

FAMILY LAW COUNCIL re: Family Court in Alice Springs

Chairperson Mrs Jennifer Boland
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The Hon Daryl Williams AM QC MP
Attorney-General
Parliament House
CANBERRA ACT 2600

Dear Attorney-General,

While in Alice Springs for its meeting on 21-22 May 1998, the Family Law Council met with local family law practitioners: Ms Nardine Collier, Ms Tiarni McNamee and Annabell Cartwright; Ms Vicki Gillick, Ms Jane Lloyd, Ms Winnie Woods and Ms Cherie Jones of the Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council; and Ms Michelle Stevens of the Central Australian Women's Legal Service Inc.

Problems relating to isolation

There is no permanent Family Court registry in Alice Springs and no Registrar in the Northern Territory. There is a limited counselling service available in Alice Springs. A Judge visits Alice Springs on a needs basis (the next visit is in September 1998 for 1 week). The Territory is within the Northern Region and is administered out of Brisbane. Judges from anywhere can be sent to Alice Springs, which has implications in relation to sensitivity to local issues.

Practitioners and others in Alice Springs are required to direct their queries to Darwin in the first instance as the files are held in the Darwin registry. Matters are then referred to Brisbane as required. The lack of a direct link to Brisbane has disadvantages, but because the files are held in Darwin there is no point in contacting Brisbane direct.

The relative isolation, some fairly localised issues, geographical factors and other factors (such as lack of specialist training and advice) combine to place local family law practitioners in an unenviable position.

Council has been advised that the Family Court is currently using video conferencing facilities to overcome problems of isolation in parts of Tasmania and is of the view that access to similar facilities in the Northern Territory could help to overcome some of the problems being experienced in the Territory. Council recommends, therefore, that this possibility be further examined.

Use of PDR and court facilities by Indigenous persons

The Pitjantjatjara Land Council is a separate legal body administering cross-border services. The Pitjantjatjara Women's Council is one of its clients and does a variety of legal work including compensation, deceased estates, native title. It also assists the police in relation to domestic violence restraining orders. The Council has no specialist family law practice but is being called on to assist in an increasing number of family law matters.

Resources and personnel are needed to help Aboriginal people avoid judicial determination because judicial outcomes are not seen as good for Aboriginal children by the local communities. The Women's Council tries to assist families to work things out. Domestic violence orders work well in areas where there are police aids and police commitment, but network liaison through the Women's Council is needed to support the police's work.

Mobility of Aboriginal people creates new problems in marriages between different communities. If a woman leaves her husband's community, his family usually will want the children to stay in his community. There are difficulties in mediating such situations. Interpreters are usually needed and mediators need to be culturally aware. For child related problems, a male mediator, black or white, would be preferred. If agreement is reached, the problems of cost and distance make the agreement difficult to maintain.

Problems mainly relate to distance and the existence of State borders. Services need to go out to the communities as people are reluctant to come to Alice Springs. Huge distances are involved. There are also difficulties in child welfare matters created by the number of State/territories that can be involved; for example, the Pitjantjatjara Women's Council in Alice Springs NT has to deal with the SA Family and Community Services over a child in Coober Pedy SA. Response times are very slow.

There are delays in getting court orders, including domestic violence orders.

Family Court counselling services are utilised but people outside the Aboriginal community are not well accepted as counsellors because of language and cultural differences. The feeling is that a Family Court mediator is needed in Alice Springs to liaise with the Aboriginal community on family law matters, including domestic violence problems. This would make the counselling service more acceptable.

Council recommends that the possibility of appointing an Aboriginal mediator in Alice Springs be given consideration to overcome the problems being experienced by the Aboriginal communities.

At its meeting in Alice Springs on 21-22 May 1998 the Council agreed that the issues covered in this letter should be raised with you. I have signed this letter on behalf of the Council and by agreement with the immediate past Chairperson whose term of office expired on 30 June 1998.

Yours sincerely,

**(R W Hughes)
Director of Research
on behalf of the Chairperson**