

Working with Indigenous Victims of Crime- Dilemmas and Directions

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Victims Services within the NSW Attorney General’s Department offers a range of services and entitlements for victims of crime. These include:

- Entitlement for victims of violent crime to apply for statutory compensation
- Access to professional counselling for victims of violent crime of up to 22 hours
- Accessing information, support and referral through the 24 hour Victims Support Line (VSL)
- Obtaining information about victim’s rights under the Charter of Victims Rights, accessing these rights, identifying breaches and making complaints

In 2005 –06 over \$64 million was paid out to victims of violent crime in compensation, over 44,000 hours of counselling was approved and the VSL received over 5000 calls, many of which required a case management approach.

Yet there are dilemmas for those working within the organisation. How do we let indigenous victims know about our services and when these victims do know about them how do we make sure they are culturally sensitive and appropriate yet still operate within the requirements of the legislation? How do we ensure counselling provided by professionals to indigenous victims is culturally sensitive and appropriate? How do we inform indigenous victims that they have rights under the Charter of Victims Rights? And importantly how do we assist indigenous victims to access their rights?

In 2003 Victims Services analysed compensation and counselling claims to the Tribunal by indigenous victims. A total of 507 indigenous people lodged claims for compensation and /or counselling between 2001 and 2003. At that time compensation claims far outweighed counselling applications. A number of trends were identified for example:

- Young female victims (35 years and under) were most likely to apply for both compensation and counselling
- Domestic violence, sexual assault and physical injuries were the most frequently nominated compensable injuries. Domestic violence and psychological disorder are increasingly being nominated. Over 80% of awards were made for sexual assault, physical injuries and domestic violence.
- The majority of acts of violence occurred outside the Sydney metropolitan area.
- On average indigenous clients used 20% less of their total approved counselling hours

Although in 2005/06 numbers have increased (666 claims for compensation and/or counselling and to date in 2006 339 applications for compensation and/or

counselling), the dilemma for Victims Services is how does this reconcile with NSW Bureau of Crime Statistics and Research (BOCSCAR) statistics that indicate indigenous people are highly overrepresented as victims? BOCSCAR estimates that Aboriginal people are between 2.7 and 5.2 times more likely than residents of NSW as a whole to become victims of violent crimes. Aboriginal women are between 2.2 and 6.6 times more likely to become victims of violence than NSW women as a whole.

The results showed that we needed to rethink the way we offer information and support to indigenous victims. To this end we have developed a 5-year strategic plan. Looking at issues such as outreach, charter related concerns, counselling, support, compensation etc.

But first more on some of the dilemmas facing Victims Services.

Counselling

The Victims of Crime Bureau has responsibility for the professional aspects of the Approved Counselling Scheme (ACS). This has meant ensuring that all counsellors in private practice who apply for approval to provide counselling services under the Scheme are appropriately qualified with relevant and current experience.

A vital issue at the schemes inception and since remains to try and ensure that victims of crime, already traumatised by the act of violence are not further traumatised by the counselling interventions that are offered to them post crime and that counselling is provided by appropriately qualified and experienced practioners. Consequently the Bureau has developed a range of comprehensive quality control mechanisms.

However for indigenous victims there are dilemmas.

There are few qualified indigenous counsellors in NSW. For those victims wishing to access and indigenous counsellor this can severely limit their choice. We have advertised through indigenous newspapers, we have advertised through professional associations and we have appealed to the various universities.

So what does this mean in practice?

Do we, as some have suggested lower the stringent requirements we have for practioners in order to attract more but less qualified people to the scheme? If we did do this are we effectively saying indigenous people can access counsellors who are less qualified, but justify this by having more indigenous counsellors on the scheme? Does this mean that if you are non indigenous you have access to more highly qualified counsellors? Effectively having different quality criteria for indigenous victims? Or is it more important for victims to be able to access indigenous workers even if less qualified but more understanding of culture and issues? For example, workers in the Aboriginal Medical Service?

Or do we say that all victims are entitled to access the same quality of counselling and put even more effort into developing strategies to address this?

This is not so say that all indigenous victims want to access indigenous counsellors. In fact some victims go so far as to request non-indigenous counsellors. Often we find that in rural areas or small tight knit communities for indigenous and non-indigenous victims alike, victims preferring to travel to another area to access counselling because of the grapevine issues and concerns. Although of course transport itself can be another major barrier in accessing counselling.

So we have identified this as a major issue for the plan and want to look at a few different ways of addressing the problem, both short and long term. For example:

- Acknowledging the importance of taking into account intergenerational trauma and culture when working with indigenous victims. Of acknowledging the history of Aboriginal people and showing sensitivity to the injustices that many have faced. Counsellors under the Scheme need to be sensitive to kinship, and understand that respect for elders and the wider Aboriginal community is vital when working with indigenous victims of crime.
- Develop the competencies of non-indigenous counsellors. The Bureau has partnered with Education Centre Against Violence (ECAV) to develop a two day competency based course for counsellors under the Approved Counselling Scheme (ACS). The aim is to have over the next two years at least half of the approved counsellors complete the course and post course competencies. This will mean that in time we will only refer indigenous victims to counsellors who have successfully completed the course and related requirements or show appropriate competencies.
- Investigating the possibility of working with the universities to train up indigenous students in either psychology or social work. Of course this poses its own set of dilemmas. What courses would be most appropriate? who gets accepted? Who pays? Part time or full time? How do you attract the right people/ if we help with costs are they bonded after? What about placements? Are they paid? The list goes on but nevertheless is worth investigating. We know NSW Department of Education has an MOU with several universities.
- Developing alternate models of working in rural and remote areas and access to counselling. Assuming there are counsellors, skilled and willing to provide counselling in rural and remote areas. They will not necessarily have rooms, but may be willing to travel. This occurs already to a small extent. Dilemmas faced are about for example access to rooms; do we negotiate with the Aboriginal Medical Service (AMS), colleagues in health? Do we ask them to do home visits/ if so what about occupational health and safety concerns? Some say VS should pay for travel costs to the victim? With 44,000 hours of counselling approved each year this could be totally unviable. So the strategic plan will explore the concept of healing centres, more outreach clinics, ways of encouraging counsellors to travel on a regular basis etc.

Compensation

How do we let indigenous victims know about their entitlements?

If we look at the BOCSAR statistics and information the claims received at VS are not indicative of the statistics. Given that it is important to ensure that the most disadvantaged groups have access to compensation how does Victims Services get the message out more effectively?

We already work with Aboriginal Court Liaison Officer's (ACLO'S) within NSW Police. We work with the 17 victim contact officers in NSW health including the 50 sexual assault services across NSW, Aboriginal legal service etc. However whilst getting information to indigenous victims is one challenge, it can be other hurdles that are even a greater challenge.

For example to apply for compensation victims are encouraged to report the crime to the police. How many times have we received anecdotal information about victims going to the police to report sexual assault or domestic violence only to be questioned about warrants related to other outstanding issues? This was highlighted recently in an article in the Sydney morning Herald (June 2006) where the headline read "Fear of gaol silences indigenous rape victims". The article went on to state that if an aboriginal woman reports domestic violence or sexual assault the police may actually act on outstanding warrant regarding her or others and the cause of the report may not actually be dealt with. This of course means that Aboriginal women will be reluctant to report to the Police. So the issue is much greater than simply encouraging indigenous women to report to the police, it requires a major shift in attitudes and police policy.

This is an issue that goes to the core of working with indigenous communities. We require they cooperate with police but that cooperation may lead to other unintended results that make it untenable for indigenous victims to report to the police.

Our strategic plan will focus on working with key organisations such as Department of Education and Training (DET), Department of Community Services (DoCS), indigenous organisations such as the forty-nine Aboriginal Medical Services across NSW. With DoCS we are working with them to ensure children, including indigenous children under the care of the Minister have access to compensation entitlements.

Restitution

The Victims Support and Rehabilitation Act 1996 requires that a convicted offender repay any moneys awarded where the offender has been convicted of the crime that compensation was paid. Again whilst Victim Services must apply the legislation there are sometimes dilemmas for victims who are considering applying for compensation. In the indigenous community restitution is a factor that victims seriously need to consider.

Although the total amount of restitution is relatively small (although individual amounts can be as high as \$50,000) compared to the total amount of awards paid out, the effect of pursuing restitution should the offender remain in the local community needs to be considered. Of course within the debate there are always varied views. Some say restitution is a good thing in that it sends a clear message to offenders and allows for more money to go to victims; others say it is a deterrent for some victims to apply.

Victims Support Line (VSL)

The VSL operates 24 hours per day/seven days per week. One of the key features of the line is its anonymity for victims who do not wish to disclose personal details but nevertheless seek information and support. Victims call the line during any/all of the stages following their victimisation. They may require crisis counselling, debriefing, support, validation, information referrals or just a listening ear.

Sometimes victims self identify as being Aboriginal or Torres Strait Islander but often not. Of course staff can sometimes determine that the client is indigenous through the conversation and of course sometimes it is perfectly valid to ask. However that depends on the particular situation. For example at 2 am in the morning if a victim is disclosing sexual assault asking them if they are indigenous may not be the most appropriate question. Yet ultimately it may be a very important factor in determine the most appropriate referrals.

The dilemmas for staff is determining when and if there is a correct time to do so and of course how to do so in a sensitive and culturally appropriate manner.

Additionally the VSL staff are acutely aware of the importance of “vouching” i.e. a trusted member of the Aboriginal community contacting the line first on behalf of someone else, checking it out and then vouching that the line is useful to the actual victim. So cultural sensitivity is paramount regardless of who may be on the other end of the telephone.

Charter of Victims Rights

The Charter of Victims Rights underpins the way government agencies and services assist with victims in NSW. It is contained within legislation, the Victims Rights Act of 1996 and the Bureau is charged with the responsibility of monitoring its implementation across government departments, assisting with compliance, helping victims to access their rights and resolving complaints under the Charter.

The Charter focuses on how victims should be treated by government agencies they come into contact with, information about and access to services and a range of issues concerning the criminal justice system including police investigation, though to court and post court issues.

The Charter whilst an important piece of legislation also raises a range of working dilemmas. How do we make sure that indigenous clients know of their rights? How do we help them to access these rights? Do agencies recognise their obligations to all victims of crime including indigenous victims? How do we monitor this in an effective manner?

Again these issues while challenging are not insurmountable (O/H 7 Indigenous Charter). This version of the Charter is going to indigenous organisations in NSW, NSW Police, Health and DoCS offices.

As part of the regular charter reviews the Bureau conducts we now ask specific questions relating to the implementation of the charter for indigenous clients.

Next year we will be identifying a town in an area with a high indigenous population and doing a comprehensive review of how victims are supported consistent with the Charter of Victims Rights.

Strategic Plan

This plan was launched in July 2006. An indigenous counsellor seconded to Victims Services from the Department of Education developed it. The plan provides a background to the issues facing indigenous victims, both from a historical and current perspective. It focuses on the impact of crime on emotional and social wellbeing. This term is preferred by aboriginal people to reflect a holistic concept of mental health. It comes from the view that being a victim of crime affects a person's emotional and social wellbeing.

The Plan focuses on 5 key result areas:

1. Improving access to victims services
2. Counselling
3. Promotion and prevention
4. Workforce Issues
5. Data, research and evaluation

In conclusion, violence in indigenous communities is an important issue. Victims Services has a critical role to play in enhancing the emotional and social wellbeing of Aboriginal and Torres Strait Islander people who have been victims of crime.

Within our legislative mandate Victims Services is working towards developing responses that validate the victims experiences to assist in the recovery process and is developing a range of strategies in key identified areas that are culturally appropriate and incorporate an understanding of the Indigenous concept of health and wellbeing.

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