drysdale dated 26 October 2023, at [66]-[71] (Common brief:1-3).

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The National Plan aims to end DFSV within a generation. Closing the Gap Target 13 is for the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children to be reduced by 50% by 2031, as progress towards zero.

In my opinion these goals and targets will never be met in the NT with current funding levels and arrangements. They will not be met unless the Commonwealth Government and the NT Government both start to fund DFSV prevention and response in a way that is commensurate with the demonstrated high rates of DFSV, and associated need, in the NT.

186. Law and justice in the Northern Territory will continue to be the responsibility of Northern Territory Government and a Territory Coroner can only encourage contribution from NT Government and further cooperation with all stake holders, including the Commonwealth.

E. UNMET NEED FOR VICTIMS

Lack of baseline funding

187. The Court heard consistent evidence from service providers on the ground (including the Darwin Aboriginal and Torres Strait Islander Women's Shelter (DAIWS), Women's Safety Services of Central Australia (WoSCCA) in Alice Springs, the Tennant Creek Women's Refuge, Gunbalanya Women's Safe House and Katherine Women's Crisis Centre, about a poverty of resourcing in the sector. While there have been short-term emergency grants and some funding for prevention and new initiatives (all very welcome and necessary), existing and essential crisis response services have been left without long term, sustainable funding.
188. The Court received significant assistance from service providers, many of whom spent hours preparing their evidence on top of an already overloaded schedule. These subject experts gave the court an understanding as to why the frontline services are so stretched, including:
- (a) minimal or very modest funding to begin with,
 - (b) there has been no increase in service fundings to fully offset high inflation,
 - (c) an increase in demand for services,
 - (d) a wage ruling meant that all staff were entitled to (and required to be paid) a wage increase. While the wage increase was modest and welcome, there was no matching increase in the budget for the service (in July 2023 community services workers were awarded a 5.7% wage

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increase by the Fair Work Commission, meaning means that, by law, service providers like women and Children shelters must increase the wages of staff by 5.7%),¹²⁰ and

(e) an “efficiency dividend” (surely a true misnomer in the context of the DFSV sector) was introduced in 2019 and is defined by Government as ‘An annual deflator applied to the output appropriation-funded portion of agency expenditure budgets to encourage more efficient service delivery through improved processes and increased productivity’. Furthermore, a “budget savings measure” (also a misnomer if the true cost of DFSV was taken into account) was applied in 2023 – 2024 and resulted in an additional 1% reduction to funding. These reductions in funding have resulted in less service and support for clients.¹²¹

189. In some cases, for example the women’s shelter in Tennant Creek, it was not possible to attract and retain enough skilled workers at the refuge. That is no surprise, given how understaffed the shelter is, how hard the work is and how underpaid the staff are. That has real world consequences for women and children in need, as was the case with Kumanjaji Haywood, where staff at the Tennant Creek Women’s Refuge did not then have the requisite skills or time to complete a risk assessment and prepare a safety plan with her.
190. The Court heard that when services raise their funding crisis with Government, they may be provided with (much welcomed) interim relief through one-off funding, but short-term one-off funding does not allow for recruitment of adequate numbers of staff, nor for effective strategy and planning.
191. The situation experienced by all services was carefully and fairly articulated by Rachael Uebergang as follows:¹²²

It is essential for budget preparation work in community services organisations to know prior to the commencement of a financial year, what funding is available. Knowing what indexation payment might be forthcoming, including whether indexation is an increase or decrease in funding, is an essential component of this. On 29 December 2022, some of our services were provided with 36 months of indexation funding and informed that the 36 months of indexation funding was to be expended by 30 June 2023. Such a late payment of indexation, with the requirement to expend over a short period of six months, does not facilitate thoughtful, consistent and reliable service delivery.

Short term funding or lack of funding certainty presents workforce challenges. It creates an over reliance of fixed term employment contracts rather than the ability to offer ongoing employment, which can impact the ability to recruit and retain skilled and qualified staff. Whilst additional funding, including short term funding, is welcome, short-term funding does not provide a sustainable solution to the need for reliable, consistent funding arrangements.

¹²⁰ Statement of Rachael Uebergang dated 18 May 2024 (Common brief: 1-10).

¹²¹ Details were set out in the statement of Rachael Uebergang dated 18 May 2024 (Common brief: 1-10).

¹²² Statement of Rachael Uebergang dated 18 May 2024 (Common brief: 1-10).

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The inherent challenge we are faced with, is a lack of growth in core funding to meet the increasing wages and operational costs, as well as the ability to meet the increasing demand of women and children experiencing DFV who are in desperate and urgent need of our services.

192. Those concerns were echoed in the evidence of other subject experts, including Larissa Ellis,¹²³ Dr Chay Brown¹²⁴ and Bernadette Wombo.¹²⁵
193. Additionally, while new funding has been made available for new programs, other “essential, existing and effective crisis response services” (such as WoSSCA), are being eroded through a lack of indexation payments. The Court would accept the evidence (and common sense) submissions of the subject experts working tirelessly to provide frontline services that grant funding terms and conditions must explicitly include indexation that is commensurate with real costs increases, otherwise funding will continue to decrease in real terms over time.
194. Other specialist services across the Northern Territory are struggling. In Galiwin’ku, for example, a Yolŋu led women’s shelter and service - Galiwin’ku Women’s Space – was recently fundraising to try to keep their doors open.¹²⁶

Victims of domestic violence being turned away

195. The inadequacy of funding and its short term/stop gap nature is having very real consequences for the victims of domestic and family violence, many of whom have to be turned away when they seek shelter, or do not get the follow up services required to keep them safe.
196. Numerous examples were given to the Court, and the ones below are illustrative of the broader sector.
197. YWCA Australia delivers the services in Darwin and Palmerston including five safe houses and case management outreach support for women with children experiencing domestic, family and sexual violence (DFSV), Specialist DFSV Counselling and specialist workers to support children who are impacted by DFSV. The broader community would surely agree that this work is essential for the victims of violence and for the long term safety and security of future generations in the NT. Their data depicts that the level of support to clients has remained relatively steady, but there is a very

¹²³ Statements of Larissa Ellis dated 6 June 2023 and 1 November 2023 (Common brief: 1-3A and 1-3C). Ms Ellis gave oral evidence at the Inquest into the death of Kumanjaya Haywood on 14 and 15 June 2023, and in the common weeks on 2 November 2023.

¹²⁴ Supplementary statement of Dr Chay Brown dated 19 May 2024 (Common brief: 1-2CCC).

¹²⁵ Statement of Bernadette Wombo dated 22 June 2023 (Ragurk brief: 3-32A).

¹²⁶ Supplementary statement of Dr Chay Brown dated 19 May 2024, at p2 (Common brief: 1-2CCC).

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significant increase in unmet demand, such that from 1 July 2020 to May 2024 there was a 279% increase in unmet need reported as ‘unassisted’ in the SHIP database system.¹²⁷

198. When that was broken down in numbers by the Regional Manager NT, Rachael Uebergang, it is easy to see how vulnerable any of these people seeking help, but turned away, might be. From 1 July to 31 December 2020 the Domestic and Family Violence Centre (DFVC) assisted 110 people and were unable to assist 66 people. In 2024, from 1 January until 15 May (not yet a complete 6-month period) the DFVC assisted 155 people and were unable to assist 250 people. This suggests that the trend is getting worse. Based on YWCA DFVC data, the numbers of women experiencing DFV is increasing.¹²⁸

F. UNMET NEED FOR PERPETRATORS

Men’s behavioural change in community

199. The Court heard an abundance of evidence that there is an urgent need for further investment in, and availability of men’s behavioural change programs in the community.
200. A model which has been formally evaluated and was unanimously recognised as excellent by all relevant witnesses is already operational in Alice Springs and run by the Tangentyere Council.
201. Maree Corbo is the Manager of Family Safety Programs at Tangentyere Council Aboriginal Corporation and has worked in family violence programs at Tangentyere Council for nearly a decade. She laments how often men are invisible in the discussion around solution to DFV, which means they are less accountable for their behaviour, and less supported to change it.
202. Ms Corbo is in support of the repeal of mandatory sentencing for men who use violence, noting that putting men in prison for short sentences without appropriate programs leads to men feeling victimised and with the opportunity to potentially collude with each other about how women are to blame “for putting them in prison.”; however, she highlights the lack of resources for the non-custodial alternatives that are necessary to change attitudes and behaviour.¹²⁹
203. Demand for the Tangentyere Men’s Behaviour Change Program and referrals are increasing, partly due to the positive outcomes with the Specialist Approach to DFV at the Alice Springs Local Court, which may mandate participating in a program (outlined further below). Ms Corbo gave evidence that

¹²⁷ Statement of Rachel Uebergang dated 18 May 2024 (Common brief: 1-10).

¹²⁸ Statement of Rachel Uebergang dated 18 May 2024 (Common brief: 1-10).

¹²⁹ Statement of Maree Corbo dated 1 November 2023, at p4 [14]-[15] (Common brief: 1-2C).

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waiting lists are not good practice in relation to Men's Behaviour Change Programs and women and children may be at greater risk during this period.¹³⁰ She explained the risk to women and children if men are not engaged in the solution and kept in view:¹³¹

As I have sat in court, I am worried that we are losing the view on men who use violence. I have experienced many times how easy it is for men who use violence to become invisible in the conversation about addressing DFV. The invisibility of men is often insidious as the discussion turns away from holding men accountable and supporting them to change their behaviour and attitudes to placing band-aid solutions on women's safety. During my early career I worked with women and children who were victim/survivors of violence, and I knew then as I know now that the real change for women and children needs to be addressed with men who are using violence.

204. The evidence of Ms Corbo was echoed by other experts in the sector. Dr Chay Brown (who co-authored the Central Australian Minimum Standards for Men's Behaviour Change Programs)¹³² gave evidence that:¹³³

Keeping perpetrators of violence in view requires ... the development of specialist interventions for people using violence, inclusive of men's behaviour change programs. Accountability comes in many different forms, but is also grounded in education and shared language to prevent victim-blaming narratives and address community attitudes which condone, minimise, or justify violence. Currently, few programs or accountability mechanisms exist within the Northern Territory that focus on users of violence. Programs to work with men using violence need to be expanded. This is a major gap that urgently needs to be addressed.

205. Like all on the ground DFSV service providers the Court heard from, Tangentyere Council is stretched and too much of their valuable time is taken up chasing fundings dollars from Government and non-government sources. Tangentyere Council is heavily relied on by the specialist DV court to assist in reforming serious offenders, and yet it has still struggled for funding for many years.
206. Ms Corbo set out some of the challenges for services in Northern Territory since the way that funding is calculated and structured frequently does not take into account the unique circumstances of the Northern Territory. She explained that:¹³⁴

The difference between programs I've managed in Melbourne and programs I've managed in Alice Springs is stark in terms of what we must do to ensure people have access to our programs. For example, we may need to provide transport to and from programs, and

¹³⁰ Statement of Maree Corbo dated 1 November 2023 at p4 [19] (Common brief: 1-2C).

¹³¹ Statement of Maree Corbo dated 1 November 2023 at p3 [9] (Common brief: 1-2C).

¹³² Statement of Dr Chay Brown dated 8 November 2023, at p2 (Common brief: 1-2BBB).

¹³³ Statement of Dr Chay Brown dated 19 May 2024, at p8 (Common brief: 1-2CCC).

¹³⁴ Statement of Maree Corbo dated 1 November 2023 at p4 [23] (Common brief: 1-2C).

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sometimes even to communicate with our participants between programs because they don't have mobile phones.

207. In Darwin, a modest resource is available to assist men through the Darwin Indigenous Men's Service (DIMS), which has operated for over 18 years in Darwin and began as a program run from the Darwin Aboriginal and Islander Women's Shelter (DAIWS) thanks to their "visionary" Indigenous women. They advocated on behalf of clients who were leaving the shelter and going back to their partner when the home situation was calm. The women realised that the cycle would not be broken unless there are services for men to get help, change their behaviour, learn conflict resolution skills, de-stress and improve their social and emotion wellbeing.¹³⁵
208. Michael Torress is the Founder Coordinator Counsellor of DIMS and provides family violence counselling and education to Indigenous men. The project's objectives are to provide relationship support to Indigenous men by improving their family relationship skills and to reduce the incidence of family violence. He gave evidence that DIMS provides a culturally safe place for Indigenous men to access counselling and mentoring, and to participate in weekly programs. DIMS provides three programs: Respectful relationships (8 weeks), Fathers' program (8 weeks) and Indigenous men's healing program (8 weeks). Clients can enter the programs at any stage and participate in all programs throughout the year. DIMS receives referrals from Government and non-government agencies and is the only Indigenous male specific service in Darwin designed by Indigenous men for Indigenous men.
209. Referrals to DIMS programs have increased over the last three years and Michael Torres helped to explain the complexity of clients, and why sustained case work and counselling should be available. His evidence included:¹³⁶

Through the counselling process, I've identified common themes with Indigenous men relating to family violence. They are trauma, anxiety, depression, alcohol and other drugs misuse and violence. To address family violence, we have to address the health issues as well, to improve men's social and emotional wellbeing, and relationships and parenting skills. Other issues relation to family violence are overcrowding, lack of appropriate accommodation, poverty, and unemployment.

210. As Mr Torres explained in evidence, however, funding is not adequate to allow them to meet the needs of female victim/survivors, or male perpetrators, particularly given the steady increase in DFV over the last 20 years.¹³⁷ As he stated:

Domestic violence funding from governments has mostly funded services for women and children, and only a few programs for men. Statistics indicate that 85% of perpetrators of

¹³⁵ Statement of Michael Torres dated 3 October 2023, (Common brief: 1-9).

¹³⁶ Statement of Michael Torres dated 3 October 2023, (Common brief: 1-9).

¹³⁷ Statement of Michael Torres dated 3 October 2023, (Common brief: 1-9).

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domestic violence are males. Men must be part of the solution to keep women and children safe. Policies need to change dramatically to reduce the incidence of domestic and family violence.

211. While Tangentyere and DAIWS urgently need more and sustainable funding, other jurisdictions in the Northern Territory have no services at all. There will be no “one size fits all” model of men’s behavioural change and community led solutions should be explored and supported.

Men’s behavioural change in custody, and on release

212. The Court heard an abundance of evidence that there is an urgent need for better funding for men’s behavioural change programs. At the time of the Mapping report in 2023, it was noted that although there were then 2,000 prisoners (2.5 times higher than 2012), Offender Services and Programs had had no program delivery staff increase since 2012 when they were servicing 800 prisoners. The staffing levels mean that significant numbers of prisoners have not been receiving the programs that are internationally recommended as an appropriate rehabilitation intervention. The Mapping Report highlighted the need for increased access to programs to provide behavioural change opportunities for people who have committed DFV, including those on remand. These issues are explored further in the section on missed opportunities for NT Corrections.
213. It was also pointed out in the Mapping Report that there must be alignment and coordination between the programs provided in custody and those delivered in community. This can be achieved through the “creation of an overarching Framework for all DFV programs that is informed by the best available evidence”. Victim survivor safety and offender accountability should be the foundational principles and objectives for all DFV programs in the NT. It will also ensure that there is continuity in program content even when a person's custodial status changes. This would allow people to commence a program in prison and continue when they are released from custody.¹³⁸

G. ISSUES FOR NT POLICE

214. Many of the police who gave evidence at these Inquests had been deeply affected by the weight of the work, the relentless nature of it, the lack of resources and the worsening of the problems.
215. The Court heard from frontline officers, who had involvement with the women who were killed and the men who killed them. These officers continue to face an overwhelming level of DFV-related

¹³⁸ Mapping Report, at p118 (Common brief: 7-83).

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callouts every day. The Court would commend these individual police officers who were able to reflect on their actions and see where there was room for improvement, with training and mentoring. The experiences of these officers, and the suggestions they offered were of enormous value to the Court in understanding what may help frontline police fulfil their role in addressing the complex challenges of the DFV crisis.

216. As noted above, the Court also heard evidence from the most senior NT Police working within DFV, and from the Commissioner of Police. Each recognised the increased burden on their colleagues and the challenges for police in an environment when DFV is increasing, and all other service providers are stretched. It is respectfully submitted that the Court would commend the senior police who gave evidence in these Inquests, for their frank reflections, their ongoing commitment and their demonstrated ability to forge relationships with those outside the police force who share their commitment to a safer Northern Territory. The NT Police Force ought to be proud of those efforts, and of the evidence that its officers gave at these Inquests.
217. The following outline does not do justice to the entirety of their evidence, and it is not suggested that these are the only matters that the Court will comment on. As a result of the frank reflection of senior officers, particularly Assistant Commissioner White, Commander Sharma and Superintendent Engels, the shortcomings in the response of police in each case have been recognised by Police themselves, and they have attempted, in good faith, to address them.

General Duties callout times

218. The Court received overwhelming evidence that General Duties police are struggling to cope with the increase in domestic violence in major centres over the last five years.
219. The figures gathered in the evidence for these Inquests reflect what service providers on the ground have been hearing: that staff express frustration with wait times for police.¹³⁹
220. This anecdotal evidence is now backed by the statistics that prove that in the last five years, the wait times for NT Police have almost doubled in main centres. That situation is completely unsustainable. The burden on NT police, who often feel overwhelmed and under resourced is completely unacceptable and the risk to the lives of victim/survivors (and the wellbeing of bystanders who are often children) is intolerable.

¹³⁹ Statement of Rachael Uebergang dated 18 May 2024 (Common brief:1-10).

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221. The anecdotal evidence was reflected in the evidence from Dr Carolyn Whyte, who is the Director of the Criminal Justice Research and Statistics Unit within the Northern Territory Department of the Attorney-General and Justice. Dr Whyte reviewed raw data provided by NT Police in relation to main centres.¹⁴⁰ Among other things, Dr Whyte found that:
- (a) In 2022-2023, the total average time between creation of a priority one job (eg 000 call) and Police arrival in main centres was 43.6 minutes,
 - (b) In 2022-2023, approximately 15% of priority 1 callouts, 35% of priority 2 callouts and 57% of priority 3 callouts in main centres did not have a unit recorded as arriving, with an average of 41% overall,
 - (c) The average response times for priority 1 callouts in main centres has increased from 22.2 minutes in 2018-2019 to 43.6 minutes in 2022-2023, and
 - (d) In 2018-2019 there were 7891 priority one callouts for these areas. In 2022-2023, this had increased by 50% to 11,870.

[Joint Emergency Services Communication Centre \(JESCC\) under pressure](#)

222. The overwhelming evidence across the Inquests was of a Joint Emergency Services Communication Centre (JESCC) under enormous pressure because of the volume of DFV calls received.
223. The Court benefitted from a view of JESCC arranged by NT Police, where the Coroner and representatives from all interested parties were given the opportunity to attend during a night shift and to observe the trained call takers in action. As well as following their protocols and procedures, they are required to have excellent communication skills, and to have significant emotional intelligence, patience and common sense. Even the best call takers will not answer every call perfectly every time, but as might be expected, the more pressure the call takers are under, the harder it is to do their job.
224. The Court heard important evidence from Sergeant Wolfgang Langeneck, a member of the NT police officer for over 20 years who has worked in communications since 2017. Sergeant Langerneck was the night shift JESCC supervisor for one of the calls made by Ngeygo Ragurk on 23 December 2019 and his role on that night, as on many others, involved re-categorising the call. He was responsible for changing the incident type from 'Domestic Disturbance' to welfare check, effectively putting it down the list in priority.¹⁴¹ Although, in hindsight, he conceded an error in doing so, his explanation for why that happened was compelling and he should not be the subject of any criticism. In short, Police are often so crippled by demand that they are forced to make invidious choices to deprioritise

¹⁴⁰ Statutory declaration of Dr Carolyn White dated 24 August 2023 (Common brief: 2-6).

¹⁴¹ Statement of Sergeant Wolfgang Langeneck dated 23 June 2023 (Ragurk brief: 2-11B).

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some calls so that they can get resources to cases they deem more urgent, based on the limited information available.

225. An increase in the volume of calls is alarming. Two particular sources of stress flow from that fact. First, call takers are stressed because they cannot meet the target times for responding to the calls coming in, and are constantly reminded of that by a colour coded board which flashes to tell them how many calls are being answered outside the suggested time frame. Second, they are increasingly stressed because they know that there are not enough cars on the road to be able to dispatch to the jobs coming in. The fact that they do not have the number of resources on the ground has led in some circumstance to categorising some jobs as a lower priority than they otherwise would be, just to be able to manage resource allocation.
226. The Court heard that some call takers worry during and after their shift about whether the one case they didn't get to in time, or that they deprioritised, will be the subject of the next inquest before this Court.

Lack of interpreters in JESCC

227. The challenges for call takers in the NT are unique. In many instances, the caller is distressed and speaks limited English and the call takers do not have access to interpreters or any other cultural expertise.
228. One important improvement would be embedding interpreters or Aboriginal Liaison Officers (ALOs) in JESCC, at least during the busiest shifts. The Court heard from Leanne Liddle, in her role (as she then was) as the Director of the Aboriginal Justice Unit, as to the success of an earlier trial of interpreters in JESCC.¹⁴² Sergeant Langerneck agreed and gave evidence that the presence of the interpreters was helpful, not just for individual language groups, but in terms of giving cultural guidance. It is not sufficient for interpreters to be available by phone. They need to be in the workplace to assist as the demand arises, and they can help call takers in between calls, to understand cultural issues and to debrief.

Lack of continuity in the Senior DV command

229. It will be abundantly clear to the Court that the inquest process, and the domestic and family violence sector, were greatly assisted by the work of Assisting Commissioner Michael White, Commander

¹⁴² Statement of Leanne Liddle dated 9 November 2023 (Common brief: 1-7B).

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Sachin Sharma and Superintendent Kirsten Engels. In circumstances where there is room for tension between Police and the non-government (and other government) sectors, the respect and admiration for those three officers was very significant.

230. While there must always be some attrition, promotion and change in the Police force, every effort should be made to maintain continuity of senior staff who are available and are so highly valued in this sector.

231. Dr Brown expressed it as follows:

My concern with the change in police leadership in relation to Domestic Violence is that we will lose the significant goodwill garnered with the specialist sector, and we will lose the commitment from police to fully implement PART. Acting Deputy Commissioner Michael White and Acting Assistant Commissioner Sachin Sharma have been instrumental to the development of PART and a number of other key initiatives in relation to improving police response to domestic violence. My concern is that we will lose time to trying to build new relationships, only to have these people also moved on. We will be back at square one.¹⁴³

232. Those sentiments were echoed by Maree Corbo and many others. Ms Corbo, for example, stated:¹⁴⁴

[O]ne of the issues is that I've worked with many good police over the time. I've worked with, you know, many people that really want to make things different, and to be different. And then they get promoted, or they disappear. And I say about Kirsten [Engels], and she's very considered here, and as she appropriately should be, but the Kirsten I know, is very enthusiastic ... wants things to be different ... really works in a really collaborative way with us.... is very responsible, responsive ... very much listens to what the sector is saying. I am actually terrified, and I – that – that seems like really strong language, but I'm really scared that she'll go, and then we have to start again. And it's so much about doing good work in the spaces about relationships. Relationships between services. Relationships with the community that we're all working for. So I think it's really important that we have that stability within the police, that we know who to talk to. We know that they're absolutely equally engaged as we are. And I think having someone that absolutely holds that up the top, would be incredible ...

233. This Court had the benefit of evidence from the Assistant Commissioner of the Domestic, Family Violence and Vulnerable Persons Command of the Queensland Police, Christopher Jory. The appointment of such a senior and experienced officer, at the level of Assistant Commissioner and for an extended period of time to offer consistency (to his employer, clients and sector) is a serious and appropriate recognition of the importance of tackling DFSV in Queensland. It is, with respect, a lesson for the Northern Territory.

¹⁴³ Statement of Dr Chay Brown dated 8 November 2023, at [q] (Common brief: 1-2BBB).

¹⁴⁴ Evidence of Maree Corbo and Carmel Simpson, 23 August 2023, at T119.

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234. In March 2021, the QPS Domestic, Family Violence and Vulnerable Persons Command (DFVVPC) was established, replacing the Domestic, Family Violence and Vulnerable Persons Unit. The purpose of the Command is to “develop, enhance and support QPS capability to prevent, disrupt, investigate and respond to VFV and harmed vulnerable persons. The command has the responsibility for DFV and vulnerable persons capability for the organisation, leading the broader strategic and policy direction, identifying opportunities for continuous improvement of the policing response and supporting district level frontline operations. As Assistant Commissioner Jory explained:¹⁴⁵

The appointment of [an] executive officer to lead the command was in recognition of the challenges faced responding to increasing DFV demand, protecting victim survivors of DFV and holding perpetrators to account. An executive officer has the ability to work at level across government and with the service sector, and the seat at the QPS executive leadership team table provides opportunities to drive reform and provide advice to the executive leadership team and board of management on matters impacting ability to meet strategic imperatives.

235. Assistant Commissioner Michael White is the current Assistant Commissioner of Domestic Violence and Youth. The Court heard evidence that he has the respect and support of the sector and he has spearheaded the reforms introduced during the course of this Inquest. Similar sector support was expressed for Commander Sharma and Superintendent Engels.

236. In oral evidence, Commissioner Murphy was asked by Senior Counsel Assisting about his understanding of the importance of allowing those senior persons to continue in their roles, and his response was that he did accept that.¹⁴⁶

237. No doubt there are other talented and caring officers, but there was no evidence of any upskilling of those officers or attempts to introduce them to the sector, nor of their work over the long term. The evidence before this Court is of the work of Officers White, Sharma and Engels and the sector expressed its gratitude for their assistance and a strong desire that they continue to be supported in their roles.

238. The Court heard that Domestic Family Violence Units (DFVUs) are located in Darwin and Alice Springs, and in other locations the responsible crime unit assumes the same function.¹⁴⁷

239. The objectives of the DFVU are to:

- (a) identify, prevent and reduce DFV, through targeted activities,
- (b) effectively deal with and target recidivist offenders of DFV,
- (c) support repeat victims of DFV and their families to prevent future violence,

¹⁴⁵ Affidavit of QPS Assistant Commissioner Christopher Jory dated 30 October 2023, at p3 (Common brief: 1-5).

¹⁴⁶ Evidence of Commissioner Michael Murphy, 20 May 2024 at T8-9.

¹⁴⁷ Affidavit of Sachin Sharma dated 11 October 2023, at pp16-17 (Common brief: 2-4).

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- (d) provide advice and support to members investigating serious and/or complex DFV incidents, and
- (e) chair and co-ordinate the Family Safety Framework (FSF) for that region.

240. The role of each DFVU is to:

- (a) develop local strategies and procedures to prevent and reduce DFV in the Northern Territory,
- (b) develop and implement specific strategies or plans to target the criminal activities of recidivist DFV offenders in their region,
- (c) develop and implement strategies to provide appropriate support for repeat victims of DFV and their families,
- (d) case-manage people who are identified as repeat victims or recidivist offenders of DFV,
- (e) where a request for assistance in relation to an investigation (member DFV or serious DFV incident) has been made; provide assistance or advice where applicable and/or take on the investigation as agreed by the Divisional Superintendents,
- (f) work with other government and non-government agencies that provide support services to victims of DFV in a multi-agency approach to intervention and reduction of violence, and
- (g) engage the community to educate and prevent DFV.

241. It should be evident from that outline, and from the gravity of the problem highlighted in these Inquests that the work of the DFVUs deserves significant resourcing, the expertise of the NT's most respected and senior officers and a high level of recognition.

Some of the other issues highlighted by senior police

242. While these submissions do not seek to summarise all of the issues so carefully set out in the reports of Superintendent Engels and the evidence of other senior police, they identified the following issues that emerged after a review of the history of police involvement with the four women and the men who killed them:

- (a) instances of colluding with the perpetrator,
- (b) a failure to check or reflect on the perpetrator's history of serious violence in assessing risk,
- (c) being disarmed by a perpetrator who is downplaying his violence or blaming the victim,
- (d) becoming desensitised to violence,
- (e) misidentification of the true victim as perpetrator,

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- (f) a common lack of understanding of the correct application of a caution and the legal principles of arrest,¹⁴⁸
- (g) lack of a formal feedback loop between the DPP and NTPF on court outcomes that could provide an opportunity to learn from mistakes,¹⁴⁹
- (h) a failure to understand the presumptions for or against bail in dealing with repeat DFSV offenders,
- (i) the need for improved and enhanced training in the detection, response, investigation and prosecution of DFV incidents at recruit level and through command training days. Ongoing evidence based and trauma-informed training at all levels should be delivered by appropriately skilled DFV workers, including guest presenters (see discussion on PART training below),¹⁵⁰
- (j) attending police need to ensure they engage with relevant witnesses where they may be able to obtain evidence from which to proceed with charges, even without a statement from a victim of DFV,¹⁵¹
- (k) supervisory oversight is critical from the initial call to JESCC through to the response and prosecution, if applicable, of a DFV incident. Policy pertaining to audits of DFV incidents needs to be reinforced as an important step in ensuring the first response was appropriate, the investigation was thorough, the correct charges were preferred and consideration was given an application for a DVO and referrals to SupportLink,¹⁵²
- (l) there is a need for police to apply a DFV lens to incidents and to review entire DFV histories. Incidents should not be attended in isolation and should be considered as an extension of previous incidents, in order to form a proper picture of risk from which to make informed decisions as to the appropriate action to take. This may be taking an offender in custody, preferring charges, making a DVO application or referring the parties to appropriate support services through a SupportLink referral. This can be achieved through improved DFV training, stronger operational oversight and improved systems that can provide information efficiently to the frontline police,¹⁵³
- (m) greater awareness of the FSF is required for frontline responders and supervisors. Police who hold positions in the FSF, such as the Chair, require contemporary training and support to

¹⁴⁸ Report of Detective Superintendent Engels at p20 (Common brief: 2-1A).

¹⁴⁹ Report of Detective Superintendent Engels at p21 (Common brief: 2-1A).

¹⁵⁰ Report of Detective Superintendent Engels at pp40-41 (Yunupiju brief: 2-9B).

¹⁵¹ Report of Detective Superintendent Engels at pp40-41 (Yunupiju brief: 2-9B).

¹⁵² Report of Detective Superintendent Engels at pp40-41 (Yunupiju brief: 2-9B).

¹⁵³ Report of Detective Superintendent Engels at pp40-41 (Yunupiju brief: 2-9B).

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ensure they are aware of their obligations and hold the requisite knowledge to fulfil their role,¹⁵⁴ and

- (n) for high risk relationships that do not meet the imminency threshold for FSF, there needs to be a process for these victims and offenders to receive the intervention they require to avoid them progressing to a more acute stage.¹⁵⁵

What NT Police have done in response to review of deaths

- 243. The Court would commend the Northern Territory Police for the exceptional work that has been done by senior police, and their legal team, to identify gaps in the response to callouts for each of the four deceased. Further, they have identified changes that can be introduced within existing resources and advocated, frankly, for further funding across the sector to help tackle increasing demand. They call for a coordinated response and a co-responder model.
- 244. The Court would particularly recognise the work of senior police, including senior Constable Brad Wallace, Assistant Commissioner Michael White, Commander Sachin Sharma and Superintendent Kirsten Engels for the work they did in producing statements and reports, and for their oral evidence. Further, they demonstrated compassion and skill in assisting with family supports and steering difficult family discussions, throughout the weeks of the Inquests.
- 245. Superintendent Engels completed a detailed report in relation to each of the deaths, which summarised the police response in each instance leading up to the death, and where relevant, identified the deficiencies. These can be found in the briefs of evidence at:
 - (a) for Kumanjayi Haywood: Brief at 2-7B,
 - (b) for Miss Yunupiju: Brief at 2-9B,
 - (c) for Kumarn Rubuntja: Brief at 2-2BA, and
 - (d) for Ngeygo Ragurk: Brief at 2-4B.

¹⁵⁴ Report of Detective Superintendent Engels at pp40-41 (Yunupiju brief: 2-9B).

¹⁵⁵ Report of Detective Superintendent Engels at pp40-41 (Yunupiju brief: 2-9B).

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Encouraging steps: Introduction of PARt Training

246. The Court heard encouraging evidence that NT Police support the inclusion of training on best practice domestic and family violence response from an independent, external service provider, and have trialled that training.
247. During the course of the Inquests, a number of recruit squads received a training package called “Prevent. Assist. Respond. Training”, or “PARt”, which for the first time was a package of training designed and delivered by external experts. PARt training is specialist domestic, family, and sexual violence training developed for police and healthcare workers in the Northern Territory.
248. A significant amount evidence about the PARt project, including its development, objectives and challenges, was provided by Dr Chay Brown.¹⁵⁶ The project has been developed and is delivered in a consortium led by Tangentyere Council Aboriginal Corporation, with their partners Women’s Safety Services of Central Australia (WoSSCA), the Domestic Violence Legal Service (DVLS) and the Northern Territory Legal Aid Commission. It is guided by a Steering Committee is comprised of representatives of Northern Territory Police, Northern Territory Department of Health, Aboriginal Medical Services Alliance Northern Territory, and Territory Families, who provide oversight and guidance on the project. The PARt Technical Advisory Group, comprised of women’s services, specialist legal services, and Aboriginal community-controlled organisations, provide technical guidance and support on the PARt project.
249. The PARt project has four central aims:
- (a) to ensure the voices of victim-survivors, particularly Aboriginal women, inform the training materials and package for police and healthcare workers,
 - (b) to increase collaboration and strengthen relationships between the domestic, family, and sexual violence (DFSV) sector, health and police,
 - (c) to increase knowledge and understanding of DFSV, its drivers, emerging forms (such as technology facilitated abuse), myths and misconceptions, CRAT/RAMF, key challenges (such as misidentification), trauma-informed culturally-safe and non-collusive practice, and vicarious trauma among stakeholders and community members through the development of the training package, and

¹⁵⁶ Statement of Dr Chay Brown dated 8 November 2023 at pp3-4 (Common brief: 1-2BBB); supplementary statement of Dr Chay Brown dated 19 May 2024, at p3 (Common brief: 1-2CCC).

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- (d) to support healthcare workers and police with targeted ongoing specialist training materials and packages, which are online, accessible, and modular with attached competencies.
250. The Project was designed with extensive community consultation and with the contribution of expert stake holders. Workshops were held between July 2022 and May 2023, including 21 workshops held with 212 participants in locations throughout the Northern Territory including Wadeye, Nhulunbuy, Galiwin'ku, Ti Tree, Tennant Creek, Alice Springs, Katherine, Darwin, and Lajamanu, in addition to a symposium in Alice Springs with 90 participants.
251. On the basis of those consultations and drawing on the collective expertise of the Steering Committee and the Technical Advisory Group, the PART consortium developed one week of in-person training and ten online modules.¹⁵⁷ The PART training covers:
- (a) drivers and causes,
 - (b) forms of domestic family and sexual violence,
 - (c) coercive control,
 - (d) misidentification,
 - (e) myths and misconceptions,
 - (f) culturally safe practice,
 - (g) trauma-informed practice,
 - (h) non-collusive practice,
 - (i) safety planning, and
 - (j) the importance of an integrated response.
252. Components on mitigating vicarious trauma, an issue which clearly affects NT police and all first responders, are embedded throughout the training. The PART training includes the stories from Northern Territorian victim survivors who have generously shared their stories for the purpose of training police and healthcare workers.
253. It is encouraging that NT Police booked PART to deliver a one week pilot to new recruits in February 2024, one week to the new recruits in March 2024, and again in May 2024. As at 20 May 2024, PART in-person training had been delivered to 115 police recruits and a further squad had commenced the online PART modules. A further squad was scheduled to commence in-person training on 27 May

¹⁵⁷ Supplementary statement of Dr Chay Brown dated 19 May 2024, at p3 (Common brief: 1-2CCC).

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2024.¹⁵⁸ The PARt consortium funded and resourced one week of training for recruits, whilst three weeks have been funded and resourced by police.

254. According to Dr Brown, The PARt training monitoring and evaluation showed a significant increase in knowledge and understanding in recruits, and the training was regarded as useful, enjoyable and informative. The participating recruits were able to demonstrate their understanding of key concepts. From the perspective of police, it has been extremely well received.
255. PARt is working on abridging the PARt training so that it can be delivered to JESCC and auxiliaries.¹⁵⁹
256. The PARt consortium has secured funding from two sources: \$200,000 from Territory Families to complete the online modules; and two-years' worth of funding from the Judith Neilson Foundation to deliver in-person training. PARt has been funded to deliver 4 weeks of training per year to police (if police require additional training, then discussions will have to be had about how to resource this), and microsessions (training 2 – 3 hours in length) 15 times per year across the five regions of the Northern Territory.¹⁶⁰
257. At the time of writing, there is no long-term funding strategy for PARt. Like so many initiatives, PARt was funded under a one-off grant and is a result of significant work and advocacy by the specialist DFSV sector. The implementation, evaluation, and roll out of PARt has been costed by Dr Brown at approximately \$1.8 million over 5 years.¹⁶¹

Revised DFV General Order

258. A key recommendation of the DFSV-ICRO was the need for a review of the DFV General Order to be undertaken in collaboration with the DFSV-ICRO and informed by consultation with DFSV specialists.¹⁶²
259. NT Police gave evidence of the revised General Order, and the document and related commentary is contained within the brief. It includes, for example, a discussion of coercive control and 'red flags', as well as assistance for Police in how to identify the person most in need of protection.¹⁶³
260. The new General Order introduces a 'tiered response' model to provide guidance about how to respond to DFV incidents. Every DFV incident is to receive the 'minimal' response, and where the

¹⁵⁸ Supplementary statement of Dr Chay Brown dated 19 May 2024, at p3 (Common brief: 1-2CCC).

¹⁵⁹ Supplementary statement of Dr Chay Brown dated 19 May 2024, at p7 (Common brief: 1-2CCC).

¹⁶⁰ Supplementary statement of Dr Chay Brown dated 19 May 2024, at p7 (Common brief: 1-2CCC).

¹⁶¹ Statement of Dr Chay Brown dated 8 November 2023 at par [O] (Common brief: 1-2BBB).

¹⁶² ICRO Mapping Report, at p144 (Common brief: 7-38).

¹⁶³ See Affidavit of Sachin Sharma dated 11 October 2023 (Common brief: 2-4).

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DFV incident involves an intimate relationship, attending members must comply with minimum requirements, including speaking to all persons out of the hearing of the other party and completing a new form (the PRST) at the scene with the person most in need of protection. If the risk score is 3 or higher, the member must also offer Supportlink referrals, discuss a safety plan with the victim and send a Task to the DFVU for their further review and action.¹⁶⁴

261. The new General Order formally commenced operation on 9 November 2023 but components such as the PRST have been the subject to a staged implementation.
262. As Commissioner White explained, results from the PRST will enable appropriate cases to be sent to an expanded Domestic and Family Violence Unit (DFVU) and enable additional follow-up, subsequent to the first instance of police being deployed urgently in response to a concern about domestic violence having taken place or being at risk of taking place. The process of auditing PRST results will also assist identification of patterns and circumstances where the PRST score is not sufficiently high of itself for a referral to the DFVU but follow-up or referral is required.¹⁶⁵
263. That obviously imposes a significant burden on the DFVU and those reforms will not be possible without adequate funding for the DFVU. There will be a huge gap between rhetoric and action unless the DFVUs are strengthened and led by an Assistant Commissioner who is fully supported to remain in the position.
264. The General Order should be the subject of continued discussion with DFSV specialists, to ensure that any issues in understanding or implementation can be addressed.

A revised database and software- from PROMIS to SerPro

265. NT Police identified a challenge with their previous computer software, known as PROMIS, and the need for an updated system. One issue with PROMIS in relation to DFV was the difficulty in efficiently identifying the chronology of relevant historic involvements between parties.
266. The proposed changes were set out by Superintendent Engels, who explained that, at the time she gave evidence, PROMIS was scheduled to be replaced late in November 2023. The replacement system is called SerPro a title derived from "To serve and protect". SerPro is used in three other Australian police jurisdictions and widely throughout the United Kingdom, Canada and into the Americas. The SerPro Project team build reports that aim to "efficiently show previous police

¹⁶⁴ See Affidavit of Sachin Sharma dated 11 October 2023, at p9 (Common brief: 2-4).

¹⁶⁵ Statement of Deputy Commissioner Michael White, 20 October 2023 (Common brief: 2-5) at [22].

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involvements focussing on a person of interest's known associations".¹⁶⁶ There is scope for building and tailoring of reports to make the system content even more relevant to the context of assessing the DFV circumstances of frontline members assessing a particular person. Interstate checks will continue to rely on a national database.

267. At the time of writing, it was too early to determine whether this reform is working as planned and NT Police will need to consult with frontline members to assess its efficacy.

The most suitable risk assessment tool/s

268. In the course of these Inquests, the Court heard evidence about the development of risk assessment tools to help police and other agencies to making referrals onto the Family Safety Framework (FSF).
269. In 2017, TFHC conducted an internal review to measure whether the stated aims of the Family Safety Framework (FSF) were being achieved and to suggest remedial actions if they were not. The Summary of Findings and Recommendations report was published in 2017 and is contained in the brief of evidence. The review found that the risk assessment and referral process was deficient, and the document then being used, the Risk Assessment Form or (RAF) needed to be updated. The major findings were:¹⁶⁷
- (a) there needed to be a better understanding and recognition of the non-physical forms of domestic and family violence,
 - (b) the Risk Assessment Form (RAF) criteria for domestic and family violence episodes occurring in the past month were not appropriate for all circumstances,
 - (c) some referrals were declined because the RAF did not adequately reflect the level of risk when a perpetrator had been in custody, even though the perpetrator's anticipated release date may have been uncertain,
 - (d) there was too much emphasis on the RAF score and domestic violence (DV) workers did not feel empowered to exercise their professional judgement, and
 - (e) there were vast differences in victim consent rates for referral to the FSF across regions.
270. That review led to a number of reforms, most notably the development and introduction of the Domestic and Family Violence Risk Assessment and Management Framework (RAMF) that included a new risk assessment tool called the Common Risk Assessment Tool (CRAT) which replaced the RAF. The CRAT is described as a component of a holistic domestic and family violence (DFV) risk

¹⁶⁶ Coronial Report of Detective Superintendent Engels in relation to the death of Kumanjayi Haywood, at p6 (Haywood brief: 2-7B).

¹⁶⁷ Discussion set out in the report of Superintendent Engels at p28, and the Review as annexed (Common brief: 2-1A).

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assessment and management framework, which provides practice guidance in relation to DFV identification (screening), assessment and management. It takes some time (approximately 15-30 minutes) to complete but is recognised as an important tool and has been the subject of significant expert discussion. The development of the CRAT and RAMF were an action under Action Plan 1 and also responded to recommendations from the 2017 FSF Review.¹⁶⁸

271. While the CRAT and RAMF are important reforms, they cannot be filled out by police in the field and work has been done on a suitable risk assessment tool designed frontline NT Police Members to use, aligned with the RAMF (another recommendation set out in the DFSV-ICRO Mapping report).
272. The Court heard evidence of a Police Risk Screening Tool (PRST), which is an initial ‘moment in time’ risk screening tool for frontline officers. The new General Order states that a PRST must be completed by frontline place with the person most in need of protection in all Tier one family violence incidents.¹⁶⁹ The PRST aims to provide a consistent method for police to assess future physical harm posed by an offender to a victim. It is intended to assist Police to determine whether further intervention is required, such as further victim engagement and/or support referrals. Where the PRST score is three to seven [elevated risk], the DFVU will conduct a review to ensure frontline members and supervisors have complied with the relevant legislation, policies and general orders, and if there have been any shortfalls, will take action to address them. Where the PRST score is 8 or higher, the matter is deemed at high risk and the DFVU will allocate the case to an appropriately skilled person to complete a CRAT to determine whether the victim should be referred to the FSF. For locations outside Darwin and Alice Springs, the responsible crime unit assumes those functions in lieu of the DFVU.
273. Over the course of these Inquests, NT Police worked on versions of this document. It is suggested that time is needed to evaluate whether this is assisting police on the ground, and the current DV Unit should seek feedback from members to determine whether it is.

The co-responder model

274. One essential reform that has received support from NT Police, experts in the Non-Government sector and Territory Families is a properly resourced, “co-responder” model. The overwhelming evidence is that too much of the burden is falling to NT Police, who do not have the time, resources, or expertise to cope with the substantial follow up required for the direct victims of domestic violence

¹⁶⁸ Coronial report of Detective Superintendent Engels, at p29 (Common brief: 2-1A).

¹⁶⁹ It is understood that there was a different trial of a Police Risk Assessment Tool (PRAT) but that is no longer in place.

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and their children. A co-responder model has police working alongside social workers and/or psychologists to assist victims and perpetrators after (and in some cases during) the perpetrator's arrest.

275. As Carmel Simpson explained “having services such as [Tangentyere] that are outside of police are going to have probably a better way of engaging and talking to people; if that's done the next day or whatever, we're going to have a better response. And that includes us talking to the men...We know how to do that work. That's our expertise.”¹⁷⁰
276. Action Plan 2 of the Northern Territory's Domestic, Family and Sexual Violence Reduction Framework (2018-2023) committed to a co-response model between police and specialist domestic, family and sexual violence specialist services. It was suggested that the trial should be adequately funded, be undertaken in collaboration with DFSV-ICRO and undergo evaluation.
277. A co-responder model is supported by Commissioner Michaela Cronin, who gave evidence that it is consistent with the first “action” to achieve the objectives of the “Response domain” of the National Plan, which is to “ensure frontline services provided by states and territories are coordinated, integrated and appropriately resourced with a skilled and qualified workforce to support all victim-survivors”. As the Commissioner explained, this integration can be achieved in part through a ‘co-responder approach or model, which involves multi-disciplinary teams working together to respond to domestic, family and sexual violence. Under this approach, specialist domestic and family violence workers will attend calls for service with police and provide support at the scene. Commissioner Cronin had heard directly from service providers across the country and people with lived experience of the service system, that these approaches can deliver more effective outcomes and are more likely to be trauma and culturally informed.¹⁷¹
278. This is a good example of how the National Plan can (and should) support real action in the Northern Territory that would make a difference to real families on the ground.
279. Witnesses from NT Police and TFHC, and the non-government sector gave evidence about what they have been able to be achieved so far, although the funding is not adequate to ensure its ongoing success and it will need further investment.
280. On 1 September 2023, a multi-agency workshop was held in Mparntwe Alice Springs during which police and other external stakeholders worked together on a co-responder model for domestic and family violence. Attending agencies included the NTPF, Tangentyere Council, TFHC, the Women's Safety Services of Central Australia, the Central Australian Women's Legal Service, the Central

¹⁷⁰ Evidence of Carmel Simpson, 23 August 2023 at T130.

¹⁷¹ Statement of Commissioner Michaela Cronin dated 5 November 2023 (Common brief: 1-2D).

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Australian Aboriginal Family Legal Unit, the NPY Women's Council, the Kungas Stopping Violence, and the Family Violence Specialist Court, with Dr Chay Brown facilitating.¹⁷²

281. The primary objectives of this co-response model are understood to be:
- (a) to provide a more immediate response than just the Family Safety Framework,
 - (b) to stop women from falling through the gaps by identifying, intervening and managing risk earlier,
 - (c) to identify any escalation earlier through a pattern-based response to domestic, family and sexual violence, and
 - (d) to respond equally to both victim-survivors and users of violence to identify and manage risk.
282. At the time of Assistant Commissioner White's affidavit in September 2023, there was a plan for the co-response model to be piloted in Alice Springs and to commence in early 2024, before being rolled out (it is hoped) in Darwin and across the Northern Territory. TFHC has undertaken to fund the start of the co-response model through two auspiced positions, which will be filled by victim and family support workers from specialist domestic, family and sexual violence services. Funding is being sought for a third position to be filled by a men's behaviour change specialist to ensure a focus on the user of violence is maintained. It appears that Tangentyere subsequently agreed to fund the position for a period, out of its existing resources.
283. The plan is for the co-response positions to be co-located within the specialist domestic violence police unit. The co-response will occur after the initial police response and will begin by reviewing the police risk screening tool results provided by General Duties police who have recently attended a domestic violence incident. At the daily audit of domestic violence incidents and screening tools, the lead worker will be identified, and the Common Risk Assessment (CRAT) tool will be administered, as necessary, to determine whether a person should be admitted to the Family Safety Framework. Co-responders will not carry a case load but rather will respond to victims, families and users of violence, assess risk and determine the appropriate referral pathways. The referral pathways will be established in the early development stages of the co-response model once members have been recruited.¹⁷³

¹⁷² Statement of Deputy Commissioner Michael White, 20 October 2023 (Common brief: 2-5) at [85]-[95].

¹⁷³ Statement of Deputy Commissioner Michael White, 20 October 2023 (Common brief: 2-5) at [85]-[95].

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Queensland co-response models

284. The advantages of three different types of co-responder models were explained by Assistant Commissioner of the Domestic, Family Violence & Vulnerable Persons Command of the Queensland Police Service (QPS), who provided a statement and attended Court to give oral evidence. The QPS is attempting an integrated response to domestic family violence in partnership with other departments and services.
285. One innovative model for operation of a co-responder trial, developed after consultation with domestic family violence specialist services, has recently been agreed to by stakeholder agencies. The model will adopt a “crisis and early intervention approach” for calls for service to the domestic and family violence incidents, enabling domestic family violence and specialist services to respond **at the same time** as the intervention by Queensland police. The response team will consist of two police officers, a victim survivor advocate and a ‘person using violence’ worker. The trial was scheduled to commence in Cairns in early 2024, with a second location to be announced. An independent evaluation has been budgeted and planned for.
286. Assistant Commissioner Jory outlined the primary aims of the model, which are to:¹⁷⁴
- (a) improve victim-survivor safety by better identifying and responding to patterns of behaviour over time that constitute DFV, taking into consideration the relationship as a whole,
 - (b) reduce the misidentification of the person most in need of protection in the relationship as a whole,
 - (c) engage early with victim-survivors to connect them with services and supports to improve their safety and the safety of their children,
 - (d) hold persons using violence accountable and stop the violence, including by engaging with them early to connect them with an appropriate intervention program,
 - (e) improve service system integration, including a better understanding of agency roles and responsibilities, and
 - (f) focus on meeting the needs of Aboriginal and Torres Strait Islander victim-survivors and perpetrators.
287. A second example of the co-responder model currently trialled in Queensland involves embedding DFV specialists in police stations. Between January and September 2021, a collaborative project was developed between the Domestic Violence Action Centre (DVAC), Queensland Police and Centre for Justice and the Queensland University of Technology (QUT). A domestic violence specialist

¹⁷⁴ Affidavit of QPOL Assistant Commissioner Christopher Jory dated 30 October 2023 (Common brief: 1-5).

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(DVS) worker was embedded at Toowoomba Police Station. The evaluation highlighted that Police learned about the importance of emotional support and referral options while working with the DV specialist and referrals to DVAC from police were on track to increase by 47% from 2020/2021 rates. Further, the co-location introduced benefits from the client, DVAC and police perspective. These were said to include “emotional support, information sharing, communication, efficiency, education, access to networks, and improved police legitimacy”.¹⁷⁵

288. It is a reflection of the commitment of Queensland police that an independent evaluation was funded, and the model was then expanded following positive results. Other existing DFV support models operate in the Gold Coast, Moreton and Capricornia Police Districts. Funding has been committed for DJAG to rollout 300 domestic and family violence support workers in police stations across Queensland. Queensland Police is supporting DJAG with the implementation which will see the roll out of support workers embedded into police stations in a phased approach from 2023-2026, “with the aim of building a collaborative, victim-centric, trauma informed capability to respond to DFV.”¹⁷⁶
289. A third model involves embedding police officers in DFV service providers, in recognition that some victim survivors of DFV do not feel safe attending police stations to report. The Queensland Police partnered with two DFV support services, the Brisbane Domestic Violence Service (BDVS) of Micah Projects in South Brisbane and the Domestic Violence Action Centre in Ipswich, to trial embedding a specialist DFV police officer on site within the non-government organisation (NGO). The pilot, launched in September 2022, “aimed to remove barriers and increase access to justice, provide a safe environment to reduce trauma and enhance satisfaction of victim survivors” and “to enhance opportunities to provide wrap around services to victim survivors and to build collaborative trust relationships between police and the NGO.” Again, the project was independently evaluated and again the results suggest there were significant benefits to the NGO and their relationship with police and engagement with victims. This ongoing trial is now funded for a further two years, after which a decision will be made about whether to continue and expand.¹⁷⁷
290. A fourth model was referred to as the Logan DFV co-engagement trial, a specific co-response designed for the Logan area because it has one of the highest callout rates in the State. In 2021, a collaborative partnership began with the Logan Central Station Domestic Violence Engagement Team and Centre for Women (CFW) DFV service, which involved NGO workers attending with Queensland Police members to engage with victim-survivors to provide immediate support.

¹⁷⁵ Affidavit of QPOL Assistant Commissioner Christopher Jory dated 30 October 2023, at [75]-[78] (Common brief: 1-5).

¹⁷⁶ Affidavit of QPOL Assistant Commissioner Christopher Jory dated 30 October 2023, at [78] (Common brief: 1-5).

¹⁷⁷ Affidavit of QPOL Assistant Commissioner Christopher Jory dated 30 October 2023, at [81]-[83] (Common brief: 1-5).

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Identification of victim-survivors were predetermined based upon DFV Repeat Calls for service matters. In light of the initial success, the program expanded to allow for the engagement of perpetrators with another support agency- the Youth and Family Services (YFS). Assistant Commissioner Jory explained that the primary aim of the model is to:¹⁷⁸

- (a) providing the victims additional access to safety and support, holding those responsible for committing domestic violence to account. This will assist victims and help continuation of the DFV cycle,
- (b) address immediately any outstanding DV investigations created from RCFS engagement predominately historical unreported DV matters or found offending matters discovered during engagements, and
- (c) service of any outstanding DV related documents at the time of engagement. Enhance the collaborative relationship between DFV Support Services (NGOs) and Queensland Police Service.

291. Again, a formal independent evaluation will be completed but early findings indicate strong benefits of information sharing between Queensland Police and NGOs and building of community trust in Queensland Police.¹⁷⁹

292. A final model discussed by Assistant Commissioner Jory involved coordinating responses by High Risk Teams (HRTs) with the Department of Justice and Attorney General (DJAG). The duties and responsibilities of QPS High Risk Team members include:

- (a) providing integrated, culturally appropriate responses to victims and children at high risk of harm or lethality,
- (b) assessing and referring high-risk DFV cases into the HRT through case management practices and application of CRASF and DV-PAF information,
- (c) collating agency held information on cases,
- (d) executing actions as part of victim safety plans, and
- (e) attending weekly meetings to share information and co-developing a plan for managing the safety of the victim and holding the perpetrator to account.

¹⁷⁸ Affidavit of QPOL Assistant Commissioner Christopher Jory dated 30 October 2023, at [88] (Common brief: 1-5).

¹⁷⁹ Affidavit of QPOL Assistant Commissioner Christopher Jory dated 30 October 2023, at [89] (Common brief: 1-5).

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293. At the time of preparing Assistant Commissioner Jory's statement, High Risk Teams were established in Logan, North Brisbane, South Brisbane, Moreton (Caboolture), South Burnett (Cherbourg), Mackay, Mount Isa and Cairns and Townsville, with planning underway in Rockhampton and Redlands. Since the lead agency is DJAG, that Department is responsible for determining the sites.¹⁸⁰
294. A review of each of these five models makes it clear that considerable resources and expertise have gone into designing, implementing and evaluating the co-response models in Queensland.

The Northern Territory trial of a co-response model

295. The recent development of a small scale pilot in the NT (different to the Queensland model but still based on co-response) is a testament to the dedication and innovation of those in the sector, including key senior police. It is essential, however, that more commitment of resources and is forthcoming, and that Territory Families demonstrate a commitment to attempting the success of the project.
296. In August 2023, following the Inquest into the death of Kumarn Rubuntja, police convened a group of local stakeholders to co-design the model for the co-response, and requested that Dr Chay Brown facilitate the workshop and write a report of the findings. Since there was no money to pay for it, Dr Brown did so free of charge. Although, according to Police, Dr Brown and other contributors, the workshop was a success, it was revealed that the co-response model been funded at only \$240,000 for the first year (and for only a year), an amount and timeframe that was hopelessly inadequate.
297. The points of tension set out by Dr Brown are, with respect, common sense and should be obvious to decision makers. The Court would share the concerns that Dr Brown articulated, including:¹⁸¹
- (a) the funding is insufficient for the model to be effective – it is being set up to fail,
 - (b) the proposed model gives timeframes for response, and is reliant on referrals to Family Safety Framework (FSF), but FSF only meets every two weeks,
 - (c) stakeholders throughout the NT reported that FSF is floundering and requires urgent review, but this is not forthcoming. Under Action Plan 2, only internal reviews have been committed to, which cannot provide the level of transparency necessary for reform, and
 - (d) the model is contingent upon Tangentyere Council funding a third position to keep the perpetrator in view within their existing resources.

¹⁸⁰ Affidavit of QPOL Assistant Commissioner Christopher Jory dated 30 October 2023, at [90] (Common brief: 1-5).

¹⁸¹ Statement of Dr Chay Brown dated 8 November 2023, at p5 (Common brief: 1-2BBB).

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298. Further, there is no funding for any external evaluation of the model, in circumstances where independent, external evaluation has long been accepted as necessary to ensure that effective programs are funded and continuously improved.
299. The problem was explained further by Maree Corbo, who is hopeful about the co-responder model and believes strongly in the opportunity to work closely with police to address DFV, but also understands that the funding for this model is inadequate to allow it to succeed.¹⁸² As she carefully explained in evidence, the two social workers in the co-responder model will need to be experienced and highly skilled, yet the funding model does not allow for this level of seniority, nor for any potential after hours wages, nor for positions to be backfilled when staff have leave. Further, there was no funding allocated for a specialist men’s behaviour change worker to enable the co-responder model to provide a service to men who use violence in parallel to women victim survivors, even though there is ample research to show that it is essential to “keep the perpetrator in view”, and to “create a web of accountability around people who use violence”.¹⁸³ The Court would accept the uncontradicted and common sense evidence of Ms Corbo that any co-responder model will be incomplete without a perpetrator focus.
300. In order to prevent the model from failing at the outset, Ms Corbo proposed that the Tangentyere Council will provide a specialist men’s behaviour change worker to enable the co-responder model to provide a service to men who use violence in parallel to women victim survivors.¹⁸⁴ It is unreasonable (and unsustainable) to ask that Tangentyere continue to fund that worker, and they cannot do so if the pilot is rolled out in other parts of the Northern Territory, as planned.
301. Seranie Gamble, Executive Director of the Domestic, Family and Sexual Violence Reduction Division for Territory Families, gave evidence at the Inquests that cost-modelling conducted prior to the program being trialled indicated roughly \$1 million would be needed for each location. Despite that, less than \$300,000 was allocated to fund the pilot for both Alice Springs, with no funding for a second proposed pilot site in Darwin. No doubt that was as frustrating to Ms Gamble as it was to other agencies.
302. At the time of writing, there is no evidence as to how the trial of the co-responder model is going or whether the funding allocated has been adequate to attract the social workers required. Recent publicly available information indicates that the trial of a co-responder model is underway in Alice Springs, but it is not clear whether staff have been recruited.¹⁸⁵ As a matter of urgency, sustainable and sustained

¹⁸² Statement of Maree Corbo dated 1 November 2023, at p2 [6] (Common brief: 1-2C).

¹⁸³ Statement of Maree Corbo dated 1 November 2023, at p2 [7] (Common brief: 1-2C).

¹⁸⁴ Statement of Maree Corbo dated 1 November 2023, at p2 [7] (Common brief: 1-2C).

¹⁸⁵ Media Release 24 June 2024: <https://ministers.dss.gov.au/media-releases/14921>.

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funding should be provided by the NT Government to allow for an adequately resourced co-responder model that is not set up to fail from the outset.

H. MISSED OPPORTUNITIES FOR TERRITORY FAMILIES

303. The Court has received evidence about the fundamental shift in thinking in Child Protection in recent years. This was expressed in the TFHC Practice Review as follows:

In August 2015, a special issue of the Child Abuse Review (vol 24, issue 4) was published, Domestic Abuse and Safeguarding Children, with a compilation of articles demonstrating how DFV (when following the dominant gendered pattern) should be viewed as an attack on the mother-child relationship...Within this context, contemporaneous policies and practices in child protection agencies across the world began to be identified as actively harming adult and child survivors of domestic violence and/or making it harder for them to access support or assistance. Such practices commonly included: constructing mothers who parent in the context of domestic violence as failing to protect their children, rendering invisible men who use violence by ignoring their perpetration patterns and fathering practices, and de-contextualising survivors' mental distress and/or problematic substance misuse. These constructs are reflected in the language commonly recorded in child protection assessments and broader documentation, such as, "The mother is failing to protect her children from her partner's violence", "The couple has a history of domestic violence", and "She picks him over her children."¹⁸⁶

Referred to now as 'DFV destructive' practice, the approach blames survivors for the violence, listing them as alleged perpetrators of child abuse/neglect, and sees them as having power to stop the violence by making better choices. Child protection responses consistent with this approach dictate women to apply for a Domestic Violence Order (DVO) or leave the relationship. Failing to do so can result in their children being brought into care. Consequently, survivors are placed at an increased risk of violence, facing pressure to comply regardless of the consequences, and they are less likely to reach out to authorities for help. Perpetrators are able to exert more control over partners and children, and children face unnecessary removal. Furthermore, there are no connections made between issues, such as substance abuse and trauma caused by perpetrators, and no recognition of the role of coercion. Women's mental health issues and/or substance misuse arising out of the experiences of living with chronic trauma are often not well contextualised in practice and documentation, further stigmatising women as 'mad, bad or sad' thus relegating them to the ranks of the 'unfit mother' (Weare, 2017, in De Simone & Heward-Belle, 2020).¹⁸⁷

304. The Inquests into the death of [REDACTED] and [REDACTED] are illustrative of some of the missed opportunities for Territory Families to work with the victims of DFSV in the shared goal

¹⁸⁶ TFHC Practice Review Report dated 6 June 2023, at [6] ([REDACTED] brief: 7-1A).

¹⁸⁷ TFHC Practice Review Report dated 6 June 2023, at [7] ([REDACTED] brief: 7-1A).

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of protecting the children, and the need for the shift in thinking and practice away from a DFV destructive approach.

305. The Department itself was able to recognise deficiencies and opportunities for improvement when it prepared the TFHC Practice Review Reports in relation to its involvements with the women and their children.

306. With respect to [REDACTED], those deficiencies included:

- (a) victim blaming: blaming [REDACTED] for “allowing” [REDACTED] to access herself and [REDACTED] in spite of the DVO, showed a lack of understanding about the pressures she was under, her own victimisation and lack of options,¹⁸⁸
- (b) when considering [REDACTED]’s violence against [REDACTED], the Department did not recognise the traumatic effect of [REDACTED]’s violence and control toward her,¹⁸⁹
- (c) on the three separate occasions between 2015 and 2018 when the Department had contact with [REDACTED], it did not discuss with him his use of violence towards [REDACTED], the impact of his violence on his children, or the parental expectations held by the Department if access was to occur. The conclusion reached by TFHC in its report was that: “The Department’s sole focus was on [REDACTED] and the risk she posed to the children. This approach can send a message to perpetrators and victim-survivors that perpetrators will not be held accountable for their violence and that, instead, victim-survivors will be held accountable”,¹⁹⁰
- (d) “Efforts were not made to partner with [REDACTED] as a victim survivor, nor to understand her efforts to keep herself and her children safe.” She “was seen as having the power to stop [REDACTED] from using violence, with a focus on her response to his violence, rather than a focus on his behaviour and his choice to use violence. What is also evident is the double standards held for mothers and fathers at the time, expressed by the low expectation of [REDACTED] as a father, and high expectation of [REDACTED] as a mother.”¹⁹¹

¹⁸⁸ TFHC Practice Review Report dated 6 June 2023, at [41] ([REDACTED] brief: 7-1A).

¹⁸⁹ In responding to a notification that [REDACTED] had threatened to throw a brick at [REDACTED] on 4 November 2007, the TFHC practitioner noted on the intake form that further information was required regarding the history of violence between [REDACTED] and [REDACTED]; however, there is no record that these further enquiries were undertaken: TFHC Practice Review Report dated 6 June 2007 at [26] ([REDACTED] brief: 7-1A).

¹⁹⁰ TFHC Practice Review Report dated 6 June 2023, at [75] ([REDACTED] brief: 7-1A).

¹⁹¹ TFHC Practice Review Report dated 6 June 2023, at Findings [3] ([REDACTED] brief: 7-1A).

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307. There is no doubt that, at times, TFHC child protection practitioners took a “DFV destructive practice” approach to [REDACTED].¹⁹²
308. In relation to [REDACTED], there were clear missed opportunities for the Department to intervene to work with the family when the children of [REDACTED] called to ask for help for their mother.
309. There was an extensive child protection history for [REDACTED]’s youngest two children. The first report that TFHC received in relation to [REDACTED] was on 27 August 20[REDACTED] and between that date and 31 October 20[REDACTED] TFHC received eighty-three notifications in relation to [REDACTED], and twenty-seven of these proceeded to a child protection investigation.¹⁹³ [REDACTED] was recorded as the person believed responsible for harming [REDACTED] eleven times between 1 July 20[REDACTED] and 25 June 20[REDACTED], for reasons of:
- (a) Emotional abuse due to exposure to domestic violence (twice in 20[REDACTED]),
 - (b) Parent’s alcohol/drug abuse leads to emotional harm (in 20[REDACTED] and 20[REDACTED]),
 - (c) Left without adequate supervision (in 20[REDACTED], 20[REDACTED], 20[REDACTED], twice in 20[REDACTED], 20[REDACTED], 20[REDACTED] and 20[REDACTED]),
 - (d) Neglect due to domestic violence (in 20[REDACTED] and 20[REDACTED]),
 - (e) Parents alcohol/drug abuse leads to neglect (in 20[REDACTED] and 201[REDACTED]),
 - (f) Failure to control access to poison/drugs (in 20[REDACTED]), and
 - (g) Other emotional (twice in 20[REDACTED]).¹⁹⁴
310. [REDACTED]’s [REDACTED] was the subject of short term care orders, placing her in the care of the CEO of TFHC, between 5 to 8 January 20[REDACTED], 3 January 20[REDACTED] to 15 May 20[REDACTED], and 21 May 20[REDACTED] to 25 March 20[REDACTED].¹⁹⁵
311. Between 1 August 20[REDACTED] and 7 January 20[REDACTED], TFHC received forty-three notifications in relation to [REDACTED]’s [REDACTED], and sixteen of these proceeded to a child protection investigation. [REDACTED] was listed as the person believed responsible for causing harm, for reasons of:
- (a) Emotional abuse due to exposure to domestic violence (in 20[REDACTED]),
 - (b) Neglect due to exposure to domestic violence (in 20[REDACTED]),
 - (c) Parent’s alcohol/drug abuse leads to neglect (twice in 20[REDACTED]),
 - (d) Parent’s alcohol/drug abuse leads to emotional harm (in 20[REDACTED]), and
 - (e) Other emotional (in 20[REDACTED]).¹⁹⁶

¹⁹² TFHC Practice Review Report dated 6 June 2023, at Findings [3] ([REDACTED] brief: 7-1A).

¹⁹³ TFHC Practice Review Report dated 5 June 2023, at [21] ([REDACTED] brief: 7-1A).

¹⁹⁴ TFHC Practice Review Report dated 5 June 2023, at [21] ([REDACTED] brief: 7-3).

¹⁹⁵ TFHC Practice Review Report dated 5 June 2023, at [22] ([REDACTED] brief: 7-3).

¹⁹⁶ TFHC Practice Review Report dated 5 June 2023, at [24] ([REDACTED] brief: 7-3).

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312. In their dealings with █████ child protection practitioners sometimes took a “DFV destructive practice” approach.¹⁹⁷ This is reflected in the various findings that she was the person believed responsible for harm to her children on the basis of emotional abuse or neglect due to domestic violence, when she herself was the victim of the violence. Some staff at TFHC saw █████ as having the power to stop the perpetrator’s use of violence, with a focus on her response to the violence, rather than a focus on the behaviour of the perpetrators.¹⁹⁸
313. Despite the significant challenges that she faced, TFHC records show that █████ consistently demonstrated considerable care and concern for her children’s safety and well-being.¹⁹⁹ TFHC acknowledges that her alcohol use may have been a coping mechanism for the continued use of violence against her and her experiences of trauma.²⁰⁰
314. In addition, there were a number of departmental failings, which meant that TFHC did not understand the significant risk Mr █████ posed to █████ The most significant of these is that when they first became aware of the relationship, the appropriate request for Mr █████’s criminal antecedents was prepared but not sent to NT Police, and that notification was closed without having received that vital information. Had TFHC received Mr █████’s criminal history, the TFHC child protection practitioner could be expected to have prepared a safety plan with █████ and to have assisted her in applying for a DVO.
315. The DFV destructive approach taken by TFHC in relation to █████ █████ and █████ █████ would have undermined the relationship between each of them and the Department, and so it is highly unlikely that either of them would have sought assistance from TFHC in relation to the violence they were experiencing.

What NT Families have done in response to review of deaths

316. The Court heard evidence that in 2019, TFHC commenced the roll out of the ‘Safe and Together Framework’, the ‘Signs of Safety Framework’ and the ‘Signs of Success Practice Framework’. This roll-out is set to occur over a five-year period²⁰¹ and is said by the Department to be a fundamental pivot in TFHC’s child protection practice, from DFV-destructive practice towards DFV-informed practice. The latter “is primarily defined by policies and practices that focus on child safety and

¹⁹⁷ TFHC Practice Review Report dated 6 June 2023, at [105] (█████ brief: 7-1A).

¹⁹⁸ TFHC Practice Review Report dated 6 June 2023, at [105] (█████ brief: 7-1A).

¹⁹⁹ TFHC Practice Review Report dated 6 June 2023, at [106] (█████ brief: 7-1A).

²⁰⁰ TFHC Practice Review Report dated 6 June 2023, at [107] (█████ brief: 7-1A).

²⁰¹ TFHC Practice Review Report dated 6 June 2023, at Findings [1] (█████ brief: 7-1A).

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wellbeing, recognise survivor strengths, hold perpetrators accountable, and see DFV intervention as a core part of child protection practice.”²⁰²

317. It is open to the Court to find that ██████████ ██████████ and ██████████ ██████████ and their families, would have benefitted from TFHC child protection practitioners taking a DFV informed practice approach with this family, consistent with the Safe and Together Framework.
318. The TFHC institutional response statement of Gabrielle Brown, dated 9 October 2023, sets out changes that have been made to address the Department’s previous failings. They include:
- (a) partnering with NT Police to co-locate a police officer within TFHC’s Central Intake Team two days per week,
 - (b) negotiation of a new data access agreement with NT Police,
 - (c) transitioning to a new client information management system (CARE), which has a work tray specifically for notifications “awaiting information”,
 - (d) implementation of Safe and Together practice has influenced DFV-informed practice in the Central Intake Team (CIT), and
 - (e) CIT requests for police involvement histories and criminal histories are now submitted through a single email account, to permit better monitoring.²⁰³
319. While the Court heard evidence from Ms Brown²⁰⁴ as to what has been introduced as a result of recognising these problems, her evidence also highlighted the intractable and ongoing challenges of recruitment. As at 2 November 2023, TFHC had a staggering 39.8% vacancy rate for child protection practitioners; equating to 164 positions vacant (out of 412) for the six regional service areas across the NT.²⁰⁵ The Court heard that the value of these vacant positions is somewhere between \$14 to \$22 million annually. In answer to questions about whether this apparent “underspend” could be reallocated to assist services on the ground that are “begging” for more money, Ms Brown explained that TFHC is “not fully funded for all of [its] service delivery” and that sometimes vacancies are maintained, to be able to meet the wages of existing staff. As Ms Brown explained “we have those same pressures in terms of allocation of resources, underfunding in space and we try and juggle the ship”.²⁰⁶ Apparently, “the budget allocation assumes some vacancy.”²⁰⁷
320. Some of the evidence in this regard included that the NT Budget in May 2023 indicated a \$523,000 underspend in the child protection division of Territory Families in 2023-24, and a \$4.3 million

²⁰² TFHC Practice Review Report dated 6 June 2023, at [11] (██████████ brief: 7-1A).

²⁰³ TFHC Institutional response statement of Gabrielle Brown dated 9 October 2023, at [76] (Common brief: 7-3).

²⁰⁴ TFHC Institutional response statement of Gabrielle Brown dated 9 October 2023 (Common brief: 7-3) and Evidence of Gabrielle Brown, 2 November 2023.

²⁰⁵ Evidence of Gabrielle Brown, 2 November 2023 at T321.

²⁰⁶ Evidence of Gabrielle Brown, 2 November 2023 at T322.

²⁰⁷ TFHC answers to questions on notice asked 20 May 2024 (Common brief: 7-87).

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underspend in the department's domestic violence unit.²⁰⁸ After the conclusion of the oral evidence, TFHC helpfully provided further information that indicated that this \$4.3million “variation” was “due to the transfer of Commonwealth funding and time-limited NTG funding to 2024-25 to continue its initiatives under Action Plan 2...In other words, this amount was already allocated but would not be spent until 2024-2025.”²⁰⁹

321. In the absence of adequate funding, effective recruiting strategies and other appropriate resources to maintain training and supports, no Framework will be effective. Performing the role of a child protection practitioner is no doubt challenging in any jurisdiction, but the additional challenges in the Territory include isolation, language barriers and cultural differences. There must be innovative, long term strategies introduced to attract qualified staff, to train local community members and to keep staff once they are in place. A recommendation is directed towards workforce planning.

The Co-responder model

322. The evidence at Inquest revealed missed opportunities for police and TFHC to work together to keep these families safe. The Family Safety Framework (FSF) is designed to enable all agencies to work together, but as the Court heard, none of the four women who are the subject of these Inquests were on the FSF at the time of their deaths.
323. While it is hoped that the reform introduced by NT Police will lead to an increased use of the CRAT and better referrals, these cases underscore the importance of the co-responder model. With a well-resourced co-responder model, service providers have a much better chance to share information and learn from each other, and to work together to support the victim and perpetrator.
324. The Department of TFHC should be a champion for co-responder models, and ought to work with NT Police to advocate for them to be set up to succeed, with long term sustainable funding, recruitment strategy and independent evaluation. A recommendation is directed towards that goal.

I. MISSED OPPORTUNITIES FOR NT HEALTH

325. The weight of evidence heard during this series of Inquests suggests that NT Health staff understand that there are mandatory reporting obligations and that they report incidents of domestic and family violence. Although, in the case of Kumanjayi Haywood, there appears to be a missed opportunity for

²⁰⁸ Evidence of Seranie Gamble, 20 May 2024 at T79.

²⁰⁹ TFHC answers to questions on notice asked 20 May 2024 (Common brief: 7-87).

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the nurse at the Ikuntji Community Health Centre in Haasts Bluff to inform police of the injuries she observed, she thought police were already aware of the DFSV incident and it is not possible to extrapolate from this miscommunication to suggest that is a broader problem.²¹⁰

326. Two recommendations may flow from this analysis. First, the Court may consider that NT Health should develop policies that require (or at least encourage) its staff to report a suspected case of DFSV to Police, even where a patient claims to have already reported it. Second, it is clear that the staff turnover for NT Health is significant and there will always be a need for training of NT Health workers to be vigilant, and to develop a deeper understanding of DFSV. It is open to the Court to consider that the PARt training model would be of assistance and should be rolled out to NT Health workers.
327. An issue emerged during these Inquests with respect to the limited availability of social workers at times in the hospital when they would be most needed; that is, at nighttime and on weekend shifts. No doubt those social workers would have to be well remunerated to attract and keep them, and this ought to be considered in determining a package for them.
328. An example of the limited access to social workers can be seen in the case of Kumanjayi Haywood, who died on 7 November 2021, and had been hospitalised for a domestic injury a month before her death. There is no record that she saw a hospital social worker during her admission from 28 September to 4 October 2021,²¹¹ and she clearly should have been offered that support, given the severity of her DFV history, and the recent assault.²¹² While it is not uncommon for patients to decline a social work referral, there is no indication in Kumanjayi Haywood's medical records that she was offered one.²¹³
329. If she had seen a social worker, they may have referred her back to WoSSCA and a CRAT would have been undertaken.²¹⁴ If this had occurred, it is likely that someone would have recognised the level of danger that she was in.
330. On the night of 22 October 2021, Kumanjayi Haywood's abscess burst, and she was taken by ambulance to Tennant Creek Hospital the next day, before being transferred to Alice Springs Hospital on 24 October. She was admitted and treated with IV antibiotics and released on 30 October. Again, there is no record that she saw a social worker. Dr Richard Johnson, the Acting Executive Director

²¹⁰ Affidavit of Alexia Thring dated 11 July 2023 (Haywood brief: 4-7A).

²¹¹ Affidavit of Dr Richard Johnson dated 9 June 2023, at [63] (Haywood brief: 4-2A).

²¹² Affidavit of Dr Richard Johnson dated 9 June 2023, at [64] (Haywood brief: 4-2A); Evidence of Dr Richard Johnson 23 June 2023, T417

²¹³ Affidavit of Dr Richard Johnson dated 9 June 2023, at [66] (Haywood brief: 4-2A).

²¹⁴ Evidence of Larissa Ellis, 14 June 2023, T127.

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of Medical and Clinical Services at ASH also told the Court that Kumanjaji Haywood should have seen a social worker and that, if she had, it should have been recorded in her notes.²¹⁵

331. A further issue revealed during investigation of Kumanjaji Haywood's death is the challenge that the hospital based constable has with using DVEC (domestic violence evidence in chief) recordings. Senior Constable Giles explained that she is not able to record statements on her body worn video in the hospital, as ASH management do not agree to BWV being used there, out of understandable patient privacy and confidentiality concerns.²¹⁶ There should be discussion between NT Health and NT police (involving the hospital based constable) to determine what can be done to accommodate DVEC's being taken by police, in private surroundings, wherever possible.

Recommendations directed to NT Health in response to a review of the deaths

332. There are four recommendations relating to NT Health that the Court is asked to consider:
333. **First**, At the time of writing her first statement in 2023, Dr Brown was engaged in conversations to pilot the PART program for NT Health and these costs would be covered internally.²¹⁷ In her supplementary statement of May 2024, Dr Brown informed the Court that there has been limited uptake of PART by healthcare workers because it has been stalled by NT Health, specifically within the policy team, with little explanation. It is open to the Court to consider that the PART training model would be of assistance and should be rolled out to NT Health workers.
334. **Second**, Dr Richard Johnson, the Acting Executive Director of Medical and Clinical Services at Alice Springs Hospital gave evidence that Aboriginal Liaison Officers (ALOs) provide a vital service in the hospital, making victims feel safe in an alien environment and providing a cultural bridge. In spite of this, they are the lowest paid hospital workers. If the Northern Territory wants to keep its staff and attract others, there ought to be a better way to value their skills.
335. **Third**, there should be a review of the numbers and recruiting of social workers to determine how many more are required in order to meet the needs of DFSV victims and how staff can be retained for after hours shifts, when the Hospital most commonly receives the victims of DFSV.

²¹⁵ Evidence of Dr Richard Johnson, 23 June 2024, T432.

²¹⁶ Evidence of SC Lenora Giles, 15 June 2023, T223.

²¹⁷ Statement of Dr Chay Brown dated 8 November 2023, at par [M] (Common brief: 1-2BBB).

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336. **Fourth**, there should be discussion between NT Health and NT police (involving the hospital based constable) to determine what can be done to accommodate DVECs being taken by police, in private surrounding, wherever possible.

J. THE FAMILY SAFETY FRAMEWORK – Review and resourcing

[What is the Family Safety Framework?](#)

337. The Family Safety Framework is an excellent initiative commenced in 2012. The purpose is expressed to be to provide an action based integrated service response to individuals and families experiencing DFSV, who are at high risk of serious injury or death. The FSF is led by NT Police in partnership with other frontline government and non-government agencies, including TFHC, Correctional Services, NT Health, Women’s Shelters and health and AOD services. It operates in Darwin, Katherine, Alice Springs, Yuendumu, Nhulunbuy, Wadeye and Tennant Creek.
338. Fortnightly stakeholder meetings of the FSF allows for information sharing between key agencies and services and the possibility to have wrap around services for a woman.²¹⁸ The task of the meetings is to identify the immediate threats and needs of the woman and to construct responses which will improve her safety, at least in the short term.²¹⁹
339. The problem appears to be that agencies are so burdened with the number of persons who are on the FSF, that they are not keeping all high risk offenders, and sometimes those most at risk of being harmed in view.
340. Although, objectively, each of the four women was at high risk of death or serious injury because of the record of violence committed by their partners, not one was on the FSF at the time of they were killed.
341. The case of Kumanjaya Haywood and Kumanjaya Dixon is illustrative and was outlined well in the report of Superintendent Engels, from which this assessment is taken. Superintendent Engels reported that:²²⁰

Upon review, there are incidents that should have prompted consideration of a referral to the FSF. Other incidents may not in their own right have been a precipitant for a FSF referral due to either the absence, or relatively low-level, of DFV detected at that particular incident.

²¹⁸ Evidence of Larissa Ellis, 14 June 2023, T164, 170-171.

²¹⁹ Evidence of Larissa Ellis, 14 June 2023, T172.

²²⁰ Coronial report of Detective Superintendent Engels in relation to the death of Kumanjaya Haywood, at pp 5-6 (Haywood brief: 2-7B).

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However, had there been a holistic picture of the DFV within the relationship, this may have precipitated a referral.

There came a point in time where the number, severity of incidents and antecedent criminal history of both parties should have prompted consideration of an FSF referral at every subsequent attendance at a DFV incident.

The lack of referrals is likely to have been attributable to the absence of the making of a holistic risk assessment, coupled with a case management system that is not conducive to the efficient provision of a DFV summary. To address these factors, the NT Police Force is developing a frontline risk assessment tool, and a new case management system is due for implementation across the agency in November 2023. Both aspects are discussed further in this report.

The future of the Family Safety Framework- to strengthen and expand

342. In introducing a discussion of the FSF, leading researcher Dr Chay Brown said:²²¹

If the purpose of current national conversations – and this inquest – is to honour the lives of these women, learn from them and prevent further homicides, then the focus must be on evidence-based ways of preventing homicides:

- i. Assessment of risk factors and multiagency management of risk
- ii. A shared language and coordinated response
- iii. An escalated response to serious risk
- iv. Keeping perpetrators in view and holding them to account.

343. The Court heard evidence from a number of sources of a Family Safety Framework that is severely stretched.

344. First, the meetings themselves needed greater administrative support.

345. Second, the Family Safety Framework was not appropriately resourced and relied on the goodwill of specialist services who attend voluntarily and who are not always resourced to take on additional referrals.²²²

²²¹ Supplementary statement of Dr Chay Brown dated 19 May 2024, at p7 (Common brief: 1-2CCC).

²²² Supplementary statement of Dr Chay Brown dated 19 May 2024, at p7 (Common brief: 1-2CCC).

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346. Third, those victim survivors who are assessed at ‘at risk’ or ‘elevated risk’ receive little to no response, with only those at serious risk being accepted onto the Family Safety Framework – which is also no guarantee of effective risk management and response.²²³
347. Fourth, there was evidence of a focus on recent assaults, rather than a holistic overview of past abuse, to enable a better assessment of risk.
348. Dr Chay Brown suggested a number of reforms, including:
- (a) A risk assessment tool that is focused on users of violence needs to be developed – this could be adapted from the MARAM in Victoria (the Tangentyere Men’s Behaviour Change Program currently uses an adapted MARAM framework to assess risk).²²⁴
 - (b) Since all levels of risk require a response and risk management, a tiered response could be developed. The co-response being developed for Alice Springs between police and specialist DFSV services could integrate and offer a pathway for an escalated response. However, this needs to be funded, resourced, and rolled out across the Northern Territory.²²⁵
 - (c) A shared language and coordinated response across multiple sectors are important when identifying and responding to domestic, family, and sexual violence. This requires training across multiple sectors: judicial, legal, corrections, housing, health, education, specialist DFSV services. All sectors must have clear roles and responsibilities when it comes to preventing, identifying, and responding to domestic, family, and sexual violence.
 - (d) A whole-of-community response is required – sports, workplaces, arts – and to facilitate this requires public health campaigns, messaging, and education.
 - (e) Keeping perpetrators of violence in view requires the development of specialist interventions for people using violence, inclusive of men’s behaviour change programs.
349. Those issues are intended to be incorporated in the recommendations put forward by Counsel Assisting.

²²³ Supplementary statement of Dr Chay Brown dated 19 May 2024, at p7 (Common brief: 1-2CCC).

²²⁴ Supplementary statement of Dr Chay Brown dated 19 May 2024, at p7 (Common brief: 1-2CCC).

²²⁵ Supplementary statement of Dr Chay Brown dated 19 May 2024, at p7 (Common brief: 1-2CCC).

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K. MISSED OPPORTUNITIES FOR NT CORRECTIONS

Chronic under resourcing of suitable programs/counselling for violent men in prison

350. There has been a chronic lack on investment in funding for and evaluation of programs in prison to assist in the rehabilitation of men who commit DSFV, which contributes to those men continuing to harm women and family members upon release. That is not a criticism of current management and senior staff, who are clearly trying to manage with their limited resources and have been advocating for more.
351. The Court was fortunate to receive written and oral evidence from Corrections Commissioner Matthew Varley, who has held that position since March 2022, and from senior Psychologist, Dr Natalie Walker, who has held the position of Director Offender Services & Programs with NTCS since 1 December 2022 and has been employed by Northern Territory Corrections Service since 2012.
352. Both Commissioner Varley and Dr Walker acknowledged the chronic underfunding for prisoner programs and the need for a significant increase in funding. The Court would find that both were thoughtful and committed professionals, who were troubled by having to work in an environment with such a deficit of resourcing for programs. The Court would accept the evidence of Commissioner Varley that “While [he is] ultimately limited by the funding available to NTCS and the number and capability of the staff available to [him], [he is] committed to improving the Northern Territory's response to DFV”.²²⁶
353. Dr Walker prepared a separate affidavit in relation to each perpetrator responsible for the deaths in these Inquests, setting out what programs they had access to in custody and identifying shortfalls in the options available.
354. It was shocking to learn that in spite of a significant increase in prisoner population in the Northern Territory, 2023 was the first year in more than a decade that the programs area had a new investment from Government. Over a ten year period when there was zero investment in programs, the prisoner population had increased by 800 people.²²⁷ That is a failure of successive governments who, until 2023, had not demonstrated a commitment to addressing the violent behaviour of prisoners. It is commendable that the Government did commit some money to programs in 2023, but the deficit is now so large, that a much greater commitment is required.
355. From the evidence of Commissioner Varley and Dr Walker, the Court has an outline of the programs that are provided, which will not be set out here, but are available in the affidavits of Dr Walker.²²⁸ It

²²⁶ Affidavit of Matthew Varley dated 17 October 2023, at [185] (Common brief: 5-1).

²²⁷ Evidence of Dr Natalie Walker, Inquest into the death of Miss Yunupijū, 18 August 2023, T335.

²²⁸ See, for example, Affidavit of Dr Natalie Walker, dated 9 June 2023 at [30] (Common brief: 5-3).

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is accepted that rehabilitation programs are not the only solution (or not a “silver bullet” as Dr Walker said)²²⁹ but they should be an important part of the plan for tackling DFSV, which is often perpetrated by men who have themselves experienced violence as children and are processing complex trauma.

356. Commissioner Varley conceded the demand for rehabilitation programs in the prison "greatly outstrip[ped] supply", as the number of prisoners continued to increase, but funding for clinical services did not. He gave evidence that in spite of the fact that 87% of prisoners in the Northern Territory are Aboriginal persons, they are not able to deliver programs in language because of the lack of suitable available interpreters. This is yet another example of where a chronic underfunding of the interpreter service leads to poor/failed service delivery, and feeds into the draft recommendation relating to the need for an urgent boost to the Aboriginal Interpreter Service.
357. At the time that Commissioner Varley gave evidence in November 2023, both Darwin and Alice Springs prisons were operating at capacity, with a further 52 sentenced prisoners being rotated through converted police watch houses for two weeks at a time. Commissioner Varley gave evidence in relation to a recent welcome increase in funding, but he projected the prison population would continue to swell from just over 2000, to more than 2500, over the next three to four years.
358. Like Assistant Commissioner White, Commissioner Varley and Dr Walker, along with so many frontline service providers committed to trying to keep the community safe, gave evidence that supports a finding that the criminal justice system cannot be seen as the primary solution to DFSV. There must be evidence-based action to change the attitudes and entrenched behaviour that treats women as inferior and makes them vulnerable to violence. Like many service providers, Commissioner Varley emphasised the need for action to prevent the violence in the first place, and to tackle the “perverse distortion of power and subjugation of women” that leads to DFSV. This requires a whole of community commitment to a wholistic approach for tacking this crisis.
359. The lack of resourcing for custody-based programs can have devastating real world consequences. Each of the four violent men who were responsible for the deaths of the women in these Inquests – Kumanjayi Dixon who killed Kumanjayi Haywood; Neil Marika, who killed Miss Yunupijū; Garsek Nwarridj who killed Ngeygo Ragurk, and Malcolm Abbott who killed Kumarn Rubuntja - had previous periods in custody with minimal meaningful intervention that would affect their tendency to violence on release.
360. A stark example of that is available with respect to Neil Marika, who is eligible for release at the end of 2024. Dr Walker told the Inquest that programs to rehabilitate Mr Marika (whom she had assessed

²²⁹ Evidence of Dr Natalie Walker, Inquest into the death of Miss Yunupijū, 18 August 2023, T342.

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herself in 2021) were “woefully inadequate”²³⁰ due to staffing levels, making it “extremely challenging for [Corrective Services] to provide adequate rehabilitation to prisoners.”²³¹

361. In the affidavit of Commissioner Varley, he detailed the challenges of service delivery, including prisoner demographic from remote communities, with unique cultural and language considerations; short sentences and a rising prisoner population.²³²
362. In the short time that Commissioner Varley has been in his role, he has launched a three-year organisational change program, known as Forward Together, which commenced on 1 July 2022 and is designed to respond to the complexities experienced by NTCS, implement the recommendations of an Organisational Review, and build a more capable and sustainable organisation for the future. That evidence will not be reproduced in these submissions, but his affidavit is commended to the Court.²³³
363. NTCS have directed funding to expand program service delivery both within the correctional centres as well as for those who are subject to a community-based sentence. While that is to be commended, the additional funding is not adequate to meet the need, and part of the difficulty for the Commissioner and his programs staff is the ever increasing prison numbers.
364. Reflecting on the cases before this Court, the following were some of the issues acknowledged by Commissioner Varley:

1. Restrictions in the program eligibility requirements to a minimum period left to serve

365. First, there were restrictions included in the program eligibility requirements that meant three of the four perpetrators were not identified as high risk and not offered appropriate offence specific programs. A review of each of the affidavits prepared by Dr Natalie Walker make it clear that the offenders in these cases were high risk, recidivist offenders. Despite this, it was only Mr Abbott who participated (partially) in an Offence Specific Program. The failure to offer Offence Specific Programs to these prisoners was typically a result of the application of eligibility requirements associated with the minimum period to serve. The case of Kumanjayi Dixon is illustrative of this broader problem²³⁴; as is the case of Mr Neil Marika.²³⁵

²³⁰ Evidence of Dr Natalie Walker, 18 August 2023, T7.

²³¹ Evidence of Dr Natalie Walker, 18 August 2023, T4.

²³² Affidavit of Commissioner Matthew Varley dated 17 October 2023 (Common brief: 5-1).

²³³ Affidavit of Commissioner Matthew Varley dated 17 October 2023 (Common brief: 5-1).

²³⁴ Affidavit of Matthew Varley dated 17 October 2023, at [187-189] (Common brief: 5-1).

²³⁵ Affidavit of Matthew Varley dated 17 October 2023, at [190] (Common brief: 5-1).

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366. In relation to relevant programs in custody, Dr Walker explained that sentenced inmates with *less* than 24 months to serve are eligible for all psychoeducational programs, and referrals to those programs are made based on the inmate's presenting issues.²³⁶ Inmates with *more* than 24 months to serve are eligible for all psychoeducational programs, as well as offence-related and offence specific treatment programs, following the relevant assessment of suitability. Inmates are wait-listed for these programs in order of their earliest release date.²³⁷ Dr Walker gave evidence that it was planned that from 2024, prisoners would need only 12 months remaining on their sentence to be able to access intensive rehabilitation programs, and the Court will be interested to learn whether those reforms have been introduced.
367. Commissioner Varley and Dr Walker recognise that eligibility requirements with respect to length of sentence should be as short as possible. They gave evidence that in 2018, the eligibility requirement for Offence Specific Programs were reduced from 30 months to 24 months and in 2024, in the context of the new funding received under the Domestic Family and Sexual Violence Reduction Framework, the eligibility requirements will be shortened again from 24 months to 12 months. Under this funding initiative, NTCS will have enough resources to deliver the Recognising Anger and Gaining Empowerment program (RAGE) to an additional 72 prisoners per annum.
368. As Commissioner Varley pointed out, however, there will continue to be limitations on the number of persons who are able to undertake Offence Specific Programs. Difficulties with the recruitment and retention of staff (including professional staff), the large number of prisoners and the availability of custodial staff to facilitate prisoner attendance at programs are likely to continue to impact on program delivery.²³⁸

2. Lack of programs for prisoners on remand

369. Second, a major issue preventing access to programs is that prisoners are not eligible for any intensive support while they are on remand, and a large number of prisoners are on remand for lengthy periods of their sentence.
370. As Commissioner Varley noted in his evidence, prisoners will often spend significant periods of time on remand prior to being sentenced. This is particularly so where the charges are serious, and the matter is required to proceed to trial. In the case of Mr Abbott, for example, he spent a period of 18

²³⁶ Affidavit of Dr Natalie Walker dated 9 June 2023 at [25] (Common brief: 5-3).

²³⁷ Affidavit of Dr Natalie Walker dated 9 June 2023 at [25] (Common brief: 5-3). Dr Walker noted that from 2011-2018 it was inmates with more than 30 months to serve who were eligible for offence-related and offence-specific treatment programs (at [26]).

²³⁸ Affidavit of Matthew Varley dated 17 October 2023, at [195] (Common brief: 5-1).

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months on remand from 5 April 2016. Similarly, Mr Marika spent a period of 16 months on remand from 6 October 2018. In both instances, neither Mr Marika nor Mr Abbott were eligible for any DFV criminogenic programs during their period of remand.²³⁹

371. The Court heard evidence from Dr Walker that more than 40 per cent of those currently in prison were on remand (waiting for their matters to be heard or waiting for sentence) and they are therefore unable to access "offence-specific" programs during that time. This means that there are months wasted when these prisoners have no meaningful programs offered to them, and by the time they are sentenced, they may have too little time remaining to be eligible.
372. Commissioner Varley and Dr Walker recognised the need to provide DFV related programs to offenders on remand, in spite of the challenges of doing so, which are acknowledged and were carefully set out in their evidence. Commissioner Varley gave evidence that NTCS is working to develop a customised psychoeducational Family Violence Program for offenders on remand for DFV offending, commencing 2024. He acknowledged, however, that it is likely that NTCS will continue to experience challenges in the delivery of programs to this cohort, noting that as at October 2023, there were approximately 590 offenders on remand for DFV-related offences.²⁴⁰

3. Insufficient men's behavioural change programs in the community to refer men to

373. Third, there are insufficient men's behavioural change programs in the community.
374. Commissioner Varley expressed his support for an expansion of the men's behavioural change programs available, noting that while there were a number of psychoeducational and offence related programs delivered in the community, the evidence also makes it clear that significant reform is required to increase both the scope and the availability of such programs.²⁴¹

4. Lack of any preparatory or 'deniers' programs for perpetrators who deny responsibility

375. Fourth, there was no preparatory or 'deniers' programs for persons who refuse to accept responsibility for DFSV. Many offenders do not accept responsibility for their actions, or they otherwise blame the victim or others, and they may refuse to enter treatment programs. Alternatively, if offenders agree to undertake a program to assist with their prospects of early release, despite holding such views,

²³⁹ Affidavit of Matthew Varley dated 17 October 2023, at [197] (Common brief: 5-1).

²⁴⁰ Affidavit of Matthew Varley dated 17 October 2023, at [198-201] (Common brief: 5-1).

²⁴¹ Affidavit of Matthew Varley dated 17 October 2023, at [202-204] (Common brief: 5-1).

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engagement in programs in these circumstances can make it difficult to elicit behaviour change. As was noted by Dr Walker, offenders must come to a program with, or find within the program, some level of motivation and intent to change in order for programs to be effective. The case of Mr Marika, who is eligible for release at the end of 2024, is illustrative, as is the case of Mr Dixon.

376. Commissioner Varley consulted his Executive Team and in particular Dr Walker, who indicate that a best practice response to such attitudes is to deliver a discrete "preparatory" or "deniers" programs to assist those who deny offending and/or have poor attitude to offending. Such programs aim to assist offenders to overcome barriers to engaging in Offence Specific Programs.
377. While NTCS does not currently have the resources to introduce such a program, his team would consider that if more resources were made available.²⁴²

5. Gaps in information sharing about high risk prisoners

378. Fifth, where NTCS staff came into possession of information relevant to the risks associated with a DFV offender, gaps in information sharing processes meant that information in relation to risk was not shared with other stakeholders. Commissioner Varley gave as an example the case of Mr Marika, who they have found failed to take responsibility for the assaults against Ms Yunupiju, blamed Ms Yunupiju for his imprisonment and was at high risk of re-offending. Similarly, Mr Abbott was assessed on a number of occasions and was found to be at a high risk of re-offending, displaying no insight into what precipitated his violence, no strategies to avoid or adequately manage risk factors. Other risk factors were also identified, noting Mr Abbott commenced the VOTP Offence Specific program, but disengaged following an incident in which he displayed aggressive behaviour toward a program facilitator.²⁴³
379. NTCS staff have the capacity to share some information with NT Police, but are currently exploring options to improve this, which would require policy and legislative change, as well as resourcing.²⁴⁴

²⁴²Affidavit of Matthew Varley, Common Brief dated 17 October 2023, at [209], [212].

²⁴³ Affidavit of Matthew Varley dated 17 October 2023, at [213-220] (Common brief: 5-1).

²⁴⁴ Affidavit of Matthew Varley dated 17 October 2023, at [216-217], [220] (Common brief: 5-1).

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6. Lack of processes to manage prisoners who are not on parole

380. Sixth, where offenders were released at the end of their aggregate term of imprisonment in circumstances where they remained high risk, there were limited processes in place to manage the risks the offender posed to victims.²⁴⁵
381. In some circumstances prisoners who are at high risk of re-offending are released into the community without ongoing supervision by NTCS or otherwise, since they are refused parole or decline to apply for it (eg Mr Marika). The information sharing referred to above may be of assistance to authorities, but only if there are resources in the community to keep those men in view.

7. Scarce program resources mean a delay in providing programs until closer to release

382. Seventh, where prisoners are serving a long sentence, Offence Specific Programs are typically not delivered until the 12 to 18 months prior to release.²⁴⁶
383. By way of a concerning example, since 6 October 2018, Mr Marika has spent approximately five years in custody for the killing of Miss Yunupijū (16 months on remand and three years seven months sentenced). Although he has been assessed as suitable for the DFV Program, RAGE, during this episode, this program will not be delivered to him until approximately 12 months prior to his earliest release date.
384. The reason for the delay is that priority for the delivery of programs is given to persons by reference to their earliest release date. That is, if a DFV prisoner is due to be released into the community in 18 months' time, they are seen as a higher priority for a program, than a prisoner who still has five, ten or 30 years remaining until their earliest release date. The Court would accept the evidence of Commissioner Varley and his team that it is far preferable to engage prisoners in Offence Specific Programs earlier in their sentence and then provide maintenance treatment closer to the earliest release date, to provide maximum opportunity to the prisoner for reform. At present, there is not sufficient commitment to resourcing programs to enable that to happen.²⁴⁷

²⁴⁵ Affidavit of Matthew Varley dated 17 October 2023, at [213]-[221]-[227] (Common brief: 5-1).

²⁴⁶ Affidavit of Matthew Varley dated 17 October 2023, at [213]-[228]-[230] (Common brief: 5-1).

²⁴⁷ Affidavit of Matthew Varley dated 17 October 2023, at [230] (Common brief: 5-1).

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8. Limited engagement with high risk perpetrators who have been on the FSF

385. Eighth, while there was significant engagement between service providers and victims who were on the Family Safety Framework, there was limited, if any, engagement with the perpetrators. Commissioner Varley is in favour of community-led engagement which does not yet exist in the Northern Territory and would necessarily require significant resources and capacity building to be successful and make an impact.²⁴⁸
386. The Court would be satisfied that there is often little to no follow up of high risk men after they are released to community, with geographical isolation and language and cultural differences presenting a unique challenge for Community Corrections.
387. Although the extreme challenges presented by the geographical isolation of some areas is acknowledged, more must be done to assist high risk perpetrators and to keep them in view. As the Tangentyere Women's Family Safety Group (TWFSG) have argued, there is a need to support men leaving prison with housing, employment, and referrals to Men's Behaviour Change programs to make sure women and children are safe. By way of example, they point out that without a house to live in upon release from prison, a man may return to a victim survivor's house and the violence may continue.²⁴⁹

9. Insufficient processes to notify victims of DFSV in relation to release date

388. Ninth, the insufficient processes associated with notification to a victim of DFV in relation to the release of a perpetrator.²⁵⁰
389. The Crimes Victims Services Unit (CVSU) are a dedicated victim support service that have primary carriage of engagement with victims in relation to the release of offenders from custody in the Northern Territory. While NTCS is not responsible for the operations of the CVSU, Commissioner Varley helpfully outlined how it operates, and why so many Aboriginal victims are not communicated with effectively. The Court also received very helpful evidence from Steven Wheelhouse, the Acting Director of the Crimes Victims Services Unit.²⁵¹

²⁴⁸ Affidavit of Matthew Varley dated 17 October 2023, at [213]-[231]-[235] (Common brief: 5-1).

²⁴⁹ Tangentyere Women's Family Safety Group Submission into the Review of Legislation and the Justice Response to DFV in the NT at p11 (Common brief: 10-13).

²⁵⁰ Affidavit of Matthew Varley dated 17 October 2023, at [213]-[235]-[246] (Common brief: 5-1).

²⁵¹ Affidavit of Steven Wheelhouse dated 14 June 2023 (Common brief: 3-3).

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390. Victims of violent or sexual offences are able to apply to become a "Registered Victim", and those persons are then added to a "Victims Register". As part of operating the Victims Register, CVSU will inform NTCS when a person is registered as a 'Registered Victim,' which will initiate information sharing between NTCS and the CVSU. Within NTCS, the Community Corrections Operations Manager and the Custodial Manager of Operational Support are responsible for facilitating the sharing of NTCS information with the CVSU. Having received the relevant information from NTCS and other stakeholders, the CVSU are required to inform victims on the register of the progress of an offender through the correctional system, including any consideration of release on parole.
391. For this system to operate effectively, victims are required to formally sign up to the CVSU Victims Register. For a number of reasons, many people do not complete this process, and as a result, are not registered and do not receive engagement from CVSU. Community Corrections, the CVSU, Police and the DPP have recently commenced a reform to promote the use of the Victims Register, although this will obviously still require the victim to have provided a phone number that still works, and effective communication in a language that is understood.
392. NTCS provides information relating to offender discharge to other Northern Territory Government units, in an effort to increase victim safety, including the Family Safety Frameworks and the Darwin and Alice Springs Domestic Violence Units within NT Police. This underscores the need for adequate funding for those services.

10. Insufficient process to involve victims of DFSV with parole decisions

393. Commissioner Varley outlined deficiencies in the processes associated with engaging a victim of DFV in the parole decision making process. The Parole Board is required to consult victims for any violent and sexual offence (and sometimes secondary victims such as children), to allow the Board to consider the rights of the victim, risk of harm to the victim, and representations made by the victim or by persons related to the victim, where relevant and applicable.
394. In most jurisdictions, victim contact is undertaken through support services or the equivalent of the CVSU by Staff who have training and experience that assist them in limiting the impact of the engagement on the victim or re-traumatising the victim. Where possible, Probation and Parole Officer (PPOs) seek information in relation to a victim through the CVSU. In the Northern Territory, such contact can only be made by the CVSU where the victim is registered on the Victims Register. Where a victim is not on the Victims Register, PPOs attempt to engage a victim or other relevant persons as part of the parole assessment process, but they often experience difficulties locating the victim or

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other relevant persons, or developing a relationship of trust that will be required for victims to feel comfortable engaging with the parole application process.

Review by Professor Harry Bragg

395. The Court heard evidence from Professor Harry Bragg in relation to a review he was commissioned to prepare into NT Prison programs, and that he reported on in August 2022. The Court has the report from that review entitled: “rehabilitation and diversionary programmes delivered to aboriginal men and women in prison in the Northern Territory”.²⁵² It was commissioned by the Aboriginal Justice Unit at the time when Leanne Liddle was Director²⁵³ and it is to the credit of the Government that such an in-depth report was requested.
396. The major findings of Professor Bragg were significant and highlight both the huge unmet need and the opportunities for change. His main findings were as follows:²⁵⁴
- (a) Existing programs offered by Northern Territory Corrective Services are neither diverting nor rehabilitating Aboriginal people imprisoned for Family and Domestic Violence (FDV) related offences. The rate of imprisonment in the NT is the highest in Australia, and the NT also has the highest reconviction rate in Australia. This, however, is not just a failure in prisons. It reflects the lack of diversionary initiatives at the ‘front end’ of the system (the police) and in the courts. Both of which are critical in developing a diversionary system. There needs to be a fresh, multi-agency strategy to increase the rate of diversion and develop community-based alternatives to prevent enmeshment in the justice system.
 - (b) Programs for prisoners on remand and serving sentences of less than 6 months should be introduced. This is a population that constantly ‘churns’ through the criminal justice system, and currently receives little support. Programs should link them with support services in the community as part of any throughcare plan.
 - (c) There is a pressing need for programs acknowledging the role violent victimisation has played in Aboriginal women’s offending behaviour. The simple victim/offender binary excludes critical life experiences of trauma, loss, and grief. Programs need to be trauma informed, strengths based, and respect Aboriginal culture.
 - (d) Theories of ‘criminogenic need’ do not adequately capture the cultural and situational factors of Aboriginal family life: or the role cognitive disabilities (such as FASD and ABI), mental

²⁵² Common Brief at 11-5.

²⁵³ Evidence of Professor Harry Bragg, 9 November 2023, from T669.

²⁵⁴ Report of Professor Harry Bragg, “Rehabilitation and Diversionary Programs delivered to Aboriginal Men and Women in Prison in the Northern Territory” 2022 at p5 (Common brief: 11-5).

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illness, homelessness, alcohol and drug use, traumatic rage, and - particularly in relation to Aboriginal women - long term victimisation, play in triggering violent episodes.

- (e) High rates of FDV are largely traceable back to trauma, loss, and grief in communities and families. Orthodox programs, founded on cognitive distortion, male power, and coercive control, are largely irrelevant to the eradication of these underlying conditions, which demand a radically different therapeutic environment from that currently existing in the NT.
- (f) Prisoners wanted to see more use of work camps as opposed to correctional centres where people could be 'on country' doing useful work and acquiring skills that might help them on release. These options should be open to both men and women.
- (g) There is a need for more Aboriginal people to be engaged in delivering treatment programs: 10 Aboriginal Cultural Worker positions (5 in Alice Springs and 5 in Darwin) should be created to work in partnership with clinicians, and interface with ACCOs and other community organisations.
- (h) Aboriginal Cultural Workers would not have a simple 'liaison' function but would have a vital role in shaping strategies for addressing trauma, loss, and grief in partnership with clinicians and therapists. They may offer cultural ways of working through and naming traumatic life events, the feelings of loss and abandonment that follow these events, as well as assist in managing the stages of grief.

397. Commissioner Varley gave evidence that he welcomed Professor Blagg's report, that he had made a commitment to Dr Walker that Corrections would fund and invest in a program review refresh and would ensure that the recommendations from the Blagg Report were incorporated into the process.²⁵⁵

398. It is to the credit of the Commissioner and Dr Walker that there was such frank acknowledgement of the deficiencies in the system they operate in, and that they have demonstrated a commitment to advocate for reform. Commissioner Varley gave evidence that:

My reflection overall is that there's a lot we can do better. And we've identified a whole series of opportunities for change and improvement. We know that there were things that were missed and we know that there are examples of where our service let both the victims in these matters and the offenders down. And I think we need to improve.²⁵⁶

L. CONCLUSION

399. Throughout the course of all four Inquests, the Court was extremely grateful for the assistance of the Community Justice Centre (CJC) and the interpreter service, particularly Valda Napurrula Shannon.

²⁵⁵ Transcript of evidence, 2 November 2023 at T262-263.

²⁵⁶ Transcript of evidence, 2 November 2023 at T263.

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When Ms Shannon became unavailable for one set of hearings, there was no Warlpiri interpreter available for the last sittings. The Court was also invaluablely assisted by other skilled interpreters, but the availability of these interpreters was uncertain up until each day of Court, because of their limited numbers. This is indicative of a broader problem with the lack of availability of interpreters across the Northern Territory, after decades of sub-optimal investment in Aboriginal interpreters. A separate recommendation targets the interpreter service.

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Date: 19 August 2024