



**Paper for CLANT Conference - Bali  
2013**

**Unnecessary Suffering  
Violence against Aboriginal Women in  
the Northern Territory;  
A Discussion of Contemporary Issues  
and Possible Ways Forward**

**Justice Jenny Blokland**

Justice Jenny Blokland, Supreme Court of the Northern Territory. Research assistance and editing by Isabella Maxwell Williams.

## **Introduction:**

I want to talk to you about the serious issue of violence against Aboriginal women in the Northern Territory. It is of ongoing significant concern for legal practitioners on both sides of the bar table, members of both courts and the broader public. Of course the primary concern is for the wellbeing of the women and girls subject to this violence, given its corrosive and damaging effects; however the parallel consequence is that a significant proportion of the prison population in the Northern Territory is comprised of Aboriginal men who engage in this form of violence. It is an issue creating misery all around. It occurs in statistical proportions far greater than that of the sexual abuse of Aboriginal children, that has rightly received so much recent attention.

Despite the mandatory reporting of spousal and other domestic violence,<sup>1</sup> more programmes delivered over the longer term to support victims of violence, and increasing gaol sentences for the many perpetrators, our society continually fails to protect large numbers of Aboriginal women from violence, usually perpetrated by an intimate partner or former partner and sometimes by other family members. I am sure you will agree that nothing is more fundamental in term of basic human rights than the right to security, safety and autonomy of the person. We also know there is a detrimental effect which flows on to children who witness such violence. Many studies have documented that children have the same reactions to witnessing violence as children who are the direct victims of violence.<sup>2</sup>

Of all the types of behaviours broadly seen in our criminal justice system; it is this form of offending creating the most unnecessary suffering. And this is offending by, and perpetrated

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<sup>1</sup> *Domestic and Family Violence Act (NT)*, Section 124A; the violence must be reported when there is a belief that a person has caused, or is likely to cause harm, and the safety of that person is threatened.

<sup>2</sup> Cited throughout Katz and Stefanakis 'The Implementation of Programmes for Offenders of Intimate Partner Violence in British Columbia' Paper presented at the 130<sup>th</sup> International Training Course, British Columbia, 2004.

on, people who in many cases, want to be together as a couple. There is no great legal point to be made in the majority of cases. The legal aid services, especially the Aboriginal Legal Services and the prosecutors bear the brunt of the sentencing stages of this difficult and frustrating work. Difficult work is also undertaken by those lawyers working in the Domestic Violence Legal Service, the North Australian Aboriginal Family Violence Legal Service (NAAFVLS), the Central and Top End Women's Legal Services and their counterparts in the rest of the Territory on all manner of legal issues around domestic violence. I am grateful for discussions with a number of those services in preparation of this paper. Police of course also are also deeply more engaged in cases of this kind in a constructive way, and motivated to prevent violence.

This is an area crowded with commentary. Well motivated academics and politicians like very much to blame others for the high rates of spousal violence rather than focus on initiatives to prevent the violence.<sup>3</sup> Their allegations often focus on what they describe as a failure to punish perpetrators. Courts, lawyers and associated professions, sometimes even police, are blamed.

More than almost any other area of sentencing, assaults by men perpetrated on women result in gaol sentences actually served. As we all know, there are some exceptions as might be expected around first time or young offenders if the consequences of the assault are not proportionately in the most serious of categories of cases of this kind, or where there is significant mental illness or similar factors that are required to be taken into account; however, gaol sentences are the most common form of punishment in cases of this kind. There is plenty of case law supporting the use of imprisonment and the recognition of the

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<sup>3</sup> See e.g. Hemming, "Prediction of the Risk of Continuing Violence to Women through inadequate sentencing of male offenders from Aboriginal Communities, (2011) INTLJ 305.

effects of violence on the mental and physical integrity and dignity of women, particularly the effect of subordinating Aboriginal women in the community and preventing them from full participation in the community.<sup>4</sup>

### **The Dimensions of The Problem:**

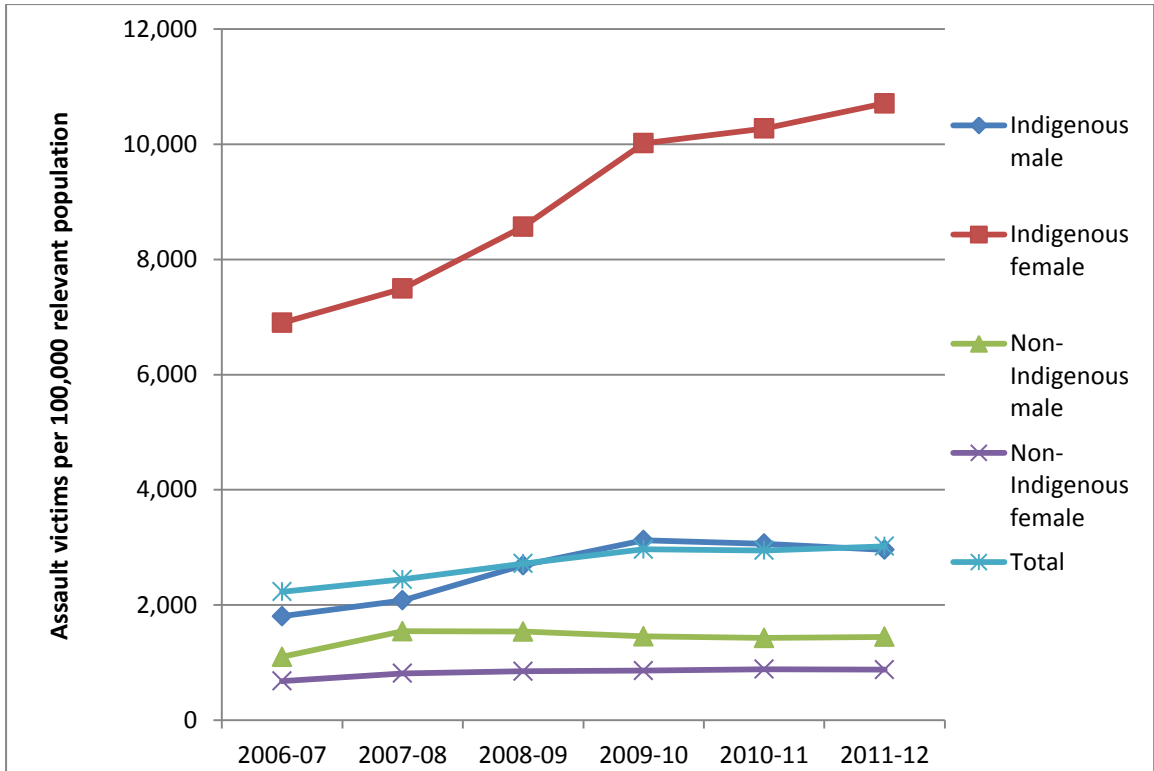
There are a number of critiques that arise when considering violence against women in the Northern Territory when the focus is on crimes perpetrated by Aboriginal men on Aboriginal women. First, that spousal violence is perpetrated across the whole community, not only in the Aboriginal community. While that is undoubtedly true, the statistics tells us that the entrenched problem, at this point in time, is in the Aboriginal community. Second is the question about violence perpetrated by women, particularly Aboriginal women against their partners. Although this is a problem that needs to be addressed; and there are relevant statistics available; it is nowhere like the numbers of reported or proven assaults against Aboriginal women. Many women dealt with as offenders for these types of assaults have themselves been subject to violence by family members, usually a partner. As this is such an obvious problem to anyone who practices in criminal law in the Northern Territory I will not spend long defining it. These statistics speak for themselves.<sup>5</sup> These statistics will not be a surprise to practitioners appearing regularly in these cases.

1. 'First assault victims per hundred thousand of the relevant populations'. These are complaints police consider are substantiated.

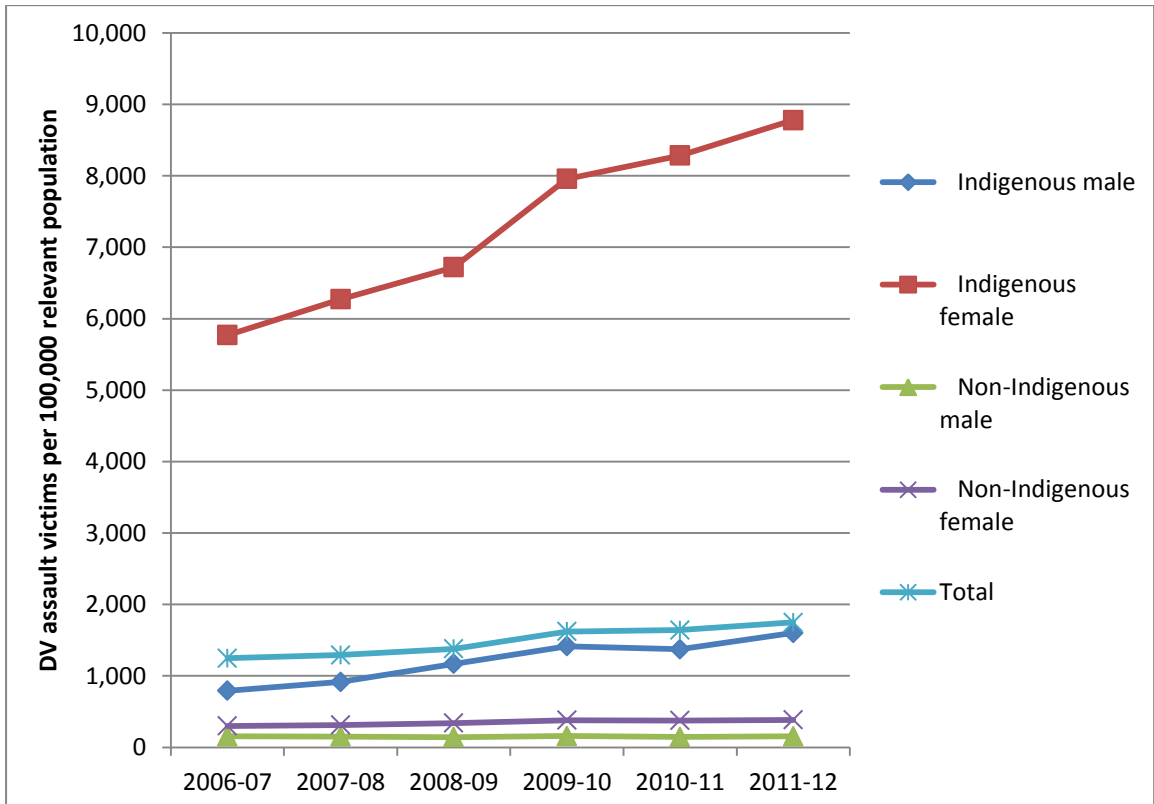
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<sup>4</sup> *The Queen v Inness Wurrumora* [1999] 105 A Crim R 512; *The Queen v GJ* (2005) NTCCA 20, see especially Southwood J; *R v Nelson*, (unreported, Riley J, 14 March 2007)

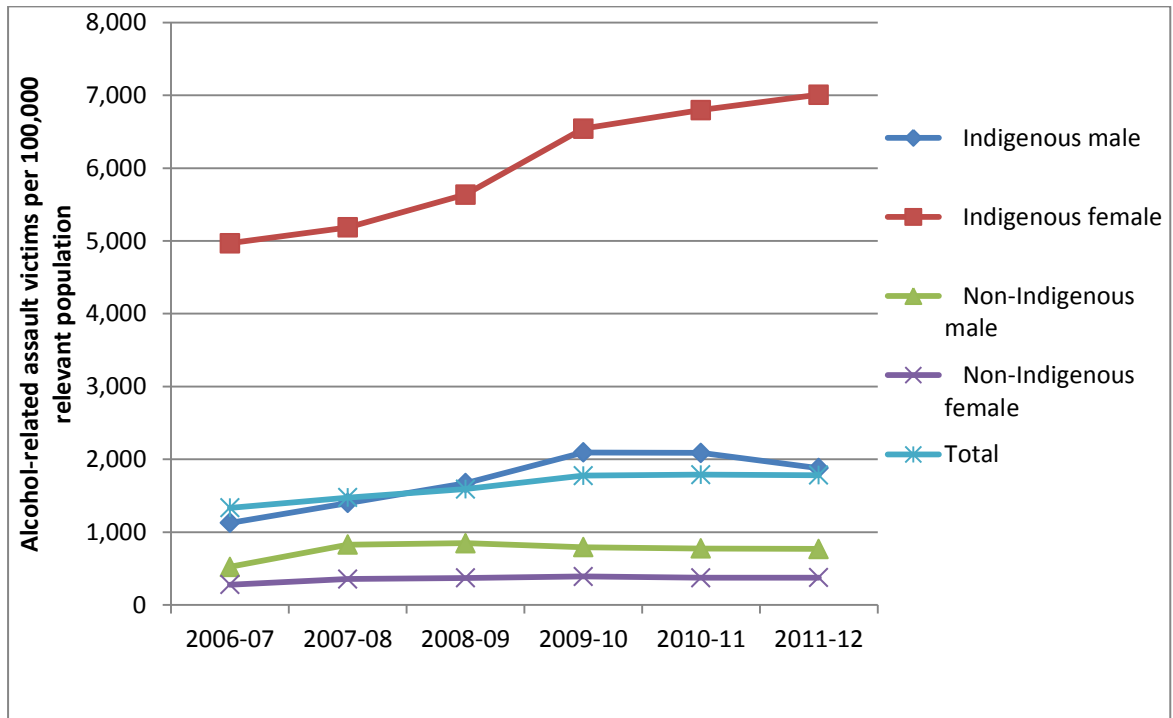
<sup>5</sup> This would have been evident to all CLANT delegates at the last conference. When the former DPP Richard Coates delivered his paper on "Law and Disorder in Aboriginal Communities," dealing with the problem of re victimisation.



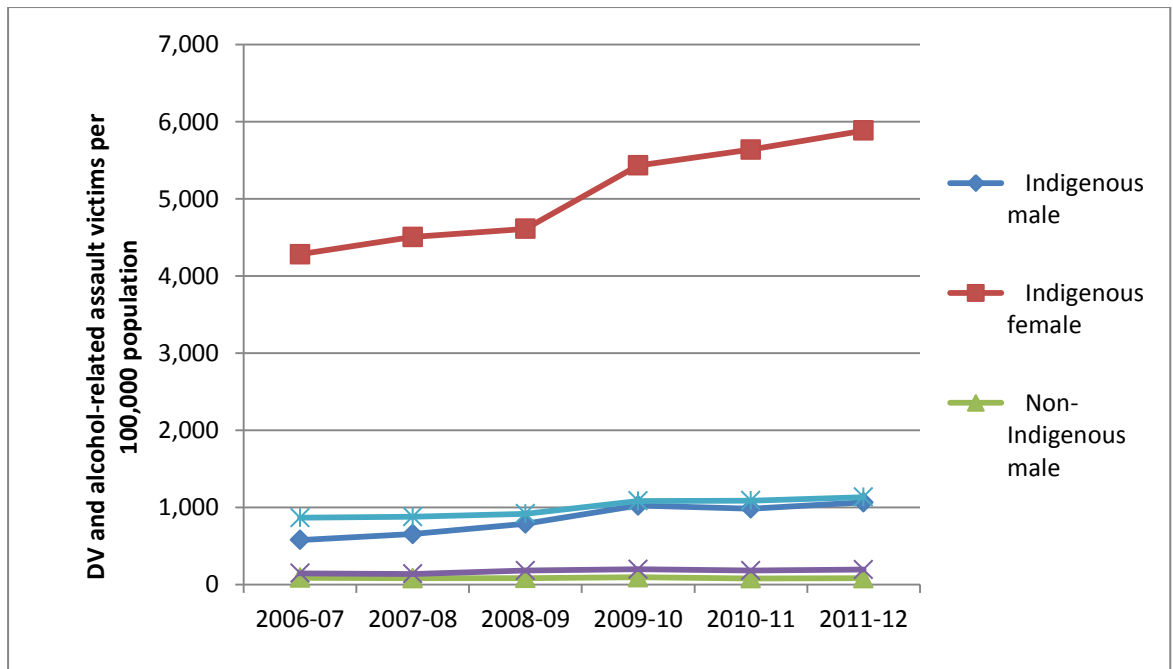
2. 'Domestic violence assault victims per hundred thousand of the population'.



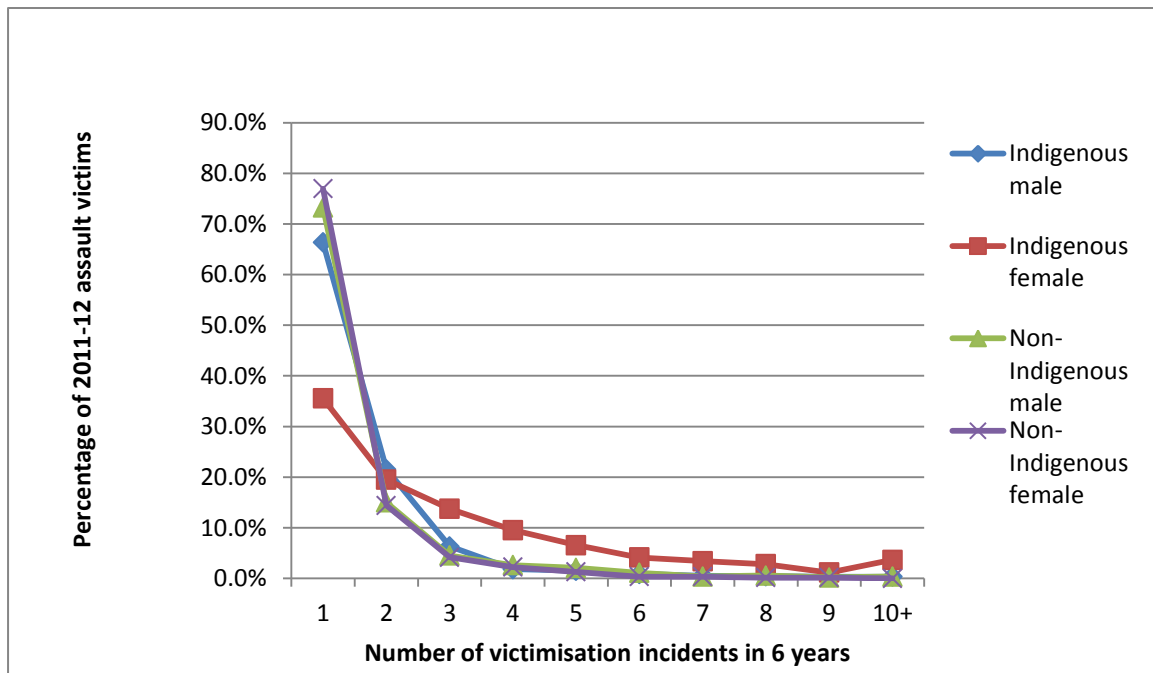
3. 'Alcohol related assault victims per hundred thousand of relevant population'.



4. 'Domestic violence and alcohol related assault victims per hundred thousands of the population'.



This next graph updates the position that you might recall from the last conference indicative of repeat victimisation. ‘Number of victimisation incidents over six years’.



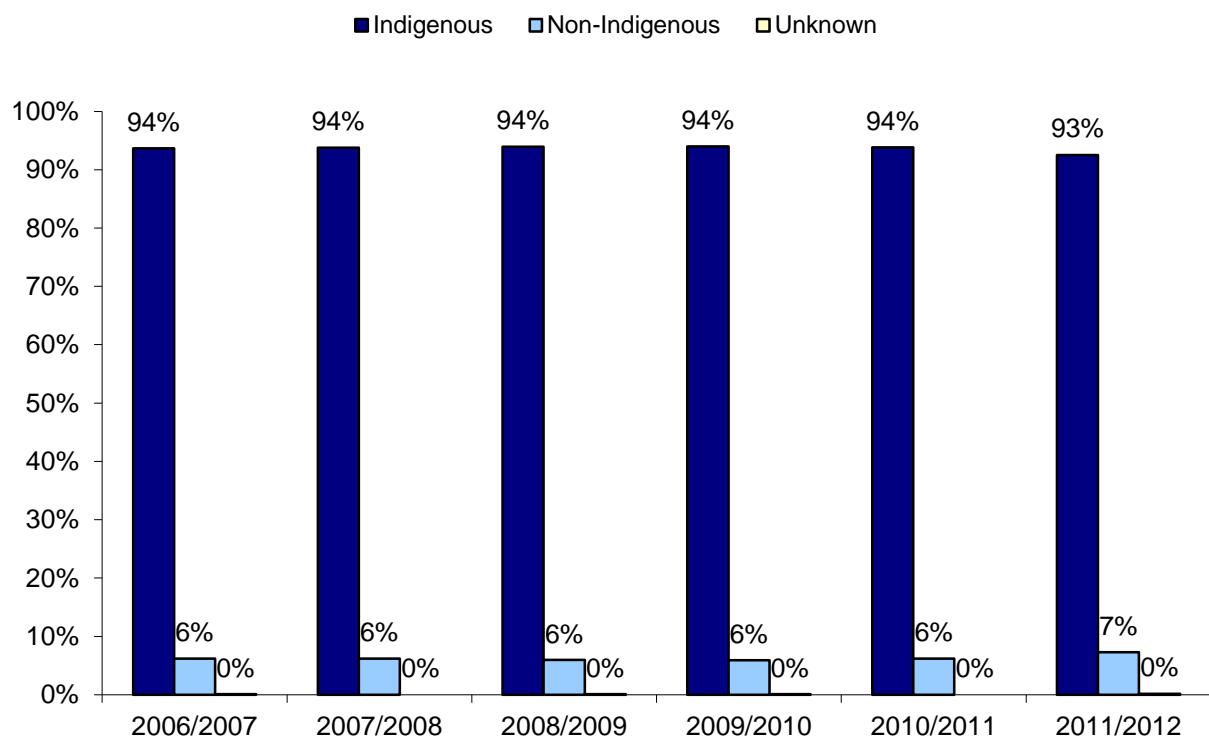
There are further breakdowns of various statistics available but in raw numbers we are talking about:

- Indigenous female victims of domestic assault for 2011-2012 of 2962 persons;
- Indigenous male victims of domestic violence 563;
- Non-Indigenous female 293 and non Indigenous male 132.

30	<b>Table 3. Domestic violence assault victims by Indigenous status and gender</b>						
31		2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
32	<b>Domestic violence assault victims</b>						
33	Indigenous male	250	295	385	476	472	563
34	Indigenous female	1875	2053	2217	2644	2774	2962
35	Indigenous unknown	1	0	0	0	0	0
36	Non-Indigenous male	119	120	117	134	126	132
37	Non-Indigenous female	206	221	247	285	285	293
38	Non-Indigenous unknown	1	0	0	0	0	0
39	Unknown Indigenous status male	36	15	20	36	21	18
40	Unknown Indigenous status female	126	73	59	105	99	75
41	Unknown Indigenous status and gender	14	0	1	0	1	3
42	<b>Total</b>	<b>2628</b>	<b>2777</b>	<b>3046</b>	<b>3680</b>	<b>3778</b>	<b>4046</b>

I am not ignoring that there are problems in other sections of society; but in terms of where the effort should be to improve the situation, the focus needs to be on the Aboriginal community. To further help illustrate this problem are the ‘male assaulted female offenders by Indigenous status’ statistics and if there is any doubt that these assaults do not involve partners, see the percentage of domestic violence by Indigenous status for male assaulted female.

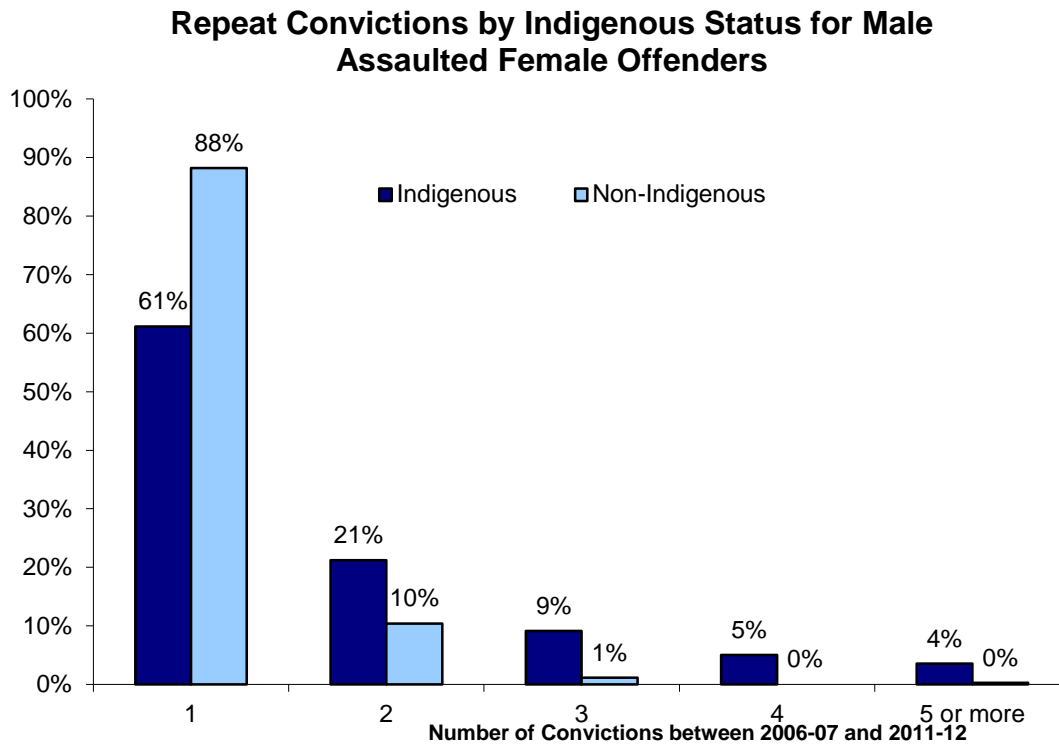
### Male Assaulted Female Offenders by Indigenous Status



The final slide I will give you is the repeat convictions by Indigenous status for male assaulted female victims between 2006 to 2007 and 2011 to 2012. These are actual



convictions.<sup>6,7</sup>,



### **The Use of Imprisonment:**

In 2011/2012, of 1129 court outcomes involving sentencing of offenders convicted of male assaults on females;

- 524 received terms of imprisonment;
- 414 partially suspended terms and 90 fully suspended terms;
- The balance had other orders.

<sup>6</sup> In this paper I am not specifically dealing with homicide, however, see the discussion in Jane Lloyd, "Domestic Violence Related Homicide Cases in Central Australia" ACC, paper, December (2008)

<sup>7</sup> The Department of the Attorney General and Justice has released the Quarterly Crime Statistics for the June quarter 2013. These statistics further attest to the high levels of domestic violence related offences in the Territory and the common involvement of alcohol in this type of offending – see [http://www.nt.gov.au/justice/policycoord/researchstats/researchstats/2013/nt\\_quarterly\\_crime\\_statistics\\_ju\\_n2013.pdf](http://www.nt.gov.au/justice/policycoord/researchstats/researchstats/2013/nt_quarterly_crime_statistics_ju_n2013.pdf): specifically table 4g.

This gives an indication as to who is being spoken of when the statistics indicate 30.7 % of people proven guilty in the Northern Territory received actual imprisonment compared with 7% nationally. It must be remembered that acts intended to cause injury comprised 35.3 % of work in the Supreme Court. In the Supreme Court alone, 95% of persons received a term of imprisonment. Just before I leave statistics, although these are significant numbers, there has been significant cooperation by Aboriginal men defendants and accused with the administration of justice. 95 – 97% of Aboriginal men pleaded guilty in cases of this kind over the last six years compared to 80 – 93% of non-Aboriginal men. I am not sure that it is realistic to expect the same level of cooperation given the new mandatory sentencing regime. I hope that impression is wrong. If the current situation of co-operative pleas of guilty changes, it potentially places victims under far more pressure, in terms of the requirements to give evidence in the event the charge is challenged – non-cooperation by offenders will be counterproductive.

It is hard enough for the Courts to get the message across about what will happen to perpetrators of this type of violence, to those who need to hear it, without that message being distorted by those who have suggested publicly that imprisonment is not a likely outcome for offending of this type. Clearly imprisonment *is* a likely outcome and that has been the case for many years. Imprisonment has generally been the outcome without the contribution of the minimum mandatory terms of imprisonment. Imprisonment will obviously continue to be utilized; however, it is clear it is not reducing the incidence of this form of violence.

The reason this paper focuses on this form of violence is to attempt to understand and deal with it in a better way, not to demonise any Aboriginal person, male or female or their legal

representative's but to encourage diverse approaches that might deal with the problem. In analysis of this area there are ever changing variables to work with, including on the positive side, improved and greater reporting, however, on the down side it is very difficult to know how much of the problem has been captured. Views vary on the extent of reporting or the barriers to it. **International and Historical Matters – The Territory Is Not Alone**

The frustration with this form of violence experienced by many of our fellow citizens is all the more acute given international meta-studies and analyses such as those done by Professor Steven Pinker explored in his text - "The Better Angels of Our Nature –a History of Violence and Humanity"<sup>8</sup>. This analysis argues that on an international level violence has declined generally over time so much so that today we may be living in the most peaceable eras of human existence. It has not eradicated violence completely, but it is an unmistakable development.

Internationally there are many reasons offered as to why violence has decreased over time, including advancements in civilization in terms of changes in social organisation and thinking; the age of reason and enlightenment that abolished socially sanctioned forms of violence like despotism, slavery, duelling, judicial torture and superstitions killing. The broadly accepted decision by nation states to remove the use of force as an instrument of national policy; and finally the development of the modern concept of human rights including minority rights, civil rights generally, women's rights, children and so on are said to have all contributed, to the reduction of violence.

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<sup>8</sup> Penguin Books, 2012

Given that this is the trend internationally in a very broad sense, it is legitimate to ask why this trend does not continue at a micro level such as in the Northern Territory and what it would take to reduce this most common form of violence. Many of the changes Pinker notes in various societies concern changes in social organisation. Some behaviours, despite changes in social organisation, remained constant, for instance from the 14<sup>th</sup> century the European homicide rate fell steadily but certain patterns in homicide remained constant. Men were responsible for about 92 % of the killings (other than infanticide) and they were most likely to kill when they were in their 20's. Homicide in which one man killed another who was unrelated to him declined far more rapidly than did the killing of children, parents, spouses and siblings. We are dealing with an old problem, but one that is very difficult to address.<sup>9</sup> It seems when other forms of violence are reduced, inter spousal violence remains.

The Northern Territory is by no means alone dealing with this problem. In this region a number of nation states, (most recently Papua New Guinea has been newsworthy on this subject), have reported particularly high rates of male perpetrated violence on spouses. Timor Leste, as we were told on our own Court's peer visit with the courts of Timor Leste, has high levels of intimate partner violence, some of it extreme. A coordinated multi-sectoral response has been taken in Timor Leste. Psychosocial Recovery and Development in East Timor (PRADET) provides emergency counselling, medical treatment and forensic documentation of injuries and referrals to services.<sup>10</sup> AusAid conducts a rule of law programme that as a component, deals with violence to women. Similar statistics are evident

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<sup>9</sup> Pinker at 76-77

<sup>10</sup> Information regarding this programme can be viewed here: <http://www.pradet.org/programs/fatin-hakmatek-safe-room> - First viewed in April 2013.

in Aboriginal families in Canada and other societies where Aboriginal persons are a minority.<sup>11</sup>

There is no doubt that as structures change and attitudes become more open; there is capacity for change so none of us should give up. Members of some of the larger Darwin Aboriginal families would tell you of a massive shift from 30 – 40 years ago family violence was acknowledged only from the point of view of “that’s how it is”, it was swept under the carpet; it was “closed shop”. Now, if it occurs there are likely to be a range of views about consequences but there will be an open discussion, support for the victim and, reporting to police is common. There has also been a change in the language used to speak about this issue. Back 30 – 40 years ago, no-one would have spoken of a relative as a ‘perpetrator’. The current generation of Aboriginal teenagers and people in their twenties, generally speaking have no tolerance for violence of this kind.<sup>12</sup>

### **Recurring Themes: Pre or Post Contact? Alcohol**

There are two dominant recurring background themes, associated with any contemporary discussion on violence in the Aboriginal community. First is the question of whether this and other forms of violence existed pre-contact or pre-colonisation. In recent times the evidence clearly suggests, that as with other societies it did pre-date colonisation. Clearly writers such as the eminent anthropologist Peter Sutton in the ‘Politics of Suffering’ and Joan Kimm in ‘A

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<sup>11</sup> Jason Brown and Sue Languedoc, ‘Components of an Aboriginal-Based Family Intervention Program’, (2004) *Families in Society*, 477.

<sup>12</sup> From Personal Communication.

Fatal Conjunction' (2004) make this connection clearly and powerfully.<sup>13</sup> Stephanie Jarrett, who agrees with this, makes the point in her illuminating and comprehensive book 'Liberating Aboriginal People from Violence',<sup>14</sup> the fact of this connection should not be an excuse for not taking steps to reduce the violence. The MLA Bess Nungarrayi Price, in the Foreword to this book states:

*"When we lived in the desert we had no armies, police forces or courts. Every family had to defend itself. Everybody, male and female, knows how to fight in their own defence and to defend their families. Men had the right to beat their wives. Young women had very few rights. Men had the right to kill those who they thought had broken the law. We all know this but won't talk about it".*

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We only have to look at the beautiful film "Ten Canoes",<sup>15</sup> set in pre-contact Arnhem Land and the Arafura Swamp to appreciate the extent of wife kidnapping and other forms of subjugation of women practiced in earlier times. A striking example of a tendency to cling to anachronisms in some parts of the Aboriginal community was seen in 2003 when the Legislative Assembly (NT) abolished traditional Aboriginal marriage as a defence to sexual intercourse with a child under 16 years. The Aboriginal leader, Galarrwuy Yunipingu reportedly attacked the legislation saying "I'm very deeply disgusted with the action of this Government trying to establish authority over a law that has been there for thousands of years".<sup>16</sup>

As violence was used for maintenance of the group in a collective society, like other societies, when that group is under threat or pressure, potentially the incidence of violence

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<sup>13</sup> Sutton, P 'The Politics of Suffering: Indigenous Australia and the end of the liberal consensus', Melbourne University Press, 2009  
Kimm, Joan 'A Fatal Conjunction: Two Cultures Two Laws', The Federation Press, 2004.

<sup>14</sup> Connor Court Publishing, (2013)

<sup>15</sup> (2006) Directed by Rolf de Heer and Peter Djigirr, produced by Rolf de Heer and Julie Ryan – Distributed by Palace Films.

<sup>16</sup> ABC (PM), transcript, 10 December (2003).

may increase. None of these histories or practices of course justify ongoing violence to women. Courts are, however, asked to consider these things from time to time. All that can be concluded is that for whatever reason historical or otherwise, most offending of this type occurs in a broader environment of violence. In terms of post-contact history, I was reminded by Mr Des Rogers,<sup>17</sup> that first contact for many Aboriginal people in the Northern Territory was with Missions and Churches, not known at that time for progressive attitudes towards women.

The second recurring theme is the connection of alcohol with offending. As a general statistic, police indicate 60% of assaults they deal with and 67% of domestic violence incidents involve alcohol.<sup>18</sup> The link between the two is extremely strong. This may not be the direct explanation for offending; however all the evidence points to alcohol making offending of this kind more likely and I would add an observation that it tends to increase the severity of assaults.<sup>19</sup> The view of counsellors from the Indigenous Family Violence Offender Program that alcohol increases the likelihood of assaults. This is due to its well known disinhibiting affects; but intoxication operates at many levels to sabotage the usual respect required in a relationship.

Talking about alcohol is not about excusing the behaviour but the connection with alcohol underlines why support must be given to measures that reduce supply. Alcohol may contribute to the misreading of signals by both offender and victim; by reducing inhibitions alcohol impairs attention to internal behaviour cues and consideration of the consequences;

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<sup>17</sup> Now, Deputy Director, Congress, Alice Springs

<sup>18</sup> Report in NT News, 12 April 2013, at 2

<sup>19</sup> From personal communication.

alcohol intoxication may decrease frontal lobe functioning, affecting the ability to handle new or threatening situations and to develop alternative strategies to solve problems; it may affect neuron-chemical systems that mediate aggressive behaviour. Women with alcohol and other substance abuse problems are at increased risk of being victims of violence; completion rates of treatment and courses are lower with addictions; addiction itself may cause conflict in the relationship.<sup>20</sup> In a number of international programmes, alcohol abuse is treated, not because it is considered as a cause of the violence, but rather will be a barrier to treatment if it not addressed.

Dealing with the probabilities, we can safely conclude that if supply of alcohol is reduced, the number and severity of assaults of all kinds will be reduced. I need only refer to the paper given by (now the President of CLANT), Russell Goldflam in 2009 at this conference: “The Response of the criminal justice system to alcohol related harm in Central Australia”<sup>21</sup> arguing for a range of measures to decrease the consumption of alcohol, particularly to decrease supply to problem drinkers. The Northern Territory has some of the most complicated alcohol laws in the country. The whole issue is highly politicised. As is well known the previous Banned Drinkers Register has been abolished, thus the impact of new measures needs to be monitored. As an Association, CLANT needs to continue to support measures that reduce the supply of alcohol to people who harm by way of violence.

Although incarceration as a response to violence in this setting may serve a purpose in providing respite to victims for the term of imprisonment it is clearly *not* deterring others

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<sup>20</sup> Katz and Stefanalis.

<sup>21</sup> Delivered on Tuesday 30 June 2009.



likeminded to act in a similar way and for many offenders, it is not effecting behavioural changes to stop the physical violence. All studies emphasise the need to engage men both as individuals and members of social groups to effect transformative change. Recent international literature dealing with similar problems emphasise primary, secondary and tertiary interventions, the first two being preventative to assist to reduce violence of this kind and other harmful practices. In the Northern Territory we address the tertiary stage by the use of imprisonment and to a degree, by offering the Indigenous Family Violence Offender Programme.<sup>22</sup> This is an excellent programme, however, usually by the time there is imprisonment, or the programme is attempted as a diversion, a pattern of violence has already emerged.

### **Respectful Relationships Education – Primary Preventions**

Primary prevention strategies are recommended internationally, aimed at stopping men and boys using violence in the first place. These involve programmes in schools, to youths and to particular groups of men. In the Northern Territory, the programme “Love Bites,” is not a compulsory programme, and not an intervention, but complements the school curriculum, funded by a philanthropic arm of the Swiss Bank UBS and the Office of Children and Families. It teaches respectful relationships through interactive workshops. It is run in Darwin, Batchelor, Katherine, Tennant Creek, Alice Springs and just commencing at Santa Theresa. The goal is to have it open to all ages and to include more work on “jealousy” in the NT. As positive as the programme is, given the voluntary nature of the programme through school, it is not likely to be reaching many of the boys and girls who will in inevitably end up as perpetrators or victims if they do not have this style of education.

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<sup>22</sup> Now titled ‘Family Violence Programme’ to account for the fact that the programme is available to both Indigenous and non-Indigenous offenders.

A suggestion made to me that I think well worthy of investigation was that as bush camps, around business for boys and young men, (when grog is barred) attract up to 1000 Central Australian men, such camps would be an opportunity to talk to boys and young men about respectful relationships and respectful treatment of women with a view to reducing violence. This would also assist to reduce the suspicion that poor attitudes towards women are either learnt or reinforced at such gatherings. Suspicion falls on bush camps as a result of their secrecy. It would be very powerful if these cultural activities could be harnessed to teach men and boys about respectful relationships. Internationally, it is recognised that there needs to be positive constructions of identity as alternatives to socially recognised forms of manhood associated with violence and gender inequality; or alternative ceremonies progressing to adulthood. A recommendation I would make is that while maintaining the cultural integrity of the ceremonies, greater transparency should be ensured during the transition to adulthood phases; and that the ceremonies allow and promote the teaching of principles of respectful relationships and gender equality as part of the process. The reason this age amongst perpetrators is so important for intervention is that it is around that age that the offending commences.

It is hoped that a similar processes could be made available for women and girls, appropriately adapted to address developing expectations about respectful relationships and what to do if they find themselves in an abusive situation.

Discussions with Ms Lee from NAAFVLS<sup>23</sup> have identified a lack of self-reporting. There is clearly a need to assist Aboriginal women and girls to report; most of the violence was seen as private; the community view was generally that the relationship will continue regardless of the violence. There is a need for an appropriate extension or application of ‘Love Bites’.

### **Secondary Measures – Reducing Opportunities For Violence**

One of the methods our system uses to reduce the opportunities for violence is the Domestic Violence Order under section 41 of the *Domestic and Family Violence Act*, allowing an authorised police officer to make a Domestic Violence Order. It is well understood that police do the best they can in difficult situations – when it is a case of domestic violence, it is likely police will issue a s 41 order because of the urgency to ensure the protected person’s safety.

I was told by practitioners from DVLS, (who see approximately 1200 people per year), of examples of when a s 41 order is made without the full consent or at least understanding of the protected person, (usually the woman). The protected person then feels she is the victim of a system that it not listening to her. In terms of protection and reducing the opportunity for family violence, an inappropriate DV Order will not be effective, particularly a “non-contact order”, if there is not consent or no understanding of the need for the order.

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<sup>23</sup> North Australian Aboriginal Family Violence Legal Service

If the parties do not want to separate, then having the s 41, 'full non-contact' order made in the trauma and heat of the moment later becomes completely inappropriate. Often, the protected person is told they do not need to attend court to hear the order received.

Consequently, the protected party does not know the terms of the final order. I was told this can infuriate both parties when they realise that first police have denied one party contact with their children; then secondly a court has done the same. Some people simply cannot comprehend it. If the DV order is not appropriate, the parties often do not have legal advice and will remain ignorant of their options to vary it. This means there is a risk that the order will not be adhered to and the protection will not be meaningful.

There is a lack of representation of defendants during the DV order process, usually men, who might be able to take less combative approaches to DV orders if they were given assistance in regulating an appropriate order. I understand that the NTLAC provides an advice session and NAAJA, (because of lack of funds), no longer runs a duty service offered to defendants in DV Order proceedings<sup>24</sup>. Defendants are more likely to abide an order they have had some say in, rather than just 'seeing red' over reading an order that tells them they cannot see their children for two years. A simple adjournment of proceedings to allow for informed and considered orders that are likely to be by consent will mean the orders are more likely to be complied with. Anecdotally, it is said that over half of protected persons want to stay in the relationship, so the order must be effective within that context. It is important the orders be sustainable. A breach of an order is a strict liability offence and in some circumstances attracts mandatory imprisonment.<sup>25</sup>

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<sup>24</sup> Since delivering this paper, we have been informed that NAAJA will be reinstating this duty service.

<sup>25</sup> *S120 Domestic and Family Violence Act (NT)*

Practitioners specialising in the area of domestic violence support processes that would allow the Indigenous Family Violence Offender Programme, (now, Family Violence Program) to be widely available to defendants early in the DVO process. This in turn can become part of the discussion around further variations to the order. If the Family Violence Programme is not available, counselling services such as Catholic Care and Danila Dilba or the ‘Safe and Sober Strong Mob Program’ might be able to assist, making compliance with the Domestic Violence Order more likely.

### **Importance of the Indigenous Family Violence Offender Programme - (Family Violence Programme)**

This programme has been restructured to continue its work in re-educating and shifting attitudes in relation to women. I am grateful for information from Christine Brown, Clinical Psychologist and Senior Clinician and Marianne Conaty, Executive Director, Offender Services, Programmes and Indigenous Affairs. The programme is especially effective when people have self-referred. It is not recommended for very serious matters.

In the light of the age at which young Aboriginal men start offending in this way, participation in the programme needs to be encouraged at the first sign of this type of offending. That might be seen either in response to an application for a Domestic Violence Order or an early court intervention where violence is the basis of the offending. Alternatives may be available. For example in Alice Springs, victims and offenders may benefit from the “Safe Sober and Strong” programmes delivered as part of the Integrated Approach to Domestic and Family Violence within the transformation of Alice Springs project.

Practitioners need to proceed with an awareness of how entrenched the ideas of control by violence are for many Aboriginal men. In a large Aboriginal community when the Indigenous Family Violence Offender programme was being run, a facilitator asked participants: “Say your wife has gone shopping and she is late returning home, what do you do?” to which some participants responded “bash her when she gets home because she’s probably been looking at someone else”. The facilitators then asked participants to consider other possibilities such as their wife might have had an accident in which case you would be worried and concerned, or they might be talking to family.

I was told the participants were surprised to think about the scenario in this way. They were quite astonished to understand that couples could talk about these things, even more so when told exchanging gifts might be something that a couple might occasionally do. None of those participants had received psycho-educative training previously nor had they self reflected in that way. The programme is now more interactive. Participants are also asked to reflect on the short term benefits of “being the boss” as opposed to the long term destruction it can create. Alternatives to lashing out, such as a walk to cool off or talking about the issues are also discussed in the programme.

Currently women cannot take the programme whether as offenders or victims. If the numbers of women increase, a programme will I was told, be arranged. If they are protected persons or victims they need help to deal with the issue of violence, to learn about what their partner is learning if he is going through the programme and to further encourage healthy

relationships. This programme might be made available if there are enough referrals for women offenders; it can in turn with appropriate modifications, it can in turn help women who are victims.

Given how widespread the problem is, given the ignorance of gender equality issues including violence, the Territory needs an extension of the Family Violence Programme to whole sections of the community. For countries where the levels of violence to women are particularly high, the United Nations has Gender Equality Education Officers responsible for teaching the advantages of equality of women, including the advantages of not engaging in gender specific harms. That is, positive reasons not to engage in this and other harmful practices and attitudes. At this stage of our social development in the Territory, we should have the same. Gender equality education officers who can engage with Aboriginal men appointed to specific regions in the Territory may assist in an overall improvement.

Recommendations for improvements that CLANT may be able to lobby for and that practitioners could drive are so follows:

**Recommendations:**

1. Acknowledge violence to Aboriginal women by Aboriginal men is one of our most pressing and harmful social problems – creating misery for victims and perpetrators and their families and communities.
2. Acknowledge there are multiple causes and triggers for this offending, but historically, an environment of violence and control is often relevant, as is alcohol abuse, jealousy, frustration, anger or despair – all compounded by physical poverty.

3. Support efforts to reduce or cut-off the supply of alcohol to offenders or those at risk of offending in this way.
4. Extend the “LoveBites” (or similar programme) to all community schools in the Northern Territory. This would necessarily involve a unit on ‘Respectful Relationships’ becoming part of the primary and secondary school curriculum.
5. While maintaining the cultural integrity of the ceremonies, particularly the transition to adulthood phases, ensure greater general transparency of the practices so that there is a broader understanding of what is said; allow the teaching of the principles of respectful relationships and gender equality as part of the process.
6. Encourage Aboriginal women to be provided with information about respectful relationships, access services, both health and legal to deal with issues of violence by men; if appropriate, incorporate healing ceremonies; and encourage the teaching of gender equality as part of the transition to adulthood.
7. Provide legally aided representation to defendants early in the process after a section 41 Domestic Violence order has been taken out for the purpose of negotiation and progressing the order. Further provide the time and space so that only a DV order appropriate to the circumstances of the offender and victim are confirmed.
8. Make the Indigenous Family Violence Offender Programme (IFVOP now the Family Violence Programme) available to defendants during the DV order process; otherwise other forms of counselling throughout the process.
9. Make the IFVOP (Family Violence Programme) available to women both as perpetrators and as aggrieved persons throughout the DV application process, or other forms of counselling throughout. This female-specific programme would be separate to the men’s programme and will need to be developed and informed by the specific cultural and environmental issues facing Aboriginal women living on communities both remote and urban. Refer your clients to the programme.



10. Support and develop a Domestic and Family Violence Death Review Unit to carry out reviews of deaths that have occurred in the context of family violence, with a mind towards reducing domestic fatalities in the Northern Territory. (Suggested by Emily Webster and Adrian Walters – Balance 3/2012)
  
11. Investigate the employment of United Nations- style Gender Equality Education Officers in each region in the Territory to inform people of the advantages to the community of gender equality, including the advantages of abolishing/eliminating harmful and violent practices against women.
  
12. Encourage support and training for Aboriginal mothers to assist with rearing male children in a way which is conducive to respectful relationships – (Justice Kelly raised this from the conference floor).
  
13. Extend the nurse home visiting programme to visits to pregnant women from the second trimester until their children are 2-3 years old – Chips Mackinolty.
  
14. **Add to this list and don't surrender!**

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