

SELECT COMMITTEE ON SUBSTANCE ABUSE  
IN THE COMMUNITY

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*The Kurduju Committee Report*

*Ali Curung,, Lajamanu and Yuendumu*

*Law and Justice Committees.*

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# The Kurduju Committee Report

Ali Curung

Lajamanu

Yuendumu

By the combined communities of  
Ali-Curung, Lajamanu and  
Yuendumu

Law and Justice Committees.

## **CHAIRPERSONS FORWARD**

Men and women from Ali-Curung, Lajamanu and Yuendumu have been working together on their communities to tackle law and justice issues effecting those communities.

We have been able to look at a number of different programs that our communities have implemented through our law and order plans, and we have seen the value of the ones that work. We have also seen the problems with programs that do not work for our communities and we can understand why these programs do not work.

The Kurduju Committee provides us with a unique forum to come together to discuss and document what works well for our communities and why. The Kurduju Committee is not simply a meeting. it is a serious attempt by us to write down for other remote area communities and government agencies how programs and initiatives should best be established and operated. In our first report we have looked at the issue of family violence and strategies that work well to reduce the levels of family violence. Namely the operation of safe houses and night patrols and the use of aboriginal dispute resolution in a way which is worked out by communities for communities.

The success of those initiatives occurs because we have been able to draw on the strength of our culture. Our message is simple. No fancy programs and no big expenditure items. As we have said throughout this report the Kardia way for addressing these issues does not work for us and it is time communities received assistance, encouragement and practical support in developing and implementing community based initiatives.

Aboriginal Dispute Resolution and the development and management of safe houses and night patrols which can operate using culturally based problem solving does not cost a lot.

We urge other remote area communities to do as we have done, include your culture in the search for answers to your problems.

We ask that government supports this, by supporting the development of programs and initiatives, which can accommodate our culture.

The committee would like to thank Mr Peter Ryan, Ms Jackie Antoun, Mr Robert Fuller and Mr Neil Price for their support and contribution to the forum.

GWEN BROWN  
Chairperson 2001

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## PART A BACKGROUND

Through the services of the former Office of Aboriginal Development, the Aboriginal Law and Justice Strategy (ALJS) was initially implemented at Ali-Curung in 1996 and Lajamanu in 1999. A number of community based law and justice and family violence initiatives have been developed, endorsed and implemented from this process. The ALJS bring together a whole-of-community and whole-of-government response to assisting communities address issues identified through a law and justice planning process. These initiatives are detailed in Ali-Curung and Lajamanu's Law and Justice Plans.

An important initiative on each community has been the establishment of a community law and justice committee with a range of responsibilities as determined by the community through the law and justice planning process. These functions are also documented in the Community Law and Justice Plans. Details of the typical tasks pursued by the local Law and Justice Committees is described below.

Ali-Curung and Lajamanu are engaged in '*peer modelling*' with the Yuendumu Community and it is anticipated that Yuendumu will develop their own law and justice plan within the next 12 months.

### **Community Law and Justice Committees**

Community law and justice committees have emerged as a successful initiative from the ALJS process and as such they are becoming 'models' for other communities. The Committees adopt a range of responsibilities within the law and justice planning process as defined by the individual communities themselves. Their functions become documented in the Community Law and Justice Plans -these are unique to each community.

### **Function**

Primarily the committees have a dual role.

A formal role:

- To act as an interface with the law and justice system;
- Pre court conferencing;
- Victim/offender conferencing;
- Make recommendations to the Courts as requested by the courts;
- Assist with the development and management of community diversionary programs;
- Report to Council on law and justice issues and trends, and;
- Act as a focal point for community law and justice concerns.

An informal role:

- Facilitate community dispute resolution;
- Co-ordinate a "community" response to law and justice issues, and;
- Maintain sound relations between the community and law and justice agencies such as Police, Correctional Services, etc.

Each community has now developed a considerable pool of expertise and experience in local dispute resolution and in developing strategies to address particular issues, such as family and community violence, and consequently representatives from these communities have been invited to attend a number of intra, and interstate forums on Family Violence over the past eighteen months.

Lajamanu for example, is the Territory Community selected in 1998 to participate in the development of a National Aboriginal Family Violence Strategy through the Ministerial Council for Aboriginal and Torres Strait Islander Affairs working group on family violence. Its selection was based on the initiative being undertaken by the community to address family and community violence and recently the community was awarded a grant of \$85,000 to progress strategies developed through its Law and Justice Plan.

### **Status**

A key component of these committees is that they must be representative of community groups and organisations and they comprise of Tribal Council, Community Elders, Safe House committee, Women's groups, Council, Traditional owners, Outstation representatives and other community organisations.

### **The Kurduju Committee**

The Kurduju Committee comprises of representatives from each of the three communities: Ali-Curung, Lajamanu and Yuendumu. Kurduju Committee members represent the coalface operators of the various Safe Houses, Night Patrols and Law and Justice Committees of Ali-Curung, Lajamanu and Yuendumu.

The committee has named itself the Kurduju Committee, a Warlpiri word meaning to shield, block, protect or ward off. The committee emblem is a shield.

The interim Chairperson is Ms Gwen Brown of Ali-Curung

### **Why the Kurduju Committee was formed**

- There was a belief by community representatives attending various family violence forums and round table conferences that policies and programs being discussed and developed at the National and State Territory levels were not always practical or relevant to remote area Aboriginal communities;
- The common experience from these forums has been one of disappointment and frustration that the conferences did not reflect what the representatives knew to be working well for their own communities.
- Indigenous Territory participants at such forums were not confident they were able to adequately convey the remote communities' message in a number of important areas;

- Representatives from the three communities felt they had a considerable amount of experience and knowledge in addressing family violence which would be more practical and relevant than initiatives and programs being developed in the intra and interstate forums
- Communities involved in law and justice planning have been approached by other communities to discuss and assist in initiating law and justice strategies and the members of the Kurduju Committee are involved in this process.

These shared frustration led to the forming of the Combined Community Law and Justice Committee as a forum for the proper documentation and recording of remote community initiatives and to address deficiencies in the standard of material and presentation skills required for the various meeting and workshops community members are involved with.

### **Objectives of the Kurduju Committee**

In meetings to date the Committee has defined its objectives as:

1. To involve the remote area law and justice committees in the research, and documentation of strategies and programs which are effective for remote area communities;
2. To ensure the consistency and quality of material and presentations used in community, Regional and National forums;
3. To assist the development of presentation, workshop and organisational skills of participants;
4. To support the concept that Aboriginal communities are equally responsible along with government for achieving law and justice outcomes on their own communities and an important part of this process is to actively participate in the dissemination of information about successful law and justice strategies;
5. Provide an additional source of information for government agencies about strategies and initiatives that are relevant to remote area communities, and;
6. To further encourage the concept of 'peer modelling' among aboriginal communities, which is proving to be an extremely effective tool or communicating with communities wishing to adopt law and justice planning.

## **Government's Support and Role**

The Northern Territory Government's Department of Community Development, Sport and Cultural Affairs (Community Law and Justice) funded and co-ordinated the Kurduju Committee meetings held during 2001.

The Department also provided administrative support to the committee, as well as expertise in documenting and publishing the Committee's various reports. The costs of

funding and providing the relevant support to the Committee were found from within the Department's operational budget.

The Ali-Curung Community Council Incorporated, as the most experienced community in these initiatives, has applied for funding with the NT Safe Committee to conduct a further four (4) Kurduju Committee meetings in 2002. The NT Department of Community

Development, Sport and Cultural Affairs will maintain coordination and administrative support to these forums.

## **Activity to Date**

Lajamanu and Ali-Curung continue to successfully peer model with Yuendumu through the Kurduju structure. Representatives from these communities have visited a number of other interested communities to discuss law and justice matters. At least 12 other communities have contacted Lajamanu and Ali-Curung directly or have contacted the Department requesting involvement in the program.

The Kurduju Committee represents the only group of remote area communities who are researching, documenting and implementing initiatives to address issues such as family violence the establishment and operation of Safe Houses and Night Patrols and the use of Aboriginal Dispute Resolution to assist resolve local issues in a planned and strategic way incorporating whole of government and whole of community principles. This Report is the first by the Committee and additional issues will be addressed throughout 2002.

The conclusions drawn in this report are compiled from workshops held at Tilmouth Well (April) and Tennant Creek (July and October) and Yuendumu (December) and from the work of the Law and Justice Committees. Direct quotations are used from the workshops and explanations, clarifications and conclusions were compiled in collaboration with the Kurduju Committee.

## PART B ABORIGINAL DISPUTE RESOLUTION

### Painting inserted here

*Fig 1. This painting depicts the dispute resolution process at Ali-Curung. Gwen Brown from AliCurung below describes the left side of the painting. Community organisations are represented by three circles arching over the one larger centre circle, representing a community meeting. The two bottom circles represent Elders and Traditional Owners. These two groups act as adjudicators and provide legitimacy to the decision making processes.*

Gwen Brown explains how the system works at Ali Curung:

*"...during the day people go out to drink. They are out all day and come back a bit late. They cause problems on the community. When Night Patrol finally stops them they won't listen because they're all drunk and want to fight. And maybe there can be jealous fights too you know - maybe husband might be drunk, wants to fight his wife but she's not home and all that, but they won't listen.*

*Then the next day the families come over to the Night Patrol, going to sort this problem out. So they get together in the community meeting, just the family members for that person, the Elders and the Night Patrol*

*We use the Elders to come in and support Night Patrol in the community. If it gets worse and the person won't listen to the Elders, well we call in traditional owners then. They come and talk with the Elders and the Night Patrol about this person who's causing too much trouble. They then decide, the Elders and the traditional owners, what to do with the troublemaker. So this is just sorting out problems in this community meeting. It's like that's the highest people (the traditional owners) because we live on other people's land, they're traditional owners. But we never want to use that. (We use it) when trouble keeps going higher and higher.*

*Ali-Curung Community comprises four language groups (Kaditch or Kaytes, Alyawarra, Warrainunga and Walpiri) established under Government's relocation policies of the 1950's and 60's. Walpiri people are the numerically dominant group, but they are not traditional to that area. Gwen clearly articulates above the different role of Elders, who are representative of all the language groups, and the Traditional Owners (who possess an inherent and unquestionable power through land ownership) in Aboriginal Dispute Resolution at Ali-Curung. The deference by the other language groups to the authority of traditional land owning groups as final arbitrators is a good example of the decision making structures, which work for this community. Government agencies should be working with these structures in order to achieve effective service provision. For example the council constitution could reflect these structures.*

*"The violence is going away real quick because the Elders are there to sort the problem out with the Night Patrol together. It's always stopped with Elders,, the problems, in the community meeting".*

Lionel James Tennant Creek July 24-25th July 2001.

*"we got the law back, that's what happened with this thing, we got the law back ". It's been a long time. Back to when I was a young boy and I'm an old man now".*

Kumatji Robertson, Tennant Creek **July** 24-25 h2001.

The use of Elders/Traditional Owners/Tribal Council is critical to ADR. The Committee reiterated this on a number of occasions.

*"We've got to show these white people we are strong on Aboriginal communities. We do deal with the violence - it's a day to day problem on our community. We have our private meetings on the community and nobody sees that... we are dealing with violence in our way, on our community's*

Majorie Hayes, speaking to Yuendumu ladies at Tennant Creek meeting 23-24h October 2001.

*"the next day the families come over to the Night Patrol, going to sort this problem out".*

*"the problem is shared around the community, different people for different problem".*

*"we fix the problem so people on the community know this is wrong, this is right"..*

*"he'll learn, we talk to him our own way, we don't want violence against women.*

*"keep your law alive, keep our law alive.*

Maijorie Hayes, Tennant Creek meeting 23-24 h October 2001 on describing how attitudinal change can be effected through the use of customary dispute resolution.

Statistics from the safe house journals show habitual long term violence is not occurring at the frequency as it had when the Safe House opened in 1997. According to the Safe House Day Journal clients tended to utilise the safe house for short periods of time (up to a few months), normally long enough for the community to respond to the violence. There were very few examples of ladies visiting the safe house over extended periods without some form of effective intervention by the community.

*"They (Kardia) see the (Aboriginal) violence when it happens. Aboriginal people show their violence in public, and white people, they hide their problem inside their house".*

Marjorie Hayes, Tennant Creek meeting 23rd-24th October 2001.

The statement by Marjorie Hayes refers to 'public violence'. This perfectly illustrates a cultural reality and an acceptable (to the community) part of community dispute resolution. Grievances are often displayed in the loudest and most public manner, often accompanied by low level, or controlled (monitored) violence, including shouting, yelling, abusing, stone throwing, pushing etc, and these actions are usually related to the ritual of dispute resolution. The first part of this process (public display) will often precipitate or allow for negotiation and resolution. This type of dispute resolution is fundamentally different from traditional mainstream processes, and employs inquisitorial type problems solving to disputes rather than a process of adversarial and litigious methods employed by many non-indigenous people.

## Artwork depicted her

*Figure 2. Marjorie Hayes explains the Kardia criminal justice process. There is a Judge, the secretary, Jury, Prosecutor, Defence Lawyer, the troublemaker and members of the public. She explains that sometimes there is no verdict, "then they close the Court and appeal to the High Court, and the High Court finds the verdict". She juxtaposes this with the 'Yapa' legal system:*

*'when here you've got Aboriginal community meetings. This is where the payback are paid. The community witnesses the payback Here (in the Courtroom) you only got these people from the public here. Not all the public, but few of the public witnessing the Court. Here (at the community meeting) you got the whole community witnessing'*

The demand for formal recognition of customary Aboriginal law is inextricable from the business of the community Law and Justice Committees. It is important to note that the legal system here described, is not a straightforward revival of customary law although it certainly incorporates many elements of that law. Rather, it is an innovative adaptation of traditional decision making processes to the modern situation. It should also be noted that the community meetings take place on carefully selected neutral ground.

## PART C ABORIGINAL FAMILY VIOLENCE

Artwork inserted here

*Figure 3. This painting by Marjorie Hayes of Ali Curung, depicts two different types of violence that affect her community. Jealous Violence and Alcohol Violence. Jealous Violence is depicted on the left-hand side of the painting and alcohol related violence on the right. The painting is used to raise awareness among Aboriginal people about violence in their community.*

Marjorie explains the painting:

*"This is the Cycle of Violence. We got honeymoon phase, we got build up, bring to boil, explode, make up. Build up is your jealousies building up, the jealousy comes to the boil and then it explodes. And they make up, "I'm sorry, I shouldn't have hurt you" "I'm sorry I thumped you". It just goes round and round in a circle. It's what's called a cycle of violence.*

*Here we have the alcohol violence - showing family alcohol violence. We've got dad, we've got mum and their 4 children. Dad goes on drinking and mum worries about dad, not worrying about her children. Here we've got a hero child who plays the hero looking after his brothers and sisters. You've got a scapegoat, he's going to take all his mum's attention. You've got a lost child here, sitting in the corner saying "I'm lost, nobody loves me" and you've got the clown child here - wants to act like a clown to take mum's attention. But mum's not taking any notice of her children, she's just worried about her husband. Later on she joins him, she gets drunk with dad and this hero child plays the part of looking after his brothers and sisters. Later on these children follow their mum and dad's footsteps. This is alcohol violence caused by alcohol, and this is where they lose responsibility for their children. "*

Tennant Creek meeting 23d-24'h October 2001

*"White fella law doesn't fix the problem Locking men up doesn't solve the problem"*

Comment from a Lajamanu meeting, in the Report "Ways Forward: An Evaluation of the Northern Territory Aboriginal Violence Strategy 1995-2000" Morrison & Associates Pty Ltd 2000.

*"If he doesn't see his family, men will be hanging up a tree".*

Lionel James, Tennant Creek meeting 23rd-24<sup>h</sup> October 2001.

Lionel draws linkages to suicide among young Aboriginal males as a response to the traditional, criminal justice response to family violence. This statement highlights the fact that aboriginal communities require 'balanced' family violence programs. Programs that seek to protect women and recognise the need to provide equal support and education to men, family separation is seen as a last resort. At Ali-Curung Elders have been instrumental in dealing with young perpetrators by 'talking' to them while carving cultural implements and painting at the Ali-Curung Men's Centre. The Centre was built after the women were successful in establishing their own area, the safe house, which now represents for the women of Ali-Curung more than just a house of refuge, it is a power base for activity.

*"We want to keep families together. White fella law breaks them up and makes things worse"*

Community comment from "Ways Forward" supra.

*"In my culture wife can't leave her husband because my culture forbids. We can't just go away. Like people say, 95 % of the drunks is aboriginal people. Well 95% of the women don't want to leave their husbands. To keep men and women together we put a restraining order section number 4 to keep men and women together with kids... keeps the family together, no violence".*

Describing customary marriage relationships and cultural obligations to land as reasons why women are reluctant to leave their communities and husbands to escape violence. Marjorie Hayes, Tennant Creek meeting 23d-24h October 2001

*"Tried Kardia way, did not work. A lot of women were running away leaving husbands, Kardia way is ok for Kardia, but we don't know that way"*

Committee member, Tennant Creek meeting 24 - 25 July 2001.

Moreover, statistics from the Ali-Curung Safe House and Night Patrol Day Journals show jealous fighting between women (mostly over men) is the most prevalent form of violence. This has also been identified as the major form of violence at Lajamanu.

At Yuendumu there is another type of violence described as 'family feud'. This type of 'family fighting' violence used to occur at Lajamanu and was also described by Bolger [ 1991 ]. Jilli Spencer of Yuendumu Night Patrol states:

*"The grog is the number one, the problems start with the drinkers in town (Alice Springs) who come back to the community and start stories such as your husband was playing up. An argument between two people spreads out (into the community) and becomes a large-scale fight, families are involved in it too and take the side of their family member. At Yuendumu the Elders are not strong. (enough to quell the escalating violence). They are weak and run away.*

Tennant Creek meeting 23d-24h October 2001

The reference to the lack of capacity of the Elders to deal with issues is a common starting point for communities implementing A.D.R. It may take twelve to eighteen months to identify relevant structures, establish community awareness and support for the concept, and for the Elders to gain confidence in working with the law and justice system.

*"Some of the older women don't understand to stop it, they go with it, that family violence. Some say not to worry. Even problems with our kids at school can lead to a big inter-family fight"*

Barbara Wilson, Tennant Creek meeting 23-24 October 2001

The younger women at Yuendumu were concerned the older women did not fully understand the implications of family violence. They appeared not to view family violence with the same importance as the younger women and were tolerant of higher levels of violence than younger women. Consequently they are not actively supporting the younger women in efforts to address it. D.C.D.S.C.A have undertaken to run community awareness programs with older women in 2002.

*"In sorting out family violence the families must be involved. This is difficult for the Police because they act for the victim and ignore the other people and the family involved. In this way the fights are not sorted out. In family and domestic violence men are put under a lot of pressure from the courts and this can lead to self harm".*

The Yuendumu law and order committee meeting (20-12-01).

The committee draws similar linkages to those described by Lionel James. The failure to resolve issues in a culturally acceptable way, and the use of outside intervention, which often defers issues, may simply exasperate problems for the community.

## Artwork inserted here

*Figure 4. This painting by Jane Haywood shows the role of the Ali-Curung Safe house. The centre circle represents the safe house (clients, children and staff). The circle in the top left shows men drinking. The circle in the top right shows a woman and her kids without a father. The bottom left and right circles shows a woman and her kids travelling to the safe house whilst the husband is drinking with other men. This painting is used within the community to bring 'shame' to men by showing how they neglecting their duties as a father and husband.*

Aboriginal community safe houses take on a whole new meaning and role for a community engaged in its establishment. This is what has emerged at Ali-Curung Lajamanu and Yuendumu, with results for family violence (and other community law and order concerns), significantly beyond that which town-based safe houses have achieved for aboriginal women in the area of resolving family violence issues.

The painting by Jane for example clearly depicts the important role the safe house women have in dispute resolution and in the use of customary relevant techniques to achieve outcomes. The use of shame has long been a powerful ingredient for social control among aboriginal people and this painting is used effectively by the women in community forums for that purpose.

## PART D ABORIGINAL COMMUNITY SAFE HOUSES

*Figure 5. The Ali-Curung Community Safe House established 1997. The project was a joint Territory ATSIC and community project. The renovation and refurbishment was a community effort carried out through the CDEP program.*

*"one of the reason's we got the safe house is police came and told us domestic violence (was) going way up"*

*"Police regularly report to the community government council on law and order issues and reported on the extent of domestic violence and showed it was increasing, Council made the decision after meetings with the community".*

Lionel James, Tennant Creek meeting 23d-24h October 2001

*"There were strong women pushing to get something done, we told the men flogging women can't keep going on. "*

Marjrie Hayes, Tilmouth Wells. April 2001

*"There was a visit by men from Lajamanu to Ali Curung - when the men came back from this visit there was a lot of community discussion about the safe house and family violence and it was decided to support the women for a safe house. Before that we wasn't sure about that safe house thing"*

Lajainanu men, Tennant Creek meeting 23d-24th October 2001, on how they came to accept the concept of a safe house for their community.

*"and Kumunji (former Council President) came back and said that Safe House is a good idea, it cannot hurt us, and he went around everywhere at night time, to all the camps and he told everyone we should get a Safe ,House for the women because it's a good idea".*

Jimmy Robertson, Lajamanu, at the Tennant Creek meeting 23 - 24 October 2001.

Some Lajamanu men argued strongly against the establishment of a Safe House on the basis that it might interfere with cultural practice for resolving family violence. They argued that customary marriage practice applied in most cases of family dispute and therefore customary dispute resolution should apply to resolve problems within the relationship.

At Ali Curung in the early days, there was not always cooperation between the men and the women. In describing how these issues were over come, Marjorie and Lionel replied;

*"In the early days the old men didn't like a safe house and they put a curse on it, they told the women that Kaditcha would come after them in that place. Council had to have a meeting with the Elders and sort it out. "*

*"Now the Elders really support the safe house"*

*"the change came from the family members on the community".*

*"there were strong women who stood up against violence'9,.*

*"there was a strong council supporting the women".*

*"a lot of community meetings talked about the problem of violence',,.*

*"The process must be extremely slow",,.*

*"the men and the women had meetings about family violence"*

*(reference to male female workshops facilitated by community planners with D. C.D. S. C.A).*

Tennant Creek meeting 23rd-24h October 2001

Lionel and Marjorie describe a situation in which a mechanism is required to trigger community debate and raise community awareness about family violence across all sectors of the community. This can be achieved through a number of ways including from within the community through a group of strong women or a strong council or through outside facilitation such as community law and justice planners.

*"we let men to come to Safe House and sit outside the fence to talk to their wife. They sit and talk and say 'see you in the morning".*

Committee member, Tennant Creek meeting 23d-24h October 2001

*"we need to fix the problem so people on the community know this (family violence) is wrong, this is right way to fix the problem,, send men to jail will not do this, it will put on hold the problems".*

Community member Tennant Creek meeting 23 rd\_24 hOctober 2001

*Safe House is the place for the woman when her husband goes drinking she goes here, somewhere safe. And the husband now is beginning to know as soon as they come back that the family's not there, the wife and kids they're not home, she's at the Safe House, because the Night Patrol go and tell the husband.*

*And the Safe House also works as the Night Patrol base. It's a place for Night Patrol Night Patrol got a radio Safe House got a radio, Council got a radio... because what the Council done was we got all those hand held radios and set up a base here, gave radios to the Night Patrol and the Safe House people and they could either change the channel to the police or change the channel to the Council. So Safe House is base and safe house (is) for the wives. But all got radio, always working everywhere. Night Patrol talk to Safe house, if Night Patrol got a problem they call to Safe House and Safe House got a problem they call the police, and police got radio too, and they all got different channels”.*

Marjorie Hayes, Tennant Creek meeting 23-24 October 2001

*"In the last three years at Ali-Curung, women and men working together have been able to reclaim the safety of women at Ali Curung.*

*We know, as Aboriginal women, as wives and mothers as grandmothers and aunts that the violence that happened against women a few years ago has now stopped.*

*We know, as women who operate the Safe House and Night Patrol that assaults against women that happened a few years ago have now stopped.*

*The statistics we keep in our daily journal tell us this is so. But the peace around our community also tells us this is so.*

*Statistics show that it was common for 27 to 30 women to seek safety each month in the Safe House when it commenced operation three years ago. Statistics now show the Safe House is rarely used.*

*Assaults against women on our community have gone from being common, to being uncommon.*

*Violence against women has gone from being part of community life, to being something that is now out of place in community life.*

*How has this happened? We are still married to the same men. Our men still drink, there are still three roadhouses within 80 kilometres of our community.*

*There wasn't one single thing that happened that changed things but a lot of things that all contributed to this change’.*

Excerpt from the keynote speech delivered by the Ali-Curung Night Patrol and Safe House staff at the Alice Springs Reclaim the Night Rally, 24hOctober 2000.

## ESTABLISHING AN ABORIGINAL COMMUNITY SAFE HOUSE

The Committee below responds to important elements for establishing an effective and appropriate aboriginal community safe house.

### **Community Support and Understanding for the Safehouse Concept**

The Committee lists a number of ways for achieving community commitment and support for an aboriginal community safe house.

- *a strong committed council to the project*
- *council needs to publicly recognise family violence is a problem in the Community*
- *agencies can assist by becoming involved in Community Councils meetings on a regular basis to provide reports on domestic violence, like the local Police*
- *all groups should be working together; youth and school, Tribal Council, Women's Group, Night Patrol, men and women*
- *separate and joint meetings should take place*
- *enough understanding by all groups and organisations within the community not just those directly involved with safe house operation*
- **Community Debate** (opening up sensitive issues with men);
- *at both Ali-Curung and Lajamanu, it was discussed at community meetings. The older ladies played an important role throughout this stage;*
- *"that change came from the family members on the community after speaking at the community meetings. Ali Curung"*
- *at Lajamanu the change began following a visit by men to Ali Curung,*
- *" when the men came back from this visit there was a lot of community discussion "(Kumaiyi Robertson)*
- *"the role of the agencies ' : To support community wishes and not to drive projects without having achieved community agreement on a course of action" (Marjorie Hayes)*
- *the process must be extremely slow*
- *the pace of the process needs to be controlled by the community;*

Aboriginal decision making processes mean decisions and group consensus tend to be made outside formal community / agency meeting. Issues therefore have to be raised and discussed over a series of many meetings over a long period of time.

## **Operational and Administrative Issues**

- *at Ali-Curung it is close to the police station*
- *council made the decision about location in consultation with the community*
- *At Lajamanu location is not close to the police station, but it is away from the main residential areas, and is close to the council office and school*
- *at Lajamanu the decision was made following a recommendation from the Law and Order Committee following joint meetings with the Tribal Council and representatives from the Women's Centre*
- *each tribe must have access to the house, this means the house must be located on land or in a house that does not bar a segment of the community from its use due to cultural factors*
- *refurbishing a building as at Ali-Curung and Lajamanu, were considered for accessibility ie a death in the house usually means it is off limits to a number of people*
- *at Ali-Curung and Lajamanu the Community Council manage the facility (incorporated body).*
- *Dispute Resolution involving family violence: "the problem is shared around the community "*
- *" disputes go to the elders. Operational day to day issues go to the council". The Safe House Committee provides operational support and management"*
- *Staff are CDEP participants (through Council) and volunteer workers*
- *staff have developed a forum and regular meetings and work with young mothers.*

## **Cultural Considerations ?**

- *white operated safe houses vs Aboriginal community safe house*
- *"put two and two together" "so it can be safe for the aboriginal ladies" (Marjorie Hayes)*
- *<sup>66</sup> We allow men to come to the safe house and sit outside the fence to talk to their wives;*
- *"they sit and talk and say, see you in the morning"*

- *restraining orders should "keep men and women and kids together"*
- *accommodate men's needs and rights as a husband*
- *having a safe house on the community is important to keep the women on the community*
- *"keep the family together, that is healing, it is a priority*
- *we need to fix the problem so people on the community know this is wrong, this is right, send men to jail will not do this, it will put back the problems*
- *Lionel.. it's accepted about Night Patrol and Safe House"*
- *Marjorie "keep your law alive and keep our law alive"*
- *what happens if there is a very serious problem with a man bashing his wife?" Marjorie says "he W learn" (men's attitudes can change);*
- *"we've got to show government people" (Marjorie talking to Jill, Yuendumu)*
- *staff need to be local aboriginal community members*
- *do not necessarily need formal counselling training, more important is an understanding of the community and its cultural practises*
- *staff need to work across 2 cultures*
- *men need to trust safe house management and that customary law will be respected;*
- *need local Aboriginal control of the Safe House;*
- *suicide is a Potential issue for husbands and family, decision need to be made carefully*
- *staff need to be community members/residents in order to ensure open communication between women and Safe House "she's not going to tell her story to a white lady".*
- *men's attitudes can change through involvement of appropriate family members who are supported by elders,*
- *"At Ali Curung there is a system where when a woman goes to the safe house, the man is told by the night patrol staff that she is there. This is so that he will not become upset and possibly hurt himself or think she has run off with another man"*

*to separate a man from his family can lead to suicide*

*Marjorie: role of agencies (safe house support committee)- are approached to help with different problems - they have a support role only. Monthly meetings are held, with an agency support committee (ATSIC Chairs this meeting and coordinates the government agencies). If there is an urgent problem then we get on the phone to them*

*arrangements have been developed with neighbouring Regional Centre Crisis Centre, at both Lajamanu and AliCurung. A hair way meet arrangement is in place with the Tennant Creek Refuge and was used in the early days, but is now rarely used by the Ali-Curung community.*

## PART E ESTABLISHING REMOTE AREA NIGHT PATROLS

*"Night Patrol is there to look after the community. When I talk about Night Patrol, it's a mixture of men and women "*

*"Night Patrol they work man and woman. Women work one week, and next week men do the job, they share the load. But if women got a problem with men they come to us, men from the Council and all the Elders. If men got a problem with a woman they tell the women, and they work it out".*

Lionel James, Tennant Creek meeting 23-24th October 2001

*"The Night Patrol's activities are far-reaching and deal with the complexities of customary relationships. Often the women's shelter workers, including Phillip's mother and wife Agnes, are called on to act in disturbances involving women. A horseback patrol is used to survey a 'lovers lane' area to ensure that the couples are of the correct kinship relationship for such a liaison. This style of patrol is seen by many on the community as a way to prevent problems that often escalate as a result of jealous business'. "*

Gavin Gleeson from Phillip Alice (Aboriginal Community Police Officer) The Drum, October 1999.

The development implementation and operation of night patrols is as equally complex as the processes described by the Kurduju Committee for the establishment of safe houses. It is essential that there is community awareness and community support for the concept and a myriad of cultural and community administration and management issues need to be resolved in the course of establishing night patrols. Lajamanu can be used as case study

At Lajamanu the Night Patrol Service had not operated effectively for some time and during 2001 several meetings were called by concerned community members to discuss issues about the night patrol. Community organisations attending these meetings included:

- Law and Justice committee;
- Tribal council;
- Women's safe house committee and;
- representatives from Council; and
- Lajamanu Police.

The minutes from one meeting attended by OAD show 26 issues relating to the night patrol were identified as matters to be addressed before the night patrol could operate.

1. How to apply the equitable distribution of sanctions enforcement's and penalties to all members of the community;
2. Seizure of vehicles, powers of the Patrol
3. By-laws to empower and protect night patrollers
4. role and linkages of the police aide to the night patrol";
5. Additional police aide, should be local and Warlpiri
6. Protocols for the night patrol intervention at time of the incident;
7. Protocols for patrollers where an incident involves their family, a member of their family or effects them personally;
8. Protocols for police intervention when the night patrol has requested assistance from police;
9. What will be the primary offences/matters to focus on, court lists show unlicensed drivers;
10. How will alcohol be checked before entering the community;
11. There is a heavy reliance on police to respond to night patrols calls immediately;
12. There are a lack of dispute resolution processes in place;
13. Police resist being called out at the patrol's request, police have a resource problem, how can the patrol manage this
14. When should police become involved in incidents where the night patrol has already become involved;
15. What is within and beyond the jurisdiction of the night patrol;
16. Code of conduct for patrollers;
17. Recruitment and removal of non performing patrollers;
18. Composition of patrollers, is it appropriate for drinkers to be employed as patrollers? Is it appropriate for Clan/Skin Groups representation? Women?
19. Linkages and agreements or understandings between all community organisations about the needs and desires for the night patrol service;
20. Reporting and regular evaluation of the service, information collation;
21. Supporting administration structure, protocols for disbursements of funds and expenses, council can't do it;
22. Rosters, supervision of patrollers;
23. Resolving issues within the community before police intervention;
24. Ongoing supporting and coordination for the night patrol;
25. Night patrol office or base to work from
26. Tea and coffee facilities for patrollers.

It is apparent this Night Patrol could not hope to function effectively whilst so many fundamental issues remain unresolved and it is also apparent funding agencies are not exercising a duty of care in providing establishment and operation funding without concerning themselves with the developmental work required prior to funding.

A major issue related to the application of sanctions (rules) to prominent community leaders such as traditional owners and senior ceremony men.

## **PART F ESTABLISHING COMMUNITY BASED INITIATIVES**

### **(A) A CONSIDERATION OF ISSUES**

#### **ABORIGINAL DISPUTE RESOLUTION**

A community law and justice plan is unlikely to be effective if it cannot accommodate the dispute resolution systems worked out by the community. Workshops showed that cultural practices impacted heavily on many law and justice issues. Disputes were often based on issues such as:

- · the use of Yarda (Warlpiri: meaning cursed bone or stick, causing illness);
- the illegal use of malevolent curses;
- payback;
- · inter-clan conflicts;
- · land ownership disputes;
- · community management issues;
- the inequitable distribution of scarce community resources based on land ownership and ceremony status and;
- · customary marriage practice and other traditional custom and value/belief systems.

Such disputes are not best resolved by outside counsellors, police, social workers or mainstream programs and service providers. This responsibility rests with the community. At Ali-Curung and Lajamanu, local disputes including family violence is most effectively resolved by a restoration of customary procedures and the use of Aboriginal Dispute Resolution. At Ali-Curung and Lajamanu a return to the use of customary procedures to address these kinds of problems, enabled each community to develop methods for dealing with concerns that more accurately reflects the extent of the influence of both the cultural and modern environment that people in remote communities live by. A good example of Aboriginal Dispute Resolution comes from Ali-Curung. The women responsible for achieving such a remarkable turn around in family violence through community dispute resolution point to another factor they say is responsible for much of the violence and social disharmony on the community. This is referred to as yarda, the practice of making people ill or causing death. The women described this as the 'inside illness' or 'the illness', which is caused by someone for some reason. The women used motor vehicle accidents as an example and simply stated: "There are no accidents you know, they are all caused (by yarda)".

The community violence associated with this appears to occur when individuals or families who believe someone has practised yarda against them, or against family members, attempt to seek out or make allegations about the people they believe are responsible. The women estimated at least half the Ali-Curung population was affected by yarda at any given time.

The women are now applying Aboriginal Dispute Resolution techniques to other forms of violence, including yarda. Recently, for the first time, they were able to instigate a meeting with a group of men some suspected of practicing yarda on a very ill woman. They argued yarda was having a disruptive

effect on the woman, her family and the community generally and were successful in having the illness removed. The woman made a full recovery. They are confident they will be able to negotiate in other cases involving yarda and ultimately reduce the levels of violence associated with its practice.

The women pointed out this was an increasingly important issue for the community because of the growing number of injuries and deaths occurring through motor vehicle accidents and other emerging lifestyle and health-related illness affecting the community. In this example, the women used contemporary arguments to address problems created by traditional practice.

In her book *Daughters of the Dreaming* (1983), anthropologist Diane Bell refers to community tension, fighting and sorcery accusations which were a daily occurrence at Ali-Curung during her fieldwork in the 1970s. She also refers to the use of most powerful and spectacular rituals as mechanisms for resolving a myriad of disputes and problems. It is ironic in the ensuing three decades years since Bell, government agencies have continued to implement and maintain countless programs at an enormous cost, in the pretext that yarda and other equally significant rituals and practices do not exist and do not have a major impact on the effectiveness of government service delivery. The challenge for policy developers and service providers is to acknowledge that many important Aboriginal cultural practices are changing slowly, too slowly to contemplate another 30 years of programs and services which fail to recognise cultural realities or accommodate community participation in the development and delivery of services.

The Kurduju Committee has identified the need for a range of complimentary programs as most effective for addressing family violence, but they have also clearly articulated mitigating cultural circumstances, which often render mainstream family violence strategies ineffective or inappropriate. At Ali-Curung for example the women and staff from the safe house state that (50%) of illness in the community was attributed to the practise of yarda and examples provided by the women demonstrated this applies equally to family violence as other forms of violence and was described as "sickness in the head" and "someone poisoned his head" as reasons to explain why certain men may be inflicting violence against their spouse.

It is highly improbable that government agencies or mainstream programs can deal adequately with issues stemming from such powerful and longstanding belief systems and it is logical that local solutions, using culturally relevant problem solving will be more effective. For example, it is essential local women with the understanding of cultural issues assume the management role of community safe houses and every effort should be made to ensure the relevant funding agencies, community management and safe house administration systems and training agencies reflect these ideals.

If the Kurduju Committee is correct in its assessment that local dispute resolution systems are more effective in resolving family violence, it is at this level that government should direct its financial support and expertise. A vacuum of meaningful activity in this area seems to exist. In the past, there appears to have been a propensity by practitioners and funding agencies to ignore local dispute resolution rather than recognise its value and cultural relevance, in favour of the introduction of outside and unfamiliar intervention techniques.

A requirement exists on service providers in family violence to redirect efforts into assisting and supporting individuals and community organisations with community based solutions to issues.

The work of the Kurduju Committee supports the recommendations contained in the Report on the Aboriginal Law and Justice Strategy, *A Model for Social Change* calling for a significant upgrading of a range of skills of government and non-government staff working with Aboriginal communities.

## **VIOLENCE ON COMMUNITIES**

Addressing the problem of violence on remote aboriginal communities is a complex and involved area. The statements expressed by the Kurduju Committee indicates the remote area aboriginal world view of law and justice concerns differs substantially from the mainstream understandings about the causes, effects and nature of appropriate responses. The emergence of the effective use of ADR and the work and involvement of a wide range of groups (elders, traditional owners, night patrol, safe house staff, community councils etc) at Ali-Curung, Lajamanu and now Yuendumu demonstrates aboriginal views about the effectiveness of current responses (by both service providers and the community itself) to aboriginal violence concerns are inadequately preventative or interventionary. Current responses remain largely at the crisis stage and further, treat violence as discreet problems within communities. Until communities are in a position to assess the impact and role of the issues associate with the violence (such as alcohol, cultural clash, issues or disputes, dysfunctional living, lack of parenting investment in the youth etc) and then develop responses based on that understanding, violence will only be superficially dealt with at the community level.

The Kurduju Committee state the primary task for communities in addressing violence is the development of locally controlled and supported structures at the community level that are able to provide the range of responses necessary to deal with violence in the context of the whole range of law and justice issues. A significantly greater effort should be directed towards assisting communities develop their own responses that can be accommodated by mainstream system responses and which are encouraged and nurtured by government and services providers.

To illustrate, the Kurduju Committee identifies a number of categories of violence. Violence and its varying forms are not necessarily exclusive of each other, but instigating factors tends to be fairly apparent at the community level (offender themselves categorise their own violent behaviour). The Kurduju Committee maintains the following forms of violence occur on their communities;

- • Family violence
- Domestic violence
- • Grog violence
- Jealous fighting (often among females)
- • Family feuding
- • yarda influenced violence
- Community violence

Yuendumu Kurduju members stress violent encounters within their community and by residents away from the community, such as in Alice Springs, is primarily the result of family feuds. Feuding between families may endure for many years and often escalate throughout that time. In recent times these so-called feuds have resulted in a number of deaths. In contrast, at Ali-Curung jealous fighting among women is considered the major source of violence. In this example, the Kurduju Committee state that in order to deal dealing effectively with a jealous fight compared to an ongoing family feud requires the use of quite separate techniques and the involvement of at times entirely different and several community groups and individuals.



The apparent tolerance of communities towards the regularity and escalation of violence and other law and order problems is attributed to a perception held by the communities that management, elders, or residents do not have a clear role or authority to intervene in or address issues that occur within their own community.

All three communities identified this as the significant factor justifying a lack of coordinated community action and therefore apparent tolerance of violence. Responding to questions about family and domestic violence, the following dialogue occurred between a government officer and the Lajamanu Law and Justice Committee during a meeting held in 2000.

Planner: Who has responsibility for intervening when family violence occurred on the community?

*Community "It is the police's job to stop the fight"*

Planner: How effective is this response in addressing family violence?

*Community.. "men don't learn from gaol, they don't listen to the police. They come back to the community and do the same again and we can't do anything, they don't listen to us after they've been in gaol".*

Planner: What would be the best response to family violence, whose responsibility should it be?

*Community.. "The family of that man and woman and the community. Those men will only learn the right way from their family and the community. It's up to the family of that man and woman to stop the fighting, it's their responsibility, the night patrol can help out too. "*

Despite identifying a clear role for itself, the community and family groups thus do not instigate the ideal response.

This is not to say communities do not intervene to curtail law and order problems at times. When concerns arise that are so significant, or are crises, that it either impacts on or is of interest of the community as a group to address, it will occur. The community during these times will promptly come together to agreed on a course of action to ultimately resolve the problem. Instances where this occurs the wider community (a) straight away recognises and agrees on the issue and the resolution process or (b) undertakes an investigation of what occurred and negotiates with all the relevant parties an appropriate and agreed response as a reflex action. The community throughout the process reinforces standards of behaviour at the community level, disaffected people can not easily ignore the process. Community norms and attitudes in these instances are well established.

The frustration of communities seeking to confront the day to day law and order concerns is evident at the community level. The experience of the Kurduju Committee in developing effective responses to law and order concerns including family violence required a significant and coordinated continued effort. Each community undertook a process over a series of months that allowed all relevant groups within the community to contribute towards working out what role 'the community' were willing and able to take on towards addressing concerns they saw as initially being the key law and order issues.

These responses empowered relevant community and family members, to engage in a combination of early intervention, preventative, crisis and rehabilitative based responses. This could have only of been done by developing a framework for a coordinated and agreed process that involves a clear defined role for the community. The focus for government agencies should be in supporting these initiatives.

## **ABORIGINAL FAMILY VIOLENCE**

The Kurduju Committee defines family violence, as a product of numerous underlying social and community dysfunctions in the same way that youth, alcohol problems and other law and order issues are viewed as the result of a number of alike underlying causes.

The dominant response to any form of violence in Aboriginal communities, and certainly in respect of domestic violence is a policing and criminal justice approach. This has been of limited success for aboriginal communities.

The criminal justice response to domestic violence is consistent with the feminist based model for dealing with violence between a husband and wife. It emphasises a punitive response and relies on the female victim prevailing over her male aggressor as a means to address the violence. The response centres on influencing the female or victim's behaviour, (to defy or overcome the offender) rather than the male or aggressors. The criminal justice system offers in return restraining orders or and options to pursue charges of assaults.

As a response to family violence in aboriginal communities this approach has been rejected by the Kurduju Committee and all communities where research has been conducted as part of the Aboriginal Law and Justice Strategy. Social based responses are

favoured and are consistent with similar approaches being adopted by aboriginal people and organisations elsewhere in Australia.

There are examples where Aboriginal communities have opted to forgo family violence programs despite the high levels of violence within their community as a reaction to inappropriate ideologies and methodologies. One example involved a community writing to an agency providing a family violence program requesting it be withdrawn on the basis it was being delivered in a "too confrontational" and "divisive" manner. This particular program was being delivered using a feminist approach which offended males in particular and by its very nature, excluded them from the process.

In another example at a different community, family violence practitioners proceeded to initiate discussions about family violence and the possible establishment of a safe house with a group of women (mainly victims). The practitioners failed to work with other groups on the community, including other Aboriginal women and the Council. This was perceived to be divisive and not appropriate and consequently did not receive support from other women or from the community government council.

The Community Council later engaged a consultant to report back on family violence and it was during this process it became clear the community did not believe a safe house option was viable unless it was linked to a range of complimentary programs and initiatives which are inclusive of other community groups such as community elders, traditional owners, skin group leaders and the Community Council. . Some agency staff and family violence practitioners incorrectly construe these groups to be patrilineal or male controlled and consequentially seek to marginalise them.

Both examples highlight the realities of working to implement attitudinal and social change in remote aboriginal communities, where the structure, dynamics and relevant factors are diametrically different and can not be ignored if programs are to be beneficial to the community. The Kurduju Committee, the Ali-Curung and Lajamanu Safe House Committee and the Yuendumu Women's Centre have consistently emphasised the requirement for community cohesion on family violence responses and the inclusion of both cultures as a prerequisite for program success.

## **ABORIGINAL COMMUNITY SAFE HOUSES**

Town based crisis' centres for women, are essential in addressing the need for crisis accommodation and counselling services, however their central role as a provider of crisis accommodation, does not meet the expectations or needs of a remote Aboriginal community safe house. A fundamental tenet of aboriginal community safe houses is that the safe house functions in conjunction with all other relevant community organisations, programs, community groups, structures and decision making processes. Aboriginal Community Safe houses function most effectively when it is a contributor to a much large community response to resolving family violence.

The Aboriginal Law and Justice Strategy has developed a model for the establishment of Remote Area Safe Houses based on the experience gained from the three communities which encourages a partnership between the community and funding agencies. This supports a whole of community, whole of government response. It is also a practical community development technique to involve the relevant expertise and resources from commonwealth and territory service providers working in conjunction with the community.

The Kurduju Committee emphasises the importance of community inclusiveness, not divisiveness, and community safe houses should reflect this ideal. Safe Houses should be part of the community not apart from the community. Aboriginal women need to be involved, with Council, in all aspects of site location, redesign and refurbishment. As far as possible council should be involved in renovation and ongoing repairs and maintenance to the facility. Maximising community participation remains the key. A serviceable facility can be provided at a minimal cost. At Ali-Curung a house was upgraded and secured for \$20 000 and Council carried out all the work. At Lajamanu a facility was upgraded and secured for \$80 000 under a joint funding arrangement between ATSIC and Territory Housing whilst the Lajamanu community government council contributed an additional \$20 000 for refurbishment.

The Kurduju Committee also emphasised the importance of local control and management, particularly as the safe house and safe house staff are instrumental in facilitating a community response to addressing family violence through the use of community dispute resolution (refer to Safe House painting p17 and Aboriginal Dispute Resolution painting p23).

The Kurduju Committee believes non-indigenous management is not attuned to the sensitivities of local dispute resolution and may act to inhibit some women attending the safe house. Additionally the Committee felt there may be a tendency to apply nonindigenous problems solving which may not be helpful.

Safe House rules for the operation of safe houses that are developed by aboriginal women on each community reflect the individuality of the local community dynamics and represents a significant shift away from traditional safe house management. The Kurduju Committee State:

"The Community Government Councils role is to assist us with things like the administration and budgets but the problems of family relationship are handled by us."

How this is achieved varies, but is inclusive of men, senior elders and traditional owners as important to achieving outcomes in reducing family violence.

At Ali-Curung for example a system applies where men are encouraged to visit the safe house for meetings with their wives, in a controlled and safe situation. The Kurduju Committee points to the fact that few aboriginal women for a multitude of cultural reasons leave their husbands. They are mindful that separation, which is proposed by many non-indigenous family violence models, does not work for aboriginal families living in remote communities and can easily exasperate the family situation.

At Ali-Curung, the safe house women point to the increase in male suicide and expressed concern that particular sensitivities needed to be applied to the issue of separation of men in addressing family violence. The Kurduju Committee workshops have identified fifty (50) issues that need to be addressed in the development and operation of remote area safe houses, and caution is urged in attempting to set up safe houses without following the processes described by the women currently operating family violence initiatives in these communities.

The model for these safe houses is substantially different from models being developed in other states and territories. In QLD for example large and expensive safe house facilities are being built on communities costing up to \$800 000. These facilities require outside expertise coming into a community to build the facility and preclude much of the community participation in the process.

The management of such facilities becomes complex and may often preclude aboriginal control of the process and hence the use of community dispute resolution may be reduced.

The issues raised overall by the Committee in the establishment of a community safe house demonstrate the need for government agencies to support the community at the developmental and community awareness stage and in resolving the myriad of social and operational issues which may impede successful outcomes for the community. The effective operation of safe houses requires strategic community planning not simply bricks and mortar.

Therefore constructing a safe house in itself will not resolve aboriginal community violence problems. Communities have consistently viewed the role of the Safe House as being one component in the community 'healing' process from family violence. It is not the centrepiece of the Ali-Curung and Lajamanu's initiative to address family violence. It is a conduit for dispute resolution mechanisms to occur.

When there is community consensus that family violence is a problem and needs to be addressed, the establishment of a community safe house is often seen as an important part of addressing this issue. At Ali-Curung and Lajamanu the community councils identified unoccupied houses from the community housing stock which could be repaired and refurbished for use as a safe house. At Yuendumu the situation was different and the deaths of people in available unoccupied housing precluded many women from visiting those houses. A new facility will need to be provided.

The former OAD funded a visit to Ali-Curung by the Lajainanu law and justice committee (equal men and women) but when the visit took place, the community sent only male elders from the tribal council to inspect the Ali-Curung Safe House. As it transpired this was the most effective way of gaining support for the women. The men spent several days at Ali-Curung and held a number of meetings with various community groups. They formed the view the safe house supported rather than impeded community dispute resolution and it presented family violence options for the women, which previously did not exist. Since the visit by the men, thirty-six (36) women from Lajamanu have undertaken training courses at the Ali-Curung Safe House.

This example also demonstrates the type of community consultation, which must occur in relation to sensitive and complex issues. The former Council President undertook to hold meetings around the community over a period of about a month with all "the camps" This took place of an evening, and is the type of community consultation and awareness rising about family violence that could not be replicated through the forums non-indigenous service providers normally deal with on communities.

## **ABORIGINAL COMMUNITY NIGHT PATROL**

The above issues identified by the Lajainanu community can be categorised broadly into the same areas identified by the Kurduju Committee with respect to the establishment and operation of safe houses.

- Cultural considerations and community dynamics, community awareness/support;
- Developing management and administration systems;
- Operational and training.

The Higgins Report which provides an extensive evaluation of remote area Night Patrols also concludes that effective Night Patrols are those in which community based participation in the process has occurred.

"The evidence contained in the evaluation reports reveal that Night Patrols are more effective where grass roots Community processes are involved, endorsed and supported. The successful Night Patrols are those which incorporate Cultural, social and law and order priorities and not those which are the imperatives of external pressures. However, the funding procedures for Night Patrols do not address the Community dynamics in detail. There is an inherent risk in supporting Night Patrols unless a rigorous evaluation of Community control arrangement is undertaken." (Higgins Report, p. 1 1 8).

The Aboriginal Law and Justice Strategy has developed a model for establishing night patrols based on the experience gained on a number of committees which has been effective at Ali-Curung and Port Keats. This model utilises an external and suitably qualified person to assist the community identify

issues likely to impinge on the operation of the night patrol and develop strategies for the community to manage these issues.

This requires a consultant to spend a considerable amount of time at the community level, for example at Ali-Curung a medium size community, the consultant spent five weeks assisting the community specifically on night patrol issues. At Port Keats, a much larger community, the consultant spent seven weeks on the community. The consultant is contracted to identify the most appropriate night patrol model for that community, put in place administration and management systems for the night patrol and develop community awareness/intellectual development and protocols and guidelines (job descriptions, duty statements) that the night patrol workers and community agree to. For example at Ali-Curung and Port Keats the consultants brief required the consultant to address these issues:

**(a) Undertake the research and developmental phase of the project including;**

- Community consultation, intellectual development, conceptual awareness, local anthropology and identifying an appropriate and practical model which may be successful for that Community.

**(b) Administration and management.**

- Design and implement relevant administration and management controls and establish linkages with other support agencies.

**(c) Operational and Training.**

Develop job descriptions and duty statements, reporting and operational systems, relevant agreements and understandings between clan and Tribal groups.  
Provide on site Night Patrol Training, (Tangentyere accredited course).

**(d) Support/ Evaluation**

Undertake an evaluation of the operation of the Night Patrol after three (3) months and after twelve (12) months.  
Assist with the implementation of changes, modifications or new strategies identified by the evaluation.

The myriad of cultural, social and administrative issues effecting the night patrol service demonstrates the need for government agencies to invest more in the developmental and community awareness stage not just funding stage.