

Aboriginal and Torres Strait Islander Victims of Crime Interagency Forum

Report



**Report of an Interagency Forum
held on 13 March 2001
by the
Aboriginal Justice Advisory Council
in partnership with the
Victims of Crime Bureau**



Victims of Crime Bureau

Contents

Background	3
Overview	4
Opening	5
Issues	6
Themes	7
Summary of Themes	8
Discussion on Themes	8
Possible Directions - Where To From Here?	9
Conclusion	9
Attachment 1: Evaluation	10
Attachment 2: Consultation Group	11

Background

The issue of Aboriginal victimisation, or victims of crime who are Aboriginal or Torres Strait Islander has been emerging in recent times. There has been much debate concerning the concept of victims versus resistance and survivors in terms of land invasion, and more recently, the 'victims' of the 'stolen generations' reported in the HREOC Report, *Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. The issue of Aboriginal victims of crime was not discussed or reported in the Royal Commission Inquiry Into Aboriginal Deaths in Custody with the recommendations from the report largely focussing on offenders.

At the 1997 Ministerial Summit on Indigenous Deaths in Custody, the NSW Government agreed, in partnership with Aboriginal people, to addressing specific justice issues and addresses the underlying causes of Aboriginal involvement in the criminal justice system, such as social, economic, cultural and justice issues, customary law, law reform and funding levels. In a wholistic perspective, this takes into account Aboriginal victims issues.

However, amongst Aboriginal communities, particularly Aboriginal women's groups, the matter of Aboriginal victims of child sexual assault, sexual assault and family violence has largely been discussed. It has been noted that amongst Aboriginal communities throughout NSW, there is a problem associated with the word "victim", with many Aboriginal communities saying there is no terminology in Aboriginal languages for the word "victim". Clearly, there are problems associated with being locked into the syndrome of being a

"victim" within the Aboriginal community and dealing with community dynamics and backlash. There are legal and community ramifications for Aboriginal offenders, but also for victims of crime and their supporting family, and community members, who speak out against offenders and against violence. Those who speak out support the notion of breaking silence and deconstructing the power of secrecy. As well, many Aboriginal communities still uphold community principles and the role those communities play in finalising punishment needs further discussion. These examples illustrate some of the complexities within Aboriginal communities in NSW.

In addition to these problems, Aboriginal communities also face poor levels of service delivery and racism. Generally, Aboriginal victims issues and the rights of Aboriginal victims have not been a major priority of the criminal justice system. There is no clear agreement on who Aboriginal victims are, of the needs of Aboriginal victims, or what makes an Aboriginal person a "victim". It is unclear how many people within Aboriginal communities are actually victims of assault, abuse or of crime in general. The proportion of Juvenile Justice clients and Corrective Services clients, who are Aboriginal "victims" of crime themselves, has not been uncovered or researched to any great degree. A proper response for Aboriginal people and communities concerning victims issues needs a clear focus.

These were some of the concerns raised between the Aboriginal Justice Advisory Council (AJAC) and the Victims of Crime Bureau (VCB) that led to the first ever Forum on Aboriginal victims of crime held on Tuesday 13th March 2001.

Overview

In discussion with AJAC, invitations to an Interagency Forum were extended to 41 government and non government agencies with responsibility for Aboriginal victims of crime.

The Forum was opened by Mr Brendan Thomas, Acting Executive Officer, AJAC. Ms Claire Vernon, Director, Victims Services, briefly addressed the Forum. Ms Winsome Matthews, Chairperson, AJAC, was introduced as the facilitator of the session. Ms Matthews spoke about interest in victims' issues in Aboriginal communities; in agencies better assisting victims; priorities for assisting Aboriginal victims; current Government directions; and agencies stepping up to meet their responsibilities to Aboriginal clients.

The Forum covered a number of areas as follows:

1. *Information sharing and Issues*

All Forum participants were invited to share information with others attending the Forum from the perspective of their agency. Participants identified a range of programs and projects their agency has in place to assist Aboriginal victims of crime. From discussion and questions during the presentations by participants, a number of issues were identified.

2. *Primary Issues and Themes*

Throughout the information sharing session, issues and themes were noted which were discussed within the larger group. The key themes and elements were recorded and generated discussion within the group. The Forum then

discussed possible strategies to address key themes. These were recorded and discussed amongst the broader group.

3. *Possible Directions*

It was agreed that notes from the Forum would be collated and returned to participants. It was further agreed that the Forum's proceedings would be consulted with the Aboriginal community's women elders' group.

Ms Marianne Curtis, Manager, Victims of Crime Bureau thanked Ms Matthews and participants for their active participation and closed the Forum.

Opening

**Winsome Matthews, Chairperson,
Aboriginal Justice Advisory Council**

"Today's Forum is an opportunity for you to canvass Aboriginal and Torres Strait Islander victims' issues. The idea to hold a partnership Forum between AJAC and VCB arose from discussions at a meeting of the Victims of Crime Interagency Forum. The Forum was specifically concerned by the importance of ensuring the right future for Aboriginal people who are victims, that they receive equitable access to services and that those services are delivered in a culturally sensitive way. Often the issues of victims are underestimated, devalued or inaccurately presented. This is even more so with Aboriginal and Torres Strait Islander victims of crime, who often don't come forward as "victims", and if they do, do not get the right attention or action.

The Forum is also a way of addressing the underlying causes outlined in the report, *Royal Commission Aboriginal Inquiry Into Deaths In Custody*, which failed to really address women's issues either as victims or offenders and in general, victims issues.

This is a day for you to share your concerns with networks, those who you know and those who you don't, and your agency's plans around Aboriginal victims issues. It is a day for you to consider victims issues, the philosophy and ideology underpinning our action or inaction around this matter. Enjoy this day and remember these important issues or thoughts as you leave the door.

Issues

Catharine Clements, VCB

Each agency provided an overview of their services and policies in relation to Aboriginal victims of crime. The following issues were drawn from discussion generated by the presentations:

- Aboriginal victims of crime don't always report crimes against them;
- Aboriginal victims of crime do not always make complaints about inadequate or unfair services;
- Aboriginal victims of crime are under-represented accessing services;
- How do we disseminate information to Aboriginal victims of crime;
- How do we better identify Aboriginal victims of crime;
- How do we help our young people who are offenders but are also victims of crime - in custody and post release;

- Aboriginal victims of crime are not using the Victims Registers;
- Need to address issues at the systemic *and* community levels;
- Need to create a new approach and a language that expresses a holistic approach to assisting Aboriginal clients which calls for a whole-of-government approach;
- Aboriginal victims of crime need assistance to make complaints;
- Prefer face to face contact and the opportunity to talk rather than receive letters;
- Role of Police ACLOs and ALOs not understood - they become the 'meat in the sandwich' too often;
- Are Aboriginal victims of crime the responsibility of Aboriginal officers or of all staff;
- Cultural awareness needed by organisations not just by individual staff;
- Aboriginal victims of crime do complain but they need a trusting relationship to do this;
- Need to account for other trauma experienced by Aboriginal victims of crime such as Stolen Generation issues and the impact of racism;
- Supporting Aboriginal victims of crime in the criminal justice system;
- A family approach is central to resolving problems for Aboriginal victims of crime and in family violence situations;
- There seems to be collaboration at the policy level but there needs to be collaboration at the community level;
- For Aboriginal victims of crime to access services, agencies need to make contact at the community level so the community can relate to the service;
- When policies are implemented, it is critical that we talk to Aboriginal victims of crime in their own areas;

- Want to see outcomes identified when policies are implemented;
- Aboriginal victims of crime often have a range of issues which are hard to separate when supporting them;
- Aboriginal victims of crime will access services if an Aboriginal worker supports them;
- Need to think of ways services for Aboriginal victims of crime can be resourced;
- If Aboriginal victims of crime are in crisis, they need an immediate service; waiting for a service puts clients off getting help;
- At the same time, is there some way Aboriginal victims of crime could be encouraged to access support before they are at crisis point;
- Need an interagency approach when providing services for Aboriginal victims of crime;
- Need to take account of the needs of male and female victims of crime;
- Need to make services flexible for local/individual needs;
- Aboriginal victims of crime are not accessing counselling through the Approved Counselling Scheme; and
- Need to make information about victims rights accessible to Aboriginal victims of crime.

Themes **Rowena Lawrie,**
AJAC

During discussion of the issues, Ms Lawrie identified a number of themes as follows:

- Needing strategies for increasing communication about services with and to Koori communities in rural and metro areas;
- Information sharing and dissemination of information between agencies and to victims in the community;
- Community profiling of victims of crime including the following aspects:
 - ⇒ data collection on ethnicity of victims,
 - ⇒ fear of reporting, fear of retaliation, fear of making complaints,
 - ⇒ language and communication barriers,
 - ⇒ need for better understanding of court and criminal processes;
 - ⇒ victims needing face-to-face as well as phone contact,
 - ⇒ having a “victim” mentality, and
 - ⇒ need for victims to know their rights;
- Support services need ‘bi-cultural competence’ i.e. they do not assume leadership in problem solving and understand the context that issues arise in;
- Services providing means of feedback and complaint;
- Support services need to take care with obtaining feedback and addressing complaints by Aboriginal victims;
- Counselling for Aboriginal victims of crime needs to be culturally appropriate and account for the different levels of trauma experienced by Aboriginal people;
- To be effective, funding boundaries and agreements and acquittal requires the following aspects:
 - ⇒ appropriate language and consistency with the aims of Aboriginal communities;
 - ⇒ to be holistically applied within Government;
 - ⇒ seamless accountability;
 - ⇒ social coalition;
 - ⇒ provision for training days

When planning services, need to take into account:

- ⇒ the infrastructure, development and relationship dynamics of individual communities;
- ⇒ the principles set down in AFHS, COAG, and MCATSI/A;
- ⇒ addressing racism within agencies as well as in the wider community;
- ⇒ using the resources available;
- ⇒ making services appropriate to the Aboriginal community;
- ⇒ the need for effective community education tools such as videos; and
- ⇒ enhancing people's skills and effectiveness in ensuring the information reaches people in the community;
- the need for opportunities to talk on a one-to-one basis to reduce isolation in communities that have become marginalised;
- taking a holistic approach, for example, clients involved in the criminal justice system often have victim, as well as offender issues; and
- legislation reform.

Summary of Themes

Winsome Matthews, AJAC

With contributions from those attending the Forum, Winsome addressed the themes outlined above as follows:

- it was important to communicate and promote the aspirations of Aboriginal communities using language that reflects the strengths and positive achievements of Aboriginal people;
- such communication needs to respect the diversity within the Aboriginal community, including women, children, men, young people and transgender people;
- keeping accurate statistics and undertaking research on the needs of Aboriginal victims of crime has the power to inform the Aboriginal community about its own people and issues;
- counselling for Aboriginal people requires a model that allows Aboriginal people to tell their own story and their whole story, such as Narrative Therapy or other models based on empowerment of the client;
- to ensure that those accessing services get a holistic response, policy and practice need to be aligned and Aboriginal victims may need a central point of reference;
- the process for assisting victims in Aboriginal communities needs to be based on community capacity building, information-sharing and mentoring processes;
- Aboriginal victims need ways to directly participate in these processes and by doing so, will challenge the 'victim' mentality within Aboriginal communities, as well as in the wider community and the fear and silence experienced by many Aboriginal victims;
- the bi-cultural competency model requires establishing a relationship between Indigenous and Anglo people; and
- where legislative change is achieved, it is important to implement the change into the community.

Discussion on Themes

Forum participants identified the following themes as possible areas for consideration for progressing issues for Aboriginal victims:

- Needing baseline information about the needs of Aboriginal victims;
- Could seek representation for Aboriginal communities on planning and policies for victims of crime eg Victims Advisory Board;
- Aboriginal workers report that providing refreshments for a meeting, travel or fee for service for attending meetings makes a positive environment for consultations but experience difficulties resourcing these items;
- Developing standards and protocols for engagement with Aboriginal communities;
- Having a 'one stop shop' for Aboriginal victims of crime (eg. a national clearing house for information);
- Could use community events such as football knockouts, women's business gatherings, Survival Day, for disseminating information;
- Communities need to be empowered to deal with their own issues - this means we need to get to know the community we are working with - it means communities need the opportunity to define their own community - a discourse is developing around what it means to not to accept violence or to address violence, to become empowered, and to seek and expect help; and

- Discussion is needed around what is appropriate counselling, what is the support that Aboriginal victims of crime want and need; the terms 'counselling', 'empowerment' and 'support' need defining.

Where to from here? Winsome Matthews, AJAC

Winsome invited participants to explore possible strategies to take forward the issues and suggestions discussed in the Forum. Ideas for possible action were suggested as follows:

- Establish a national clearing-house of research and programs for Aboriginal victims;
- Employment and training of Aboriginal staff in victims' issues;
- Improving coordination of services for Aboriginal victims through a central agency such as the Department of Aboriginal Affairs;
- seeking Commonwealth leadership on an Aboriginal way of doing business;
- Increased participation by Aboriginal leaders in victims issues such as by representation on the Victims Advisory Board or forming an Aboriginal Victims of Crime Interagency Forum;
- Undertaking widespread consultation on the needs of Aboriginal victims;
- Setting standards of engagement with Aboriginal people and communities, such as by development of effective media for Aboriginal communities or a schedule of events in Aboriginal communities throughout NSW where information could be made available;

- Empowering communities to address their own problems and negotiating outcomes from an Aboriginal community position; and
- Undertaking research into all aspects of Aboriginal people as victims of crime.

Conclusion

The participants agreed that the Forum was a unique and first stepping stone in ensuring that Aboriginal victims issues are on board. Much discussion and activism around Aboriginal victims issues occurred during the Forum. Many networks were created. It is anticipated that the Forum will assist stimulating dialogue, action and policy direction and focus on Aboriginal victims issues.

The Victims of Crime Bureau and AJAC will be developing a draft Action Plan as part of the Attorney General's Department's *Indigenous Justice Initiatives*.

Attachment 1

Forum Evaluation Summary

1. I attended the Forum *mainly* to

- 14 more information about Aboriginal victim issues
- 10 find out what other agencies are doing to assist Aboriginal victims
- 11 to network with other relevant agencies
- 12 to find out more about what our agency may be able to do to assist Aboriginal victims
- 4 to provide information about the needs of Aboriginal victims
- 6 to provide information about the service our agency provides for victims of crime
- 1 other - wish to participate in the Forum

2. I found the Forum *very useful*:

15 found Forum very useful

- have learned more about the agencies and services for victims of crime
- the Forum highlighted Aboriginal issues and concerns and choices and possible 'ways forward'
- the Forum addressed the issues about networking and information sharing
- for the networking and process of establishing the current situation for Aboriginal victims, also 'where to from here'
- the Forum met the objectives as listed above

- the range of input into the Forum, could see where we 'fit' in the overall picture
- I found out what other agencies are doing
- my previous knowledge of knowledge of victims of crime was limited
- was an opportunity to share information and expertise and because it provided an opportunity to meet people we should work or partnership with
- the Forum was a comfortable, relaxed environment where frank discussion was encouraged
- the Forum highlighted ways in which we can move forward to better address the varied needs of Aboriginal communities
- it gave me ideas for improving services to Aboriginal clients
- key principles
- information sharing, networking - very important
- great information sharing between agencies; looking at issues under victims of crime that are rarely considered in policy development

3 found the Forum quite useful:

- it discussed an issue that needs to be addressed urgently
- see how other departments disseminate information
- I've never been to (a Forum) before

4. After the Forum I plan to

- 17 plan to discuss the outcomes of the Forum with others in my agency
- 7 plan to contact other agencies for further information to assist victims

- 7 plan to contact other agencies to discuss strategies to assist Aboriginal victims
- 1 plans to review suggestions raised in Forum and emphasise points
- 1 plans to be available for advice /comment to assist in achieving positive outcomes
- 1 plans to talk to community members and pass on information

- police sharing information on what they are doing in relation to Aboriginal victims and perpetrators - what strategies do they have in place - attitudes among NSW Police
- keeping in the network
- discussion of information strategies
- participating more

5. In future, I would be interested in

- in the outcome of the policies
- sexual assault concerns and issues for ABORIGINAL victims
- would like to see a consultation with elders around understanding then developing an ABORIGINAL response
- further participation and consolidation of professional relationships created
- our organisation to participate in an interagency and other activities
- what changes are being sought about criminal justice/victims outcomes separate from the criminal justice system
- similar forums
- communication re progress of other agencies i.e. information sharing
- further developments to improve access for Aboriginal people
- helping where possible
- liaising more with AJAC and ACLOs for our service
- more agencies

Comments

- perhaps more time but otherwise very well structured - a lot of information in a short time
- I wonder if having only indigenous people at Forums like this would have been better in terms of other content eg community people
- extremely well conducted, purposeful, productive, thank you
- quite interesting and informative of what is not happening and what is needed (perhaps) to make it happen - we can only try!
- good approval - allowing each agency to represent themselves
- great facilitation - thanks for getting/keeping the ball rolling
- felt there could have been more time at the end for an overview and wrap up. Too much time spent on presentations - could have maybe been done as a handout with material submitted beforehand
- very worthwhile, thought provoking and good participants
- overall very good considering it's a first of its kind
- very good - need more Aboriginal and Torres Strait Islander participation