

Small steps towards reducing domestic violence

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The Central Australian Women's Legal Service (CAWLS) is predominantly an advice and referral service assisting women in Alice Springs. CAWLS also presently undertakes outreach to Tennant Creek and Alekarenge on a bi-monthly basis. CAWLS provides some casework assistance mainly in the areas of family law, employment, discrimination and crimes victims assistance. CAWLS is also responsible for the Domestic Violence Legal Service (DVLS). DVLS provides free legal advice and representation for women wishing to prevent future domestic violence.

DVLS assists approximately 500 women each year with information, advice, representation and referrals concerning domestic violence. Approximately 75 percent of the women who contact DVLS are Indigenous. Of women accessing our service, approximately 20 percent apply for a restraining order against a partner, former partner or other family member.

From our experience, violence against women is prevalent in Indigenous communities. The violence our clients speak of is typically severe and sustained. It is common for women to speak of being punched repeatedly, chased and hit with other weapons such as sticks and for women to have bruising, lacerations and broken bones. Violence has often been inflicted for a prolonged period of time. In many cases, physical violence has been inflicted when the perpetrator has been drinking. It is also common for women to speak of being prevented from seeing or speaking with their extended family or from travelling freely.

DVLS does not accept that violence against women is a part of Indigenous cultures. It is worth repeating, in this context, that most violence against women occurs when the perpetrator of the violence has been drinking. For this reason it is common for Indigenous women to seek restraining orders with terms that restrain the perpetrator from approaching the woman when the perpetrator has been drinking.

While restraining orders are an imperfect 'solution' to violence against women in Indigenous communities, they have the benefit of being tailored to



prevent women from being placed in situations of violence. And the barriers Indigenous women must overcome to access this imperfect solution are high. These barriers include:

LANGUAGE DIFFICULTIES

Indigenous women who utilise our service are typically multi-lingual. English may be their second third or fourth language. A translating service is funded by the Northern Territory Government. Where a woman attends with limited English, it is highly improbable that an interpreter with the particular language spoken by the client will be available at that time. An interpreting service may only be available days after the client has come to the office for advice.

REMOTENESS

It is difficult for many clients to come into town and distance certainly prevents impromptu visits. Once in town, women must rely on temporary accommodation, such as the Women's Shelter and Gillen House.

The remoteness of communities also has less obvious consequences. When a woman seeks a restraining order for sustained and serious violence, the Court will typically grant the woman an interim restraining order. An interim order is ineffectual until it is served on the Defendant. Transience and a lack of street addresses often makes it difficult to pinpoint the location of a Defendant. There are often significant delays between the granting of an interim order and service on the Defendant. It is not uncommon for it to take four months or more to serve a Defendant with a restraining order and even then there may be uncertainty whether the Defendant has understood the terms of the order.

THE NEED FOR A POLICE PRESENCE AND EMERGENCY ACCOMMODATION

In our experience, police are often too far away
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One law for all Australians cont...

These agreements will, over time, make a real and significant impact in terms of overcoming some of the complex problems that underpin the sense of hopelessness experienced by many Indigenous Australians and manifested in the violence and abuse so entrenched in these communities.

One of the ways in which the Government is assisting Indigenous communities is through the Family Violence Prevention Legal Services programme. By focussing on family violence rather than just domestic violence, it not only reflects the extended nature of Indigenous families but approaches the causes and manifestations of violence in Indigenous communities in a holistic manner.

It started out with 13 services providing legal advice and assistance, counselling and support for victims of family violence and sexual assault, as well as conducting a range of community awareness activities to promote the rights of victims

and the role the community has in demonstrating family violence is unacceptable. It has been so successful that the Government went to the last election promising to double the number of units, which happened last year; and contributed another \$23.6 million in this year's budget to take the total to 31 services across Australia.

For those of us who have been travelling to Indigenous communities for 30 years and have witnessed the pain and the suffering firsthand, there is no easy solution, only a steadfast resolve to deal with the underlying causes of the problem. The truth is all jurisdictions have been making efforts to address Indigenous family violence but for the first time, governments are prepared to admit they do not have all the solutions. A new approach is being taken. The time is right for all governments to work together to show collective leadership on this issue.

Aboriginal culture and violence cont...

The other tragic thing about this misinformed debate currently raging is the lack of appreciation of what is law and what is custom, and indeed what is pathology. Calls to legislate the right to a so-called 'customary law' defence are based on assumptions that bear little resemblance to reality including the fact that this is used very rarely. Mitigating factors for our clients tend to be, as for others, their extreme socio-economic disadvantage, miserable life circumstances, abusive childhoods and complete lack of opportunity to change their lives or lifestyles.

But restorative justice, crime prevention, mental health and social equity programs depend on governments and bureaucrats to play their part, and the fledgling, half-hearted effort in the NT to incorporate such processes into the criminal justice system suggests that this will not happen overnight. The recent calls for a law and order response to the problems in the town camps around Alice do not indicate a commitment by government to such initiatives.

The lack of good-will by key players coupled with misinformed assumptions means that each decade or so, we will continue to read about the terrible plight of Aboriginal women and children. Aboriginal men, who are actually the largest single group of victims of violent assaults in the country, will continue to be stereotyped as abusive controllers and Aboriginal Legal Aid Services vilified for defending them, if not their actions.

Small steps towards reducing domestic violence cont...

to provide emergency assistance for women experiencing domestic violence. Where a defendant is served with a restraining order the inaccessibility of police in remote communities limits their effectiveness in protecting a woman from further violence. In our view, increased accessibility to police services and safe houses/emergency accommodation is necessary to reduce violence against women in Indigenous communities.

It is clear that there is a high rate of violence against women in Indigenous communities. It is also clear that restraining orders, while imperfect, are the primary mechanism on which we must rely to reduce violence against women in Indigenous communities. Restraining orders only act as a disincentive for future violence. They can not of themselves actually prevent violence. If we are reliant on restraining orders to reduce violence against women in the short-term, immediate steps must be taken to improve their effectiveness while more long-term strategies can take effect.

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