

# TEWLS' Aboriginal Women's Outreach Project

By Camilla Hughes\*

Top End Women's Legal Service (TEWLS) is a community legal service based in Darwin. It runs a program funded by the Aboriginal and Torres Strait Islander Service (ATSIS) called the Aboriginal Women's Outreach Project which provides legal assistance to Indigenous women in the communities of Wadeye, Kunbarllanjnja, Angurugu and Umbakumba, with a priority given to family violence assistance. Eight Community Legal Workers, and Aboriginal Community Development Worker and two lawyers are employed on the project. This is a brief overview of some of the challenges facing family violence legal workers in remote areas of the Northern Territory.

There is a general lack of public and private infrastructure in the communities we visit. For example, Wadeye (as known as Port Keats) where I visit most months is the sixth largest town in the NT, comparable in terms of population to the mining and tourist town of Jairu but without the sealed roads, shopping arcade, petrol stations, fire station, swimming pool, accommodation and so on.

In Wadeye there are only three rooms available for temporary accommodation at what is euphemistically called 'The Motel'. The rooms are generally booked months in advance by visiting trades people and professionals. In the best case scenario, TEWLS would visit Wadeye for a few days every month. But when there is no accommodation we have to fly in/fly out on one day, and cannot get through our client list, or spend time on community legal education or community development.

The lack of infrastructure also means that TEWLS has no office space when we visit communities. We interview clients where we can, for example sitting on the ground outside court or under a tree somewhere. That is generally fine, though it can be difficult in the extreme heat of the build up months or the rain of the wet season.

More importantly is that sometimes there is a need for a private or safe place to interview our clients. Sometimes the only safe place to interview clients is in the police station. Basing ourselves at the police station can then give rise to a community perception that we work

for the police. As family violence lawyers we work closely with the police but are independent of them. Some people will not approach us for assistance if they think we work for the police.

There is a shortage of trained and qualified interpreters in the communities we visit. The NT Aboriginal Interpreter Service is addressing this problem by delivering training but they have only been funded since 2000. Inevitably it will take some time to build up interpreter numbers, especially given the challenges of delivering remote training.

Meanwhile, there is competition for the services of certified interpreters especially on court days. TEWLS employs two local women as Community Legal Workers in each of the communities we visit and some of these workers are certified interpreters. It is not unusual for them to be put under immense pressure on court days to interpret for the police or prosecutors even though they are working for TEWLS. Refusing such a request carries the risk of displeasing the police, prosecutor, or Magistrate intent on churning through the long court list rather than stopping to think of the conflict of interest they are throwing the Community Legal Worker into.

A final problem we have with interpreters is that TEWLS was refused funding for Aboriginal interpreters. The Aboriginal Legal Services (ALSs) receive interpreter funding but we do not. This was justified by the Commonwealth Attorney General's Department on the basis that they were prioritising

criminal law. So if you thought that it has been well established that family violence was criminal you would be disappointed.

The Magistrates Court circuits around the larger Aboriginal communities usually sit either monthly or quarterly and less often in some locations. The Court list will be lengthy, with up to hundreds of matters to be heard in one to four days. Inevitably many matters may be adjourned in any one month and take a long time to be completed, particularly indictable offences. So the hearing for an aggravated assault may take place two years after the alleged incident. This reality has a couple of implications for a family violence service such as TEWLS. It may be difficult for the victims and witnesses to give evidence so long after the event. In particular, it is difficult for people who do not generally use clocks, watches, calendars or diaries to be precise about dates and times, especially a couple of years after the event. Also, for women living with ongoing family violence it is difficult to recall the precise details of one particular incident of violence a long time after the event. Any competent defence lawyer can make short work of such

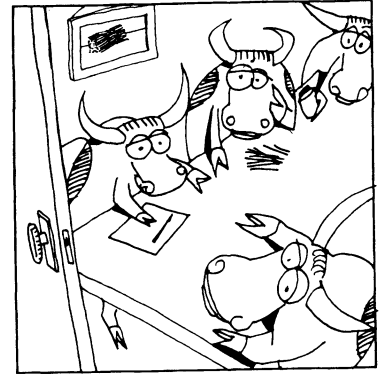
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On Thursday 13 November 2003 Phillips Fox Solicitors (Perth) held an early Christmas Party for Darwin clients at Buzz Cafe in Cullen Bay. Bettina Mangan, Alison Hagan, Rebecca Pope, and Reinis Dancis from Phillips Fox hosted guests including Jason Hodgkinsun (Allianz Australia Insurance), Steve Southwood QC and Michael Grant.

## The Muster Room



### Farewell

A fond farewell to Parliamentary Counsel Victoria Aitken, who is headed for the Solomon Islands on a one-year secondment. She will be missed.

### Movers and Shakers

After finishing as Chief Justice Martin's Associate, Jodi Mather has recently started work at the DPP. ①

## TEWLS Aboriginal Women's Outreach Project cont...

evidence.

In family violence cases the injured female will generally be the sole or key witness. However, the prosecutor facing the pressure of the long court list may not have time or make time to even meet the witness let alone get to basics such as advising about the court layout or procedure, going through the evidence, arranging an interpreter or arranging vulnerable witness facilities. The remote courtroom will generally have no vulnerable witness facilities, which is also a problem. However, there are possibilities which could be explored, for example a makeshift screen between the witness and the accused. The NT Office of the Director of Public Prosecutions has an excellent Victim Support Unit with Indigenous and non-Indigenous staff who travel extensively, but are not sufficiently resourced to support the work of the prosecutors in remote courts on most circuits.

The ALSs also bear the pressure of the long court lists and the high costs of providing remote legal assistance. Based on my observations, I would say the ALSs in general provide an efficient and quality service to their remote clients for the funding they

receive, which is inadequate. The difficulty they face in assisting their clients in family violence matters is that for obvious reasons of profession ethics they are unable to represent both parties in a family violence matter. ATSIC has responded to this dilemma by funding Aboriginal Family Violence Legal Prevention Units (FVLPUs). We are fortunate to have three FVLPUs in the NT but there are still big gaps in coverage. TEWLS is funded under this program and there are units in Katherine and Alice Springs. There needs to be FVLPUs working alongside the Aboriginal Legal Services wherever Indigenous communities are dealing with family violence.

Police training has improved but there is room for further improvement. In our experience, police too often appear to lack adequate understanding of the dynamics of family violence. This causes frustration for them and a lot of problems for the communities they are based in.

Another problem we face is the general lack of support and programs for families experiencing violence in remote communities. There are no counseling, mediation, or perpetrator

programs such as anger management. Substance abuse programs are few and far between. There is no short or long term emergency accommodation. This also reduces options available for appropriate sentencing. The members of Wadeye Palngun Warnangat (the Women's Association) told us this year that they do not want women and children flown out to shelters in town and they do not want men sent to prison. On the other hand it would not be easy for Wadeye or any community to deal with violent offenders themselves if these options were removed. Government needs to engage with communities over these issues. Possibilities for greater community involvement in the process of sentencing, for example circle sentencing, need to be explored.

Steps are being taken in various ways to address the above problems. Progress is slow and uneven but we hope it continues. TEWLS would like to applaud the stronger stance against violence being taken in the last couple of years by governments, the legal system and most significantly by Aboriginal leaders and communities themselves. ①