

# Family violence IS everyone's business

## Frontline service delivery in Central Australia

By the Central Australian Aboriginal Family  
Legal Unit

On 15 May 2006 Dr Rogers spoke out about the current reality of Indigenous family violence in Central Australia. We endorse and share Dr Rogers' concerns, which follow longstanding Indigenous calls for recognition, action and prevention of family violence.

We are a justice, advisory and referral centre for Indigenous victims of family violence located in Alice Springs, and funded by the Commonwealth Attorney-General's Department.

Our primary focus is to provide Indigenous women, children and men who are victims of family violence, including sexual abuse, with legal advice, casework assistance and related services including initial counselling, support and referral.

Our priority areas of law are family violence restraining orders, sexual assault, child protection, criminal compensation, and, family law where the legal matter relates to family violence.

### WHAT STORIES DO OUR CLIENT'S TELL?

'Jasmine' was married the Aboriginal way at age 20 and has three adult children. Jasmine's husband assaulted her throughout the marriage causing a broken jaw, arm, leg and ribs, multiple lacerations, scars, a ruptured spleen and the death of an in-utero baby. After 25 years of abuse, Jasmine has obtained a Restraining Order.

'Brigitte' is the mother of a four-year-old boy, recently separated from her Aboriginal way husband as a consequence of his violence towards her and her son. The husband's family have threatened to assault Brigitte if she does not return to her husband. The paternal grandmother has taken her child from her. Brigitte has obtained a Recovery Order.

'Mary' is 17. She has been in a promised marriage with an older man for some years. Mary did not consent to the marriage and does not consent to



sexual relations with her husband who also physically assaults her. Mary's family are unable to intervene to help her. Mary has not reported the physical or sexual assaults to police, and has been unable to separate from her promised husband or obtain a Restraining Order.

'Maureen' is a child who was repeatedly sexually assaulted by a male relative for eight years. Maureen was exiled from her community when the sexual abuse became public. She was unable to complete her schooling or access culturally appropriate counselling, and is at risk of substance abuse. Mary received assistance under the Crimes (Victims Assistance) Act.

### WHAT DO OUR CLIENT'S STORIES TELL US?

As a consequence of our work in Alice Springs, Ntaria, Papunya, Yuendumu and Tennant Creek our staff hear and respond to stories of extreme and repeated family violence. As a consequence of this work there are a number of features of family violence our staff have observed:

1. Indigenous women are more likely to experience violence than non-Indigenous women, and the physical injuries sustained are more severe.
2. Few physical assaults and very few sexual assaults are reported to police. Children often witness the assaults.
3. Most physical assault victims and all sexual assault victims have mental injuries as a consequence of the assault.
4. The mental injuries last for years and often include post traumatic stress disorder and/or depression.
5. The impact of family violence affects the immediate and extended family, and the broader community.

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6. A number of factors prevent victims from engaging effectively with Australian family violence legal protections. This compounds the rate of offences and the injuries sustained. The factors include:

- Lack of information regarding Australian family violence legal protections;
- Lack of community support for reporting;
- Lack of community intervention in abusive situations;
- Inappropriate police service and response;
- Cultural pressures against discussion of family violence, and in particular sexual violence;
- Fear of and actual recrimination from offenders and/or extended family members; and
- Lack of culturally appropriate and accessible services to reduce psychological injuries incurred.

Our client's stories reflect and encapsulate recent research findings that outline some of the reasons why Indigenous (and non-Indigenous) women continue not to report family violence. They include intimidation by authority figures; intimidation at attending a police station; treatment by police when reporting family violence; fear of reprisals or shame; and unfamiliarity with the legal process.

### WHAT ARE SOME OF OUR RECENT INITIATIVES TO ADDRESS FAMILY VIOLENCE?

We provide cross-culturally appropriate legal and related services. We use Aboriginal and Australian law to address Indigenous family violence. We visit target remote communities, and engage interpreters or cultural brokers to ensure our clients can participate in their legal matters in a fully informed way. We provide services in culturally appropriate spaces, and employ Indigenous and other appropriate staff. In addition to appropriate and effective service delivery we participate in community education and law reform.

A recent collaborative initiative of our service is the Interactive Domestic Violence Gammon (Mock) Court. The concept originated in response to anxiety expressed by victims about attending court to obtain a restraining order. It is a community awareness initiative to assist victims to attend court.

The gammon court shows and explains what conduct constitutes domestic violence, the process of applying for a restraining order, and the roles and

functions of the various people in court. The interactive forum, of about two hours duration, which includes role plays and the issues and discussions move with the priorities of the attendees.

Outcomes include understanding potential referral points, service providers more effectively assisting their clients with family violence, and a better understanding of legal and court processes.

One immediate and positive response from the Northern Territory Government in Central Australia, previously advocated for by our service, would be the immediate establishment of a holistic multidisciplinary stand-alone sexual assault service in Alice Springs.

The immediate benefits to victims of sexual assault include not being required to attend at the Alice Springs police station to report a sexual assault, and being able to receive medical treatment, counselling, and legal assistance at one location as required, preferably residential. Such a service, with the consent of the victim, could impact positively upon the low rates of reporting, proceedings and convictions in sexual assault matters.

In addition, complaints of sexual assault by a woman must be able to be made in the first instance to an appropriately trained and experienced female police officer. We note that this is not currently possible in Tennant Creek, and further, that this failure undermines any stated commitment to address sexual assaults upon Indigenous women.

Amendments to the Crimes (Victims Assistance) Act will have a significant and negative impact upon Indigenous victims, and more specifically victims of family violence.

We will shortly make submissions to the Northern Territory Government regarding the further restrictions to our client's capacity to access justice. This includes amendments which remove scheduled legal fees for applicant lawyers, which will result in many Indigenous victims of family violence being denied an opportunity to apply for assistance. The increased level of offender involvement will cause some potential applicants to not pursue assistance, and victims of repeated assaults will in most cases be restricted to a single application.