

# “WE DON’T SHOOT OUR WOUNDED...”

Aboriginal & Torres Strait Islander Victims of Family Violence  
Access to Justice and Access to Services in the ACT

ACT Victims of Crime Coordinator | March 2009



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People also participated with the hope that both the Indigenous and the non-Indigenous communities—in both the community and government sectors—will work together openly and honestly to heal the deep and lasting damage that family violence does. Listening to the ideas people have and about the actions that very many people do to help shows that there is not one way forward but many ways forward. Together.

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**Robyn Holder**

ACT Victims of Crime Coordinator

March 2009

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# LIST OF ABBREVIATIONS

AA	Alcoholics Anonymous
ABS	Australian Bureau of Statistics
AFP	Australian Federal Police
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
AIC	Australian Institute of Criminology
AIHW	Australian Institute of Health and Welfare
AOABH	Assault occasioning actual bodily harm
ATSIS	ACT Aboriginal and Torres Strait Islander Services
CJS	Criminal Justice System
CPS	Care and Protection Services
DPP	Office of the Director of Public Prosecutions
DVCS	Domestic Violence Crisis Service
DVO	Domestic Violence Order
FVIP	Family Violence Intervention Program
HREOC	Human Rights and Equal Opportunity Commission
ICE	Crystalline methamphetamine
NETO	No evidence to offer
NHMRC	National Health & Medical Research Council
OVCC	Office of the Victims of Crime Coordinator
PRG	Project Reference Group
RO	Restraining Order
SAAP	Supported Accommodation Assistance Program
SCRGSP	Steering Committee for the Review of Government Service Provision
VoCC	Victims of Crime Coordinator
WIRC	Women's Information & Referral Centre



## GLOSSARY OF TERMS

The term *family violence* is preferred by many Aboriginal & Torres Strait Islander people and service providers. It is also used within the ACT criminal justice system to describe abusive and/or violent behaviour that takes place between people in a range of different family and intimate relationships with each other. The term can encompass a range of verbal, physical and sexually abusive behaviours in addition to controlling actions and actions that demean a person's spirit and connection to community.

The terms *victim* and *perpetrator* are cautiously used by many Aboriginal & Torres Strait Islander people and service providers. There may be far less distinction than for non-Indigenous people between the terms as separate and real-life categories. The terms are nonetheless used in this report as a way of enabling reflection on the circumstances which brought people into contact with the criminal justice system and with services.

The terms *Aboriginal & Torres Strait Islander* and *Indigenous* are used interchangeably in the report. However, the report acknowledges that people prefer *Aboriginal & Torres Strait Islander*. Where the term *Aboriginal* is used, this means that just Aboriginal people were interviewed

# EXECUTIVE SUMMARY<sup>1</sup> AND RECOMMENDATIONS

Family violence in Aboriginal & Torres Strait Islander communities has a high and sometimes controversial profile. Governments and communities across Australia have debated causes, consequences and interventions for many years.

The voices of the Aboriginal & Torres Strait Islander victims of family violence—what they have experienced, how they have sought help and to what effect, and what they think should be done—have too often been marginalised in these debates.

This research commenced at a time when passions and fears were running high as a consequence of the intervention of the Commonwealth Government in the Northern Territory. The Aboriginal & Torres Strait Islander people who agreed to be part of this research at this time—whether as key person interviewees or victims or project group members—did so from a strong belief that family violence should not be allowed to hurt their children, their families, their friends, their colleagues and their communities any longer. Participating in this project took great courage, heart and spirit. The Aboriginal & Torres Strait Islander people who participated believe that their communities are strong enough to look at and talk about this complex problem, and know that people are prepared to go forward together with a range of solutions.

An open community discussion about helping family violence victims between Indigenous and non-Indigenous, and within the Aboriginal & Torres Strait Islander communities will necessarily need to directly acknowledge the suffering and destruction wrought on Indigenous Australians through colonisation. It will also need to acknowledge the abiding harm done to the Stolen Generations, their forebears, families and futures.

Although much is known about the involvement of Indigenous offenders in the criminal justice system, very little is known about the degree to which Indigenous victims engage with the justice system or with the service sectors. In part, this has been due to the fact that Indigenous status of victims is often poorly or inconsistently recorded in police, courts and prosecutions data, or not recorded at all. This deficiency tends to place the emphasis in the public eye squarely on the over-representation of Indigenous offenders who are incarcerated or die in prison while the voices of Indigenous victims are silenced.

## **ABORIGINAL & TORRES STRAIT ISLANDER CRIME VICTIMISATION**

Despite data deficiencies in criminal justice data, the national picture is that Indigenous victims are over-represented in offences reported to police compared with non-Indigenous victims. This particularly relates to assault, sexual assault and domestic violence. Based on self-report survey data Indigenous women experience higher levels of physical violence than non-Indigenous women. Indigenous people are more likely to be hospitalised for assault and to die from assault compared with non-Indigenous people. Indigenous women are also more likely than non-Indigenous women to seek refuge from family violence, but while they stay in refuges more frequently than their non-Indigenous counterparts, they do so for shorter periods.

The Aboriginal victims of family violence in this report are unanimous in wanting the violence to stop. The combination of verbal, emotional and physical abuse is deeply damaging to their sense of self, their sense of worth and their identity. Aboriginal women who are victims of family violence raise children, hold down jobs, go to college, look after elders and participate in community affairs. Aboriginal women carry the scars of abuse from childhood, through

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<sup>1</sup> Some of the summary text is drawn directly from Part 1 of this report being that written by Taylor & Koeman.

adulthood and into older life. Even with this strength and persistence, family violence creates considerable disruption, undermines the family's financial stability, and breaks community bonds. Everyone is acutely aware also that family violence badly damages children's psychological well-being, their stability and development, and their participation in education and other opportunities.

Aboriginal & Torres Strait Islander women's help-seeking from the justice system is complicated by their profound feelings of responsibility for their families and communities. Many women interviewed for this report felt that, when they needed to call police, then the justice system needed to take the initiative in charging and prosecuting the perpetrator for the violence. At the same time, Aboriginal women felt a high degree of ambivalence and regret that they should be placed in such a position. Their help-seeking can be undermined by ineffective, disrespectful, ignorant and racially stereotypical comments, practices and activities. Gaining access to justice and participating in the system as a victim of family violence can be hard. But it can be made easier if active and practical support is readily available. As one woman said, *"when a woman makes a decision to change her circumstances ... services can get behind her 100%"*.

It is apparent that the service needs of Aboriginal & Torres Strait Islander victims of family violence can be high, multi-faceted, complex and involve multiple agencies. This combination of intense and longer term support demands a skilled and well-resourced set of services and workforce. A future strategy demands more transparent recognition of these needs and a more centralised and coordinated approach for the sake of Aboriginal & Torres Strait Islander victims and their future generations.

## **ABORIGINAL & TORRES STRAIT ISLANDER OFFENDING**

Indigenous people make up two percent of the total Australian population but account for one quarter of the total prison population, over half (54%) of the total population in juvenile detention in Australia and one quarter of police custody incidents. The most recent prison census data reveals that the rate of imprisonment of Indigenous persons, per relevant population, was 13 times higher than the non-Indigenous imprisonment rate at 30 June 2006. The majority of Indigenous people in prison at 30 June 2006 were male (91%). About 30% of women in prison in Australia are Indigenous.

Indigenous people were much more likely than non-Indigenous people to be in prison for an act which was intended to cause injury (this includes both aggravated and non-aggravated assault as well as other acts intended to cause injury). About one third of Indigenous prisoners were in prison for this offence compared with 14 percent of non-Indigenous prisoners. Further, 75 percent of Indigenous people imprisoned for this offence had previously been in prison, compared to 53 percent of non-Indigenous people imprisoned for this offence. Acts intending to cause injury were by far the most common offence for Indigenous prisoners. However, for those imprisoned and sentenced for an act intended to cause injury, Indigenous prisoners were likely to receive shorter aggregate sentences than non-Indigenous prisoners.

The high level of contact with the criminal justice system from an early age, the high rates of assault, the higher levels of prior imprisonment for Indigenous prisoners and the suggestion of an increase in Indigenous women's contact with the criminal justice system points to learned behaviour (inter-generational transmission) and the normalisation of violence. The severity of violence and high level of acts intended to cause injury has implications for hospitalisation rates, mortality outcomes due to assault, and homicide rates.

This research finds that those defendants prosecuted in the ACT for family violence against Aboriginal & Torres Strait Islander victims have extensive and violent histories. Despite the widespread belief that Indigenous men are commonly sent to gaol, only one offender out of 25 received a prison sentence for assault occasioning actual bodily harm. Lack of evidence to proceed resulted in just under a third of defendants having charges against them dismissed while 11 defendants were released on recognisance.

It will be important for the Aboriginal & Torres Strait Islander communities in the ACT to continue to converse about how these findings reveal that both victims and offenders have access to justice.

## **FACTORS WHICH MAY EXACERBATE CONTACT WITH THE CRIMINAL JUSTICE SYSTEM**

Violence both perpetrated and experienced by Indigenous people cannot be dissociated from broader contributing social, cultural, historical and economic factors. These include the experience of colonisation, the disintegration of traditional laws and community norms, disruption of family and kinship ties, poverty, unemployment, personal stressors and multiple disadvantage, the experience of forced removal from families and substance abuse.

The findings suggest that Indigenous contact with the criminal justice system is the product of a complex interplay of factors which cross generations. Indigenous people, whether victims or offenders or both, may be impacted by inter-generational and trans-generational post traumatic stress and this can impact on their ability to deal on a daily basis with the multiple other stressors in their lives. Indigenous people commonly also identify discrimination as a key factor contributing to the problems they face.

The findings suggest a need for strategic, multi-layered and sustainable ways forward. Such an approach should include interventions such as counselling (or 'healing'), targeted assistance and high level support to alleviate multiple stressors which put Indigenous people at risk of victimisation and/or offending. A criminal justice response which acknowledges this interplay of factors and provides targeted programs as a core part of its system is also needed. Such a response could include linking with health, education, employment, social security, housing, child protection and other service providers and require flexibility in terms of tailoring and specifically designing programs with a rehabilitative and restorative emphasis for Indigenous offenders and Indigenous victims. An explicit recognition of the importance of community to Indigenous people is essential.

## **ABORIGINAL & TORRES STRAIT ISLANDER VICTIMS ACCESS TO JUSTICE & SERVICES**

Indigenous victims who do engage with support services and the criminal justice system in the ACT generally receive a high level of support. However many Indigenous victims of violence choose not to pursue a criminal justice pathway as this does not meet their needs. Often police will be called in order to remove the immediate threat of violence but arrest or prosecution of the offender may not be the desired outcome for many victims. This 'instrumental' use of police has potential to create misunderstanding between victims and police due to differing objectives and different understandings of the role of police when called to attend violent incidents.

Some victims choose a civil justice pathway (either through approaching a support agency or obtaining medical assistance or taking out a Domestic Violence Order), while others may turn to friends and family to seek help. Agencies outside the criminal justice system, such as hospitals,

community health services, support services and refuges, need to be sufficiently staffed and resourced to deal with the disproportionately high demand and the particular needs facing Indigenous victims relative to non-Indigenous victims.

## RECOMMENDATIONS

**An overriding objective arising from this report is the need for everyone to focus strongly on healing the profound and long-lasting damage that family violence is doing to victims, to children and to the whole community.**

The Community & Government in the ACT should work together to build capacity to tackle family violence, and should<sup>1</sup>:

1. Make a joint and public commitment to preventing family violence, supporting victims and helping men to live violence-free lives.
2. Ensure that the voices of Aboriginal & Torres Strait Islander victims of family violence continue to be heard.
3. Identify a strategic planning and delivery framework to deliver real changes aimed at supporting and healing Aboriginal & Torres Strait Islander victims of family violence, and carrying forward improvements in their access to justice and to services.
4. Establish a specific service for Aboriginal & Torres Strait Islander women where a range of legal, advocacy, practical and healing activities can be delivered.
5. Develop & implement a community and professional education program stressing that “violence is not our way”, encouraging victims to seek help, and emphasising positive non-violent role models for men.
6. Implement initiatives to resource and assist Aboriginal & Torres Strait Islander people to further support & mentor each other, and to further train and seek qualifications for their work in assisting victims of family violence. These initiatives should expressly integrate spiritual & cultural contexts.
7. Commit to funding arrangements for services to Aboriginal & Torres Strait Islander victims of violence that are on-going and expressly recognise the more complex and intensive case management requirements involved in assisting Aboriginal & Torres Strait Islander victims of violence.
8. Develop a coordinated approach to supporting children and young people affected by family violence that recognises the importance of education and of family; and which offers practical, sustainable & non-punitive support to the parent who is also a victim of family violence.
9. Provide advocacy, assistance & support to Aboriginal & Torres Strait Islander women from the time they report to police through the prosecution and court process, and linked to victim support measures aimed at securing their personal, financial and social stability and security.
10. Identify & implement a range of healing, supportive, advocacy & other interventions focussed on addressing the trauma and harm from family violence.
11. Training & other initiatives whether in the community or justice sectors aimed at supporting victims of family violence to access justice and services in the ACT should expressly include components to improve

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<sup>1</sup> These recommendations are aimed at everyone in the ACT community. At the same time, for this report, “the community” means the Aboriginal & Torres Strait Islander community.

# PART ONE: ABORIGINAL & TORRES STRAIT ISLANDER VICTIMS OF FAMILY VIOLENCE IN THE ACT: ACCESS TO JUSTICE AND SERVICES

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# OVERVIEW AND SUMMARY

This part of the research comprised the first stage of the project and was completed in February 2008. The aims of this first stage of research were to:

- provide a statistical snapshot of Indigenous victims of crime within the ACT criminal justice system over a specific period of time
- investigate the circumstances to and support of Indigenous victims of crime seeking help from the criminal justice system and
- provide an overview of research and other relevant information undertaken in the ACT and elsewhere in Australia on Indigenous victims of crime.

Weaknesses in recording of Indigenous status of victims in case files held by the Australian Federal Police (AFP) and Office of Director of Public Prosecutions (ODPP) meant that the research was narrowed to focus only on family and domestic violence crimes. The first two elements of the research were confined to a case file analysis of matters prosecuted in the ACT through the ACT ODPP where there was an Indigenous victim for the 2003-04 and 2004-05 financial years, as well as a case file analysis of all Indigenous victims who were assisted by the Domestic Violence Crisis Service (DVCS) in the ACT during 2003-04.

A total of 49 cases were identified by the DVCS and included in the study. Over the two year period a total of 25 cases were prosecuted by the ODPP relating to an Indigenous victim and/or offender.

## **INDIGENOUS CLIENTS OF THE DOMESTIC VIOLENCE CRISIS SERVICE (DVCS) IN THE ACT**

The DVCS is a government funded 24 hour community-based organisation. DVCS is one of the central victim support services in the ACT and is considered a key agency in the Family Violence Intervention Program (FVIP). The objectives of the DVCS are to address violence and abuse in personal relationships and to promote respect and fairness in personal relationships. The DVCS recognises that the majority of people subjected to violence and abuse in personal relationships are women and children, and that children are particularly vulnerable.

Of all calls received by the DVCS crisis line during 2005-06 where cultural origin could be determined (about two thirds of calls) approximately six percent were of Aboriginal or Torres Strait Islander origin. A case file study was undertaken at the DVCS for all cases where it could be identified that an Indigenous client had been actively involved with the DVCS during 2003-04. Active involvement meant that there had been some contact between the DVCS and the client or contact relating to the client, of whatever nature, during 2003-04. Active involvement did not have to mean that a domestic violence incident had occurred within that year—rather, there may have been phone contact where the client was seeking advice or assistance, where the DVCS was trying to arrange accommodation through a third party, contact with police about a client, transporting a client somewhere etc.

A total of 49 cases involving an Indigenous client were identified by the DVCS and included in the study. All but one of these clients was female. Based on the case file histories, many Indigenous clients appeared to present to DVCS with a range of needs and problems. These included mental health problems, drug and/or alcohol dependence, poverty and homelessness. Some clients had long and persistent histories of violence and abuse, including abuse as a

child, violence of and between parents, violence involving extended family members. Thirteen clients had had contact with the DVCS for over seven years. Physical violence, injury, threats and emotional abuse were common in the client files.

There are differing victim attitudes towards police and reporting. The Indigenous victims in the DVCS case files appear most ready to engage police to stop immediate violence. Reporting violence to police by Indigenous victims is not necessarily (or even mainly) about arresting and prosecuting offenders—for many victims it is about stopping the immediate violence and removing the offender temporarily from the home until the violence has subsided.

Although non-Indigenous case files were not examined in this study it is likely that many non-Indigenous victims who seek the services of the DVCS are similarly struggling on many fronts and face similar problems where children are involved. DVCS is often the first point of call for those who have received assistance previously and who are continuing to struggle on a range of fronts, including accommodation needs and financial assistance. Indigenous victims are more likely to need short term accommodation but on a relatively frequent basis. Services such as DVCS are partially 'filling a gap' in helping those with mental health/disability issues and general accommodation and financial needs.

## **PROSECUTIONS OF CASES IN THE ACT INVOLVING INDIGENOUS VICTIMS**

In the ACT there is a pro-arrest, pro-prosecution policy for incidents of family violence. Since 2000/01 (implementation of the FVIP) the total numbers of family violence matters prosecuted in the ACT has been rising in accordance with the emphasis on pro-arrest, pro-prosecution policy. Over 2007-08, the Office of the Director of Public Prosecutions in the ACT had three full time specialised family violence prosecutors in the ACT. For the ODPP, a family violence "matter" may include one or more charges, one or more victims and one defendant. However a defendant may have more than one matter in the system at any time. If two defendants are involved in one incident then there will be two separate matters listing charges against each separately.

Family violence matters involving Indigenous offenders and/or victims (where such cases could be identified) were investigated over a two year period: 2003-04 and 2004-05. A total of 25 matters were identified which fell within this two year period (12 within the first year and 13 within the second year). Victims were primarily female and offenders were primarily male. In 25 matters a total of 44 charges were laid. Just under half of these charges were common assault while six charges related to assault occasioning actual bodily harm. Most defendants had a history of criminal offending and many had lengthy and violent criminal histories.

Out of 25 matters seven defendants pleaded "not guilty" to a total of 12 charges which each included assault - their cases were dismissed due to the DPP having no evidence to offer (NETO). Out of 44 charges laid, 16 (36%) were dismissed due to no evidence to offer. Of the remaining defendants, 11 were released on recognisance with a requirement for good behaviour. Three defendants charged with assault failed to appear after being granted bail and a warrant for their arrest was still outstanding at the time of data extraction. Only one defendant received a prison term of six months (for assault occasioning actual bodily harm). Hence, despite broader concerns within the community that Indigenous men are incarcerated at high levels, the DPP data for 2003-04 and 2004-05 in the ACT show that only one Indigenous defendant (out of 25) was sentenced to prison, despite extensive and violent histories of defendants.

## **FACTORS WHICH MAY EXACERBATE CONTACT WITH THE CRIMINAL JUSTICE SYSTEM**

Violence both perpetrated and experienced by Indigenous people cannot be dissociated from broader contributing social, cultural, historical and economic factors. These include the experience of colonisation, the disintegration of traditional laws and community norms, disruption of family and kinship ties, poverty, unemployment, personal stressors and multiple disadvantage, the experience of forced removal from families and substance abuse.

The findings suggest that Indigenous contact with the criminal justice system is the product of a complex interplay of factors which cross generations. Indigenous people, whether victims or offenders or both, may be impacted by inter-generational and trans-generational post traumatic stress and this can impact on their ability to deal on a daily basis with the multiple other stressors in their lives. Indigenous people commonly also identify discrimination as a key factor contributing to the problems they face. The findings suggest a need for multi-layered and sustainable interventions such as counselling (or 'healing'), targeted assistance and high level support to alleviate multiple stressors which put Indigenous people at risk of victimisation and/or offending. A criminal justice response which acknowledges this interplay of factors and provides targeted programs as a core part of its system is also needed. Such a response could include linking with health, education, employment, social security, housing, child protection and other service providers and require flexibility in terms of tailoring and specifically designing programs with a rehabilitative and restorative emphasis for Indigenous offenders and Indigenous victims. An explicit recognition of the importance of community to Indigenous people is essential.

## **IMPLICATIONS**

Indigenous victims who do engage with support services and the criminal justice system in the ACT generally receive a high level of support. However many Indigenous victims of violence choose not to pursue a criminal justice pathway as this does not meet their needs. Often police will be called in order to remove the immediate threat of violence but arrest or prosecution of the offender may not be the desired outcome for many victims. This 'instrumental' use of police has potential to create misunderstanding between victims and police due to differing objectives and different understandings of the role of police when called to attend violent incidents. Some victims choose a civil justice pathway (either through approaching a support agency or obtaining medical assistance or taking out a Domestic Violence Order), while others may turn to friends and family to seek help. Agencies outside the criminal justice system, such as hospitals, community health services, support services and refuges, need to be sufficiently staffed and resourced to deal with the disproportionately high demand and the particular needs facing Indigenous victims relative to non-Indigenous victims.

# 1 INTRODUCTION

## 1.1 BACKGROUND

Indigenous contact with the criminal justice system in Australia is high relative to non-Indigenous contact. Indigenous people are over-represented in terms of their interactions with police (Loh et al 2005; Taylor & Bareja 2005), courts (Snowball & Weatherburn 2006), their presence in prisons (ABS 2006b), juvenile detention (Taylor 2006) and deaths in custody (Joudo 2006). This disproportionately high contact was the focus of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC 1991) which handed down a large number of recommendations to try and reduce the numbers of Indigenous people in custody. This focus, however, represents concern about the over-representation of Indigenous *offenders* within the criminal justice system, about which much is known.

On the other hand, the degree to which Indigenous victims of crime make contact with and utilise the services of the criminal justice system is largely unknown. In large part this is due to the fact that police, DPPs and courts have traditionally not systematically or consistently recorded the Indigenous status of victims. This means that the Recorded Crime—Victims publication by the Australian Bureau of Statistics, which relies on data provided by police, has to date not been able to provide national data on the numbers and proportions of recorded victims who are Indigenous as opposed to non-Indigenous.

There have been a large number of reports from across Australia about violence and abuse in Indigenous communities.<sup>2</sup> Recent media attention following the *Little Children are Sacred* report by Wild and Anderson (2007) in the Northern Territory has again placed the spotlight anecdotally on Indigenous victims particularly in rural and remote Indigenous communities being subjected to sexual assault, family and domestic violence. There is also extensive anecdotal evidence, stemming from qualitative case studies and government established taskforces and inquiries into various aspects of Indigenous disadvantage that back up this picture of disproportionate victimisation. Family violence and sexual assault are frequently singled out for special concern (see for example Aboriginal and Torres Strait Islander Social Justice Commissioner 2006; Apunipima Cape York Health Council 2000; Blagg et al 2000; Memmott et al 2001; Robertson 2000; Thorpe et al 2004; Yarram 2003).

The lack of information about the extent to which Indigenous victims seek help through the criminal justice system serves to silence the voices of Indigenous victims and increase the emphasis on Indigenous offender contact, which reinforces the over-representation of Indigenous offenders and efforts to reduce it. A quote attributed to then Federal Indigenous Affairs Minister Mal Brough (Karvelas & Wilson 2007: 6) makes the point:

The deaths in custody is a terrible blight and people were doing everything they possibly could to stop it and prevent it, but in doing so the plight of the victim has been put into second-order, unintentionally.

Anecdotal evidence, self-report victimisation surveys and other non-criminal justice system data relating to hospitalisations and rates of mortality point to the facts that Indigenous people experience high levels of victimisation and are victimised at much higher rates than non-Indigenous people, particularly in relation to sexual violence, family violence and assault. The

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<sup>2</sup> For example, NSW Aboriginal Child Sexual Assault Taskforce (2006); Victorian Indigenous Family Violence Task Force (2003); Memmott et al (2001); Qld Aboriginal & Torres Strait Islander Taskforce on Violence (2000).

fact that these levels of victimisation are not reflected in criminal justice data is problematic because it shows the ease with which Indigenous victimisation may be overlooked when the criminal justice system is used as an indicator of victimisation.

The criminal justice system exists to prosecute offenders, ensure justice is done and keep society safe. The role of victims in the system—whether Indigenous or non-Indigenous—has been slowly changing. In order to play its role properly however victims have to be willing to engage with the criminal justice system, report victimisation to the police and assist the prosecution of cases through the courts. This is often easier said than done. Reporting of sexual and domestic violence to police is known to be heavily under-reported by victims generally – only between 10 and 30 percent of victims of sexual violence are estimated to report it (ABS 2006c; Mouzos & Makkai 2004). Of female victims experiencing assault (physical or threatened) in the ABS 2005 Crime and Safety Survey 34 percent reported the most recent incident to police (ABS 2006d). Reporting varies with a number of factors, including relationship to the offender, nature and severity of the offence, concerns about personal safety or that of others, social norms about violence and reporting, and perceived consequences of reporting.

For Indigenous women there are likely to be additional considerations to those for non-Indigenous women, some of which may relate to isolation and fear of isolation (fracturing kinship and family ties through reporting male violence or through moving from one area to another to escape retaliation and ostracism) as well as the desire to keep Indigenous men out of prison. Whether victims will report to police depends upon their expectations and beliefs about the consequences of reporting and whether reporting satisfies their needs. For example, in some cases, where the need to prevent an offender committing the same offence with someone else, or the need for retribution is stronger than the need to keep an offender out of prison or a need to reconcile, reporting is more likely to take precedence. Where a victim fears retaliation, does not wish an offender to be arrested, needs to ensure continuing financial support from the offender, or wants to avoid shame and stigmatisation within the community, reporting is less likely to occur. Alternatively, some victims of violence may report the incident to police in order to remove the offender from the premises until the immediate risk of violence has subsided—the aim of reporting here is not to have the offender arrested or prosecuted but is an instrumental means of removing the immediate risk of violence.

Reporting violence to police (and involving the criminal justice system) may not meet the needs of many victims at all. Some may choose to seek help from sexual assault or domestic violence services and access the civil justice pathway of protection orders rather than involve the criminal justice system while others may not disclose violence to anyone other than family or friends. The ABS Crime and Safety Survey (ABS 2006d) found that while two thirds of female victims of assault sought help from family or friends only 15 percent sought help from a counsellor and only four percent sought crisis help. It is necessary to ensure that justice processes and community services are accessible for Indigenous victims but flexible enough to allow choice in how they respond and whom they seek help from. At present, it is unknown who Indigenous victims might seek help from if they choose to disclose an offence, or what type of help they are seeking.

## 1.2 THIS RESEARCH

The aims of this part of the research were to:

- provide a statistical snapshot of Indigenous victims of crime within the ACT criminal justice system (where available) over a specific period of time
- investigate the circumstances to and support of Indigenous victims of crime seeking help from the criminal justice system, and
- provide an overview of research and other relevant information undertaken in the ACT and elsewhere in Australia on Indigenous victims of crime.

If Indigenous victims report crime at all, what are the circumstances contributing to that decision? What help are they seeking? Are their needs being met? What needs to be done to make justice processes more accessible for Indigenous victims? Are non-criminal justice agencies sufficiently equipped to deal with the needs of Indigenous victims?

The Australian Institute of Criminology (AIC) was engaged by the ACT Victims of Crime Coordinator to undertake the above research. The first two elements of the research were confined to a case file analysis of matters prosecuted in the ACT through the ACT Office of Director of Public Prosecutions (ODPP) where there was an Indigenous victim for the 2003-04 and 2004-05 financial years, as well as a case file analysis of all Indigenous victims who were assisted by the Domestic Violence Crisis Service (DVCS) in the ACT during 2003-04. Although the initial intention had been to focus on victims subject to any type of crime, it became apparent that the Indigenous status of victims was not readily or consistently recorded by the ODPP (similarly for the Australian Federal Police)—the only means by which Indigenous status could be determined was through the ACT Victims of Crime Coordinator (VoCC) providing to the ODPP relevant charge numbers for family violence matters likely involving Indigenous victims. Police and ODPP files matching the charge numbers were then collated by the ODPP. This meant that the case file analysis of the ODPP files comprised domestic and family violence matters only. By definition, the case files for the DVCS related primarily to domestic violence.

As the case files analysed only comprised a small part of Indigenous victim involvement in the criminal justice system (ODPP) and outside the criminal justice system (DVCS) and only case files for Indigenous victims were analysed, the findings can not be taken to represent Indigenous victim involvement in the criminal justice system generally. Nor can they be compared with non-Indigenous victim involvement since non-Indigenous case files were not analysed in this report. Rather, the statistical component of the findings should be seen as a first step toward understanding some of the circumstances surrounding family violence incidents for Indigenous people in the ACT, the types of offences involved, the needs of victims and their choices in whom they report violence to.

The research was constrained in its focus on Indigenous victims' access to justice. This reflects the statutory function of the Victims of Crime Coordinator to promote the interests of victims in the administration of justice.<sup>3</sup> Therefore the research did not examine Indigenous victims' use of health and other community services. The research was constrained by funds to focus on a case file analysis and was not able to conduct interviews with Indigenous victims of crime themselves.

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<sup>3</sup> The legislation establishing the Victims of Crime Coordinator, the *Victims of Crime Act 1994*, is located at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

### 1.3 WHAT IS FAMILY VIOLENCE?

The term *family violence* is used in the ACT Family Violence Intervention Program (FVIP) to describe abusive and/or criminal behaviours that occur between people in an intimate, personal and/or family relationship with each other (Holder & Caruana 2006). It therefore covers both spousal and ex-spousal violence as well as violence which occurs between siblings, parents, children, aunts, uncles and grandparents. It is also broader than the term domestic violence which tends to denote violence specifically in the home between two people who are or have been in an intimate relationship and may or may not be residing together. For many Indigenous people the term *family violence* is preferable to *domestic violence* to describe violence which can occur within extended families and communities (Keel 2004; Taylor & Mouzos 2006). It incorporates not only physical elements but also emotional, social, economic, spiritual and institutional dimensions (Human Rights and Equal Opportunity Commission 2003). The Victorian Indigenous and Family Violence Task Force is even broader in their definition which includes 'a wide range of physical, emotional, sexual, social, spiritual, cultural, psychological and economic abuses that occur within families, intimate relationships, extended families, kinship networks and communities' (Aboriginal Family Violence Prevention and Legal Service 2004). The definition used by the Domestic Violence Crisis Service echoes this broader understanding. The decision-making of criminal justice agencies will, however, reflect a much narrower description of behaviours.

There are substantial deficiencies in the availability of statistics and research on the extent and nature of family violence, both generally and within Indigenous communities. Data that are available tend to be confined to situations where there has been a criminal justice or welfare intervention. However, similarly to the low levels of under-reporting of sexual assault within the mainstream community generally, family violence data will significantly under-count the true extent of family violence due to under-reporting by Indigenous peoples. Lievore (2003: 63) notes that Aboriginal people:

View the western criminal justice system as an inappropriate response to sexual and family violence—as part of the problem rather than a solution to it. They reject the criminalisation of violence within intimate relationships as the main strategy for dealing with [sexual assault] and are exploring civil legislative responses. These are usually community driven, as the diversity of Indigenous communities renders generic models inappropriate. They are aimed at maintaining family relationships and connectedness, promoting individual and community healing within extended family structures and ending the violence without offenders being jailed. They are based on customary law and the principles of restorative justice and reconciliation.

The emphasis is therefore not on punishment of the offender but on ways to end the violence, change the offender's behaviour and restore the unity or the balance of the family and community. Where the criminal justice system is not seen to mirror these objectives (i.e. through arresting and charging an offender, removing him/her from the home, prosecuting him/her in court and potentially incarcerating him/her in jail) it is unsurprising that many Indigenous victims of family violence may be reluctant to cooperate with police once the immediate impact of the violence has subsided.



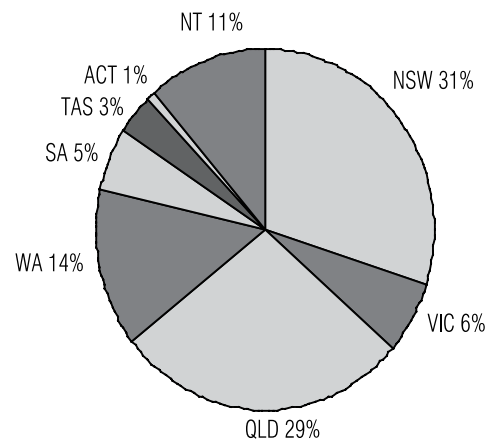
## 1.4 PUTTING THE ACT IN CONTEXT

### 1.4.1 INDIGENOUS POPULATION

Compared with other Australian jurisdictions the ACT has the smallest number of Indigenous people as a proportion of all Indigenous people in Australia. Only one percent of all Indigenous Australians reside in the ACT (Figure 1.1), equating to an estimated 5115 Indigenous residents in 2006 (ABS 2004b). Similarly, of the total estimated population in the ACT, just under two percent are Indigenous (Figure 1.2). The only jurisdiction with a lower proportion of Indigenous residents relative to non-Indigenous residents is Victoria.

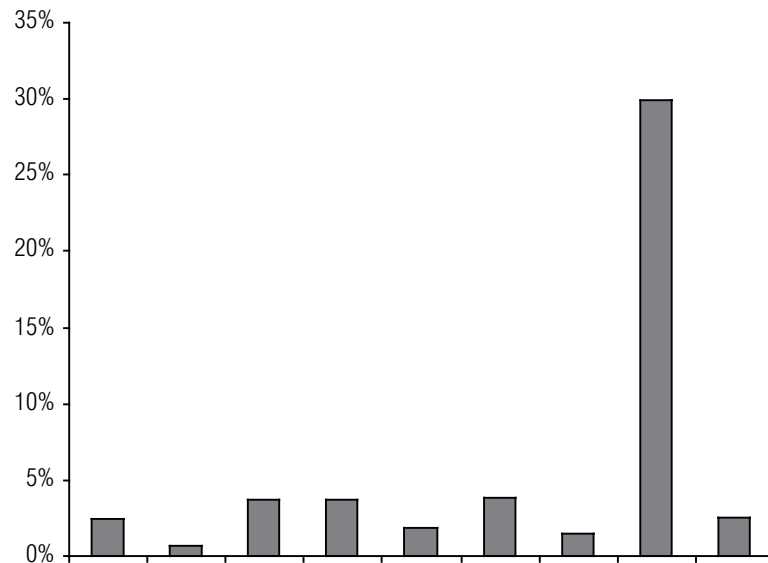
These small numbers, in what is essentially an urban area, mean that Indigenous people within the ACT may be more likely to know of and be familiar with each other than in other jurisdictions where the Indigenous population is larger and spread across urban, rural and remote areas. Kinship and family networks may be tight and support services specifically targeted toward Indigenous people may be both limited (due to the small Indigenous population) and potentially limiting (due to high knowledge of and familiarity with Indigenous families in the ACT by support workers). Where there is some degree of transience (Indigenous people moving from interstate into the ACT) kinship and family ties may be fractured, reducing potential support networks for victims. Victims moving to the ACT may also not be aware of the support services and networks which are available within the ACT.

**Figure 1.1: Estimated Indigenous population distribution by jurisdiction, 2006**



Source: ABS 2004b, high series Indigenous estimates

**Figure 1.2: Estimated proportion of population within each jurisdiction who are-Indigenous 2006**



Source: ABS 2004b, high series Indigenous estimates; ABS 2006a

#### 1.4.2 INDIGENOUS DISADVANTAGE

Violence both perpetrated and experienced by Indigenous people cannot be dissociated from broader contributing social, cultural, historical, economic and environmental factors. Key indicators of Indigenous disadvantage have been recognised nationally as contributing to poor outcomes for Indigenous people and are reported on every two years (SCRGSP 2005). Many of these indicators are interlinked and contribute to a continuing cycle of poor outcomes. The indicators assessed (SCRGSP 2005) on a two yearly basis include:

- Life expectancy at birth
- Rates of disability and/or core activity restriction
- Educational retention and attainment
- Post secondary education participation and attainment
- Labour force participation and unemployment
- Household and individual income
- Home ownership
- Suicide and self harm
- Substantiated child protection notifications
- Deaths from homicide and hospitalisations for assault
- Victim rates for crime
- Imprisonment and juvenile detention rates.

In 2004 the ACT Chief Minister's Department released a report titled *A social and cultural profile of Aboriginal and Torres Strait Islander people in Canberra*. Amongst other sources, the report drew on the ABS 2001 Census data and the 2002 National Aboriginal and Torres Strait Islander Social Survey (ABS 2004a) to compile a social profile of the Indigenous community in the ACT.

The latter, referred to as NATSISS, revealed that Indigenous people in the ACT have poorer outcomes on many of these indicators than non-Indigenous people in the ACT. Table 1.1 shows that, compared with non-Indigenous people, Indigenous people in the ACT were significantly

- less likely to rate their health as excellent or to own a house without a mortgage.
- more likely to have experienced at least one stressor in the previous 12 months, be on a government pension or allowance, be renting, not be in the labour force, and have been a victim of physical or threatened violence within the previous 12 months.

Table 1.1 shows that the poorer outcomes for Indigenous people in the ACT is reflected more broadly at the national level (similar patterns of disadvantage relative to non-Indigenous people exist nationally). However, when compared with Indigenous respondents nationally, a higher proportion of ACT Indigenous respondents appeared:

- more likely to rate their health as excellent
- less likely to have a government pension or allowance as their main source of income
- less likely to be unable to raise \$2000 within a week for something important
- less likely to be renting, and
- less likely to be out of the labour force.

**Table 1.1: Indicators of disadvantage between Indigenous and non-Indigenous people aged 18 years and over for the ACT and Australia (percent)**

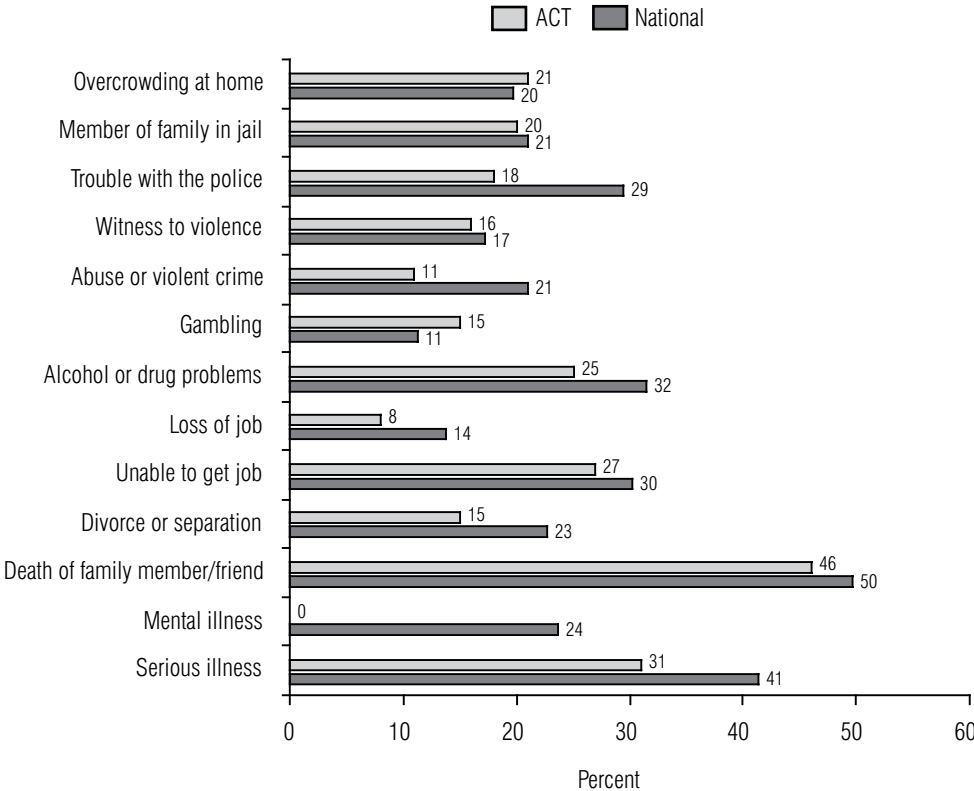
	ACT		Australia	
	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous
Excellent health (self assessed)	44.2*	65.0	35.2*	58.9
At least one stressor experienced in last 12 months	88.4*	61.6	82.6*	57.3
Main source of income is government pension or allowance	34.0*	14.2	51.7*	27.1
Unable to raise \$2000 within a week for something important	24.4*	6.9	54.3*	13.6
Owens a house without a mortgage	9.5*	35.7	10.0*	38.5
Renting	57.9*	24.5	69.6*	24.3
Not in the labour force	36.0*	25.3	47.9*	32.8
Victim of physical or threatened violence within last 12 months	27.5*	7.8	19.5*	8.9

Source: ABS 2004a

\* denotes that the difference between Indigenous and non-Indigenous persons is significant. Significance testing was not available for comparisons between ACT and Australia

While Table 1.1 shows that high proportions of Indigenous respondents in the ACT (88%) and nationally (83%) experienced at least one stressor in the previous 12 months, Figure 1.3 shows that Indigenous respondents in the ACT appeared to have experienced more personal stressors relating to trouble with the police, abuse or violent crime, divorce or separation or a serious illness. Within the previous 12 months one in five Indigenous respondents in the ACT had experienced abuse or violent crime, or had a member of their family in jail. Twenty nine percent had experienced trouble with the police, 17 percent had witnessed violence and 32 percent had experience of alcohol or drug problems. Although the ACT may have low numbers of Indigenous people relative to other jurisdictions Indigenous disadvantage exists.

**Figure 1.3: Personal stressors experienced by Indigenous people 15 years and over in the previous 12 months: Australia wide compared to the ACT, 2002**



Source: ABS 2004a

Note: the experience of mental illness was not collated for remote areas in Australia; hence a national figure was not produced.

1.4.3 OVERVIEW OF FAMILY VIOLENCE INTERVENTION PROGRAM (FVIP) <sup>4</sup>

Acknowledging the frequency and importance of family violence as an issue of considerable concern within the community generally, the ACT took the important step in 1998 of implementing a family violence intervention program (FVIP) across the ACT involving a range of criminal justice and advocacy services. Reform to address the problem of domestic and family violence in the ACT has a long history. Following wide consultation and an inquiry in the early 1980s by the Australian Law Reform Commission (ALRC) into domestic violence laws and related matters in the ACT, new legislation and a new support service was established. The Domestic Violence Act 1986 (since superseded) gave the Magistrates Court the power to grant urgent interim protection orders. The Domestic Violence Crisis Service (DVCS) was created as a 24 hour community-based organisation.<sup>5</sup>

Six years later in 1992, the ACT Community Law Reform Committee (CLRC) commenced a review, following a reference from the then Attorney General, of the effectiveness of these reforms. The central CLRC recommendation for a coordinated inter-agency response was accepted by the ACT Government in 1996. In 1997, a working group of key agencies convened by the ACT VoCC began meeting on the issue. This resulted in a successful submission to the Commonwealth Government's National Partnerships Against Domestic Violence Initiative for a pilot inter-agency program. This pilot program ran from May 1998 to June 1999. In 2004,

<sup>4</sup> The overview of the FVIP is sourced from Holder & Caruana (2006), Criminal Justice Intervention in Family Violence: the ACT FVIP 1998-2006), Canberra.  
<sup>5</sup> For an overview of the establishment of the DVCS, see McGregor, H. and Hopkins, A. 1991. Working for Change: The movement against domestic violence. Sydney: Allen and Unwin.

a Memorandum of Agreement set out the governance arrangements for the Family Violence Intervention Program (FVIP) Coordinating Committee.

The FVIP is a coordinated community and criminal justice response to family violence. That is, a program that is a functional integration of the activities of the police, prosecution, courts and corrections as comprising the *criminal justice system*; and coordinates externally with other key agencies such as domestic violence advocacy services. Since 1998 the core participating agencies have been the AFP, ODPP, the Magistrates Court, ACT Corrective Services and the Department of Justice & Community Safety; the independent offices of the VoCC and of Legal Aid (ACT); and the non-government DVCS and Relationships Australia. The Office of Children, Youth and Family Support (incorporating Care and Protection Services, CPS) has assumed a more active role since 2004.

The FVIP is not 'a solution' to family violence. The focus of the FVIP is the criminal justice system. It rests upon the formal powers of criminal justice agencies to uphold community standards for lawful conduct as set out in the *Crimes Act 1900*. The FVIP recognises that criminal justice intervention carries a unique responsibility to enhance the protection of vulnerable people. The FVIP is a concerted and sustained attempt to improve criminal justice responses to allegations of family violence in the ACT. It operates at a macro level in terms of policy, administrative and technological infrastructure and legislation; and at the micro level of case management, individual practitioner decision-making and the monitoring of those decisions.

At a policy level, the FVIP rests upon the presumption that criminal justice agencies will intervene positively to allegations of family violence, and act according to law and to the public interest. The core police policies are for pro-arrest, pro-charge & with presumption against bail.<sup>6</sup> The policy position of the Director of Public Prosecutions is towards pro prosecution.<sup>7</sup> ACT Corrective Services will act to promote offender accountability & rehabilitation. All agencies accept collective responsibility to improve victim safety & victim liaison.

The core components of the FVIP at an operational level include:

- the development of consistent and inter-connecting policy frameworks,
- the creation of specialist positions, procedures and practices within the mainstream of criminal processing,
- implementation of joint training between police and prosecution and including other practitioners,
- equipping general duties police with Family Violence Investigator Kits,
- creation of information links to enable relevant and reliable information to be put to the Court in oppositions to bail,
- monitoring of case decisions and the implementation of case management and case tracking procedures through the criminal system,
- creating the specialist Family Violence Case Management Criminal List at Court,
- implementing measures to promote victim safety, to provide victims with case status information and to allow for victim participation in proceedings,
- implementing a perpetrator education program as a sentence option,

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6 Section 212(2) of the ACT Crimes Act 1900 authorises police to arrest in 'domestic violence offences'. This provision pre-dated the commencement of the FVIP. Section 9F(2) of the ACT Bail Act 1992 requires an authorised officer not to grant bail, where a person is accused of a domestic violence offence, unless satisfied that the person poses no danger to a protected person while released on bail.

7 The ACT DPP Policy & Guidelines are at [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

- strategic inter-agency program planning & coordination, and
- continuous data collection, monitoring and evaluation.

The FVIP as a coordinated jurisdictional criminal justice and advocacy response to victims of family violence is unique to the ACT. To date, Indigenous status has not been able to be determined with sufficient consistency or reliability to be included in the FVIP data. Over recent years, Indigenous status of either the victim or the offender has been captured at the FVIP case tracking meetings. However this depends on agency representatives knowing that information. ACT Policing now collects data on Indigenous status of victims according to the ABS self-report standard question—this data was published in experimental form in the ABS Recorded Crime—Victims publication (ABS 2007) and is referred to in more detail in Chapter 2.

## 2 INDIGENOUS VICTIMISATION: WHAT DO WE KNOW?

Although the statistics are imperfect, they are sufficient to demonstrate the disproportionate occurrence of violence in the Indigenous communities of Australia and the traumatic impact on Indigenous people...rates of violence are increasing, and the types of violence are worsening in some Indigenous communities and regions.

*(Memmott et al 2001: 6)*

Estimates of victimisation are usually determined through reference to two types of source: reports to police and self-report victimisation survey data. Due to the facts that high numbers of crimes are not reported to police, particularly personal crimes including sexual assault and domestic violence, estimates of victimisation based on police data will heavily under-represent the levels of victimisation within the community. Police data to date have also not captured in any consistent or reliable manner Indigenous status of victims. Up until recently Indigenous status has largely been subjectively determined by police based on physical appearance or may not have been recorded at all.

To try and overcome the problems associated with under-reporting and lack of information about Indigenous status of victims, estimates of victimisation are also often assessed through self-report victimisation surveys conducted randomly within the community. These surveys generally ask respondents to indicate the type and extent of crime experienced within the previous 12 months, as well as the number of crimes reported to police. The ABS conducts a number of these surveys on an ad hoc basis, most notably the Personal Safety Survey (ABS 2006c) and Crime and Safety Survey (ABS 2006d), although neither of these surveys collects publishable data about Indigenous status of respondents. In some surveys where Indigenous status may be identified, the sample size may be too small or certain segments of the Indigenous population may be excluded, impacting on the ability to undertake reliable analysis or generalise the findings to the broader Indigenous population. For example, the ABS Women's Safety Survey in 1996 captured too few Indigenous women to produce reliable estimates (Al-Yaman, van Doeland & Wallis 2006). Where surveys are conducted by telephone (and the majority are) this is likely to exclude many Indigenous people, particularly in rural and remote areas.

The Australian component of the International Violence Against Women Survey, IVAWS (Mouzos & Makkai 2004), does provide information about the Indigenous status of female respondents and data from this survey are reproduced below. A survey aimed specifically at Indigenous people in Australia was the ABS NATSISS conducted in 2002. This survey provides a rich source of information about the experiences of Indigenous people in Australia and provides useful indicators of victimisation.

Other indicators of Indigenous victimisation, outside of police and survey data, are rates of hospitalisation, mortality and homicide. Hospitalisation and mortality data due to assault are published by the Australian Institute of Health and Welfare (AIHW) while homicide data are published by the AIC.

## 2.1 POLICE DATA

Police data generally do not contain reliable or consistent indicators of Indigenous status of victims and so police data which are collated and reported on nationally and annually by the ABS in their Recorded Crime – Victims Australia publication have not in the past contained a breakdown of victimisation data by Indigenous status for this reason. The ABS is currently working with all police jurisdictions toward implementing the ABS standard self-report identification question on Indigenous status but this is a work in progress. ACT Policing now does routinely ask victims this question – for the first time experimental data on Indigenous status of recorded victims were published in Recorded Crime – Victims (ABS 2007) for three jurisdictions, including the ACT, New South Wales and Queensland. While these data on Indigenous victims of crime in the ACT are presented in Table 2.1 their experimental nature is reflected in the high numbers of victims where Indigenous status was unknown. Hopefully the numbers where Indigenous status is unknown will decrease in future ABS publications as the Indigenous self-identification question is administered more comprehensively. Table 2.1 shows that just under three percent of recorded assaults in 2006 were against victims identified as Indigenous (although Indigenous status was not available for 27 percent of victims). Four percent of recorded sexual assaults were against victims identified as Indigenous (22 percent of victims had unknown Indigenous status). The proportion of recorded assaults and sexual assaults against Indigenous victims in the ACT may be an under-representation, given that Indigenous status was not known for about one quarter of victims).

**Table 2.1: Indigenous victims of crime recorded by police in the ACT in 2006, experimental estimates (number of incidents)**

	Indigenous	Non-Indigenous	Not stated	Total
Homicide and related offences	-	3	-	3
Assault	50	1,370	530	1,950
Sexual assault	8	158	48	214
Kidnapping/abduction	-	3	-	3
Robbery	-	183	44	227

Source: ABS 2007

A second source of recent Indigenous victimisation data recorded by police was recently published in the Overcoming Indigenous Disadvantage Report: Key Indicators 2007 (SCRGSP 2007). The police data sourced in this publication provide a more detailed breakdown of offence type, including domestic violence assault, for four jurisdictions: New South Wales, Victoria, Queensland and the Northern Territory. However these jurisdictions vary in how Indigenous status is identified, and may vary in terms of what is recorded. Table 2.2 shows clearly that, relative to non-Indigenous victims, Indigenous victims are over-represented in police data in all of these jurisdictions, across a range of offences. The category of domestic violence related assault shows the greatest difference between Indigenous and non-Indigenous people. In 2005-06, based on the rates of recorded victimisation per 100,000 population, Indigenous people were:

- about three times more likely to be murdered than non-Indigenous people in New South Wales, Victoria and Queensland
- between two and five times more likely to be assaulted



- about five or six times more likely to experience domestic violence-related assault in New South Wales or Victoria, and up to 14 times more likely to experience domestic violence-related assault in Queensland or the Northern Territory
- about three times more likely to experience sexual assault.

**Table 2.2: Ratio of Indigenous to non-Indigenous victimisation rates per 100 000, for selected offence types, based on police data for various jurisdictions**

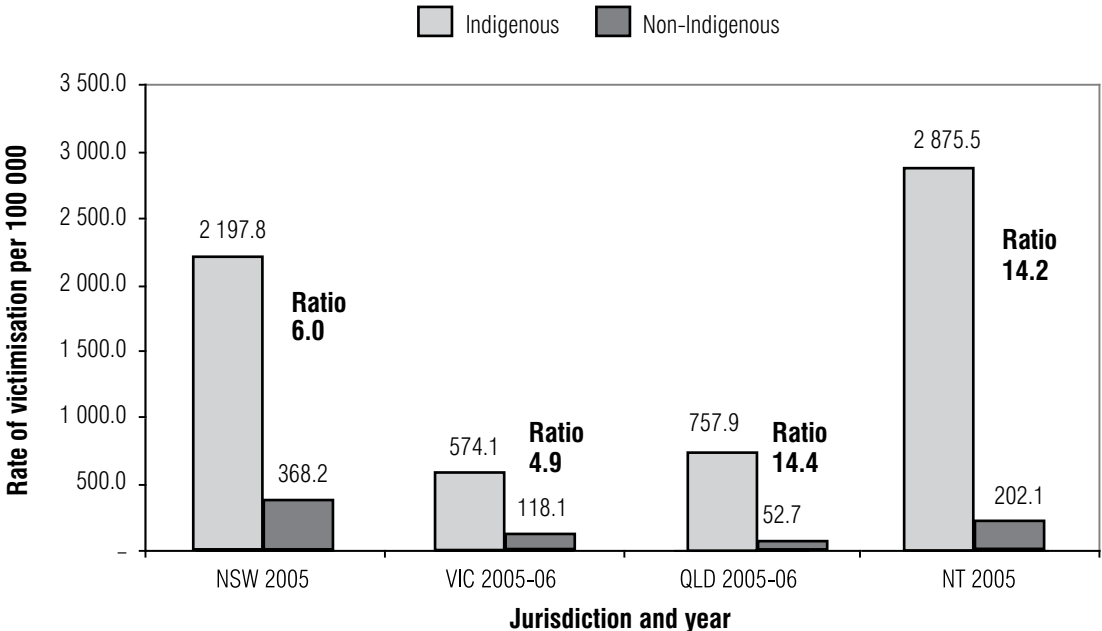
<b>New South Wales</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Murder	2.8	3.8	2.4	2.9
Non-DV related assault	3.7	4.1	2.6	2.4
DV related assault	6.4	6.9	6.3	6.0
Sexual assault	3.4	3.6	3.2	3.4
Sexual assault, victims age 0-15	1.8	2.4	2.1	2.2
Robbery	0.3	0.2	0.3	0.3
<b>Victoria</b>			<b>2004-05</b>	<b>2005-06</b>
Murder			3.1	2.6
Non-DV related assault			2.8	2.8
DV related assault			4.6	4.9
Sexual assault			2.4	2.3
Sexual assault, victims age 0-15			1.5	1.1
Robbery			0.4	0.5
<b>Queensland</b>			<b>2004-05</b>	<b>2005-06</b>
Murder			4.8	3.8
Non-DV related assault			4.2	4.5
DV related assault			13.7	14.4
Sexual assault			3.3	3.6
Sexual assault, victims age 0-15			1.8	2.2
Robbery			0.9	0.5
<b>Northern Territory</b>			<b>2004</b>	<b>2005</b>
Murder			1.6	26.1
Non-DV related assault			3.5	4.1
DV related assault			12.3	14.2
Sexual assault			1.7	2.2
Sexual assault, victims age 0-15			1.5	1.6
Robbery			0.2	0.2

Source: Adapted from SCRGSP 2007 (Attachment 3)

Note: Recording practices may differ between jurisdictions and between years

While Indigenous people are over-represented as murder victims, the overall rates of victimisation (per relevant population) for murder for both Indigenous and non-Indigenous people is considerably lower than the other offence types. In 2005 the victimisation rate for murder for Indigenous people was 2.8 per 100,000 in New South Wales, compared to 9.8 in Victoria, 4.3 in Queensland and 18.2 in the Northern Territory (the respective non-Indigenous rates were 1.0 in NSW, 3.7 in Victoria, 1.1 in QLD and 0.7 in the NT). The reason for the large increase in the ratio of Indigenous to non-Indigenous victimisation for murder in the Northern Territory between 2004 and 2005 is not known and is not mentioned in the Overcoming Indigenous Disadvantage Report. Investigation of the rates of murder per 100,000 population in 2005 showed an increase in the murder rate for Indigenous persons and a decrease for non-Indigenous persons which helps to explain why the over-representation ratio was so much higher than for 2004. Why these rate shifts occurred however is unknown - the large discrepancy could be due to different recording practices between the two years.

**Figure 2.1: Victims of domestic violence related assault recorded by police, by Indigenous status (rates and over-representation ratios)**



Source: Adapted from police victimisation data contained in SCRGSP 2007: Attachment 3

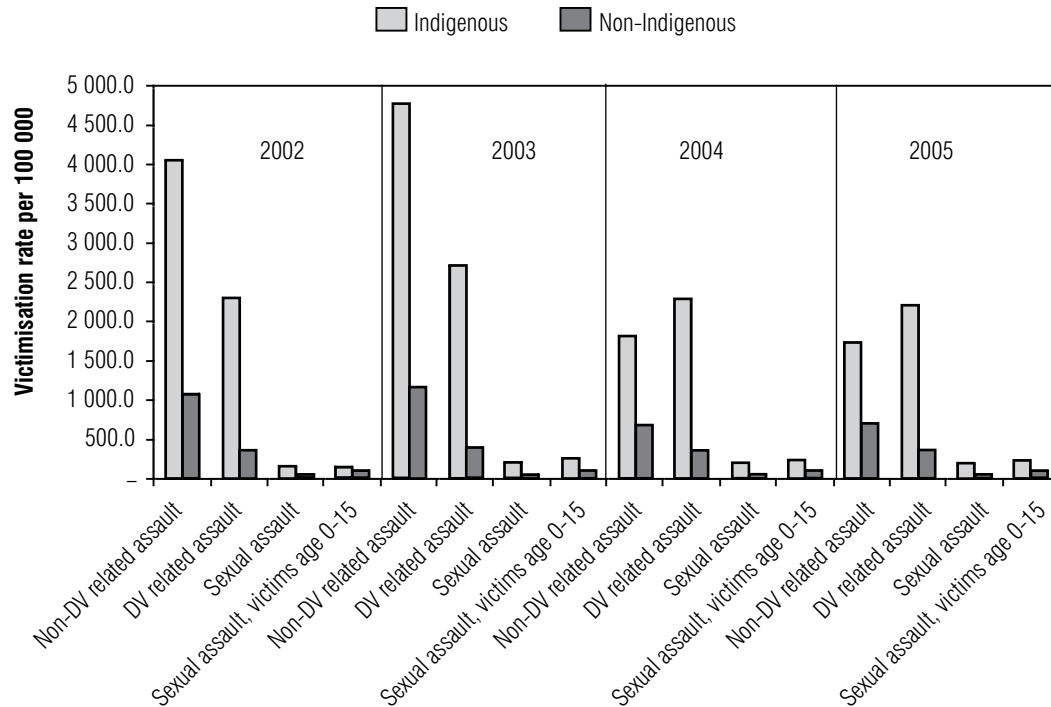
Figure 2.1 provides a more detailed picture of the rates of domestic violence-related assault across the four jurisdictions, per 100,000 relevant population. It can be seen that, in terms of rates of victimisation per population, Indigenous people in both New South Wales and the Northern Territory have high rates of victimisation per population, while Queensland has low rates of victimisation against non-Indigenous people (the latter explains why the over-representation ratio for Queensland is similar to the Northern Territory).

Figures 2.2 to 2.5 show the trends in rates of victimisation for each of the four jurisdictions, by Indigenous status and year, for the offences of assault, domestic violence-related assault and sexual assault. Some key observations are:

- In New South Wales there was a distinct drop between 2003 and 2004 for recorded rates of non-domestic violence related assault and domestic violence related assault. At the same time, the latter category overtakes the former to become the victimisation category with the highest rate for Indigenous people in the state. The drop in rates between 2003 and 2004 may possibly be explained by different recording practices and/or variation in the Indigenous population data used to calculate rates.

- The Northern Territory recorded the highest victimisation rate for non-domestic violence related assault of all four jurisdictions in 2005.
- New South Wales and the Northern Territory recorded the highest victimisation rates for domestic violence related assault.

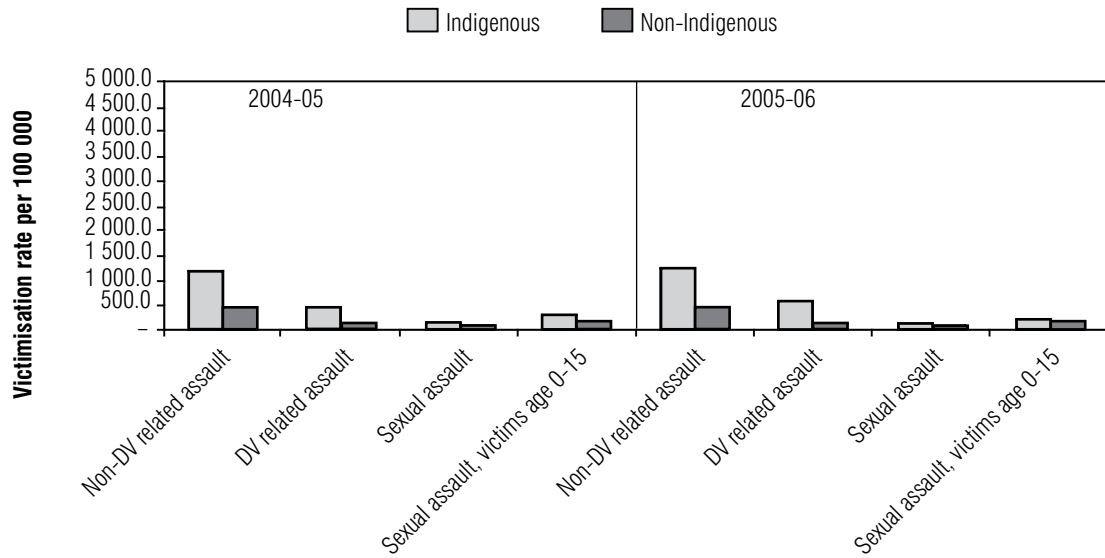
**Figure 2.2: Victims recorded by police for selected offence types, by Indigenous status, NSW 2002 – 2005**



Source: SCRGSP 2007: Attachment 3.

Note: Indigenous status is based on self-identification. The category 'sexual assault against victims 0-15' is a subset of 'sexual assault'. 2003 rates were calculated using population data from the ABS 2001 Census Indigenous Population Profile. A sizeable proportion of persons did not provide their Indigenous status to ABS.

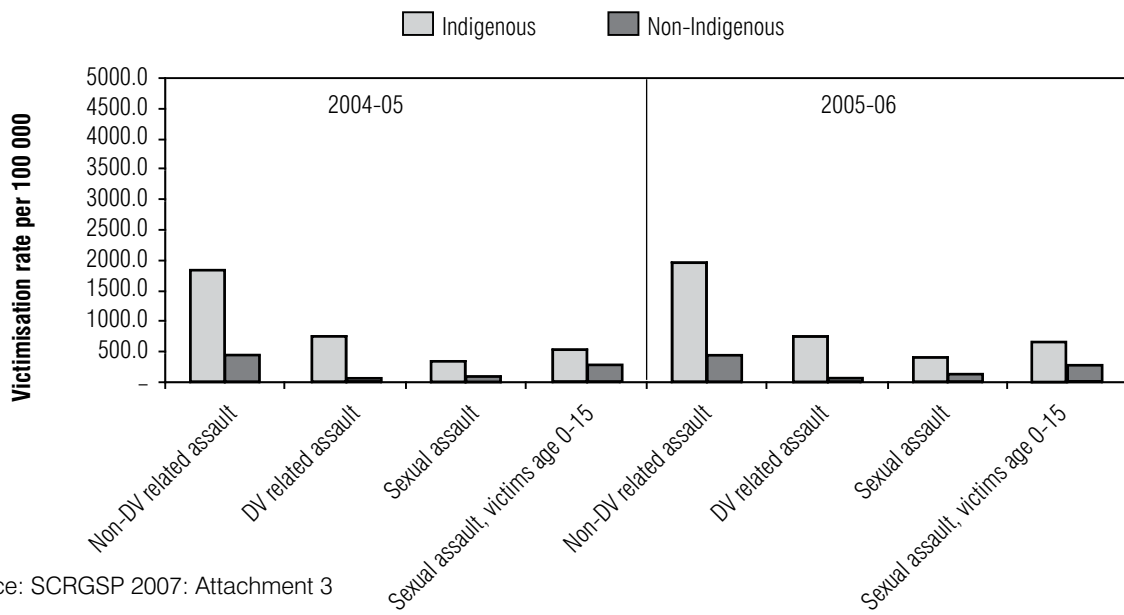
**Figure 2.3: Victims recorded by police for selected offence types, by Indigenous status, Victoria 2004-05 to 2005-06**



Source: SCRGSP 2007: Attachment 3

Note: Indigenous status is derived from the racial appearance of the victim which is a subjective assessment of the police officer. 'DV related assault' is defined as a family violence report and an assault occurring in the same incident.

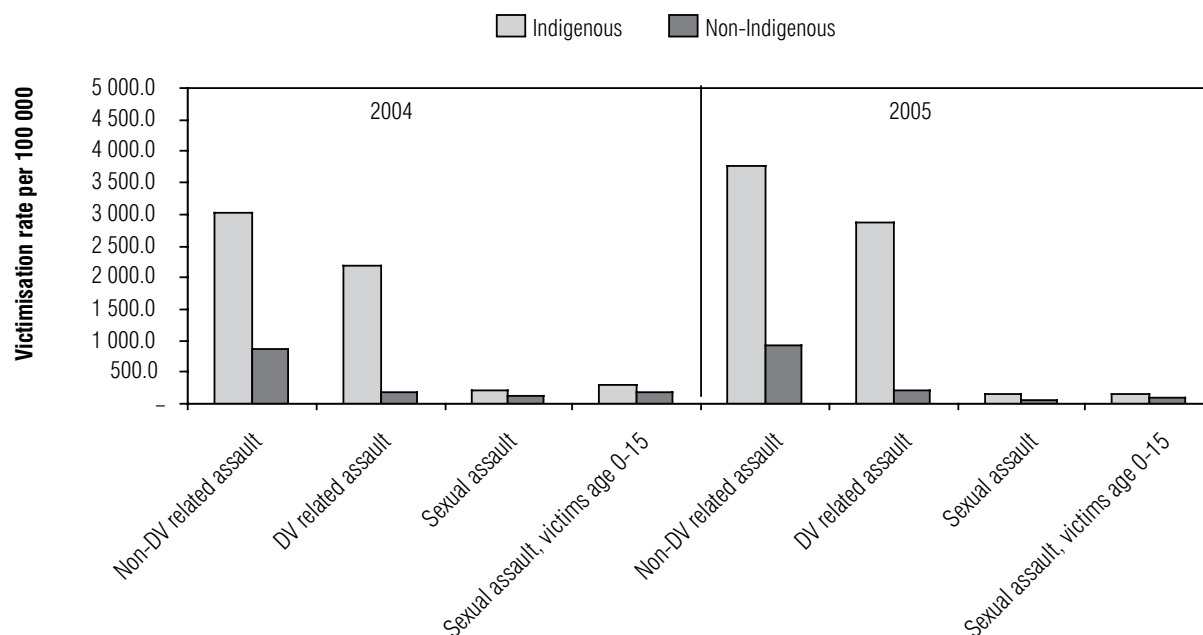
**Figure 2.4: Victims recorded by police for selected offence types, by Indigenous status, Queensland 2004-05 to 2005-06**



Source: SCRGSP 2007: Attachment 3

Note: Indigenous status is based on self-identification. The category 'DV related assault' is a subset of 'Assault'. Similarly, the category 'sexual assault against victims 0-15' is a subset of 'sexual assault'.

**Figure 2.5: Victims recorded by police for selected offence types, by Indigenous status, Northern Territory 2004 - 2005**



Source: SCRGSP 2007: Attachment 3

Note: Indigenous status is based on appearance. An increase in 2005 is partly due to the introduction of domestic violence initiative. The category 'DV related assault' is a subset of 'Assault'. Similarly, the category 'sexual assault against victims 0-15' is a subset of 'sexual assault'. Police statistical databases are 'live' systems with records being updated or entered on a daily basis as a result of continuing investigations. Therefore crime statistics produced for a given period may change with the passage of time.

In Western Australia, police crime reports showed that Aboriginal people are victimised by violent crime at a much higher recorded rate than non-Aboriginal people, and that this rate increased between 1997 and 2001 (Ferrante 1999; Loh & Ferrante 2001; Loh & Ferrante 2003). While police generally do record Indigenous status of victims in Western Australia, the crime and justice statistics for 2005 (Loh et al 2005) had a substantial number of offences recorded without the Indigenous status of victims recorded (over two thirds of offences did not list the Indigenous status of victims). Using the 2003 crime and justice statistics, Loh et al estimated that in Western Australia Indigenous people accounted for about 22 percent of recorded victims in 2003; and the risk of victimisation for Indigenous people was 4,921.6 per 100,000 compared with 582.3 per 100,000 for non-Indigenous people. Thus, based on these estimates, Indigenous people were over eight times more likely to be recorded as victims of violence than non-Indigenous people in 2003 (where Indigenous status was known). About 73 percent of Indigenous victims in 2003 were female, compared with 46 percent of non-Indigenous victims who were female.

In Queensland, over a six month period in 2003, approximately one in four (23%) domestic violence incidents attended by police involved an Indigenous victim; similarly, about one in four (22%) domestic violence incidents attended by police involved an Indigenous offender (Al-Yaman et al 2006:104, 109).

## 2.2 SURVEY DATA (ESTIMATING PREVALENCE OF VICTIMISATION)

While the recorded rates of homicide, suicide, sexual abuse and assault are disturbingly high, Elders believe the actual figures for such offences are far higher. It is the contention of many Elders that violence affects 90% of women and families living in rural and remote areas, and has severely crippled some Communities.

(Robertson 2000: 217)

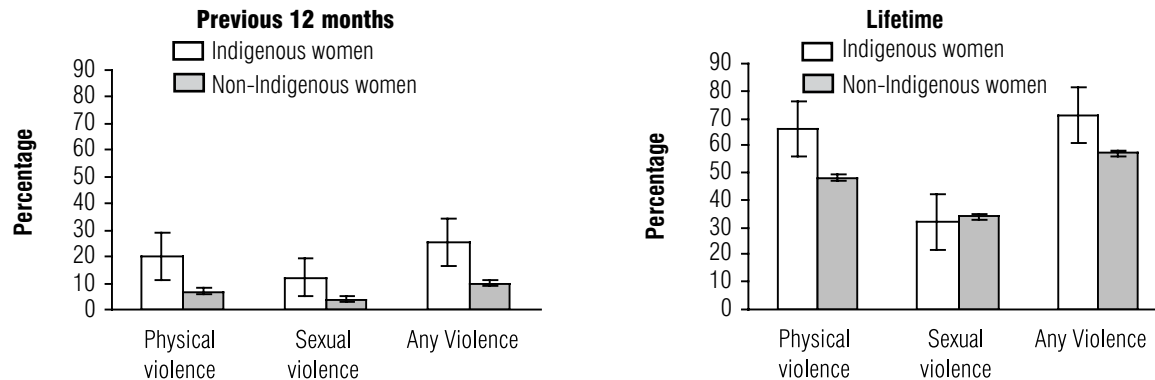
### 2.2.1 INTERNATIONAL VIOLENCE AGAINST WOMEN SURVEY (IVAWS)

In order to capture the experiences of violence against Indigenous women, the Australian component of the IVAWS conducted across Australia in 2002-03 (Mouzos & Makkai 2004) included a question asking female respondents whether or they were an Aboriginal or Torres Strait Islander. Women who responded “yes” were classified as Indigenous for the purpose of this survey (n = 92). Compared to the non-Indigenous women in the survey Indigenous women reported significantly higher levels of physical, sexual or any violence over the previous 12 months (see Figure 2.6). During this period:

- 20 percent of Indigenous women experienced physical violence compared with seven percent of non-Indigenous women
- 12 percent of Indigenous women experienced sexual violence compared with four percent of non-Indigenous women

Indigenous women also reported significantly higher levels of physical or any violence over their lifetime than non-Indigenous women.

**Figure 2.6: Indigenous and non-Indigenous women’s experiences of violence over the previous 12 months and over the lifetime**



Source: Mouzos & Makkai 2004 [n=6,673]

### 2.2.2 NATIONAL ABORIGINAL AND TORRES STRAIT ISLANDER SOCIAL SURVEY 2002

In the 2002 NATSISS almost one quarter (24%) of the sample of 9,359 Indigenous Australians surveyed (fifteen years and over) reported having been the victim of physical or threatened violence in the preceding year. There was little difference in victimisation between males (26%) and females (23%) (ABS 2004d). One third of young Indigenous people aged 15 to 24 years were a victim of violence in 2002.

Indigenous people who had been removed from their natural family were almost twice as likely as those who had not been removed to have been a victim of violence (38% compared with 23%). After adjusting for age differences between the Indigenous and non-Indigenous

populations, Indigenous people aged 18 years and over were twice as likely as non-Indigenous people to have been a victim of physical or threatened violence (ABS 2004a).

Sixteen percent of Indigenous people aged 15 years and over reported that they, a friend, or family member, had witnessed violence in the 12 months prior to the survey. Almost half (45%) of Indigenous people who had been a witness to violence also reported being a victim of physical or threatened violence (ABS 2004a).

One in five Indigenous people aged 15 years and over (21%) reported family violence as a neighbourhood/community problem while 20 percent reported assault as a neighbourhood/community problem. Indigenous people in remote areas were nearly three times more likely than those in non-remote areas to report family violence as a neighbourhood or community problem (41% compared with 14%). Among Indigenous people who reported family violence as a neighbourhood or community problem, 38% also reported being victims of physical or threatened violence (ABS 2004a).

More than one-third (36%) of Indigenous people who reported family violence as a community or neighbourhood problem had primary caring responsibility for a child aged 12 years or less (ABS 2004a).

Snowball & Weatherburn (2007) conducted a more detailed statistical analysis of the NATSISS data to identify some of the variables linked to higher rates of violent victimisation among Indigenous respondents. Higher rates of violent victimisation were found among respondents who:

- Were under the age of 35
- Were lone parents
- Lived in an area with neighbourhood problems
- Were exposed to social stressors
- Were involved in social activities
- Were unemployed or working within a CDEP scheme
- Were financially stressed
- Moved at least once in the previous twelve months
- Had a severe or profound disability
- Were members or related to members of the stolen generation
- Consumed alcohol at a high risk rate
- Had a substance abuse
- Lived with someone who had been formally charged with an offence
- Were charged with an offence as a child.

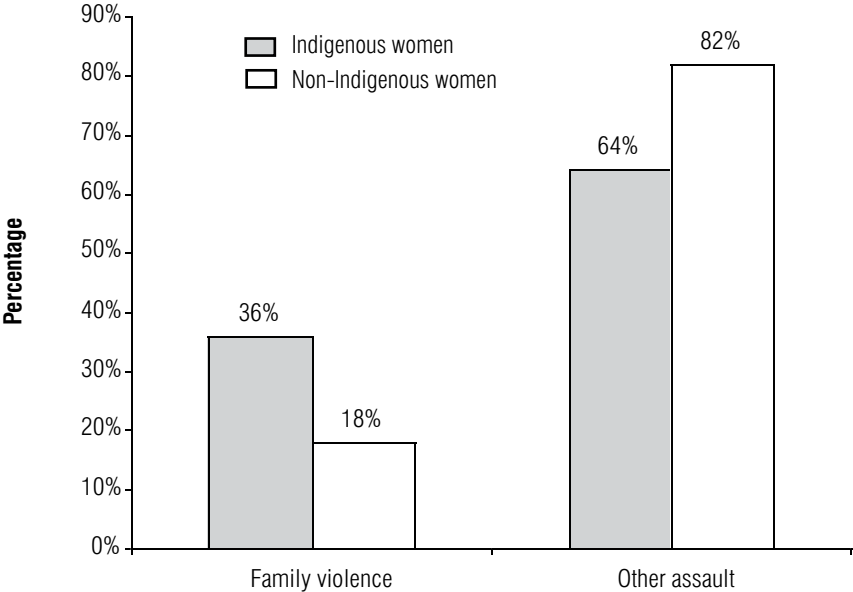
## **2.3 HOSPITALISATION DUE TO ASSAULT**

In 2003-04, 4,527 Indigenous and 6,598 non-Indigenous people were hospitalised due to assault in Queensland, Western Australia, South Australia and the Northern Territory (Al-Yaman, Doeland & Wallis 2006). This means that of all hospitalisations due to assault in these four jurisdictions, 40 percent were of Indigenous people. Hospitalisation due to family violence is more prevalent for Indigenous than non-Indigenous people. Figure 2.7 shows that 36 percent of all Indigenous people hospitalised for assault in these four jurisdictions were due to family violence compared with 18 percent of non-Indigenous people. However, of those hospitalised due to family violence, the pattern of relationship to offender was similar between Indigenous and non-Indigenous people.

Figure 2.8 shows that the vast majority of family violence hospitalisations were due to violence committed by a spouse or domestic partner—this proportion was slightly higher for Indigenous than non-Indigenous people. Of the 1,249 Indigenous women hospitalised for family violence-related assaults in the period 2003-04, eight percent had a diagnosis relating to pregnancy (Al-Yaman, van Doeland & Wallis 2006).

These findings indicate that, while hospitalisation due to assault is more likely to be family-violence related for Indigenous people, the relationship of victims to family violence offenders is almost identical for both Indigenous and non-Indigenous hospitalised victims. Most family violence incidents resulting in hospitalisation were committed by spouses and domestic partners.

**Figure 2.7: Proportions of assault-related hospitalisations , by Indigenous status and type of assault in 2003-04**

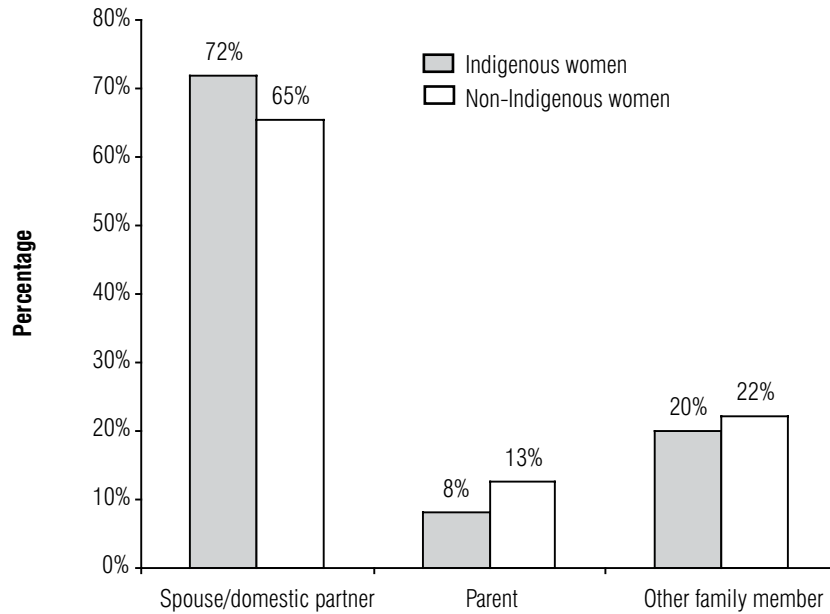


Source: Adapted from Al-Yaman et al 2006

Note: Refers to data for Queensland, Western Australia, South Australia and the Northern Territory only as these four jurisdictions were considered to have the highest level of accuracy of Indigenous identification



**Figure 2.8: Family violence hospitalisations by relationship to offender and Indigenous status in 2003-04**



Source: Adapted from Al-Yaman et al 2006

Note: Refers to data for Queensland, Western Australia, South Australia and the Northern Territory only as these four jurisdictions were considered to have the highest level of accuracy of Indigenous identification

## 2.4 DEATHS DUE TO ASSAULT

The National Mortality Database held at the AIHW contains data on deaths which occurred due to assault in Queensland, Western Australia, South Australia and the Northern Territory between 2000 and 2004. Of deaths which occurred due to assault in these jurisdictions between 2000 and 2004, 26 percent were recorded as Indigenous and 71 percent were non-Indigenous (Al-Yaman et al 2006). This means that Indigenous females and males were nearly ten and nine times, respectively, more likely to die due to assault than their non-Indigenous counterparts.

## 2.5 DEATHS DUE TO HOMICIDE

The AIC maintains a national homicide database and reports annually on the numbers and characteristics of homicide across Australia. Data are provided by police in each jurisdiction. In 2005-06 there were 283 recorded victims of homicide (Davies & Mouzos 2007) across Australia. Fourteen percent of victims were of Indigenous appearance<sup>8</sup> (15% of male victims and 13% of female victims). There were 336 offenders associated with the homicides across Australia (21% of offenders were of Indigenous appearance). Based on population Indigenous people are clearly over-represented among homicide victims and offenders.

In 2004-05 just under half of Indigenous homicides resulted from a domestic dispute (15 out of 35). For non-Indigenous homicides only 20 percent resulted from a domestic dispute. The majority of Indigenous homicides involved an intimate partner or family member (77%), compared with only 40 percent of non-Indigenous homicides (SCRGSP 2007).

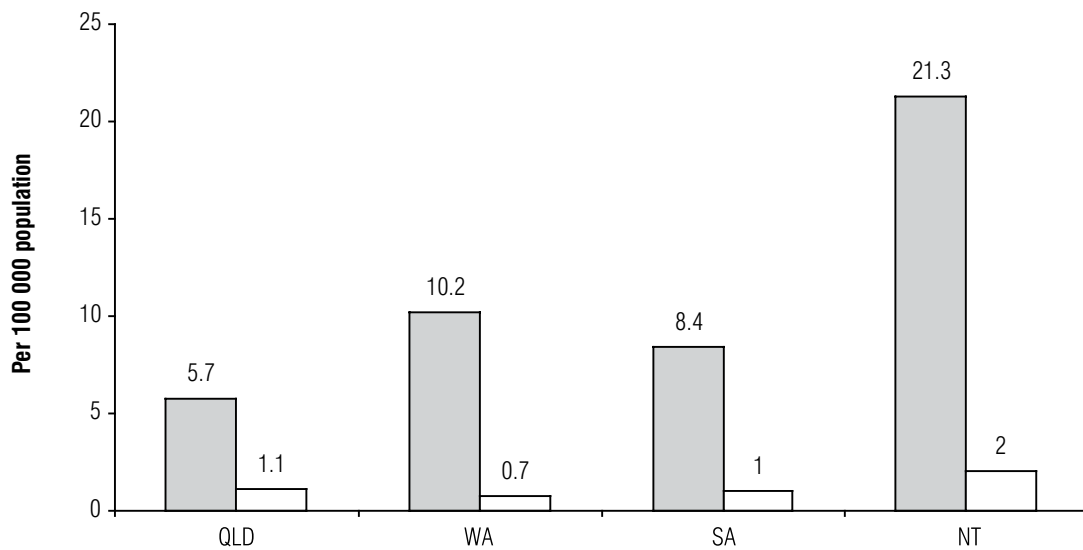
Of intimate partner homicides (AIC unpublished data) which occurred between 1989-90 and 2005-06 (n=1245 victims), 22 percent involved victims of Indigenous appearance (21 percent of female victims and 25 percent of male victims were of Indigenous appearance). Gender

<sup>8</sup> Determining Indigenous status is usually done by way of a self-report by the person or on the basis of "appearance". In homicide matters the victim cannot self-report their identity.

composition of intimate partner homicide victims was similar for both Indigenous and non-Indigenous victims (71% of Indigenous victims were female, compared with 75% of non-Indigenous victims).

The ABS provides data on causes of death, where information about Indigenous status is provided by next of kin and details of the cause of death are provided by the coroner. Homicide data between 2001 and 2005 for four jurisdictions were analysed and published in the 2007 *Overcoming Indigenous Disadvantage* report (SCRGSP 2007). The age standardised rate of Indigenous homicides, per 100,000 population, over this period was found to be considerably higher than non-Indigenous homicides (Figure 2.9).

**Figure 2.9: Homicide death rates, age standardised, by jurisdiction, 2001-2005**



Source: SCRGSP 2007 (figure 3.10.1)

## 2.6 WHO DO VICTIMS REPORT TO AND WHAT HELP DO THEY NEED?

Factors known generally to increase or decrease the willingness of victims of violence to report it are shown in Table 2.3.

**Table 2.3: Reasons for reporting and not reporting violence**

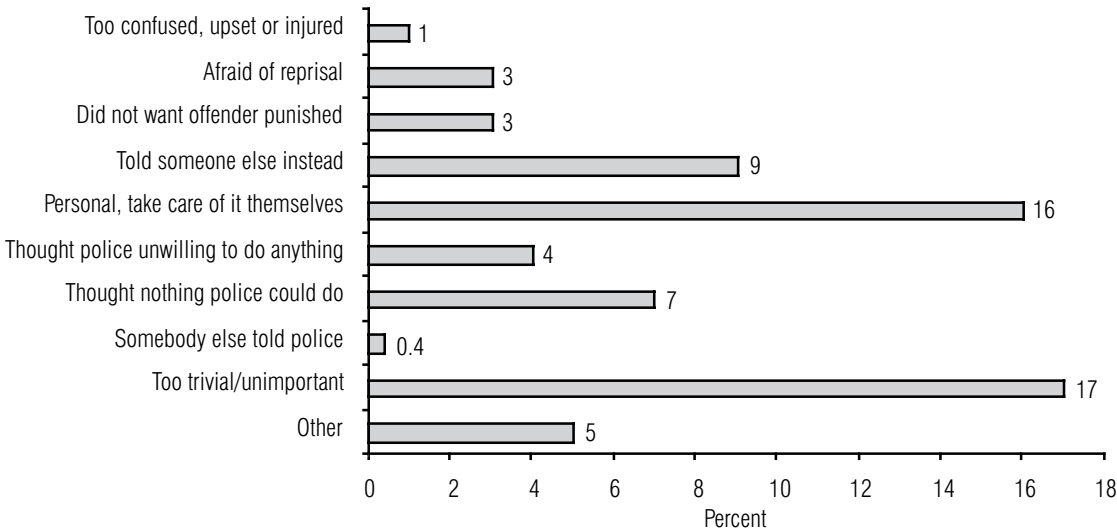
Reasons for reporting	Reasons for non-reporting	
	Personal barriers	Legal system
Should be reported – a serious offence	Too trivial or inappropriate to report to police	Police would not or could not do anything
To ensure personal safety and future protection from the offender	Dealt with it themselves, a private matter	Police would not think the incident was serious enough
To stop the offence being repeated or the offender harming others	Not a “real” crime	Fear of not being believed by police
To make the offender responsible for his or her actions	Not clear that harm was intended	Fear of being treated hostilely by justice system
Retribution	Shame or embarrassment	Fear/dislike of police
To get help	Did not want family or others to know	Lack of proof that the incident happened
To regain a sense of control	Fear of reprisal by offender	Did not know how to report
To gain compensation	Self-blame or blamed by others for the attack	Fear of the legal process
	Desire to protect offender, relationship or children	

Source: Adapted from Lievore (2003: 35)

Indigenous victims are less likely to report crimes to police than non-Indigenous victims (Fitzgerald & Weatherburn 2001). Obstacles to reporting are compounded for Indigenous victims by the fact that they may face additional barriers to coming forward (Lievore 2003). These may relate to kinship and family tie issues, geographic location, language barriers, a desire to keep Indigenous offenders out of prison or an aversion to involving police. It is also possible that violence may have been “normalised” within some communities or relationships.

The 2005 Crime and Safety Survey (ABS 2006d) found that, of all female victims who experienced assault within the previous twelve months but did not report it to police (about two thirds), a range of personal and legal reasons were cited (Figure 2.10). Sixteen percent felt that it was a personal matter which they would take care of themselves and 17 percent felt that the incident was not important enough to report.

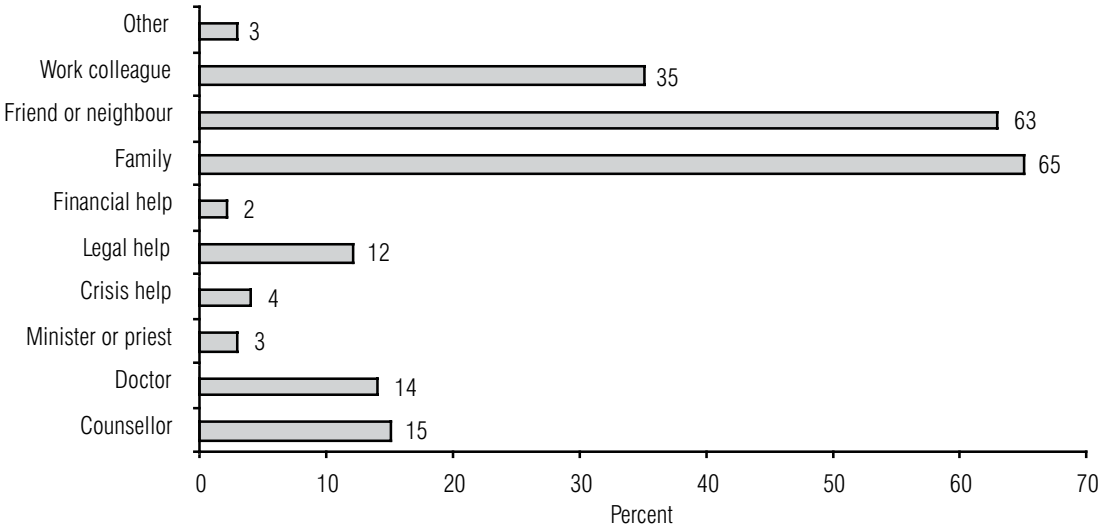
**Figure 2.10: Main reason female victims of assault (aged 15 or over) did not tell police about most recent incident within previous 12 months**



Source: ABS 2006d

About two thirds of female victims of assault sought help from family and friends while one third sought help from work colleagues (Figure 2.11). This indicates that most victims preferred not to involve either the criminal justice system or other civil justice avenues. Only four percent of victims sought crisis help and only 15 percent of victims sought counselling help. Overwhelmingly, it would appear that female victims of assault in general use informal mechanisms to obtain help, rather than seek criminal justice or civil justice assistance.

**Figure 2.11: Type of support sought by females (aged 15 or over) after most recent incident of assault within previous 12 months**



Source: ABS 2006d

## 2.7 VICTIMS SEEKING REFUGE FROM VIOLENCE

Refuges are commonly used by Indigenous and non-Indigenous women for temporary respite from violence or as a means to escape violence. There are important differences in refuge use between Indigenous and non-Indigenous women. Often community or family capacity to assist is exhausted. Data from the Supported Accommodation Assistance Program (SAAP) for 2003-04, published by the Australian Institute of Health and Welfare (Al-Yaman et al 2006) show that:

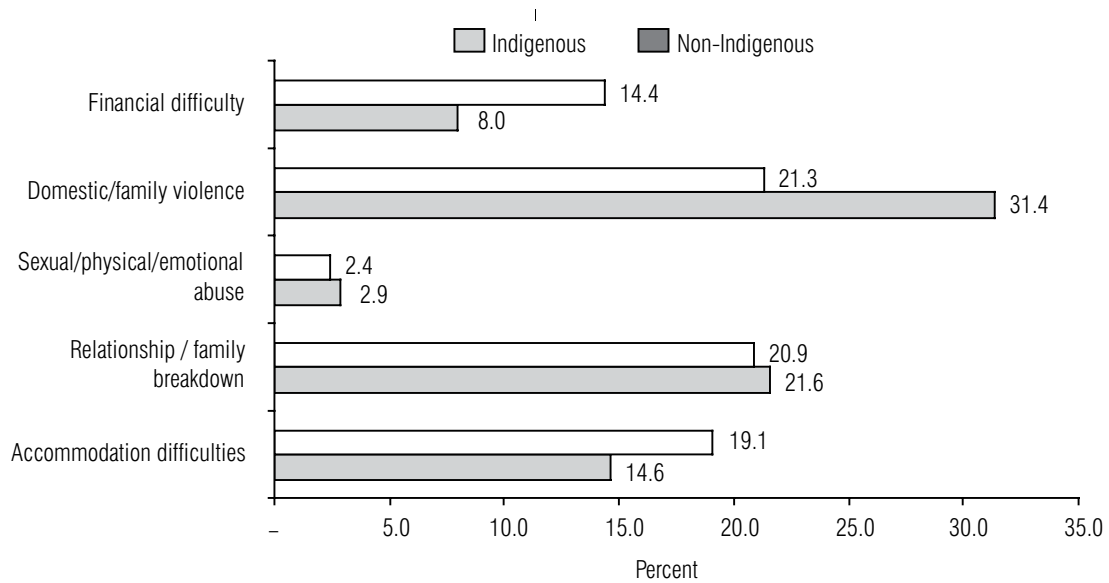
- Indigenous females and males were 12 and five times more likely to seek refuge to escape violence than their non-Indigenous counterparts
- Of those who sought assistance to escape violence in 2003-04, a majority of Indigenous females (95%) and males (64%) were escaping *family violence* (equivalent to a rate of 35 per 1,000 for females and 2 per 1,000 for males)
- Indigenous females were 13 times more likely to seek refuge to escape *family violence* than their non-Indigenous counterparts, while Indigenous men were seven times more likely than their non-Indigenous counterparts.

Further, the analysis of SAAP data shows a difference between Indigenous and non-Indigenous women escaping domestic violence with respect to the number of support periods (number of times accommodated) in refuges and the length of time accommodated. Female Indigenous clients received an average of 1.8 support periods each, compared to 1.5 for non-Indigenous women. However, 69 percent of support periods for Indigenous women were seven days or shorter in duration, compared to 44 percent for Australian-born non-Indigenous women. An average length of stay for Indigenous women was 26 days, compared to 58 days for Australian-born non-Indigenous women. Indigenous women seeking refuge therefore seek refuge more frequently and for shorter periods than non-Indigenous women (AIHW 2005a; Al-Yaman et al 2006).

Unfortunately, data on client reasons for seeking assistance is not broken down by Indigenous status in the publicly available SAAP National Data Collection annual reports. Hence, the data reported above by Al-Yaman et al 2006 for 2003-04 cannot be compared with years prior (back to the inception year of the data collection 1996). However, SAAP data published in the *Overcoming Indigenous Disadvantage Report 2007* (SCRGSP 2007), provides some means of comparison. Figures 2.12 and 2.13 show that in 2005-06:

- Escaping *domestic/family violence* was the main reason Indigenous and non-Indigenous people sought SAAP assistance
- The number of Indigenous people who sought SAAP assistance to escape domestic/family violence as a proportion of the total number of Indigenous people who sought assistance was 31 percent, compared with 21 percent of non-Indigenous people (SCRGSP 2007: 108)
- Escaping domestic/family violence was the main reason both Indigenous and non-Indigenous women sought SAAP assistance, though a marginally higher proportion of Indigenous women (41 percent) sought SAAP assistance to escape domestic/family violence compared with non-Indigenous women (37 percent) (SCRGSP 2007: 109).

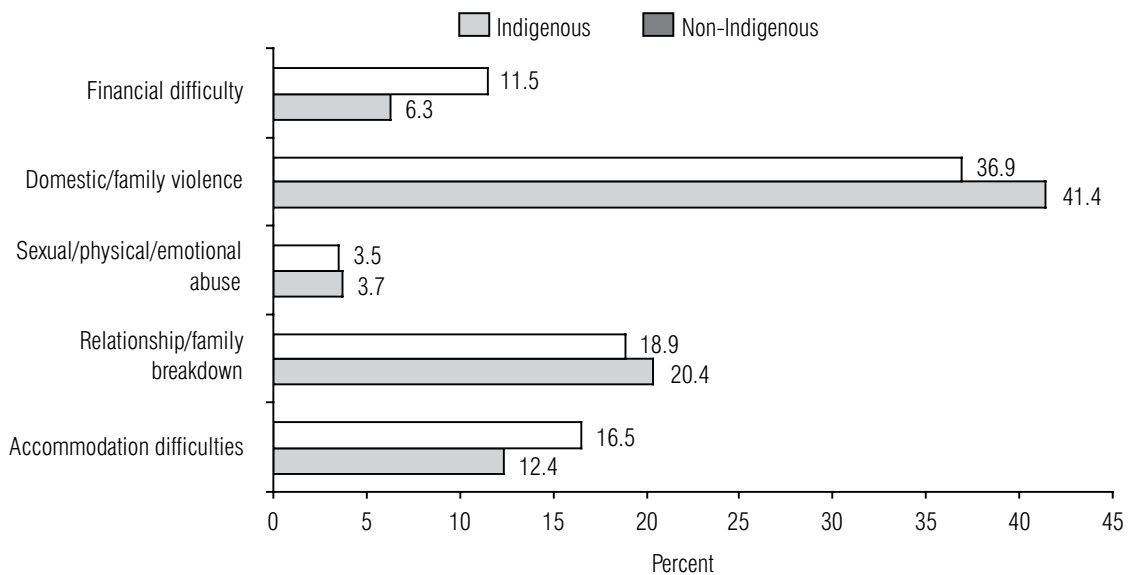
**Figure 2.12: SAAP support periods: main reason clients sought support, Australia, by Indigenous status, 2005-06**



Source: SCRGSP 2007: Table 3A.11.1, Attachment 3.

Note: Non-Indigenous includes Indigenous status not stated. Accommodation difficulties include overcrowding issues; eviction/asked to leave; emergency accommodation ended; and previous accommodation ended. Relationship/family breakdown includes time out from family/other situation and interpersonal conflict. Financial difficulty includes budgeting problems, rent too high and other financial difficulty

**Figure 2.13: SAAP support periods: main reason female clients sought support, Australia, by Indigenous status, 2005-06**

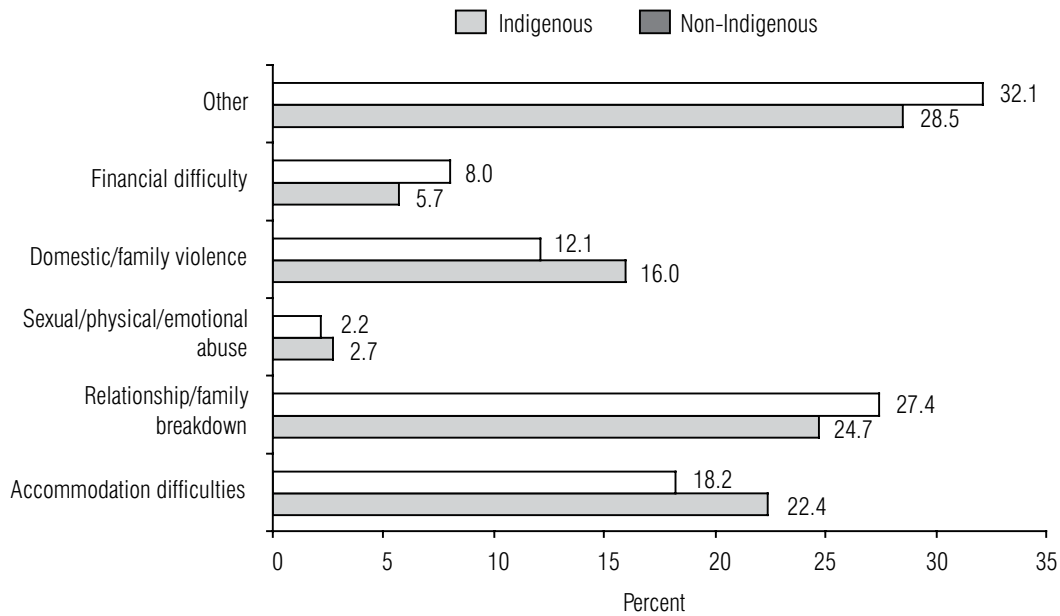


Source: SCRGSP 2007: Table 3A.11.1, Attachment 3.

Note: Non-Indigenous includes Indigenous status not stated. Accommodation difficulties including overcrowding issues; eviction/asked to leave; emergency accommodation ended; and previous accommodation ended. Relationship/family breakdown includes time out from family/other situation and interpersonal conflict. Financial difficulty includes budgeting problems, rent too high and other financial difficulty

Figure 2.14 shows that about a quarter of Indigenous SAAP support periods in the ACT were due to relationship or family breakdown, just under a quarter were due to accommodation difficulties and about 16 percent were due to domestic or family violence. Just under a third of Indigenous support periods were for other reasons such as mental health issues; problematic drug/alcohol/substance use; psychiatric illness; or recent arrival to area with no means of support.

**Figure 2.14: SAAP support periods: main reason clients in the ACT sought support, by Indigenous status, 2005-06**



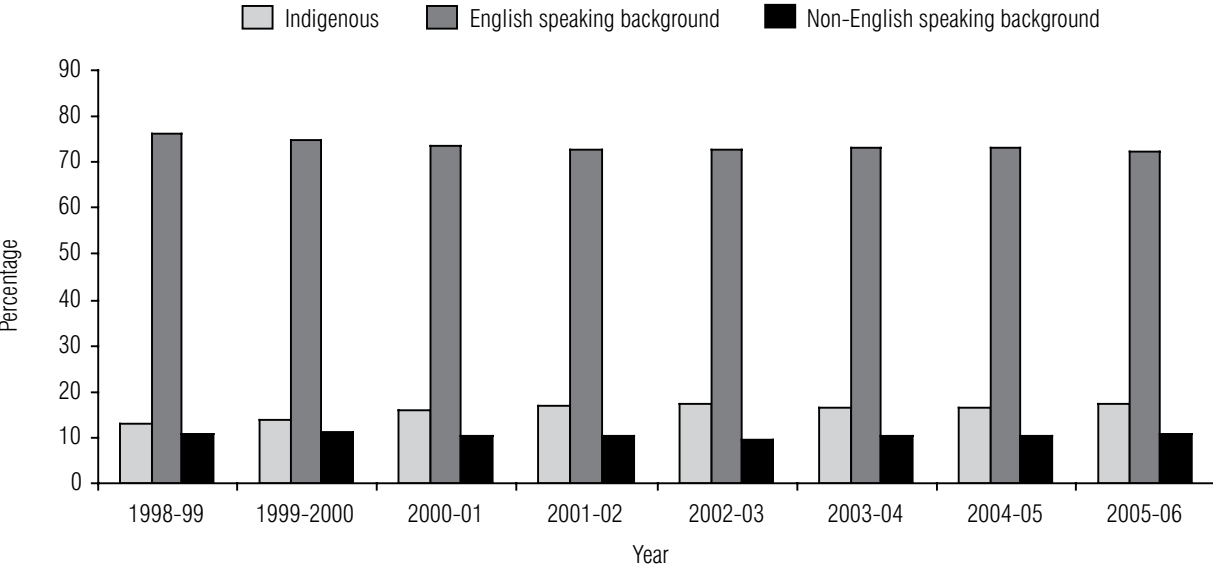
Source: SCRGSP 2007: Table 3A.11.4, Attachment 3.

Note: Other includes mental health issues; problematic drug/alcohol/substance use; psychiatric illness; other health issues; gay/lesbian/transgender issues; recently left institution; recent arrival to area with no means of support; itinerant; and other.

### 2.7.1 HAVE THE PROPORTIONS OF INDIGENOUS SAAP CLIENTS OR SUPPORT PERIODS INCREASED OVER TIME?

Figure 2.15 shows that, while Indigenous people are over-represented nationally as clients of SAAP services relative to population, the proportion of clients who are Indigenous gradually increased between 1998-99 and 2002-03 and has remained fairly constant since. In 1998-99 thirteen percent of clients were Indigenous compared with 17 percent in 2005-06.

**Figure 2.15: Australia-wide Supported Accommodation Assistance Program (SAAP) clients by cultural and linguistic diversity, 1998-2006**

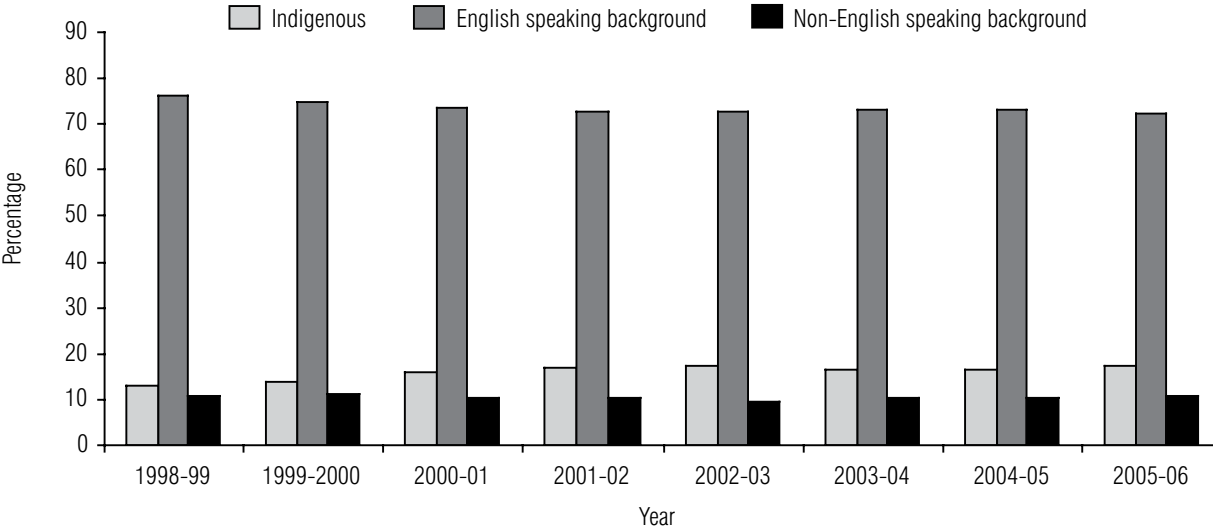


Source: SAAP National Data Collection Annual Reports 1998-99 to 2005-06 (AIHW 2000a; AIHW 2000b; AIHW 2001; AIHW 2002; AIHW 2003; AIHW 2005b; AIHW 2006; AIHW 2007b).

Note: Clients are those 18 years and older, or a person of any age not accompanied by a parent or guardian, who receive support or assistance from a SAAP agency generally entailing more than one hour of a worker's time, is accommodated by a SAAP agency, or enters into an ongoing support relationship with a SAAP agency.

The proportion of both male and female SAAP clients who identify as Indigenous has increased since 1998-99 by between three and four percentage points. The ratio of Indigenous female to male has remained fairly constant over the same period, with female clients numbering almost twice male clients (refer Figure 2.16).

**Figure 2.16: Indigenous male and female SAAP clients in Australia, as proportion of total male and female clients, 1998-2006**

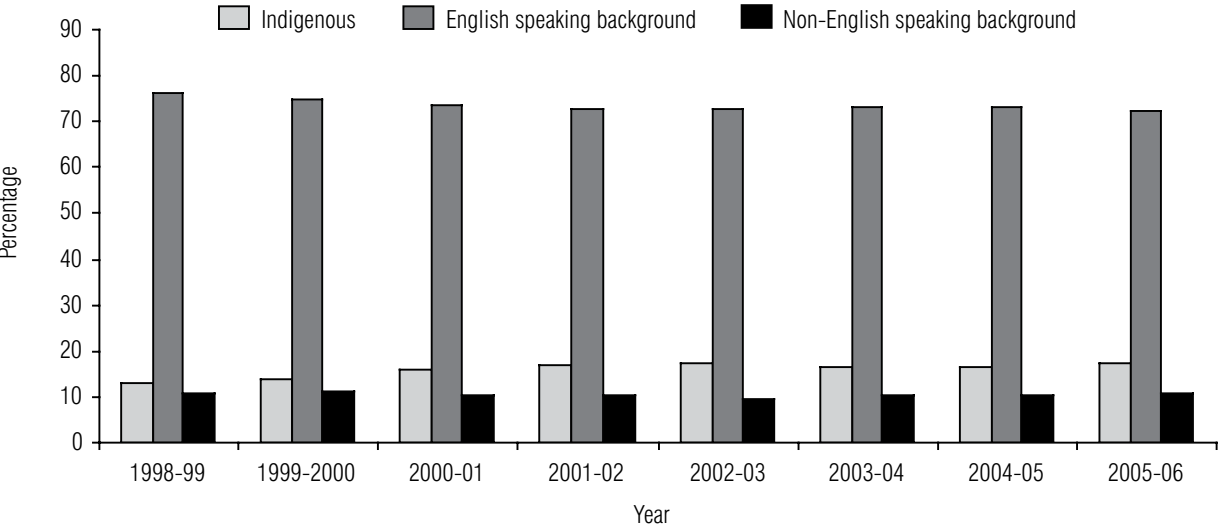


Source: SAAP National Data Collection Annual Reports 1998-99 to 2005-06 (AIHW 2000a; AIHW 2000b; AIHW 2001; AIHW 2002; AIHW 2003; AIHW 2005b; AIHW 2006; AIHW 2007b).



The proportion of SAAP clients in the ACT identifying as Indigenous rose above 10 percent in 2000-01 and has fluctuated very slightly since. In 2005-06 ten percent of SAAP clients in the ACT identified as Indigenous (Figure 2.17).

**Figure 2.17: SAAP clients in the Australian Capital Territory, by cultural and linguistic diversity, 1998-2006 (percent)**



Source: SAAP National Data Collection Annual Reports 1998-99 to 2005-06 (AIHW 2000a; AIHW 2000b; AIHW 2001; AIHW 2002; AIHW 2003; AIHW 2005b; AIHW 2006; AIHW 2007b).

## 2.8 IMPLICATIONS OF THE FINDINGS

Although there is limited information available relating to the involvement of Indigenous victims within the criminal justice system generally, the data that are available at a jurisdictional level indicate that Indigenous victims are over-represented in violent offences recorded by police compared with non-Indigenous victims. This particularly relates to assault and domestic violence. The lack of a consistent or reliable indicator of Indigenous status in police data (particularly where there are high levels of ‘unknown’) currently hides this over-representation of Indigenous victims within the criminal justice system in some jurisdictions, or potentially underestimates it in others – this is a crucial area needing reform. The ABS is currently working with all police jurisdictions to rectify this and improve the recording of Indigenous status of victims.

There is considerably more information available about Indigenous victims outside of the criminal justice system, although again many of these indicators are not consistently recorded. ABS victimisation surveys generally do not report Indigenous status. Available self-report survey data do however indicate that Indigenous women experience higher levels of physical violence than non-Indigenous women. Indigenous people are proportionately more likely than non-Indigenous people to be hospitalised for assault, to die from assault and to be victims of homicide.

Indigenous women appear more likely than non-Indigenous women to seek refuge from family violence, but while they stay in refuges more frequently than their non-Indigenous counterparts, they do so for shorter periods. Despite being over-represented in recorded police data as victims of violent crime, it has been noted that Indigenous women are less likely to report violent crimes to the police than non-Indigenous victims, again suggesting that police data underestimate levels of violent victimisation against Indigenous women. The implications from these

findings are that agencies outside the criminal justice system, such as hospitals, community health services and refuges, need to be sufficiently staffed and resourced to deal with the demand from, and the particular needs facing, Indigenous victims.

The criminal justice system, civil justice avenues and community crisis and counselling support services face a considerable challenge in encouraging victims in general to engage with them. While this challenge relates to non-Indigenous as well as Indigenous victims, there are likely additional challenges in engaging Indigenous victims. While building trust is key, issues of access and approachability (including physical location, times of operation, customer service attitude of staff); intensity of case management (resources, time); cultural appropriateness of services (including language, Indigenous staff, cultural training etc.) may need to be reviewed, among others.

## 3 INDIGENOUS OFFENDING: WHAT DO WE KNOW?

### 3.1 INDIGENOUS OVER-REPRESENTATION IN THE CRIMINAL JUSTICE SYSTEM

Indigenous over representation within the criminal justice system relative to population occurs across Australia. Table 3.1 shows the proportions of the population, police custody incidents, juvenile detention and prison populations across all Australian jurisdictions which are Indigenous. The Indigenous population is consistently over-represented in juvenile and adult detention and in police custody incidents across all the states and territories.

Indigenous people make up two percent of the total Australian population but account for one quarter of the total prison population (ABS 2006a), over half (54%) of the total population in juvenile detention in Australia (Taylor 2006) and one quarter of police custody incidents. Indigenous people were 17 times more likely than non-Indigenous people to be placed into a police cell across Australia in October 2002 (Taylor & Bareja 2005). Furthermore, the most recent prison census data reveals that the rate of imprisonment of Indigenous persons, per relevant population, was 13 times higher than the non-Indigenous imprisonment rate (ABS 2006b). The majority of Indigenous people in prison at 30 June 2006 were male (91%).

**Table 3.1: Indigenous over-representation in the criminal justice system**

	% Indigenous of total population (a)	% Indigenous of total police custody incidents (b)	% Indigenous of total juvenile detention population (c)	% Indigenous of total prison population (d)
New South Wales	2.4	16.3	55.6	19.9
Victoria	0.7	8.2	19.4	5.5
Queensland	3.7	24.4	60.4	27.1
Western Australia	3.8	45.9	77.1	39.7
South Australia	1.9	27.6	41.2	19.1
Tasmania	3.9	11.6	22.2	10.4
Northern Territory	29.9	81.6	80	82.4
Australian Capital Territory	1.6	19.3	31.3	11.9
Australia	2.6	26.3	54.3	23.6

Sources: (a) ABS 2004a. Experimental estimates and projections, Aboriginal and Torres Strait Islander Australians; (b) Taylor & Bareja 2005. 2002 National Police Custody Survey; (c) Taylor 2006. Juveniles in Detention in Australia 1981-2005; (d) ABS 2006b. Prisoners in Australia

A New South Wales study examining the level of contact with the NSW court and prison systems found that Indigenous people had very high rates of contact with these justice systems (Weatherburn, Lind & Hua 2003). Almost 29 percent of the Indigenous NSW population aged over 10 years appeared in court and almost seven percent received a custodial sentence between 1997 and 2001. Indigenous persons were also found to be more likely to have frequent contact with the courts prior to appearing in 2001; 27 percent of males and 17 percent of females had appeared in court more than five times in the five years prior to their 2001 appearance. The rate of contact with the court system was almost four and a half times higher for Indigenous people than for the entire NSW population and they were 16 times more likely to be imprisoned in 2001 than the wider population.

When compared with non-Indigenous prisoners, Indigenous prisoners are significantly more likely to have a history of juvenile detention and incarceration as an adult (Kinner 2006). Forty-one and 84 percent of Indigenous prisoners in Queensland were found to have been incarcerated as juveniles and adults, respectively. In comparison, only 14 and 56 percent of non-Indigenous prisoners had a history of juvenile and adult incarceration. In a study of male prisoners across Australia, Indigenous male prisoners were more likely than their non-Indigenous counterparts to have been incarcerated as juveniles (42% compared with 26%) (Makkai & Payne 2003).

### 3.1.1 FEMALE OFFENDING

A snapshot of the situation of Indigenous women coming into contact with the criminal justice system is provided in a study by Lawrie (2002). Lawrie found the vast majority (98%) of Aboriginal women in prison in New South Wales had a prior conviction as an adult, sixty percent had prior convictions as children, approximately a quarter (26%) had between fifteen and thirty previous convictions, and three quarters had previously spent time in jail (2002). Key contributing factors to both offending and recidivism rates for Indigenous women were found to be:

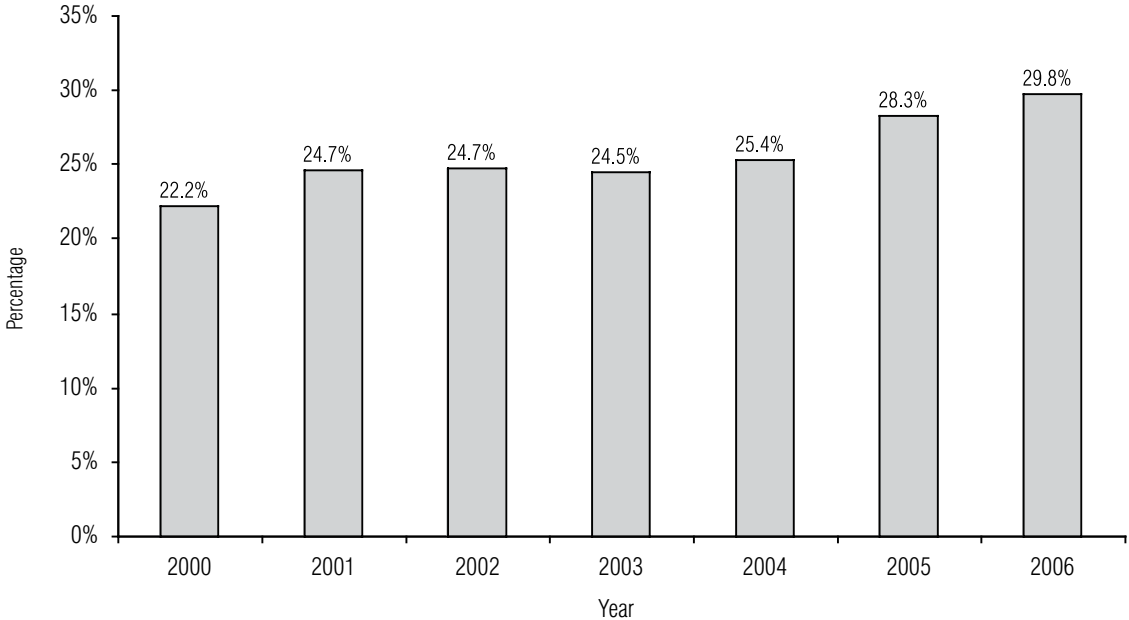
- **dependent children** – while approximately eighty-six percent of women inmates were biological mothers of between one and six children, forty-six percent were single-parent primary carers, and around twenty-eight percent were carers for both biological and non-biological children
- **education** – seventy percent of women inmates had left school before completing year 10 and one tenth only completed primary school
- **financial insecurity** – around ninety-two percent were unemployed at the time of their last offence and forty-three percent of those with dependent children were unemployed and did not receive Centrelink payments. One quarter of women inmates relied on crime to support themselves or family members in order to meet basic needs
- **substance use** – some eighty-six percent of women were under the influence of drugs or alcohol at the time of the latest offence (approximately sixty-eight percent on drugs, fourteen percent under the influence of alcohol and four percent using both)
- **child abuse** – around seventy percent had been victims of child abuse, with the same proportion sexually assaulted as children, and fourteen percent subject to incest
- **victimisation as adults** – seventy-eight percent had been victims of violence and forty-four victims of sexual assault as an adult
- **'stolen generation'** – just over half (52%) came from a family affected by previous forced removal policies, with few of these receiving agency help to search for family members.

The study revealed a strong link between drug use and offending and imprisonment, with drug use being a response (self medication) to child and adult abuse and unresolved trauma. Four out of five women believed that substance abuse was an underlying issue in their offending, and stemmed from their past experiences of violence and inability to get help to deal with it.

The presence of Indigenous women in the criminal justice system is in fact growing, with detention for obscene language and offensive behaviour, and incarceration for violent assault increasing. Data from the ABS' annual Prisoners in Australia publication shows that the proportion of all female prisoners who are Indigenous has climbed since 2000 from 22 percent to almost 30 percent in 2006 (Figure 3.1) Recidivism amongst Indigenous female offenders is also high (Aboriginal and Torres Strait Islander Commissioner 2006; Robertson 2000; Lawrie 2002).

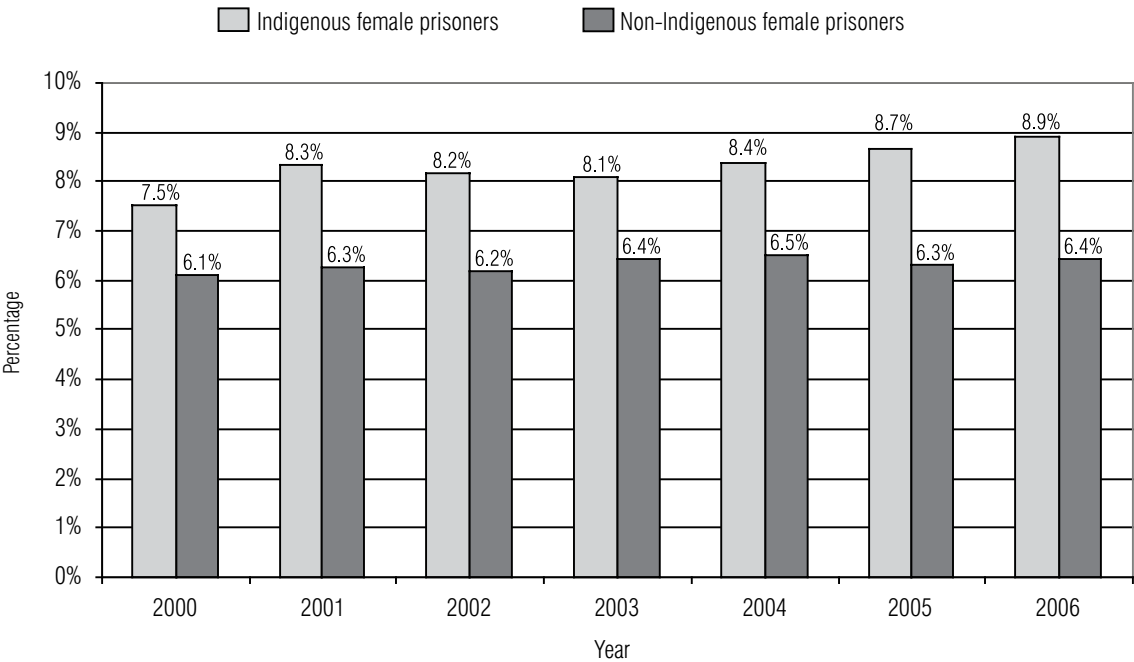
The increasing presence of Indigenous women in prison is also evident when Indigenous and non-Indigenous female prisoners are compared. There has been a slight trend towards Indigenous female prisoners growing as a proportion of total Indigenous prisoners over the same six years (from 7.5% to 8.9%). In comparison, non-Indigenous female prisoners as a proportion of total non-Indigenous prisoners only rose some 0.32 of a percent (6.1% to 6.43%) (Figure 3.2).

**Figure 3.1: Indigenous female prisoners as a proportion of total female prisoners, Australia 2000 - 2006**



Source: ABS 2006b

**Figure 3.2: Female prisoners as a percentage of total prisoners by indigenous status, Australia, 2000-2006**



Source: ABS 2006b

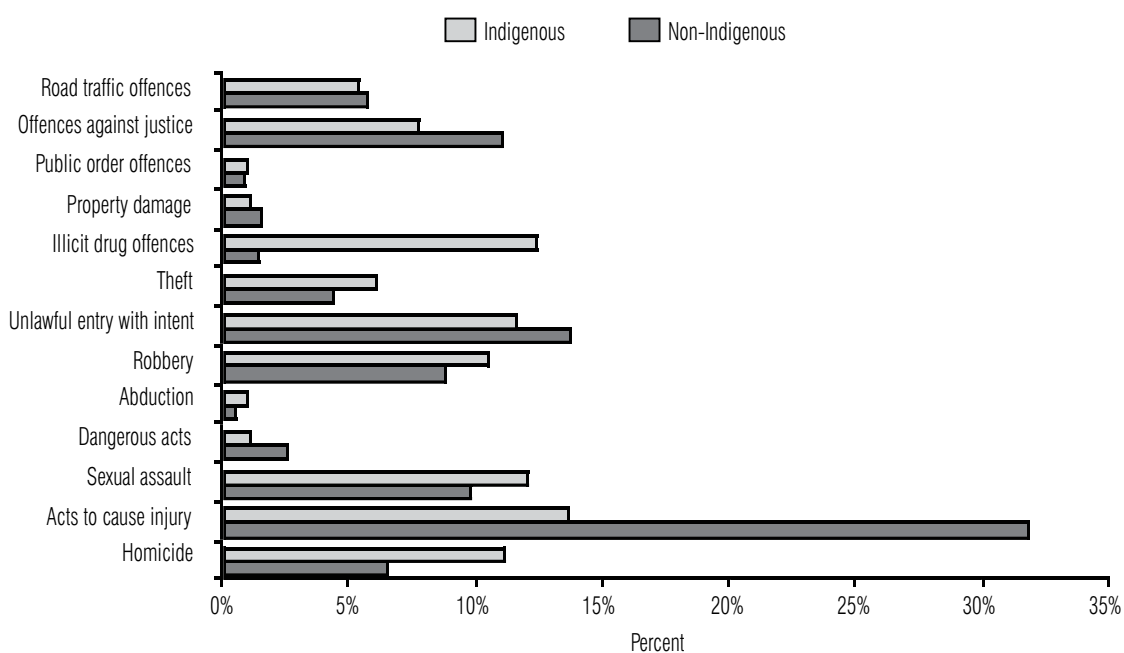
### 3.2 TYPES OF OFFENDING

In the 2002 National Police Custody Survey (Taylor & Bareja 2005) 16 percent of Indigenous people who had been placed into a police custody cell during the month of October 2002 had been placed into a cell for assault or intention to cause injury compared with 13 percent of non-Indigenous people. Twenty four percent of incidents involving Indigenous people related to public order offences (including drunkenness and offensive language) compared to 17 percent of incidents involving non-Indigenous people.

Figure 3.3 shows that, at 30 June 2006, Indigenous people were much more likely than non-Indigenous people to be in prison for an act which was intended to cause injury (this includes both aggravated and non-aggravated assault as well as other acts intended to cause injury). About one third of Indigenous prisoners were in prison for this offence compared with 14 percent of non-Indigenous prisoners. Further, 75 percent of Indigenous people imprisoned for this offence had previously been in prison, compared to 53 percent of non-Indigenous people imprisoned for this offence. Acts intending to cause injury were by far the most common offence for Indigenous prisoners (ABS 2006b). Indigenous prisoners were less likely than non-Indigenous prisoners to be in prison for illicit drug offences and homicide (ABS 2006b).

There is also some evidence that the severity of violence involving Indigenous Australians is increasing. Queensland's Aboriginal and Torres Strait Islander Women's Task Force on Violence found that the severity of crimes had increased, there was an expansion and deterioration in the type of weaponry used to inflict violence (moving beyond the usual 'knives or pickets'), and the number of offences recorded had increased. Violence had become overt, and murders, bashings and rapes, including sexual violence against children, had become pervasive, with both Indigenous and non-Indigenous people being perpetrators (Robertson 2000). As part of this deterioration, a new kind of violence was emerging, that was associated with an increased use of harder addictive drugs. For example, '...rather than stabbing a victim once or twice, there is now evidence that offenders are involved in frenzied attacks, inflicting, in some cases, over a hundred wounds' (Robertson 2000: 191).

**Figure 3.3: Prisoners in Australia by Indigenous status and most serious offence at 30 June 2006**

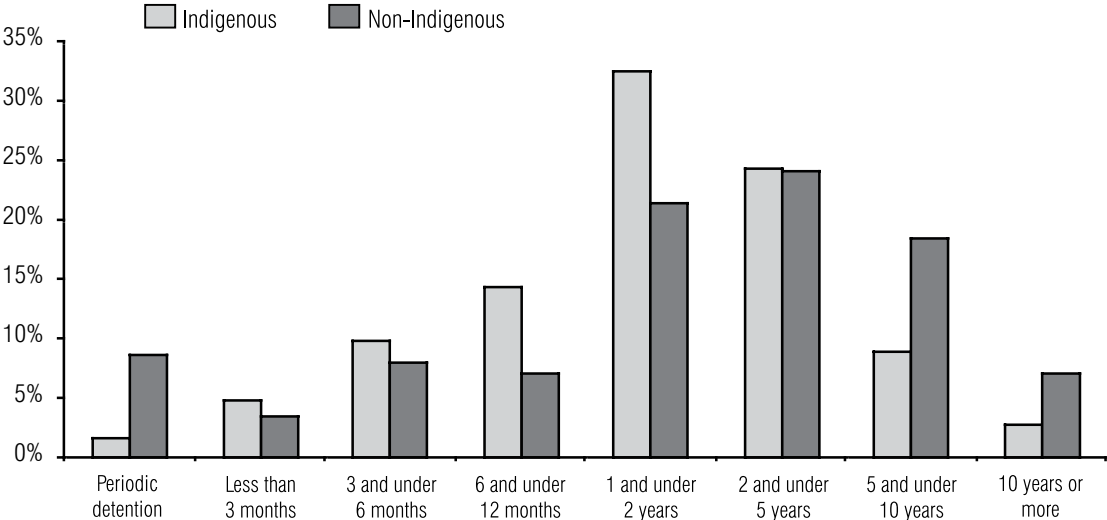


Source: ABS 2006b

For prisoners sentenced for an act intended to cause injury, Indigenous prisoners are likely to receive shorter aggregate sentences than non-Indigenous prisoners (Figure 3.4). At 30 June 2006 about 31 percent of Indigenous prisoners had received an aggregate sentence under 12 months, compared with 27 percent of non-Indigenous prisoners. Eighteen percent of Indigenous prisoners sentenced for an act intended to cause injury received a sentence of five years or more, compared with 26 percent of non-Indigenous prisoners (ABS 2006b).

Overall, just under one-quarter (24%) of Indigenous prisoners at 30 June 2006 had an aggregate sentence of less than 12 months, while all together almost half (49%) had an aggregate sentence under two years (ABS 2006b). In comparison, only 15 percent of non-Indigenous prisoners had been sentenced to less than 12 months and just under one-third (30%) to less than 12 months.

**Figure 3.4: Aggregate sentence length for prisoners sentenced for acts intended to cause injury, at 30 June 2006**



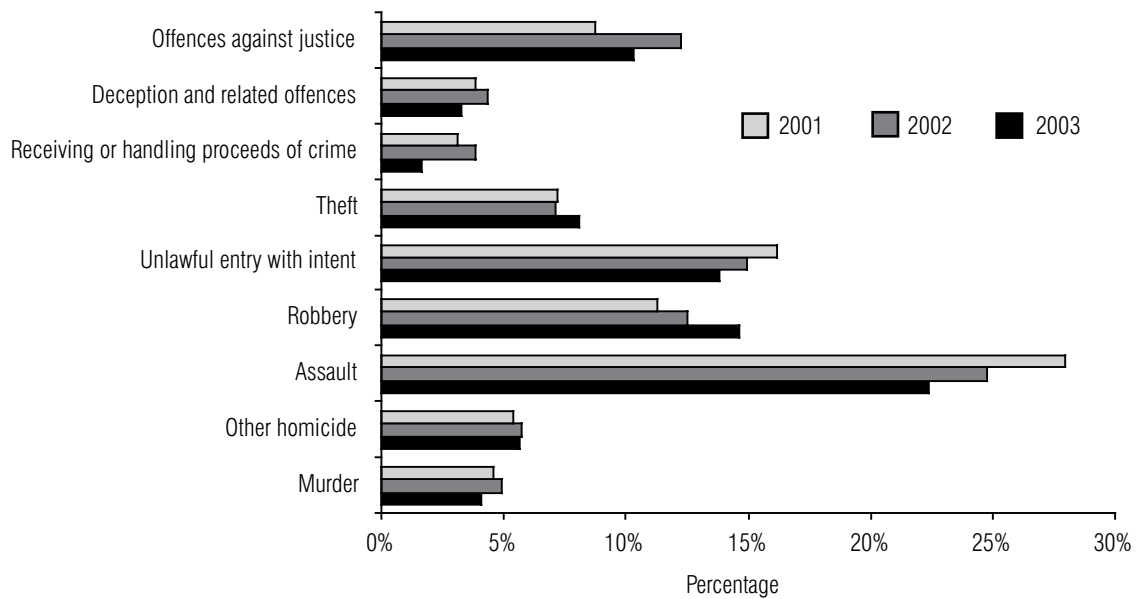
Source: ABS 2006b

3.2.1 FEMALE OFFENCES

Information about the type of offences Indigenous female prisoners were incarcerated for is only published up to 2003. Figure 3.5 shows that the predominant offences for 2001, 2002 and 2003 were (in descending order):

- Assault
- Unlawful entry with intent
- Robbery
- Offences against justice procedures, government security and government operations
- Theft (including motor vehicles).

**Figure 3.5: Most serious offences for Indigenous female prisoners, Australia 2001 to 2003**



Source: ABS 2006b

### 3.3 IMPLICATIONS OF THE FINDINGS

Among other things, the high levels of contact with the criminal justice system from an early age, the high rates of assault, the higher levels of prior imprisonment for Indigenous prisoners and the suggestion of an increase in Indigenous women’s contact with the criminal justice system points to learned behaviour (inter-generational transmission) and the normalisation of violence. The severity of violence and high level of acts intended to cause injury has implications for hospitalisation rates, mortality outcomes due to assault, and homicide rates. A rise in Indigenous women offenders may also be the product of their accumulated experience of violence, abuse and accompanying trauma which has gone untreated and suppressed for a long time. The associated feelings of anger, frustration and hopelessness may reach a threshold which sees the victim ‘snap’ and attack the perpetrator or others close to them, or simply fight back after years of ‘putting up with it’ (Robertson 2000).

...investigations...in Canada suggest that there are three ways Indigenous women living in violent situations may end up convicted of violence offences: they may retaliate with violence against abusive family members; they may resort to drug and alcohol abuse to escape abuse; or their victimisation may lead to the abuse and neglect of others

*(Aboriginal and Torres Strait Islander Social Justice Commissioner 2006: 88)*

These findings suggest the importance of rehabilitation and psychological support for both offenders and victims, to help break the ‘revolving door’ and ‘cycle of violence’ that sees both male and female Indigenous offenders in and out of prison. The implication is that the criminal justice system needs to be more holistic and healing in its approach to Indigenous offenders, recognising the often blurred line between offender and victim, and make rehabilitation the centre-piece of sentencing, whether in prison or in non-custodial settings.



## 4 INDIGENOUS DISADVANTAGE AND FACTORS WHICH MAY EXACERBATE CONTACT WITH THE CRIMINAL JUSTICE SYSTEM

Violence both perpetrated and experienced by Indigenous people cannot be dissociated from broader contributing social, cultural, historical and economic factors. When considering Indigenous violence in all its forms, it is evident that it has multiple origins. Memmott et al (2001) categorised these origins into three:

- a) precipitating causes (one or more particular events that trigger a violent episode by a perpetrator);
- b) situational factors (including alcohol abuse, encouragement by others, conflicting social differences between the antagonists), and
- c) underlying factors (historical circumstances of Indigenous people which make them vulnerable and lead them to enacting, or becoming vulnerable to, violent behaviour).

### 4.1 THE EXPERIENCE OF COLONISATION

Drawing on the work of others, Robertson (2000) used a cross disciplinary, multi-layered conceptual framework which combined women's socio-political narratives with sociological, psychological and colonisation impact theories to explore violence and its causes and contributing factors in contemporary Indigenous communities. In this framework, alcoholism, violence, abuse and poverty are all identified as legacies of the colonisation process and hence cannot be considered in isolation from European-Indigenous relations.

Similarly, Memmott et al (2001) identified the patterns of contemporary violence as stemming from the violent dispossession of land by Europeans in the early contact period as well as ongoing cultural dispossession and its consequences, which took different forms over the years (for example, massacre, forced removal and separation, assimilation and child removal). The colonial system used overt physical and covert structural violence (subordination and forced dependency) as well as psychological dominance to control Indigenous people and achieve colonisation. The social, economic, physical, psychological and emotional impacts of such 'structural violence' over generations manifests in some Indigenous communities as widespread violence and was identified by The Royal Commission into Deaths in Custody as being an underlying cause of deaths in custody (Memmott et al 2001). It could be said therefore that violence breeds violence.

Indigenous Australians have, however, their own distinctive histories, with the experience of colonisation affecting traditional ways of living, family and kinship ties, cultural resilience, identity, self esteem, language etc in varying ways, depending on location. Discriminatory legislation was repealed across Australia by the end of the 1960s, but remains part of the living memories of many older Indigenous Australians, while discrimination and marginalisation on a cultural, political and socio-economic level continue to be felt by many members of all living generations. The colonial removal policies continue to reverberate throughout the country. In addition to the 'Stolen Generations' of more recent history, there are the intergenerational effects, such as deprivation of culture and loss of identity, arising from previous generations of child removal from families and forced relocation of communities (Yarram 2003). In some parts of Australia, in the far north coastal regions and in central Australia, English is often the second language used by Indigenous Australians.

Generalisations hide the reality and variation across the country, including variations in offending and victimisation rates. Geographic variations in violent crime involving Indigenous people tend to support the theory that those Indigenous communities most affected by violence are those:

- where dispossession has been longest
- with the longest history of functioning as missions or removal centres
- where maximum dysfunctional cultural change has occurred, and
- where over-policing has been practiced (Memmott et al 2001).

Fear and mistrust of the justice system is a key legacy of colonisation. It is largely directed at the police who were the most visible face of the system (they administered the laws that legitimised the displacement of Indigenous people to reserves and the removal of Aboriginal children) and continue to be the first point of contact. Indigenous treatment at the hands of police has been passed down as oral history and is behind the verbal abuse often directed at police and the clashes that intermittently occur (Robertson 2000).

## **4.2 PERSONAL STRESSORS AND DISADVANTAGE**

Indigenous people are disadvantaged on a wide range of measures related to health, social and economic outcomes (SCRGSP 2005). The NATSISS (ABS 2004a) also identified that Indigenous people experience a number of personal stressors relating to victimisation, offending, alcohol abuse, witnessing violence, overcrowding at home, trouble with the police etc. Though the number of personal stressors experienced and their impact on both offending and victimisation is likely to also be relevant for non-Indigenous persons, Indigenous people are more likely to suffer multiple stressors, given their relative disadvantage against a range of socio-economic indicators. Further, the ability to cope with one or multiple stressors will be rooted in the overall historical, political, cultural context—which is often one of disadvantage, discrimination, social exclusion and political powerlessness. Focusing on stressors shows the complex interplay of factors contributing to or influencing violence and victimisation in Indigenous communities.

### **4.2.1 PERSONAL STRESSORS AND VICTIMISATION**

In the NATSISS (ABS 2004a), victimisation was higher amongst those Indigenous Australians who:

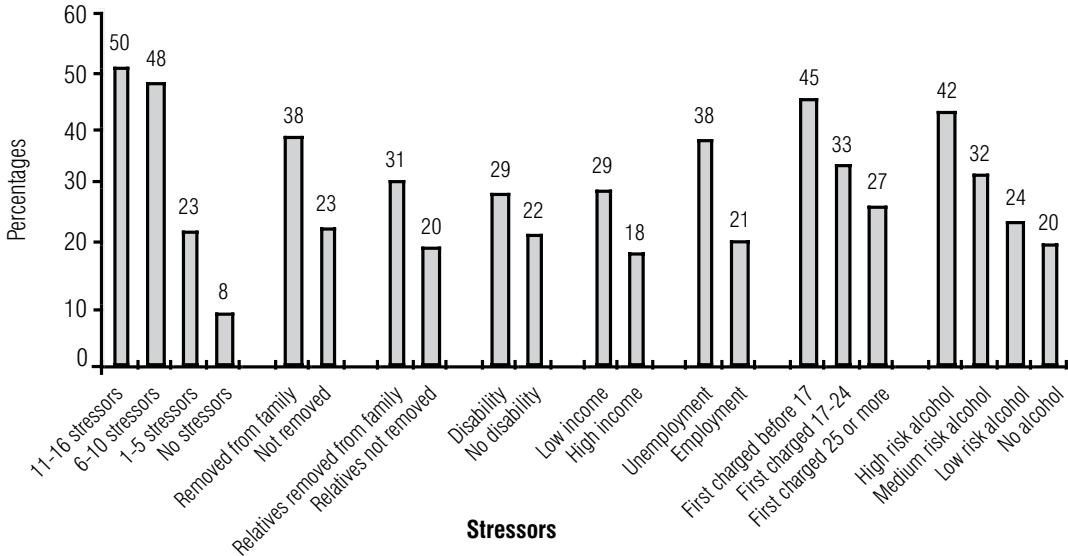
- Had a disability
- Lived in low income households
- Were unemployed
- Had first been formally charged before the age of seventeen years.

Adding to these characteristics, Al-Yaman et al (2006) found from their analysis of NATSISS data (Figure 4.1) that rates of victimisation were higher amongst those who:

- Had experienced a high number (11 or more) of stressors
- Had been removed from their natural families
- Had relatives who had been removed from their natural families, and
- Consumed alcohol at a high risk level according to National Health and Medical Research Council (NHMRC) guidelines.

Generally speaking, victimisation was more likely to be associated with the experience and extent of most personal stressors.

**Figure 4.1: Victimization by type of personal stressors experienced**



Source: ABS 2004a: 34-37; Al-Yaman et al 2006 analysis of NATSISS CURF: 46-49

Note: Low income denotes the lowest quintile, high income the fourth and fifth quintile combined.

**4.2.2 PERSONAL STRESSORS AND OFFENDING**

A number of personal stressors and indicators of disadvantage have also been linked to an increased likelihood of crime, measured through Indigenous people being charged by police and imprisoned (Weatherburn, Snowball & Hunter 2006). In particular, Indigenous respondents to the 2002 NATSISS across Australia were far more likely to have been charged with, or imprisoned for, an offence if they:

- abused drugs or alcohol,
- failed to complete Year 12
- were unemployed
- experienced financial stress
- lived in a crowded household
- were a member of the ‘stolen generation’.

The most powerful predictor of whether an Indigenous person was charged or imprisoned was alcohol consumption and drug use, leading Weatherburn et al (2006: 11) to conclude that ‘one of the key ways to reduce Indigenous contact with the criminal justice system is to reduce Indigenous drug and alcohol abuse.’ In doing so, progress could be made in other important areas such as parenting, school performance and employment, for high substance abuse is ‘inextricably linked’ to the problems of child maltreatment or neglect, school attendance and juvenile involvement in crime.

Child abuse and neglect and juvenile dysfunction/ crime are also partly the product of poorly functioning families and poor quality parenting, which is in turn the result of a lack of role models and family structural breakdown. A majority of Indigenous families exist without male role models (the males are removed at various stages of their lives to detention, jail, hospital), which normalises the fatherless family and the behaviour of the father for young men in the family (Robertson 2000).

Community consultations in Victoria and Cape York (Yamman 2003; Apunipima 2000) have identified the following factors as contributing to family violence:

- unemployment and financial stress including money problems caused by alcohol purchases and gambling
- drug and alcohol abuse
- breakdown of traditional law and culture including loss of role for men and women and rejection of kinship arrangements by young adults
- family and sexual jealousy
- conflict over children
- feelings of despair and anger caused by marginalisation
- resistance to the 'white fella law'
- immature defacto relationships
- learned behaviour
- lack of support
- shame to get support
- lack of leadership
- low follow through on Intervention Orders
- low self-esteem and self worth
- poor standards of housing.

### **4.3 SUBSTANCE ABUSE**

...far from being just a symptom of Indigenous poverty and disadvantage, drug and alcohol abuse have become its principal sponsor and cause, ruining Aboriginal lives, destroying Aboriginal families and robbing thousands of Aboriginal kids of their heritage, a decent upbringing and a job

*(Weatherburn 2006: 11)*

Alcohol abuse is not simply an Indigenous problem. In 2004-05 forty percent of all assaults and sexual assaults in New South Wales were alcohol related. However, the proportion for Aboriginal offenders was higher, particularly in rural areas. (Weatherburn 2006). There is also evidence that Indigenous people who consume alcohol are more likely to do so at more dangerous levels than their non-Indigenous counterparts—nearly 20 percent of Indigenous people drink at risky or high-risk levels compared with around 10 percent for the non-Indigenous population, even though the prevalence of alcohol consumption may in fact be greater in the non-Indigenous population (Cunneen 2002).

The National Drug Strategy Household Survey of 2004 found that Indigenous Australians were three times as likely as non-Indigenous to report being abused by someone under the influence of alcohol in the previous year (18.5% compared to 6.1%) (Al-Yaman et al 2006). Further, substance abuse by offender and victim is often mutual: those victimised were more likely to themselves be consumers of alcohol, with higher rates of reported victimisation positively related to the victim's alcohol consumption. Forty-two percent of Indigenous people who consumed alcohol at high risk levels reported being victimised, compared to thirty-two percent for medium risk consumers, twenty-four percent for low risk consumers and twenty percent for non-consumers (Al-Yaman et al 2006).

The role of alcohol in violence has been explored extensively in the Indigenous context. There are three broad paradigms within which the relationship between alcohol and violence has often been examined, these being:

- biomedical models which link drinking behaviour to the pharmacological properties of the drug
- structuralist models which attribute excessive alcohol use and associated violence to the cumulative effects of colonisation, dispossession and marginalisation, and
- socio-cultural models which look at the entrenchment and normalisation of heavy drinking within the framework of Indigenous relations (Apunipima 2000: 15-16).

Some researchers have termed violence associated with alcohol consumption as 'alcohol violence' and described it as 'learned behaviour' or 'normalised behaviour' in that it is being passed from one generation to another and becoming a form of social expression or communication, a form of solidarity among men, as well as a symbol of defiance of European laws and customs (Memmott et al 2001; Robertson 2000; Apunipima 2000). 'Alcohol violence' is also often used to describe Indigenous family violence given the strong association with family incidents (Yarram 2003).

The relationship between alcohol and violence is not a simple case of cause and effect. The coincidence or correlation of alcohol and accidents, crime or violence including domestic violence and child abuse is not contested. Unpublished data from the NSW Bureau of Crime Statistics and Research, for example, shows that in the urban areas of NSW during 2004-5 45 per cent of police-recorded domestic assaults, 45 per cent of non-domestic assaults and 33 per cent of police-recorded sexual assaults involving Indigenous defendants were alcohol-related. (Snowball & Weatherburn 2006) In rural areas the corresponding figures were even higher – 60 per cent, 51 per cent and 56 per cent. However there is some debate as to whether the relationship is directly causal, conditionally causal (causal providing certain other conditions exist) or whether it stems from a third commonality (Apunipima 2000; Robertson 2000), and if causal, the relative strength of it compared to other factors.

Alcohol and violence may be commonly portrayed as inter-dependent, however alcohol in itself does not cause violence (there are examples of alcohol-free Indigenous communities where violence occurs, and Indigenous people who consume alcohol but are not violent). Rather, it increases the tendency to aggression and violence in specific circumstances (Memmott et al 2001; Weatherburn, Snowball & Hunter 2006). Alcohol is an enabler, facilitator, incitement or trigger for personality change and violent conduct (Robertson 2000).

Historical factors can also influence current patterns of substance use. The following excerpt from Delahunty & Putt (2006) illustrates how colonisation contributed to alcohol consumption patterns by Indigenous people:

The British brought a culture of heavy drinking to Australia, and the colonial frontier mentality perpetuated a binge drinking culture, with bush pubs full of fighting, swearing and heavily intoxicated Europeans. Aborigines were encouraged to drink for the entertainment of whites. Leftovers and washing of rum casks were called 'blackfellows rum' or 'bull' and Aboriginal labourers were often 'paid' with tobacco, liquor and sometimes the remnants of opium.

A British parliamentary inquiry into the convict transportation system in the 1830s damned the "inefficiency of the police, and the general want of principle" for failing to stem the drinking, gaming and crime overwhelming colonial Australia, but concluded that colonies awash with grog, inequity and crime needed much more than better

policing to achieve lasting changes (Clark 1957: 218). Later laws prohibiting the supply of alcohol to Aborigines were subverted through whites buying alcohol on the sly or publicans selling illegally out the back door. There is some evidence that these discriminatory rules fostered an unhealthy drinking culture that encouraged people to drink quickly to avoid detection and binge when they had the chance.

By the late 1960s many of these discriminatory rules had been removed. The end of 'prohibition' also coincided with many other changes. In the Kimberley, unrestricted Aboriginal access to alcohol coincided with dislocation from traditional and transitional lands and roles, Aborigines being precipitated into a cash economy and welfare reliance in the often indifferent or threatening environment of town camps. As the focus of economic activity and social life shifted to the domestic arena, social roles, particularly for males, were profoundly altered; their traditional sources of esteem were compromised and there were immense social pressures to drink. Perhaps the most appealing and enduring white role-model in remote Australia was the stockman, whose ability to drink was an affirmation of male frontier values. Alcohol was also frequently used to reward station Aborigines, being highly valued as a source of status and esteem.

The legacy of strong mission culture also has an influence in some areas, encouraging strict abstinence from alcohol use. Some communities have little practical experience of moderate substance use whereby users might enjoy a couple of drinks or smokes with their mates at the end of a hard day. Compared with the general population, significantly more Aboriginal and Torres Strait Islander people now abstain from alcohol and other drugs. Yet those who do drink or use other drugs are also more likely to swing between the two extremes of abstinence and indulgence.

While the underlying factors are complex, there is consensus in the literature that current rates of ill-health and substance misuse by Aboriginal Australians, including illicit substance use, are socially patterned. Social and historical factors such as the forced removal of children from families have left a legacy of problems that are strongly linked with current levels of higher substance use.

While alcohol or substance abuse more generally is usually seen as only one factor amongst many contributing to offending and victimisation, Indigenous women in communities are often adamant that alcohol triggers the violence they experience – 'it's the grog that does it'. This reflects the reality that alcohol has become to some degree a socially acceptable excuse for negative, unacceptable behaviour. Some believe that this has the effect of rendering perpetrators unaccountable, enables others in the community to avoid considering other influences and whether alcohol is a symptom of other problems, and leads to single minded solutions such as alcohol restrictions, all of which can undermine efforts to address violence (Yarram 2003; Apunipima 2000; Aboriginal and Torres Strait Islander Social Justice Commissioner 2006; Robertson 2000; Memmott et al 2001).

#### **4.4 INSTITUTIONAL OR SYSTEMIC BIAS**

Some argue that Indigenous over representation in the criminal justice system is due more to institutional or systemic bias (Blagg et al 2005; Cunneen 2001; Gale et al 1990). That is, over-policing, discrimination and racism towards Indigenous people by police, magistrates and others within the system creates a situation in which Indigenous people are more likely to be arrested, sentenced and imprisoned.

However, it is difficult to find studies which show evidence of systemic bias once factors such as prior criminal history, prior imprisonment and offence type have been taken into consideration. Snowball and Weatherburn (2006) examined whether Indigenous adult offenders were more likely than non-Indigenous adult offenders to be sentenced to a term of imprisonment when various legal factors were taken into account. They found no evidence of judicial bias against Indigenous offenders but found that differences between Indigenous and non-Indigenous imprisonment were more likely due to Indigenous offenders:

- having longer criminal records
- committing more serious violent offences
- committing multiple offences
- breaching previous court orders
- re-offending after periodic detention or a suspended sentence.

#### **4.5 IMPLICATIONS OF THE FINDINGS**

The above findings suggest that Indigenous contact with the criminal justice system is the product of a complex interplay of factors which cross generations. These factors can be cumulative, or have feedback effects on each other. They can comprise core and peripheral or compounding elements. Indigenous people, whether victims or offenders or both, may be impacted by inter-generational and trans-generational post traumatic stress and this will impact on their ability to deal on a daily basis with the multiple other stressors in their lives. Acknowledging this situation and the role of colonisation does not excuse offending behaviour. Rather it points to the need for multi-layered and sustainable interventions such as counselling or 'healing', targeted assistance and high level support to alleviate multiple stressors which put Indigenous people at risk of victimisation and/or offending, and a criminal justice response which acknowledges this interplay of factors and provides targeted programs as a core part of its system.

Such a response could include linking with health, education, employment, social security, housing, child protection and other service providers and require flexibility in terms of tailoring and specifically designing programs with a rehabilitative and restorative emphasis for Indigenous offenders and Indigenous victims. An explicit recognition of the importance of community to Indigenous people is essential.

## 5 VICTIMS SEEKING HELP FROM THE DOMESTIC VIOLENCE CRISIS SERVICE (DVCS)

### 5.1 WHAT IS THE DVCS AND WHAT DOES IT DO?

The DVCS is a government funded 24 hour community-based organisation. The objectives of the DVCS are to address violence and abuse in personal relationships and to promote respect and fairness in personal relationships. The DVCS recognises that the majority of people subjected to violence and abuse in personal relationships are women and children, and that children are particularly vulnerable.

The DVCS operates within a framework that emphasizes human rights and social justice and gives priority to personal safety. The DVCS:

- provides crisis intervention and 24 hour telephone support, advocacy, referral, information, support and practical assistance for people subjected to, or using, violence and abuse in relationships, giving priority to those subjected to violence. It also facilitates access to safe accommodation such as refuges;
- encourages those who use violence and abuse in relationships to take responsibility for, and cease, this behaviour;
- addresses the problem of violence and abuse in personal relationships, and associated issues by
  - working collaboratively with other agencies;
  - providing education and information;
  - promoting and being the embodiment of leading practice policy and programs; and
  - initiating and participating in data collection and research.

When ACT Policing are called to an incident of domestic violence, they are instructed to suggest that the occupants of the home could be assisted by DVCS. Approximately 85% of people accept this suggestion. DVCS will proceed to the home to offer a range of supports including advocacy, practical assistance, access to emergency accommodation, emotional support, information and safety options. DVCS will also arrange to meet people in a safe place following an incident if the police are not involved and/or the victim does not wish to involve police.

DVCS is one of the central victim support services in the ACT and is considered a key agency in the FVIP. Its role as the primary victim advocacy agency in the FVIP means that it provides a coordinated and integrated approach for those who are victims in a domestic/family violence matter that is within the criminal justice system, namely, where charges have been laid by police. DVCS will liaise with other agencies such as Australian Federal Police, Office of the Director of Public Prosecutions (ODPP) and the ACT Courts to ensure the support needs of a person who has been subjected to violence and abuse are met and that their safety and the safety of their families is prioritised.



## 5.2 WHAT IS DOMESTIC VIOLENCE?

The DVCS website ([www.dvcs.org.au](http://www.dvcs.org.au)) defines domestic violence as occurring 'when a family member uses violent and/or abusive behaviour to control another family member or members.' This definition is more inclusive than spouse/ex-spouse violence and is used to refer to family members who reside together in a domestic situation. Domestic violence can consist of a broad range of behaviours. These behaviours do not have to be physical, the list may include:

- **Physical Assault** – kicking, slapping, choking or using weapons. All threats of physical violence should be taken seriously.
- **Sexual Assault** – Any non-consenting (not fully agreed to by both partners) sexual act or behaviour, any unwanted or disrespectful sexual touch, rape (with or without threats of other violence), forced compliance in sexual acts, indecent assaults, and forced viewing of pornography.
- **Using coercion and threats** – Like being told by someone in a personal relationship that they will do something to hurt you, the children, pets or property if you do not do what they want, or do something they do not want you to do.
- **Using intimidation** – Making someone afraid by using looks, actions and gestures.
- **Using male or female privilege** – That is, defining what roles the other should take up in the relationship.
- **Using children** – Such as making a partner feel guilty about the children, threatening to take the children away, to report a partner to child protection agencies, using contact visits to harass a partner, using the children to relay threatening messages etc.
- **Using isolation** – Controlling what a close other does, who they can see and talk to, what they read and where they go. Smothering a close other with their attention so contact with other people becomes impossible.
- **Psychological/Emotional/Verbal Abuse** – Using words and other strategies to insult, threaten, degrade, abuse or denigrate. This can include threats to children.
- **Social Abuse** – Social isolation imposed upon a close other, such as stopping that person from seeing their family and friends. This may include enforced geographic isolation.
- **Economic Abuse** – Controlling and withholding access to family resources such as money and property.

## 5.3 DEMAND FOR DVCS SERVICES AND PROFILE OF CLIENTS

The DVCS provides a range of support services for victims, offenders and family members affected by domestic violence. Table 5.1 shows the extent of services provided by DVCS which relate specifically to the numbers of crisis calls received, follow-up visits, court support and invited crisis visits since 1998-99. The average number of crisis calls received per year since 2001-02 has been about 7,900.

**Table 5.1: Number of calls, follow-up visits, court support and crisis visits**

<b>Service</b>	<b>1998-99</b>	<b>1999-2000</b>	<b>2000-01</b>	<b>2001-02</b>	<b>2002-03</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
Number of calls received on crisis telephone line	5363	6852	7369	7772	8425	7637	7642	7979
Number of follow-up visits	320	276	207	176	191	239	266	257
Number of occasions court support provided	286	335	370	397	345	442	414	421
Number of crisis visits with invitation	403	477	412	438	416	325	424	416

Source: Holder & Caruana 2006

Clients of the DVCS are diverse in sex, age and background. Although most clients are female (due to the fact that it is primarily females who experience domestic violence) the DVCS also has male clients who need assistance. Approximately two thirds of those who called the crisis line in 2005-06 identified their cultural origin. Of these, 48 percent identified as being from an English speaking background, 14 percent identified as being from a non-English speaking background and six percent identified as being from an Aboriginal or Torres Strait Islander background (Holder & Caruana 2006).

## **5.4 ANALYSIS OF DVCS INDIGENOUS CASE FILES**

A case file study was undertaken at the DVCS for all cases where it could be identified that an Indigenous client had been actively involved with the DVCS during 2003-04. Active involvement meant that there had been some contact between the DVCS and the client or contact relating to the client, of whatever nature, during 2003-04. Active involvement did not have to mean that a domestic violence incident had occurred within that year—rather, there may have been phone contact where the client was seeking advice or assistance, where the DVCS was trying to arrange accommodation through a third party, contact with police about a client, transporting a client somewhere etc.

A total of 49 cases involving an Indigenous client were identified by the DVCS and included in the study. An AIC researcher attended the offices of the DVCS and searched manually through each hard copy file for information relating to a number of variables for each client. Information on each client was recorded by the researcher in a deidentified format. However, due to (a) the variation in contact, (b) needs of clients and (c) level of detail available in each file, information for each variable was not always able to be obtained.

#### 5.4.1 2003-2004 PERIOD

It must be noted upfront that the 2003-04 period is not necessarily illustrative or representative of the case history of domestic or family violence in the DVCS case files. For example, the main offender over time may not be "in the picture" during the period, but present for years prior to, or on either side of the period. Alternatively, the offender during the period may be but one of several over the case history, or be a family member (eg. son, brother, mother) rather than the partner who was in fact the main perpetrator over the case history.

Although the case files included for this one year period included active involvement by the client with the DVCS in 2003-04, active involvement may include interaction between the client and the DVCS about an incident which occurred during this period or it may refer to other types of assistance sought by the client over this period such as accommodation needs. This means that not all cases necessarily included an incident of violence during this period.

#### 5.4.2 SIZE OF CASE FILES

Some clients have extensive files: some have had contact with DVCS over many years (eg. one case stretched from 1989 to 2005), while others have had intensive contact with DVCS over a short or long period. In other words, there is a range of contact with DVCS: sustained/regular; intermittent; intensive; transient and "light" (the latter are the cases where information on many variables is most likely to not be available). The persisting and complex cases ie: lots of contact and/or contact over many years provide valuable case study material which can not be captured purely through data analysis.

#### 5.4.3 DEPTH AND RICHNESS OF INFORMATION

Information gleaned from case files can provide valuable information about individual client histories and some files will contain richer information than others—this means that the case file study is primarily a qualitative one. Some types of information will be available in some files while it will not be available in others. Although some of the information obtained from the DVCS case files is presented in tables and graphs below this is to facilitate understanding of the information obtained through providing a "snapshot summary" of the cases included. The data on their own however do not tell the complete story of the complex histories for many clients in the case files. For this reason a more qualitative description of key themes and issues which emerged during analysis of the files is also presented.

### 5.5 CHARACTERISTICS OF CASE FILE CLIENTS

Of the 49 clients in the case files (Table 5.2):

- 48 were female
- 20 were aged under 30 years
- 40 were in de facto relationships and
- 27 were originally from outside the ACT (this can include Queanbeyan in NSW).

Indigenous identity can include belonging to a specific language group with links to specific places and land areas and a network of kin. Kinship ties and family connection are likely to become fractured when victims move interstate and away from their networks. The high numbers of DVCS clients who were originally from outside the ACT suggest that family and kinship ties may have been lessened or been ruptured for these clients as a result of such high mobility. Social support networks may have been left behind and knowledge about the availability of support services and what they do within the ACT for victims of violence may be limited.

**Table 5.2: Client characteristics**

	<b>Number</b>	<b>Percent</b>
<b>Sex<sup>(a)</sup></b>		
Female	48	98
Male	1	2
<b>Age</b>		
Less than 20 years	1	2
20 to 29 years	19	39
30 to 39 years	18	37
40 years or older	3	6
Unknown	8	16
<b>Marital status</b>		
Defacto	40	82
Married	3	6
Separated/divorced	2	4
Unknown	4	8
<b>Employment status</b>		
Employed	6	12
Unemployed	9	19
Student	2	4
Receiving Pension/Benefit	5	10
Unknown	27	55
<b>Originally from interstate?</b>		
Yes	27	55
No	12	24
Unknown	10	20
<b>(N)</b>	<b>49</b>	<b>100</b>

Source: AIC DVCS case file data

### 5.5.1 COMPLEX ISSUES AND PERSONAL HISTORIES

Based on the case file histories, many Indigenous clients appeared to present with a range of needs and problems. These included mental health problems, drug and/or alcohol dependence, poverty and homelessness. Some clients had long and persistent histories of violence and abuse, including abuse as a child, violence of and between parents, violence involving extended family members.

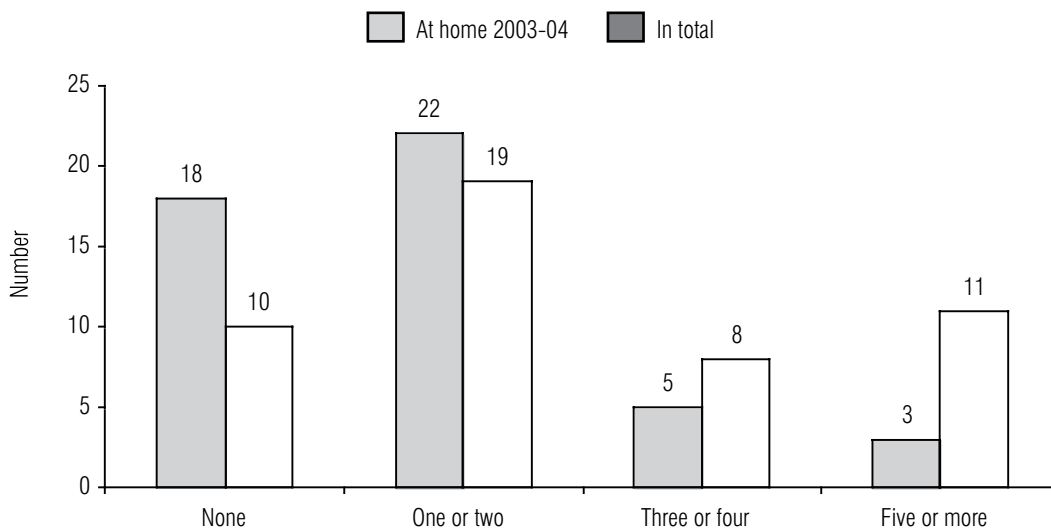
The extensive personal histories of violence had apparent consequential mental health and well-being effects. Thirteen clients appeared to have mental health problems diagnosed or self-reported—five of these possibly suffering mental health issues stemming from child sexual abuse, drug use, or constituting post natal depression. In addition seven clients had previously had charges laid against them, or been incarcerated, or had warrants out for their arrest, not necessarily for domestic violence related crime.

### 5.5.2 CHILDREN PRESENT IN CASE HISTORIES

Eleven clients had five or more children (Figure 5.1), however only three had that number of children living at home in 2003-04 (the other children had left home, were living with extended family such as grandparents or ex-partners, or had been removed by CPS). It is not only the presence but also the number of children (and the spacing of children, that is, how many are young and dependent on the client at any one time) which may be an important factor influencing a victim's ability to cope with violence, to seek help and to rebuild lives free from violence. It may impact on the victim's ability to physically remove themselves and their children from a domestic violence situation (transport, ability to flee) and ability to find alternative accommodation (number of beds, age and sex of children). Financial dependence and reliance on social security or the partner/offender's income and contribution to the household can prevent a victim from leaving a violent relationship.

The DVCS case files paint a picture of family and friends taking on a substantial proportion of the demand for accommodation and child support that would otherwise be directed at social services, including refuges, public housing authorities and CPS. In other words, the figures compiled from the case files (and indeed the figures which appear in official placements) do not show the true extent of the problem/need. Much of the burden—financial, emotional, physical—is taken on by Indigenous family and friends.

**Figure 5.1: Number of children at home in 2003-04, and in total**

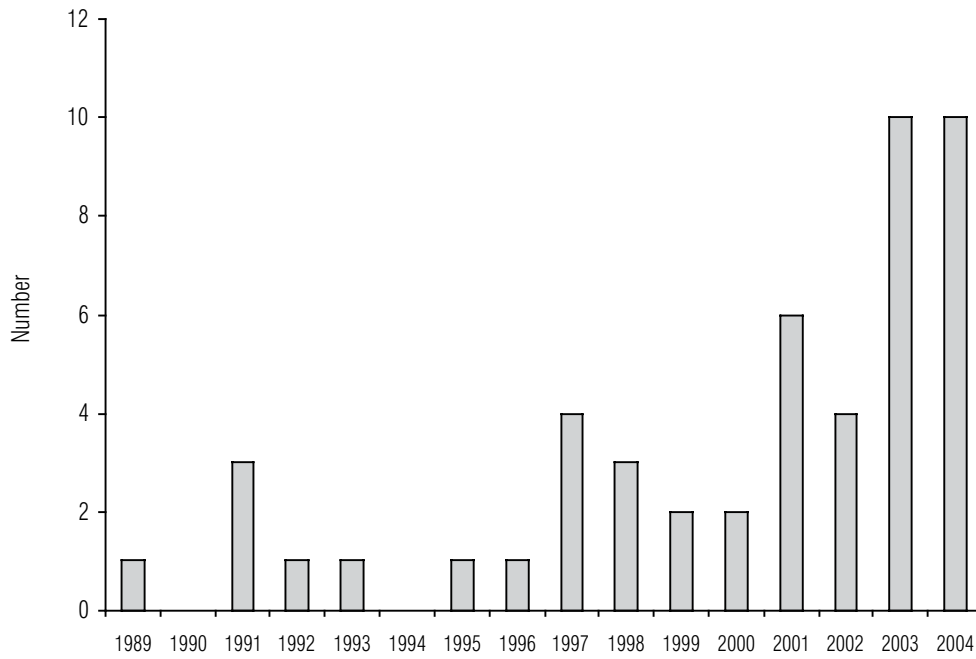


Source: AIC DVCS case file data (N=49)

Note that data for one client was not recorded

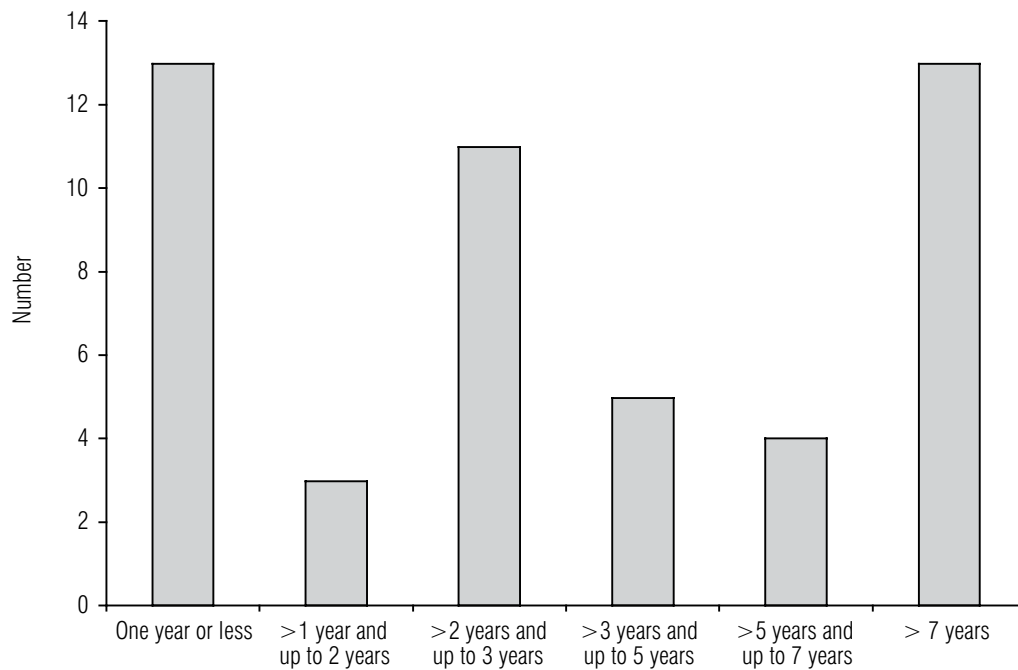
The length of contact between clients and the DVCS varied enormously. Figure 5.2 shows that, for those with active involvement during 2003-04, the earliest year of contact was 1989 (one client). Twenty clients commenced contact in either 2003 or 2004. Figure 5.3 shows that only 13 clients had been in contact with the DVCS for one year or less while 13 clients had been in contact over a period of more than seven years. Clients with longer histories of contact tended to be older in age (the two oldest women in the sample, where age was known, had been in contact with the DVCS for over seven years).

**Figure 5.2: Year of first contact with DVCS**



Source: AIC DVCS case file data (N=49)

**Figure 5.3: Number of years between first and last contact with DVCS**



Source: AIC DVCS case file data (N=49)

## 5.6 CHARACTERISTICS OF OFFENDERS

In 49 case files 51 offenders were identified during the 2003-04 year (Table 5.3). Forty six of these were male and 15 were aged under 29 years (age was unknown for 17 offenders). Twenty four offenders were determined to be Indigenous while cultural origin was not recorded for 11 offenders. Hence, while all clients were recorded by DVCS as Indigenous a large number of offenders were not (or not necessarily) Indigenous.

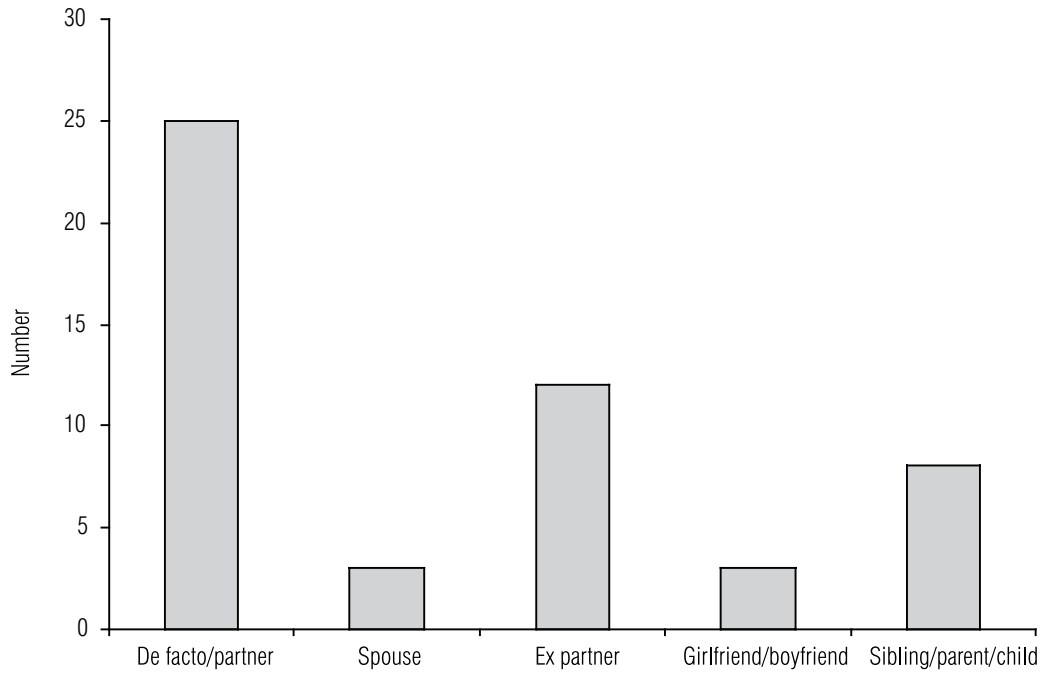
**Table 5.3: Offender characteristics**

	<b>Number</b>	<b>Percent</b>
<b>Sex</b>		
Female	5	10
Male	46	90
<b>Age</b>		
Less than 20 years	5	10
20 to 29 years	10	20
30 to 39 years	12	23
40 years or older	7	14
Not recorded	17	33
<b>Cultural origin</b>		
Indigenous	24	47
Anglo-Australian	12	23
Other	4	8
Not recorded	11	22
<b>(N)</b>	51	100

Source: AIC DVCS case file data

About half of the offenders were in a de facto or partner relationship with the client (Figure 5.4) while three were married to the client. Twelve offenders were ex-partners, three were girlfriend/boyfriend and eight offenders were a family member of the client.

**Figure 5.4: Relationship between victims and offenders in 2003-04**



Source: AIC DVCS case file data (N=51)

## 5.7 CHARACTERISTICS OF DOMESTIC VIOLENCE INCIDENTS

Following the definitions provided earlier, a domestic violence incident was defined for the purposes of the case study as an event involving an act of violence or threat of violence committed by an intimate person. The violence or threat covered physical assault, harassment (for example, stalking, tracking down the victim, annoying phone calls, not leaving the victim alone), verbal assault, sexual assault, threats to kill the victim, threats to harm the victim, emotional abuse (such as confining in the house, preventing victim from using the phone, threat to abduct children, threat to harm unborn child, threat to self-harm, threat to call CPS), harm to domestic pets. The manner in which an incident was determined to have occurred was not always straightforward—sometimes this was gleaned through a comment made by a client in a phone call, or a notated conversation between DVCS and police or another external agency.

Table 5.4 shows that, for the total duration of contact with the DVCS, eight clients had experienced six to ten incidents while eleven clients had experienced eleven or more incidents of domestic violence. During 2003-04 (a one year period) three clients had experienced between three and five incidents and two clients had experienced between six and ten incidents. These numbers are likely to under-represent the true levels of incidents experienced by clients since not all incidents would have been recorded or disclosed by clients in the case files.



**Table 5.4: Number of incidents experienced and reported to police**

	Number of clients	Percent
<b>Number of incidents experienced in total perpetrated by main offender?</b>		
None	2	5
One	10	20
Two	10	20
Three to five	6	12
Six to ten	8	16
Eleven or more	11	22
Not recorded	2	5
<b>Number of incidents in 2003-04 perpetrated by main offender?</b>		
None	5	10
One	23	47
Two	14	29
Three to five	3	6
Six to eight	2	4
Not recorded	2	4
<b>Number of incidents in which police notified 2003-04</b>		
None	13	26
One	20	41
Two	5	10
Three to five	3	6
Six	1	2
Not recorded	7	14
<b>Number of incidents involving physical violence 03-04</b>		
None	6	12
One	25	51
Two	9	18
Three to five	4	8
Not recorded	5	10
<b>(N)</b>	49	100

Source: AIC DVCS case file data (N=49)

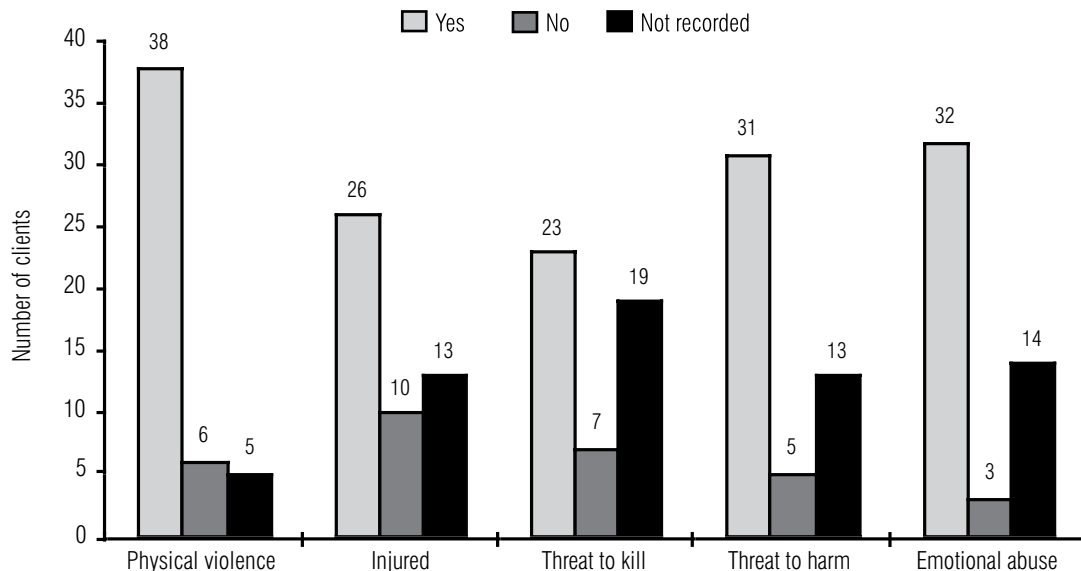
Although whether an incident had been reported to police was not always clear from the case files (whether an incident had been reported was not always recorded in the DVCS files, particularly if contact with DVCS did not result from or relate to police reporting) it would seem that a large number of incidents went unreported to police. During 2003-04 a total of 76 incidents were identified from the case files—three quarters of these incidents involved physical violence. In contrast, only 47 incidents were identified as having been reported to police<sup>9</sup>.

During 2003-04 nine clients experienced two incidents involving physical violence while four clients experienced between three and five incidents of physical violence. Where information was available, 38 clients in total experienced physical violence during 2003-04 (Figure 5.5).

<sup>9</sup> For 2003-04, there were 1050 incidents of spouse/ex-spouse abuse reported to police in the ACT. (Holder 2007,p37).

Twenty six clients experienced injury, 23 clients experienced death threats, 31 clients experienced threats that they would be harmed and 32 clients were subjected to emotional abuse. Physical and emotional abuse against clients was therefore relatively frequent.<sup>10</sup> Ten clients were also recorded as experiencing sexual assault during 2003-04, however this information was not recorded for a large number of clients.

**Figure 5.5: Number of clients experiencing physical violence, injury, threats and emotional abuse during 2003-04**



Source: AIC DVCS case file data (N=49)

In eight case files the consumption of alcohol by the victim at the time of at least one of the incidents in 2003-04 was noted. In 29 cases this information was not recorded in the files. This compares with 14 case files where the offender was noted as having consumed alcohol at the time of at least one of the incidents in 2003-04 (this information was not recorded for 30 offenders).<sup>11</sup> In 13 cases it appeared that other drugs were consumed by either the victim or the offender at the time of one of the incidents in 2003-04 (this information was not recorded in 33 case files). The level of alcohol consumption by both victims and offenders is likely to be under-represented in the case files due to this information not being available in many cases.

## 5.8 WEAPONS USED IN INCIDENTS IN 2003-04

Fourteen cases during 2003-04 recorded weapons being used.<sup>12</sup> A range of weapons were used during incidents, including:

- Cricket bat
- Hammer
- Knives
- Beer bottle
- Gun
- Coffee cup
- Compass

<sup>10</sup> In 2003-04, 36% of spouse/ex-spouse incidents reported to police were described as involving verbal & physical abuse, 19% involved an allegation of assault, and 19% involved injury to the victim (Holder, 2007, p12).

<sup>11</sup> In 2003-04, 27% of offenders and 7% of victims in incidents reported to police were recorded as having been affected by alcohol (Holder, 2007).

<sup>12</sup> A weapon was recorded as being present with the offender in 5% of spouse/ex-spouse incidents reported to police in 2003-04 (Holder 2007).

- Scissors
- Spanner
- Steel capped boots.

## 5.9 TAKING OUT A DOMESTIC VIOLENCE ORDER OR OTHER PROTECTION ORDER

Protection Orders are orders made by the Court to protect people from future assaults, threats of violence, property damage, stalking, harassment and offensive behaviour. The objective of these orders is to prevent further violence and/or abuse. They protect the applicant (the person who applies for the order) by ordering the respondent (the person whom the order is against) from doing certain things. In the ACT there are a variety of protection orders which can be applied for:

- **A Domestic Violence Order (DVO)** is used when the applicant and the respondent have been in a relationship and lived together, or are related to either party. Some examples of those relationships are spouse, ex-spouse, defacto spouse, ex-defacto, child of spouse, mother, father, brother, sister, aunt, uncle, grandparent, child and include “step” relationships such as step father. Behaviours that may meet the legal definition of Domestic Violence include physical injury, property damage, specified criminal offences, a threat to do those things and harassing or offensive behaviour. DVO’s can be granted for up to 2 years.
- **A Personal Protection Order (PPO)** is used where the parties are not related and have not lived together. Anyone who is not entitled to apply for a DVO can apply for a PPO. Some examples are boyfriend, girlfriend, neighbour, colleague, stranger. PPOs can be granted for up to 1 year.
- **An Emergency Protection Order (EPO)** can only be applied for by Police, outside normal court hours. Police may apply for these orders where there may have been no criminal offence but police are still concerned for a person’s safety. EPOs provide coverage to the applicant until they can attend at the court, usually within 48 hours.

Given that a number of DVCS clients had come to Canberra from interstate (at least 27 clients were originally from interstate) other protection orders (such as apprehended violence orders which apply in New South Wales) applicable outside of the ACT may have been in operation for some of the clients in the files. This is particularly likely for those clients living in Queanbeyan but accessing the DVCS or other services within the ACT. For such persons (as well as those who moved to the ACT) this would mean that an Order may need to be applied for within the ACT in addition to any protection order that might be in place in another jurisdiction. Some clients experiencing violence may be unaware of this.

During 2003-04 thirteen clients were recorded as having some sort of protection order in place, either applied for in the ACT or elsewhere. For many clients experiencing violence the ‘intention’ to apply for a Domestic Violence Order was often not followed through. In some cases applications may have been initiated, but the client failed to turn up to Legal Aid appointments. In other cases, a temporary (or ‘interim’) Order may have been applied for and granted, but the client (and/or offender) failed to appear for the return conference, and hence it lapsed, or the client specifically requested the Order be revoked. Some of the reasons why intention did not translate into behaviour included:

- a fear of retaliation by offender; threats by offender; fear of making the situation worse
- belief that an Order would not stop the offender; was no deterrent (he would not abide by it)
- reconciliation between the victim and offender or belief that reconciliation would occur.

## 5.10 BREACHES OF DVO/BAIL CONDITIONS

Though the DVCS files do not include a record of each police call out and report, nor the client's report of each and every incident of domestic violence and breaches, it does appear that a substantial number of breaches of DVO or other protection orders go unreported. There were many instances of 'reconciliation' or attempts at reconciliation between victims and offenders in the bigger case files which undoubtedly influences the incidence of breaches where DVOs were taken out. There were also cases of mutual breaching where the victim has 'aided and abetted' in the breach, primarily intentionally (as opposed to unknowingly), but not necessarily voluntarily in the full, free agency, sense of the term (in other words, it could have been the result of fear of violence from offender, the offender 'imposing' or dictating the situation, or dependence on the offender).

Some factors influencing breaching behaviour, and which also impacted on reporting to police included:

- real and perceived neediness:
  - being unable to pay the rent, being unemployed, facing long public housing waiting lists and hence being financially dependent on the offender
  - being emotionally vulnerable and fearful of being alone and unable to cope (partly related to mental health and physical disability issues)
  - having a mutual drug and alcohol dependence, where a 'bond' of neediness was forged around the use and sourcing of drugs and alcohol
- an aversion to breaking up the family; not wanting children to lose contact with their father
- an aversion to having the offender jailed and guilt at being involved in incarceration, and
- feeling sorry for the offender due to his personal history or situation.

These are not mutually exclusive factors, and it is evident from the files that the feelings, attitudes and actions of clients can be contradictory and seemingly irrational. This must be seen in the context of the complexity of the situation clients are experiencing on a daily basis and the dynamics of domestic violence situations.

Bail and sentenced orders do not appear to have been greatly respected: nine cases saw bail conditions breached, and sometimes more than once by the offender. The high level of 'reconciliation' or willingness by a client to allow contact with an offender despite a DVO or other type of order being in place is highly problematic because, when a DVO is current, contact renders the offender in breach of the Order and liable for arrest. It is important that a victim understands the purpose of a DVO, the consequences of that Order being breached and that an offender can be arrested for breaching the Order. For Indigenous victims, where keeping offenders out of prison may be a key focus, education upfront about the purpose and consequences of taking out a DVO or protection order is especially important, as is information about how to revoke or vary an order so as to avoid situations where a person might be charged with aiding and abetting a breach.

## 5.11 INVOLVEMENT OF CHILDREN

Involvement of children in case files was not fully documented and so information about the involvement of children could only be extracted where specific references to children were made.<sup>13</sup> There were 13 cases identified in 2003-04 where CPS were involved during 2003-04.<sup>14</sup> Six cases were identified where a child was either attacked or injured.

Examples where children were assaulted or injured included:

The offender hit young relative of victim with stick as she and the victim's children tried to protect their mother from being assaulted.

A young baby in the arms of her mother was grazed when the victim was hit by offender.

In one incident the offender smacked one child and kicked another.

There was an attempted sexual assault on a teenage child.

However looking at only 2003-04 does not tell the complete story of the impact of violence on the children in these cases. The history of violence in the case files shows that there are often other types of impact than purely physical. Examples included:

Victim feared the impact on her youngest children of witnessing violence.

Children not attending school due to lack of clean clothes and food; finances were being spent on gambling rather than children which meant children were not able to be fed or clothed.

Children witnessed abuse of mother, also subjected to violence early on.

Early on in contact with DVCS victim said offender knocked the children around; offender abducted children when intoxicated, passed out in front of children, threatened victim with knife in front of children.

One victim said she was sick of being bashed in front of her young daughter and later was concerned about the impact of domestic violence on her daughter.

In one case children witnessed a domestic violence incident that lasted some days where the victim was held hostage at home and controlled and sexually assaulted in front of the children.

One child witnessed an incident that went on for some hours with both parents under the influence of ICE [Crystal Meth Amphetamine]. Offender overdosed when looking after child on one occasion. Child moved back and forth between households.

A teenage son suffered from stress/panic attacks as a result of domestic violence and associated situation, was seeing a psychologist, was on a disability pension and had prescription drug habit. Victim had a drug and alcohol habit. Violence appeared to be emulated by son e.g. threatening to use weapons against other family members.

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13 For 2003-04 police recorded 534 children as being present in spouse/ex-spouse incidents reported to them (Holder 2007; p.13).

14 For 2003-04 85% spouse/ex-spouse incidents reported to police were not referred to Family Services (Holder 2007).

It is not only the presence of children but the number of children involved in relationships where domestic violence is present that is of concern. Some clients appeared unable to cope with children, particularly where the number of children was high. Children were often in and out of home, refuges and houses of family members and friends; cared for by members of extended family and the victim/offender; 'adopted' by grandparents or other (including being separated between grandparents); formally 'fostered' to extended family members (through CPS); living with ex partner/s. The movement of children back and forwards is undoubtedly disruptive for both the children and their families.

The impact of not only personally being subject to violence but also witnessing violence in the home and being surrounded by the violent behaviours of others from a young age is an issue that requires concerted attention by all response agencies. A key element of any response would seem to be counselling and support as well as practical measures to enable children to achieve stability.

## **5.12 INVOLVEMENT OF CARE AND PROTECTION SERVICES (CPS) AND FEAR OF CHILDREN BEING REMOVED**

In thirteen cases the involvement of CPS was noted during 2003-04. Some clients had had a number of children removed prior to or during the contact period with DVCS by CPS or the interstate equivalent (FSB in New South Wales). Fear of their children being removed from them was explicitly mentioned by some clients, and influenced their willingness to deal with police and services as well as their trust of DVCS and others. The extent to which this fear may have been linked to the Stolen Generation and/or personal experience of it is not clear. Only a couple of clients noted to DVCS that their family members were removed as children.

It is natural for mothers to be fearful of losing their children if they are struggling, and many of the clients in the case files were struggling on multiple fronts. In some cases where clients were struggling, the needs and welfare of the children appeared largely overridden. In some situations surviving the violence and its consequences were drivers for victims. In others, drug or alcohol abuse and gambling undermined victims' capacity to parent effectively. In some cases where the violence had subsided, the welfare needs of the children remained high as did their moving from place to place. The negative impact on childrens' education also appeared to be considerable. However, CPS direct involvement often appeared (from the information available in the case files) to be slight.

Although non-Indigenous case files were not examined in this study it is likely that many non-Indigenous victims who seek the services of the DVCS are similarly struggling on many fronts and face similar problems where children are involved. However the AIHW reports annually on the numbers of cases where children are the subject of investigations by state and territory child protection and support services. Across Australia Indigenous children are more likely than non-Indigenous children to be the subject of substantiated investigations relating to abuse, harm and/or neglect. Abuse can involve physical, sexual or emotional abuse.

Table 5.5 shows that Aboriginal and Torres Strait Islander children, aged 0 to 16 years, were more likely to be the subject of a substantiated claim of abuse, harm or neglect than non-Indigenous children during 2005-06. In the ACT Indigenous children were five times more likely than non-Indigenous children to be the subject of a substantiated investigation relating to abuse, harm or neglect. In 2005-06 investigations involving 99 Indigenous children and 754 non-Indigenous children were substantiated in the ACT. These primarily involved cases of emotional abuse and neglect (AIHW 2007 a).

**Table 5.5: Children aged 0-16 years who were the subjects of substantiated investigations of abuse, harm or neglect by Indigenous status, 2005-06**

	<b>Indigenous (per 1000 children)</b>	<b>Non-Indigenous (per 1000 children)</b>	<b>Rate ratio of Indigenous to non-Indigenous</b>
New South Wales	44.2	6.9	6.4
Victoria	67.7	6.0	11.3
Queensland	23.0	10.1	2.3
Western Australia	10.9	1.4	7.8
South Australia	32.3	3.5	9.2
Tasmania	4.4	6.2	0.7
Australian Capital Territory	56.8	10.9	5.2
Northern Territory	15.2	3.2	4.8
Australia	29.4	6.5	4.5

Source: AIHW 2007 a

The AIHW also reports on the numbers of children who are placed into out-of-home care across Australia, by Indigenous status. Table 5.6 shows that Aboriginal and Torres Strait Islander children, aged 0 to 17 years, were more likely to be in out-of-home care than other children in most other jurisdictions as at 30 June 2006. In the ACT Aboriginal and Torres Strait Islander children were 11 times more likely to be in out-of-home care than other children at 30 June 2006 (AIHW 2007a).

**Table 5.6: Children aged 0-17 years who were in out-of-home care by Indigenous status, at 30 June 2006**

	<b>Indigenous (per 1000 children)</b>	<b>Non-Indigenous (per 1000 children)</b>	<b>Rate ratio of Indigenous to non-Indigenous</b>
New South Wales	44.7	4.6	9.7
Victoria	42.1	3.7	11.4
Queensland	24.0	4.7	5.1
Western Australia	24.8	2.6	9.5
South Australia	30.2	3.4	8.9
Tasmania	11.9	5.4	2.2
Australian Capital Territory	43.7	4.1	10.7
Northern Territory	10.0	3.0	3.3
Australia	29.8	4.1	7.3

Source: AIHW 2007a

The reasons for over-representation of Aboriginal and Torres Strait Islander children in child protection substantiations are complex (AIHW 2007a). Some of the underlying causes of over-representation of Aboriginal and Torres Strait Islander children in the child welfare system identified by the Human Rights and Equal Opportunity Commission (1997) include:

- the legacy of past policies of the forced removal of Aboriginal children from their families
- intergenerational effects of previous separations from family and culture
- poor socioeconomic status
- cultural differences in child rearing practices.

The Aboriginal Child Placement Principle (Lock 1997) outlines a preference for the formal placement of Aboriginal and Torres Strait Islander children with other Aboriginal and Torres Strait Islander people when they are placed outside their family. All jurisdictions have adopted this Principle either in legislation or policy (AIHW 2007). This follows the order of preference for placement as:

- with the child's extended family
- within the child's Indigenous community
- with other Indigenous people.

In the ACT at 30 June 2006 (AIHW 2007a), 35 percent of children formally placed into out-of-home care were placed into the care of an Indigenous relative/kin, 21 percent were placed with an other Indigenous caregiver and 14 percent with other relatives/kin. In total, 70 percent of Indigenous children placed into out-of-home care were therefore placed with relatives/kin or other Indigenous caregivers.

### **5.13 THE NEEDS OF CLIENTS AND THEIR RELATIONSHIPS WITH DVCS**

The DVCS responds to and assists a diverse range of clients with a large number of needs. The DVCS case 'load' or intensity of case management (level of service provided) was very high for some victims. These were complex cases—involving multiple interrelated issues—which required extra time and resources and, to some degree, dedication of a particular case worker.

Of the 49 clients, 39 had at some point in their history with the DVCS requested refuge accommodation. During 2003-04, 27 clients had requested assistance with refuge accommodation at least once. However these numbers hide the fact that many clients require assistance with refuge or short to medium term accommodation on many occasions within a year. In one case, DVCS recorded the use of refuge/emergency accommodation 19 times between 1997 and 2006, though a total of 58 requests had been made by the client over that period. The figures also do not capture the number of times that clients relied on immediate or extended family or friends to house them instead of seeking refuge/emergency accommodation (or sought their help when refuges were not available).

DVCS is often the first point of call for those who have received assistance previously and who are continuing to struggle on a range of fronts, including accommodation needs and financial assistance. As much as they try, it is not always possible for DVCS to locate refuge accommodation for clients given that the demand for refuge accommodation is so high. While the case files paint a strong picture of a lack of refuge accommodation in the ACT, they also hint at extra pressure on the refuge resource demand coming from clients in Queanbeyan; the DVCS has at times taken on the job of helping those from Queanbeyan. The reverse is also true, as the DVCS tries to place ACT clients across the border.



The DVCS also often tries to follow up with clients whom it feels might be in danger or who had previously indicated they would apply for a DVO or personal protection order but did not—sometimes however clients may have changed their mind or no longer wish to be contacted by the DVCS. Some clients had very high expectations about what the DVCS does and what it can do in relation to providing support and assistance. Examples of needs, relationships with and attitudes of clients in the case files toward the DVCS were:

Client appreciative of support provided by DVCS; relied on DVCS as core counsellor in relation to her relationship with daughter; DVCS regularly encouraged the client to seek support from other services including counselling.

Client difficult to follow up; unable to acknowledge her role in relationship with offender and take advice from DVCS; sought money for food and accommodation on numerous occasions, sought help when homeless/destitute rather than in relation to a domestic violence incident.

Client appeared to have a mixed attitude towards DVCS. She hung up, got angry with DVCS at times and claimed DVCS did not care about her, swore at crisis workers. Sought help from DVCS for refuge accommodation even when no domestic violence incident involved.

Client contacted DVCS many times, saw the service as supportive but later on started to say that she found the conversations with DVCS were confusing and she couldn't understand the legal issues.

Client contacted DVCS overwhelmingly for refuge accommodation and transportation, and requested money for food, transport, nappies. She did not appear to be interested in taking advice from DVCS about taking action for longer term solution.

Client preferred to have DVCS than police involved. Relied heavily on DVCS - even when she was interstate she rang DVCS regularly. Intensive case management involved.

Client did not follow up application for DVO, and was not contactable when DVCS tried to contact her. Not interested in DVCS support for family violence issues; rather she was interested in accommodation and financial help (eg; for transport).

Client stated that after the situation of not being able to drop the charges against offender (DPP were going to take it to court), in the future she would not ring DVCS as she felt they would tell the police.

Client required assistance from DVCS to help with arranging all sorts of support, from court/Legal Aid, to charities, counselling, child care, transport.

Client sought help from DVCS as she felt 'abandoned by the system' and was not getting help from anyone, felt isolated and unable to cope.

Client grateful for DVCS support; sought help with housing support letter.

Client asked DVCS to help her keep her appointments which she has difficulty remembering (e.g. ring her to remind her about appointment the next day), happy for DVCS to contact Mental Health. DVCS took on more than their mandated role to help client.

One client wanted no contact with Aboriginal crisis workers at DVCS due to fear of 'payback' from Aboriginal community in ACT. Asked DVCS to be go-between between police and her as she moved interstate.

Problem of follow up, client not contactable, not very forthcoming, guarded in conversation (offender present at times) leading to client not wanting DVCS to contact her and refusing to talk to DVCS.

## 5.14 ATTITUDES OF CLIENTS TOWARD POLICE

The attitudes of clients toward police are important in understanding the motivations of victims, the type of assistance they might seek and their willingness to report violence and engage with the criminal justice system. The accessibility and responsiveness of police is a key issue in access to justice per se. Reasons for involving or not involving police varied considerably. Some victims were unwilling to involve the police due to fear of retaliation by the offender or fear of children being removed. Some of these victims did, in the initial stages of contact with police, provide statements and agreed to charges being laid, but later sought to have the charges dropped. For others, as time passed and their dealings with police increased, they became averse to providing statements.

Some victims thought the police would not be interested or would not be able to do anything. Some expressed disappointment or resentment at past police responses or attitudes. However it is clear that some victims choose to call police in order to stop the immediate violence and remove the offender from the premises but do not want the offender arrested or placed in jail. Hence there is an 'instrumental' use of police by some victims to stop the violence temporarily and this is sufficient to meet their needs as far as law enforcement is concerned. This is consistent with the general research on victim objectives in reporting to police (Davies et al 2007; Felson et al 2002).

Examples of attitudes of clients toward police from the case files are provided below:

Victim was not willing to take action against offender; not willing to make statement against offender.

Victim felt that police were offhand and discriminatory due to sex of victim. Victim was 'resigned' to no action being taken by police.

The victim's attitude towards the police deteriorated as time went on, due to an incorrect name being on the DVO initially, a mistake regarding the active status of the DVO, disappointment regarding what the DVO could do and what police would consider a breach and hence when they would take action.

Victim didn't want her children taken away, felt police didn't take her seriously when she did call them.

Victim didn't like involving police, didn't make statements, lay charges. Victim was worried about her long term safety, she didn't want to involve police when offender was on parole or bail as she was afraid he would go to prison if arrested and that would make matters worse.

Victim was not willing to make a statement or to tell police the whereabouts of offender. She rang police to halt violent incidents only.

Victim didn't want the offender arrested, didn't want to take out DVO. She had had bad experiences with police previously.

Victim made a full statement the first time that she called police after almost 4 years of abuse, but then when she was trying to reconcile with offender she wanted to drop charges and expressed anger at DPP and police as the situation had got out of hand.

Victim was willing to involve police, but felt some frustration at the slowness of police response and their lack of action to 'do something'.

Victim did not want to lay charges due to fear; she was aggressive and abusive towards police. She felt extreme frustration that police could not do anything (she couldn't get offender to leave the premises and he threatened to burn the house) and felt that police blamed her for the offender breaching the order.

Victim called police multiple times. Also mentioned being unsure of contacting police as she didn't want a notification made to CPS and her unborn baby taken away.

Victim didn't want offender involved with the law as he had previously been in jail so she didn't make a statement to police although she did report the incident to police. She wanted the violence to stop but not the offender to go to jail.

Early on in case history client appeared somewhat more willing to report violence to police than later years. Willingness only extended to getting police to attend scene to stop the violence.

The extensive domestic violence literature from Australia and overseas shows that an important issue in the criminal justice response can be police frustration with and 'fatigue' in dealing with domestic violence incidents and breaches. This stems in part from the impressions of the victim as unreliable and inconsistent and the frequent unwillingness of victims to proceed with making a statement or laying charges. This situation may be accentuated for Indigenous victims of domestic violence as well as those from other cultural and linguistic backgrounds when perceptions of a patriarchal police culture, gender and cultural stereotypes join the mix (New South Wales Law Reform Commission 2003; Rigakos 1995; Katzen & Kelly 2000). There is a danger that police may come to not take calls seriously or think that domestic violence is a 'normal' part of Indigenous culture.

As an example, Kelly's (1999) interviews with Indigenous women from the Northern Rivers region of NSW found that a key factor affecting police response was the knowledge that the victim had previously reconciled with the defendant. That is, police were less willing to respond to breaches which involved couples who had reconciled on one or more previous occasions. Further, the women regularly experienced police racism, lack of respect or condescending attitudes, reflecting '...a complete lack of understanding about the unique experiences and needs of Aboriginal women which, combined with the poor law enforcement response, led the majority to stop reporting breaches' (1999: 6). Kelly noted that

Police need to recognise that domestic violence is a cyclical phenomenon and they must be supportive at all stages of the cycle of violence. The assumption that 'its no use helping her because she'll just go back to him' can lead to value judgements by police and further victimisation of women suffering domestic violence

*(Kelly 1999:5)*

## 5.15 IMPLICATIONS OF THE FINDINGS

A lack of mental health support and services including housing for the general population is showing up in this cohort of Indigenous victims of domestic violence. Services such as DVCS are partially ‘filling a gap’ in helping those with mental health/disability issues and general accommodation and financial needs. The implications are that supported housing with counselling, child care and substance abuse treatment programmes are needed.

The disruptive and damaging effects on children of witnessing domestic violence and experiencing frequent movement between home and refuge or other relatives or friends’ houses is of concern, as is the lack of refuge accommodation in general. Indigenous victims are more likely to need short term accommodation but on a relatively frequent basis. Accommodation needs were a key need of DVCS clients.

Given the role of the extended family in taking care of children and housing victims and children on and off over what is sometimes a number of years, it would appear that mechanisms to support these victims and their family members needs to be investigated, especially given the fear of removal of children. This may be a way to involve CPS and other agencies in a more culturally sensitive manner which works to overcome fear and fosters confidence in government support services.

The DVCS appears to go beyond its core mandate in the level of support it provides to Indigenous victims (this may also be the case for non-Indigenous victims although comparison of help provided to the two groups was outside the scope of this study). This means that the actual number of clients helped by the DVCS in any year is not an accurate measure of its work and worth. Many clients have extensive case histories with complex support needs requiring regular contact. This needs to be considered when allocating resources to the DVCS and other similar support services.

The DVCS case files indicate the presence, amongst the more persisting or intensive cases, of very high expectations of the DVCS by some victims. This suggests that DVCS is regarded as a source of much practical help by Indigenous victims even though such assistance goes beyond the particular impact of domestic violence. Finding ways of managing sustainable partnerships with other Indigenous & non-Indigenous services may assist in this area. The demands placed on the DVCS may reflect the Service’s willingness to help and its desire to be an accessible resource to Indigenous victims. This has implications for the resourcing of DVCS. An agency that is willing to help women in need with a range of concerns is likely to receive return business whenever needs arise that can not be dealt with elsewhere. Given that a high proportion of the Indigenous population may have moved from interstate, advertising and clarifying the services that are available within the ACT would appear crucial, as would collaborations with services available by other agencies such as the Canberra Rape Crisis Centre.

There are differing victim attitudes towards police and reporting. Victims appear most ready to engage police to stop immediate violence. The implications of this are that there is a need for greater understanding (more comprehensive training) for those in the criminal justice system on the dynamics of domestic violence, gender relations and the cultural, historical and other issues specific to Indigenous Australians. Reporting violence to police by Indigenous victims is not necessarily (or even mainly) about arresting and prosecuting offenders – for many victims it is about stopping the immediate violence and removing the offender temporarily from the home until the violence has subsided. A key challenge obviously revolves around the degree of discretion police and prosecutors have and use to charge and prosecute (or not) family violence offences involving Indigenous victims. It may be that this report can contribute to a wide-ranging discussion on what factors or criteria the community thinks appropriate to guide police and prosecution decision-making that maintains fairness, access to justice and ensures the safety of victims.

## 6 PROSECUTING FAMILY VIOLENCE

### 6.1 SPECIALIST FAMILY VIOLENCE PROSECUTORS

The prosecution function is pivotal in the criminal justice system. A prosecution of an alleged criminal offence can only proceed if there is sufficient evidence and a reasonable prospect of conviction. Prosecution may also proceed if it is in the public interest to do so. Prosecutors have a unique responsibility to uphold the fair trial process.

In family violence matters prosecutors have previously been criticised for their perceived readiness to discontinue prosecutions, their remoteness from victim/witnesses and the lack of transparency of their decision-making (Holder & Caruana 2006). The ACT Community Law Reform Committee in 1995 identified a number of aspects to 'best practice' in prosecuting family violence, these being:

- more assertive prosecution (described as 'no drop'),
- vertical prosecution (that is, one prosecutor handling one matter from start to finish),
- fast tracking cases,
- providing victims with information and support,
- arrangements for victim/witness testimony,
- calling expert evidence, and
- prosecution professional development, and training with police.

In the research and development phase of the FVIP over 1999-2001, the ACT Director of Public Prosecutions created a specialist position for family violence prosecutions. In 2000 a non-legal Witness Assistant position was also created. The role of the Witness Assistance Service (WAS) is to identify 'vulnerable victims', and to assist and support those victims to participate effectively with the prosecution. The WAS works extensively with the DVCS and the CPS. A new policy position was adopted by the DPP and new case management procedures adopted. The specialisation allowed the development of knowledge and expertise within the ODPP in both managing and prosecuting family violence matters. It addressed perceived problems in police/prosecution communication on issues related to evidence, charging, charge negotiations, and decision-making regarding victim views and victim protection. It further enabled the creation of an operational relationship with the DVCS that had previously been non-existent. The effective and efficient functioning of the specialised case management system within the Magistrates Court was also able to run more smoothly as all parties brought with them a much more extensive knowledge about particular cases and a close working knowledge of the operations of the requirements of the court case management process.

In recognition of the success of this work and the increased number of matters being prosecuted, the DPP created a Family Violence Team in 2004. The team establishes a specialist practice within the prosecution authority. Until Tasmania followed suit in its Safe at Home initiative in 2004, the Family Violence Team was the only such specialist prosecution team in Australia. Commencing in 2006, NSW has also commenced a pilot using specialist prosecutors in two model court areas. There are currently three full time family violence prosecutors in the ACT ODPP.

## 6.2 FAMILY VIOLENCE CASE MANAGEMENT

In addition to the internal case management procedures of the ODPP, family violence cases are subjected to a separate and distinct form of case management hearing process within the Court conducted by the family violence Magistrate. The case management hearing is part of the case management process contained within the Chief Magistrate's Practice Direction on Family Violence. A case management process has been implemented in the Magistrates Court for all criminal matters. Family violence case management follows a similar process except that the timeframes for first and second appearance (mentions) at Court is shorter than is the case for general criminal matters. The point of shorter times between mentions is that it is important to both victims and alleged offenders that a matter is resolved quickly.

Usually a family violence matter will not be given police bail, and the offender will need to attend court the next day (first mention) to request bail. The DPP attend and will either oppose or not oppose bail. If bail is opposed, the police informant gives evidence as to what concerns they have about the person and bail. The DPP do not present a case at this early stage. The matter is given a date for the next mention in the FV list (usually within 3 weeks). At that next mention the person will usually have to enter a plea, and if a plea of not guilty is entered, the matter is listed in the Case Management List to get a hearing date. At the case management hearing (which follows the mentions and the entering of a not guilty plea) both the prosecution and the defence are encouraged to discuss evidence so as to narrow down on those issues where facts are contested. This process has the effect of reducing the prospective hearing time and determining which witnesses may or may not be required for a contested trial. Figure 6.1 illustrates the procedures involved in the family violence criminal process.

Since 2000/01 (implementation of the FVIP) the total numbers of family violence matters prosecuted in the ACT has been rising in accordance with the emphasis on pro-arrest, pro-prosecution policy (Figure 6.2). These increases should not be interpreted to mean that the incidence of family violence has been increasing; rather, they are likely to reflect the increased emphasis on arrest and prosecution of family violence offenders.

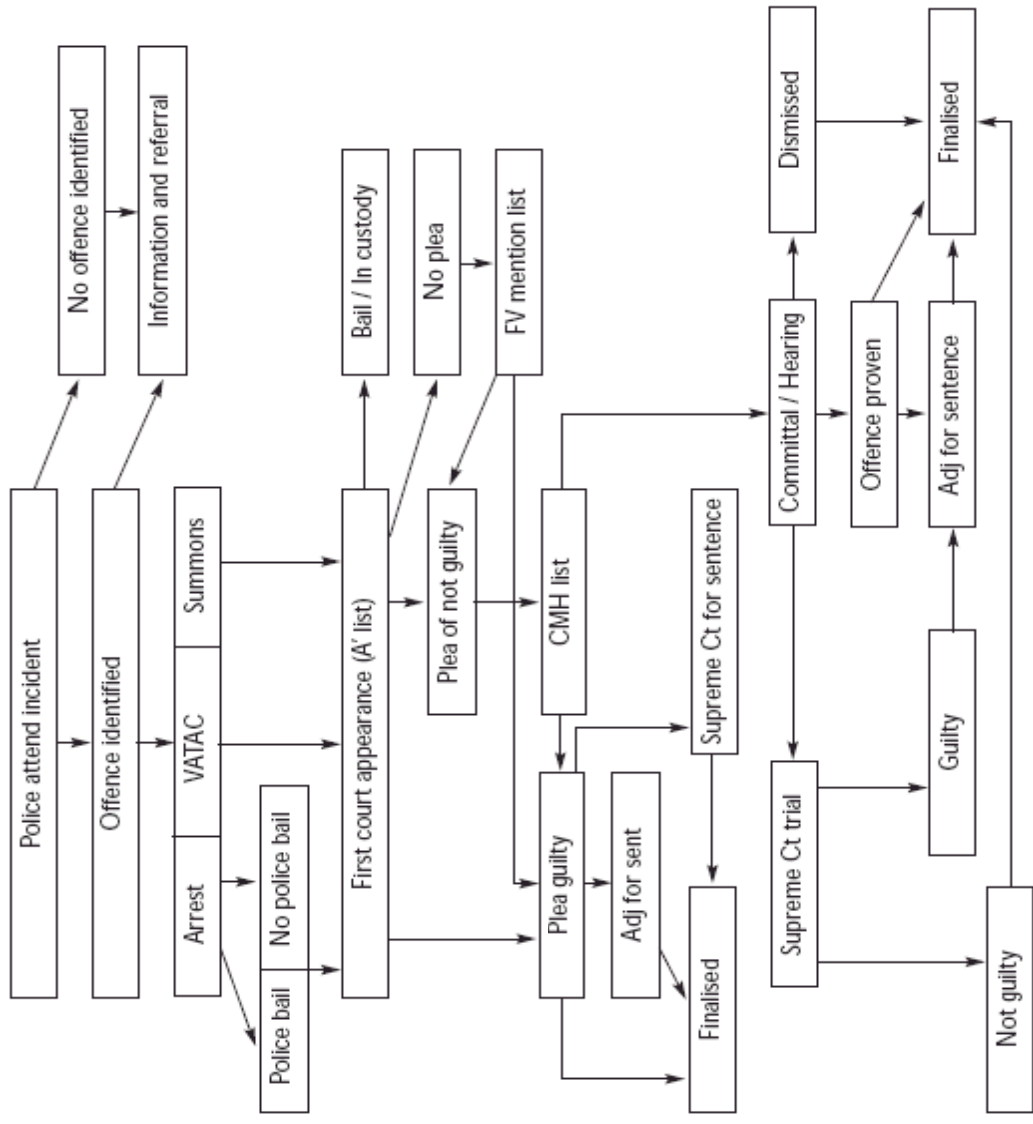
## 6.3 CIRCLE SENTENCING SINCE MAY 2004

Concerns about the over-representation of Indigenous offenders in the criminal justice system and in custody, the appropriateness of the western justice system to Indigenous culture and to dealing with the underlying causes of violence in Indigenous communities, as well as its perceived inability to make an impact on recidivism have resulted in the piloting and uptake of various forms of 'circle sentencing' in most Australian jurisdictions. Involving members of the Indigenous community in sentencing urban Indigenous offenders began in South Australia in 1999 (Marchetti & Daly 2004). Victoria and Queensland followed South Australia's Nunga Court model in 2002. New South Wales commenced in 2002 with a circle court, based on Canadian circle sentencing (participants sit in a circle). Since then almost all other jurisdictions have adopted some form of sentencing approach for Indigenous offenders which involves input from a panel of members from the Indigenous community. While jurisdictions vary in their approaches the magistrate usually retains the final decision in sentencing the offender.

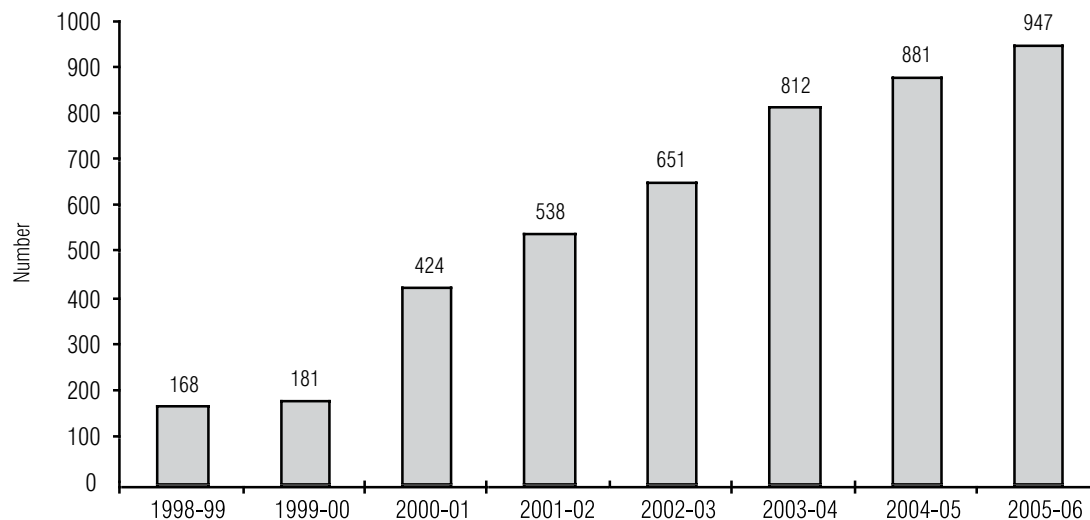
There is an Indigenous Court which operates in the ACT. The court is known as the Ngambra Circle Sentencing Court and commenced as a six month trial in May 2004. Among the aims of the court are to allow Aboriginal and Torres Strait Islanders greater involvement in the sentencing process, to reduce barriers between Courts and Indigenous people and to increase the confidence of Indigenous people in the sentencing process. Offenders must plead guilty to the offence/s they are charged with and must consent to participate in the court. Those charged

**Figure 6.1: Family violence criminal process in the ACT**

- Policy Points**
1. Referral and Information
  2. Statements from witnesses, photos, all available evidence
  3. Offer DVCS and medical
  4. Pro-asset, pro-charge and presumption against bail; notify Family Services as appropriate
  5. Victim relationship history at bail
  6. Victim information package
  7. DPP pro-prosecution policy, DPP case management, and opposition to bail
  8. Case tracking
  9. Witness assistant contact with VoC where reps made—ascertain context, safety and views
  10. Victim Impact Statement and Pre Sentence Report



**Figure 6.2: Number of matters prosecuted in the ACT involving a family violence offence**



Source: Holder & Caruana 2006

with sexual offences and offenders who have unresolved illicit drug dependence, with the exception of cannabis, are deemed ineligible for the court. A panel of elders advises on the suitability of offenders who are referred to the court and on appropriate members who will form the Community Panel. The court participants include the offender, magistrate, prosecutor, the four member Community Panel and the court co-ordinator. The victim, the offender's legal representative and support people for both the victim and offender may attend if they wish to. If an offender consents to the sentence recommended by the court they are remanded for sentencing by the Magistrates Court, however if the sentencing circle is terminated the matter is referred back to the Magistrates Court and will proceed according to traditional Western processes. Since commencement, a considerable proportion of matters referred to the Ngambra Circle Sentencing Court have involved family violence.

#### **6.4 A CASE FILE ANALYSIS OF INDIGENOUS VICTIMS AND/OR DEFENDANTS**

For the ODPP, a family violence "matter" may include one or more charges, one or more victims and one defendant. However a defendant may have more than one matter in the system at any time. If two defendants are involved in one incident then there will be two separate matters listing charges against each separately. When an AFP file which has been marked "family violence" comes to the DPP, the DPP creates a specially marked file which is stamped with the letters "FV". All family violence files are reviewed by one of the specialised family violence prosecutors (there are currently three full time specialised prosecutors in the ACT).

The data presented here were manually collated from both AFP and DPP files relating to each matter. In some cases only the AFP file was available, in some cases only the DPP file was available. Since the DPP is not able to identify matters involving Indigenous victims specifically, case files for potential inclusion were initially identified by the VoCC based on police and/or DVCS indicators of possible Indigenous status of offenders and/or victims. Where an offender and/or victim was identified as potentially Indigenous, relevant charge numbers were provided to the DPP so that the relevant case files could be obtained. It is these files from which the following data principally derive.



Matters involving Indigenous offenders and/or victims (where such cases could be identified) were investigated over a two year period: 2003-04 and 2004-05. This means that only matters which entered the court system within this two year period were included in the study. A total of 25 matters were identified which fell within this two year period (12 within the first year and 13 within the second year). Referring back to Figure 6.2 this suggests that just under two percent of all family violence matters prosecuted in each of these two years related to Indigenous victims and/or offenders—this is consistent with the proportion of Indigenous people in the ACT (just under two percent).

The variables for which information was collected are listed in Table 6.1. It is noteworthy that only two cases out of 12 in 2003-04 involved victims who had a history of contact with the DVCS (these histories were extensive). Ten of the victims involved in the cases prosecuted by the ODPP had not had prior contact with the DVCS.

**Table 6.1: Variables collected for each case file**

Victims	Defendants	Case characteristics	Case outcomes
Gender	Gender	Number of victims	Magistrate/Children’s
Age	Age	Number of defendants	Court
Indigenous status	Indigenous status	Date / time of offence	Plea entered
Employment status	Employment status	Date / time of arrest	Outcome
Substance use	Substance use	Date /time charged	Penalties received
Injury sustained	Injury sustained	Charges laid	
Children at home	Criminal history	Who reported incident to police Whether children present Witnesses present Relationship b/w victim and offender	

6.4.1 CHARACTERISTICS OF VICTIMS AND DEFENDANTS

In 25 matters there were 26 victims and 25 defendants (Table 6.2). The main findings were that:

- Victims were primarily female and defendants were primarily male.
- Twenty one victims and 19 defendants were Indigenous (this was either determined through self-report in police statements, photos in police files or referred to by police). Although Indigenous status could not be determined for four victims and four defendants, only one of these matters involved both the victim and defendant recording unknown Indigenous status—in this case the defendant did not re-appear after bail and a warrant for his arrest was still outstanding at the time of data collection.
- Where employment status could be determined, eight victims and 12 defendants were recorded as unemployed. Only one victim and four defendants were recorded as being employed at the time of the offence.
- Nine victims and 14 defendants had been consuming alcohol and/or drugs at the time of the offence. However no information about drug or alcohol consumption was available or noted for 17 victims and 12 defendants.
- Eleven victims were recorded as having sustained injury during the incident, compared with only two defendants.

**Table 6.2: Characteristics of victims and defendants (number)**

	Victim	Defendant
<b>Sex <sup>(a)</sup></b>		
Female	19	2
Male	7	23
<b>Indigenous status</b>		
Indigenous	21	19
Non-Indigenous	0	2
Unknown	4	4
<b>Employment status</b>		
Employed	1	4
Unemployed	8	12
Homemaker	2	1
Student	0	2
Unknown	14	6
<b>Substance use at time of incident <sup>(b)</sup></b>		
Alcohol	6	10
Drugs	2	3
Alcohol and drugs	1	1
Unknown	17	12
<b>Injury sustained during incident <sup>(b)</sup></b>		
Yes	11	2
No	7	24
Unknown	8	0

Source: AIC DPP family violence case file data (N=25 matters)

(a) In one incident there were 2 victims (one male and one female). While this is reflected in the number of victims for 'sex' in Table 3.2 the focus is on the female victim for the other variables because more information relating to the female victim was available in the file.

(b) In one matter there were two separate incidents at different times involving the same victim and defendant – separate charges were laid against the defendant for the two incidents but the charges were laid at the same time and were dealt with at the same time in court. Given that the incidents included different characteristics, any analysis which involves characteristics of incidents will include these two incidents separately while characteristics of the victim and offender will be included only once.

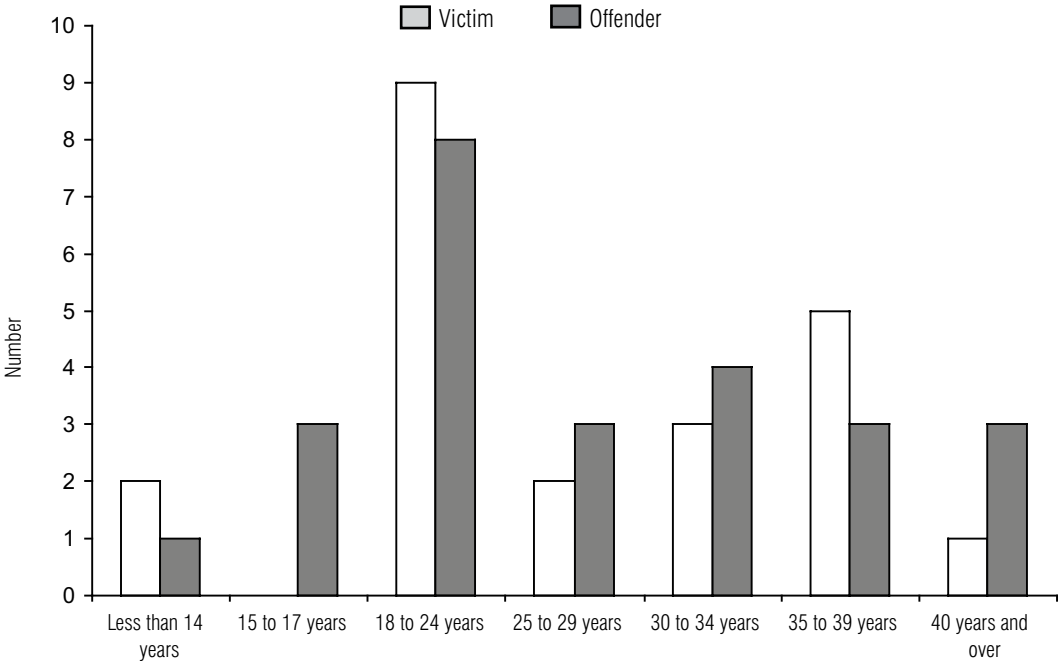
Eleven victims were identified in the case files as having suffered injuries during the incident. Injuries mainly related to head and facial injuries, although upper and lower body injuries were also suffered (see Box 6.1). These injuries were generally visible to police and photographed by police when they attended the incident. Although photographs were not necessarily taken of all victims (and not all files had police photos in them) it should not be assumed that other victims did not suffer injuries—the nature of some of the incidents suggested that injury may have been likely but as the injuries were not explicitly referred to or verified in the case files it was not possible to say with any certainty what, if any, injuries may have occurred with other victims.

**Box 6.1: Injuries suffered by victims**

Swollen eye, swelling on forehead, bruising on arm  
 Bruised eye, abrasions to throat and shoulder, bruising on arm  
 Bruising to back and arms  
 Bruising to face and neck, bleeding  
 Facial cuts and bleeding. Went to hospital in ambulance  
 Bleeding from nose and cuts to face  
 Bruising, swelling above left eye, baby also grazed  
 Bruising to legs and side of body  
 Bruising to head, nose, cheek, lip  
 Bruising to face, hands and back. Lump on head, cut lip  
 Bruising on face, swelling, black eye

On average, victims were slightly younger than offenders (Figure 6.3). Two victims were aged under 15 years and nine victims were aged between 18 and 24 years. Most victims (n=14) were in a de facto relationship with the offender, although there were a range of relationships involved in incidents (Figure 6.4).

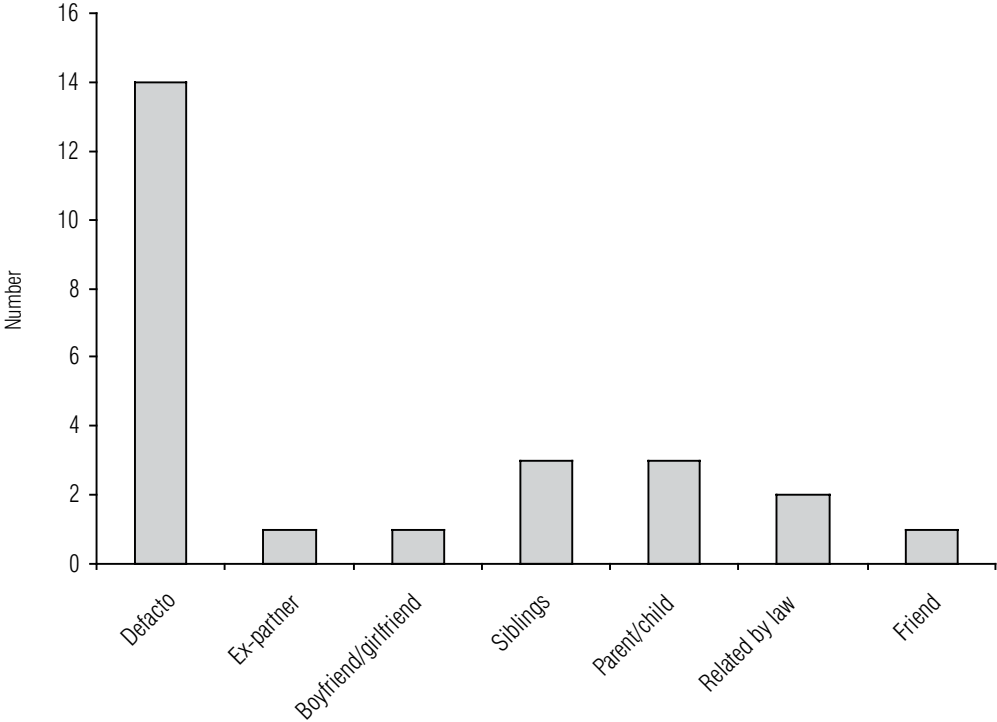
**Figure 6.3: Age distribution of victims and defendants**



Source: AIC DPP family violence case file data (N=25)

Note: Age for three victims was not available

**Figure 6.4: Relationship between victims and defendants**



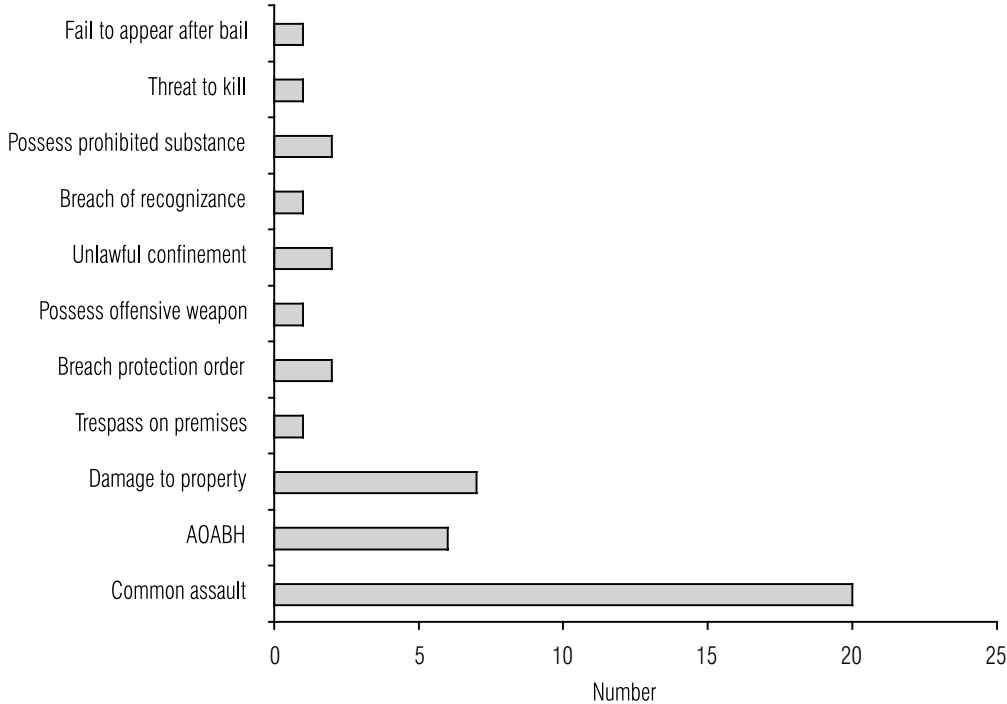
Source: AIC DPP family violence case file data (N=25)

**6.4.2 OFFENCES AND CHARGES LAID**

In 25 matters a total of 44 charges were laid. Just under half of these charges were common assault while six related to assault occasioning actual bodily harm (Figure 6.5)<sup>15</sup>. In eleven matters only one charge was laid while in 14 matters two or more charges were laid (Table 6.3). The high number of assault charges is consistent with the ABS prison census data, referred to in Chapter 3, which shows that the most serious offence for which Indigenous offenders are imprisoned is acts intended to cause injury (one third). It is noticeable that no charges were laid which involved sexual assault.

<sup>15</sup> For 2003-04, 34% of all FV charges laid by police involved common assault, with 6% involving assault occasioning actual bodily harm (Holder 2007, p.38).

**Figure 6.5: Charges laid**



Source: AIC DPP family violence case file data (N=25)

**Table 6.3: Number of charges laid per matter**

	Number of matters	Number of charges
One charge laid	11	11
Two charges laid	10	20
Three charges laid	3	9
Four charges laid	1	4
<b>Total</b>	<b>25</b>	<b>44</b>

Source: AIC DPP family violence case file data (N=25)

**6.4.3 CRIMINAL HISTORIES OF DEFENDANTS**

It was noticeable that most defendants had a history of criminal offending and many had lengthy and violent criminal histories. Box 6.2 shows the offences listed for each defendant, illustrating the pattern of offending in each case. For many there appeared to be a violent pattern in their offending history, linked to assault occasioning actual bodily harm (AOABH), common assault and contravening protection orders. A small number of defendants had less violent criminal histories, linked more to property and driving offences. In only two matters were no offence history recorded—these were for younger defendants. In eleven matters it was ascertained (sometimes through statements from the victim in the case files) that defendants had a history of family violence. It was unclear what the family violence history was for nine of the defendants.

The violent offending histories shown in Box 6.2 are consistent with Snowball and Weatherburn's (2006) findings that Indigenous offenders were more likely to be imprisoned due to long criminal histories and more serious offending than other factors. It is also consistent with the much higher prevalence of assault as a reason for incarceration amongst Indigenous prisoners in the ABS prison census.

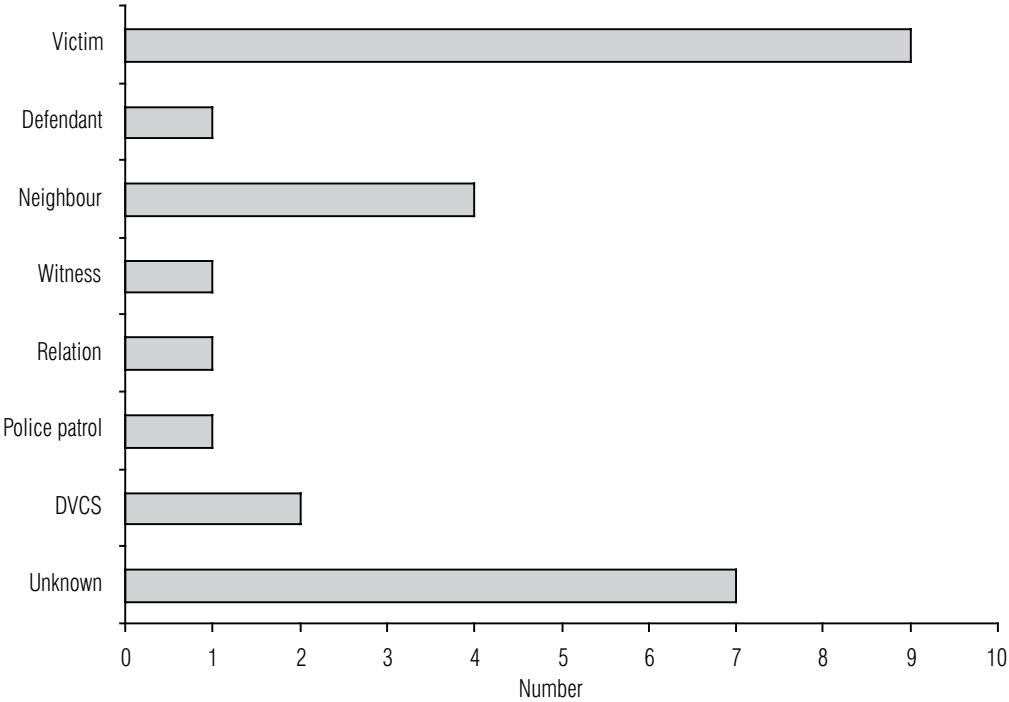
**Box 6.2: Offending histories for defendants in DPP case files**

Traffic offences, theft, burglary, drugs, shoplifting
Driving under the influence, common assault x 3, AOABH
Assault, contravene protection order x 3, possess firearms, drugs, driving unregistered vehicle
Shoplifting
Property damage
Long history of assault, AOABH, threaten with violence, breaching bail conditions
Extensive history of assault, AOABH, malicious wounding, violence, disorder
Criminal history in children's court for driving offences, burglary.
Adult history common assault, burglary, driving offences
No offences recorded
Long criminal history, theft, burglary, AOABH, assault, breach of bail, offensive language
Ten previous convictions for assault, history of violence
Extensive criminal history of violence, assault, contravene DVO, stalking, maliciously destroy property
Theft, assault, destroy property, resist public official
Burglary x 2, contravene community service order, cautioned by police 6 times in relation to property offences
Resist police, unauthorised dealing with shop goods, breach of peace
Assault, previously cautioned by police for similar offences
No offences recorded
Contravene protection order, damage to property, driving while disqualified, driving while under the influence of alcohol, theft, common assault
Fail to appear after bail, resist police, theft, assault officer, AOABH, long juvenile criminal history
Armed with intent to commit indictable offence, malicious damage, common assault x 2, long history of offending as a juvenile
No criminal history provided
Minor theft, cautioned 3 times by police in relation to common assault, diversionary conferencing for property damage
Breach order/condition, unlicensed driving, dangerous driving, speeding, AOABH, burglary, theft, steal vehicle, resist police
Long history of theft, burglary, failing to appear, breach of probation order, driving offences, driving while under the influence of alcohol

6.4.4 WHO REPORTED INCIDENT TO POLICE?

In nine out of 26 incidents the victim reported the incident to police (Figure 6.6). Four incidents were reported by a neighbour and two were reported by the DVCS. The relatively high number of incidents reported by victims (which could possibly be higher due to this information not being available in seven incidents), combined with the fact that only two victims had had previous contact with the DVCS, suggests that the aim of calling police for many victims is to stop the immediate violence—an instrumental use of police which might temporarily remove the offender from the premises and hence remove the immediate source of violence. This was also suggested in the DVCS findings and is consistent with the general research.

**Figure 6.6: Person reporting incident to police**



Source: AIC DPP family violence case file data (N=25)

6.4.5 PRESENCE OF CHILDREN AND WITNESSES AT INCIDENTS

In 26 incidents, a total of 19 children were present or close by when the incident occurred (Table 6.4). There were no children present in half of the incidents. Two children were present/close by in six incidents and three children were present/close by in one incident. At least one witness was present in 16 incidents—several of these were children, others were relatives, friends, neighbours or passers-by.

**Table 6.4: Incidents in which children and witnesses were present**

	Children present	Witnesses present
None	13	10
One	6	9
Two	6	4
Three	1	3

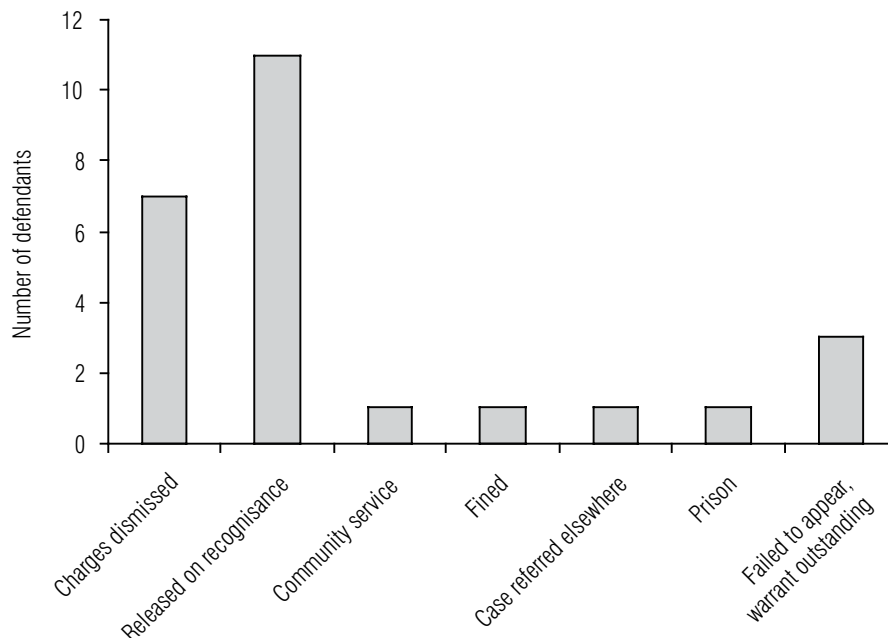
Source: AIC DPP family violence case file data (N=25)

#### 6.4.6 OUTCOMES OF MATTERS

Out of 25 matters seven defendants pleaded “not guilty” to a total of 12 charges which each included assault - their cases were dismissed due to the DPP having no evidence to offer (NETO). In three of these matters the victim refused or was reluctant to give evidence in court. Another three matters involved allegations that both the victim and offender had been violent. Two of these involved a possible claim from the offender of self-defence. Out of 44 charges laid, 16 (36%) were dismissed due to no evidence to offer.<sup>16</sup>

Figure 6.7 shows the outcomes for individual defendants in the 25 matters. The most common outcomes were release on recognisance (n=11), followed by the matter being dropped due to lack of evidence (n=7). Only one defendant received a prison term (six months for assault occasioning actual bodily harm). Hence, despite the broader concerns that Indigenous men are incarcerated at high levels, the DPP data for 2003-04 and 2004-05 in the ACT show that only one Indigenous offender (out of 25) was sentenced to prison, despite extensive and violent histories.

**Figure 6.7: Outcomes for individual defendants**



Source: AIC DPP family violence case file data (N=25)

Table 6.5 shows the outcomes of all 44 charges laid. Sixteen charges were dismissed and ten involved a guilty plea with the offender being released on recognisance and a requirement for good behaviour. Four charges (involving two defendants) were resolved through circle sentencing while two charges (one defendant) resulted in prison. Three defendants charged with assault failed to appear after being granted bail and a warrant for their arrest was still outstanding at the time of data extraction. In summary, over the two year period just over half of charges laid (n=23) relating to Indigenous family violence victims resulted in guilty, with 36% dismissed with No Evidence to Offer.

<sup>16</sup> For 2003-04, 46% of all FV charges resulted in guilty, and 34% of charges resulted in a NETO. In 2004-05 53% of all FV charges resulted in guilty, and 24% of charges resulted in a NETO. In both years, 18% of charges resulted in not guilty (Holder & Caruana 2006)



**Table 6.5: Outcomes of all charges laid**

	<b>Number of charges</b>
Charges dismissed, no evidence to offer	16
Pleaded guilty, convicted, released on recognisance	10
Pleaded guilty, convicted, community service	1
Pleaded guilty, convicted, fined	1
Circle sentencing, convicted, released on recognisance	2
Circle sentencing, no conviction recorded, released on recognisance	2
Pleaded guilty, no conviction recorded, released on recognisance	5
Case referred to Mental Health Tribunal	1
Found guilty, sentenced to prison	2
Defendant failed to appear, warrant outstanding for arrest	4
(N)	(44)

Source: AIC DPP family violence case file data (N=25)

## 6.5 IMPLICATIONS OF THE FINDINGS

While only 25 DPP matters were identified which involved an Indigenous victim and/or offender over a two year period, this would seem to be consistent with the number that might be expected based on the proportion of people in the ACT who are Indigenous. Assuming that the 25 matters included in the sample accurately identified all matters involving Indigenous persons, this would mean that just under two percent of all family violence matters prosecuted in each of these two years related to Indigenous victims and/or offenders.

Interestingly, this would suggest that Indigenous matters are neither over nor under-represented in the prosecution process for family violence cases in the ACT per population. However, given the findings more generally that Indigenous victims and offenders are over-represented on a range of criminal indicators (particularly relating to assault and family violence), it is likely that this prosecution rate actually under-represents the number of Indigenous family violence cases which actually occur. Cases brought to the attention of police and prosecuted by the DPP do not necessarily reflect the number of incidents that are occurring in the community—they can only reflect the number of incidents which come to the attention of police and are judged as worthy of prosecution.

The discrepancy between the DVCS and DPP case files in terms of sexual assault (no charges of sexual assault were identified in the DPP case files while it was noted in a number of DVCS client files that sexual assault had occurred during 2003-04) reinforces the fact that sexual assault is under-reported by both Indigenous and non-Indigenous victims, and is also difficult to prosecute and prove in a court of law. Victims may be more willing to reveal that physical violence has occurred and show external injury rather than reveal that sexual assault has occurred or undergo the invasive testing associated with evidence. Though improvements have been made on several fronts in dealing with sexual assault cases, there is a need for further reform of the criminal justice system and this would seem to warrant Indigenous-specific (not just women/ victim specific) elements as the Circle Sentencing does not deal with such crimes.

The often instrumental use of police to stop immediate violence points to the continued use of 'stop gap' measures to deal with relationship and violence problems. While this is consistent

with the research about domestic & family violence victims in general, the case files suggest that this may be more common for Indigenous victims. In these circumstances it is common that victims (Indigenous and non-Indigenous) then seek to withdraw a complaint and become unwilling to cooperate with an investigation and prosecution. In the 2001 Urbis Keys Young evaluation of the FVIP (Urbis Keys Young 2001), 21% of victims surveyed said that they did not want the prosecution to proceed. This issue warrants further qualitative research to ascertain the reasons behind some victims' unwillingness to participate in the prosecution process and what additional supports might be made available. The research may identify ways in which the criminal justice system can better respond. Further implications are that tailored, ongoing counselling and relationship support (as well as housing, financial and other support) must be readily available and proactively offered in order to help change the dynamic of family violence and give families the chance for a positive long term future.

Importantly, despite the widespread belief that Indigenous men are commonly sent to jail, only one offender out of 25 received a prison sentence for assault occasioning actual bodily harm. This was despite extensive and violent histories of defendants in the case files. Lack of evidence to proceed resulted in just under a third of defendants having the charges against them dismissed while 11 defendants were released on recognisance.

## 7 CONCLUDING COMMENTS

This statistical and qualitative snapshot of Indigenous victims of crime, and particularly victims of domestic/family violence within the ACT criminal justice system in the 2003-04-05 period, has revealed a number of important issues for the ACT Government and particularly all stakeholders involved in the FVIP.

Key findings are that:

- Despite the data deficiencies in recording of Indigenous status of victims nation-wide and the fact that Indigenous victims are less likely than non-Indigenous victims to report crimes to police, Indigenous victims are still over-represented in violent offences recorded by police compared with non-Indigenous victims. This particularly relates to assault and domestic violence.
- Indigenous women experience higher levels of physical violence than non-Indigenous women. Indigenous people are more likely to be hospitalised for assault and to die from assault compared with non-Indigenous people. High levels of violence are reflected in the DVCS case files and the levels of injury sustained by Indigenous victims are reflected in the nature of the charges that proceed through prosecution in the ACT.
- Indigenous women are also more likely than non-Indigenous women to seek refuge from family violence, but while they stay in refuges more frequently than their non-Indigenous counterparts, they do so for shorter periods.
- The experience of violence and its impact takes place within a context of significant disadvantage for Indigenous people, and within a context of disruption to families and communities arising from a number of factors, including historical factors.
- Many Indigenous victims who do report incidents of violence to police do so in order to remove the threat of immediate violence from the home but do not necessarily want the offender arrested or charged. This is an 'instrumental' use of police to deal with immediate danger and which satisfies the needs of victims in relation to their immediate personal protection. However these actions can have other unintended consequences in creating misunderstanding between victims and police.
- Indigenous victims of domestic violence present to the DVCS with a wide range of protection, psychological, mental health, accommodation, financial and child assistance needs. As part of its commitment to ensuring access to support, the DVCS goes beyond its core mandate in providing a range of services to Indigenous clients, many of whom have extensive case file histories with the DVCS and need frequent and long term assistance. This means that the raw number of clients helped by the DVCS in any single year does not accurately reflect its work and the level of support it provides.
- The needs of Indigenous children who witness and are affected by domestic violence are substantial and encompass the stability of their living situation, their access to education, and their practical health and well-being.
- Although the number of Indigenous offenders prosecuted in the ACT in 2003-04 and 2004-05 seems proportional to population, the over-representation of Indigenous people as both offenders and victims in violence generally would suggest that the number of Indigenous cases prosecuted for family violence may be an under-representation. Additional research to investigate victim motives for reporting family violence to police and the incentives and disincentives to participating with the prosecution of offences should assist in shedding some light on this under representation.

- Most offenders charged with family violence offences in relation to Indigenous victims have extensive criminal histories.
- Despite a widespread belief that Indigenous men are imprisoned for offending, only one prosecuted defendant in the DPP files received a prison term.

## 7.1 GENERAL IMPLICATIONS FROM THE FINDINGS

The general implications from the findings in this report are that:

- Many victims of violence choose not to pursue a criminal justice pathway as this does not meet their needs. Some victims choose a civil justice pathway (either through approaching a support agency or obtaining medical assistance or taking out a DVO), while others may turn to friends and family to seek help.
- Indigenous victims who do engage with support services and with prosecution generally receive a high level of support.
- Agencies outside the criminal justice system, such as hospitals, community health services, support services and refuges, need to be sufficiently staffed and resourced to deal with the disproportionately high demand and the particular needs facing Indigenous victims relative to non-Indigenous victims.
- Intensive and long term collaborative partnerships are needed to protect and support the short and longer-term interests of both Indigenous victims AND their children.
- The high levels of non-reporting to police and the reasons given are a concern and may reflect the 'normalisation' of violence, denial and shame, fear and distrust of authorities and a desire to protect the offender.
- The criminal justice system, civil justice avenues and crisis and counselling support services face a considerable challenge in encouraging Indigenous victims to engage with them. While building trust is key, issues of access and approachability, intensity of case management, and cultural appropriateness of services may need to be reviewed, among others.
- The informal support mechanisms of family, friends and colleagues must themselves be engaged with and supported. Innovative mechanisms that incorporate or link with the informal networks may be worth exploring.
- The high level of Indigenous contact with the criminal justice system from an early age and the increase in Indigenous women's contact with the criminal justice system points to inter-generational transmission, the 'normalisation' of violence and potential trauma from accumulated experiences of violence and abuse. This highlights the importance of rehabilitation and counselling support for both victims and offenders to break the "cycle of violence" in a way which acknowledges the blurred line between offenders and victims.

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# PART TWO: ABORIGINAL & TORRES STRAIT ISLANDER VOICES IN THE ACT

## SECTION 1: ABORIGINAL VICTIMS OF FAMILY VIOLENCE IN THE ACT

### Preface

- 1 Background to this Research
- 2 Main Findings
- 3 The Voices of Aboriginal; Victims of Family Violence
- 4 Improving Outcomes for Aboriginal People Affected by Family Violence in the ACT

## SECTION 2: ABORIGINAL & TORRES STRAIT KEY PERSON INTERVIEWS

### Preface

- 1 Key Observations about Aboriginal & Torres Strait Islander Family Violence in Australia
- 2 Main Findings
- 3 Observations about Aboriginal & Torres Strait Islander Family Violence in the ACT
  - (a) Perspectives on Violence, Help-seeking and Support
  - (b) What does 'Justice' Mean for Aboriginal & Torres Strait Islander Family Violence Victims?
  - (c) Perceived Objectives for Justice and Support for Aboriginal & Torres Strait Islander

### Victims of Family Violence

- 4 Key Objectives for Reform and Service Development
- 5 The Service Landscape

## SECTION 3: METHODOLOGY

### Research Methodologies

### References

## **WARNING**

This section of the report contains sensitive personal information. Whilst all care has been taken to ensure that the information from participants in this report has been de-identified, some of the participants in the report might be recognisable from their experiences and their circumstances.

We ask that you respect the privacy of the participants who generously provided information contained in this report. This report has been compiled to record the stories of individuals who have experienced family violence. They told their stories as a way to improve the services capacity of agencies in the ACT to provide effective services to assist Aboriginal and Torres Strait Islander people reduce the negative impact of family violence in our communities.

# SECTION 1: ABORIGINAL VICTIMS OF FAMILY VIOLENCE IN THE ACT

## PREFACE

In Canberra, the Indigenous population are five times more likely to be affected by family violence than the non-Indigenous population. For this part of the project, 15 Aboriginal women who had been victims of violence were interviewed about their experiences of family violence and the criminal and justice systems in the ACT (see methodology at pp179). Statistical information from all 15 interviews is contained in here. However, only eleven of the actual interviews are presented. For a variety of reasons including requests from some individuals, 4 of the interview summaries were withdrawn. Recommendations from all 15 of the interviews are nonetheless included in Chapter 4 of this section.

This section of the report is written in a style that not only showcases the help-seeking strategies of Aboriginal women who experience family violence, but also the motivations, objectives, dilemmas and experiences of victims with their help seeking. Aspects of this report are given over to the voices of the Aboriginal women who participated in the interviews and agreed that their stories might be able to help others. The stories contained in the report are replicated as they were told to the Indigenous researcher and as such, they are written in the first person.

There are limitations to this research that need to be mentioned. Firstly people who have been interviewed in this study have sought help from services for issues pertaining to family violence. It is envisaged there are a large number of Indigenous people who experience family violence who do not disclose to services or to the police. The opinions of these people are in no way reflected in this report. Contact with 13 of the participants came from one service, the Domestic Violence Crisis Service, and two from Beryl Women's Refuge. This may affect the outcomes for clients in this report. The people who have participated in this study have the confidence to speak out about their experiences of violence in the ACT. There are a great number of Indigenous people who still experience fear, anxiety, guilt, anger and shame about the violence they experience and did not take up the opportunity to share their experiences at this time. Finally, all the respondents in this report were Aboriginal women. There were no Indigenous men (over the age of 18) who made comments about having been affected by family violence (e.g. experiencing violence at the hands of their female partner, or having been hit by their father or their older sibling) even though we know that this form of violence exists in our communities. There were no Torres Strait Islander respondents in this project, even though the Indigenous researcher identifies as a Torres Strait Islander person.

# 1 BACKGROUND TO THIS RESEARCH

The Chief Minister's report, *A Social and Cultural Profile of Aboriginal and Torres Strait Islander People in Canberra* (2004) identified that Indigenous people were five times more likely to be affected by physical violence than Canberra's non-Indigenous population. At a national level, Indigenous people aged 18 years and over experienced double the victimisation rate for non-Indigenous people (AIC July 2004). However, little is known about the extent to which this level of victimisation is reported to police and that which proceeds to prosecution in the ACT.

There has been limited research conducted in the ACT and outlying region about the specific needs of Aboriginal and Torres Strait Islander victims of crime, and evaluations of the available services have not been routinely conducted in the ACT. There is scope for research and evaluation components to feature in any recommendations from the ACT Victims of Crime Coordinator.

To address this gap in information, the project initiated two sets of interviews in addition to the case file analysis of those Indigenous victims of family violence who accessed justice and support services. Ultimately the information generated is aimed at improving access to justice and other services for Indigenous victims.

Recording the experiences of Aboriginal and Torres Strait Islander women in particular and their experiences of family violence, the criminal and justice system and services in the ACT was regarded as crucial to the project overall.

While focusing predominantly on the current population of Aboriginal and Torres Strait Islander people residing in the ACT, potentially the populations of Aboriginal and Torres Strait Islander people affected by the recommendations in this report also live in NSW; either in regional centres (e.g. Cooma, Yass, and Queanbeyan) or who will relocate to the region because they are fleeing violence in another state or territory. It is envisaged that the new prison populations will similarly be affected by the recommendations in this report.

Any recommendations from the project will need to be cognizant of the finite resources available to appropriately respond to the issues of individuals, families and communities affected by violence. Any recommendations will need to promote eliminating the duplication of services where they may occur.

The researchers worked with the study participants in a manner consistent with the National Health and Medical Research Council (NHMRC) guidelines on engaging Aboriginal and Torres Strait Islander people in research as well as those contained in the information about researching in Aboriginal and Torres Strait Islander communities developed by the Australian Institute of Aboriginal and Torres Strait Islander Studies (NHMRC 2003, 2006, 2007; AIATSIS 2002).

The findings from the interviews have been written in the report to reflect the individual person's experience of violence across their lifetime (where appropriate) and to focus specifically on their most recent experiences of violence in their homes. Particular emphasis is on individual help-seeking strategies of the Aboriginal victims of family violence in the ACT, and the motivations, objectives, dilemmas and experiences of victims with their help-seeking.

The next section in the report is given over to the voices of Aboriginal women who agreed that their stories might be able to help others. The stories are replicated as they were told to the Indigenous researcher, and as such, they are written in the first person. At the end of each testimonial, a 'snapshot' is included to reflect where that person is at the time of writing the report.

## 2 MAIN FINDINGS OF THE STUDY

The main findings present an overview of the experiences of the 15 Aboriginal women interviewed. They are also thematic areas that highlight societal, institutional, and interpersonal acts of violence that contribute to the most vulnerable in our society remaining in their current situation and circumstance.

1. The perpetrators of family violence in Aboriginal families are both Aboriginal and non-Aboriginal men.
2. Aboriginal women do follow through with the prosecution of their partners, however many preferred to have the police press charges in the first instance.
3. The women in the interviews state verbal abuse causes them long term chronic mental health and social and emotional wellbeing problems that are not currently catered for in the domestic violence service landscape.
4. The violence is intergenerational; protecting the children is a prime motivator for women leaving violent relationships.
5. Single mothers are at particular risk.
6. Substance abuse (alcohol and illicit drugs) exacerbates violence. ICE was the substance most reported as contributing to violence.
7. Women are first violated when they are most vulnerable, with over half of the respondents reporting domestic violence first starting in their pregnancy.
8. Being re-housed is a major problem after violence.
9. Police interventions are crucial and can affect the outcomes for women experiencing family violence.
10. The main reasons that people sought access to legal and justice agencies were to get Domestic Violence Orders (DVOs) against those who perpetrated the violence against them.
11. Some of these women are clients of multiple agencies at the same time. There is little coordination between these agencies.
12. Families have a role in stopping family violence.

### **The perpetrators of violence are Aboriginal and non-Indigenous men**

- Of the 15 Aboriginal women interviewed, ten women (67%) stated that they had been a victim of violence from an Aboriginal person. Four women (27%) identified that the perpetrator of violence was a non-Indigenous partner. One woman did not indicate whether their perpetrator was Indigenous or non-Indigenous.
- Almost all of the women who were in relationships with Aboriginal men wanted to continue the relationship with them, however, their preference is that the relationship continues without violence, and that the perpetrator seek help for their abusive behaviour.
- Two of the women spoke about the terrible childhood of their Aboriginal partners (and perpetrators) where their partners had been abused (and in one case sexually abused), abandoned, institutionalised and the victim of racism.

- The recognition of Aboriginal men's historical and contemporary contexts made it difficult for their violated partners to leave them, preferring them to be healed or rehabilitated, or that their men be able to participate in supportive men's group activities.
- The women who had experienced violence from their non-Indigenous partners also felt their identity as an Aboriginal woman had been attacked. This made it difficult for these women to access services from Indigenous specific services.

## Prosecution of perpetrators

- 5 of the women interviewed (33%) said that in the most recent incident of family violence a neighbour called the police. Of the calls from neighbours: police were able to press charges on one of the perpetrators; in two instances the victims (i.e. the women) were charged; one perpetrator fled the scene prior to the police arriving; and the fifth perpetrator was never charged with violence.
- Two women were referred to the domestic violence workers and police through being hospitalised. In one of these referrals, the woman was able to give a statement to the police which helped them take her perpetrator to court. Another woman who was hospitalised did not give a statement to police, and he was not charged.
- In 3 instances when these women called the police themselves, the police arrived and were able to press charges resulting in 3 perpetrators being imprisoned from a period of overnight to eleven months. One of these women is working with the police to have a sexual assault case re-opened against her step-father.
- Two women called the police to assist them when they were being attacked by their sons. Neither of these women would press charges against their sons. A son of one of these women is currently imprisoned for a period of 18 months for other reasons.
- Two other women called the police to assist them stop the violence but did not pursue prosecution.
- One woman used to go to a police station in NSW covered in blood, they would not do anything because she was *'an Aboriginal woman married to a white man'*.<sup>17</sup>

## Verbal abuse causes long term chronic mental health and social and emotional well being problems that are not currently catered for in the domestic violence service landscape

- Whilst all the participants had suffered emotional, physical and financial abuse, the longer-term impacts resulted from the verbal abuse. Verbal abuse was said to undermine a woman's confidence; that the effects of the verbal abuse took *'longer to heal'* and reinforced them in their abusive relationships. Mental and emotional exhaustion as a result of family violence was more difficult to explain to their families & their friends. The services in the ACT were not competent in catering for the medium to long term needs of women suffering this form of abuse. There is a general perception that once the physical violence has stopped that the women will be ok, or that nothing can be as traumatic as being physically assaulted. This is not the case.

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<sup>17</sup> This treatment from the police officers would have occurred to her approximately 30 years ago.



## **The violence is intergenerational; protecting the children is a prime motivator for leaving violent relationships**

- These women's ages spanned across seven generations with the youngest contributor being in her late teens; the eldest being over the age of seventy.
- The majority of women had witnessed violence in their childhood, and despite some making determinations that they would not *'end up like their mothers'*, many found themselves in similarly abusive relationships with intimate partners.
- The majority of women in these partnerships who had children themselves stated that their children had witnessed, experienced or perpetrated family violence in their homes.
- The majority of women also stated that to ensure their children *'did not grow up like they did'* they chose to leave violent partners.
- In one instance, a woman took her young son and left her family home to protect him from the violent behaviour of his older sibling.
- Only one woman talked about her child receiving counselling to understand the family violence. This was many years after the family violence had occurred and long after she had left the relationship. The main reason that her daughter presented to counselling was to cope with having been molested.
- Although as many as six women spoke specifically of the desire to have their children counselled about what was happening at home, many did not have the money available to enter into counselling; those agencies with counselling had long waiting lists and the women did not feel that people had the competency to effectively counsel their children.
- Over four of these women spoke of their mothers (who had also been in domestic violence relationships) as their role models, as their confidants and as their primary support in their relationships. What they appreciated about their mothers was that they had survived domestic violence; they did not judge their relationships and would not pressure them to leave.

## **Single mothers are at particular risk**

- Single women who leave domestic violence relationships with sons who witnessed the family violence, but who did not receive any positive interventions (counselling, participation in mentoring programs) after the family violence, are more at risk of being violated by their sons at some time in future.
- Long term single mothers are more at-risk of family violence from their adolescent sons.
- Women will often not press charges against their sons in these instances, preferring the police to press charges. In this way, their future relationship is not compromised, and their sons come to understand the consequences of their behaviour, and are more likely to receive counselling, participate in anger management courses and receive rehabilitation from drug or alcohol use.
- Of all the respondents, 11 women (73%) are now single mothers, with 41 children between them. Nine (9) women are living in public housing in the ACT and Queanbeyan area. Two (2) of the single women have moved back home with their children to their parents houses. One (1) woman and her child are living in a refuge. This woman is pregnant and due to have her next baby in 4 months time.
- Three (3) of the women are still partnered with the men who perpetrated violence against them. Two (2) of these women live in public housing with their partners. Two (2) of these women have grown children; one woman has school aged children. One woman and her partner have the day-to-day care of her grandchildren.

## Substance abuse exacerbates violence

- Fourteen (14) of the 15 women (93%) reported that alcohol and other drugs (marijuana, ICE and heroin) exacerbated the violence in their lives. The 'pressure points' of violence being when there was no money to buy drugs or alcohol, when the drugs or alcohol was running out, when money became a problem because the perpetrators had spent all their money on alcohol and drugs.
- Women reported that prison was a time when men could withdraw from their use of substances and enter into supportive programs (like Alcoholics Anonymous).
- Two (2) people who had violence perpetrated against them by their partners when under the influence of alcohol said that their partners had not *'touched a drop since they were released from prison'*.
- At least one of the perpetrators had completed a rehabilitation program (for addiction to heroin and ICE) prior to re-using and being violent to their partner.
- Another perpetrator was entering into a rehabilitation facility the day after their partner was interviewed. His completion of a rehabilitation program was one of the conditions necessary to ensure their children could be returned home.<sup>18</sup>

## Women are violated when they are most vulnerable

- Over half of the Aboriginal women interviewed reported that the first time they experienced violence in their relationships was during their pregnancy.
- Many of the women in this study had little children in their care when they were attacked.
- Many did not want to flee the house when the little children were there with them, they did not want to risk the children being directly affected by family violence.

## Being re-housed after violence is a major problem

- Thirteen (13) of the 15 women interviewed (87%) needed to be re-housed after they experienced violence. Some were in emergency accommodation, some moved their children into refuges, others have moved back in with their parents until a Housing ACT property becomes available.
- There are no specific resources currently dedicated to parents of those women being abused who have their children and grandchildren move back into their homes.
- One woman stated that home ownership made her stay where she was. She was not prepared to give up her house. This probably prolonged her experience of family violence, but, in the long run she has been able to retain the house in her name and provide security for all her children.

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<sup>18</sup> Their children had been removed by Care & Protection Services.

## **Police interventions are crucial and can affect the outcomes for women experiencing family violence**

- It was reiterated time and again through the interviews that the length of time from call for assistance and the arrival of police officers is crucial to the positive outcomes of people involved in family violence.
- Almost all of the Aboriginal women interviewed stated that they had a genuine reluctance to press charges and that they were relieved when the police pressed charges against their perpetrator. It allowed them a choice to be supportive of their partner while they were being charged and in prison. Whilst many of the women wanted the violence to stop and the perpetrator to be punished, they also wanted to continue a relationship with that person.

## **The reasons that people sought access to legal and justice agencies**

- The reasons people approached legal services was to get Restraining Orders (RO) or Domestic Violence Orders (DVO) against those who perpetrated the violence against them.
- Other reasons women sought legal services were to negotiate with Care & Protection Services about supervised access to their children, to commence proceedings to gain full custody of their children after they had made a decision to leave their partner, to commence divorce proceedings, and to take out Restraining Orders on members of the perpetrator's extended family.
- A problem existed when the partners (perpetrators) of the women got to legal aid first. The agency cannot represent both parties. This meant the victims had to receive representation from other agencies.
- Rather than access legal representation from other services, two of the women have accessed private solicitors to act on their behalf in securing the full custody of their children since separating from their partners.

## **Some of these women are clients of multiple agencies**

- All of the women who completed the survey identified that they were current clients of multiple agencies. Some women were clients of 2 agencies, while other people were clients of up to 8 agencies. These services were involved in the health, welfare, social and emotional and familial well-being of the women, their partners and their children.
- Some of these women used these services for very specific interventions (letters of support for housing), others required long term intensive support from a range of services.
- Some of these families, when in crisis, can absorb all of the resources from some of the smaller agencies in the ACT region for a number of days, disrupting the work of individual workers through to small units of staff (3 or 4 workers).
- Some of the women reported that they needed the assistance of a range of services during particular times in their lives, when they were experiencing violence, when their children were small (prior to going to school) and when their children were making a transition from childhood to adulthood (adolescence).
- At least eight (8) of the women interviewed had been clients of multiple services for 5 years, and had been known to the police for over three years.
- Two (2) of the young women interviewed in this study stated that they had been in contact with the police since their mothers' experienced family violence.

## The role of families in stopping family violence

- Often times, the brothers, fathers and uncles were called in to mediate the violence. Family-based strategies included 'bashing the perpetrator', removing the victims from the relationship and 'quarantining them' from their perpetrators, talking to the perpetrators once they had calmed down, and supporting the mothers and children in their family homes.
- A large proportion of the women in this study stated that their family members had encouraged them to leave their partners, and when they did not, they would not offer family-based strategies to stop violence as readily as they once did. It is in these circumstances that women called in the police, or needed the police to take the role of their extended family in family violence matters.
- At least 3 of the women interviewed expressed that they had been at risk of violence from the perpetrators family and their own family.
- Two (2) of these women stated that they had left their small country towns because the violence with their family members was too much to deal with; for example, one woman explained that if the children (in the family i.e. cousins) had a fight, then their parent would be down at the house wanting to fight with her. They might have stayed in that country town if they were experiencing violence from their partner or children, but chose to leave because the extended family violence was too much.
- Another woman reported that she could no longer come into Canberra city because the family of her perpetrator lived there and would make life difficult for her and her children.
- One woman stated that her mother and the mother of her ex-partner had Restraining Orders against each other.

## 3 THE VOICES OF ABORIGINAL VICTIMS OF FAMILY VIOLENCE

### 3.1 YOUNG MUM WITH THREE CHILDREN

Participant 1 is a young Aboriginal woman with three young children who recently charged her partner for domestic violence. On this particular incident, the woman in the townhouse next door phoned the police to intervene after hearing the woman being hit and crying.

When he heard the police were coming, the perpetrator of violence fled the home and was apprehended at a later date. The violence used to occur in front of the children. She spoke of being verbally abused every day and that this form of abuse was the worst:

*"...the head games are the worst for me. The putdowns and shit take longer to heal".*

She herself had never called for help from people or from other services, preferring that someone else intervened on her behalf. She did not feel like she could ask people for help, that she was 'too shamed'.

#### **What would you say is the worst thing for you?**

Her biggest issue is isolation - she feels she is always at home with the kids, being told she is unworthy and 'good for nothin' and constantly threatened with violence. She really wants the violence to stop and particularly wanted help with the children:

*"I don't want them growing up with all this shit... What kind of example am I setting for my daughters? What is my son going through watching him [the perpetrator] do that to me?"*

She has often 'felt like killing her current partner because of what he put her through', but says she couldn't do it but sometimes she would be overwhelmed by the feeling. While she wanted particular help with and for her children, she was "too shame" to ask members of the community for help because she was "sorta, kinda embarrassed".

While she thought that 'healing' was a good thing, she herself could not do it because:

*"I can't really, I have got the kids all the time, and anyway, we should be doing the healing with the kids anyway".*

#### **Police intervention – answering her call for help**

She felt ok about the police intervention in the episode of violence; it was the first time. Although they were not able to respond quickly enough to the neighbours call (he had 'taken off' after he bashed her) when they arrived she was given advice she could understand, kept informed about what was going on and they kept in contact with her until they had apprehended him. In response to the question relating to whether the service had done what she needed them to do, she responded with:

*"They charged him. He has got to deal with that... my life has been ok since they charged him. They also made me contact DVCS who have been really helpful... they also kept me informed and rang me; I didn't need to ring them, they rang me"*

It was through this call out that she was able to get in touch with the Domestic Violence Crisis Service (DVCS) that she said “was really helping her”.

**What the DVCS was doing for this family**

The DVCS was being of assistance in the following ways:

- They were looking for a bigger house for her (she currently rents a 3 bedroom townhouse with 3 children);
- Facilitating networking and creating opportunities to meet other young mums ‘her own age’; and
- She feels that they treat her with respect and listen to her when she needs them. She also says that they contact her; they keep her informed and give her relevant information to her case.

**What are the important things that services can do for women in her position?**

Participant 1 nominated that the services could ring them [clients] to make sure they were ok (as she often did not have money for credit), help with transport for the kids and to give her a general hand around the house. She also appreciated being connected with other people to “get out of the house”.

She had never had to get a lawyer, and does not imagine using one in the near future. When asked about what the police could do better she said they interacted with her well. She was spoken to, provided information and they rang her to make sure she and the children were ok.

What are the three most important things for the ACT to help Indigenous women live free from violence? Participant 1 answered:

- Get women out of the house more;
- Get agencies to help them meet new people; and
- To talk to other women about how to not live with violence.
- Get Aboriginal Alcoholics Anonymous meetings together;
- Support people to an alcohol rehabilitation service; and
- Just phoning people to make sure they are ok.

**Snapshot - Young mum with three children**

<b>The most recent abuse was from:</b>	My current partner. He identifies as Aboriginal. My children witnessed the violence.
<b>The type of abuse was:</b>	Verbal putdowns, physical assault, Psychological
<b>This abuse was experienced:</b>	Verbal abuse—daily. The physical abuse occurred every couple of days.
<b>The worst thing for me was:</b>	The head games—they take longer to heal. Ruined my self esteem and keeps me with him.
<b>Who called the police to intervene?</b>	My neighbour called. He was charged, I am pressing charges.
<b>Are you currently single or partnered?</b>	I am a single mother living in my housing commission house. He left which was good because I have three kids. It’s hard to move.

<b>I have called the following agencies about the abuse:</b>	I did not call anyone, the lady next door called the police and they came. I have not called anyone to help me deal with the violence in my life
<b>In my personal network I relied on:</b>	My mum I can tell her what is happening for me.
<b>In the Services I relied on:</b>	The police, DVCS
<b>I wanted the person/service to do the following first:</b>	To stop the violence To get my partner out of the house Charge him and for him to deal with it, not me
<b>Then afterwards I wanted them to:</b>	Help for my children Some healing time as a family
<b>Over the time I experienced the abuse I wanted to see happen:</b>	I wanted the violence to stop I sometimes felt like killing him, I wanted him to be punished For someone to help the children I was too embarrassed to ask, but I would have liked my community to stop him It was a relief to have him charged
<b>The following person/service was most helpful to me over time:</b>	DVCS have been the most helpful
<b>They were helpful because:</b>	The are helping me look for a bigger house They are facilitating networking so I can meet other young mums They ring me to see if I am ok, I don't have to ring them
<b>I have used the following services to help me deal with violence:</b>	DVCS
<b>I used this service:</b>	Once – the police put me onto DVCS after they came to stop my partner from hitting me
<b>The most important thing about these services was:</b>	The workers are helping me deal with my isolation. They ring me and seem to care about me. They seem to understand what women in my situation need help with. They are helping me find a bigger house for me and my children. This would not have happened if the neighbour did not ring the police.
<b>The most important things that services can do to help support Aboriginal women are</b>	Ring women who have been abused. Keep connecting with them Help with transport especially if there are children involved It would be really good to get a general hand around the house to help with cleaning but also to meet other people who have experienced the same thing
<b>I sought legal advice from:</b>	I did not seek legal advice.
<b>For the following reasons:</b>	The police charged my partner, he has to deal with it
<b>The most important things that services can do to help support Aboriginal women access justice</b>	Make sure that they support women to look after their kids well Make a good referral to someone who has the time and cares Make sure that if there are any issues that come up in courts that women can be represented well and supported if they have to go to court
<b>I have used the police:</b>	Once
<b>I have used the Courts</b>	Nil
<b>The most important thing about these justice services was:</b>	They treated me with respect and spoke to me in a helpful way They keep me informed of what is going on They follow through with what they say they are going to do

<b>The most important things that the police and justice system can do to protect Aboriginal women from violence:</b>	Come quickly when people ring them to come to a domestic dispute. Keep a person informed of what is going on Speak to people well and understand their situation
<b>The following will help Aboriginal women a life free from violence:</b>	Get women out of their house especially when they have young kids. Meet new people, overcome the isolation of being a single mum with kids who are trying to get over violence.

### 3.2 CHILDREN BEING RETURNED HOME, PARTNER GOING TO REHAB

Participant 2 has been in a relationship with her current partner for eight years off and on. She has ten children (from this and a prior relationship), some of whom have recently been removed through child protection orders. She and her partner have been working with a number of services (including Marymead, Winnunga Nimmityjah Aboriginal Health Service [WNAHS], DVCS, Communities @ Work, Aboriginal and Torres Strait Islander Services [ATSIS]) now to try and get all her young children back home with her. She has two more children being returned home next week.

She has sustained mental, emotional and verbal abuse from her partner; however this participant was also very clear in telling me that the abuse would only happen when he was drinking:

*“Sometimes he will drink for three to four months and during those times he was bloody horrible to me. Those verbal putdowns made me really shame, sometimes he would stand out in the street in front of all the neighbours and scream at me so much I couldn’t leave the house; when I did my head was down cause I was shame.”*

He did not hit her anymore because “when they first got together he hit her a couple of times and she called the police on him... that soon stopped him from doing that anymore!” Now she was mostly concerned about his drinking alcohol and continued verbal abuse but that was going to stop soon as “he is going into rehab for six months starting tomorrow”.

She reiterated that he had a terrible life that is why he drank; having been grown up in an orphanage and being raped by the priest from age six to sixteen disturbed him enormously; even though he now has a counsellor. She said they had been together for about three years when she found out; and she cried for weeks and weeks for him.

This participant said she had never had a life free from violence. She moved her children from a small country town in NSW to Canberra saying she had to leave town because:

*“I was suffering from violence everyday from my own family... I was having three fights a day because of my kids! If some of our kids had a fight with my cousin’s kids then their mother would be down on my doorstep or a car load out the front and they would be wanting to fight me. I grew up in that town, and my mother and father left for a good life. There was no future there for us in that town...its just generation after generation of fighting there, that’s what is going on...”*

An additional stress in her life was the fact that her eldest son (under 20 years old) was in prison in another state and had not contacted her for about a month. The last time he did contact her, she said he was suicidal and needing her support. She had an enormous amount of guilt about not being able to get in touch with him so far away, and burdened by the number of children she had and how she needed to do things in order to get all of her children back home. But the



stress, she said had a serious health impact, she felt unable to eat and had lost weight and was 'looking bony'. She said he was put away for two and a half years and has been there now for nine months. She was not able to be there for him during his court hearing, nor has she been able to visit him since he was put away. It seemed from the conversation that he did not want to contact her, he was angry with her for not being able to be there for him.

## **Did you ever call for help with the abuse?**

Participant 2 said she had never called up an agency for help. One time, however, she said that she had gone to the shop to get milk and bread leaving the youngest children in the care of the older girls (the twins aged 13) and when she got back home, the children had been removed from her care. Similarly, when the children were left in the care of her partner's brother while her partner went to the shop, they were also removed.

This reactivated a lot of trauma for her partner she says:

*"Because his family never wanted him, they could have come and got him out of the orphanage but didn't get him; they didn't want him. That is why he has got mental problems..."*

What this intervention did was also bring the entire family into a range of services in the ACT. The participant nominated that she was in contact with the following agencies:

- The Child Protection Agency and the Police – Had formally removed the children and were monitoring the progress toward having the children reinstated back into their care.
- The Courts – particularly for mediation in the conference rooms at the Courts in relation to their child protection issues.
- Legal Aid – assisted her when the Department wanted to cut back on her visiting rights to her daughters. She went there for information, advice and representation.
- Family Services – where they had a specific case worker who was managing the relationship with the five youngest children and the foster parents.
- Marymead – has allocated case workers to assist the family with shopping, transport and also is looking into the issues relating to her son's imprisonment (seeing if he can get transferred or at least making sure he is ok).
- Communities@Work – have been long time invested in this family and the respondent said that she had worked with their agency a lot.
- Winnunga Nimmityjah Aboriginal Health Service – supports her and her family with health checks and any other kinds of support they require – especially the midwifery team who "takes them out the back and gives them all a feed".
- DVCS – gives her a phone call to see how they are going as well as offers other supports to the family. She appreciates this service as the ability to talk it all out 'keeps her strong'.
- Alcohol Rehabilitation and other counselling services for her partner.

She says that the only people who did not treat her with respect were 'the police who took her children'. However, all of the agencies were helpful to her, offering practical support and letting her talk about her problems in a way which was meaningful to her.

In her opinion, the important things that services can do to help support Aboriginal and Torres Strait Islander women in the ACT are to:

- Provide support for kids (and their mothers);
- Send parents to classes (parenting classes); and

- Transport - to and from meetings and other appointments as well as shopping etc. (10 children is a lot to shop for).

The three most important things for women in the ACT that we could do to help women live free from violence:

- Get Aboriginal Alcoholics Anonymous meetings together;
- Support people to an alcohol rehabilitation service; and
- Just phoning people to make sure they are ok.

This participant's main concerns were trying to get her children back from Child Protection; her son relocated from prison interstate to somewhere more accessible; and to ensure her partner was able to go through rehabilitation.

### Snapshot - Children being returned home, partner going to rehab

<b>The most recent abuse was from:</b>	My current partner. He identifies as Aboriginal. My children witnessed the violence.
<b>The type of abuse was:</b>	Verbal putdowns, physical assault, Psychological. Used to happen when alcohol was involved.
<b>This abuse was experienced:</b>	Verbal abuse—daily. The physical abuse only once or twice and I threatened him with the police. He never did it again.
<b>The worst thing for me was:</b>	The verbal abuse when he would go out on the street. This made me really shame. The fact my children were taken away and that “I can’t get to my son who is in jail interstate”
<b>Who called the police to intervene?</b>	I called the police. I did not press charges. I just wanted the violence to stop.
<b>Are you currently single or partnered?</b>	I am in a relationship with him. He is going to rehab.
<b>I have called the following agencies about the abuse:</b>	Family Services, Marymead, The Courts, Communities @ Work, Winnunga AMS, Police, DVCS, Child Protection Agency, Legal Aid, Child Protection, Gugan Gulwan Youth Aboriginal Corporation, Police and Alcohol Rehabilitation and Hospital Services
<b>In my personal network I relied on:</b>	My neighbours and workers in the agencies. My family live in a rural town in NSW and I had to leave because of the violence there.
<b>In the Services I relied on:</b>	Family Services, Marymead, The Courts, Communities @ Work, Winnunga AMS, Police, DVCS, Child Protection Agency, Legal Aid, Child Protection, Gugan Gulwan Youth Aboriginal Corporation, Police and Alcohol Rehabilitation and Hospital Services
<b>I wanted the person/service to do the following first:</b>	To stop the violence To get my partner to rehab and deal with his horrible life Get my children back and my son at the Canberra prison
<b>Then afterwards I wanted them to:</b>	Help me around my house and to help with transport Keep coming to help me and my children after I get them all back home
<b>Over the time I experienced the abuse I wanted to see happen:</b>	I wanted the violence to stop I wanted him to stop drinking and help me get the kids back Practical help and support given to me
<b>The following person/service was most helpful to me over time:</b>	Marymead
<b>They were helpful because:</b>	The parenting programs have been good. At Marymead the new worker is trying to get my son back to Canberra and they also help me with transport to the shopping.

<b>The least helpful service</b>	The police who came and took my kids away from me.
<b>I have used the following services to help me deal with violence:</b>	I have used a lot of services they have been good with practical help and support and sometimes I just need to talk and they have people who want to listen
<b>I used these services:</b>	For the last few years
<b>The most important thing about these services was:</b>	They all know what is happening with me and that the services keep talking and working together to make sure my family can come back together. I just want my partner to get better in rehabilitation.
<b>The most important things that services can do to help support Aboriginal women are</b>	Provide support for kids (and their mothers) Send parents to classes (parenting classes) Transport—to and from meetings and other appointments as well as shopping etc. (10 children is a lot to shop for)
<b>I sought legal advice from:</b>	Child Protection (ATSIS), The Courts, Legal Aid
<b>For the following reasons:</b>	ATSIS had removed my children and were monitoring the progress toward having the children reinstated back into my care. I needed mediation in the conference rooms at the Courts in relation to child protection issues. I got assistance from Legal Aid when the Department wanted to cut back on her visiting rights to my twin daughters. I went there for information, advice and representation.
<b>The most important things that services can do to help support Aboriginal women access justice</b>	Make sure people are there to support Aboriginal women get their children back home with them Make sure that there is information available for women like me, it would be good to have a telephone number to talk to someone on. I would like to have information given in a way that makes it easy for me to understand.
<b>I have used the police:</b>	A couple of times I have called them for help, but they came and took my kids away from me.
<b>I have used the Courts</b>	To try to get my kids out of care
<b>The most important thing about these justice services was:</b>	They supported me against the Department. They knew my background and were able to explain things in a way that I could understand. They represented me to the Courts to get my kids back.
<b>The most important things that the police and justice system can do to protect Aboriginal women from violence:</b>	Not come and take the kids away. They can bring in other services to make sure that it doesn't happen. But when there is violence, the police need to come quickly and speak nicely to people. They need to charge the people who are being violent so that other people don't have to do it.
<b>The following will help Aboriginal women a life free from violence:</b>	Get Aboriginal AA meetings together. Support people to get to an alcohol rehabilitation service. Just phone people who have had a hard time to make sure they are ok.

### 3.3 FROM 'BATTERED WIFE' TO 'INSPIRATION'

This participant said that she suffered from 'battered wife syndrome', having been in 3 major relationships over a twenty year period during which the first partner bashed her weekly, the second partner daily and the third partner used to verbally and mentally abuse her all the time.

She has been involved in psychiatric counselling for the past nine years; her eldest daughter has been in counselling for 2 years. This has helped their relationship enormously, assisting them to express their feelings and address where they are coming from. She was able to say that the longer term effects of violence affected her deeply and profoundly although she was quick to state that it had also made her a "stronger person". During the course of her

life she has been assisted to undertake a number of courses with Marymead, Centacare, with psychologists and with counselling services.

She never left town in order to escape the violence, she was of a view that you “don’t run away from it”. There were two strong motivations for staying; one was she did not want her partner to know that she was afraid of him; afraid enough to run away. Another reason for staying was the house, it was in her name, it was hers and she did not want to give that up. Additional reasons were related to her family:

*“Even though my family did not want to be around me when I was in relationships with violent men, I stayed so that at least I could be close to them. I needed to be near family”.*

When she was being abused she just wanted the violence to stop and for someone to intervene on her behalf. She wanted her partner to be punished—just so he knew he couldn’t do that to her anymore.

*“You know how partners suck up to ya after they’ve hit ya, “I’ll change honey” and all that shit, well, after a while I just decided that I did not want to do this anymore. It took a lot of counselling and other stuff, but eventually I got tired of it and walked away. Now my second partner and I are friends. People say we shouldn’t be friends after all he did to me, but I have told him that he can accept that friendship and if he can’t accept just my friendship, well, we can’t be friends. Its not like I accept what he has done, and I don’t forgive him of it, but he was abused when he was young and he never got over it, used to bottle it all up inside and take it out on me. See, its hard to leave our men after all they have gone through too. Captain Cook brought alcohol and drugs to this country took everything away from us, that’s why our violence is different and “we can’t really walk away. Because we don’t know how to. How can we walk away from our men?”*

A lot of people wanted to interfere in her life and told her to leave her partners; all accept her mum who told her she will learn from it, no matter what. Her mum was a guide for her during her life especially after all her mother had been through.

## **Her inspiration**

During the course of her life, the most important influence in her life has been her mother, now deceased, who used to work at the \_\_\_\_ Refuge. Her mother was inspirational, not only to her but to the other women who came through the service. What they saw in her mother was someone who had sustained physical, mental and emotional abuse for a prolonged period of time from her father and who was eventually able to walk away from the violence but not the relationship. Her father became sober and remained so for twenty years. She loves him, and even though she never forgave him for the way he treated her mother. She found her peace with him after he had passed. As her mother often said to her:

*“When you have had enough, you will walk away; it doesn’t have to be like this your whole life.”*

After she was physically hit, she would call on her mother or her Aunties, who would offer her advice and support. These women did not judge her saying that she was “Learning by yourself, you will get sick of it all one day”. She is saying the same thing to her own.

## **She is an inspiration too**

This participant is trying to be an inspiration to others around her. She had four children of her own and when her sister passed away, she took on her sister's children too; (so they would not go into care) meaning she had another seven children to raise up. At the same time as her sister passed away, and she had eleven children to raise, she was also in a domestically violent relationship with her second partner who unbeknownst to her was doing the drug ICE.

One of her daughters is now in a domestically violent relationship with a young man who is doing ICE. This relationship is very difficult for her to watch:

*"Only the other week in the midst of a drug frenzy, he took a knife and tried to cut the baby out of me daughter, then he put her in a car and drove her through the side of the house. She ended up in intensive care and he was also in hospital. When the police came around I said to one of them "I want to rip his voice box out of his fuckin' throat, I want to kill him!" Then, I was arrested by the Police Officer for saying I wanted to kill him. She wanted to come inside my house and I wouldn't let her, I went to shut the door and she put her foot in it. Then I got arrested for common assault against the police officer. I have to go to court soon for that, and I am going to court to get my nephew..."*

## **Services in the ACT**

At the moment this participant feels that Family Services is the worst Department in the ACT, stating that she has a 22 year old non- Indigenous case worker who says she is unfit to care for her 14 year old nephew (too emotionally disturbed); preferring instead to place him with a white family. She is going to fight for him in court. What we need she says:

*"... are more black people in the court system and more support through the Aboriginal Legal Aid; if I go through the door and some people get seen before me and need their help then I have to go to the white legal aid service, and they don't have any workers who understand us."*

## **Her relationship with police**

The police in her view are not far behind. She has had a long relationship with the police, in which she says she has been stereotyped. Firstly she felt the police stopped providing assistance to her during her domestic violence because they believed that she would stay in the relationship.

*"They kept on saying to me that I should get out, why waste resources coming to help someone who would not help themselves... I answered them back that some women do not know how to leave and for some women, Officer, It takes a bit of time to leave, and you don't know what it means to get out."*

The police she said, weren't respectful; or even worse, she said they started off respectful and then became less respectful after they realised that she was a high needs family. She, her parents, and now her children have all required police and other service intervention at some time. They have all come to the attention of the police through problems related to drugs, domestic violence, breaking and entering and alcohol.

## Positive experiences with other services

Whilst she has some negative experiences with the police, she also is able to share her positive ones with other services:

“At Marymead I did parenting classes, and Relationships Australia have been very helpful, I have got to Winnunga to do counselling courses and stuff, they have been really helpful... mostly I have needed someone to talk to, to get my feelings out”

This is her predicament she says; other services have been incredibly supportive and have given her courage, strength and confidence; whilst others have undermined that confidence.

## What can services do to support Aboriginal and Torres Strait Islander women in the ACT?

The three most important things services can do to support Aboriginal and Torres Strait Islander women is for their workers to have an awareness of culture, to have a little group for Aboriginal and Torres Strait Islander people and to have an Aboriginal and Torres Strait Islander Unit that deals with these problems.

The police and justice system can acknowledge what is going on in people's lives and not be so stereotypical; they can listen to Aboriginal men and women's stories and realise that it takes times to get over things.

## What can improve access to justice services?

If services could acknowledge what is going on in Aboriginal women's lives and actually hear what is going on in Aboriginal women's and men's lives then they will become more accessible to Aboriginal women. Also, it is important to realise that it takes some time to get over things and that women who go back to their relationships are not staying for the violence, they are staying with their partners because it takes a lot to get out of them [the relationships]. It is important for services to be non-judgemental and for the services to help women learn things for themselves, not do it for them. The restraining orders are legal instruments that women need some assistance and support around; it would be good to have some extra support for restraining orders from legal services.

## What will help women live free from violence?

To help women live free from violence, this participant says that it is important to listen to people's stories, to take action against the perpetrator of violence and for service providers *'to be a bit civil when they are coming over to our houses'*.

It is important for services to give advice and support to women, to not judge women and to allow them to learn in their own time in their own way. It is important that people access information that allows them to make the decisions for their life.

It would be good if men can have some training to know that violence affects the family and that they cannot keep coming back to their partners with the same kind of behaviour. Although women have to be strong to leave them, it would be good if men could also take responsibility for their behaviour.

The case workers from different organisations seem to be really young, and while they might have a degree they do not really understand Aboriginal people's lives. It is important that workers are given training on dealing with Aboriginal people in respectful ways.

## Snapshot - From 'battered wife' to 'inspiration'

<b>The most recent abuse was from:</b>	I have been abused by all my partners and now I am watching my children go through violence as well.
<b>The type of abuse was:</b>	Verbal putdowns, physical assault, Psychological. Used to happen when alcohol was involved. With one of my partners it was particularly bad when he was on ICE. My daughter's partner is also violent to her. He also is addicted to ICE
<b>This abuse was experienced:</b>	For the majority of my adult life. What is hard now is watching my kids go through it. It is bad when drugs are involved, especially ICE it seems to make the violence worse.
<b>The worst thing for me is:</b>	Having been through it all and now watching my daughter go through it. This is a terrible thing for me. I will be there for her though in the same way that my mother and my aunts were for me. It is also terrible that I have to go to court for common assault against a police officer.
<b>Who called the police to intervene?</b>	The police came around to my house after the accident. One of the officers charged me with assault. I have to go to court soon, I hope the charges will be dropped.
<b>Are you currently single or partnered?</b>	I am a single mother living in my home.
<b>I have called the following agencies about the abuse:</b>	Police, DVCS, Winnunga, Psychiatrists, Marymead, Centacare, with psychologists and with counselling services from hospitals. I have also been in contact with Legal Aid
<b>In my personal network I relied on:</b>	My mother and my aunts were my inspiration. They never judged me or told me to leave. They said that when you have had enough you will leave him. You will get sick of it one day. Now I rely on other members of my family and my close friends.
<b>In the Services I relied on:</b>	Family Services, Marymead, The Courts, Communities @ Work, Winnunga AMS, Police, Centacare, DVCS, Legal Aid, Gagan Gulwan Youth Aboriginal Corporation, Police and Hospital based services including Psychiatric and Counselling Services for me and my daughter.
<b>I wanted the person/service to do the following first:</b>	To stop the violence To get my partner 'out of the way' To punish him to let him know he couldn't do it
<b>Then afterwards I wanted them to:</b>	Make sure I could cope with myself and the kids Make sure I had the necessary skills to negotiate my way through the legal system. It was hard to stand up to the Judge but I had to tell him that I love my kids.
<b>Over the time I experienced the abuse I wanted to see happen:</b>	I was offered support to get a restraining order I couldn't leave, you don't run away because then they know that you are scared of them. I stayed because I had my family around me. I wanted support from my friends and family and I wanted to keep my house.
<b>The following person/service was most helpful to me over time:</b>	My mum has been my inspiration. A lot of the services have been really good to me and have been very helpful. I think the psychiatrist I have been seeing for nine years has been the most helpful because they have stuck with me and I can go and tell them anything, they know my history.
<b>They were helpful because:</b>	The parenting programs at Marymead have been good. So have the counselling services at Winnunga. It has been important for me to talk to people, to get my feelings out.
<b>The least helpful service:</b>	The police who have stereotyped me. Some of the police have been good, but there are others who have a bad attitude and it shows.
<b>I have used the following services to help me deal with violence:</b>	I have used a lot of services, the good ones have experienced staff and have been good with practical help and support and sometimes I just need to talk and they have people who want to listen.

<b>I used these services:</b>	For the last few years.
<b>The most important thing about these services was:</b>	Have an awareness of culture. To maybe get a little group for Aboriginal and Torres Strait Islander women so they can get together. To have a special Aboriginal Unit to help people deal with Family Violence.
<b>The most important things that services can do to help support Aboriginal women are</b>	We need to have more black people in Court. We also need more legal support through Aboriginal identified organisations. The white legal aid mob needs to be able to help you go through court.
<b>I sought legal advice from:</b>	Aboriginal Legal Aid
<b>For the following reasons:</b>	Nothing really to do with the violence, I had to get a restraining order against the person who hurt me, but that was some time ago. Now I need help with my young people who are going through court, or who are in care. I need to be able to represent myself against the accusation from the police officer.
<b>The most important things that services can do to help support Aboriginal women access justice</b>	It is important to acknowledge what is going on in Aboriginal women's lives. People have to take the time to listen to Aboriginal Women's stories. People also need to realise that it takes time to get over things.
<b>I have used the police:</b>	Yes
<b>I have used the Courts:</b>	Yes
<b>The most important thing about these justice services was:</b>	To take into account that drugs is what is effecting people's violence and that people might need rehabilitation not prison.
<b>The most important things that the police and justice system can do to protect Aboriginal women from violence:</b>	Listen to my story Take action against the perpetrator, it is too hard for Aboriginal women to do it. Be civil when they come to our houses.
<b>The following will help Aboriginal women a life free from violence:</b>	Help our men stop being violent. Services coordinate their activities and actions for the benefit of families. Help women learn when they have had enough. Support the kids in violent family homes.

### 3.4 COLLEGE STUDENT WHO IS TRYING TO REGAIN CUSTODY OF SON

Participant 4 resides by herself in a public housing flat and attends a program for young mums and bubs. She shares that she recently lost custody of her baby son and that she is trying to 'get her act together so she can get her son back'. She has been systematically abused for most of her adolescence and has suffered from physical abuse – black eyes, head injuries, body bruising and twice was choked until she 'blacked out' in her first relationship; in her second relationship she was battered so badly she ended up in hospital and found out she was pregnant by having a blood test as one test to ascertain her condition.

She said that she experienced the abuse daily, and on several occasions in these relationships she would get "smashed around all day". When she was living in the caravan park with one of her partners, she said she nearly died; a combination of heroin and a bad flogging caused someone in the park to call the police who came and arrested her. She said; "*But don't worry, he got his back. My brother made up for it.*" Upon asking her how her brother made it up to her she told me this:



*"After one flogging at the flat we were living in I was bashed all day; finally when he left the flat I was able to call my brother and I told him what had happened he told me he would be there in ten minutes—and he was—he drove from \_\_\_ to \_\_\_ in ten minutes! He saw my face; it was pretty broken and he saw the look in my eyes and that was it. He waited until my boyfriend came home and then he smashed him that bad that he had to run across the road to the \_\_\_ shops he was screamin'! My brother came back and then he took all my stuff out of the flat, put it in his ute and took me outa there. I never went back, that was the best thing he did that day, even though I am the eldest, my brothers are bigger than me. Well they are boys, they have to be!"*

I was in a relationship with him for a year and then I moved back into my dad's place. After a time, I went back with one of my ex-partners and started another relationship with him:

*"They really did make sure I didn't go back into that relationship, so I started another one to a big bloke, he was huge 80-90 kilos and I am really tiny, like 45-50 kilos, anyway it started again! This fella flogged me all the time too. One time I ended up in hospital after my accident and because he flogged me and they did some tests and they told me I was pregnant. I said I couldn't be fuckin pregnant cause I didn't have any symptoms. Then what do ya know, two weeks later I did get the symptoms! Well I ended up leaving him too, I had a baby to look after so I moved back into dad's house. After I had the baby I rang up my ex-partner to tell him I had the baby and then one day I left him there with his dad while I went to school and when I got home the fuckin' Family Services mob were there with an emergency order! I lost custody of my son, but now I go back to court to try and get him in October. I don't understand this Family Service mob! I am trying to get my kid back and they stick me in the grungiest place in the whole of town! How am I supposed to get my son back here?"*

Over the time she experienced the abuse she wanted the violence to stop but, after she got hit then what she wanted was for 'him to get the same only ten times worse!' I never got him charged or anything, but I got my brothers to sort it out "the family way":

*"I suppose my dad but mainly my brothers have been the most helpful to me. They made sure I didn't go back to the relationships; they smashed up those dogs that hurt me. It was also good to go to the program at the college because there were lots of other mums I could talk to about stuff that I was going through. There are like 200 mums and 350 young babes out there. They were good they hooked me up with Women's Information and Referral Service and stuff, so yeah."*

## **The services most helpful and why**

The service who has been most helpful to her was the DVCS; her worker from that agency was there on the phone, talking to her, and most importantly being beside her in the court:

*"Its pretty intimidating going to court especially when the magistrate asks you to take the stand, but my worker was there with me and that was really good".* She said that she used these services every time she was beaten and every time she needed support. The thing she said she liked about them the best was they treated her with respect.

That was important for her during the court custody case for her son was that, come \_\_\_, she was able to get her son back. She attended the Magistrates court for the violence against her and "Did not get anyone charged so it wasn't really helpful at all". She attends the Family Court and Children's Family Court to work towards getting custody of her son back:

*"I get to see him three days a week for three hours. That's nine hours a week I get to see my son. And I got myself off the heroin for him; I had a \$1500.00 a day heroin and ICE habit and had to work for it at night so you know it was really hard but I did it. I did what I had to do to get a house; I did what I had to do to get off the heroin; so now I only dabble on the weekends with ICE. I take a point or half a point on Friday night and I can go all weekend, I don't touch it again until the next weekend. See?"*

"I have gone to Legal Aid for help and they weren't really helpful;

*"They did nothing for the violence and haven't helped me get my son back".*

WIRC was good, I got to talk to young people at school and they referred me to the WIRC. They were good for me too; I was able to get a lot of information from them".

## **Unhelpful services**

The most unhelpful services for Participant 4 was the *"Coppers and Family Services"*

*"Family Services are dogs mate, dogs. Coming around and taking my baby off me. They confuse me you know? Given me different messages all the time and I did what I had to do for myself. And coppers, they don't understand; you know if they got there quicker, while the violence was happening then it would be good I wouldn't have to press charges against the people who are doing shit to me. But when they come after, then I have to press charge. That's the only solution they have for me, to press charges. They need to get there when its happening so I don't have to. Its hard to press charges."*

And yet, the participant also had this to say when asked "How often do you call the police?"

*"Every time something goes wrong with my life, I'm there ringin the coppers! Every time! And I got two phones, a land line and a mobile phone. Just in case something goes wrong or someone pulls the phone out of the wall then I always got another one to call them with, you know?"*

## **The police**

The police are used by this participant in a number of ways, to assist stopping the perpetration of violence against her by a partner, and also to ensure that her house can be properly maintained by Housing ACT.

*"When I was in the bathroom once someone came in and tried to break through my door so there was a big hole in the door. I rang up the Department of Housing 'cause I wanted a new door for my bathroom. They said that we cant help you unless you have a police job number. So then I rang up the police, reported the door broken, said I didn't want the person who done it charged or anything I just wanted a job number so I could get my door fixed! They gave me a job number; I took it to housing who gave me a new bathroom door. See? Not bad after all!"*

The relationship between the police and this participant has been a long one, spanning at least five years. What she felt over this time was their usefulness to her in her circumstance was inhibited by officers providing stereotypical answers and responses, not responding to calls out quickly enough and by assisting in the removal of her children.

## Living free from violence

The most important things for the ACT to help Indigenous women live free from violence is for the community to become more aware of violence issues, and to get the community more involved in what is going on and to make sure everyone has the chance to be in supportive relationships (through a school community, or with supportive peers or family). Also, there could be an increase in the numbers of free doctors available. This respondent felt that the doctors in the ACT were not taking on new (Aboriginal) clients and that this was compromising her health. She says that there needs to be an immediacy with which people's needs are responded to and also it is important to be supported by people you know and trust when going through difficult processes like going to court.

### Snapshot - College student who is trying to regain custody of son

<b>The most recent abuse was from:</b>	The father of my baby.
<b>The type of abuse was:</b>	Verbal putdowns, physical assault, Psychological. I was choked, near dead and bashed so badly that I was hospitalised. Both me and my partners have issues related to drug addiction.
<b>This abuse was experienced:</b>	For the majority of my adolescence. In my relationships I was bashed every day I was living with him.
<b>The worst thing for me is:</b>	Nearly dying. Losing custody of my son.
<b>Who called the police to intervene?</b>	Neighbours called. I ended up getting charged, not him.
<b>Are you currently single or partnered?</b>	I am a single mother living in a housing commission flat.
<b>I have called the following agencies about the abuse:</b>	Police, DVCS, I have also been in contact with Legal Aid about custody of my son. ATSISS have also been involved.
<b>In my personal network I relied on:</b>	My father and my brothers. My brothers have come and bashed those people who did the wrong thing by me and got me out of some horrible situations. I lived with my dad to make sure I did not go back to those relationships. I trust my brothers with my life.
<b>In the Services I relied on:</b>	DVCS, the Court workers, the College, WIRC and Legal Aid as well as ACT Housing.
<b>I wanted the person/service to do the following first:</b>	To stop the violence. For the coppers to come quickly enough so that they could charge him with assault. To get my partner punished about 10 times worse than he did it to me. To get me out of there.
<b>Then afterwards I wanted them to:</b>	Make sure I had housing, make sure I had support to get my son back and make sure it was ok for me to go to college.
<b>Over the time I experienced the abuse I wanted to see happen:</b>	I tried to get him [the perpetrator] prosecuted but that did no good. I only get to see my son 3 hours a day, three times a week. I have tried to get myself off heroine and do what it is the service wants so I can get him back in my care.
<b>The following person/service was most helpful to me over time:</b>	A Worker at DVCS has been really good to me. He has good experiences and is able to help me a lot. He rings and listens to me. It is also good to go to college. There are 200 young mums and 350 young kids. It is good to talk to my peers, others who understand.
<b>They were helpful because:</b>	They listen to me, they give me good information and advice that I can understand. They don't judge me. They help you go to court and stay by your side when you are going through a horrible time.
<b>The least helpful service:</b>	The police and Family Services who came to take my son away from me.

<b>I have used the following services to help me deal with violence:</b>	DVCS, Legal Aid.
<b>I used these services:</b>	Every time I have been hit or every time I need someone to talk to. I use them when I am having a crisis.
<b>The most important thing about these services:</b>	Be there, listen, offer practical advice and support. Be there for the long term, not just for the short term.
<b>The most important things that services can do to help support Aboriginal women are</b>	It is important to have free health services. A lot of doctors don't take on new clients. It is important that the services get to their clients quickly. A lot of clients leave it up to the last minute when they can't stand it anymore. It is important that there is someone to go through Court with you.
<b>I sought legal advice from:</b>	Aboriginal Legal Aid
<b>For the following reasons:</b>	Nothing really to do with the violence, they sorta kinda helped, but not really. The same for the custody for my son. They have tried to help me but it is hard.
<b>The most important things that services can do to help support Aboriginal women access justice</b>	Make sure there are people who can help you go through court it is an intimidating process. Make sure there are skilled people working in the Aboriginal organisations. Make sure they understand cultural issues and make sure that services stay free for young people like me.
<b>I have used the police:</b>	Yes
<b>I have used the Courts:</b>	Yes
<b>The most important thing about these justice services was:</b>	It is important to get to where people are in trouble at the time they ring. It is also good if the police can prosecute the person who is violent, but that means they have to get there when it is happening. It was good to have someone by my side when I was going to court.
<b>The most important things that the police and justice system can do to protect Aboriginal women from violence:</b>	Listen to my story; come quickly when called to a domestic. Take action against the perpetrator, it is too hard for Aboriginal women to do it. Make sure the woman has court support and that there is a place where women can go where it all is in the one place. Its too hard when you are in crisis to go all over town.
<b>The following will help Aboriginal women a life free from violence:</b>	Make sure there is more involvement and awareness in the community about family violence and what people can do about it. Get some more slogans out there in the community. Give peers some more information about violence and get them out and about to teach other people about the effects of violence and what can be done.

### 3.5 REACTIVATED TRAUMA

This participant in her seventies asked me whether this project was just for people who were experiencing domestic violence now. I explained to her no, that it was for people who had suffered from violence at different parts of their life and had tried to access services to help them deal with violence. "That's good," she said, "I really want to help make a difference for the next generation".

This participant was married to a non-Indigenous person interstate for a number of years, having had two children and purchased a home with him. She took the violence for as long as she could, often going to see the police officers with a bloody face and head injuries, they would not help her nor intervene. *"Because I was Aboriginal and my husband was a white man"* she said. On one occasion he bashed her so badly she was in a coma in hospital. When she woke up, she had lost her memory, not remembering what had happened beforehand. She

needed considerable rehabilitation, during which time her husband divorced her, taking full custody of the children (her daughter and her younger son) and becoming the sole owner of the house they had purchased together.

She said she tried to get into the court house in order to talk with the Magistrate and the children when he was going for custody, but the police stopped her from going inside the building saying that she needed legal representation to enter. She was not permitted any legal representation in those days, she said, *“I am an Aboriginal.”*

She was alone after her release from hospital, having no close family as she was given away to another family in the city as a baby; and with her sustained memory loss, life was hard. Her son came back to her after 18 months of living with his father, complaining that:

*“... his sister and their father were sleeping together in the room and he could hear noises coming from their bedroom at night. He was old enough to know that those were sexual noises he was hearing...”*

The daughter stayed with her father and her son moved back with her. After her son moved out, her daughter assumed:

*‘...the role of the woman of the household; something she told me gave her the most pleasure in her life; to be the woman of the house. I tried to maintain a mother daughter relationship with her, but she was now the partner of my violent ex-husband’*

Many years later her daughter and her husband would come to Participant 5’s place in Canberra and her daughter would rampage through the house, breaking everything. Her own daughter tried to break her financially and morally. She finally made a decision four years ago to cut her daughter out of her life. Her mother hoped she would grow out of it, but “my daughter is in her fifties now and I have to have her out of my life.”

Neither the mother nor the son had counselling about this incestuous relationship; with Participant 5 reporting that they both took a long time to get over it. Twenty years passed, she still had a memory loss and after moving from \_\_\_ to Canberra, she suffered from a heart attack and urgently needed a double bi-pass operation.

She went into surgery at St Vincent’s Hospital, and when she woke up from surgery, she had a full memory of everything that had happened to her. The shock of remembering was absolutely horrific. No one could understand it, but to her it was like she had experienced it all yesterday, and here she was with it all fresh in her mind.

It was at the lectures and information sessions following her heart surgery that she met the psychologist at the hospital. It took her a further two and a half—three years intensive counselling with the psychologist to get over it; not only because of the reactivated trauma about the violence, but also because of the destruction of the relationship with her daughter.

The trauma she suffered at the time of her violence was not dealt with when it happened, but nearly twenty five years later. She has been seeing the same psychologist now for over ten years, not because she needs to, but because it is like going to see a friend. She sees him once a month—unless he is gone somewhere. It is the quality and the strength of this relationship with a service provider that has meant that she has not needed to see other people in other services. She is a private dignified person who appreciates what it is that she has in her life.

Her son lives near her; he is the person with whom she has had the longest term relationship in her life. She enjoys doing art work for and by herself and she likes to sit in the sun.

## Snapshot – Reactivated trauma

<b>The most recent abuse was from:</b>	The father of my children. He is a non-Aboriginal man.
<b>The type of abuse was:</b>	Verbal putdowns, physical assault, Psychological. I was once bashed so badly that I was left in a coma in hospital that affected my short and long term memory.
<b>This abuse was experienced:</b>	For all of our married lives.
<b>The worst thing for me is:</b>	The effect of the violence on myself and my children. After going for heart surgery, I awoke with full recall of all the violence I had suffered. I thought I was going mad, I did not know what to do with it all.
<b>I have called the following agencies about the abuse:</b>	I was attending the lectures at the Hospital and was able to connect with the psychologist there. I have been seeing this psychologist for over ten years now, it is like he is an old friend.
<b>In my personal network I relied on:</b>	My son and those others who had some idea of what was happening in my life.
<b>In the Services I relied on:</b>	The quality of the relationship with the psychologist at the hospital has meant I have not needed to see other people in services.
<b>I wanted the person/service to do the following first:</b>	To help me deal with the violence. It was as if it had happened yesterday, not 25 years ago. I needed someone to connect with and talk about what had happened, the effects of the violence on me and my children. I also needed to talk about the relationship between my daughter and me.
<b>Then afterwards I wanted them to:</b>	Make sure I had the skills to get on with my life.
<b>Over the time I experienced the abuse I wanted to see happen:</b>	I tried to understand the motivations of my ex-partner. He caused me so much pain, and in taking up an incestuous relationship with my daughter, also irrevocably damaged the health and well being of my children.
<b>The following person/service was most helpful to me over time:</b>	The psychologist at the hospital was incredibly helpful. I am so grateful that we have had a ten year long relationship. Over time, people in those kinds of jobs change and I would have felt so abandoned had they left at anytime I needed that relationship with them.
<b>They were helpful because:</b>	They listened to me, they give me good information and advice that I can understand. They gave me a good understanding, helped me work through my issues of guilt and made me understand what I needed to do for myself in the long term.
<b>The least helpful service:</b>	The police. When I presented myself to them they would not do anything because I was an Aboriginal woman being bashed by her partner. The inaction has completely destroyed an Aboriginal mother and daughter relationship.  DVCS, I have also used the counselling service through the hospital and I have done other therapeutic things like arts and crafts. This kind of activity brings me peace.
<b>I have used the following services to help me deal with violence:</b>	Counselling and other services, I have developed a passion for therapeutic activities like arts and crafts.
<b>I used these services:</b>	At least once a month.
<b>The most important thing about these services:</b>	They need to understand that even though the violence did not happen yesterday, that it can still affect someone's life. Services need to be there for the long term, not just for the short term.
<b>The most important things that services can do to help support Aboriginal women are</b>	Understand that even a long time after the violence happens; it can affect people and their children. People who have been hurt by violence often spend a lot of time in hospital for other health related reasons. These can trigger off

<b>The most important things that services can do to help support Aboriginal women access justice</b>	Make sure they can listen to people, make sure they treat people with respect and make sure they really listen to what is happening. All of my issues came up for me, all at the same time. I needed help and I was fortunate to get it. It took me nearly three years just to get over the incestuous relationship. It has taken me a long time to get over the rest.
<b>I have used the police:</b>	Yes
<b>I have used the Courts:</b>	Yes
<b>The most important thing about these justice services was:</b>	Make sure that Aboriginal women are represented and that prejudice does not get in the way of an Aboriginal mother and her children. Just be aware that with some problems, they won't go away overnight, they will take years and years for people to resolve. Sometimes, it will be too hard to resolve any of the issues that people live with. They have to find their own way of living with it.
<b>The most important things that the police and justice system can do to protect Aboriginal women from violence:</b>	Listen to a victim's story, prosecute the perpetrator of violence and protect the children by whatever means possible.
<b>The following will help Aboriginal women a life free from violence:</b>	Make sure women can access counselling. Make sure women feel safe and secure and able to tell their story without fear or judgement. Make sure there is a safe place for women to go to do therapeutic activities together.

### 3.6 NOW HE IS SOBER, HE IS GOOD

This participant is a grandmother who has had several partners; she has experienced DV with all of them. She is still with her current partner of eight years, and now that he is off the grog, it is good, she doesn't get beat up on anymore. The worst of all the violence for her she says was the verbal putdowns; these horrible words were even worse than the physical assault. She said she could not make it stop, *"he would keep at me and keep at me, even when I was trying to go to sleep. Some nights I wanted to put a pillow over his face just to shut him up. At least with a hit, it stops, but his mouth, it just kept going and going!"*

She would experience violence about every fortnight, especially those time where there was no spare money for him to go for a drink. Although her children were always around to support her and to stop the violence if it happened, sometimes it got bad before her children could arrive to help her. About three years ago, after she repeatedly threatened him with it, she called the police to intervene in a particularly bad episode of being beaten. The police came and took him away to the lock up for a night. The next morning he was in the court getting charged, after which he ended up in the lock up for 11 months. *"It was good for him to be in prison"*, she said, *"he could finally sober up and start working a program"*. She visited him in prison as often as she could. When he came out he was sober and it was good, he didn't hit her anymore. *"I warned him too: If it happens again it's finished, I'll pack up all your gear and throw you out. He listens now!"*

#### A helpful service

*"DVCS was good, you can ring them up anytime and talk, sometimes they ring me up too"*. She feels like she is able to ring them up when she needs to; they treat her with respect and listen to her. In terms of the things that could assist the services better support Aboriginal and Torres Strait Islander women this respondent believes it would be useful for staff to 'stay the same' in the sector. She felt that there were too many changes in the different services and she did not want to talk to a new service provider all the time and she certainly did not want to talk to

people who did not understand about Aboriginal issues. She also thought it would be useful for Aboriginal men to talk to other men about the violence and for them to work together in ‘a Men’s Group or something’. She also felt that it would be useful for there to be more social and emotional workers in the Aboriginal organisations like Winnunga and Gugan Gulwan. It would also be useful for people to be able to get help for rehabilitation, and that we might have our own rehabilitation service.

**It was good when the police charged him**

*“When the police charged him I did not have to go and get help from Legal Aid, and he did not blame me for getting him in prison. Having the police charge him let me still be in a relationship with him, it just made the violence stop”.* She said:

*“I think it would be too hard for the women to charge the men, it is much better when the police charge them for Aboriginal women”.*

She now feels confident to have her grandchildren around her and her partner without them witnessing anything happening between them. This is the most important thing for her at this time in her life.

**Snapshot – He is sober now, he is good.**

<b>The most recent abuse was from:</b>	My current partner. He identifies as an Aboriginal man.
<b>The type of abuse was:</b>	Verbal putdowns, pushing and shoving. He would often get violent when he was drinking.
<b>This abuse was experienced:</b>	Every payday, when we did not have enough left over for him to have a drink.
<b>The worst thing for me is:</b>	Was the verbal abuse, I could not make it stop and it really affected my confidence.
<b>Who called the police to intervene?</b>	I called the police and they charged him. He ended up doing 11 months. I went to visit him as often as I could.
<b>Are you currently single or partnered?</b>	We are living together still.
<b>I have been involved with the following agencies about the abuse:</b>	She called the police and they charged him. She got involved with DVCS after that.
<b>In my personal network I relied on:</b>	My grown children and other members of my family have been incredibly supportive.
<b>In the Services I relied on:</b>	DVCS
<b>I wanted the person/service to do the following first:</b>	To stop the violence. I wanted my family to support me when he went to prison. I wanted him charged by the police for what he had done to me. He went to court and got 11 months in prison.
<b>Then afterwards I wanted them to:</b>	Make sure he sobered up so he had a chance to understand what he had done to me. I wanted DVCS to keep in contact with me, which they did.
<b>Over the time I experienced the abuse I wanted to see happen:</b>	I wanted to see him get punished. I wanted the violence to stop, but the relationship to continue. Having the police prosecute him was good, he got punished but in a way which meant that I could continue to be his partner without blame or guilt. He could work a program in prison that helps him to be sober today.



<b>The following person/service was most helpful to me over time:</b>	DVCS has been really good to me. I have had people keep in contact with me.
<b>They were helpful because:</b>	They listen to me; they have phoned me to see if I have been ok.
<b>The least helpful service:</b>	N/A I was really well supported by my family, made me rely less on services to talk about the problem until I was ready to do something about it.
<b>I have used the following services to help me deal with violence:</b>	DVCS. There should be more social and emotional staff like they have at Winnunga and Gugan but have them with the police, the courts and with legal aid if people need access to a lawyer.
<b>I used these services:</b>	When I made a decision. Having this support around me made sure I did not go back on my decision but also gave me a chance to keep moving forward with my life.
<b>The most important thing about these services:</b>	Be there, listen, and offer practical advice and support. Make sure people in the sector don't change all the time. It is important to have the same people in the same positions.
<b>The most important things that services can do to help support Aboriginal women are:</b>	We need to talk to people who know about Aboriginal issues. It would be good for men to talk to other men about violence. The services should employ social and emotional counsellors where possible
<b>I sought legal advice from:</b>	I did not need legal support because the police prosecuted on my behalf.
<b>For the following reasons:</b>	N/A.
<b>The most important things that services can do to help support Aboriginal women access justice</b>	
<b>I have used the police:</b>	Yes
<b>I have used the Courts:</b>	Yes
<b>The most important thing about these justice services was:</b>	That the police prosecuted my partner so it meant I did not have to. It makes it so much easier to have an on-going relationship with someone when you have not initiated court proceedings against them.
<b>The most important things that the police and justice system can do to protect Aboriginal women from violence:</b>	Come quickly when called to a domestic. Take action against the perpetrator. Make sure that AVOs and Restraining Orders are easy to get and to serve. Make sure there is a non judgemental attitude of people working in the area. Make sure that people are safe throughout the prosecution process.
<b>The following will help Aboriginal women a life free from violence:</b>	Counselling for people affected by violence. Make sure there is a rehabilitation service available for our people to go to, maybe as an alternative to sentencing.

### 3.7 ON TOP OF EVERYTHING I HAD A CANCER SCARE

This woman was regularly assaulted by her ex-partner. They were together for 10 years and married for 7 years but now she has left him and is back living with her parents and her children. She is waiting for a four bedroom house from the ACT Government, and has recently been moved onto the priority housing list. She is grateful, but she still imagines it will take some time.

During her marriage this respondent has experienced verbal putdowns, physical assault, pushing and shoving, her identity has been attacked and she has suffered from, psychological, sexual and financial abuse from her ex partner. She explained that:

*“When he couldn’t get what he wanted (drugs) all hell would break loose – he would yell and scream especially about money issues. I didn’t like it. The more assertive he was the less likely it was that I wanted to stay with him, but I did not really have any alternatives..”*

The violence she says was physical once or twice a week, but the verbal putdowns were constant.

*“But these (verbal assaults) would build up. I knew that the emotional abuse would be followed by the physical abuse. I used to wait for it and try to make sure that when he did hit me, it wasn’t in front of the children.”*

One of the strategies this woman used was to make sure he would hit her after the kids had gone to bed, that way when they woke up in the morning the pressure had dissipated and they could get on with some kind of normality.

#### Calling for help – getting locked up

This woman was reluctant to call for help from the police; she often first approached the Godmother to her kids. She was a long-time friend who was always concerned about what was going on. In the respondent’s life:

*“She was there to live with me whenever he left to help with the kids. She was always concerned about what was going on and she was always there for me”.*

The last time they had a big fight where he hit her repeatedly. She did not call the police but the neighbour called the police to intervene. From the time the neighbour called until the police arrived she said he had her cornered:

*“He put me up in a corner and I had no choice but to defend myself, so I was kicking and punching for all it was worth. I was beside myself; I did not want to take it anymore. When the police arrived, I was still defending myself and by this time he had calmed down a bit. When the police came in it gave him a chance to look more reasonable than I did. He had me charged for assault; I got taken out of the house and taken to the lock up over night. In the morning, I was charged with Domestic Violence. Would you believe he took a DVO out on me... I can’t go back to the house now. He has everything.”*

She went back to court one month after to get the charges dropped and the DVO dropped. This all occurred in 2008, she has stayed with her parents in their house since this time. She approached a range of organisations to get their support. A range of these agencies had worked with the family in the past and assisted her get letters of support to get onto the priority housing list with the ACT Government. These agencies include the Salvation Army, the DVCS, Therapy ACT, Communities @ Work and the local Federal Member’s Office.

*"I was so happy that everyone was behind me, the only reason I got onto the priority housing list was because all the agencies were behind me. I am still seeing a lot of them, I am still getting support from a lot of them. Most of them are still checking up on me to make sure I am ok. DVCS walked away because the case is finished with them, but they rang me to let me know that they were going to do that and to see if it were ok. They all helped me as much as possible considering the circumstances. Everyone was helpful except the police. This was the only time they came out to my place because of the violence, and I was locked up because of it. After all the kids and I had been through!"*

Most of the agencies treated her with respect and listened to her issues, then tried to offer support in the immediate crisis and in the medium term after the incident.

When asked about the most important things that services can do to help Aboriginal women, this participant said that it is important to *"really listen to what they are saying is happening in their lives, understand what has happened and how it has happened and to rally around the woman to help as much as any service could"*.

### **Legal Issues for this respondent**

The children have, throughout the entire trauma, managed to stay at the same school and have recently started visitation rights with their father. This is as a result of legal processes now going through the Family Law Court. She has attended this Family Law Court and the Magistrates Court between 3-5 times each since the incident and is currently engaged in a conflict resolution process as part of legal proceedings to instigate a divorce and resolve custody issues. She could not approach Legal Aid to represent her as her partner had already sought legal representation from Legal Aid. She knows people at the Women's Legal Centre personally and did not want to be represented through this agency, instead opting for a private solicitor. What she wanted from a lawyer was to represent her in relation to the DV, in trying to get the charges against her dropped, to formally resolve custody issues and to instigate divorce proceedings.

In terms of what are the important activities that services can employ to help Aboriginal and Torres Strait Islander women access justice is to make sure that justice is served on the appropriate person in the appropriate way. It is important for these services to treat women with respect, listen to their stories, arrest people who harm them, follow through this arrest with prosecution and be fair and open about what can and can't be done for them in their situation. This respondent did not think it would be possible to rehabilitate a person who habituated violence and conflict with their intimate partners. She also reiterated that services 'should not listen to what they do not want to know'. In her case, she felt it was much easier for the police to arrest her for defending herself, rather than arrest her husband despite the story he was telling them. She felt the police did not do a thorough enough investigation of the facts, and that to do so would have been time consuming and cost too many resources.

### **What can be done to make sure women live free from violence?**

This participant felt that there was nothing that could be done to make sure that people lived free from violence. She was of the view that 'if it is going to happen it will happen'. She did not feel like she was in a position to answer this question as 'she did not expect that it would happen to her and it did.'

## On top of everything else

This participant needed the interview to be concluded at a certain time, as she had to go and support her friend during her friend's visit to the doctor. Her friend had found a lump in her breast and was afraid. The participant then said that on top of everything else, she had a cancer scare. She had soon after moving in with her parents discovered a lump in her breast and had to go for biopsies and other consultations. She did not know if she had cancer, and was deeply afraid of what would happen to her and her children in the event that she did. She said that although the results were clear, that it really did impact on her in a way she could not have imagined. Upon hearing her friend had found a lump, she was prepared to be of assistance, stating that "we'll get through it together".

### Snapshot – On top of everything else, I had a cancer scare

<b>The most recent abuse was from:</b>	The father of my children. He identifies as a non-Indigenous man.
<b>The type of abuse was:</b>	Verbal putdowns, physical assault, psychological, sexual and financial abuse. Her identity was attacked. He used to get frustrated and take it out on her, especially when they were about money problems.
<b>This abuse was experienced:</b>	Physically she was attacked once or twice a week, the verbal putdowns were constant.
<b>The worst thing for me is:</b>	The emotional abuse really rocked my self esteem. After the emotional abuse, I knew the physical abuse was coming.
<b>Who called the police to intervene?</b>	A neighbour called the police to intervene. My partner had charges pressed against me by the police. I am currently trying to get them dropped.
<b>Are you currently single or partnered?</b>	I am a single mum now living at home with my parents until I can get a Housing Commission house.
<b>I have been involved with the following agencies about the abuse:</b>	After he bashed me and got me in a corner I had to defend myself. The neighbour had called and the police charged me with violence against my partner, after I had suffered abuse for years. He took out a DVO on me. I have been in contact with DVCS since.
<b>In my personal network I relied on:</b>	My parents (I am living with them again with my children) and my children's godmother. She is my dearest friend.
<b>In the Services I relied on:</b>	DVCS
<b>I wanted the person/service to do the following first:</b>	To stop the violence. To stop the violence happening in front of the children. I wanted him to stop abusing me and to deal with his anger differently. I wanted him taken away and punished.
<b>Then afterwards I wanted them to:</b>	Drop the charges against me, make sure I can have custody of my kids and make sure I have a safe place to live without him in my life except to see the kids.
<b>Over the time I experienced the abuse I wanted to see happen:</b>	I wanted to see him get punished for doing what he did to me. I wanted him to know what he was doing to us.
<b>The following person/service was most helpful to me over time:</b>	DVCS has been really good to me. They helped me access a whole lot of other letters from agencies to support my application for a house. I have been moved up the ACT Housing priority list. They all still keep in touch with me and ring me to see how I am doing.
<b>They were helpful because:</b>	They listen to me; they heard my point of view, they tried hard to understand what had been happening to me over the past few years. Everyone rallied around me which was great.
<b>The least helpful service:</b>	The police who came in and prosecuted me rather than taking into account what had happened in my family over a long period of time.

<b>I have used the following services to help me deal with violence:</b>	I am not allowed back near the house I was living in with him and the children. The agencies that have been supportive are the Salvation Army, Therapy ACT, Communities @ Work, DVCS, and other agencies and Members of Parliament.
<b>I used these services:</b>	DVCS have recently walked away from me, but they checked with me first to see if it were ok to do so. I said it was, the case had been finished off with my partner, I am now going to get my charges dropped, and I am going for custody and waiting for my house to come up.
<b>The most important thing about these services:</b>	Be there, listen, and offer practical advice and support. It is important to try to understand what really happened and to rally around and help as much as possible as all the agencies could. It would have been good to develop a coordinated approach to my case.
<b>I sought legal advice from:</b>	I had to go to a private lawyer for representation, the legal aid office could not represent myself as my ex partner got in first. I did not want to go to the WLC because I know staff there and opted for a private solicitor to represent me instead.
<b>For the following reasons:</b>	I wanted a lawyer to represent me in relation to the DV, in trying to get the charges against me dropped, to formally resolve custody issues and to instigate divorce proceedings.
<b>The most important things that services can do to help support Aboriginal women access justice</b>	When a woman makes a decision to change her circumstances that services can get in behind her 100%. It is so important that agencies work together to make sure justice is properly served.
<b>I have used the police:</b>	No
<b>I have used the Courts:</b>	Yes
<b>The most important thing about these justice services was:</b>	I have been to the Magistrates Court 3-4 times since the incident. I am now in the conflict resolution phase of the legal proceedings. It is so important to make sure that people have a chance to put forward their point of view to be heard.
<b>The most important things that the police and justice system can do to protect Aboriginal women from violence:</b>	Listen to my story; treat me with respect, arrest the person who has hurt me, punish the person, Be fair and open about what can and can't happen. It would be wrong to set up any expectations in anyone. It is important to stick to the facts.
<b>The following will help Aboriginal women a life free from violence:</b>	Can't do anything about violence, if it is going to happen it is going to happen. I can't say that I expected to live with violence, but look what happened to me. I think it is important that women get supported to keep their lives as normal as possible for their children and that children are offered counselling and support. It would be good to be able to get the Solicitor's fees reimbursed from somewhere too.

### 3.8 HE HASN'T TOUCHED ME FOR OVER THREE YEARS

This participant has experienced violence throughout her life, and in all of her major relationships. Her first husband, with whom she had four children, never drank nor did drugs, but had anger management problems. Her second husband she said 'was an alcoholic and used to bash her when he was pissed'. She has been with her current partner for 15 years, though they have never married. He must be an alcoholic, she reasoned, even though he is no longer drinking. He used to be violent toward her though, when he was on a bust<sup>19</sup>.

The worst of its effect on her was that her self-worth took a battering as well as her body.

*"The bruises go away, but the emotional stuff stays with ya, my self worth has gone down, even in the good times."*

*"About three years ago, on a bust, he gave me a hiding. He used to drink for months on end, 24 hours a day. All through this time I was at risk of being bashed as well as having to be responsible for everything, and making excuses for him to our friends and family".*

*"When he used to threaten me, I used to come back at him saying that I was going to call the cops on him. This usually shut him up, but one day it did get that bad. I rang the cops and this time they came to the house and took him away to the watch house. He was there overnight and had to appear before the court where he got charged. Bail conditions were set that included that he had to attend an anger management course out at Symonston for 2 days a week. After that he was released back home. He has never hit me again since that time, but the mental abuse kicked in real hard after that."*

Her partner keeps her in constant pain; she is in a constant state of mental anguish. While it all appears ok on the surface and her friends and family have accepted that she is now free from violence, he does not touch her at all.

*"Even though we get on well now and things are ok, he has never touched me since. He has slept on the couch for the past three years, he has never come to bed. I could leave him but I have not wanted to; better the devil you know and after a while you just get too old to up and leave. After an event like that on the surface everything has settled down, but in my own mind it hasn't. I am constantly checking myself – checking my own mental health. How am I supposed to deal with being ignored? It triggers off something for me? He must be mad! How can he keep resentment for 3 years? In those three years there has been no demonstration of love or affection, no handholding in public, no hugs no kisses no anything."*

It felt to her that she was constantly being punished for doing 'wrong to him' for calling the police and bringing attention to their private life, so she reasons he must be punishing her in a private way. "He is paying me back after all this time."

*"I don't even feel like a woman anymore."*

Was calling the police a good thing as far as she is concerned?

*"Yeah," she replied, "it stopped the physical violence. But if I had been able to see what would happen because I called the police, I probably wouldn't have."*

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<sup>19</sup> A bust is when a person would binge drink. They could be sober for months, then, over a week or a couple of months they drink all they can for as long as they can.

## Using services and what advice she has for them

She had been in contact with DVCS. They treated her with respect and listened to her. She said it was nice to have someone to talk to. It was important she said for the violence to end, not the relationship. Women who go back to their violent partners are not gluttons for punishment, it's just that *'we don't want to punish our men, we just want the violence to stop.'* She still wants to be with her partner:

*"With me you can counsel and talk to people but if you are counsellors you have to practice what you preach and have more understanding for people who are in violent relationships. People have to help women understand why they love their men, and do things that help them overcome their low self esteem."*

Ringling the police was difficult, even though she had been threatening it for ages, when she finally did ring she had to make the phone call then hide up in her backyard.

*"One half an hour later they rang me to see if I still needed them to come out to the house. When they did come, they were good. My husband used to 'blackout' where he did not remember anything. It was during these times when he blacked out that I got the most scared. I used to say to him that one day you are going to come out of it and you will see me on the floor and you are going to wonder what happened. He was looking like he was in another blackout that is why I called the police. I was scared."*

DVCS came around that night.

*"They came around to make sure I was ok and they were really good. Sometimes they ring me up out of the blue just to see how I am going or they used to give me an update on what was happening. It is important to have someone to talk to and someone who can help bring you back down to earth without a crash after something like that. They kept ringing even after three months. It is nice to know someone cared. There are some things that is hard to talk to family about, when you tell them what is going on they all say why don't you just leave? They don't understand."*

She has made a decision to be in a relationship with this person, and although she will not ask for help she is grateful for the intervention that stopped her getting physically abused. She does not know what to do about the emotional and mental anguish she now suffers, because it is hard to imagine it is abuse. She has attempted to get her partner to come with her to Relationships Australia to have relationship counselling, but, as yet, he has not agreed to go with her, and she will not attend without him.

## Seeking legal advice

In her second marriage (to a non-Indigenous person) she was often bashed. She tried to seek legal advice on one occasion but, by her own admission, she was 'pretty fragile' when she went. She said she felt confused by the end of the consultation, like she was the one at fault. The way that she was spoken to reinforced in her mind that she was the guilty one, for 'making such a good man lose his temper like that.' She internalised everything and did not seek legal help again.

This was in spite of her being hospitalised for a few months at a time from injuries sustained from her second husband. One day he repeatedly punched her in the back until she could no longer move. She had to be hospitalised, remaining in traction for a number of months. In the hospital she talked to a social worker who helped to facilitate her escape. She got housing and

a range of other goods and services that meant she could leave that man soon after she got out of hospital. She was also supported to get a DVO against him and a restraining order to not have contact with her at all.

## Health Implications

At the time of the interview, this participant was going into hospital so that she could have a heart stress test after having had palpitations and an uneven heart beat.

### Snapshot – He hasn't touched me for over three years

<b>The most recent abuse was from:</b>	My partner of fifteen years. He identifies as a non-Aboriginal man.
<b>The type of abuse was:</b>	Verbal putdowns, physical assault, psychological. He used to hit me when he was on a bust on the grog.
<b>This abuse was experienced:</b>	The verbal abuse was constant. The physical stuff happened when he was on a binge. About three years ago I rang the cops on him and they came to get him and put him in the lock up over night then charged him and released him on bail to do some anger management courses.
<b>The worst thing for me is:</b>	While it all looks alright from the outside, the inside is horrible. He hasn't touched me since then, he has not come to my bed, has not shown me any affection, has not offered a hug or held my hand. He sleeps on the couch in the lounge room. I wonder if I am going crazy, the mental anguish I am going through is horrible. He wont talk about it.
<b>Who called the police to intervene?</b>	I called the police to intervene. My partner had charges pressed against him by the police
<b>Are you currently single or partnered?</b>	I am still in a relationship with him.
<b>I have been involved with the following agencies about the abuse:</b>	DVCS came around soon after she made the phone call to the police and have been part of her life ever since. It has been good to have someone to talk to.
<b>In my personal network I relied on:</b>	My friends and family all think the domestic violence has gone away because he doesn't hit me anymore. They cannot understand the constant mental anguish I am in. I don't even feel like a woman anymore.
<b>In the Services I relied on:</b>	DVCS. She has tried to get her partner to come with her to Relationships Australia to discuss what is happening.
<b>I wanted the person/service to do the following first:</b>	To stop the violence. To punish him for hitting her. To make sure that he got to some rehabilitation service (like the anger management course).
<b>Then afterwards I wanted them to:</b>	Wanted to make sure he could come back knowing that she would call the police if she needed to, that she wasn't afraid to do it. For him to recognise his part in the problems in the relationship and for him to make an effort to work towards a loving reconciliation.
<b>Over the time I experienced the abuse I wanted to see happen:</b>	I wanted to see him get punished for doing what he did to me. I needed him to not be so reliant on alcohol and to deal with his anger differently. I wanted us to be a couple, but to not suffer in a relationship. We have been together for 15 years now, it is better the devil you know.



<b>The following person/service was most helpful to me over time:</b>	DVCS has been really good to me. I have had someone to talk to and to share how I am feeling. It is good to be able to talk about these things.
<b>They were helpful because:</b>	They listen to me; they have phoned me to see if I have been ok.
<b>The least helpful service:</b>	I really want to go to Relationships Australia, but I don't want to go without him.
<b>I have used the following services to help me deal with violence:</b>	DVCS
<b>I used these services:</b>	When I was in crisis, when I need to talk something through, when I feel a bit crazy with the mental anguish in my head.
<b>The most important thing about these services:</b>	Be there, listen, and offer practical advice and support. It is important to have someone there to listen to me when I am having a hard time. It is good when people ring me up to see how I am doing.
<b>The most important things that services can do to help support Aboriginal women are:</b>	Make sure that counselling services are available. It is important for me to know that what is happening to me now is also a form of abuse, that abuse is so much more than just being hit.
<b>I sought legal advice from:</b>	I had to go to Legal Aid in a prior relationship.
<b>For the following reasons:</b>	I had to get a AVO taken out against my second husband, a prominent non-Indigenous man who hospitalised me.
<b>The most important things that services can do to help support Aboriginal women access justice</b>	Treat me with respect, recognise we don't want to end the relationship; we just want the violence to stop. We want the services not to tell us to prosecute the partner, or leave the partner; some of us have such low self esteem that it would be too hard to do.
<b>I have used the police:</b>	Yes
<b>I have used the Courts:</b>	Yes
<b>The most important thing about these justice services was:</b>	Understand that when we come to legal aid services we are very fragile and cannot really make good decisions. We may need to be led just a little bit until we find our way.
<b>The most important things that the police and justice system can do to protect Aboriginal women from violence:</b>	Listen to people's story; understand what we are trying to achieve by going down this road. Understand that it is difficult for Aboriginal women, we seem prone to have difficult lives – and it seems too difficult to live any other way. We are put down a lot and while everything may look alright on the outside, we may be having a major crisis on the inside.
<b>The following will help Aboriginal women a life free from violence:</b>	A social worker at the hospital where I ended up helped me facilitate my escape by helping me organise housing, organised services that I needed to be engaged with and services that could help me and my children. It was good to do this while I was in hospital, so I had a chance to regather myself, so I had the energy to change.

### 3.9 I AM LOOKING AFTER ALL THE YOUNG PEOPLE IN MY FAMILY

This participant never had a violent upbringing, although all of her partners were violent toward her.

Many times she had to leave her home due to violence and sadly, she says the kids saw it all when they were little. She used to get scarred black eyes, her face smashed in and as a result of sustained violence; this respondent believes she has been scarred mentally. She also believes that it has affected the relationship she has with her children. She left the father of her children saying *'I thought that she would give that one a miss, didn't want my children growing up the same way'*. She finally had enough of getting slapped and kicked because it made her *'feel insecure when I had violence in my life, it wasn't good for me; it had a devastating effect on me'*. Alcohol was involved, and the violence was worse when he would get frustrated and on the grog.

During this time in her life she says she used to walk around the streets with her injuries visible for anyone to see. When her friends, neighbours or family asked what had happened to her, she used to tell them directly, *"He bashed me. I told them all the truth. Then they would say to him he was a bad person, but no one interfered at all."*

When she left the relationship she ended up with her children in refuges in Canberra and Queanbeyan. At one refuge run by the Nuns she said they were very strict but they had to stay there in order to be eligible for housing.

*"They did not have TV or anything, which of course sent the kids crazy. I used to beg them to let the littlies watch some comics in the morning, just to try and keep a bit of normalcy in their lives, the nuns said no. I had a little radio in my room. I used to get the kids listen to Sesame Street on the radio".*

Finally she got housing for herself and her children. It was a 2 bedroom flat on the top floor of a block of units. She used to have to keep an eye on the kids in case they climbed the railing and fell over the balcony. When her children were young, she got a job at the Abattoir. She used to get up at 4.30am in the morning and prepare the food for the children so that the kids could have a feed when they woke up. She tried to make sure that her children never wanted for anything, she is proud of her identity as a worker, stating she has always *'worked for her money'*.

After some time, she got into another relationship; again this relationship was marred by violence. He nearly broke her back. She climbed out of a window to escape him, and he took a running jump and kicked both feet into her back as she was trying to call out to her neighbours. She could not move and had to be in hospital in traction for 5 days after the incident.

*'He should have been arrested in 2002, he nearly bloody killed me! I couldn't breathe properly, I was nearly a paraplegic. The police caught up with him in a park, he was coming to the hospital to see me. He got bail and took off. He should never have gotten bail. I took a DVO out on him, and even though his family were not happy with what he did to me, they still did not like the fact that I put out a DVO on him. Afterwards, he still tried to come back to me, saying that 'he wanted to talk'. I told him then that he did his talking with his fists and that I did not want to talk to him ever again. Eventually he got the message and left me alone.'*

## Violence as the norm

This participant said that her brothers used to hit their girlfriends and then kiss their feet after.

*“Most of my brothers are dead now, gone to heaven to join dad. My poor mother had to bury her husband and her four sons before she departed us. Dad and my brothers died from alcohol-related diseases. It’s hard being left behind by your family.”*

This woman also said that her niece is experiencing family violence:

*“My niece goes back to the same person and gets violated and then turns around and leaves him, then does the same thing again! They should not be together, there is no love there at all – it’s two young people playing cubby house. I told my niece’s partner to keep his hands to himself; he didn’t so I rang the police. He was just about to hit her in the head again, when the police came in. He got escorted out and locked up for the night.”*

She also says that her sons have respect for women. They have seen what she has been through and do not want to hit anyone, she also made a rule for them that if they ever hit someone they were in a relationship with then she would never speak to them again.

*“They say to me that they have seen what I have been through so they don’t want to hit anyone, they have too much respect. I told them it is not good to be labelled a basher. Bashers hang their heads; they don’t hold their heads high.”*

## She does not have compassion for police

She said she does not have compassion for the law - she has scars on her from the law – the law arrived too late, or did not come at all, or did not lock up a perpetrator of violence. They have been the least helpful because they were not successful in incarcerating the man that nearly killed her. While they have intervened in other episodes of violence in her life, she still harbours unease about the police in her and her family’s life.

## What services are important to help you deal with violence?

This participant says we need a more interactive space to help deal with violence – something like an open house:

*“We need a open house with a nice garden that we can sit in and talk with each other, we need a team of people that can help us and we need to get groups of women together so we can have nice cups of tea. There is nothing here specifically for Aboriginal women who have experienced DV, we have a lot of DV places but a lot of women do not feel safe and secure when visiting them. It is important to have a garden with a nice atmosphere so we can talk to someone who has been through what we have been through.”*

## She has a lot of young people to look after

Her daughter lives up the north coast ..... and rang her daughter in NSW one time and the man she was living with was bashing her terribly. She put a call through to the police fearing for her daughter’s safety. The police went to the address she gave them and her daughter opened the door, and told them that there was nothing going on. The police took some time to get there, but her mother knew that her daughter was lying to them to protect her partner. Her mother was deeply sad that that was the case. Her other sons were going up to see her daughter to get it all sorted.

Her niece just moved over from \_\_\_. She is living in a flat in Canberra. Every time she leaves the flat, someone attempts to break into it. The police will not come to investigate, and Housing will not come to fix up the flat without a police job number. This young woman is feeling tormented, and is starting to lose control on her fragile future.

### Snapshot – I am looking after all the young people in my family

<b>The most recent abuse was from:</b>	My second partner nearly killed me. He is an Aboriginal man from NSW.
<b>The type of abuse was:</b>	Verbal putdowns, physical assault, psychological. I was once kicked in the back I was in traction in hospital for five days, thinking I was a paraplegic.
<b>This abuse was experienced:</b>	When he got frustrated, or he was on the grog, or he was jealous because I did not tell him where I was going.
<b>The worst thing for me is:</b>	He never got prosecuted for doing this horrible thing to me. Also, as my kids were growing up, they witnessed all the violence and I think it affected them.
<b>Who called the police to intervene?</b>	The hospital referred me. I made a statement to the police but my partner was never charged.
<b>Are you currently single or partnered?</b>	I am single
<b>I have been involved with the following agencies about the abuse:</b>	DVCS and the DV workers there. I have been involved with Refuges and Housing services. I have been involved with the hospital and counsellors as well as lawyers to get a DVO against my second partner.
<b>In my personal network I relied on:</b>	My friends and neighbours were really good to me. My children were great as they grew up. I have a large family, although I have lost a lot of my siblings and my parents have now passed away. I wasn't really able to associate with women – my man used to get overbearing. I wasn't allowed to go anywhere without him.
<b>In the Services I relied on:</b>	DVCS. They were good, helped me get referrals and letters of support for housing. The hospital sent down DV workers which was good. I have also been involved in the Dickson community centre; they are a good drop in service there.
<b>I wanted the person/service to do the following first:</b>	I wanted to see him punished. I wanted to see him suffer like I suffered. I wanted him to go away for a very long time.
<b>Then afterwards I wanted them to:</b>	Make sure me and my children were housed properly and that we had a support from other people who knew what I was going through.
<b>Over the time I experienced the abuse I wanted to see happen:</b>	I wanted to see him get punished for doing what he did to me. I wanted the violence to stop. I didn't want to feel the shame anymore, or have my life so controlled by him. The services helped me get out of it which was good.
<b>The following person/service was most helpful to me over time:</b>	DVCS has been really good to me. The mums' and bubs' program at Inanna is good for me. I don't know what I would have done without my mum's support.
<b>They were helpful because:</b>	They listen to me; they have phoned me to see if I have been ok. The mums' and bubs' program has helped me keep my head above water. It gives me something to look forward to.
<b>The least helpful service:</b>	Legal Aid was the biggest disappointment because my ex-partner was not charged with hurting me.
<b>I used these services:</b>	When I was in crisis, after I got hit, I use them now when I am afraid for my children's safety. My daughter is experiencing DV at the moment.

<b>The most important thing about these services:</b>	It is important to have someone there to listen to me when I am having a hard time. It is good when people ring me up to see how I am doing. I also like to know that I can ring the police and they will go and check on members of my family at my request.
<b>The most important things that services can do to help support Aboriginal women are:</b>	Make sure that people can get helped with counselling. It is important for women to get together to talk about what is happening in their lives and to be able to share what is happening in a way without fear or judgement.
<b>I sought legal advice from:</b>	Legal aid office tried to help but was not really successful.
<b>The most important things that services can do to help support Aboriginal women access justice</b>	I reckon that people should be able to go to some kind of place that is respectful, will listen to you and be able to help you get in touch with other agencies that can help you too. I often don't have any phone credit left because I have to make a lot of phone calls.
<b>I have used the police:</b>	Yes
<b>I have used the Courts:</b>	Yes
<b>The most important things that the police and justice system can do to protect Aboriginal women from violence:</b>	Listen to my story; try to be helpful when people call up with a problem, get the business between the housing department and the police department sorted out and to come to a call out quickly. The police have always been helpful to me and my kids, just that they were not able to help me with that prosecution of that second partner of mine.
<b>The following will help Aboriginal women with a life free from violence:</b>	Women need to be able to come together, maybe in an open house with a nice garden so women can talk about things together. A drop in place where people can catch up together and maybe get together like a netball team so that women can do something other than talk about all the trouble in their lives. It would be good to be able to do something different.

### 3.10 MY SON REFUSED THE HELP OFFERED TO HIM

This participant's son was verbally abusing her and pushing and shoving her. Although it only happened every so often, the experience of violence really compounded her sense of failure as a parent.

*"I tried to teach him the right things and I didn't feel I was able to do it. I was determined to have him grow up differently, different to the childhood I had. I tried to have him be very aware, to be a different Aboriginal male, to have a different childhood experience. And I felt that I failed..."*

This participant did call for help about the abuse. In her personal networks, she had to be very careful about who she told about the violence because of the shame factor. *"I did not want to be judged. I told a very close friend who I trusted enough"*.

The participant also contacted the police and DVCS.

*"DVCS referred me to Richmond Fellowship. I did really good work with them. They helped me shift in some of the things that I do and helped me put firmer boundaries in place. It helped shift our relationship and gave me strategies as a parent"*.

### What she wanted to have happen was to have the violence stop

*"First I wanted it [the violence] stopped and for me to feel safe. Then I wanted support for myself, to know what I needed to say. With DVCS it was to know I wasn't alone. They follow-up and checked up with me and were really non-judgemental. I called them in the days prior to calling police"*.

She knew that it couldn't go on and that it was her responsibility to stop the violence. She felt like she needed skills to stop the escalation even though it made her feel helpless:

*"I knew if it had been a man what I would do but with my adult child it felt different. I felt helpless and didn't know what to do. The first worker at DVCS wasn't listening but then I got what I needed and they were great".*

*"Over the time of the violence, what she wanted most to have happen was for the violence to stop, then she would have required someone to help him and keep their family story safe".*

Thirdly, she wanted some healing time for herself and for him.

### **Who was the most helpful?**

Over time, the Richmond Fellowship was the most helpful for me. Sadly though, my son refused any interventions offered.

*"The Richmond Fellowship counsellor was really fantastic. Brief therapy worked – it was very affirming and very challenging. Got me to change my aiding and abetting of his behaviour. I would have loved my son to have been involved in this but he refused. It was good to have a male perspective. I trusted him completely."*

### **Who was least helpful?**

There was a worker in DVCS that was not helpful to this participant at all, and there was a solicitor that really deflated her:

*"I went to get an AVO but the solicitor didn't think there were grounds. I felt really let down. I wanted something serious to make my son stop and think and I thought the AVO could do this. The solicitor sent a strongly worded letter but it had no impact on my son. He laughed."*

### **What are the most important things that you think services can do to help support Aboriginal and Torres Strait Islander women?**

- Gain an understanding of the difference between family violence for Aboriginal and Torres Strait Islander people and for non-Aboriginal people. It is constructed differently, isn't just a white feminist construction. There is a need for services to acknowledge this and work with it;
- There is sometimes a preference for non-Indigenous services/workers because of confidentiality issues in the community; however, these workers would need to be familiar with family violence in the ACT Indigenous community;
- Build trust between person and service. You have to build it.
- Be supportive of the person's wishes & really try to put those into practice. Aboriginal women know how to live/operate in their community and culture with these things. It is important for services to be aware of payback and the backlash against women.

### **What are the most important things that you think services can do to help Aboriginal and Torres Strait Islander women access justice?**

- Have an Aboriginal Women's Legal Service best owned & operated by Indigenous women (but maybe under WLC);
- Having your own legal representation; and
- Transport for women.

## What are the most important things that you think the police and the justice system can do to help protect Aboriginal and Torres Strait Islander women from violence?

- Send male/female teams to connect with male/female in household. Have 2 different levels of communication; and
- Send really good messages about what's culturally appropriate. *"Violence is not our way"*. But hard for police to do this and not sound patronising. Understand the causes of family violence are socially constructed though it is still not ok.

## What are the most important things for the ACT to help Aboriginal and Torres Strait Islander women live free from violence?

- Have a cooling off house where men can go – this is an option other than constantly breaching AVO if it is just yelling and screaming. He can talk to another brother (even non-Indigenous man). You can't ignore the assault if there is one but where to draw the line for the community? Where can police draw the line if they see an assault or are told of one? How many times do they go to the cooling off place before police get involved? This helps women too as she knows she can call somewhere and get a brother to come and help;
- Education for women about their options;
- A healing place for women, healing workshops; and
- Family centred healing. Maybe we should make them both go. It has to be done for both of them.

### Snapshot – My son refused the help offered to him

<b>The most recent abuse was from:</b>	My son. He identifies as a young Aboriginal man.
<b>The type of abuse was:</b>	Verbal putdowns, pushing and shoving.
<b>This abuse was experienced:</b>	Every so often.
<b>The worst thing for me is:</b>	Really affected my belief about myself as a good parent.
<b>Who called the police to intervene?</b>	I called the police. My son was never charged.
<b>Are you currently single or partnered?</b>	I am a single mother.
<b>I have been involved with the following agencies about the abuse:</b>	I contacted the police and the DVCS.
<b>In my personal network I relied on:</b>	People that I could trust.
<b>In the Services I relied on:</b>	DVCS who referred me to the Richmond Fellowship. This was a good referral for me, my son refused any assistance at all.
<b>I wanted the person/service to do the following first:</b>	Over the time of the violence, what I wanted most to have happen was for the violence to stop, then I wanted someone to help my son who would keep our family story safe. Thirdly, I wanted some healing time for myself and for him.
<b>The following person/service was most helpful to me over time:</b>	The Richmond Fellowship.

<b>They were helpful because:</b>	They listen to me; they have phoned me to see if I have been ok. The mums' and bubs' program has helped me keep my head above water. It gives me something to look forward to.
<b>The most important thing about these services:</b>	Gain an understanding of the difference between family violence for Indigenous people and for non-Indigenous people. It is constructed differently, isn't just a white feminist construction. There is a need for services to acknowledge this and work with it. There is sometimes a preference for non-Indigenous services/workers because of confidentiality issues in the community; however, these workers would need to be familiar with family violence in the ACT Indigenous community. Build trust between person and service. You have to build it. Be supportive of the person's wishes & really try to put those into practice. Aboriginal women know how to live/operate in their community and culture with these things.
<b>The most important things that services can do to help support Aboriginal women are:</b>	Have an Aboriginal Women's Legal Service best owned & operated by Indigenous women (but maybe under WLC) Having your own legal representation Transport for women.
<b>The most important things that services can do to help support Aboriginal women access justice</b>	Send male/female teams to connect with male/female in household. Have 2 different levels of communication Send really good messages about what's culturally appropriate. "Violence is not our way". But hard for police to do this and not sound patronising. Understand the causes of family violence are socially constructed though it is still not ok.
<b>The following will help Aboriginal women a life free from violence:</b>	Have a cooling off house where men can go – this is an option other than constantly breaching AVO if it is just yelling and screaming. He can talk to another brother (even non-Indigenous man). You can't ignore the assault if there is one but where to draw the line for the community? Where can police draw the line if they see an assault or are told of one? How many times do they go to the cooling off place before police get involved? This helps women too as she knows she can call somewhere and get a brother to come and help. Make sure there is education programs that provide information for women about their options. A healing place for women, healing workshops Family centred healing. Maybe we should make them both go (It has to be done for both of them).

### 3.11 HE ATTACKED MY SENSE OF 'BEING A WOMAN'

This participant's current partner verbally abused her; physically attacked her and attacked her identity on a daily basis. The thing that affected her most was the verbal put downs:

*"The verbal putdowns of me as a woman and my sense of myself plus the physical assaults. It was the shouting, shouting & carrying on. He would grab my neck and try to choke me. It happened everyday for no particular reason. Thank god I'm out of it now. His idea was that women don't speak for themselves and that he can do these things to me as 'just a woman'".*

I tried to get assistance with my problems from my neighbours and from the police and DVCS.

*"My neighbour tried to talk with him but there was a language difficulty and my husband was stubborn. My neighbour tried to talk with him about taking a break or to separate for a while but then my husband made it difficult for him. Then my neighbours didn't want to get more involved and then I felt shame as my husband wouldn't listen and*



*they were trying to help. With police I wanted them to come immediately and take him away and lock him up. My husband was pushing me around, he grabbed my neck in front of the children, shouting and shouting and throwing things. My neighbours did and I miss them. I didn't trust my husband not to do something silly so I had to leave. The police after an hour's talking with him did take him away. He was carrying on and shouting down the road, accusing me of having affairs with the neighbours. It was so embarrassing".*

Over time, no one was really helpful. She wanted the violence to stop because he was starting to abuse the children by pushing and kicking them and she really needed help for herself in amongst all of it, she did not feel able to care for herself at all.

*"This inability to take care of myself was compounded by my experiences with those agencies that were set up to assist me. I felt let down when the police did not charge him [the perpetrator]. They just took him to a mate's house. Afterwards, DVCS came an hour after police. I felt disappointed and didn't feel respected or reassured".*

### **How were they not helpful?**

*"I was crying & upset & wanted them to be sympathetic and I didn't get that on a woman to woman level. They phoned once afterwards but I felt they were "just doing a job". They asked questions about him and not about me. I don't have anything good to say about DVCS. I did call them a couple of times afterwards and I had to go through a whole thing about identifying myself. I felt they thought I'd made my bed and I should lie in it. They made me feel hopeless".*

### **What are the three most important things that you think services can do to help support Aboriginal and Torres Strait Islander women?**

It is important to train up non-Indigenous workers in organisations to be non-judgemental, to keep an open mind, and to be more caring. There should be an increased capacity to share information about what helps Aboriginal women and what services there are. It is important for services to be sensitive to cultural and religious boundaries.

### **Legal Aid**

I went to get a DVO from the Legal Aid office. The lawyer was there *'just to do a job, it felt it was just a job to him. It was a young fella and I felt I had to teach him, I had to push and push and educate him at the same time.'* I did not want to be teaching him at the same time I needed help.

### **What are the three most important things that you think services can do to help Aboriginal women access justice?**

Language is very important – things need to be in plain English so that it is understandable and accessible to everyone. It is important to put some effort into breaking down the legal jargon and barriers.

*"It's lots of jumble. We need to break it down and repeat it and repeat it so that I understand. You need to make sure that I understand..."*

This participant stated that there needs to be a middle person to support them and to share information, ideas and options. It would be of benefit to have someone to share community

information and to help explain issues in a way that's appropriate. Again, it is important to reiterate the need to be sensitive to cultural & religious boundaries, to understand what it is like for Aboriginal and Torres Strait Islander women. There needs to be more sharing of information about services and what to do.

This participant also stated that they had been in the courts about ten times trying to get a DVO which 'was a nightmare'. In order to participate more fully in the justice agencies it was important that the services directed some resources to better explain English legal system terminology and that they develop a competency in giving Aboriginal women more moral support. They need to be sympathetic to the problems experienced by people who come in through the door. This would be improved by having an Indigenous service or person or room available for support where a person can get more information and relay this to the client.

**What are the most important things that you think the police and the justice system can do to help protect Aboriginal and Torres Strait Islander women from violence?**

The participant identified the following:

- 1. Education for Indigenous women in knowing about these [legal] systems. It just isn't getting across;
- 2. Share information about services and what can be done about the problem; and
- 3. Have someone there in the police station & court house.

*"What does the ALS do? What is it doing to help? Can it help? "*

**What are the most important things for the ACT to help Indigenous women live free from violence?**

The participant identified the following:

- 1. There needs to be a middle person to help.
- 2. Tap into Indigenous services and other services and how they work. They need to be reliable, resourceful and helpful. This is about housing and refuges;
- 3. Get into the colleges (for example TAFE Indigenous Unit) and learn how to be free and share information about how to live free from violence; and
- 4. In community health there needs to be more Indigenous workers, and a network of Indigenous women and non-Indigenous workers who are supportive and mean what they say.

**Snapshot – He attacked my sense of being a woman.**

<b>The most recent abuse was from:</b>	Current partner
<b>The type of abuse was:</b>	He verbally abused me; physically attacked me and attacked my identity.
<b>This abuse was experienced:</b>	On a daily basis he would abuse me. I wanted the violence to stop because he was starting to abuse the children by pushing and kicking them and I really needed help for herself in amongst all of it, she did not feel able to care for myself at all.
<b>The worst thing for me is:</b>	I was feeling shame and taking on the guilt because of his behaviour. My neighbours tried to help me but my husband would not listen to them. I was becoming more isolated. He was becoming more aggressive and starting to violate me in front of the kids.

<b>Who called the police to intervene?</b>	The neighbours called the police. My partner was never charged.
<b>Are you currently single or partnered?</b>	I am still partnered.
<b>I have been involved with the following agencies about the abuse:</b>	My sense of hopelessness was compounded by my engagement with the agencies. No one really helped me.
<b>I wanted the person/service to do the following first:</b>	To stop the violence. I went to a couple of agencies but they were of no use. The language barriers were too large, I felt like people were 'just doing their job' and in another agency I felt like I had to train someone when I needed help.
<b>The most important things that services can do to help support Aboriginal women are:</b>	It is important to train up non-Indigenous workers in organisations to be non-judgemental, to keep an open mind, and to be more caring. There should be an increased capacity to share information about what helps Aboriginal women and what services there are. It is important for services to be sensitive to cultural and religious boundaries.
<b>I sought legal advice from:</b>	I had to go to a private lawyer for representation, the legal aid office could not represent myself and my ex partner and his family. They got in first, I had no where else to go.
<b>For the following reasons:</b>	To get a restraining order, to get an AVO and to get custody of the kids.
<b>The most important things that services can do to help support Aboriginal women access justice</b>	When a woman makes a decision to change her circumstances that services can get in behind her 100%. That there is someone to talk to and the advice is good advice, so the counsellors need to be properly trained to give you good advice. That the services work together for me and that the services know what each other are doing. That the police will come immediately if I need them to.
<b>I have used the police:</b>	Yes
<b>I have used the Courts:</b>	Yes
<b>The most important things that the police and justice system can do to protect Aboriginal women from violence:</b>	Education for Indigenous women in knowing about these [legal] systems. It just isn't getting across Share information about services and what can be done about the problem. Have someone there in the police station & court house "What does the ALS do? What is it doing to help? Can it help? "
<b>The following will help Aboriginal women a life free from violence:</b>	There needs to be a middle person to help Tap into Indigenous services and other services and how they work. They need to be reliable, resourceful and helpful. This is about housing and refuges. Get into the colleges (for example TAFE Indigenous Unit) and learn how to be free and share info about how to live free from violence In community health there needs to be more Indigenous workers, and a network of Indigenous women and non-Indigenous workers who are supportive and mean what they say.

## 4 IMPROVING THE OUTCOMES FOR ABORIGINAL PEOPLE AFFECTED BY FAMILY VIOLENCE IN THE ACT

The women interviewed in the study nominated a wide range of improvements to ensure positive resolution of family violence for Aboriginal victims of violence in the ACT. Their own words describe their suggestions for ways forward.

It is vitally important that services coordinated their activities and actions for the benefit of families. People want practical advice and support as well as longer term support, and for people to genuinely listen to their stories and their concerns.

### **Training to improve access to services**

- Train non-Indigenous workers in organisations to be non-judgemental, to keep an open mind, and to be more caring.
- Services should receive training to be sensitive to cultural and religious boundaries that people have.
- Gain an understanding of the difference between family violence for Indigenous and non-Indigenous people. It is constructed differently, and isn't just a white feminist construction. There is a need for services to acknowledge this and work with it.
- Be supportive of the person's wishes & really try to put those into practice. Aboriginal women know how to live/operate in their community and culture with these things.
- People need to be trained to provide excellent counselling and other types of services to Indigenous families in distress.
- Make sure there are skilled people working in Aboriginal organisations.
- Workers to have an awareness of culture, to have a little group for Aboriginal and Torres Strait Islander people and to have an Aboriginal and Torres Strait Islander Unit that deals with these problems.

### **The right attitude, the right outlook, the right outcome**

- There is sometimes a preference for non-Indigenous services/workers because of confidentiality issues in the community; however, these workers would need to be familiar with family violence in the ACT Indigenous community.
- Build trust between person and service. You have to build it.
- To have open minded people working there. This is important because Indigenous people get judged all the time and it is too hard. Some service workers think that Indigenous people are really intimidating, but it takes all kinds. I think the Rudd Government will help with this a lot.
- Understand that some victims of violence cannot leave their partners or other family members.
- Just phoning people to make sure they are ok.
- Women need to be listened to and to be able to tell their stories to people who will hold them safe.
- Make sure they understand cultural issues and make sure that services stay free for young people like me.

- Understand that even a long time after the violence happens; it can affect people and their children. People who have been hurt by violence often spend a lot of time in hospital for other health related reasons.
- There is sometimes a preference for non-Indigenous services/workers because of confidentiality issues in the community; however, these workers would need to be familiar with family violence in the ACT Indigenous community.
- Be supportive of the person's wishes & really try to put those into practice. Aboriginal women know how to live/operate in their community and culture with these things. It is important for services to be aware of payback and the backlash against women.

## **Improving a capacity to share information within and between services and clients**

- There should be an increased capacity to share information about what helps Aboriginal women and what services there are specifically for Aboriginal women. It is important for services to be sensitive to cultural and religious boundaries.
- Make sure that there is information available for women like me. It would be good to have a telephone number to talk to someone on. I would like to have information given in a way that makes it easy for me to understand.
- Impart to women some coping strategies for dealing with what they have going on in their lives.

## **Support for children and parents**

- Help with transport for the kids and to give a general hand around the house.
- Being connected with other people to "get out of the house".
- Provide support for kids (and their mothers).
- Send parents to classes (parenting classes).
- To make sure that young parents have somewhere safe to go to and that our parents are supported to help deal with the return of their own children and grandchildren, especially if their kids have had violence in their lives. The young parents program is very important.
- Young parenting groups are very helpful, make me feel connected to people that are the same as me. Stops me from feeling isolated. Housing is very important; we need somewhere safe and secure to raise our children.
- To make sure that parents have somewhere safe to go to and that our children are supported to access rehabilitation services. It would be good if single mothers can have some safe men around their sons for mentoring and support and for talking to. It would be great if there were a scholarship fund where our children could access sporting equipment, registration fees or something else in order to play team sports, to be a bit normal and to get involved in positive peer activities.
- To make sure that young parents have somewhere safe to go to and that our parents are supported to help deal with the return of their own children and grandchildren, especially if their kids have had violence in their lives. The young parents program is very important.
- Make sure that we look out for kids. We have to take them away from harm so they don't see it because it leaves trauma in their heads. It sticks and ruins any chance of normal.
- Support the kids in violent family homes.
- I think it is important that women get supported to keep their lives as normal as possible for their children and that children are offered counselling and support.

- Make sure our children are supported with the cost of assisting them access counselling, to participate in sports or for other activities.
- Reduce the waiting lists on organisations that provide mentoring and other types of programs.
- Find ways to make sure that kids always know how to and who to call in case of an emergency at home. Employ more youth workers who have an idea about what is going on at home.

### **Improved referral capacity**

- Make a good referral to someone who has the time and cares.
- Make sure that the services are able to support women to look after their kids well.
- Make sure people are there to support Aboriginal women get their children back home with them.

### **The most important things that services can do to help Aboriginal women access justice services**

- When a woman makes a decision to change her circumstances that services can get behind her completely.
- That there is someone to talk to and that the advice they give is good advice, so the counsellors need to be properly training to give good advice.
- That the services work together for me and the services know what each other is doing.
- That the police will come immediately if I need them to.
- Make sure that if there are any issues that come up in courts that women can be represented well and supported if they have to go to court.
- Have an Aboriginal Women's Legal Service best owned & operated by Indigenous women (but maybe under WLC).
- Make sure women know to have their own legal representation.
- Phone people regularly just to make sure they are ok. People really appreciate it.
- Be there, listen, and offer practical advice and support. It is important to have someone there to listen to women when they are having a hard time. *"It is good when people ring me up to see how I am doing."*
- It is good when they do advocacy on our behalf especially with housing, other services, racist people, and in other circumstances when I do not feel strong enough to do it.
- Make sure AVO's and Restraining Orders are easy to serve and that getting them is easier than it currently is.

### **What the police and the justice system can do to protect Aboriginal women from violence**

- Education for Indigenous people about how to traverse the legal system just isn't getting across.
- Share information about the services in the region and what can be done about the problem of family violence.
- It is important to have someone there in the police station and the court house.
- "What does the ALS do?" "What is it doing to help?" "Can it help?"

- Not come and take the kids away. They can bring in other services to make sure that it doesn't happen. But when there is violence, the police need to come quickly and speak nicely to people.
- They need to charge the people who are being violent so that the victims don't have to press charges.
- Treat me with respect, recognise we don't want to end the relationship; we just want the violence to stop. We want the services not to tell us to prosecute the partner, or leave the partner; some of us have such low self esteem that it would be too hard to do.
- Listen to people's story; understand what we are trying to achieve by going down this road. Understand that it is difficult for Aboriginal women, we seem prone to have difficult lives – and it seems too difficult to live any other way. We are put down a lot and while everything may look alright on the outside, we may be having a major crisis on the inside.
- Keep people safe throughout the prosecution process. Extended family can sometimes make women drop charges. That is why it is important that the police press the charges.
- Take action against the perpetrator.
- Make sure there are people who can help you go through court it is an intimidating process.
- Listen to my story; come quickly when called to a domestic.
- Take action against the perpetrator, it is too hard for Aboriginal women to do it. Make sure the woman has court support and that there is a place where women can go where it all is in the one place. Its too hard when you are in crisis to go all over town.
- It is important to get to where people are in trouble at the time they ring. It is also good if the police can prosecute the person who is violent, but that means they have to get there when it is happening. It was good to have someone by my side when I was going to court.
- Make sure they can listen to people, make sure they treat people with respect and make sure thy really listen to what is happening.
- Listen to a victim's story, prosecute the perpetrator of violence and protect the children by whatever means possible.
- Make sure that Aboriginal women are represented and that prejudice does not get in the way of an Aboriginal mother and her children. Just be aware that with some problems, they won't go away overnight, they will take years and years for people to resolve. Sometimes, it will be too hard to resolve any of the issues that people live with. They have to find their own way of living with it.
- Take action against the perpetrator. Accept that the woman might go to court with her partner if he is prosecuted by the police and make sure he goes to prison somewhere close if that is what the woman wants, especially if he is a dad to someone and they want to visit him.
- Take action against the perpetrator. Make sure that DVOs and Restraining Orders are easy to get and to serve. Make sure there is a non-judgemental attitude of people working in the area. Make sure that people are safe throughout the prosecution process.
- Listen to my story; treat me with respect, arrest the person who has hurt me, punish the person. Be fair and open about what can and can't happen. It would be wrong to set up any expectations in anyone. It is important to stick to the facts.
- Send male/female teams to connect with male/female in household. Have 2 different levels of communication.
- Send really good messages about what's culturally appropriate. *"Violence is not our way"*. But hard for police to do this and not sound patronising. Understand the causes of family violence are socially constructed though it is still not ok.

- To take into account that drugs is what is affecting people's violence and that people might need rehabilitation not prison.
- Make sure there are free alternative legal services available for women in my situation. Make sure that there are people who can explain what is happening to me in simple easy terms. To make sure that I feel supported when I go to court. To make sure that my ex-partner's family are not able to intimidate me when I go to Court.

## **WHAT WILL HELP ABORIGINAL WOMEN LIVE FREE FROM VIOLENCE**

### **Community education**

- Get into the colleges and learn how to be free from violence and share information about how to live free from violence.
- Make sure there are education programs that provide information for women about their options.
- Make sure that there is information available for victims of violence; it would be good to have a telephone number to talk to someone on. I would like to have information given in a way that makes it easy for me to understand.
- Send really good messages about what's culturally appropriate. For example, " Violence is not our way".
- That you just never know who is going to end up in violent relationships, so you can't make judgements or have expectations about this. Find ways to make sure that kids always know how to and who to call in case of an emergency at home. Employ more youth workers who have an idea about what is going on at home.
- Make sure that our young men know that violence is not an answer. It would be good to start on anger management as soon as possible.
- Make sure there is more involvement and awareness in the community about family violence and what people can do about it. Get some more slogans out there in the community. Give peers some more information about violence and get them out and about to teach other people about the effects of violence and what can be done.
- For the community to become more aware of violence issues, and to get the community more involved in what is going on and to make sure everyone has the chance to be in supportive relationships (through a school community, or with supportive peers or family).

### **Support to stop men perpetrating family violence**

- It would be good for men to talk to other men about violence.
- It would be good if single mothers can have some safe men around their sons for mentoring and support and for talking to. It would be great if there were a scholarship fund where our children could access sporting equipment, registration fees or something else in order to play team sports, to be a bit normal and to get involved in positive peer activities.
- We need more men to talk to men about violence at the time it happens.
- We need more men to help others get to rehabilitation and other support services.
- We need for men to take responsibility for their kids and to be there for them in a good way.
- Men might have to learn different ways of making a transition into a family environment, and what that means rather than trying to work it out for themselves.
- Counselling services where men can go and talking about their violence and work on the reasons why without involving their women to do it for them.



- It would be good if men can have some training to know that violence affects the family and that they cannot keep coming back to their partners with the same kind of behaviour. Although women have to be strong to leave them, it would be good if men could also take responsibility for their behaviour.
- Help our men stop being violent.
- Counselling for men to be good fathers and some support for them to know how to do that.

### **A centralised coordinating service specifically for Aboriginal victims of family violence**

- Be a 'one stop shop' to coordinate activities across a whole lot of services and areas.
- Provide counselling and other activities.
- Education for women about their options.
- There needs to be a middle person to help [a support service that can interact with other services and help get things happening].
- Tap into Indigenous services and other services and how they work. They need to be reliable, resourceful and helpful. This is about housing and refuges.
- Provide support for kids (and their mothers).
- Hold parenting classes.
- Help arrange transport - to and from meetings and other appointments as well as shopping etc.
- Have an Aboriginal Women's Legal Service best owned and operated by Indigenous women (but maybe under WLC).
- Women need to be able to come together, maybe in an open house with a nice garden so women can talk about things together. A drop in place where people can catch up together and maybe get together like a netball team so that women can do something other than talk about all the trouble in their lives. It would be good to be able to do something different.
- It would be good to have the same staff over a long period of time. It is really hard when people keep on changing all the time.
- I reckon that people should be able to go to some kind of place that is respectful, will listen to you and be able to help you get in touch with other agencies that can help you too. I often don't have any phone credit left because I have to make a lot of phone calls.
- The services should employ social and emotional counsellors where possible.
- Be there, listen, and offer practical advice and support. It is important to try to understand what really happened and to rally around and help as much as possible as all the agencies could.
- Make sure women can access counselling. Make sure women feel safe and secure and able to tell their story without fear or judgement. Make sure there is a safe place for women to go to do therapeutic activities together.
- Transport.
- Immediate assistance to escape violence.

## **Options for family health and wellbeing**

- There should be a healing place for women, healing workshops, weekend retreats.
- Family centred healing approaches should be developed and adopted across the ACT.
- Make sure that counselling services are available.
- Help women learn when they have had enough.
- Get women out of the house more.
- Get agencies to help them meet new people.
- To make sure that parents have somewhere safe to go to and that our children are supported to access rehabilitation services.
- Ensure there is adequate access to housing.
- Make sure our children are supported with the cost of assisting them access counselling, to participate in sports or for other activities.
- Reduce the waiting lists on organisations that provide mentoring and other types of programs.
- Make sure that counselling services are available. To make sure that young parents have somewhere safe to go to and that our parents are supported to help deal with the return of their own children and grandchildren, especially if their kids have had violence in their lives.
- The young parents program is very important.
- Make sure that we look out for kids. We have to take them away from harm so they don't see it because it leaves trauma in their heads. It sticks and ruins any chance of normal.

## **Community infrastructure needed to deal with family violence**

- Have a cooling off house where men can go – this is an option other than constantly breaching DVOs if it is just yelling and screaming.
- That there are options for this man to go and talk to other men at the time of the assault or breach of the Order (even non-Indigenous man). You can't ignore the assault if there is one but where to draw the line for the community?
- Where can police draw the line if they see an assault or are told of one?
- How many times do they go to the cooling off place before police get involved?
- This helps women too as she knows she can call somewhere and get a brother to come and help.
- There could be an increase in the numbers of free doctors available.

## **Dealing with drugs and alcohol in our family**

- Get Aboriginal Alcoholics Anonymous and Alcoholics Anonymous meetings together.
- Support people to get to an alcohol rehabilitation service.
- Just phone people who have had a hard time to make sure they are ok.
- It would be good to get people along to a rehabilitation service as an alternative to sentencing.

## **Invest in a larger network of Community Workers**

- In community health there needs to be more Indigenous workers, and a network of Indigenous women and non-Indigenous workers who are supportive and mean what they say.
- Pay these workers well so they want to stay, and support them with training and debriefing services.
- Tap into Indigenous services and other services and how they work. They need to be reliable, resourceful and helpful. This is about housing and refuges.
- In community health there needs to be more Indigenous workers, and a network of Indigenous women and non-Indigenous workers who are supportive and mean what they say.
- The case workers from different organisations seem to be really young, and while they might have a degree they do not really understand Aboriginal people's lives. It is important that workers are given training on dealing with Aboriginal people in respectful ways.

# SECTION 2: ABORIGINAL AND TORRES STRAIT KEY PERSON INTERVIEWS

## PREFACE

This part of the research has been prepared to assist building the capacity of ACT justice and related agencies to respond more appropriately to Aboriginal & Torres Strait Islander victims of crime and especially of family violence.

The expertise and experience of Aboriginal & Torres Strait Islander practitioners and workers in the justice and service sectors is critically important to building that capacity. People in these fields are expert in the processes, laws, service structure and systems of the non-Indigenous legal and social systems. They are also members of the Aboriginal & Torres Strait Islander communities. They can help people navigate both worlds, can help interpret and translate, and can help form bridges to better understanding and more effective support. As such, people generously gave of their time as Key Person Interviewees (see p.200 for list of persons interviewed). Both they and the research project stressed that their views are not necessarily representative, and the interviews did not constitute a consultation. Ultimately the information generated through interviews with these Key People will help improve access to justice and to services for Indigenous victims of violence.

The summary information is provided by service providers that respond in some way to Aboriginal and Torres Strait Islander victims of family violence. The needs of Aboriginal and Torres Strait Islander victims of violence are still evolving, and a diverse range of services are required. It is worthwhile to acknowledge that there are some excellent specialized services for Aboriginal and Torres Strait Islander victims of violence in the ACT, which need to be maintained and enhanced into the future.

The research involved both semi-structured interviews and a workshop with the Key Persons. This section of the report contains an analysis of the interviews, identification of key themes and gaps, and proposals for ways forward.

Given that the brief was to identify these thematic areas of intervention there are some important issues that have, by necessity been omitted. A limitation of this component of the report then is the focus on thematic areas of potential intervention. Interviews during which the finer details of interventions have been described have fallen outside of the scope of the project report and therefore have not been included.

# 1 KEY OBSERVATIONS ABOUT ABORIGINAL AND TORRES STRAIT ISLANDER FAMILY VIOLENCE VICTIMS IN AUSTRALIA

There is a significant body of theoretical and empirical literature from which to draw key observations about Aboriginal and Torres Strait Islander crime victims, particularly victims of family violence. There are different theoretical perspectives on the causes of family violence including individual pathology theory, family systems theory, feminist theory, and intersectional or multicultural theory (Gordon et al. 2002<sup>20</sup>; Sokoloff 2004<sup>21</sup>); and reflect the complexity of family and domestic violence. These theories acknowledge not only a wide range of causal factors but also the range of factors required to achieve solutions.

The framework presented in *Violence in Indigenous Communities* (Memmott et al. 2001)<sup>22</sup> divides the causes of violence in Indigenous communities into the following three broad categories:

1. Precipitating causes—particular events that precede and trigger a violent episode by a perpetrator.
2. Situational factors—circumstances in the social environment of the antagonists.
3. Underlying factors—the historical circumstances of Aboriginal and Torres Strait Islander people, which make them vulnerable to enacting, or becoming a victim of violent behaviour<sup>23</sup>.

Whilst beyond the capacity of this report to provide a detailed overview of the extant literature on victims of crime; there are some key observations which underpin this presentation for improved access to justice and support services for Indigenous victims of family violence.

## **Violence has a historical context for Aboriginal and Torres Strait Islander people**

Memmott et al. (2001) argue that the violent dispossession of land and continuing cultural dispossession of the past 200 years have resulted in particular social, economic, physical, psychological and emotional problems for Indigenous people, which is reflected in the high level of violence in Aboriginal and Torres Strait Islander communities.

Gordon et al. (2002) in *Putting the picture together: inquiry into response by government agencies to complaints of family violence and child abuse in Aboriginal communities*, finds that colonisation has resulted in an 'unresolved grief that is associated with multiple layers of trauma spanning many generations'.

Some of these 'layers of trauma' include: colonial aggression; genocide; racism; alienation from tribal lands; breakdown of social structure; loss of spirituality and languages; removal of rights and responsibilities; labour exploitation; and large-scale removal of Aboriginal children from their families ('stolen generations').

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20 Gordon S, Hallahan K, Henry D (2002) *Putting the picture together, inquiry into response by government agencies to complaints of family violence and child abuse in Aboriginal communities*. Perth: Department of Premier and Cabinet.

21 *Domestic Violence at the Crossroads: Violence Against Poor Women and Women of Color* by Natalie J. Sokoloff, *Women's Studies Quarterly*, Fall 2004 (9 pages) (at 139-147).

22 Memmott, P., Stacy, R., Chambers, C. & Keys, C. (2001), *Violence in Indigenous Communities*, Commonwealth Attorney General's Department, Canberra.

23 <http://www.aihw.gov.au/publications/ihw/fvaatsip/fvaatsip-c01.pdf>

These and other factors have contributed to the erosion of social structures and traditional values, and a range of social problems in current Aboriginal communities (Memmott et al. 2001).

While these social problems have their roots in the physical trauma and violence that were inflicted on Aboriginal people, they are themselves also a cause of violence.

### **Family violence affects Aboriginal and Torres Strait Islander people of every age, sex, locality and socio-economic position**

Family violence affects people across a lifetime, in which individuals are either directly or indirectly affected by violence. Victims of crime can be in-utero (domestic violence usually starts when a woman is pregnant) to elderly people in the community (there are increasing reports of financial and physical abuse of old people for their pension cheques in the community). Victimization over the life-course suggests that prevalence rates are higher than previously thought and that repeat or chronic victimisation is a frequently observed pattern.

### **The consequences of crime victimisation range from minor harm to extremely severe and long term effects**

Victimisation covers any negative outcomes, or any kind of loss, harm or injury, whether the harm is material, physical or psychological. The effects can vary according to the crime type, but a range of other factors (personal and situational) also have significant impacts.

The 'multiplier effect' - where victims do not receive adequate support and intervention then the effects of crime victimisation create long term disadvantage in many other areas of their lives.

### **There are primary and secondary victims of crime**

There are secondary victims who are affected by the crime event(s) even if they are not directly involved. Secondary victims can include children, parents, other relatives, friends, work/school colleagues, witnesses or bystanders. The needs of secondary victims are often forgotten in an intense focus on the primary victim's needs.

Many secondary victims require the same assistance as the victim to either assist them in dealing with the crime event or in allowing them to be of benefit to the primary victims.

### **In Australia, Indigenous family violence crimes are not often reported to police or other authorities**

There is no national data on the extent to which Aboriginal and Torres Strait Islander peoples are victims of crime, however victimisation occurs even when crimes are not reported to police or other authorities. Due to under reporting there are significant numbers of crime victims that do not access available services.

A study in New South Wales in 2001 reported that Indigenous people are 5.5 times more likely (6.2 times for Indigenous females) than non-Indigenous people to be a victim of a domestic violence related assault; 3.4 times (rising to 5.2 times for Indigenous females) more likely to be the victim of assault; 2.8 times (2.9 for Indigenous females) more likely to be the victim of a sexual assault; 2.5 times (1.9 for Indigenous females) more likely to be the victim of murder; 1.4 times (same for Indigenous females) more likely to be the victim of a sexual assault against a child aged 0-15 years.<sup>24</sup>

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24 [http://www.hreoc.gov.au/Social\\_Justice/statistics/index.html#toc9](http://www.hreoc.gov.au/Social_Justice/statistics/index.html#toc9)

The study also reported that victimisation in violent crimes is also predominately the result of offending by other Aboriginal people<sup>25</sup>. This means, Aboriginal and Torres Strait Islander people are more likely to be victims of people they know. This identifies the challenge in Australia to find solutions for Indigenous people being victims of crime, within the context of addressing the over-representation of Indigenous people in criminal justice processes.

### **Violence for many Aboriginal women traverses their entire lifespan and encompasses multiple experiences of victimisation and violence**

At a workshop with service providers in the ACT, we tried to map Aboriginal and Torres Strait Islander people's experience of violence across their lifetime. We were trying to determine when people were primary and secondary victims of violence, and what services could be used to promote a successful intervention in their lives.

The case study developed experientially. People were able to reflect on their own personal experiences as well as those of Aboriginal and Torres Strait Islander men, women and children that had utilised their services.

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25 Fitzgerald, J. and Weatherburn, D. 'Aboriginal Victims and Offenders: The Picture from Police Records', NSW Bureau of Crime Statistics and Research, Sydney 2001, p1. Available online at: [www.lawlink.nsw.gov.au/bocsar1.nsf/pages/pub\\_atoc#aboriginality](http://www.lawlink.nsw.gov.au/bocsar1.nsf/pages/pub_atoc#aboriginality).

## 2 MAIN FINDINGS

Key persons interviewed for this research came from a range of backgrounds and from both the justice and service sectors. Individuals were interviewed on the basis of both their professional roles in responding directly to Aboriginal & Torres Strait Islander victims of family violence, and their roles as members of the Aboriginal & Torres Strait Islander communities in the ACT.

The Key Persons interviewed noted that the needs of Aboriginal and Torres Strait Islander victims of violence are still evolving, and a diverse range of services are required.

### **Observations about Aboriginal and Torres Strait Islander victims of family violence in the ACT**

Service Providers were asked to reflect on victims of family violence in the ACT. The following summarises their observations on the main characteristics of victims of family violence:

- Victims of family violence want the violence to stop, they only report as a last resort, they don't see the violence they experience as criminal, they do not view police as protective, rather as authoritarian.
- Victims of family violence live in fear, they are at risk of contradicting widely held values about Aboriginal and Torres Strait Islander family life if they prosecute, there are a number of issues and dilemmas that multiply the effects of violence by victims.
- Victims of family violence need access to information. They sometimes need permission to do things that meet their needs and they want the right to be respected and heard.
- Victims of family violence mainly want to talk to other Indigenous people in services, need to be able to consider their capacity to ensure their safety and often end up working in helping agencies.
- Children who are victims of family violence need specific services from individuals in agencies, and they too need access to information about violence.
- Victims of family violence feel that the current system has failed them, that there is an imbalance of rights between victims and offenders and that this needs to be rectified.

### **A number of perceived gaps in the justice system were identified through the project:**

1. Most services seem to concentrate on Aboriginal and Torres Strait Islander males as offenders rather than produce quality outcomes for women and children who experience violence.
2. There appears to be little trust in the police or social welfare workers as 'protectors'.
3. The criminal justice system does not deliver results for Aboriginal and Torres Strait Islander victims of violence.
4. The service provider landscape is currently established around the 'cycle of violence' that Aboriginal and Torres Strait Islander people experience, mirroring and developing interventions that only ever operate within the cycle.
5. The lack of coordination between the services in the ACT and in the cross border regions in many ways guarantees poor outcomes for Aboriginal and Torres Strait Islander people accessing services and support from the ACT Justice system.
6. There are significant barriers to recruit and retain skilled staff in services across the ACT. For example, the Canberra Rape Crisis Centre has had a position vacant for 18 months.



## **Key Objectives for reform and development**

The interviews identified key areas where reform and service development was necessary to go some way to addressing the systemic barriers to accessing justice for Aboriginal and Torres Strait Islander victims of family violence.

### **1. Community Education and Prevention (Community Development)**

Strategies are needed to improve waiting list times for participation in court ordered programs and other community based programs. This could be achieved by supporting workers in the sector to develop appropriate community based education, prevention and early intervention programs to redress community violence programs, focusing on victims of crime. Also identified were the need for specific cultural support groups for men, women and children and other groups that supported those affected by drugs and alcohol. Transportation services were nominated as an essential component of community prevention programs. It was recommended that the rising costs of small associations providing transportation services (including petrol prices) be addressed in specific funding submissions (and not within the current funds available to the service).

Education and information resources need to be developed that recognise the impact of violence on primary and secondary victims of violence (parents, children, extended family members) and that information be provided to these people about where to access to justice and support. Also, there is a need to identify ways and means of including men in the denunciation of violence and in specific 'stop the violence' strategies.

### **2. Interventions focusing on Men, Women and Children**

Particularly important is the need to develop strategies that address the needs of children and minimise the disruption of their family life. Further, that there be a focus on accessing resources and funding to sponsor Aboriginal and Torres Strait Islander workers to train as relationship counsellors and assist them facilitate programs with couples and families in the ACT community. Enabling workers in the sector to participate in professional development and skills enhancement and debriefing networks in the ACT was seen as essential as is the need to employ more men in the sector.

### **3. Workforce Issues**

Aboriginal Liaison Officers (ALO - Aboriginal and Torres Strait Islander staff in Aboriginal, Government and mainstream services) are the backbone of any response to redress the experience of victims of family violence in Aboriginal and Torres Strait Islander communities. More resources, strategic policy advice and sectoral effort are needed to recruit and retain ALOs in organisations across the ACT and assist and support ALOs to gain skills and experience to enhance their work practices in the ACT.

There is a need for comparable wages between Indigenous workers in the government and non-government agencies in the sector and to provide support for ALOs to meaningfully engage with these families prior to the escalation of violence. Finally, there are perceived benefits in encouraging these workers to meet regularly to exchange ideas, and to enhance the access of all workers in the sector to cross cultural skills and training programs (particularly focusing on violence matters) to promote more effective communication between the services and families trying to access services.

To enable this communication, it is important that interagency agreements be established between agencies in the sector to ensure that ALOs can, where possible and pertinent; work together in ways that benefit Aboriginal and Torres Strait Islander families in the ACT and that

the Children's Court and the Magistrates Court in the ACT employ Aboriginal and Torres Strait Islander Family Violence Workers.

#### **4. Seamless Services and Interventions (quality improvement strategies that address access and equity issues)**

The ACT Government should consider the implementation of quality improvement strategies and 'standards' for services (including accreditation-type processes and review and evaluation processes) to meet the needs of Aboriginal and Torres Strait Islander victims of family violence. This could be done to alleviate the problems associated with poor legal advice, discrimination; stereotyping and accessibility.

If this strategy is adopted, then the community sector (currently over worked and under resourced) will need to access funding and support to participate in an accreditation process, and be rewarded with monies upon the achievement of certain standards. These standards could be implemented to address the gaps in service provision in the key result areas contained in this report. The community and government sector needs to identify opportunities to create seamless services—including referrals, interventions across a lifetime approaches and additional components of current intervention practices (e.g. working with parents after their children have been removed).

Consideration needs to be given to the appointment of an ACT wide Family Violence Coordinator to support the efforts of workers in the sector in the ACT. This person could develop a centralised intake system in the ACT, develop and enhance strategic approaches, coordinate the networking and other initiatives identified in this report as well as coordinate services for the families identified 'at risk' in the ACT through a 'One Stop Shop'. Additional responsibilities could include reporting to the newly elected Aboriginal and Torres Strait Islander Representative Body and the ACT Government, & commissioning evaluation and reviews of services as well as research in the ACT. This person could also coordinate a complaints process for victims of family violence who have difficulty accessing services.

#### **Future policy options to explore**

Additional to the uptake of these Key Objectives are other policy considerations for the ACT justice system including that:

- Serving Aboriginal and Torres Strait Islander people from 'across the ACT border' – how can this be achieved?
- Managing criminal justice matters effectively—strategies to reduce the impact of shortfalls in programs on the families affected by violence
- How can victims of family violence participate in current circle sentencing and restorative justice options in the ACT without exposing themselves to further harm?
- Implementing a complaints process so that Aboriginal and Torres Strait Islander people can complain if a service compounds or exacerbates their experience of violence.
- Many people sought information about possibly tailoring programs to address the needs of victims of family violence in the ACT—not being content with 'a one size fits all approach'.
- New Prison in Canberra—the extra resources needed to manage the introduction of prisons and families into the ACT will need to be considered.
- Intensive Support—Currently, the services in the ACT can manage the needs of three families per day. Allocating resources to agencies and families to manage this intensive period of support effectively.

### 3 OBSERVATIONS ABOUT ABORIGINAL AND TORRES STRAIT ISLANDER VICTIMS OF FAMILY VIOLENCE IN THE ACT

Nearly 20 individual Aboriginal & Torres Strait Islander key persons were approached to be interviewed in a semi-structured manner. The methodology and questions are included at p.193. A number of key themes emerged from the interviews. The key themes are described as commonly held perceptions and do not necessarily reflect the views of the persons interviewed. People were interviewed as individuals and no attempt was made to draw a consensus or agreed view from the interviewees as a whole.

The following key themes represent what the key persons understood Aboriginal & Torres Strait Islander victims of family violence to be experiencing. This understanding is drawn from their professional exposure and knowledge as well as from their perceptions as members of the community.

#### **Perspectives on violence, help-seeking and support**

##### **Victims of family violence just want the violence to stop**

- They just want the violence against them to stop or they contact authorities as a cry for help and they just want support and advice.
- Victims want the violence to stop, not to have the relationship end.
- Aboriginal and Torres Strait Islander people do not pick up the phone thinking about all the interventions that could/should occur, they just want that violence that is happening to them, at that moment, to stop.
- Aboriginal and Torres Strait Islander people who seek services relating to relief from the negative impacts of violence want time-out, cultural appropriateness, koori specific services, their safety guaranteed and respect.

##### **Victims of family violence don't see the violence they experience as criminal**

- Aboriginal women in particular do not view violence as a crime; is it part of their normal everyday lives.
- Violence is viewed as acceptable.
- Women who seek assistance with the violence in their lives do not normally seek reparation from any organisation, nor do they normally seek compensation that may be owed to them.
- Aboriginal and Torres Strait Islander people manage the cycles of violence in their lives. For example, Aboriginal women may leave home for two to three days (either staying with family, friends, or with emergency accommodation services) before a pension pay day to avoid getting hit, and will return home after the 'danger time' has passed. In this way, they are not homeless, they are not hurt and they manage the situation so children in the relationship experience the least amount of disruption to their lives.

##### **Victims of family violence only report as a last resort**

- Family violence is a very sensitive issue and in a large majority of cases people only report as a very last resort.
- In some cases when children are involved child protection services intervene and take necessary action to prevent and address family violence issues. This can include removing children from the family.

- Nine times out of ten Police intervene when someone calls the Police due to an incident of violence has occurred. Given the relationship that exists between Aboriginal and Torres Strait Islander people and Police, Aboriginal and Torres Strait Islander people do not wish to take further action.

### **Police involvement is not widely viewed as a 'protective measure' for victims**

- Victims have been judged and sometimes bullied by Police Officers to press charges or seek an AVO or DVO protection orders against the offender.
- Police are culturally unaware increasing the probability that individual racist views are given in statements made by attending Police.
- Police involvement can intimidate victims of family violence to 'play down' the patterns of violence happening in their lives.
- Some victims feel very frightened of the perpetrators family members becoming involved and do not see how the police can protect them from 'revenge attacks'.
- Police are seen as authoritarian, not protective, and Aboriginal and Torres Strait Islander people know of Indigenous Australians that have been discriminated against, or harmed by police officers.
- Reporting to police - someone you love gets into trouble. May make things worse.
- The Police 'lock the offenders up quickly', in most cases they do not listen to what happened, how it happened, or who caused it, they see an Indigenous person and 'throw them in lock up'.
- Police are dismissive of Aboriginal and Torres Strait Islander victims of violence – "She'll only go back tomorrow, what's the difference?"

### **Victims of family violence live in fear**

- Victims indicated they live in fear from the offender who harmed them, the offender's family and extended community networks.
- Victims fear for themselves and their families.
- Most victims of violence who live in fear are disassociated from their families, and friends (so as not to bring/cause them harm from the perpetrator of violence in their own lives) and other networks that support and sustain them.
- Victims have fled to other states and territories to escape the threat of violence, or other women have moved interstate to Canberra to flee the violence they (and their children) have experienced elsewhere.
- In some cases, fear prevents victims of violence even asking for information because they fear reprisals (or re-victimisation) should the offender become aware that the victims is the least bit interested in seeking assistance.
- Most victims of family violence are motivated by one of two factors in reporting to authorities; that is either anger or fear (or more accurately desperation). With Aboriginal and Torres Strait Islander victims of family violence, anger does not appear to be as prevalent as a motivating factor, and the desperation threshold appears to be much higher (than for non-Indigenous women).

### **Victims of family violence feel they contradict widely held Indigenous family and community values if they report and seek prosecution of offenders**

- Victims of violence frequently want others to take over and make key decisions on their behalf, such as the decision to prosecute. This is so they are relieved of the negative feelings associated with having to constantly press the prosecution, and the contradictions with core family values this presents.

- Victims feel that reporting violence will break-up the 'family unit', result in the incarceration of the partner (at least in the short term) and being ostracised by the Aboriginal and Torres Strait Islander community (which is more of a difficulty in light of a pre-existing marginalisation within the non-indigenous community).
- Victims have concerns that other people in the community will think they are to blame as well.
- By reporting, victims feel they would be upsetting the larger family, lose all their support networks and become increasingly unsure of who to turn to. As some families in the community are large they find it hard to access or to use the agencies as other family members maybe working for them and it's hard to bring in outside help.
- Victims become doubly isolated because of their perception of having contradicted 'family values'—fear of reprisals from offenders families, the ineffective interventions in family lives by a range of government services, an inability to connect with supportive others in the community and isolated from children, family friends and community organisations (where other family members may work).

### **There are a number of issues and dilemmas that contribute to the 'multiplier effect' for primary and secondary victims of violence**

- Aboriginal & Torres Strait Islander people are often treated differently to the white community. There needs are put last and sometimes they do not get the support they need until it is too late.
- Some younger victims of family violence follow the same patterns as the people who are doing the violence against them as they think this is the way of life and they don't know any better. So as they get older and have their own families the violence continues.
- There are gaps in the provision of services needed by victims including access to a 'safe place' in the community; the provision of support and counselling to family members that are affected by violence; and appropriate referrals to other (mainstream) services.
- Victims are often unable to follow through their case to prosecution and cannot stay safe (out of harms way) when reports are made and court processes prevail.
- When children are involved in some cases child protection services have intervened and this creates many more issues and dilemmas for parents and extended family members.
- Pressure and claims of "dealing with it (the violence) in the wrong way" from extended family members.
- The emotional well being and general health of the victim is often compromised due to stress.
- The safety and well being of children that are involved and emotionally affected by the violence occurring.
- Aboriginal and Torres Strait Islander women will stay in domestically violent relationships because there is 'no where for them to go'. Such is the housing options for Aboriginal women and children in particular—they face discrimination from rental agencies and cannot afford the rents in a private housing market.

### **There is an imbalance of rights between victims and offenders**

- Offenders have the right to treatment and rehabilitation paid for by the state while victims have little funded psychological support, treatment or counselling.
- Offenders can participate in educational programs to re-orient their lives (e.g. anger management courses) while victims have no such right to educational programs to help them re-orientate their lives or to make a necessary change in their lifestyle or career.
- Victims cannot waive or cancel a court hearing; or demand that the hearing be held once it is scheduled. If offenders cancel the hearing (as is their right), victims feel re-victimised and controlled by the offender.

- Offenders have support in a court process, whereas there is limited support for Indigenous victims of crime in either the Children's Court or the Magistrates Court process.

### **Victims of family violence sometimes need 'permission' to do things that meet their needs**

- Children who are victims of violence need permission to talk about the violence. Sometimes they need to access others to talk about violence without the parent's consent.
- People who are victims of violence have had their confidence eroded due to the nature of their relationship, may turn to service providers to assist them and make some decisions for them when they cannot make decisions for themselves.
- People who do not recognise violence as criminal and who have normalised violence may need permission to access services. Permission then is giving a person information and then assisting them make that decision, rather than doing it for them. This is a fine line for some 'service providers' and could contribute to 'burnout'.
- There is fear around making the decision to leave and asking for help.
- Accessing services 'arms' those with the knowledge and stepping stones to start the journey of leaving or seeking appropriate support.

### **Victims of family violence need access to information**

- Agencies need to be able to provide information to women and children who cannot access their individual services. The services need to be able to facilitate outreach programs.
- An information hotline would be a useful addition to the service landscape in the ACT.
- Victims of family violence could benefit from a 'support plan' one in which they have identified their needs and has access to information about services that can be of assistance to them. A major component of this service plan would be to identify the roles and responsibilities of each of the parties to such a plan.
- A victim of family violence would need advocacy support to ensure all components of the plan were able to be accessed and implemented on behalf of the person seeking assistance.
- Victims of family violence need access to information that assists them in the short term, medium and long term process of recovery from violence.
- Programs need to be cross border and work with victims of family violence in the ACT and in nearby NSW regional areas.

### **Victims of family violence want to be respected and the right to be heard**

- They do not want to be treated black (different) nor do they want to be 'stereotyped'.
- They want their concerns to be dealt with immediately.
- They want the right to be heard and not judged because of what is occurring in their relationship or family situation.
- They seek acceptance, support, and want to take responsibility for making suitable realistic short term and long terms decisions.
- Victims of family violence want access to safe places in the community and the right for their confidentiality to be maintained and respected.
- Victims of family violence want the right for the court matters to be dealt with in a timely fashion and not to be judged or feel intimidated by parties involved.
- Their cultural needs and family upbringings to be respected and maintained.
- Victims of family violence also want to be respected – the principles for how offenders will be treated are included in legislation, principles for dealing with victims are not.

- Victims also want a real voice in the justice process. Some people have been frustrated by the extent to which they are left out of the decision making process, about where offenders may be imprisoned, and/or the length of time or the severity of the sentence an offender might receive.

### **Aboriginal and Torres Strait Islander victims of family violence need access to information**

- Victims of family violence need to have awareness about the cycles of violence and be provided with the opportunity to do some safety planning for themselves and their children.
- Victims of family violence need to access information that is sensitive to their situation and circumstances.
- All services in the ACT need to be able to cross reference the information that is available for victims of family violence in the ACT.
- Most victims of family violence receive information by word of mouth, especially to organisations that have Indigenous workers.
- If victims of family violence are not able to be assisted, or have a negative experience trying to access information, then this constitutes an enormous barrier to accessing information to change their situations into the future.

### **Children who are victims of family violence (whose parents are in denial about their experience of violence) need individuals in services to:**

- Validate their experiences of violence.
- Facilitate group and individual sessions that allow young people to explore their feelings about the violence that occurred to them with others.
- Provide information about what violence looks like and how it feels to witness violence, or to experience violence first hand.
- Explain and reinforce what needs to be done to keep themselves safe.
- Participate in 'safety planning' exercises.
- Be available and know who they talking are, and the issues they are talking about (it would be difficult if every time they made contact with an organisation they had to tell their story).
- Facilitate their learning how to describe themselves as someone other than 'a victim of violence'—particularly in their peer group.
- Provide information about disclosure of violence with their peer group—young people who have disclosed violence in a new peer group (e.g. in high schools) face being ostracised because of the way they have shared their experiences with others.
- Young people who perpetuate crimes against others in their families also need additional support from services.

### **Indigenous victims of family violence mainly want to talk to other Aboriginal and Torres Strait Islander people in key service provider agencies**

- Aboriginal and Torres Strait Islander people trust the knowledge and experience of Aboriginal and Torres Strait Islander workers in the areas of child protection, family support, crisis intervention, and community welfare.
- Indigenous victims of family violence talk to others within their own family and community, often showing a strong reluctance to talk to authorities.
- Sometimes they only talk with other family members, who try to encourage them to talk to someone else outside the family.

- Generally Aboriginal and Torres Strait Islander victims of family violence seek support from workers that are involved in specific family violence services and do not access local Aboriginal community agencies due to 'family relationships', 'shame' and the ongoing stress of community people knowing what is happening in the family and in their relationships.
- People do not generally talk to many community people in case it gets back to the offender and their family.
- It is possible that some victims of family violence have told a little part of their story to a lot of different service providers and given them a small part of their total story (e.g. they may have seen a doctor for stress, a social worker for children's behaviour at school, a liaison officer at the legal centre, a Centrelink staff person for payments and provided information consistent with what they needed to get help from that one agency).

**Victims of family violence feel that Aboriginal or Torres Strait Islander people are more able to:**

- Discuss with them what is working in the areas of family violence prevention, how best to access to services and what to do about the community's views.
- Promote their needs within different service agencies and to advocate on their behalf that those agencies adopt approaches to address family violence.
- Discuss previous experiences in confidence and to reflect on how workers have seen first hand the impact of family violence on family members, and in the community in general.
- Support people with their 'roller coaster' of emotions and opinions about what had occurred to them and to provide a sounding board about the lack of follow up support they have received (or not received) from other services involved in their case.
- Discuss the pattern and cycle of violence in ATSI families and the impact of ATSI people's emotional well being.
- Understand their need for safety and their fear of reprisals from other members in the community.

**Aboriginal and Torres Strait Islander victims of family violence need to be able to consider their capacity to undertake processes that ensure their safety.**

A series of questions should be answered as soon as possible after the engagement of a service by a victim of family violence:

- Is the support service funded to address the issue of family violence?
- What are the safety factors to consider with assisting and supporting victims of family violence?
- Is the relationship between the victim of violence and the service going to be affected by the report/disclosure?
- What is going to be the role of the service in terms of future support for the victim of violence and family members?
- Are there any other important situational/family issues to consider and address?
- Is the victim of violence consenting to seeking legal advice, and has the victim of violence got intensive support to undertake legal advice discussion?
- Is the victim of violence safe? Has the victim of violence got other emergency plans in place to prevent further situations/incident of violence? How can the service be of assistance in these plans?
- There are usually other family members in take in account when making safety discussions and plan of actions in family violence incidents.



- More often than not children/young people are involved and witness the violence at home. Are there suitable safe family placements options? When should these options be initiated?
- Is the victim of violence able and willing to engage the offender in a court process?

### **The current system has failed Aboriginal and Torres Strait Islander victims of family violence**

- Historically, the systems response to the dire problem of family violence in Indigenous communities has been a series of short-term initiatives, which has itself acted to erode confidence.
- What is required (but to date not implemented) is a long term; consistent and constantly reviewed Indigenous family violence initiative. More importantly, when it is discovered this initiative is not as effective as it should be, rather than throwing out the initiative, we need to consider retaining and simply making the necessary adjustments.
- Despite the dire situation with regards to family violence in Indigenous relationships, there is an absolute dearth of meaningful programs or strategies.
- Key people constantly say the right things in backroom discussions and there are occasional supporting announcements of new programs, most of which however do not proceed past the policy announcement phase. Even those that do rarely if ever have meaningful assessment phases attached to them to determine any required program or strategy adjustments to improve success; rather they are cancelled within a short period, usually citing ineffectiveness as the reason.
- The justice system does not respond appropriately to Aboriginal and Torres Strait Islander people. For example, if a woman wants the violence she experiences to stop, and for the offender to get help with their abusive behaviour without being 'locked up', the justice system still locks them up—there is no support and assistance given to the man and little is given to the woman or other members of the family/ community to assist them to understand the situation and the impact of their behaviour.
- The models that could be replicated are non-Indigenous initiatives such as the Family Violence Intervention Program operating in the ACT, which features constant review phases and appropriate funding. We need to extend the enthusiasm we show for non-Indigenous family violence eradication to addressing family violence within Indigenous relationships.

### **Aboriginal and Torres Strait Islander victims of family violence often end up as volunteers or workers in helping organisations**

- Aboriginal and Torres Strait Islander workers in 'helping organisations' may have a history of violence in their own lives.
- Many (not all) Aboriginal and Torres Strait Islander workers in the field have had first hand experience of violence in their lives, either as a primary or a secondary victim.
- Aboriginal and Torres Strait Islander people working in these organisations may be 'triggered' in that some of their clients will open up some of their own (un)resolved issues; these issues can be at the forefront of their minds when making decisions for clients.
- Some Aboriginal and Torres Strait Islander workers who have been or are primary and secondary victims of violence can also be made to experience 'being victimised' within their workplace. If workplaces are Eurocentric; inflexible; not understanding; do not have access to culturally appropriate information or policies; demand a certain level of functioning from people who have stressful lives; and/or places Aboriginal and Torres Strait Islander people in positions that conflict with their personal views about families, culture and rights and responsibilities; then the powerlessness of being an Indigenous (primary and secondary) victim of violence feel is intensified for the worker (institutional violence) as well as for the clients (interpersonal violence) they represent.

## **Working with victims of family violence is often traumatic for the Aboriginal and Torres Strait Islander workforce**

- Some cases people work with reactivates Stolen Generations issues and other unresolved issues such as grief and loss.
- In the ACT, there are different interpretations of the term 'mandatory reporting' – many of the non-Indigenous workers take this term to mean an extreme report (often ending up in removal) rather than as an dialogue with various parties to show how decisions have been made and what issues need to be solved for the children to remain in their parent's care.
- The ACT is understaffed in this field and agencies are currently undertaking recruitment strategies to employ people from the UK. These new workers will not be aware of how to work with Indigenous families.
- Some workers have experienced secondary trauma as a result of their work; there are particular scenarios where people are triggered in psychological and spiritual ways.
- Workers may also be carers themselves, working with people who need care.
- Workers do not receive professional, formal debriefing within their agencies, nor with each other. A lot of workers carry the burden of caring on their own.
- Some workers indicated that because of all of these and other issues, they felt as though they had lost their ability to empathise with clients who seek their support.

## **What does 'justice' mean for Aboriginal & Torres Strait Islander victims of family violence?**

Aboriginal and Torres Strait Islander people in the ACT do not have a consistent concept of 'justice', nor do they have confidence in the ability of the criminal justice system to deliver whatever their concept might be.

Generally, Aboriginal and Torres Strait Islander people's view of the criminal justice system is that of a system remotely capable of solving their problem, but usually with a high cost.

Justice generally is not reconciled by reference to philosophical concepts of right and wrong, rather functional issues of problem and no problem.

The Justice system needs to be improved greatly to cater for the needs of Aboriginal and Torres Strait Islander victims of violence and family violence. The justice system is poor quality, and poses a series of considerable barriers for Aboriginal and Torres Strait Islander people.

There is limited support that is being offered to victims of violence from within the system and Aboriginal and Torres Strait Islander community agencies are neither funded, skilled or resourced to tackle the appropriate provision of services to assist victims or families of family violence. These community agencies usually work with what they got to assist victims and families to address violence issues.

The word 'Justice' is not a great word to use with the Aboriginal & Torres Strait Islander people as I think they see it as more than just a family violence issue.

Justice is just a word. The opinions of Aboriginal and Torres Strait Islander victims of crime and their representative communities state that justice for Aboriginal and Torres Strait Islander people is a challenge. Greater advocacy for systems change is needed from the community and government sectors so that vital change can occur at a grass roots level to improve the capacity of real justice to be delivered in a way which meets the overall needs of family violence (seamless services).

From a male perspective more research and support program management is required to address the high level of need for Aboriginal and Torres Strait Islander men to take responsibility in addressing their own emotional well being and behaviour management practices.

### **Perceived objectives for justice and support for Aboriginal & Torres Strait Islander victims of family violence**

Whilst this depends on the victim of violence, generally, victims of violence want:

- To be heard (legitimised) by someone in a service agency and to be given correct, timely advice.
- For the offender to be 'taken away, to calm down'.
- To live a life free from violence, particularly if they live in environments where their safety is constantly at risk.
- Validation—is overwhelmingly the driver of the engagement between a victim of violence and a service.
- Assistance to alleviate their (victims of crime) circumstance, their position in life.
- People might be 'self starters' in that they are making enquiries to access justice by themselves and are seeking advice.
- To be able to escape if need be, they want to know that their matter can be dealt with immediately.

## 4 KEY OBJECTIVES FOR REFORM & SERVICE DEVELOPMENT

The Key Persons interviewed identified the following key objectives for reform and service development to go some way to addressing the systemic barriers to accessing justice for Aboriginal and Torres Strait Islander victims of family violence.

### **Community Education and Prevention (Community Development)**

- (a) Improve waiting list times for participation in court ordered programs and other community based programs (increase the number of times the program is run in the community, provide more training and resources to provide more courses in the community)
- (b) Workers in the sector be engaged to develop appropriate community based education, prevention and early intervention programs to redress community violence programs, focusing on victims of crime (e.g. denouncing of violence in the community, anger management courses, the right to be free from violence, supporting parents whose children have been removed).
- (c) Support the commencement of Aboriginal and Torres Strait Islander specific AA and NA groups; men's and women's (cultural) groups and anger management groups.
- (d) Transportation is a major concern for Aboriginal and Torres Strait Islander victims of family violence who are being penalised because they are unable to access appointments (counselling, psychologists). Where possible, transportation services are considered an essential component of community prevention programs and that the rising costs of small associations providing transportation services (including petrol prices) be addressed in specific funding submissions (and not within the current funds available to the service).
- (e) Education and information resources be developed recognising the primary (victims of family violence) and secondary victims of violence (parents, children, extended family members) and provide information about where people can get access to justice and support.
- (f) Find ways to communicate what people can expect from ACT based services as a (primary and secondary) victim of crime within the community.
- (g) To identify ways and means of including men in the denunciation of violence and in specific 'stop the violence' strategies. These strategies may include perpetrators programs (need to find another name for them), removal of violent men from the home (rather than the women and children).
- (h) To discuss the viability of utilising the 'Healing Farm' programs to address family violence—including that men be removed from the family home to the healing farm so they go straight into a program of support (particularly in situations and circumstances where alcohol and other drugs exacerbate violent behaviour) and so that women and children experience minimal disruption to their lives (children can still go to school, women can stay connected to their social support networks).

## **Interventions focusing on men, women and children**

Within the sector,

- (a) Identify the most compassionate ways for children's needs to be addressed in the service landscape (especially for families who are at risk of fleeing the ACT as a result of a child protection intervention).
- (b) Find ways to reduce the disruption that victims of family violence (and offenders) feel when they leave their home to escape the violence perpetrated against them.
- (c) Focus on accessing resources and funding to sponsor Aboriginal and Torres Strait Islander workers to train as relationship counsellors and assist them facilitate programs with couples and families in the ACT community.
- (d) Enable workers in the sector to participate in professional development and skills enhancement and debriefing networks in the ACT.
- (e) Employ more men in the sector particularly in their ability to work with other men around perpetrating behaviours and facilitation of support (anger management) and other kinds of groups (sporting, etc.)

## **Workforce issues**

- (a) Aboriginal Liaison Officers (ALO - Aboriginal and Torres Strait Islander staff in Aboriginal, Government and mainstream services) are the backbone of any response to redress the experience of victims of family violence in Aboriginal and Torres Strait Islander communities. More resources, strategic policy advice and sectoral effort are needed to:
  - Recruit and retain ALOs in organisations across the ACT
  - Assist and support ALOs to gain skills and experience to enhance their work practices in the ACT
  - Advocate for comparable wages between Indigenous workers in the government and non-government agencies in the sector
  - Identify families at risk and support ALOs to meaningfully engage with these families prior to the escalation of violence
  - Encourage these workers to meet regularly to exchange ideas, and to network
- (b) Enhance the access of all workers in the sector to cross cultural skills and training programs (particularly focusing on violence matters) to promote more effective communication between the service and families trying to access the service.
- (c) Ensure that interagency agreements be established between agencies in the sector to ensure that ALOs can, where possible and pertinent, work together in ways that benefit Aboriginal and Torres Strait Islander families in the ACT.
- (d) That the Children's Court and the Magistrates Court in the ACT employ Aboriginal and Torres Strait Islander Family Violence Workers.

## **Seamless services and interventions (quality improvement strategies that address access and equity issues)**

- (a) That the ACT Government consider the implementation of quality improvement strategies and 'standards' for services (including accreditation-type processes and review and evaluation processes) to meet the needs of Aboriginal and Torres Strait Islander victims of violence. This could be done to alleviate the problems associated with poor legal advice, discrimination; stereotyping and accessibility.

- (b) The community sector (currently over worked and under resourced) access funding and support to participate in an accreditation process, and be rewarded with monies upon the achievement of certain standards. The se standards could be implemented to address the gaps in service provision in the key result areas contained in this report.
- (c) The community and government sector identify opportunities to create seamless services—including referrals, interventions across a lifetime approaches and additional components of current intervention practices e.g. working with parents after their children have been removed).
- (d) That there is consideration given to the appointment of an ACT wide Family Violence Coordinator to support the efforts of workers in the sector in the ACT. This person could develop a centralised intake system in the ACT, develop and enhance strategic approaches, coordinate the networking and other initiatives identified in this report as well as coordinate services for the families identified 'at risk' in the ACT through a 'One Stop Shop'. Additional responsibilities could include reporting to the newly elected Aboriginal and Torres Strait Islander Representative Body and the ACT Government, and commissioning evaluation and reviews of services as well as research in the ACT. This person could also coordinate a complaints process for victims of family violence who have difficulty accessing services.

### **Policy opportunities to improve access to justice and support services for Aboriginal and Torres Strait Islander victims of family violence**

When victims of violence eventually decide they want to access justice and justice services, it is usually because they have had enough of the continual violence and they are seeking protections for themselves and their children.<sup>26</sup> There appear to be a number of policy opportunities to improve Aboriginal and Torres Strait Islander people's access to justice and support services.

From outside of the system, it looks daunting. Victims of violence often lack the esteem to comprehend and navigate their way through an often hostile, inflexible system. At best, victims of violence can alleviate their suffering until 'it happens again'. At worst, the system of service providers mirrors and replicates the cycle of violence in which people find themselves trapped.

Additional to the uptake of the Key Objectives there are other policy considerations for the ACT justice system

- Serving Aboriginal and Torres Strait Islander people from 'across the ACT border'—how can this be achieved?
- Managing criminal justice matters effectively—strategies to reduce the impact of shortfalls in programs on the families affected by violence.
- How can victims of violence participate in current circle sentencing and restorative justice options in the ACT without exposing themselves to further harm?
- Implementing a complaints process so that Aboriginal and Torres Strait Islander people can complain if a service compounds or exacerbates their experience of violence.

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<sup>26</sup> Spoken by a woman who is a victim of violence.

## 5 THE SERVICE LANDSCAPE – Services currently available to victims of family violence

### **Perceived Gaps in Services for Aboriginal & Torres Strait Islander Victims of Family Violence**

Whilst people who completed the survey and participated in the interview were able to think of instances where matters had been positively resolved for Aboriginal and Torres Strait Islander victims of family violence in the ACT, there were a number of perceived gaps in the justice system.

1. Most services seem to concentrate on Aboriginal and Torres Strait Islander males as offenders rather than produce quality outcomes for women and children who experience violence.
2. There appears to be little trust in the police or social welfare workers as ‘protectors’.
3. The criminal justice system does not deliver results for Aboriginal and Torres Strait Islander victims of family violence.
4. The service provider landscape is currently established around the ‘cycle of violence’ that Aboriginal and Torres Strait Islander people experience, mirroring and developing interventions that only ever operate within the cycle. There is limited scope for people to approach services and ‘break through’ their experience of violence. Often service funding prohibits the longer term investment in recovery needed by Aboriginal and Torres Strait Islander people, unless they are auspiced within an Indigenous framework or service charter.
5. The lack of coordination between the services in the ACT and in the cross border regions in many ways guarantees poor outcomes for Aboriginal and Torres Strait Islander people accessing services and support from the ACT Justice system.
6. There are significant barriers to recruit and retain skilled staff in services across the ACT. For example, the Canberra Rape Crisis Centre has had a position vacant for 18 months.

### **Current Direct Services Available**

These services are available to work with people who are Aboriginal and Torres Strait Islander victims of violence.

**ACT Women’s Legal Centre** <http://www.womenslegalact.org/>

The Women’s Legal Centre is a community legal centre for women in Canberra and the surrounding area. The Centre is run by women and aims to improve women’s access to justice by providing legal information and advice; referring to sympathetic lawyers and other support services; running community legal education sessions; producing information for women about their rights, the legal system and the law; doing research, law reform and lobbying activities that help to remove barriers to women’s access to justice; and publishing a quarterly newsletter about our activities.

The Centre advises on a wide range of legal problems such as divorce and separation; disputes over children; property settlement; domestic violence; child support; going to court; discrimination; unfair dismissal; other employment rights and compensation for criminal injuries.

**Australian Federal Police (AFP) and Aboriginal and Torres Strait Islander Police Liaison Officers** <http://www.afp.gov.au/act/victims>

Information about Australian Federal Police support services for victims, including ACT Policing Victim Liaison Officers (VLOs), Victim Impact Statements (VIS), financial assistance, and tips on how to help yourself to reduce the risk of danger.

**Services Assisting Male Survivors of Sexual Assault (SAMSSA)**

<http://www.apex.net.au/~samssa/>

SAMSSA is a support service for male survivors of sexual assault and child sexual abuse. They provide education and information services about male sexual assault issues to the community and assist men seeking to eradicate sexual violence against men, women and children.

**Gugan Gulwan Aboriginal Youth Corporation**

[http://www.dhcs.act.gov.au/\\_\\_data/assets/pdf\\_file/0003/5646/YSPPrograms.pdf](http://www.dhcs.act.gov.au/__data/assets/pdf_file/0003/5646/YSPPrograms.pdf)

Provides: drop in; program activities; community-based projects; case management; family support and sector development with a specific focus on young people from Aboriginal and Torres Strait Islander backgrounds.

**Supporting Families with Adolescents — YWCA of Canberra**

[http://www.dhcs.act.gov.au/\\_\\_data/assets/pdf\\_file/0003/5646/YSPPrograms.pdf](http://www.dhcs.act.gov.au/__data/assets/pdf_file/0003/5646/YSPPrograms.pdf)

Provides counselling; intensive case management; parenting education and support; and respite accommodation.

**Winnunga Aboriginal Medical Service Counselling – Social and Emotional Wellbeing Counsellors** <http://www.winnunga.org.au/services/social.htm>

Winnunga Nimmityjah Aboriginal Health Service employs four Social and Emotional Well-being Counsellors under the Bring Them Home Program (two male and two female counsellors and a psychiatrist and a general practitioner specialising in cognitive therapy part-time)

The Social and Emotional Well-being (SEWB) team provides support and counselling for social and emotional issues; advocacy; referral to appropriate agencies; community education and support groups. The counsellors work with a range of Aboriginal and non-Aboriginal organisations to assist clients improve their health and wellbeing.

Two current programs include the Women's Support and Art Group – Every Thursday (excluding school holidays) and Applied Suicide Intervention Skills Training targeting Aboriginal Youth.

**DVCS (Domestic Violence Crisis Service)** <http://www.dvcs.org.au/index.php>

The Domestic Violence Crisis Service offers crisis support and advocacy to people affected by domestic violence, including a 24 hour helpline.

**Victim Support ACT** <http://www.victimsupport.act.gov.au/>

Victim Support ACT provides two main services. The Victims Services Scheme (VSS) provides support, counselling and other services to all victims of crime where the incident took place in the ACT. The Justice Advocacy Unit provides information, advocacy and assistance with the criminal justice system, and victims' rights and entitlements.

**ACT Victims of Crime Coordinator** <http://www.victimsupport.act.gov.au>

The Victims of Crime Coordinator is the independent statutory advocate for victims of crime in the administration of justice. The VoCC promotes the rights and interests of victims of crime, promotes reform, investigates allegation of a breach of a victim's rights, and advises the Attorney General.



**Victims of Crime Register** <http://www.cs.act.gov.au/home/SAS/VictimsServices>

The ACT Corrective Services Victims of Crime Register is designed to assist victims who wish to be kept informed as to the progress and whereabouts of a convicted offender. This site provides information to assist victims to make an informed choice as to whether they want to register themselves on the Victims' Register and includes links to a wide variety of information, counselling, support and referral services available to victims in the ACT.

**ACT Welfare Rights and Legal Centre** <http://www.welfare-rights.act.gov.au/category.php?id=6>

The Welfare Rights and Legal Centre is a free community legal service for low income earners in the Australian Capital Territory and its region. The Centre gives practical help so you can exercise your legal rights. The Centre provides telephone advice, information, assistance and representation.

**Canberra Rape Crisis Centre** <http://www.rapecrisis.org.au/>

Canberra Rape Crisis Centre (CRCC) provides confidential counselling and support for women and children who have experienced any form of sexual assault recently or in the past. They also provide advocacy and information; 24 hour crisis service and phone line; support through all legal and medical processes, including court preparation; information on legal and medical processes; referral to relevant agencies, services and government departments; support for family and friends; education workshops for schools, organisations and the community; support groups for survivors of sexual assault and a free community library service. CRCC has a specific program for Indigenous victims of sexual violence.

### **Women's Refuges**

<http://www.wirc.act.gov.au/informationandreferral/listofwomensrefugesincanberraandregion>

There are a number of refuges and emergency accommodation for people fleeing family violence. A number of these employ Indigenous workers and, as a consequence, have a high caseload of Indigenous clients.

**Beryl Women's Refuge:** Crisis accommodation for women with children escaping domestic violence.

**Doris Women's Refuge:** Supported short and medium term accommodation and transitional support for women and children leaving domestic or family violence.

**Lowana Young Women's Service:** Crisis, medium and long term accommodation for single young women aged between 13 - 18 years. Includes case management and referral services.

**Northside Women's Supported Accommodation Program:** Offers medium term supported accommodation for women escaping domestic violence with or without children, including teenage sons.

**Communities @ Work Weston Creek Women's Housing Program:** Medium to long term (6-12 months) supported accommodation service for women escaping domestic violence with or without children who are homeless or at risk of homelessness.

**Dyiramal Migay:** Medium to long term accommodation for Aboriginal & Torres Strait Islander young women aged 12-17 years.

**Toora House:** 24 hour service for women 16+, single without children and homeless for any reason

Other women-specific services such as Inanna have a wide range of accommodation and other services to assist women in crisis.

## Other services that could be of assistance and support (indirect services)

### Centrelink

[http://myaccount.centrelink.gov.au/wps/portal/srv\\_1\\_legal\\_aid?initURL=true](http://myaccount.centrelink.gov.au/wps/portal/srv_1_legal_aid?initURL=true)

Centrelink has a range of services available for people who are on low incomes and who are experiencing hardship. Their Social Workers provide a range of services to young people without family support; people who have experienced or who are at risk of domestic or family violence; people who have recently separated from a partner or experienced a bereavement; people who are full-time carers of a child or an adult with a disability or severe medical condition; people having difficulty with independent living and people in financial crisis who may lose accommodation or essential services. Social Workers also liaise with community organisations and groups to provide information about Centrelink services and to obtain feedback on the delivery and impact of Centrelink services.

There is a range of payments available if people are in severe financial hardship including a crisis payment if people are in severe financial hardship because they have been forced to leave their home and find a new home because of an extreme event like domestic violence or their house burning down.

Through Centrelink, clients can also access Legal Aid - a government funded legal service that assists those who may not normally be able to access necessary legal services. Centrelink can assist customers, including those who are financially disadvantaged, disabled, from non-English speaking backgrounds, women, Aboriginal and Torres Strait Islander peoples and those who are institutionalised, in gaining access to Legal Aid services in their state.

Centrelink customers who are having personal or family difficulties can gain access to counselling services via Centrelink's Social Worker Network.

### Carers ACT<sup>27</sup> <http://www.carersact.asn.au/index.html>

Carers ACT is the single provider of comprehensive carers' support services in the ACT. The agency provides quality information, direct support services to unpaid family carers including young carers. We also provide community education, advocacy and are the 'voice' of carers in the ACT. To enable and empower Carers in all their diversity to fulfil their roles through the provision of information, support, community education and advocacy to lead change and be the 'voice' of Carers in the ACT. The agency aims to: encourage Carers to identify themselves as Carers and to voice their needs; inform Carers of their rights and entitlements and the services available to them; facilitate Carers' access to available services; increase the community's awareness of the role and needs of Carers; brings the needs, views and concerns of Carers to the attention of government and other policy makers.

### Relationships Australia <http://www.relationships.com.au>

RA's funding is approved under the Family Relationships Services Program, which is administered by the Australian Government's Department of Families and Community Services and Indigenous Affairs, to provide services such as adolescent mediation and family therapy; conciliation services; children's contact services; contact orders program; family relationships counselling; family relationships education; family relationships skills courses; mediation/family dispute resolution; men & family relationships services and specialised family violence initiatives.

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<sup>27</sup> This agency would be useful for women who have been primary victims of violence and who are now growing up children with identifiable mental health issues and who now experience problems of violence from their children in their homes. In terms of social construction and identification, the woman could come to know herself as a carer; not continue to know herself as a victim.

Other Australian Government funded programs include drought funding; homeless youth support program; national suicide prevention project; counselling services for overseas victims of torture and trauma; domestic violence programs; Vietnam veterans support program and counselling and support for victims of crime.

State/Territory Government funded programs include aftercare for persons leaving institutional care; specialised counselling services; Federal Magistrate's Court service; personal support program; domestic violence/sexual abuse prevention programs; relationship education and life skills programs; parenting skills programs; post-adoption support service; pre-marriage counselling program; pregnancy support program; gambling help services for people with a gambling problem, and their families; employee assistance program; strengthening communities program; multicultural services and carers services.

They also provide professional development and training services for people working in agencies that provide services as described above.

# **SECTION 3: METHODOLOGIES FOR ABORIGINAL & TORRES STRAIT ISLANDER RESEARCH**

## **1 VICTIM INTERVIEWS**

It should be noted that a remit of this aspect of the project was not to provide a detailed literature review, but to engage in original research with Aboriginal and Torres Strait Islander victims of family violence in the ACT. This component of the project was designed to identify through an interview process issues pertinent to Indigenous victims of violence who were paid an honorarium for their time and their contributions.

### **1.1 PROJECT OVERSEEN BY A PROJECT REFERENCE GROUP**

The whole research project was overseen by a Project Reference Group (PRG) made up of Aboriginal and non-Aboriginal group members and convened by the Victims of Crime Coordinator (VoCC). Represented on this group were domestic violence services, women's legal centre, ACT government services, and victim service representatives. The PRG provided comment on the development of resources for the project, formed the referral network for participants on the project and reviewed the findings of the report prior to the release of the final report. This group provided insights, commentary and support to the VoCC and the Indigenous Researcher to complete the project.

### **1.2 DEVELOPMENT AND DISTRIBUTION OF A PROJECT PACKAGE**

Key service providers in the ACT were crucial in the identification and support of Aboriginal and Torres Strait Islander women to participate in the project. These agencies, including domestic violence support services, legal services, women's refuges and services with mostly Aboriginal and Torres Strait Islander clients, were provided with a project package developed by the Indigenous Researcher and reviewed by the VoCC. This package was a 'Project Flyer' inviting interviewees to participate in the project (Appendix 1); a Plain English Statement (including Informed Consent Form) that could be provided to Aboriginal and Torres Strait Islander victims of family violence (Appendix 2) and a copy of the questionnaire that the interviewees could fill out themselves, with the service providers, or post to the Indigenous Researcher (Appendix 3).

### **1.3 IDENTIFICATION OF PARTICIPANTS**

Services were asked to identify Aboriginal and Torres Strait Islander participants in the project from among their current client base. The participants identified by the services had experienced family violence and had sought assistance from the criminal and justice systems in the ACT.

The participants were interviewed by the researchers who assisted them to complete a questionnaire survey approved by the Project Reference Group. The interview questions were designed by the Project Reference Group to draw out from the interviewees:

- The kinds of violence they had experienced;
- Who perpetrated the violence against them;
- Who they had approached in order to alleviate their suffering from violence;

- Whether they had positive or negative experiences with services in the region, the criminal justice system, the police and in their community; and finally
- The interviewees were asked to nominate activities or strategies that could strengthen their personal resolve to not allow violence into their lives again. This included providing information to assist justice and support agencies to better respond to and assist Indigenous victims when they access justice and support services.

#### **1.4 ETHICAL CONSIDERATIONS AND GAINING CONSENT**

The researchers worked with the study participants in a manner consistent with the National Health and Medical Research Council (NHMRC) guidelines on engaging Aboriginal and Torres Strait Islander people in research as well as those contained in the information about researching in Aboriginal and Torres Strait Islander communities developed by the Australian Institute of Aboriginal and Torres Strait Islander Studies (NHMRC 2003, 2006, 2007; AIATSIS 2002).

The researchers provided to each participant a copy and explanation of a Plain English Statement about the project, a guarantee of their confidentiality and privacy, and an informed consent form to sign before participating. The people who agreed to participate in the study were paid a honorarium for their time and contribution to the study. This payment was delivered in cash (where possible) by the Indigenous researcher as soon as practicable after the interview.

The participants were additionally offered the opportunity to review the summary made of the interviews in order to eliminate identifying information and to amend interpretations. Where participants expressed some hesitation about the summaries and could not be finally contacted to amend the summary, then this aspect was withdrawn.

#### **1.5 AVAILABILITY OF NON-INDIGENOUS RESEARCHER**

For people who knew the Indigenous researcher attached to the project, and who did not want to be interviewed by her, a non-Indigenous researcher who had experience in administering questionnaires relating to violence was made available for participants as an alternative. The non-Indigenous researcher then forwarded the completed survey form to the Indigenous researcher for compilation into the final report.

#### **1.6 WRITING THE RESULTS IN A REPORT**

The findings from the interviews have been written in the report to reflect the individual person's experience of violence across their lifetime (where appropriate) and to focus specifically on their most recent experiences of violence in their homes. Particular emphasis is on individual help-seeking strategies of Indigenous victims of family violence in the ACT, and the motivations, objectives, dilemmas and experiences of victims with their help-seeking.

## Appendix 1 CONTACT LETTER TO SERVICES FOR VICTIM SURVEY

### ABORIGINAL & TORRES STRAIT ISLANDER VICTIMS OF VIOLENCE ACCESS TO JUSTICE & SERVICES PROJECT

#### VICTIM SURVEY

This survey is part of a larger project aimed at improving access to justice and services for Aboriginal and Torres Strait Islander victims of family violence in the ACT. The project is being done by the Victims of Crime Coordinator and assisted by a Reference Group comprising Indigenous and non-Indigenous service providers. The project is financially assisted by Victim Support ACT, the Chief Minister's Department, Human Rights Commission and the Aboriginal Justice Centre.

#### ABOUT THIS SURVEY

The survey is designed to be completed over the phone so as to minimise inconvenience for participants. However, a person could request a face-to-face interview or to receive the survey through the post.

The survey asks Aboriginal and Torres Strait Islander victims of family violence some limited questions about the type of violence they have experienced. Mainly, the survey asks about peoples' experience with services, and their thoughts about how to improve responses.

The survey is confidential. People will not be identified in any report and what they say in the survey will be anonymous.

Participants will be offered a small reimbursement for their time in answering the survey.

#### HOW YOUR SERVICE CAN HELP

Your assistance is greatly appreciated in helping give Aboriginal and Torres Strait Islander victims of family violence a voice to shape the future directions of services and reform in the ACT. Please can you:

1. Identify people who may be clients of your service or people you know who may be interested to answer the survey. People need to identify as an Aboriginal and Torres Strait Islander person, be over 18 years old and have been a victim of family violence.
2. Ask them if they would like to participate. Ask if they would prefer either:
  - (a) the researcher contact them over the phone to complete the survey, or
  - (b) they contact the researcher themselves, or
  - (c) they receive the survey to post (or email) to the researcher
3. Check what is the safest way for the researcher to contact the person. For example, a time of day they can answer a phone call.
4. Provide the person's first name and contact number to the researcher.
5. All surveys should be returned to the researcher by 25<sup>th</sup> July 2008

## HOW TO CONTACT THE RESEARCHER

Clients who would like to answer the survey can call or email Kerry directly at:

\_\_\_\_\_ (work) or 04 \_\_\_\_\_ or kerryarabena@ \_\_\_\_\_

If they wish to post the survey, it would be appreciated if you could supply them with an envelope and stamp. Please keep a record of your costs so you can be reimbursed!

The postal address is:

PO Box \_\_\_\_\_

FISHER ACT 2611

## ABOUT THE RESEARCHER

Kerry Arabena is a descendant from the Meriam people in the Torres Strait and in her professional career, she has been the Executive Director of health service and political agencies including the most remote area Aboriginal medical service in Australia. Kerry has been a representative on a range of local, state and national Councils and Committees. She is currently a Research Fellow with the Australian Institute of Aboriginal and Torres Strait Islander Studies and with the Cooperative Research Centre for Aboriginal Health. She enrolled in a PhD at the Australian National University in March 2006.

## ANY QUESTIONS?

Please feel free to contact Kerry to ask any questions you may have about the survey. Alternatively, please call Robyn Holder, Victims of Crime Coordinator on 6205 0399.

**Thank you very much for your time and cooperation!**

## **Appendix 2**

### **CONTACT FLYER FOR VICTIM SURVEY**

#### **FAMILY VIOLENCE PROJECT**

Are you an Aboriginal or Torres Strait Islander adult (over 18) who has experienced family violence in the past two years? Have you tried to get help from services in the ACT?

We want to hear what you have to say about your experience of access to justice and to other support services.

#### **WE WILL LISTEN TO WHAT YOU HAVE TO SAY**

The project is designed to listen to what you have to say about accessing justice and other services. We want to know whether this has been good or bad and if these services have helped you stop family violence.

#### **IF YOU WANT TO TAKE PART**

We are looking to talk up to 20 people. The questions will be asked by a Torres Strait Islander woman and can be answered over the phone. You will be reimbursed for your time and contribution.

If you would like to share your experiences please contact one of these participating services or your Aboriginal Liaison Officer by the 25<sup>th</sup> July 2008.

YOUR CONTACT DETAILS HERE:



## Appendix 3

### QUESTIONNAIRE FOR ATSI VICTIMS OF FAMILY VIOLENCE

**I'd like to ask some questions about the type of abuse that you have experienced.**

**1. Was the abuse from a:**

- a) Current Partner
- b) Ex-partner
- c) Other family member
- d) Someone known to you but not a member of your family
- e) Parent
- f) Child or someone you were caring for \_\_\_\_\_
- g) Someone else? \_\_\_\_\_

**2. Thinking about the abuse you have experienced, was this:**

- a) Verbal putdowns
- b) Physical assault
- c) Pushing & shoving
- d) Attacking my identity and myself
- e) Psychological
- f) Financial
- g) Sexual abuse
- h) All of this
- i) Some of this, mainly \_\_\_\_\_

**3. How often did you experience this abuse?**

- a) Daily (morning, lunch time, afternoon, evening, night, early hours of the morning)
- b) Weekly
- c) Fortnightly (around pay days)
- d) Monthly
- e) Only every so often

**4. What would you say was the worst in its effect on you?**

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**5. Why do you say this?**

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**6. Have you ever called for help about the abuse?**

Yes      No

**If no, why not?** \_\_\_\_\_

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**If yes, who did you call for help?**

Personal Network: \_\_\_\_\_

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Service Network: \_\_\_\_\_

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**7. What was it that you wanted this person/service to do first? Then afterwards?**

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**8. Did this person/service do what you needed them to do?**

Yes      No

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**9. Over the time you have experienced abuse what did you most want to see happen?**

- a) To stop the violence, for him (or her)
- b) To punish the person
- c) To get help for yourself
- d) For someone to help the children,
- e) To escape somewhere where they couldn't find you
- f) To have my community tell him to stop
- g) To have the police charge him (or her)
- h) For some healing time for me,
- i) To have somewhere safe to go,
- j) All of these

**10. Over the time who (person or service) was most helpful to you?**

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**Can you describe how they were most helpful?**

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**11. Over the time who (person or service) was least helpful to you?**

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**Can you describe how they were not helpful?**

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**Now I'd like to ask you some Qs about your experience with services in the ACT**

**12. Have you used a service to help you deal with violence?      Y      N**  
**In the ACT?      Y      N**

**Which ones?**

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**13. How many times have you used this service/ services?**

- a) Once
- b) Twice
- c) Every time I get beaten
- d) Every time I need some support
- e) When I have been threatened
- f) When I have been hit or in some way abused
- g) Other

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**14. What are the things that are most important to you about the services?**

- a) Treat me with respect
- b) Listen to me
- c) Hold the person who hurt me accountable

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**15. What are the three most important things that you think services can do to help support Aboriginal and Torres Strait Islander women?**

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

**16. Did you ever seek advice from a lawyer or legal service?**

**If no, why not?**

\_\_\_\_\_  
\_\_\_\_\_

**If yes, was it:**

a) legal aid,

b) ALS,

c) WLC,

d) A private lawyer

**What particularly did you need/want from the lawyer?**

\_\_\_\_\_  
\_\_\_\_\_

**Was this helpful/unhelpful? Can you say more about this?**

\_\_\_\_\_  
\_\_\_\_\_

**17. What are the three most important things that you think services can do to help A&TI women access justice?**

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

**Now I'd like to ask you some Qs about your experience with police & the justice system in the ACT**

**18. Have you used**

a) Police

b) Courts \_\_\_\_\_

**How often?**

1. Many times,

2. A few times,

3. Once or twice,

4. Never

\_\_\_\_\_  
\_\_\_\_\_

**19. What are the things that are most important to you about the justice agencies?**

a) Treat me with respect,

b) Listen to me

c) Arrest the person hurting me

d) Prosecute the person hurting me

e) Treat the person hurting me with respect,

f) Punish the person

g) Rehabilitate the person

h) Be fair and open about what they can and can't do, etc

\_\_\_\_\_  
\_\_\_\_\_

**20. What are the three most important things that you think the police and the justice system can do to help protect A&TI women from violence?**

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

21. What are the three most important things for the ACT to help A&TI women live free from violence?

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

**Additional comments**

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**Additional comments by researcher**

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## Appendix 4 CONSENT FORM FOR ATSI VICTIMS OF FAMILY VIOLENCE

Attention: DV Report Researcher

Research Unit

AIATSIS, GPO Box 553

Canberra ACT 2601

Date \_\_\_\_\_/\_\_\_\_\_/08

Name of Story: \_\_\_\_\_

**Please tick the box**

**Yes No**

I have had the chance to review my story

I have had the chance to change my story

I am now satisfied that the story is correct

I have had the story

a) read out to me over the phone

b) sent to me to make the changes

c) shown to me during a home visit

This story is ok to publish in a report for the ACT.

This story is ok to publish in a report for the country

I would be interested in getting an invitation to the launch of the report

I understand that all information that links me to my story will be destroyed

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_



## 2 KEY PERSON INTERVIEWS

### Appendix 1 Plain English Research Statement

## INDIGENOUS VICTIMS OF FAMILY VIOLENCE ACCESS TO JUSTICE AND SERVICES PROJECT

### BACKGROUND

This project is designed to help ACT justice and other agencies to better respond to Aboriginal and Torres Strait Islander victims of crime. The project aims to improve access to justice and to other services for Aboriginal and Torres Strait Islander people who are victims of crimes especially family violence.

This is because Aboriginal and Torres Strait Islander people living in Canberra were five times more likely to be affected by physical violence than Canberra's non-indigenous population<sup>28</sup>. Very little is known about the extent to which this level of victimisation is reported to police, and proceeds to prosecution in the ACT.

### GOVERNANCE

The project is an initiative of the Victims of Crime Coordinator, the statutory advocate for victims of crime in the ACT Department of Justice & Community Safety. The project is financially assisted by the ACT Chief Minister's Department and the Human Rights Commission.

The project is assisted by a Reference Group comprising Aboriginal and non-Indigenous representatives. Ms. Kerry Arabena, a Torres Strait Islander researcher, has been engaged by the Victims of Crime Coordinator to conduct the second phase of the project.

### SCOPE OF PROJECT

The first stage of the project involved the Australian Institute of Criminology producing a draft report about Aboriginal and Torres Strait Islander victims of family violence who had an incident of violence against them prosecuted in the criminal justice system in the ACT. This work also includes a file analysis of Aboriginal and Torres Strait Islander clients who have accessed the Domestic Violence Crisis Service. This report is not yet publicly released.

The second stage of the project involves working with an Indigenous researcher who has been engaged to conduct interviews with key Indigenous workers involved in services, justice and related areas for Indigenous victims.

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28 A Social and Cultural Profile of Aboriginal and Torres Strait Islander People in Canberra (2004)

## KEY PERSON INTERVIEWS

You have been chosen as an “expert respondent” as you have experience in working with Aboriginal & Torres Strait Islander victims of family violence and with justice agencies.

Your views are needed to give a voice to the knowledge, wisdom, perceptions, opinions and experiences of people working in the field.

You have not been identified as representing the Aboriginal & Torres Strait Islander community as a whole and are not expected to represent anyone else’s view, just your own experience.

The primary focus of the project and of the interviews is access to *justice and services for Indigenous victims of family violence* and not about ways of tackling Indigenous family violence per se.

## A STRUCTURE FOR INTERVIEWS

1. You will be asked to complete a short survey based on your experiences in the ACT.
2. You will then be asked semi-structured questions about what you think works well in the ACT and comment on what does not work well in the ACT.
3. You will then be asked to participate in a workshop with other people who have been interviewed as part of the next step of the research.

### The questions in the survey will be:

- What would you like to share about your experience/knowledge with Aboriginal & Torres Strait Islander victims of family violence in the ACT?
- In your experience, to whom or to which services do Aboriginal & Torres Strait Islander victims of family violence mainly talk to about what is happening to them?
- In your experience, what are the factors that influence Aboriginal & Torres Strait Islander victims of family violence in deciding to disclose or report to:
  - A community or support service?
  - A legal service?
  - The police?
- What are the issues and dilemmas for Aboriginal & Torres Strait Islander victims of family violence when they decide to do this?
- In your experience, what are Aboriginal & Torres Strait Islander victims of family violence seeking when they access justice? Access services?
- In your experience, what does the idea of justice look like to the Aboriginal & Torres Strait Islander victims of family violence you have worked with?

### The interviews will ask the following questions:

- Thinking about the things you have reflected on about Aboriginal & Torres Strait Islander victims of family violence and what they are seeking from justice and from services, what do you think:
  - Works well for them in the ACT?
  - Does not work well for them in the ACT?

- What should be done in these areas to help Aboriginal & Torres Strait Islander victims of family violence achieve their objectives for justice and support?

<b>Community Justice</b>	<b>Civil Justice</b>	<b>Criminal Justice</b>	<b>Other Justice</b>

**At the workshop, we will compile all the information and ask the following questions:**

- Do interviewees think that special provision should be made for Aboriginal & Torres Strait Islander victims of family violence? That is should police, prosecution, courts act and behave differently than if the victim were non-Indigenous?

## **BEFORE THE INTERVIEW**

You will have received a letter of introduction as part of an information package relating to the project. The researcher will have your acceptance form and you will be meeting at a time and place of your choosing to be interviewed for the project.

You will have had the opportunity to contact the researcher prior to your interview to clarify any queries or concerns. At the interview, you will have the opportunity to ask questions about and sign an informed consent form. The researcher will ask you if it is ok to record the interview.

## **AFTER THE INTERVIEWS**

### **a) Record of interview**

The researcher will return the CD disc of the interview for you for review. After this, your name will be removed from the record although it will be tagged with a number. Only the researcher will have a link between your name and the number. The collected information will be securely stored in a lockable office.

### **b) Invitation to a workshop**

You will be invited to participate in a Canberra based workshop on the findings from the interviews, to consider what the implications of these models are on the future.

After the interviews, it is intended that the two parts of the project – the AIC research and the key person themes – be compiled into the one report. It is assumed that the report will be made public but this will be subject to further discussion with the Reference Group.

## **Complaints and concerns**

If you are concerned about any aspect of the research project, you can contact Kerry Arabena on 02 \_\_\_\_\_ and talk to her about it, or email her on [kerry.arabena@](mailto:kerry.arabena@)

### **Complaints can be directed to:**

I know that I can also complain to: Robyn Holder, ACT Victims of Crime Coordinator  
GPO Box 158, CANBERRA CITY ACT 2601. Tel: 02 6205 0399 [robyn.holder@act.gov.au](mailto:robyn.holder@act.gov.au)

## **OUTCOMES**

A report will be written to capture all this information. The report will help:

- Assist justice and related agencies respond better to Aboriginal & Torres Strait Islander victims of family violence.
- It will be used by Victim Support ACT to help formulate a program of service delivery to Aboriginal & Torres Strait Islander victims of family (and other) violence.
- It may assist in preparing submissions for specific funding to develop services for Aboriginal & Torres Strait Islander victims of family violence in the ACT.
- It may assist formulate some aspects of the Aboriginal Justice Agreement under negotiation between the Aboriginal & Torres Strait Islander community and the ACT Government.

It may also assist conversations within the Aboriginal & Torres Strait Islander communities about family violence.

## **ABOUT THE RESEARCHER**

Kerry Arabena is a descendant from the Meriam people in the Torres Strait and in her professional career, she has been the Executive Director of health service and political agencies including the most remote area Aboriginal medical service in Australia. Kerry has been a representative on a range of local, state and national Councils and Committees. She is currently a Research Fellow with the Australian Institute of Aboriginal and Torres Strait Islander Studies and with the Cooperative Research Centre for Aboriginal Health. She enrolled in a PhD at the Australian National University in March 2006.

## Appendix 2 INFORMED CONSENT FORM

### INFORMED CONSENT FOR RESEARCH

#### INTRODUCTION

TITLE OF THE RESEARCH PROJECT

*INDIGENOUS VICTIMS OF FAMILY VIOLENCE ACCESS TO JUSTICE AND SERVICES PROJECT*

NAME OF THE RESEARCHER

Ms Kerry Arabena, Research Fellow in Health, AIATSIS

PLAIN ENGLISH RESEARCH STATEMENT

This is shown in ATTACHMENT A

#### INFORMED CONSENT

##### **1. I understand what this project is about**

I have read the Plain English Research Statement which explains what this research project is about and I understand it. I have had a chance to ask questions about the project, and I am comfortable with any answers that I have been given. I know that I can ask more questions whenever I like.

##### **2. I have volunteered to participate**

I agree to participate in this research. I know that I do not have to participate in it. I know that I don't have to answer any questions I don't like. Kerry Arabena will not write anything down unless I agree that she can. Kerry Arabena will turn off the tape recorder if I ask her to.

##### **3. What will happen if I want to stop participating?**

I know that I can pull out at any time without retribution from Kerry Arabena or anyone else. If I pull out, none of the information I have given to Kerry Arabena can be used in the research.

##### **4. How the research will happen**

I agree that Kerry Arabena can interview me for the research and write down and tape what I say. I agree to talk about questions which Kerry Arabena will give me in a group of people during a follow-up workshop. I agree that the workshop can be taped and notes taken.

##### **5. Getting paid for participating in the research**

I will get paid honorarium for participating in this research project. This is a payment for my time and valuable knowledge that I will contribute to the research. However, this payment does not mean that I have to give answers which Kerry Arabena wants me to give.

##### **6. Risks and benefits of the research**

I understand that the research may have the benefit of increasing our knowledge and understanding of access to justice and to services for Indigenous victims in the ACT. I know that the risks of the research are minimal, but one risk may be that other people in the workshop group may discuss workshop business outside the group, and Kerry Arabena may not be able to stop them doing that.

## **7. Who will be the authors of the research?**

I understand that Kerry Arabena is contracted to write about the research in a report for the ACT. I understand that Kerry Arabena will write and report about this research by herself. I won't write it with her, but my information will be used in a report and at a workshop about individual's decisions to make contact with a service and/or to disclose to a justice agency. I also understand that the report and the workshop is also about the influences on that person's preparedness to continue engagement with services and justice. And finally, I understand that the report might also be about the responsiveness of those services and agencies to the individual's disclosure/engagement about violence issues.

## **8. Will people find out personal things about me from the research?**

I agree that my name and any relevant personal information, such as my country, can be mentioned in any publications that come out of this research. I don't mind if people find out these things about me from reading these publications. Kerry Arabena will check with me before she puts the publications out that it only contains the right kinds of personal information.

Kerry Arabena will prepare and keep for the duration of the project consent forms for interviewees. The consultant will secure records of all interviews for the duration of the project. Interviewees will be offered a CD disc copy of their interview. The interview record will have a number that is linked to my name. Only Kerry Arabena will know which number (and interview) links to which name.

After the project, the Victims of Crime Coordinator (VoCC), who has commissioned this research, will secure the records according to the AIATSIS ethical guidelines. The records of interviews may only be examined by the VoCC in the event of a serious disagreement between Kerry Arabena and an interviewee as to the interpretation of the interview.

The public document will contain main and sub themes arising from the interviews and with relevant short quotes (with the interviewee's permission). These will be anonymous unless the interviewee consents to publication of their name.

A list of suggested interviewees has been prepared in discussion with the Aboriginal representatives on the Reference Group. The consultant may offer other suggestions as will interviewees themselves. A list of the names of people who have given interviews will be included in a final report.

## **9. What about culturally restricted information or things?**

I agree that, when Kerry Arabena has collected all the information she needs, she will talk to me about what to do with culturally restricted information or things.

## **10. Who will have access to the research results?**

I understand that anyone can read the report that comes out of this research.

I agree that Kerry Arabena can present information from the research at a workshop. I understand that Kerry Arabena can do this without asking me first.

## **11. Intellectual property**

I understand that the ACT Victim of Crime Coordinator will hold copyright to the report produced as a result of this research.

The VoCC will be able to reproduce the information that is in this report in other places or for other purposes (eg on the internet or submissions to government) without asking for anyone else's permission. The VoCC will be able to let other people reproduce information from the report without asking for anyone else's permission.

## 12. Complaints

I know that, if I am worried about the research project, I can ring Kerry Arabena on 02 \_\_\_\_\_ and talk to her about it.

I know that I can also complain to: Robyn Holder, ACT Victims of Crime Coordinator  
GPO Box 158, CANBERRA CITY ACT 2601. Tel: 02 6205 0399 robyn.holder@act.gov.au

I have read this Informed Consent Form and I agree with it.

Name of the research participant

\_\_\_\_\_

Signature of the research participant

\_\_\_\_\_ Date \_\_\_\_\_

Signature of the researcher, Kerry Arabena

\_\_\_\_\_ Date \_\_\_\_\_

## APPENDIX 3 KEY PERSONS APPROACHED FOR INTERVIEW

Certain Aboriginal & Torres Strait Islander staff in the following organisations were approached to be interviewed for this project. The cooperation of those who did agree to be interviewed is gratefully acknowledged as very important to the recommendations of this research.

ACT Police
Aboriginal Justice Centre
Aboriginal Legal Service
Winnunga Nimmityjah Aboriginal Health Service
Social & Emotional Wellbeing Team Leader
Substance Misuse Team Leader
Social & Emotional Wellbeing Team Leader
Gugan Gulwan Youth Aboriginal Corporation
Gugan Gulwan Youth Aboriginal Corporation
ACT Corrections, Prison Support
Office of the ACT Director of Public Prosecutions
Women's Legal Centre ACT, ILO
Women's Legal Centre, Management Committee
Rape Crisis Centre
Circle Sentencing Court
Indigenous Services & Cultural Identity, ACT Corrective Services
JACS Justice Planning and Programs
Gungahlin Child and Family Centre, Project Officer
Toora House
Beryl Inc
Lowanna Young Women's Service
Inanna Inc
TCH Social Work Services ALO
ANU, National Centre for Indigenous Studies



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