

Achieving justice for and redressing inequalities experienced by women

There's a long (or short) road ahead!

TOP END WOMEN'S LEGAL SERVICE INC. (TEWLS)

TEWLS' vision is a community in which women enjoy and are entitled to legal and social justice.

TEWLS is a community legal centre focused on the advancement of women's rights. Established in 1996 following the Australian Law Reform Commission's Inquiry into Equality before the Law, TEWLS is a not-for-profit, specialist women's legal service providing free legal services for women in the Top End of the NT. Our purpose is to advocate to achieve justice for women, to promote women's human rights, and to redress inequalities experienced by women.

We provide high-quality, responsive and culturally appropriate legal advice and information, casework and representation, community legal education, and advocacy in the areas of civil and family law to women living in the greater Darwin region. TEWLS is able to provide free legal advice to all women, or persons identifying as women, regardless of their circumstances via funding from the Department of Prime Minister and Cabinet and Indigenous Advancement Strategy.

TEWLS provides a vital role for women in the Top End. At an individual level, the service responds to and facilitates women's experiences and realities on a personal basis, with specialist and holistic legal services. At a systemic level, client's collective experiences establish a salient foundation and platform for informed service advocacy and systemic improvement via law reform submissions.

TEWLS services

TEWLS provides free one-off legal advice on a range of civil and family law matters, as well as representation and casework services, with matter types including:

- Family law, such as divorce, parenting and property
- Consumer issues, such as credit/debt and fines
- Domestic Violence and Personal Violence Restraining Orders
- Complaints, such as discrimination and police complaints
- Injury compensations, such as victims of crime, motor accidents and workplace injuries
- Tenancy and housing matters
- Deceased estates and superannuation
- Employment law
- Sexual assault

In the FY2018/19, TEWLS provided:

- legal advice to nearly **700** women across **500** matter types
- legal representation to **600+** women, including at NTCAT, Local, Federal Circuit and Supreme Courts, family dispute resolution, and via representative complaints.
- **50+** law reform submissions, Community Legal Education sessions, and networking and advocacy actions
- **1,000+** turn-aways due to insufficient service capacity

Recent brag-worthy mentions!

As a small team of five, TEWLS remains highly productive with proactive, culturally safe, holistic service provision, multiple recent service and project highlights, and YES, the occasional victory champagne!

Recent service achievements in the FY2018/19 include assisting over 3000 women, by providing legal information, referral, legal advice, case work and representation; and, exceeding all targets by up to 1000%.

In the last few months, TEWLS have launched our updated website at tewls.org.au. The website now includes submissions, resources, helpful links, and service information able to be translated into over 85+ languages, and website information available in four Indigenous language audio translations. *While there, please feel free to utilise the new donation button!*

Major publishing highlights include the *Legal Information Booklet* for women incarcerated at Darwin Correctional Centre (DCC), which DCC will include in arrival packs and place in the resource library; and, four family law factsheets on separation, divorce, parenting and property. These are on TEWLS website with hard copies available at appointments and CLE presentations.

We are also extremely pleased to have secured, with the support of the Law Society NT, the introduction of a new volunteer practising certificate option to expand pro bono servicing, extend service capacity and address ongoing and entrenched unmet service need.

And of course, a heartfelt thanks and acknowledgment of TEWLS snazzy Management Committee members, volunteers and pro bono partners who value add immeasurably to extend service reach, provide specialist legal input and to ensure ongoing specialist women's legal services remain high-level over achievers!

Energising future actions

But a woman's work is never done! So, despite energising service provision, a major challenge (or two) remain—in particular, ongoing advocacy to secure a specialist domestic and family violence counsellor for incarcerated women to address complex trauma, to progress wellbeing and to reduce recidivism rates (can you believe there isn't one already?)

A longer-term goal is meeting the challenges posed by the NSW Law and Justice Foundation first Australian quantitative assessment of the legal and related needs that coincide with domestic and family violence, where findings reinforce the need for specialist and holistic legal assistance for DFV to be a government priority.¹

A project snapshot: Women incarcerated in Darwin

TEWLS provides a civil and family legal advice service within the Women's Sector at DCC. Commencing legal services to incarcerated women over a decade ago, TEWLS currently attend the DCC every third week, in line with available resources,² and actions 200+ legal matters annually.

In the past ten years, the rate of women incarcerated in Darwin has doubled. To address the absence of qualitative data on women incarcerated in the NT, and via a very gratefully received Territory Families Safe, Respected and Free from Violence Grant, TEWLS recently commenced a Legal Health Check project at DCC.

The Legal Health Check is a legal screening tool that TEWLS adapted to 'diagnose' the precursors to incarceration and to identify the multiple legal needs of women incarcerated in Darwin. It employs structured interview questions, in a conversational context and is available at <http://legalhealthcheck.org.au/>.

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As one participant stated: ‘thanks very much, that’s the first time someone asked about me.’

The emerging themes from 50 incarcerated women’s interviews reflect qualitative research across Australia of:

- Multiple unaddressed pre-existing vulnerabilities that are compounded by incarceration;
- High-level complex trauma requiring therapeutic service provision to reduce recidivism and to advance wellbeing;
- Systems focus on criminal acts and criminalisation, with very limited civil or family law and therapeutic service provision; and
- Incarcerated women being devalued and invisible women at a policy, systems and structural level.

85% of participants wanted and would speak to a DFV or trauma counsellor at DCC... if one was available.

Incarcerated women’s access to medical services at DCC

Prisoners are entitled to the same standard of health care in prison as that expected in the general community. TEWLS recently made complaint to the Ombudsman (NT) that women incarcerated at the DCC are not receiving health services per requisite standards under international, national and NT laws. The unequal and inadequate access to health services for incarcerated women at the DCC is reflected by Josie’s Story.³

Josie is a young woman who was in a relationship with Peter for three years. During their relationship, Josie was physically, sexually and psychologically abused by Peter and sought to escape the relationship on multiple occasions.*

While Josie’s past experiences meant that a referral to Ruby Gaea for counselling services at DCC was possible, Josie has been unable to access counselling and related support services in respect of her domestic and family violence related experiences. When being sentenced in respect of her criminal matters, the judge indicated that Josie’s past trauma from domestic and family violence was a contributing factor to her offending and that in order to break the cycle of recidivism, Josie should seek specialist assistance.

TEWLS proposed two ways in which a domestic violence counsellor position could be funded:

Funding by the Department of Health for a specialist counsellor externally housed at a non-government organisation with existing counselling positions for professional connectivity and support.

Funding by Medicare (Commonwealth) – women at DCC are excluded from receiving Medicare benefits under Commonwealth legislation.⁴ A petition to the Federal Health Minister to direct that Medicare benefits be payable in respect of professional services rendered at DCC, pursuant to the relevant exemption,⁵ could remedy this.

Upcoming works

TEWLS will shortly commence Legal Health Checks with women from culturally and linguistically diverse backgrounds and believes all clients would benefit from being able to undertake Legal Health Checks. **To that end, watch out for TEWLS upcoming fundraising events including the bi-annual Bunnings sausage sizzle!**

Volunteers: Want to contribute to TEWLS’ work within the community?

TEWLS volunteers make a real difference in the lives of women in the Top End in need of legal assistance.

Sadly, the demand for our services greatly exceeds capacity—but, with the help of our volunteers, more women in need of legal assistance can receive access to justice in times of need. Each year, TEWLS’ highly skilled volunteer solicitors help to extend our services reach by providing quality legal services to many who would otherwise have nowhere else to go.

TEWLS is reliant on the invaluable contribution volunteers make in order to provide quality legal advice, referrals and assistance to women. As a volunteer with TEWLS, your skills will make a positive difference to the many women who access our service, while being extraordinarily rewarding and beneficial for the development of your professional skills.

To find out more about legal volunteering at TEWLS, please contact the TEWLS Administration Officer admin@tewls.org.au. ■



TEWLS clinic locations



TOP END WOMEN'S LEGAL SERVICE INC.

FREE LEGAL ADVICE FOR WOMEN
Advice | Information | Referral | Advocacy

- ☎ 1800 234 441 (freecall) ☎ 08 8982 3000
- ✉ admin@tewls.org.au 🏠 www.tewls.org.au
- 📘 facebook.com/TopEndWomensLegalService
- 🐦 twitter.com/TEWLS_NT

1. NSW Law and Justice Foundation: Quantifying the Legal and Broader Life Impacts of Domestic and Family Violence, Justice Issues, Paper 32, June 2019.
2. TEWLS receives funding for 0.75 of a legal officer and 0.75 of a client service officer to provide legal services at the DCC, and at six other locations. TEWLS has sought additional funding over many years to address unmet service needs.
3. De-identified name. Ruby Gaea is a specialist NGO sexual assault service that commenced DCC service provision in 2016 following a request from TEWLS.
4. *Health Insurance Act 1973* (Cth) s 19(2).
5. *Ibid.*

'That time' of year is fast approaching...



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