

5 May 2009

Committee Secretary
Senate Select Committee on Regional and Remote Indigenous Communities
PO Box 6100
Parliament House
Canberra ACT 2600

By Email: indig.sen@aph.gov.au

Dear Ms Matulick,

Inquiry into Regional and Remote Indigenous Communities

We refer to your letter dated 26 February 2009 inviting us to make a written submission on the effectiveness of current Australian Government policies in regional and remote Indigenous Communities particularly following the Northern Territory Emergency Response ("NTER"). We thank you for this opportunity.

Background

With offices in Alice Springs and Tennant Creek, the Central Australian Aboriginal Family Legal Unit ("CAAFLU") is a Family Violence Prevention Legal Service, funded by the Australian Government Attorney-General's Department. Established in 2000, CAAFLU provides the following accessible and culturally appropriate services to indigenous survivors of family violence and sexual assault, and those at immediate risk of such violence, in Alice Springs, Ntaria, Papunya, Yuendumu and Tennant Creek:

- legal advice and casework assistance;
- court support;
- counselling to victims of family violence and sexual assault;
- assistance and support to victims of sexual assault;
- child protection and support;
- information, support and referral services;
- community promotion initiatives;
- referrals;
- early intervention and prevention;
- community legal education; and
- law reform and advocacy.

Our priority areas of law are domestic violence restraining orders, sexual assault, child protection, victims of crime compensation and family law where the legal matter is related to family violence.

During the quarter from 1 October 2008 to 1 December 2008, the total number of occasions of service was 2,114, the number of referrals into the service was 296 and the total number of clients was 448. In addition, in excess of 56 community legal education activities around the subject of family violence were undertaken by CAAFLU's community legal educators.

Interpreters

As many of our clients speak English as a second, third or fourth language, it is important that trained interpreters are readily available to assist with complex matters such as housing, income management, court processes and police procedures. It is our understanding that the current interpreter service employs interpreters on a fee for services rendered basis rather than a full time basis. Because Indigenous people with good competency in English are often highly sought after in other roles, the uncertain nature of interpreting work is not attractive compared to stable, full time employment and this leads to low availability of skilled interpreters. We therefore recommend that the government prioritise the establishment of an aboriginal interpreter service with a full time staff of skilled interpreters covering all the major language groups.

Financial Counselling Services

We have noticed that there is a lack of appropriate financial counseling services directed towards indigenous people who are not in debt. It is our view that the income management system, which enforces limits on the type and amount of goods that people can buy in the short term, does little to teach people responsible money management skills for the future. When our clients receive awards of financial assistance, we have found there to be a lack of culturally appropriate financial counseling services for Indigenous people in this context. We believe that a culturally appropriate service needs to be made available to Indigenous people who require assistance with managing their own money and learning how to use their money to improve their lives in the long term.

Domestic Violence Perpetrator Programs

We have also found that insufficient Government programs have been set up to reduce the prevalence of domestic violence in Indigenous communities. Whilst there are some effective programs running, they are not frequent or widespread enough. For example, whilst the Ngaanyatjarra Pitjantjatjara Yankunytjatjara ("NPY") Lands' Cross Border Indigenous Family Violence Program, which services the Papunya community, has proven to be an extremely effective model, it only has the resources to run approximately ten programs per year with a maximum of 15 participants per program. Covering an area of around 450,000 km² with approximately 10,000 inhabitants, ten programs providing for a total of 150 people per year is not enough to effectively address the high rates of domestic violence occurring in Indigenous communities. We therefore recommend that the NPY program be expanded or replicated to provide services to a greater number of people including those in Tennant Creek.

It is the experience of many of our clients that their partners serve time in prison for domestic violence offences only to reoffend upon their release and, further, that many convicted domestic violence offenders do not receive any form of rehabilitation whilst in prison. Accordingly, we believe that a

culturally appropriate, domestic violence offender program, based on a proven cross culturally appropriate model, should be provided by the prisons for all persons convicted of domestic violence offences and should be conducted before the offender is released back into the community (noting that the period of incarceration may be three months or less).

Alcohol Rehabilitation Services

On a similar note, we believe that more needs to be done in both regional and remote communities to treat people with alcohol dependency. Banning alcohol in communities does not treat the causes of alcohol dependence nor the issues associated with rehabilitation. This is another program which could be provided by the prison for people who have been convicted of a crime in which alcohol was a factor. In addition, programs should be set up within the communities which people could participate in on a voluntary basis or by order of community courts.

Lack of Affordable Accommodation Options

As a result of the combination of income management and the banning of alcohol in communities, an increased number of people are now coming in to town from remote communities to shop and drink. This leads to overcrowding which highlights the lack of affordable accommodation options for Indigenous people in town. The result is that a number of remote visitors are forced to sleep rough when they come into town which greatly increases their vulnerability to assault.

As a related matter, there is a lack of crisis accommodation for those who become victims of violence or fear the commission of violence whilst they are in town. With the closure of the Mt Gillen facility, the Alice Springs Women's Shelter is the only facility in Alice Springs providing crisis accommodation to victims of physical violence and/or sexual assault. With a limited number of beds available, and demand for their service steadily increasing, the Women's Shelter is often in the position of having to turn women away. This is unacceptable as often the only place for the women to go is back to the situation of violence. We recommend that either the Women's Shelter be expanded or more facilities established to provide a safe environment for victims of violence or those at risk of violence.

Community Safe Houses

As part of the NTER, safe houses for women and children and cooling-off places for men have been opened in several remote Indigenous communities including Yuendumu. Whilst this is a welcome initiative, we have found that due to a number of factors, these spaces are not being utilized. Initially there was a lack of consultation with the community and relevant community services providers such as the clinic, and the police about where the spaces would be and how they would be run. There has also been a lack of engagement with the intended users of the spaces so that confusion remains around the purpose of the spaces and who can use them and in what circumstances. There has been no proper training or support for the staff expected to facilitate the spaces. Logistically, the men's space is poorly located in quite a public area of the community, it is not welcoming, being a shipping container surrounded by barbed wire and, anecdotally, the name 'cooling-off space' does not make men want to use it. To address these issues we believe that there now needs to be consultation with relevant service

providers within the communities about how the spaces can be improved and engagement with the community members about the purpose of the spaces.

Lack of Female Police Officers in Communities

With respect to the issue of domestic violence in remote communities, we believe that the prevalence of domestic violence is significantly under-reported and that one of the factors contributing to this is the lack of female police officers present in communities. It is our experience that female victims of domestic violence are less comfortable telling their stories to men than to women. Accordingly, if female police officers were available in the communities, then women may feel more able to report domestic violence.

Finally, as a general comment, we believe that the overall effectiveness of Government NTER policies has been undermined not only by their compulsory nature and racial basis, but also, by the lack of appropriate consultation within a culturally appropriate timeframe with the communities affected. Regarding the effectiveness of the NTER policies, the members of the communities should be meaningfully engaged and not only through the elders who do not represent a fair cross section of the community. Providing Indigenous people with a voice in the matters that affect them will not only provide them with a measure of control over their own lives, it is also best practice in a community development context.

Yours faithfully,

CAAFLU Aboriginal Corporation

Phynea Clarke