

### 3: Violence

In Aboriginal Australia, violence is widespread, disproportionately high compared to non-Indigenous violence, and increasing.<sup>1</sup> Aboriginal men are four times more likely to die a violent death than non-Aboriginal men, and women are six and a half times more likely to die a violent death than non-Aboriginal women.<sup>2</sup> Violence is said to affect up to 90% of families living on DOGIT communities.<sup>3</sup> This inordinately high level of violence exists also in Cape York communities and has been recognised for at least a quarter of a century.<sup>4</sup>

This section is not a comprehensive analysis of the factors underlying violence on the Cape, nor of its nature and extent. It acknowledges the strength of the work that has been done recently in this area, supports implementation of the numerous recommendations already made, and considers instead specific issues that warrant further attention, including in particular the clear nexus between alcohol and violence in the Cape York context.

#### Previous reports

Many reports on violence have been published in the last 10 years. *The Aboriginal and Torres Strait Islander Women's Task Force on Violence Report* (ATSIWTFV), a report to the Queensland Government,<sup>5</sup> *Violence in Indigenous Communities*, a report to the Federal Attorney-General,<sup>6</sup> and the body of knowledge compiled through *Partnerships Against Domestic Violence* (PADV)<sup>7</sup> are strong reference points for this Study.

This body of research and advocacy offers a comprehensive description and analysis of a range of forms of violence, including family violence, and recommends working solutions.

The Task Force Report has given voice to many Indigenous women across Queensland who had not been heard on these issues before. It says:

*Indigenous women's groups, concerned about their disintegrating world, have been calling for assistance for more than a decade .... The violence being witnessed can only be described as immeasurable and communities, pushed to the limit, are imploding under the strain.*<sup>8</sup>

The experience of violence in Cape York has been documented in three reports of the Royal Commission into Aboriginal Deaths in Custody focus on deaths in the Cape York communities of Aurukun, Wujal Wujal and Coen.<sup>9</sup> These reports give a detailed account of conditions in Cape communities and the inter-relationship between alcohol misuse, violence and the law.

Across Queensland the extent of violence, particularly against women and children, is believed to be higher than that officially reported. Women are fearful of reprisal from the perpetrator, his relations, and the justice system, and shame because of the nature of the attacks is also a factor.<sup>10</sup>

Memmott et al<sup>11</sup> also acknowledge the under-reporting of rape and assault. The report states that an important factor in addressing Indigenous violence, and one which obscures the extent of violence, is the under-reporting by women of violent spouse abuse.<sup>12</sup>

There is particular reluctance to talk about sexual assaults, including the abuse of children, and limited understanding of the unlawfulness of marital rape.<sup>13</sup>

Forms of violence prevalent in some Indigenous communities include spouse assault, homicide, rape and sexual assault, child violence, suicide, self-injury, one-on-one adult fighting (same gender), inter-group violence, psychological violence, economic abuse, cyclic violence, and abuse of older people.<sup>14</sup>

There has been an increase in the physical and sexual abuse of children, and horrific cases have been documented, including in the Cape. Aboriginal children are over-represented in child protection cases, with a high proportion of those affected by past forcible removal having their own children taken.<sup>15</sup> Child witnesses of violence are also harmed. Deviance and atrocities have become accepted as normal behaviour, and are now part of children's socialisation.<sup>16</sup>

Memmott et al<sup>17</sup> speak of "dysfunctional community syndrome" – a larger-scale form of family violence. It describes a situation where multiple violence types are occurring, and appear to be

increasing over generations, both in the numbers of incidents and in the intensity of violent experiences. Memmott et al give as examples victims of sexual abuse including very small children, and pack rape committed by boys as young as 10 years old. They conclude:

*Such communities need to be viewed as in states of dire emergency. As the violence increases, the problems of psychological harm, and of arresting and treating the violence across generations, become more complex and will require increasing resources.<sup>18</sup>*

According to these reports, there are few services in communities for alcohol and substance addiction, family violence, trauma and grief counselling. The lack of assistance compounds stress and exacerbates the likelihood of violence. Many reports have called for the implementation and resourcing of many more community controlled violence prevention, alcohol rehabilitation, anger management and family unification programs to reduce violence.<sup>19</sup>

Indigenous women seek to work together with men to break the cycle of violence. Indigenous people have stated their desire for perpetrator programs that encompass the broader context of family violence, including cultural identity and alcohol abuse.<sup>20</sup>

### **Alcohol and Violence**

*There is better evidence for a ... relationship between alcohol and violence than many we rely on in the social sciences.<sup>21</sup>*

There is evidence provided in Chapter 2 of this Study of the relationship between alcohol and violence.

Partnerships Against Domestic Violence argue that there is considerable evidence to support the nexus between alcohol and family violence: “Mainstream theorists on domestic violence claim that domestic violence and alcohol and drug misuse are unrelated. However, research in Aboriginal communities indicates a direct correlation between the two, with between 70% and 90% of all assaults being committed while under the influence of alcohol or drugs”.<sup>22</sup>

The nexus between alcohol consumption and violence should not be oversimplified.<sup>23</sup> Not all intoxicated people are violent, and some violent people are not drinkers. But there can be no doubt that consumption of alcohol, as well as the current pervasive culture of excessive alcohol consumption in Cape York communities are deeply implicated in high levels of violence. Violence cannot be dealt with unless strategies are developed for dealing with the uncontrolled and unprecedented levels of alcohol abuse on the Cape, and the systems of dishonest behaviour the alcohol political economy sustains.

Alcohol is implicated in violence, and in sexual violence in particular, in many ways. Intoxicated people often experience reduced inhibition and increased aggression. Boundaries of appropriate behaviour are blurred, and intoxicated perpetrators and victims alike may act in ways they would not consider while sober. But according to submissions to this Study, it is not only drinkers who inflict sexual violence on others as the result of a physical environment and social framework that currently features alcohol. Sober men may act opportunistically towards intoxicated women, or take advantage of the lack of supervision of younger people that an alcohol-infused environment creates. The alcohol economy on the Cape, including sly-grogging, is also implicated in violence. Several submissions to this Study commented on people, including the elderly, being beaten for money to buy alcohol. This observation is also reflected in the findings of the 1999 report of the Aboriginal and Torres Strait Islander Women’s Task Force on Violence.

Theoretical explanations of sexual assault and of alcohol’s role in sexual assault consider both distal and proximate influences.<sup>24</sup>

Distal factors are influences temporally far removed from the assault, including personality characteristics, attitudes, and life experiences of both the perpetrator and the victim. The literature on violence in Indigenous communities describes multiple, interwoven distal influences on violence, including marginalisation and dispossession, loss of land and traditional culture, the breakdown of

community kinship systems and Indigenous law, entrenched poverty, and the “redundancy” of the Indigenous male role and status.<sup>25</sup>

Proximal factors are influences temporally close to the assault, and include severely overcrowded houses and lack of supervision, which leave people, particularly children, highly vulnerable to abuse.. The Study was told that overcrowding from a shortage of housing was a major factor in child sexual abuse, with vulnerable children neglected and unsupervised by alcohol-affected parents.

Alcohol abuse by individuals and groups is the single most featured proximal factor in the levels of violence, including sexual violence, experienced in the Cape communities. Alcohol is clearly not the only problem, but until its pernicious influence is ameliorated, underlying causes of violence cannot be addressed.

Much of the violence in Indigenous communities occurs in settings where alcohol is abused in an observable cycle related to the welfare cash economy of remote settlements.<sup>26</sup> Martin provides a highly detailed account of this cycle in one Cape York community, and demonstrates the strong correlation between the availability of cash, expenditure on alcohol (including sly grog), and consequent high levels of disputation and violence.<sup>27</sup>

Elsewhere in this Study (See Chapter 7 on economic development), it is argued that one set of strategies to address the interlinked issues confronting these Aboriginal communities must focus on reform of the welfare system and delivery of cash incomes. In particular, it was argued that the Family Income Management approach should be trialed as a matter of urgency. Such approaches should form a core component of strategies to break the current destructive “money, grog, trouble” cycle of drinking and violence.

### **Family violence**

In line with the terms of reference of the Study, this chapter focuses on the issue of family violence and in particular the protection of women, children and the aged from violence.

The term “family violence” is increasingly being used to describe the violence experienced in Indigenous communities as it has been considered that the term domestic violence implies a narrower definition of the violence involving people in spousal relationships. Family violence in Indigenous communities is characterised by violence perpetrated by and against a range of family members, including grandparents, parents and adult children, aunts and uncles and siblings. Although, it has been noted by Partnerships Against Domestic Violence (PADV)<sup>28</sup> that the term family violence must not obscure the fact that Indigenous women and children bear the brunt of family violence.

The literature says that family violence:

- is fed by and feeds broader community conflicts
- needs to be situated within dynamics of community violence, feuds and conflicts
- includes a range of abusive, degrading and violent behaviours
- impacts on a wide range of kin and community members
- has multiple causes.<sup>29</sup>

A family violence worker in the Cape described the disempowering effect of a violent environment on individuals. She stated that family violence impairs the self-esteem of the victims and the children, and believes that when violent behaviour is carried down through several generations, there is no role model for younger members about how a safe and non-violent family lives. In some families, nurturing is minimal, and family members sustain a complex range of injuries to their body, mind, emotions and spirit.

In the 2001 Hyllus Maris lecture, Lowitja O’Donaghue said the issue of family violence was “the most difficult and sensitive issue of all.” She believed it was “a question of survival for my people”. However sophisticated the historical analysis of causes, it was necessary now to “go beyond that to stop the carnage.” Even though many children were now growing up in communities where violence had become a normal and ordinary part of life, violence was unacceptable, and there needed to be

action on all fronts, including shelters, counselling services, units of trained Indigenous police officers, healing centres, educational programs, courses and camps for young people, and economic initiatives.<sup>30</sup>

Unfortunately as Lucashenko<sup>31</sup> notes, when alternatives to violence as a lifestyle are unimagined, solutions will not be sought, because perpetrators, victims, and witnesses will fail to recognise that a problem exists.

### ***Violence against women***

The ATSIWTFV Report provided devastating personal accounts of Indigenous women's experiences of violence in their communities. In some areas, Aboriginal women are 45 times more likely to experience violence than non-Indigenous women and 10 times more likely to die as a result.<sup>32</sup>

While it is not intended to refute the effect of family violence on all members of communities, there is a disproportionate amount of male violence against women and children. As Lucashenko<sup>33</sup> notes, there is a hierarchy of oppression which privileges Aboriginal males and masks the sexist oppression of Aboriginal women and the adult oppression of Aboriginal children. Payne<sup>34</sup> suggests that some Aboriginal women are subjected to three types of law – “white man's law, traditional law, and bull-shit traditional law”, the latter being “a distortion of traditional law used as a justification for assault and rape of women”.

The extent of violence against women is underestimated. Submissions to this Study support PADV findings<sup>35</sup> that Indigenous women do not use support services for fear of what will happen to the perpetrator in custody; are more likely to use refuges as respite and then return, rather than as a way to move on and lack information about the legal process and are unwilling to seek legal advice.

An adequate assessment of the extent of violence against women is hampered by this under-reporting and further compounded by the use of mainstream data collections which are designed, collected and analysed by non-Aboriginal people. It has been recommended that community-based data collection systems are put in place to gain a more accurate assessment of the extent of violence against women.<sup>36</sup>

The Task Force says “sometimes women have no choice other than to stay with their partners, even at the risk of their lives. Leaving the relationship may not be an option for many reasons that may seem unacceptable to outsiders.”<sup>37</sup> Isolation also makes it nearly impossible for a woman to leave a violent relationship. Most Indigenous women in remote communities have no access to transport or telecommunications and are cut off from formal and informal networks.

Women also use violence, and a number of submissions to this Study suggest that women's violence is an issue that must be considered. It appears that men's violence against women is predominantly spousal and women's violence is either in retaliation to spousal violence<sup>38</sup> or towards other women in the public domain.<sup>39</sup> The Task Force notes that in communities where there is great dysfunction, young women are showing tendencies towards violence: aggression is handled with aggression. Anecdotal evidence and submissions to this report suggest that alcohol is a major contributing factor in one-on-one women's violence. Jealousy was also cited as a major factor in violent interactions.<sup>40</sup>

### ***Child abuse***

*In all communities, there are individuals and families who have emerged, against the odds, to be resourceful, supportive and caring parents and responsible community members. Unfortunately, and predictably, there are others who have not.*<sup>41</sup>

Indigenous children in Australia are between three and four times more likely to suffer from abuse and neglect than their non-Indigenous counterparts.<sup>42</sup> In Queensland, during 1999-2000, Indigenous children were 5.7 times more likely than non-Indigenous children to be on protective orders, comprising 24% of all children on orders. In addition to physical and sexual abuse and neglect, witnessing domestic violence is a form of child abuse.

The issue of safety from violence was a prevalent theme in responses from Indigenous children consulted by the Commission for Children and Young People in preparation of their submission to the

Study. When asked “What do you think are the biggest problems on your community?” one child responded: “Drinking, fighting, especially when adults are drinking, it’s not safe for kids to be around there. Because trouble starts and the kids might get hurt.”

Consideration of the issue of child abuse in Indigenous communities needs to take account of both traditional child rearing practices and the historical and contemporary impact of parental institutionalisation and/or alcohol use, which may have deeply damaged their capacity to care for their children.<sup>43</sup> The use of physical punishment by the disciplinarian missionary regime has now been superseded by a child protection system, which is widely perceived as considering all physical punishment to be child abuse. Parents and communities are left confused and are not confident about appropriate parenting and disciplinary techniques. For example, many parents expressed an inability to set boundaries for their children but the use of corporal punishment was strongly supported by many communities visited by the Study as an effective and just response to juvenile offending.

#### *Forms of abuse*

Neglect is the most common cause of harm substantiated by child protection services in Queensland, comprising 42.6% of orders, followed by physical abuse (28.7%), emotional abuse (21.7%) and sexual abuse (7%) (statewide for the period 1999-2000). The Women’s Task Force on Violence found the sexual abuse of minors was far more frequent than commonly acknowledged.<sup>44</sup>

A submission to the Study reported that sexual abuse involving children is prevalent. Girls as young as seven or eight are being diagnosed with sexually transmitted diseases. Parents are often unaware, or seem unmotivated to do anything about it because it is so prevalent. On pension night, some grandmothers lock all the girls in a room to avoid sexual abuse by drunken males.

The occurrence of a sexually transmitted infection in a child is strong circumstantial evidence that abuse is occurring, and notifications for Indigenous minors in Western Australia are many times higher than in the non-Indigenous population.<sup>45</sup> Screening for sexually transmitted infections in Indigenous children does not occur in Queensland, based on a decision by communities, and it is suggested that consideration be given to reviewing this situation.

The protection of unborn children from harm and the prevention of foetal alcohol syndrome is another child protection issue.<sup>46</sup> Peter Sutton<sup>47</sup> recounts this experience:

*In a remote community, I recently almost drove into a young woman who staggered across the road, clearly in advanced pregnancy, and clutching a can of petrol to her face.*

Whilst Sutton was not speaking of a Cape York community in this instance, he was making the point that observations of this kind are not rare in many Aboriginal communities.

A punitive approach, such as that seen recently in the US, where crack-addicted mothers are being charged with harming their unborn child, is unlikely to be helpful, but clearly action must be taken, including an examination of issues relating to server liability (see preceding chapter), and support for awareness-raising campaigns on effects of drugs and alcohol on unborn babies.

#### *Responding to Abuse*

The *Child Protection Act 1999* recognises that the traditions and culture of the Indigenous child must be considered, decisions must be made in consultation with a recognised agency, and Indigenous children should be cared for in their own communities. The Remote Area Aboriginal and Torres Strait Islander Child Care (RAATSICC) Program provides children’s services in Indigenous communities in Far North Queensland.

The Women’s Task Force found no confidence in the responses of the Police and the Department of Families to child abuse.<sup>48</sup> Family Services’ officers on the Cape are reported to carry high caseloads, turnover is high, and morale is poor. At the time of the Study, there were 57 Cape York children on child protection orders, court assessment orders or voluntary care agreements.

One submission to the Study called for an increase in the presence of Family Services officers in their community, stating that “six weekly flying visits” are not adequate, and the number of abuse and

neglect cases in the community could keep a full-time person busy. The Department of Family Services recently increased their visits to monthly, but they are conscious that more frequent visits only generate more work. Staff from the Department reported that currently they are only able to attend to crises and over half of the children under protective orders have been visited only once or twice in the last three years.

A community development approach, where appropriately trained local family support workers and community members take responsibility for child protection and use their Family Services officer as a case consultant or resource seems to be the best model to ensure culturally appropriate and community-owned decisions.<sup>49</sup>

A submission to the Study stated that RAATSICC is working well, but needs to be supported through inter-agency groups, who can report abuse easier than individuals. The Department of Families depends on RAATSICC workers and there have on occasion been issues with confidentiality. Family support services on the communities vary greatly depending on the skill and availability of the workers involved. The Council's willingness to be involved and accountable for family support has a significant impact on the effectiveness of safety mechanisms for children (Department of Family Services, Cape Torres submission).

The Forde Inquiry found that funding inadequacies in the child welfare system had resulted in an overwhelming focus on child protection and a virtual absence of focus on prevention and family support. The Commission for Children and Young People stated in its submission to the Study that they are extremely concerned about the lack of positive parenting programs and child protection support services on Cape York communities. The Commission suggested key caregivers (often grandmothers) and child support networks on communities should be recognised by Government and provided with appropriate support – both financial and emotional. The Commission is also concerned that many of these vital caregivers do not have access to the financial and emotional support services and networks available to foster carers, although in many cases their roles and responsibilities are commensurate.

The Department of Family Services is currently trialling the involvement of the community at an earlier stage of the risk continuum, and the Early Options Group at Kowanyama involves the school, health services and the Police (Department of Family Services, Cape Torres submission). This is a welcome development that should be evaluated for its potential use in other communities.

Teenage pregnancy is prima facie evidence of a crime and is an indicator that sexual abuse may have occurred. One submission to the Study argued that local police should investigate every teen pregnancy, if only as a means of deterring others. The contrary position is stated in a submission from the Department of Families to the Taskforce on Women and the Criminal Code:<sup>50</sup>

*The increasing prevalence of "underage sex" means that many young people are committing offences, in circumstances where they may not realise the criminal consequences of their actions. These young people are being charged with criminal offences for "underage sex" particularly where there is obvious proof of the activity, such as the birth of a child. ... It is inappropriate that the forum to deal with this type of sexual activity in the criminal justice system. A more effective approach would be to use diversion options and support services, such as sex education and educating young people about parenting skills, rather than criminalising the behaviour.*

Where it is suspected that the sexual activity is abusive or exploitative it must be dealt with swiftly by the criminal justice system. Local justice groups may choose to explore this issue and develop protocols for responding to teenage pregnancy in partnership with the Department of Families, Education Queensland and the Police.

### ***Abuse of older people***

Research on the abuse of older Indigenous people in Australia is limited. Research in the Rockhampton area (unpublished, 1997) concluded that abuse of older people is a relatively recent phenomenon in Aboriginal communities following colonisation, and is related to the loss of

traditional culture and values, including respect for elders. It is often hidden, and shame inhibits its explicit acknowledgment. Many of the respondents in this research provided examples of physical, emotional, psychological and financial abuse they had experienced from younger members of their families, in addition to passive and active neglect.

Both the Women's Task Force and research by Jan Hammill found that older Indigenous women are highly vulnerable to emotional and physical abuse by substance-dependent family members, including sexual assaults, and being beaten for money.<sup>51</sup> The Task Force was appalled by the level of violence perpetrated on the elderly, and recommended an Indigenous Elder Abuse Prevention Program and support for elderly carers.

Increasingly, older women are also being expected to "hold the baby" in cases of child neglect and others forms of abuse as well as taking responsibility for providing housing, clothing, food and cultural and spiritual support; placing them at risk of what Hammill calls the "granny burnout syndrome".

The Ageing Branch in the Department of Families has developed a proposal for a research project on "eldership", focusing on the role of older Aboriginal and Torres Strait Islander people in their communities.

The *Domestic Violence (Family Protection) Act 1989* currently provides protection for people in a spousal or spouse-like relationship or who have a biological child with the perpetrator. Under proposed amendments legislative protection will be extended to people in family relationships, intimate, personal relationships and informal care relationships. These amendments will enable older people being abused by family members or informal carers to obtain protection orders.

### **Homicide**

David Martin in his PhD thesis states that Aboriginal people are massively over-represented as both victims and perpetrators of homicide.<sup>52</sup> Unofficial police statistics indicate that Indigenous people comprised 32% of spousal domestic homicide victims in Queensland in the seven years to December 2000, though they represented only 2.9% of the total Queensland population (cited in the *Safe Families – Safer Communities* policy).<sup>53</sup> Martin also concludes that homicide occurs disproportionately amongst the residents of Aboriginal settlements, and that Aboriginal women are at a far higher risk of homicide than white women. He concludes:

*The figures ... show us that Aboriginal people are far more vulnerable to homicide, both as offenders and victims, than are White Australians, and the figures suggest this vulnerability is even further increased for Aboriginal residents of community settlements. Alcohol is involved in the substantial majority of Aboriginal homicides – even more so than is the case for White Australians. The figures indicate that Aboriginal women are far more at risk than are White women and, further, that the violence culminating in homicides is overwhelmingly directed within Aboriginal societies rather than externally.*<sup>54</sup>

Memmott<sup>55</sup> notes that another issue in assessing Indigenous homicide is that official statistics often exclude certain types of homicide – in particular, the deaths of women following long-term spousal violence. In many of these cases, the immediate cause of death obscures a history of long-term violent abuse culminating in death from multiple causes. He cites a number of reports that also highlight the prolonged violent spousal abuse causing death.<sup>56</sup>

### **Suicide and self-harm**

The link between child sexual abuse, self-harm and suicide has been noted by many reports and studies.<sup>57</sup> Teenage and young adult males are at greatest risk in the Queensland Indigenous population.<sup>58</sup>

The Task Force reported "anecdotal evidence ... that sexual abuse of young males is increasing, and remains largely unreported, because of the hidden nature of male to male sexual attacks and the shame that is often expressed by the victims".<sup>59</sup>

Anecdotal evidence also suggests suicide and self-harm is often connected with substance abuse. Culturally relevant training for workers is needed to assist families and support communities. Some Indigenous communities have taken a whole-of-community approach in addressing this issue. For example, Yarrabah Aboriginal community has developed a program that is being expanded and delivered in other communities throughout Cape York.

The Yarrabah Prevention Program has been successful in reducing the number of suicides in the community and has dealt with the major crisis phase. However, there are still a number of people who require in-depth counselling for suicidal ideation. Yarrabah continues to provide advice and support to other communities on how to deal with suicide problems.

It is vital that a community development approach is adopted to deal with problems relating to suicide that is complemented and supported by a community network to deal with crisis intervention.

### **Confronting violence**

The evidence demonstrates that violence within Cape York's Aboriginal communities is all-pervasive, and at levels which are far greater than those for non-Indigenous Queenslanders. The consequences of this violence do not simply lie in the injuries and trauma suffered by its direct victims, including women and children. The endemic violence has a deleterious impact on the capacity of Cape York Aboriginal people to address the range of manifest problems confronting them, which this brief has documented. Its all-pervasive and systemic nature also has a potentially profound impact on the generations of young Aboriginal people exposed to it as an intrinsic and unexamined component of their daily lives. It is clear therefore that violence reduction, along with alcohol misuse, provide fundamental matters at which strategies must be directed.

#### ***Male leadership***

Indigenous women who have been speaking out about violence and abuse in their communities for many years are now asking Indigenous men to work alongside them to address family violence.<sup>60</sup> Some men are beginning to take up this challenge.

As Melissa Lucashenko<sup>61</sup> notes, open discussion of domestic violence, rape, child abuse, and other forms of violence is relatively new to Indigenous communities. Dr Geoff Genever, in his recent survey of attitudes to domestic violence in Cape York Aboriginal Communities, attributes the recent willingness to discuss the issues to Aboriginal women who have been prepared to state publicly that they have had enough. Many Indigenous women are now calling for Indigenous men to also take a stand and speak out about the violence in their communities:

*Until Aboriginal people, particularly young men, recognise that aspects of their behaviour are maiming their society and killing their people just as bullets and arsenic once did, communities will continue to be physically and intellectually impoverished by the absence of so many of their number who spend some of their most productive years behind bars. Their women will continue to live in a state of terror and their children will be exposed to influences that will perpetuate the situation.*<sup>62</sup>

An inaugural Cape York men's health forum, the Mara Ngi Health Forum, was held at Mapoon on 28-30 August 2001, as a result of a partnership between Apunipima Cape York Health Council, ATSIC, and Queensland Health. In discussing the role of Indigenous men in creating a healthy community for men, women and children, the majority of participants indicated men should be a positive role model by leading and setting example, and taking responsibility for themselves, their actions and the actions of others. The major themes were that Indigenous men should be man enough to own up to the problems and acknowledge them, take responsibility, and stand up and be counted.

#### ***Men and family violence***

To date, limited support has been provided to perpetrators of family violence.

National research has found little documentation related to programs for Indigenous perpetrators, but consultations indicated that there is a need for Indigenous-specific programs. Mainstream programs

treat domestic violence as a stand-alone issue, but Indigenous people want programs that focus on wider issues, including cultural identity and drug and alcohol problems. Effective intervention needs to involve the whole community and address the needs and rights of women and children.<sup>63</sup>

Court-mandated programs have been piloted in the Northern Territory, with an evaluation finding they greatly assisted most of the offenders to make positive changes in their behaviour towards their partners.<sup>64</sup>

The Cairns and District Regional Indigenous Men's Group runs family unity and healing programs for men and attendance at such programs is often made a condition of community-based correctional orders. Appropriate programs for perpetrators at the community level, both voluntary and court-referred, would appear to be an important need in early intervention and rehabilitation of offenders.

### **Violence and the next generation**

The impact of family violence on children is now widely recognised as a child protection issue as the violence affects the child's physical, social, emotional and psychological wellbeing. Children living with family violence are more likely to be victims or perpetrators of abuse in adult life.<sup>65</sup>

#### ***The importance of the early years in laying down predispositions for life***

Studies of brain development in the early years of childhood demonstrate the contribution of timely stimulation and nurture in developing skills for the entire life cycle. They also show the negative impact of the absence of these things, and more dramatically the deleterious effects of violence, abuse and neglect on developing neurophysiology, which in turn predispose children, young people and adults to health, behavioural and social problems throughout life.<sup>66</sup>

There can be a range of other distressing symptoms that develop in response to childhood experiences of violence, abuse and neglect, including anxiety, sleep problems, depression, intense psychological distress, hyper-reactivity when exposed to stimuli resembling the traumatic event, recurrent intrusive thoughts about the event and anger problems. People may also feel numb or be unable to recall an important aspect of the event (or large patches of childhood), and they may experience feeling numb, detached or estranged from others and have a sense of a foreshortened future, for example, do not expect to have a full or long life.<sup>67</sup>

A range of cognitive and behavioural problems may develop as well, because of both neurophysiological changes and learned behaviour. People may have problems forming attachment, dealing with anger, and may initiate alcohol or drug use and become involved in a range of criminal behaviours.<sup>68</sup> High-risk populations are unlikely to achieve sustained behaviour change unless this neurophysiology and consequent learned behaviour is addressed. Studies suggest that failure to address the underlying drivers of behaviour result in failure to achieve or sustain changes, even when the individual is committed and has developed the skills, resulting in an exacerbation of the sense of hopelessness, which in itself is a risk factor.<sup>69</sup>

#### ***The trajectories of young people at risk***

In their extensive review of research and programs, Keating et al<sup>70</sup> use the term "trajectories" to describe the chain of difficulty that can develop from poor beginnings. Their hypothesis is that over time less than optimal neurophysiological development and a consequent sense of hopelessness and alienation, combined with a similarly marginalised peer group and social support network, will lead to poor education outcomes, which then lead to poor opportunities, insecurity, higher risk of developing violent, abusive or other dysfunctional behaviours, alcohol and drug use, and criminality. As each of these life transitions occurs, health risks accumulate and the risk of poor health and premature death increases, as does the risk of further consequent negative life events.

A risk is that these individuals will develop poor patterns of parenting, when stress, instability and poor coping skills combine with a lack of parenting skills. Studies conclude that having some sense of control over one's life and the decisions which affect one's life are critical to reducing distress, anxiety and other health risks, and to maintaining wellbeing.<sup>71</sup>

While there is growing awareness about the impact of family violence on children, there remains a lack of services and a need for the development of specific approaches which utilise culturally sensitive practice with Indigenous children.<sup>72</sup> The Commission for Children and Young People in their submission to the Study noted that the services children receive at shelters are generally not specifically designed to meet their needs and there are no specific advocacy services available to them. An expansion of the Commission's community visitor scheme to children residing in shelters, as recommended by the Forde Implementation Monitoring Committee,<sup>73</sup> is supported as one way of addressing this need.

### *Attitudes of youth towards violence*

In a recent national survey of young people's attitudes to domestic violence, the most common causes of domestic violence identified by young people were "having grown up in a violent household" and "being drunk". The survey also found that a small proportion of young people still do not classify extremely violent behaviours as domestic violence, and young males and Indigenous youths are over-represented in this group.<sup>74</sup>

Male youth on Cape York communities have been exposed both as victims and as witnesses of family violence, and have learned violent behaviour much earlier in their lives. This is quite evident when young men enter into relationships. A submission to this Study said that young women, too, come to accept violent behaviour as normal in relationships.

Adolescence is an opportune time to address attitudes, values and behaviours likely to contribute to violence. Working with individual young people through schools or outreach is important, but effective strategies also need to involve families.<sup>75</sup>

There are few violence prevention programs designed specifically for Indigenous young people. *Partnerships Against Domestic Violence* and *National Crime Prevention* have trialled a number of programs which work with young men to prevent family violence, including Indigenous young men. Peer education models have been popular, and findings suggest key community figures should be engaged to provide ongoing support for young men and to demonstrate a commitment to preventing family violence. These programs could be adapted to suit Indigenous male youth in Cape York, but the evidence to date is that projects work best when they are run by Indigenous people.<sup>76</sup>

The Cape York Youth Network (discussed in the following chapter) may provide a forum for the discussion of issues of violence by youth.

### *Trauma*

Another view on violence in Indigenous communities is that it is an expression of the history of widespread and collective traumatising of Aboriginal Australians.<sup>77</sup> The notion of intergenerational trauma has been used to interpret and locate violence among Indigenous people.<sup>78</sup> Atkinson writes:

*Violent behaviours become the norm in families where there have been cumulative intergenerational impacts of trauma on trauma on trauma, expressing themselves in present generations as violence on self and others.*<sup>79</sup>

There is a body of literature developing that examines and discusses the complexity of the responses to this trauma and post-traumatic stress disorder believed to be experienced by Indigenous communities. The literature appears divided on what constitutes effective treatment with some viewing trauma as a psychiatric disorder requiring medical responses and others viewing counselling and healing as being the most appropriate response to the trauma experienced by Indigenous people. In addition to the legacy of history, there is little doubt that people experience trauma as a result of intolerable levels of alcohol abuse and violence in their own lives.

### **Current responses**

The scarce but complex web of services that respond to family violence in Cape York appears to have developed through ad hoc allocations of Commonwealth and State funds.

Aside from Commonwealth-funded projects such as those developed by Apunipima Cape York Health Council and the few predominantly safe house services funded by the Queensland Government, there has been a poor service system provided to people living in Cape York who are affected by family violence.

Although the Queensland Government administers a range of services through the Departments of Families, Health, and Housing, that respond to Indigenous family violence across Queensland, it appears that the models of service currently in operation have not been accessible or relevant to Indigenous people on the Cape. In particular, innovative coordinated community response models available in Cairns such as a combined project of the Queensland Police Service and the Cairns Regional Domestic Violence Service appear not to have been implemented in remote areas (according to a meeting with Police). Nor does it appear that statewide approaches such as the Domestic Violence Telephone Service, which provides 24-hour information and referral, are relevant or accessible to women living in remote Indigenous communities. One issue regarding accessibility is the almost constant state of disrepair of public phones in communities.

The development of a number of community-driven services based in Cape York communities seem to have arisen out of desperation and are provided on a voluntary basis, or funded through small amounts of money provided in the form of non-recurrent grants or pilot initiatives.

In 1999, the National Indigenous Family Violence Grants Program, funded by the Commonwealth Government under the PADV initiative allocated funds (\$6 million nationally over four years) to assist grassroots Indigenous organisations to develop projects with innovative solutions to family violence. These funds are administered through a range of Commonwealth and State agencies.

Funding sources and responsibilities for family violence at the State and Commonwealth levels must be streamlined and resources pooled to enable flexible responsiveness to need. As noted above Commonwealth funds are largely in the form of non-recurrent grants or pilot initiatives. This creates the expectation that States will fund successful projects on a recurrent basis.

In line with current efforts to achieve whole-of-government strategies in child protection, sexual assault and domestic and family violence, which this Study commends and supports further improvements to Government coordination are required.

The Council of Australian Governments (COAG) committed in November 2000 to review and re-engineer existing programs and services, in partnership with Indigenous communities. This commitment was to ensure that services and programs deliver practical measures that support families, children and young people, emphasise prevention and early intervention and focus on family violence, drug and alcohol dependency and other symptoms of community dysfunction.

The Ministerial Council on Aboriginal and Torres Strait Islander Affairs (MCATSIA) has stated that it supports an approach to addressing family violence and related issues that is based on partnerships and shared responsibilities with Indigenous communities. MCATSIA views the approach as needing to be flexible and coordinated between Government agencies, and focused on local communities and outcomes (MCATSIA resolution, 28 July 2001 meeting).

Submissions to the Study indicate that there is a lack of general information in Cape York about family violence, and in particular what behaviours constitute family violence. A submission by a family violence worker on Cape York said that many Indigenous women were unaware that violence is a crime. She notes that in particular community members are unfamiliar with the legal process and how to seek legislative protection from violence, or are unwilling to use legal advice or support.

A civil legislative response to family violence can be accessed through the *Domestic Violence (Family Protection) Act 1989*. An analysis (undated)<sup>80</sup> of the effectiveness of this Act for Indigenous people conducted by the Department of Families, revealed that although there is a fairly widespread general awareness of the existence of the Act, there is a lack of knowledge of its content and procedures for usage.

Emerging models of practice for responding to family violence in Indigenous communities reject the “criminalisation” of family violence as the sole strategy to address family violence and are less reliant on an explicitly feminist analysis and explanation of violence within intimate relationships.<sup>81</sup>

As noted in the *MetaEvaluation* of PADV projects,<sup>82</sup> Aboriginal people are currently exploring new approaches to family violence based on customary law practices and principles of restorative justice, with a philosophical base of reconciliation. Submissions to this Study support the need for ownership and control of the issue of family violence as imperative for Indigenous people.

Memmott has identified a number of elements of best practice for community services responding to family violence. Best practice models or programs recognise:

- how being focused towards a community helps to provide culturally-sensitive treatment for violent people;
- how communities involved in, and in control of, judicial and other matters benefit from an increased sense of cohesion from learning about how the mainstream police, judicial and court systems work;
- the benefits of creating a collaboration between agencies such as the police, the judiciary, local council and correction authorities;
- that there are complex social and psychological factors involved in many forms of violence that need to be dealt with in a holistic manner and require community-wide attention;
- alcohol as an important factor that needs to be dealt with, within an over-all program; and
- the need to be reactive and proactive in coping with violent behaviours.<sup>83</sup>

These elements of best practice are supported by findings from the PADV *MetaEvaluation*, which has analysed outcomes from the various projects funded through PADV to address Indigenous family violence.<sup>84</sup>

It is important to build on the skills of the people in the local community. Memmott et al highlight the need for locally known Aboriginal workers to act as resource people and sources of further education in healing processes. This was also supported by a submission that described such people as “natural helpers”, and defined their role as listening and referral. It is essential that people in such roles have clear operating guidelines, including the importance of maintaining confidentiality, and that they in turn have access to support and debriefing.

### **Priority areas for action**

Community individuals, families and leaders need to be seen to condemn violence and abuse. Communities need to determine how they will ensure safety, with the support and resources of Government. Responses and services need to be community determined and implemented, as agreed and signed off in negotiation with Government and non-Government service providers. The model outlined in this Study provides the mechanism through which this negotiation can occur.

The success of family violence programs depends largely on community’s willingness to be part of the process and the ability of Government and non-Government services to adopt a collaborative approach to family violence. Various coordinated approaches to family violence could involve local agencies developing shared policies and protocols for a more coordinated and consistent approach.

Each community should design responses with the support of service providers. These responses must be assured of long-term funding support. Models developed in urban settings are not appropriate for local conditions. As noted, short-term and one-off programs are useless and have caused more harm than good.

### ***Alcohol***

No response to violence will work without a coordinated response to alcohol. An integrated community and Government response must confront these issues together. Recommendations specifically directed at addressing alcohol-related issues are presented in Chapter 2 of this Study.

In addition, three other areas for integrated community and Government action have been identified. They are consistent with the current family violence and child abuse models of intervention and response, but require considerable strengthening, re-orientation and development if effectiveness is to be improved.

### ***Community-controlled prevention and early intervention***

The only sustainable way to tackle violence in the long-term is for communities to create and maintain healthy relationships.

While individuals, families and communities are perhaps best placed to take responsibility for early intervention in violence, it is crucial that they are appropriately and effectively supported in doing so. Memmott et al<sup>85</sup> identify precipitating causes of violence – events that may trigger an episode of violence – and recommends that they are best tackled one-on-one. Relatives and friends of perpetrators and victims need to provide support and back up, advice and assistance with resolving conflict.

The Remote Area Aboriginal and Torres Strait Islander Child Care Program (RAATSICC) Community Networks are an example of this type of intervention at the community level. These informal networks of elders, health workers, school liaison workers and community councillors monitor the wellbeing and safety of children in their everyday responsibilities and activities.

There is evidence that, in addition to promoting good health outcomes, early intervention strategies can be effective in preventing child abuse and neglect and identifying maternal domestic violence.<sup>86</sup> The Northern Territory-developed *Strong Mothers, Strong Babies, Strong Culture* program is being delivered successfully in some communities on the Cape, and other initiatives such as the Family CARE Program, Triple P for Indigenous Families and Inala Early Intervention Program may be of assistance in this area.

Community education and access to information are important strategies in challenging the acceptance of violence and abuse. For example, there is a limited understanding of the unlawfulness of marital rape.<sup>87</sup>

The Women's Task Force called for cultural and spiritual healing, and counselling services for healing the transgenerational trauma and emotional health problems that are the legacy of history.<sup>88</sup> The establishment of healing centres announced by the Minister for Families is a response to these recommendations and will provide an opportunity in a number of Queensland communities to trial this new approach.

### ***Community-controlled and civil responses to violence***

Strengthening community controls and responses to violence in order to create and maintain safe environments are the objectives of this priority.

The *Domestic Violence (Family Protection) Act 1989* is administered and monitored by the Department of Families. However, it must be recognised that a civil legislative response is not appropriate in all circumstances and should be used in conjunction with a range of community-controlled responses and where appropriate, criminal responses.

Specific expertise is required to ensure effective operation of the Act and it is suggested that communities together with the key agencies involved in responding to family violence (Department of Families, Queensland Police Service and the Chief Magistrate) develop specific protocols to provide guidance to those enforcing the Act in Indigenous communities.

Safety for victims, primarily women, children and the aged, must be the first consideration in responding to violence. Some communities have shelters for women and children; others have informal safe houses. It has been suggested in several submissions to the Study that women and children should not be “punished” by having to leave their homes, but that the perpetrator should be the one to be removed. Police can remove a perpetrator for only up to four hours under the *Domestic Violence (Family Protection) Act 1989*. Submissions have called for the extension of this period of

detention; other options may include making residence at an outstation or an existing safe house or shelter a condition of a protection order. This of course would require much coordination and collaboration by the local based services (especially Police) but could in the long term be more cost effective and could assist in the changing of attitudes.

Submissions to this Study argue for a need for an immediate response to violence than can be triggered by victims confidentially, does not necessarily lead to incarceration of the perpetrator and lessens the disruption to the lives of women and children caused by removal to shelters. Currently in Aurukun the declaration of safe places (dry areas/controlled areas re alcohol) is made by the Alcohol Law Council (which is currently being merged with the Justice Group). Under the new model Council by-laws proposed by DATSIP, the Community Council will be able to make these declarations. Recommendations in this chapter propose that this function be assumed by a Magistrate following application by community members and with advice of the Community Justice Group or Women's Group.

In the context of the urgent need to protect women and children from violence in Cape York communities such an external imposition can be justified as a direct short-term intervention to provide immediate protection. Furthermore, the role of the Magistrates Court under the proposal is simply to give legal force to the wishes of members of the community, as expressed through the Community Justice Group. In the longer term, once the system of controls is in place and working effectively, consideration should be given to vesting the role of declaring safe places and setting alcohol controls directly in the community, either in the elected Community Council or the Community Justice Group.

Once safety has been achieved, there need to be appropriate responses to the behaviour of the perpetrator and services for the victim. Services for the victim could include access to information, referral, counselling and programs.

Responses to perpetrators could be dependent on the level or seriousness of the violence involved. Diversionary strategies and the need to place limits on the use of diversion are discussed more fully in Chapter 4, Crime and Justice. Community Justice Groups could utilise shaming or "growling" or require a perpetrator to attend an appropriate program. Mediation and restorative justice approaches are seen by many as inappropriate for family violence and child abuse, but are being trialed in NSW. In her analysis of a Queensland trial of mediation in the Hope Vale Aboriginal community, Sauve<sup>89</sup> has suggested that there are circumstances in which Indigenous models of dispute resolution and mediation may be appropriate responses to family violence, but she expresses concern about the effect on these processes of the apparent high level of social tolerance towards violence against women in Indigenous communities. Protection orders could also include conditions for participation in programs or counselling.

Compulsory counselling for all parties to a Domestic Violence Order, as recommended in the ATSIWTFV Report has to date not been supported by Government. It is recommended that a by-law or a protocol between the Police, Magistrate and Community Justice Group be implemented that provides for compulsory counselling as determined by a Magistrate on the advice of the community. (See recommendation 8) This new initiative must be evaluated to determine effectiveness and wider applicability.

RAATSICC networks and services provide a community-based mechanism for responding to child abuse, in cooperation with the Department of Families and within the standards and requirements of the *Child Protection Act Qld (1999)*.

Family violence interventions need to involve the whole community and address the needs and rights of women and children.<sup>90</sup> The emergence of men's groups and the use of perpetrators' programs are encouraging signs, on the Cape and elsewhere in Australia. These programs need consistent support, monitoring and evaluation.

### ***Criminal justice system responses***

Serious violence and abuse needs to be subject to the full force of the law. Aboriginal women are deeply suspicious of justice and welfare agencies<sup>91</sup> and have said they do not want their men to go to

jail.<sup>92</sup> Aboriginal women have also stated that jail is appropriate when serious violence has been inflicted.<sup>93</sup> There needs to be a clear message that violence will not be tolerated.

The next chapter of this Study deals with strategies to improve the delivery of justice to Cape York communities. If the criminal justice system is to deal with Indigenous family violence, barriers to reporting need to be addressed, police must intervene in violent crime, there must be court assistance provided to victims, courts must deal with family violence and child abuse quickly and appropriately, and offenders need appropriate rehabilitation and post-release support.

## Recommendations

The ATSIWTFVR<sup>94</sup> provides detailed recommendations on addressing family violence. Those recommendations are not repeated in this document. Government departments must continue to implement both the spirit and the recommendations of that Report and commitments outlined in the *Queensland Government Response to the Aboriginal and Torres Strait Islander Women's Task Force on Violence Report The Next Step*<sup>95</sup> and the *Safe Families – Safer Communities Policy and Plan of Action on Domestic and Family Violence*.<sup>96</sup> The following recommendations are aimed at complementing and supporting the strategies outlined in those documents and in progressing holistic responses to family violence.

## Urgent priority areas for action

### *Making the direct link between alcohol and violence*

1. The link between alcohol and much of the violence in the Cape York communities is clear. The nexus between alcohol and violence now needs to be directly acted upon. A key area in which strategic action can be taken in addressing violence is that of alcohol consumption, and recommendations addressing the supply of and demand for alcohol are presented in Chapter 2 of this Study. The following recommendations are complementary to those in Chapter 2, but are targeted specifically at violent behaviour.

### *Taking responsibility*

2. Continued silence and inaction by individuals, families, and communities about child abuse, particularly child sexual abuse, cannot be excused.
3. Indigenous men, in particular leaders, should take the lead in initiating united action against violence across the Cape and across Australia. Men must take immediate action to speak out about stopping family violence and the abuse of children to send a clear message that violence is unacceptable.

### *Declaration of Safe Areas*

4. There should be the capacity for “Safe Areas” to be created within parts or the whole of the community, in which alcohol and intoxicated persons are not permitted to enter. Where the availability and consumption of alcohol threatens public or personal safety, then it is the availability and consumption of alcohol and the presence of intoxicated people that must be confronted and prohibited as a first measure.
5. It might be possible for such Safe Areas to be created under Community or Shire Council by-laws. However, for reasons discussed in Chapter 2 of this Study, regarding the problems and conflicts of interest which Councils face in developing and implementing effective programs to reduce the consumption of alcohol, this Study does not recommend this course of action.
6. Rather, there should be a timely and straightforward means for Safe Areas to be declared by the Magistrates Court sitting with the advice of the Community Justice Group, modelled on but revising the Aurukun Law Council provisions in the *Local Government (Aboriginal Lands) Act 1978 (Qld)*. Safe Areas could be declared in relation to:

- (a) homes
- (b) public places (such as the areas in front of community stores, school grounds)
- (c) shelters and other community facilities
- (d) places outside of the community townships but on Aboriginal lands, such as outstations
- (e) the entire community.

The Magistrates Court should consider requests for the declaration of Safe Areas from the Community Council, Women's Group or other welfare organisations or workers or members of the Community Justice Group and from any community member affected by violence. The Magistrates Court should make its decision on the declaration of Safe Areas on the basis of whether there has been a record of violence at the location which is sought to be declared a Safe Area, and where it is likely that the violence will occur again at that location.

The declaration of the Safe Area should stipulate any or all of the following conditions:

- (a) that no alcohol is to be possessed or consumed within the Safe Area
- (b) that no intoxicated person is to be present within the Safe Area
- (c) that no person under a domestic violence protection order is to be present within the Safe Area whilst intoxicated or in the possession of alcohol.

Where a conviction is recorded in the Magistrates Court for a violent offence involving alcohol, the Magistrate should be required to consider, with the advice of the local Justice Group, whether there is a reasonable expectation that violence will recur and whether it is in the interest of public or personal safety for the declaration to be made.

Where a conviction is recorded in the District or Supreme Courts for a violent offence involving alcohol, these courts could:

- a) at the time of sentencing and with the advice of the Community Justice Group, determine whether a Safe Area should be declared. (It is noted that section 30 of the *Domestic Violence (Family Protection) Act 1989* gives these courts the power to make a domestic violence protection order when a person pleads guilty to or is found guilty of an offence involving domestic violence if the court is satisfied that an Order could be made under the Act.); or
- b) forward for determination by the Magistrates Court whether a Safe Area should be declared through the same process.

#### ***Aurukun Alcohol Law Council provisions***

7. The provisions establishing the Aurukun Alcohol Law Council in the Local Government (Aboriginal Lands) Act 1978 (Qld) should be reviewed to incorporate the objectives of recommendation 2 in relation to the declaration of Safe Areas. This will supplement and improve the existing provisions to control alcohol within the community by:
  - (a) linking the declaration of Safe Areas with violence or apprehended violence;
  - (b) enabling responsible community members and organisations other than victims of violence to trigger the declaration of Safe Areas;
  - (c) requiring the Magistrates Court to declare Safe Areas in certain circumstances.

The review should include the following objectives:

- (a) to rationalise the Alcohol Law Council and the Local Justice Group into a single body;
- (b) to make the relevant statutory scheme consistent between Aurukun and those Cape York communities operating under the *Community Services Act*.

***Confidential counselling as an intervention***

8. In order to combat the problem of victims of violence being unwilling to make complaints to the police because they fear the public humiliation of the offender may give rise retribution or because the victim fears that the offender will be convicted of an offence, the current civil legislative protection system should be complemented by a procedure, set out as a by-law or a protocol between the police, Magistrate and Community Justice Group in a Community Justice Agreement (see Crime and Justice chapter) which:
- (a) is not based on a complaint to the police;
  - (b) is made to a counsellor confidentially by the victim or by the person in the Community Justice Group or Women's Group who is a respected family representative of the victim or the offender;
  - (c) provides that the counselling will be convened or ordered by the Magistrate (or two Justices of the Peace, Magistrates Court) sitting with an appropriate member or members of the Community Justice Group or other suitable persons (such as relationships counsellors or ministers of religion). Counsellors should be nominated by the Magistrate on the advice of the Community Justice Group;
  - (d) may be ordered compulsory for the parties to attend.

This procedure would not preclude the operation of the procedures under the *Domestic Violence (Family Protection) Act 1989*. Nor would it preclude the operation of criminal justice procedures where offences have been committed and the police have independently laid charges.

***Improving the performance of State agencies and programs***

9. Continued ineffective action by Government concerning the high levels of violence in the Cape York Aboriginal communities can no longer be tolerated.
10. Child abuse, including child sexual abuse must be urgently addressed and responded to and children's services adequately resourced. Providing support to families, including parenting support, is the key to halting the violence and protecting the next generation. Queensland Health must give high priority to the introduction of the Family CARE program on the Cape.

**Areas for further action**

11. There must be effective resourcing and coordination of community and regional level data collection to accurately ascertain the number of people directly or indirectly affected by family and other violence.
12. In addition to the reforms to the *Domestic Violence (Family Protection) Act 1989* outlined above, the following reform should be implemented:
  - Develop documentation associated with the Act that is accessible and relevant to the Indigenous people of Cape York;
  - Develop a protocol between community and key agencies involved in responding to family violence (Department of Families, Queensland Police Service and the Chief Magistrate) that provides guidance to those enforcing the Act in Indigenous communities, addresses the complexity of Indigenous family violence and prioritises the safety of victims.
13. Access should be improved to court assistance for victims of sexual and family violence through the expansion of the Court Assistance Program and /or other victim support services.

***Reforms to ensure improved responses to family violence***

14. Implement the community planning and negotiation process as outlined in the model (see Chapter on Government) to facilitate local responses to family violence with a priority focus on child abuse.
- Convene negotiation tables (including information, discussion and negotiation) that address the issues of family violence, alcohol and substance abuse holistically;
  - Develop mechanisms to ensure that women are heard at the negotiation tables;
  - Ensure Department of Families resource the community with ideas for models of good practice in family violence, for discussion and consideration through the tables;
  - Ensure the planning process focuses on the three priority areas of community-controlled prevention and early intervention, community-controlled and civil responses and criminal justice system responses;
  - Ensure that service models developed in the planning process are documented, reviewed and evaluated;
  - Establish protocols outlining the roles and responsibilities of all key stakeholders involved in responding to Indigenous family violence.

***Education and public awareness campaigns***

15. Convene negotiation tables at the community level involving relevant Government departments and community representatives and organisations:
- (a) To support the community to articulate standards and expectations in relation to violence and strategies to combat violence within the community;
  - (b) To develop education and public awareness programs on violence, the law and the community's expectations;
  - (c) To provide and coordinate resources for education and public awareness campaigns.

***Personal and family empowerment programs***

16. The negotiation tables recommended above should also address the need for strategies to empower individuals and families to face up to and deal with violence. The Family Wellbeing program trialed by Apunipima Cape York Health Council is one example of a personal and family empowerment program which should be supported.

***Improving Government coordination***

17. Active steps should be taken to improve Government coordination at both a policy and service level.
- Coordinate policy making at state level by DATSIP, Department of Families and Health around family violence
  - Develop mechanisms for the coordination of state level and federal level policy making around family violence and funding with options for pooled funding for Cape York;
  - Coordinate responsibility and funding for sexual assault services and domestic and family violence services in one central agency;
  - Reform domestic violence service systems to ensure the relevance of service models to Indigenous family violence and the accessibility of services.

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- <sup>4</sup> Queensland Domestic Violence Taskforce, op cit ; Genever, G 2000. "Yes, but I never hit her in the face': A Survey of Attitudes to Domestic Violence in Cape York Aboriginal Communities." Apunipuma Cape York Health Council.
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- <sup>6</sup> Memmott, op cit.
- <sup>7</sup> Partnerships Against Domestic Violence, op cit.
- <sup>8</sup> ATSIWTFV, op cit.
- <sup>9</sup> Report of the Inquiry Into the Death of the Young Man who Died at Aurukun on 11 April 1987, Commonwealth of Australia; Report of the Inquiry Into the Death of Charlie Kulla Kulla, Commonwealth of Australia; Report of the Inquiry Into the Death of the Young Man who Died at Wujal Wujal on 29 March 1987, Commonwealth of Australia.
- <sup>10</sup> Queensland Domestic Violence Task Force, op cit; Office of the Director of Public Prosecutions 1996, Indigenous Women within the Criminal Justice System Brisbane, Office of the Director of Public Prosecutions; ATSIWTFV, op cit.
- <sup>11</sup> Memmott, op cit.
- <sup>12</sup> Bolger, A 1991, Aboriginal Women and Violence, Australian National University, North Australian Research Unit, Darwin, NT; Lloyd, J, & Rogers, N 1993 "Crossing the Last Frontier: problems facing Aboriginal women victims of rape in Central Australia", paper prepared for "Without Consent: confronting adult sexual violence" conference, 27-29 October, Melbourne. Australian Institute of Criminology, Canberra, 1992, cited in Memmott, op cit, p. 38.
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- <sup>16</sup> ATSIWTFV, op cit.
- <sup>17</sup> Memmott, op cit.
- <sup>18</sup> Memmott, op cit, p. 51.
- <sup>19</sup> National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, op cit; ATSIWTFV, op cit; Taskforce on Women and the Criminal Code 2000, Report of the Taskforce on Women and the Criminal Code, Queensland Government, Brisbane; Memmott, op cit.
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- <sup>22</sup> Partnerships Against Domestic Violence, op cit, p. 4.
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