

INDIGENOUS FAMILY VIOLENCE: FROM EMERGENCY MEASURES TO COMMITTED LONG-TERM ACTION

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I Introduction

On June 21 2007 the Federal Government announced a range of ‘emergency measures’ to combat sexual abuse against Indigenous children in the Northern Territory. While the announcement put the issue of family violence squarely in the media spotlight, the issue has been receiving increased attention throughout the past year, partly as a consequence of the very explicit and confronting interview given by Crown Prosecutor Nanette Rogers to the *Lateline* program on May 15 2006.¹

In the interview Rogers reported that she had been appalled by the ‘shocking crimes routinely committed against Aboriginal women and girls’² and that she was particularly concerned about the ‘level of human degradation and suffering’³ which she said could no longer be tolerated. In the interview she graphically detailed a number of cases involving the sexual abuse of young children. She made it clear that ‘these cases are beyond the range of our comprehension’.⁴

Shortly after the interview was screened the Federal Government convened the Intergovernmental Summit on Violence and Child Abuse in Indigenous Communities, involving Federal, State and Territory Ministers. On June 26 2006 the Federal Government offered the States and Territories \$130 million over four years to address social problems in remote communities.

The package included:

- \$40 million for police stations and police housing in remote communities;
- \$50 million for drug and alcohol rehabilitation services;
- \$15 million for 26 Australian Federal Police to be assigned to ‘strike teams’ and intelligence gathering;
- \$4 million to set up advisory networks of senior Indigenous women;

- \$6 million for safe houses and other support mechanisms for victims;
- \$4 million for health checks on approximately 2000 children in remote communities;
- \$4 million to provide community legal education;
- \$4 million for a national truancy unit to monitor school attendance in Indigenous communities; and
- \$2 million for two additional sniffer dog teams.⁵

Importantly, this funding package was conditional on all references to customary law being removed from the Crimes Acts in each State and Territory. Several State ministers criticised the offer as being inadequate and argued that Mr Brough was so transfixed on law and order that he was failing to tackle longer term problems such as housing and infrastructure.⁶

The Federal Shadow Indigenous Affairs Minister Chris Evans was also highly critical of the Government’s proposals, arguing that the problems identified by the Intergovernmental Summit required long-term commitment to policy continuity and a national, bipartisan approach. Minister Evans publicly criticised the Government’s previous commitment to solving issues of violence and abuse in Indigenous communities, and referred to a Senate Estimates Hearing in May 2006 which revealed that approximately \$5.6 million (15 percent of the \$37 million budget allocated to an Indigenous family violence partnership program after the previous Indigenous family violence roundtable in 2003) had not been spent.⁷

Indigenous responses to the announcements were slightly more nuanced. While there was widespread acceptance that more support was needed in Indigenous communities – and that legal intervention may necessarily form a component of that support – a level of concern remained about the legal and practical implications of the proposed measures.⁸

Twelve months after the above announcements we are again confronted with the issue of child sexual abuse and family violence in Indigenous communities following the release of the Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse (*‘Little Children are Sacred’*), prepared by Rex Wild QC and Pat Anderson. The report was commissioned by the Government of the Northern Territory in August 2006 to:

1. Examine the extent and nature of, and factors contributing to, sexual abuse of Aboriginal children, with a particular focus on unreported incidences of such abuse.
2. Identify barriers and issues associated with the provision of effective responses to, and protection against, sexual abuse of Aboriginal children.
3. Consider practices, procedures and resources of Northern Territory Government agencies with direct responsibilities in this area, and also consider how all tiers of government and non-government agencies might contribute to a more effective protection and response network.
4. Consider how the Government of the Northern Territory could help support communities to effectively prevent and tackle child sexual abuse.⁹

The report was made publicly available on June 15 2007. Using a methodological approach focused on extensive community consultation, the inquiry gathered feedback from 262 meetings with individuals, agencies and organisations, visits to 45 communities and 65 written submissions.¹⁰ The report contained 97 recommendations and called upon the Commonwealth and Northern Territory Governments to designate the issue of Aboriginal child sexual abuse as an issue of urgent national significance, and to immediately establish a collaborative partnership to address the problem. Of critical significance was the recommendation that ‘both governments commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities whether these be in remote, regional or urban settings’.¹¹

In response to the *Little Children are Sacred* report the Prime Minister announced a number of major measures on June 21 2007, deemed to be first steps towards dealing with what he called a national emergency – the abuse of children in Indigenous communities in the Northern Territory. He stated: ‘Anybody who’s read or examined the report ... will be sickened and horrified by the level of abuse. They will

be deeply disturbed at the widespread nature of that abuse and they will be looking for the responsible assumption of authority by a government to deal with the problem’.¹²

The measures announced were designed to stabilise and protect communities in the ‘crisis area’ and included:

- widespread alcohol restrictions on Northern Territory Aboriginal land;
- welfare reforms to stem the flow of cash going toward substance abuse and to ensure funds meant to be for children’s welfare are used for that purpose;
- enforcing school attendance by linking income support and family assistance payments to school attendance, and providing meals for children at school at their parents’ cost;
- compulsory health checks for all Aboriginal children to identify and treat health problems and any effects of abuse;
- acquiring townships prescribed by the Australian Government through five year leases;
- increasing policing levels in prescribed communities;
- requiring intensified on-the-ground clean up and repair of communities to make them safer and healthier by marshalling local workforces through work-for-the-dole;
- improving housing and reforming community living arrangements in prescribed communities including the introduction of market-based rents and normal tenancy arrangements;
- banning the possession of X-rated pornography and introducing audits of all publicly funded computers to identify illegal material;
- scrapping the permit system for common areas, road corridors and airstrips for prescribed communities on Aboriginal land; and
- improving governance by appointing managers of all government business in prescribed communities.¹³

The national emergency response will be overseen by a taskforce of eminent Australians, including specialists in logistics as well as child protection experts. Magistrate Sue Gordon, chair of the National Indigenous Council, has agreed to take a leadership role on the taskforce.¹⁴

These measures, and much of the public commentary relating to them, have again engendered and reinforced historically demeaning stereotypes about Aboriginal people

and cultures. They have also failed to engage with the complexities of family violence and child abuse as they occur in Indigenous communities – complexities which are well documented in numerous inquiries and reports. In 1995, Rob Riley criticised many government reports and inquiries into Aboriginal social problems, noting ‘they are full of promise but nothing bloody happens’.¹⁵ This could well describe the Federal Government promises of 2006, given that according to a Senate Estimates hearing in February 2007 not one cent had been spent to prevent violence in Indigenous communities – even six months after the Federal Government announced a package of assistance totalling \$130 million.¹⁶ Sue Gordon noted on *Lateline* in June 2006 that while government responses often started full of energy, their commitment over the longer term typically waned.¹⁷

Indigenous community members living a violent reality know that commitment on this important issue must not wane. It is the responsibility of all levels of government, service providers and community members to work in partnership to ensure the safety and wellbeing of Indigenous children in the long term. This paper seeks to provide a context to the current debate by providing a critical analysis of the recommendations contained within previous state and federal government reports, and to reflect on their ongoing implementation. The paper will then highlight some of the initiatives underway in Indigenous communities across the country to respond to violence – initiatives that are often absent from formal literature, and very rarely publicised. The paper will conclude with the presentation of a conceptual framework for engaging with communities to address the problem – a framework that may well prove to be a valuable source of information to government in the coming months as they move beyond emergency measures to what we hope will be long term action.

II Contextualising Indigenous Family Violence

It is not necessary to provide pages of graphs illustrating the increasing incidence of family violence in our communities – those working in the field and working in Indigenous communities are already familiar with this material and have been for the past decade. Indeed, as Michael Dodson commented in his National Press Club speech in 2003, as Indigenous people it is a sad truth that even if we haven’t personally experienced violence, then we know somebody close to us who has.¹⁸

In addition to being familiar with the statistics, those working in the field are also familiar with the factors contributing to its incidence. We know that one factor alone cannot be singled out as the ‘cause’ of family violence – a multitude of inter-related factors are attributable. A useful way of understanding these factors is by categorising them into two groups. Group 1 factors include colonisation: policies and practices; dispossession and cultural dislocation; and dislocation of families through removal. Group 2 factors include: marginalisation as a minority; direct and indirect racism; unemployment; welfare dependency; past history of abuse; poverty; destructive coping behaviours; addictions; health and mental health issues; and low self esteem and a sense of powerlessness.

For many Indigenous people, our lived experiences dictate that any or all of the factors in Group 1 could be identified as contributing to current experiences of violence. Results from the 2002 National Aboriginal and Torres Strait Islander Social Survey are also illustrative of this point: the Survey found that of the 24 percent of people who reported to being victims of violence in the 12 months prior to the survey, the rate was highest among those who had been removed from their natural families (38 percent compared with 23 percent among those not removed).¹⁹ A significant body of research has also demonstrated that when Group 2 factors are experienced either individually or in combination, they also contribute to high levels of distress which can in turn lead to violence.²⁰ In relation to Group 2 factors, the Survey highlighted that victims reported higher rates of:

- disability (29 percent compared with 22 percent among those without a disability);
- living in low income households (27 percent compared with 19 percent among those in high income levels); and
- unemployment (38 percent compared with 21 percent among the employed).²¹

Additionally, it should be noted that Group 2 factors can clearly be caused or compounded by Group 1 factors. The interplay of these factors in individual families’ experiences of violence can at times be exceedingly complex. However, to ignore the first group of factors and the role that they have played and continue to play in families is tantamount to not understanding family violence as it occurs in Indigenous communities.²²

III State Taskforce Reports

In the last decade the above information has been made available through a plethora of federal and state government-commissioned reports on the problem. Some of these reports have included:

- The Queensland Aboriginal and Torres Strait Islander Women's Task Force on Violence Report (1999);
- *Putting the Picture Together*, Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities ('The Gordon Inquiry') (2002);
- The Tasmanian inquiry into family violence – '*Ya pulingina kani – Good to see you talk*' (2002);
- The Victorian Indigenous Family Violence Task Force Final Report (2003);
- *Breaking the Silence: Creating the future* – The New South Wales Inquiry into Child Sexual Abuse (2006) ('*Breaking the Silence*');
- '*Little Children are Sacred*' Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse (2007).

It is important at this point to briefly comment on these previous reports, particularly given that they have been critical in keeping the issue of violence on the public agenda. The reports define family violence in relation to how local people understand it; detail the extent of the problem; the causes; the interventions that are working and are not working; and make significant recommendations for change that are applicable to both federal and state governments.

An analysis of the recommendations of these reports demonstrates that several recurring themes are evident. These include, in particular, recognition of community diversity and needs, the need to facilitate community choices in responses to problems,²³ and the dire need for coordinated and meaningful partnerships between Indigenous communities, governments and service providers so that appropriate support can be provided to those affected by violence.²⁴ In addition, the reports call upon state and federal governments to recognise that violence continues to affect people in the long-term, and that lifetime support will often be needed for victims of violence. As such, the reports of the past decade have consistently advocated a long-term government approach to funding.²⁵

Practical recommendations have included strengthening the capacity of the existing workforce through accredited specialised training and the employment of Indigenous workers, particularly counselors.²⁶ Where Indigenous workers are unavailable, all of the reports have recommended mandatory cultural awareness training for all non-Indigenous workers.²⁷

Another recurring recommendation has been to urgently expand the number of safe houses available to women and children escaping violence. Where safe houses already exist, the reports have noted that many of their facilities need to be urgently upgraded, and staffing times extended. The availability of medium term housing for women and children as they make the transition from crisis care to 'normal' living has also been stressed as a priority.²⁸ There have also been several recommendations relating to the establishment of 'cooling-off' houses and other appropriate programs to address men's needs, including that offenders must undertake mandatory perpetrator programs whether they are sentenced to prison or not.²⁹

Another common recommendation has been for government to regularly review the outcomes of its service delivery,³⁰ and to fund external evaluations of its programs and services.³¹ The latter is particularly important as, if the information were publicly available, it could act as a catalogue of what approaches and programs work and do not work – a resource that communities have been requesting for some time.³²

Every state and territory government has tabled responses to these inquiries. For example, upon receiving the Gordon Inquiry Report, the West Australian Government formed a taskforce to prepare a response. The response recognised the need to:

- strengthen and improve responses to abuse and violence in Aboriginal communities;
- form long-term strategies and solutions to address the endemic nature of abuse and violence in many communities; and
- meet the needs of current and future generations of Aboriginal children through long-term environmental, social and economic improvements that will result in sustainable communities.³³

It also included a recommended budget of \$75 million over five years, as well as a commitment to working with

Indigenous people to create change – particularly in the way government departments and representatives respond to the problems associated with family violence. Unfortunately, while the readiness of various parties to improve problems in Western Australia in the aftermath of the inquiry was palpable, Indigenous leaders are now reporting that the momentum surrounding the proposed changes seems to have since waned.³⁴ These reports are consistent with that of the Western Australian Auditor General who in November 2005, who reported that three years on from the Gordon Inquiry that there was no authoritative account of the progress made in implementing the initiatives and the action plan. In many ways, the failure to follow through on initial responses confirms Rob Riley's comments a decade earlier that recommendations and responses are 'full of promise but nothing bloody happens'.³⁵

Similarly, those involved in the *Breaking the Silence* report tabled in the NSW Parliament in July 2006 may well be concerned that while the inquiry and report were full of promise, the NSW Government's response may well result in little progress taking place. After a six month delay, on January 4 2007 the Government announced their intention to implement a five year inter-agency plan to respond to the issues identified in the report. The plan involves police, health, community services and other related government agencies undertaking state-wide and local initiatives aimed at targeting communities most in need, including:

- increased police surveillance and evidence gathering;
- more resources for witness assistance programs and forensic examinations;
- more victim support and counselling;
- expanded sexual assault medical services for children;
- enhanced drug and alcohol programs; and
- a statewide advisory panel to monitor the recommendations.

These initiatives, however, are to be implemented without any new funding. This is despite the Federal Government offering to match (up to \$130 million) the New South Wales Government's financial contribution to the problem. According to Professor Chris Cunneen, it is simply expected that agencies will find funds to implement the changes from their existing budgets.³⁶ Marcia Ella Duncan, Chair of the Inquiry, reported to the *Koori Mail* that this decision would put more pressure on departments and agencies already

ill-equipped and unable to meet the needs of victims of violence, despite the best intentions of their CEOs.³⁷

At the time that this paper was written, a formal Northern Territory Government response had not been developed in response to the *Little Children are Sacred* report. The Federal Government, on the other hand, have responded with the law and order focused interventions detailed earlier in this paper. Many of the original measures have already been challenged by different Indigenous groups,³⁸ and those relating to compulsory child health checks have been modified – though there appears to be little certainty about what future measures will involve. The emergency interventions and the projected follow-through have been costed by the Centre for Aboriginal Economic Policy Research to be approximately \$5 billion,³⁹ and the Federal Government has indicated that they are committed to providing whatever resources are necessary.⁴⁰ From the Indigenous community's perspective, the Prime Minister is correct in stating that Indigenous people are 'frustrated in the extreme with the inability of governments to come to terms with an effective response to deal with this problem'⁴¹ and there is no doubt that Indigenous researchers, activists, grass root workers and committed community members will continue to place significant pressure on governments to remain committed to the problem. But in light of previous government inaction on Indigenous family violence, close scrutiny is necessary to ensure that the current government's 'emergency measures' develop into appropriate long term, sustainable, evidence based initiatives that will support Indigenous communities.

IV Responses to Violence

Against this rather negative background, one may well ask what previous Indigenous and non-Indigenous responses to violence have been at a community level. Not surprisingly, and again in light of the pressures detailed above, professional helpers have typically not been the first line of support that Indigenous peoples seek in circumstances of family violence. Instead, we have often relied upon informal helping systems, in particular, our sisters, mothers, aunts and grandmothers. Nevertheless, situations may develop in which we choose to use professionals to help us heal from the trauma we have experienced. However, often such help is either unavailable or inappropriate, as those providing the services understand little of the past or present experiences of Indigenous peoples. Indeed, there is now an extensive body of literature that clearly illustrates what has long been known at a community

level: that typical 'Western' responses to family violence like women's refuges, criminal justice responses and programs of a therapeutic nature have mostly been culturally inappropriate and ineffective.⁴² These approaches are largely based on Western models of intervention that have sought to separate the victim from the perpetrator, which in the process has led to the division of Indigenous families.

While this option might grant some reprieve from the immediate danger of assault, Indigenous family groups do not see separation as a viable long-term option given that we have almost universally been subjected to forced removals since colonisation. Nor do we see the solution solely in terms of criminalising violence and institutionalising the offender to protect the victim. While such an approach may be appropriate in non-Indigenous communities, Indigenous people view these mechanisms as further tearing our families and communities apart. Further, the concomitant problem of exacerbating existing problems must be taken into account – many women fear that they could face increasing levels of violence from their partner when they are released from custody. For these reasons, the impact of mainstream programs and interventions that address family violence in Indigenous communities is generally limited, with levels of effectiveness depending on the specific community context.⁴³

There is also evidence available which suggests that mainstream approaches to domestic violence rarely address the determinants of violence at multiple levels. Rather, such mechanisms tend to focus on victim or perpetrator behaviour and experience without delving into the familial or cultural context in which the violence has occurred.⁴⁴ I would also add that they rarely adopt strategies for community healing that have been advocated by many Indigenous peoples. Of course, the impact of violence on victims of assault is a paramount concern, and in the case of child sexual assault I acknowledge that foremost consideration should be given to developing appropriate practices to ensure that Indigenous families can be reunited in a way that gives due recognition to the impact of the assault on the victims. Nevertheless, any response to violence in Indigenous communities must recognise that men, women and children are interconnected through a system of kinship and mutual obligations, and remain so even after violence has occurred.

My own research into the availability of sexual assault support services in Victoria found overwhelming evidence that the majority were grossly inadequate when it came to

meeting the needs of Indigenous women.⁴⁵ Many services simply had no idea of the experiences, situations or ramifications of violence in Indigenous communities, and as a result were unable to adopt flexible approaches that gave due weight to these factors. This lack of awareness – coupled with an unwillingness to accept the importance of forming partnerships with local Indigenous communities to address violence – may go some way to explaining why Indigenous women often choose not to utilise mainstream services.

Sue Gordon's research has revealed that similar patterns exist in the responses of government agencies to violence.⁴⁶ In a comprehensive review of service provision by seven government agencies in Western Australia, Gordon found a 'distinct lack of coordination between government agencies in the consultation, planning and delivery of services to Aboriginal people'.⁴⁷ This finding is also supported by the Western Australian Government's own report in response to the Gordon Inquiry, which found that the significant lack of coordination between government departments posed a major obstacle to tackling violence.⁴⁸ In Indigenous communities these findings were not met with surprise; it has long been felt that women and children in particular are suffering unnecessarily due to a serious shortage in the provision of safety, protection, health, and support services by all levels of government.

It does, however, follow from this analysis that if Indigenous peoples want the problem of family violence to be addressed, we must also develop and implement our own initiatives to combat violence. Indeed, the approaches that have been undertaken in the past decade have been developed from the premise that the answers to the problem of violence lie within the communities themselves. Some examples of Indigenous family violence programs that have achieved success include: Indigenous family violence prevention legal services; Indigenous night patrols; Indigenous women's refuges; Indigenous men's groups; and numerous community education and awareness programs. However, as the following overview will demonstrate, these initiatives often operate outside mainstream service delivery programs, and as such remain largely unrecognised. At best, community level programs are partially reported in sporadic newspaper, magazine and journal articles, and are not comprehensively documented or developed in the broader context.⁴⁹

V Existing Indigenous Responses to Violence

Indigenous Family Violence Prevention Legal Services (FVPLS), which are funded by the Federal Government's Attorney General's Department, are community controlled justice, advisory and referral centres for victims of violence. They provide practical assistance and emotional support for people seeking to deal with the effects of family violence. FVPLS units are predominantly located in high need rural and remote areas in Western Australia such as Geraldton and Fitzroy Crossing. Through funds allocated in the 2007 Federal Budget, services will this year be expanded to Broome, Kalgoorlie, and Kununnura. FVPLS units aim to improve access to legal services for victims and those at risk of family violence by providing culturally appropriate responses within Indigenous communities. This is achieved by providing a range of services including legal assistance and advice, crisis counselling with trained sexual assault workers, referrals to other agencies, and community awareness-raising initiatives about the issues surrounding family violence.⁵⁰

Night patrols have been in operation for nearly two decades, the most notable being developed by the Julalikari Council and established in 1989.⁵¹ These patrols consist of a group of volunteers who routinely walk up and down the main street of towns to monitor community members who are affected by alcohol. The object of the patrol is not to assist in removing intoxicated persons from the streets, but to resolve problems in town camps and to settle disputes at their genesis by drawing in extended families or entire tribal groupings. It has been the Julalikari Council's experience that by resolving disputes at an early stage, the destructive cycle of alcohol-induced violence, anger, guilt, misunderstanding and frustration can be short-circuited.⁵² On occasions where violence has already taken place before the night patrol's intervention, the patrol will assist in transporting the victim to refuges or to medical centres, and perpetrators to sobering-up shelters. Typically, the night patrol will later follow up this action by bringing the two parties back together to mediate the dispute that escalated into violence.

In recent years, Indigenous women's refuges have become more prevalent, often forming in response to the inadequacy of mainstream refuges or shelters. As well as the problems cited above, Indigenous shelters have sought to respond to the inflexible rules of mainstream shelters, particularly with regard to duration of stay, age of male children able to be accommodated with their mothers, and costs that some

institutions charge to those seeking refuge. My own research has also identified that rules in mainstream refuges that inhibit the practise of cultural beliefs and traditional language have also led to an increased demand for Indigenous specific women's refuges.⁵³

Correspondingly, it is also worth noting that a number of Indigenous men's organisations such as the Yarrabah men's group have recently come together to respond to violence. These groups give male community members a place to discuss the problems they are experiencing, and a forum to consider how to deal with them.⁵⁴ These programs, however, are generally not given government support, perhaps because they are not considered appropriate or relevant to addressing family violence. But while more traditional discourses surrounding domestic violence have tended to focus exclusively on the rights of the victim, the approach adopted by many Indigenous communities derives from a foundational assumption that all individuals need a place and opportunity to heal. As such, any approach to Indigenous family violence should be careful not to categorise the men involved through demonisation, nor exclude them from the process of community reconciliation.

There is also a range of community education and awareness programs in operation around Australia which have gone relatively unacknowledged. In 2003 the Aboriginal and Torres Strait Islander Commission (ATSIC) allocated, on average, \$70,000 to regional councils around Australia to raise awareness of family violence in Indigenous communities, and to develop local action plans to respond to it. Some of the activities that were funded through this program included community forums, educational videos, plays put on by local children, awareness campaigns at local football clubs, a 'Streetwise' comic focusing on family violence, and a range of awareness-related educational materials.⁵⁵

In order to gain a holistic understanding of what Indigenous responses to violence have involved, it is also important to acknowledge the programs that have been pioneered by other Indigenous communities around the world. For example, the Mending the Sacred Hoop Technical Assistance Program was developed in 1990 by a small group of Native American people from Minnesota, Wisconsin and South Dakota.⁵⁶ Their work began with domestic violence advocacy and intervention in Northern Minnesota and later expanded to include tribes across the country. They are now the leading agency for the provision of resources, training, mentoring and

support to other Native American tribes in the development of programs to address the problem of domestic violence.⁵⁷

The community of Hollow Water (based on the east shore of Lake Winnipeg, Canada) is another international example of successful community-developed response programs for family violence.⁵⁸ In 1984 the community began to develop a healing strategy that involved detailed protocols on how to manage issues of child sexual abuse. The process that they developed charted all steps from the initial disclosure, to confronting the perpetrators, to preparing all parties for the Special Gathering – in which all parties speak about the incident and its impact on their lives and the lives of their loved ones, and finally, the development of a ‘healing contract’ for perpetrators. These ‘healing contracts’ are not necessarily intended to replace criminal sanctions, but rather involve developing a detailed commitment by perpetrators of violence to undertake specific actions to change their behaviours.

VI Constraints

In much of my work to date I have identified a number of issues that constrain community responses to the problem including, most importantly, funding constraints and the inflexibility of funding guidelines.⁵⁹ In particular, provision of government funding is often only made to organisations that continue with models of service delivery that have ‘proven’ to be successful – yet generally, the success of these models is evaluated in terms of how they have operated in non-Indigenous communities. An additional constraint relates to the duration of government grants – organisations are often funded on a year-to-year basis, and so are never secure in their ability to provide and develop long-term services. Another problematic issue is the difficulty community members face in developing the skills to apply for funding grants, the guidelines for which are often convoluted and confusing. Finally, even where funding has been allocated, there is often a lack of opportunities for community members to develop the skills to manage those funds, and use them to provide specific professional services.

Although my research identified a number of issues constraining community responses, there were also a number of issues that made programs work successfully. These included:

- knowledge and experience of working with Indigenous communities and families;
- knowledge and experience of responding to family violence;
- commitment to working in partnership with other agencies – both Indigenous and non-Indigenous;
- flexibility in approaches; and
- an ability to marry the skills above in order to develop innovative culturally appropriate interventions.⁶⁰

Perhaps the most significant constraint on communities is the distinct lack of resources available to communicate our own knowledge of what works in our communities to the broader public. These resources are essential not only to attract the government funding needed to develop, implement and resource ‘our solutions’, but also to provide a valuable resource for other Indigenous communities around the country grappling with how to respond to this problem in a culturally appropriate and sensitive way. The National Centre for Indigenous Studies at the Australian National University has begun the first step of this process, which involves collating all the ad hoc reporting of programs that has occurred over the past decade along with the collation of information regarding existing programs. The second step of this work, however, involves the development of a conceptual framework to respond to family violence. The next section provides some details of what I suggest this framework should look like.

VII Conceptual Framework to Address Family Violence in Indigenous Communities

The framework that I propose is one that embraces Indigenous cultural protocols, ethics and knowledge systems, and illustrates the processes involved in responding adequately to Indigenous family violence. It does not, however, seek to provide a ‘blueprint’ or model of best practice, but offers a guide to how genuine responsive interventions can be developed and sustained in order to address family violence. This framework identifies a number of actions and processes that need to be implemented on an ongoing basis. These actions and processes can be undertaken in sequence or can be adapted to suit the current circumstances of the communities who wish to use the framework.

Step 1 – Acknowledgement of family and kinship relationships

This step acknowledges the critical role that family and kinship ties must play in developing any type of response to

Indigenous family violence. The need for a holistic approach that recognises that all family members are affected by violence is a vital precondition to effectively combating the problem. Appropriate levels of support are needed for everybody within the family and kin networks in question, including the perpetrator, as they are all affected by the violence (albeit to varying degrees).

Step 2 – Public admission and definition of problem

The next step involves a public admission by the community of the extent and effect of the violence in their community. Attending to the problem of family violence requires that it be placed on the public agenda by Indigenous peoples themselves, allowing the problem to be owned and spoken about on our terms. A significant barrier to taking such a stand, however, has been a genuine concern that ‘coming out’ might reinforce the many negative misconceptions held about Indigenous people by the non-Indigenous community. Noel Pearson, however, is correct in arguing that we need to prioritise the health and welfare of our families and communities over the problems associated with putting the problem on the public agenda. After all, ‘it is doubtful that those who hold prejudiced views of Aboriginal people will amend their views whatever happens’.⁶¹

This step also involves defining the problem in terms of the language used by community members to describe their experiences of violence. The case studies in my research identified that the language used by professionals to talk about violence often stands in stark contrast to the language used by community members. Many Indigenous women often use language in a way that diminishes violence and its consequences. Many in my case studies described the violence in terms of ‘we were arguing’, or ‘my husband was acting up’, or ‘it was just a little fight’ when in reality it may well have meant that the victim was raped.⁶² As such, a significant part of my work was interpreting and translating language to unmask the lived realities of community members’ experiences of violence. This is a task that must be replicated in any approach that tackles family violence, as the consequences of not getting it right might further jeopardise the safety and wellbeing of the victim, and might well result in more serious injury or even death.

In order to understand the existing problem of violence, the third aspect of this step requires an examination of available records and statistics from police, hospitals, courts, and

other related services. This information would give those involved in addressing the particular problem more clarity regarding its scope and the resources currently being used to address it.

Step 3 – Leadership committed to initiating, encouraging and sustaining action

The next step involves leaders in our communities engaging community members in a discussion about the problem and seeking their input in defining its parameters and extent. These basic processes are supported by Michael Dodson when he states that ‘we all must acknowledge that the level of violence in our communities is totally unacceptable. It is extreme and requires extreme action.’⁶³ Leaders need to guide the process of placing the issue on the public agenda by developing appropriate public policy to address the violence at national, state and community levels. These policy initiatives would encourage and support partnerships, potentially by including clauses to the effect that all organisations receiving funds to address aspects of family violence must participate in partnerships and collaborative working relationships with Indigenous communities. Failure to do so might mean that they would not have their funding renewed. This would be a major advance in this field in Australia, as to date there ‘remains no centralised national policy direction and commitment within a framework of shared responsibility’ to address this problem.⁶⁴

Step 4 – Assessment of problem and community’s capacity to respond

The fourth step involves an assessment of the problem, and of the capacity of the community to address it. This would involve an evaluation of family violence: its extent; the effect of historical circumstances on the current situation; the factors contributing to the violence; and the effects upon victims, perpetrators and witnesses to the violence. It would also include an examination of existing services within the community – are they perceived as being culturally appropriate and accessible? Is the staff-to-client ratio workable? Are Indigenous people employed within the services? Is the location appropriate – is it safe? Are there educational and training needs that must be addressed for staff and for clients? What is the Indigenous community’s opinion of and support for such services?

Following such an examination, gaps and areas requiring work would be identified, leading to a broader understanding of the community's capacity to deal with the problem of family violence. From this point, funding would be allocated to suitably qualified counsellors and advocates, health practitioners or law enforcement officers. Importantly, it would also include an evaluation of the community's financial situation, including whether they have sufficient funds to address the problem, and what additional sources of support might be available.

All four case studies in my research relied to varying degrees upon government funding. Community members involved expressed fear of the consequences if they were unable to locate other sources of funding – a fear that was shown to be well-founded when one of the organisations in my study was unable to locate further sources of funding after the pilot period, and was forced to close. As such, a central component of this step is recognising that the pervasive problem of family violence is not going to be overcome in a short period. Communities must therefore incorporate long-term sustainable funding options when planning their responses to the problem.

Step 5 – Development of responsive programs in consultation with community

The fifth step entails the development of responsive programs in consultation with the community. This step is built upon the premise that the best interventions are those which involve the local community, those people who know the area, its problems, and which solutions are likely to work. It would begin with discussions with community members in a variety of forums (men's groups, women's groups, youth groups, community action groups, and also those involved in suicide prevention, and alcohol and drug healing programs) to obtain widespread consultation on what it is that the community believes is necessary to combat the problem. The questions would seek to discover what community members feel would make a difference in their lives, and what they believe the overarching aim of a family violence response in their community should be. These discussions would be documented for future reference and could be supported by a review of other Indigenous communities that are combating similar problems.

The case studies in my research highlighted the inestimable value of composite programs to address the problem of

violence in Indigenous communities. Such programs are consistent with community-based holistic approaches to problems and would necessarily address the needs of both the victims and the perpetrators. The programs would also take measures to protect victims from further violence, and provide safety and security for all other community members.

Step 6 – Negotiating partnerships, developing strategic plans and applying for funds

Once the community has come to a decision regarding how to address the problem of family violence through a specific program, the sixth step would then involve discussions with existing service providers to examine how they could assist in supporting the community response. Their commitment to be partners in the response would also be sought, and would be formalised in an appropriate document that would detail the aims and objectives of such a partnership, and the roles and responsibilities of all partners in assisting the community to address the violence. It could also include a chart of the roles and possible actions and procedures of each program in the partnership to make it clear that their actions and policies support one another. It may also include a schedule of meetings at which specific cases will be discussed and problems will be raised in order to address new ways to maximise victim safety. A schedule of training opportunities enabling all parties to be educated on issues of importance would also be valuable.

Upon agreement of its contents the document would be signed by each of the partners. This would formally commit them to assisting the community in responding to the violence in ways that the community had decided were appropriate. The purpose of the document would not be to prescribe or limit support, but to make the minimum requirements clear, and to have a practical plan of how they could be achieved. A business plan could then be developed for the program that would detail: its aims and objectives; the strategies that would be employed to pursue them; the resources needed, including infrastructure and staff; a detailed budget outlining the costs involved in establishing the program and sustaining it in the long term; and the methods that would be employed to evaluate their performance. This document would then be used to support the community's applications for funding from suitable sources.

Step 7 – Implementation of program in consultation with community

The formal implementation of the program would occur at step seven, when funding and support had been secured. The implementation of the program would continue to involve the community and their service partners in consultation, to ensure the ongoing effectiveness of the program.

Step 8 – Evaluation of response

Evaluation is included as the final step to meet the increasing demand for accountability of such programs from those who fund them. However, such evaluations would also be useful for the communities and the programs themselves as they record their achievements, their failures, and the problems they have encountered and overcome. It would also provide a valuable opportunity for them to have the time to consider the future – and how their program might change and or expand to meet the shifting needs of their community.

The strength of the above framework lies in its versatility – if a program is already in existence, it can guide the community towards evaluating and improving it. The steps identified also do not necessarily have to occur in the specific order that I have indicated. Much would depend on how far the community had progressed in dealing with the problem of family violence.

VIII Conclusion

It is clear that the need to do more to address Indigenous family violence is widely recognised. In this paper I have demonstrated that numerous inquiries and reports have produced recommendations that were followed by little action, and budget allocations that were either not fully committed or did not reach the communities they were intended for. In the past, solutions have been imposed on our communities based on inappropriate and ill-thought out models, and where Indigenous solutions have been developed and implemented they have rarely been recognised and evaluated.

It is now time, especially given the current context, for a concerted effort to be made by researchers and practitioners to support and promote such initiatives so that an evidence based approach to what works and does not work can be made available. The conceptual framework outlined in this

paper could guide such a project, and more broadly, could also act as a guide for government on how best to engage with communities in a culturally appropriate way in order to tackle the problems of family violence. However, the conceptual framework that I have developed does not seek to provide definitive solutions to the problem of Indigenous family violence. These, I believe, are to be sought in the communities themselves.

Endnotes

- * Dr Kyllie Cripps is an Indigenous academic, and currently a CIPHER Post-Doctoral Research Fellow at the Onemda VicHealth Koori Health Unit at the University of Melbourne. An earlier draft of this paper was written and presented on 29 November 2006 as part of the Rob Riley Memorial Lecture Series, Curtin University. The lecture can be downloaded and viewed at <<http://dbs.ilectures.curtin.edu.au/ilectures/ilectures.lasso?ut=856>> at 1 August 2007.
- 1 ABC Television, 'Crown Prosecutor speaks out about abuse in Central Australia', *Lateline*, 15 May 2006, <<http://www.abc.net.au/lateline/content/2006/s1639127.htm>> at 1 August 2007.
- 2 Ibid.
- 3 Ibid.
- 4 Ibid.
- 5 Nassim Khadem and Michael Gordon, 'States balk at "half baked" indigenous plan', *The Age* (Melbourne), 27 June 2006, 1.
- 6 Ibid.
- 7 Nassim Khadem, 'Under-spending cuts indigenous aid', *The Age* (Melbourne), 31 May 2006, 6.
- 8 Nigel Adlam, 'Sex crime strike force', *Northern Territory News* (Darwin), 30 June 2006, 1.
- 9 Rex Wild and Pat Anderson, *Ampe Akelyernemane Meke Mekarle: 'Little Children are Sacred'*, Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse (2007), 41.
- 10 Ibid 44-46.
- 11 Ibid 21.
- 12 John Howard, Joint Press Conference with the Hon Mal Brough, Minister for Families, Community Services and Indigenous Affairs (Canberra, 21 June 2006) <<http://www.pm.gov.au/media/Interview/2007/Interview24380.cfm>> at 1 August 2007.
- 13 Mal Brough, 'National emergency response to protect Aboriginal children in the NT' (Media Release, 21 June 2007) <http://www.facsia.gov.au/Internet/Minister3.nsf/print/emergency_21june07.htm> at 1 August 2007.
- 14 Ibid.
- 15 Rob Riley, 'The Role of Psychology in Aboriginal Social

- Justice: Psychologists and Aboriginal People: from exclusion to negotiation', (Keynote address delivered at the Annual Conference of the Australian Psychologists Society, Perth, Western Australia 1995), 13.
- 16 Patricia Karvelas, 'Brough hit on Aboriginal policing delay', *The Australian* (Sydney), 15 February 2007, 2.
- 17 ABC Television, 'National summit mulls solutions for remote Indigenous communities', *Lateline*, 26 June 2006, <<http://www.abc.net.au/lateline/content/2006/s1672369.htm>>.
- 18 Michael Dodson, 'Violence Dysfunction Aboriginality' (Paper presented at the National Press Club, Canberra, 11 June 2003), 2.
- 19 Australian Bureau of Statistics, *National Aboriginal and Torres Strait Islander Social Survey* (2002).
- 20 See, eg, Kyllie Cripps, *Enough Family Fighting: Indigenous Community Responses to Addressing Family Violence in Australia and the United States* (PhD, Melbourne University, 2004) 230; Ursula Dibble and Murray Straus, 'Some social structure determinants of inconsistency between attitudes and behaviour: the case of family violence' (1980) *Journal of Marriage and the Family* 71; Carmen Gill and Luc Theriault, 'Connecting social determinants of health and woman abuse: A discussion paper' (Paper presented at the 2nd Atlantic Summer Institute on Healthy and Safe Communities, University of Prince Edward Island, Canada, 23-26 August 2005); Lorraine Kalinka Malcoe, Bonnie M Duran and Juliann M Montgomery, 'Socioeconomic disparities in intimate partner violence against Native American women: a cross-sectional study' (2004) 2 *BMC Medicine* 1; Lorraine Kalinka Malcoe and Bonnie M Duran, 'Intimate partner violence and injury in the lives of low-income Native American women' in Fisher (ed), *In Violence Against Women and Family Violence: Developments in Research, Practice, and Policy Conference Proceedings (2004)* US Department of Justice; John Oetzel and Bonnie Duran, 'Intimate Partner Violence in American Indian and/or Alaska Native Communities: A Social Ecological Framework of Determinants and Interventions' (2004), 11 *Research Journal of the National Center for American Indian and Alaska Native Mental Health* 49.
- 21 Australian Bureau of Statistics, above n 19.
- 22 Human Rights and Equal Opportunity Commission, *Bringing them home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1997).
- 23 Rex Wild and Pat Anderson, *Ampe Akelyernemane Meke Mekarle: 'Little Children are Sacred'*, Report of the Northern Territory Government Inquiry into the Protection of Aboriginal Children from Sexual Abuse (2007); Sue Gordon, Kay Hallahan and Darrell Henry, *Putting the Picture Together*, Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (2002) 492-98; Paul Memmott, Rachel Stacy, Catherine Chambers and Catherine Keys, *Violence in Indigenous communities: full report (2001)* 99; New South Wales Aboriginal Child Sexual Assault Taskforce, *Breaking the Silence: Creating the Future. Addressing child sexual assault in Aboriginal communities in NSW* (2006) 17-18; Boni Robertson, *The Aboriginal and Torres Strait Islander Women's Taskforce on Violence Report* (1999) 298.
- 24 Gordon et al, above n 23, 492-96; New South Wales Aboriginal Child Sexual Assault Taskforce, above n 23, 16-20; Robertson, above n 23, 279-90; K.E. Mow, *Tjunparni: Family violence in Indigenous Australia* (1992) 72.
- 25 Atkinson and Weeks, above n 23, ii-iv; Memmott et al, above n 23, 99; Robertson, above n 23, 289; Wild and Anderson, above n 23, 22-26.
- 26 Wild and Anderson, above n 23, 23, 24; Atkinson and Weeks, above n 23, ii-iv; Gordon, above n 23, 477-97; New South Wales Aboriginal Child Sexual Assault Taskforce, above n 23, 19-32; Robertson, above n 23, 297; Mow, above n 24, 71-74.
- 27 Wild and Anderson, above n 23, 32; Atkinson and Weeks, above n 23, iii-vi; Gordon, above n 23, 488; New South Wales Aboriginal Child Sexual Assault Taskforce, above n 23, 29-32; Mow, above n 24, 73.
- 28 Wild and Anderson, above n 23, 27-31; Atkinson and Weeks, above n 23, iii; Gordon, above n 23, 497; New South Wales Aboriginal Child Sexual Assault Taskforce, above n 23, 23-97; Robertson, above n 23, 287-89; Mow, above n 24, 72-74.
- 29 Wild and Anderson, above n 23, 25-28; Atkinson and Weeks, above n 23, iii; Gordon, above n 23, 488; Robertson, above n 23, 289.
- 30 Gordon, above n 23; Robertson, above n 23; Patricia Karvelas, 'Brough hit on Aboriginal policing delay', *The Australian* (Sydney), 15 February 2007, 2.
- 31 Wild and Anderson, above n 23, 33, 205; Atkinson and Weeks, above n 23, v; Gordon, above n 23, 492, 495; New South Wales Aboriginal Child Sexual Assault Taskforce, above n 23, 17, 22-23; Robertson, above n 23, 279.
- 32 Jackie Huggins, 'Culturally Appropriate Solutions to Family Violence in Indigenous Communities' (Speech delivered at Reconciliation Australia Conference, Sydney, 19 March 2003).
- 33 Government of Western Australia, *Putting People First: The Western Australian State Government's Action Plan for Addressing Family Violence and Child Abuse in Aboriginal Communities* (2002), 4.
- 34 ABC Television, 'National summit mulls solutions for remote Indigenous communities', *Lateline*, 26 June 2006; Alana Buckley-Carr, 'State rejects military intervention', *The Australian* (Sydney), 11 July 2007, 1.
- 35 Riley, above n 15, 12.
- 36 Andrew Clennell and Jonathan Pearlman, 'No cash for fight to halt

- child abuse', *Sydney Morning Herald* (Sydney), 4 January 2007, 1.
- 37 'Taskforce head says: Abuse plan flawed', *Koori Mail* (Lismore), 14 February 2007, 1.
- 38 ABC Television, 'Indigenous groups threaten legal challenge over Commonwealth intervention', *Lateline*, 9 July 2007 <<http://origin.abc.net.au/news/video/2007/07/09/1974188.htm>> at 1 August 2007.
- 39 ABC Radio, 'Long-term NT plan could cost \$5b, researcher says', *The World Today*, 27 June 2007, <<http://www.abc.net.au/worldtoday/content/2007/s1963354.htm>> at 1 August 2007.
- 40 ABC Radio, 'Federal Government plans radical overhaul of Aboriginal townships', *The 7.30 Report*, 22 June 2007 <<http://www.abc.net.au/7.30/content/2007/s1958592.htm>> at 1 August 2007.
- 41 Ibid.
- 42 See, eg, Kylie Cripps, *Surviving Sexual Assault: An analysis of the support services available to Indigenous women in Victoria*, (Unpublished report, Melbourne University, 1998); Gordon, above n 23; Robertson, above n 23.
- 43 Oetzel and Duran, above n 20, 49-68.
- 44 Ibid.
- 45 Cripps, above n 42.
- 46 Gordon, above n 23.
- 47 Ibid xvii.
- 48 Ibid 14.
- 49 Memmott et al, above n 23, 3.
- 50 Attorney General's Department, *Family Violence Prevention Legal Services Operational Framework* (2006). See also Anna Ferrante and Harry Blagg, 'Assessing relative rates of Indigenous family violence: Using existing quantitative data and a triangulation method to identify rural areas in greatest need of additional legal services' (2006) 18(1) *Current Issues in Criminal Justice* 170-78.
- 51 Further information about the development of night patrols can be found in Alexis Wright, *Grog War* (1997).
- 52 David Curtis, 'Julalikari Council's Community Night Patrol' (Paper presented at the Australian Institute of Criminology Aboriginal Justice Issues Conference, Canberra 1993).
- 53 Cripps, above n 20, 187.
- 54 Komla Tsey, David Patterson, Mary Whiteside, Leslie Baird and Bradley Baird, 'Indigenous Men Taking Their Rightful Place in Society? A Preliminary Analysis of a Participatory Action Research Process with Yarrabah Men's Health Group' (2002) 10(6) *Australian Journal of Rural Health* 278-84.
- 55 Aboriginal and Torres Strait Islander Commission, *Our Family – Family Violence Action Plan* <http://www.atsic.gov.au/news_room/media_releases/Docs/attachment.pdf> at 21 August 2003.
- 56 Further information on the Mending the Hoop program is available at the Mending the Hoop Technical Assistance Project website <<http://www.msh-ta.org>> at 1 August 2007.
- 57 Ibid.
- 58 Further information on Hollow Water's initiatives can be found in Rupert Ross, *Returning to the Teachings: Exploring Aboriginal Justice* (1996).
- 59 Cripps, above n 42.
- 60 Ibid.
- 61 Noel Pearson, *Our Right to Take Responsibility* (2000) 35.
- 62 Ibid 35, 71-72, 154.
- 63 Michael Dodson, above n 18, 3.
- 64 Ibid, 7. See also Michael Dodson, *Indigenous Family Violence Prevention: Which Way Now?* (Keynote paper presented at the Queensland Centre for Domestic and Family Violence Research, 4 May 2004) 3.