

**The Aboriginal
and
Torres Strait Islander
Women's Task Force
on Violence Report**

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1. THE TERMS OF REFERENCE

TERMS OF REFERENCE FOR THE TASK FORCE

- Advise on the development and implementation of policy and program initiatives aimed at addressing violence against Aboriginal and Torres Strait Islander women, children and families in Queensland, including a consideration of the effectiveness of programs currently funded by the Queensland Government and the impact of Commonwealth policy, programs and guidelines.
- Advise on whether changes should be made to any laws, whether any additional laws should be made, whether any changes should be made to the way these laws are applied or enforced and related policies and procedures and any non-legislative approach including advising on existing Commonwealth and State legislation, and in doing so will ensure that there is no duplication of resources and effort with other Queensland Government initiatives such as the Task Force on Women and the Criminal Code.
- Advise on changes to laws where customary law should be recognised and included.
- Provide the Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy with an interim report of its findings by 31 March 1999, and a final report and recommendations for reform by 30 April 1999.
- In recognition of work already undertaken, have regard to all relevant reports, studies, investigations and other documentation of the subject both within Queensland and other Australian jurisdictions and report to the Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy on the relevance of the recommendations advanced in such reports, studies, investigations and other documentation, and in light of existing laws and policies and the current and future resources available to both the Queensland Government and the non-government sector.
- The Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy, the Honourable Judy Spence MLA, to advise all relevant Ministers on the final report and recommendations and to seek a whole of government response.
- Any media release regarding the Task Force is to be the responsibility of the Chair.

TERMS OF REFERENCE FOR THE WORKING GROUP

- Identify the issues leading to violence against women, children and families in Aboriginal and Torres Strait Islander Communities in Queensland.
- Identify possible strategies or solutions, both long-term and short-term, aimed at addressing the violence against women, children and families in Aboriginal and Torres Strait Islander Communities and prepare an interim report and a final report to be tabled to Government.
- Consult with such agencies, organisations, groups and persons as the Task Force thinks fit, including in particular representatives of Aboriginal and Torres Strait Islander Communities and organisations and other task forces.
- Advertise and call for written and telephone submissions on the issue of violence against women, children and families in Aboriginal and Torres Strait Islander Communities and such matters as the Task Force thinks fit.
- Consider and advise on the implementation of the recommendations of all reports pertinent to violence against, and abuse of, women, children and families in Aboriginal and Torres Strait Islander Communities, including recommendations aimed at addressing the issue of alcohol and substance abuse in these Communities.
- Identify strategies aimed at addressing issues raised in the recommendations of all reports pertinent to violence against, and the abuse of, women, children and families in Aboriginal and Torres Strait Islander Communities in Queensland.

2. FOREWORD

The work of the Task Force has required courage and tenacity that members did not know they possessed. As they shared the agony, grief, and at times, the triumphs of the many Aboriginal and Torres Strait Islander women and men who have survived incredible ordeals of violence, the enormity of the task became apparent to the Task Force. As Chair, I would like to acknowledge the courage of the women on the Task Force in bringing this Report to fruition. I would also like to express sincere appreciation to the many people who came forward to contribute their concerns and thoughts on critical issues and solutions to end the violence in all its forms.

Most importantly, members of the Task Force dedicate this Report to the many people who shared their lives and stories of pain and distress. To those people, we must commit our efforts to breaking the cycle of violence to allow families (men and women, Elders and the young) to build a better future where we can all live in harmony and peace.

We must acknowledge the good work achieved to date and commit ourselves to ongoing collaboration with non-Indigenous people to achieve the true principles of self-determination, reconciliation and reciprocity, which underpin this Report.

In accepting this challenge we must no longer allow ourselves to be portrayed as victims, but as proud and strong people. In our unique ability to endure all odds, we have stood tall and we have survived. Through our collective efforts, we can break the cycle of violence and we can work toward a future that allows our children to be proud of their cultural identity and to live a life free of fear of ongoing violence and abuse. These are the goals to which we must all aspire.

Boni Robertson

Chairperson

Aboriginal and Torres Strait Islander Women's Task Force on Violence

3. EXECUTIVE SUMMARY

SHATTERING THE CYCLE OF VIOLENCE

All we want is for the violence to stop. We don't want our men to go to jail. But by the same token we as a community have to try to address the issues of alcohol, drugs and violence.¹

Violence at its most blatant has become a part of everyday life. Horrifying crimes are occurring regularly and have instilled in the minds of the elderly, the young and others a level of fear previously unknown to the Australian population. Murder and other violent crimes are destroying what has traditionally been the Australian way of life.

However, for most people, their contact with violence is second-hand, through the daily newspaper or the nightly news or a movie. In many cases, people have a choice about whether they allow themselves to become exposed to the violence or whether they avoid it. However, Aboriginal and Torres Strait Islander Communities do not have the luxury of being able to disassociate themselves from violence. The high incidence of violent crime in some Indigenous Communities, particularly in remote and rural regions, is exacerbated by factors not present in the broader Australian Community.

The Aboriginal and Torres Strait Islander Women's Task Force on Violence was formed when the degree of suffering in many Indigenous Communities had reached a crisis point.

While the plight of Indigenous people has been highlighted in numerous state, national and international reports, many people found the current level of violence in Indigenous communities difficult to comprehend.

Although there has been much speculation about the causes of the violence being witnessed, the impact of history cannot be isolated in any discussion on its origins and the consequences of such violence in the lives of Indigenous peoples in the contemporary context.

Aboriginal and Torres Strait Islander Women's Task Force on Violence

Dispossession, cultural fragmentation and marginalisation have contributed to the current crisis in which many Indigenous people find themselves. High unemployment, poor health, low educational attainment and poverty have become endemic elements in Indigenous lives, and while the correlation between these factors and violence has been recognised, a more rigorous understanding is warranted.

While the violence being regularly committed in Indigenous Communities has become front-page news, it is not new. It has been acknowledged by Indigenous and non-Indigenous forums for many years. The people who could have made a difference have failed to intervene to stop innocent women and children from being bashed, raped, mutilated and murdered and exposed to forms of violence that have been allowed to escalate to a level that is now a national disgrace.

Indigenous women's groups, concerned about their disintegrating world, have been calling for assistance for more than a decade. While their circumstances may have been recognised, their pleas have not always been met and in some cases, deliberately ignored. At times, Government representatives appeared to regard violence as a normal aspect of Indigenous life, like the high rate of alcohol consumption. Interventions were dismissed as politically and culturally intrusive in the newly acquired autonomy of Indigenous Communities. Moreover, the 'Aboriginal cause' attracted little interest or sympathy in the broader Australian community, which seemed oblivious to the mayhem that was happening, even though the plight of Indigenous people had been described in numerous reports. The violence being witnessed can only be described as immeasurable and Communities, pushed to the limit, are imploding under the strain.

In investigating the violence, members of the Task Force were advised that the strongest message that they could give to the Government and the public of Queensland is that violence in all its forms, whatever its locale and in any circumstances, is unacceptable, and both Indigenous and non-Indigenous peoples must work together to help in its eradication.

While Governments of all persuasions have made funding available to address the issues pertinent to violence in the lives of Indigenous peoples, the Task Force was advised that only minimal intervention has occurred to date. Service provision to Indigenous

Communities was reported to be so poor in many Communities that people believe the services intended for their protection, are in reality increasing their violation. Many people in various locations, particularly rural and remote communities, have become almost totally reliant on welfare, due to the breakdown of traditional social support and the lack of infrastructure and real employment, with the human services, health, family and welfare agencies, being clearly incapable of meeting the increasing demands raised. This has serious consequences in areas where poverty, crime and violence have already reached levels that will require both immediate and long-term interventions.

The time for preventive measures is long past. Both Indigenous and non-Indigenous people must work together to stop the carnage through proactive intervention. Indigenous people can no longer live under a system that defies and inhibits autonomy and self-determination. In the spirit of reconciliation and reciprocity, a whole of Government approach is required, with Indigenous people also taking responsibility to repair the broken lives of an increasing number of people. There must be no skimping; no shortcuts or kneejerk reactions, because as an Elder indicated '*there may not be another chance*'.²

Informants to the Queensland Aboriginal and Torres Strait Islander Women's Task Force on Violence were adamant that while it was important to expose the severity of the violence, it was equally important to identify solutions. Many Elders acknowledged that while the stories must be told, it is also important to provide a way forward. The text of this Report therefore reflects these principles.

Forms of violence

The degree of violence and destruction in Aboriginal and Torres Strait Islander Communities cannot be adequately described. The Task Force found evidence of all forms of physical, psychological, cultural and structural violence being perpetrated, and while many may consider the violence to be a characteristic of Indigenous cultures, there are other factors that must be considered.

The history of race relations in Australia is one in which Indigenous people have been subjected to forms of violence that were unknown to many non-Indigenous Australians and

as a consequence, the atrocities inflicted against Indigenous people have only recently been fully exposed. Colonisation and dispossession were factors identified throughout the consultations as being central to the current alcohol and drug abuse, violence and dysfunction witnessed in Indigenous Communities.

Indigenous people generally have been profoundly affected by the erosion of their cultural and spiritual identity and the disintegration of family and Community that has traditionally sustained relationships and obligations and maintained social order and control.

While some Indigenous peoples were able to escape the past, whole families and Communities are now fighting to address the consequences. Appalling acts of physical brutality and sexual violence are being perpetrated within some families and across Communities to a degree previously unknown in Indigenous life. Sadly, many of the victims are women and children, young and older people who now in many cases are living in a constant state of desperation and despair.

Throughout the consultations, there was a strong message from Indigenous women that they recognise that their men are hurting too, and if there is to be a break in the cycle of violence, they must work collectively to reunite their families and to address the effects of alcohol and drug misuse and to eradicate these illnesses from their lives.

There are few services available in Communities to deal with these critical situations. Although many Indigenous people carry unresolved trauma and grief from both historical and contemporary experiences, there are inadequate counselling services available in a majority of Communities. This situation not only compounds the stress experienced by individuals but also exacerbates the likelihood of violence because of the limited services available to assist people with their alcohol or substance addictions or to deal with their unresolved traumas. The atmosphere in many Communities is now one of continuing fear from which there is currently no escape.

Due to isolation, poverty and the relatively small size of many Communities, innocent people cannot escape the violence as public transport and private vehicles are primarily

nonexistent. It was reported to the Task Force that at least one member of each family in some Communities is likely to become a victim of violence.

This Report reveals that there has not only been a significant increase in the number of offences recorded in Indigenous Communities, but the level of severity in such crimes has also increased. Violence is now overt; murders, bashings and rapes, including sexual violence against children, have reached epidemic proportions with both Indigenous and non-Indigenous people being perpetrators. Youth suicides over the past decade have increased to an alarming level. In one Community alone, there were 17 youth suicides in one year. In another Community, there were 16 suicides within a similar period. Indigenous youth were said to feel undervalued, lost, disillusioned, with many now living without hope. Aboriginal people, both young and old, are continually going through 'sorry business', with death becoming an all too frequent presence in their lives. By any measure, we must all admit that something has gone desperately wrong and that urgent intervention is now required.

Causes and contributing factors

As a result of ill-chosen, discriminatory and poorly researched Government initiatives, Indigenous people have endured decades of oppression and neglect. The massacres and inhumane treatment of their families remain fresh in their minds. Many members of contemporary Indigenous Communities can still remember the policies that isolated them from the broader community, that exempted them from associating with family and kin, that forcibly removed them as children and subjected them to treatment that breached even the most basic human rights. Indigenous families today are continuing to be affected by the losses they have suffered.

The harsh reality for those in authority who have ignored or failed to intervene in the atrocities thus far, is that action is now essential. The very public implosion of Indigenous Communities can no longer be hidden or excused as being 'the Aboriginal way'. Such thinking is a serious indictment that must be challenged and rejected. Indigenous Communities have endured, and continue to endure, substandard and overcrowded housing, poor health, poor education and welfare dependency. Many live in environments

similar to those in the poorest developing countries, and lack access to the resources required to alter their impoverished state. This is a situation that warrants urgent address.

A majority of the informants believed that the rise of violence in Aboriginal Communities can be attributed to the so-called 'Aboriginal industry' in which both Indigenous and non-Indigenous agencies have failed in many ways to deliver critical services. In times of economic rationalism, the 'industry' has failed to produce tangible outcomes. Concerns have been raised about the absence of initiatives in many reports commissioned by Governments over the past two decades. Informants were aware of the misuse of services with the culprits being both non-Indigenous and Indigenous people. An example of such misused authority and how it assists violence is the sly grog trade where there seems to be reluctance on the part of authorities to prosecute for breaches to the regulations. The sly grog trade and violence were expressed by many throughout the consultations to be inseparable issues, worsened by the failure of responsible bodies to carry out their duties at the expense of Indigenous people.

Extent of violence and abuse

The extent of violence is demonstrated by the rapidly mounting incarceration rates. It is also reflected in the statistical data on interpersonal violence, homicides, rapes and suicides. For those three categories of violent offences, sexual offences and breaches of domestic orders, the total for all reported Aboriginal and Torres Strait Islander offenders in Queensland has increased from **664** in 1994 to **1075** in 1998.

The Task Force believes the number of violent offences is much higher than the officially recorded data. This observation was expressed in the *Indigenous Women in the Criminal Justice System Report* (1996). The Task Force researchers heard many stories about crimes that women did not report for fear of reprisals from the perpetrator, his kinfolk or the justice system.

In all the consultations, there was an obvious reluctance to talk about sexual assaults. This reluctance was reported to result from fear of reprisals or shame because of the nature of the attacks. One Community survey found that 90% of rape victims were women. Non-

Indigenous men committed 42% of the rapes, 41% were committed by Indigenous men and the remaining 17% were pack rapes.³ Anecdotal evidence was given 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.

Members of the Task Force were advised that while some Indigenous people do not experience violence, there are others whose daily lives are marked by its constant and/or intermittent presence. The harsh reality is that many families are now trapped in environments where deviance and atrocities have become accepted as normal behaviour and as such, form an integral part of the children's socialisation.

Working for change

The lack of collaboration in the past has hindered progress for Indigenous people. The reasons for poor collaboration include:

- a failure by all levels of Government to commit to long-term initiatives, instead of quick-fix solutions;
- constant staff changes among senior public servants;
- appointment of Government Ministers for short terms, so they do not become familiar with their portfolios;
- the lack of coordination of policies and programs across Governments;
- the squandering of public monies in duplicated programs;
- the under representation of Indigenous peoples in senior positions; and
- the absence of Indigenous people in decision-making processes.

The informants considered and applauded models based on reciprocity to eliminate welfare dependency. Members of the Task Force believe, however, that economic independence and sustainability cannot be achieved without significant cultural and social development. All elements should form the basis of future Government and Community initiatives, with improved education, employment and training and cultural revitalisation being priority initiatives.

Innovative solutions were identified to deal with the high alcohol consumption evident in some Communities. In particular, rehabilitation and family unification programs were suggested as methods of reducing violence.

The Task Force found that non-Indigenous professionals working in Communities often suffer premature burnout, especially if their cultural awareness preparation has been inadequate. Indigenous people also often suffer burnout because of the immense workload that they carry and the limited resources available to provide assistance. Substantial issues exist concerning the delivery of services in remote and rural Communities and must therefore be addressed.

Issues affecting Indigenous people cannot be separated from a holistic approach to health and therefore, the Indigenous concept of health must be an essential component of health care solutions. Health is:

not just the physical well-being of the individual but the social, emotional, and cultural well-being of the community. This is a whole of life view and it also includes the cyclical concept of life-death-life.⁴

While much attention has been given to raising the standard of Indigenous health, there continue to be serious issues that are not being met. Stress, unresolved grief and complications from alcoholism and drug misuse are aspects of Indigenous lives that present serious implications for the future, if left unattended.

Mental health services are urgently required to address the emotional trauma experienced by Indigenous people. There is a need for localised healing programs that are specifically developed and subject to Community accountability.

The injustices of the justice system were unequivocally stated to be causing Indigenous peoples most grief. When discussing Community concerns, informants frequently expressed dissatisfaction with the justice system. The Task Force was told repeatedly that the justice system is archaic and must be adapted to meet the needs of the current environment. Crime prevention should not be wholly owned by Government but include

diverse stakeholders. Elders throughout Queensland are calling for the use of cultural lore to address the escalating crime in Communities and the over incarceration of Indigenous people in both adult and juvenile centres. Crime prevention strategies are considered to be deficient with little relevance to traditional lore which provides the most effective deterrent. The informants saw the legal system as being fatally flawed, ineffective and unable to meet the challenges currently being presented.

While investigating violence was the primary objective of the Task Force, Elders and Community representatives stressed the need to analyse both causes and contributing factors involved as a means of presenting solutions. Although alcohol and drug abuse were reported to be primary factors in the level of violence and abuse being witnessed, there were other factors arising from both historical and contemporary experiences that were also believed to be present.

In providing a way forward, it was consistently stressed that Indigenous and non-Indigenous people must work together to halt the violence and reverse the long-standing disadvantages suffered by Indigenous Australians. Social justice, equity and reconciliation will depend on the full implementation of the recommendations of this Report.

The future of Indigenous people can no longer be taken for granted and therefore this Report has been developed in a genuine attempt to address those issues that have stifled the advancement of generations and maintained the multiple violations they have experienced.

Aboriginal and Torres Strait Islander Women's Task Force on Violence

4. ACKNOWLEDGMENTS

Thanks are due to the following women who are members of the Task Force (names in **bold** are members of the Working Group).

District	Name	Location
Brisbane & surrounds	Ms Cheryl Cannon	Brisbane
	Ms Boni Robertson (Chair)	Thornside
	Ms Eunice Watson	Mackenzie
	Ms Cheryl Buchanan	Coominya
	Ms Monica O'Callaghan	Mitchelton
	Mrs Shirley Finn	Geebung
	Ms Cassie Stewart	Glasshouse Mts
	Mrs Beryl Wharton	Eight Mile Plains
	Ms Renee Martin	Dunwich
	Mrs Carol Dagley	Kingston
	Mrs Ruth Hegarty	Zillmere
	Ms Jodie Duncan (<i>resigned</i>)	Mudgeeraba
	Ms Margaret McLeod	Kedron
Ms Regina Munn	Geebung	
Downs and South West Queensland	Mrs Rose Turnbull (<i>resigned</i>)	Drayton
	Ms Dulcie Corday	St George
	Ms Irene Ryder	Mitchell
	Ms Susie Lucas	Toowoomba
South East Queensland	Mrs Grace Bond	Cherbourg
	Ms Laurel Blow	Cherbourg
	Ms Narelle Currie	Urangan
	Ms Fellicity Pollard (proxy for Narelle Currie)	Urangan
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	Mrs Heather Toby	Mt Morgan
	Ms Lara Jarett	Woorabinda
	Ms Evelyn Spooof	Boulia
Central West Queensland	Mrs Lilian Mi Mi	Bundaberg
	Ms Deanne Law	Biloela
	Ms Tracy Mitchell	Charleville
	Ms Nicole Robinson	Charleville
	Mrs Patti Lees	Mt Isa
	Ms Valerie Craigie	Mt Isa
	Mrs Gloria Anderson	Barcaldine
Far North Queensland and Gulf	Ms Sylvia Reuben	Palm Island
	Mrs Gwen Seru	Cairns
	Ms Carolyn Munns	Cairns
	Mrs Rose Colless	Cairns
	Ms Melissa Pollard	Yarrabah
	Ms Edwina Toikalkan	Aurukun

Aboriginal and Torres Strait Islander Women's Task Force on Violence

	Mrs Evelyn Josiah	Kowanyama
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	Ms Veronica Piva	Lockhart River
	Ms Sandra Woosup	Bamaga
	Ms Flora Nero	Doomadgee
	Mrs Glenys Woibo	Hopevale
	Ms Heather Saleh	Pormpuraaw
	Ms Ina Wilkinson	Mornington Is.
	Mrs Angee Akee	Townsville
	Ms Cilla Prior	Townsville
	Ms Ursula Roughsey	Mornington Is.
	Torres Strait Islands	Ms Cath Titasey
Thursday Is.	Ms Kailang Dorante	Thursday Is.

The preparation of a statewide report of this nature would not have been possible without the input of many people, who are all, in their own way, dedicated to working towards change for the collective good. In addition to the Women's Task Force and Working Group members, grateful acknowledgment must also be extended to the Aboriginal and Torres Strait Islander Women's Legal Service for the initial commitment to bring Indigenous women together to discuss the serious issue of violence. Appreciation is also extended to the Government representatives, Community organisations and individuals who gave their invaluable input via submissions and during the consultations and workshops that were held in 1999.

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The Task Force expresses sincere thanks to Griffith University for allowing the Chair of the Task Force, Boni Robertson, to conduct the research, collaborate and consult with key stakeholders, and to write the Report. Thanks are also due to many staff members of the

Gumurri Centre for their generosity and stewardship during the intense and sometimes challenging process.

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6. DEFINITION OF TERMS

Aboriginal and Torres Strait Islander peoples:

The plural terms 'peoples' and 'Communities' will be used to acknowledge the diversity of both Aboriginal and Torres Strait Islander peoples and Communities within Queensland. Aboriginal and Torres Strait Islander peoples and Communities have different histories, political dynamics, social problems, cultural characteristics, economic resources and administrative capacities. 'Indigenous people' or 'Indigenous Australians' may also be used as inclusive terms for the traditional or first people of Australia.

ATSIC: Aboriginal and Torres Strait Islander Commission

CDEP: Community Development Employment Program

Communities: Bodies of Indigenous people living in an urban setting, a remote mainland settlement or on an island.

DOGIT: Deed of Grant in Trust Communities

Dysfunctional: 'Dys' means 'painful' or 'difficult', and 'dysfunctional' is used to refer to Communities unable to function because of pain and social disarray.

Intergenerational: The prefix 'inter' means 'to place', 'bury' and/or 'between', or 'among'. Intergenerational trauma is trauma passed from one generation to the next, in the context of social learning or modelling from parental behaviour that is based on traumatic experiences.

Transgenerational: The prefix 'trans' means 'across', 'beyond', 'crossing on the other side'. Transgenerational trauma is trauma transmitted across a number of generations, for example from a grandparent through to a grandchild.

Trauma, crisis: Theorists and clinicians often distinguish between the terms 'trauma' and 'crisis'. These terms will be used interchangeably for circumstances that seriously challenge people's capacity to cope.

7. RESEARCH SUBMISSIONS AND CONSULTATIONS

The Aboriginal and Torres Strait Islander Women's Task Force on Violence was established in December 1998 by the Honourable Judy Spence MLA, Minister for Aboriginal and Torres Strait Islander Policy and the Minister for Women's Policy. Its objectives were to identify the factors behind the escalation of violence in Aboriginal and Torres Strait Islander Communities in Queensland and to provide advice on Community-based strategies for prevention and intervention.

The Task Force was comprised of 50 Aboriginal and Torres Strait Islander women⁵ from different locations throughout the State. Each member of the Task Force had a wealth of knowledge and experience, having worked or volunteered time in Indigenous affairs over many years. Through their collective wisdom and that of the women and men who shared their stories, the Task Force could comprehensively identify the causes and consequences of violence and its effects from an Indigenous perspective. From this larger group, a Working Group of eleven women, representing three regional areas, Deed of Grant in Trust, rural/remote, and urban, was selected to carry out the consultations, to review submissions and to provide advice on matters to be included in the Report.

The first meeting of the Working Group was held in Brisbane on 20-21 January during which a consultation plan of action was set in place. The Working Group also met in March, April and June 1999. The Task Force called for public submissions through regional and local newspapers on 30 January 1999. The three points on which the Task Force focused in the call for submissions were:

- factors contributing to violence and abuse against women, children and families in Aboriginal and Torres Strait Islander Communities in Queensland;
- possible strategies for dealing with this violence and abuse, both long-term and short-term;
- the effectiveness of current programs in dealing with violence and abuse.

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A consultation kit was developed to assist the Working Group and to enable those choosing to make submissions, to focus on possible strategies and solutions. Included in the kit was a Community questionnaire asking nine basic questions:

1. How do you define violence and abuse?
2. What kind of violence happens in your Community?
3. What services have been developed by Government to address this kind of violence and abuse? What services have been developed by your Community to address this kind of violence and abuse?
4. Can everybody use these services? If not, why not?
5. What can you do to make them more accessible or better?
6. Are the services culturally appropriate?
7. Are the services being funded adequately? If not, how can this situation be addressed?
8. Is the Government appropriately allocating funds to Communities to deal with the issue of violence and abuse?
9. What do you think are the appropriate strategies and solutions to address violence and abuse? What do you suggest needs to be done?

Informants were assured their thoughts and words would be respected and they would own the process of research and solutions. They were also assured of confidentiality.

The consultation process began with the Task Force travelling throughout Queensland to interview Aboriginal and Torres Strait Islander peoples. They visited and consulted in Deed of Grant in Trust Communities, rural and remote areas, urban areas and with Government and non-government agencies. The Communities visited are listed below:

Deed of Grant in Trust Communities/Reserves: Cherbourg, Woorabinda, Doomadgee, Mornington Island, Kowanyama, Pormpuraaw, Napranum, Old Mapoon, Aurukun, Injinoo, New Mapoon, Umagico, Lockhart River, Hopevale, Wujal Wujal, Yarrabah, Palm Island, [Reserves] Laura, Coen, Gungarde, Normanton, and the islands of the Torres Strait.

Rural and isolated Communities: Maryborough, Hervey Bay, Bundaberg, Eidsvold, Monto, Mundubbera, Gayndah, Biggenden, Theodore, Moura, Biloela, Mt Morgan, Dingo,

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Duaringa, Blackwater, Emerald, Barcaldine, Blackall, Longreach, Winton, Clermont, Toowoomba, Charleville, Cunnamulla, Roma, Dalby, St George and the islands of the Torres Strait.

Urban Communities: Cairns, Tablelands, Mossman, Innisfail, Upper Murray, Townsville, Ingham, Cardwell, Kennedy, Bowen, Ayr, Charters Towers, Hughenden, Richmond, Mackay, Proserpine, Sarina, Rockhampton, Gladstone, Sunshine Coast, Brisbane and Gold Coast.

To acquire a measure of past research into violence in Aboriginal and Torres Strait Islander Communities, and to compare the recommendations with what was now being said in the consultative process, an analysis of previous reports and a synopsis of their recommendations was done, and is included in Appendix 1.

Forty-three written submissions were received from individuals and organisations throughout Queensland. A table of these submissions is attached as Appendix 2.

The submissions, previous reports, and the documentation of the consultations undertaken, comprise the empirical data collected for this Report. Appendix 3 lists the consultations. Appendix 4 outlines regional issues.

The methodology used does not rely on empirical data alone. A literature review was also conducted that focused on:

- the nature and extent of violence within Communities;
- violence - its causes and contributing factors; and
- the transgenerational and intergenerational effects of violence as trauma and its effects on individuals, families and Communities.

8. RESEARCH METHODOLOGY AND ETHICS

The principal researchers were the women of the Task Force and the methodology chosen was based on 'participatory action'. Qualitative methodology allowed for the inclusion of people's stories about their own experiences of violence and the transgenerational effect of historical trauma. This method of research helped the target group, Indigenous people across Queensland, to engage in the process of investigation and measures identified for change and thereby have total ownership of both the Report and the recommended solutions.

The Task Force wanted to gain a greater understanding of violence; its various forms and expressions, its nature and extent, causes and consequences. Most importantly, the Task Force wanted to listen to ideas about Community developmental processes for transformation and change. It was important that everyone who took part in the research, both the people sharing their stories and the people listening and recording, were linked in a reciprocal process in which knowledge could be shared, explored, extended and documented.

While the contents of this Report reflect general comments obtained through the consultation process it is important to note that with any process, there was diversity in opinion. However, all attempts have been made to ensure to the best of the Task Force's ability that a process of consensus has applied not only on the content but in the recommendations contained within.

Schweitzer has written that 'the individual's experiential world is private and experienced by him or her alone. It...cannot be quantified and observed by another in the same way as a chemical reaction might, for instance, be observed.'⁶ This point was made in different ways by the people sharing their experiences of violence. It is impossible to describe the experience of violence to another person. Its effect is much more than the visible physical injuries, and even the obvious emotional and mental distress.

When people are working together to understand very personal and private ordeals of violence, trust is vital. The research is dependent on mutual respect and reciprocity. The

process of consultation and the activities of the Working Group highlighted the delicate balance that must be established between objectivity and subjectivity. It was not possible to remain detached observers/researchers always, within the process of the consultations and Report compilation.

Value-free research is not possible and does not occur. Research may be most perniciously biased by the attitudes of the researcher when those attitudes are hidden from the reader or even from the researcher's own perception. Value-free research is not possible, but value-explicit research is more honest research in which scientists express and clarify their own value system.⁷

During the gathering of the data, the recording of the information and the writing of the Report, the members of the Task Force constantly asked themselves these questions: 'Can we possibly do justice to the great human suffering and tragedy in the stories we were given? Can we reasonably write of the courage and resilience we observed and found? Do we have the skills to make sense of this senselessness so others will understand what we are trying to say? Who will understand?' Members of the Task Force struggled for words and felt inadequate until the decision was made: 'We will let people tell their own stories, with as little interpretation as possible.'

Confidentiality and ethical boundaries were closely observed throughout the consultations. Sometimes the Working Group heard members of the same family give two differing versions of what was supposed to be the same story until they understood that each person, in the intensity of pain, could be relating identical experiences from different points of view. Each view is valid. Many conversations began with the words, 'I've never told anybody this before,' to introduce a painful secret, long kept from other family members. On a number of occasions, the Working Group and the consultants had to provide an informant with a listening ear well beyond the responsibilities and the resources of the Task Force.

Painful memories and present realities were exposed and shared with regularity. This issue disturbed the Task Force, as there are few counselling facilities to which people could be

referred for help. Such ethical considerations continue to be a major concern and are addressed in the recommendations.

9. INTRODUCTION

The Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy, the Honourable Judy Spence, established the Aboriginal and Torres Strait Islander Women's Task Force on Violence to develop strategies and advise Government on the critical issues of violence in Aboriginal and Torres Strait Islander families and Communities across Queensland.

To achieve these objectives, the Task Force believed it was important to give Indigenous people the opportunity to express their thoughts on the violence and dysfunction in their Communities and to facilitate a voice for change. The consultations provided a platform through which Indigenous women and men could present their views of the causes and contributing factors of violence and identify solutions as a way forward.

While the text of this Report reflects the concerns and directions provided by both Aboriginal and Torres Strait Islander people, there are components that will be of more relevance to Aboriginal people with the remaining components being applicable to both. This does not negate the essential needs of either group but reflects instead the diversities and commonalities that exist in Australia's Indigenous peoples.

While women and children were seen to be the primary victims of the violence, the women were determined that the plight of their men should be acknowledged if there was to be a break in the cycle that has developed. All informants wanted the violence to stop so that families and Communities could be reunited with no key members missing. Moreover, they insisted that the way forward is through collaboration and participation of all stakeholders in order to pave a brighter future for the children who are currently disillusioned by what they are seeing.

Indigenous people suffering the brunt of the violence felt nothing positive was happening, either through the actions of Government or community leaders to address their plight. While many dedicated workers had struggled over the years to deliver critical services to those people in distress, their work was often unrecognised and under-resourced. The Task Force acknowledges those skilled and devoted workers for their determination and efforts.

It must also admonish past Governments for failing to act to halt the escalating violence. It is time to build on the knowledge, skills and innovation of the people in reinstating law and order to rebuild lives that have been shattered by historical processes.

The Task Force also provided an outlet to allow non-Indigenous peoples to express their thoughts on the violence, this aspect of the process became educational, with many of these people expressing horror at the level of violence and abuse that unfolded.

This Report contains disturbing accounts of previously untold violations suffered by Aboriginal and Torres Strait Islander peoples⁸ across generations.

You see Aboriginal people, in our culture we learn, we are taught to take a lot of pain. We grow into it and we take a lot of pain and we put that pain onto someone else. Our people, we have deep-seated hurt from generations because that hurt, it's all through the families and the Communities.⁹

This Report will show extremes within Aboriginal and Torres Strait Islander societies. At one end of the spectrum, there are Indigenous people who do not drink, are loving and caring parents, and who work to support their families. At the other end, there are people who are profoundly disempowered, and through no fault of their own, are indisputably the most marginalised people in Australia. Communities are lost and dysfunctional and Indigenous men and women, through the excessive use of alcohol and other drugs, self-medicate their grief. Inevitably they become entrapped in lifestyles marked by violence and abuse.

Violence is not merely an Indigenous issue. Australia was founded on violence.

It is violence to move people forcibly from their place of birth and to dump them in strange places, just to satisfy someone else's racist obsessions. It is violence to separate family members by policy or by designed economic hardship and necessity. It is violence to classify people by race in order to deny privileges to some and heap privileges on others. It is violence to systematically deny the most basic human rights in the service of such a system.¹⁰

The Report has not been written to apportion blame for past wrongs suffered by Indigenous people. Rather, it is a call to account for the many people who have ignored the plight of women and children and allowed the violence to continue without intervention. By their silence and inaction, they have condoned the violence inflicted on families and prevented the broader community from gaining a true understanding of the plight of Indigenous people.

*Silence is the language of complicity.*¹¹

The Report deals with the past injustices imposed on Indigenous peoples so that both Indigenous and non-Indigenous people can address the contemporary consequences.

In 1987 the Aboriginal Coordinating Council¹² (ACC) conducted a five-day workshop in Cairns. The workshop was held in response to a call from senior Aboriginal and Torres Strait Islander peoples living within the Deed of Grant in Trust Communities/reserves of Queensland. The Elders wanted to discuss and find solutions to two critical and interrelated issues, child abuse and domestic violence. It was felt at that time that those issues were associated with high levels of alcohol consumption and illicit drug abuse, juvenile offences, adult incarceration, suicide, and other issues specific to social disintegration. At the close of the workshop, Mrs Hilyer Jonny said:

I'll go home [to Doomadgee] and talk to the women and we will talk to the council and we will do something.

After another eleven years of repeated lobbying of politicians by Mrs Jonny and other Indigenous women, as well as numerous newspaper articles, public attention was finally drawn to the now horrifying levels of violence in Indigenous Communities. Mrs Jonny and other women were invited to Brisbane by the Aboriginal and Torres Strait Islander Women's Legal and Advocacy Service to attend a meeting to discuss the atrocities from an Indigenous perspective. From this meeting, the Aboriginal and Torres Strait Islander Women's Task Force on Violence was born. Again Ms Jonny used words that were echoed by many other women present.

*Ever since I have been to meetings we have been talking, talking about domestic violence all the time. . . I would like to see action, not talking all the time. ... Action speaks louder than words. I have to live in the Community amongst domestic violence, family violence, alcohol violence and other violence.*¹³

The women spoke strongly about alcohol as a major cause of violence. It was seen as influencing all aspects of their lives and creating chaos even for those who didn't drink.

*You see, we are Aboriginal peoples. We are not Europeans. We all live together but we, we are Aboriginal peoples. I'm thinking and feeling here now, we are losing the culture. Maybe it's not lost but it's going. Even the men talk to me, even the drinkers, saying the grog's too much, too much. We ourselves, we Aboriginal women, we don't drink and we, we are having a big struggle.*¹⁴

The Indigenous women who participated in the initial workshop were insistent that an inquiry should not take place because 'it had all been said before'.

*We are the most researched, the most investigated group of people on earth, and still our situation continues. We know what the issues are. We've been trying to tell government for years. We need action now.*¹⁵

The Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy, the Honourable Judy Spence, also rejected an inquiry when she addressed the Queensland Parliament on 10 November 1998:

*There have been numerous studies, investigations and inquiries into alcohol, violence and associated problems in remote Aboriginal communities. Many of these reports are still gathering dust on shelves in university libraries or in government departments. If we initiate yet another inquiry, we will be squandering resources in administrative and bureaucratic processes rather than putting the money directly into the communities - into action rather than talk.*¹⁶

Indeed, the Chair of the Aboriginal Coordinating Council in a letter to the Minister said:

*What is needed now is not passive action via a long cumbersome inquiry process, but rather positive, active action that can provide direct assistance to Community Councils to deal with these problems.*¹⁷

Similarly, the Chair of the Indigenous Advisory Council, formerly the Queensland Government's peak Indigenous advisory body, stated publicly:

*The fact is that Aboriginal and Torres Strait Islander people know what the issues and the problems are, ...It is time for the money to be spent on addressing the problems, not on another inquiry to identify things which have already been identified.*¹⁸

Previously, the Aboriginal Coordinating Council and other Aboriginal and Torres Strait Islander peoples and organisations, in submissions to the Queensland Domestic Violence Task Force inquiry of 1988, and later to the Royal Commission into Aboriginal Deaths in Custody, had identified a number of critical concerns if violence was to be addressed within Indigenous Communities. These included issues of law enforcement and reform, alcohol and other drug misuse, victim support and perpetrator programs, children's healing needs, issues of young male/female socialisation into adult life, de-colonisation programs, community education initiatives, family support programs, reunification of families, social services provision, training for specialist workers, and the need for a whole of Government approach. Until recently, there has been an appalling failure by Government and Indigenous organisations to address the critical needs of Indigenous peoples who have or are experiencing violence.

In 1999, the violence is considerably worse than it was eleven years ago, despite any interventions that have been implemented. It is now essential to adopt a whole of Government/whole of Community approach to reduce and prevent family violence and address the associated issues in Indigenous Communities. The Task Force endorses the words of the Minister:

We do acknowledge the problem of alcohol-related violence in Indigenous communities. We acknowledge that unemployment, isolation, poverty, the lingering

*effects of the removal of children, cultural disorientation, dispossession and the decline of traditional law are all part of the reason for the high levels of violence and alcohol abuse in these communities. We do not need to be psychiatrists to see that violence is often the last resort for people living with a sense of hopelessness and despair. This government is determined to take action across-the-board to address issues of jobs, health, housing, education, infrastructure, isolation, alcohol abuse, family violence and lack of opportunities - to take a whole of government approach in order to achieve real outcomes.*¹⁹

Aboriginal and Torres Strait Islander women living in Deed of Grant of Trust and other Communities within Queensland have been particularly disadvantaged.

*Yet in their dignity and strength, they continue to support their men while they search for solutions and struggle for strength to survive.*²⁰

The women participating in the consultations stated unequivocally that the violence cannot be addressed without the input of their menfolk.

*If we are to leave anything for our children, we have to work together.*²¹

This Report may hold the future of Indigenous Australians within its pages. To paraphrase Mrs Jonny, the Task Force requests that the Minister takes the Report to her parliamentary colleagues, talks to them, and obtains a collective commitment to:

*do something, for actions do speak louder than words.*²²

Those were the key points expressed to the Task Force through the submissions and consultations. Accordingly, the Report has narrated these stories, mostly from women, including new stories and old stories which, though repetitious, were told yet again from sheer frustration. *Is anybody listening?*

It is time for action. It is time to put aside the old and ineffectual methods and policies of past administrations, and to solve problems through real and long-term structural change. It is time for a combined and genuine commitment from all levels of Government,

Communities and most importantly, individuals. It is time for the greatest act of political will seen outside wartime. The degree of effort required cannot be understated. It must be given genuinely, in friendship and as equal partners.

Endnotes

Preliminary pages

¹ Consultations, Central Queensland, 1999.

² Consultations Gulf, 1999.

³ Submission, North Queensland, 1999.

⁴ *National Aboriginal Health Statistics Report*, 1989.

⁵ Listed in Acknowledgments.

⁶ R.Schweitzer, 'Phenomenology as a Research Process' (n/d), 6-7

⁷ M.Simpson, 'Bitter Waters: Effects on Children of the Stresses of Unrest and Oppression', *International Handbook of Traumatic Stress Syndrome*, ed. J.P. Wilson, and B. Raphael New York:Plenum Press (1993).

⁸ The plural terms 'peoples' and 'Communities' will be used throughout this document to acknowledge the diversity of both Aboriginal and Torres Strait Islander peoples, and Communities within Queensland. Alternatively, the word 'Indigenous' or 'Aboriginal people' may also be used as inclusive terms in relationship to the First Nation Peoples of Australia.

⁹ Consultations, Mt Isa, 1999.

¹⁰ Simpson, 'Bitter Waters'.

¹¹ Anonymous.

¹² The Aboriginal Coordinating Council and the Island Coordinating Council were established under the *Community Services (Aborigines) Act* 1984 to advise both State and Federal Ministers on matters of concern to the well-being of Aboriginal and Torres Strait Islander peoples from what were previously called Queensland Aboriginal Reserves, and are now known as Deed of Grant in Trust regions. Each Council is comprised of an elected Chair and Deputy Chair and holds responsibility for approximately one-third of the Aboriginal and Torres Strait Islander population in Queensland

¹³ Hilyer Jonny, Brisbane, 16 December 1998.

¹⁴ Evelyn Josiah, Kowanyama, May 1999.

¹⁵ Consultations, Brisbane, 1999

¹⁶ Ministerial Statement by the Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy, *Hansard (Queensland House of Representatives)*, 10 November 1998, 2817

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ministerial Statement by the Minister for Aboriginal and Torres Strait Islander Policy, and Minister for Women's Policy, *Hansard (Queensland House of Representatives)*, 10 November 1998, 2817

²⁰ Aboriginal Coordinating Council *Submission to the Queensland Domestic Violence Task Force* 1988.

²¹ Consultations, North Queensland, 1999.

²² Ms Hilyer Jonny, 1998.

Section 1: Forms of Violence

The Dispossessed

Peace was yours, Australian man, with tribal laws you made,
Till white Colonials stole your peace with rape and murder raid;
They shot and poisoned and enslaved until, a scattered few,
Only remnant now remain, and the heart dies in you.
The white man claimed your hunting grounds and you could not remain,
They made you work as menials for greedy private gain;
Your tribes are broken vagrants now wherever whites abide,
And justice of the white man means justice to you denied.
They brought you Bibles and disease, the liquor and the gun:
With Christian culture such as these the white command was won.
A dying race you linger on, degraded and oppressed,
Outcasts in your own native land, you are the dispossessed.

When Christians mean a way of life, as Christians proudly claim,
And when hypocrisy is scorned and hate is counted shame,
Than only shall intolerance die and old justice cease
And white and dark as brothers find equality and peace.
But oh so long the wait has been, so slow the justice due,
Courage decays for want of hope, and the heart dies in you.

Oodgeroo Noonuccal

1.1. FORMS OF VIOLENCE

An examination of the nature and extent, contributing factors and causes of violence within Aboriginal and Torres Strait Islander families and Communities must start with a clear definition of the 'problem'. What is violence? How do people define violence? How is violence experienced and expressed? Who are the main victims and the main perpetrators? Answers to these questions are important, because the actions of the worker, the activist, the researcher, the service provider, and the policy maker are determined by their perceptions of the 'problem'. Furthermore, there is an urgent need to develop theories and practice that address Aboriginal and Torres Strait Islander violent behaviour from an informed, culturally sensitive, holistic perspective, incorporating the reality of both the past and the present in Indigenous lives.

The Aboriginal and Torres Strait Islander Commission document *Tjunparni: Family Violence in Indigenous Australia*¹ defines family or interpersonal violence as being expressed in a number of ways including:

*The beating of a wife or other family members, homicide, suicide and other self-inflicted injury, rape, child abuse and child sexual abuse, incest and the sale of younger family members for misuse by others as a way of obtaining funds for drink or gambling. When we talk of family violence we need to remember that we are not talking about serious physical injury alone but also verbal harassment, psychological and emotional abuse, and economic deprivation, which, although as devastating, are even more difficult to quantify than physical abuse.*²

This broad-based definition is complementary to the scope of the Queensland Aboriginal and Torres Strait Islander Women's Task Force on Violence. It allows for an analysis of the nature and extent, contributing factors and causes of violence in Indigenous families and Communities. These interactions are complex and cumulative over time and place, and are contained both in social structures and systems, and personal and Community histories. More importantly, the definition can be used to develop and implement broad, holistically-focused prevention/intervention strategies at various levels of critical need.

Studies show that violence against women in families is a common problem in countries where patriarchal social and family structures exist. Such violence cuts across barriers of race, class, age and religion.³ However, a recent study in Western Australia⁴ found substantial disparity along both class disadvantage and ethnic or race divisions, highlighting the importance of distress caused by poverty and marginalisation in violent behaviour. Other studies link violence and alcohol consumption. For Aboriginal and Torres Strait Islander peoples, the most economically and socially marginalised members of Australian society, the 'increasing injuries and fatalities as a result of interpersonal violence have risen to levels which not only impair life but also threaten the continued existence of Australia's Indigenous peoples'.⁵

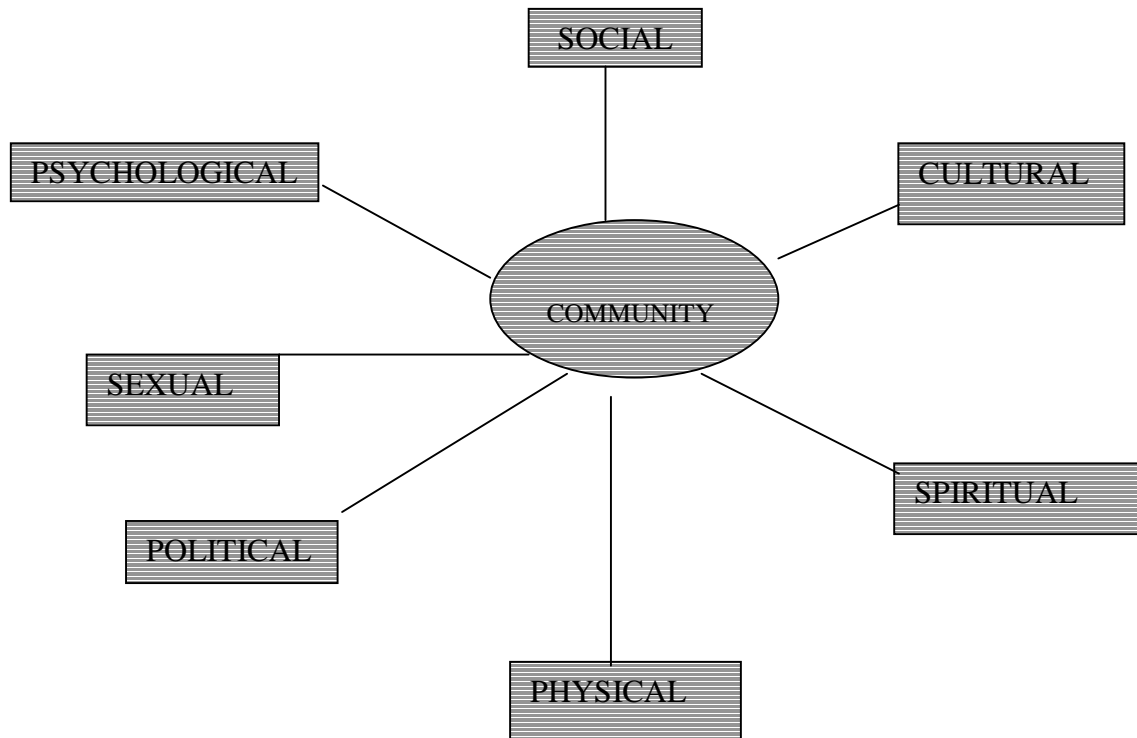
Describing the escalating violence, Indigenous people themselves say: 'This is like a disease that is destroying us. Women are being raped and killed and our children's lives are being scarred. Our young men sentenced to prison terms and further cycles of abuse and self-abuse.'⁶ Indeed, in an aptly titled report, *Is Anybody Listening?*, the British Columbia Task Force on Family Violence states:

*Family and sexual violence is a social problem of such staggering dimensions that it is often described in terms of a national crisis. It is like a war in which we can provide only triage services while the casualties mount up. Should we mourn the dead, save the wounded, or protect the young?*⁷

The Task Force used this context to examine the nature and extent, contributing factors and causes, and the transgenerational effects of violence on Aboriginal and Torres Strait Islander families and Communities. To gain a true understanding of the issue being examined, members of the Task Force listened to the thoughts, expressions and experiences of violence from individual and Community perspectives.

1.1.1. Community perceptions of violence

Figure 1 Community perceptions of violence



People consulted defined violence as unwanted acts on individuals involving the use of physical, verbal or psychological force.⁸ Individuals or groups used violence to establish and maintain power and control over others.⁹ Violence was described as both a physical and mental violation of a person’s trust and spiritual/cultural beliefs.¹⁰ This latter submission defined violence as being different to abuse. ‘Violence is abuse, but abuse does not have to involve violence.’ Violence was also described as ‘an act of gross harm committed against another person’, and ‘can be politically and socially induced’ as when ‘one person or group has their rights taken away by a stronger or more powerful person or group’.¹¹

Violence can be directed towards an individual, family, Community or particular group.¹² It occurs between men and men, men and women, women and women, adults and children, and children and adults.¹³ Particular words were associated with violence by informants. ‘He was a real violent person – real cruel. He could be real brutal when he got drunk,’ gave

a different concept to that associated with abuse. 'He was the most abusive person, you know – he would call me names – swear at me – put me down. He would play mental games. It was, like he could manipulate me by making me feel so stupid I'd do whatever he wanted.'¹⁴

Accounts of violence against children included physical and sexual assaults, psychological abuse and neglect.¹⁵ Suicide and self-injury as well as inter-group fighting, cyclic violence and 'dysfunctional community'¹⁶ were also included in considerations of Community perceptions of violence.

*Men, women, children, all age groups, can suffer from violence. Sexual, child abuse, physical, verbal, emotional, violent abuse happens especially on pay nights when people get full of grog and smoking marijuana.*¹⁷

Violent tactics used to intimidate and control others included: *physical* – physiological injuries and homicide; *sexual* – rape, sexual assault and sexual abuse; *emotional* – psychological threats and verbal harassment; *mental* – mind games; and financial and social isolation.¹⁸ Political, social, cultural and spiritual forms of violence were also mentioned.¹⁹ Personal property might be destroyed²⁰ as both intimidation and punishment, as anger was displaced from the person onto something important to the person.

In Communities 'violence is often hidden, and alcohol and drug-related violence is destructive and degrading and can result in the death of a person by suicide or murder'.²¹

Violence was often associated with extreme jealousy. In the violence continuum, a woman being choked or kicked is caught in a process where previously she was called names and put down with derogatory or abusive language, had jokes made at her expense, had things thrown at her,²² and was slapped, punched, choked, kicked, or stabbed. At the end of the continuum, she might be killed in a domestic homicide. People experience spiritual, emotional, mental and physical harm during and after violent assaults. Victims of violence live with fear, anxiety, despair and oppression.

Their self-esteem, feelings of self-worth and confidence are eroded, and they feel powerless and helpless.²³ Violence can lead to premature death and murder.²⁴

Women said that verbal violence hurts more than physical abuse, people are degraded, lose a lot of self-esteem that results in a lessening of one's ego that leaves scars for years. Violence included derogatory mental and physical abuse, broken fractured limbs, teeth knocked out, run over by a car, shot at with a shotgun, thrown out of cars, knocked down and flogged on the road. Outcomes of the violence were listed as depressing, stressful, suicidal, scared, always living in fear, let down, hurt, shamed to speak out, 'you just learn to cope with it yourself', and confusion.²⁵

1.1.2 Family violence

Violence in families means 'acts of abuse upon defenceless or weaker persons, usually women, children and the elderly...perpetrated by cowards who apply vicious acts on the defenceless when there are no witnesses'.²⁶ Such violence often occurs when 'one partner is into drugs, alcohol, gambling, or all three. It erodes decent families and their normal lifestyles, and is a social, economic and cultural tragedy on Aboriginal families.'²⁷

The most common and noticeable kind of violence in is physical abuse between couples, especially where alcohol is involved. I see this violence and abuse as very harmful to the families. The trust, love and respect for parents is eroded over the years which in turn can lead to youth who are in and out of trouble.²⁸

One Aboriginal Health Service wrote that: 'physical abuse toward women and children is often sexual-based; alcohol- and drug-based; dominance-based....The abuse includes verbal, mental and financial abuse of women and children; abusive /derogatory language; mental degradation and the continual threat of violence; and control of family assets and income'.²⁹

[In family violence] perpetrators are usually men who act in this manner as a form of control or authority due to a variety of factors: unemployment, poverty, cultural disorientation, the decline of traditional law and/or have experienced or seen violence himself as a child.³⁰

The majority of submissions pointed out that men are usually the offenders and women are victims.

In my view the starting point for a successful investigation of these issues is an understanding that women and children are the recipients of some of the worst violence imaginable at the hands of men who are almost invariably drastically affected by alcohol.³¹

Studies of domestic homicide have shown that nearly half the women killed by their former partners, had separated or were in the process of so doing at the time they were killed.³²

The dangerous nature of this period should be recognised as 'separation assault'. Tragically, the women who remain in dangerous relationships are also frequently in grave danger. Unfortunately so are their children.³³

Women and children become trapped in family violence and continue to live in these circumstances of abuse, due to the continuous emotional and psychological control that is induced by the physical violence.³⁴

Women bear the overwhelming brunt of violence in the home. Emotional damage, constant denigration and verbal abuse reduce self-esteem whereby women find themselves unable to function. The suggestion that women nag or provoke men into behaviour of this nature is simply unacceptable.³⁵

The majority of submissions and consultations indicated that the issue of provocation to legitimise or condone violence against women and children was deemed to be unacceptable in any shape or form.

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.

My husband stabbed me. They rushed me to Bathurst hospital, then to Orange hospital. I died 3 times but I don't remember. He gets sentenced next week. I will be waiting for him when he gets out. I love him. It's the grog that does it. It was my fault too. I was drunk.³⁶ [This was the second time he had seriously injured her. He had only been out of jail for a couple of months where he had served time for stabbing her on five separate occasions.]

Some women can also behave violently within their families, against both their children and their partners. The following account is from a woman who had been sexually assaulted as a child.

I've been angry all my life. There were times when I had no one to take it out on but my kids, they copped a lot, poor little things. It was only when I saw him bashing into them that I realised how wrong it was and that both of us were teaching them all the wrong things in life. We were teaching them to grow up angry and violent too.³⁷

1.1.3. Violence against children

Violence against children has a number of dimensions, both within the family and within society: emotional, physical, sexual, and institutional violence and neglect.

Emotional abuse covers a number of actions. Some of these are: not acting responsibly to meet the child's needs for adequate food and safe shelter; denying the right of a child to have care and affection; depriving a child of stimulus for intellectual and emotional growth; degrading a child; forcing a child to live in dangerous environments; causing emotional pain by name-calling; and instilling fear, humiliation and distress in a child.³⁸

When the fighting broke out at my place, my sisters and I would just run. We'd go around to our gran's place and hide. She'd get someone to go for the police and then she'd climb into bed under the blankets with all of us and rock us until we stopped shaking. We'd all be crying. Her too. We'd be hoping that the police got there before mum was dead and that he wouldn't come and find us.³⁹

Physical abuse is any act that results in non-accidental injury and that involves overt physical violence or excessive punishment. Physical violence can vary according to the intensity or duration of the act and the severity of the injury sustained. Punching, hitting, beating, kicking, biting, or burning a child are all forms of physical child violence.⁴⁰

*I can't remember when I didn't feel scared. There were always stories about bogeymen when I was growing up but for us they were real. He was our father. We'd lie in bed at night and listen to our mother getting bashed and there was nothing we could do to stop it. Later that was me getting bashed and I could hear my children screaming but I couldn't leave him.*⁴¹

The Australian Institute of Health and Welfare (1995) considers child sexual abuse to be an act that exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Child sexual abuse may range from the sight of an adult exposing his genitalia through to multiple, violent and penetrating sexual assaults.⁴²

*Do you know for years I thought that I was protecting my little sisters. He would tell me if I let him do it to me then he wouldn't touch my little sisters. I hated him but I would look at my sisters who were younger than me and so I would just put up with what he was doing. He used me from when I was eight until I was fifteen. Twenty years later I found he was doing it to all of us.*⁴³

Neglect is a passive form of violence and in some ways is more difficult to describe or detect than abuse. The Australian Institute of Health and Welfare (1995) defines neglect as:

*any serious act of omission or commission that, within the bounds of cultural traditions, constitutes a failure to provide conditions essential for the healthy physical and emotional development of a child.*⁴⁴ Many Indigenous children who grow up in environments where there are high levels of alcohol abuse are neglected and begin to drink at an early age themselves.

There have been a few cases of neglect, where parents have been either drinking or gambling and the children aren't fed and have to sleep in vehicles while waiting for their parents to finish. Most times, children end up moving in with the grandparents and living happily with them, but if the grandmother or grandfather get sick and pass away, then the child feels totally alone and often turns to crime (through peer group pressure) or joins his/her parents drinking and gambling, ensuring that this destructive cycle goes on.⁴⁵

The Task Force was told of numerous cases of child neglect:

In one instance, a ten-year-old boy had been caring for his siblings, a one- and two-year-old, for three weeks after being abandoned by their mother. They were reported to have no money or food in the house and the ten-year-old was apprehended by police while stealing food in a supermarket.⁴⁶

A number of Indigenous children have also been subjected to institutional or systems abuse, defined as 'preventable harm done to children in the context of policies or programs, which are designed to provide care or protection'.⁴⁷

... the police stop any black kid that walks around. I always tell my son to run. They ask me why. I say because it don't give 'em a chance to blame him for something.⁴⁸

Many cases were reported of institutional abuse inflicted on children when they were taken away from their families.

I still remember how scared I was when the police took me away but it was nowhere near as frightening as when they placed me in Westbrook. They used to be very cruel there. No one would believe how cruel. I still have the scars on my back and I was only eight years old at the time.⁴⁹

Children who witness violence experience violence.

Every child in our street knew what violence was. The kids living in the house where the fighting was going on would be petrified – hiding in fear– under the beds or under the house.

But the kids from other houses would come running as soon as the yelling started. Sometimes a big mob of kids would all be gathered outside trying to see the fight inside. The adults would be coming out their doors or looking out their windows.

I remember when you'd hear someone shouting 'Fight! Fight!' We'd all go running. None of us wanted to miss a bit. It broke the boredom and it was a normal part of our growing up.

Even when they heard things smashing or the woman's screams or saw her trying to run away, they wouldn't interfere. I've seen women on the ground being kicked in the belly and in the head and no one went to help her. You just didn't do that. You could watch, but you weren't allowed to butt into people's fights.⁵⁰

Children can be hurt when there is violence between adults.

There was a big fight outside my house and I went out and there was a young girl with a baby. She was holding that baby and he [the man] had a stick and he was hitting her and he hit the baby on the legs, even though she was trying to protect the baby, the baby got hurt.⁵¹

Children can also be violent:

One boy of four had been raped by two 10-year-old boys. The police had advised that the two could not be charged and nothing else was done. The child had to wait eight weeks for counselling from a service and by this time his parents had moved the boy out of town without any followup to the incident.⁵²

Here you can see the aggressive behaviour in the little kids, pushing another little one down and kicking them when they are on the ground....When there is a fight here now all the kids run right into the middle of the fight and get involved. Last week there were two women fighting and one had the other on the ground and some kids ran over and got stuck into her too.⁵³

1.1.4. Women and violence

Children who are traumatised by violence are at risk of growing up to be emotionally impaired. They may have difficulties functioning in personal relationships, in educational performance and in accessing employment opportunities.⁵⁴ A victimised child may become less socially competent and become an emotionally vulnerable adult. For girls, this pattern may lead to early motherhood, often as a sole parent, dependent on transient relationships with partners who could become violent towards them.

When I was living with my defacto he was doing DV on me. I come away from him, with my baby K.... and took out an order on him and my baby and me we are trying to live by ourselves. But they give me a bad house. I am not safe there. I can't lock the doors and there are no windows. It is all smashed up and dirty. I can't live here. When K... was a little baby her father fired a shot at us. When you are living with a man and he hits you, you can't do anything. Your family can't do anything, so you have to fight back to defend yourself. I drink more now because it feels good. I don't hurt as much. I always feel frightened.⁵⁵

In Communities where there is great dysfunction, young women are showing tendencies toward violence; aggression is handled with aggression.

One girl was cooking and her de facto came home drunk and went to bash her. She defended herself with a knife and his hand was cut. He tipped a saucepan of soup over her and burned her badly. They both went to the hospital and said their injuries were accidents. The stories the hospital and police got were not the truth, and yet both their families continue to blame each of them for the injuries to the other.⁵⁶

Some women who exercised violence often did so as an act of retaliation.

I don't know what makes you snap but I know I did. I just couldn't take any more. I just grabbed the kitchen knife and went screaming at him. I just wanted to stop that sneering. To wipe the smile off his face. But he belted me with his fists, I hit the corner of the sink with my head and when I woke up he'd gone. But he'd taken my purse and my credit cards. If he'd been there when I'd come round, I would have tried to kill him again. Even now if he came in here I'd have another go at him. I just hope they put him away right out of my reach.⁵⁷

There are many examples of women who come before the courts after years of domestic violence who are reduced to attacking their male partner with a knife or some other weapon and naturally enough usually causing serious injury and sometimes death.⁵⁸

In a discussion with young women in a women's correctional centre, they despairingly articulated a sense of hopelessness and lack of vision for their futures.

I come from a poor family. I have had no schooling. I'm only young but what future is there for me. What will happen to me. There's nothing for me when I get out.⁵⁹

Women explained that their experiences of violence become indelibly etched in their minds.

He was on remand for 7 months for attempted murder on me. He says to me now, even though we have been separated for three years and he has another woman, that I still owe him for that and he will fix me one day because I sent him up.⁶⁰

When there was violence, I used to just get in the car and drive into Camooweal, Djarra or Cloncurry, just to get away, with the kids. Sleep in the car with the kids. Next morning I'd come back and get the kids ready for school and then go to work for eight hours standing up all day tired out, then maybe it would happen again the next night and I'd have to go again. I didn't want to involve my family – so I just

*handled it myself that way. All those years I just hated that man so much. I could have killed him. I wished him dead. I don't hate him any more, but I'll never forget. The pain of all those years is still there in me.*⁶¹

Jealousy was cited as a major factor in violent interactions.

*If the man sees a lady talking to another man, they just go and hit her because they think she will leave him for that man.*⁶²

*Have people talked to you about the jealousy? That's the big problem. My ex – he would always be checking on me. If I talked to another man, even his friends or brother, he would be really friendly to them, but when we walked away he would punch me in the head and want to know what I was up to. He was real jealous.*⁶³

Often victims of violence are coerced into participating in offending behaviour.

*He would make me go out and steal money to buy his drugs. If I didn't get any money I would get a flogging. One time I got caught and he flogged me for that and told me I was a stupid black bitch, can't even pinch a purse without getting caught. Can't do anything right.*⁶⁴

*Most of our sisters are locked up. All of them have been in DV.*⁶⁵

Since colonisation, the intensity of change in relationships between men and women has created high conflict and stress.

*In my generation the man was the boss, and when the man said jump, the woman said, 'how high'. Now things have changed. Things are different. Women have rights.*⁶⁶

1.1.5. Men and violence

Children who witness violence towards others may be at risk of replicating the violence at a later time if their social environment accepts that type of behaviour. Many young Indigenous men feel alienated and angry because of what they have seen, heard and experienced as children. They have become de-sensitised towards violence and sometimes this normalisation of violence carries through to their relationships. Children who experience violence regularly can also be vulnerable to identity crises that informants saw as inducing high levels of insecurity and jealousy. Such young men and women may develop highly possessive interpersonal relationships.

In discussion, young men expressed feelings of powerlessness and hopelessness.

Sometimes I wonder where I fit in, when will I be accepted and will I ever find my place in life. Right now I feel so confused and so alone and scared by what I am seeing. I don't want to be a part of it anymore. I have had three friends who couldn't cope who suicided and I wish I had the courage to do it as well. I just don't know how to cope anymore. I just want to find peace in my life and to be accepted for myself.⁶⁷

They could see that there were many problems associated with growing up in depressed and dysfunctional Communities.

Children - young people they had seen the violence. They don't forget it.⁶⁸

Youth suicide is largely due to a history of sexual abuse.⁶⁹

Most perpetrators are [young men] in their early twenties.⁷⁰

Two teenagers raped a five-year-old boy after watching a pornographic video.⁷¹

A three-year-old child on [one] Community was sexually assaulted by three males and about ten days later another male returned and after sexually assaulting her,

*assaulted her again using a mangrove root....Two of them were juveniles and one of the offenders saw me recently and explained he had been sexually assaulted as a four-year-old child. It is further evidence that children who are victimised become offenders in the longer term.*⁷²

*The offences committed by children were generally limited up to the age of about ten to breaking into the canteen or the store to get food or looking for money or alcohol. As they get a little bit older they start to take vehicles from the council offices or compounds and as they get to the region of fifteen or sixteen they start to attack and sexually assault women.*⁷³

Throughout the consultations, men were cited as being the main offenders of interpersonal violence. People who participated in acts of violence, as witnesses and as perpetrators, as well as victims, were seen as becoming insensitive to the feelings of others. The violence was perceived as a means of releasing tension and young men stated violence can be addictive. As tension built and was released, it brought emotional relief for the offender until they realised what they had done.

At every level, alcohol was cited as the trigger for men acting violently.

A man who bashed his wife to death late last year was today sentenced to six years jail.

*The court was told this man told police he had won a carton of beer at the Community canteen the night of the killing, and while drunk, bashed his wife in a domestic dispute. The man told police he woke up the next day in bed with the woman, his arms around her, and found her dead. Witnesses told police the man had punched and kicked the woman during the attack.*⁷⁴

*There is a high incidence of men fighting in the pub. If the fight is a relatively minor one, if no major damage is done in relation to the initial male to male confrontation, either of the protagonists are just as likely to return home and subject their wife and children to serious physical assault.*⁷⁵

During the consultations, men were supportive of the Task Force's mission and recognised the tragedy of the violence, but they appeared unable to prevent it.

If I went and talked to someone else, even a counsellor – we got sent to a marriage guidance counsellor by the court – he would get really angry and threaten me – ‘Hey what you telling people about us for? That’s our business. You keep this to yourself.’⁷⁶

Men are of the opinion that they are being somehow forced to commit domestic violence because they are being pushed by their women, in that the women are not doing what they are told.⁷⁷

When he was in jail he would ring me up 8-10 times a day, checking up on me. He would ask to speak to the kids and then he would question them about what I had been doing.⁷⁸

This is an issue that men need to address and it is highly unlikely that men will listen much to the words of women addressing the problems. We as men, must begin to address the problem ourselves [written by a man].⁷⁹

Being put in jail doesn't do them any good at all. They need to do the DV program in the Community.⁸⁰

[There is] loss of status among men as white standards become more accepted. Status depends on youth, having a job and property. Being a good man, a good father, and a role model for maintaining our culture seems to mean nothing. Consequently, they may become more punitive to their women and also to others.⁸¹

1.1.6. Concerns for Elders

An Indigenous health service reported that some Communities were experiencing a high incidence of Elder abuse. People were taking control of Elders' assets and incomes for a

'bad' purpose, 'their pension cheques taken to be used by younger members of the family to buy grog'.⁸²

*Old ladies get stood over or beaten by sons and grandsons till they give up their pension monies or the old people are afraid to deny money to alcoholic children for fear that they would be ostracised or even cast out of the family home.*⁸³

At another level, young people still have great respect for Elders. A young woman in emotional crisis was asked if she found support from her Elders. She explained:

*I wouldn't go and see the Elders. I'd rather tell someone my age about my problems. I wouldn't go to get help from the Elders – they don't need any more stress. I got a lot of respect for my Elders and I don't want to hurt them any more than they already been hurt.*⁸⁴

Some Elders felt they were being bypassed in matters crucial to their Community's well-being. The loss of culture and the changing attitudes of young people towards traditional practices concerned Elders deeply. Some fear that important customs will cease due to peer pressure and Western youth culture.⁸⁵

1.1.7. Street violence

In one regional country town in Queensland, groups of young people were reportedly intimidating young people in a neighbouring town.

They were going on forays to break and enter for food and money to buy alcohol.

Sometimes the marauders were extracting payback for real or imagined dues and brawling. Similar behaviour has been reported in the cities, in schools. Indigenous children are not always the culprits, although the perpetrators may be mistakenly identified as Indigenous.

Violence on the street has increased over the years. A teacher from the local high school told of an incident where a boy came into a classroom off the street recently and hit someone. There was also another incident when some Murri boys came in

*from the street with sticks.*⁸⁶

The situation for Indigenous youth in cities is worsened if they are homeless through family breakdown and the lack of positive role models. The absence of a stable and supportive home environment increases the risk of youth becoming involved in violence and crime. Their need for economic survival may lead them into prostitution, drug dealing, theft and substance abuse and consequently further victimisation because of their marginalisation. They in turn seek the company of peers as substitutes for the missing family environment.

Similarly, youth gangs in Communities sometimes deliberately seek physical confrontations with others. In one Community, an elderly woman had to help the police:

*An Elder heard fighting and came out and found three local boys attacking a police officer with an iron picket and a brick. The police officer was on the ground. The woman went over and punched the boys in the face to stop them hitting the police officer. They ran away. She said it is really hard for the police.*⁸⁷

The Task Force observed that cultural law was still strong enough in that Community for these boys to respect the Elder by not turning on her, although the Community was largely dysfunctional.

However, the combination of a youth population explosion, increasing numbers of wayward youth and the frequency of violent altercations, whether in the Communities or the cities, is a warning that uncontrollable, volatile situations are being incubated. One obvious indicator of youth despair, is the high suicide rate.

1.1.8. Dysfunctional community syndrome

The Task Force found convincing evidence to justify the label 'dysfunctional community syndrome' that is being applied to many Indigenous Communities.

When a Community has to deal with the tragic deaths of 24 young men in one year, most of which were suicides, there can be no stronger cry for help. Indeed, it is a deafening roar that something is desperately wrong. When the same Community reports three men raping a three-year-old child, who was raped by another offender ten days later, there is a crisis of huge proportions.

This same Community has a \$6million dollar tavern. The presence of the tavern ensures the continuation of devastating violence against vulnerable women and children. The modern hospital has the responsibility of stitching up physical wounds, setting broken bones and holding the mutilated bodies in the morgue. Informants see the hospital as being like a fortress, protecting the workers from the virus of violence that infects the Community. Even with the high rates of interpersonal violence, including rape and family violence, there are limited counselling services available in this Community. It is a futile exercise to utilise public health resources for critical and much needed emergency care while ignoring the need for real health improvement through prevention initiatives.

This Community, like many other Indigenous Communities, is clearly functioning with extreme difficulty. The emotional and physical injuries suffered are seen as the result of cultural dysfunction and profound despair experienced over long periods of time, with little, if any, assistance. How much more dysfunctional does this Indigenous Community have to become before real assistance is forthcoming?

While the Community described may seem to be experiencing extreme cases of violence, the Task Force inquiries revealed other Communities had similar cause for concern.

DV in Murri families is very public, the public part gives people a chance to intervene, but they don't any more.⁸⁸

Violence is an extreme problem in Cunnamulla. The only place of shelter where women can be protected for the night with broken bones and bruised bodies is the hospital where the staff is then harassed by the perpetrators. There are 8- and 10-year-old boys dealing with drug issues. There is no help available as the families in this divided community seem to be in a state of despair and very sad.⁸⁹

In remote areas nurses are living with frequent threats to their personal safety while on duty, on call and off duty, and violent incidents are often handled badly both by the employers, the Community, and by remote area nurses themselves.⁹⁰

One day in the street, I saw a woman with a plaster on her leg having been broke by him previously and he was standing over her because she wouldn't go with him drinking. He was kicking her and everybody was just standing there watching and nobody was trying to help her. They were just letting it happen.⁹¹

This Community is very fragmented.⁹²

I think domestic violence at all its levels has touched every Murri life. In this town I don't think there is one family that hasn't escaped violence of some kind.⁹³

I grew up watching the old people fighting. Us kids would have bets who was going to win.⁹⁴

An 8-month-old baby was left on the road by its mother. This was reported to the police but they were unable to assist because it was a hectic night.

Other young children were being looked after because their mothers were drinking. The money some mothers get is not being spent on the child.⁹⁵

Extended family come around and get into me. They went for me at the court after he was found guilty of attempted murder on me.⁹⁶

A young girl was gang-raped by youths. Their families were feuding. She ran to my sister-in-law's house followed by the gang who beat in the door.⁹⁷

The layers of intergenerational trauma, loss and grief become part of how a family and community functions.⁹⁸

Harsh judgments are often made of chronically traumatised Communities. Generally, people outside the Community have little or no knowledge, and lack understanding, of the psychological and social changes that occur through the processes of historical and transgenerational dispossession.

The ongoing abuse caused by such experiences contributes to the helplessness of people trapped in the past. Inevitably, living under such conditions convinces people that they are powerless and unable to effect change. Such people and Communities may look to others for help, yet be angry and resentful and push aside any help that is offered.⁹⁹

1.2. TRANSGENERATIONAL TRAUMA AS CAUSE AND EFFECT

Although many forms of violence have been mentioned, one that requires further attention is transgenerational trauma. It can be both the cause and effect of violence. To understand transgenerational trauma, it is best explained by those who have lived with it.

An elderly Community woman provides her family's experience of transgenerational trauma:

Aboriginal people just don't know their trauma goes back to the invasion, we can trace it. Every tribe in Australia can take you to a place in their country where the white man came in and wiped out whole families. They can point out what waterholes were poisoned, where dozens of their tribe were shot, where people were rounded up and their children taken away. There's ones still alive who can remember the chains around the necks of our men and what happened to the pretty girls when the coppers came. How can anyone forget that? And why should we forget? We pass it on to our kids just like my parents passed it onto me. It stays with you 'til you die. I've seen pain all my life. My parents were slaves and until I was forty, so was I. Our parents all died while they were slaves and all they've got on their graves is a plain white cross. My kids want to go and put fancy headstones up there and I tell them 'No you can't. Those wooden crosses tell our history.'

Our pain today is those young ones going to the prisons and the ones hanging themselves. The kids around here see that and they'll remember that body hanging there even though they are only little. They see the alcohol and the yarndi and they see their fathers bashing their mothers. How are they going to get [out] of those memories? Us old ones can't forget our memories. How do we expect the little ones to forgive and forget? What those little ones are going through is adding to the bad memories we've given them from our stories.¹⁰⁰

When I was a young man I saw so much violence from the people in charge on the mission. We saw men whipped and always for the smallest things. One fulla who worked in the meathouse took home some steak. He was only supposed to take the shinbones and he took steak. He was tied up to that lightpost up there near the hospital and publicly flogged. My brother and I wrote to the Aboriginal Affairs Department in Brisbane and told them about what was going on and for doing that we were exempted from the mission. That meant we were locked out and our families were locked inside. We couldn't even come and visit our parents. We weren't even allowed back for their funerals. We had to stay away. You'd wonder how anyone would be allowed to do that but they did. They were a cruel lot who made their own rules. I could fill a book with the cruel things that they did to us.¹⁰¹

Tragedies of these proportions have both individual and collective impacts that resound across families and whole Communities. Individuals are isolated in their experiences, in spite of living within a family or Community suffering from the same event. Historical situations can also set in place repeated and cumulative traumatic impacts¹⁰² that compound the trauma across generations.

1.2.1. What is trauma?

A traumatic stress reaction may occur when:

a person experiences, witnesses, or is confronted with an event or events that involves actual or threatened death or serious injury, or threat to the physical integrity of self or others, and the person's response involves intense fear, helplessness, or horror.¹⁰³

Traumatisation occurs at individual, family, community and whole group levels.¹⁰⁴ Examples of community, collective, or large group traumatisation are colonisation, war, the Holocaust, Kosovo, and the Port Arthur massacre in Tasmania. It is well documented that after a disaster or tragedy, alcohol and drug misuse and violent incidents increase in the traumatised populations.¹⁰⁵ It is also well understood that individual acts of violence, such as murder, rape and domestic violence, are extremely traumatising experiences, both for individual survivors and their families.¹⁰⁶ People often experience traumatisation from acts of violence at the hands of other people, such as rape, domestic violence, or colonisation, which are comparable to a natural disaster.¹⁰⁷

It is important to remember that human reactions and behaviour in response to trauma are the natural reactions of normal people to abnormal situations,¹⁰⁸ and that abnormal situations may, over time, appear to become the norm when inappropriate responses are made to human needs. However, the situations remain abnormal. Psychological and physiological reactions can cause distress for some time after the traumatic event, and may not be resolved without help.

Trauma may change people irrevocably. Psychological trauma has a devastating effect on people's spiritual strength. Napoleon, who writes of misuse of alcohol and increasing domestic violence, sexual abuse, and child abuse in Alaskan Native situations, argues that when traumatic experiences and memories are suppressed, denied or ignored, the trauma is driven 'further into the soul, and it colours all aspects of life. Without healing, it will destroy the human soul, as any illness left untreated will in time cripple and kill the body.'¹⁰⁹ The postcolonial experience of Indigenous Australians replicates the desperate situation of Indigenous Alaskans.

1.2.2 Post-traumatic stress disorder

After a violent event, post-traumatic symptoms of hopelessness, depression, anxiety, irritability, guilt or grief may add to feelings experienced during the event.

Victims believe they cannot explain how they feel to anyone, and they become numb and unable to speak of their pain. Conversely, some victims of violence talk incessantly,

repeating fragmented experiences of the trauma again and again, as they try to make sense of the senselessness.

Post-traumatic stress was acknowledged as a reality by the Australian Government in their treatment of the refugees from Kosovo who were dispossessed during the armed conflict in their homeland. The Government formally recognised that the refugees were experiencing grief and trauma as a result of the tragedies and atrocities they had witnessed, and that they needed specialised treatment. The Government provided counselling services for them on their arrival in Australia. It was seen as central to the needs of refugees in crisis to deal with the collective suffering promptly, to reduce the impact of transgenerational trauma.

Informants to the Task Force consistently equated the ordeals of Aboriginal and Torres Strait Islander peoples with the suffering of refugees and the traumas experienced by Indigenous races in other countries. The extreme forms of violence and abuse resulting from colonisation, including armed conflict, have never been formally recognised and are therefore worthy of mention in this Report on violence.

Many informants stated that the historical experiences of Indigenous Australians paralleled recent experiences in Kosovo: genocide, enslavement, cultural violence and racism. They believed that Indigenous people were suffering from post-traumatic stress disorder that was at the root of much of the contemporary violence and abuse in Indigenous groups.

Ironically, while the Australian Government was quick to respond to the need for counselling for people from Kosovo and other refugees they have failed for far too long to address the trauma experienced by their own Indigenous people. Acculturation, discrimination and racism continue. Access to counselling and care has been limited, controversial and often given reluctantly.

An Aboriginal academic and survivor of an institution sees Aboriginal women and their families as 'living in shadows'. She described her suffering in that institution and the inappropriateness of the care she was eventually offered.

I know this is true for all Indigenous people I have spoken to during the course of my work. Not only were they abused by their oppressors but the only agencies available for support were those operated by their oppressors. The pervading thought in this period of time was 'that this sort of thing didn't really go on and they must be telling lies'.¹¹⁰

Such stories of oppression are not fictitious. The Royal Commission into Aboriginal Deaths in Custody, the Social Justice reports, the *Bringing Them Home* report, and more recently, the Forde Inquiry into Institutional Abuse, all described the need to provide counselling for Indigenous Australians to enable them to deal with the effects of postcolonial experiences. The original Australians suffered deliberately-inflicted wartime atrocities, genocide, dispossession of land and culture, oppression, and institutional and systematic violation. As a result of Government policies and practices, the past 211 years have been a bitter and tragic journey for Indigenous Australians. The colonisers, and later generations of non-Indigenous Australians, have been guilty of massacres, cultural genocide, subjugation, and multiple violations of Indigenous people.

Non-Indigenous administrators have been authorised to abduct children, disperse and fragment families, and to incarcerate and to enslave Indigenous people on missions or reserves, where they were subjected to further inhumane interventions and control.

Under the 1965 Aborigines' and Torres Strait Islanders' Affairs Act, a Director could declare any person having a strain of Aboriginal blood to be an assisted Aborigine, thus placing them under the control of the legislation where they could be subjected to all sorts of control and treatment without negotiation or agreement.¹¹¹

A number of informants spoke to the Task Force about their ordeals on missions or in institutions. Many equated their treatment there with conditions in concentration camps, where people forcibly incarcerated were subjected to horrific acts of brutality and violence.

During the latter half of the nineteenth century and well into the twentieth century, large numbers of Indigenous peoples, some of them in chains, were taken against their will to government-owned or controlled reserves. They were moved because they had been

displaced from their traditional lands; their lands had been stolen and their presence was seen as offensive to the new owners.

The reserves operated in conjunction with the Christian churches, which assisted the oppressors to control the lives of their Indigenous charges. Throughout the transitional period, more than three hundred and fifty such reserves were set up across Australia.¹¹² These were established and constructed along the lines of prison camps, with little provision for basic human needs or the civil rights of the detainees. In effect, the Indigenous inhabitants were regarded as slaves. They were regarded as inferior by those in authority because of their skin colour. They worked for little or no pay for non-Indigenous colonisers who had usurped their land.

Many Indigenous people were taken a long way from their homelands, so that they lost contact, not only with their ancestral lands, but also with kin, their customs and their traditions.

People who practised traditional ceremonies or told Dreamtime stories were often punished by Church representatives. It was a period of extreme distress for our people.

cast adrift without spiritual and cultural ties to land or to one another. Beliefs that had held tribal nations together for more than forty thousand years were replaced with a new set of beliefs based on a religion only two thousand years old. To die without Indigenous connections to land and kin was tantamount to losing one's soul.¹¹³

Groups that were traditionally hostile to each other were often housed together, with little thought given to the existence of different languages, different rituals and discrete religions. These insensitivities added tensions to the confusion and administrators dealt with the problem by banning all traditional practices and punishing those who attempted to do so. Even European food was a strange experience. It was very basic, in short supply and a poor substitute for the traditional Indigenous diet. Indigenous people were not allowed to leave the confines of the reserve and hunt for better provisions because this would

encroach on the non-Indigenous neighbour's land. The introduction of alcohol was seen as a reward;¹¹⁴ it facilitated the breakdown of Indigenous culture and deterioration into violence and abuse.

*They will never know what went on in those places. I know. I was only six when I was taken with my parents and I was thirty-five when I left. Whippings, rapes, sexual interference of children, public degradation of Elders, both men and women, heads being shaved for punishment and people going missing overnight, are all clearly etched in anyone's mind that had to spend time on those hellholes that they said was to protect us. I only wish that others who were victimised would speak out. I know they won't because the truth is too hard to bear and it's only now that some are speaking out.*¹¹⁵

As with war veterans, when counselling is not readily available, Indigenous people have often turned to self-administered forms of medication to deal with violence, pain and post-traumatic stress. This response is especially important to understand in the context of the current crisis in Indigenous Communities.

Few intervention mechanisms exist to help individuals and groups deal with major psychological, cultural and economic disasters or to help them regain strength after personal losses. The effects of post-traumatic stress have been exacerbated by a diet of alcohol and welfare imposed as a result of historical abuse and the circumstances in the past two decades.¹¹⁶

1.2.3. Alcohol as a self-medicating response to trauma

Alcohol is the drug of choice for many people who seek to obliterate the pain and isolation that results from powerlessness. A study of soldiers in wartime showed that uncontrolled drinking increased in response to the combat group's losses. The soldiers' use of alcohol appeared to be an attempt to obliterate their growing sense of helplessness and terror.¹¹⁷

Alcohol use is considered further in Section 2. However, historical factors contributing to the destructive consumption of alcohol by Indigenous people are outlined below:

- *Alcohol was used as currency.* Unscrupulous and unsupervised non-Indigenous administrators paid Indigenous people for work with alcohol in lieu of wages. The alcohol was extremely potent and 'the swill'¹¹⁸ left over from other bottles or a mixture of different potions.

*Is it any wonder that many of our people have resorted to alcoholism, they have suffered untold damage to their emotional and spiritual being which was further destroyed by the diet of welfare and grog they fed us, with little food or proper sustenance other than sugar, flour and tea. This is not to justify the violence that has resulted from the over-consumption of alcohol in our Communities, but when you rob people of their dignity and self-respect, then there has to be a retaliation in one form or another which, unfortunately for us, has led to many of our people taking it out on those that they love, their own wives, family members or people in the Community. There have been many who have chosen not to do that and in many cases it has been these that I believe have taken their own lives to relieve the internal turmoil and anger that they experienced.*¹¹⁹

- *Alcohol use spread with the breakdown of traditional laws.* Indigenous groups lost social control over people's behaviour as traditional laws broke down in reserves.

*Leadership by Elders or by consensus was not always available, necessary rites could not be performed and the whole basis of traditional lore came into question. Without these rituals and the attached reciprocity, the breakdown of Indigenous society was inevitable. Elders were sometimes be ridiculed by intoxicated youth with no understanding of former ways.*¹²⁰

- *The canteen system and prohibition and consumption laws increased alcohol use.* The introduction of alcohol to Indigenous people profoundly affected their sociocultural and economic systems. They had to obey various non-Indigenous laws governing their consumption of alcohol, and those laws have been a significant factor in the over-use

and misuse of alcohol in many Communities. The attitude of Government and the legal system to alcohol use by Indigenous people has been contradictory and confusing. After condoning the use of alcohol in lieu of wages for many years, the Government prohibited the sale of alcohol to Indigenous people in the 1950s, allowed the consumption of alcohol on reserves in the 1960s, and erected canteens on the reserves in the 1970s under directors. Today, public drunkenness is condoned.

Too little attention has been paid by Governments to the fact that many Indigenous people have become addicted to alcohol as a way of coping with past traumas. To understand alcoholism, it is important to understand the causes, not just the effects. Increasingly over time, Indigenous people have become trapped, both socially and personally, in a cycle of prejudice and discrimination in contemporary society.

Rather than treating the pathology of the disease, the authorities have invariably focused solely on the criminal consequences of some alcoholics' behaviour. They thereby condone the continuing misuse of a drug that, prior to colonisation, had no cultural relevance or presence in the lives of Aboriginal and Torres Strait Islander peoples.

Indigenous people today drink to forget because they are confused, angry and feel totally oppressed. They are left to deal alone with the pain and humiliation of alcoholism¹²¹ and when they fail, they sometimes resort to the violence and abuse witnessed throughout their formative years. This is especially so in isolated rural and remote areas where services can only be described as inadequate and pitiful.¹²²

The over-use of alcohol was cited consistently throughout the consultations as a major consequence of race relations in Australia. Informants linked alcohol and drug abuse to the growing violence, dysfunction and despair in Indigenous Communities. It is a highly visible and emotive problem, particularly while Indigenous families are denied a way forward through re-identification with traditional customs, languages and lore.

Hunter¹²³ points out that Aboriginal children today are the first and second generation legal drinkers, many of whom have grown up in Communities saturated and ruled by both alcohol and violence. Many crimes are being committed by people under the influence of

alcohol and sometimes drugs. Ironically, the use of such substances is often cited as a mitigating factor in the horrific crimes being committed in some Indigenous Communities.

Having been socialised into a culture of alcohol, substance abuse, violence and anarchy, the crimes committed by some offenders reflect those witnessed or experienced as a child.¹²⁴ Most Indigenous people have grown up in environments where cultural lore was eroded, the responsibilities and obligations of men and women fragmented, and traditional roles replaced by a system reflecting the patriarchal model of the colonisers. Many Indigenous people who have suffered profound violations in their childhood, and post-traumatic stress, may act out violations as coping mechanisms when they get older.¹²⁵

1.2.4. Trauma expressed as violence

Violence affects humans in different ways. People who have experienced trauma often describe a sense of being outside themselves, watching the action but not feeling anything. Similarly, people who have inflicted violence on others have described the experience of enacting violence, but feeling detached, and acting in a frenzy over which they have no control. They may also claim to have no memory of the assault.

For both the offender and the victim, the world changes. Their self-images are fractured and their sense of connection with others may be broken. They may feel as if they are no longer whole. Traumatized people sometimes have difficulty sustaining intimate relationships because they feel cut off from others and themselves.

Isolation is being unable to communicate one with another about the physical and spiritual pain... Isolation is crying in the night and thinking of ways to end the pain ... isolation is being cut off so completely that there is no hope of communicating except through the vices of addiction that led to this feeling of isolation and suffering in the first place.¹²⁶

High levels of rage are often felt by both children and adults during and after traumatic incidents, yet this aspect of violence is rarely discussed. Rage may be suppressed and denied, or it may be acted out. Sometimes it becomes aggression and violence, depending

on the boundaries and safety factors in place within a family or Community. Some people who have been violated believe if they did express the full extent of their rage, it would be murderous and often act to suppress their feelings or act them out in ways that may be deemed as antisocial.

There is often a thin line between a person feeling in full control and full of rage. The transition from one state to the other can be almost instantaneous. An Indigenous woman became well known in Brisbane for reporting being raped twenty-five years previously. When police refused to help her, she would fly into a rage and inevitably be charged with disorderly conduct. Then one day, she entered a police station, told her story and the officer at the desk started processing her complaint. The female officer asked her when and where the alleged rape occurred and when the woman told her the date, twenty-five years before, the officer stopped recording and put a call out over the radio for a female Police Liaison Officer to come and collect a mentally disturbed woman. The PLO knew the woman and her story.

*The police officer didn't understand that this woman needed to report the rape because she felt she was going womba [mad]. I arranged for her to visit a Murri rape crisis centre and when they'd listened to her and given her some counselling sessions, she was okay. She'd been trying to get help to deal with this trauma that had been mentally destroying her for twenty-five years. Now she knows if she feels that way again she can go there for counselling.*¹²⁷

This woman had every right to feel the way she did. Her feelings of going mad were justified because she had never been taught any strategies to deal with the rape. Rather, she had been admitted to mental institutions and treated with psychotropic drugs.

Anger is a natural feeling that results from boundary violation, frustration, fear and loss.¹²⁸ Anger affirms humanity. It often helps people to escape feelings of powerlessness and hopelessness and to affirm their right to be heard and seen. However, when victims of violence that is still unresolved later display unrestrained anger at a fresh trauma, they may create another layer of trauma. Their feelings of anger and rage may trigger acts of violence that can be unprecedented in a person's behaviour. Often this violence is not expressed against the person or group causing the original trauma but against someone

close to the offender who becomes the substituted object of the violence. In traumatised families and Communities, there are often no safe outlets for rage. It will either be expressed in a chaotic, unsafe manner as violence, or it will be denied, leaving the victim powerless, so the cycle of violence continues.

1.2.5. Child trauma

Macksound et al. (1993) explained there were a number of factors that may contribute to the traumatisation of children. These include violence in the child's environment, particularly the violent death of a parent or close family member or friend. Other factors include forced separation from parents and displacement from home, witnessing violent acts or seeing parental or close-carer fear reactions to violence. Extreme poverty and starvation are also traumatising experiences for children.¹²⁹

Across generations, many Indigenous Australian children have suffered one or more of these experiences. In some Communities, children have had multiple compounded traumatic experiences, and the impacts are cumulative over time and place.

These same children may not be able to acknowledge the hurt, because of a number of factors. Perhaps they cannot share what they have seen, heard and felt, because family/community members are in crisis themselves. Parents who are in crisis cannot easily hear the story the child needs to tell, for often the child reflects the unbearable pain of the adult. Parents may not be able to protect their children because they cannot protect or care for themselves.

Children do not become used to violence, they adapt. Traumatic experiences become part of their play and behaviour, however.¹³⁰ Children repetitively re-enact trauma in such play, sometimes so literally that a person observing it can guess the trauma with few other clues.¹³¹ Adults, as well as children, often feel driven to re-create the moment of terror, and that urge may sometimes create further trauma, even becoming criminal activity.

The impact of a crisis for a child is different to the impact trauma has on an adult.¹³² A crisis in the life of an adult may change the person, eroding the personality already

formed,¹³³ or threatening an already formed identity.¹³⁴ In contrast, when a child experiences trauma, the crisis will be integrated into a *forming identity* and carried throughout life, establishing reactions to life situations in the future.¹³⁵ It is more than social learning. 'Repeated trauma in a child forms and de-forms the character, often fragmenting the personality.' The pathological¹³⁶ environment of abuse forces the development of both extraordinarily creative and destructive capacities¹³⁷ in children and emerging adults.

Trauma inflicted on a child may interfere with the formation of moral concepts. Even when a child's behaviour becomes dysfunctional and amoral, it retains function and meaning in a dysfunctional situation. Children whose moral concepts alter can still experience conflicting pain, terror and excitement when violence erupts.

Such experiences are traumatising for children, and the trauma becomes compounded, compacted and complex. These experiences hurt children, and consequently the emerging adult, in ways that are not yet fully understood.¹³⁸

1.2.6. Cycles of violence

Although most victims do not become perpetrators, clearly some do. Cycles of violence can occur when people who have been hurt are unable to express the pain of that hurt safely to themselves and others. If there are no culturally defined services within Indigenous Communities for families in crisis, children's needs will remain unmet by the family and society. The child's family will not receive the support needed and the parents may be less able to be nurturing.

Children who have been victims may run the risk of being re-victimised, or they may begin to victimise others. As young adults, they sometimes enter relationships with power imbalances and become either victim or victimiser or both. As adults, they may find it difficult to attend to their children's needs because no one attended to their needs or validated their feelings, listened to their concerns, or showed them that they were and are valued and valuable people.¹³⁹ The original trauma fractured their sense of safety and justice and their own world remains unsafe and unjust. If no one believes in them, they

may not try to communicate their distress except in moments of high stress, generally under the influence of alcohol. They may even appear to be anti social, so people shun them, and therefore their isolation continues.

Abused children may use altered states of consciousness to escape from untenable situations.¹⁴⁰ In later life, young adults may seek altered states of consciousness¹⁴¹ through the use of alcohol and drugs, to mitigate and cope with their distress in the face of violent behaviour. In some Communities, Indigenous children are using alcohol at a very early age. In altered states, the ordinary relations between body and mind, reality and imagination, knowledge and memory no longer hold.¹⁴²

In many Indigenous Communities, the cycle of violence continues as a young person who has been exposed to abuse moves into adulthood. Such young people may have matured early, and this premature maturation may render them vulnerable to further trauma. Such young people sometimes use self-destructive behaviour to distract themselves from the traumatic memories they carry from their childhood.

Some young people who have experienced trauma in childhood may be at risk of becoming more rebellious and more willing to take part in antisocial acts. Young people who have matured early may look for love and move into precocious sexual activity¹⁴³ at an early age. They may then become young parents, sometimes falling into unstable relationships that flounder, and the children of the next generation may become the next victims and potential victimisers. This pattern is the basis of the cycle of violence being witnessed in Indigenous Communities.

1.3. CASE STUDIES

The case studies on the following pages are examples of the situation of chronically traumatised Indigenous people and Communities.

They clearly demonstrate that something is seriously wrong.

1. *A woman's story from a remote northern Community*
2. *Consultations from Maryborough*

3. *Consultations from Hervey Bay*

4. *A letter from a central Queensland Community.*

The case studies show the risk factors and impacts on individuals, families and Communities that contribute to dysfunctional community syndrome.

1. A Woman's Story from a Remote Northern Community

A woman who is aged 50 years, with eight adult children, has been involved in a violent marriage for many years. She was separated from her father as a child and her mother is deceased. She has no other family support. She was brought up in a remote northern Community and married a man from that Community. His family lives in that Community. The woman has a place to live in a nearby town, but her husband knows this place and he has been there and smashed the door in to get to her.

She has been injured by her husband many times and is well known to the various women's shelters in the region. On one occasion, she was so severely injured that she was in a coma and was on a life support machine for a long period. When the machine was turned off, she survived. One person the woman has talked to said that the woman's husband

...puts the fear in people and they can't stand up to him ... It is only when he drinks ...other times you couldn't get a better bloke.... Her children are there and they are in touch with her, but even they appear to be frightened of him. He is in jail now because of his attacks on her and his family blame her for him being in jail. He's coming out of jail soon and she doesn't know what is going to happen when he gets out.

The husband has had protection orders out against him and he is not supposed to go near the woman but he does when he's drunk. The woman is a client of an Aboriginal Community organisation and she has clung onto her Community worker as if he was her own son. That seems to be where she gets her support.

The issues in this case are:

- The woman has used available services and legal options, but still appears to have no protection from attack.
- The attitude of the man's family means that no one with authority over the man seems to want to tell him that his behaviour is not acceptable.
- There seems to be no support for this woman within the Community and if this is so, her vulnerability to injury and even death is greatly increased.

2. Consultations from Maryborough

- One woman in the Community had been murdered recently and was in a relationship where domestic violence was involved and known to the Community but nobody intervened. |
- A woman killed her baby and committed suicide. People knew that she was in a relationship that involved domestic violence but thought that she was a strong woman and were shocked when she committed suicide. The death of this woman was very traumatic for everyone, as she had been involved in supporting her Community, especially the youth. Another woman had also committed suicide recently and there was no support for the Community or family after the event.
- One young person commented that her family was involved in domestic violence and she was often on the streets and couldn't get away from the fighting. She said: ... *no one helps and no one cares...* She also commented that no one believes young people when they tell anyone.
- One woman spoke about her own beatings and how the police didn't come when asked. She had bad facial scarring. She commented that her own family took advantage of her and that on payday everyone took her money. Between her partner and family, she didn't have enough money to feed her two children. Another woman spoke about how she had escaped from her partner but that no one had helped her. Even her family was not supportive. She described how her children would hide under beds when the abuse started.
- Another woman spoke about how the elderly were being beaten by their grandchildren to get money for drugs.

3. Consultations from Hervey Bay

- One woman spoke about the lack of support from the services in her area, especially the courthouse. There was no one to explain what to do and she was left to deal with things on her own. She commented on the lack of support from the police when she needed them.
- One woman talked about how she had been stalked and no one helped her. The police told her she needed proof.
- Another woman spoke about how young girls were being forced to give sexual favours and to prostitute themselves to family members. This comment was supported by other women in the group who had been forced by their partners to prostitute themselves for grog and drugs and to feed their children. They said that people often see this as promiscuity, not abuse, and are judgmental rather than understanding. This means that women don't seek help because they will be judged. This also encourages the spread of sexually transmitted diseases and AIDS.
- The group spoke about a woman who was in a domestic violence relationship and committed suicide. They were shocked and angry that no one had helped her.
- Another young woman talked about how friends discussed sexual abuse and domestic violence at school and that the schools did nothing to help them. One girl had told a teacher at school that her father was abusing her and the father had said the girl was lying, so nothing further happened and she had to go back home. Her mum couldn't protect her because she was being beaten up by the father so the girl ran away from home and now lives on the streets. The girl is using drugs and selling sex. She is 14 years old and has been living like this for two years. Her father had an important job and her parents did community work, so no one believed her. They say she's a troublemaker.

4. *A Letter from a central Queensland Community*

Examples of domestic violence are almost a daily occurrence in this Community. The worst times are the nights of pay, pension and endowment. This is of enormous concern to the Elders and others here. There are often very severe injuries resulting from stab wounds. Knives, broken bottles, etc. often inflict these.

The following are a few examples out of dozens:

- 1. One woman has been bashed repeatedly and at times kept prisoner in her home. She has had the most degrading things done to her, e.g. her vagina has been cut, cigarette burns to various parts of her body and quite recently she had a hunk of her ear bitten off. At that particular time both were drunk so she grabbed a knife and stabbed him [her partner]. He was hospitalised but has since returned to the Community and they are back together and as sure as night follows day there will be more of the same.*
- 2. Last year, a domestic row ended up in the female stabbing her partner and he died very shortly after. She was recently convicted of manslaughter and was sentenced to six years with parole after 18 months. The tragic part of this story is, she is only 26 years old and has six children who range in ages from 10 years to about 8 months. Her sister who has a large family has now got the added burden of looking after these children.*
- 3. A 14-year-old girl is living with a 20-year-old man and she is continually beaten. He chopped her hair and has locked her in the bedroom on several occasions. Her Granny has been to the Police and her Guardian has been to the Community worker at the family centre but very little is done to get her out of this situation. She is possibly scared of what he may do to her if she leaves.*

The list could go on and on and on. There is a real feeling of hopelessness in [this place]. Anyone tackling domestic violence in this Community must look at the big picture.

- Many people have lost their self-esteem.*
- Respect for the Elders is almost gone.*
- Apart from CDEP there is no industry.*
- Drink and drugs [are] ruling and ruining people's lives.*
- Nobody seems to be really in charge. The setting up of the corporate structure has taken power away from the people. The concept of self-management and self-determination is a joke. Like the bad old days when Aboriginal people were totally controlled, basically, it still goes on but in a more subtle way.*
- There is an amount of child abuse connected with domestic violence. Children wander the streets all night. Vandalism is a huge problem.*
- Education should be seriously looked at. On the whole, the standards are a disgrace. Why?*

These are just a few examples and ideas, which may be useful. [We] need a strong voice to put our urgent concerns across. Let's hope something positive will come of your gathering with the Minister. As you know we have been researched to death – now, we need action.

(Extract of a letter sent to a member of the Working Group.)

Endnotes

Section 1 –Forms of violence

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- ¹⁸ Submissions 4; 8; 15; 16; 24; 31; 25; 26; 31; 32.
- ¹⁹ Submissions 26;15.
- ²⁰ Submission 32.
- ²¹ Consultations, Central Burnett region.
- ²² Submission 16.
- ²³ Submission 6.
- ²⁴ Submission 7.
- ²⁵ Consultations, Biloela.
- ²⁶ Submission 4.
- ²⁷ Ibid.
- ²⁸ Submission 41.
- ²⁹ Submission 11.
- ³⁰ Submission 16.
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- ³² Submission 43.
- ³³ Ibid.
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- ³⁵ Ibid.
- ³⁶ Submission 19.
- ³⁷ Consultations, Brisbane 1999.
- ³⁸ Commission of Inquiry into Abuse of Children in Queensland Institutions, *Report* (Brisbane: Queensland Government, 1999).
- ³⁹ Community Elder, 1999.
- ⁴⁰ Commission of Inquiry into Abuse of Children, *Report*, 11 – 12.
- ⁴¹ Submission, Brisbane, 1999.
- ⁴² Commission of Inquiry into Abuse of Children, *Report*, 11 –12.
- ⁴³ Consultations, Brisbane, 1999.

- ⁴⁴ Commission of Inquiry into Abuse of Children, *Report*, 11-12
- ⁴⁵ Submission 41.
- ⁴⁶ Consultations, Brisbane, 1999.
- ⁴⁷ See Cashmere et al., *Commission of Inquiry into Abuse of Children* (1994), 12.
- ⁴⁸ Submission 19 - there were many comments in a similar vein in the other submissions.
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- ⁵⁰ Consultations, South Burnett, 1999.
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- ⁵³ Consultations, Mt Isa.
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- ⁵⁹ Consultation, Boggo Road Women's Prison, July 1999.
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¹²⁰ L.R. Hiatt, *Arguments About Aborigines: Australia and the Evolution of Social Anthropology* (Cambridge: Cambridge University Press, 1996), 181-82

¹²¹ Indigenous healthworker, 1999.

¹²² Consultations, North Queensland, 1999.

¹²³ E. Hunter, 'Images of Violence in Aboriginal Australia', *Aboriginal Law Bulletin* 2, no. 46 (1990), Aboriginal Law Centre, University of New South Wales.

¹²⁴ Consultations, Central Queensland, 1999.

¹²⁵ Tjanara Goreng Goreng, Submission, 1999.

¹²⁶ An Aboriginal woman's words in trying to describe her feeling of aloneness.

¹²⁷ Indigenous Police Liaison Officer.

¹²⁸ B. Wong and J. McKeen, *A Manual for Life*, PhD Seminars (British Columbia: 1992).

¹²⁹ Macksoud, 'Traumatic War Experiences and Their Effects on Children', 623 – 33.

¹³⁰ Herman, *Trauma and Recovery*.

¹³¹ *Ibid.*

¹³² *Ibid.*

¹³³ *Ibid.*, 96.

¹³⁴ R.G. Tedeschi and L.G. Calhoun, *Trauma and Transformation: Growing in the Aftermath of Suffering* (California: Sage, 1995).

¹³⁵ *Ibid.*, 8.

¹³⁶ Pathological - emotion - consciousness - feeling - passion - impression.

¹³⁷ Herman, *Trauma and Recovery*, 96.

¹³⁸ Ibid.

¹³⁹ K. Armstrong, 'The Impact of Trauma: Childhood Experiences in Children's Lives, with Particular Reference to Traumatized Children Raised in Institutional Settings', *Aboriginal and Islander Health Worker Journal* 23, no. 2(1999).

¹⁴⁰ Herman, *Trauma and Recovery*.

¹⁴¹ Alcohol and other drugs provide an altered state, and this allows people to express distress without having to be responsible. So many people stated that they have done terrible things but can't remember doing them that Task Force members must believe this is true. It is a blanked out state in which the traumatic distress is acted out.

¹⁴² Herman, *Trauma and Recovery*.

¹⁴³ Macksound, 'Traumatic War Experiences', 628.

Section 2: Causes and Contributing Factors

River Dreaming

She sits by the river
Looking at the trees
She wonders if the morning
Will bring a sweeter breeze.
The bitter taste of blood
Brings tears to her eyes.
She wonders if the morning
Will be the time she dies.
As she wipes the tears from her eyes.

Her slim brown body is broken
Ravished by the men
Who brought their guns and weapons
To this land to tame.
They said the land was empty
Not peopled by another race
They raped and stole and slaughtered
To establish a convict base.
And she cries a tear for her race.

She sits by the river
Looking at the trees
She wonders if the morning
Will bring a sweeter breeze.
The bitter taste of blood
Brings tears to her eyes
She wonders if the morning
Will be the time she dies.
As she wipes the tears from her eyes.

Lies and deceit continue
Even to this day
Indigenous people of this land
Hope the strangers will go away.
But this will never happen
We have to acknowledge the pain
In order to reconcile this country
Where all our people can gain
And it's time for healing the pain.

She sits by the river looking at the trees
She wonders if the morning will bring a sweeter breeze.
The bitter taste of blood brings tears to her eyes.
She wonders if the morning will be the time she dies.
She wonders if the morning will be the time she dies.
She wonders if the morning will be her time to die.
And she wipes the tears from her eyes.

Liz Connor 9/5/99

2.1. VIOLENCE – CAUSES AND CONTRIBUTING FACTORS

Section 2 explores the causes and contributing factors of violence within Aboriginal and Torres Strait Islander Communities. The problems in Communities have been defined in European terms for too long. Many programs implemented by Government, though well-intentioned, have not worked because they were developed and implemented from a Western paradigm. There has been little research or theory developed on the issue of violence within an Aboriginal and Torres Strait Islander framework, to consider how race intersects with gender and age within a colonial context. Without these considerations, poorly researched and prepared programs often create more problems than they solve. Such has been the Indigenous Australian experience.

2.2. COLONISATION – AN INDIGENOUS PERSPECTIVE

Figure 2 Impact of colonisation Indigenous experience

Political	Invasion; colonisation
Legal	Erosion of traditional lore
Cultural	Acculturation
Social	Racism , discrimination
Spiritual	Imposed religion; erosion of spirituality
Physical	Massacres; Stolen Generations
Gender-related	Role breakdown
Labour	Welfare handouts; alcohol
Families	Trauma, turmoil, removal of children Family fragmentation.
Economics	Unemployment, welfare dependency.

Indigenous people are diverse and dynamic individuals and groups. This was the case before colonisation, and is even more so today. While there are diversities, there are also commonalities. This section will explore those common links to provide a better understanding of the effects of colonisation on Aboriginal and Torres Strait Islander peoples. Such an understanding is integral to the Report, and fundamental to developing processes and procedures to deal effectively with the violence documented throughout.

At the point of colonial invasion, Indigenous people lived in groups organised by complex kinship systems based on well-defined rules of marriage, behaviour and interaction. To maintain social cohesiveness and good order, Elders and traditional healers held positions of authority in the kin- and land- based groups, and fulfilled the functions of teachers, judges and spiritual leaders. The traditional healer played a major role in determining the type of behaviour that was correct and permissible.

Traditional Indigenous cultures had regulated forms of social control, and involved the administration of lore and education, in a firm structure of spirituality and well-being. The lives of Indigenous people were governed by principles and values that determined their cultural and social responsibilities through a process of socialisation. A breach of responsibilities was frowned upon and led to admonishment or more severe penalties.

Indigenous clans were linked to spirituality and land, and had a deep connection to their homelands and sacred sites, carrying out rituals and obligations to 'protect it'. It was in fact a system of rights and rules of reciprocity. Traditional Indigenous culture was founded on a highly sophisticated economy that embraced the value of family, as opposed to the accumulation of possessions and wealth. This economy was based on a system of environmental management, division of labour, resource exchange and trade. Men, women, families and extended family members provided support for one another, guided by the values and teachings of the Elders and the lore. Collectively, they socialised children into their place in the kinship system, and provided them with a holistic education about life, health, survival, child-rearing practices, maturational processes and responsibilities to family and kin.

Traditional Indigenous cultures provided a deep sense of both individual recognition and collective worth. Indigenous people were proud, and interdependent for survival and for a sense of spirituality and belonging.

The arrival of Europeans in 1788 and the subsequent declaration of *Terra Nullius* changed the lives of Aboriginal people forever, leaving in turn a recent history of discrimination and neglect. Through the policies and colonial practices established, Indigenous families were subjugated and dispossessed of traditional lands. The economic ramifications of such a process for both Indigenous and non-Indigenous sectors of the community have been much more profound than generally acknowledged or considered.

While colonisation affected both Aboriginal and Torres Strait Islander peoples to varying degrees, the impact has been borne more severely by Aboriginal people. Due to the geographical location of the Torres Strait, colonisation did not interfere with the traditional songs, dances, languages and cultures of the Torres Strait Islander people to the same extent as it did for Aboriginal people. For Aboriginal people, the consequences of colonisation have been severe.

Dispossessed of both land and kin, many Aboriginal people have been subjected to a lifetime of social isolation and discrimination. They have been sustained by a diet of welfare and suffered poor health and economic instability. They have been profoundly affected by the removal process and haunted by the loss of their children. The consequences have been so disempowering that it is difficult for many non-Aboriginal people to comprehend.

Aboriginal people have been marginalised and assigned to the outer edges of society. They have suffered from deep-seated and entrenched economic and social impoverishment, which has led to the multiple problems being experienced today. While the effects of colonisation varied from region to region, similar consequences of poverty and discrimination have seriously affected the whole of Aboriginal society.

Photo courtesy of the Queensland Museum.

Many Aboriginal people have been able to function productively, without disturbance to their self-esteem or cultural identity. However, for others this process has not been so easy.

Tormented by the traumas of the past 211 years, mourning for values eroded by time and cultural alienation, lost in a search for their families and themselves, many Aboriginal people are distressed and grieving for elements of their heritage that can never be found or retrieved. These people, their families and Communities, are in a state of grief as they attempt to deal with too much sorry business. For these people, their early removal from parental love and nurture, and prolonged separation from family and kin, have resulted in profound despair and depression.

The effects of these experiences are manifested in continuing stress and anxiety and in some cases, suicidal and violent behaviour. Escalating levels of family violence, increased alcohol consumption and high levels of suicide among younger members of the Communities, can all be directly related to the colonising process.

Many women consulted by the Task Force indicated that the men needed help to heal if progress is to be made in decreasing the level of violence. They also spoke of the need to revive the family unit and to help Communities to reunite in order to overcome the social illnesses that continue to be present. People are trying to hold on to and rely upon the extended family unit. However, the traditional family unit has been altered significantly through the colonising process. While the worth of family is still central to the experience of being 'Indigenous', the extended family has become fragmented and dispersed and in so doing has changed a major factor in the structure and functions of Indigenous lives.

These losses have started some people on a search to locate themselves in a family environment and to gain the security, assurance, nurturing and protection that a family and an extended family unit traditionally provided. As a result of policies of removal and subjugation, the traditional family unit often cannot provide the security it once offered. The report on the Stolen Generations spelled out the devastation and grief that this situation created.

There are people still trying to find their way home. Others are in a constant state of grief because their journey is not easy. Many have reunited with their families, and are trying to make up for the childhood they did not live. For others, their journey will be a lifetime quest, whereby they may never be able to find the sense of belonging and peace that they seek.

Torres Strait Islander families have fortunately been able to retain much of their family structures and therefore appear to be less affected than Aboriginal families in this regard. However, the effects of colonisation and discriminatory processes have been indelibly etched into the minds, the hearts and the lives of Aboriginal and Torres Strait Islander peoples. The residual damage of colonisation is obvious in family breakdowns, alcoholism, violence and abuse in Indigenous Communities. Almost every Aboriginal family has been affected in some way by separation from kin and the dislocation of traditional supports. An analysis of contemporary Communities would reveal a deep sense of loss and trauma in the hearts and minds of Aboriginal people, both individually and collectively.

As well as fragmenting families, colonisation left a legacy of social alienation and rejection that helped to create the culture of poverty in which Indigenous families are attempting to survive. From the time of invasion, Aboriginal and Torres Strait Islander peoples have endured both structural and institutional discrimination. In an attempt to deal with the historical ramifications, political forces of all persuasions have historically used punishment and detention to deal with Indigenous concerns. Although it is alleged that that attitude has changed in Indigenous Affairs in the past twenty years, the current numbers of Indigenous people in youth detention centres and adult correctional centres indicate that little progress has occurred.

Poor health, and social, moral, emotional and economical ill-health, are inherently linked to the history of cruelty in Australia. Australia is promoted as a country established on multiculturalism and democratic ideals, with Australians priding themselves on accepting all groups, regardless of race, creed or social background. History refutes this analysis and reveals, instead, a picture that is more sinister and insecure. For Aboriginal people, colonisation has meant the erosion and attempted annihilation of the world's oldest race.

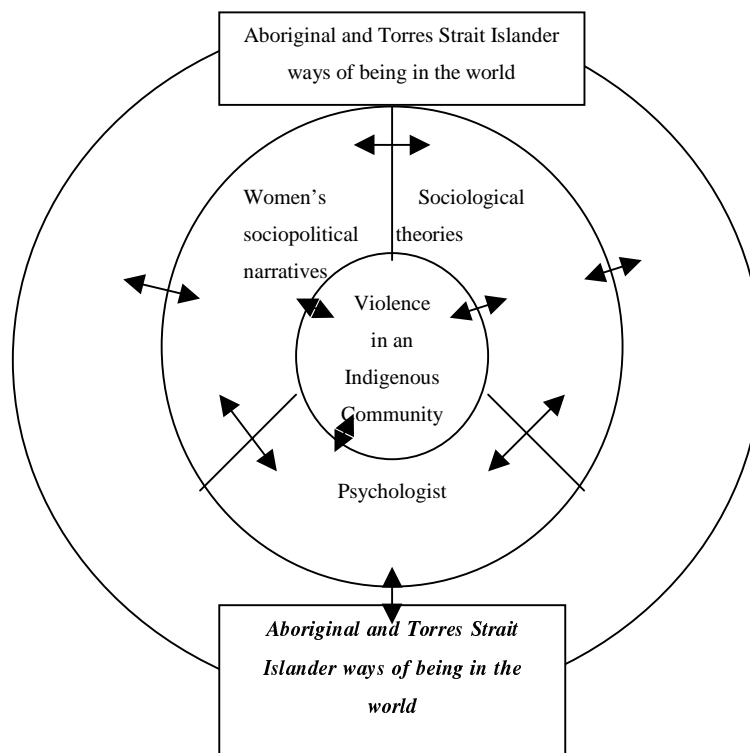
Dignified, proud, self-sustaining and healthy by tradition, Indigenous people today live a very different existence. Still proud and dignified in the face of great adversity, many Aboriginal and Torres Strait Islander peoples are, however, profoundly wounded. Suffering poor health, affected by continuing discriminatory processes, haunted by a sense of loss that is both deep and profound, and dependent on welfare, the current plight of Aboriginal and Torres Strait islander peoples is Australia's shame. Alcoholism, violence, abuse and poverty are the legacies of colonisation. An understanding of Indigenous circumstances today should be informed by knowledge of historical and contemporary processes.

2.3. DEVELOPING AN INDIGENOUS THEORY BASE

According to Bolger, many Aboriginal women experience violence similar to abuse suffered by non-Aboriginal women and thus 'it is reasonable to assume that general theories will go at least some way to elucidating the causes of the violence they suffer'.¹ C. Atkinson has analysed the literature from a 'critical comparative perspective combined

with Aboriginal worldviews in which life is understood as an interactive process within physical, social and spiritual contexts.’² She provides a conceptual framework in a diagram that is crossdisciplinary, or holistic. She argues that a multilayered approach allows violence to be addressed within the historical, political, social and cultural environments in which it occurs. The contextual framework of Figure 3 will be used to explore violence and its causes and contributing factors within Indigenous contemporary situations.

*Figure 3 Conceptual framework for analysing violence in Aboriginal and Torres Strait Islander Communities*³



This section explores Baker's theories of colonising impacts, describing in particular how colonisation interrupts relationships between the men and women being colonised, to remould them into the shape of the colonisers. Women's sociopolitical, sociological and psychological theories will be used to understand how colonisation creates complex and cumulative forms of traumatic stress that may be articulated in ill-health, misuse of alcohol and other drugs, and violence. Contemporary Aboriginal and Torres Strait Islander forms of violence, as defined previously, placed into the context of inter- and transgenerational

trauma, should all be located within the theory base to acknowledge that the articulations of distress in violent experiences and behaviours can be seen in both their cause and effect.

One person or group can only behave violently towards another when they objectify them. During colonisation, Indigenous people were objectified, labelled as less than human.

*Degraded as to divine things, almost on a level with a brute...In a state of moral unfitness for heaven....And as incapable of enjoying its pleasures as darkness is incapable of dwelling with light.... Without God in the world entirely lost to all oral and spiritual perception.*⁴

Colonisation reproduces its own systems of control to the detriment of the people it colonises.

*The European society, which the Aborigines were supposed to emulate, produced poverty, crime and drunkenness in England, and a savage penal system in Australia.*⁵

There are underlying issues that cannot be ignored in any consideration of the causes and contributing factors of violence. Deeply embedded historical experiences and conditions from colonial and neo-colonial times are entrenched in Indigenous Communities. An Australian Prime Minister acknowledged this in the International Year of the World's Indigenous Peoples:

It begins with an act of recognition.

Recognition that it was we who did the dispossessing.

We took the traditional lands and smashed the traditional way of life.

We brought the diseases. The alcohol.

We committed the murders.

We took the children from their mothers.

We practised discrimination and exclusion.

It was our ignorance and prejudice.

*And our failure to imagine these things being done to us.*⁶

The outcomes of colonisation can be seen in the acts of violence under discussion. Once peoples or groups have been victimised, they may be re-victimised or re-victimise others.⁷

Public policy may contribute to this process. The welfare dependency in Indigenous Communities has in many ways been systematically and structurally created.

Power and violence are interrelated. In sociology, power is often used to describe the actions of nations and armies.⁸ In psychology, however, power is used to mean the ability to affect, to influence and to change other persons.⁹ May writes of power 'as the ability to cause or prevent change'.¹⁰ Change can occur or be made to occur through constructive or destructive use of power.

Colonisation has been a powerful, destructive force for change in the lives of Australian Indigenous people. Baker¹¹ shows three distinct periods in coloniser/colonised relations. These periods are: invasion/frontier violence; intercession by often ethnocentric and paternalistic groups; and a re-assessment of responsibility to Indigenous needs around the 1960s by Government. Aboriginal people call these distinct periods the massacre times; the forced removals and separations; and the assimilation/child removal times. Within these three periods, principles of systemic power and control of the colonised prevailed, facilitated by three main types of power abuse or violence:

- overt physical violence;
- covert structural violence - subordination and enforced dependency;
- psychosocial dominance.¹²

These strategies, used successfully to colonise large groups, are similar to those used to brainwash prisoners of war¹³ and are also successful in maintaining unequal power relationships in male / female associations.¹⁴

Overt physical violence is the quickest, most effective way to establish power over others.¹⁵ The violence of the fist, the boot, a knife or gun terrifies or intimidates both victims and witnesses until they feel they must comply. Thereafter, threats are all that are

needed for control.

The Queensland Aboriginal reserves were established in response to the levels of frontier violence that left many groups traumatised and dispossessed.

They hardly had any food in the camp...I asked them why they did not go into the bush and kill possums, and dig yams. They replied, 'Whitefellow along yarraman [horse] too much break him spear, burn yambo [humpies], cut him old man with whip; white man too much kill him kangaroo.'¹⁶ ...They come into here like hunted wild beasts, having lived for years in a state of absolute terror. Their manifest joy at assurances of safety and protection is pathetic beyond expression.¹⁷

Meston's proposed reserves became detainment camps and prisons. People were transferred to them at the direction of the Minister or his designated Aboriginal 'Protectors', often under brutal circumstances.

Two women and two men were forced at gunpoint, chained together for 240 miles [380 kilometres] and forced-marched across the peninsula to Laura for transportation to Palm Island. A previous group, were beaten by the police, flogged en route several times, including one woman who was six months pregnant. She had been sexually assaulted.¹⁸

Structural violence includes the systematic dispossession and (attempted) destruction of Indigenous power resources; relationship to and ownership of land; economic autonomy; law and political processes; cultural and spiritual beliefs and ceremonial practices, and social and family relationships. Legislation that removed people to reserves, took children from their mothers and fathers, and separated husbands and wives, also enforced a dependency on the economic, educational, legal, health, religious, welfare, political and social systems of the colonisers.

During this time, people were incarcerated both on what were called reserves through a legislative 'total control system', and within the prison system, for actions designated by the colonisers as criminal.

White Australia has created historical and social conditions [for Aboriginal people] that are violence-provoking.¹⁹

These established layers of inequality and dependency²⁰ continue today.

No matter what their age at death they all had files – in many cases hundreds of pages of observations and moral and social judgments on them and their families; considerations of applications for basic rights, determinations about where they could live, where they could travel, who they could associate with, what possessions they could purchase, whether they could work and what, if any, wages they could receive or retain. Welfare officers, police, court officials and countless other white bureaucrats, most unknown and rarely seen by the persons concerned, judged and determined their lives. The officials saw all, recorded all, judged all, and yet, knew nothing about the people whose lives they controlled....Aboriginal people were removed at the whim of others, crowded into settlements and missions and in impoverished camps on cattle stations. Always there were non-Aboriginal people giving orders, making decisions in which the opinions of the Aboriginal people were not sought nor heeded. Aboriginal families could be separated, children removed if judged too light-skinned, placed in homes or boarded out as servants of non-Aboriginal families.²¹

Psychosocial domination²² or as it is sometimes referred to, cultural and spiritual genocide, is the greatest violence of all. Cultural genocide occurs when oppressors believe that the oppressed are non-persons and treat them as such.²³ When oppressors impose their own cultural and social values on the oppressed, the consequences are profound. 'The most terrible fear we can experience is the fear that our identity, our self, is about to be annihilated.'²⁴ Cultural and spiritual genocide attacks the essence of Aboriginality. People come to believe that they are valueless, and that their cultural and spiritual beliefs and practices are inferior.²⁵ They accept and adopt the identity, values, the beliefs and behaviours of their oppressors, or worse, are torn between the oppressors' world and their own.

When people come to believe that their own culture is inferior 'they build their own prison and become simultaneously prisoner and warden'²⁶ and even executioner.

All my life I never felt as though I fitted in. I was never treated the same as the white kids and they let me know it. All through school us black kids were never treated as equal to the white kids by the teacher nor by their parents. The only time I really fitted in was when I was at home or with our people in the park. They understood me there. We all shared a similar background and felt no good until we got together in the park. The drinking helped us all to forget. Some of us have moved on but others somehow got caught up in relying on it to dull their pain.²⁷

Most of us girls were thinking white in the head, but were feeling black inside. We weren't black or white. We were a lonely, lost and sad displaced group... We were brainwashed to think like a white person but not accepted because [we] were black...a lost generation.²⁸

People throughout the consultation process consistently expressed similar feelings.

2.4. WOMEN'S SOCIOPOLITICAL THEORY

Some Aboriginal women are uncomfortable with feminism as an imposed construct.²⁹

I have done a lot of feminist subjects as I found to a certain extent feminism offers a theoretical framework that comes closer to analysing my oppression as an Aboriginal person than anything else. But even feminism falls quite short of the mark. While studying in a feminist law class, where I thought I'd feel more comfortable, I was confronted by these white women who said they wanted to hear 'different voices', they wanted to hear Aboriginal women speak up. But it was just lip service.³⁰

Nevertheless, feminist theories provide a general understanding for women. Since the mid-1980s, when State and Federal Government Task Forces prepared reports and made recommendations, the major legal and bureaucratic interventions in domestic violence have been largely derived from feminist theory and practice. Cameron, quoting Root (1992) argues: 'experiences of oppression, dehumanisation, horrors and atrocities in the struggles of millions of people can be approached using a feminist analysis. Such an

analysis broadens the scope of experiences, includes a sociopolitical context, and seeks a deeper understanding of trauma through “stories”, or narrative accounts of life experiences.³¹ Whatever the interpretation of feminism, however, at its most fundamental level, it is based upon the notion of patriarchy.

[Patriarchy is]...a familial-social ideological, political system in which men – by force, direct pressure, or through ritual, tradition, law, and language, customs, etiquette, education and the division of labour, determine what part women shall or shall not play, and in which the female is everywhere subsumed under the male.³²

However, there are some problems with a feminist analysis of violence from an Aboriginal and Torres Strait Islander perspective. The major focus has been on the socialisation of men and women into their respective roles, without acknowledging that race oppression is also relevant in the social construction of who Indigenous people are, as men and women. Brunnbauer, an Aboriginal woman, reflects that violence against Aboriginal women may be viewed as an outcome of patriarchal male domination and oppression of women generally, mediated through beliefs, practices and behaviours that serve the interests of men.³³ Aboriginal and Torres Strait Islander men have adopted the behaviours, attitudes and beliefs of their male colonisers in the way they interact with their women. However, the issue is more complex than that. Bennett, another Aboriginal woman, points out that Aboriginal women do not have purely gendered experiences of violence, rendering them powerless under men. Like Aboriginal men, they have experienced the effects of colonisation and the consequences that followed.

To focus on socially constructed gender roles espoused by feminist theories only, is to ignore the colonial conditions that also create a sense of powerlessness for Aboriginal and Torres Strait Islander men as well as women.³⁴ Bennett's summary of the main Aboriginal responses that contrast with feminist intervention was adapted³⁵ to show Aboriginal women's perspectives on family violence, and their relevance to understanding causal factors and consequences.

These points highlight the dilemmas in attempting to apply feminist theory to Aboriginal women's experiences of violence and expose essential differences that must be taken into consideration in solution-focused interventions into the escalating violence. Many

Aboriginal and Torres Strait Islander Women’s Task Force on Violence

Aboriginal people want to address violence from an Aboriginal perspective. This can only happen if they are included in this debate. To date this has not yet been the case.

Figure 4 An Indigenous sociopolitical perspective on family violence

CONCEPTS	ABORIGINAL PERSPECTIVE
Gender, patriarchy and family violence	Aboriginal women say patriarchy cannot fully explain violence as Aboriginal women do not have a purely gendered experience of violence. In traditional Aboriginal societies there were specific gender roles that were complementary and respectful and lores that protected the preservation of them.
Gender and power	Both Aboriginal men and women are relatively powerless in white society. Traditionally, men and women were relatively equal in Aboriginal Communities.
Family violence and empowerment	Empowerment of Communities is essential to address family violence. Aboriginal women may be unable or unwilling to fragment their identity by leaving the Community, kin, family or partners.
Commonality of women’s experience	There are differences of class, culture and status that affect understandings and experiences of family violence, of patriarchy and oppression. Oppression and inequality are not shared equally by Aboriginal and white women. Differences must be acknowledged and addressed.
The influence of the social context.	Capitalist conditions and colonial mentality create powerlessness and impact on the construction of gender roles and on family violence in Aboriginal Communities. Family violence can only be addressed by adopting Aboriginal world views of the problem and approaching it from a holistic perspective.
Attitudes to men	Domestic violence is a direct result of the breakdown of Aboriginal lore, and its replacement with white sexist/racist norms. ‘White society’ glorifies violence and tells our men this is what confirms them in their manhood (Lucashenko and Best, 1995).
Focus of intervention	Family violence is a Community issue involving men, women and children. Aboriginal men’s issues must also be addressed. Aboriginal women are also sometimes ‘perpetrators’ of violence against other Aboriginal women, men and children. The ‘collective personal’ is the ‘political’.
Legal responses	Although traditional violence in Aboriginal societies was a legitimate form of social control, unsanctioned violence against Aboriginal women was considered illegal and severely punished. However, ‘gamin’ traditional law, which is supported by misinformed people, is now being used as justification for indiscriminate bashings and sexual violence. Current legal responses are not appropriate. The legal system itself has functioned abusively on Aboriginal people.
Substance abuse and violence	The abuse of alcohol and drugs is one of the causes/contributing factors of violence in Aboriginal families and Communities and symptomatic of transgenerational trauma. In many cases both abuser and victim have been drinking.

Feminist theory does provide a perspective on power within the ‘socially structured and culturally maintained patterns of male/female relations’.³⁶ However, its usefulness is limited, both within the broader society and within Indigenous situations. Violence is often an aspect of patriarchy.³⁷

However...patriarchy is not natural and women haven’t always been oppressed...patriarchy is only 5000 to 7000 years old and that [sic.] pre-patriarchal cultures were based on strong bonds between women, women and men, and between adults and children....Life and power were shared equally between the sexes.³⁸

According to N. L. Jamieson, ‘In order for male dominance to get its initial grip on societies it had to turn whole cultures upside down.’³⁹ The British brought with them an entrenched patriarchal system that legitimised the acculturation and dispossession of a race they considered inferior. This cultural violence has contributed to the continuation of

patriarchy in Australia, where it is now firmly entrenched in society. In patriarchal societies young men may be socialised into using violence as a tool of domination and control,⁴⁰ and young women are socialised into subservience in both social and personal relationships.⁴¹ Over time, these socialised positions become encased within the systems and structures of society and perpetuate themselves⁴² and become the norm.

Patriarchal colonisation brought with it particular forms of violence that promoted, in turn, powerlessness in colonised groups. Patriarchal colonisation also restructured the gender relationships in colonised groups, to exemplify the structural relations of the colonisers.⁴³

The unique dimensions of violence against Aboriginal women, and indeed violence generally within Aboriginal Communities, are a result of complex factors and sociohistorical consequences. While individual narratives are vital in understanding how violence is experienced, each story must also be located in the collective story, including accounts of how men, women and children experience violence.

2.5. SOCIOLOGICAL THEORIES

Sociological theories focus on social factors implicated in the incidence and escalation of violence, both within families and within communities generally. While it is acknowledged that social problems and psychological problems are not isolated from each other, psychological factors are discussed in Subsection 2.6.

Violence in Indigenous Communities must be considered in its historical and sociostructural context, for 'to construct [violence] as an "Aboriginal problem", or to simply incriminate alcohol, denies a history of overt violence to Aborigines and the contemporary covert violence of cultural exclusion and institutional control'.⁴⁴

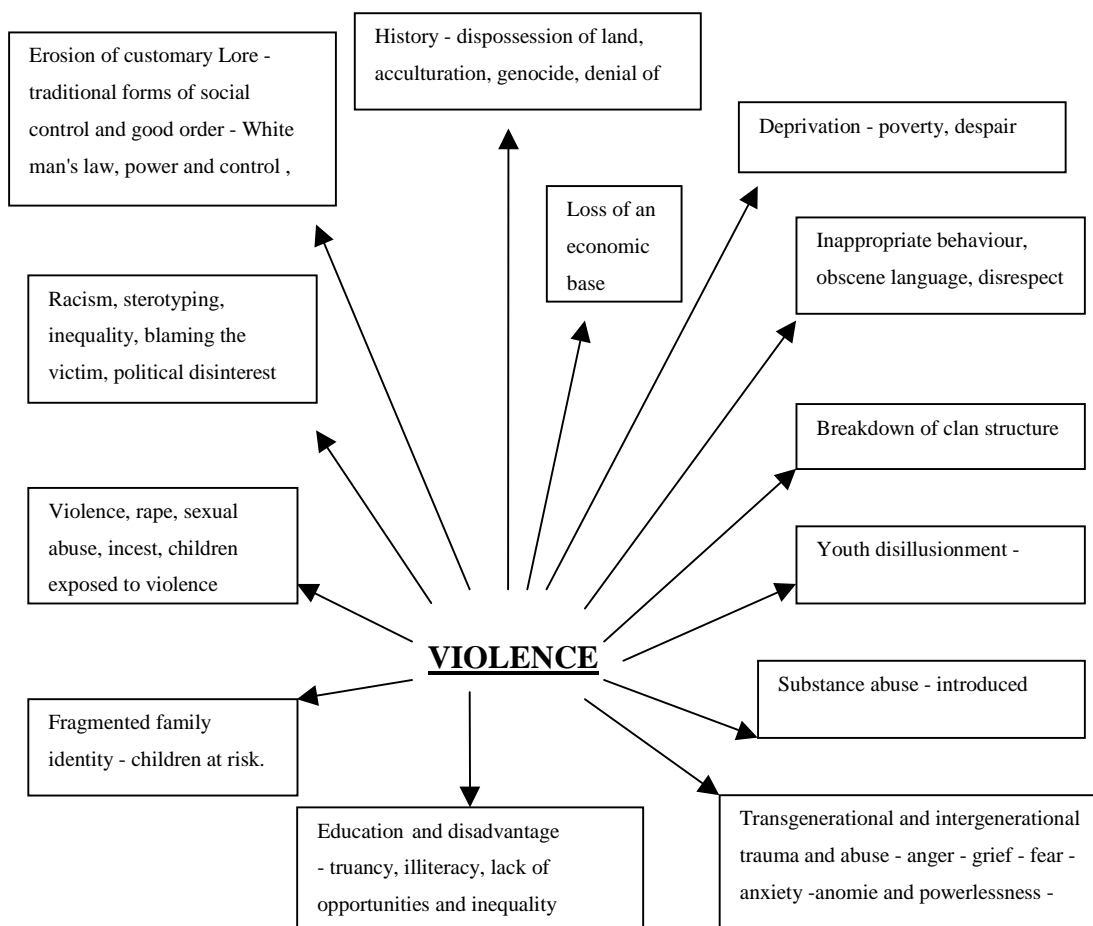
The National Aboriginal Health Strategy Working Party has written:

Domestic Violence, which is frequently associated with alcohol consumption, cannot be attributed to any one cause. Domestic violence has its roots in institutionalisation, incarceration, loss of role, loss of parental and role models,

*low self-esteem and alienation.*⁴⁵

Brunnbauer listed what has been ‘identified by Aboriginal women and their Communities as contributing to family violence ... arising out of their experiences of oppression, racism, dispossession, dislocation and disenfranchisement within Australian society’.⁴⁶ The combined list by Brunnbauer shown in Figure 5 is a complex and cumulative set of interactive social and structural factors.

Figure 5 A sociological overview of factors contributing to Indigenous oppression and violence



2.6. PSYCHOLOGICAL THEORIES

Psychological theories are also important to consider when conceptualising violence. The theories provide a framework for analysing the complexities of the historical impacts on Indigenous peoples, in traumatic distress and its transgenerational effects on individuals,

on families, and collectively.⁴⁷ However, Western psychology has generally focused on individuals and pathologised individual behaviour without placing the individual into a whole environment or community.⁴⁸

*Psychology has continued to decontextualise the individual, examining the patient as an isolated entity without considering the larger sociohistorical causes of personal distress. As a result, cultural absences and political wounds are 'interiorised' (i.e., located in the self) and thus blamed on the victim. While psychologists have been treating the empty self, they have, of necessity, also been constructing it, profiting from it, and not challenging the social arrangements that created it.*⁴⁹

On the other hand, Eastern psychology and Indigenous psychology understand self as part of something much larger, providing a transpersonal perspective.⁵⁰ Psychological theory must begin to relate the predicament of the individual to his or her environment without losing sight of the individual. While some psychological theory is in danger of blaming the victim, or detracting from the responsibility of the offender, there is a substantial body of evidence in support of both inter and transgenerational transmission of trauma in relation to violent behaviour. In the Western psychological context, violence is perceived as learned behaviour passed down from parent to child. It is also seen as related to psychological disorders, the manifestation of physiological problems such as trauma or those associated with the influence of alcohol and drugs.⁵¹ The transpersonal experiences that many Indigenous people have suffered cannot be explained within the confines of Western psychology.

This Report has referred to the results of interactive psychological factors across generations. Many Indigenous children have been profoundly hurt and emotionally and socially abused by the process. Because of the compounding circumstances of dysfunction in Indigenous Communities, people cannot express the pain of the hurt they have experienced and as a result, they have become oppressed. Expressing feelings have resulted too often in misuse of alcohol and other drugs, and alienation from their own families and Communities. Non-Indigenous Australians generally have not understood the pain that Indigenous Australians have suffered, nor that abuses occurred.

Restricted access to education about the processes, and the inability of educational institutions to teach what is needed has limited people's ability to understand both the cause and effect of past violence against Indigenous peoples and the effect that this can have on the behaviour of their children.

Photo courtesy of the Queensland Museum.

2.7. THE ABUSE OF ALCOHOL AND OTHER ADDICTIVE SUBSTANCES

I have read literally hundreds of Sentencing Remarks where judges of the District and Supreme Courts throughout Queensland have said time and again that something must happen about the alcohol problem in remote Communities and indeed over the past two decades⁵² have commented repeatedly that still nothing has been done. I could literally chronicle the Judicial remarks made over the past twenty years alone which portray the most damning indictments against successive administrations during the past two decades and indeed throughout the century. It is so graphic that I doubt that any defence could properly be mounted to an action against the Government for failing in its duty to people in these Communities, particularly against the background of the repeated comment and entreaty judicially that the authorities act to do something. They have utterly failed,

neglected or refused to do so....While people continue to promulgate the view that it's 'just the way they live and they do it to themselves' and similar non-cerebral utterings, the case against the various administrations continues to grow. The fact of the matter is that the governments have involved themselves in what is in truth a pernicious trade....What is the difference between knowingly selling alcohol to people whom you know are grossly damaged physically and mentally by such sale and who become or continue to be addicted to it on the one hand and on the other hand selling heroin or amphetamines or any other illicit drugs or opiate. If you conclude that there is in reality no difference, then you would conclude that the present administration and past administrations are arguably just plain drug dealers. That is to say – dealers in death.⁵³

The consultative process advanced alcohol as the most pressing concern of Indigenous people. Of the 43 submissions received from individuals and various agencies, 91% of the overall submissions, and 100% of those from Aboriginal and Torres Strait Islander peoples, including Community Councils and organisations, cited alcohol and other drugs as major factors for attention if the issue of violence is to be successfully addressed. This subsection reflects the voices and submissions that should be heard, in order to understand how people experiencing violence relate it to alcohol. The fact that they took the time to make submissions and attend consultations reinforces their call for immediate intervention.

It is widely accepted that people drink alcohol for a variety of reasons, including as a way of coping with deep-seated, unresolved problems. While alcohol is regarded as a mitigating factor in violent circumstances, it should not be used as an excuse for the violence occurring. It is vital to recognise the role of alcohol in deaths and injuries through violence, in general ill-health, and also in family and Community breakdown. It is also important to acknowledge that many people do enjoy alcohol in moderation:

We have a lot of social drinkers who are responsible in the way they drink. The impression that all Aboriginal and Torres Strait Islander people are violent and are drunks must be changed.⁵⁴

However, both the consultations and the submissions generally focused on alcohol as featuring prominently in violence and its use therefore must be addressed as a priority.

2.7.1. Alcohol and other drugs – an historical overview

While alcohol was identified as the major trigger of violence, there were also concerns about people mixing it with *yarndi* (marijuana).

Alcohol is not the only problem here.... My ex, he was real violent. When I was eight months with my last, he kicked me in the stomach to try to get rid of the baby because he said it wasn't his. It was but he wouldn't believe me.

He would be worse when he ran out of yarndi. That's when he would get into the kids too, really belt into them before he started on me. I left him, got away, and with this new one I keep feeling something is wrong with him because he doesn't argue or hit me. I keep wondering what's wrong.⁵⁵

Yarndi used alone, however, was seen as preferable to alcohol.

He's all right when he is on yarndi. He's not the same person. When he is drinking he drinks straight rum and you can't look at him sideways or you would get a backhand.⁵⁶

In fact, *yarndi* is seen as a pacifier and some women actually buy it for their husbands to avoid being bashed: 'When he's on the *yarndi* he sits in front of the TV like a little lamb.'⁵⁷

Indigenous people can sometimes be easy targets for pushers peddling alcohol and illegal substances, especially when they live in areas where there are other marginalised people and high rates of unemployment.

When people are forced into living conditions that they do not benefit from and do not want - the anger can be for a number of reasons and it simmers away at an alarming degree and on occasions is barely hidden. When judgment is clouded with alcohol dependence there is little in the way of reasoning to prevail. Anger and frustration manifests itself in more drinking, more alcohol abuse and more violence. It doesn't matter whether someone is angry about feelings of dispossession or lack of self-respect or lack of respect for others or lack of a future or lack of money, lack of services, lack of facilities, lack of health when there are so many 'lacks' to choose from.⁵⁸

The drugs help to take away the pain, they make people feel better. Lots of people are traumatised by violence experienced during their childhood.⁵⁹

With the arrival of the First Fleet in 1788, the invaders brought convicts, settlers, policies of colonisation, new diseases, and the Westminster system of justice. They also brought alcohol, in the form of rum. The consequences of the introduction of colonial policies, Western 'justice' and alcohol are still being dealt with today.

Rum was used as an insidious form of social control over the convicts, and as currency or for barter in the development of this country. From the outset, alcohol was part of the colony's economic base and a political tool. Alcohol made life easier for stressed, oppressed, and traumatised people in the eighteenth century and continues to be used in this manner today.

The image of the drunken Aboriginal is a colonial construction, predating the ready availability of alcohol to Indigenous people. Alcohol was used to engage Indigenous Australians in discourse, to pay for labour, to attract people into settlements and to lure people into assimilation. Indigenous Australian women were encouraged to consume alcohol, which was used by white men to barter for sex.⁶⁰ Young girls and boys, well under the age of puberty, were fed alcohol and used for sexual gratification. This abhorrent type of behaviour was unheard of among Aboriginal people prior to invasion.⁶¹

Alcohol is therefore part of Australian history, and both alcohol and opium are part of Queensland's history.⁶² The legacy of alcohol lives on to create abject misery. As recently as three years ago, Aboriginal artists reported being paid in cartons of beer by an art gallery proprietor in Alice Springs.

During the consultative process in Indigenous Communities, informants indicated the extent of the damage being caused through the abuse of alcohol:

*One of the harshest realities for us as Aboriginal people is that we are letting the grog and drugs kill us. I don't think we know how to stop and we will mourn the many loved ones we have lost through grog and drugs. Some have been perpetrators. Some have been victims. Many have been both.*⁶³

*One of the difficulties is dealing with the alcohol. The problem is that it is now so firmly entrenched. I worked for the Aboriginal Legal Service, and saw many examples of children as young as eight being alcohol-dependent and in some cases sniffing petrol and glue. The spiral of violence actually commences with children beginning to access alcohol and then becoming dependent upon it. In other words if something isn't done to save the children from alcohol by the time they're eight, then it's too late.*⁶⁴

*Alcohol is not the most important ingredient in the violence. The ingredients are complex – boredom – anxiety – insecurity. Who do our young people look up to? Alcohol is just a symptom.*⁶⁵

*In my opinion if you placed 1,200 or so European people on Mornington Island, housed within the same way in such proximity to the hotel on the hill, you would quickly have an identical situation of dependence upon alcohol, despair and violence. The people in the Communities are all poor. It is very difficult to be sophisticated when you have no money and little to look forward to in life. Motivation is a hard commodity to come by when you are dependent upon alcohol. Respect is hard to come by when young people in the Community see the older members of the Community behaving in a way that is guaranteed to engender disrespect. Once again, it is the alcohol.*⁶⁶

The biggest problem in this town is there are no services for men. Aboriginal men need a crisis service – not just an alcohol service but a crisis service – often the violence occurs at a time of crisis – when the person has increased his alcohol intake.⁶⁷

Many of the women using the shelter have multiple problems – they are experiencing domestic violence – have alcohol and other drug problems – have mental illness – they have been sexually abused as a child, which is a contributing factor to domestic violence - alcohol abuse and mental illness.⁶⁸

I drink because I feel better. I feel good when I drink because I don't hurt so much and I am not frightened so much.⁶⁹

The last quote contains the words of a young mother from Mornington Island who was a regular victim of family violence but also stated that she felt 'no good'. She said her feelings came from her experiences as a child witness to violence. Indigenous informants stated clearly that alcohol and drugs helped people to cope with feelings of powerlessness, despair and helplessness. Informants also stated that few services were available to encourage users to free themselves of addiction. They needed worthwhile programs, rehabilitation and counselling services run by appropriately trained workers.

2.7.2. Alcohol and violence

Many of those people that drink grog, drown their feelings in grog and drugs. The only thing is then they forget that everyone else has feelings and they can do a lot of damage when they start punishing in a fit of rage as they do, have you seen them when that happens, it's a sad sight.⁷⁰

Submissions in the consultations forcibly stated that if the issue of alcohol were addressed, violence would decrease. Many people with severe alcohol addiction indicated they would like stop to drinking, but there are no services available to help them.

Alcohol and substance abuse are proven contributing factors in violence, suicide, murder and rape. The underlying issues which exacerbate the drinking of alcohol are controls external to the means of our people, dispossession, poor housing, poor health, education.⁷¹

The men say – ‘We got nothing - can’t get a job - so I’m fighting with my wife’. DV here is a lot to do with boredom. Nothing to do except go together all day, sleep together all night. A lot of DV happens where the person is sober, but it is easier to just talk about the alcohol.⁷²

Men are largely in an alcohol spiral and have lost the self-respect that they ought to have....If the problem with alcohol abuse is tackled and beaten, then the incidents of violence and abuse against women and children will drop to a staggering extent. Offenders have indicated they wish to go to prison to get away from alcohol.⁷³

Indigenous people say alcohol is a huge problem, but its use must be studied in the context of their situations. Alcohol consumption ‘cannot be understood or given a meaning except in relation to the dependent situation of Aboriginal people within the Australian state’.⁷⁴ Alcohol is used in a structured manner, to mitigate needs that have both positive and negative consequences. Alcohol enables anger and despair to be expressed without responsibility for the consequences.⁷⁵ Alcohol provides a sense of belonging to a group, although it may be a social group of drinkers. When alcohol use increases with greater availability, children are at risk of being abused and neglected,⁷⁶ and of witnessing of violence between adults, thus learning behaviour which may lead them to violence in turn.

Alcohol is associated with getting drunk, feeling powerless, aggressively articulating feelings of anger and distress, and engaging in interpersonal violence.⁷⁷ Because Indigenous people have a different cultural construction for alcohol use than other Australians, responsibility for violent behaviour can be easily attributed to alcohol. The excuse given is that ‘it was the grog’. A clear message throughout the consultations was that blaming alcohol for violence is no longer acceptable. Alcohol-related deaths and

injuries, and in particular violence against small children, must be condemned in the harshest terms, and those responsible must stand accountable.

However, it was also believed that the design of programs to reduce the consumption of alcohol and other addictive substances must take cultural aspects into account. The therapeutic properties of alcohol must be replaced by programs with real meaning that have long-term benefits for health and well-being. Suitable strategies should be devised in collaboration with expert alcohol and drug workers.

When groups of Indigenous people live in cities, strategies to reduce alcohol consumption and illicit drugs are hard to monitor. In contrast, the isolation of some regional Aboriginal Communities could be used in their favour to contain the use of alcohol and illicit drugs and to outlaw their ready access through more stringent surveillance. It is important to give priority to strategies to help Communities to utilise their isolation. One strategy is to conduct road checks of vehicles and people entering Communities, and another would be to set up an easily accessible notification hotline, with guaranteed anonymity. Apparently reporting of information from isolated regions to drug hotlines has been less effective than expected, because of confidentiality concerns.

2.7.3. Costs of the abuse of alcohol and other drugs

The Alcohol and Other Drugs Council of Australia (ADCA), in a report commissioned by the Royal Commission into Aboriginal Deaths in Custody, summarises the impact of alcohol in the following terms:

- *Aboriginal alcohol misuse has a devastating effect on family life by precipitating domestic violence and sexual abuse;*
- *Widespread alcohol misuse by parents and other Aboriginal adults provides strong negative role models of drinking and parenting behaviour for children;*
- *The misuse of alcohol has damaging effects on Aboriginal life in the social and cultural spheres. For example, heavy drinking has been linked to the neglect of important ceremonies in traditional Communities;*

- *Although alcohol is not the only cause of family and community disruption, it is seen as a primary cause by many Aboriginal people.*⁷⁸

The summary of the report on alcohol-related violence in Aboriginal and Torres Strait Islander Communities⁷⁹ found:

- violence is pervasive;
- women are more likely to be victims and men perpetrators;
- violent episodes are often associated with drinking.

The relationship between drinking and violence is not directly causal, but alcohol may facilitate or incite violence by providing a socially acceptable excuse for the negative behaviour. Indigenous women associate violence with alcohol, often seeing it as a contributing factor or a cause, or listing it as one of the reasons for increased violence. The Task Force found that contemporary patterns of family violence do not accord with traditional practices of resolving disputes. Traditionally, forms of confrontational aggression and structured violence were used in disputes, but family disputes today are often unstructured when alcohol is involved. The relationship of alcohol and violence is not yet fully understood.⁸⁰

Noel Pearson has written that 'Ours is one of the most dysfunctional societies on the planet today; surely the fact that the per capita consumption of alcohol in Cape York is the highest in the world says something about our dysfunction'.⁸¹ In every document or study on violence within Aboriginal and Torres Strait Islander situations, the issue of alcohol and its effects are raised. In fact, most of the women in Cape York say alcohol causes violence. Canteens on Communities are a continuing source of contention. There are calls to 'close the canteens'. While this opinion was expressed throughout the consultations, a more powerful call was for the canteens to be properly run. It is important to recognise that not all canteens were put into place by the will of the Community.

For years the people of Aurukun said no to a canteen at public meetings and in a referendum. However, after Aurukun received Local Government status, the then Local Government Minister, Mr Russ Hinze decided it was discriminatory for the Aurukun Community not to have a canteen like other Queenslanders. A canteen

*was built in the middle of Centenary Park, in the midst of the children's playground equipment! Great role modelling for the children as they play around the canteen at night.*⁸²

*I've seen children in school holidays hanging around outside the canteen...in the middle of the day drinking glasses of beer. Some children roam around until the early hours of the morning. Neglect is the real problem...and this lack of supervision leaves opportunities for children to be sexually abused.*⁸³

As children use their playground in which the canteen is now located, they see their elders drinking, and they witness the violence that results from the grog. This influences social learning. The messages given to the adults and children of the Aurukun Community were clear. The State had power, and they were powerless. Their opinions and concerns were of no consequence. Both Hunter and Miller⁸⁴ pointed out 'today's parents are the offspring of the first "legal Aboriginal drinkers", many of whom have grown up in settings dominated by violence and alcohol. Role models for peaceful settlements of disputes are few'.⁸⁵ Drinking and violence are both 'socially learned responses, maintained by a system of reinforcements or lack of intervention'⁸⁶ and the direct intervention of the State into Indigenous lives.

It is also important to recognise the women who have worked relentlessly over the years to limit the damage of alcohol. At the present time, Doomadgee does not have a canteen, by the grace and tenacity of the lone woman on the Council, Clara Foster, who has successfully blocked all endeavours by other Councillors and the State and Federal bureaucrats to fund a canteen for Doomadgee. In the early nineties, the Mt Isa ATSIC regional office funded a consulting architect to travel to Doomadgee, to begin the process of drawing up plans for a canteen. Around that same time, two children drowned in an open sewerage drain.⁸⁷ Both the State and Federal Governments were engaged in discussion about whose responsibility it was to put in place proper sanitation at Doomadgee, and at the same time, discussion continued about whether Doomadgee should have a hotel, to keep the money spent on grog in the Community.

Who cared about the open sewerage drain and the dangers it posed for children?

2.8. Cultural and spiritual violence

The most profound form of violence violates the spirit and soul, tearing at individual and collective identity. Colonisation and postcolonial interactions have made many Indigenous people feel disempowered and dispirited, as they face an isolating and brutalising life.

*Traditional values have been eroded and the other men in the Communities simply do not have the same respect from others...that they once had.*⁸⁸

The attempted genocide of Aboriginal and Torres Strait Islander peoples through colonisation has subjected Indigenous people to a continuing process of destruction evidenced in the confusion, desolation and despair in the minds of the young and in the eyes of the Elders, who are only too aware of how much such experience has cost.

The roots of contemporary Aboriginal spirituality lie in traditions based on 40,000 years of ceremonies and rituals enmeshed in cyclical reverence of life, death and creation.

While the effects of colonisation of the lives of Aboriginal people varied from area to area, many clans resisted the intrusion of the colonisers and suffered the consequences of family dispersal, dispossession of land and in many cases, death. Diseases and malnutrition caused many Aboriginal people to accept the shelter and food offered by the colonisers, often to their own peril. The provision of water and food laced with poison was not an unusual occurrence in early interactions between Aboriginal people and the invaders.

The lives of many Aboriginal people altered forever as they were rounded up and placed on communal missions and reserves. The increasing dominance of Western civilisation eroded many aspects of the traditional way of life and fragmented both the cultural and spiritual bases.

Aboriginal people fought hard to retain their cultural identity and continued to practise their culture, even in the face of the most devastating consequences. Hidden by Elders from the managers of missions and other authoritative figures who inflicted severe

punishment if cultural practices were witnessed, many of the traditional beliefs and rituals were handed down through generations as secret business.

The National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, the *Bringing Them Home* report, detailed in both implicit and explicit terms the tragic circumstances and effects of genocide on Aboriginal and Torres Strait Islander peoples.

Photo courtesy of Queensland Museum.

Indigenous children have been forcibly separated from their families and Communities since the first days of European occupation of Australia. Violent battles over rights to land, food and water sources characterised race relations in the nineteenth century. Indigenous children were kidnapped and exploited for their labour.⁸⁹ In Queensland and Western Australia, the Chief Protector used his removal powers and guardianship powers to force all Indigenous people onto large and highly regulated government settlements and missions, to remove children from their mothers at about the age of four years and place

them in dormitories away from their families and to send them off the mission at about the age of fourteen to work.⁹⁰

The practice of giving young Aboriginal men and women to establishments or households to use for labour exposed them to both sexual and physical violence without any form of recourse from authorities who were often aware of the abuse and ill treatment inflicted.

The Task Force was provided with numerous accounts of people who had been taken away from their parents as children; some had since found their way back home and others were still searching. They had all suffered physical violence and emotional and psychological abuse. The victims who came forward spoke of cruelty inflicted upon them that defies any sense of humanitarianism. One forty-year-old woman provided the following account:

They took me from my parents when I was only five and they also took my brothers who were four and nine. I remember being in the back yard playing with my brothers and a man came walking up the side of the house, he had with him two other men, all of who wore uniforms. I remember my mother screaming for my dad and begging the men to leave us alone and that she would do anything if they did not take us away from her. I remember being so scared, so terrified that I hurt so much inside I thought I was going to drop dead from fright. They threw us into the back of the car and drove away before we could give mum a hug; we never even got time to see our dad because he was at work. I kept looking out of the back window of the car, hoping with all my might that my mum would somehow catch up to us and make everything alright.

But she never did, we didn't have a car and there was no one that she could turn to for help. I remember my baby brother trembling really hard and he wet himself. My older brother just kept looking out of the window. I knew he was crying but he wouldn't say anything 'cause mum and dad would always tell him how he must act when with white people.

My brothers and I were taken to a home and each day we would sit and hold each other as if we were frightened that even that was going to be taken away. My older brother used to say he would look after us and he wouldn't let anyone touch us or

hurt us, not if he could help it. One day when I went to find my brothers they had sent them to another place and I cannot tell anyone, even today the terrible pain I felt inside and the deep sense of fear that I had as to what was going to happen to us. I prayed that mum and dad would come and get me but I found out many years later that they could not find out where they put us. Even to the day she died, our mother kept searching, I found her too late.

When I was fourteen they put me out to work for a local land owner and his wife. When I arrived, he told me that I was to be one of his best livestock and that is the way he treated me. I was kept chained up under the house with the dogs at night, I had chains on my legs and after I had all my meals I had chains put on my wrists. The only time I was let off the chain was when they wanted me to work or when he took me upstairs once a month when the wife was unable to do it. I would lie there screaming for him to stop and begging the women to help me but somehow they just didn't listen. I prayed to God for me to die and when that didn't happen I tried to run away. He caught up with me and told me that he had to teach me a lesson for my own sake and what happened next I still feel even though I am now forty. He ripped my blouse off and tied me to a post under the house and whipped me with the stockwhip until something happened, I must have passed out because after what seemed like eternity, I couldn't feel it anymore. I thanked God because I thought he had let me die.

I was made to live with the man and his wife for another five years, and whenever he thought I did something wrong he would give me a hard backhand across the face or pull me into the shed and tell me he was doing what he was doing as a way of punishment and that I should never forget it. If you cried he would hit you some more. I begged the missus for help but she never seemed to worry about what was going on. I never saved any wages from the time there and it was only after he died that I was made to go back to the mission only not to the same one, to another far away from my family so that I would not be able to see them. I have spent my whole life trying to understand why these things happened. I just don't understand. I was a young child for God's sake, I had done nothing, we were always fed and clothed

*really well and we had lots of love from mum and dad, I just don't know why they did what they did to us, I don't think we will ever know.*⁹¹

The woman showed the Task Force members the wounds on her back from the whippings she suffered and it was reported that the scars were so deeply furrowed that it was hard to believe that a young girl of fourteen could have survived such an ordeal.

Many accounts were given to the Task Force of ordeals experienced by Aboriginal men and women when they were taken away as children and placed in missions, in institutions and fostered out. Even those who eventually went to a home where they were not physically or sexually violated reported experiencing a deep sense of loss and a lifetime of grieving as a result of being taken away from the family as part of the government practice.

*All of my brothers and sisters and I were taken by authorities. I remember being so scared; none of us knew where they were taking us, all we knew was that it was a long way away. The youngest of us was three and the oldest was nearly eleven and they made him work like a man when he was just a boy who was just as frightened as the rest of us, but he would never show it. That used to make them angry because he would never react. I remember finding him crying once and he said not to tell anyone because that would only make them push him to do even more harder work than what he was already doing. They were really cruel to him and he was only a young boy of eleven.*⁹²

Generational responses to the forced removal of children have contributed to dysfunctionality in many families and inability to cope with the associated stresses.

*When I was young my father was a warrior and I grew up thinking that I was going to be a warrior and when I got to be older all I saw was the grog, men sitting looking into space with no jobs and no future.*⁹³

The younger generation are often rebellious and antagonistic against authority figures and in some cases institutionalised, having spent many of their formative years in missions or

in youth detention centres. This has been the case for a number of young men taken away from their family at an early age.

For the parents and families of those people taken away, the process and its consequences were equally damaging. Made to question their abilities as parents, both culturally and on a gender basis, many parents suffered immense grief and guilt because they could not stop the authorities from taking their children.

In many cases, both parents and the children exposed to the barbaric process turned to alcohol and or substance abuse as a means of blotting out bad memories.

I was in the kitchen when I heard my sons scream and without even looking, I knew what was happening because that was always my biggest fear. I ran outside and they were just putting them in the car. I ran at the one in uniform and I grabbed at one of my children to pull him away. But they just knocked me to the ground. I begged them not to take them from me and but they said they would be better off with someone else rather than the likes of me. I watched and screamed while they drove away and the look on my sons' faces I never forgot, I still see it in my mind today. I thought I was going to go mad. No one will ever be able to remove the deep feelings of hurt and anger that you have inside when something like that occurs. I grew angrier every day. I searched for my boys for two years; every time I saw someone who looked like them I would call out their names but it wasn't them. I realised after searching for two years that they were not coming back. I just couldn't cope with life anymore and so I tried to do away with myself. It didn't work and so I spent the next twenty years looking down the neck of a bottle because that was the only way I could block out the pain that I felt from losing my boys and the grief that I suffered when I knew that they would not be coming back. I always prayed that they knew I loved them and that I was looking for them.⁹⁴

In a gross act of negligence, few records were kept of the names of the children taken away, where they were taken from or where they were taken to. While there have been many speculations about exactly how many Aboriginal children were removed by the Government, the actual figures will never be known.

Family violence is affecting us all and it has got to stop but we have got to get them to understand that we were once placid people but now you wouldn't think that would you. Where do we go from here I am not sure. I don't think we really understand how many of us have been affected and how many of us will never be found. The alcohol, the breaking of culture and the hurt that many of our people carry with them, does not excuse the violence that we witness, but must be acknowledged and addressed if there is to ever be a break in the cycle of violence and abuse that we are seeing.⁹⁵

Where we go from here I am not sure. I don't think we really understand how many of us have been effected by the abduction of our children, how many of us were taken away nor if they will ever be found. The whole practice is one of deceit and callousness.⁹⁶

The effects of alcoholism, stress and traumatisation lie dormant in the minds of many Aboriginal people who are now parents and grandparents of the next generation. For many of these people, the ramifications are evident in their dysfunctional and dispirited state. A number of them have been further violated or have become the perpetrators of violence themselves.

Spiritual and cultural violence was cited by many informants as one of the significant factors in the current turmoil being witnessed in Aboriginal Communities. It will continue to rise unless Governments work with Indigenous people to help heal the injuries.

Informants saw violence as an expression of suppressed inner pain. While this observation is not meant to excuse offending behaviour, it should provide a basis for introducing interventions into violence by providing counselling services and other initiatives.

If they want to help us heal and to stop the violence that we are seeing, then we must all go back to the beginning and help some of our people start again for it is those people who are stuck in a vacuum where they are now adults, but there is a small and vulnerable child, confused and abused in all manners, that is lurking

deep within. The trouble is this situation may describe too many of us. Everyone I have spoken to has been affected by the process of being taken away, being brought up on a mission or having suffered some form of discrimination or abuse at the hands of authoritative figures either in the schools, when you go to get a job or just by watching what has happened to your family. You can't experience these sorts of pain and not expect some of it to be retained in the young mind. I think that is where much of this violence is coming from, unresolved conflict which has been allowed to fester within and with no counselling available for many years, the individual has often resorted to other means for release i.e. alcohol which encourages other difficulties to surface which in some cases is abusive and aggressive behaviour which can act as an agent for unresolved and pent-up feelings that have no other form of release.⁹⁷

When a child's development is arrested, when their feelings are repressed, especially hurt and anger, they grow up to be an adult with an angry, hurt child inside them which has never recovered from the original pain. This angry young child will contaminate that person's adult behaviour until they are given the right type of support to help them recover. For many young people their behaviour is the result of previous abuse, which has contaminated them, forcing the hurt child to do the only thing they can to deal with the pain - rage at authority⁹⁸ or strike out at those who are equally as vulnerable such as their loved ones or those in the Community.⁹⁹

Although it is not wise to use this analysis as a generic explanation of the violence in Aboriginal Communities, it provides one explanation.

Many people in Indigenous Communities have been forced to adapt to Western culture, while non-Indigenous people have not shown a matching acceptance of Indigenous culture. To survive this conflict, Indigenous people have gone through a process of acculturation whereby they have had to adapt to survive, with many trying to live between two worlds. This has been their dilemma for generations; acculturation has been forced upon them, resulting, in many cases, in generations of dysfunctional people. Acculturation can produce a sense of low self-esteem, powerlessness, confusion, cultural disorientation, and alienation

from the strength of cultural values. Many Aboriginal people feel lost, unable to live in the Western world but unable to go back to the old culture neither.

Indigenous people can feel isolated from themselves and from society:

*Many of our people feel isolated and alone...can we build a life with anyone when we can't even build life for ourselves?*¹⁰⁰

*It does not matter what you do to get a better life, you will always be struggling because we just cannot fit into the white man's world and our Communities are changing so quickly. I think many of us are lost. We really look after each other here [in prison] and we make sure we protect each other and we help set each other on a straight path. It's when you get out that it all falls apart. There is nothing there for us no matter how hard we try, you cannot get a job. You find it hard to be able to rent a place and you always feel as though white people don't trust you. We used to be able to rely on our families and our Communities, but they forget us when we are in here and then we get out we get angry.*¹⁰¹

*The high levels of institutionalisation of Aboriginal children and adults is the result of systemic racism - unchecked, forced acculturation and continued shaming in order to institute a different and more subtle form of genocide - where the power and resources to self-determine and heal is not available.*¹⁰²

Historical events have produced, for today's Aboriginal people and governments, a set of complexities and concerns that must be dealt with if we are to set the path straight for our future generations. The unhealed wounds of being taken away, the unresolved conflict that is individually or collectively being aroused, must all be dealt with in a way that helps the disempowered to feel empowered and the alienated and isolated, to feel in control and in charge of their lives.

A large percentage of Indigenous youth, currently working through the cultural conflict that they are experiencing, are potentially being placed on a path for future conflict which will fester into something much more serious unless action is taken

now to help them deal with the crisis that has evolved. The adults already bound by the inner turmoil they have experienced must be helped to feel a sense of belonging, of productivity and of positivism in the eyes of others and more importantly, within themselves. We must work with governments and agencies to help bring our people out of the dark so that we can deal with the ramifications of past actions and work toward an environment that nurtures what is required for the collective good.¹⁰³ While economic sustainability is essential, of equal importance is the social and cultural sustainability of our people which makes up the very essence of who we are. It is through the revival of our spirituality, our connectedness to land and through the respect for self and others that we may be able to turn the situation around and instil in the minds of our people a renewed sense of optimism and strength that is urgently required. This will be a significant step toward addressing the violence and alcoholism, both of which have resulted from the cultural and spiritual fragmentation that our people have suffered as a result of past actions and political and social practices that have been imposed.¹⁰⁴

Part of the restorative process will need to focus on the land, because the healing, spiritual aspects of land have largely been unacknowledged until recently:

Our land also has an important role to play in healing. The land is a powerful healer, as is the sea. When your ancestors have walked these places for millennia, they hold an energy of timelessness that invokes serenity and the feeling that one is not alone, but in the presence of these ancestors, who are able to communicate via the senses and convey the feelings and thoughts that are most conducive to healing. When we are able to sit on our land in contemplation and hear, feel or see the spirits of our old people, then we have been to a place within ourselves of great depth and connectedness. It is this place that we need to go to in order to truly heal ourselves; and once we have learnt how to do that, then we move forward.¹⁰⁵

I find my peace here now – it is something you can't explain – just to lie under the trees and look up at the sky, with a fish line in the water. It doesn't matter if you don't catch a fish. It's just so relaxing.¹⁰⁶

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Section 3: Rhetoric or Reality? The Extent of Violence

*Not everything that is faced
Can be changed
But nothing can be changed
Until it is faced.*
James Baldwin
(1924-87)

3.1. RHETORIC OR REALITY? THE EXTENT OF VIOLENCE

In order to address the escalating violence in Indigenous Communities, it is necessary to gauge its extent and its effects. This section provides both a qualitative and quantitative analysis of the violence and its impact on the lives of Indigenous Australians, and begins with a number of accounts gathered through the consultation process.

For years I'd come home and he'd be drinking at the kitchen table. He'd be there with a two-litre bottle of Bundy rum. I'd have my clothes ripped off me. He'd be kicking me and bashing me. I'd go running screaming out of the house ... He threw me down the stairs, over the balcony onto the hard concrete. It's a wonder he didn't kill me. I should be dead because of what he did to me. And I just can't tell you how frightened I was. I can't tell you either how cruel he was to me.

Over the years it was the same every payday, any day he could get money...six or seven nights a week. Mostly it was my money. I couldn't stay in the house or he'd have killed me for sure. I'd run away or get into the car and drive. I'd sleep in the car or on the beach with the homeless people. Then I'd go back into the house in the morning and shower and go to work and pretend nothing was happening to me.

To add to my problems my eighteen-year-old daughter returned home. Instead of having another woman for a companion, I now had two alcoholics on my hands... and a drug addict. Then I found out her father was supplying her. I had them both abusing and fighting me. My only option was to kill him or do something in my job ...that resulted in me getting six years but it got me away from the violence. Being locked away was the first peace I'd had in years. With all my troubles I never considered suicide. Never even thought about it.

I served two years and when I came home I found him in bed with my daughter.

This time he came home drunk and I'd only just started to get tea ready. He picked up the saucepan of boiling potatoes and tipped it all over me and then started bashing me with the heavy saucepan. He smashed me right across the face and the

started belting me around the shoulders and wherever he could hit because I was trying to get away and screaming for someone to help me. Blood was pouring from my face. He had me by the hair trying to rip it out by the roots. No one came to help me. They all stood outside trying to get a good look through the door. But someone at least called the police and they took me to hospital. I couldn't see out of my eyes for days and I was scalded all down one side...

...He came to visit me in hospital and cried and said he was sorry. Like a fool I went home and every night in bed, he'd warn me what he would do to me if I tried to run away. I'd lie there wondering where I could go for help. I didn't know where to even start. I was terrified. And it happened again. And it did... lots of times. Still I was too scared to leave. Twice I overdosed and another time I slashed my wrists but he'd say he was sorry and call for me at the hospital. I just went home with him because I was too frightened to ask for help. You don't know how relieved I was when he went to jail. My big worry now is where do I hide when he comes out. I don't have anywhere to go and I know it'll all start again but this time it will be worse because he's going to want to get even. He's going to make me pay for this. I might have to pay with my life.¹

Very violent, that's all I can say about my childhood. My parents used to fight a lot, both mum and dad would get drunk along with a number of others who would come to play cards and then the fighting would start. It was as though the grog released something inside them 'cause they would soon go from loving people to someone who would fight anyone just for looking at them. Dad used to get stuck into mum while us kids would hide under the bed, in the cupboards, anywhere, even in the car or in the bush, until the fighting would die down. You'd either go to sleep where you were or you'd wait and sneak back into the house after the fighting had died down, which was always in the early hours of the morning.

Us kids would look out for each other because it was always one or two of us who would cop it. It really hurt at first, but then it became so commonplace that you could shut the hurt out, or at least that's what I could do. I just kept thinking of the

good times and in the end, I think I even made them up just to keep me going.²

It was when we were put in the home when I thought maybe we would not survive. They were cruel to us kids although the head Father would say that he was teaching us discipline. I couldn't understand that, when one of the young boys would get a strapping where there would be marks left on their backs, on their legs for weeks. I always failed to see how that was teaching us to be good. That was not so bad; it was the footsteps in the night that always made us cringe. That was with one or two of the priests only and all the kids would know what they did. Sometimes they would just quietly take one of the younger boys with them or I recall one time when one of the kids from back home said that one of the priests in particular would just hold his private parts and then leave without saying anything, except he had him terrified. That boy hung himself and he was only eleven. There was a teacher who wasn't a priest who would look out [for] him, he wanted us to know we could. I think we were too frightened to and anyway he only stayed at the place for a short while; they replaced him with a teacher who hardly spoke to us. I always regret not having spoken to that teacher, I still remember his name.³

I never really had any trouble learning but I couldn't concentrate in school because I was so tired all the time. I could not tell them about the fighting at home and what I saw. I told one of the other kids once when I saw my dad bash my mum so bad there was blood everywhere. I ran into the yard screaming with dada running after me and my brothers and sisters saying we were going to be next.⁴

[Comment from an informant who learned to be violent in self-defence.]That's the only way I learned to survive; it wasn't until I was much older that I realised that violence was not a part of everyone's life.⁵

The police used to come by regularly when we would be sitting in the park; sometimes they would just start harassing one of the old men and the other young ones would come to their aid. They would be taken into a toilet. We always knew what would happen then. They [the police] would just come out and after a while when they had gone, we would go over and find them lying on the floor with blood

coming from the mouth or other areas where they had sunk the boot into them when they were on the ground. There was one cop in particular, he would do this regularly. Sometimes even when they would be doing nothing other than sitting in the park together, this cop would just pick up one of the men or women and that was it, you didn't see them again. I found out later that they would end up in jail for vagrancy or disturbing the peace or something even if they weren't causing any trouble.⁶

My father died when he was only forty, he had never had a job and would often sit and talk of the good times when he was young and how he had found it difficult in the white society to fit in or to get a job. He eventually started drinking and even though he never hit mum or us kids, he would pick a fight with anyone when he had been drinking. Mum would go and look for him when he didn't come home and eventually she would find him in the park sleeping or on a bench. He was fine if he was left alone. My dad was bashed while he was sleeping in the park and no one knew who did it, but he must have died a lonely death. His face was smashed in and it was hard to tell whether he died from a heart attack or from the wounds he got from the bashing.

I didn't know how I was going to cope but my older brother seemed to step in and help me and my mum and my brothers and sisters. He got into a scuffle with the police one night when he had been drinking. He really was not any danger, he used to just go off and we would just let him sleep it off and he would be all right. The police picked him up this night and at about four in the morning, the police came and told my mum that he had hung himself in the watchhouse cell.

I went wrong after that, I just couldn't seem to be at peace and I got into the wrong crowd and I ended up in trouble with the police. I was put into a juvenile detention centre and while I hated it there, I made friends with a brother who came from down Walgett way. He would spend a lot of time talking about his home and what it was like down there. One night they found him hanging in his cell. I never found out why, I never even knew that he was thinking about it. Death has been a major part of my life and for a long time I was angry with the world. I would pick a fight

*with anyone, slash my own skin up and none of it would worry me; I just used violence, I guess, as a protection against being hurt.*⁷

Task Force consultations revealed that the level of violence in Indigenous Communities is much higher than openly acknowledged or reported. Eyewitness accounts of horrific injuries, scarred bodies, stabbings, bashings, sexual assaults and mentally traumatised victims resembled reports from war zones. The researchers heard accounts of extreme brutality and depravity previously unknown to Indigenous Communities.

Violence in Aboriginal and Torres Strait Islander Communities is not new. Indigenous women have been attempting to raise the plight of their people for years. Many Community, departmental, service provider and Government representatives are aware of the situation, and yet little, if any, intervention has occurred. Rather than intervene, many Indigenous and non-Indigenous representatives have remained detached or apathetic, or relied upon cultural politics to justify inability to intervene. This situation has allowed violence to escalate, exposing victims to an existence that many people outside the Communities would find difficult to articulate or comprehend. Through the consultation process, the Task Force learned of violent situations that demand urgent attention.

Both state and national reports, such as those of the Canberra Department of Human Services and Health in 1993, and the Royal Commission into Aboriginal Deaths in Custody 1987 (published in 1991), and the Social Justice Commissioner reports 1993-95, have highlighted the incidence and prevalence of alcohol use and violence in Australia.

The findings from such reports suggest that research to date has, to varying degrees, linked domestic violence, child abuse, crime and other interpersonal violence with alcohol consumption, but not conclusively. 'This stems partly from the inherent methodological problems in conducting studies, but also from the limited research undertaken, especially in the area of child abuse.'⁸ Contemporary literature appears to view alcohol as only one factor in violence, and it is often raised in mitigation of an offence.

The 1999 Queensland Council of Social Service Inc. (QCOSS) document, *People and Places: A Profile of Growing Disadvantage in Queensland*, concludes that a study of the

most disadvantaged areas in Queensland suggests that geographical location and social positioning are key factors in socioeconomic disadvantage and are part of a growing social divide. Disadvantaged regions have reported high unemployment and crime rates as having significant consequences for people there.⁹

The Task Force interviewed police and other Government representatives who reported that violence in the Communities was reaching a critical level. 'The type of weaponry used to inflict violence is getting worse, they used to only use knives or pickets [from fences] or whatever, but now they are using all sorts of weaponry to hurt their women.'¹⁰

Homicide is the most extreme form of interpersonal violence occurring in Aboriginal Communities. Statistics show that of the 76 homicides committed in Queensland over the period 1993 to 1998, 26 victims (34.2%) and 36 offenders (47.3%) were Aboriginal or Torres Strait Islander.

Statistics highlighting escalating crime in Communities should have already alerted both non-Indigenous authorities and Indigenous organisations to a growing problem. Prevention and early intervention strategies should have been introduced when Communities showed the first signs of deterioration and dysfunction.

In 1990, the National Committee on Violence reported to the Australian Government:

- In Queensland Aboriginal Reserves¹¹ 'the homicide rate for the 17 Communities under review was 39.6 per 100,000, more than ten times the Australian national homicide rate'.
- In South Australia, Aborigines, 'who constitute approximately 1 per cent of the population comprised at least 10 per cent of that State's homicide victims' (over a three-year period).
- 'The Northern Territory Police advised ... that in 1987 Aboriginal females were victims of 79 percent of total deaths involving chargeable offences'.
- Homicide rates appear to be as much as ten times that for the general population.¹²

In 1992 Strang analysed Australian homicide statistics for 1990-91 and concluded, in common with earlier studies, that Aboriginal peoples were vastly over-represented among both offenders and victims of homicide, accounting for 21% of all offenders. The following table supports these findings.¹³ Information was available on just over half of all offenders and of these, 75% were under the influence of alcohol at the time of the offence. Alcohol was shown to be an important factor in offending patterns.

Table 1 Homicide statistics for 1990-91

States	Percentage population	Offender	Victims
Queensland	2.4	20	18
Western Australia	2.7	32	35
Northern Territory	22.0	70	56

Source: H. Strang, Homicides in Australia (Canberra: Australian Institute of Criminology, 1992)

Increasing violence in Indigenous Communities has been identified as contributing to high incarceration rates, thereby increasing the risk of deaths occurring in custody.

The Royal Commission into Aboriginal Deaths in Custody was a 1989 Commonwealth Government initiative. Of the 99 deaths investigated by the Royal Commission, 53% were people in custody for acts of violence, 9% for homicide, 12% for serious assault, and 32% for sexual assault.¹⁴

Despite ongoing State and Federal attention and a subsequent increase in funding to address justice issues, the custody rates for Aboriginal and Torres Strait Islander peoples have not decreased. On the contrary, the imprisonment rates of Indigenous men, women and youth over the past ten years have risen, and are predicted to continue to rise. The Social Justice Commissioner pointed out that between 1989 and 1995, in New South Wales, the Indigenous prison population increased 113%, and both custody rates and deaths in custody continue to increase.¹⁵ A similar pattern has been witnessed in

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Queensland and is confirmed by the high incarceration rates of Indigenous peoples at both the adult and juvenile levels. Indigenous people are still being arrested and incarcerated at a much higher rate than non-Indigenous people who commit similar crimes. Fewer Indigenous offenders in correctional centres enjoy the privilege of progressional release, either for work release, home detention or parole. The results of this inequality are plain to see in the overcrowded correctional system and the high recidivism rates.

Tables 2 and 3 make the situation even more obvious. Table 2 shows national imprisonment rates from 30 June 1991 to 30 June 1995, while Queensland imprisonment figures for Aboriginal and Torres Strait Islander offenders only are given in Table 3, as well as offences. These figures show a rapid rise in imprisonment rates from 1994 to 1998.

Table 2¹⁶ National imprisonment for offences/charges by most serious offence/charge and identity, involving interpersonal violence, per 100,000 adult population.

	1991			1992			1993			1994		
Offence/charge	TSI Other Rate/ratio			ATSI Other Rate/ratio			ATSI Other Rate/ratio			ATSI Other Rate/ratio		
Homicide	158.9	9.8	11.6	131.4	10.1	13	114.9	9.9	11.6	138.1	8.9	15.5
Assault	333.9	7.7	11.4	269.5	8.3	32.5	322.7	9.1	35.5	402.9	7.8	51.4
Sex offences	228.9	9.2	11.7	206.8	10.4	10.9	198.9	11.9	16.8	232.7	12.4	18.8
Other offences aga	20.9	1.1	1.3	22.9	1.3	17.6	128.6	1.2	15.0	20.8	1.0	21.7

Source: Royal Commission into Aboriginal Deaths in Custody, *Report* (Canberra: Australian Government Publishing Service, 1998)

Table 3¹⁷ *Imprisonment figures for Aboriginal and Torres Strait Islanders in Queensland and offences, including alcohol-related violence*

	1994	1995	1996	1997	1998
All ATSI prisoners in Qld	664	771	874	1070	1075
Violent offenders	457	518	560	714	719
Sexual offenders	145	175	178	212	202
Breach of DV orders	62	69	109	136	157
Violent offences under alcohol	247	304	295	329	332

Source: Queensland Corrections, 1999.

The appallingly high arrest and detention rates of Aboriginal and Torres Strait Islander youth are causing serious concern. The majority of young people in detention are aged between fifteen and sixteen years, and between 50% to 60% of all juveniles detained in juvenile centres at any one time are Indigenous. In North Queensland this proportion rises to approximately 90%. Between 5% to 10% of the children in detention centres are female, the majority of whom are Indigenous.

With the current incarceration rates of Aboriginal and Torres Strait Islander peoples, it is important that these factors are acknowledged as relevant to the broader discussion of violence. They compound the disadvantage and pressure associated with the violence and aid in the conflict between youth and the criminal justice system.

3.2. SOCIOECONOMIC DISADVANTAGE

The Queensland Council of Social Service Inc. (QCOSS) 1999, in *People and Places: A Profile of Growing Disadvantage in Queensland*, was prepared to reassess the spatial dimensions of poverty and disadvantage, building on a previous report compiled in 1995, *Drawing the Line on Poverty*.¹⁸ In the current report, the *1996 Index of Relative Socioeconomic Disadvantage* reveals that there are distinct patterns of socioeconomic disadvantage across regional Queensland. Some of the areas of greatest disadvantage have experienced longstanding socioeconomic depression. A number of Queensland regions have some of the highest unemployment rates in Australia. The report concluded that the combination of demographic and geographic data presents a disturbing profile of growing and deepening disadvantage at both the individual and Community level.

The findings of the QCOSS report indicate that poverty in Queensland increased steadily over the fourteen-year period from 1981-82 to 1995-96. During that time, the State's poverty rate almost doubled. The increasing poverty rate for single people aged less than 25 years is particularly disturbing, with single people of all ages becoming increasingly vulnerable. They now comprise 64% of the poor in Queensland, with sole parents most likely to be living below the poverty line.

The Relative Index report confirmed that Indigenous people are significantly represented in rural and urban disadvantaged places such as Garbutt in Townsville (16.3% of population); Eidsvold (21.4% of population); Boulia (25.6% of population); Paroo (21.7% of population) and Inala (7.5% of population). The *Drawing the Line on Poverty Report* found that Indigenous peoples were the most disadvantaged in the State.¹⁹ The geographical analysis does nothing to contradict this finding.

Increasing poverty, the lack of communal resources previously available through extended family structures and growing demands on welfare agencies, indicate that many Indigenous people cannot meet their own basic needs or those of their families. The Task Force has only anecdotal evidence to support this assertion, but it is probable that a number of Indigenous families are on the verge of starvation, and that the lean build of many people in Communities, accepted as 'normal', may sometimes indicate a lack of adequate food. In its final summary, the Relative Index report warned that if the rate of poverty in Queensland continues to increase as it has since 1981-82, the State will be faced with immense social problems. This is already evident in the day-to-day experiences of many Community agencies. Most of these agencies are stretched to their maximum client caseload capacity and have to turn people away. When this occurs, it is the children, the single-parent families and the elderly who are most vulnerable and often least able to obtain assistance.

This is a matter of serious concern for society. When socially marginalised groups experience profound poverty, sub-groups emerge and increase competition for available resources. This contributes to the cycle of deprivation and violence.

3.3. STATISTICAL CASUALTIES – WOMEN AND CHILDREN

While both men and women in Aboriginal and Torres Strait Islander Communities may become victims of extreme forms of violence, women and children are more likely to be violated emotionally, physically and psychologically.

While violent acts are usually inflicted on men during fights with other men, the physical violence inflicted on women often involves random assaults, bashings or rape. The offenders are not always Indigenous. Indigenous women with non-Indigenous partners also reported being bashed. Some of these offenders were casual acquaintances known to Communities to prey on Indigenous women. For many years, it was an unchallenged belief that violence against Indigenous women was a culturally accepted practice. This situation allowed many offenders to continue their behaviour without reprisals or punishment.

The National Committee on Violence against Women states that when men act violently toward women, they do so because it allows them to control their victims through physical and/or psychological assault, social isolation, economic deprivation, or fear. Women, as victims, may have multiple physical and psychological assailants.²⁰ The Royal Commission into Aboriginal Deaths in Custody *National Report* discussed the issues of violence against Indigenous women and children in various contexts. It acknowledged that 'appalling levels of domestic violence, rape and even murder have been cited as failing to attract the due attention of police and the criminal justice system'.²¹

There is both consistency and inconsistency between what Aboriginal and Torres Strait Islander people believe is happening and the actual statistics. Forty-seven percent of Indigenous people in Queensland questioned in the national Aboriginal and Torres Strait Islander survey perceived family violence to be a problem in their region. It was viewed as a problem by more Indigenous people in rural areas (56.5%) than in the metropolitan areas of Brisbane (24.8%). There is clear statistical evidence that violence is a critical issue for Aboriginal and Torres Strait Islander peoples, particularly against women and children.

In 1988, the Queensland Domestic Violence Task Force estimated that domestic violence affects 90% of Indigenous families living in DOGIT Communities.²² Indigenous victims of domestic assault were more likely to be seriously injured than non-Indigenous victims of domestic violence.²³

Barber, Punt and Albers reported over 70% of all assaults on Palm Island were committed against females, and most of these involved 'boyfriends or husbands who were said to be drunk at the time'.²⁴ In another North Queensland Community, with a total female

population of 133 women over 15 years of age (107 were over 20 years of age), there were 193 cases of injuries due to domestic assault in a twelve-month period to 30 June 1990.²⁵ More recent Queensland statistics on domestic violence injuries,²⁶ defined as assault perpetrated by any family member or specified partner, showed that it was most often women (78%) who experienced violence in all age groups. Most domestic violence injuries (86%) affected the 16-44 year age group, in which women suffered 91% of the injuries.²⁷ Assault, including domestic violence, accounted for 42.8% of all injuries. In the 16-44 age group, rates of injury associated with alcohol were extremely high (99/100 for women and 116/100 for men).²⁸ The agegroup suffering most injuries from violent domestic assault was also the group most involved in parenting and child rearing.

While partner assaults were the most common assaults on women, the Task Force was informed of a number of cases of multiple assailant assaults. This poses a significant concern for Communities where violence may become deep-seated, complex and invasive.

3.4. REPORTING RAPE AND SEXUAL ASSAULT

According to many Indigenous women, rape or sexual abuse is becoming a frequent occurrence in their Communities. It has been estimated that 88% of rape cases go unreported. This situation may be more common in Communities in remote and isolated regions, but there have been many cases cited of similar offences occurring against women in rural and urban areas of the state.

Many cases of rape or sexual abuse occur in a domestic situation, yet these are rarely identified as rape by Indigenous women or addressed as such by the courts. Most Indigenous women who are victims of domestic assault have little concept of marital or relationship rape and their right to say no in such circumstances. Even if they do know their rights, they 'are reluctant to seek help from the legal system because they fear they will be abused further by male police and male lawyers who were considered to place them on trial, rather than the perpetrator'.²⁹

In the Adelaide report, *Aboriginal Women Speak Out*, it was shown through a community survey that 90% of rape victims were women. At least 20% of these women were pack-

raped. Non-Aboriginal rapists made up 42% of offenders, while 41% were Aboriginal men. The rate of pack rape by both groups of males was 17%. Where the rapist was Aboriginal, he usually knew the victim, while the non-Aboriginal rapist was more often a stranger to the victim, or known only by sight.

The rate of sexual abuse among young girls involved with the criminal justice systems is between 70% and 80%, while in one state it is claimed by the Aboriginal and Islander Child Care Agency that 50% of the children within the court system in their region were victims of incest.

The Queensland Office of the Director of Public Prosecutions (DPP) report *Indigenous Women Within the Criminal Justice System* was researched in 1996. This report, in investigating the barriers that prevent Indigenous women from accessing the criminal justice system, identified two main issues. First, there was sufficient evidence to suggest that the degree of violence being experienced by Indigenous women was much higher than the statistics recorded. Second, there was a need to improve DPP services to Indigenous women to make them more accessible. In the report, Aboriginal women acknowledged hearing influential people (like judges and barristers) make comments such as '[violent episodes are] accepted as commonplace occurrences on Indigenous Communities all over and as such are not treated seriously'. When people have continual problems with an authority figure or department, they tend to avoid contact and encourage other members of their family and kin groups to do the same.³⁰

The reluctance to report a rape or sexual assault was said to have been caused by fear of the justice system, shame, and difficulty communicating with non-Aboriginal police officers, judges, prosecutors and other legal staff. Many women reported that they were aware that some judges and the police used cultural distortions of rape to legitimise men's behaviour. There have been many accounts in recent times where members of the judiciary, in their summation of sexual offences against Aboriginal women, legitimised and excused the offence as a cultural right of men.

Although the statistics for violent sexual offences are high, many Indigenous women consider that the numbers would be multiplied if the current barriers to reporting were

removed. The number of unreported sexual assaults is indicated in these statistics from the Adelaide report *Aboriginal Women Speak Out*.³¹

- 88% of victims did not formally report the rape.
- 75% of victims said they did not report because of fear, of repercussions, or of police attitudes.
- 29% of victims said they did not report because of fear of not being believed.

3.5. NEGLECT, ABUSE AND VIOLENCE AGAINST CHILDREN – A STATISTICAL OVERVIEW

While the rising incidence of violence in Indigenous Communities over the past few years requires action, the accompanying increase in abuses of children demands urgent attention. Throughout the consultations, child abuse was raised on many occasions by Elders who were concerned about the level of neglect being endured by children often found wandering the streets. Many of these children were malnourished and vulnerable to increasing factors that afford them little protection or security.

Although sexual abuse against children was discussed when the Task Force raised the subject, the reluctance to discuss it is a serious concern. A number of the male and female Elders acknowledged that sexual abuse was occurring, but they said 'much of it is still not being discussed'.

Of paramount concern was the fact that a number of people had reported the sexual abuse of children to the police and to the Department of Families, Youth and Community Care, to no effect. Support for this statement is provided later in this Report. The primary concern, however, is the flaw in the current statistics regarding child abuse or child sexual abuse, due to the lack of response when cases are reported. Many Aboriginal women believe that 'it is no use reporting sexual abuse because they don't believe you anyway'.³²

Children can be violated by the events they witness; without being physically or sexually abused. Children who witness violence often also experience violence in the most profound and damaging way. In the nine months to March 1996 in Queensland, there were 16 homicides through domestic violence, six of whom were children.³³ A violated child may harbour feelings of fear and anger that can lie dormant for years, hindering the

maturation process. The person may not realise this until an incident opens up old wounds in later life.

As at 30 June 1989, approximately 4% of all children under the age of fifteen years were Aboriginal and Torres Strait Islander children, making up 47% of all children under Children's Services Act orders. The following table clearly presents continuing over-representation in 1995.³⁴

Table 4 1995 Queensland child protection orders

Cultural group	Number	Percentage	Neglect	Substance abuse
Indigenous	750	26	88	Significant
Non-Indigenous	2181	74	40	Not known

Sexual abuse is an inadequate term for the incidence of horrific sexual offences committed against young boys and girls in a number of Community locations in Queensland over the last few years. Sexual violence offences are increasing, and may be related to negative male socialisation associated with the misuse of alcohol and other substances. Informants thought the accessibility of pornographic videos in some Communities was associated with some violent crimes. COD orders of \$4,000-\$5,000 worth of videos were reportedly coming into the Cape Communities.³⁵ One Community with a history of pornographic video usage coincidentally has the highest rates of men imprisoned for sexual offences in Queensland. Factors such as family breakdown, child protection needs, juvenile offending patterns, early school dropout, youth suicide and misuse of alcohol and other substances were all linked to violence by informants. The available statistics did not show these figures in isolation. Each factor tends to impact on the others.³⁶

During the consultations, it was recognised that rapes or physical abuses were sometimes not being reported, due to lack of assistance from police or fear of reprisals, or shame. It is commonly thought that violent offences against Indigenous women and children are committed consistently by Indigenous men. This is not always the case. A number of spousal abuse cases involve a non-Aboriginal partner or spouse as offender.

Often the pregnancies of young Aboriginal or Torres Strait Islander girls are perceived as the result of promiscuity, when the girls may in fact be the victims of sexual offences. During the consultations, the comment was made about one non-Indigenous man that 'everyone thinks that he is great, but he has got children to young Aboriginal girls all over the place'.³⁷

Because of the social isolation and emotional deprivation many Indigenous families experience, the youth and the children are vulnerable to ongoing abuse and violence from both inside and outside the Communities. Many Indigenous young people are searching for love, emotional security, a sense of belonging, a parental figure, and escape from the dysfunctional home or Community. They want to enjoy the things that a limited income cannot buy, or to gain warmth and acceptance from others. Their deprived situation puts them in a position where they may attract the attention of sinister elements. Many Indigenous children are growing up in a disabling environment where they are vulnerable to great harm. This is a matter that warrants urgent attention and investigation if there is to be a positive future for the next generation.

3.6. SUICIDES, SELF-HARM AND OTHER SELF-INFLICTED INJURIES

A tragic development in Aboriginal Communities has been the suicides of young men. Communities fear that there are many more men contemplating suicide as a way to deal with despair and isolation. In one Community in the Cape, the Task Force were advised of 25 deaths in a year; there had been 17 suicides of young Aboriginal men, and three young children had died following neglect. In the same period five middle-aged people died, some violently and the rest of natural causes.

In Queensland, a recent study of suicide over six years from 1990 to 1995 shows Aboriginal and Torres Strait Islander males aged 15 to 24 had an extremely high suicide rate – 112.5 per 100,000 compared with 30.8 per 100,000 for Queensland youth generally. In comparison to South Australia, the overall suicide rate for non-Indigenous youth rose from 11.2 to 17.4 per 100,000, while during the same period Aboriginal suicides rose from 10.1 to 10.5 per 100,000.³⁸

Injuries play a major role in Indigenous morbidity and mortality. Moller et al. (1996) reported that Indigenous peoples of all ages had a much higher rate of hospitalisation as a result of interpersonal violence (1388 per 100,000) than do the non-Indigenous population (81 per 100,000).

The issue of violence is of critical concern to Aboriginal and Torres Strait Islander peoples. A number of Indigenous leaders have referred to the crisis dimensions of violence within Aboriginal and Torres Strait Islander Communities. Quantitative data supports the reports of high levels of violence generally within Aboriginal and Torres Strait Islander Communities, and more specifically, rising violence against Aboriginal women and children. However, violence cannot be isolated from its social and cultural context. Any understanding of violence within Aboriginal and Torres Strait Islander situations must be based on knowledge of the cultural and social changes that have occurred in gender relationships, family life and parenting roles as a result of the damage caused by colonisation.

The next section of this Report considers a number of critical issues and the process of working for change. It deals with policies, service delivery and access to services; economic deprivation and the challenge of economic sustainability; dealing with the misuse of alcohol and other drugs; education as empowerment; ensuring Indigenous health and well-being; restoring families and Communities; justice reform, and reviving cultural and spiritual identity.

Endnotes

Section 3 – Rhetoric or reality? The extent of violence

¹ Consultations Brisbane 1999.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ National Symposium on Alcohol Misuse and Violence, *Alcohol and Violence against Women and Children in the Home*, Report 4 (1993), 203-204.

⁹ Queensland Council of Social Services (QCOSS), *People and Places: A Profile of Growing Disadvantage in Queensland* (1999), 22.

¹⁰ Consultations, Cape York, 1999.

¹¹ The so-called reserves were established under *The Aboriginals Protection and Prevention of the Sale of Opium Act 1897*. In 1984 under the *Community Services (Aborigines) Act*, the reserve lands became more commonly called Deed of Grant in Trust (DOGIT) regions.

¹² National Committee on Violence, *Violence: Directions for Australia* (Canberra: Australian Institute of Criminology, 1990).

¹³ H. Strang, *Homicides in Australia* (Canberra: Australian Institute of Criminology, 1992).

¹⁴ Royal Commission into Aboriginal Deaths in Custody, *Research Paper 11:13*.

¹⁵ Aboriginal and Torres Strait Islander Social Justice Commissioner's *Third Report* (Canberra: Australian Government Publishing Service, 1995), 1.

¹⁶ Table 3.2: Imprisonment for offences/charges involving interpersonal violence, Australia, 30 June 1991; from *Alcohol Misuse and Violence: Alcohol-related Violence in Aboriginal and Torres Strait Islander Communities: A Literature Review*. Source Walker 1992, referenced in Table 2; 'National Prison Censuses' in Royal Commission into Aboriginal Deaths in Custody (RCIADIC), *Five Years On 1993, 1995*.

¹⁷ Queensland Corrections, 1999.

¹⁸ QCOSS, *People and Places*, 1

¹⁹ QCOSS, *Drawing the Line on Poverty* (1995), 66-67.

²⁰ National Committee on Violence Against Women, 'Position Paper on Mediation' (Office of the Status of Women: Canberra, 1991), 12.

²¹ Royal Commission into Aboriginal Deaths in Custody, *National Report 3* (Canberra: RCIADIC, Australian Government Printing Service, 1991), 41.

²² Queensland Domestic Violence Task Force, *Beyond These Walls* (Brisbane: Department of Family Services and Welfare Housing 1988), 198-256.

²³ A. Ferrante et al., *Measuring the Extent of Domestic Violence* (Perth: Hawkins Press, 1996), 34-38.

²⁴ J. Barber et al., 'Alcohol and Power on Palm Island', *Australian Journal of Social Issues* 23, no. 2(1988): 87-101.

²⁵ B. Miller, 'Crime Prevention and Socio-legal Reform on Aboriginal Communities in Queensland', S. McKillop and J. Vernon, eds, *The Police and the Community: Conference Proceedings* monograph 5 (Canberra: Australian Institute of Criminology, 1989).

²⁶ National Injury Surveillance Unit, *Study of Injury in Five Cape York Communities* (Brisbane: Australian Institute of Health and Welfare, Queensland Health, 1997), 43-45.

²⁷ *Ibid*, 6.

²⁸ *Ibid* .

²⁹ *Ibid*.

³⁰ Department of Public Prosecutions Queensland (DPP), *Indigenous Women and the Criminal Justice System Report* (1997).

³¹ E. Carter, *Aboriginal Women Speak Out* (Adelaide: Adelaide Rape Crisis Centre, 1987).

³² Consultations, Central Queensland, 1999.

³³ K. Armstrong, 'Children Living with Domestic Violence', *Aboriginal and Islander Health Worker Journal* 22, no. 2. (1998): 4-8.

³⁴ Department of Families, Youth and Community Care, *Annual Report, 1998*.

³⁵ *Ibid.*, 37. The Aboriginal Coordinating Council referred to \$4,000 to \$5,000 of COD orders of pornographic videos sent every week from Canberra at the request of Aboriginal and non-Aboriginal consumers.

³⁶ Consultations from all Communities, 1999.

³⁷ Consultations, North Queensland, 1999. A mother's story of teacher's behaviour.

³⁸ C. Cantor et al., *The Epidemiology of Suicide and Attempted Suicide Among Young Australians: A Report to the National Health and Medical Research Council* (Brisbane: Griffith University, 1998).

Section 4: Working for Change

*To surmount the situation of
oppression [women] and men must
first critically recognise its cause
so that through transforming action
they can create a new situation –
one which makes possible
the pursuit of a fuller humanity.*

Paulo Freire 1972:24

A non-Indigenous person, who has lived and worked within an Aboriginal Community for many years, sent the following statement to the Task Force:

When I came to this Community it was still controlled by government with the white manager as the person of power. The physical environment was disgraceful – dirt streets, dirt access roads, houses that were in such poor condition you wouldn't put animals in them, poor water supply. The list could go on and on. There was the distinct feeling of working in an open-air prison. All this had a crippling effect on the psyche of people. They were looked on as not worthwhile human beings whose opinions were not valued. The belief seemed to be, 'keep them uninformed'.

Everything looked promising in the mid-80s. A local Council was elected, the Deed of Grant was secured and the physical environment improved. The people welcomed the introduction of CDEP but by the mid-90s all the dreams were shattered. CDEP was finished and the Council was asked to step aside and an administrator took over. People become very depressed and lost hope.

My analysis of the situation: the Council was set up to fail. After years and years of having no say in anything, five people were expected to comprehend and carry out Government dictates. Some project officers were good and helpful and had the good of the Community at heart but others were very inefficient and unhelpful.

Councillors, on the whole, had limited education and were so burdened by expectations that some did nothing while others opted out. Little help was given to get them together as a working team. Sometimes wrong people were elected to Council for wrong reasons, e.g. 'The pub will be opened for longer hours or a house will be provided if you vote for me.' Because of the history of the place there are very strong groupings and oftentimes the Council represents only a section of the Community and the others feel isolated because they have nobody to speak up for them.

We are now only a few months to the end of the century and the beginning of a new millennium. In my opinion, Aboriginal people in Communities are in a worse position than ever before. This is a Community with little to be excited about. In fact, a more apt description would be 'a Community without hope'. The feeling of hopelessness is tangible.

Violence in all its ugly forms is a constant in the Community. Women are constantly abused, both mentally and physically.

I have grave fears for the youth, as many are already into a cycle of grog, drugs and substance abuse. Young girls as young as 12 and 13 are selling themselves in exchange for some of the aforementioned. A number of teenagers are pregnant at this time; the youngest is 14 years. On the whole, family life is disintegrating. Grandmothers are often burdened with looking after grandchildren and great-grandchildren. Many children would never attend school for five days running. Something is drastically wrong with the education, especially in the high school. I predict that we will have a Community of illiterates in a few years time unless the situation is addressed. This will produce angry people who will act out their frustration in antisocial ways. An effort is being made to introduce some youngsters to corroboree but many others show no interest. A very wise Aboriginal man said in recent times: 'The old people have closed their mouths and the young people have closed their ears.'

One of the saddest things is people's lack of closeness to the land. Even though many people here can claim this place on historical grounds, because of forced removals, it is not their 'country'. Even at the close of this century, I feel people are suffering multigenerational grief. Often people can't verbalise it but deep in their being they are crying for all of their losses – loss of their country, respect for Elders, their own lingo, laws, spirituality, etc.

As mentioned previously, many things went wrong in the mid-90s. From this time on many people have paid little or no rent and presently, the amount is staggering. Pressure is being put on people who have no chance of clearing this debt on a pension or CDEP pay packet. I recommend that all relevant bodies should put in place an AMNESTY and wipe these debts which are crippling people. People who have continued to pay rent should be given a bonus; e.g. a year without paying rent. In preparation for this a housing committee, properly trained, should be put in place.

4.1. POLICIES – SERVICE DELIVERY – ACCESS TO SERVICES

In order to understand the negative effects of past government policies on Indigenous families and how they have given rise to violence in Indigenous Communities, it is important to:

- analyse the factors guiding policy formulation in the past
- identify the steps in policy implementation that have contributed to crime, violence and the destruction of many Indigenous families.

On every social indicator, Aboriginal people are the most disadvantaged and marginalised group in Australian society. In many outback towns and remote Communities, they live in Third World and even Fourth World conditions. There is no denying that their situation today is the result of bungled and paternalistic policies that have victimised and traumatised Aboriginal people.

Despite the rhetoric amidst the changing cultural dynamics of Australian society and the call from numerous peak bodies and token advisory groups, the reality is that very little has changed; to a large degree, Indigenous voices are not reflected in policy decisions. The ineffectiveness of policies and services implemented to date has allowed the violence and crime to continue.

Policies to date have been driven by the principles of self-determination, social justice and, more recently, reconciliation. The adoption of these doctrines should have resulted in major changes in Indigenous affairs. However, while the principles of reviewing past wrongs and reconciling the outcomes through appropriate interventions may have resulted in a degree of change, achievements have been blocked by the omission of the important element of restoration that is essential if the future of Indigenous Affairs is to witness a greater degree of change and success.

The failure to recognise the need for restorative and reparative processes to counteract the effects of historical wrongs has resulted in only half of the problems being addressed.

While past policies had the potential to be effective in bringing change, this essential component has, in many cases, been missing and its absence is disruptive to real progress.

Review – restoration – reconciliation

The achievement of true justice for Indigenous Australians must therefore be firmly tied to the above principles of reform – review, restoration and reconciliation. If these crucial phases are not observed, then the ineffectiveness of past policies will be repeated, and another important opportunity missed. The termination date for reconciliation's legislated timeline in the year 2001 must be extended to allow for reparation of past injustice and the restoration of Indigenous people.

4.1.1. An historical overview

A review of the history of the administration of Indigenous affairs at Commonwealth, State and Local Government levels helps to explain why social justice for Indigenous peoples has not been achieved, and why conditions in Communities have actually become worse. This situation exists despite good intentions, and at times, the best political will.¹

Written submissions to the Task Force support the view expressed by people in the consultations that something has gone seriously wrong in Indigenous Communities with the potential for matter to deteriorate further still into increased violence. The submissions came not only from people living on historically-formed Communities, but also from people in rural towns and urban environments. They are indicative of the state of Aboriginal and Torres Strait Islander affairs generally, and provide a clear message that urgent action is required to address the plight of Aboriginal and Torres Strait Islander peoples.

Since the Europeans first arrived in Australia, their misguided and paternalistic policies have rendered Indigenous people powerless. Those policies have, at various times, been designed to eradicate, preserve, protect, separate, assimilate, integrate, promote self-determination, self-management, and self-sufficiency; and more recently, promote reconciliation. What do government policies mean for Indigenous people today?

It is fair to say that administrative principles guiding interaction with Indigenous Australians have become enmeshed in confused and contradictory legislative responsibilities that alter with government policy. This is complicated further by the involvement of three levels of government, each with different areas of responsibilities, requirements and accountabilities. Indigenous people may need to communicate with Federal, State, and Local Government representatives on any one issue. All three levels of government have their own cultures and obstacles that can impede their work with one another and with Communities. Historically, there has been a serious lack of intergovernmental collaboration and cooperation, compounded by duplication of services and wastage of money. While a number of service providers have gained from the process, little benefit has flowed on to the Communities relying on the effectiveness of services.

Indigenous people have been disenfranchised and left powerless because the strength of Aboriginal and Torres Strait Islander cultural ethics has not been acknowledged or recognised in the development or application of government policy. In fact, many policies and programs designed to 'protect' or 'assimilate' Indigenous people have damaged or destroyed social systems integral to the healthy functioning of their society. As policies were implemented, various administrations failed to realise that:

- Indigenous people had developed social systems that had functioned successfully to provide a valued place for all members to contribute and participate for the good of the whole Community;
- Indigenous societies were based on a code of ethics which regulated day-to-day conduct and relationships within and between peoples and groups; and
- holistic educational systems provided people with knowledge for the whole of life.

Colonial governments failed to recognise and acknowledge the value of building on existing systems that had been designed for comprehensive development of the spiritual, cultural, social, economical and political life of the Community.²

Government policies relating to Indigenous people were formulated and implemented from an ethnocentric base, without respect for, or acknowledgment of, Indigenous values and beliefs. This approach led to two hundred years of isolation, deprivation, cultural

disintegration, welfare dependency, and grief and loss for Indigenous people at personal, family and Community levels. In an attempt to alleviate the plight of Indigenous Australians, successive governments have allocated considerable funds, without significant results for families or Communities. There are many reasons for this, the least of which being a lack of continuity in political leadership. More significantly, the complex maze of bureaucratic policies and insufficient input from Indigenous people to policies have rendered them politically and socially vulnerable. As a result of the continuing reliance by Indigenous people on governments and service providers that control all aspects of their lives, many families have been denied the opportunity for long-term planning, and have had to concentrate, instead, on short-term survival.³

Bureaucratic processes have governed every aspect of Indigenous lives, leading to the current confusion and uncertainty. A lack of coordination between governments at all levels has resulted in ineffective programs and services. The complex and often bewildering systems of government and the recently endorsed Aboriginal and Torres Strait Islander Commission have brought together many players with specific, often opposing, agenda. While significant advances have occurred at the policy level, little has changed in the lives of Aboriginal and Torres Strait Islander peoples.

Noted Aboriginal academics, Margaret Valadian and Natasha McNamara, discussing the Federal policies and programs that have affected Aboriginal people nationally and impacted on Queensland policy since the early seventies, state:

*Since 1972 we have had policies of; Self-Determination [Whitlam government]; Self-Management – Self-Sufficiency [Fraser government]; Self-Determination [Hawke/Keating government], and now, Economic Development [Howard government]. In the course of the last 25 years, there have been thirteen federal Ministers for Aboriginal Affairs, an average of two years each in the portfolio.*⁴

In Queensland over that time, nine State Ministers were responsible for Aboriginal Affairs.

This constant changing of the guard has meant that no one Minister has had the time to fully grasp the complexity of the portfolio needs, nor to develop a proper

understanding of the appropriate responses before he is replaced by another Minister with a different set of solutions to the Aboriginal 'problem'.⁵

Some of these Ministers are remembered for what they tried to do to change the situation in the Aboriginal Community. Others are remembered for what they did not do. The remainder are not remembered at all.

Some Ministers sought to be remembered by establishing monuments to their Ministry. Over the years, Ministers have wanted to be known for creating a Regional Radio Network; National Land Rights legislation; the National Aboriginal Consultative Committee; the National Aboriginal Congress; the Aboriginal Development Commission and the Aboriginal and Torres Strait Island Commission.⁶

It is not only Ministers who change; many of the senior public servants within each Department often follow the Minister into obscurity, leaving little possibility of continuity of services and adherence to a specific policy.

Prior to 1972, the Community had a choice of lifestyle under the preceding policy of Integration. It could be said that the Whitlam policy of Self-Determination was the first expression of Social Justice intended to give Aborigines and Torres Strait Islanders the right to determine their own futures. Tragically, however, for the next twenty years most of the beneficiaries of this policy have been the accountants and the lawyers and anthropologists.⁷

The promise of social justice has not been realised. Social justice and the policy of self-determination have been based on good will and intentions but lack substance or tangible applications.

Public servants give advice to government and implement government policy. In 1972, the Whitlam government raised the national (and international) profile of the Aboriginal Communities through the creation of the first Commonwealth Ministry for Aboriginal Affairs and the first Commonwealth Department of Aboriginal Affairs

(DAA). The Commonwealth administration of Aboriginal Affairs was initially dominated by officers who had come from the states, where generally policies of separation/assimilation⁸ were still being pursued. The culture that came with them from their previous state activities was in stark contrast to the intentions of the Whitlam government....

There was little understanding of the expectations created by the new policy, the implications of the policy, and the requirements for the implementation of the policy. This has held true for the past 25 years....

In the 1980s Aboriginal organisations had to negotiate the annual merry-go-round of DAA funding priorities which changed every year. For example, during that period, as each Ministry decided on the raft of programs which would solve the 'problem', the Commonwealth established (among others):

- *The Year of Housing Programs*
- *The Year of Alcohol Programs*
- *The Year of Funerals Programs*
- *The Year of Legal Aid Programs*
- *The Year of Health Programs*
- *The Year of Employment Programs.*

These annual priorities forced community organisations to change directions regularly as they tried to secure the Government dollars and maintain their local focus and service delivery. Often the nature of the program structure and funding criteria would change dramatically from one year to the next. One year, the Department's funding priority was represented by the acronym C.R.A.S.H., which stood for C-Culture, R-Recreation, A-Arts, S-Sport and H-Heritage...⁹

The annual changing of priorities of funding meant that there was no sustainable development in Indigenous Communities in the 1980s. The decade that followed saw the unfolding of extremely dysfunctional behaviour in Communities, worsened by an increase in poverty. For example:

- alcohol and other drug use increased;
- domestic/family violence became more common;
- the incidence of child sexual and physical abuse and neglect rose;
- adult and youth suicides occurred more often;
- juvenile offences and periods of detention increased;
- teenagers and young adults engaged more in self-mutilation;
- teenage pregnancies increased;
- both Indigenous men and women were imprisoned more frequently.

Dysfunctional behaviour increased tensions in homes and Indigenous Communities and worsened situations of conflict and hostility. Despite escalating violence against women and children within Indigenous Communities during this period, the voices of female Elders and of women generally who tried to raise concerns were of little consequence to politicians or to some service providers, who were aware of the violence but excused it as being part of Indigenous culture. The time is overdue for politicians and service providers to hear and acknowledge the voices of Indigenous people. Several essential points should be noted:

1. The present Queensland Government must make a whole of Government commitment to address the critical issues outlined within this Report. A failure to act would see the Government stand condemned. The present Minister has made a generous commitment, but she cannot address all the issues fully without the support of her parliamentary colleagues. Actions to address the critical needs outlined within this Report must not become another 'year of alcohol' or 'year of funerals' program. Both short-term crisis intervention strategies and long-term sustainable Community development approaches must be established.
2. All interventions must recognise the existing strengths and systems of Indigenous societies, and focus on the critical dysfunction at the root of the violence.
3. A comprehensive analysis of all services delivered in Communities is needed to identify gaps and duplication, and to redirect such duplication to other priority areas. Indigenous people must be involved in identifying critical needs in their Communities.

4.1.2. Whole of Government approach

*There must be an across government approach to violence and abuse in Communities. Services must be established that provide real support for victims and families. There must be experienced and trained staff available to assist victims.*¹⁰

A coordinated approach must be supported by sound strategies for Community participation and decision making, with the strategies ensuring ownership of the process.

The Minister for Aboriginal and Torres Strait Islander Policy should initiate a whole of Government (Federal, State and Local) approach to crime prevention to address the issue of violence within Aboriginal and Torres Strait Islander families and Communities. It is proposed that a Memorandum of Understanding be signed by the Commonwealth and State Governments, the Local Government Association of Queensland, the Aboriginal Coordinating Council, and the Island Coordinating Council. The Memorandum of Understanding should delineate and identify the roles and responsibilities of the stakeholders in the process and articulate a critical plan of action.

At the same time, the Minister for Aboriginal and Torres Strait Islander Policy should forge a working partnership between the Government and Indigenous Communities to ensure a whole of Government – whole of Community approach to crime prevention, in policy development and service delivery, so Aboriginal and Torres Strait Islander peoples, particularly victims of violence, can access relevant essential services.

However, when planning and implementing services, it should be understood that mainstream policies and programs to address family violence, might not reduce violence generally. Issues such as structural violence may contribute to the high incidence of family violence and sexual assault. Workers must grasp these issues. Policies and programs that address violence as a continuum, with interactive causes and effects, can better confront violence in Australian society, than programs addressing only family violence.

A study of violence focusing on the term 'domestic violence' will not lead to full consideration of, and response to, the destructive effects of colonisation on Indigenous culture and social systems. The intersection of race, gender, age and power, and the disruption of the relationship between spiritual, cultural and environmental dimensions, must be considered in order to understand violence in Indigenous Communities. Analysis of these issues is essential both for governments, in the development of policies, and in the field, during the development and delivery of Community-based services. Critical questions must be asked in order to make progress.

The Task Force noticed an apparent lack of strategic planning or direction in some remote Communities. This observation does not mean there were no plans, nor does it belittle the considerable effort put into planning, but it has been repeatedly reported that various plans prepared on numerous issues over a period of years had not been implemented satisfactorily.

Numerous Government agencies are providing services to Indigenous Communities, but there is little evidence to show that these agencies are working together to achieve agreed outcomes. The proposed whole of Government approach should provide an effective solution to these concerns.

This comment in the House of Representatives Standing Committee on Aboriginal Affairs 1988 *Interim Report on the Effectiveness of Support Services for Aboriginal and Torres Strait Islander Communities* is worth noting:

Service delivery to Aboriginal Communities, characterised as it is by a plethora of government and non-government funding and delivery agencies, marked cultural differences between deliverers of services and the recipients and the structures which exist in Aboriginal Communities to interact with service agencies, is anything but uncomplicated.

An example of this network of agencies is provided in the Queensland Government Legislative Assembly, Queensland Parliamentary Committee of Public Works Health Facilities in Far North Queensland *Final Report*, page 5:

In more general terms, the complexity of dealings with Aboriginal Councils and external agencies is demonstrated by Kowanyama which has relationships with at least 18 State authorities, 13 Commonwealth and 13 other service organisations.

This situation appears to be the rule rather than the exception, and the Report states:

To this extent, the development of a whole of government approach to the issues involving Aboriginal and Torres Strait Islanders is problematic. Final responsibility effectively rests with no one; sadly perhaps least of all with the communities involved.¹¹

4.1.3. Need for a Government Department to lead the coordination of services

It will be an extremely important and challenging role for the new Department of Aboriginal and Torres Strait Islander Policy and Development (DATSIPD) to coordinate Government programs and service delivery. DATSIPD representatives have indicated that they have commenced a strategic mapping exercise to establish what Departments are doing in Aboriginal and Torres Strait Islander affairs, and what their priorities are for the future. This broader strategic focus must be clearly connected to events that bring about change for people.

While the planning process obviously varies from Community to Community, the result all too often is that the plans do not result in any marked change on the ground. Frequently, plans are completed and not implemented. One reason for this is that adequate training and resources for monitoring and review do not accompany the process. When the Community seeks a broad development process, a consultant outside the Community is funded to either produce a new plan or update an old plan. Government Departments appear reluctant to allow their programs to be shaped and incorporated as part of a broader strategy developed by a Community. Every Department has its own guidelines and funding conditions that rarely fit into a Community development plan, and this can lead to unintentional duplication of services.

At the Community level, staff changes often mean that Councillors and other leaders in the Community are influenced to alter direction and significant components of previous plans. On many occasions, new staff members assigned to a Community are unaware that the Community has developed a previous plan and proceed to negotiate a different direction or compile a new plan.

The other major problem is that there is often a view within Communities that the plans are designed to facilitate the release of Government funds and that they do not involve any contribution from Community members themselves. There must be a system that enables the Community and the Government to negotiate outcomes over a specific timeframe. An agreement should cover the contribution made by Government to the development of the Community, with a similar set of commitments from the Community itself about what its members will do to improve their own circumstances.

One theme in particular, expressed in many different ways, emerged in the consultation process. It was that 'if a program, activity or policy has no impact on the ground, then do not bother with it'. From a remote Community perspective, many of the changes of recent years have missed people entirely and distrust is now entrenched. Conversely, many changes have acted to deter cooperation. An inherent danger in the negotiation of an agreement between the Community and Government will be the development of a document that is so broadly framed that it will not translate into action on the ground.

Any agreement must be backed by a commitment to support the Community through a capacity-building process. It is unreasonable to assume that the Community will be able to meet a whole range of responsibilities without help in facilitating the change to real self-management. Skills must be developed to make positive changes.

4.1.4. Key strategies – Aboriginal and Torres Strait Island Councils

The Task Force was impressed by the way in which many Aboriginal and Torres Strait Island Councils were attempting to carry out their responsibilities. However, this was not reflected in comments from Community members generally, who considered many were not operating effectively. Unfortunately, the range of functions that Councils are required

to undertake is well beyond those required of a normal local government and, in many cases, beyond the capacity of individual Councils to manage. One of the problems arising from such a concentration of responsibilities is that it provides little capacity for other groups in the Community to assume control and develop leadership skills. The administrative skills base in small remote Communities is limited, and it is unlikely to improve while Councils retain control of a huge range of activities.

The current situation is having two obvious impacts. First, many Councils are overwhelmed by the range of responsibilities that they are required to undertake, and other groups in the Community feel powerless to exercise any influence over what happens. The Task Force recommends that serious consideration be given to reducing the number of functions handled by Councils and that other community organisations be established, trained and supported to manage enterprises, housing and welfare-related projects. A practical approach to consider is for the Minister to refer this issue specifically to the Aboriginal Coordinating Council as part of its process of reviewing the *Community Services (Aborigines) Act* 1984. This would ensure that the management of a range of functions is a pivotal issue in the review.

Second, the Task Force noted that many women went unheard within the Communities. It is recommended that there should be equal gender representation on any Government-appointed boards and Community Councils. In particular, legislation should be amended to ensure that the composition of all Community Councils and Local Government shire councils should preferably comprise 50% men and 50 % women.

4.1.5. Training and education in the local government system

Many of the Council members have received little or no education through the school system. Although Councillors have onerous responsibilities, the Task Force were advised that they were not given ongoing training. Some training was reportedly provided but it was said to have little structure and was on an ad hoc and unequal basis.

One option for the Department of Aboriginal and Torres Strait Islander Policy and Development may be to revive its 'community governance in action' training material and

find a more effective means of delivery. The previous material was apparently widely accepted but its delivery was sometimes poor. It is recommended that action be taken to train Community Councils across all levels.

The Task Force members were advised that the current system is failing to address the interests of the people. Government must collaborate with Community Councils to establish a Working Party to develop alternative structures and strategies for administration and funding arrangements for Communities that are relevant to the needs of each region.

4.1.6. Effective coordination of services and programs

4.1.6.1. Breaking the cycle

Despite the Royal Commission Into Aboriginal Deaths In Custody, the Stolen Generations Report and the five years of annual Social Justice Reports, there are continuing concerns about the provision of relevant services for Indigenous people. Care is also needed to avoid duplication when providing services for young people. It is essential that funding for services in Communities be allocated under the guidance of well-defined protocols. Best practice protocol packages should be developed at a national level to define the principles of service delivery on matters of family violence in Aboriginal and Torres Strait Islander Communities across Australia. All services must have built-in evaluation, measurable positive outcomes and accountability if they are to achieve the stated Government goals of crime prevention and reduction of violence, specifically family violence/sexual assault.

A good example of an accountable service is SAAP (Supported Assistance Accommodation Program).¹² The SAAP system provides shelter for the homeless, including women and children escaping domestic violence, and trains workers in shelters funded by SAAP. SAAP services should be extended throughout all Aboriginal and Torres Strait Islander Communities.

One of the most important needs in service delivery is to interlink programs. A high percentage of Aboriginal and Torres Strait Islander individuals and families presenting with one issue, say domestic violence, may also report other problems for which they need help; for example, sexual assault, alcohol and drug problems, suicidal behaviour, unresolved loss and grief, or mental illness. Workers say that one of the most important

needs in the Communities is for healing, but existing programs lack flexibility in access and delivery. Programs should interlink in order to meet the pressing needs of the individual and the family in a more flexible way.

While cultural differences in various groups across Queensland must be recognised,¹³ it is important to identify commonalities to allow groups to work together across regions and strengthen what is done in the Community. Cultural differences form the teaching tools.

4.1.6.2. Best practice

Regional centres should be funded to develop resources and training packages. Each group could then focus on developing a specific intervention approach. These packages could be aimed at services for:

- female victims of domestic violence
- women's groups
- men's groups
- court advocacy for victims of domestic violence
- counselling for victims of violence
- sexual assault healing programs
- programs for perpetrators of violence (Community-based)
- programs for perpetrators of violence (corrections-based)
- children's healing programs
- youth suicide prevention/intervention
- parenting programs
- school-based gender awareness programs.

The Task Force believes it is vital to observe 'best practice' principles in all programs addressing family violence in Indigenous Communities. Each program should:

- build on skills of people at Community levels and promote open Community discussion;
- be based on the belief and practice that any form of violence is unacceptable;
- include protocols and guidelines for service delivery, and for the behaviour of staff;
- establish the safety of victims of violence as a first priority in protocols;

- include trained, skilled workers;
- provide sound, appropriate training for workers;
- network across agencies – coordinate between services and agencies, including police;
- empower people for personal and Community change;
- inform and help people who have been victimised so that they do not remain victims;
- build on a partnership between men and women who are involved in increasing the knowledge and skills of the Community;
- proactively direct crime prevention strategies;
- ensure the appropriate application of domestic violence/sexual assault legislation.

4.1.6.3. Critical program areas

Three years ago, Aboriginal women were brought together as a national group to develop strategies to address the issues of violence within Aboriginal and Torres Strait Islander Communities. They considered four major areas of concern:

1. prevention of family violence through crime prevention and changing attitudes;
2. needs of women and children who have experienced or witnessed violence;
3. service responses to perpetrators of violence;
4. police, courts and other legal responses to violence.

As a result of discussions, it was agreed that each area had the same critical needs: *awareness education – skills promotion – education and training*. Those needs applied across all issues, in relation to causes, effects, behaviour change, and healing after violence. Most submissions listed appropriate training as essential for workers. Mainstream services should prioritise regular training in cross-cultural issues and racism for their staff. Non-Indigenous professionals should be trained by skilled Indigenous facilitators whose knowledge of practical issues is based on solid theory. The issue of behavioural problems caused by trauma should be included in cross-cultural training.

Many of the policies or programs are said to be culturally appropriate, but they never stop to find out what cultural appropriateness is or whether something is

*actually appropriately culture.*¹⁴

More Indigenous workers should be employed in mainstream services. Indigenous workers should also be given access to full training so they can increase their skill levels. Non-Indigenous workers need regular networking and personal contact with Indigenous people to increase their understanding of issues. Most importantly, debriefing must be made available for all service workers, including health professionals, police, police liaison officers, and sexual assault/domestic violence workers who may suffer trauma through the intensity of their workload.

The Task Force saw little evidence of alcohol awareness programs within the Communities. This raises questions about the role of Queensland Health, a department funded for health promotion initiatives to raise awareness of the harmful effects of alcohol, tobacco and other drugs. Queensland Health clearly needs to review this area of service delivery and ensure that all Health Service Districts provide such programs.

Indigenous people are also under-represented on Queensland Health District Service Boards throughout the State. The Task Force recommends that places be reserved for Indigenous people on Queensland Health District Service Boards, and that these places are filled promptly.

4.1.6.4. Single access point for services

Because of the multiplicity of service agencies, the Task Force identified a strong need for a single access point for women who have suffered or are suffering family violence. Governments could ensure better service delivery by establishing a multi-agency services centre to allow people affected by family violence to utilise other services they or their family need. Such a move would enhance coordination of services and facilitate case management.

4.1.6.5. Measurable outcomes

When governments allocate funding for services and announce new initiatives, there is a need for appropriate evaluation that identifies measurable outcomes. While government

departments make it a condition of funding to include proper monitoring and evaluation processes, it should be noted that, in practice, evaluation aimed at process and impact is easy to do, but the evaluation of outcomes can take longer. The need to evaluate outcomes was raised in the consultations. A major concern was short-term funding cycles that did not allow programs to reach their full potential. Negotiated funding must move beyond the short term to long-term packages with definable outcomes and achievable strategic plans for service delivery.

Submissions criticised the underfunding of programs and called for more adequately funded resources. The failure of past policies has been acknowledged. It is now time for real change, for a shift in public policy to one that reflects the true principles of self-determination, social justice and reconciliation.

RECOMMENDATIONS – POLICIES – SERVICE DELIVERY – ACCESS TO SERVICES

1. **Whole of Community /Whole of Government interface**

- (a) The Minister for Aboriginal and Torres Strait Islander Policy should initiate a whole of Government (Federal, State and Local) approach to address the issue of violence within Aboriginal and Torres Strait Islander families and Communities. A Memorandum of Understanding on this issue should be set up with the Federal Government and the Local Government Association, the Aboriginal Coordinating Council and the Island Coordinating Council. The Memorandum of Understanding should delineate and identify clearly the roles and responsibilities of the stakeholders and articulate a critical plan of action, as well as evaluation.

- (b) At the same time, the Minister for Aboriginal and Torres Strait Islander Policy should forge a working partnership between Government and Aboriginal and Torres Strait Islander Communities for a whole of Community/whole of Government approach to crime prevention, policy development and service delivery, to ensure that Indigenous Australians, particularly victims of violence, have access to much-needed essential services.

- (c) At the tabling of this Report, a public forum should be held to discuss its contents and findings. Thereafter, on a biannual basis, a Ministerial summit should be held to discuss and review the progress of the Report recommendations.
- (d) A statewide Aboriginal and Torres Strait Islander justice forum should be established under the Minister's direction, which will meet regularly to develop and review justice strategies as they would apply to Aboriginal and Torres Strait Islander peoples.
- (e) Community Councils, including executive staff, should receive continuous, compulsory training on Local Government bylaws and management from their appointment onwards.
- (f) The number of functions handled by Community Councils should be reviewed in favour of Community organisations, which could be responsible for enterprises such as housing and welfare-related concerns. Suitable training and support must accompany the Community initiatives, to facilitate a process of Community development and empowerment. Local residents could work collaboratively with Councils to provide economic, social and cultural sustainability for Communities.
- (g) Regional centres need to be trained and funded to develop specialised resources and training program packages for interventions. Regions should network and interact for increased efficiency.

2. Equity

- (a) To ensure equitable participation in Community-based decision-making, affirmative action must be introduced to Government-appointed boards and Community Councils. Community Councils and Local Government Shire Councils should preferably comprise 50% men and 50 % women.
- (b) A Queensland Indigenous women's network should be established to ensure women's input at all levels of Government in order to: address the existing and future issues impacting on Indigenous women and children; enable active input to and participation

in the decision-making process involved in formulating policies, programs and services impacting on Indigenous people; and ensure fair access to all services and programs.

4.2. THE ECONOMICS OF DEPRIVATION AND THE CHALLENGE OF ECONOMIC SUSTAINABILITY

Indigenous people do not define poverty solely in terms of financial deprivation. There are often other dimensions to poverty that relate to the long-term oppression and racism experienced by generations of Indigenous Australians. Many Indigenous children still live in want, worsened by fragmentation of the cultural and spiritual values of their parents and extended family. These factors contribute significantly to Indigenous poverty.¹⁵ Discussions about economic sustainability must therefore be balanced by the recognition of Aboriginal and Torres Strait Islander economic deprivation caused by social and structural marginalisation for generations.

4.2.1. Self-determination and the economics of deprivation

*Self-determination, the right to freely determine one's direction in life, the right to live without fear or hunger, and the right to establish for oneself an economic base to sustain family and kin, are democratic ideals.*¹⁶

While a small minority of Indigenous people in remote areas have the capacity to overcome some of their economic disadvantage through subsistence activities, this is not possible for the vast majority of people in Communities. Many Indigenous people living in urban and rural areas and in remote Communities are locked into a cycle of unemployment and poverty. The 1996 Index of Relative Socioeconomic Disadvantage (SEIFA) Report discussed areas of socioeconomic disadvantage in Queensland, and highlighted that the 'top end' of Queensland includes some of the most disadvantaged areas of the State. Ironically many Indigenous Communities are located there with their isolation increasing their disadvantage. Indigenous people are also significantly represented in other economically depressed rural and urban areas identified by the Index. The historical legacy adds another dimension to assessing disadvantage. In some places, this disadvantage has deepened over time and is assuming intergenerational proportions, therefore posing a

serious social concern.

It is no surprise that areas in Queensland with the highest crime rates are often also the most impoverished, and this aspect correlates with low education, poor housing, health problems, and increased incidence of suicide and substance abuse. Many marginalised young Indigenous people enact their anger and frustration in antisocial ways.

Researchers must go beyond an analytical understanding of self-determination, to the lives of Indigenous people, to understand the significance of its absence and its lack of relevance in Indigenous lives.

Against a history of policies expressly designed to assimilate us Aboriginal peoples from the broader society, credence must be given to the words: Self-determination is to peoples what freedom is to individuals...the very basis of their existence.¹⁷

'Self-determination' was introduced as a policy at Commonwealth level in the 1970s. The policy was intended to allow Indigenous peoples to take control of their lives, to be self-determining in their families, Communities and in society generally – to shape their futures. The Queensland State Government, a short time later, implemented the policy of 'self-management'. This policy was intended to assist Aboriginal peoples and Communities in Queensland, in particular on the old Queensland reserves, to be self-managing on a day-to-day basis in all aspects of their lives.

Although the 1970s witnessed the beginning of self-determination and self-management as policies, welfare dependency has persisted, exemplifying the contradictions of these policies. Both policies begin with 'self', meaning 'self as in the individual and self as in the Indigenous group'. They state the need for self-determination/self-management, but overlook significant problems in implementing this principle. First, the influence of past social and institutional controls persists. Second, under-resourced Indigenous Communities are expected to undo years of genocidal abuse that destroyed many economic, social, political, health, educational and kinship systems. Third, if the image of 'self' has been damaged, if the resources and tools for meeting and managing essential needs are not in

place, and if continuing abuse is part of the social surrounds, it is almost impossible to take control and determine directions in life.

Attempts have been made to assist Aboriginal and Torres Strait Islander Communities to release themselves from the grip of paternalism and control of past administrations, but little has been done to address the after-effects of this abuse. Little attention is paid to the lack of essential administration skills, the lack of knowledge of economics, or to the effects of violence that hamper development in Aboriginal and Torres Strait Islander Communities. Policies must be accompanied by actions before self-determination and self-management can become realities.

4.2.2. Poverty and welfare dependency

Poverty in contemporary Indigenous society is profound. The costs of past policies, in both financial and human terms, are immeasurable. The financial cost of poorly-planned policies was exemplified by the situation where inadequately-trained Councils became involved in sometimes serious maladministration of Community affairs. Canteens were established as revenue-generating initiatives for the delivery of essential services, and other economic development projects were often ignored. The long-term costs of such economic decisions are now evident. While canteens bring money into the Community, they also increase fragmentation through violence and social disorder. Young people are forced to leave because of the lack of employment and the violent environment.

Indigenous people were unpaid and underpaid labourers in the pastoral and fisheries industries as well as on the reserves. Their skills and labour contributed significantly to the development of the nation. This fact is rarely recognised or acknowledged.

As a result, there is currently a deep and profound culture of poverty in many Communities. This is not simply a culture of poverty resulting from a lack of jobs, limited financial resources, low education attainments and lack of opportunities. It can also be seen as a 'poverty of spirit' that is even more disabling and compounding. The past twenty years have seen a decline in Community cohesion and a rise in Community dysfunction.

The granting of equal pay 30 years ago should have accelerated overdue justice for Indigenous Australians. However, it coincided with globalisation and significant changes within the economy of the country generally. These affected mainstream society as well. The first and most deeply affected people were those already marginalised. Many Indigenous people became unemployed and consequently increasingly reliant on welfare, in a sequence of misfortunes that accumulated. Because of this, a new experience developed, that of generations of Indigenous families being without work. In Australia generally, intergenerational poverty was not foreseen or adequately addressed.

[Intergenerational poverty is W]here the cycle of educational and employment disadvantage passes from one generation to the next. It never envisaged a situation where children, having watched their parents and their grandparents live a life of long-term unemployment, would take welfare dependency as their role model.¹⁸

While it is important to acknowledge that welfare dependency is destructive in every impoverished group in Australia, the effects in Indigenous Communities are acute. They are more visible and more disabling because of the legacies of social disadvantage and marginalisation across generations.

Aboriginal lawyer Noel Pearson argues that the equal pay decision was 'a monumental failure' for Indigenous peoples. Indigenous people became locked out of the legitimate economy and into welfare dependency. The Government did not subsidise wages so that people could be retained in employment.¹⁹ Instead they created the Community Development Employment Program (CDEP– work for the dole).

Poverty victimises the poor. Ochberg has shown that once a person or group has been victimised, they are more likely to enter a downward socioeconomic spiral because of 'psychological, social and vocational impairment' from the abuse.²⁰ They are more likely to be re-victimised by the medical, legal, welfare, bureaucratic and political responses to their essential needs.²¹ Ochberg also points out after victimisation, the single most important factor in recovery is a supportive family and Community. They must be supported by funded programs for viability. These variables predetermine the ability to recover, re-enter the social sphere and make a valuable contribution to economic and social

development within the family and Community environment. It is therefore essential that economic development initiatives for Aboriginal and Torres Strait Islander peoples are balanced by social development initiatives.

The Poverty Index Report identified a number of factors that trapped Indigenous Australians in a low socioeconomic state, in comparison with other Australians:

1. **Dispossession:** Possession of land is necessary for production, and it is a key element in the traditional economy. Loss of land exacerbates material poverty.
2. **Exclusion:** Up until the late 1960s, many Indigenous Australians were excluded from access to mainstream services. This has left a significant legacy of inequality in areas such as education, health, housing and infrastructure.
3. **Recent inclusion:** Access to welfare in recent years has unintentionally, and paradoxically, created poverty traps from which it is hard to escape.
4. **Previous poverty:** Low past and present household income has prevented and continues to discourage household capital accumulation and private investment, leading to intergenerational family poverty.
5. **Location:** A high proportion of the Indigenous population lives in rural and remote areas where there are few economic opportunities and service delivery is expensive.
6. **Demography:** Indigenous families and households are large and multigenerational. Consequently, dependency ratios and economic burdens are higher than for other Australians. Population growth rates also far exceed the Australian average.²²

Welfare dependency among Indigenous peoples can be traced by reference to clearly defined benchmarks in the exclusion/inclusion of Indigenous Australians in Australian society. 'When we make people powerless we promote their violence.'²³ They cannot escape the position in which they have been placed due to their social and geographic isolation. Cultures of poverty may then become cultures of violence, because poverty renders individuals isolated and vulnerable to negative and destructive external interests.

While it is easy to diagnose problems, it is much more difficult to identify and build on positive initiatives that have occurred. Pearson points to the need to name and know

valuable resources and tools for advancement in disadvantaged situations.

*In identifying negative welfare programs as a source of social disruption, we must recognise that such programs represent extremely valuable and important resources. But for those resources to be beneficial rather than destructive, we must fundamentally transform it.*²⁴

4.2.3. New beginnings – economic sustainability

The process of negotiation, intellectual exchange and development of ideas is central to the ongoing advancement of society. Through participation, the business world is driven by issues, not merely by the assessment of skills and abilities of individuals and groups. This basic process has been denied to many Indigenous Australians.

Social factors contribute to the process of supply and demand and are often determined by the will of dominant groups. Through exchange and reciprocity, the worth of individuals is socially defined and managed. For example, when an individual is well regarded, he or she is included. However, if an individual is seen as inferior, exclusion may occur.

No matter how productive an organisation or group may be, people rely on reciprocity, productivity and exchange to survive. When individuals are excluded from this process or their skills are not respected, marginalisation and a culture of poverty may develop. Sections of communities are then rendered vulnerable and exposed to the actions of more powerful groups. Such has been the experience of Indigenous people. The way forward can only occur with a fundamental change of attitude and the social capital of Communities being valued and utilised.

Is the way forward for Indigenous Australians through the *Third Way* as promoted by Latham, an adoption of Pearson's reciprocity model, or other proposals and programs being developed and promoted by and with Indigenous peoples? Probably the answer is a mixture of all the suggestions. Such a move should recognise a whole of Community/whole of Government approach that enhances reciprocal participation by all stakeholders. This is the true meaning of partnership and reciprocity.

4.2.4. Community Development Employment Program (CDEP)

A number of initiatives have been designed to provide employment for Indigenous Communities, the most prominent being the Community Development Employment Program (CDEP), a major initiative of the Commonwealth Government.

The development of CDEP assumed that many Indigenous people would at last be able to enjoy some form of economic independence. In the consultations for this Report, however, there were indications that this initiative has not always been utilised in the most effective way. At the same time, the Task Force did see examples of CDEP being used in an innovative and creative manner.

The Task Force observed a number of instances where the Community Council wanted to utilise CDEP to develop projects that would not only create valued and valuable employment within the Community, but would also deliver essential services, such as maintenance of parks, general garbage collection, and lawn mowing. However, the Councils were told by the CDEP Coordinator in one Community that this could not be done. At a meeting at which a Task Force member was present, the Council asked the CDEP Coordinator if CDEP could re-commence a market garden. They were told it was not in the guidelines. When they asked if CDEP could be used to mow the parks, they were told it was not in the guidelines. At least six suggestions were rejected by the CDEP Coordinator as not being in the guidelines. This prompted the Task Force to ask: 'What is in the guidelines?' If the guidelines are so narrow, then the program is ineffective as a work for the dole incentive, or as an economic development scheme within Indigenous Communities.

Despite the stated problems with CDEP, it does provide an invaluable resource for employment and training if it is administered appropriately and used creatively. Like all government programs, CDEP should be subject to accountability, not only in terms of how many people are on the program, but also in terms of the type of initiatives developed and the outcome generated for the benefit of the Community generally. The guidelines of CDEP are being utilised effectively in Communities such as Kowanyama and Cherbourg,

as a vital resource for Community development. However, it is less effective in some other Communities.

Therefore, it is not suggested that the program should cease, but as suggested throughout the consultations, it does warrant a more strategic application in order to make it a viable and productive employment strategy. It requires much more strategic management so that it can assist in the development of viable Community projects determined by the people and managed by the CDEP Coordinator, who is responsible for working with the people to complete the identified initiative.

If economic development is to accompany social advancement, governments should request Community Councils to use CDEP as a forum through which violence prevention programs can be addressed in compulsory training sessions. CDEP could also include training in parenting and other basic skills such as financial management, market gardening, dressmaking, bakery and other programs. These ideas were raised by members of the Communities.

4.2.5. Small business enterprise development

There is increasing evidence that people are looking for strategies to develop an economic base in small business within their Communities. Although there is immense poverty and dysfunction, many people are enthusiastic about the establishment of businesses, which would free them from dependency on welfare. The development of enterprises to create and sustain employment opportunities is an imperative. This move must be accompanied by increased educational skills and appropriate short- and long-term on-the-job training. Policies are needed to improve the participation of the Communities in the labour market in order to gradually shift into small business enterprise.

To be economically independent of government we need to develop programs that are culturally appropriate, at the grassroots level. We need to develop strategies and start working as a Unit, as a Community to develop some of these industries. To address a lot of the problems that we are facing today we have to start looking five generations ahead.²⁵

A woman who attended one of the consultations wanted to establish a bakery and a small store. Although there was already a store, she indicated that competition would provide better services for the people. Another woman expressed a desire to have her own dressmaking business. A Council employee suggested that Council uniforms could be made locally rather than being purchased outside. Women said that they would like to have sewing machines and be able to make their own clothes and curtains for their homes. Many older women had positive memories of being taught to sew by the missionaries. Young women especially wanted to learn dressmaking in order to reduce their spending on clothing. Some Community women said they did have active sewing groups, but needed more machines and access to advanced training.

It is imperative that ATSIC and Government work with the Councils to develop strategies to assist Aboriginal and Torres Strait Islander peoples to be more involved in developing their own business enterprises at the local level.

The State Strategic Plan 1997-2007 has a goal of 'progressively increasing the standard of living and the quality of life for Queenslanders'. The economic well-being of Indigenous people is integral to this process. The Government vision for the economic development of Queensland's Aboriginal and Torres Strait Islander peoples is an 'improved quality of life through sustainable economic development'.²⁶ This must be a process that is free from the encumbrances that have acted to disempower Indigenous peoples and isolate them from enjoying self-determination.

During the time of the prison consultations a young man who was interviewed expressed what he would like from life.

I don't want to feel like a victim all the time. I want to be able to move on in my life but the system won't let me. I have a really good family but they can't help me because they are flat out helping themselves. I've been so down but now I am on the rise. I know I'm the only one who can pick me up. I've got to do that myself. But if I could get a job, a place to live, a place of my own and someone to share my life with. If I had that I would

*feel like a king. I have never known what it is like to really be loved and to love someone. I think it is time I started.*²⁷

This discussion has shown that multiple factors, both historical and contemporary, block the achievement of sustained economic development in Indigenous Communities. The Task Force noted that even the most impoverished Communities were now looking for a way forward.

RECOMMENDATIONS—THE ECONOMICS OF DEPRIVATION
AND THE CHALLENGE OF ECONOMIC SUSTAINABILITY

3. Economic development and sustainability

- (a) Regional summits should be held with ATSIC, Government agencies, Community Councils, mining companies and private industry to develop strategies and set time span objectives for the social and economic development needs of Aboriginal and Torres Strait Islander peoples and Communities in Queensland.
- (b) Both the Federal and the Queensland Governments should aid Communities in the development of small business enterprises.
- (c) In collaboration with Councils, the State should establish a Working Party to develop alternative structures and strategies for the administration and funding of DOGIT Communities to create economic independence and viability.
- (d) Action must be taken by all levels of Government to ensure that accountability for funds is not based on financial terms alone, but is extended to outcomes that can be measured by changes at the client and Community level.
- (e) Serious consideration must be given by all levels of Government to utilising remote Indigenous Communities in a strategic approach to national surveillance and security along the coastal shorelines. This could involve training Indigenous people in monitoring and detecting illegal activities, as well as assisting police in searches.

It would capitalise on the unique skills and resources of Indigenous people familiar with their local environment.

This initiative should be fully resourced and funded by Government.

- (f) There should be a full evaluation of the Community Development Employment Program (CDEP). CDEP should be fully utilised to aid Community development and be regularly monitored and assessed by independent bodies.

4.3. ALCOHOL AND OTHER DRUGS

4.3.1. Costs of alcohol and other drugs

The entire Community is built in circumstances that are ghetto conditions and all of the housing is located within a short distance from the \$6,000,000 hotel built on the hill. The amount of money that is poured into that hotel is staggering and explains in very easy form why it is that children get very little nourishment and proper food because the governments of the day and past decades have profited handsomely from the sale of alcohol in these Communities...[there is the] most damning of indictments against successive administrations during the past two decades and indeed throughout the century. It is so graphic that I doubt that any defence could properly be mounted to an action against the government for failing in its duty to people in these Communities, particularly against the background of the repeated comment and entreaty judicially that the authorities act to do something. They have utterly failed, neglected or refused to do so....The fact is... governments have involved themselves in a pernicious trade.... what is the difference between knowingly selling alcohol to people whom you know are grossly damaged physically and mentally by such sale and who become or continue to be addicted to it on the one hand, and on the other hand selling heroin or amphetamines and any other illicit drugs or opiate. ... [T]he present and past administration are arguably just plain drug dealers.²⁸

Throughout the consultations informants consistently raised both the human and the social costs of alcohol. They were also concerned about the level of revenue being generated by both Councils and the Government from the sale of alcohol, with few, if any, benefits being given back to the Communities.

The Alcohol and Other Drugs Council of Australia (ADCA) estimated in the financial year 1993-94, the Commonwealth Government received revenue of \$3,800 million per year from alcohol and tobacco tax. Of this amount, Queensland was reported as receiving \$479,000,000 per annum. The State returned only 2.9%, the least of any State, to the community in programs and services raising public awareness, and promoting prevention and intervention for alcohol, tobacco and other drug problems. Queensland received \$153.65 per head of population as its share of the alcohol and drug tax revenue, but it spent only \$4.40 per head on health prevention and intervention. The report conservatively estimated that drug abuse costs the Australian community more than \$14.3 billion each year in injury and illness.

The Alcohol and Other Drugs Council of Australia Report does not quantify the economic and social costs of alcohol and other drug misuse for Queenslanders generally, nor for Aboriginal and Torres Strait Islander peoples in particular. However, other research indicates that the economic and social costs are substantial. The costs, both direct, in terms of outlays on physical health issues, and indirect, through expenditure on the social effects of alcohol abuse on families and communities, are immeasurable. Alcohol and other drug-related deaths, injury, ill-health, fire, falls, drowning, poisoning, suicides, violence, self-harm, family and community breakdown,²⁹ are tangibly and intangibly linked, and for Aboriginal and Torres Strait Islander peoples, extend unresolved intergenerational grief, despair and traumatisation.

Aboriginal and Torres Strait Islander people presently comprise 2.9% (a total of 104,800 people) of the Queensland population of 3,338,700. On a percentage basis, Aboriginal and Torres Strait Islander people brought revenue of at least \$13,891,000 into Queensland for 1995, in alcohol and tobacco tax. However, services to meet the critical health needs of Aboriginal and Torres Strait Islander peoples are still underfunded. Many of these critical health needs are linked to the alcohol and drug situation.

Aboriginal and Torres Strait Islander peoples pay Commonwealth taxes from which they should derive a benefit through Government spending on health services, which is still deficient. Many Community Councils must rely on the income derived from the canteens

that they operate for the delivery of essential services. Indigenous people therefore pay for their services twice, through Commonwealth-based tax and Community Council charges. They also contribute to the broader Australian economy. Neither Aboriginal nor Torres Strait Islander peoples, nor the broader population of Queenslanders, appear to be receiving a fair return from taxes imposed on their alcohol consumption.

It is essential that Governments develop awareness of specific regional issues, in view of the diversity of Indigenous experiences and needs, as well as, in this instance, the relationship between the drug economy and supply and demand. The Working Group was told that, on the Gold Coast, heroin starter kits could be purchased for \$7.00, and a Community reported drug pushers handing out free sheets of A4 paper impregnated with LSD, presumably also as starter kits. On the other hand, in Cape York, people were paying \$10.00 for a can of beer and \$150.00 for a bottle of Bundaberg Rum on the sly grog market. The Task Force was given substantial evidence of hoteliers selling grog to children or young adults at six o'clock in the morning. In a number of Communities, marijuana, both home grown and imported, was reportedly readily available.

The drug causing the greatest problems in the Cape York Communities, however, is still alcohol. In Doomadgee (a so-called dry Community), payday is the day the sly grog traders arrive.

It is absurd to call Doomadgee a dry Community when there are hotels within an hour's drive away and people willing to load up the car and come back to the Community and drink.³⁰

Informants estimated that up to 60% of the pay leaves the Community in the hands of the sly grog dealers who include, among others, some local publicans. Children thus have little to eat and the women have to struggle to provide food for their families until the next payday. It was reported that children sniff petrol to take away the hunger pains.

A number of submissions recommended that canteens should be dismantled and Councils funded 'properly' out of State revenue to deliver the essential services all Queensland citizens should receive.³¹ One submission suggested that canteens should be moved out of the Community, with a set of protocols put in place so that people could drink near, but not

within, the Community. The revenue would still come to the Community Councils. On the other hand, people who lived within the DOGIT Communities, even those women who were the most outspoken against alcohol, listed a series of alternative approaches for those who had a need to access alcohol.

These needs were not incompatible. For example, the strongest voice for banning alcohol completely came from women at Kowanyama. They spoke too of their fear that, if the canteen was closed, the sly grog trade would increase. The problem would not go away. Kowanyama has a population of approximately 1,200 people. Of this population, it was estimated that about 600 people drink 'seriously'. The women of Kowanyama made a number of critical points that should be seriously considered and could be implemented.

4.3.2. Government responsibility - Community responsibility

In commenting on alcohol use, the Task Force is aware that it is the normal right of a citizen to consume alcohol, according to Australian law. However, laws exist to govern the sale and consumption of alcohol. These legal constraints are often overlooked, particularly in remote Communities. In fact, the situation in the Communities reflects the historical application of European law, intersected with recent but confused human rights gains. The laws controlling alcohol use are not being equitably applied. The Task Force was informed of some publicans in rural towns selling grog to children.

*It is not only the Councils who should be held accountable for the misuse of alcohol on Communities. What about the Government, the Police and the Liquor Board, don't they have a legislated responsibility to watch what is happening in the canteens and with the sly grog? Don't they have a duty of care or something?*³²

It is time to ask, to what extent have the authorities been negligent in their duties and responsibilities to Aboriginal people?

4.3.2.1 The sly grog trade

In 1988, the Report of the Queensland Domestic Violence Task Force recommended:

*...that the sly grog trade be brought to the attention of the Ministers responsible for Police, Justice and Community Services with a view to developing strategies including legal remedies to eliminate the practice of the supply of sly grog.*³³

Eleven years on and the sly grog continues to be a major problem within the DOGIT Communities. It is being brought in by plane and road, and local Aboriginal people and white service workers/contractors have been identified as the main offenders. Many of the Communities visited by the Task Force already had bylaws, which contained provisions against sly grog that, if enforced properly, would address offences. The Task Force was told that police failed to pursue sly grog traders, and the absence of any significant evidence of convictions supports this contention. It is pointless to introduce new laws dealing with sly grog trading if the current law is not enforced. The Task Force was informed that one of the problems the Queensland Police face is difficulty in obtaining enough evidence against sly grog traders to mount a successful prosecution. However, some submissions from the Communities contradict this view.

During the visit to Doomadgee, female Elders told the Task Force that a grog bust had occurred the previous weekend, when a trader had brought a supply of grog to the Doomadgee road turnoff for sale to residents. A Community member had informed the police. The Queensland Police officer in charge of the station at Doomadgee showed Task Force members the impounded grog, much of it 'monkey blood', a cheap brand of port. If the grog had been sold, the sly grog trader would have made up to \$30,000 in a few hours of trading. It was clear that both the female Elders and the Queensland Police felt making the effort to catch the sly grog trader was important to the Community.

In contrast, in other Communities, Queensland Police told the Task Force that sly grog was not their responsibility, but that of the Aboriginal Community Police. Aboriginal Community Police **do not have legal powers** to address the sly grog issue. They are still largely untrained. The problem may be partly addressed by the current proposal to transfer Community Police to the Queensland Police. This move should improve the standard of Community policing.

However, the State has not resolved the issue of Aboriginal Community Police training and powers of arrest. This serious omission has been a problem for decades. It was a major concern documented by the Aboriginal Coordinating Council to the Royal Commission into Aboriginal Deaths in Custody. It is unfair to place the responsibility on Aboriginal Community Police and Community Councils without providing the necessary powers, resources and skills. The State has a duty of care to Indigenous Queenslanders to provide adequate policing of the sly grog trade. To continue to ignore the sale of sly grog poses serious indictment on how authorities fulfil their legislative responsibilities.

The Liquor Licensing Board told the Task Force that the Queensland Police are their legal eyes and ears in the Communities. If the Queensland Police can provide adequate evidence, the Board has the powers to deal effectively with the sly grog trade. The Task Force observed that it is easy to pick up an Indigenous person who has an alcohol addiction, for being drunk and disorderly, but many police appear less willing to pursue sly grog dealers actively.

It is important to develop a model set of bylaws and appropriate penalties. The present bylaws do not provide sanctions that would allow Aboriginal Community Police to deal effectively with traders in sly grog. Bylaws on DOGIT and Local Government Shire Communities should establish protocols to eradicate the sly grog industry and ensure canteens are effectively managed. For example, it has been suggested that if a person is found guilty of sly grog running, their vehicle should be impounded. There should also be tough sanctions for dealers who prey on people and Communities. It would be a useful strategy to ensure that enforcement arrangements are negotiated with State and Community Police before the passage of the laws.

The Task Force recommends that the Department of Aboriginal and Torres Strait Islander Policy and Development negotiate with the Queensland Police Service and the Department of Tourism Sport and Racing in relation to enforcement of laws on sly grog trading.

4.3.2.2. Liquor licensing issues

*Where is the Liquor Licensing Division – that group of highly paid public servants charged with the responsibility of ensuring that our liquor laws are obeyed? They reap millions from the Communities in liquor fees. When was the last Community canteen closed down because of the appalling behaviour as would occur if the venue were a hotel in a less remote town?*³⁴

As stated previously, the Task Force observed that the Liquor Act did not appear to be enforced in some Communities. It was difficult to understand why liquor outlets that were not complying with the conditions of their licences had not been admonished or penalised. The provisions of the Liquor Act should be as applicable in Aboriginal and Torres Strait Island Communities as elsewhere in the State. Task Force members were not advised of any instances where publicans or licensees had a 'show cause' notice for non-compliance with licence conditions. They were advised that the Liquor Licensing Division proposed to engage Liquor Licensing Liaison Officers. While this concept is worthwhile, it may not be sufficient to solve the issue, and could become another excuse for not enforcing the law.

*What also needs to occur is for the liquor licensing laws to be strictly enforced in a way that is supported by the Communities where hostelries are present. If the liquor licensing laws aren't properly enforced (if the hotels are to stay) there is no prospect of severing the Gordian knot between alcohol and violence. For example, if the publicans continue to service intoxicated people, contrary to the relevant laws, they should be prosecuted for their breaches. There are numerous examples of gross domestic violence being committed after offenders come home from the hotel barely able to walk. They know that there is likely to be violence when he gets home and yet they keep on serving grog.*³⁵

There is concern about the lack of application between the *Liquor Act* and the *Domestic Violence (Family Protection) Act 1989*. A Community should be able to introduce a bylaw to prevent a person from buying alcohol at a liquor outlet for a specified period. One obvious area where such a prohibition might be introduced on an automatic basis is where the person is the subject of a domestic violence order. Bylaws could also be used to determine that alcohol should only be consumed in a particular area. As previously suggested, this could involve designated areas outside the Community. From a Community perspective, however, it seems pointless to include provisions in Community bylaws

relating to alcohol consumption, if neither the Liquor Licensing Division nor Queensland Police act to enforce the provisions.

The Human Rights and Equal Opportunity Commission (HREOC) have stated that they will support decisions made by Indigenous Communities seeking to self-determine the manner in which alcohol is sold. The HREOC can invoke 'special measures' so that Indigenous Councils will not face charges of discrimination, even when non-Indigenous people residing within Communities are also subjected to bylaws limiting alcohol use.

When something is done for the benefit of one group of people, to overcome a history of disadvantage, then it may not be regarded as discriminatory – even though it does not apply to everyone. So when an Aboriginal Community actually asks for certain licence restrictions to be applied to members of its own community (and not to everyone) then it can be argued that this is not discriminatory because it is, in the circumstances, a 'special measure'. Importantly, however, there are conditions which are attached to special measures and these must be fulfilled.³⁶

The problem with introducing new bylaws and State laws on alcohol use is that they will be pointless without rigorous enforcement. It is essential that State authorities accept and act on their responsibilities to enforce the laws and meet their legislated responsibilities. The Liquor Licensing Board has a legal responsibility to ensure that publicans and licensees act within the law and fulfil their obligations under the law. If a publican, whether in the Community Council or elsewhere, continues to serve people who are heavily intoxicated or underage, the publican should be prosecuted for the breach.

There are numerous examples of gross domestic violence committed after offenders come home from the hotel/canteen barely able to walk.³⁷

Publicans should be warned that they could be held liable for compensation costs when the provision of alcohol clearly breached State law and the use of alcohol contributed to violence and injury.

4.3.3. A Community Benefit Fund

The Task Force was advised of Community concerns about the benefits obtained by both the Community Councils and Government from the sale of alcohol. A large number of Community representatives felt that the human costs resulting from the sale of alcohol are of little concern to the sly grog distributors, canteen operators or the external world.

Some responsible Councils channel funds back into Community services. For example, Kowanyana Council returns all its canteen profits to the Community³⁸ to fund facilities for childcare, aged care, the women's shelter and the mother-child program. In other Communities, however, there was little evidence that funds from liquor sales were being used for the direct benefit of community welfare agencies. Ironically, these agencies are left to deal with the problems caused by alcohol consumption.

The Task Force proposes that all Communities and Government consider the establishment of a Community Benefit Fund to provide relevant services to assist people to deal with the consequences of alcohol misuse. A percentage of the canteen takings as well as a percentage of the sales tax through the sale of alcohol should form the basis of the fund. Councils could follow the example set by Kowanyama Council and assign the entire profits from liquor sales to the Community Benefit Fund or directly to welfare agencies. The Liquor Licensing Board could follow the example set by the gambling casinos in establishing a fund similar to the Community Benefit Fund.

The Community Benefit Fund would provide immediate welfare relief and counselling for families, counselling for the alcohol consumer, and have the long-term aim of supporting rehabilitation activities. Councils would be demonstrating to Government their willingness to tackle the alcohol problem. The Government should provide funding for Community alcohol-related services that matched that allocated by the Council from their alcohol revenue to the Community Benefit Fund.

A significant number of people consulted were adamant that alcohol should be totally removed from their environment. They were no longer prepared to tolerate the misuse of

alcohol or the alcohol outlets. Some submissions wanted to 'close the canteens', while others called for a more responsible approach to the use of alcohol on their Communities.

4.3.4. 'Close the canteens!'

Kowanyama women said the answer to the present situation lies somewhere between the extreme action of closing canteens and maintaining a situation where there's unstructured licence to drink.

Members of the Task Force were advised that Communities were not in a position to make effective choices, because they were in a crisis management state, dealing with the damage inflicted by alcohol abuse and its associated violence. People wanted the opportunity to consider and seek out advice regarding the best methods to use in the control of alcohol abuse, and to ensure that their decisions received support from Community and Government.

Communities were not short of recommendations. As an example, canteens could be asked to sell beer only in cans. The present sale of beer in bottles is problematic. Bottles become weapons in episodes of violence, and broken glass detracts from the visual aspects of Communities. Another suggestion advanced was to conduct alcohol-free Community trials. The following procedure was suggested:

Alcohol-free Community trials: Consultations would occur between relevant Government agencies, the Aboriginal Coordinating Council, the Island Coordinating Council, the Liquor Licensing Board and Queensland Police to select two Communities to volunteer to close their canteens for a selected period. Alternative income would be allocated. A plan would be negotiated with the Communities for diversional activities and help for heavy users of alcohol for the 'drying out' period. Police would ensure that liquor licensing laws were upheld and, in conjunction with Community Councils, prevent alcohol being brought in. Throughout the period of the alcohol ban, intense programs and evaluations should take place and at the end of the trial, the Communities would be consulted in order

to set future directions. The trial should be conducted with recognised research tools and carried out by the Communities themselves under expert direction.

Another suggestion involved using National Drug Strategy training resources to develop and implement culturally appropriate drug and alcohol programs in conjunction with family violence programs. Such programs could include materials, training packages, and train-the-trainer courses, for Community service use. Alcohol manufacturers should fund these initiatives.

The success or failure of any initiatives will depend on the unequivocal support of governments. All evaluations must be viewed in the context of what alcohol abuse costs socially, physically and economically. Most importantly, programs must be introduced as a matter of urgency from a human rights aspect. It is immoral for governments to take taxes from the sale of alcohol and give only minimal support to the eradication of the misery it causes.

There are some critical lessons to learn from people who have faced these problems in the past. A lesson from Canada is that after alcohol is gone, problems emerge that initially triggered the need to drink. While the Task Force recognises that it is not possible to deal with other issues, like abuse over generations and cyclical violence within the family, without addressing the problem of alcohol, it is essential to establish programs to heal the injuries suffered while people were drinking. The stark reality is that the Community services are not equipped to respond adequately to the level of need that exists. There is much work to be done and the final word on alcohol should come from one of the submissions:

I recognise that there may be some criticism from civil libertarian groups, should a decision be made ultimately that severely impacts on an individual's right to drink. I would probably want to say something about that criticism, should it occur. Civil libertarians like ATSIC leaders have a responsibility to all members of the community. Random major violence caused by excessive alcohol consumption is a massive invasion on the civil liberties of victims. I do not think that civil libertarians would suggest that people who are grossly impaired by alcohol or

*drugs should be permitted to drive motor vehicles. In my view neither should they be permitted to assault and abuse women and children or other men for that matter.*³⁹

RECOMMENDATIONS – ALCOHOL AND OTHER DRUGS

4. Policing alcohol

- (a) Government must take urgent action to set up an inquiry into the sale and management of alcohol in Queensland. This inquiry must investigate the sly grog and drug trade in remote Communities, and the alleged lack of action by authorities.
- (b) The sly grog³⁹ trade must be addressed in a collaborative effort by Communities, DATSIPD, Queensland Police and the Liquor Licensing Board to ensure laws relating to alcohol are strictly enforced.
- (c) Indigenous people must be included in all collaborations with the broader Australian service agencies involved in strategies aimed at terminating the illicit alcohol and drug trade.
- (d) Isolated Indigenous Communities should use their remoteness to advantage, and be more strategic in using their bylaws, in collaboration with Queensland Police, to control the import and misuse of alcohol and illicit drugs. These initiatives should be resourced and fully supported by the State.
- (e) Alcohol and drug addiction must be addressed using proven methods of rehabilitation and trained personnel. Ongoing training, updating and evaluation of methodology should be obligatory.
- (f) The Government should direct part of the revenue from each Community's liquor sales towards rehabilitation activities on a shared basis with the Community Benefit Fund.
- (g) The marketing methods used by manufacturers of alcohol in Australia must be investigated and manufacturers held responsible, in line with the statutory requirements

applied to producers of pharmaceuticals.

- (h) Manufacturers of alcohol must accept liability for rehabilitation and treatment programs, and systems for the safe disposal of bottles and cans. Manufacturers should be required to produce containers less likely to cause harm than glass bottles.
- (i) The Queensland Government, in collaboration with Community Councils, should investigate the viability of trialling alcohol-free environments in two remote Communities for a period that would allow discussions to occur on the development of strategies for better management of alcohol within those Communities. The Queensland Government, the Liquor Licensing Board and ATSIC should assist financially in this period to ensure the Communities are economically sustained. The initiative should be fully evaluated and monitored. If successful, similar approaches should be made to other Communities concerned about the use and sale of alcohol and the management of their canteens. Rehabilitation services should be available for Communities to deal with dependency problems during this period.
- (j) The proposal to appoint Indigenous Liquor Liaison Officers must be postponed until adequate consultation with relevant stakeholders has been undertaken.

4.4. EDUCATION AS EMPOWERMENT

Education was consistently advocated as a powerful tool for social change, essential for personal, professional and community growth, and a liberating force as people move beyond child and adult disempowerment, resulting antisocial behaviours, and welfare dependency. Education is for life and provides opportunities at many developmental stages for possible and essential primary prevention and critical intervention programs. Education is therefore a critical factor in addressing violent attitudes and behaviours.

The struggle for a good education, like health, housing, and legal aid, has been the struggle of Aboriginal women. The people who stand out the most in my mind and have been the biggest influences in my life have been Aboriginal women. But in the

*end they never got the big jobs or the powerful positions and it makes me wonder about the future.*⁴⁰

*We have to maintain and regain our stories, dances and songs to educate our children, in our own way, and within our own space. We need to take control of our children's education and teach them in a truthful and culturally specific way. I believe that it is important for us to use our own teaching methods and establish our own 'places of learning'.*⁴¹

Article 26 of the *United Nations Declaration of Human Rights* states:

- i. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.*
- ii. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups and shall further the activities of the United Nations for the maintenance of peace.*
- iii. Parents have a prior right to choose the kind of education that shall be given to their children.*

Aboriginal and Torres Strait Islander peoples see education for the whole of life as being an inherent right. It determines the relationships between men, women and children, and is driven by a code of ethics that provides guidance, direction and obligations at personal and interpersonal levels.

The right to education or knowledge begins before birth. People continue to acquire knowledge all their lives, and pass on beliefs, values and rules for living though

behavioural example to others within their relationship circles. Education is therefore a critical factor in effectively addressing violence within Indigenous Communities.

4.4.1. Educational approaches

The Commonwealth Government's policies in Aboriginal education seek full education opportunities for all Aboriginal people (endorsed by Education Queensland). The Government is committed to ensuring that:

- *Aboriginal [people] receive an education which is in harmony with their cultural values and chosen lifestyle, enables them to acquire the skills they desire and improves their socioeconomic position in society; and*
- *Education is promoted in the whole Australian community regarding the cultures and lifestyles of the Aboriginal people.*⁴²

Aboriginal educationists, Margaret Valadian and Natasha McNamara, in a joint submission to the Task Force about the role of education and how it places Indigenous students, state:

From the beginning of European contact, the schooling provided to Aboriginal people has been very limited. Whilst it varied, it was generally designed to provide literacy, numeracy and the preparation for manual work.

Mainstream education promotes individualisation by developing policies and programs that actually pursue individual assimilation at the expense of group advancement and the growth of the Community as a whole. This retards the growth, vitality and development of the Community as a whole.

*More importantly, it contributes to the cultural disintegration of Aboriginal and Torres Strait Islander Communities with the associated increase in cost to the social and economic fabric of this country.*⁴³

In assessing the role of post-secondary education institutions, Valadian and McNamara's submission states:

There is currently a perceived lack of progress in the higher education development of Indigenous Australians as so few Indigenous graduates are visible in the community, the professions or the private sector.

Post-secondary training lacks the academic rigour required to equip our students with the skills, competencies and knowledge to enable them to be self-starting professionals.

Hence there is no correlation between the number of Aboriginal peoples graduating and any corresponding progress in the social and economic development of the Aboriginal and Torres Strait Islander Communities.

In the contemporary situation, Valadian and McNamara argue:

There is a growing amount of evidence to show that Indigenous communities generally are becoming increasingly dysfunctional across all generations – from grandparents to infants.⁴⁴

Many Indigenous students are staying away from school. There are multiple reasons for this truancy, which range from events occurring in their homes to suitability of school curricula. These issues will form part of the following discussion.

4.4.2. Education for violence prevention

It was repeatedly stated in consultations that appropriate education is a vital factor in helping to prevent the development of violent behaviour. This is particularly relevant for young Indigenous men and women, and is critical at a primary level for Indigenous children.

For this reason, the Task Force is extremely concerned by the alterations made to Abstudy by the Federal Government. The historical omission of Indigenous people from formal education is well known, and it has been an important factor in the disempowerment and

welfare dependency experienced by many Indigenous people. Over the past 20 years, there has been a gradual inclusion of Indigenous people across all levels of education and many Aboriginal and Torres Strait Islander professionals have graduated from tertiary institutions. However, the number of Indigenous tertiary graduates in Queensland is still low in comparison to the other states, even though Queensland has the second-highest population of Indigenous people in Australia. This slight advantage is being undermined by changes to Abstudy.

Eighty percent of Abstudy recipients are mature-age students, and many are supporting parents. They have suffered disadvantage and loss of financial support following the alteration of Abstudy. Equally importantly, the new Abstudy encourages Indigenous students to mainstream and enter universities immediately after completing high school, a move 'more suited to middle-class Australians'.⁴⁵ This Abstudy approach ignores the special circumstances affecting Indigenous Australians that prevent them from participating equitably. While social justice, reconciliation and self-determination are currently driving the political agenda for Indigenous affairs, the Federal Government is taking 'a contradictory stance on Indigenous education; on the one hand continually referring to the commitment to improve Indigenous participation in education, while, on the other hand, contributing to the many obstacles and blockages that deter Indigenous people from this path'.⁴⁶

Given the historical lack of access to education and mistrust of European education systems experienced by Indigenous people, and the various obstacles Indigenous students must overcome to participate in higher education, it is unfair to create uncertainty for their future. Abstudy is an essential component in self-determination in the development of strategies for a long-term preventative approach to family violence. The Task Force requests that the Queensland Government raises the Abstudy issue with the Federal Government as a serious concern.

The high attrition rates for Aboriginal and Torres Strait Islander children in primary and secondary schools are well documented and are still a cause for concern. Queensland has the highest rate of under-fifteen school leavers in the country. Education Queensland has not addressed this issue effectively. It is also well known that truancy is a risk factor for

young people. Truancy can lead to trouble with the justice system, and to violent behaviour at a later stage. The current high rate of incarceration of young Indigenous people in juvenile detention centres reinforces this concern. Low levels of education are often involved in cycles of violence, marginalisation and poverty.

As a young man talked about growing up in a family experiencing alcohol abuse and violence, he described his experiences caused by alcohol and drug misuse and violence:

*I was about eight...before I turned into my teens...I was only a child...and I was probably drunk the Tuesday night, the Friday and Saturday night until I was twelve and then it wasn't alcohol but it was glue sniffing practically every day until I turned fifteen, when I went on the dole and I could buy other drugs, stealing glue from the shops and going under the bridge and sniffing because I wasn't at school. I was wagging it... 'cos that's how I coped in them days with the violence at home.*⁴⁷

Many Indigenous people aged over 40 years who have been appointed to Community Councils have not been educated past Grade 7, because of historical and social circumstances. They are committed and willing to get things done, but because of their lack of education they sometimes have difficulties meeting a standard of administration for which they have no formal training. This lack of education does not account for all mismanagement, but it must be recognised as critical to the self-worth of those men and women who have done the best they can, with the skills they have been allowed to acquire through a deficient education system. At a time when the Federal Government is promoting a document of reconciliation, improved educational attainments can help Aboriginal and Torres Strait Islander people compete under equitable conditions with other Australians, and move beyond the violence that has resulted from past inequities.

Increased funding is needed for learning institutions to prepare training packages specifically designed to address the poor literacy levels of many Indigenous people. They have a critical need to participate in the broader community with equity and respect, and to qualify for employment.

In addition, non-Indigenous professionals in the health, education, legal, social and administrative services fields must be given a grounding in the cultural context and history of Aboriginal and Torres Strait Islander peoples before they work in Indigenous Communities. As a true sign of reconciliation, governments should negotiate with tertiary institutions for Indigenous studies units to be mandatory in legal, teacher education, health service delivery, and social services/welfare studies.

*I would like to see more of our people qualified in higher education, as it is our Elders' belief that their years of struggle for our people's rights would only benefit the coming generations.*⁴⁸

Educational programs and packages should be developed and made available at critical risk stages in childhood and adolescent development, and for early intervention for the benefit of children, young women and men involved either as victims or perpetrators of violence. 'School failure, normative beliefs about aggression, deviant peer groups, school bullying, peer rejection, poor attachment to school' and 'inadequate behaviour management' are all seen as risk factors associated with progression into antisocial and criminal behaviour.⁴⁹

4.4.3. Educating the Community

Senator Amanda Vanstone, Federal Minister for Justice and Customs, in the foreword to the *Pathways to Prevention Report: Developmental and Early Intervention Approaches to Crime in Australia*, stated the necessity to see the path to criminal behaviour as being strongly dependent on early childhood experiences.

*This perspective highlights the importance of the social context in which children grow up. Strengthening community networks and family support is vital. Durable interventions early in the lifecycle and at critical stages in an individual's development are also crucial.*⁵⁰

Senator Vanstone also affirms her Government's commitment to address disadvantage:

*The Commonwealth Government is strongly committed to early intervention and will provide significant funding for a new program focused on youth crime and supporting families....I hope the report helps you to consider ways that we can work together to create a child friendly environment that will ultimately reduce levels of crime and violence in our society.*⁵¹

Children are at risk of disadvantage from conception onwards, if their parents are heavy users of alcohol or drugs. If they grow up in families where they are exposed to such substances as well as to violence and dysfunction, the potential for harm is prolonged. Such children are disadvantaged before they even enter the education system. Communities need clear information to create awareness of the importance of education for their children. Nurturing and ensuring a safe environment for young people should be a whole of Community/whole of Government commitment.

Educational programs must enrich Aboriginal and Torres Strait Islander culture while promoting learning and practical skills. For example, parenting classes and courses on the harmful effects of substance abuse are needed across Communities, because alcohol and drug abuse is not confined to youth. There are some grandparents, principal carers of their grandchildren, who abuse alcohol and *yarn*. It is futile to educate youth about the harmful effects of drugs when household members continue to use them in their presence.

There is a need for a broad range of educational materials to inform Communities about general education, health, child development issues and violence. Educational resource packages, videos and resource manuals, could be locally researched and produced to increase interest, awareness and ownership. Education materials should be suitable for all age groups to increase their usefulness and accessibility. These packages could be delivered through CDEP, high schools and other agencies, as well as being lent to or exchanged with other Communities.

It would be more effective to encourage Aboriginal and Torres Strait Islander men to research and produce their own videos to educate other men and boys about violence prevention, than to have women or outside groups teaching violence prevention. This method would also afford men the opportunity to 'walk their walk'.

The Task Force received many requests for education programs for male perpetrators of violence. The programs requested included counselling and support services for men, both at Community level and for men ordered to participate in a program by the courts. People in consultations also expressed interest in being trained as counsellors. The Task Force endorses these requests for programs, under the conditions indicated above.

4.4.4. Education for specific skills

The need for effective educational post-release programs for prisoners was raised as a concern. Protocols should be agreed upon for the development and delivery of perpetrator programs and packages at a Federal level. These protocols must establish clear principles and reflect both the theory and practice of critical intervention in male/female violent behaviour. They must be established before funding is allocated for perpetrator programs, to ensure that they will be effective and sustainable.

Coordinated training packages are needed for workers who are delivering mandatory programs for offenders in prisons and within Communities. (These and associated issues will be addressed in the section on lore/law.)

We must educate the young and old ones, anyone who wants to learn, so at least they can develop the skills and knowledge to give them a fair go in life. I want my kids to have a better life than I did and that will include a good education. I don't want them to go to school in the city 'cause the kids when they go there often don't come back or if they come back, they come back pregnant or in trouble with the police. We need to be able to educate our kids in their own Communities and train them up eventually to take over the jobs that a lot of the white people do.⁵²

RECOMMENDATIONS – EDUCATION AS EMPOWERMENT

5. Education

- (a) Both the Queensland and Commonwealth Governments must recognise the invaluable role of education in the prevention of crime and family violence, and the role of the

education system as an early intervention agent.

- (b) Indigenous scholarships should be available across all disciplines of education and Government Departments, and based on cadetships or apprenticeships to provide a combination of hands-on training and study. A strategy should be introduced to attract mature-age Indigenous people and school leavers to career structures.
- (c) The Queensland and Commonwealth Governments must assist Indigenous students to access education in an environment sensitive to their sociocultural and economic needs. Educational programs in rural and remote Communities must address the historical language and cultural barriers evident there.
- (d) Training packages must be funded for specifically designed programs that address disadvantage and encourage Indigenous people to participate in further study so they can compete for employment and or business opportunities.
- (e) Non-Indigenous professionals working in the areas of health, education, legal, social and administrative services must be trained in the cultural context and history of Aboriginal and Torres Strait Islander peoples before they undertake work that involves Indigenous clients. A true sign of reconciliation would be for Government to negotiate with tertiary institutions for Aboriginal and Torres Strait Islander studies programs to be mandatory units in law, teacher education, health service delivery, and social services/welfare courses.
- (f) Locally-produced Community education materials should be available for all age groups to support Community initiatives and facilitate change to reduce violence and strengthen families. Local Elders may provide a valuable role and service here.
- (g) Community education must be a vital component of any strategy that is established to address violence and crime. Programs to increase Community awareness of issues must be supported with funding for a minimum of at least three to five years.

- (h) Educational resource materials such as videos and resource manuals, for example on child development and parenting, must be used for training in Community health clinics, CDEP training facilities, high schools and other nominated agencies. Where possible, resources should be locally produced or at least produced with local input.
- (i) Parenting programs should be available in all Aboriginal and Torres Strait Islander Communities, childcare agencies, health centres and within the general community.
- (j) Education Queensland must expand the life skills component presently taught in schools to be inclusive of Indigenous families and to encourage parent participation.
- (k) Education Queensland must employ more Indigenous counsellors and remedial teachers across all levels of schooling to meet social and learning needs of Indigenous students.
- (l) Education Queensland must address the educational disadvantage experienced by Indigenous youth in detention centres.
- (m) Education Queensland must investigate the lack of participation by Indigenous students in education, including the rates of suspension and exclusion.
- (n) A broad range of strategies should be implemented for Indigenous children to enable them to enjoy positive school environments, social competence, life skills, recognition of achievements and positive life events. The overall aim should be to encourage and strengthen family and Community participation in education.
- (o) Teachers must be specifically prepared for service in remote areas and should not be recruited until they have achieved a reasonable degree of experience and seniority and are familiar with Indigenous educational needs.

4.5. INDIGENOUS HEALTH AND WELL-BEING

The World Health Organisation in 1946 defined health as 'a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity'. This definition supports the Indigenous belief that health is a concept of four dimensions encompassing the social, physical, psychological and spiritual needs of the individual.

This subsection of the Report discusses violence in the context of an Indigenous perspective on health and well-being. It is not possible to feel well or to be well when multiple violations are being experienced on a regular basis. As stated previously in this Report, violence against a person is often recorded in terms of physical injuries, broken bones, lacerations and bruises, but the deeper, more enduring wounds associated with violence are not recorded. Emotional scars, feelings of isolation, insecurity and confusion, eroded relationships and deep-seated grief, are invisible wounds. They can be too painful and too difficult to discuss, but the effects are profoundly debilitating to a person's emotional and physical health and disruptive for families. Such has been the experience of Indigenous Australians.

Where human dignity and worth are measured by the quality of lives that people lead, the conditions in many Indigenous Communities are incalculable. Under the extreme levels of stress experienced, violence, abuse and other forms of antisocial behaviour have flourished. Violence exacerbates the ill-health experienced by many Indigenous people, and also contributes to a disintegrating social and economic situation that is at crisis point.

The social and economic status of Aborigines and Torres Strait Islanders is well known. They are the sickest, the poorest, the most imprisoned, the highest unemployed and the most studied group in Australia. While the health of the general community has continued to improve over the past decades, the health of indigenous Australians has got worse to the point that life expectancy of indigenous Australians is 20 years less than that of non-indigenous Australians. In New Zealand and North America the gap in life expectancy between indigenous and non-indigenous people has been reduced to between three and six years. In Australia we are dealing with a problem that has been more than 200 years in the

*making. When Captain James Cook arrived on the shores of Botany Bay in 1770 he observed the local natives and wrote in his log that they appeared to want for nothing. Yet in a short space of time the Aborigines have gone from a healthy race to the sickest group in our society. The AMA believes this is a problem of such magnitude that it requires the combined effort and commitment of the entire Australian community, both black and white.*⁵³

This situation has arisen through a number of causes, the least of which has been the dichotomy that exists between non-Indigenous and Indigenous definitions of health, and the resulting introduction of inappropriate policies and services.

General interpretations of 'health' and 'illness' imposed on Indigenous peoples have been based on a Western biomedical approach that compartmentalises health concerns, in contrast to the Indigenous approach to determining health. In the context of Indigenous health and the presence of violence, ongoing factors demand a better understanding if future interventions are to be effective. To date, too much attention has been directed towards the consequences of poor health in Indigenous lives, and too little towards the causes. In addressing this situation, the National Social Justice Commissioner, Mick Dodson, in his second *Annual Report*, indicated that:

*Aboriginal health, as a problem, is said to have its origins in high infant mortality, malnutrition and alcoholism. The outcry about these disorders has become widespread, giving the problem credibility and a compelling sense of urgency. However, public embarrassment and concern with these grave injustices has successfully directed attention away from the problem to its symptoms.*⁵⁴

Consequently, this section of the Report does not reiterate the content of earlier discussions on Indigenous health, other than to emphasise the point that the health status of Queensland's Indigenous population is considerably worse than that of other Australians. High morbidity and mortality rates, increasing suicide and homicide rates, intense emotional and social dysfunction, and extreme poverty present a complex challenge to both Indigenous and non-Indigenous authorities.

In addressing the issue of Indigenous health, it is imperative to discuss the different health needs of children, women and men, especially within the context of violence. It is also important to recognise the difficult working situation of remote area service professionals such as nurses, police and ambulance staff, who, like United Nations peacekeepers, deliver emergency services under formidable and often dangerous conditions without adequate support and resources.

Substance abuse, alcohol and poverty have increased the morbidity and mortality rates and will continue to do so while significant disadvantage exists. Although some reports have cited these factors as the primary causes of Indigenous poor health, there are other considerations that people consulted saw as being equally relevant.

4.5.1. Physical health

Although the health problems of Indigenous people vary across the state, there are unique and yet generic concerns that affect the physical and social well-being of Indigenous Communities, regardless of their geographical location. However, there are specific concerns in rural and remote Communities of Queensland that are not mirrored with the same intensity in urban settings.

Throughout the consultations, members of the Task Force gained first-hand knowledge of the tragic lives that many Indigenous people lead. They observed horrific facial and body disfigurements, symptoms of shock, and distrust and fear in the eyes of children who frequently witnessed extreme forms of violence. People expressed their disappointment that no one was listening to their concerns and agencies were unable to address the health problems they identified. They were devastated by the endemic violence that had rendered many victims dysfunctional to the point of being permanently or severely disabled.

The stressed environment in many Communities was identified by respondents as having provoked tension in relationships that made them incapable of coping with personal, family and Community responsibilities. These factors were seen as triggering and exacerbating turbulent altercations in the continuum of violence and despair.

Other contributing factors given were the intensely overcrowded homes and their state of disrepair, the lack of essential services and the high competition for limited human and social resources.

The distress conveyed to the Task Force has been consistently recorded as major health concerns in Communities and yet these concerns are still being addressed ineffectively.

'Aboriginal health is poor'...is the conclusion of several thousand Aboriginal health and research reports written over the past thirty years.⁵⁵ State and national health authorities, the Tripartite forum, ATSIC, the Aboriginal Medical Centres and associated agencies have all known about how the overcrowding in our homes, the poverty and the unemployment makes it difficult for us to make a good life for ourselves and our kids. They have known that these issues and the level of alcoholism are connected and they have known also how this has impacted on the level of violence that we are seeing. What they haven't done is helped us to do something about it. I have seen families try to do something about it themselves. But it is hard to change your circumstances in life when you can't get a job, when you sometimes can't feed your children and you know that no matter how hard you try, no one will give you the opportunity to get out of the hell that you are living in. They just keep seeing us as somewhere to go when they need statistics or another report. It's worse when you are on the run with your children and there is no one that will give you help, do you know how disillusioned you can get. There are many things in our Communities and homes that can make our children sick. There is often not enough food and there are too many people living in one house, sometimes up to fourteen at a time and there is noise and tension there some of the time. All of these things can make you sick, we just need to have some peace.⁵⁶

These considerations highlight the ongoing difficulties that women experience in their attempts to provide adequately for their families, while at the same time living with high levels of violence and abuse. Both women and men identified the concerns discussed in the remainder of this section.

4.5.1.1 Housing

The issue of housing was consistently raised as a major factor in the continuing ill-health endured by Indigenous people. The women in rural and remote Communities expressed concerns, not only about the quality of the houses they were allocated, but also about the overcrowding, and the lack of security, especially during episodes of violence.

Although action has been taken to build new homes in DOGIT and remote Communities on a progressive basis over the past decade, the level of demand has far exceeded the number of houses that have been constructed. The population growth is outstripping the rate at which new houses are being built and repairs are being carried out on existing homes. Consequently, many of the older homes are in deplorable condition and this matter was constantly raised as a serious health and safety issue needing urgent attention. The structural disrepair of some houses would lead to the buildings being condemned if they were in the city.

An 80-year-old grandmother told the Task Force she just wanted a secure home where she could care for her grandchildren.

I just wanted someone to look at the accommodation that they have just put me in. How do they expect me to live in that place? It is too dirty and I could not even begin to think of how I could clean it up. Where am I going to get the money to buy what is needed? The toilet is broken, the walls are all rotted and there is a big hole in the floor that makes me cold. I have to walk around the hole otherwise I am frightened that the floor will fall through. The electric wires are all exposed and when you go near them they send out sparks. I am sure it is not safe to live here so I sneak out the back at night and sleep in the bush. I sneak out so that no one will see me and I know that I will be safe.⁵⁷

People who choose to escape to the bush to avoid violent encounters may increase their vulnerability by placing themselves in unsafe surroundings. A mother with three young children explained her predicament.

*I had to take the children into the bush and we slept under the trees when he would start fighting. I would go deep into the bush so that he could not find us and we would lay there until it was morning so that we could be safe. I know that the children were often cold and frightened, but there was nothing that I could do. None of the doors or windows locked in the house and I could not keep him out. I pay for that place and yet it does not keep us safe.*⁵⁸

Another serious example of a housing problem was given by a mother concerned for her young daughter who fled a violent relationship with her baby. The young woman had been allocated a house by the Council that had no windows, no lockable doors and did not provide safety. The young mother was sleeping in the bush because she was frightened that her partner would come back at night to 'get her'. She felt she had no protection, even though the Queensland Police and the Council were aware of her circumstances. The lack of security is of considerable concern, especially with the number of single parent families headed by women, many of whom are grandmothers. The examples given here are not unusual; they are regular occurrences for women desperate to find safety for themselves and their children when violence erupts.

Women on many occasions made the point that they would not live in such poor surroundings if they were not forced to do so by circumstances. Their desire for a safe, clean and healthy home for their children is comparable to that of anyone living in the city, and yet they are compelled, all too often, to live in conditions that are both unsafe and unhealthy.

Where possible, some women and their families have returned to their homelands to escape the violence and drugs, as well to find solitude from the tense Community environment. This process has not been easy, and it poses complex issues around the continuing provision of services that will require ongoing assessment by Councils and other authorities.

Although the homelands offer only a basic standard of living, and running water and essential services are scarce, women are taking up this option as a means of escaping. A number of women reported that it was not just the violence that they were escaping, but

also the sly grog and drug traders who were preying on their children. They stated that in the bush, their families thrived and many of the men stopped drinking. Living away from the tension of the Community was apparently helpful for the men too, who could go about the business of healing through the revival of cultural obligations and values. It also encouraged families to work together to nurture and educate their children in traditional ways. However, not all women saw the move back to their homelands as a possible option. Consequently they strenuously advocated for safe accommodation and more assistance for women and children.

The scarcity of suitable housing was a concern raised by women across all regions. Many women from urban areas spoke of their difficulties in finding affordable housing after leaving a violent relationship. It was particularly difficult when they were left with limited finances and no support from the former partner, who in many cases continued to reside in the family home. A number of women spoke of feeling guilty because they were unable to provide adequately for their children. They often felt angry with their ex-partners, who failed to contribute with either material or emotional support.

These situations were common and doubly disadvantaged women and children through economic deprivation and vulnerability. While women expressed concerns about their own needs, the impact on their children worried them more. Children from fragmented families were found to be at greater risk of suffering behavioural problems, poor social skills, isolation and low self-esteem. Without family resources and appropriate Community support, children, particularly young boys, were more likely to feel rejected and become involved with negative peer groups. These factors can contribute to poor school performance, truancy, social rejection and involvement with the criminal justice system.⁵⁹

The health risks associated with family breakdown, inadequate housing and insufficient support services are reflected in Indigenous health statistics. The Task Force was repeatedly advised by Community members that safe and serviceable housing was an imperative in improving health standards and decreasing violence. Consequently, a strategic and coordinated approach from all levels of Government, ATSIC and Community Councils must be established to investigate this situation further.

While a staged strategic plan has been put in place to upgrade housing, negotiations should occur to expedite this process. It was said that Councils in remote and rural Communities must recognise the provisions of the *Residential Tenancies Act 1995*.

Women reported that the lack of adequate housing often destabilised and severely affected the lives of their children. These points were further highlighted when issues were raised about crisis accommodation in the form of safe houses or shelters.

4.5.1.2 *Safe houses and shelters*

During the Task Force consultations, a number of Elders raised serious concerns about the lack of secure crisis accommodation and how absence of these facilities increased the vulnerability of women and children. Frightening stories were told by women who, in the absence of safe houses, offered the shelter of their own homes to women and children escaping violence. An Elder and long-time advocate for and protector of victims of violence, Mrs Hilyer Jonny, stated:

I used to use my own home as the shelter to help the young women and the men would sometimes smash the windows and doors trying to get in. I would stand at the door trying to stop them and sometimes I would have to hit them really hard. I asked the Government for help and that hasn't happened yet. I've been asking for ten years. I hope they help the women and children here before it is too late and there are none of us left. Maybe that's what they want. I cannot use my house any longer. It has had the doors and windows smashed in from the men trying to get at their women when they have been drinking. I am getting too old now; we need a safe place where women and children can go when men get violent.⁶⁰

This 76-year-old Elder placed herself in danger to protect women and children from injury. Given the high rate of homicide in her Community, she could well have become another statistic. She repeatedly compromised her own safety by providing assistance for women and children, often under difficult and dangerous conditions. Her actions reflect those of other brave Indigenous women in Communities who take on similar voluntary services.

The need for crisis accommodation is not only present in remote areas. Women from all areas consulted mentioned a desperate shortage of safe houses for Indigenous women and children escaping violence. Even when there are safe houses, some women face an extra problem. Because a regulation prevents male children over the age of 11 years being admitted with their mothers, these women must separate their children at a time where they need to be together for support. This is a great worry for those who have just left the family environment, and who fear further violence and want their children with them. Some Indigenous women therefore choose to sleep with their children in cars or in other unsafe environments rather than be separated.

The limited availability of safe houses and shelters is a significant physical risk, and is a cause of ill-health among women and children who have to remain in households where violence is a regular occurrence.

The Task Force were consistently advised that many shelters did not have the financial or physical capacity to cater for the number of women seeking assistance. Invariably some women were turned away or alternatively the shelters were operating beyond their limits, and this situation often incited hostility and tension among the residents because of the overcrowded conditions. The lack of trained staff to counsel and provide speciality services such as child advocacy, was also seen as an urgent concern.

Informants indicated that mainstream shelters used frequently by Indigenous women should employ suitably trained Indigenous staff in case-management roles, including counselling services for women and children. Such services would provide cultural sensitivity in policy and program management to avoid isolating and disadvantaging Indigenous women.

The consultations revealed that many victims of violence were in urgent need of accommodation that allowed them to lock out their offenders and gain security and peace. Women and children should not have to stay in violent and potentially violent situations because facilities do not exist. It is paramount that Councils, ATSIC and State and Commonwealth authorities work together to establish appropriate accommodation for women and children escaping violence as a matter of urgency. Shelters in areas with a high

transitory population should be funded on a needs basis, rather than on base population data. Funding should be continuous and contingent on shelter occupancy rates.

4.5.2. Difficulties in accessing services

In tabling its final report, the Inquiry into the Implementation of the Access and Equity Strategy noted that:

*the most urgent area that needs to be addressed is in the provision of health services to Aboriginal and Torres Strait Islander peoples. There needs to be a more concerted effort, not only in providing adequate and appropriate health services, but also to address the reasons for the poor state of health of many Aboriginal and Torres Strait Islander peoples.*⁶¹

The Status Report on the Health of Queensland's Aboriginal and Torres Strait Islander population noted that Indigenous people were not using the services of hospitals as much as expected, given the nature of the illnesses and injuries experienced. Clearly there are obstacles to accessibility. In many cases, services are not available for remote Communities, and those that are available do not always cater for the cultural or gender-specific needs of Indigenous peoples. These two factors were highlighted throughout the consultations and identified service design and delivery issues that must be addressed.

The complexity and lack of coordination of health services across all jurisdictions were seen as contributing factors in Indigenous health problems. In the report *Beyond the Maze*, which studied the administration of Aboriginal health programs, it was indicated that:

*These barriers constitute a category of continuing morbidity which might be described as conditions that reflect lack of access to a properly coordinated, adequately supported, culturally appropriate health service system based on primary health care principles.*⁶²

However, many people still feel confused about what services are available to assist them with their health needs. Having spoken with nursing and medical staff in Communities, it would seem that a number of services were available but Community people were not

aware that some services existed or, if they were, there were specific reasons why they were not being utilised.

The barriers identified as discouraging access to hospital and clinic services were strongly based in cultural misunderstanding. For example, Indigenous clients may be reluctant to speak about personal issues with non-Indigenous staff. They may feel shamed, they may fear police involvement and they often do not understand the protocols and procedures in a hospital or clinic, especially if their first language is not standard English. Many women reported that they often did not know their rights when seeking assistance and were afraid of exerting them anyway. These explanations were given by women throughout the consultations to clarify why many women did not seek medical assistance for injuries received as a result of violence. It is only when a serious injury is inflicted that the hospital facilities are used and even then sometimes with hesitancy.

An additional factor in women's reluctance to use clinic or hospital facilities when they were injured, was that they feared the Community would believe they were reporting the incident to the police. Fear of angering the offender by contacting the police was common; therefore many rapes and violent attacks were not reported. Even some women who seek treatment at hospitals choose not to press charges.

Women suggested that the hospital or medical staff should report cases of injured women to the police if they have sought treatment for serious injuries caused by violence more than once. Thus the victim would not have to lodge a complaint and the police would take up the inquiry. Medical staff and relevant departments, such as the Department of Families, Youth and Community Care and the Police Department, could work in coordination to assist women and children in danger of ongoing attacks, thus providing an essential service without subjecting victims to further distress. There are obvious ethical and practical issues involved but this strategy deserves serious consideration by authorities.

Community consultations identified the need for a whole of Community approach to violence prevention. Hospitals and clinics need to agree on a set of protocols with family violence prevention units, police and associated welfare agencies who could distribute information through CDEP payslips and training sessions, schools and workplaces.

The high incidence of alcohol-related violence, injury and illness, in addition to causing anguish, has in some cases created tensions between Community people and the largely non-Indigenous health professionals. Clinic and hospital staff are often frightened by the drunken and drug-induced behaviour of people seeking treatment, especially if they are accompanied by other people in the same condition. People who are alcohol- or drug-affected may make threats, or abuse or assault inpatients and staff. Consequently, some Community hospitals resemble fortresses after dark. Nurses wear personal alarms strapped to their belts, and security guards patrol the buildings. The security staff, who are also usually non-Indigenous, sometimes drive vehicles mounted with searchlights and may be accompanied by guard dogs. Within the hospital, security staff may be required to accompany male or female patients into the examination room in anticipation of violence.

While such measures may be considered necessary to protect nursing staff in critical situations, the employment of such tactics has acted to deter many victims from seeking help as opposed to encouraging greater access to services that are available.

Health staff have a right to feel safe when on duty and to ensure the safety of their patients, but reactive measures do not address the broader issue of violence in the Community. Nor do they allow prompt access to services for the victims. More proactive measures must be adopted to ensure security for both staff and victims that are less alienating of the Community.

Remote area nurses have expressed their fear of violence, as they are often required to dispense services throughout a 24-hour day. Accordingly, they have filed a report with recommendations in a paper entitled *Context of Silence: Violence and the Remote Area Nurse*⁶³ (see following section). These recommendations should be put in place urgently if Community health services are to continue and improve.

The consequences of the security debate invariably rest with the women, children and extended families requiring access to hospital services after hours. The Task Force was told of women and children spending nights in fear, huddled in one room, with wardrobes and cupboards pushed against broken doors and windows, ignoring what could be urgent

health problems until morning. They do not feel comfortable with the presence of security officers, particularly in the examination rooms while hospital staff are attending them, which is the case if they have been drinking and the staff fear potential violence. These drastic security procedures are not utilised in all Communities, but in those that do, Community members may not be able to rely on ready access to health services or staff.

It was reported that many victims, even those with serious wounds, are intimidated by procedures that have been engaged in some hospitals in Communities subjecting them to potentially life-endangering situations.

4.5.3. Remote area health services

The Task Force spoke with nurses, doctors, police and ambulance personnel who lived and worked in remote areas. The difficulties of the workplace must be understood in order to introduce reforms that will allow Community and health care personnel to work together to address the critical risk factors in violence. The Task Force learned that staff in hospital facilities are often ill prepared for the realities. Some staff burn out quickly and/or become traumatised by the constant mayhem they witness, from the stress of dealing with ongoing crises. Some staff also make a preconceived assessment of a situation, preventing them from providing effective services to their clientele. The paper *Violence and the Remote Area Nurse*⁶⁴ highlights issues that are often ignored when delivering health services on some rural and remote Communities, particularly in relation to the high levels of injury resulting from violence. The following information on remote area nurses has been summarised from that paper.

Remote area nurses are living with frequent threats to their personal safety while on duty, on call and off duty. Violent incidents are often handled badly by employers, the Community, and by remote area nurses themselves. While this situation continues, the experiences in rural and remote Communities will act to disadvantage not only the victims, but also the staff who attempt to provide a critical service under extremely difficult and often threatening conditions.

Eighty-two per cent of staff interviewed indicated that they felt that they were on 24-hour call as an employment requirement. Those required to be on call 24 hours, dealt with episodes of violence more frequently.

The majority of remote area nurses cited alcohol as a major cause of violence and suggested the need for Community-based prevention strategies with local involvement to make real change, increase effectiveness and to make services more accessible to Communities.

Coping and educational requirements

The majority of remote area nurses surveyed did not feel adequately prepared for reality of their work when initially appointed to Community positions. Many (46.9%) did not receive any orientation program prior to starting work in their present position, and 30.8% have not yet received any orientation or inservice program since starting their current jobs.

More than half (53.6%) of the nurses interviewed highlighted the need for cross-cultural information. Only 24.3% indicated that they had been provided with information related to the issue of personal safety. The majority of those who did receive specific information, perceived both the cross-cultural and personal safety information to be inadequate.

Community expectations regarding the role of the remote area nurse were identified by the respondents to be frequently unrealistic, with expectations that the nurse was there to serve the Community both day and night, at any place, and at any time.

The majority of remote area nurses perceived their coping skills as effective, although 76.3% stated they wished to learn more effective coping strategies. The most commonly identified coping mechanisms were to get the assistance of police, or to try to ignore the problem. Often attempts to get police help were unsuccessful.

Role of employer and perceptions of support

Nearly half the nurses felt the level of professional support they received did not meet their working needs. In 25.5% of cases, nurses were the only health professionals located in their Community, while only 58.8% stated that they were working in fully staffed health settings. A majority (73%) stated they did not have access to a doctor in their Community, with 52.6% indicating that a doctor visited at least weekly or fortnightly. The rest received visits by doctors monthly, only in emergencies or never.

Apart from offers to relocate, the nurses indicated that there was little or no support from employers after incidents of violence were reported. As a result, only 52.8% indicated they always officially reported incidents of violence, with 32.8% indicating, as a result of previous experiences regarding the reporting of violent incidents, they no longer felt confident about such reporting.

Stress and perception of personal safety

Over one-third of the nurses interviewed indicated they feared for their personal safety and a significant number said they did not feel safe in their work environment or in their accommodation. The stress associated with their environment was worsened by organisational stresses such as staff shortages, the need to work long hours, having holidays cancelled, poorly prepared relief staff, and low levels of employer support.

The nurses' report helps to highlight a profusion of issues that must be addressed in providing health services for Indigenous Australians before local Communities can receive equitable access to services. The participation of local people in developing health initiatives is imperative, if positive changes are to be made to the appalling health conditions experienced by Indigenous people across Queensland. While there are generic needs for Indigenous people in all locations, there are unique needs that must be met for people living in rural and remote Communities. This is particularly important with the increasing violence and crime in these areas.

Equally compelling is the need to address the concerns of health staff who have described the conditions as 'war zones'. Both Indigenous and non-Indigenous authorities should work together to provide a thorough briefing for all staff before they take up their appointments in areas of high risk. Staff must be advised of the substantial risks, both in threatened and real terms, they will face on a regular basis, and how to deal with the consequences.

While the experiences described above may not apply in all rural and remote hospitals and clinics, they have been raised as serious matters of concern by nurses. The current security procedures used in some remote and rural hospitals disadvantage local Community residents who require urgent assistance from hospital staff after hours. This situation should be thoroughly investigated in order to introduce a more acceptable security system. It is also important to ensure that hospital staff are experienced in working in remote areas, preferably with Indigenous people.

The nurses identified the following needs: professional debriefing and post-trauma counselling services; awareness on the part of authorities of occupational health and safety requirements, cross-cultural awareness, crisis intervention techniques, stress management strategies, and violence management and prevention; maintenance of support networks, and the development of an overall structure for the health service and its role in the Community. It is important to ensure that tertiary institutions provide distance education for health professionals that promotes and explores issues of primary health care, cross-cultural services, violence management and prevention, appropriate counselling and crisis intervention techniques.

Importantly for this Report, the remote nurses reported that alcohol misuse is a significant factor in health staffing problems. Therefore Community Councils and relevant Government authorities should act to strictly enforce existing laws on the sale and distribution of alcohol.

The nurses requested research into issues of safety that were specific to other workers in remote areas, for example, Indigenous health workers and teachers, who were seen as being in a situation similar to that experienced by the nurses. It was argued that, if the

occupational and social needs of all workers on Communities were highlighted and presented to government, long overdue workplace reform could be achieved. The state of health facilities in some Communities, combined with the previously mentioned barriers to access, discouraged people from using the services and deterred health professionals from accepting appointments and remaining in remote areas for long periods.

4.5.4. Essential health services

A number of women raised the concern that not all Communities had access to ambulance services. Many Community residents do not own vehicles. Community members are put at risk if they need urgent medical assistance.⁶⁵ Most homes do not have telephones. People who can travel to health facilities frequently have to wait after hours, frightened and in unlit areas, for the clinic or hospital doorbells to be answered. In some Communities without an ambulance, it is often not possible for hospital/clinic staff to leave their patients to go to emergencies. These circumstances leave women and children defenceless when a violent attack occurs and critical assistance is required. The situation is worsened if the police fail to come when called to violent incidents thus exposing victims to further abuse.

Isolated and remote Indigenous Communities need easier access to emergency health care services. In light of the constant call for ambulance services in Communities, the Task Force recommends that the Queensland Ambulance's Pre-hospital Care Model (sections of which are currently being implemented) is expedited as a priority.

People on the outer islands of the Torres Strait are even more isolated when violence erupts. There are no medical facilities for the injured, and no watch-houses where offenders can be detained. Victims must wait for assistance to arrive from Thursday Island, and while they wait, they may be exposed to further violence and potentially fatal injuries. The situation is worse on weekends, when victims of violence may have to wait until Monday for either medical or police assistance.

Queensland Health should negotiate with the Torres Strait Regional Authority to address this critical need as a matter of urgency, given the reported increase in violence in Indigenous Communities, particularly on the outer islands of the Torres Strait. The dangers

are significantly enhanced when police stations close down at 5pm and readily available medical assistance is hard to access.

4.5.4.1. Proactive as opposed to reactive service delivery

Consultations highlighted the need for proactive rather than reactive health services for Communities. This is particularly relevant to concerns about alcohol use in the Communities, where authorities to date have addressed the use of alcohol and illicit drugs in terms of offences and social aspects, but have paid little attention to the medical factors involved. Alcohol consumption and drugs misuse pose major health risks, not only in immediate terms, but also for long-term projections.

A number of women highlighted the need for expert rehabilitation, detoxification and counselling programs located in rural and remote Communities to assist with major dependency problems. There are few services like this available, and not all existing services are staffed by trained workers. Local authorities should contribute to the design of the programs, because a program that works in southern Queensland may not be suitable for isolated groups in rural and remote regions. There should be local ownership of preventative programs developed in collaboration with service providers, with full training in health promotion. Most programs to date have been based on philosophies and techniques implemented by mainstream health promoters, a situation that has not encouraged community ownership of programs and initiatives.

4.5.5. Nutrition

The scarcity of food and poor nutrition is essentially a by-product of poverty and it is particularly problematic in remote areas where transportation costs are high and alcohol and substance abuse are prevalent. This was another issue raised repeatedly during the consultations.

However, there are also more sinister issues associated with nutrition deprivation, relating to vulnerability. Community members believe there is an association between petrol or

glue sniffing and the lack of sufficient food in Communities. Children who are hungry have been said to turn to petrol sniffing because it can reduce hunger pains. This can then set in place a cycle of not wanting to eat, becoming dependent on glue sniffing, and then being caught up in a glue-sniffing culture of peers. Underweight youth are a common sight in some Communities. Whether this is from sniffing glue or poor nutrition is not certain, but the undernourishment of children is a serious issue that must be addressed. Children, when deprived of food, and a caring environment, can become more vulnerable to sex predators who may offer money for favours. This concern was a particular issue expressed throughout the consultations. Children were also reported to steal food when hungry, often bringing them to the attention of the police and inevitable contact with the justice system.

The physical health problems associated with poor nutrition in Indigenous Communities have been recognised by Government authorities. Queensland Health has developed the *Queensland Aboriginal and Torres Strait Islander Food and Nutrition Strategy* and the Tropical Public Health Unit is coordinating programs to improve food supply. The combined strategies involve policy advice to retail stores, local production, promotion of gardens on Torres Strait islands and the costing of basic foodstuffs.

However, the existing strategies have been recorded as inadequate, and should be developed further in consultation with Communities. They do not cover a large enough geographical area. There is no subsidy for the transportation of food, or a comprehensive training approach, like food growing as a CDEP or alcohol rehabilitation initiative. Communities are requesting a subsidy for the transport for food items, the introduction of market gardens for cheap, fresh vegetables and fruit, and the local production of meat. There is the potential for market gardens to become a social place where families can interact, learn new skills and be productive in providing nutritional food for their children.

As discussed, many people in isolated Communities face health problems due to poor nutrition and other factors. Queensland Health is aware of the problems.⁶⁶ Solutions have been identified repeatedly, and they include subsidised transport for food, a local source of cheap, fresh, good quality food, and education in nutritional needs. Many services to remote Communities were reported to be nonexistent, ineffective, or insufficiently inclusive of community involvement. Any strategy developed to address Indigenous health

at the individual and Community level must include a program for good nutrition, including the development of locally produced products such as fruit and vegetables.

4.5.6. Emotional health

Emotional and mental well-being depends on the fulfilment of social, physical, emotional and spiritual needs. Everyone, even the most isolated people, should be able to feel positive and constructive about their lives. They need to have a sense of inner and external peace, a feeling of safety, and confidence that they can meet family and social responsibilities. They also need a support network to call on at times of stress and loneliness. The promotion of good health must include enabling people to take control of their lives. People need confidence in themselves in order to attain physical, emotional and social well-being.

In trying to deal with the many concerns that have beset Indigenous people at both the individual and Community levels, many families have fallen into a cycle of emotional and material deprivation that has evolved over time, caused by factors beyond their control. With little means of changing their daily circumstances, the well-being of many Indigenous people has been immensely affected. The consequences must never be ignored or overlooked, and therefore require strategic interventions by service providers, Governments and Community Councils to address this critical situation.

Indigenous people struggle to meet their family's basic needs and feel a sense of failure because they cannot always do so, due to a lack of social and physical resources and support. Families enduring violence and abuse are at increased risk of developing emotional health problems. Their coping strategies can fail, and in extreme cases, psychosomatic illnesses may develop because of the inner turmoil they experience. The entire concept of health and well being is somewhat ambiguous when applied to Indigenous people, given the dichotomy that exists between Western and Indigenous ways of defining health and well-being.

In most Aboriginal Communities, complex layers of trauma are experienced, not only by individuals, but also by whole families and much of the Community, contributing to highly stressed, tense and dysfunctional environments. As a consequence of feelings of loss and

disempowerment stretching over generations, many people have not been able to plan for the future or to break the chains that have kept them socially, psychologically and spiritually disadvantaged. The pervasive effects of a legacy of violence has retarded development and fostered hostility between individuals and within groups. Constant tension has been destabilising, damaging physical and mental well-being. Disharmony and disempowerment has become endemic in some Communities, in contrast to the ideal of productive family or community units which were traditional values preserved at all costs.

The Queensland Mental Health Policy Statement describes mental health as being:

*The capacity of individuals or groups to interact with one another and the environment in ways that promote subjective well-being, optimal development and use of cognitive, affective and relational abilities, and the achievement of individual and collective goals consistent with justice.*⁶⁷

The majority of Indigenous people who contributed to this consultative process spoke forcefully about the broad social and cultural emotional health problems of their people.

*When people speak about health they look only at whether you can get around physically or whether you have a visible illness or not. But what about the illness that plagues many of our people, young and old? That illness is grief and pain that they have carried with them in their hearts and their minds from the things that have been done to them, and nothing is done about it.*⁶⁸

Many informants believe the colonial experience has been the direct cause of emotional health problems in Communities, and that dysfunction is the result of many issues that have not been resolved. This dysfunction is evidenced in widespread depression and anxiety, family instability and violence, self-harming and suicidal behaviour, and alcohol and substance abuse that are increasing in many Communities.

Indigenous cultural/emotional health workers and mainstream mental health professionals are grappling with the excessive rates of disorders that affect emotional health and well-being. These disorders are exacerbated by poor general health and extreme socioeconomic

deprivation, a lack of reliable data about the extent and nature of emotional disorders, the failure of Indigenous people to use mainstream mental health services effectively, and a shortage of appropriate, easily accessible cultural/emotional health services of high quality.⁶⁹

McKendrick and Thorpe, in *The Mental Health of Aboriginal Communities*, reported that a high proportion of the patients seen by health workers and doctors working for Indigenous community medical services exhibited emotional disorders or were significantly psychologically distressed. Health workers and Community members identified depression, substance misuse and high-risk behaviour as common problems.

Many miscarriages of justice and misdiagnoses affecting Indigenous people have been caused by the use of the Western model of psychiatric medicine and its inappropriate tools of assessment. There is an urgent need for appropriately trained Indigenous health professionals with specific expertise to deal with issues related to family violence, child abuse, the needs of adolescents and young parents, substance abuse, stress for older women, and the in-depth grief and loss that many Indigenous people experience.

Recommendation 264 of the Queensland *Government's Progress Report on Implementation of the Royal Commission into Aboriginal Deaths in Custody Report*, 1997, called for the 'substantial expansion in Aboriginal mental health services'.⁷⁰ However, according to Queensland Health's *Better Health for Indigenous Queenslanders*, in July 1998 there were only 27 Aboriginal mental health workers for the whole of the State.⁷¹

Clearly, given the significant emotional and mental health problems existing in Indigenous populations, this number is desperately inadequate and consequently has serious health implications for the workers left to deal with the problems. Mental health workers quickly become exhausted due to their heavy workload and the need to be on call 24 hours a day. Mental health workers usually have not received adequate training, are professionally isolated, and because of the nature of Indigenous families, must provide services for the whole family because the problems are lateral as well as intergenerational. Workers also have to be available for acute emergency situations, for example, for people considered at risk of suicide.

In line with the Indigenous perception of health and well-being, it has been suggested that the term 'mental health' should be replaced with 'emotional health' in relation to Indigenous people. Many Indigenous people have been profoundly injured emotionally, and while some may exhibit a psychotic disturbance, most of the issues relating to Indigenous 'mental health' are in fact, issues of emotional deprivation.

The Way Forward supports the establishment of 'Social and Emotional Well-being Centres' to deal with the 'mental health' needs of Indigenous people. This would also allow for an Indigenous pathology to be developed.

4.5.7. Sexual abuse and health

Throughout the consultations there were calls from both men and women to expose the severity and serious long-term effects of sexual abuse for victims, particularly children who reportedly are increasingly being sexually violated. Some of the accounts recorded by the Task Force defy understanding and description.

*The incidence of sexual violence is rising and is [in] a direct relationship to negative and deformed male socialisation associated with alcohol and other drug misuse, and the prevalence of pornographic videos in some Communities.*⁷²

Much of the sexual and physical violence documented by the Task Force reflected concerns that the violence is mostly perpetrated following the consumption of alcohol or illicit drugs. However, a recurrent factor in the consultations was the despair expressed to the Task Force related to issues of child and adult sexual violence. While most of the information was anecdotal, evidence was provided by an Aboriginal Health Council that there are serious concerns requiring an immediate response from Government Departments relating to both child and adult sexual assaults. The following incidents were just two of many reports from a broad cross-section of informants which included Community members, health professionals, teachers and shelter staff.

Case One

I got a call out on the weekend to see a seventeen-year-old mother who had been tied to the bed and repeatedly raped by three men. She was raped within reach of her three-year-old child, and still did not press charges. What do you do? Fear has immobilised many people from taking action while others have accepted it as normal behaviour because they have not been able to get help when they have tried.⁷³

Case Two

I saw this girl who came in, cuffed in police custody. She was only fourteen years old. There was an Indigenous woman Police Officer who had to accompany her. It was late in the afternoon. She was charged with shoplifting in town. Her mother was called and through the discussion disclosed that she was concerned her daughter had the pox. She was brought into the Sexual Health Service for checkup.... I have never seen a girl so red raw inside. She screamed all the way through the consultation. Turns out she had been sexually assaulted since the age of three. It [sic] is the first person I have ever seen where I thought 'there is no hope for you'. What kind of future could you build from that? I had to counsel the Police Officer who accompanied her into the room for hours after that. She was devastated. I doubt whether the girl got any counselling at all.⁷⁴

Both these stories raise grave concerns for a number of reasons, including the rules of societies where such acts of sexual violence are allowed to happen, with little regard for the human misery it inflicts. Both victims were vulnerable and seemingly helpless, with one unable to proceed with charges through shame and fear of police, and the other afraid and hopeless because the police were unlikely to arrest the offender anyway. These cases indicate the reactions of many sexual abuse victims in Indigenous Communities.

The casualty of the second story, a young girl, a mere fourteen years of age, had many things in common with the woman in the first story. They both grew up in an environment where there are no safe places. Her physical agony would pale in comparison with her immeasurable psychological trauma. Time and again the Task Force were told of young girls becoming pregnant at an early age, some of whom had been sexually abused

repeatedly throughout their lives. Some, through such abuse, had grown up with a distorted sense of what constitutes a loving, nurturing and caring relationship.

Whether by coercion or rape, the incidence of sexual abuse of minors was indicated to be far more frequent than is commonly acknowledged. This is an area that warrants urgent attention by way of increased reporting of offences, appropriate interventions, expanded education programs, and the employment of more sexual health workers in all regions, but especially in rural and remote regions.

While the highest number of known rapes are perpetrated on females, the Task Force was advised that many young males were being exposed to sexual abuse but they were too ashamed to report it. The sexual abuse of young children was raised many times during the consultations, as a matter of serious and urgent concern. However, the Task Force was frustrated by the lack of formal evidence and relied predominantly on anecdotal evidence which proved to be substantial.

The stories told are powerful illustrations of the wretched circumstances that Indigenous people in some Communities are being forced to accept as their reality. People with the least security and control over their lives become victims. They become further victimised when their plea for help is ignored or gain little follow-up by authorities who through their limited interventions allow the victims to accept the abuse as an inevitable pathology.

Inevitably, the workers who must try to repair the damage inflicted by crisis after crisis of sexual abuse also reach a critical point. When asked about the provision of sexual health services and specific education, a health worker replied, 'We can't do sexual health education in Communities. What happens if someone wants to disclose. We are not ready for it!'⁷⁵ This statement accentuates the need for *Critical Incident Debriefing* for health and social service workers to prevent burnout and prolong the retention of health workers in areas of heavy service demand. More rigorous educational programs on sexual health must be developed and run for all service workers, including counselling services for children and adults who have been sexually assaulted.

When whole sections of a population suffer the abuses described, it exposes a desperate situation. It requires unrestricted support from all levels of Government and from those responsible for promoting health, safety and Community services. The whole of Australian society must be advocates for all children and unreservedly denounce those who perpetrate sexual atrocities against them.

4.5.8. Children's health in the context of violence

The Informants expressed deep concern for the health of Indigenous children exposed to alcohol misuse, illicit drug use and violence on a number of Communities.

With DV/family violence, it is the children who suffer and cop the brunt of the situation in terms of taking punishment from mothers as well as fathers. I have seen mothers actually abuse their children both physically and verbally-emotionally. Children grow up with huge self-esteem problems. They feel they are to blame.⁷⁶

I have seen children run up the street no matter how late when there is a DV situation. The eldest of these children usually have the baby on their hip running and crying, trying to find a place where they can be safe.⁷⁷

The sexual abuse of children by men who know that drugs is a way to get to them, this is usually done by men to young boys, especially those who come from broken homes and are roaming the streets to get away from the DV that is happening.⁷⁸

The lack of parental supervision for children was a constant worry of female informants who spoke disturbingly of small children roaming the streets without parental supervision. This makes them vulnerable to the predatory habits of sexual deviants who are more likely to offend when alcohol consumption is high.

Many female Elders have been taking on the responsibility of caring for children, some reputedly caring for up to 12 or 13 children at times. They make a vital contribution by providing ongoing caring and nurturing for children whose parents are disabled by their

lifestyles and are therefore unable to fulfil the parenting role. Non-imbibing families also need help, especially female-only households. Female heads of households are sometimes forced to live in overcrowded, derelict houses that cannot be secured against intruders.

The home situation impacts significantly on children's socialisation and well-being. People expressed disquiet about things happening in homes, including overcrowding, violence and unreported sexual abuse, that were seriously affecting children's cognitive, emotional and physical development.

*Children turning up for school the next day after the DV incident, they are so tired and hungry yet they come to school to get away from the drinking at home, for the day at least, but they go home to that same situation ready for another long night.*⁷⁹

Children who grow up with violence and abuse have an increased potential to become adult perpetrators of violence because such conduct has been normalised in their developmental environment.⁸⁰ Indications of such a pattern included the frequency of reported incidents where boys in their early teens were bashing their equally young girlfriends. Task Force members were asked to raise the urgent need to assist young people to develop strategies to deal with anger and aggression.

Parents' abuse of alcohol increases the risk of children being born with alcohol-related birth defects. Such conditions may include Foetal Alcohol Effects (FAE) and Foetal Alcohol Syndrome (FAS). Both FAS and FAE are known causes of developmental delay and behavioural problems in adolescence in Canadian Aboriginal communities where alcohol abuse is high, yet very few Indigenous Australians working in health fields have specific knowledge of these conditions.⁸¹

There is a lack of health services for children generally, but especially for children who have been victims of sexual, physical and emotional assault. While the situation is critical in rural and remote regions, there were cases cited where health and welfare agencies have been negligent in urban areas also when Indigenous people have asked for help. In three cases in particular, Aboriginal women asked for help from Queensland Police and the

Department of Families, Youth and Community Care (DFYCC) for children who had been sexually violated. On each occasion neither the police or a representative from DFYCC attended the women's calls for help.

In Case 1, the victim was a four-year-old boy who had been raped by two twelve-year-old boys. Both the sexual health worker and the mother had called the police and DFYCC but neither attended the call. DFYCC arrived some two weeks after the assault. Both offenders had left the district with their parents. The case may also have been complicated by the fact that, in the area where the offences occurred, there is a high transient population.

Case 2 involved the sexual abuse of a ten-year-old girl by her father. When the mother reported the incident, nothing was done to investigate the abuse. The mother lodged a complaint some time later that her son, seven years old at the time (Case 3), had been sexually molested by an employee of the local school. Again, the police failed to act on the complaint. After 18 months of continual requests for assistance, the mother's calls were finally heeded and as a result, the employee was charged and sentenced. However, the case involving the daughter still had not been dealt with, and even after the offence against her son had been found to have substance the police continued to ignore the matter concerning her daughter. DFYCC also failed to follow up the complaint, and three years after the incident, they had still not addressed it. Both children now exhibit self-harming behaviour. This situation may have been averted had they received prompt and expert intervention and care.

The Task Force were provided with an alarming number of cases where there was a clear breach of legislative responsibilities on the part of both Queensland Police and the Department of Families, Youth and Community Care. The Task Force must warn the Government that if the efficiency of human services is not improved, it will only be a matter of time before the Government is sued for breach of duty of care. During the final preparation of this Report the Task Force was advised that litigation lawyers have visited some Communities offering their services on a 'no win, no pay' basis to victims of violence.

The violent and negative lifestyles being imposed on many Indigenous children is of grave concern and clearly, in some cases, retards their physical and mental development. If the issues affecting children are not addressed in the near future, Australia will have a situation that will be impossible to repair. As an example, the death rates for Indigenous infants 'greatly' exceeded the rate for the Australian population in general, being on average three times higher.⁸² There are increasing numbers of Indigenous youth coming into contact with the justice system and more are becoming parents or involved in violent relationships at an early age.

*Babies born to Indigenous mothers are more likely to die around the time of birth. Those who survive are more likely than other Australians to live in poor conditions, to be unemployed, to suffer from violence, to be imprisoned, to develop a range of chronic diseases, to be admitted to hospital, and to die at a young age.*⁸³

This data clearly warns authorities that Governments urgently need to update their programs to improve the health care and social wellbeing of Indigenous children. Without essential health care and social services, children are likely to suffer serious disadvantage in all elements of their lives. The dire situation of Indigenous children must be seen as inextricably linked to extreme poverty, the breakdown of traditional family obligations and the immeasurable loss of connection to the land and cultural fragmentation. To avoid charges of discrimination and to right the harm suffered by Indigenous Australian children, the United Nations Rights of the Child must be observed as set out in the following articles:

Article 18 Parental responsibilities

Parents have joint primary responsibility for raising the child, and the State shall support them in this. The State shall provide appropriate assistance to parents in child raising.

In Australia, the State grants money to families for child support but does not ensure that the children benefit from the endowment.

Article 19 Protection from abuse and neglect

The State shall protect the child from all forms of maltreatment by parents or others responsible for the care of the child and establish appropriate social programs for the prevention of abuse and the treatment of victims.

As stated previously, it was reported that the Queensland DFYCC has ignored many calls from Indigenous parents for assistance following abuse of their children.

Article 24 Health and health services

The child has a right to the highest standard of health and medical care attainable. States shall place special emphasis on the provision of primary and preventive health care, public health education and the reduction of infant mortality. They shall encourage international cooperation in this regard and strive to see that no child is deprived of access to effective health services.

Indigenous Australian children in rural and remote areas do not enjoy the same standard of health services as non-Indigenous children.

Article 26 Social security

The child has a right to benefit from social security including social insurance.

In some Indigenous homes, the parenting benefit is regularly misappropriated to pay for alcohol, illicit drugs and bingo.

Article 27 Standard of living

Every child has a right to a standard of living adequate for his or her physical, mental, spiritual, moral and social development. Parents have the primary responsibility to ensure that the child has an adequate standard of living. The State's duty is to ensure that this responsibility can be fulfilled, and is. State responsibility can include material assistance to parents and their children.

Conditions in some Indigenous Communities do not provide children with an adequate standard of living, and seriously disadvantage many children.

There were frequent reports about insufficient money to buy food to meet the family needs. In some families, infants were thought to be at particular risk because they started life with low birthweights and did not receive adequate nutrition for natural physical and mental growth to occur. Such children might then be vulnerable to future risks and possible harm.

Article 29 Aims of education

Education shall aim at developing the child's personality, talents and mental and physical abilities to the fullest extent. Education shall prepare the child for an active adult life in a free society and foster respect for the child's parents, his or her own cultural identity, language and values, and for the cultural background and values of others.

Article 30 Children of minorities or indigenous populations

Children of minority communities and indigenous populations have the right to enjoy their own culture and to practise their own religion and language.

The State does not yet meet Articles 29 and 30 because some Indigenous children are still penalised for using their language. Queensland Indigenous children have been historically acculturated, especially in the areas of religion and language. Little preparation has been made to reinstate lost culture and language.

The Task Force cannot state strongly enough that all levels of government and the Indigenous organisations must seriously address the critical and extreme hardships forced on Indigenous children.

4.5.9. Women's health in the context of violence

The lifelong trauma that Indigenous women carry through their experiences with violence has layers of immense loss and grief in dimensions hard to comprehend for those who have not experienced the agony of the physical and emotional savagery that many Indigenous

people have experienced.

Penny was the youngest of eleven children and reared by one of her sisters because her father had sexually assaulted her from as long back as she could remember. In due course her sister's husband assumed the role of her father. She recalled being raped vaginally and anally before her tenth birthday. To maintain her silence, Penny's brother-in-law would pretend to be playful and toss her in the air until her head hit the ceiling and sometimes he would let her drop on the floor. She became pregnant as soon as she reached puberty but he took her down the creek and repeatedly kicked her in the belly. When her body did not abort the baby, he had her charged with stealing and her baby was delivered in a home for girls.

Penny's life became a desperate existence living on the street, using whatever mind-numbing substance she could procure, and being regularly raped. Her four babies were reared by various members of her family. In one instance, she reported a gang rape and the rapists were successfully convicted and sent to prison. The baby born of this violence came into the world while Penny was so drunk she could do little to assist in the birth. The little one's first days were then spent in the agonies of heroin withdrawal.

Penny likes to talk about her dream of a future with her children, a husband, a house and even a car. Her reality is nightmares each night that can only be obliterated by more alcohol and whatever drugs she can trade her body for. Her only home is the prison where she has become an habitual guest.

'Penny' is not her real name, and this is only part of her tragic story. This Report does not have the space to cover Penny's sad journey to adulthood but her story is not an isolated one. Like many other young women growing up in violent environments, Penny had no childhood, no protection and no one to defend her rights. Today she lives a life of despair – physically and mentally isolated, suffering loss and grief following consecutive and ongoing traumas. Like many other Indigenous young women, she has always felt no one wanted to listen or help her – that she was helpless. Helplessness and isolation are common feelings among people who have been violated and oppressed.

You can be living right in the heart of your community here in Brisbane or some other large city, and still suffer from isolation. Isolation is being unable to communicate one with another, about both the physical and spiritual pain of being a victim or survivor of violence. Isolation is crying in the night and thinking of ways to end the pain, the voices, the shouting, and the echoes of the ghostly brigade that wanders through your head each night. This is indeed isolation, when you are cut off so completely, that there is no hope for communication, except through the vices of addiction that led to this feeling of isolation and suffering in the first place. When the only place you can communicate is through the bottom of a bottle or a 'bong', then truly you are lost and there seems to be no way back.⁸⁴

4.5.9.1. Elders' health in the context of violence

As discussed in section 4.5.8, 'Children's health in the context of violence', older women, with few financial or material resources, often are left to care for many children without assistance. They are asked to intervene in fights and violent altercations if the police fail to attend. Most of these women live in extreme poverty and ramshackle housing, with little security or support, but they work relentlessly to instil leadership, integrity and direction at all levels in the Community.

The majority of these older carers experienced immense trauma themselves while growing up, and many were victims of sexual and physical assault. Yet even now, they receive little support in their contemporary endeavours to help them to deal with the lifetime of hurt they have endured. Many of these Elders need a reprieve from the emotional and physical burdens they experience and it is therefore recommended that a wide range of Elder Support Programs be established in Communities to cater for their special needs. Without the ongoing voluntary services provided by the elderly, whole Communities will disintegrate into further anarchy.

The Task Force was appalled by the level of abuse being perpetrated on the elderly. This abuse can be in the form of financial exploitation, psychological intimidation and physical assault. It is imperative that Queensland Health, DATSIPD and Community Councils and

organisations work collectively to establish and implement an Indigenous Elder Abuse Prevention Program.

4.5.10. Men's health in the context of violence

As previously shown, the main offenders in incidents of violence against women and children are men, and generally young men. It must be stressed that acts of male to male violence are probably even more numerous than acts of male to female/child violence, and that self-mutilation and suicide also pose serious threats to men's health.

Women are adamant that alcohol triggers the violence, as that is their first-hand observation. From a broader viewpoint, it must be emphasised that alcohol merely enables the conduct by causing personality changes and provoking hostility when used to excess. Undeniably, the misuse of alcohol has tragically damaged contemporary Indigenous Communities.

In Communities generally there are few programs to assist men or women to deal with substance abuse, whether it be alcohol, *yarndi* or the fast-growing use of harder addictive drugs. Such usage increases the incidence of antisocial behaviour and subsequently there is an increase in violent offences in the home and Community. A new kind of violence has emerged with these drugs, one enacted in furies of diminished responsibility. 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.

*When you start stabbing, it's just like a release of the tension and you don't even realise you are doing it.*⁸⁵

Such conduct has become a defining characteristic of a people in crisis. Violence is being normalised as appropriate social behaviour.

At various stages in their lives, a high percentage of Indigenous males are removed from their Community to be detained, imprisoned or hospitalised for chronic illnesses. On average, they die earlier than women, some as a result of lifestyle conditions such as cirrhosis and alcoholic dementia associated with alcohol and drug abuse. A majority of families exist without male role models, and this contributes to the socialisation of young men with a distorted sense of reality. Men's unmet needs are illustrated in the following example.

An Aboriginal man, who had spent most of his life in prison, was compiling a loss history map. He saw that after each family death (and there were many), he committed an offence while drunk, for which he would spend a period in juvenile detention/prison. Every loss he suffered resulted in actions that created another loss, his freedom. His behaviour demonstrates the different ways in which women and men behave after a loss. Women are more likely to talk about how they feel with other women, or internalise their pain by becoming depressed. Men are less likely to talk to anybody, and more likely to externalise their pain in aggressive actions against others.

*His parents who were unable to provide him with a stable environment because of their drinking, both died when he was a child. He was placed in state care that was not a good experience. His grandmother was finally located and she provided a stable and loving environment for him. They became very close. He lived with her until she died when he was fourteen. That week he went on a drinking spree during which he committed his first offence and went into juvenile detention. A pattern was set. Another significant person in his life died and he got drunk, committed an offence, served some more time, and on release would get on with his life until another significant family member died and so on.*⁸⁶

This illustration is indicative of most Indigenous men's stories and is borne out by the escalating prevalence of violence, suicide and imprisonment statistics. The Task Force were consistently informed that something has gone seriously wrong and there is an urgent need to address issues related to Indigenous men's health.

Indigenous men have been profoundly affected through historical processes. This has eroded their place in the family and substantially fragmented their role in the community. One indicator of this displacement can be seen in the unemployment rates of Indigenous men, which in some cases now reaches into the third and fourth generations. These issues greatly increase their marginalisation and compound their distress.

While some Communities have health services for women, there are few comparable services for men. Programs should be planned to help young men to alter distorted views of gender roles and acceptable male behaviour. Communities need effective programs that address health and education issues, the justice system, the abuse of alcohol and other drugs, and parenting training. Both Indigenous and non-Indigenous men are neglecting their mental and physical well-being. Consequently, new approaches are needed in order to encourage men to participate in addressing their health needs.

The women who spoke to the Task Force, while acknowledging Indigenous men's distress, also wanted perpetrators to own their violence, to accept that violence is an offence and it deserves punishment, either custodial or non-custodial. It is important to emphasise that not all Indigenous men behave badly. As in all societies, some young men are fine role models, and male Elders are speaking out in a responsible manner and working towards change. Such men need Community support.

One of the modern-day problems a number of Indigenous men face is incarceration instead of traditional sanctions for offences. Unnecessary detention and imprisonment should be avoided wherever possible, and informants to the Task Force recommended that funding should be provided for Community groups to develop, trial and assess programs which could be alternatives to sentencing options for lesser offences. Such programs should be delivered by skilled presenters, and include established protocols, a sound theory base, a recognised method of evaluation, and strategies for sustainability. Suitable programs and protocols have been and are being developed elsewhere in Australia, and the Task Force noted, for example, the work of Blagg in Western Australia, and the men's group in Mt Isa. Work being done for men on Palm Island and in Brisbane should be supported.

An Aboriginal men's group in Adelaide held a series of workshops to develop protocols which would address violent behaviour. They said men needed courage to:

...tell other people why we have been violent. By doing this our men are able to work within themselves, and also begin to help other people to overcome their violent behaviours. We believe that Aboriginal men can overcome violence if they become aware of the problems — men need to accept the problems and the responsibilities that come with them, and find workable solutions.

The same men's group discussed the need to move beyond politics and Government programs to reclaim their own power.

We can get angry — but what do we do with that anger. We could concentrate on what influence we have over ourselves when we get angry and violent, and how it affects our family and how they in turn, when they have a family, how it affects their family. I'm about stopping the violence. How do we deal with all the things called men's issues and family issues on an emotional level. We have to do it all together as a family, as a group of brothers, or as a tribal group. We have to do it ourselves. I would like to get into working out the sort of things to resolve: the anger issues — conflict management — counselling processes — that could be put into a package for men.⁸⁷

Local community health organisations must be included in the process, which should be based on the principles of prevention interventions and not merely curative applications, as is currently the case. Any future initiatives to address Indigenous health must accommodate Indigenous definitions of health and well-being and include the input of Indigenous health workers and Community representatives. This is particularly important given that historically, many health care providers have consistently attempted to address the effects of high-risk health factors in Communities, giving little if any attention to addressing the cause.

4.5.11. Strategies for health and healing

The poor health of Indigenous people has been raised repeatedly in the past and in this Report. Some sectors have accepted the poor health rates as an inevitable pathology. The

need to dispel this belief is grounded in Indigenous rights to secure the longevity of the family and the culture. The ongoing carnage from the violence and the abuse continues to threaten and damage both personal and family stability, the two most central foundations of what it is to be Indigenous.

The poor health of Indigenous people across Queensland is the outcome of both historical inequalities and shortfalls in the provision of services. However, it must be acknowledged that there are unique challenges for remote and rural Communities. It is therefore vital that a full range of essential facilities be provided to raise the standard of Indigenous health. Though the services are mostly driven by curative and emergency needs, it is important that future services be driven by preventive measures in order to make a real impact on health and well-being. There must be more concerted effort, not only in providing adequate and appropriate health services, but also in addressing the causes of the poor health of many Indigenous Queenslanders. To this end, any future initiative implemented for the purpose of Community or family healing must be guided by the principles outlined in the following pages:

- *Improving individual and Community short- and long-term vision*

Indigenous Australians must possess a sense of present and future directions. The Communities need socially, culturally and economically sustainable enterprises developed in collaboration with Government by the Communities themselves. Balanced and progressive initiatives will assist individuals and families to prosper and heal. This may be a long and painful process requiring intervention at both the individual and collective level. It must be driven by goals of cultural and individual affirmation – ideologies that are central to Indigenous survival.

Indigenous Communities must be afforded the opportunity to be the architects of their own solutions. The principal objective in a Community development approach is to assist people to develop skills and knowledge so that they can be active participants in initiatives that affect their lives, and not silent recipients, as they are often portrayed.

In the consultations, examples were given of Communities that have taken up the challenge and commenced the process of addressing their needs. Men's groups, women's groups, crisis intervention centres, parenting programs, programs to address suicide, cultural affirmation programs and crime prevention initiatives are but a few of the many strategies being developed by Communities to solve their own problems.

Some Communities have developed excellent models for groups to use to deal with youth issues, suicide, family violence and men's and women's business. For example, following the suicides of 17 young people in a year, a young Palm Island man called a meeting of residents to discuss concerns and to develop strategies for intervention and prevention. A large number of people attended and the Palm Island Men's Group was formed to work in conjunction with the Local Justice Group, the Katana Women's Shelter and Queensland Police. By providing support for young people through gender-based and cultural activities, the Community has not had one youth suicide since the initiative. In an effort to prevent family violence, the Men's Group works in collaboration with Katana to support both the perpetrators and the victims, including children. In a unique move, Katana has also employed a male staff member to enable the agency to extend services to perpetrators. While it may be premature to gauge the effectiveness of these approaches, the achievements on Palm Island warrant special mention and support.

Similar joint efforts by men and women have been made at Kowanyama, Yarrabah, Mt Isa and Cherbourg. All these Communities have recently commenced programs specifically designed for both men's business and women's business as a means of dealing with family breakdown and violence.

- *Nurturing a Community based on trust and shared goals*

The level of mistrust and suspicion that Aboriginal and Torres Strait Islander people have developed is now at such a high level that it has been internalised and directed towards not only Governments and service providers, but also towards their own people. To go forward, it must be addressed before any notion of change can be considered. The ability to trust and feel trusted is essential in any healthy society. Individuals should be able to trust agencies and people appointed to provide them with services.

- *Encouraging leadership and responsibility*

Informants told the Task Force that Elders or women who try to move Communities forward often meet opposition. The resistance reportedly can come from both internal and external groups, some of whom may have either pecuniary or personal interests in maintaining the status quo, especially in relation to the marketing of alcohol and illicit drugs. Community members now wish to call these people to task. Increasing misuse of alcohol and the presence of illicit drugs demonstrate the urgent need for more forceful tactics. Communities realise that they will need to rely heavily on Queensland Police, the Liquor Licensing Board and other Government and non-government agencies for help, to protect people, regardless of their geographical location or cultural persuasion. The right to be safe should be upheld in any system espousing democratic ideals. Governments should review the operations of agencies that have failed to cater efficiently for Community needs. Some agencies established in the 1960s to provide culturally appropriate services to Communities have deviated from their original mandate. Whether by default or by design, many of them have been operating under a system of service delivery that does not necessarily provide assistance. Agencies should introduce measurable performance indicators and communicate them to the Community and to funding bodies as a proactive form of accountability that allows local residents to work towards mutually defined goals and aspirations.

RECOMMENDATIONS – INDIGENOUS HEALTH AND WELL-BEING

5. Health improvement

- (a) Queensland Health must implement the Resource Allocation Formula to address Indigenous health disadvantage. Services that cater for high transient populations must have appropriate funding levels factored into the Resource Allocation Formula.
- (b) Multiservice delivery centres must be established in all Communities to provide coordinated services for alcohol and drug addictions, family violence, sexual assault,

grief counselling, advocacy for women, child counselling, and support groups for men.

- (c) The Task Force recommends that places for Indigenous people be reserved on Queensland Health District Service Boards of Management to ensure equal participation in regional health policy development and planning, and that proper procedures are used to make appointments.
- (d) Priority must be given to a whole of Community, whole of Government approach to the provision of Indigenous health services, particularly in rural and remote regions. Decisions made by health authorities should be open and inclusive regarding funding allocations, program design, implementation and evaluation.
- (e) Strategies to remedy health problems must be designed in collaboration with Communities, and resource materials should be locally produced under appropriate direction to maximise ownership.
- (f) Holistic health services to all areas, especially to rural and remote areas and the outer islands of the Torres Strait, must be developed or upgraded urgently.
- (g) Health services for all Aboriginal and Torres Strait Islander peoples must be established or upgraded to include allied health services. Some services may need to be mobile to increase client access. Queensland Health must develop Community education initiatives to inform Communities about the allied health services available and how and why to use them.
- (h) Queensland Health, in collaboration with relevant stakeholders, should develop a statewide Indigenous Elder Abuse Prevention Program.
- (i) Rehabilitation services, including social and emotional well-being centres, must be established and upgraded through a process of Community consultation and local ownership, using accredited models and professionally trained workers.

- (j) Indigenous mental health services must be expanded in line with Recommendations 264 and 265 of the Queensland Government's *Royal Commission into Aboriginal Deaths in Custody Report 1997*, but with the suggested alteration of the title 'mental health' to 'emotional health'.
- (k) Queensland Ambulance's pre-hospital care model is endorsed as a valuable adjunct to care in Indigenous Communities. It should be supported and implemented as a priority.
- (l) Transport to rural and remote Communities must be subsidised so that isolation does not disadvantage Indigenous people in accessing food staples and health services.
- (m) Health facilities must be increased in rural areas generally.
- (n) More Indigenous health professionals must be trained and employed in every health discipline, and actively recruited by Queensland Health's Indigenous Unit.
- (o) The Government needs to acknowledge *Recognition of Prior Learning* and upgrade the skills of Indigenous people with long-term experience in specific specialty areas.
- (p) Community clinics and hospitals should be used as training institutions for Indigenous students in health sciences where they undertake clinical placements and internships.
- (q) Governments should increase the numbers of trained Indigenous and non-Indigenous health professionals and paraprofessionals specialising in family violence, child abuse, children's, men's and women's health, substance abuse, aged care, and grief and loss.
- (r) The Queensland Government, in consultation with Community Councils, should negotiate with Community Aid Aboard, World Vision and other aid organisations, to locate specialist teams in selected remote Communities to facilitate improvements in health. Their work could involve the development and upgrading of infrastructure, the training of local people, and the establishment of specialist services.

- (s) Support must be provided to establish National Sexual Assault Prevention Services, and to educate Indigenous professionals to deliver specialist sexual assault services, and train-the-trainer packages.
- (t) Health education programs on a broad range of issues, for example illnesses caused by lifestyles, should be introduced as compulsory across State-funded community service agencies, in schools and in CDEP training sessions.
- (u) Health care professionals, especially doctors, must be specifically prepared for service in remote areas, and should not be recruited until they have a reasonable degree of experience and seniority and are familiar with Indigenous health needs.
- (v) To avoid charges of discrimination and remove the disadvantages suffered by Indigenous Australian children, the United Nations Rights of the Child, to which Australia is a signatory, must be observed (Articles 18, 19, 24, 26, 27, 29 and 30) by both Commonwealth and State Governments.
- (w) Easily accessible Indigenous child support and advocacy agencies must be established across the State, and staffed with well-trained personnel, to help children who have been emotionally and physically abused.
- (x) The full effects of alcohol abuse on the physical and psychological development of children must be investigated and evaluated and strategies implemented to ensure that children affected receive the highest possible access to services and ongoing management and care.

Housing

- (a) The state of housing, including insufficient housing, must be urgently addressed by ATSIC, Community Councils and both Queensland and Commonwealth Governments. Serious attention must be given to the housing needs of Indigenous women and children in rural and remote Communities.

- (b) The Department of Equity and Fair Trading must take urgent action to ensure that all Councils comply with their responsibilities under legislation. All tenants must be informed verbally and in writing of their legal rights.
- (c) The Community levy system used to procure rental monies must be urgently reviewed by the Department of Equity and Fair Trading, in consultation with Community Councils.

Shelters and security

- (a) There is an urgent need to provide and upgrade facilities for people escaping family violence. Women's, men's and children's shelters must be established in all Indigenous Communities under the funding and jurisdiction of the Supported Assistance Accommodation Program (SAAP). Funding for shelters must be provided on a triennial basis in order to ensure continuity and quality management. SAAP must be given the responsibility for training and developing a wide range of service delivery programs for the education of workers, case management, family support and child advocacy. Such training should focus on sexual and physical assault and trauma counselling (see Section 4.6 on families). This strategy relates to Recommendation 1, which emphasises the need for a whole of Government, whole of Community approach.
- (b) Protocols should be drawn up jointly by service providers, health staff, police, shelter staff, men's groups and welfare agencies, to improve the methods of dealing with people who are injured through interpersonal violence.
- (c) Hospital and clinic security needs must be re-assessed with whole of Community input, to ensure maximum safety and protection for both patients and staff. To this end, the recommendations made by rural and remote area nurses on violence in Communities should be adopted as a matter of urgency.
- (d) All services must establish and implement a code of ethics and protocols on issues of client confidentiality and worker responsibility.

4.6. FAMILIES AND SECURITY

It must be recognised that the most important factor in recovery from violence and abuse is of supportive, healthy families and functioning, caring communities.

As a community, as an extended family of Australians, it is our duty to ensure the well-being and human rights of all its members. If our sense of community is strong, if our values and attitudes have been formed collectively, then our sense of social justice and morality will also be strong. (Lowitza O'Donoghue CBE AM, April 1994.)

It has been emphasised throughout this Report that the family is the nucleus of Indigenous existence and self-image, in both historical and contemporary terms. While many people try hard to retain the integrity of their family unit, administrative and structural processes often compound and exacerbate the distress, trauma and violence they experience.

Legislation on family violence must be framed to take account of the Community and its needs. Marginalised Indigenous families know only too well that using services designed to alleviate their disadvantage can, in fact, increase their vulnerability. When people have been unsuccessful in navigating the maze of bureaucratic agencies, distrust forms across the extended family and the whole Community. They begin to believe that to seek assistance is futile and distressing. Such frustrations may be acted out in further expressions of anger, as the case history included in this section illustrates.

This family snapshot shows how many of the current services fail families experiencing violence. This may be because of a lack of Community awareness of the domestic violence legislation, and women may not be aware of how to access services to guarantee security. Police need more training about family violence and the causes and effects of trauma.

The Task Force observed that a number of support services are offered in Communities, but many women have problems accessing them for a number of reasons; strategies must be introduced to address these difficulties. Many families have witnessed violence in the

home for so long it has affected their understanding of family life, normality and the proper use of power, as shown in this case study.

Case Study

Lionel and Margaret are the devoted and loving parents of Daniel, 15 years, Effie, 12 years and Jenna, 5 years. Margaret's mother Lily, an aged pensioner, also shares the house. Like all their friends, both Lionel and Margaret grew up in impoverished circumstances, had little education and neither have held jobs other than the Community Development Employment Program (CDEP) where Lionel now works for two days a week.⁸⁸ There are no employment prospects within the immediate geographical region and the family cannot move to an area where there is better potential for work due to lack of skills, absence of family networks and no affordable housing.

Lionel's masculine identity is the product of four generations of people forcibly removed to the settlement, detained, deliberately acculturated and made to work for meagre rations with little or no remuneration. He remembers the humiliation of his grandfather and other male kin being publicly reprimanded by the white administrators for hunting on properties neighbouring the reserve in order to supplement the family diet.

Lily constantly relives her life growing up in the dormitory, waiting every day for a mother she never knew to call and claim her. She remembers the hard drudgery of washing dishes, scrubbing floors, eating porridge infested with weevils and crying herself to sleep at night longing for hunger to be sated and for the warmth of siblings. She recalls her first posting at the age of thirteen years to a station out west and having to eat alone in the little room she was allocated in the shed near the woodheap. Lily refuses to talk to Margaret about her trauma of being available to nightly predators. Her only concern now is to ensure the safety of Margaret and Lionel's children.

Lionel has drifted into the habit of spending longer and longer hours with his mates who are in like circumstances. Margaret and Lily prefer to seek out friendships at the bingo in the local town. Sometimes they are late getting home, perhaps they lost their money, and as a result there is no food on the table when Lionel arrives home drunk and hungry. He can't be reasoned with and, in his inebriated and ravenous state, proceeds to unleash his fury on Margaret.

Margaret has been here many times before, the shabby and sparse furnishings testimony to his maniacal outbursts. Mostly, she just takes the bashing while venting her anger with screams and invectives. Lily gathers the children, the fishing lines and the shrimp bucket and they head towards the river. She feels ashamed at her cowardice leaving her daughter to face Lionel's wrath but experience has shown her the futility of interfering. At least the children won't be able to hear the thuds as fists meet flesh.

But Lily's attempts to extricate her grandchildren from the violence are too late. The children now know the cycle of violence. Their father will sober up when the money and grog supply has run out. He will feel remorseful, apologetic and try to make amends over the following days as Margaret's swollen and bruised face subsides. He will tidy up the yard and report for CDEP. Calm will return until next payday.

Daniel is increasingly dependent on his peers for company. They hang out in gangs after dark while the adults pursue their interests. No one knows or cares so he is a free spirit in many ways: free to try some grog and yarndi if it's offered. Money is a problem but thrills can be had by stealing a car for a joyride or finding a willing girl for sex. He had to become heavy-handed with one girl because she became jealous of his attention to her friend. 'Girls are weak though and boys are strong,' as he sometimes has to show his little sisters. Sometimes even old women, such as his grandmother, can be frightened into surrendering their last bit of cash.

Effie is a good daughter and seems to be able to ride with the cycle of violence in the home. Her school marks have been poor because she had untreated ear

problems and this prevents her from hearing the teacher. She feels deprived when she sees the town kids wearing nice clothes. Recently she was tempted to steal a pretty trinket but her transgression brought her to the attention of the police who drove her home and chastised her in front of her angry parents. They in turn delivered a tirade of verbal abuse so Effie and her girlfriend, who was experiencing similar problems, decided to run away. Their self-esteem rose when two men offer them a lift to a provincial city and innocently they accepted. One week later, used and chastened, Effie and her friend were transported home by welfare workers.

Jenna has become a clinging and whingeing child who wets the bed almost every night. Lily baked her a damper and piled it with butter and golden syrup but it only helped temporarily.

Margaret has become increasingly conscience-stricken and starts to assess the family's situation.

Another payday and Lionel is drinking 'monkey's blood' again and the cycle of violence has gone full circle. Battered and distraught, Margaret is admitted to the hospital suffering a fractured right upper arm, lacerations and contusions to the face and multiple bruising to much of her body. Lily, Effie and Jenna book into the women's shelter. Daniel is unavailable, having been temporarily detained by the welfare people who have some concerns about the company he is keeping and police want to know about some unexplained incidents of criminal activity.

At the shelter, support workers counsel Lily and the children, reassuring them that the safety house is indeed safe. Margaret has now accepted that she must take out a protection order for herself and her family but is unable to understand the jargon tediously being read to her by the policeman at her bedside. They advise her to press charges against Lionel. Margaret is in a fragile state. Her self-worth has plummeted even further and she has decisions to make from written information she is unable to comprehend and must contemplate what pressing criminal charges entails to herself, her family and just as importantly, to Lionel, whom she still cares about.

As a youth and into his early twenties, Lionel spent periods in prison for persistent offending and he refuses to speak about those times. While Margaret is fearful of surviving another bashing, she wants Lionel to learn a lesson, admit his faults and take responsibility for bashing her. She wants him to appreciate the misery he has inflicted on the family and change his habits but she does not see that jail is the answer.

Margaret knows that being inside is not going to help Lionel deal with his drinking problem or subdue his anger and frustration. He will re-enter the Community with the same problems haunting him and he will return to his old habits: one can be very lonely in sobriety. There is no one he can turn to for help even if he could be persuaded to do so. In fact Margaret can see that every member of her family needs help, but she does not know what kind of therapy [to seek], if a service exists, where to find it, how long will she have to wait and then if the person to whom she is allocated will understand.

Margaret wonders why the men in her family - her father's brothers, her own siblings and cousins - why don't they come to her aid when she is in such dire straits? Why aren't men looking after each other? What is it that lets her own kin, as well as Lionel's, stand by and not intervene?

On one occasion Margaret fled to one uncle but he refused to take her in, saying she had a 'bad mouth' and if she wanted Lionel to stop bashing her 'Then pack your bags. Get out.' No one understands that he's okay when he's not drinking. [All the names in the story are fictitious. The story is a composition derived from many consultations.]

4.6.1. Families living with violence

This composite case history reveals the almost insurmountable obstacles faced by families living with violence and the difficulties they encounter. It also highlights the need for amendments to the legislation pertinent to the safety of women and children, especially in Indigenous families.

The case study brings up some very obvious questions. Why should Margaret, Lily and the children have to leave to escape the violence? Lionel can only be taken away for four hours under the current legislation. Why could he not be taken away for longer, given appropriate care and returned, after completing a specifically designed program? Men like Lionel are all too often detained in prisons, a debasing and humiliating experience. It is clear that Lionel needs help, but he does not need to go to jail. Even serious offenders who receive a custodial sentence should have mandatory counselling; offenders are often traumatised too.

Violence is seen as a tactic by which individuals or groups establish and maintain power and control of others. It is also important to understand that the use of violence can be an articulation of distress. A program should be designed to challenge men to question their assumption that they have the right to own and control women and children. In fact there are programs in other parts of Australia that have been developed to do this. Those who spoke out about violence in Communities believed they were stigmatised for their actions and labelled as troublemakers. As previously stated, 'when we make people powerless we promote their violence'. The present punitive system of the Australian legal system does not address the needs of violent offenders for behavioural change. In fact it further promotes their violence.

Imprisonment can ignore what is really a cry for help from a distraught person who has found no direction in life. Women consequently may expose themselves to possible fatal injury to prevent men who they still care about, from going to prison.

Imprisonment also dismantles the structure of families, increases the vulnerability of family members and leaves children without people who fill a specific role in the family unit. It normalises the fatherless family and promotes the maternal economy. This is particularly the case in the Aboriginal and Torres Strait Islander situation, where imprisonment has been a colonial tool of domination and containment, and historically, reserves were established as prison camps to contain Indigenous people.

In many cases, Indigenous families are headed by women who have sole responsibility for rearing their children. To do this, they may be totally dependent on social security

payments. The income promotes their independence but also increases their vulnerability.

The Task Force was told that increasing numbers of men are shirking their responsibilities in providing food, clothing and sharing child-rearing obligations. While acknowledging that sometimes this is due to circumstances beyond men's control, such as unemployment, poverty, cultural discrimination, loss of traditional roles and the damaging experiences men have had, informants were concerned about the children growing up without a father figure. Often the only access to the father is when he comes demanding money.

He turns up on mother's pension day and stands over her until she gives him the money. If she doesn't hand it over, he bashes her. That money is meant to buy food for those kids. He goes off to the TAB and the pub and she takes what's left and goes to bingo.⁸⁹

To counteract these problems, several groups of Community women suggested that part of the family benefit payments could be made in the form of food vouchers. Women suggested that, if a voluntary work for the dole scheme (CDEP) could be introduced, then similar arrangements could be put in place to ensure that children receive adequate food.

This issue raises many concerns and therefore extensive consultations should be undertaken before any resolutions are enacted.

Family violence prevention has become almost exclusively the domain of women, clearly making victims responsible for their own safety against perpetrators of violence. This may require them to take out a domestic violence protection order against their partner.

One of the key objectives and directions identified by the National Strategy on Violence Against Women is to ensure that:

all [emphasis added] women escaping violence have immediate access to police intervention and legal protection which prioritise safety for the woman, safe shelter, confidential services and the longer-term resources needed to live independently and free from violence.

The *Domestic Violence (Family Protection) Act 1989* (Qld) provides legal protection from domestic violence for people in a spousal or spouse-like relationship in the form of domestic violence orders:

A domestic violence order is a civil order which restraints, restricts or prohibits the behaviour of a perpetrator of a domestic violence. Children, relatives and associates of a person aggrieved by domestic violence may also receive the protection of a domestic violence order by being listed on an order. Where a respondent spouse to a domestic violence order breaches the order, the breach constitutes a criminal offence for which the respondent spouse may be punished by fine and/or imprisonment.⁹⁰

Such an order may be sought on an interim basis, pending the enforcement by the court of a full protection order that may last for up to twelve months.

A DVO may play a crucial role in stemming patterns of domestic - or what might be more aptly called in Indigenous Communities - family violence. However, in some cases they may be ineffectual due to the way they have been constructed, implemented and enforced, based on ethnocentric and racial values. Some Indigenous women may only want 'time out' from the perpetrator with alcohol and substance abuse counselling and anger management programs enforced, rather than removal, containment or incarceration of their spouse.

Some of the following factors may be preventing women from accessing protection orders:

- fears that their spouse may be subject to discrimination if contained or incarcerated;
- retribution from family and extended family members;
- desire for redress through customary law;
- lack of knowledge about the availability of protection orders;
- lack of safe houses or women's refuges; and
- police reluctance to respond to calls for assistance in family violence situations, particularly if the violence is perpetuated on a continuing basis.

Other women may seek interim protection orders without accessing permanent protection orders, while some women may seek full protection from the law. In addition, the breach of a DVO - by either spouse - may represent in some cases, an emphasis on the vital role of

the family within Indigenous Communities. Whether or not a protection order is accessed may depend on an Indigenous woman's background, education, location and knowledge of essential services and programs. Flexible protection orders may better protect and represent the complex dynamics that result in violence in Indigenous Communities.

When a protection order is taken out, it is a clear indication that a crisis exists, and both parties are exposed to harm and self-harm. While women and children seeking shelter may be given counselling as a part of their case management, male offenders are usually not seen as needing help. It was suggested that legislation could be enacted to ensure that both parties named on the protection orders are immediately given a specified number of counselling sessions following the issue of the order.

Men who are violent against others should be detained, even if only temporarily.⁹¹

Concerns have been raised that men could bring a charge of deprivation of liberty if the legislation is changed to allow the offender to be detained longer than the four hours allowed at present. This point requires serious consideration, given that the current legislation is being amended. Some female informants believe that men who breach protection orders are guilty of a very serious offence and that detaining them for 12 hours may prevent an even more serious event occurring, such as a domestic homicide.

Flexible protection orders, in conjunction with a strategised approach that provides for participation of Indigenous men and women in the creation of policy and programs, may play a vital role in decreasing cyclical violence. Women must have access to protection orders immediately but should also possess choice in the way protection orders are enforced. This may involve the use of case histories of women and children subjected to violence, and inter-agency support and services. In some cases, alternatives to protection orders may need to be arranged to keep the family unit intact but allow an interim period of detention, possibly with extended family members, for the perpetrator to have a 'cool off' period. The 'cool off' period would need to be tailored to the circumstances of the case. In some instances this may entail culturally appropriate and safe counselling during the relevant period.

Women were concerned about the absence of police at critical times, and the fact that men were seldom involved in violence prevention. There are a number of men in Communities

who should be prepared to undertake voluntary violence prevention management. They could promote positive role models and provide mentoring services for families, especially the young men. This kind of role was common in traditional Aboriginal society. Such roles would endorse their commitment to change, and to promoting safe and happy family and Community environments.

Many respondents to the Community consultative process commented on the lack of programs designed to help men to deal with their aggression. They suggested that such programs should be designed with specific environments in mind, using a whole of Community approach, in conjunction with the development of policies and systems to respond to family violence.

We need to start helping our brothers to deal with their violent behaviours.⁹²

A number of informants stated that better coordination was needed between all services in Communities to deal with family violence. Groups in a future network would include justice groups, women's groups, men's groups (when formed), Community Councils, health centres and visiting magistrates. The people in Communities, especially in rural and remote areas, should be able to work with offenders and the criminal justice system to curb criminal and antisocial behaviour. The Local Justice Committees could participate with the family and the offender to determine a suitable counselling format for the offender. Such information could then be supplied to the visiting magistrate or judge as a mandatory part of the sentencing process. The offender's rehabilitation might be more effective if he or she is ordered to attend an outstation or diversionary centre where counselling is a portion of a customised package, than if the offender is imprisoned. When a custodial sentence is delivered, offenders should be rehabilitated through a mandatory treatment program.

Sometimes it is imperative for some families to distance themselves from a particular man. In these instances, precise services should be available, for example, specialised counselling; greater collaboration between service providers; and state and interstate data bases so that continuous files can be kept on relevant families to ensure accurate information is available for mothers and children needing a complete representation of their cases in courts. These changes would alleviate the pressure that is placed on women

who are expected to remember all the details of their case and relay them to their next caseworker every time they change addresses. It would prevent important data from being inadvertently overlooked.

Police have been accused of not giving domestic violence calls priority. Because family violence is common in Communities, police may fail to attend serious incidents, or arrive too late. Dealing with violence is an essential component of police training, but classes should specifically address the cultural groups with whom police may interact, and information should be updated and revised. Cultural awareness packages should explore issues of trauma behaviour, which are now being promoted as cultural behaviour.

It was said that many Aboriginal Community Police do an excellent job against great odds. However, there were instances where some Community Police were named as being perpetrators of violence and reportedly bashing women while in uniform. Women should therefore be consulted in the selection of Community Police recruits. In particular, there was enthusiastic acknowledgement for the increasing employment of Indigenous women as both Aboriginal Community Police and Police Liaison Officers. It is recommended that more female officers be employed within the Queensland Police to work in rural and remote Communities. Such appointees should have specialist skills to work in the areas of domestic violence, sexual assault and child abuse.

4.6.2. Help for the extended family

Community services should take account of the situation of grandparents, predominantly grandmothers, whose lifestyles have been altered with the breakdown in the family unit. Many perform valuable and significant parenting roles with, and in the absence of, functioning family units. They can also be victims of violence. There are numerous reports of grandmothers being bullied, abused and physically assaulted by people seeking money for alcohol and drugs. At a time in life when elderly people expect to have fewer responsibilities, they are rearing grandchildren, sometimes great-grandchildren, many of whom are babies. The services grandmothers provide cannot be matched or replicated.

In some Communities, health professionals recognise the stress placed on grandmothers⁹³ as a condition known as Granny Burnout Syndrome. Accordingly, in the numerous households where a grandmother is the principal carer, during times when she suffers ill health, hospitals assume responsibility for her and the children if they cannot be accommodated elsewhere. This may entail admitting children to the children's ward, or if the facility is available, to the children's shelter.

To Indigenous people, it is a sad indictment that children's shelters are necessary. While people are proud of the services they provide, it is also a shameful reminder to the Community that they are unable to ensure the safety and security of their children, their most valued yet vulnerable commodity. Unfortunately there are not enough children's shelters, and until children can be guaranteed safety in their own homes, more facilities specifically for children are needed urgently.

Women must have services they can access with confidence. In some Communities, agency staff may manage cases where they are related to both the offender and the victim. This is a major concern, especially when dealing with cases of sexual violence that can cause clan hostilities to flare. People related to the alleged offender usually close ranks against the accusations. Sometimes the victim must be taken from the Community to safety to prevent the offender's female relatives from bashing her. Community leaders must confront and halt such practices. Continuing education should be provided for all members of Communities which clearly states that everyone has a right to safety.

Victims of sexual violence are in urgent need of an improved level of services.

Murrigunyah, a specialist sexual assault service, has recently been established in Brisbane to provide statewide training, information and support specifically for Indigenous women, but there are few services in rural and remote areas. Existing services usually have only one worker, and are underfunded. Murrigunyah's services therefore need to be extended forthwith.

This subsection has revealed a glimpse of the enormous pain many Indigenous families are experiencing through family and Community fragmentation and the violence that results from chaotic and disordered lives. Nowhere is it demonstrated more clearly than in the

lives of hapless young parents and their children, who often bear the full brunt of the violence. It is urgent that people accept the roles of advocates for these children. It is not acceptable to deny assistance for their suffering once it has been made known publicly.

The importance of unifying, strengthening and promoting family harmony must be vigorously encouraged across Communities. Any changes to legislation governing family violence should take into account the Indigenous Community environment and its special needs. As an example of such needs, key people who are usually integral to family well-being may be missing. The bulk of the parenting is being done by aging grandmothers, or by young mothers with no preparation for parenting. A whole of Community approach⁹⁴ is needed to address such needs, and could be implemented by available professional services, nominated by the Community. An important initiative would be designing positive parenting classes to be conducted in schools and with family groups.

Appropriate solutions must be implemented in the provision of a broad range of life skills by extending the factors that protect while diminishing the risks.⁹⁵ The social and economic benefits of life skills programs would far outweigh funding outlays. A total commitment is the only sensible and humane way forward.

Family and Community can and do play a major role in the healing process. The old ways of working within this tribal system where people are respected, acknowledged and valued is a solid basis for the healing process to be initiated. There was a place and a role for everybody: men, women and children. All had responsibility, commitment and obligations. 'Circle work' is an essential element of Indigenous proces;, everybody has an equal right to speak within the circle and to be listened to and heard. It is a communal process which lends itself well to healing, acknowledging that there needs to be balance and right ways of being in all aspects of a life, in order for us to maintain physiological well-being. The circle is one of the oldest symbols of mankind. Circle work is based on the premise of equality. It is also a place of safety and respect where people can speak their minds and tell their stories without fear of ridicule or judgments. It is a non-hierarchical way of working, where everybody is expected to participate equally.⁹⁶

RECOMMENDATIONS – FAMILIES AND SECURITY

7. Families

- (a) There must be unequivocal support and immediate action from all stakeholders – Queensland and Federal Governments, ATSIC, Community Councils and other organisations – to pursue initiatives immediately to retain and strengthen family units and promote harmony in Communities.
- (b) The Department of Families, Youth and Community Care should develop, in consultation with Indigenous youth, a Queensland Indigenous Youth Charter. To formalise this Charter, it is recommended that the Department hosts a Youth Summit in collaboration with relevant agencies and with Indigenous youth representation from all Communities in Queensland.
- (c) Services for both victims and offenders should be better coordinated through Community network groups such as Community Councils, women's groups, men's groups, health centres, hospitals, justice groups and visiting magistrates.
- (d) Federal legislation on family benefits and child support should be reviewed to allow food vouchers to be given in lieu of cash if so requested, to avoid misuse of child support monies. The Queensland Indigenous Women's Network must be consulted before any action is taken on this recommendation.
- (e) Respite care, 'time out' camps, rehabilitative care and counselling must be available for children who live in violent environments, families and/or neighbourhoods.
- (f) There must be adequate counselling services available for women, children, men and family groups in all areas of need.
- (g) There must be continuous family education programs to inform and remind Communities, families and individuals of the rights of children, child advocacy issues,

and the fact that violence is a criminal offence.

- (h) Urgent attention must be given to the health, social and financial needs of elderly carers. Queensland Health and the Department of Families, Youth and Community Care must consult with Communities to implement strategies to support carers.

4.7. LAW OR LORE – THE INDIGENOUS EXPERIENCE OF JUSTICE

Of all the systems that we have to approach for help, it is the justice system that I feel violated me the most. I am bitter that when I went to people for help, no one listened. What sort of system is it that abuses a woman like that? It's not a justice system.⁹⁷

The injustices imposed by the justice system were identified as being the greatest source of grief for Indigenous people. While there was concern about the high arrest rates, discriminatory and biased judicial procedures and determinations, and the high incarceration rates of Indigenous adults and juveniles, there were other grave matters raised. Elders, local justice groups and others stated that the failure of police to assist victims of family violence, their conflict with Indigenous youth, and their negligence in following up reported cases of rape and sexual assault against women and children, were serious injustices.

With the escalation of crime and incarceration of Indigenous people, many Elders and Community members, particularly women, believe that the relationship between them and representatives of the criminal justice system is declining further, and justice is becoming more difficult to secure.

It would be remiss not to acknowledge that some remedial action has been taken by Governments to address the ineffectiveness of the justice system. However, injustices

continue to compound the inequities experienced by Indigenous people that appear to condone, enhance and legitimise the violence and jeopardise the safety of women and children.

While the recorded rates of homicide, suicide, sexual abuse and assault are disturbingly high, Elders believe that 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. Women said that they have lost faith in the justice system, Government Departments and in their own agencies. They perceive those organisations to be ineffective, and this has deterred them from reporting even the most serious crimes.

Crimes of violence in some rural and remote Communities have become so perverse that many women and children live in a constant state of fear.⁹⁸

Women said they felt unsafe because of the failure of the justice system to protect them. This has increased the vulnerability of women and children to violent attacks and life-threatening situations. A number of Elders, women and Community representatives indicated that they believe the situation will worsen before it improves.

Over the past decade, numerous committees have been established to advise Governments on issues relating to access to, and delivery of, justice for Indigenous people. In spite of this and considerable research, reports and inquiries, including a Royal Commission, there has been no significant reduction in crime nor any real changes to the contributing factors at the Community level. Indigenous Australians continue to be disadvantaged in the justice system, as well as in education, health and housing. Such neglect has resulted in the continuation and extension of antisocial behaviour, criminal activity and violence.

A large percentage of people consulted believed that the current justice system was archaic, outdated and in a state of crisis. They attributed this to a number of issues, particularly cuts to Legal Aid and Community-based services, poor resourcing of justice

initiatives, barriers that continue to block access to legal representation and insufficient attention to crime prevention, reparation and rehabilitation.

Rather than allocating resources to alleviate the source of Indigenous concerns, the police and the courts have consistently relied on punishment and detention to deal with Indigenous offenders. Indigenous people are still being arrested for minor street offences such as vagrancy, obscene language and public drunkenness, while little attention is paid to the more serious offences of assault, family violence, rape and child abuse.

Invariably the most vulnerable, women, children and elderly, pay the highest cost. Informants believed that those people most in need were least able to access services and support.

Women also voiced their distress about the increasing self-mutilation and suicide of Indigenous men, a trend believed to be exacerbated by many factors, including frustration with the justice system.

This subsection deals in detail with issues between Indigenous people and the justice system. It explores the incidence of crime and the causal influences. It also describes the experiences of Indigenous people within the justice system and in particular, the obstructions facing women and children. Women identified difficulties with the police, courts and correctional facilities, then proposed recommendations for the improvement of access and the delivery of justice.

Understanding and mutual respect are needed from both Indigenous and non-Indigenous people to appreciate fully the accumulated effects of dispossession and oppression that resulted in the violent dismantling and fragmentation of one of the world's oldest societies. The role of the justice system in this process must be understood and acknowledged if there is to be a successful resolution of the debilitatingly high levels of crime in Indigenous Communities.

4.7.1. Lore/law – the historical legacy

The history of race relations in Australia has been based on social and systemic isolation, brutality and atrocities. From the point of colonisation onwards, the relationship between Indigenous people and the administrators of Western justice has been marked by tension, suspicion and mistrust.

Before colonisation, Indigenous people were guided by a highly sophisticated system of justice based on principles of rights and responsibilities, and rules governing marriage, behaviour and social interaction, which formed the basis of traditional law (lore). Traditional lore created well-being and harmony and maintained social control and good order through imposing boundaries for both individual and group obligations and reciprocities. When a violation of boundaries occurred, the lore restored social accord by recognising the rights and responsibilities of both victim and offender, as a necessary component for group cohesiveness. Men and women shared responsibility equally for the administration of lore and serious breaches often led to admonishment or severe penalties.

Traditional Indigenous lore was displaced by the introduction of the Western justice system. The imposed European legal system did not recognise the Indigenous inhabitants as human, and accordingly condoned acts of gross inhumanity over many years. This justice system, supposedly put in place to protect the innocent, allowed extraordinary offences against Indigenous people to occur, including random dispersals, massacres, rapes and the forced removal of children from their parents. Laws were enacted to legitimise the seizure of land, and the subjugation and incarceration of the traditional landowners. Europeans neither recognised nor respected the lore of Indigenous peoples. The foreign law was alien to, and incompatible with, Indigenous lore.

Until 1967, only 32 years ago, Indigenous people were not recognised as Australian citizens. Their omission from the Australian Constitution left them unprotected by either traditional lore or the Western legal system. This omission subjected them to policies and laws that authorised their segregation from Australian society, and exposed them to

unsupervised law enforcement, and to their random dispersal or incarceration on missions. Indigenous people remained under the jurisdiction of missionaries or 'protectors' until the late 1960s. 'Protectors' were infamous for the mistreatment of their charges and this left a legacy of fear and mistrust across generations, with the result that many Indigenous people in contemporary Australia still find themselves at odds with the justice system.

The harsh legacy of colonial administration and the even harsher history of colonial policing, are being increasingly acknowledged by authoritative figures. For example, the *Criminal Justice System Report* (Qld) in 1992 noted:

One of the profound realities of Aboriginal and police relations that both parties will need to confront is the deep-seated fear, mistrust and cautiousness that are consistently generated from both parties toward members of the other. Further to this, there is a need to address the perception of systemic abuse and discrimination in the minds of Aboriginal Communities who continue to feel isolated and alienated from processes central to the criminal justice system and in particular, when having to interact with or approach members of the Police Service.⁹⁹

Despite different criminal justice systems operating across State and Federal jurisdictions, racial bias in arrest rates, prosecutions, sentencing and custodial versus non-custodial procedures has been all too apparent. Incarceration has been the most predominant form of intervention, with little attention being given to prevention. The escalation of crime, poverty and physical and sexual violence is testimony to this approach.

While serious offenders should face custodial sentences, the Western justice system has frequently imposed inappropriate punishments, particularly incarceration, on Indigenous people for minor offences while doing little to intervene in serious crime. It is ironic that police and the courts will frequently detain an Indigenous person for a minor offence, yet fail to assist women who have been the victims of serious offences.

Many women, Elders and representatives of organisations have requested that the Task Force articulate their concerns to Government as a plea for help to deal with the violence and crime, *while they still have a chance*.¹⁰⁰

4.7.2. The criminal justice system

The Australian Law Reform Commission's report on women's access to the legal system referred to the difficulties faced by Indigenous women in gaining justice and equality before the law. The Commission observed that, of all the groups of women considered:

Aboriginal and Torres Strait Islander women are least well served by the legal system and suffer multiple disadvantage.¹⁰¹

The Commission pointed to the urgent need for adequate legal services responsive to the needs of Indigenous women.¹⁰² Women expressed these same sentiments, particularly for those women in rural and remote areas, including the outer islands of the Torres Strait. They also referred to the insensitive treatment women received from the legal system, from Government agencies and other organisations when dealing with family violence.

The Royal Commission into Aboriginal Deaths in Custody exposed serious concerns about the experiences of Indigenous people within the justice system and made explicit recommendations. However, the Commission did not result in change for the people themselves. For example, those charged with implementing the recommendations from the Commission failed to address the depressing environments of many Communities, the poor literacy rate and the alcohol-related violence. However these factors were identified as pertinent to the involvement of Indigenous people in criminal offences. While the Commission provided a rigorous challenge to the delivery of justice for Indigenous people, there were few positive outcomes for women and children. Despite initiatives to remove the obstacles, many Indigenous women still feel disempowered under European law and this assists the continuation of violence.

For Indigenous women and children, the justice system can become a double-edged sword. In addition to the remaining cultural barriers, gender and social barriers are just as prevalent. The justice system is based on Western values and forms of communicating, and it is also male-focused. This is exemplified in the processes, structures and functions that often exclude or silence all women, and have serious implications for Indigenous women in particular.

The Social Justice Commissioner, Mick Dodson, raised in explicit terms, in each of his five annual reports, the difficulties Indigenous people encounter in accessing equity and justice. Commissioner Dodson warned Government and Indigenous forums alike, that Australia must address the ongoing disadvantage experienced by its Indigenous people. He also provided a comprehensive analysis of the influence of disadvantage on escalating levels of violence, crime and incarceration.

In 1996, the Department of Public Prosecutions identified, through a statewide research project, the barriers confronting Indigenous women within the criminal justice system. A number of significant issues were identified and the women warned the Department of Public Prosecutions that:

*All is not well in the Murri communities and we had better do something before there are no more of us left to do it.*¹⁰³

Violence and abuse were seen to be commonplace, with women living in fear regardless of their location. The women pointed out the obstacles impeding justice and proposed a number of recommendations to address their plight.

The report by the Department of Public Prosecutions (DPP) was prepared in 1996. Given the difficulties exposed, it should have triggered a firm response from Government and from within that Department. In 1999, Indigenous women have reiterated the same concerns. While the DPP may have taken some action, it is clear that anomalies continue. Justice still eludes Indigenous Australians, especially women and children who need to seek the assistance of the police, the courts or other sectors of the legal system.

The Task Force recorded statements from both men and women who stated that the present legal system was fatally flawed, ineffective and unable to meet the challenges of dealing with either Indigenous people or the general population.

*Aboriginal women's contact with the justice system does not only involve their direct contact with the police, the judiciary or prisons. Their contact must also be counted in terms of being wives, mothers and sisters of the prodigious number of Aboriginal prisoners and as the victims of homicide, assault and rape crimes at levels unheard of in the rest of Australia and against which the criminal justice system seems hopeless.*¹⁰⁴

The administration of justice today has been deemed by many to be no longer viable and in need of review. There is growing consensus that reform of the justice system is long overdue, with the escalating violence and crime in Indigenous Communities affirming this argument. Current trends in the administration and delivery of justice and in the broader community strongly support the need for a comprehensive approach to change.

The Task Force received a strong message from Elders, representatives of Community organisations and women that the current ways of dealing with crime in Communities, and providing victim support, are not working.

Government has taken some action to address these issues, but there are historical legacies in the policies and procedures of the legal system that prevent fair and equitable access.¹⁰⁵

The justice system is bewildering and confusing, filled with talk and things that frightened me. When I went for help they asked me to fill out some forms and when I looked at them I didn't know what some of the words meant. I cannot write very well and when I tried to get someone to help me, I ended up feeling embarrassed and ashamed so I left. It took me three tries to get a domestic

*violence order and in the end it was another women who was going through something similar who had given me a hand.*¹⁰⁶

The correlating factors of dispossession and the adherence to a foreign justice system have served to perpetuate the cycle of institutional and systemic violence. Indigenous women, on the basis of both race and gender, are disempowered by the lack of culturally appropriate legal services, court personnel, police, counselling facilities, childcare and adequately resourced, Community-based organisational assistance.

*Alienated by the legal system, Aboriginal people have been denied the ability to administer their own forms of justice. Aside from the fact that historically they could not press charges, give evidence in court, or exercise their rights, most Aboriginal people were unaware that they had the right to speak until they were informed that they had the right to remain silent.*¹⁰⁷

Before the reform of the Constitution, Indigenous people could not press charges, give evidence in court, or exercise basic rights.¹⁰⁸

For these reasons, there is a need to move beyond viewing the violence experienced by Indigenous women and children as physical, mental or emotional individual acts, and consider the impact of an impaired legal system. The justice system dehumanises Indigenous people with many women suffering in silence rather than subjecting themselves to potential humiliation by seeking police assistance. This places their health and safety at risk.

The present justice system is characterised by cultural exclusiveness, and does not easily accommodate the needs of minority groups who may not have the skills to understand its language, procedures or structural complexities. Although intended to transcend racial, political and social persuasions, the justice system has produced great violation, particularly for women and children.

The case of *R v. Kina* illustrates the experiences of Indigenous women in their dealings with the justice system.

R v. Kina

Kina, an Indigenous woman, was born in 1959 and grew up in southeast Queensland. Kina was one of 14 children. She left school at the age of 12 to care for three younger brothers and sisters. While she was growing up, she lived with an alcoholic father and experienced sexual abuse, alcoholism and contact with police that led to charges for a number of offences: obscene language, resisting arrest, wilful destruction of police property and assaulting the police.¹⁰⁹ 'The litany of offences shows how the criminal justice system filters Aboriginal people into the population of "criminals", with the initial trivial charge of using obscene language, and the resulting conflict between the charged Aboriginal person and the police.'¹¹⁰

At the age of 19, Kina served 20 months in prison for participating in a pub brawl. By her mid-20s Kina had stopped drinking alcohol and began a relationship with Black (a non-Indigenous man). Almost from the beginning of their relationship, Kina experienced extreme violence with Black.

During the three years of their relationship, Kina was subjected to much punching, pulling of her hair, kicking with steel-capped boots...During an argument one morning early in 1988, in which Black threatened to rape her 14-year-old niece who was living in the house at the time, Kina stabbed Black once in the chest as he came towards her with a chair raised above his head. Kina was shocked to see Black stagger and fall to the ground and he died in hospital shortly after. On this day the drama of violence ended for Kina, but the drama of the legal process was about to begin.¹¹¹

Non-Indigenous lawyers employed by the Aboriginal Legal Service (ALS) initially represented Kina. However, her case was passed to consecutive lawyers for a number of reasons, including the failure of the lawyers to take instructions from her effectively.

The total time Kina spent with lawyers amounted to seven hours – each visit lasting for approximately one hour.¹¹² Kina pleaded not guilty on the grounds that she did not possess the requisite *mens rea* for murder. At her trial she gave no evidence and no witnesses were called to support her case. In one of the shortest criminal trials in Queensland history, ‘with less than three hours of evidence, and only 50 minutes required for the jury to return its verdict of guilty, Kina was sentenced to life imprisonment’.¹¹³

Three years into Kina's sentence, two Australian Broadcasting Commission (ABC) documentaries raised legal and moral questions concerning domestic violence and victims who killed their violent spouses. Kina's interviews in the documentaries were conducted in a way that empowered Kina ‘to build up a relationship essential to the disclosing of important personal information. ... there was time allowed to build up a relationship of trust, and Kina was able to tell her story in free narrative uninterrupted by questions.’¹¹⁴ This was in direct contrast to the lawyers' inability to communicate with Kina which resulted in her failure to argue ‘self-defence and provocation which were crucial to understanding why she stabbed her husband.’¹¹⁵ In addition, the culturally-based positive and reflective role of silence as a means of communication was misinterpreted as Kina having nothing to say in her defence.¹¹⁶

Following the documentaries, the Queensland Attorney-General contacted Kina to initiate an appeal on the grounds of provocation and self-defence. The appeal was successful and her conviction was subsequently quashed.¹¹⁷

Linguistic, social and cultural factors were crucial to the Kina appeal as explanations as to how Indigenous people communicate and the life circumstances in which many women are placed. Ironically, and without full details of the initial sentencing, both legal counsel and the judicial representative failed to view Kina's life in a way which would have illustrated the violence she had experienced, at a personal and systemic level, both as a child and an adult. Prior to her successful appeal, the justice system not only demoralised Kina, it also perpetuated the violence in her life.

When addressing the issue of violence in Indigenous Communities and the experiences of women and children with the justice system, it is important to understand the factors that underpin cases such as *R v. Kina*. Her experiences with the justice system reflect, to varying degrees, the treatment of Indigenous people in that system, in particular the treatment of Indigenous women.

The Royal Commission into Aboriginal Deaths in Custody brought to the forefront of public thinking the complex issues involved in the treatment of Indigenous people by the criminal justice system. These complex issues were seen to have been ignored by police, legal counsel, the courts and the police prosecutors. Through expeditious analysis of cases, infrequent meetings between clients and their legal counsel, and the infrequent sittings of the circuit courts, the various layers of the justice system have ignored the complexities in cases involving Indigenous clients.

The *R v. Kina* case illustrates, in a very obvious manner, both systemic and institutional violence visited on an Indigenous woman. Systemic violence contravenes the United Nations Charter on Human Rights and is therefore a serious miscarriage of justice. Both systemic and institutional violence are regularly experienced by Indigenous women and will be addressed in more specific terms in the following sub section.

4.7.3. Experiences of Indigenous women with the justice system

This sub section discusses the experiences of Indigenous people with the justice system that have been raised in many previous reports.¹¹⁸ They illustrate the systemic abuse and infringements of basic human rights that, by default or design, the justice system helps to perpetuate.

4.7.3.1. Experiences with the police

While many Indigenous people spoke disparagingly about the Queensland Police, there were also acknowledgments of cooperation. However, the Task Force received sufficient information and anecdotal evidence to indicate that there is continuing hostility, mistrust, suspicion and fear between Communities and Queensland Police.

Acts of racism and prejudice on the part of police have been overt in some situations, and covert in others. There is a need to place these contemporary experiences in the context of historical dealings between police and Indigenous people.

Historically, in Australia, the police administered the laws that legitimised the displacement of Indigenous people to reserves and the removal of Aboriginal children, which in other colonised countries, was a role facilitated by the military. The memory of massacres and severe mistreatment by police has been passed from generation to generation of Indigenous Australians as an integral part of their oral history. Clashes between police and Indigenous people have also occurred in the relatively recent past¹¹⁹ and it was clear, during the consultations, that such events still invoke traumatic reactions.

The Royal Commission into Aboriginal Deaths in Custody noted that:

*Historically the police have acted as the most consistent point of Aboriginal contact with colonial power. This is pertinent to the present situation, for the past history relating to police action is very much alive in the minds of Aboriginal people. Similarly, police share a certain heritage relating to the treatment of Aboriginal people.*¹²⁰

The Task Force listened to eyewitness accounts of police brutality. A female Elder related her memories of seeing Aboriginal men brought into a reserve in chains.

*I am old enough to remember and young enough to still be alive.*¹²¹

The same woman spoke of the punishment of a young Aboriginal woman who had been raped by police officers, who then charged her with 'immoral behaviour', locked her up for a period, and had her removed to another reserve, 'for her own protection'.

A woman recalled the following actions of Queensland Police:

We had two young boys who had stolen bikes and the grandfather wanted to teach them a lesson so that they would not do it again. He said to the police, 'Here, just put them in the watch-house for a day and that should show them what jail is like.' We couldn't find those boys for about a year. They had taken them down to Brisbane and not told the family. Those boys were ten and twelve years old. The only reason we found out where they were was because they would not eat and the place [Westbrook] contacted the Aboriginal Legal Service. They had lost a lot of weight and the staff was frightened that they were going to die. The boys would not speak to them and they would not eat any of their food. Those boys had never been away from their family before and had never been off the mission. That was wrong what they did. It was the first time the boys had got into trouble. The old man he just wanted to show them what could happen if they stole a bike again. They don't understand police ways and we don't understand them.¹²² [This incident was reported as occurring in 1985/86.]

The power exercised by police over Indigenous people is not only an historical fact but also a contemporary reality. Indigenous peoples are only too aware that, in a disagreement with police, they have less credibility. Communities need advice on how to lodge a formal complaint regarding an officer's behaviour. The barriers that inhibit Indigenous women from securing protection are also impeding relationships with the police.

While attempts have been made by Communities and the Queensland Police to deal with these barriers, there are a number of issues hindering collective advancement. While on a one-to-one basis, some strong and positive relationships are developing between individual officers and members of various Communities, the overall relationship is still a concern.

Regarding family violence, many women were concerned that the police were ignoring their calls for help and this was seen as increasing their risk of serious harm. One woman stated:

*There is an urgent need for the Police Service to work with Aboriginal and Torres Strait Islander families when violence is raised. The men know the police won't come when they are called so they just keep hitting.*¹²³

*The police often do nothing when violence occurs, you can phone them and ask them for help and if you are lucky they will come but more often than not they get involved only when it is too late. Maybe it happens then because the men know that the police won't be there to help us.*¹²⁴

*It is difficult to get the police support in the city, but it is doubly difficult in the rural areas where they think violence only occurs in the day. The police close their offices in the country at 5pm or at least in the early evening. That's often when the violence starts and many women and children are left without help and defenceless.*¹²⁵

For the women of the Torres Strait this situation is critical, given that the outer islands often do not have ready access to the police or legal representation. If a crime is committed after 5pm or on the weekend, the victim must wait for assistance to come from Thursday Island the next morning, or the following Monday morning, if it is on the weekend.

Despite the many recommendations made in the Royal Commission into Aboriginal Deaths in Custody report regarding the improvement of police relations with Indigenous people, the variable quality of policing may be a continuing factor in the perpetuation of violence. Factors that were seen to contribute to ongoing conflict include:

- existing poor relations between police and Indigenous Communities;
- restricted access to police services in remote Communities;
- cultural difficulties associated with reporting violence;
- perceived apathy when violence is reported, in particular, when violence is a continued and cyclical experience; and
- ineffective cultural training of police officers.

A number of cases were reported to the Task Force as miscarriages of justice. In one instance, a woman left a long-standing violent relationship and took out a domestic violence order against her partner because of his continuing harassment and abuse. When she realised that the man had also been sexually interfering with her daughters, she managed to bring a case to court. The courts instructed the man not to contact the woman or her children. Even though she had moved to another part of the State, he tracked her down and one afternoon, in clear breach of the order, took one of the daughters from school. When the woman reported this incident to the police, she was advised that there was nothing they could do about it, because he lived in another part of the State. This man was not Aboriginal; he had two outstanding warrants for matters related to the case. The police knew his whereabouts, and even though he constantly harassed his ex-wife and threatened her and the children, the police neither intervened nor arrested him.

In another incident involving the police, an Elder described how a police officer consistently used offensive language to the local residents. On one occasion, when the Elder was trying to find out what had happened to her son, she was told by the officer to 'f... off'. The woman later found out that the officer had thrown food into the cell where her son had been detained. When she tried to explain that her son was a diabetic, the officer again subjected her to a tirade of offensive language and abuse.

This situation is not unique. The use of inappropriate behaviour and offensive language warrants attention if there is to be a better relationship between the Community and the police. This is ironic, given the numerous charges of obscene language and offensive behaviour laid against Indigenous people by police.

The need for experienced police in Communities was demonstrated in a comment supported by a group of elderly women:

*The one who understands us the most is the old Sergeant. He mixes with us, goes fishing with the boys. We respect him a lot.*¹²⁶

Some police appear unable to deal with the nature and level of violence in Communities, and certain officers, for whatever reason, fail to provide the level of assistance that is needed and in some cases they do not intervene at all.

I have lost two daughters killed by their husbands. One was getting bashed and the police did not come until it was too late. She was dead. The other one tried to stay alive and she took out an Order but he kept coming back and making trouble. The police would not come when they were called and they let him get away with it. Eventually he bashed her so hard she died in hospital.¹²⁷

The same informant almost lost her third daughter in the same way, following a history of severe bashings that were not treated as urgent by the police, even though they were called in on a regular basis.

Indigenous women are most likely to use the police as a crisis intervention tool, to stop the abuse at a critical point, and in many cases, they may not want to press charges. Police therefore express cynicism about the seriousness of their intention to stop the violence and in some cases, do not take the complaint seriously.

On the other hand, Indigenous women have given a number of reasons to explain why they do not press charges, including the following:

- they want the violence to stop and they want the men to be part of the healing process;
- they don't want charges laid because they are frightened for the man;
- they are concerned that a watch-house/custodial sentence could mean a death in custody;
- they do not believe incarceration changes men's behaviour;
- incarceration depletes the Community of men.

Nevertheless, Indigenous women did state that there was a need for police to detain the offending man, and that the current legislated period of time is too short and does not allow enough time for the woman and her children to secure safety or for the perpetrator

to sober up. A number of police officers were concerned that the extended time of detention being requested by the women would constitute a breach of human rights. However, the rights of the women and children are breached when violence and abuse are constantly left unresolved, so the safety of the family should take precedence.

In some Communities, police work in conditions described as war zones which increase their chances of being traumatised. Rather than providing support for the victims, some officers reportedly adopted a dismissive attitude to incidents of violence. In some cases, they may miscalculate the severity of the situation until a serious offence or homicide occurs.

Informants suggested that institutional racism exists in the police culture at many levels, reinforcing negative and sometimes derogatory attitudes and behaviours. ATSIIC Commissioner and Australia's highest-ranking Indigenous police officer, Colin Dillon, speaking at an Institute of Criminology conference in March 1999, said he had experienced more racism in the Police Service than in the wider community. He said racism in Queensland is the worst he has ever seen, and he criticised the Queensland Police for only making token efforts to recruit Indigenous officers.

It is imperative to improve the relationship between Indigenous Communities and police. There should be more Aboriginal Community Police and Police Liaison Officers (PLOs) across the state, especially women. It has been suggested that better public relations and a community education approach are needed. While cultural training is provided for police recruits, there is a need for ongoing inservice training.

The employment of Aboriginal Community Police in remote areas was an issue that generated much debate. As with the Police Liaison Officers, the Aboriginal Community Police play a pivotal role with the Queensland Police in maintaining law and order, but these initiatives should be formalised as complementary units, each with well-defined roles and responsibilities and professional pathways. The lengthy debate about employing the Community Police under the Queensland Police must be resolved. The present uncertainty is yet another obstacle preventing Indigenous women and children

from accessing fair justice.

During the consultations, three recommendations were made to resolve the present dilemmas regarding Community policing:

- legislation should be passed to establish an autonomous, operational Indigenous Police Force; or
- the Aboriginal Community Police should be transferred to the jurisdiction of the Queensland Police; or
- the Aboriginal Community Police should remain independent but become special constables with training provided by the Queensland Police.

In order to find a solution to the current policing debate, the Task Force recommends that action be taken to hold a Summit early in the year 2000. All key stakeholders from the judiciary, local justice groups, the Elders, relevant Departmental heads, Police Liaison Officers, the Queensland Police and the Aboriginal Community Police, should be invited to participate.

4.7.3.2. *Accessing services*

Throughout the consultations, lack of services was a constant source of concern. One woman spoke about the poor support available in her area, especially when she had to go to court. 'There was no one to explain what to do and I felt that I was left on my own. I did not get any support from the police when I needed it.'¹²⁸

*Women won't go to police stations because they're frightened. Police have attitudes but that's going now because they've got PLOs [Police Liaison Officers]. Police should learn a bit more about how the extended family operates. They should be more community-orientated and bring in a key person from the Community when they want to know something.*¹²⁹

I'd rather women didn't come to the police station. No woman wants to be interviewed straight away after what she's been through [domestic violence].

*Female police officers should be able to interview them in a private place at the shelter. Sometimes at the police station we've got a whole waiting room full of people waiting to be processed. Sometimes they wait for four to five hours and us PLOs have to babysit the kids while they're being interviewed. The 1800 numbers take hours and hours for you to get through too. There should be a pickup point where we can go and get them and take them to somewhere private for the interview. Down at the station the police have to do the best they can with terrible facilities.*¹³⁰

Another woman spoke of being stalked. Because she could not offer proof, no one, including the police, would help.

*It was as though they did not believe me. They asked for proof. Well, the only proof that they might have got was when he did some damage to me, is that what they want. You think they could have spoken to him and gave him a warning or something. All the rights are on the side of the offender. What happens to the rights of those that are offended against?*¹³¹

It is easy to criticise the justice system, but as with all other systems, there is a time for evaluation and analysis. In this process, flaws can be identified, new strategies established, Departments better networked and resources more efficiently utilised.

*The Department of Public Prosecutions, the Attorney-General, the Queensland Police and the Department of Families, Youth and Community Care all provide services for woman and children yet few members of the public are clear about what each Department does, and this uncertainty prevents them from accessing assistance when needed.*¹³²

Legal Aid and the Community Legal Services have limited funds, and people most in need of their services are often the least able to benefit. Women indicated why they are unable to use these services:

- personal experiences with the justice system;

- inability to make informed decisions because of the lack of appropriate advice and information at both individual and Community levels;
- culturally-linked shame and fear and Community attitudes towards violence;
- limited education (both cultural and mainstream);
- Community distrust of the justice system;
- formality of the legal system and associated services;
- lack of knowledge of legal rights, processes and procedures;
- lack of Indigenous family support workers;
- lack of cultural awareness, sensitivity, and compassion among justice system personnel and legal service providers;
- few Indigenous personnel (in particular Indigenous women) within the justice system; and
- little confidence in the confidentiality, support and empathy offered in accessing programs and services.

These difficulties must be addressed to offer Indigenous women equal access to justice.

Indigenous women may also be prevented from accessing appropriate services, such as the Aboriginal and Torres Strait Islander Legal Service (ATSILS), due to discriminatory practices and policies. The Aboriginal and Torres Strait Islander Legal Services poses three difficulties for Indigenous women seeking legal help. First, the Service prioritises criminal matters, so family violence, although an offence, is deemed to be a civil matter. Second, the policy of avoiding 'black against black' cases because of conflicts of interest also causes problems for family violence cases. Third, the caseload of Indigenous clients has overburdened the Aboriginal and Torres Strait Islander Legal Service's resources, and people may appear in court without representation or with poorly prepared defences.

*I went to our legal service to see if they could help me with my son's court appearance the next day. I had a private interview with their solicitor but they said they couldn't help us. The next day in court the other party's legal defence used the confidential things I'd told the legal office the day before against my son. How confidential was that?*¹³³

*The justice you get up here still depends on who you're related to. My son had to serve time for one breach of domestic violence but there's one here who has seventeen breaches and he's still walking free. When my son appeared in court he had to take whatever legal representative the DPP offered but those others always get barristers.*¹³⁴

However, within some Aboriginal and Torres Strait Islander Legal Services, there is now a movement to rectify these anomalies. In order to better represent their needs, Indigenous women have taken action themselves and established Indigenous Women's Legal Services in each state. However, such services are often under-resourced and cannot deal adequately with all the requests for assistance and representation. Action must be taken by Governments to support the autonomy of such services and adequately resource them. Legal Aid Queensland and Community-based legal agencies should also increase the availability of their services to Indigenous women.

4.7.4. Indigenous children and youth — juvenile justice

*Australian's children embody the promise of our future as a nation. We hold a privileged position of trust and authority with respect to our children, and we must respond to that position with protection and care, both by recognising their vulnerability and protecting their rights.*¹³⁵

A report on violence would not be complete without referring to the devastating effects of violence on children and how this can lead to involvement with the criminal justice system. Task Force consultations identified the juvenile justice system as failing Indigenous youth at every level and the term 'justice' was seen as a misnomer in light of the escalating numbers of young people in juvenile detention centres. To demonstrate the point, this sub section deals with two specific issues: the need to protect children who have been victimised by violence; and the needs of young victims who act out their trauma by victimising others.

Historically, Indigenous children first came into contact with the legal system when they were removed from their families to be institutionalised under protection boards and welfare legislation. Today, a growing number of Indigenous children enter the justice system at an early age, and often this provides a fast track to adult detention centres.

Aboriginal children are often caught up in a cycle of contact with the [legal] system which escalates, with harsh discretionary decisions being made at each stage of their processing from the point of contact with the police to sentencing. This means that Aboriginal youth are more likely to go through the formal process of arrest rather than being given a warning or summons.¹³⁶

For reasons already discussed in this Report, many Aboriginal and Torres Strait Islander children experience high levels of violence in a number of forms, whether as witnesses or victims of physical, sexual, emotional abuse and neglect. The vulnerability of Indigenous children is increased where alcohol and drugs are readily available. They may be deliberately targeted by predators who take advantage of their traumatised circumstances. There have been reports of both non-Indigenous and Indigenous predators sexually abusing children. Some of the offenders have been authority figures, and assaults have occurred in places where young people were sent for their supposed *protection*.

The road a child takes into detention is often littered with signposts. Children may initially exhibit characteristics at school as a cry for help that is often misinterpreted as antisocial behaviour. A high number of Indigenous children have been expelled or suspended from schools for aggression or failure to participate in classroom activities. Such behaviour could be a reaction to distress being experienced in dysfunctional home environments and might indicate that something is seriously wrong.

The Task Force were told that a significant number of Aboriginal and Torres Strait Islander children are being suspended from schools for disruptive behaviour. The school sanctions are therefore similar to those utilised by the European justice system. Principals are using punishment and isolation to deal with problems, rather than

promoting the principles of prevention and positive intervention when a child behaves out of character.

There is a need to consider placing Indigenous children who are behaving in an unusually aggressive way, in school programs that will help address the source of their behaviours, before suspension or expulsion is considered. To place this discussion into context, the life story of a young man now serving a prison term is related in brief to make specific points.

The young man went into foster care at an early age. He began to suffer sexual abuse in foster care at around four years of age. Around twelve years of age he started to 'act up' and was sent to a church-run boys home for troublesome children. At the boys' home, he was again physically and sexually assaulted. His first juvenile offence was to trash the church affiliated with both the foster-care parents and the boys' home in which he was placed. He served a period of detention for this offence when he was fourteen. During juvenile detention he was again sexually assaulted, and endured the physical and psychological violence common to juvenile detention centres. In detention he also learned to use drugs. He subsequently entered a spiraling cycle of release from detention, drinking/taking drugs, committing a violent offence, and re-entry to detention. His lifestyle has led him into ongoing recidivism and eventually, adult prison.¹³⁷

At no time during his childhood did the justice system protect this young man from abuse. The juvenile justice system did not address his victimisation; rather it victimised him again. It failed to provide him with life skills or rehabilitation programs and the adult correctional environment reinforced his offending behaviour and increased his marginalisation from society.

The Task Force was advised that many people who commit atrocities against Indigenous children are not brought to justice. People in Communities experience difficulties reporting incidents for complex reasons. They may alternatively report the violence to the Department of Families, Youth and Community Care with little, if any,

remedial interventions. Furthermore, when a matter does go to court, children are abused further through harsh interrogation by the defence lawyers.

One young woman, a witness for the Crown, was so upset by her court appearance that she vomited after leaving the witness stand. The psychological trauma of the experience has caused her to become very angry with her mother whom she blamed for allowing her to appear. She later attacked her mother with a knife.

Children are extremely sensitive to the difficult processes required of them during the court proceedings. They feel overwhelmed by the design of the court, the formality of the proceedings, the process of cross-examination, the presence of police, and the feeling of isolation from support. They can leave the court feeling further violated. If the Queensland judiciary is to protect child witnesses from further violation, Indigenous input is vital. Indigenous children have been particularly victimised by an insensitive legal system. The current arrangements for dealing with children in courts, both Indigenous and non-Indigenous, are grossly deficient.

As discussed previously, when children live in violent households they are exposed to aberrant behaviour that they may not recognise as abnormal. In the same way, when children see little respect being shown for the law, they may be more likely to offend against the law themselves. These circumstances for Indigenous children can be worsened by extreme deprivation and the need to steal for food. Such minor offences can then catapult children into serious criminal activity and onto the treadmill of crime.

To counteract these negative pathways, the *Juvenile Justice Act* is designed to address the problems of children committing criminal offences. One of the objectives of the Act is as follows:

3(e) recognise the importance of families and children and communities, in particular Aboriginal and Torres Strait islander communities, in the provision of services designed to -

- (i) rehabilitate children who commit offences; and*
- (ii) re-integrate children who commit offences into the community.*

However, the high numbers of Indigenous youth in juvenile detention centres belie the Government's will to implement these objectives. It also demonstrates the inability of some Indigenous families to prevent their children taking the pathway to criminal activity.

Our kids are being let down by everybody, even us. On any one day you can see there are more kids outside the school than there are in it. What's wrong that our kids don't want to go to school? What's wrong with their parents for not sending them to school? Why doesn't the Council go around and pick all those kids up and give the parents a good talking to? Those kids are headed for trouble if we don't do something now. It's everybody's [responsibility] to keep kids out of trouble.¹³⁸

Indigenous people are extremely distressed by the obvious pathways for which many of their children seem destined. Prison might be an easy solution, but it sentences children to further deprivation and discrimination. In fact it predetermines a lifetime of inequities. The responsibility to ensure that Indigenous children are able to compete on an equal footing with non-Indigenous children rests on a whole of Government, whole of Community, whole of family approach. The combination of neglect, poor services from Government and the indifference of some leaders subjects Indigenous children to serious forms of abuse. One of the principles of the *Juvenile Justice Act* is that children should only be removed from their parents as a last resort. However, the escalating numbers of Indigenous children being detained in juvenile centres refutes this principle and in so doing raises serious concern.

4.7.4.1. *Care and protection orders and/or detention*

The Department of Families, Youth and Community Care frequently becomes involved with Indigenous families under the *Children's Services Act 1965*. If a child appears to be at risk of abuse or neglect, the Department of Families, Youth and Community Care can make an application to the Children's Court for guardianship. Such applications are made when a child has experienced direct violence or where there is suspicion that the

child will be exposed to violence. While the child's welfare is paramount, a number of concerns were raised with regard to the process.

- Families have indicated that they sometimes felt pressured to consent to applications being made, and some have done so without receiving legal advice on the consequences of the order.
- When an application is disputed, it was reported that children have not always been separately represented.
- The Department and the Court have on a number of occasions failed to recognise cultural issues in the process.
- When an order for guardianship is granted, it was reported that the Department does not always provide the necessary interventions and support for the child.

Although the Department has established alternative facilities to divert children from detention centres, courts still favour the outdated use of detention, with current statistics confirming this conclusion. For children generally, this is a matter of concern. For Indigenous children, it raises serious implications, both in the immediate future and later. Indigenous children make up a considerable number of the detainees in the currently overcrowded detention centres with no significant reduction being envisaged in the future. In rural and remote areas, where counselling and other services are scarce, options for the courts are even fewer than in urban centres, and children may be sent to detention centres hundreds of kilometres from home. It is vital that alternative programs for Indigenous children are established, and those programs should be accessible to Communities. A large percentage of Community representatives are now calling for the establishment of an Indigenous structure similar to Boys' Town to help break the cycle of offending and incarceration of Indigenous children.

While there have been reforms to the juvenile justice laws and practices, the methods adopted have not been significantly effective for all Communities. The justice system is still failing to remedy the social justice issues facing Indigenous families. In practice, the human rights of Indigenous young people and their families are being abused.¹³⁹

The Children's Court has been said to extend children's trauma through slow processing of cases and prolonged periods on remand. Before judgments are handed down, all children, regardless of the nature of their crime, are deemed to be guilty and treated as serious offenders. If proven innocent, there is no recompense for the deprivation of their liberty, nor is there any attempt to reconcile and reunite the family. Some children have been detained on remand for periods exceeding 12 months. This is clearly in contravention of the International Convention of the Rights of the Child and a flagrant breach of human rights. This in itself must justify review and reform of the current system.

When Indigenous children are held in detention, they are unlikely to be rehabilitated. They are often exposed to an advanced criminal culture that exposes them to more violence and more criminal knowledge. While Indigenous children are being held in custody, the justice system does not provide remedial programs to address causal problems in the family before the children are released. The system does not focus on working with the family to address either the child's or the parent's underlying problems. The child is released into the same environment as before, and exposed to the same negative pathways.

The National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families found that the growing number of children committing criminal offences and consequently being incarcerated has created a new wave of enforced separation of Indigenous children from their families. There is another Stolen Generation in the making.

The following improvements could ensure better outcomes for Indigenous children in the justice system:

- provision of culturally and appropriately trained interpreters;
- provision of cultural support in court;
- videotaping a joint interview with victims of child sexual assault, in order to reduce the number of interviews conducted with child victims;
- provision of mandatory screens in the courtroom;

- use of new technologies such as closed circuit television;
- more efficient processing of cases through the courts;
- provision of childcare facilities within the court;
- provision of safety rooms for the victim while waiting for the court;
- protocols for counselling, therapy and family support;
- protocols for arrangements for child placement according to the Indigenous Child Placement Principle involving family, extended family, Family Services, Legal Services and Correctional Services;
- use of comprehensive background reports from professionals and agencies in contact with Indigenous women and children.

These changes must be made if courts are to deal with children in a less disturbing manner.

Indigenous childcare agencies should be involved when Indigenous children appear in court. Representatives of these agencies could prepare children for their court experience, familiarise them with what may occur, and help in the preparation of reports required for the court regarding the children. Indigenous support workers should be employed in the Family Law Courts and in local courts in rural areas.

When children fall victim to unjust practices under the juvenile justice system, Indigenous families as a whole are tragically disadvantaged by the justice system.

4.7.5. Judicial experience

When Indigenous women access the justice system, the failure of authorities to acknowledge psychosocial issues, and the alienating, frightening and stifling court environment, have the potential to impose further injustices.

As discussed in the *R v. Kina* case, many Indigenous women are disadvantaged when appearing in court. This was reported as being due to the lack of cultural training of legal personnel, assumptions about Indigenous people sometimes made by judges and lawyers, problems some Indigenous people have in using or understanding legal

terminology, and the ignorance of the courts and the legal representatives of cultural issues. A significant number of cases of rape, violence and other offences against Indigenous women and children therefore go unreported.

There are a number of explanations for failures to report offences. However, the intimidation felt in court was reported by Indigenous women as being one of the primary deterrents. The inadequacies of courthouse aesthetics, particularly in remote or rural areas, also do little to alleviate the distress of victims.

*I was in the waiting area and there was nowhere for me to go when he walked in. He just kept looking at me and I got really frightened. So I left and I heard that he only got an easy sentence because I did not give my version of the case. I know he will be back to get me when he thinks he can get away with it. I don't think I will feel safe again. They need somewhere where you wait when you have to go to court so that he doesn't see you or the kids.*¹⁴⁰

In rural and remote areas, the lack of resources for adequate court sessions has resulted in a backlog of cases and expeditious preparation and hearings. The Elders were especially concerned by the brevity of court hearings that did not allow for complex matters to be dealt with in a satisfactory manner. They reported that significant details were often omitted.

Many Communities in remote areas, including those in the Torres Strait, do not have on-site legal services. For court sittings, legal representatives often arrive when the case is to be heard and therefore only minimal briefing is possible. Furthermore, victims and offenders may be advised comprehensively of their legal rights, the court proceedings and the possible outcomes of the sentencing.

There are many problems with the way they do justice here. The non-Aboriginal administrators in particular don't understand cultural differences. The caseloads are often heavy and they try to rush them through quickly. Many of our people don't understand what is going on or what the procedures are. There is often little, if any input from the family or the Community and before you

*know it, your son or your daughter is being taken to a jail hundreds of miles away. Do you know what that does? It makes them really angry because they can't say goodbye to their family. They should let us see them if only to say, 'Take care of yourself.' This would be important for the young people who have never been away from the mission before.*¹⁴¹

Men also feel disadvantaged and reported that they were not given adequate preparation before court appearances. Young men gave the following interviews.

*Half of our people do not know the law, they don't know their rights and they don't understand the sentences that they are given. No one sits and explains to us what it is that is expected of us before we go to court or how we are supposed to act while we are in court. Someone should sit with us and hear our side of the case. No one asks that.*¹⁴²

*Many solicitors from the Aboriginal and Torres Strait Islander Legal Services still tell our people to plead guilty even if you are not guilty. That is something that is happening all the time. Sometimes you just give up and go with it and hope for the best.*¹⁴³

This situation poses concerns for Communities, both for the victims and the offenders. Elders, local justice groups and women raised the need for more Community involvement in the delivery of justice, including the processing of cases through the courts, particularly in rural and remote areas. This could lead to cases being better prepared to present mitigating factors and forms of intervention for the consideration of the magistrate.

The courts do not meet the individual needs of Indigenous offenders, particularly women, as magistrates and judges can fail to take family responsibilities into account. For example, mothers being sent to distant correctional centres are often not given the opportunity to make arrangements for the care of their children. This is especially difficult for women who have been given a lengthy sentence and will not be returning until their small children are adults.

More Indigenous women are being detained, sometimes for minor offences such as obscene language and offensive behaviour. A frail elderly woman in an isolated Gulf Community related one woman's experience.

She had three kids and the oldest one was five when she was sent to jail. Her man was always bashing her and one time when they had both been drinking, she fought back. The police came and when they tried to stop the fight she abused them and hit the policeman when he got in the road. They charged her and sent her down to Brisbane to do time for six months. She didn't even get to say goodbye to her poor little kids. They had nowhere to go and no one cared. The doctor told me about it and I asked him if I could come out of hospital to take care of them. He didn't want to let me but I did anyway. I found it really rough going trying to keep up with those little ones and I was lucky because my kids came and pitched in. Otherwise what would have happened to them? You'd think it would have been cheaper to let their mother stay here than buy her a ticket to Brisbane and what it must of cost them to keep her in jail. I wonder why they couldn't give her that bit of money to help her out here.¹⁴⁴

This case raises a number of issues. The most pertinent is the lack of information supplied to the court about the defendant's circumstances and the mitigating factors. The magistrate was not advised that the woman had sole custody of her three small children and that her behaviour resulted from provocation. The court report should have provided a more comprehensive presentation of her circumstances

The level of crime in Communities is on the rise, and increasing numbers of prison sentences, with their accompanying problems, are forecast. Elders are saying 'enough is enough' and that 'we have to get serious about crime and what it is doing to our people. To do this we have to be part of the solution and not the problem, that has been our biggest barrier.'

Elders and local justice groups should work with the police, the Aboriginal and Torres Strait Islander Legal Service and the courts to ensure that they become more involved in dealing with increasing levels of crime in their Communities.

Informants stated that a shift in current thinking will be needed on the part of police, judges, magistrates, lawyers, and staff of relevant Government Departments, before the changes can occur. Community representatives and Elders spoke out strongly about the need for cultural inclusion in decision-making processes in dealing with offenders.

4.7.6 Sentencing - diversionary processes and custody

The Royal Commission into Aboriginal Deaths in Custody recommended that incarceration be used only as a last resort when sentencing Indigenous people. While some violence offences may warrant a custodial sentence, 90% of informants identified the need for alternative means of intervention for minor offences. This was seen as a viable option to produce a better outcome for family and Community relationships.

A large percentage of informants questioned whether magistrates and judges use their discretionary powers appropriately when passing sentences on Indigenous offenders. They also expressed an understanding of the limitations imposed on the judiciary when handing down sentences. While there are restrictions on the kinds of sentences that can be imposed for different offences, people considered that courts should be able to access a wider range of options.

There appear to be significant disparities in the justice system relating to racial and cultural issues that warrant immediate attention. Many Indigenous people are arrested and imprisoned for offences that do not usually attract a custodial sentence for non-Indigenous people. This reveals a racial bias in sentencing and a disproportionate use of imprisonment weighted against Indigenous offenders. This does not address aberrant behaviours or ease deprivations in Indigenous society.¹⁴⁵

It is clear that any discussion about the use of Community input in the sentencing process will invoke many issues about the rights of the offender and the involvement of

non-legal personnel in court judgments. This argument has been frequently raised when an amendment to the present system of justice is suggested. However, this argument is not new, with current legislation already providing the scope for judicial discretion and consideration of a range of factors that may impact on a particular cultural group.

The *Penalties and Sentences Act 1992* (Queensland) contains a wide range of sentencing options for judges and magistrates dealing with adult offenders in this State. The purpose of the legislation is outlined in section 3 of the Act, and includes a provision for the appropriate punishment and rehabilitation of offenders. It states that a sentence of imprisonment should only be imposed as a last resort.

Bearing the ideals of sentencing in mind, judges and magistrates must give consideration to the specific circumstances relevant to each offender, the offence and its effect upon the victim. The legislation allows a judge or magistrate to exercise a degree of discretion when deciding on sentences.

When someone is found guilty of an offence of violence, before a sentence is passed, the lawyers for both the defense and the prosecution can place relevant material before the court and make submissions about the sentence that could be imposed. Where an Indigenous person is being sentenced, cultural background is relevant and should be taken into account. A court may receive reports or recommendations from social workers, counsellors and Community groups, which place the offender's behaviour in context. This process should allow information on cultural matters from local justice groups and Elders to be included in sentencing decisions. Nonetheless, each case must be assessed on its own merits.

It is well accepted in Queensland that Indigenous customary lore is not a part of the laws of the State and therefore cannot be used as a defence to any criminal offence. It can, however, have considerable bearing upon the sentence imposed by a court, as a mitigating circumstance. Community bodies with firsthand knowledge of local issues, customs and practices can assist judges and magistrates in the sentencing of offenders by informing the court of Community attitudes to the offence. Court proceedings can be adjourned, if necessary, in order to receive a recommendation or report from a Community justice group or other forums designed to undertake Community

conferencing. The aims of these groups are to assess the issue and suggest sanctions and treatment for the offender. They can inform the court of the sentence deemed most appropriate and in the best interests of the Community, the victim and the offender.

It may be that, although an offence contains an element of violence, the Community does not necessarily see a jail sentence as being suitable justice or of overall benefit for the Community. This does not mean that people wish to ignore the severity of some crimes. There will always be a need for jails for offenders who commit an offence so serious that a custodial sentence is the only option. However, there are other cases where a non-custodial sentence may be more appropriate, with the offender having to deal with the offending behaviour as a central component of the sentence. Often the sentencing court may determine that there is no option other than to order the offender to serve a term of imprisonment. Where this is the case, the sentencing court should still be able to seek a fully detailed brief on all matters pertinent to the case that could allow the Elders and the local justice groups to identify possible means by which the offender can address his/her behaviour. This could then form a mandatory part of that sentence.

A sentencing court considering a prison sentence can impose an intensive corrections order on an offender. This option is particularly designed to allow for counselling of the offender and attendance at programs to address the offending behaviour. In Communities where there are adequate groups available to provide such support, this is a viable option.

Although the *Penalties and Sentences Act* reflects the legislature's intention with respect to the aims and principles of sentencing in Queensland, it should always be borne in mind that the final decision about whether or not to send a person to jail rests with the judiciary.

However, the recognition of cultural differences is integral to ensuring real justice is done. The Queensland Government has moved to be inclusive of Indigenous Communities in court proceedings through the appointment of local Indigenous magistrates and justice groups. While these groups have been effective in the administration of justice, their success has been limited by lack of resources, formal

protocols and adequate training. Such restrictions have limited the effectiveness of initiatives that could be vital in bridging the gap between the current legal system and the Indigenous system of lore (law).

The debate regarding the place of customary lore has been protracted. At an Australian Aboriginal Affairs Council (AAAC) meeting in 1990, the Federal Government advised the State Ministers that customary lore should be considered as a means to address social disorder and violence in Aboriginal Communities. It is now time for action to formalise this initiative.

In the quest for social justice, reconciliation and self-determination for Indigenous peoples, the role of the courts and the justice system must not be trivialised or overlooked. The High Court determination in *Mabo v. Queensland* is a very good example of how the legal system can effectively raise people's consciousness of social issues.

In *Mabo v. Queensland (No. 2)* the High Court decided that Australian law recognises the principle of native title and overruled a long-standing myth that Australia's foundations were determined by a declaration of this land as *Terra Nullius*. This case and others demonstrate that courts are becoming more responsive to change.

4.7.7. Alternative forms of justice

Many critics of the Australian legal institution have advocated a revitalisation of the present criminal justice system to make it more relevant, regardless of social or sexual orientation or race. However, in order to move from the current obsolete and punitive justice system an entirely new approach is required.

Considine¹⁴⁶ in his argument for justice reform (1995) wrote of societies that constructed violent behaviour in young men. He described a Western legal system that is punitive, based on the maintenance of hierarchical power, vengeance, punishment and alienation. This system asks how to punish offenders, not how to help them to change. It

perpetuates a high rate of violent crime, and produces embittered, angry people at one level and fearful, defensive people at another.

Consedine says that over the years, such a system creates 'the dispossessed, the poor, the vulnerable, the sick and the addicted', and subordinated minorities. These people are more likely to be charged with violent offences and fill the prisons built to enforce this ideology based on retribution. The system feeds itself.

Consedine draws on a number of conclusions through the studies selected, indicating that: 1. The poor go to prison; 2. Imprisonment increases crime rates, particularly violent crime; 3. Imprisonment brutalises people; 4. Imprisonment destroys relationships; 5. Prisons are full of drugs; 6. Prisons are recruitment grounds for more advanced criminal behaviour; 7. Prisons are not a deterrent; 8. Prisons are expensive; 9. High unemployment breeds increases in crime rates; 10. The prison system is selective.

Indigenous Australian offenders form a large part of the population in prisons. Deeply concerned with the escalating social disorders and the alarming incarceration rates, Indigenous people are proposing dramatic justice reforms.

Clearly, Aboriginal people need to be able to institute their own system of law, which accommodates tribal law and establishes Native Courts, administering 'Tribal custom' which must be taken into account in the mitigation of a sentence and not operate as a defence. Theoretically. Aboriginal people have been subjected to British and Australian laws like everyone else, however, it is often overlooked that they have had additional laws to adhere to that non-Aboriginal people have not been subjected to, such as a range of special laws which prohibited and restricted their movements and associations, treated much like prisoners released, yet without having committed a crime. Extraordinary powers have been exercised over Aboriginal people that denied them legal equality and status for decades.¹⁴⁷

We can no longer expect the system to deal with the concerns for us. We need to work with them, the police, the courts, and the jails and be part of the solution

*and not be seen as the problem. They need to meet us on our ground and we need to try to understand what it is their system of justice means. Maybe we are talking about the same things, but we have never been given the opportunity to find out about these things. We have spent most of our lives looking from the inside out, now we want to be able to look from the outside in so that we can make it a more workable system.*¹⁴⁸

As a consequence, Communities are seeking support from Government to establish more outstations and Community correctional centres to divert minor offenders from the mainstream correctional centres. Although some initiatives have been implemented, there are too few, they have limited funding and there have been no protocols formalised between these facilities, the courts and the police.

Community facilities would play a vital role, not only in diverting Indigenous people from the criminal justice system, but also in assisting with the transition of offenders back into the Community after they have served custodial sentences. These facilities should provide treatment programs to help in the rehabilitation of offenders and allow continuation of suitable Community-based followup support.

Throughout the State there are examples of local Community groups working with the police and the courts to deal with Indigenous crime. Mt Isa, Palm Island, Kowanyama, Yarrabah, Rockhampton and a number of the Cape Communities are examples of local Community groups working to do something constructive in deterring and dealing with crime. However, these initiatives have not always been adequately funded and in many cases have been developed through the goodwill of the Community and its justice administrators, who mostly work on a voluntary basis. There is a need for a more strategic approach.

*It does us no good to put them in jail to fester and commit another offence when they are released. We will never get them [out] of the cycle if we don't do something about it. Ask Judge Robertson how we can deal with the offenders. He works with us all the time. It seems to be working; we just need to speak with him for awhile.*¹⁴⁹

The over-reliance on detention by the justice system retards crime prevention and does not deter people from re-offending. The problem is merely locked away. Consequently, the correctional system becomes a dumping ground for social ills for which society cannot provide solutions.

Corrective Services has attempted to deal with the increasing levels of crime through the employment of more Indigenous staff, programs and appointing Indigenous peoples to senior and strategic positions within their facilities. However, it is difficult for Corrective Services to reduce the number of Indigenous people in prison when the court system is forced to use incarceration as the primary means of dealing with crime. Local justice groups, the Aboriginal and Torres Strait Islander Legal Service and Elders must be able to work in collaboration with the police, the Department of Public Prosecutions and the courts to provide front end options for crime prevention, deterrence and the rehabilitation of offenders. Prevention should be an important part of the strategic thinking of government and Communities when the crime rate is a serious problem. The Queensland Labor Party has also identified this point in their *New Directions* statement:

Crime must be tackled early, not when it's too late. We know that in reducing alcohol and drug abuse, child abuse, family breakdown, unemployment and poverty, crime will be reduced. It is also a proven fact that when young offenders are supported to improve their education, gain a job and participate in meaningful activities, their behaviour improves significantly.¹⁵⁰

The expenditure on correctional centres should be balanced by spending on rehabilitative processes, so offenders can be returned to society with some significant likelihood of not re-offending. The financial scales tip heavily in favour of funding for building costs, with escalating incarceration rates and recidivism offering proof of this imbalance. The justice system processes offenders within the existing system rather than providing alternate forms of dealing with crimes, punishment and rehabilitation.

In a submission to the Attorney-General's Department, Canberra, on the Model Domestic Violence Laws,¹⁵¹ John Hartley wrote:

Aboriginal men and youth see incarceration of our youth and our people as a further part of the colonisation process... If we are serious at looking at offenders or transgressors and providing a healing way forward. This requires not only the involvement of elders within prisons to address the men who have committed an offence (present) but also preventative strategies before the men go into the prisons (past) and after the men enter the system (future). This includes looking at court mandated processes that release men into programs which focus on our culture and spirituality and look at the self, guided by healthy Elders... This also includes processes that avoid the cold-release of men into halfway houses without appropriate support and guidance before, during and after they leave. Elders are an essential part of this process, not simply in prisons, but also as liaisons between Communities in which the offence happened, while also looking at alternative sentencing programs which encompass the Elder's cultural world view.

4.7.8. Application of restorative justice

Restorative justice is a viable alternative that must be considered in circumstances where Indigenous people are disproportionately represented in correctional centres. Restorative justice incorporates a process that empowers Indigenous peoples and Communities as integral contributors and maximises Community participation in crime prevention.

Restorative justice methods may be a key component in establishing long-term solutions to crime prevention, building bridges between Communities, law enforcement and Government agencies, and enhancing Community participation. It could be cost-effective, and release vital funding for other social needs, such as education and employment.

Restorative justice crime prevention is based on three principles: preventative (primary), reparative (secondary); and post-release (tertiary) strategies. (Indigenous Justice

Consortium, *A Restorative Approach to Crime Prevention through Prevention, Reparation (Rehabilitation), Restoration (Post-Release Strategies)*) (1999). One method of restorative justice is the use of sentencing (or healing) circles, currently used by the indigenous peoples of Canada. These sentencing and healing circles focus on 'healing the harm done to victims and communities as a result of criminal acts, while holding offenders accountable for their action'.¹⁵² Reform of the justice system 'cannot be removed from the principles of self-determination',¹⁵³ and empowerment of Indigenous peoples. Whether the concept of sentencing circles is appropriate for women and children subjected to violence depends on the complex dynamics that underpin violence in each Community

*The difference between our system and theirs is that they find someone guilty of an offence and put them in jail and allow them to sit there until they are released and do nothing about the offending behaviour. They do nothing about proper dispute resolutions between people and they do nothing about reconciling the offender and the victim.*¹⁵⁴

The foundations of a lore system for Indigenous people are embedded in principles of social justice and the restoration of peace and good order. When an offence has been committed, the matter is dealt with by punishment but also by reconciling the accused with his/her offending behaviour and with the wronged individual and the family. This is significantly different to the western justice system and challenges the appropriateness of the current system in dealing with Indigenous offenders.

New sentencing options must be developed to provide redress for victims, more proactive rehabilitative processes for the offender, and more equitable justice. However, in order to achieve the goal of reforming the criminal justice system, a number of factors must be considered:

- the judiciary and the Communities must be willing to work collaboratively within two systems;

- it must be based on Community inclusion in the planning, development and establishment phases. Communities must feel equitably involved, as should the institutional representatives;
- reform must be sound and practical, and Community people must receive ongoing training in Western law;
- it must be a gradual process;
- the strategy must oblige offenders to do mandatory programs that are central to the sentencing process.

Reform must be accompanied by willingness to view an alternate paradigm, and to accept restorative justice methods where appropriate. Other countries such as New Zealand and Canada have already developed law reform that accommodates and accepts Indigenous customary lore.

Sentencing circles

Canadian nations face ongoing struggles in the development of a system of justice that is consistent with Indigenous concepts of justices, culture and community. Canadian Indigenous justice systems therefore represent a complex set of values, principles, goals and practices.

*The purpose of a justice system in an Aboriginal society is to restore the peace and equilibrium within the community, and to reconcile the accused with his or her own conscience and with the individual or family who has been wronged. This is a primary difference. It is a difference that significantly challenges the appropriateness of the present legal system for Aboriginal people in the resolution of conflict, the reconciliation and the maintenance of community harmony and good orders.*¹⁵⁵

Aboriginal sentencing circles or healing circles that address these complex dynamics were first recognised in *Regina v. Moses* by Judge Stuart in the Aboriginal community of Mayo in the Yukon. The accused possessed a long history of prior offences, limited mainstream education, no employment and problems with alcohol. Judge Stuart came to

two conclusions – that the justice system had failed the community of Mayo and that after eight years 'in the system', the accused had been steered to a criminal life and would return to the community each time less capable of control.¹⁵⁶

The Aboriginal circle was used instead of the courtroom and involved family, community, the probation officer, legal personnel (judge and counsel) and the local constable. All members of the circle expressed constructive concerns for the accused, which resulted in the development of a sentencing plan that suited the community and the accused. The sentencing plan addressed issues of residence, alcohol treatment programs and substance abuse counselling, life and work skills training and provided for community support. Periodic court reviews using the circle assisted in adjusting the sentencing plan.¹⁵⁷ Sentencing circles may now form the basis of sentencing in Canada, provided a guilty plea is made. Application is then made to the relevant court for a sentencing circle to take place.

Another example of the use of sentencing circles is the Manitoba Hollow Water approach, which deals with sexual abuse within the community and represents a blending of Aboriginal approaches with Western thought. This approach dispels illusions that an Aboriginal justice system is easy on transgressors. Instead it creates a place for the transgressor, transgressed and the community to deal effectively with the complex dynamics that underpin child sexual abuse in the Nation.¹⁵⁸ The Innu Community of Sheshashit also utilises sentencing and healing circles to address sexual assault. Each circle is tailored to meet the needs of the particular participants.¹⁵⁹

To implement restorative justice in Queensland will require a whole of Government/whole of Community approach. It must build on and strengthen the local justice initiatives and community justice groups already established in many Indigenous Communities and urban centres.

A partnership is needed between Government, service providers and Community, going 'beyond political rhetoric and scientific conclusions to the practical projects and activities that will reduce crime and violence by focusing on what works on the ground'.

RECOMMENDATIONS – JUSTICE AS HEALING

8. Justice

Justice processes

(a) The Queensland Government must call an Indigenous Justice Summit in consultation with relevant stakeholders. The Summit agenda must address the long-drawn-out debate on policing in Indigenous Communities, the inclusion of restorative justice and customary lore, and Community involvement in crime prevention and intervention. Three proposals are raised that must be resolved at the Summit to expedite better Community policing:

- an autonomous Indigenous Police Force should be established; or
- the Aboriginal Community Police should be inducted into Queensland Police; or
- the Aboriginal Community Police should be trained as Special Constables under the jurisdiction of both Queensland Police and Community Councils.

The Community Councils, Indigenous Legal Services, Police Liaison Officers, Aboriginal Community Police, Elders and local justice groups must be central to the discussion, planning and legislative process.

(b) The Attorney-General should re-establish and formalise an Indigenous Justice Advisory Committee complemented by a Secretariat.

(c) Crime prevention strategies must be adopted as short- and long-term programs across Queensland in consultation with local justice committees, Community Councils and Indigenous legal services and relevant agencies.

(d) Government agencies must establish a national database of violent offenders.

- (e) Action must be taken to review the current remand and sentencing arrangements with the adult and juvenile courts.
- (f) Family violence offenders must undertake *Family Violence Perpetrator Programs*, whether serving a custodial or non-custodial sentence. The preference is for programs developed and run by Indigenous people with Elders' input.
- (g) The Department of Justice and the Department of Public Prosecutions must establish Indigenous Units staffed with fully trained and qualified Aboriginal and Torres Strait Islander people to develop and promote an awareness of Indigenous justice issues through community education programs.
- (h) Indigenous Court Support Workers must be appointed to all courts. In remote areas these workers must be able to provide interpreter skills.
- (i) The Department of Justice, the Department of Public Prosecutions, and all associated agencies, must formally recognise, endorse and facilitate ongoing cultural awareness/Indigenous life issues training for all staff, including judges and magistrates, at all levels of the courts and legal systems. This training must be designed with the input of Indigenous groups at the local level as recognition of their cultural diversity, life conditions and aspirations for future generations.
- (j) Legal representation of Indigenous people in rural and remote areas must be addressed urgently through collaboration between Aboriginal and Torres Strait Islander Legal Services, the Department of Public Prosecutions and Legal Aid Queensland.
- (k) An Indigenous hotline for family violence victims, staffed by qualified Indigenous counsellors, must be established, which is similar to the current Domestic Violence Telephone Service.
- (l) Victims of crime must be informed of any entitlement to claim compensation. This responsibility rests with the Department of Public Prosecutions, Queensland Police,

the Department of Family, Youth and Community Care, Queensland Legal Aid and Aboriginal and other Legal Services.

Crime prevention

- (a) Crime prevention protocols must be established to allow Communities to work with local Community justice groups, magistrates, police and Aboriginal Legal Services to design strategies to curb violent and antisocial behaviour of offenders.
- (b) All parties to Domestic Violence Protection Orders must receive mandatory counselling relating to violence prevention.
- (c) Amendments to the Domestic Violence legislation must include provisions for extension of the period of detention for offenders breaching Domestic Violence Protection Orders to 12 hours. For continuing breaches, it is also recommended that the legislation provide for the removal of offenders from the Community to a diversionary centre.
- (d) Diversionary centres must have formal protocols and appropriate services should be provided by qualified professionals. These issues must be resolved following consultation with the Queensland Indigenous Women's Network.

Queensland Police

- (a) An Indigenous Support Unit must be established within Queensland Police. It should be staffed by senior Indigenous public servants, to develop, implement, monitor and evaluate recruitment, training and retention strategies for Indigenous people.
- (b) Queensland Police must be specifically prepared for service in rural and remote areas and should not be recruited until they have achieved a reasonable degree of experience, seniority and familiarity with Indigenous issues, particularly

Indigenous lore. Preparatory training must include cultural awareness, both at the institutional and local level, and training in family violence issues.

- (c) Queensland Police should increase recruitment of Indigenous people, including female officers, to be placed in strategic locations throughout Queensland.
- (d) Queensland Police services should be better utilised to provide 24 hour coverage of Communities, as most altercations occur after 5pm.
- (d) The policing services for the outer Islands of the Torres Strait need to be reviewed and substantially upgraded.

Juvenile justice

- (a) The treatment of young people in the justice system needs a complete review. There must be a Summit involving all stakeholders to review police methods of contact, prosecution, detention, remand, release and rehabilitation of juvenile offenders.
- (b) All agencies involved with children, especially the Department of Families, Youth and Community Care, the Justice Department and all legal services, should produce an information booklet and other educational materials incorporated into a workshop package to inform Indigenous juveniles and adults of the powers of the Departments, agencies and the courts in matters relating to juvenile justice. A child sexual assault resource kit for workers should be included.
- (c) A set of protocols must be established to ensure that representatives from Indigenous childcare agencies are involved in the preparation of reports on Indigenous children appearing before the courts.
- (c) Court facilities must be reviewed to ensure the trauma experienced by children appearing before the courts is minimised. Improvements should include better interviewing methods, utilising screens, closed circuit technologies, safety rooms

and counselling services.

Judiciary

- (a) Court services to rural and remote areas must be increased and improved. Sittings must be more frequent, hearings less expeditious, access to legal help better, presentation of cases improved and client information services upgraded.
- (b) The Department of Public Prosecutions must enforce all the recommendations of the *Indigenous Women Within the Criminal Justice System Report 1996*.

Community Police

- (a) The roles and appointments of Community Police need to be urgently redefined as suggested under 'Recommendation (a) Justice processes' .
- (b) In the event that the Aboriginal Community Police are retained, either under the current arrangements or through the collaborative jurisdiction of Queensland Police and Community Councils, their training program needs review. It must be an accredited program under Queensland Police and given before appointees are assigned to the workplace and then as an ongoing requirement. Female Community Police need to be trained in specific areas by female Queensland Police.
- (c) Appointees to the Community Police must not have convictions for serious crimes that date back less than ten years. Candidates with a history of sexual assault or child abuse should be rejected. Applications may be made to alter this period of disbarment to the local justice committees or local advisory committees, with input from Community women.

- (d) Community Police must be familiar with Community bylaws and with their scope of jurisdiction under the *Community Services Act*. They should have a basic knowledge of criminal offences within State jurisdiction.
- (e) In the short term, the role of Community Police must be clarified and standardised across Communities in relation to their functions, duties and powers. They must also receive award wages under the relevant industrial provisions.

Police Liaison Officers

- (a) The roles of Indigenous Police Liaison Officers must be accredited and formalised across Queensland to provide a career structure with appropriate industrial recognition.
- (b) Indigenous Police Liaison Officers must be appointed for all urban, rural and remote areas and their duties should include crime prevention work in schools and Communities.

Specialised training

- (a) There is an urgent need for specific training for Community Police, Police Liaison Officers, and Queensland Police, in dealing with victims of assault and child abuse. The Task Force recommends that these programs are taught by the Queensland Police Sexual Assault Investigation Unit, to ensure that uniform protocols are followed in relation to all aspects of sexual assault and child abuse, for example, interviewing skills, child witnesses and court procedures.
- (b) Queensland Police, Community Police and Police Liaison Officers need to be trained in trauma counselling.

Programs inside correctional facilities

- (a) Indigenous Community Corrections Centres should be established across the State to aid in the rehabilitation of Indigenous offenders as part of their progressive release back into the Community. Particular attention must be given to the needs of Indigenous women.
- (b) A treatment assessment process for Indigenous offenders, including female offenders, must be established prior to sentencing, with specific offender needs being a mandatory component of the sentence. Such treatment, for example trauma, drug and alcohol counselling, must be available from the beginning of the sentence.
- (c) Comprehensive treatment programs are needed to maximise rehabilitation of both male and female offenders. These offender-specific programs must be adequately staffed, funded, implemented and independently evaluated, both during custody and post-release.
- (d) All offenders must have access to industry, education and life skill programs. Programs for Indigenous prisoners must be developed and implemented by Indigenous peoples with traditional knowledge.

4.8. LAND - SPIRIT - CULTURE - IDENTITY

Contributors to the consultative process felt that a 'crisis in cultural and spiritual identity' was occurring among Indigenous people, and its effects were seen as adding to the misuse of alcohol, other drugs and violence. Informants raised issues about the cultural and spiritual damage that was being done through alcohol and violence, to individuals, families and Communities. They expressed concern for 'lost, fragmented people who do not know who they are, how much they are hurting or how they are hurting others'. Important questions were posed: What is spirituality? What is culture? What is identity? This section reconstructs a world that was, a world that is, and a world that can be, in light of the cultural and spiritual significance of being Aboriginal or Torres Strait Islander in today's world.

Indigenous people are diverse and dynamic individuals and groups. This was the situation before colonisation, and is even more so today. While there are differences among Indigenous people, there are also commonalities. This section explores those links to provide a deeper understanding of what it was and is to be Indigenous. A full understanding of Indigenous identity issues is integral to the whole Report, and fundamental to the development of processes to deal in an effective way with the violence documented throughout the Report.

When Australia was invaded by non-Indigenous colonisers, Indigenous peoples were living in groups that were part of complex kinship systems based on well-defined rules of marriage, behaviour and interaction. Elders and traditional healers held positions of authority in the kin and land-based groups, maintaining social cohesion and good order, and acting as teachers, judges, and spiritual leaders.

4.8.1. A world of relationships

Indigenous identity is made up of several elements: the land/sea-spirit, culture and people. Indigenous people believe they are made by their ancestors, who also made the land in a continually changing and evolving process.

*Some Aboriginal people say we became human in this country, the spirit ancestors, the creator beings, spirit beings, made humans, made everything, made the land itself, and then made the people to look after the land.*¹⁶⁰

The world of relationships therefore includes all those connections and verifies links across generations, between people and their country, among people, and between the physical and non-physical world. Physical, emotional, mental, spiritual, social and ecological relationships are constructed and confirmed in the activities of ceremony and ritual as well as day -to-day living.

4.8.2. Relationships with land

The social world of Indigenous peoples 'was expanded to include the natural world that was humanised, formed by the ancestral beings of the long distant past'.¹⁶¹ Not only did

people have a spiritually intimate relationship with the land; they also had a detailed knowledge of the seasons and all other life forms, for they shared the 'same life essence with all natural species and elements'.¹⁶²

Relationship with land is of central importance to Aboriginal people. Identity is formed through and in land.

*You might like to hear how I feel about the bush. I never get tired of going back. My relations have told me about the origin of these places. This history of my ancestors has real meaning to me. I learnt about trading trails, a track that neighbouring tribes used to follow [to] the place of our ceremonial grounds. All these places mean a lot to me. They are part of me. All the bush is part of my life. I was born under a tree. My mother showed me the place. She showed me where I used to play, and where I would hunt for wild honey. The feeling I have for this place is very special. This place where I was born, it's me.*¹⁶³

Land is all-encompassing.

*No English words are good enough to give a sense of the links between an Aboriginal group and its homeland. Our word 'home', warm and suggestive though it may be, does not match the Aboriginal word that may mean 'camp', 'hearth', 'country', 'everlasting home', 'totem', 'place', 'life source', 'spirit centre', and much else all in one. Our word 'land' is too sparse and meagre. We can now scarcely use it except with economic overtones unless we happen to be poets. The Aboriginal would speak of 'earth' and use the word in a richly symbolic way to mean his 'shoulder' or his 'side'. I have seen an Aboriginal embrace the earth he walked on. To put our words 'home' and 'land' together into 'homeland' is a little better but not much. A different tradition leaves us tongueless and earless towards this other world of meaning and significance. When we took what we call 'land' we took what to them meant hearth, home, the source and focus of life, and everlastingness of spirit.*¹⁶⁴

The healing aspects of land are largely unacknowledged.

*Our land also has an important role to play in healing. The land is a powerful healer, as is the sea. When your ancestors have walked these places for millennia, they hold an energy of timelessness that invokes serenity and the feeling that one is not alone, but in the presence of these ancestors, who are able to communicate via the senses and convey the feelings and thoughts that are most conducive to healing. When we are able to sit on our land in contemplation and hear, feel or see the spirits of our old people, then we have been to a place within ourselves of great depth and connectedness. It is this place that we need to go to in order to truly heal ourselves; and once we have learnt how to do that, then we move forward.*¹⁶⁵

*I find my peace here now – it is something you can't explain – just to lie under the trees and look up at the sky, with a fish line in the water. It doesn't matter if you don't catch a fish. It's just so relaxing.*¹⁶⁶

4.8.3. Relationships in families

The basic Indigenous social unit was the extended family, which managed day-to-day relationships through a set of complex social laws, customs and beliefs. This provided meaning and structure to life. In traditional Aboriginal Communities, men and women as distinct groups were both independent and interconnected.¹⁶⁷ Men and women as separate groups, and each member of the family unit, had specific responsibilities. Laws based on gender and age governed social activity and communication between peoples and groups. The Berndts write of partnerships between men and women: 'the most cherished possession of men were women, children and their sacred heritage. For women it was men, children, their domestic circles and their sacred heritage'.¹⁶⁸

Guided by these values, and the teaching of the Elders and lore, men and women, family units and extended kin groups provided a support basis for one another and socialised the children into their place in the family and community. They received a holistic education for life, health, child rearing, maturational processes and responsible interactions with others. Children were socialised into lore and correct behaviour in the normal interactions of living and relating. They learned by observation what was permissible and what was not proper behaviour. They understood what penalties would

be applied for a breach of proper conduct. Children were cherished, and adults had gender-specific responsibility to nurture, protect and teach them. Adults taught children through example, while allowing them autonomy to grow and learn naturally.

Burbank observes that adults who did not fulfil their responsibility to teach children, to pass on knowledge for living and correct behaviour, were censored and chastised.¹⁶⁹ Any adult who allowed a child to be seriously hurt was considered negligent and punished. To harm a child attracted extreme punishment. Children were never physically abused.¹⁷⁰ The forms of physical and emotional punishment common to Western child-rearing practices at the time of colonisation were incomprehensible to Indigenous people.¹⁷¹

Roth, who was a doctor and one of the first two Protectors appointed in Queensland, wrote:

*the forcible taking away of a young girl against her parents' wishes is punishable with death by spear, the tribe collectively seeing to this... rape is punished by death or occasionally life may be spared but the offender severely maimed....On the Bloomfield, unnatural offences including criminal assault on children are unknown.*¹⁷²

Ceremony and ritual were, and continue to be in many places, essential parts of Indigenous life, ensuring cultural and spiritual continuity with the ancestral past. In ceremony, Indigenous people become storytellers and teachers, affirming rules and knowledge.

*We pass on to the young ones all they must know. The stories and songs sink quietly into our minds and we hold them deep inside. In the ceremonies we celebrate the awareness of our lives as sacred.*¹⁷³

Important things happen in ceremonies. By 'speaking, singing, painting, dancing, enacting of stories, people in the present are following the patterns of speech, designs, symbols, rhythms and steps that the ancestors have created in the continuity of

ceremonial processes' ¹⁷⁴ that are used to manage conflict, ¹⁷⁵ to 'unite hearts and establish order'. ¹⁷⁶

For example, ceremonies of grieving dispelled feelings of despair and hopelessness, as people re-ordered their lives and asserted knowledge of the power they held over life and death. ¹⁷⁷ They reaffirmed the future of the ancestral past in the lives of the living. ¹⁷⁸ People can deal with feelings of fear, anger and sorrow through the web of relationships between groups and within kin networks, revitalising responsibilities to one another. Ceremonies were used to heal and unify Communities in traditional life.

4.8.4. Relationships and community

Indigenous ways of 'being in the world' meant being part of a community. ¹⁷⁹ All communities were comprised of groups and individuals who functioned independently, individually and collectively. A community is the cooperative means by which people live together and relate to one other and share commonalities about beliefs, values and principles.

Community can be defined as a group in which free conversation can take place. Community is where I can share my innermost thoughts, bring out the depths of my own feelings, and know they will be understood... Communication makes community and is the possibility of human beings living together for their mutual psychological, physical and spiritual nourishment. ¹⁸⁰

In a community, relationships can be conflictual and dynamic. ¹⁸¹ Viable communities were based on groups who chose to work through conflict according to cultural lore. This, more than any other quality, embodied Indigenous processes for community cohesion.

4.8.5. Relationships and conflict

Indigenous societies are not perfect. All societies experienced conflict and consequently had the potential for violence. In every society, there will always be some men or women who behave more aggressively than others. In traditional societies, it was the

responsibility of the group as a whole, to block and protect people from serious harm, unless it had been arbitrated that the person was to be physically punished. The group determined the punishment, and the severity with which it was administered was ordained according to their lores.

Customary lore was used to manage conflict. In family and community meetings, attempts were made to reach outcomes that were acceptable to all and could be implemented by the group.¹⁸² Another aspect of customary law was the use of assertive aggression.¹⁸³ Aggression used in the expression of self-restrained anger or distress, both in fights between individuals and in-group conflict, is a significant component of customary lore.¹⁸⁴

4.8.6. How relationships form culture

*Culture is not just about song and dance. Being Aboriginal – the way I live, raise my children, relate to others, is practising my culture. It is all aspects of being and doing Culture is shared values, shared beliefs, and shared experiences.*¹⁸⁵

Culture is the set of beliefs, values and rules for living that is distinctive to particular human groups. It is passed from generation to generation in relationships, knowledge, and languages, social organisation and life experiences that bind diverse individuals and groups together. It is the result of communication between humans, a slow and ever-changing continuum over tens of thousands of years. In such interactions, people develop an individual and collective sense of who they are and where they belong. Culture can provide meaning and purpose to life and is usually anchored in a particular place – a past or present homeland.¹⁸⁶

Culture is a living process. The newborn breathes the culture and spirit of his or her family and community. The child grows under the cultural influences and reinforcements of the extended family and community. The person becomes embodied with a sense of identity, well-being and purpose. Strong cultural continuity provides rules for living or lore, creating both an inner voice and pressure from family and

community to conform to behaviour which has been determined as acceptable by the cultural group.¹⁸⁷

Wong and McKeen have written that the music of a culture is in the deepest tissues of being.¹⁸⁸ This could mean that the stories that make people are within them. Culture mediates human behaviour.

4.8.7. What does 'being Aboriginal' mean?

Reser observes that 'Aboriginality is a social construction ... cultural and personal identity, for most Aboriginal people today, is history'.¹⁸⁹ If Aboriginality is history, who Indigenous people are today is a construction of the multiple identities imposed since colonisation. Marcia Langton points out that 67 different definitions of Aboriginality have been legislated throughout Australian history in attempts to define and control Aboriginal people.

Something must be done about the denial of the real history of this country. At the same time we must support each other to accept our own history, the history of pain and distress that so often holds us victim. It is only in accepting it that we can make choices to deal with it and move on from it.

Dependency on government handouts drives people to drugs and alcohol. Contempt for handouts leads to vandalism and violence. And contempt for self.

.... need to look to the past and see where the problems came from, and look to the future that is our responsibility.¹⁹⁰

The social construction of Aboriginality has therefore been an abusive and painful process as other people have defined 'who we are'.¹⁹¹ The removal of children and the fragmentation of families have damaged Indigenous identity. Many Aboriginal and Torres Strait Islander young people today do not know who they are and are angry because of many factors that they don't understand. Indigenous people have been victimised but they need not remain victims. Nor should they become abusers or the abused.

At first I thought I was like all the other white kids except there was something different inside of me that somehow made me feel as though I could not fit anywhere. Then I found that my Mum was Aboriginal and I found out at long last what it was that stopped me from feeling complete. I eventually went to live on my Mum's community and I have been there for the past 15 years. I thought that it was culturally expected of me to do what I saw all of the other young men do, that is, to hit their women, to get drunk and to fight. I was frightened 'cause I did not want to hurt anyone and I did not want to get hurt myself. I eventually did hurt someone and I did get hurt myself. When I was sitting in the jail serving time, I realised only then that it was not culture that I was trying to live, but something that resembled something much more sinister and undefined. Someone needs to do something before we wipe ourselves out.¹⁹²

The young man quoted names important issues that must be considered in any discussion about culture, spirit and identity. The deep knowledge of identity remains with Aboriginal people, even when they feel lost and disconnected. In the search for 'identity', however, what may be found is a distorted, damaged construction of Aboriginality.

We are trying to live in two worlds, sometimes three cultures. Central to our identity are our cultural values and laws and yet we are not able to practice them. No wonder our children are confused and mixed up.

There is need for an increased opportunity for people to tell their true-life stories.¹⁹³

Culture, spirit and identity are linked across time and place to land and kin. Indigenous people today are not one culture but many. They have many identities formed in personal relationships, family relationships, and community relationships and within the broader society. At best and worst, culture, spirit and identities are formed by past and present experiences and circumstances, and help to determine present situations.

Our people have deep-seated hurt from generations because the hurt is manifested – it's all through the community and the families. ...

There are deep wounds in people and no healing services - we need spiritual healing.... It is important to recognise the spiritual aspects of Aboriginal culture....

Action should be taken to nurture the spiritual and cultural knowledge amongst our younger generation, and for those who have been previously isolated and dispirited....¹⁹⁴

4.8.8. What is spirituality?

Spirituality is often confused with religion. Religion is associated with missions and churches that have been involved in the past abuses against Indigenous people.

When Miriam Rose Ungumerr wrote 'all persons matter. All people belong', she was expressing something fundamental to Indigenous cultural and spiritual beliefs and practices. She went on to explain: 'Many Australians understand that Aboriginal people have a special respect for Nature. The identity we have with the land is sacred and unique.'

There needs to be a healing place in the bush for victims and their families so they can heal in a cultural way. ...

We need to conduct spiritual healing courses and we need to heal our land so that we are able to heal ourselves through our spiritual connection with the land. ...

We need Murri counsellors and time-out places for men and women. These places should be healing places where a whole family can go in times of crisis.

...

We need to draw on cultural beliefs and community strengths. ...

People in Communities should be given the opportunity to develop new visions to involve everyone in community who is willing to contribute, and for governments to listen and provide appropriate assistance.¹⁹⁵

Cultural healing through stories (narratives) and art have been suggested as methods of dealing with violence.

Through art there is an incredible power to say things that cannot be spoken. Art is a tool that crosses over class and cultural boundaries. Art is a universal tool that has spiritual implications that touch the very heart and soul of the observer. The whole creation of art is a balancing of the subconscious and the conscious. Through the arts whether it be dance, music, painting, photography, or sculpture, we are in fact bringing about a celebration of our survival as an Indigenous race of people. Art portrays everything that affects us, life death laughter power rhythm, law, singing, unity, vision, clarity. Art is a credible tool in which we are educating people.¹⁹⁶

The following points have been made throughout the consultations and within the submissions.

- Special places should be set aside for teaching and educating for healing work, unity and sharing. Women's and men's places must be set aside for teaching and healing.
- People need more opportunities to tell true-life stories, and these stories should be shared with non-Indigenous people.
- Programs are needed to allow Elders and youth to network to learn roles and responsibilities.

- Cultural reintegration programs should be developed to help men and women redefine their cultural identity.
- All levels of Government must support initiatives that establish, across Communities, programs and services to enhance Indigenous culture and spirituality.

The world of relationships gives life and meaning to being Indigenous. The old ways of relating were forcefully disrupted by colonisation. They, however, have not been lost. Aboriginal and Torres Strait Islander people still have relationships with the land, with kin, and with other peoples, some of whom have now come to this country to live.

Colonisation has brought destruction across generations of Indigenous people, and the violence suffered is beyond adequate description. The violence of many Indigenous people towards their own families and community is growing at a frightening pace. It is essential for Indigenous people to build strong relationships, to heal and mend the distressed and damaged relationships in families and Communities across Queensland.

To return to the words of an Australian Prime Minister:

There is nothing to fear or to lose in the recognition of historical truth, or the extension of social justice, or the deepening of Australian social democracy to include Indigenous Australians. There is everything to gain.

We cannot imagine that the descendants of people whose genius and resilience maintained a culture here through fifty thousand years or more, through cataclysmic changes to the climate and environment, and who then survived two centuries of dispossession and abuse, will be denied their place in the modern Australian nation.¹⁹⁷

Rebuilding identities, strengthening the individual and collective sense of self, and transferring these values to the younger generation does require assistance and understanding from Government and the broader community. However, financial input cannot reinstate culture, respect and identity. This is the responsibility of Indigenous Australians. Only they can revive and regenerate their true identities.

RECOMMENDATIONS -- LAND – SPIRIT – CULTURE -
IDENTITY

9. Healing and Indigenous cultural promotion

- (a) Governments must support initiatives to establish programs and services that will enhance Indigenous cultures and spirituality.
- (b) Special places, including separate women's and men's centres, should be set aside for the revival of culture and healing.
- (c) Indigenous peoples must have more opportunities to tell life stories and share them with non-Indigenous people. Support is needed to allow Elders and young people to share stories that teach roles and responsibilities.
- (d) Cultural re-integration programs are needed to help redefine cultural identity. Local groups must be encouraged to develop and facilitate their own programs.
- (e) There is a need to support joint projects between Indigenous and non-Indigenous services to provide holistic ways to address violence and abuse.

4.9. SUMMARY

The aim of this Report was to give Indigenous women living in violent and dysfunctional environments voices to facilitate change. The consultations have allowed them to contextualise the processes they see as having caused their critical situation, and then allow them to move forward with solutions. The women were adamant that the plight of Indigenous men should also be acknowledged. They thought men should be assisted with healing programs. The women simply want an end to violence and families to be reunited with no key members missing. Moreover, the women insist that the way forward is through collaboration, discussion and full participation, including men in the process.

Those are the key thoughts articulated to the Aboriginal and Torres Strait Islander Women's Taskforce on Violence through submissions and consultations. The Report has included the women's stories, including old stories, new stories and stories born of sheer frustration. *Is anybody listening?*

The task ahead is immense. The incidence of violence within Aboriginal and Torres Strait Islander families and Communities is so high that all Queenslanders have reason for serious concern. The present problems have grown out of a long history of abuse and neglect to which there are no 'quick fix' solutions. The Queensland Government cannot afford to repeat the mistakes of the past, nor can they allow the present situation to continue.

The process of change will not be easy. It will require concerted efforts by both Indigenous and non-Indigenous people to address specific objectives.

- Both Indigenous and non-Indigenous people generally must be honest about the severity of the crisis of violence.
- The implementation of prevention, intervention and recovery / healing programs must be carried out responsibly, and include both short-term crisis intervention strategies, and long-term prevention and recovery programs.

- Commitment is needed from both concerned Communities and responsible Government bodies. Principles of reciprocity must be built into relationships of mutual respect.
- When there is a lack of skilled human and financial resources, what is available must be used creatively and with accountability. Funding is needed to support training and provide resources and programs to meet a situation of crisis.

Attention has been given to colonisation, the historical processes generally and the structures that created the present situation. However, people in Indigenous Communities must address this issue with integrity, reflecting on their own attitudes and behaviours and committing themselves to setting a good example for the young. It was often said that young people have no role models. It is time now for people to set examples, not just for their children and youth, but as a race.

4.10. SUMMARY OF RECOMMENDATIONS

Recommendations – Policies – service delivery – access to services

1. Whole of Community /Whole of Government interface

- (a) The Minister for Aboriginal and Torres Strait Islander Policy should initiate a whole of Government (Federal, State and Local) approach to address the issue of violence within Aboriginal and Torres Strait Islander families and Communities. A Memorandum of Understanding on this issue should be set up with the Federal Government and the Local Government Association, the Aboriginal Coordinating Council and the Island Coordinating Council. The Memorandum of Understanding should delineate and identify clearly the roles and responsibilities of the stakeholders and articulate a critical plan of action, as well as evaluation.
- (b) At the same time, the Minister for Aboriginal and Torres Strait Islander Policy should forge a working partnership between Government and Aboriginal and Torres Strait Islander Communities for a whole of Community/whole of Government approach to crime prevention, policy development and service delivery, to ensure that Indigenous Australians, particularly victims of violence, have access to much-needed essential services.
- (c) At the tabling of this Report, a public forum should be held to discuss its contents and findings. Thereafter, on a biannual basis, a Ministerial summit should be held to discuss and review the progress of the Report recommendations.
- (d) A statewide Aboriginal and Torres Strait Islander justice forum should be established under the Minister's direction, which will meet regularly to develop and review justice strategies as they would apply to Aboriginal and Torres Strait Islander peoples.
- (e) Community Councils, including executive staff, should receive continuous, compulsory training on Local Government bylaws and management from their

appointment onwards.

- (f) The number of functions handled by Community Councils should be reviewed in favour of Community organisations, which could be responsible for enterprises such as housing and welfare-related concerns. Suitable training and support must accompany the Community initiatives, to facilitate a process of Community development and empowerment. Local residents could work collaboratively with Councils to provide economic, social and cultural sustainability for Communities.
- (g) Regional centres need to be trained and funded to develop specialised resources and training program packages for interventions. Regions should network and interact for increased efficiency.

2. Equity

- (a) To ensure equitable participation in Community-based decision-making, affirmative action must be introduced to Government-appointed boards and Community Councils. Community Councils and Local Government Shire Councils should preferably comprise 50% men and 50 % women.
- (b) A Queensland Indigenous women's network should be established to ensure women's input at all levels of Government in order to: address the existing and future issues impacting on Indigenous women and children; enable active input to and participation in the decision-making process involved in formulating policies, programs and services impacting on Indigenous people; and ensure fair access to all services and programs.

Recommendations – The economics of deprivation and the challenge of economic sustainability

3. Economic development and sustainability

- (a) Regional summits should be held with ATSIC, Government agencies, Community Councils, mining companies and private industry to develop strategies and set time span objectives for the social and economic development needs of Aboriginal and Torres Strait Islander peoples and Communities in Queensland.
- (b) Both the Federal and the Queensland Governments should aid Communities in the development of small business enterprises.
- (c) In collaboration with Councils, the State should establish a Working Party to develop alternative structures and strategies for the administration and funding of DOGIT Communities to create economic independence and viability.
- (d) Action must be taken by all levels of Government to ensure that accountability for funds is not based on financial terms alone, but is extended to outcomes that can be measured by changes at the client and Community level.
- (e) Serious consideration must be given by all levels of Government to utilising remote Indigenous Communities in a strategic approach to national surveillance and security along the coastal shorelines. This could involve training Indigenous people in monitoring and detecting illegal activities, as well as assisting police in searches. It would capitalise on the unique skills and resources of Indigenous people familiar with their local environment. This initiative should be fully resourced and funded by Government.
- (f) There should be a full evaluation of the Community Development Employment Program (CDEP). CDEP should be fully utilised to aid Community development and be regularly monitored and assessed by independent bodies.

Recommendations – Alcohol and other drugs

4. Policing alcohol

- (a) Government must take urgent action to set up an inquiry into the sale and management of alcohol in Queensland. This inquiry must investigate the sly grog and drug trade in remote Communities, and the alleged lack of action by authorities.
- (b) The sly grog trade must be addressed in a collaborative effort by Communities, DATSIPD, Queensland Police and the Liquor Licensing Board to ensure laws relating to alcohol are strictly enforced.
- (c) Indigenous people must be included in all collaborations with the broader Australian service agencies involved in strategies aimed at terminating the illicit alcohol and drug trade.
- (d) Isolated Indigenous Communities should use their remoteness to advantage, and be more strategic in using their bylaws, in collaboration with Queensland Police, to control the import and misuse of alcohol and illicit drugs. These initiatives should be resourced and fully supported by the State.
- (e) Alcohol and drug addiction must be addressed using proven methods of rehabilitation and trained personnel. Ongoing training, updating and evaluation of methodology should be obligatory.
- (f) The Government should direct part of the revenue from each Community's liquor sales towards rehabilitation activities on a shared basis with the Community Benefit Fund.
- (g) The marketing methods used by manufacturers of alcohol in Australia must be investigated and manufacturers held responsible, in line with the statutory

requirements applied to producers of pharmaceuticals.

- (h) Manufacturers of alcohol must accept liability for rehabilitation and treatment programs, and systems for the safe disposal of bottles and cans. Manufacturers should be required to produce containers less likely to cause harm than glass bottles.
- (i) The Queensland Government, in collaboration with Community Councils, should investigate the viability of trialling alcohol-free environments in two remote Communities for a period that would allow discussions to occur on the development of strategies for better management of alcohol within those Communities. The Queensland Government, the Liquor Licensing Board and ATSIC should assist financially in this period to ensure the Communities are economically sustained. The initiative should be fully evaluated and monitored. If successful, similar approaches should be made to other Communities concerned about the use and sale of alcohol and the management of their canteens. Rehabilitation services should be available for Communities to deal with dependency problems during this period.
- (j) The proposal to appoint Indigenous Liquor Liaison Officers must be postponed until adequate consultation with relevant stakeholders has been undertaken

Recommendations – Education as empowerment

5. Education

- (a) Both the Queensland and Commonwealth Governments must recognise the invaluable role of education in the prevention of crime and family violence, and the role of the education system as an early intervention agent.
- (b) Indigenous scholarships should be available across all disciplines of education and Government Departments, and based on cadetships or apprenticeships to provide a combination of hands-on training and study. A strategy should be introduced to

attract mature-age Indigenous people and school leavers to career structures.

- (c) The Queensland and Commonwealth Governments must assist Indigenous students to access education in an environment sensitive to their sociocultural and economic needs. Educational programs in rural and remote Communities must address the historical language and cultural barriers evident there.
- (d) Training packages must be funded for specifically designed programs that address disadvantage and encourage Indigenous people to participate in further study so they can compete for employment and or business opportunities.
- (e) Non-Indigenous professionals working in the areas of health, education, legal, social and administrative services must be trained in the cultural context and history of Aboriginal and Torres Strait Islander peoples before they undertake work that involves Indigenous clients. A true sign of reconciliation would be for Government to negotiate with tertiary institutions for Aboriginal and Torres Strait Islander studies programs to be mandatory units in law, teacher education, health service delivery, and social services/welfare courses.
- (f) Locally-produced Community education materials should be available for all age groups to support Community initiatives and facilitate change to reduce violence and strengthen families. Local Elders may provide a valuable role and service here.
- (g) Community education must be a vital component of any strategy that is established to address violence and crime. Programs to increase Community awareness of issues must be supported with funding for a minimum of at least three to five years.
- (h) Educational resource materials such as videos and resource manuals, for example on child development and parenting, must be used for training in Community health clinics, CDEP training facilities, high schools and other nominated agencies. Where possible, resources should be locally produced or at least produced with local input.

- (i) Parenting programs should be available in all Aboriginal and Torres Strait Islander Communities, childcare agencies, health centres and within the general community.
- (j) Education Queensland must expand the life skills component presently taught in schools to be inclusive of Indigenous families and to encourage parent participation.
- (k) Education Queensland must employ more Indigenous counsellors and remedial teachers across all levels of schooling to meet social and learning needs of Indigenous students.
- (l) Education Queensland, in collaboration with relevant Departments and agencies, must address the educational disadvantage experienced by Indigenous youth in detention centres.
- (m) Education Queensland must investigate the lack of participation by Indigenous students in education, including the rates of suspension and exclusion.
- (n) A broad range of strategies should be implemented for Indigenous children to enable them to enjoy positive school environments, social competence, life skills, recognition of achievements and positive life events. The overall aim should be to encourage and strengthen family and Community participation in education.
- (o) Teachers must be specifically prepared for service in remote areas and should not be recruited until they have achieved a reasonable degree of experience and seniority and are familiar with Indigenous educational needs.

Recommendations – Indigenous health and well-being

6. Health improvement

- (a) Queensland Health must implement the Resource Allocation Formula to address Indigenous health disadvantage. Services that cater for high transient populations must have appropriate funding levels factored into the Resource Allocation Formula.
- (b) Multiservice delivery centres must be established in all Communities to provide coordinated services for alcohol and drug addictions, family violence, sexual assault, grief counselling, advocacy for women, child counselling, and support groups for men.
- (c) The Task Force recommends that places for Indigenous people be reserved on Queensland Health District Service Boards of Management to equal participation in regional health policy development and planning, and that proper procedures are used to make appointments.
- (d) Priority must be given to a whole of Community, whole of Government approach to the provision of Indigenous health services, particularly in rural and remote regions. Decisions made by health authorities should be open and inclusive regarding funding allocations, program design, implementation and evaluation.
- (e) Strategies to remedy health problems must be designed in collaboration with Communities, and resource materials should be locally produced under appropriate direction to maximise ownership.
- (f) Holistic health services to all areas, especially to rural and remote areas and the outer islands of the Torres Strait, must be developed or upgraded urgently.
- (g) Health services for all Aboriginal and Torres Strait Islander peoples must be established or upgraded to include allied health services. Some services may need

to be mobile to increase client access. Queensland Health must develop Community education initiatives to inform Communities about the allied health services available and how and why to use them.

- (h) Queensland Health, in collaboration with relevant stakeholders, should develop a Statewide Indigenous Elder Abuse Prevention Program.
- (i) Rehabilitation services, including social and emotional well-being centres, must be established and upgraded through a process of Community consultation and local ownership, using accredited models and professionally trained workers.
- (j) Indigenous mental health services must be expanded in line with Recommendations 264 and 265 of the Queensland Government's *Royal Commission into Aboriginal Deaths in Custody Report 1997*, but with the suggested alteration of the title 'mental health' to 'emotional health'.
- (k) Queensland Ambulance's pre-hospital care model is endorsed as a valuable adjunct to care in Indigenous Communities. It should be supported and implemented as a priority.
- (l) Transport to rural and remote Communities must be subsidised so that isolation does not disadvantage Indigenous people in accessing food staples and health services.
- (m) Health facilities must be increased in rural areas generally.
- (n) More Indigenous health professionals must be trained and employed in every health discipline, and actively recruited by Queensland Health's Indigenous Unit.
- (o) The Government needs to acknowledge *Recognition of Prior Learning* and upgrade the skills of Indigenous people with long-term experience in specific specialty areas.

- (p) Community clinics and hospitals should be used as training institutions for Indigenous students in health sciences where they undertake clinical placements and internships.
- (q) Governments should increase the numbers of Indigenous and non-Indigenous health professionals and paraprofessionals specialising in family violence, child abuse, children's, men's and women's health, substance abuse, aged care, and grief and loss.
- (r) The Queensland Government, in consultation with Community Councils, should negotiate with Community Aid Aboard, World Vision and other aid organisations, to locate specialist teams in selected remote Communities to facilitate improvements in health. Their work could involve the development and upgrading of infrastructure, the training of local people, and the establishment of specialist services.
- (s) Support must be provided to establish National Sexual Assault Prevention Services, and to educate Indigenous professionals to deliver specialist sexual assault services, and train-the-trainer packages.
- (t) Health education programs on a broad range of issues, for example illnesses caused by lifestyles, should be introduced as compulsory across State-funded Community service agencies, in schools and in CDEP training sessions.
- (u) Health care professionals, especially doctors, must be specifically prepared for service in remote areas, and should not be recruited until they have a reasonable degree of experience and seniority and are familiar with Indigenous health needs.
- (v) To avoid charges of discrimination and alleviate the disadvantages suffered by Indigenous Australian children, the United Nations Rights of the Child, to which Australia is a signatory, must be observed (Articles 18, 19, 24, 26, 27, 29 and 30) by both Commonwealth and State Governments.

- (w) Easily accessible Indigenous child support and advocacy agencies must be established across the State, and staffed with well-trained personnel, to help children who have been emotionally and physically abused.
- (x) The full effects of alcohol abuse on the physical and psychological development of children must be investigated and evaluated and strategies implemented to ensure that children affected receive the highest possible access to services and ongoing management and care.

Housing

- (a) The state of housing, including insufficient housing, must be urgently addressed by ATSIC, Community Councils and both Queensland and Federal Governments. Serious attention must be given to the housing needs of Indigenous women and children in rural and remote Communities.
- (b) The Department of Equity and Fair Trading must take urgent action to ensure that all Councils comply with their responsibilities under the legislation. All tenants must be informed verbally and in writing of their legal rights.
- (c) The Community levy system used to procure rental monies must be urgently reviewed by the Department of Equity and Fair Trading in consultation with Community Councils.

Shelters and security

- (a) There is an urgent need to provide and upgrade facilities for people escaping violence. Women's, men's and children's shelters must be established in all Indigenous Communities under the funding and jurisdiction of the Supported Assistance Accommodation Program (SAAP). Funding for shelters must be provided on a triennial basis in order to assure continuity and quality management. SAAP must be given the responsibility for training and developing a wide range of service delivery programs for the education of workers, case management, family

support and child advocacy. Such training should focus on sexual and physical assault and trauma counselling (see Section 4.6 on families). This strategy relates to Recommendation 1, which emphasises the need for a whole of Government, whole of Community approach.

- (b) Protocols should be drawn up jointly by service providers, health staff, police, shelter staff, men's groups and welfare agencies, to improve the methods of dealing with people who are injured through interpersonal violence.
- (c) Hospital and clinic security needs must be re-assessed with whole of Community input, to ensure maximum safety and protection for both patients and staff. To this end, the recommendations made by rural and remote area nurses on violence in Communities should be adopted as a matter of urgency.
- (d) All services must establish and implement a code of ethics and protocols on issues of client confidentiality and worker responsibility.

Recommendations – Families and security

7. Families

- (a) There must be unequivocal support and immediate action from all stakeholders – Queensland and Federal Governments, ATSIC, Community Councils and other organisations – to pursue initiatives immediately to retain and strengthen family units and promote harmony in Communities.
- (b) The Department of Families, Youth and Community Care should develop, in consultation with Indigenous youth, a Queensland Indigenous Youth Charter. To formalise this Charter, it is recommended that the Department hosts a Youth Summit in collaboration with relevant agencies and with Indigenous youth representation from all Communities in Queensland.

- (c) Services for both victims and offenders should be better coordinated through Community network groups such as Community Councils, women's groups, men's groups, health centres, hospitals, justice groups and visiting magistrates.
- (d) Respite care, 'time out' camps, rehabilitative care and counselling must be available for children who live in violent environments, families and/or neighbourhoods.
- (e) There must be adequate counselling services available for women, children, men and family groups in all areas of need.
- (f) There must be continuous family education programs to inform and remind Communities, families and individuals of the rights of children, child advocacy issues, and the fact that violence is a criminal offence.
- (g) Urgent attention must be given to the health, social and financial needs of elderly carers. Queensland Health and the Department of Families, Youth and Community Care must implement strategies to support carers.

Recommendations – Law or lore –the Indigenous experience of justice

8. Justice

Justice processes

- (a) The Queensland Government must call an Indigenous Justice Summit in consultation with relevant stakeholders. The Summit agenda must address the long drawnout debate on policing in Indigenous Communities, the inclusion of restorative justice and customary lore, and Community involvement in crime prevention and intervention. Three proposals are recommended that must be resolved at the Summit to expedite better Community policing:
 - an autonomous Indigenous Police Force should be established; or

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- the Aboriginal Community Police should be inducted into Queensland Police; or
- the Aboriginal Community Police should be trained as Special Constables under the jurisdiction of both Queensland Police and Community Councils.

The Community Councils, Indigenous Legal Services, Police Liaison Officers, Aboriginal Community Police, Elders and local justice groups must be central to the discussion, planning and legislative process.

- (b) The Attorney General should re-establish the Indigenous Justice Advisory Committee complemented by a Secretariat.
- (c) Crime prevention strategies must be adopted short- and long-term programs across Queensland in consultation with local justice committees, Community Councils and Indigenous legal services and relevant.
- (d) Government agencies must establish a national database of violent offenders.
- (e) Action must be taken to review the current remand and sentencing with the adult and juvenile courts.
- (f) Family violence offenders must undertake mandatory accredited *Family Violence Perpetrator Programs*, whether serving a custodial or a non-custodial sentence. The preference is for programs developed and run by Indigenous people with Elders' input.
- (g) The Department of Justice and the Department of Public Prosecutions must establish Indigenous Units staffed with fully trained and qualified Aboriginal and Torres Strait Islander peoples to develop and promote an awareness of Indigenous justice issues through community education programs.
- (h) Indigenous Court Support Workers must be appointed to all courts. In remote areas these workers must be able to provide interpreter services.

- (i) The Department of Justice, the Department of Public Prosecutions, and all associated agencies, must formally recognise, endorse and facilitate ongoing cultural awareness/Indigenous life issues training for staff, including judges and magistrates, at all levels of the courts and legal systems. This training must be designed with the input of Indigenous groups at the local level in recognition of their cultural diversity and life conditions and aspirations for future generations.
- (j) Legal representation of Indigenous peoples in rural and remote areas must be addressed urgently through collaboration between Aboriginal and Torres Strait Islander Legal Services, the Department of Public Prosecutions and Legal Aid Queensland.
- (k) An Indigenous hotline for family violence victims, staffed by qualified Indigenous counsellors, must be established similar to the current Domestic Violence Telephone Service.
- (l) Victims of crime must be informed of their qualification to claim compensation. This responsibility rests with the Department of Public Prosecutions, Queensland Police, the Department of Family, Youth and Community Care, Queensland Legal Aid and Aboriginal and other Legal Services.

Crime prevention

- (a) Crime prevention protocols must be established to allow Communities to work with local Community justice groups, Magistrates, Police and Aboriginal Legal Services to design strategies to curb violent and antisocial behaviour of offenders
- (b) All parties to Domestic Violence Protection Orders must receive mandatory counselling relating to violence prevention.
- (c) Amendments to the Domestic Violence legislation must include provisions for extension of the period of detention for offenders breaching Domestic Violence Protection Orders to 12 hours. For continuing breaches, it is also recommended that

the legislation provide for the removal of offenders from the Community to a diversionary centre.

- (d) Diversionary centres must have formal protocols and appropriate services should be provided by qualified professional. These issues must be resolved following consultation with the Queensland Indigenous Women's Network.

Queensland Police

- (a) An Indigenous Support Unit must be established within Queensland Police. It should be staffed by senior Indigenous public servants, to develop, implement, monitor and evaluate recruitment, training and retention strategies for Indigenous people.
- (b) Queensland Police must be specifically prepared for service in rural and remote areas and should not be recruited until they have achieved a reasonable degree of experience, seniority and familiarity with Indigenous issues, particularly Indigenous lore. Preparatory training must include cultural awareness, both at the institutional and local level, and training in family violence issues.
- (c) Queensland Police should increase recruitment of Indigenous people, including female officers, to be placed in strategic locations throughout Queensland.
- (d) Queensland Police services should be better utilised to provide 24 hour coverage of Communities, as most altercations occur after 5pm.
- (e) The policing services for the outer Islands of the Torres Strait need to be reviewed and substantially upgraded.

Juvenile justice

- (a) The treatment of juveniles in the Justice System needs a complete review. There must be a Summit involving all stakeholders to review police methods of contact,

prosecution, detention, remand, release and rehabilitation of juvenile offenders.

- (b) All agencies involved with children, especially the Department of Families, Youth and Community Care, the Justice Department and all legal services, should produce an information booklet and other educational materials incorporated into a workshop package to inform Indigenous juveniles and adults of the powers of the Departments, agencies and the courts in matters relating to juvenile justice. A child sexual assault resource kit for workers should be included.
- (c) A set of protocols must be established to ensure that representatives from Indigenous childcare agencies are involved in the preparation of reports on Indigenous children appearing before the courts.
- (d) Court facilities must be reviewed to ensure the trauma experienced by children appearing before the courts is minimised. Improvements should include better interviewing methods, utilising screens, closed circuit technologies, safety rooms and counselling services.

Judiciary

- (a) Court services to rural and remote areas must be increased and improved. Sittings must be more frequent, hearings less expeditious, access to legal help better, presentation of cases improved and client information services upgraded.
- (b) The Department of Public Prosecutions must enforce all the recommendations of the *Indigenous Women Within the Criminal Justice System* report 1996.

Community Police

- a) The roles and appointments of Community Police need to be urgently redefined as suggested under 'Recommendation (a) Justice processes'.
- b) In the event that the Aboriginal Community Police are retained, either under the current arrangements or through the collaborative jurisdiction of Queensland Police and Community Councils, their training program needs review. It must be an accredited program under Queensland Police and given before appointees are assigned to the workplace and then as an ongoing requirement. Female Community Police need to be trained in specific areas by female Queensland Police.
- c) Appointees to the Community Police must not have convictions for serious crimes that date back less than ten years. Candidates with a history of sexual assault or child abuse should be rejected. Applications may be made to alter this period of disbarment to the local justice committees or local advisory committees, with input from Community women.
- d) Community Police must be familiar with Community bylaws and with their scope of jurisdiction under the *Community Services Act*. They should have a basic knowledge of criminal offences within State jurisdiction.
- e) In the short term, the role of Community Police must be clarified and standardised across Communities in relation to their functions, duties and powers. They must also receive award wages under the relevant industrial provisions.

Police Liaison Officers

- (a) The roles of Indigenous Police Liaison Officers must be accredited and formalised across Queensland to provide a career structure with appropriate industrial recognition.

- (b) Indigenous Police Liaison Officers must be appointed for all urban, rural and remote areas and their duties should include crime prevention work in school and Communities.

Specialised training

- (a) There is an urgent need for specific training for Community Police, Police Liaison Officers, and Queensland Police, in dealing with victims of assault and child abuse. The Task Force recommends that these programs are taught by the Queensland Police Sexual Assault Investigation Unit, to ensure that uniform protocols are followed in relation to all aspects of sexual assault and child abuse, for example, interviewing skills, child witnesses and court procedures.
- (b) Queensland Police, Community Police and Police Liaison Officers need to be trained in trauma counselling.

Programs inside correctional facilities

- (a) Indigenous Community Corrections Centres should be established across the State to aid in the rehabilitation of Indigenous offenders as part of their progressive release back into the Community. Particular attention must be given to the needs of Indigenous women.
- (b) A treatment assessment process for Indigenous offenders, including female offenders, must be established prior to sentencing, with specific offender needs being a mandatory component of the sentence. Such treatment, for example trauma, drug and alcohol counselling, must be available from the beginning of the sentence.
- (c) Comprehensive treatment programs are needed to maximise rehabilitation of both male and female offenders. These offender-specific programs must be adequately staffed, funded, implemented and independently evaluated, both during custody and post-release.

- (d) All offenders must have access to industry, education and life skill programs. Programs for Indigenous prisoners must be developed and implemented by Indigenous peoples with traditional knowledge.

Recommendations -- Land – spirit – culture - identity

9. Healing and Indigenous cultural promotion

- (a) Governments must support initiatives to establish programs and services that will enhance Indigenous cultures and spirituality.
- (b) Special places, including separate women's and men's centres, should be set aside for the revival of culture and healing.
- (c) Indigenous peoples must have more opportunities to tell life stories and share them with non-Indigenous people. Support is needed to allow Elders and young people to share stories that teach roles and responsibilities.
- (d) Cultural re-integration programs are needed to help redefine cultural identity. Local groups must be encouraged to develop and facilitate their own programs.
- (e) There is a need to support joint projects between Indigenous and non-Indigenous services to provide holistic ways to address violence and abuse.

Endnotes

Section four - Working for change

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36. **Remote Area Aboriginal and Torres Strait Islander Women's Meeting. 'Major Recommended Action'**. July 1991.
37. **Report of the Aboriginal Women's Pilot Workshop Held at Roma on 8 and 9 November 1994**. Office of the Cabinet, Women's Policy Unit, Queensland, **November 1994.**
38. **Report on Aboriginal and Torres Strait Islander Women's Workshop held at Napranum Community Training Centre**. 30 August - 2 September, 1993.
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APPENDICES

(with thanks to the Indigenous Advisory Committee Secretariat)

APPENDIX 1 SYNOPSIS OF RECOMMENDATIONS MADE IN PREVIOUS REPORTS

Policy making

- *There should be representation of Aboriginal and Torres Strait Islander interests at **all** levels of policy making.*

Alcohol abuse

- *The sly grog trade must be eliminated.*
- *Community Councils should be adequately funded so they don't have to rely on grog money.*

Health

- *Health and medical professionals should be trained to implement Queensland Health protocols for identifying and treating victims of domestic violence.*

Infrastructure

- *There should be more recreation buildings for youth.*
- *There should be alcohol and drug free, family-oriented recreational activities.*
- *There should be decent, accessible and appropriate housing*

The law

- *Legislation should be expressed in clear language.*
- *A review should be done of the law and order bylaws of the Community Services (Aborigines) Act 1984 and the Community Services (Torres Strait) Act 1984 to improve the effectiveness of the Community Police in responding to domestic violence.*
- *The forms under the Domestic Violence (Family Protection) Act 1989 should be written in culturally appropriate language.*
- *Government needs to discuss with Aboriginal Communities how to develop alternative methods of legal intervention in dealing with domestic and family violence.*

*In the absence of customary law provisions, a great deal can be done to make white law more relevant, more responsive to the needs, and less threatening to Indigenous people. One of the problems identified with white law is the ambivalence Indigenous women and Communities feel about it. There have been demands for the strengthening of laws, better enforcement and stronger penalties. This is matched at an individual level by a reluctance to pursue legal action against perpetrators and risk their imprisonment. After much discussion it seemed clear that some calls for stronger laws and harsher penalties under the current system arise from frustration and desperation. Delegates were adamant that other avenues for reform should be explored. *Challenging the Legal System's Response to Domestic Violence* (Brisbane: Conference organised by Southside Domestic Violence Action Group), 23-26 March 1994, 5-6.*

Aboriginal and Torres Strait Islander Women's Task Force on Violence

Policing

- *There is a need to provide cultural awareness training for police officers.*
- *There should be more female police.*
- *There should be a more 'operational' role for female Queensland Police in Communities.*
- *There is a need to employ Indigenous women as Community Police.*
- *The powers of arrest of Community Police should be strengthened.*
- *Police Liaison Officers should accompany 'mainstream' police when they are called to Aboriginal and Torres Strait Islander family violence disputes.*

Community education

- *Aboriginal and Torres Strait Islander history and culture should be taught across all levels of education.*
- *There is a need to regionalise funding for Aboriginal and Torres Strait Islander education.*
- *Aboriginal and Torres Strait Islander people should be accredited as cultural professionals.*
- *Indigenous women and groups should be funded to develop information/education materials that reinforce the concept that violence between men and women is not OK.*
- *Information/education materials should be targeted at Indigenous boys and girls.*
- *Indigenous health and Community workers should be trained in domestic violence issues and available services.*
- *Violence awareness programs should be taught in schools.*
- *Domestic violence information packages are needed for Indigenous women in correctional centres.*
- *There is a need to employ Community violence workers throughout Queensland using the Life Promotion Program model.*
- *The Department of Training and Industrial Relations, through TAFE, should promote the 'Stop Domestic Violence' training program for employer groups, increasing its availability to Indigenous Communities.*

Representation of women's issues

- *Women should be guaranteed representation on all Aboriginal and Torres Strait Islander advisory bodies.*
- *A National Aboriginal and Torres Strait Islander Women's Congress should be formed.*
- *ATSIC funding should be available to enable women's groups to address violence in their Communities.*
- *Governments should ensure that there is proper consultation with Community women and women's groups on issues relating to violence in Communities.*
- *The Aboriginal Coordinating Council should obtain funding to establish an Indigenous women's network.*
- *There must be adequate funding for Indigenous women's groups in all Communities.*
- *Indigenous women should be employed within the police and justice system.*

Empowerment of Communities

- *Community-based organisations should develop and deliver appropriate programs.*
- *A local Indigenous person should be part of the recruitment process for all Government positions involving contact/communication with Indigenous people.*
- *Government policies on family violence should be developed through intensive localised and regionalised consultation with Aboriginal and Torres Strait Islander Communities.*
- *Positions for an Aboriginal person, a Torres Strait Islander person, and Aboriginal and Torres Strait Islanders persons in regional areas, should be created within the Domestic Violence Prevention Unit.*

Customary law

- *Grandmother's Lore should be adopted, recognised and respected concerning children's safety.*

Justice administration

- *Support is needed for local justice initiatives.*
- *Indigenous Liaison Officers are needed within the Violence Against Women (VAW) Unit in the Department of Public Prosecutions (DPP).*
- *It should be mandatory to supply screens and support persons in courts.*
- *A culturally sensitive education kit should be designed to inform members of Indigenous Communities of their rights and responsibilities and how to exercise their rights to justice.*
- *Cultural awareness training, with specific Community input, should be delivered to all legal staff, including judges and magistrates.*
- *The Department of Justice should examine options for providing court services for the outer islands of the Torres Strait.*

Legal services for women

- *ATSIC should conduct an inquiry into service delivery, especially for women in family violence situations.*
- *The Indigenous Unit, North Queensland Women's Legal Service, should provide services to Indigenous women in remote Communities.*
- *Realistic nationally-funded Aboriginal Women's Legal and Advocacy Services should be provided for Communities.*

Safe houses and cooling-off places

- *There is a need for more Indigenous women's shelters and Indigenous staff for existing shelters.*
- *Shelter workers need Protection Orders.*
- *Indigenous health workers should make regular weekly visits to women's shelters.*
- *Indigenous housing organisations should develop and implement a domestic violence policy to safeguard the rights of victims.*
- *There should be well-funded and resourced safe houses in all Indigenous Communities.*

Counselling and healing

- *Anger management counselling should be compulsory for habitual domestic violence offenders.*
- *State and Federal funding should be provided to establish and maintain Indigenous men's groups.*
- *Perpetrators should be referred to an Indigenous men's group.*
- *Domestic violence counsellors should be provided for women in correctional centres.*
- *All staff and volunteers working with female prisoners should have appropriate mandatory training, especially concerning domestic violence issues.*
- *Support should be given to Communities to develop, implement and monitor concepts and strategies that have been designed by that Community to support men in an effort to decrease and ultimately stop family violence.*
- *Counselling services should be available in Communities for victims, perpetrators and children affected by domestic violence.*
- *There should be post-release violence programs for prisoners.*
- *There should be appropriate programs, judged from Indigenous perspectives, which address the layers of intergenerational trauma, loss and grief identified in the Bringing Them Home (1997) and The Way Forward (1995) reports.*

Access to services

- *A national Indigenous domestic violence unit should be established to assist Aboriginal and Torres Strait Islander women's groups.*
- *Local family violence groups should be established in all Communities.*
- *Service delivery to victims of violence should be more coordinated.*
- *Government agencies providing services to Indigenous victims of violence should employ Indigenous people on a permanent basis.*
- *The Aboriginal Coordinating Council should investigate the disbanding of specialist units and the growing requirements of Indigenous people for access to mainstream services.*
- *Regional Aboriginal Communities and services should maintain regular contact with Community women in prison.*
- *The Department of Families, Youth and Community Care should establish domestic violence support networks in remote and rural areas.*
- *The Department of Families, Youth and Community Care should facilitate the coordination of services responding to domestic violence, at the local level.*
- *There is a need for Government to improve and coordinate service delivery to remote Communities.*
- *The freecall Domestic Violence number should be made effective for Indigenous women.*

Cultural appropriateness

- *Practice standards should be developed and implemented for culturally appropriate men's programs.*
- *The National Drug Strategy should make funding available to the Queensland Drug Strategy to develop and implement culturally appropriate drug and alcohol programs.*
- *Support should be given to facilitate context-sensitive and culturally appropriate responses from service providers in eliminating family violence.*
- *Specific strategies should be developed to address the emergency and resource needs of Aboriginal and Torres Strait Islander women.*
- *The Aboriginal Coordinating Council and member Councils must recognise the urgent need to include men in cultural awareness training programs*
- *Cultural awareness training should: involve Community Police; include culturally appropriate methods and materials; be provided by culturally knowledgeable and sensitive facilitators; and involve local Indigenous people in its implementation.*

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DETAILS OF PREVIOUS REPORTS (shading indicates Indigenous reports)

QUEENSLAND REPORTS

TITLE	ORGANISATION	DATE
<i>An Act For Everyone : Assessment of the Effectiveness of the Operation of the Domestic Violence (Family Protection) Act 1989 for Aboriginal and Torres Strait Islander Peoples</i>		
<i>Aurukun Community Plan: Report Two - Community Survey - Dealing With Grog</i>	Yalga-binbi Institute for Community Development, Aboriginal and Torres Strait Islander Corporation	May 1994
<i>Beyond These Walls: Report of the Queensland Domestic Violence Task Force</i>	Queensland Domestic Violence Task Force	1988
<i>Brisbane Indigenous Women's List Of Demands Concerning Violence In our Communities</i>		November 16 1998
<i>Challenging the Legal System's Response to Domestic Violence</i>	Southside Domestic Violence Action Group	23-26 March, 1994
<i>Directions for Action: National Strategy on Violence Against Women</i>		
<i>Domestic Violence: No More Shame, No More Blame: Townsville's Indigenous Community Responds</i> , report from a workshop held at Club Paradise	Townsville Aboriginal and Torres Strait Islander Corporation for Women	8-10 June 1994
<i>Ending Domestic Violence? Programs for Perpetrators :Defining Domestic Violence</i>		
Family Violence Advocacy Project	Apunipima Cape York Health Council	September, 1998
<i>Future Directions</i> , Aboriginal and Torres Strait Islander workshop recommendations		
<i>Indigenous Women within the Criminal Justice System</i>	Office of the Director of Public Prosecutions Queensland	September, 1996.
<i>Indigenous women's workshop held at Cherbourg</i>		14 August - 16 August, 1995
'Indigenous People and Crime Prevention: A Discussion Paper' (DRAFT ONLY)	Crime Prevention Unit, Premier's Department	May 1999
'The Mimosa Social Club: Results from a Community Consultation' (DRAFT ONLY)	Woorabinda Aboriginal Council	1999?
<i>Only a Domestic</i> , report by the Commissioner's Inspectorate of a review of police response to domestic violence	Queensland Police Service	1995
<i>PeaceBuilders : A Long-term Prevention Program</i>		

Aboriginal and Torres Strait Islander Women's Task Force on Violence

Public meeting chaired by Ms Leneen Forde, Parliamentary Annexe		15 November 1998
Remote Area Aboriginal and Torres Strait Islander Women's Meeting , 'Major Recommended Action'		July, 1991
<i>Report of the Aboriginal Women's Pilot Workshop held at Roma on 8 and 9 November 1994</i>	Women's Policy Unit, Office of the Cabinet, Queensland	8 - 9 November 1994
<i>Report on Aboriginal and Torres Strait Islander Women's Workshop held at Napranum Community Training Centre</i>		30 August - 2 September, 1993
<i>Report on Family Violence in Aboriginal and Torres Strait Islander Communities of Cape York Peninsula Region, Conference Proceedings.</i>		
<i>Report on Gulf Visit, District Court of Queensland - April 12-14, 1999</i>	District Court of Queensland	April 1999
<i>The Women Behind the Walls</i>	Domestic Violence Research Group	1994
Warringu Aboriginal and Torres Strait Islander Corporation FNQ Indigenous Women's Conference		2 - 4 June, 1998.
<i>Where To From Here? Report on the Needs of Women Who Have Experienced Domestic Violence</i>	Department of Families, Youth and Community Care	

NATIONAL REPORTS

TITLE	ORGANISATION	DATE
'Domestic Homicide', <i>Research Report</i> no. 13	Family Court of Australia	1996
<i>National Family Violence Intervention Program</i> 1993		

OTHER STATES

TITLE	ORGANISATION	DATE
'Aboriginal Family Violence - A Report to the Northern Territory Government', <i>Occasional Paper</i> no. 12	Office of Women's Policy, Northern Territory Government	December 1996
<i>Catallini Report to the Office of the Family [Western Australia]: Domestic Violence Special Needs of Aboriginal Women Living in Aboriginal Communities</i>		June 1992

Aboriginal and Torres Strait Islander Women's Task Force on Violence

Policy making

Beyond These Walls: Report of the Queensland Domestic Violence Task Force, 1988

- 'Aboriginal and Islander interests [should] be represented on the proposed Queensland Domestic Violence Council'.

Brisbane Indigenous Women's List of Demands Concerning Violence in Our Communities, compiled from meeting 16 November 1998

- There is a need to establish an Indigenous Women's Reference Group on Violence to advise the Premier.

Alcohol abuse

Beyond These Walls: Report of the Queensland Domestic Violence Task Force, 1988

- Recommendation that the sly grog trade be brought to the attention of the 'Ministers responsible for Police, Justice and Community Services with a view to developing strategies including legal remedies to eliminate the practice of the supply of sly grog'.

Brisbane Indigenous Women's List of Demands Concerning Violence in Our Communities, compiled from meeting 16 November 1998

- Recommendation that adequate funding should be provided to Community Councils so they don't have to rely on grog money.

Health

National Family Violence Intervention Program 1993

- Recommendation for more followup for health teams.

Where to from Here? Report on the Needs of Women Who Have Experienced Domestic Violence

- Recommendation that 'Queensland Health train health and medical professionals to implement its Protocols for Identifying and Treating Victims of Domestic Violence'.

Beyond These Walls: Report of the Queensland Domestic Violence Task Force, 1988

- Recommendation that a protocol be developed for hospital personnel to assist in the identification and management of cases of domestic violence.

An Act for Everyone: Assessment of the Effectiveness of the Operation of the Domestic Violence (Family Protection) Act 1989 for Aboriginal and Torres Strait Islander Peoples

- Recommendation that 'Queensland Health ensure that the health and medical professionals throughout the state are trained to implement its *Protocols for Identifying and Treating Victims of Domestic Violence*'.

Infrastructure

National Family Violence Intervention Program 1993

- Recreation buildings for youth are needed

Where to from Here? Report on the Needs of Women Who Have Experienced Domestic Violence

- Recommendation that 'the Department of Emergency Services, Office of Sport and Recreation increase sport and recreational programs in Indigenous Communities to promote alcohol and drug free, family-oriented recreational activities.

Housing

National Family Violence Intervention Program 1993

- More housing is needed.

Warringu Aboriginal and Torres Strait Islander Corporation FNQ Indigenous Women's Conference, Cairns 1998

- Recommendation that local Aboriginal and Torres Strait Islander housing organisations develop and implement a Domestic Violence Policy to safeguard the rights of victims.

Future Directions [1995?]

- Recommendation that ATSIC, DFSAIA and the Department of Housing, Local Government and

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Planning establish more fulltime Aboriginal and Torres Strait Islander Community Rent Schemes to meet the needs of Indigenous families experiencing family violence.

Beyond These Walls: Report of the Queensland Domestic Violence Task Force, 1988

- Recommendation that 'Supported Accommodation Assistance Program services should be actively encouraged by the Department of Family Services to make provision for Aboriginal service users through a range of strategies'.

Brisbane Indigenous Women's List of Demands Concerning Violence in Our Communities, compiled from meeting of 16 November 1998

- Decent, accessible and appropriate housing is needed.
-

Intergenerational effects of abuse

Yeppoon PhD proposal specifically targeting the services in corrective institutions to address violent behaviours and healing needs.

- There is a need for appropriate programs from Aboriginal perspectives that address the layers of intergenerational trauma, loss and grief identified in the *Bringing Them Home* (1997) and *The Way Forward* (1995) reports.

Education

National Family Violence Intervention Program 1993

- Violence awareness programs at schools are needed.
- Education should be more inclusive, address truancy problems, and provide cultural assessments.

The Women Behind the Walls, 1994

- Recommendation that Corrective Services develop a domestic violence information package that is culturally sensitive to Indigenous women.
- Recommendation that a similar kit be developed for Indigenous women at Townsville Correctional Centre.

Brisbane Indigenous Women's List of Demands Concerning Violence in Our Communities, compiled from meeting of 16 November 1998

- Recommendation for the employment of Community violence workers throughout Queensland using the Life Promotion Program model.
- Recommendation for Community education programs for men, women and children.

Training

National Family Violence Intervention Program 1993

- More training is needed for police, domestic violence workers and women's groups.

Indigenous women's workshop, Cherbourg 1995

- Recommendation that the ACC and member councils recognise the urgent need for men to be included in cultural awareness training programs.

Where to from Here? Report on the Needs of Women Who Have Experienced Domestic Violence

- Recommendation that the Department of Training and Industrial Relations, through TAFE, promote the 'Stop Domestic Violence' training program for employer groups, increasing its availability to Indigenous Communities.

An Act for Everyone: Assessment of the Effectiveness of the Operation of the Domestic Violence (Family Protection) Act 1989 for Aboriginal and Torres Strait Islander Peoples

- Recommendation that the 'Department of Families, Youth and Community Care provide training and community education about the Domestic Violence (Family Protection) Act 1989 to all Aboriginal and Torres Strait Islander Communities'.
- Recommendation that such training should: involve Community Police; include culturally appropriate methods and materials; be provided by culturally knowledgeable and sensitive facilitators; and involve local Indigenous people in its implementation.
- Recommendation that the 'Stop Domestic Violence' training program for employers be promoted through the TAFE system.

Aboriginal and Torres Strait Islander Women's Task Force on Violence

Isolation

National Family Violence Intervention Program 1993

- There is a need to improve and coordinate service delivery to remote Communities.

Warringu Aboriginal and Torres Strait Islander Corporation FNQ Indigenous Women's Conference, Cairns 1998

- Recommendation that the Queensland Government make the freecall Domestic Violence number effective for Indigenous women.

The law

National Family Violence Intervention Program 1993

- Legislation should be in clearer language.

Where to from Here? Report on the Needs of Women Who Have Experienced Domestic Violence

- Recommendation that there be a review of the law and order bylaws of the Community Services (Aborigines) Act 1984 and the Community Services (Torres Strait) Act 1984 to improve effectiveness of the Community Police in responding to domestic violence.
- Recommendation that forms under the Domestic Violence (Family Protection) Act 1989 be in culturally appropriate language

Catallini Report [Western Australia], 1992

- Recommendation that Government discuss with Aboriginal Communities how to develop alternative methods of legal intervention in dealing with domestic and family violence.

An Act for Everyone: Assessment of the Effectiveness of the Operation of the Domestic Violence (Family Protection) Act 1989 for Aboriginal and Torres Strait Islander Peoples

- that the Department of Families, Youth and Community Care 'review the law and order by-laws of the *Community Services (Aborigines) Act 1989* and the *Community Services (Torres Strait) Act 1984* to improve the effectiveness of the Community Police in responding to domestic violence'.

Challenging the Legal System's Response to Domestic Violence, Brisbane, 23-26 March 1994

- 'In the absence of customary law provisions, a great deal can be done to make white law more relevant, more responsive to the needs, and less threatening to Indigenous people. One of the problems identified with white law is the ambivalence Indigenous women and Communities feel about it. There have been demands for the strengthening of laws, better enforcement and stronger penalties. This is matched at an individual level by a reluctance to pursue legal action against perpetrators and risk their imprisonment. After much discussion it seemed clear that some calls for stronger laws and harsher penalties under the current system arise from frustration and desperation. Delegates were adamant that other avenues for reform should be explored.'

Policing

Remote Area Aboriginal and Torres Strait Islander Women's Meeting 1991

- Cultural awareness training for police officers is needed.
- More female police are needed.

Review of Policing on Remote Communities 1994

- A more 'operational' role for female Queensland Police is needed in Communities.

Brisbane Indigenous Women's List of Demands Concerning Violence in Our Communities, compiled from meeting of 16 November 1998

- There should be employment of Indigenous women as Community Police.

Community education

Remote Area Aboriginal and Torres Strait Islander Women's Meeting 1991

- Aboriginal and Torres Strait Islander history and culture should be taught across all levels of education.
- There is a need for regionalisation of funding for Aboriginal and Torres Strait Islander education and accreditation of Aboriginal and Torres Strait Islander people as cultural professionals.

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Where to from Here? Report on the Needs of Women Who Have Experienced Domestic Violence

- Recommendation that Aboriginal women and groups are funded to develop information/education materials that reinforce that violence between men and women is not OK.
- Recommendation that information/education materials be targeted to young Aboriginal boys and girls.
- Recommendation that Aboriginal health and community workers be trained in domestic violence issues and available services.

Catallini Report [Western Australia], 1992

- Recommendation that Community awareness materials be developed by Aboriginal women and/or Aboriginal organisations.

'Aboriginal Family Violence: a Report to the Northern Territory Government', May 1995

- Recommendation that 'support be given to Aboriginal Community organisations and members to develop culturally appropriate education awareness programs designed to provide their members with knowledge on how to access information on non-Aboriginal processes and structures for the prevention, reduction and elimination of family violence'.

Concerns for Elders

Future Directions [1995?]

- Recommendation that DFSAIA 'acknowledge and act upon the issue of violence against Aboriginal and Torres Strait Islander Elders and aged people, through development and implementation of culturally appropriate family violence programs'.

Representation of women's issues

Remote Area Aboriginal and Torres Strait Islander Women's Meeting 1991

- Women should be guaranteed representation on all Aboriginal and Torres Strait Islander advisory bodies.
- A national Aboriginal and Torres Strait Islander women's congress should be formed.
- Affirmative action employment policies are needed in Government.
- Proper consultation is needed with Community women and women's groups.

Indigenous women's workshop, Cherbourg 1995

- Recommendation that ATSIC funding be available to enable women's groups to address violence in their Communities.
- Recommendation that ACC help women's groups with submissions for e.g. Supported Accommodation Assistance Program (SAAP).
- Recommendation that ACC obtain funding to establish a Murri women's network.

Beyond These Walls: Report of the Queensland Domestic Violence Task Force, 1988

- Recommendation '[t]hat in funding new services under the Women's Emergency Support Program, priority should be given to the needs of Aboriginal victims in Trust areas'.

Brisbane Indigenous Women's List of Demands Concerning Violence in Our Communities, compiled from meeting of 16 November 1998

- There should be adequate funding of Indigenous women's groups in all Communities.
- There should be employment of Indigenous women within the police and justice system.

Empowerment of Communities

Warringu Aboriginal and Torres Strait Islander Corporation FNQ Conference, Cairns 1998

- Recommendation that Community-based organisations develop and deliver appropriate programs.
- Recommendation that a local Indigenous person be part of the recruitment process for all Government positions involving contact/communication with Indigenous peoples.

Catallini Report [Western Australia], 1992

- Recommendation that research funds be made available to Aboriginal Communities to research specific aspects of family violence in their Communities.
- Recommendation that data collection, consultations, and workshops be organised on a local basis, with local Aboriginal organisations/ Aboriginal women funded to carry these out.

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Future Directions [1995?]

- Recommendation that [Government] policies on family violence not be implemented without 'intensive localised and regionalised consultation in Aboriginal and Torres Strait Islander Communities and with their people'.
- Recommendation that positions for an Aboriginal person, a Torres Strait Islander person and Aboriginal and Torres Strait Islander persons in regional areas be created within the Domestic Violence Prevention Unit.
- Recommendation that DFSAIA provide 'flexible funding to develop, implement and monitor concepts and strategies, which have been designed by that Community to support men, to decrease and ultimately stop family violence'.

'Aboriginal Family Violence: a Report to the Northern Territory Government', May 1995

- Recommendation 'that Communities be given support in the design, development and implementation of measures that will reduce family violence'.

An Act for Everyone: Assessment of the Effectiveness of the Operation of the Domestic Violence (Family Protection) Act 1989 for Aboriginal and Torres Strait Islander Peoples

- Recommendation that the Department of Families, Youth and Community Care 'forward to the Aboriginal Coordinating Council and the Torres Strait Islander Coordinating Council the recommendations arising from the project's consultation process and which were directed at Community Councils, for their attention'.

Customary law

Warringu Aboriginal and Torres Strait Islander Corporation FNQ Conference, Cairns 1998

- Recommendation that Grandmother's Lore be adopted, recognised and respected regarding children's safety.

Justice administration

Correctional Centres, Review of Policing on Remote Communities 1994

- Support is needed for local justice initiatives.

Indigenous Women within the Criminal Justice System 1996

- Recommendation for the creation of Indigenous liaison officer positions within the Department of Public Prosecutions (DPP).
- Recommendation for the creation of Indigenous liaison officer positions within the Violence Against Women (VAW) Unit in the Brisbane DPP.
- Recommendation that regionalised evaluation processes ensure proper following of protocols for working with victims of sexual assault.
- Recommendation that screens and a support person be mandatory in courts.
- Recommendation that the DPP develop a culturally sensitive education kit designed to inform members of Indigenous Communities of their rights and responsibilities and how to exercise their rights to justice.
- Recommendation that cultural awareness training, with specific Community input, is delivered to all legal staff, including judges and magistrates.

Where to from Here? Report on the Needs of Women Who Have Experienced Domestic Violence

- Recommendation that police and other staff receive cultural awareness training.
- Recommendation that more support be provided in the court system with Aboriginal liaison staff from refuges, Legal Services, Murri Watch etc. to accompany and assist women.
- Recommendation that magistrates be trained in cross-cultural issues pertaining to domestic violence, including the inappropriateness of 'traditional culture' being used as an excuse for domestic violence.
- Recommendation that the Department of Justice promote training of Justices of the Peace in Aboriginal and Torres Strait Islander Communities.
- Recommendation that the Department of Justice examine options for providing court services for the outer islands of the Torres Strait.

Future Directions [1995?]

- Recommendation that employment of Aboriginal and Torres Strait Islander peoples within the court

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system be encouraged in order to provide a 'conducive environment' for family violence victims and families.

Beyond These Walls: Report of the Queensland Domestic Violence Task Force, 1988

- Recommendation '[t]hat in the establishment of the proposed Domestic Violence Service provision be made for interpreter services'.

The Women Behind the Walls, 1994

- There is a need for research into links between family violence and criminal convictions of women.

An Act for Everyone: Assessment of the Effectiveness of the Operation of the Domestic Violence (Family Protection) Act 1989 for Aboriginal and Torres Strait Islander Peoples

- Recommendation that the Department of Justice 'continue to actively promote training for Justices of the Peace in Aboriginal and Torres Strait Islander Communities, to increase the availability of trained Justices of the Peace in each Community...'
- Recommendation that the Department of Justice 'examine options for providing court services for the outer islands in the Torres Strait'.
- Recommendation that magistrates be trained in cross-cultural issues pertaining to domestic violence, including the inappropriateness of 'traditional culture' being used as an excuse for domestic violence.
- Recommendation that police and other staff receive cultural awareness training.

Police

National Family Violence Intervention Program 1993

- There is a need to strengthen the powers of arrest of Community Police.

Review of Police Response to Domestic Violence, 1995

- Recommendation 'that by 1 Dec. 1995 the Asst Commissioner, Operational Support Command, in consultation with the Aboriginal Justice Advisory Council, establish a project team to review domestic violence in Aboriginal and Torres Strait Islander cultures'.

Future Directions [1995?]

- Recommendation that Police Liaison Officers accompany 'mainstream' police when they are called to Aboriginal and Torres Strait Islander family violence disputes.

Legal services for women

Aboriginal Legal Service; Aboriginal Women's Legal Service, Remote Area Aboriginal and Torres Strait Islander Women's Meeting 1991

- Recommendation that ATSIC conduct an inquiry into service delivery, especially for women in DV situations.

Warringu Aboriginal & Torres Strait Islander Corporation FNQ Conference, Cairns 1998

- Recommendation that the NQ Women's Legal Service, Indigenous Unit provide a service to Indigenous women in remote Communities.

Challenging the Legal System's Response to Domestic Violence, Brisbane, 23-26 March 1994

- There is a need for realistic nationally-funded Aboriginal Women's Legal and Advocacy Services for Communities.

Safe houses and cooling-off places

Remote Area Aboriginal and Torres Strait Islander Women's Meeting 1991

- There is a need for a national body to advise on establishing shelters.
- There is a need for more Aboriginal women's shelters and Aboriginal and Torres Strait Islander staff for existing shelters.

National Family Violence Intervention Program 1993

- There is a need for protection orders for shelter workers.

Indigenous Women within the Criminal Justice System 1996

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- Recommendation that the DPP support and guide local shelters and women's groups.

Aboriginal and Torres Strait Islander Women's Workshop, Napranum 1993

- Recommendation that existing shelters be adequately funded and new shelters be established in Communities lacking them.

Warringu Aboriginal and Torres Strait Islander Corporation FNQ Conference, Cairns 1998

- Recommendation that regular weekly visits be made to Warringu Women's Shelter by all Indigenous health workers.

Where to from Here? Report on the Needs of Women Who Have Experienced Domestic Violence

- Recommendation that more refuges be available, both on and off Communities, so that women can choose and so that visibility and harassment problems are reduced.

Catallini Report [Western Australia], 1992

- recommendation that Aboriginal Communities be funded to establish facilities and services to protect victims of family violence within Aboriginal Communities.

Brisbane Indigenous Women's List of Demands Concerning Violence in Our Communities, compiled from meeting of 16 November 1998

- There is a need for safe houses in all Indigenous Communities.

Challenging the Legal System's Response to Domestic Violence, Brisbane, 23-26 March 1994

- All Communities need to have well-funded and resourced shelters.

Counselling and rehabilitation

Remote Area Aboriginal and Torres Strait Islander Women's Meeting 1991

- Commonwealth and State Governments should adequately fund Community groups for this purpose.

Indigenous Women's Workshop, Cherbourg, 1995

- Recommendation that the Corrective Services Minister investigate making anger management counselling compulsory for habitual domestic violence offenders.
- Recommendation that the ACC encourage establishment of men's groups for those wanting to manage their anger.

Warringu Aboriginal and Torres Strait Islander Corporation FNQ Conference, Cairns 1998

- Recommendation that state and federal funding be provided to establish and maintain the Far North Queensland Indigenous Men's Group.
- Recommendation that 'perpetrators' be referred to the FNQ Indigenous Men's Group.

The Women Behind the Walls, 1994

- Recommendation that domestic violence counsellors be provided for the women in correctional centres.
- Recommendation that all staff and volunteers working with women prisoners have appropriate mandatory training, especially in domestic violence issues.

Aboriginal Family Violence: a Report to the Northern Territory Government, May 1995

- Recommendation that 'support be given to Communities to develop, implement and monitor concepts and strategies which have been designed by that Community to support men to decrease and ultimately stop family violence'.

An Act for Everyone: Assessment of the Effectiveness of the Operation of the Domestic Violence (Family Protection) Act 1989 for Aboriginal and Torres Strait Islander Peoples

- Recommendation that the Department of Families, Youth and Community Care 'ensure that counselling services are available in Communities for victims, perpetrators and children affected by domestic violence'.

Brisbane Indigenous Women's List of Demands Concerning Violence in Our Communities, compiled from meeting of 16 November 1998

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- Post-release violence programs are needed for prisoners.

Access to services

Remote Area Aboriginal and Torres Strait Islander Women's Meeting, 1991

- There is a need to establish a national Indigenous domestic violence unit to assist Aboriginal and Torres Strait Islander women's groups, then establish local DV units in all Communities.

Indigenous Women's Workshop, Cherbourg 1995

- Recommendation that service delivery to DV victims is more coordinated; that Government agencies providing services to Indigenous victims of DV permanently employ Indigenous people.
- Recommendation that the ACC investigate the disbanding of specialist units and the growing requirement for Indigenous people to access mainstream services.

The Women Behind the Walls, 1994

- Recommendation that regional Aboriginal Communities and services maintain contact with Community women in prison.

An Act for Everyone: Assessment of the Effectiveness of the Operation of the Domestic Violence (Family Protection) Act 1989 for Aboriginal and Torres Strait Islander People

- Recommendation that the Department of Families, Youth and Community Care 'assist with the establishment of domestic violence support networks in remote and rural areas, strengthened through liaison with similar organisations in the larger centres'.
- Recommendation that the Department of Families, Youth and Community Care 'support and facilitate the coordination of services responding to domestic violence, at the local level'.
-

Cultural appropriateness

Future Directions [1995?]

- Recommendation '[t]hat practice standards be developed and implemented in regards to men's programs that are culturally appropriate'.
- Recommendation '[t]hat support be given to Aboriginal Community organisations and their members, to develop culturally appropriate education awareness programs designed to provide their members with knowledge on how to access information on non-Aboriginal processes and structures for prevention, reduction and elimination of Family Violence'.
- Recommendation '[t]hat support be given to Torres Strait Islander Community organisations and their members to develop culturally appropriate education awareness programs designed to provide their members with knowledge on how to access information on non-Torres Strait Islander processes and structures for prevention, reduction and elimination of Family Violence'.
- Recommendation that the 'National Drug Strategy make funding available to the Queensland Drug Strategy to develop and implement cultural[ly] appropriate drug and alcohol programs in relation to Family Violence programs'.
- Recommendation that 'support be given to facilitate context sensitive and culturally appropriate responses from service providers in eliminating family violence'.

National Strategy on Violence Against Women

- Recommendation that the response to violence against women should include 'provision of accredited interpreters as a right and the employment of bicultural, and preferably bilingual, workers'.
- Recommendation that specific strategies be developed 'to address the emergency and resource needs of Aboriginal and Torres Strait Islander women...'

An Act for Everyone: Assessment of the Effectiveness of the Operation of the Domestic Violence (Family Protection) Act 1989 for Aboriginal and Torres Strait Islander Peoples

- Recommendation that the Department of Families, Youth and Community Care 'ensure that information associated with the Domestic Violence (Family Protection) Act 1989, such as the protection order application form, is provided in culturally appropriate language and images (including simplicity of expression, and use of ideas familiar to Community people)...'

APPENDIX 2 TABLE OF SUBMISSIONS

No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
1.	Beenleigh 4207	Alcohol misuse, financial abuse and violence.	<p>Strengthen local police forces.</p> <p>Take violence out of the Community/lock up the drunk and disorderly until they are sober.</p> <p>Cheques should go to women or they could have the choice of a voucher system for some payment in the form of food vouchers.</p> <p>Alcohol sales should be banned on days that cheques are received.</p> <p>Women should be consulted in the development of programs and selection of police within Communities.</p> <p>Strengthen customary law in dealing with offenders.</p> <p>Provide infrastructure for dry areas on outstation /homeland development.</p>	<p>Many police are perpetrators too.</p> <p>It was suggested it may be worthwhile noting Professor James Whittaker's studies in addressing alcohol and alcohol-related health issues with Indigenous people in America.</p>
2.	Maroochydhore 4558		<p>There should be recognition of the spiritual aspect of Aboriginal culture.</p> <p>There is a need for increased opportunities for people to tell true life stories.</p> <p>People in Communities should have opportunities to develop new visions, involving everyone in the Community who is willing to contribute.</p> <p>Governments should listen</p>	<p>[X] was taken away by the NSW State government in 1976. She suffers in violent relationships, has had her own children removed from her custody and has not received support, counselling or retribution for losing her childhood and family [telephone conversation].</p> <p>Recognition of the past traumas inflicted on Indigenous people and families must occur before reconciliation can begin.</p>

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
			and provide appropriate assistance.	
3.	Townsville 4810			Training programs are currently being conducted with inmates at the Townsville Correctional Centre. The Unit suggested that as a means of collecting information, Task Force members may wish to survey the teachers, or teachers may be able to survey course participants, ensuring that Indigenous people incarcerated in prisons have an opportunity to contribute.
4.	Gold Coast	<p>Acts of abuse against defenceless or weaker persons usually women, children and elderly, 'usually perpetrated by cowards who apply vicious acts on the defenceless when there are generally no witnesses'.</p> <p><i>[Violence] Often occurs when one partner is into drugs, alcohol, gambling or all three. It erodes decent families and their normal lifestyle; it is a social, economic and cultural tragedy on Aboriginal families.</i></p>	There is a need to supply adequate resources to the services already established that are dealing with family issues to employ appropriate cultural counselling support workers.	Kalwun offered the use of their office space to assist families in the Gold Coast area if Government will assist with funding a position.
5.	Mareeba 4880	Aboriginal and Torres Strait Islander peoples are incarcerated in Lotus Glen for offences	There is an intention to approach a Community in the Cape York region to gain permission to run a pilot program.	<p>Submission notes Peach report (<i>Review of Correctional Centres in Queensland</i>)</p> <p>Relapse Prevention Programs fail in Correctional Centres because there is</p>

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
		committed under the influence of alcohol and other drugs.	<p>Circumstances must change for people when they return to their Communities.</p> <ul style="list-style-type: none"> • There should be spouse counselling/ education and therapy groups for both partners. • Programs such as Ending Offending, Domestic Violence, Drug and Alcohol Awareness and Anger Management should be delivered on a rotational basis throughout northern regions. • All Communities should be supported to train local people in program presentation and counselling skills. 	no change in the person's environment when they leave in terms of adequate housing, employment opportunities, recreation and support groups and the circle of people with whom they interact. Therefore, pressure to return to old behaviour is enormous, and old patterns of behaviour are quickly re-established, as are the consequences of that behaviour.
6.	West Burleigh 4219	<p>Physical and mental abuse, related to drug and alcohol crime-related violence.</p> <p>Disempowerment of women, low self-esteem, no self-worth or confidence, physical harm, mental anguish, despair, fear and oppression.</p>	<ul style="list-style-type: none"> • There is a need for more Indigenous workers. • Increased education programs are needed for workers on cultural issues. • Psychiatric counselling should be more available for women and children. • There should be monitoring of 'at risk families'. • Groups for men are needed. 	
7.	Mount Isa 4825	Alcohol and violence leading to premature death.		The Catholic High School has been invited by the Yallambee Community in Mt Isa to open an annexe to the school within the Community, aiming to help break

Aboriginal and Torres Strait Islander Women's Task Force on Violence

No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
				<p>the cycle of unemployment and alcohol.</p> <p>To date, 29 students have attended with an average attendance of 12-15, and ages ranging from 12 to 23; four Aboriginal people have been employed.</p>
8.	Wallumbilla 4428	People controlled through physical, sexual, and psychological abuse and forced social isolation.	<p>Murriss should be employed to go out and educate people in their Communities.</p> <p>Due to the high incidence of violence in the far South West, there is an urgent need for:</p> <ul style="list-style-type: none"> • a child counsellor; • multiskilled workers at St George and Charleville; • vehicles, due to large distances and lack of alternative transport; • technological infrastructure such as videoconferencing and email; • Community development to ensure increased participation and ownership of the services by the FSW Community. <p>The process involves the establishment of a management committee representative of the four Communities to develop and implement the proposal (connected via teleconference).</p>	<p>Currently, the Corporation is the only service offering support and a safe place to sleep in the Community, located 40km from Roma. The Domestic Violence service is only accessible Mon-Fri. There is one Murri employed at the Roma service.</p> <p>Feedback from the survey was requested to assist with a Community plan for Bendemone Shire.</p>

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
9.	Dalby 4405		<p>Look to the past to 'do-gooders' and Government that established 'missions' to see where problems have arisen.</p> <p>For Government workers to understand Aboriginal peoples issues and needs, they should live on a Community with Aboriginal people.</p>	<p>Dependency on Government handouts drives people to drugs and alcohol.</p> <p>Contempt for handouts leads to vandalism and violence.</p>
10.	(QALSS) Brisbane 4003		Government Departments should draft funding guidelines in 'user-friendly' language.	<p>There are strong concerns regarding the draft Aboriginal and Torres Strait Islander Family Violence Initiatives Program Funding Guidelines.</p> <p>Commentary:</p> <ul style="list-style-type: none"> • The Draft Guidelines are full of bureaucratic language and terminology, they need to be more appropriately written to the Aboriginal and Torres Strait Islander women to whom they are, presumably, directed (for example, what are 'project management principles' supposed to mean for women in disadvantaged Communities?). • Auspicing or sponsoring aimed at assisting women to prevent and reduce family violence could be considered, if they agree with already incorporated bodies, such as Cairns Domestic Violence Services, the North Queensland Women's Legal Service, Druamalon (Women's) Association, and Napranum (Weipa South), which have familiarity and experience in the area of family violence. • The local Community, including police, should be involved in planning the initiative, but this is not always viable when the local Community includes the family violence perpetrators.

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
11.	Mackay 4740	<p>Physical abuse of women and children: sexually-based; alcohol- and drug-based; dominance-based.</p> <p>Verbal, mental and financial abuse of women and children.</p> <p>Abusive/derogatory language; mental degradation and the continual threat of violence; control of family assets and income.</p> <p>Elder abuse; control of Elders' assets and income for a bad purpose.</p>	<p>Identify weak links in the chain between service and consumer through the perspective of Indigenous women.</p> <p>Develop a marketing strategy to improve the accessibility and approachability of existing services through the perspective of Indigenous women.</p> <p>Audit all aspects of service provision to test for cultural appropriateness.</p> <p>Intersectoral collaboration should occur to ensure that there are appropriate counsellors and special staff employed to carry out linking and bridging roles between the service providers and the Indigenous consumers.</p>	
12.	Consultant's feedback from various Communities	Violence; neglect; alcohol and substance abuse	<p>There is a need for alcohol-free halfway houses;</p> <p>There is a need for adult drop-in centres that provide an alcohol-free place to relax and enjoy recreation.</p> <p>There is a need for youth drop-in centres.</p> <p>There should be outstation Community sentencing and rehabilitation programs.</p> <p>Aboriginal Community Councils should adopt law and order bylaws.</p> <p>A voluntary or CDEP night patrol and sobering</p>	

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
			<p>up place should be established, with the aim of defusing potentially violent situations and assisting intoxicated people to get home or to access a safe shelter.</p> <p>Community development issues include recognition of sport, recreation, culture, arts and education opportunities for youth and families.</p>	
13.	Doomadgee 4830	Concerns were raised regarding hospital staff, police, the justice system and corruption at Doomadgee.		The Doomadgee Elders Justice Group stress the need for their concerns to be heard and to receive feedback prior to any program development in their Community.
14.	Cairns 4870	Alcohol, lack of safe places for women and children.	<p>Intervention is required to create respite to give Aboriginal people who don't want to be a part of the alcohol and violence the chance to avoid it.</p> <p>Recommendations include:</p> <ul style="list-style-type: none"> • Build new canteens on a site 7-10km out of the main Community. On this site include open sheds, water, showers and toilets, and provide meals along with alcohol. • Declare the main Community alcohol-free; any adults who arrive back affected by alcohol are automatically placed in protective custody and taken back to the canteen by Community Police vehicle. • Enforce a no-vehicle rule (apart from 	<p>Many Community Councils are dependent on the income from canteens. A strategy was proposed that focuses on the need for respite in Communities from alcohol and at the same time continues to allow income from canteens to support Council works.</p> <p>By providing respite in the Community from the effects of alcohol, people who wish to lead an alcohol-free life have an opportunity to do so. People who wish to drink can still do so and the Council still has income from alcohol.</p> <p>The submission proposes that these measures will create a space whereby other programs that focus on education and traditional culture have an opportunity to make some difference. It also shifts the power in the Community to those who do not drink from those who do.</p>

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
			<p>ambulance, police, vehicles carrying food, beer, bar staff), and place water tanks and sheds along the route to the canteen.</p> <ul style="list-style-type: none"> • Establish a night shelter for children near the police station. • Develop anti-violence and anti-alcohol education programs. • Provide significant support to women's groups within the Community. • Encourage traditional cultural activities. 	
15.	Townsville 4810	<p>Violence is an unwanted act on an individual that involves the use of physical actions or verbal force. Violence can be directed at an individual, family or a Community.</p> <p>Violence can harm people physically, emotionally or spiritually.</p> <p>The main types of violence experienced by people in the Townsville area are: domestic violence, physical violence, mental abuse, threats, intimidation, and substance abuse.</p> <p>Violence occurs</p>	<p>Ways were suggested to ensure that mainstream services in Townsville are more accessible and culturally appropriate for Aboriginal and Torres Strait Islander peoples.</p> <p>Joint projects between Indigenous and non-Indigenous services were suggested, to provide a holistic approach to addressing violence and abuse.</p> <p>There is a need for education and awareness that violence is a Community issue and not an individual's problem - violence should be addressed by the whole Community;</p> <p>Services should be provided to young people involved in and affected by violence and abuse in the form of support, counselling, education and</p>	<p>There is a lack of adequate funding to offer services to people affected by violence and abuse or for a Community prevention recourse.</p> <p>There is a need for existing services to pool resources and combine knowledge and skills.</p>

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
		between men and women, women and women, adults and children.	<p>activities to target young people at risk of violent behaviour or those with a history of violence or abuse.</p> <p>Encourage men to get involved in educating other men that violence is unacceptable. Explore the idea of the removal of the perpetrator of violence from the home and perhaps providing a service for that person which offers them education, counselling and support groups.</p>	
16.	Brisbane 4000	<p>Violence and abuse cannot be defined only as 'physical abuse'. A woman being choked or kicked repeatedly is just an extension of the process within the 'cycle of family/domestic violence'. The perpetrators are usually men who act in this manner as a form of control or authority due to a variety of factors: unemployment, poverty, cultural disorientation, the decline of traditional law and/ or because he has experienced or seen it himself as a child.</p> <p>Women and children especially, trapped in 'family</p>	<p>More support is needed in the areas of emergency accommodation, housing, health and counselling programs, structured to recognise, refer and/or treat the effects of domestic violence (self-esteem and information);</p> <p>There is a need for increased Family Court support and diversionary programs from the Queensland correctional system.</p> <p>There should be more safe places for women.</p> <p>Men need counselling.</p> <p>Support is needed for men's councils.</p> <p>An option for women in relationships may be a choice to receive some joint payments in the form of a food voucher. (Supermarkets could be encouraged to be competitive by offering more food for people who nominate to use the</p>	<p>Because the 'Brisbane Aboriginal Community' is a reasonably small Community, many Indigenous organisations within Brisbane lack confidentiality and some women may not access these services. It was estimated that 5 out of 12 women accessing an Aboriginal organisation come into contact with a worker related to the ex-spouse. 'Often these women are not given appropriate service by workers, next thing their spouse knows where they are!'</p>

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
		violence', continue to live in these circumstances of abuse, due to the continuous emotional and psychological control.	vouchers in their store.)	
17.	West End 4101	<p>Violence is an unwanted act of aggression or physical attack upon a person (male, female or youth). Abuse is usually an act of unwanted; mental, physical, verbal, sexual, emotional, or spiritual, violation of another's rights that is detrimental to the health and well-being of the abused.</p> <p>Gallang Place has found that often the cycle of abuse continues after counselling, with the victim entering subsequent relationships that are unhealthy or abusive. Many are using alcohol or drugs and are unable to cope with life's challenges,</p>	<p>There is a need to look at contributing factors that have led people to react in violent and abusive ways.</p> <p>Governments need to negotiate with Indigenous peoples and their organisations so that appropriate and effective programs can be developed to put a stop to the cycles of abuse and violence that are worsened by anger, alcohol, financial pressures, stress, mental health, low self-esteem etc.</p>	
18.	Kowanyama 4871	Physical, mental, financial and sexual abuse	<p>The women's shelter should be staffed 24 hours a day.</p> <p>Counselling for alcohol abuse, anger management and domestic violence should be made available</p>	<p>There are no funds for a youth shelter, halfway house, rehabilitation centre or educational initiatives to deal with substance abuse.</p> <p>Also impacting on the situation is the need for a dentist, mental health worker, women and child health</p>

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
			in the Community. People should not be sent to Cairns. There should at least be regular visits by a counsellor to the Community.	programs and care for people who are aged and people with a disability.
19.	Nerang 4211	Physical, sexual, mental, financial abuse.	<p>Cut down on Government red tape to assist people to access services.</p> <p>There is a need for more Aboriginal and Torres Strait Islander role models.</p> <p>Better education is needed.</p> <p>The whole family needs help.</p> <p>Men need help with anger management.</p>	<p>Comments from Koori class (the women are doing the course while the men are in prison):</p> <p>--<i>The police stop any black kid that walks around, I always tell my son to run, they ask me why, I said because it don't give a chance to blame him from something.</i> [There were a lot of comments in this vein.]</p> <p>--<i>My husband stabbed me; they rushed me to Bathhurst hospital, then to Orange Hospital, I died 3 times but I don't remember, he gets sentenced next week, I will be waiting for him when he gets out, I love him, its the grog that does it, it was my fault too, I was drunk.</i>[This was the second time he had seriously injured her; he had only been out of jail for a couple of months , he was in for stabbing her 5 times.]</p>
20.	Kowanyama 4871	Physical abuse between partners; emotional and sexual assaults; abuse against Elders; child abuse and neglect; high proportion of substance abuse by adults (alcohol)	<p>Programs for young people in the schools are needed at the beginning of relationships: 'Beginning Positive Relationships'</p> <p>Assistance is needed to develop and design programs for men that are specific for the Kowanyama Community.</p> <p>Greater coordination is needed between all services in the Community to deal effectively with family violence:</p> <ul style="list-style-type: none"> • Justice Group • Women's Group/ Men's Group(when formed) • Community Council • Health Centre • Visiting Magistrates 	<p>There are no programs for men. 'We need to start helping out men to deal with their violent behaviour'.</p> <p>A safe house has been established for women and children escaping violence by the Kowanyama Women's Group; this service will only receive funding for 2 staff members for 12 months from the DFYCC. The rest of the funding is provided by the Kowanyama Community Council.</p> <p>There should be greater involvement of the Justice Group – they need assistance to establish protocols between the police, the Council and the Women's Group in dealing with perpetrators of family violence, using customary law!</p>

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
			There is a need to develop protocols and systems in responding to family violence, for victims, perpetrators and extended family.	
21.	Brisbane 4000	Alcohol and substance abuse, within Queensland corrective institutions	This submission suggests fifty recommendations that relate to the over-representation of Aboriginal people in prison.	
22.	NSW	Psychology perspective on violence, in fact any crime, is seen as the result of a structural imbalance. Life engineering uses the principles of experiential learning to maintain and develop personal management structures.		
23.	Cairns 4870	<p>This submission highlights that alcohol and substance abuse is proven to be a contributing factor to violence, suicide, murder, rape etc</p> <p>Underlying issues are identified that exacerbate the drinking of alcohol, which has been an external means of control of Indigenous people, resulting in dispossession, poor housing, poor health,</p>	<p>The submission highlights that, given that systems of kinship are one of the strongest remaining factors of Aboriginal society, it could perhaps be that any efforts to reduce alcoholism are going to have to be able to offer such groups of Aboriginal people a greater incentive or more advantages to stop drinking than the advantages continued drinking would supply.</p> <ul style="list-style-type: none"> • There should be an emphasis on group or kinship activities within the Community. • Attempts should be 	<p>The historical legal, social and cultural influences in the development of alcoholism and violence in Aboriginal Communities were highlighted.</p> <p>Going back to before control was exerted over Aboriginal people, there were set tribal laws. If a woman was bruised during a domestic argument the offender was taken before the Elders and the Elders decided what disciplinary action was to be meted out to the offender. The laws were harsh, in some cases they were maimed or even death was the penalty. The Elders held full control of their tribes and in some cases offenders would be taken before the Elder of another tribe for disputes to be settled.</p> <p>Banishment from the family group</p>

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
		education etc.	<p>made to inculcate different values with regard to alcohol, so it is not seen as a symbol of equality, or an anxiety-reducing factor, or a means by which men can reassert lost roles.</p> <ul style="list-style-type: none"> • Ways should be looked at whereby men and women can regain satisfactory roles in the Community. • Ways should be explored so that black men and women can regain a sense of pride in their race, culture and way of life. <p>You should engage the people you are dealing with in the process of helping themselves; this develops a commitment to try and do something about their predicament.</p>	was often meted out to continual or serious offenders.
24.	Woolloongabba 4120	Violence is used by individuals and groups to establish and maintain power and control over others. Violent tactics used to intimidate others include: physical, sexual, emotional, isolation, financial and psychological mind games.	<p>Mainstream services need to prioritise regular training in cross-cultural issues and racism.</p> <p>More Indigenous workers should be employed.</p> <p>There is a need for increased networking and personal contact with Indigenous workers.</p> <p>The Government needs to listen to Indigenous Communities and provide funding support.</p> <p>Funding criteria need to be proactive and focus on addressing the barriers to accessibility, addressing Community development</p>	<p>Murrigunyah, a specialist sexual assault service, was recently established to provide statewide training, information and support specific for Indigenous women.</p> <p>Sexual violence is overwhelmingly perpetrated by men against women and children; 97% of sexual offences are committed by men, and 93% of adults who are subjected to sexual violence are women. There are only a few services in rural and remote areas (mostly one worker).</p>

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
			<p>and education strategies.</p> <p>There should be more Indigenous workers employed in mainstream outreach services (more than one at a time for support).</p> <p>Programs are needed that challenge men to question their assumption that they have the right to own and control women and children.</p> <p>Consequences for men's abuse towards women and children should be immediate and appropriate removal.</p>	
25.	St Lucia 4067	Family violence is given a broad interpretation include extended family and wider Community violence in many cases, encompassing spouse violence, child violence, rape suicide, etc.	<p>The report is still in draft form, however the contents page outlines:</p> <ul style="list-style-type: none"> • a literature review on Aboriginal violence detailing causes of violence, customary violence and the problem of the abnormal enculturation of violence, alcohol and violence and powerless and helplessness among Indigenous men; • forms of violence including: spouse assault, homicide, rape and sexual abuse, child violence, suicide, self-injury, one-on-one adult fighting (same gender), inter-group violence, cyclic violence and dysfunctional community syndrome; 	<p>Information in relation to a report on Indigenous violence issues titled <i>Violence in Indigenous Communities</i> produced during late 1998 and 1999 for the National Crime Prevention Unit of the National Attorney-General's Department.</p> <p>The draft report contains Indigenous violence literature, and a survey of Indigenous violence programs being run in Australia.</p>

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
			<ul style="list-style-type: none"> • violence programs in Indigenous Communities; and • strategies for combating violence such as Community-driven programs, composite programs using an holistic approach, summary of guidelines for local violence strategies, Indigenous violence priorities and recommendations. 	
26.	Cairns 4870	<p>Physical, emotional, spiritual, sexual and physiological violence. The violence affects a person’s attitudes and behaviour e.g. self-esteem and motivation. ‘This is like a disease destroying us. Women are being raped and killed. Children’s lives are left scarred. Men sent to prison. It’s a cycle of abuse and self abuse.’</p>	<p>Culturally appropriate service provision needs to take into account different clan and family groups on the country.</p> <p>No project has ever been adequately funded. There is an urgent need for Councils to deal with issues of violence and abuse as one of the core functions of the Councils. Perhaps a task force needs to be established to prepare a submission that will cover all Community Councils.</p> <p>The submission notes a need for:</p> <p>men to be removed, not the women;</p> <p>customary law;</p> <p>regular Community awareness - schools, on relationship violence;</p> <p>more men’s groups to be established in Communities;</p> <p>facilities that are large</p>	<p>The ACC have distributed copies of the consultation kits throughout the DOGIT Communities.</p> <p>The submission highlights that services are established such as the Family Violence Intervention Program through ATSIC sponsored by Yuddika Aboriginal and Torres Strait Islander Corporation, Elders justice network system, men’s groups, women’s groups, life promotion officers, mediation and counselling services. However, they are not always accessed due to lack of resources, lack of existence in some Communities and <i>shame</i> problems.</p>

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
			<p>enough to accommodate other members of the family e.g. children;</p> <p>a return to stronger cultural identity and practices;</p> <p>increased sport and recreation infrastructures; and</p> <p>increased service coordination.</p>	
27.	Parap NT		<p>Government Departments are often hamstrung by red tape.</p> <p>There is a need to use shaming techniques (violence should be dragged out into the 'stark sunlight' if perpetrators do not desist).</p> <p>In Cultural Awareness Camps; Top End youth undergoing initiation learnt that they should respect women and strangers. It was the mark of a man. This could be highlighted;</p> <p>Removing offenders from the home/Community is most important, but the whole family or Community would need to be able to put clan and family links behind them.</p> <p>Regarding alcohol, women would be helped if at least part of the social security payments was made in the form of food voucher. Also locals can make a business out of providing food for others (e.g. fruit ice blocks for children).</p>	<p>Were given of violence in the NT and commentary explaining causes such as:</p> <ul style="list-style-type: none"> • European style housing means that violence can occur out of sight. Private housing delegitimises the right of others to intervene. • There is loss of status among men as white standards become more acceptable (status depends on youth, having a job and property). Consequently they may become more punitive to their women and also to others. • Poor examples are set by leaders and courts. • There is silence from white advisers, judges, lawyers and politicians who accept domestic violence as traditional, thereby legitimising such behaviour; • Women who speak out against violence are stigmatised and labelled as troublemakers. • Police and others refuse to intervene.

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
28.	Capalaba 4157	Defined in Section 11(1), part 2, Understanding Domestic Violence (Family Protection) of the <i>Domestic Violence (Family Protection) Act 1989</i> .	<p>There is a need for Aboriginal and Torres Strait Islander liaison workers to work with mainstream services to ensure services are culturally appropriate.</p> <p>According to the 1993/1994 funding figures, it appears that funding for some Communities is far less in comparison to other refuges in other Communities. Services need to be reassessed as the need for these services could have increased rapidly in the last number of years.</p>	
29.	Woorabinda 4702	Emotional, physical, verbal, sexual and social abuse	There is a need for more staff and training for staff in counselling, and for a counselling service for men.	
30.	Woorabinda 4701	Vicious cycle of alcohol- and drug- related violence (also stress related to finances, unemployment, children and relationship issues)	<p>Staff working with victims of violence need debriefing support, due to the traumatic nature of the clients' injuries, and their emotional and psychological anxiety.</p> <ul style="list-style-type: none"> • more services are needed that focus on healing and spiritual counselling; • increased training is needed for Murri workers to provide an effective service; • perpetrators should be dealt with and removed swiftly to enable women and children to feel safe. 	

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31.	Woorabinda 4702	All kinds of violence. Men, women and children of all age groups get very violent. Sexual abuse, child abuse, physical, verbal, emotional, violent abuse happens mainly paynights - people full of grog, smoking marijuana.	The shelter is staffed by local Aboriginal women who request training and increased funding for the shelter to enable the employment of a child support worker and counsellor. Education is needed about the reality of violence in all its forms for men and children.	Community people often don't know/aren't informed about available funding.
32.	Woorabinda 4702	Physical, physiological, destruction of personal property, fear	Murri organisations are often not confidential. The perpetrator often finds out where the woman is staying or where she has been offered housing. It would be good for mainstream organisations to recruit Murri workers and Murri board members to make them more culturally appropriate. There is a need for increased assistance with housing in urban and remote areas.	It is often hard for women in urban areas to receive assistance with housing in areas of their choice, away from the perpetrator. Housing is normally offered in Ipswich, Goodna, Woodridge or Riverview, where there is a high concentration of Housing Commission accommodation, and disadvantaged people. The ex-spouse finds it easy to locate her. This particular young woman wanted to be located closer to the city near a train line, accessible to employment, schools and transport to visit her mother and family. She approached 23 services in the Brisbane area in 4 days - all were unable to assist. This young woman has recently had to flee with her children to family in Townsville to escape the continued violence, even though the police have issued a Protection Order.
33.	Woorabinda 4702	Aboriginal men's family violence issues, including a consideration of the underlying issues.	There is a need for on-going culturally appropriate support programs for men/women; these should occur after release from Correctional Centres. Recommendation: The Queensland Police should carry polaroid cameras to record injuries when attending domestic	Real is needed (not CDEP). (Recommendation 52) <i>The First Report of the Aboriginal and Torres Strait Islander Overview Committee: An Agenda for Action.</i>

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
			violence complaints. This would give women increased confidence in court.	
34.	Emerald Central Queensland 4720		<p>Appropriate school programs are needed with Community support.</p> <p>Indigenous family violence workers are needed throughout the State.</p> <p>Funding is needed for Programs like We Ali (from Central Queensland University)</p> <p>Men's sheds are suggested.</p>	Indigenous safe houses are being increasingly used but they are under resourced. There is only one Indigenous safe house in Central Queensland, and even mainstream refuges (which are not appropriately structured for Indigenous women) only exist on the coast of Central Queensland.
35.	Brisbane	Issues raised in relation to sexual abuse and the Domestic Violence legislation, and an Indigenous Training Package	The QDVC have requested that the Minister for Families, Youth and Community Care convey to the Minister for Health the QDVC's support for the establishment of sexual assault services for Indigenous and non-Indigenous Communities.	<p>The Qld Domestic Violence Council (QDVC) is aware that there is currently no funded specific sexual assault service in Mt Isa, following the closure of a service in 1995. Qld Health is currently considering the establishment of a service.</p> <p>Domestic Violence legislation: Indigenous Training Package</p> <p>The above package was implemented by the DFYCC as part of a strategy following the 1993 amendments to the <i>Domestic Violence (Family Protection) Act</i> 1989. The strategy included six 'train the trainer' workshops (two days each) that were implemented around the state for Indigenous community workers in the second half of 1994. However, due to proposals for further amendments to the Act, the finalisation of the content of the training package and its distribution were delayed as the funds to produce a manual which could likely be out of date could not be justified.</p> <p>Screening of Aboriginal foster parents</p>

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				It is suggested that Task Force members and community members contact the A/Manager Child and Family Services Branch, DFYCC if they believe child placements have been made with unsuitable foster carers.
36.	Brisbane		There is a need for counselling in 'cultural transitions'.	Any feasible solutions MUST include consultation with stakeholders.
37.	Mt Isa (comments relate to Mornington Island)		A proposal was made for two Community workers to live on Mornington Island for an initial 12-month period. There should be a series of education programs for all sections of the Community.	Unless basic living needs are met, other issues are irrelevant. There is a high incidence of health, family, and alcohol problems on Mornington Island.
38.	IAC Secretariat	To brief WTF on issues relating to the Liquor Licensing laws.	<p>Recommendations:</p> <ul style="list-style-type: none"> • that workshops be run between Aboriginal and Torres Strait Islander Community Councils and Queensland Police to bring the practices of Community canteens in line with State liquor laws; <p>(The aim of the workshops should be to develop an understanding of the role of the Queensland Police with liquor laws and to assist Community Councils to facilitate change in Community canteens in collaboration with State Police.)</p> <ul style="list-style-type: none"> • all Community bylaws should be revisited through the workshops to ascertain whether the bylaws conform to the <i>Liquor Act</i> 1992 and to collaborate with Queensland Police on enforcement practices 	<p>The <i>Liquor Act</i> 1992 confers powers on Queensland Police to close premises, change trading conditions, or change the types and quantities of liquor sold. It confers the powers to make useful changes to the way alcohol is sold in Aboriginal and Torres Strait Islander Communities.</p> <p>Issues include:</p> <ul style="list-style-type: none"> • the breaking of the liquor laws by allowing grog into Communities before and after hours; • the need to upgrade canteens to proper drinking outlets; • the need to give the Liquor Licensing Division powers to negotiate the conditions of any lease; • the need for appropriate education for Community Councils about the <i>Liquor Act</i>; • the need for an educational program about liquor laws and effects; • proper licensing hours for Community drinking facilities; and

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
			<p>and principles;</p> <ul style="list-style-type: none"> • these workshops should identify Community bylaws that are reflective of Aboriginal and Torres Strait Islander traditional laws. <p>People are able to drink 24 hours a day due to sly grog. It is recommended that part of the revenue made by Community canteens should be funnelled back into social programs that will address this problem.</p>	<ul style="list-style-type: none"> • appropriate punishment for sly grog offences.
39.	Milton 4964	The immediate cause of the violence is abuse of alcohol.	<p>There is an urgent need for short-term protection for women and children until longer-term non-paternalistic solutions are developed. Proposed interim protection measures include:</p> <ul style="list-style-type: none"> • providing safe houses in all Communities where such a problem exists; • imposing and enforcing temporary restrictions on the availability of alcohol; and • providing necessities such as food and clothing in kind, not money that may be misapplied. <p>Some women in some Communities have gained some protection by establishing safe houses</p>	
40	Samford	<p><i>Victims of Crime</i></p> <p>Over the past three years about</p>	<p><i>I recognise that there may be some criticism from civil libertarian groups, should a decision be made</i></p>	<p><i>Assistance for people to deal with psychological trauma; many victims have told me that they are bitter about the fact that they bleeding on</i></p>

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		<p>200 psychiatric reports have been generated in relation to Aboriginal clients from remote regions.</p> <p>It is apparent from files that about 80 per cent of clients are women and children. It appears that among eighty per cent of people previously referred to, about fifty per cent are victims from a domestic violence situation. The violence to which they are subjected is broad ranging and has amounted to offences including sexual assault in all its various forms, grievously bodily harm, wounding and assault occasioning bodily harm.</p>	<p><i>ultimately, that severely impacts on an individual's right to drink. However, random major violence caused by excessive alcohol consumption is a massive invasion on the civil liberties of victims.</i></p> <p><i>It might assist male offenders who subject their women and children to domestic violence to be reminded that if they mistreat their families they can leave.</i></p> <p>Possible strategies suggested include the need for:</p> <ul style="list-style-type: none"> • strong, intelligent and motivated Aboriginal men to come to the fore and lead; • development of an alternative payment structure; • enforcement of liquor licensing laws in a way that is supported by Communities. 	<p><i>the roadside, spend weeks in hospitals recovering from physical injuries, thereafter live the rest of their lives with grossly debilitating injuries (both physical and psychological) and most if not all of the assistance goes to the offender. Lawyers represent offenders because of financial assistance for legal services.</i></p>
41	Normanton 4890	<p>Violence and abuse as a physical and mental violation of a person's trust and religious cultural beliefs.</p> <p><i>The most common and noticeable kind of violence in Normanton is physical abuse between couples, especially where alcohol is involved.</i></p>	<p>Strategies used to address violence and abuse focus more on providing methods of prevention rather than solutions after the deed.</p> <p>There is a need to conduct cultural activities and initiate Community programs that will maintain local Aboriginal protocols and instil a sense of pride among Aboriginal people.</p> <p>The Normanton Local Justice Group objectives</p>	<p><i>At present there are no services developed by the government to address this kind of violence and abuse here in Normanton.</i></p> <p>As Normanton is considered a 'township, not an Aboriginal 'Community', we are not considered to need as much Government attention as the surrounding Communities of Doomadgee and Mornington Island. (Normanton is a township that is made up of approximately 80% Indigenous and 10% non-Indigenous people. The idea that majority rules does not apply here.) Many times the Government funding goes directly to</p>

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
		<p><i>There have been a few cases of neglect towards children, where parents have been either drinking or gambling and the children aren't fed and have to sleep in vehicles while waiting for the parents to finish. Physical and sexual abuse to children could very well be happening in the Community due to the situations that children are put into by parents.</i></p> <p><i>I see this violence and abuse as very harmful to the families, in that the trust, love and respect for parents is eroded over the years, which in turn can lead to youth who are in and out of trouble. Most times, the children end up moving in with the grandparents and living happily with them, but if the grandmother or grandfather get sick and pass away, then the child feels totally alone and often turns to crime (through peer group pressure) or joins his/her parents drinking</i></p>	<p>include the aims:</p> <ul style="list-style-type: none"> • to implement culturally appropriate programs that address the recommendations made by the Royal Commission into Aboriginal Deaths in Custody and the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families; and • to develop a Community action plan that targets: <ul style="list-style-type: none"> - child abuse and child protection; - alcohol and drug abuse; - youth issues; - family violence; - Community conflict/family disputes; - implementation and recognition of traditional lore; - access to country and race relations. <p>Yargin Aboriginal Corporation is in the process of reapplying for adequate funding for a proper Women's Shelter for Normanton.</p>	<p>the Local Government where it is decided on how it is allocated without consultation with Aboriginal organisations.</p> <p>The Normanton Local Justice Group is releasing a Helpline leaflet that includes all 1 800 crisis phone numbers such as Kids Chatline, Lifeline, Suicide Counselling, Domestic Violence Counselling etc. This leaflet will also include the names of local contacts, phone numbers and tell the Community the roles of the people involved. The Justice Group plans to set up Community conferences where the Community is invited to listen to people from various Departments and organisations such as the Department of Families Youth and Community Care, the Department of Aboriginal and Torres Strait Islander Policy and Development, Lifeline and the West Queensland Aboriginal Legal Aid Service.</p> <p>Although the Government departments have funded organisations such as Yargin Aboriginal Corporation for women and the Karboyick Larkinjar Aboriginal Corporation for Health, they do not have a lot to do with them.</p> <p>The Normanton Local Justice Group is presently being funded adequately, although funding will be required to implement youth activities within programs in the future.</p> <p>Yargin Aboriginal Corporation is only being funded for the salary of a coordinator, a supervisor and materials for the Culture Club. There is no funding being received for the Safe House program or for the Women's Shelter and it is reliant on local people's donations and goodwill.</p>

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
		<i>ad gambling, ensuring that this destructive cycle goes on.</i>		
42 **	Brisbane	<i>The Effects of Dysfunctional Behaviour (Alcoholism and Dependency, Physical, Emotional, Sexual Violence and Acculturation) on Aboriginal Women and their Families.</i>	<p>The submission focuses on the following areas:</p> <ul style="list-style-type: none"> • family and system dysfunction and its effects on children • the effects of abuse (physical, emotional, sexual) on Aboriginal children--immediate, long-term and generational; • system factors -- institutional, policy, legislation, Community issues that inhibit or allow abuse of Aboriginal children; • suggestions for systemic education and change in processes. <p>The submission outlines a number of systemic changes to employment, training, and design of programs. Some of these include:</p> <ul style="list-style-type: none"> • re-involve Indigenous processes of education of children to affirm their importance and pass on the values of Indigenous culture; • Community network strengthening in all Communities and in particular with those isolated in prisons, detention centres and other institutions; • family and peer counselling in urban communities and in 	The writer is a director and partner of a company involved in therapeutic work, training in the counselling and therapeutic field and in consulting work with Aboriginal Communities and other agencies. Their work covers training in non-shaming therapy work, private therapeutic practice, mediation, dispute resolution, cultural diversity facilitation, seminars in Aboriginal women's business, teaching and designing programs using traditional law.

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
			centres to treat the underlying grief, shaming and abuse;	
43		<p>Studies of domestic homicide have shown that nearly half the women killed by their former partners had separated or were in the process of so doing at the time they were killed.</p> <p>The dangerous nature of this period should be recognised as 'separation assault'. Tragically, the women who remain in dangerous relationships are also frequently in grave danger. Unfortunately, so are their children.</p> <p>There is an undeniable nexus between child abuse, domestic violence and aberrant behaviour on the part of children. Children who grow up in violent households, who witness domestic violence or who are themselves abused in some form or another, often become abusers themselves as adults. Cycles and patterns must</p>	<p><i>Financial costs</i></p> <p>Together with many other negative aspects, family violence costs taxpayers dearly. Absenteeism from work, use of medical and legal services, the provision of social security and other public payments are some but not all of the costs a society is required to absorb where families become dysfunctional in this way.</p> <p>These costs are considerable. Several years ago, a new Zealand study undertook to calculate costs within that country. It concluded that an annual figure of a least \$1.2 billion was accurate. This figure included usage of agencies and government service on an estimate that between 10% and 25% of the population experience family violence. It must be remembered that Australia's population is more than 5 times greater than that of New Zealand.</p> <p>(In a long-term cost-benefit perspective this is a good argument toward proactive preventative responses to family violence.)</p> <p>There is a need for provision of better and more coordinated services and increased sensitivity to the management of cases in which family violence is a feature.</p>	<p>Family Court judges constantly come into contact with women who have experienced levels of violence and <i>serious dislocation in their domestic lives</i>.</p> <p>Women are so fearful of the consequences of reporting an assault, have no alternative accommodation or must stay to protect their children, that choice is simply not an issue.</p> <p>More women now have the courage to speak out about their experiences and many caring women (and men) staff refuges, provide services and information, and collectively help to alleviate the pain, provide protection and empower the vulnerable.</p>

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No.	Region	Type of abuse identified	Suggested solutions/strategies	Comments
		<p>be stopped.</p> <p>Women bear the overwhelming brunt of adult violence in the home. Emotional damage constant denigration and verbal abuse reduce self-esteem, whereby women find themselves unable to function. <i>The suggestion that women nag or provoke men into behaviour of this nature is simply unacceptable.</i></p>		

APPENDIX 3 CONSULTATIONS

<i>NAME</i>	<i>REGION</i>
Lillian Mi Mi	Eidsvold Maryborough Hervey Bay Bundaberg
Edwina Tolkan	Aurukun and surrounding areas
Gwen Seru	Cherbourg and Woorabinda
Caroline Munns	Charters Towers/ Richmond/ Hughendon Mossman/Tablelands Rockhampton/ Gladstone/ Mt Morgan Mackay/Sarina/ Proserpine Ayr Bowen/Home Hill Townsville/Ingham Cardwell/Kennedy Tully/Upper Murray
Heather Toby	Longreach Winton Blackall Barcaldine Springsure Emerald Blackwater/ Duaringa/Dingo Rockhampton
Boni Robertson Sylvia Reuben	Palm Island
Rose Turnbull	Roma Quilpie Charleville Cunnamulla Dirranbandi St George Toowoomba
Angie Ahkee	Townsville and surrounding areas
Evelyn Josiah	Kowanyama and surrounding areas
Grace Bond	Cherbourg
Boni Robertson (Terry Ann	Brisbane 'Jagera' Maroochydore

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Goodreid) (Cassandra Stewart)	Nambour Caloundra
Kailang Dorante	Torres Strait Islands
Boni Robertson	Doomadgee, Mount Isa, Mornington Island, Kowanyama
Boni Robertson	Sir David Longlands Correctional Centre

APPENDIX 4 REGIONAL ISSUES

Central Burnett - Eidsvold, Mundubbera, Gayndah

The Working Group held a series of meetings with Community representatives over a two-day period in the Central Burnett-Eidsvold, Mundubbera and Gayndah districts. The meetings took the form of group sessions and questionnaires were used to gauge the level of services and knowledge of services available in the Community. Many issues were highlighted and these ranged from personal experiences, law and justice to accommodation and land ownership. Several issues were stated as priorities, for example infrastructure development for safety houses and hostels for the homeless and aged. In addition there is a need for Police Liaison Officers and a cell watch system to assist police. Responses to the questionnaires defined abuse as mental, physical and sexual and noted that it is often hidden and is related to alcohol and drug abuse, which is destructive and degrading to an individual and also to the family. The consultations also identified that in the region there are very few services that victims can access. The services identified were the hospital, the community health worker, and police, none of whom were described as culturally appropriate. Participants also indicated that the main support came from family and friends, and that people were often too ashamed or scared to use services.

Participants suggested that services should be made more culturally appropriate and thus more accessible to victims. Some of the suggestions included: engagement of Elders, employment of Indigenous counsellors, workshops, and increased funding for remote areas. Other suggestions included educational programs for police, victims and perpetrators and greater community involvement in solving the problems.

Maryborough

The Wundtdja Women's Group met Community members who decided to answer questionnaires as a group and preferred to discuss the issues in a group forum. The issues raised at the forum clearly indicate that intervention and awareness of domestic violence would have prevented several deaths of women and their children in the Community. The group also raised other concerns, noting that there is little support from the Community or from the police because of their perceived apathy over domestic violence. Other issues were raised concerning the stand-over tactics of family members in taking pension monies from single-parent families. The Wundtdja Women's Group identified several areas of need, including women's shelters which should be resourced with trained Aboriginal and Torres Strait Islander counsellors; culturally appropriate educational programs to provide information for women to take control of their lives; and programs for perpetrators.

Hervey Bay

The Daa'ring Yee'gan Group in Hervey Bay and Community members decided to answer questionnaires as a group and preferred to discuss the issues in a group forum. The topics raised in the forum were very contentious, covering issues such as children being used as sex objects and forced into prostitution and the shame of coping with sexually transmitted diseases. The group also expressed concerns about a lack of legal counsellors and police support for victims. There were also concerns that schools did not act when children exhibited signs of sexual abuse. In addition, concerns were raised about institutionalised racism throughout Government Departments. These issues were summarised as: lack of Community support services, lack of Community intervention and duty of care; and services that are not Indigenous-friendly or culturally appropriate. The Daa'ring Yee'gan Group provided ten strategies that focus on: infrastructure development, including safety houses for young Murri men and women and their ghundus (children); a healing place in the bush; workers trained in - court support, domestic violence, counselling, suicide intervention, and networking; educational programs for the development of self-esteem and conflict resolution; and school-based awareness programs for domestic violence. It was also highlighted that Aboriginal and Torres Strait Islander people should be employed in positions that are accessible for Community people such as the police force, and the health service. For example, there is only one Indigenous worker per 3000 Indigenous people in the Bundaberg area, compared with the one for every 50 recommended in the Aboriginal Health Strategy. Finally, it was noted that there is a need to address men's issues through more male involvement in support services. This group sees the problem of domestic violence as being both a women's and a men's problem.

Biloela

A Working Group member met with the Biloela Women's Group Aboriginal and Torres Strait Islander Corporation. There is a need for a better flow of information to people who may be undergoing problems and a greater emphasis on prevention. The women's centre works as a reference centre and has identified a need for educational programs and workshops on: domestic violence; violence in relationships; social attitudes; effects on victims; crisis intervention; police powers; protection orders; and effects on children. The group also identified the need for more trained Aboriginal and Torres Strait Islander counsellors and better networking with mainstream agencies.

Winton

The group at Winton noted several issues affecting their area. They stated that both mental and physical abuse are destructive, with negative effects on victims, whose experiences included being: depressed, stressed, suicidal, scarred, always living in fear, let down, hurt, shamed to speak out, and confused. The group said that the local police will not interfere or act on complaints made by victims. The Queensland Police undertook a domestic violence survey in the area. However, there has been no followup with the results. Participants pointed out that the majority of families suffer from either physical or emotional abuse that is kept as a family secret, because of shame and embarrassment. The group also identified isolation as a problem. Distance makes it impossible to attend counselling so there is a need for localised services. There is a further issue with the court system, because court hearings for domestic violence are not separated in the courtroom and witnesses aren't protected. There is a lack of representation from Legal Aid and the whole information flow is in a language that is not easily understood. Finally it was stated that there should be an Aboriginal and Torres Strait Islander service developed in Winton complete with a 24-hour counselling service on the telephone. Service providers should also meet local Aboriginal and Torres Strait Islander organisations.

Longreach

Longreach representatives met and pointed out how hopeless victims of domestic violence are feeling in this town, where there is one Aboriginal health worker and two non-Indigenous social workers to service 1000 Aboriginal and Torres Strait Islander peoples. It was stated that the violence is hidden and kept behind closed doors and the hopelessness is perpetuated, because the police are unable to act due the lack of evidence. The participants stated that 'if you're an Aboriginal woman nobody listens'. Violence was defined as mental as well as physical abuse, that is, a form of control. This violence affects Elders, men, women and children. The participants indicated that a women's shelter was needed urgently. There is also a need for amendments to Domestic Violence Orders and a strengthening of the domestic violence legislation. Greater powers should be given to the police to act on breaches of domestic violence orders and people should be better informed of their rights in relation to domestic violence. The group provided several strategies that would alleviate the effects of domestic violence and provide long-term relief in the Longreach area. These are: an Indigenous support worker on call for police; a timeout place for offenders; an Aboriginal and Torres Strait Islander cell watch program; culturally appropriate training and education programs; more Indigenous people employed in service industries such as health; better incentive packages for people to work in isolated areas; and programs which promote Community responsibility in addressing domestic violence.

Blackall

A Working Group member met with Community members at Blackall and the issues raised by the group were based on dissatisfaction with the lack of support services for this area. Participants noted that there are no counselling services at all. There have been no visits to Blackall by an Aboriginal health worker. As well as these comments, criticisms were levelled at Government organisations, as these agencies have not contacted any of the Aboriginal organisations at Blackall. It was also highlighted the fact that the Community is out of the information flow and has no understanding of any of the services available. Members also feel that the police and educational institutions exhibit racist attitudes to the Community. The participants provided several strategies that focus on raising the level of support for victims and improving the

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dissemination of information about services available through Government. It was also recommended that a whole of Government approach be taken to identify needs in the Community.

Barcaldine

Members of the Barcaldine Community identified several domestic violence services available in the area such as the Aboriginal Housing Corporation and also Anglicare, which has a house for emergency situations. The school has an Indigenous teacher aide. There is also an Aboriginal health worker who covers Muttaborra, Tambo and as far east as Alpha. However, the participants said that there is a need for an Aboriginal Police Liaison Officer and an Aboriginal women's shelter.

Kowanyama

Community representatives of Kowanyama raised the issue of alcohol and drug abuse. They also noted a lack of continuing funding with programs that were starting to address violence. For example, the National Violence Education Program (funded 1993-95) has not been followed up so Community people are no longer being trained in this issue. A further problem is the lack of support programs for men, such as a men's shelter or timeout place. It was also noted that two positions are funded to service women's issues in the Community; however the funding is not recurrent. Participants said that the women's shelter is supported by the Elders Justice Group, the Community Police and Queensland Police on duty every night. The strategies that were discussed focused on: safe houses for mothers; a separate one for children and an outstation program for men; recurrent funding so programs can be successful; development of educational programs for children to encourage positive relationships; and establishment of protocols for a closer working relationship between the police, justice group and women's group in dealing with perpetrators of domestic violence.

Cherbourg

Working Group Members met with representatives of both the Cherbourg Community and relevant Government agencies. The participants highlighted problems associated with unemployment, alcohol and drug abuse, the over-consumption of alcohol on paydays, and children not attending school. The paperwork for domestic violence orders is too complicated. They are not user-friendly and the women don't understand what some of the terminology means, for example 'aggrieved spouse', or 'respondent'. There are fourteen different forms. The process needs to be simplified. Participants noted the need for an officer of the Queensland Police to be located in the Cherbourg Community. They also noted that the women's shelter is overcrowded at various times and this causes problems when women are under duress. The shelter has established a child support area for traumatised children. One of the strategies already started by the Community was the Cherbourg Men's Health Group which will work to provide an environment for women that is safe and secure. The group also aims to lessen violence and abuse, as well as to teach the younger generations of Aboriginal and Torres Strait Islander males about the traditional and proper role they have. Another goal is to restore stability to families and kinship networks through a new initiative: 'Strengthen Families Program'. In relation to domestic violence orders, there should be more options allowing men to counsel the offender, as well as amendments to the Act to allow for rehabilitation and mediation. Finally, there needs to be on-going educational workshops with both men and women to discuss legal issues. Another issue addressed was the need for a gender balance on the Cherbourg Community Council so that women's issues can be addressed.

Woorabinda

Community members from Woorabinda highlighted several issues. The women would prefer to use another system in preference to seeking a domestic violence protection order. They wanted a cooling-off place for the men where mentoring was available. This would enable families to stay together. The group also recognised that there is a high level of child abuse and to alleviate the problem it was suggested that a women's group be initiated. This group could develop educational programs for parenting skills. Participants also identified high imprisonment rates as a problem. The group stated that there were monthly visits by liaison officers from the Aboriginal Legal Service in Rockhampton and by a circuit magistrate. The use of inappropriate terminology caused confusion when the women have to deal with the judiciary system. The women also felt that enough reports have been written; they also requested that some formal response be made to them about how many

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of the RCIADIC recommendations have been implemented. Several women said: *Too many words-enough talking. Let's see some action now...All we want is for the violence to stop, we don't want our men to go to jail but at the same token we as the Community have to try to address the issues of alcohol and drugs.*

Nambour

Community members of Nambour and surrounding districts focused on the lack of shelters/accommodation to support domestic violence victims, the lack of youth hostels and also the lack of a 24-hour phone service serviced by Indigenous people. Participants discussed the question of whether traditional law contributed to domestic violence. There was also discussion of domestic violence being a consequence of the impact that Government has had on Aboriginal and Torres Strait Islander Communities and cultures. Counselling services need to be introduced for jails so that rehabilitation can begin before release. Support services are also needed after the offender has been released. In relation to support services, workers need to be trained to recognise early warning signs and follow up by contacting the relevant Aboriginal and Torres Strait Islander organisations to do counselling within the home situation. It was recognised that there are no Indigenous officers either as Police Liaison Officers or in the Juvenile Aid Bureau to cover this area. It was generally recognised that there is a total lack of support services for Aboriginal and Torres Strait Islander people in this district, for example there is no legal representation being provided by the QEA Legal Service which is funded by ATSIC to service this area. Participants felt that the Aboriginal and Islander Child Care Agency did not provide a quality service to the Sunshine Coast and that there is no support from the Department of Families, Youth and Community Care.

The strategies proposed by the group were: better dissemination of information about available services by using different mediums like a directory in Centrelink; and employment of Aboriginal and Torres Strait Islander people in places like mental hospitals, Centrelink, and drug and alcohol rehabilitation centres. As well as these, participants wanted better culturally appropriate educational programs, increased forums for the young and cross-cultural awareness training provided by Indigenous trainers. It was also suggested that a pilot program be developed for the Sunshine Coast area for a 24-hour domestic violence hotline service staffed with Indigenous people. Participants stated the need for a men's task force to address family violence from a male perspective. The group noted that funding needs to be recurrent so as to create more permanent positions and certainty in delivery of programs.

Caloundra

A Working Group member met Community members of the Caloundra district. They described problems with services and highlighted domestic violence as being hidden behind closed doors, with people suffering in silence. They noted a lack of services for women and for men. It was stated that a strategy should be developed for the prevention of domestic violence such as 'Giving men equal rights'. The group defined domestic violence as physical and mental abuse, saying that it impacts on self-esteem and has a long-term effect on people, especially children. Participants also stated that mainstream services are often difficult to access for Aboriginal or Torres Strait Islander women or children who are victims of domestic violence. The group recognised that QEA Legal Service does not represent 'black on black' cases so the only alternative for women was Legal Aid which does not have Indigenous staff

There is a need for better and wider dissemination of information about Government and non-Government services. It was agreed that on the Sunshine Coast people are often referred to agencies in Brisbane, which is inappropriate, due to the time and cost associated with travel, and the lack of public transport. The group also stated that Aboriginal and Torres Strait Islander children are experiencing bullying and intimidation at school, which is a reminder that violence is not just experienced in the family home. Participants said that Government services need to be regionalised and specific areas of need should be targeted. Aboriginal and Torres Strait Islander peoples need to be involved in all counselling when dealing with both victims and perpetrators. There is a need for appropriate educational programs and discussion forums for men and women, and for the creation of 'safe havens' for women and mums, with secure funding for ongoing programs and support.

Caboolture

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Working Group Members met members of the Caboolture Community, and addressed concerns and identified the services that are currently available in the district and the problems associated with them. For example, the existing Women's Group was set up to deal with health issues like pap smears and breast screening. The Domestic Violence Centre is not culturally appropriate and does not have Aboriginal staff. Participants said that there are problems with accessibility of services and dissemination of information relating to these services. The group said there was a need for educational programs for both men and women to teach self-esteem and assertiveness. There is a need for an emergency phone line staffed with Aboriginal people. It was pointed out that for many people, domestic violence is an accepted part of a relationship and programs need to stress that it is not acceptable. The participants recommended the development of education programs and awareness courses on domestic violence issues. They also noted the need for self-esteem and cross-cultural awareness training. They stressed the need for Aboriginal people to have better access to employment in domestic violence centres. They suggested the provision of an Aboriginal crisis phone line.

Quilpie, Cunnamulla and St George

Working Group Members met with Community members of Quilpie, Cunnamulla, Dirranbandi and St George. There is a safe house in Charleville. The lowest level of service provision was at Cunnamulla and St George. Cunnamulla participants said: 'The problems and cases of domestic violence are quite horrendous. There are absolutely no resources for victims.' There is no refuge, and no shelter workers, counsellors or court support staff. In Cunnamulla, the only place of shelter where the women can be protected for the night is the hospital, where the staff are then harassed by the perpetrators. Also in Cunnamulla, there are two Legal Aid officers (both male) but no one to deal with women's issues, and the court support officer (female) comes from Charleville only once a month. Participants said that educational programs on drug awareness and other problems that are associated with domestic violence would bring the Community together.

Brisbane

Working Group members met with representatives of the Brisbane Community who addressed issues such as: youth needs; the need for a holistic approach that focuses on men and women; generations of institutional racism; and overcrowding in accommodation which exacerbates the violence. Participants noted a very worrying problem caused by the age limit at women's shelters. Children over 12 are not allowed in shelters, so they either have to stay in the violent situation or take to the streets rather than stay in the house. The group also identified problems with the zero tolerance strategy that will focus on public rather than family violence. In the family situation, there are concerns that youths now think violence is a 'normal part of growing up' and that incarceration is a natural path to growing up. In addition, the participants noted a need to challenge the myths and stereotypes created about violence in the home. Changes are needed in the court system to make justice more accessible to Indigenous people. Both preventive and interventionist (safety and healing) strategies are needed. The main strategies proposed were: a Brisbane men's group, a healing place for men, a healing place for women; Community healing involving the whole family; and cultural education facilitated by Elders and Aboriginal and Torres Strait Islander counsellors. The group also identified the need for a place outside Brisbane for hunting, men and women's business, dance and song etc.

Participants identified the need for amendments to the domestic violence legislation to allow for parenting skills courses and counselling prior to criminal convictions. There is a need for Indigenous people to be trained in counselling and healing skills for all family members. There is a need to make perpetrators accountable in a culturally appropriate way. The group suggested a 24-hour telephone counselling service staffed with Indigenous people. They noted the need for a men's group for men and youth to discuss issues and strategies to address family violence from a male perspective. The participants also saw a need for an increase in appropriate educational programs and forums for youths. They referred to current initiatives by Aboriginal and Torres Strait Islander youths who are visiting detention centres and providing camps and other activities for local youth and said that these initiatives need to be supported. The group also indicated that funding bodies need to develop a mechanism whereby organisations in a region which are all submitting applications for funding can be linked to share resources where practicable. Finally, the group stressed the need for better employment opportunities for Aboriginal and Torres Strait Islander people and greater support for domestic violence workers.

Ipswich

Participants at the Ipswich meeting noted the political, cultural and social violence that has affected the daily lives of Aboriginal and Torres Strait Islander peoples, both historically and in the present. They maintained that high suicide rates, poor health, poverty, early death, and unemployment all contribute to and result from violence. The participants also identified alcohol and substance abuse as abetting the cycle of problems as both cause and consequence. They said that family violence is a difficult issue to talk about. Participants saw isolation as a problem in the Ipswich area, especially with access to services for rural families and the dissemination of information for women. The participants also raised concerns that some women do not understand what constitutes domestic violence. The policy of the Aboriginal Legal Service in not taking 'black-on-black' cases means that Aboriginal women do not have adequate legal support. The group saw a need for school-based counselling programs for kids who are the victims of domestic violence and/or sexual assault. The service providers at Ipswich don't work together -- there is a problem with cooperation and coordination. Competitiveness between services is fostered by the way funding is allocated. It was also suggested that Government funding is not being used effectively due to duplication, and under-utilisation of resources. Riverview and Goodna have no services and little public transport.

The group discussed the inadequacy of mainstream domestic violence services that adopt a 'separatist' approach. This doesn't suit many Indigenous women who want to work together with their men. Mainstream services are unattractive to Aboriginal and Torres Strait Islander women because these women are in a minority when they go there. Mainstream services are constantly under pressure to do more remediation (e.g. counselling) and less preventive work. Historically, the Ipswich area has been a site for various psychiatric and correctional institutions. The Aboriginal population is highly transient with 'people coming here from all over.' The statistics provided by the Australian Bureau of Statistics under-report the Indigenous population of Ipswich. Participants said that the violence on the street has increased over the years and has also become evident in the school system. It was felt that children see suicide and violence as an everyday occurrence. The group discussed mental illness, saying that mainstream practitioners often misdiagnose Indigenous people because of a lack of understanding of cultural beliefs. In the last month there have been three Aboriginal suicides in Brisbane - the Community is just overloaded with trauma

The participants recommended that programs need to include the whole family. They advocated the better development of educational programs on a person's legal rights with respect to family violence; better and more coordination of services; and an end to the competitive approach to funding services. They also noted the need for more Indigenous counsellors and the development of healing approaches that draw on cultural beliefs and Community strengths. They stressed the need for services for children who have been sexually assaulted

Inala

Working Group members met with representatives of the Inala district and raised concerns with the provision of services for the Community. They said that violence is emotional, physical and social. Alcohol and substance abuse is part of the cycle. Family violence has affected men, women and children so all of them have to be involved in finding solutions. The group also stressed the need for a whole of Government approach to service delivery. They highlighted that there is no 'safe' place for victims. Some Community members stated that they make their own homes available and mainstream services are only accessed in desperation. People mostly go to the Aboriginal and Islander Community Health Service in Woolloongabba. Participants said that often in emergencies there is no place for women to go and that the family breakdown has been caused by drugs and alcohol abuse, and because of this, children do not respect the Elders. The participants also identified a need for services for men, saying that sometimes men need to be removed from the family but that this should not be permanent. They also said that when women take their men back, they do not realise they are breaking domestic violence orders. Finally the participants noted that strategies have to be 'owned' by the whole Community.

Participants recommended service support for the whole family in domestic violence situations. They suggested that mandatory programs be developed for perpetrators with better dissemination of information about domestic violence orders. They noted a need for alcohol and drug programs. They recommended facilities for emergency accommodation and cooling-off places for men. They stressed the need for programs

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for cooling-off periods. The group recommended that the Inala Aboriginal and Torres Strait Islander Resource Centre be re-activated as a support centre and staffed with counsellors (from Gallang Place) and office space and training for voluntary workers. The group identified the need for more seminars, workshops, videos and educational programs at Wandarrah kindergarten hall with transport provided. It was also recommended that ongoing funding for services be provided.

Gold Coast

The Gold Coast Community discussed the fact that between 70% - 80% of male prisoners had been sexually assaulted as children. They noted several incidents – one where two ten-year-old boys had raped a boy four years old. These two could not be charged because they were under age. The child had to wait eight weeks for counselling from a service and by this time his parents had moved the boy out of town. There was no followup to the incident. The group identified that the incidence of kids committing sexual offences on other kids is increasing. In another incident, eight or nine boys had been sexually assaulted/raped by two perpetrators and no one has been charged yet. Other discussions highlighted the fact that sexual assaults had increased by 3-9% over a nine-year period and that Aboriginal or Torres Strait Islander women and rape victims do not report incidents to the police. Another example was given of a woman being raped and reporting this to the police. The police then searched her house and when they found a bong [smoking utensil], they did not proceed any further with her complaint. Instead, the woman herself was charged. Participants felt that youth suicide is largely due to a history of sexual assault. The group noted that the Community deals with most incidents. They said that urban domestic violence is kept behind closed doors and hidden because the Community is so spread out. The participants identified that drugs are a major problem and services are too hard to access. One of the women told of how she had tried helping a 16-year-old boy who had overdosed on pills. She called the Early Response Team but they didn't come. She had to take the boy to hospital herself. This raised the question of friends and family dealing with the drug issues. For example, there is nothing for youth. They can get heroin starter kits for \$7.00 at Coolangatta.

The participants also identified that there is only one resource centre on the Gold Coast that deals with 15-25-year-olds. There are no Aboriginal and Torres Strait Islander women's shelters on the Gold Coast, there is no emergency accommodation or shelter facilities and not enough emergency relief. The group identified that 10% of people coming through the Council refuge are Aboriginal or Torres Strait Islander peoples. There is no local justice program on the Gold Coast, services are overrun and not enough resources are available. People in need end up either staying with family or at workers' homes because there is nowhere else to go. There is no service in place to look after children whose mother or father is in hospital or away receiving help or rehabilitation. There is a need for a facility where the whole family can go to receive counselling and rehabilitation as a family unit. The group also pointed out that the police on the Gold Coast do not respond to domestic violence calls. Any incidents reported to Department of Families, Youth and Community Care are investigated and only stay on file for 4 weeks and there is no followup. Finally the group said that education, employment and economic development should be boosted, with funding based on the 'true' population. Areas like the Gold Coast and Cairns have large populations of transient people and service provision should take this into account.

Participants recommended more funding for small groups to service Community needs. They said that Government Departments should fund those small organisations that they use and develop long-term projects. They also recommended: employment strategies for Indigenous people; support for workers in domestic violence services; the development of a men's group; a shift in focus to early intervention programs; development of educational programs for parenting skills; a drop-in centre; provision of culturally appropriate services; programs to support people when they are released from prisons; and the development of an Aboriginal and Torres Strait Islander Community Correctional Centre.

Doomadgee

Members of the Doomadgee community raised the issue of sly grog. They said it was often high profile Community members who were sly groggers. Participants spoke of houses being destroyed due to drunken binges and payday money going out of the Community because of sly grog. They said that all problems there stem from sly grog - if there were no grog, there would be no violence. The grog needs to be limited and there should be controls on grog coming from other Communities into Doomadgee. The participants also raised concerns with the police service at Doomadgee. Seven Queensland Police are allocated to Doomadgee

and six Aboriginal Community Police, however participants said these should be increased to ten. The courthouse where district court is held is for sentencing only. Doomadgee is not a 24-hour station, they don't have staff. Two officers are on shift and there are three shifts a day. One woman commented on how she heard fighting and came out and found three local men attacking a police officer with an iron picket and a brick. The police officer was on the ground. The woman went over and punched the men in the face to stop them hitting the police officer. She said it is really hard for police. She said that cultural law was still strong enough for the men not to attack her. One of the participants said that just before the consultation, her nephew tried to hang himself and the police did not come when called. The Queensland Police need to work with the Community Police. 'We all love these young people and want to help them.' Other participants said that in the past week three young men had tried to hang themselves. Another participant raised concerns with child protection orders. It was highlighted that when a man and a woman are drunk and the children are roaming around, the police make an order for the protection of the children and remove the children from harm. The group noted that young girls aged 14 and 15 are having babies and that grandmothers are looking after the babies. Sometimes mothers when drinking leave the babies in the care of young children. Participants said that some mothers are not spending their money on the children - it's going on grog. The group also said those children as young as nine and ten are drinking and also children are bashing women. Concerns were raised with the position of the Elders in their Community and the fact that respect is not given to them. The women of the Community would like to become self-sufficient and run their own small business. The group raised issues with CDEP and how it is not working, and suggested that there should be a revival of culture to assist the Community to lift itself out of what it is doing to itself.

The participants made suggestions on how domestic violence problems might be addressed. These included: a better gender balance on the Councils; and Council making a contribution to Community development for crime prevention and alcohol abuse programs. They said that the Liquor Licensing Board, Queensland Police and Aboriginal Community Police should all work together. The Queensland Police and Aboriginal Community Police should cover shifts at the time of most critical need. When somebody is charged with violence, the justice system and Elders should work to decide if that person should get a custodial sentence or be put into mandatory programs. The group decided that there must be properly trained people in the Community to deliver programs. When a person is fined the fine should go back to the Community to run programs. Participants also said that after the Task Force's Report is presented to the Minister, people need to go back to Doomadgee and tell the people there what's in the report and how its recommendations will be implemented.

Mornington Island

At the meeting at Mornington Island, participants raised several problems and issues from their Community point of view. They felt there was a need for sites for women, for men and for youth. These could take the form of camps so people can go out bush. They said that there are six Queensland Police and one Community Police Officer (female) on Mornington. There is a youth centre that operates activities such as discos, basketball games, camping and fishing trips. There is no counselling available for families that have experienced suicide and during the wet season there is a lot of violence and suicide attempts. There is a counselling service that is only available when State Health fly in a mental health nurse who goes out to visit patients. There also is a male nurse who visits people who were suicidal, but this is done voluntarily. It has been suggested that there should be an investigation into suicides that may in fact be murders. In November 1998, one young man was attacked by three men who tried to hang him by putting a rope around his neck. Participants said that people in high positions have committed murder and still have retained their position. They noted that the requirement for criminal record searches often prevents good people from getting work. The group said that domestic violence on Mornington takes the form of men hitting women with sticks, knives, guns, spears and baseball bats. The safety house is in need of urgent repair because it is all smashed up and dirty. There have also been cases where women and their babies have been shot at by the father. In the last year, there have been 24 deaths of young men, most of which were suicide.

The participants said that there is nothing to keep people busy and that some people drink because it makes them feel good and helps to hide the hurt. One woman said that it helps her to overcome being frightened. The participants provided several recommendations for domestic violence on Mornington Island. These include: allowing the woman to stay and removing the man; a better response by police to domestic violence calls; and greater involvement by the Local Justice Committees in resolving domestic violence situations.

Kowanyama

Kowanyama participants said that there are twelve Aboriginal Community Police and five Queensland Police. The Aboriginal Community Police are coordinated through the Justice Group who provide uniforms and a vehicle. Kowanyama also has two security guards, local people who are on call for the health clinic to provide support and protection to the clinic workers against people who are drunk and aggressive. There are four female Aboriginal Community Police and one female Queensland Police Officer. The Orana Outstation is being proposed as a Youth Family Justice Detention Centre for the entire Cape. Two people would run the centre, plus two Aboriginal couples as educators and helpers. The hospital has four doctors who rotate from Cairns and four or five nursing staff. There is a strong Elders Group in Kowanyama. The police had a program called Kiddie Cops that worked well and the Justice Group also dealt with a lot of the child welfare issues. In addition there is a SCAN committee. The group identified the need for a men's shelter. The population is 1200 and about 600 of them drink in a major way. Sly grogging is a major problem with the cost of alcohol at \$10 for a can of beer and \$150 for a bottle of Bundi rum. The bylaws do not deal with sly grogging. The Queensland Police and the Aboriginal Community Police should work together with the Liquor Licensing Board on this. It was also identified that violence is increasing - women against women and women against men. A young girl hit her sister's boyfriend on the head with a baseball bat and killed him. There is also an increase of women standing up for themselves.

The participants said that there is an emphasis on victims of assault but nothing for perpetrators. Most of the crimes at Kowanyama are domestic violence and breaches to domestic violence orders. Just recently there was a fatal stabbing where a man killed his wife. There have been approximately fifteen to twenty stabbings - six of which were severe. A very small proportion of sexual assaults are reported and victims will only go to the hospital if there is a serious injury. Usually, the women do not want their men charged and taken away to prison. The group suggested that diversionary programs might help with this problem. Finally, the group said that women are not using domestic violence legislation to their advantage.

The group made several recommendations. These include: losing the canteen on paydays; reducing canteen hours to three days a week; training local people to deliver detox and rehab programs; and introducing prevention programs to the Community. In addition, there is a need for parenting programs and counselling skills training. Participants said that nurses and doctors should report all assaults to the police.

Mt Isa

At the Mt Isa meeting, participants said that there is a crisis accommodation centre for young women aged 15-25 years who are having babies and are in crisis or homeless. The shelter provides counselling on sex and also provides court support linked to family and youth services. There are -term residents who keep returning. Over 1000 young women have used the shelter, most who are pregnant. The group also identified that most of the women have experienced violence in their families or domestic violence in their relationships. The major issue facing the Community at present is victim compensation. In the last six months approximately \$8 million has gone to Mornington Island and Doomadgee. A solicitor is driving victim compensation claims, which range from \$60,000 compensation up, and the solicitor takes \$18,000. There is a psychiatrist who provides expert evidence on the mental distress caused by the abuse. The participants provided one example of abuse involving a three-year-old girl from Mornington who was raped by a young man. The group highlighted the need for processes to be in place to control what happens to funds and to make sure the money is going towards helping the victim.

Working Group Members met members of the Aboriginal Women's Shelter and Crisis Centre, who said that there are approximately 20 - 30 women who come through the centre each month. All are short-term stays. Some non-Aboriginal women use the shelter, but the residents are mostly Aboriginal. There is a lack of security. It is not a safe place because men know where it is. The workers often feel unsafe. They are there to protect the women but feel vulnerable themselves. Some women use the shelter like a motel. No woman is turned away. Generally the stay is only for two days. They use it like respite, time to cool off. Many women who use the shelter have multiple problems e.g. domestic violence, drug/alcohol problems and mental illness. The major problem in town is the lack of men's services and there should be an Aboriginal men's crisis centre. Two men want to set up a male perpetrator program and a support group for men. There are no services for children who are unrecognised victims of domestic violence. Women feel the definition of

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domestic violence is too narrow. The shelter needs more resources, both human and material. to keep going. When a woman goes to court as a victim of rape, the offender's solicitor has his family in court to provide support and to appeal to the magistrate, so he gets a lighter sentence or gets off. The victim has to return to the Community with no counselling or support services, feeling as if nobody believes her, and this often leads to further abuse by way of ridicule from members of the Community. There is a need for proper counselling services for victims of rape and victims of sexual abuse, both children and adults.

At the meeting with members of the Yallambie and Orana Park Aboriginal Corporation, the participants identified several programs that are operational. One of these, 'Men Sharing Together: Men Healing Together' is a program that is educational and process-orientated. An advisory group oversees the program with stakeholders from the Community and the Government including: Police, Queensland Corrections, Aboriginal Health, DFYCC, judiciary, shelters, Centre for Rural and Remote Health and Violence, alcohol and drug programs. All facilitators will get training. Participants suggested that this should be trialled in the Corrective Services KASH Rehabilitation Corrective Centre. Nine out of ten men in this facility at present are there for domestic violence-related offences. Most victims have a negative experience with the law and are not believed and feel put down. In cases of rape and domestic violence, the judges and lawyers are male-dominated. The experience for an Aboriginal woman is not the same as it is for a white woman.

The participants identified that the Government keeps changing its priorities and that the programs are not funded for long enough to establish proper programs. The participants stated that 'People need training at the Community level. We got buildings yet people don't have skills.'

When the first suicide happened here, people were shocked and upset but with murder, there is a lack of feeling. People were numb and closed off. They also stated, 'Here you can see aggressive behaviour in the little kids, pushing another little one down and kicking them when they are on the ground.' As well as these issues, the group said that there are about half a dozen 13- 14-year-old young mothers with little babies going through school. One participant stated:

I saw a woman with plaster on her leg having been broke by him previously, he was standing over her because she wouldn't go drinking with him. He was kicking her and everybody was just standing there watching and nobody was trying to help her. They were just letting it happen.

The group said that there needs to be a place for men to go and be safe and work through their problems. Another problem is long-term unemployment. The group felt that domestic violence is a symptom of boredom. They said that there is a need for bridging programs for incarcerated people and educational programs when they are released. The group also suggested that domestic violence does not get reported because of the concern that the men will go to jail. If there were an alternative to jail, maybe more action would be taken. The participants also noted that there are no counselling services for families to help them through these issues of domestic violence.

Sir David Longlands Correctional Centre

A member of the Working Group and a representative from the Indigenous Advisory Committee Secretariat met Indigenous men in the Sir David Longlands Correctional Centre on two occasions. The consultations took place by way of group discussion and individual discussions with a number of the men, who shared their life stories and their personal accounts of violence and associated issues in Indigenous Communities. Discussions were also held with both Indigenous and non-Indigenous staff, who raised concerns regarding the need for more fulltime Indigenous counsellors in the centre and for more culturally appropriate programs for offenders, both while in custody and after release. The need for more collaboration between programs provided by Correctional staff and Community Corrections was raised as matter for attention to ensure continuity of access to programs for offenders, both while in custody and following release. Economic rationalism was said to contribute to the competitiveness between industry, administration, education and other initiatives in centres. The need for more rehabilitation programs was said to be an important requirement for the Indigenous offenders, who often had multilayered problems associated with social and personal experiences. A large percentage of Indigenous offenders had been either physically or sexually abused as children, with very few having had counselling to deal with the associated unresolved issues.

The Indigenous men raised similar concerns regarding program access, the need for more culturally appropriate programs and increased Elder and Community support while in custody and following release. A large percentage of the men felt isolated and forgotten while in custody, and saw more community involvement as an important factor in rehabilitation. The lack of community leadership, family breakdown, unemployment and poverty were seen as factors contributing to the violence in Communities. These issues were also viewed as contributing to the high level of alcohol and drug misuse in Communities. Domestic violence orders were raised as a matter that warranted attention. The men stated that most of the time couples just need time to 'cool off'. 'The man needs to be able to get away somewhere where he can talk to an older man about how he is feeling.' The woman should be able to go somewhere and talk with an older woman about her concerns. Traditional lore allowed people to talk about what they felt. There are no current avenues available and so people try to work it out themselves, which is not always affective. It was also stated that sometimes a DVO was breached not by the man, but by the woman, who would seek him out in an attempt to reconcile, but it was the man who would be charged for breaking the order.

The need for mandatory programs and counselling was said to be important. Ninety nine percent of the men indicated that programs must be available from the point of incarceration onwards. People have to wait for long periods of time before they can get into a program. This can lead to many offenders not participating in programs prior to release. It was indicated that access to educational and industry programs was important to the self esteem of offenders. However, it was said to be futile if there was no employment, accommodation or support available when an offender is released. Ninety-eight percent of the men indicated that they had never been employed even though they had applied for work. Ninety percent indicating that their fathers, brothers, cousins and uncles had also experienced long term unemployment, if they had ever been employed at all.

Cultural, family and spiritual fragmentation was seen as a contributing factor to the high crime rates in Indigenous communities and their over incarceration in both adult and juvenile correction centres. This was said to often be by default as young men and women formed groups to develop a pseudo-family environment. The suggestion that involvement in crime was a 'rite of passage' for young Indigenous men was refuted totally by the men. It was stated that 'jail does not make you a man, how can you be a man when you are frightened all the time'. Jail does little to help people rehabilitate their ways. The men recognised the need to take responsibility for their behavior but indicated that many of them will return to the same unemployment and dysfunctional Communities upon release. The men believed the involvement of Elders and the Local Justice Groups was important in dealing with offending in Communities and to ensure offences are dealt with in a cultural way. The establishment of a loving relationship, family support, employment and a positive home environment were said to be vital. These matters were said to be of serious concern if rehabilitation was to be fully achieved.