

Aware

AUSTRALIAN CENTRE FOR THE STUDY OF SEXUAL ASSAULT

In this issue

Welcome to the second edition of *ACSSA Aware* for 2006. This newsletter contains a variety of valuable contributions from researchers, practitioners and policy makers, including:

- An article by *Hannah McGlade* who writes about how Aboriginal women and girls are being discriminated against by the criminal justice system on the basis of their Aboriginality and gender, notwithstanding the existence of formal legislation prohibiting such discrimination. In examining the legal system's unequal treatment of Aboriginal women and girls, her paper details and considers two recent and high profile decisions of the Northern Territory Supreme Court concerning sexual assault of Aboriginal girls.
- An article by *Yvonne Lay* who examines and assesses the adequacy of sexual and domestic violence service providers in accommodating for the specific needs of victims from culturally and linguistically diverse (CALD) backgrounds, particularly focusing on Chinese, East Timorese and Vietnamese women. In recognising the totality of the intersection of both gender and racial oppression CALD women experience, she highlights the specific needs of CALD victims and the barriers they face in accessing services.
- A service profile: ACSSA staff interview *Sandi Chapman*, who is the Coordinator and Psychologist at Acacia Support Centre, South Hedland (Perth), in Western Australia.
- A selection of new reports and resources in "News in brief".
- Updates on upcoming conferences.
- Highlights from the literature.

Accompanying this newsletter is our second *ACSSA Wrap* – a short, resource-focused update on issues of relevance to ACSSA's key stakeholders. The topic for this *Wrap* is the sexual assault of males – written by *Dr Sarah Crome*. This was a topic about which ACSSA regularly received requests for more information and research. The *Wrap* highlights the similarities and differences between the sexual assault experiences of men and women – and the kinds of issues that services face in responding to the needs of men (recognising that many services established to respond to female victims are also providing services to males).

We have already said farewell to *Dr Melanie Heenan* as Coordinator of ACSSA, but we are also sorry to say 'goodbye' to *Lara Fergus* (Research Officer) and *Jennie Child* (Project Officer). Both were valued members of the ACSSA research team, who for the past couple of years have contributed significantly to the publications, knowledge-base and research inquiry service of the Centre. We wish them both well in their future endeavours.

The Institute is delighted to announce that *Dr Zoë Morrison* has been appointed as ACSSA Coordinator. Zoë comes to us with a wealth of experience in research in relation to sexual assault – having worked at the Victorian Law Reform Commission on family violence, and as a lecturer at Oxford University in human geography



Australian Government

Australian Institute of Family Studies
Australian Centre for the Study of Sexual Assault

The Australian Centre for the Study of Sexual Assault aims to improve access to current information on sexual assault in order to assist policy makers, service providers, and others interested in this area to develop evidence-based strategies to prevent, respond to, and ultimately reduce the incidence of sexual assault.

The Australian Centre for the Study of Sexual Assault is funded by the Office for Women, Australian Government Department of Families, Community Services and Indigenous Affairs, through the Women's Safety Agenda. The Centre is hosted by the Australian Institute of Family Studies.

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ACSSA Coordinator: Zoë Morrison

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and gender studies. She has also held consultancies with Monash University and the Ministry Development Council of the Anglican Church (Adelaide) where she produced what became known as the "Morrison Report" on reporting and responding to sexual assault and child abuse. We welcome Zoë to the Institute, and look forward to the contribution she will make to the ongoing work of ACSSA.

In addition, three new staff recently have recently commenced at the Institute to contribute to the ACSSA research team:

Antonia Quadara, Senior Research Officer, will be working three days per week. She also works for the University of Melbourne as a tutor and lecturer in Criminology. Antonia has just completed her PhD in criminology and comes to us with a wealth of experience regarding sexual violence against women, the criminal justice system, and primary research with victims of crime – with particular expertise in qualitative research methodologies.

Cameron Boyd, Research Officer, comes with a breadth of experience, including having worked as a counsellor with victims of sexual abuse. He has worked in the welfare field for ten years. Cameron completed a Bachelor of Social work in 1994 and is currently studying for a Master's Research degree at Deakin University.

Haley Clark, Project Officer, will be working 10 hours per week. She has previously been an external research consultant for the Institute, contributing to data collection and analysis on a research study the Institute conducted for the Victorian Office for Women's Policy on the progress of sexual assault allegations using Victoria Police data. As well as having completed her honours thesis on the topic of sexual assault, she is currently working on her PhD on sexual assault.

Helen Arch, a new web officer, is now supporting Deborah Whithear, the Institute's Library and Web Manager, in providing services to support the work of ACSSA. We continue to have the services of experienced library staff – such as Carole Jean and Joan Kelleher in assisting with responding to requests for research or resources from ACSSA subscribers, and compiling the literature highlights for this newsletter.

Finally, Ellen Fish continues to support the ACSSA team by coordinating and editing ACSSA Aware (please remember to send in your contributions – reviews of books, resources, reports, programs are always welcome; email: acssa@aifs.gov.au).

We trust that you find the information and resources in this edition to be of value in the important work that you do.

Daryl Higgins, Interim ACSSA Coordinator
General Manager – Research at the
Australian Institute of Family Studies

NEWS IN BRIEF

Here ACSSA reports on new initiatives, research, policy and program announcements relevant to sexual assault, which have emerged since our last edition.

New report on sibling sexual abuse by boys

Responses to sibling sexual abuse: As harmful as the abuse itself, by Marg Rowntree for Women's Health Statewide, December 2005.

This report by Women's Health Statewide in South Australia concludes that family, professional and community responses to sibling sexual abuse are all too often as harmful as the abuse itself. The extent and impact of childhood sexual abuse by siblings has not had the same public exposure as childhood sexual abuse by adults and remains a largely unrecognised and misunderstood social and public health issue.

The report details a qualitative retrospective study of 19 women, ranging in ages from 24 to 66, and provides insider insight into attitudes and responses they encountered when they disclosed sexual abuse by siblings. The study found that the most common attitudes and responses reflect five dominant discourses about sibling sexual abuse as: natural/normal; the victim's fault; not serious; a family matter; and a taboo subject. Less common but still powerful in its impact were those informed by discourses about sibling sexual abuse as romantic love/sexual relationship and family dysfunction. These discourses have two main deleterious effects: either they totally or partially prevent women from expressing their experiences, or where women risk speaking out they endure conflict and even estrangement from family and friends.

The implications from the study are twofold. First, public and professional awareness about the role attitudes play in either helping or harming women when they disclose sibling sexual abuse needs to be increased through education and training forums. Second, the role of education at home and at school in teaching girls about their rights and teaching boys not to harm others needs active promotion.

To download the report in full, go to the website at Women's Health Statewide: www.whs.sa.gov.au

New report calls for justice for victims of rape

Convicting rapists and protecting victims – Justice for victims of rape, by the Office for Criminal Justice Reform for the UK's Criminal Justice System, Spring 2006.

Prosecutors in date rape cases are now free to call expert witnesses on the trauma of sex crimes to put paid to juries' misconceptions about the crime, under plans to boost convictions, according to a new report. The consultation paper entitled: *Convicting rapists and protecting victims: Justice for victims of rape* produced by the Office for Criminal Justice Reform advocates that victims who delay reporting the alleged attack or appear unusually composed in the witness box should no longer be treated with suspicion.

Expert witnesses could describe how a traumatised victim might require time to raise the courage to go to police, why she might have stayed with an abusive partner – factors that might lead a jury to doubt her story – or the ways in which she might respond to giving evidence.

The expert witnesses would not testify specifically about the victim's mental state but would present general evidence on the psychology of sex-attack victims. They could also tackle common (wrongly-held) assumptions such as that a scantily clad woman must have been 'asking for it' or was somehow to blame.

This report offers some clarification on the law on consent to protect women who are too drunk to be capable of consenting to sex, putting the onus back on the defence to prove that a woman who was incapable through alcohol was actually a willing partner. Video testimony from women's interviews with police in the immediate aftermath of a rape, when they are likely to have been most distressed, could also be permitted in courts.

Only one in 20 rape allegations ends in a guilty verdict, with acquaintance rapes being the most common but most difficult to prosecute, and that even in stranger rape cases, perceptions of the victim have proved crucial to the trial and sentencing.

The consultation paper contains a call for either a change in the law or new guidance for judges on cases where the victim is drunk or high on drugs.

This review is an edited version of a newspaper article entitled: *Call for expert witnesses in rape trials*, by Gaby Hinsliff, political editor. It appeared in *The Observer*, Sunday March 26, 2006. Information about this report is also available on the Home Office website (www.homeoffice.gov.uk) and the Criminal Justice System website (www.cjsonline.gov.uk).

New resource to assist survivors of rape

***Clinical management of rape survivors: Developing protocols for use with refugees and internally displaced persons*, World Health Organization Guidelines, 2004.**

This guide describes best practices in the clinical management of people who have been raped in emergency situations. It is intended for adaptation to each situation, taking into account national policies and practices, and availability of materials and drugs.

New report: *Responding to sexual assault: The challenge of change*

***Responding to sexual assault: The challenge of change* by the Sexual Assault Response Program team (Margaret Jones and Anthony Crocker), Office of the Director of Public Prosecutions (ACT) and the Australian Federal Police, 2005, 288 pages.**

The *Responding to sexual assault: The challenge of change* report (also known as the SARP report) was authored by Margaret Jones, senior prosecutor at the Australian Capital Territory (ACT) Office of the Director of Public Prosecutions, and Sergeant Anthony Crocker of ACT Policing's specialist Sexual Assault and Child Abuse Team (SACAT), in consultation with a large number of people from the ACT and nationally. The report is highly-detailed, running to well over 200 pages, and examines the possibilities for change in criminal justice responses to sexual assault in the ACT. Despite the ACT-focus, the report includes a great deal of research and discussion on criminal justice and service responses in other states/territories, and would therefore serve as a useful resource to those working to end sexual assault, elsewhere in the country. It makes a number of recommendations for change, for example, to court practices, victim support, technology, training,

The *Responding to Sexual Assault: The Challenge of Change* report (also referred to as the SARP report) is now available from the website of the ACT Office of the Director of Public Prosecutions: [www.dpp.act.gov.au/pdf/DPP_SARP_report_\(11Feb05\).pdf](http://www.dpp.act.gov.au/pdf/DPP_SARP_report_(11Feb05).pdf) The *What's New* page of the ACSSA website contains regular updates and links to recently released reports relevant to sexual assault: www.aifs.gov.au/acssa

jury directions and rules of evidence. Again, these recommendations are specific to the ACT, but many could equally be applied in other jurisdictions.

New report on improving responses to allegations involving sexual assault

The Victorian Ombudsman has recently tabled a report in Parliament about how government agencies can improve responses to allegations involving sexual assault of children and adults in Victoria.

The report, titled *Improving responses to allegations involving sexual assault*, is a result of a comprehensive and lengthy enquiry into how government agencies, including the Department of Human Services, the Department of Justice, the Department of Education and Training and Victoria Police respond to such allegations.

The enquiry found a number of outcomes including inconsistent understanding of mandatory or other reporting requirements, a lack of uniform vetting of employees working with vulnerable people and process issues in agencies with employees accused of sexual assault.

The report contains recommendations that aim to provide environments that discourage sexual assault, encourage early reporting of sexual assault and give early access to support services necessary for the long-term recovery of victims from mental and physical harm caused by such assaults.

A number of initiatives have already been implemented by various agencies since the enquiry commenced and the agencies currently have in place many practices that aim to improve their responses to allegations involving sexual assault.

This is an edited version of a media release by Paul Conroy, Manager, Communications, Ombudsman Victoria, March 2006. The full report is available from the Ombudsman Victoria website: www.ombudsman.vic.gov.au

ACSSA publications

As there are so few forums in which those working in the sexual assault field can share information with one another, we are keen to publish articles within this newsletter. We now accept contributions of up to 5,000 words, as well as book reviews, news of conferences, training and research projects (up to 1,500 words). If you would like to contribute an article or review to *ACSSA Aware*, details of how to do so are on the inside back cover of this newsletter. You can access our "contributor's guidelines" from the website (www.aifs.gov.au/acssa/pubs/pubsmenu.html) or contact ACSSA directly.

Join ACSSA-Alert

News Alert Email Service: ACSSA-Alert

ACSSA-Alert is an email list for news and updates from the Australian Centre for the Study of Sexual Assault. You will receive messages with announcements about updates on the ACSSA website, release of publications, and new information or services.

You can join ACSSA-Alert through our web page on: www.aifs.gov.au/acssa/emaillist.html

Aboriginal women, girls and sexual assault

HANNAH McGLADE

The long road to equality within the criminal justice system

Recent cases concerning the sexual assault of young Aboriginal girls in the Northern Territory have raised national attention on issues facing Aboriginal victims of sexual assault. This serious issue of discrimination within the criminal justice system is a longstanding one that requires immediate political will and action. The overriding principle of equality before the law demands nothing less.

In 1994, the Australian Law Reform Commission (ALRC) undertook a national inquiry into “Equality Before the Law” and formally recognised that Australian women were being subjected to systemic discrimination within the legal system. The ALRC was also told that Aboriginal women were being multiply disadvantaged: “The problems for women stem from the fact that we’re Aboriginal people as well as being women” (Australian Law Reform Commission, 1994, p. 118). They faced particular disadvantages both within the mainstream legal system and also in the administration of Aboriginal and Torres Strait Islander legal services. In addition, it was found that there was a “disturbing level of ignorance” of Aboriginal women’s culture on the part of the legal profession and that Aboriginal women’s views were given little acknowledgment in the legal systems operating in each Australian jurisdiction, even in cases that directly concerned them (Australian Law Reform Commission, 1994).

These findings made over a decade ago are just as relevant today and continue to be echoed in the experiences of the Aboriginal women victims/survivors of sexual assault who seek justice through the courts. Aboriginal women and girls are being discriminated against by the criminal justice system on the basis of their Aboriginality and gender, notwithstanding the existence of formal legislation prohibiting such discrimination. In examining the legal system’s unequal treatment of Aboriginal women and girls, this paper details and considers the two recent and high profile decisions of the Northern Territory Supreme Court concerning sexual assault of Aboriginal girls. Both cases are clear evidence of the continuing discriminatory treatment of Aboriginal women and girls who still now face a long road to equality before the criminal justice system.

Case examples of discriminatory law

The legal system’s discriminatory treatment of Aboriginal women and girls in sexual assault matters dates back many years and was made very clear in the 1980 case of *Lane* where the Northern Territory Supreme Court accepted the arguments made that the rape of an Aboriginal woman was not as serious or significant a crime as the rape of a white woman. Justice Gallop found in this case:

There is evidence before me, which I accept, that rape is not considered as seriously in Aboriginal communities as it is in the white communities ... and indeed the chastity of women is not as importantly regarded as in white communities. Apparently the violation of an Aboriginal woman’s integrity is not nearly as significant as it is in a white community (McRae, Nettheim, & Beacroft, 1997, p. 380).

The view that sexual assault was not a serious crime in Aboriginal communities was entirely inconsistent with the opinion of Aboriginal women as reported to the ALRC:

When traditional women are asked about rape and about the incidence of incestuous sexual assaults, their responses are emphatic that it is not the Aboriginal way, that it is not in accordance with Aboriginal traditions or customary law. They said that a man could be put to death for rape or speared in the thigh (Australian Law Reform Commission, 1994, p. 123).

According to Sue-Jane Hunt, Aboriginal women of north western Australia were “valued sexually as women and economically as labour, yet abused as a colonised and subject people, Aboriginal women were victims of both racism and sexism” (Hunt, 1979, p. 40). Aboriginal women and girls lacked legal status and they had little or no protection under the law. Consider the case of Mercedes, an Aboriginal lady from the Beagle Bay mission who was raped by a police constable while searching for a mission child. She took her complaint to her husband who would not approach the authorities, next to the priest in charge of the mission who did not believe her, and then to the police constable’s superior who reported the case to the Native Department (Hunt, 1979). There were four witnesses to the rape but they were also Aboriginal and their evidence was rejected. The police constable clearing himself of the charges stated: “From my knowledge of this said woman Mercedes, I do not think that it would have been necessary to make much attempt to interfere with her as she enjoys the reputation of being one of the greatest native prostitutes in this district” (Hunt, 1979, p. 40). Mercedes was ultimately denied legal equality by reason of both her race and gender.

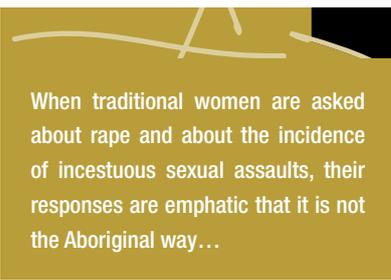
The denial of legal recourse for Aboriginal sexual assault complainants was evident from Jillian Bavin-Mizzi’s (1993) study of sexual assault cases before the Supreme Courts of Victoria, Queensland and Western Australia in the years 1880–1990, where it was shown that of the 1,200 cases prosecuted only six concerned women identified as Aboriginal, and of those cases only one resulted in a conviction (p. 199). Aboriginal women, unlike white women, were not considered to be women who were worthy of legal protection. Such a perception remains and lingers

on as a part of contemporary Australian race relations, where racist stereotyping of Aboriginal women as promiscuous, inherently bad, alcoholic, dishonest and culturally inferior has been shown to be commonly played out in NSW sexual assault trials (Puren, 1997). In the 2004 Western Australia case of *R v Bropho* [2004] WADC 182, the WA District Court even accepted defence arguments that questioned the credibility of established DNA procedures with respect to Aboriginal people in order to defeat the complainant’s credibility. This was notwithstanding that the DNA evidence was far greater than that required to establish paternity before the Family Court (O’Donnell, 2004).

The 2002 case of *Jackie Pascoe Jamilmira* concerned a decision of Magistrate Luppino of the Maningrida Court in Arnhem Land in which he sentenced a 50-year old defendant to 13 months imprisonment for unlawful sexual intercourse with a minor. The 15-year old victim’s police statement was revealed in a national newspaper, in which it was stated that the defendant had forced her to his outstation whereupon she was subjected to violent beating and sexual assault, managing to escape with her family the following day although the defendant objected by discharging his shotgun. According to the North Australian Aboriginal Legal Aid Service (NAALAS) the police had initially charged the defendant with rape (along with a firearms offence) but following investigations by the DPP and ‘negotiations’ with his lawyers from the NAALAS, the rape charge was reduced to one of unlawful intercourse with a minor. The lofty defence claim that the defendant’s actions were “entirely appropriate and morally correct within the traditional parameters of the Bururra lifeworld” (Bryant, 2002, p. 20) should be considered alongside of the victim’s statement of a violent sexual assault:

He started slapping my face and then punching me. He used his right and left hand to slap me in my face, he was hitting me real hard. He had that closed fist and he hit me eight times. I was feeling dizzy and he said to me ‘let me look, so I can hit you again’. I said to him I want to go out and have a drink of water and wash my face. He said: ‘No, you’re not going anywhere, no phone call, no truck [out of there] for you’. He told me to take off my clothes, so I did. He grabbed me by my left arm and my right leg and threw me onto that mattress. He put his foot onto my neck and he was pushing me down on that mattress. He had my right arm and he was twisting it – it felt like he would break it ... He was on top of me and he forced me, and I was laying down and I was trying to cross my legs (Toohey, 2002, p. 21).

The Magistrate hearing the case appeared, understandably, not to have been convinced by the Crown’s failure to prosecute the defendant for sexual assault and he considered aggravating factors of duress and lack of consent. The defendant was sentenced to thirteen months imprisonment for the charge of unlawful intercourse and two months for firearm offences (Bryant, p. 20). This decision was appealed



When traditional women are asked about rape and about the incidence of incestuous sexual assaults, their responses are emphatic that it is not the Aboriginal way...

to the Northern Territory Supreme Court where Justice Gallop agreed that the Magistrate had erred by taking account of the aggravating factors, holding that a person could not be sentenced for an offence (that is unlawful sexual assault) for which they have not been charged or convicted. Justice Gallop also found that the Magistrate had failed to give 'due weight' to the customary law practice of promised marriage, agreeing with the anthropological evidence presented to the court about promised marriages and commenting that: "She didn't need protection [from white law] ... She knew what was expected of her. It's very surprising to me [that Pascoe] was charged at all" (Toohey, 2002, p. 21). The defendant's sentence was then reduced to 24 hours imprisonment for unlawful intercourse with a minor and 14 days imprisonment for the firearm offences (Bryant, 2002, p. 21).

The Crown appealed the decision and in *Hales v Jamilmira* [2003] NTCA 9 the Court of Appeal agreed that the sentence of 24 hours imprisonment was manifestly inadequate and to be increased to 12 months (to be suspended after a period of only 1 month). Again the court considered the expert anthropological evidence (provided by NAALAS from a non-Aboriginal male expert who had known Pascoe since the 1970s) to the effect that promised marriage was " ... the cultural ideal, sanctioned and underpinned by a complex system of customary law and practice" (*Hales v Jamilmira* [2003], paragraph 22). The failure of the Crown to prosecute a charge of unlawful sexual assault meant that the violent account of a rape that was originally provided to the police became recast before the Court of Appeal as a matter of consensual albeit underage sex. Although the young victim in this case spoke bravely of the sexual assault to the police, and later in her victim impact statement of the damaging effect that it had upon her life, the criminal justice system determined her case as one of underage sexual intercourse punishable by a one-month prison sentence.

Author Joan Kimm has argued that prior to the Pascoe case "there appeared to be acceptance that Indigenous defendants had a de facto claim of right to commit serious assaults on young girls when enforcing 'the promise'" (Kimm, 2004, p. 69). But the fact that sexual assault charges were never prosecuted, and an alleged violent rape was punished by a one-month prison sentence, indicate instead that the NT justice system was continuing to uphold some Aboriginal men's apparent 'right' to sexually assault women and girls. As NT parliamentarian Lorraine Braham made clear in her commentary on the case, "At this moment, many assaults are never reported for the simple reason that there seems to be little justice for young women and girls if they do go ahead". She therefore proposed legislative amendments that would remove customary law as a relevant or mitigating factor in sentencing for cases of sexual offences against minors, however this proposal was rejected by the Territory Government who felt that it might possibly breach the Race Discrimination Act 1975 (Cth). ATSIC representatives did not agree that such a proposal was discriminatory, arguing instead that "Aboriginal girls should have the same protection under the law as other Australian girls under 16" (ATSIC, 2003).

The special leave application made by NAALAS to the High Court of Australia was refused and it was also positive to see that ATSIC declined to fund that application on the basis that it conflicted with their family violence policy (Northern Territory Legislative Assembly, 2004a). For too many years now Aboriginal women have voiced their criticism of Aboriginal legal services prioritising the legal representation of violent men, and that Aboriginal legal services expend government funding to argue customary law in cases of violence to Aboriginal women and girls is a legitimate matter of concern (McGlade, 2002). As Aboriginal women told Audrey Bolger in 1991:

Legal Aid are good but there are things they shouldn't support. There's one man walking round after murdering his wife – now he's bashing another woman. Legal Aid should take a hard line – why defend men who murdered before? They say it's 'human rights' – but what about her rights? (Bolger, 1991, p. 85).

In responding to Pascoe's case the NT Attorney-General agreed that Aboriginal women should also be given the opportunity to put their views to the court and that "The overriding principle will be that Aboriginal women and children have a right to equal treatment by the law" (Northern Territory Legislative Assembly, 2004b). The importance of women's voices was an issue identified as long ago as 1988 by Justice Maurice of the Northern Territory Supreme Court in the case of *R v Dennis Narjic* where he rebuked defence counsel for his normalisation of Aboriginal male violence:

Never once have I had a glimmer that it's a normal part of cultural life for Aboriginal people to treat women in this way ... for the kind of sadistic behaviour involved ... If we're going to go into this question of what's culturally acceptable behaviour, why shouldn't we hear from ... some female leaders of the female community of Port Keats? Why should it be the men who are the arbiters of what's acceptable conduct according to the social and cultural values of Port Keats? (Bell & Nelson, 1989, p. 411).

Cultural justifications

The importance of including Aboriginal women's views on customary law was confirmed by Wendy Shaw's research whose study of such cases led her to the conclusion that although violence against women was repeatedly argued and accepted as customary by the courts, there were no references being made to the source or authority of such claims (Shaw, 2003, p. 324). Australian courts and judges did not ascertain the origin of Aboriginal customary laws but instead routinely imposed their understandings of Aboriginal culture and sanctioning the violent assaults against women by men in doing so. Even in the case of Lane where a woman anthropologist gave evidence of the wrongfulness of sexual assault, the judge disregarded that evidence in favour of evidence tendered by a male anthropologist that condoned the rape of an Aboriginal woman (Shaw, 2003, p. 327). Shaw has described this judicial trend as one premised on "resistance to the imposition of dominant, non-Aboriginal values", and it is clear that underlying this seemingly sympathetic liberal notion are values and belief systems that support the racial and gender dominance and oppression of Aboriginal women and girls. Aboriginal women and children are the most disempowered group in Australian society and the blatant discriminatory treatment engaged in by the courts and evidenced by such cases shows clearly the pervasive and ongoing nature of colonisation and patriarchy.

Notwithstanding the national outcry resulting from Pascoe's case, the 'successful' appeal of Justice Gallop's decision coupled with two separate legislative amendments, a 2005 decision of the NT Chief Justice Brian Martin raised once again these same issues of discrimination (Toohey, 2005). The case of *The Queen v GJ* involved a 55-year old man who violently beat a 14-year old girl (his 'promised bride') and later raped her at his outstation where she had been taken against her will. The defendant was charged with unlawful assault and unlawful sexual intercourse with a minor, once again the charges of sexual assault were dropped following negotiations between the DPP and the defendant's lawyer (McLaughlin, 2005). Chief Justice Martin accepted that there was a reasonable possibility that the offender's fundamental beliefs, which he considered based on traditional laws, prevented him from realising that the child was not consenting. He also took into account the fact that the man was a respected elder and an important ceremonial person who believed his actions in striking the girl and having sex with her were allowed under traditional Aboriginal law (and apparently not based on sexual gratification). The defendant was sentenced to 19 months in prison to be suspended after only one month.

In making this decision, Justice Martin did not properly recognise the violence perpetrated on the young victim (which left her with serious medical injuries) and instead showed preference to the legal arguments which minimised the violence as Aboriginal culture. Meanwhile, local Aboriginal men interviewed by media said: "We sort of got a shock. For an old man to do that", and "He should be ashamed of what he done" (McLaughlin, 2005). In NSW, MP Linda Burney also commented on the case arguing that:

Aboriginal women have human rights too ... And when it comes to forcing women to have sex, there's only one word and it's called rape" (Karvelas & Koch, 2005).

Warren Mundine from the National Indigenous Council agreed:

Mistreatment of women, whether they are adults [or] children, is never on and it's about time they [the courts] woke up to this fact. It's about time Aboriginal women got treated with respect" (Karvelas & Koch, 2005).

The Director of Public Prosecutions also appealed this case and in *The Queen v GJ* [2005] the Northern Territory Court of Criminal Appeal agreed that the sentence was manifestly inadequate as there was

no doubt that the objective circumstances were very serious, and the respondent should instead be sentenced to serve an 18-month imprisonment before release. A further application for special leave to the High Court was refused. Following a national public outcry and the successful appeal before the Court of Criminal Appeal, Chief Justice Martin conceded that his sentence was 'wrong', however, he also maintained the appropriateness of applying an Aboriginal offender's belief in their customary law as an established legal principle (Merritt, 2006).

Both these two cases, *Hales v Jamilmira* [2005] and *The Queen v GJ* [2005] can be contrasted with a 2005 decision of the New South Wales Court of Criminal Appeal (*R v MAK; R v MSK; R v MMK* [2005]). This latter case concerned an appeal by three brothers to have their sentences reduced for the rape of two teenage girls (two of these men were sentenced to 22-year jail terms, the third 16 years). Those sentences were upheld on appeal and the lawyer representing the defendants was severely criticised for attempting to argue before the court the influence of the appellants' Pakistan ethnicity. Although the defence counsel argued that the rape was linked to their Pakistan culture (by describing the defendant as a "cultural time bomb") Justice Groves described that argument as inappropriate and inept:

If it was intended to suggest that difference might be observed in behaviour in the respective cultures of Pakistan and Australia, there was, and is, not the slightest basis for concluding other than in both places all women are entitled to respect and safety from sexual assault (*R v MAK; R v MSK; R v MMK* [2005], paragraph 61).

Australia is not alone in confronting sexual assault committed against women and girls in the name of culture. In Pakistan there has been international awareness raised of the issue of rape as a result of the work of Mukhtar Mai, a Pakistan Muslim woman who has refused to be silenced about her rape (ordered by a local tribal council) declaring that she would "rather die than give up her right to justice" (Jahangir, 2004). While the Pakistan High Court acquitted the men who raped her (in the name of 'honour') the Islamic or Sharia court has since suspended that ruling and ordered a new hearing under the Islamic or Sharia laws ("Rape ruling", 2005).

Equality

A fundamental principle of our legal system is that all who come before it are equal and entitled to its equal protection, but the discriminatory legal recourse offered to Aboriginal rape victims undermines and belittles this important human rights principle. In *The Queen v GJ* [2005], the Commonwealth Human Rights and Equal Opportunity Commission (HREOC) made an application to give advice concerning international human rights law but that application was rejected by Mildren J (and also Riley J) who said that although the Court had power to admit HREOC as *amicus curiae*, he was not satisfied that the court would be significantly assisted by their submissions. Southwood J said that HREOC's submissions were "important propositions" but he also did not see how the court would be significantly assisted by those propositions.

A fundamental principle of our legal system is that all who come before it are equal and entitled to its equal protection, but the discriminatory legal recourse offered to Aboriginal rape victims undermines and belittles this important human rights principle.

Unlike some other common law countries, Australia has no Bill of Rights to protect human rights standards within the Australian legal system, and to prohibit the kind of discrimination facing Aboriginal sexual assault victims within the criminal justice system. This situation can be compared to Canada where the Canadian Charter of Human Rights explicitly requires equality before the law without discrimination and allows for the domestic implementation of international human rights, including the Convention on the Elimination of Discrimination Against Women (CEDAW). This treaty was cited approvingly by Justice L'Hereux-Dube of the Canadian Supreme Court in the case of *R v Ewanchuk* [1999] in which her Honour rejected the stereotypical and discriminatory attitudes towards sexual assault survivors as evidenced in decisions of the lower courts (Tang, 2000, p. 683).

Although many Aboriginal women believe it is the breakdown of Aboriginal customary law as a result of colonisation and subsequent intergenerational trauma that needs to be addressed (Atkinson, 2002) some non-Aboriginal commentators have instead promoted assimilation on the ground that sexual

assault of women and children is a genuine cultural practice. This was apparent from the national media commentary concerning the GJ case wherein Aboriginal law (along with the Muslim Sharia law) is consequently positioned as vastly inferior and in need of urgent assimilation:

There is nothing too noble about polygamy and rape and violence. Cultures that embrace those practices are in dire need of a takeover” (Allbrechtsen, 2005).

Most recently the public revelations of child abuse by the Northern Territory Crown Prosecutor Nanette Rogers in turn sparked media reporting that described Aboriginal culture and especially ‘men’s business’ as being responsible for the endemic levels of sexual violence against children in central Australia (Kearney & Ashleigh, 2006). In 1993, Nanette Rogers also made it clear that Aboriginal women rejected violence and sexual assault as customary and said that the punishment traditionally for men was death or a spear in the thigh – Aboriginal women also told her ‘We still have that law (traditional) in our hearts’ (Lloyd & Rogers, 1993, pp. 150–151). Nanette Rogers argued that there were many difficulties facing women through the criminal court processes and that ‘little change can be effected until Aboriginal women themselves become empowered’ (Lloyd & Rogers, 1993, p. 163).

The Australian Government Department of Families, Community Services and Indigenous Affairs Minister, the Hon Mal Brough MP has now argued for the removal of Aboriginal customary law as a mitigating factor in the sentencing of sexual abuse cases, and he has supported the claim made for many years now by Aboriginal women agreeing that ‘there is no Indigenous cultural law that says you can abuse children’ (Yaxley, 2006). Any such legislative amendment raises interesting legal arguments because at face value it might reasonably be seen to differentiate Aboriginal offenders from non-Aboriginal offenders and be open to arguments of discrimination. However, the history of the criminal justice system’s misrepresentation and violation of Aboriginal women and girls’ human rights, coupled with the seriousness of violence and sexual abuse in Aboriginal communities, might be sufficient to characterise such a law as a legitimate “special measure” (Pritchard, 1995) necessary for the protection and promotion of the human rights of Aboriginal women and girls.

The issues of discrimination that arose in both cases discussed were also apparent at the prosecutorial level and it was not entirely clear whether the proposed legislative prohibition (aimed solely at the judiciary) would be sufficient to address the failure of the Crown to prosecute sexual assault charges. It was the Crown prosecutors who decided that the necessary element of criminal intent was negated by the defendant’s purported cultural beliefs. The Crown in both cases in accepting this contention did not properly consider the facts of violence surrounding both sexual assaults and prioritised the questionable arguments of culture that were promoted by the defendants and their legal representatives. Justice Mildren in *The Queen v GJ* [2005] alluded to this issue by commenting that:

Whilst it must be accepted that the respondent did not intend to have intercourse with SS without her consent, the reason for that lack of intent was to be found in his belief that intercourse was consented to, based on his understanding of traditional law and ignorance of territory law. Nonetheless, the respondent ought to have realised that he was mistaken and that she was not in fact consenting (Paragraph 29).

Justice Mildren does appear to be implying that the Crown should have prosecuted the case as a rape case although the argument made is somewhat circular and continues rather than rejects the distortion of customary law that has condemned many times over by Aboriginal women and formally recognised by the ALRC in 1994.

As the Families, Community Services and Indigenous Affairs Minister, Mal Brough has appropriately identified, both these cases clearly identify the need for measures that address the distortion of Aboriginal customary law as an excuse for sexual assault. It remains to be seen whether or not the government also recognises that effective measures must include the relevant Aboriginal community. These issues were first identified many years ago by Professor Judy Atkinson:

Within the Anglo Australian court system power has been abused and the truth has been distorted. Women, particularly, have been subjected to discrimination. Lawyers blame police, police blame lawyers. As white males, both have been instrumental in facilitating and legitimating acts of violence towards women and children, either by their attitudes, inaction

or presentation in court. Western courts are largely the domain of men ... Aboriginal people need to sit in judgement of each other. At present many law and order problems are not dealt with at all. No statements are being made, therefore, that such behaviour is considered unacceptable. For example, if you bash or rape a white woman, the matter is considered very serious and every effort will be made to charge, convict and imprison you. If you rape or bash an Aboriginal woman, that's OK. Nothing will happen (Atkinson, 2001, p. 22).

The Aboriginal justice models that have been established in Australia in recent years, such as Sentencing Circles or Koori Courts, now allow for Aboriginal Elders and communities to address their own law and order issues and play an important role within the criminal justice process (Marchetti & Daly, 2004). Under the Aboriginal justice models it is the Aboriginal Elders who directly confront and punish offenders, who recognise and empathise with the hurt and suffering of victims, and who also seek healing and resolution as best as possible. While such models in Australia generally exclude sexual assault cases, the systemic discrimination experienced by Aboriginal women and girls within the mainstream criminal justice system should mean that Aboriginal justice models are not automatically precluded from determining such cases.

Conclusion: A human rights perspective

Any future law reforms should also be accompanied by comprehensive human rights education and awareness raising strategy within both the criminal justice system and Aboriginal communities that aims at promoting the right of Aboriginal women and girls to freedom and protection from sexual violence. More specifically there should be a concerted campaign that recognises that Aboriginal society and culture and the tradition of promised bride has changed such that it should not be accepted anymore.

As Lorna Doone (herself once a promised bride) explained:

It's been good ... in the early days ... old lady would help the younger ones, you know. But now there's alcohol involved. People doing silly things. And force themselves for the promised wife. That they can do whatever they like with them (McLaughlin, 2005).

Young Aboriginal girls of the Northern Territory are now having their human right to live free from violence and sexual assault jeopardised by this practice and the government should assist women's bodies and other relevant organisations to ensure that a 'promised bride' becomes a practice that belongs only in the past.

There are many challenges that lie ahead but one thing should now be crystal clear – for far too long the criminal justice system has been allowed to discriminate against Aboriginal women and girls and to undermine Aboriginal women's attempts to reject the distortion of Aboriginal customary law as an excuse for violence and sexual assault. Will we now witness law reforms that instead empower Aboriginal women and girls? This includes recognising that Aboriginal people, in particular women and Elders, should also be an important part of the criminal justice system's response to the very serious problem of sexual assault and abuse taking place in our communities.

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ACSSA PUBLICATIONS FEEDBACK

ACSSA welcomes any feedback that enables us to better resource the sector and provide accurate information. In this section, and with the writers' permission, we reprint feedback of a substantial nature on our publications, particularly corrections or additions to our published material, in the interest of keeping readers well-informed and up-to-date.

We invite your views

ACSSA invites readers to discuss the issues raised in our publications through our email discussion list, *ACSSA-Discuss*. *ACSSA-Discuss* is a moderated email list for the discussion of topics of interest to people involved with the sexual assault field. To join *ACSSA-Discuss* send an email to "majordomo@aifs.gov.au" with the message "subscribe acssa-discuss", and leave the subject line blank. For more information about the ACSSA email discussion group visit the Mailing Lists page on the ACSSA website at www.aifs.gov.au/acssa.

In response to our 'Service Profile' on Respond SA (see *ACSSA Aware 11*, May 2006, pp. 27–34), we heard from another innovative service provider, with decades of experience in the field, the Wollongong West Street Centre:

"We are a service in the Illawarra area, NSW, an hour and a half south of Sydney NSW, which has been established for the last twenty years. We are funded through the Department of Community Services, the state body mandated with statutory child protection, which provides funding for a variety of community services and projects within NSW. We are committed to providing quality services to women survivors of childhood sexual assault. Like Respond SA, we are not a crisis service. We offer long term therapy, shared counselling, and group therapy addressing the effects of CSA, as well as community development for the women who use our services. Our community development involves regular community meetings utilising the narrative therapy outsider witness model. We do not offer a statewide telephone service, instead this is covered by a NSW sister service Dympna House in Sydney. Dympna House also offers a range of ongoing counselling and group programmes for women who have experienced CSA. Over the course of thirty years, Dympna House has also developed an innovative telephone crisis support model, and responses specifically aimed at clients who present with complex trauma impacts.

"At the West Street Centre, our best practice service delivery to this particular client group is reflected in the recent publication of an article about our philosophy and model of practice in feminist journal *Women Against Violence* ('Working with women who have experienced child sexual assault: unsettling orthodoxies', volume 17, 2005). We are also soon to be published in the *International Journal of Narrative Therapy and Community Work*, with a more in depth analysis of our work on outsider witness community development practices.

"Our hope in responding to this article is to let more people know more about our services. We have found that there can be difficulties in cross-state communication and networking, hence the ACSSA Newsletter is a very exciting development and potentially rich resource in addressing this."

Michelle Fraser on behalf of the Wollongong West Street Centre.

Chrystina Stanford and **Melissa Wightman** on behalf of Dympna House.

Identifying the woman, the client and the victim

YVONNE LAY

Sexual assault and domestic violence services for women of culturally and linguistically diverse backgrounds

The author examines the adequacy of sexual and domestic violence service providers in accommodating for the specific needs of victims from culturally and linguistically diverse (CALD) backgrounds, drawing on a study of 11 Victorian women from Chinese, East Timorese and Vietnamese backgrounds. In recognising the totality of the intersection of both gender and racial oppression CALD women experience, she highlights the specific needs of CALD victims and the barriers they face in accessing services. Finally, she explains how such needs and barriers are addressed, if at all, by existing service providers, as well as government policies which establish and inform service delivery provision.

Sexual and domestic violence service providers are an integral part of Victoria's emergency and health service provision. Today, services such as the Women's Domestic Violence Crisis Service of Victoria (WDVCS) and the 15 government-funded CASAs in Victoria, as well as other service providers, provide important and much needed assistance to victims of sexual and domestic violence. However despite the existence of such services, sexual and domestic violence is a crime that remains severely under reported, and its services under utilised.

In 2002, the Australian Bureau of Statistics' *Crime and Safety Survey* estimated that 28,300 women across Australia experienced 62,700 incidents of sexual assault in the previous 12 months (Australian Bureau of Statistics, 2002). Of these, only 20 per cent notified the police about the most recent incident, a decline from the 1998 *Crime and Safety Survey* which approximated that 33 per cent of victims reported the most recent incident to police (Australian Bureau of Statistics, 1998). The *Crime and Safety Survey* 2002 found that although 87 per cent of female sexual assault victims accessed some sort of support, 68 per cent of victims sought support from either a friend or colleague, and 41 per cent told a family member, with only 20 per cent seeking assistance from a medical practitioner and 18 per cent from a crisis helper (Australian Bureau of Statistics, 2002).

More recently the 2005 *Crime and Safety Survey* approximated that 44,100 victims across Australia experienced 72,000 incidents of sexual assault. Of these victims, 34 per cent did tell the police, 65 per cent sought help from a family member and only four per cent of victims sought assistance from a crisis helper (Australian Bureau of Statistics, 2005), a dramatic decrease from the 2002 statistics.

Further, it has been identified that culturally and linguistically diverse women are both more vulnerable to sexual and domestic violence and are less able to seek redress. The Office of Women's Policy's (Victorian OWP) *Women's Safety Survey* indicates that only four per cent of CALD sexually victimised women reported the most recent incident to police (Victorian OWP, 2002). While such statistics and broader literature reveal that *some* victims make use of rape crisis centres, refuges, emergency housing and domestic violence services, these findings also infer that many do not.

Given the low reporting rate and the high percentage of victims who find support from family and friends rather than established sexual and domestic violence service providers, questions arise as to why such services are not being utilised by victims. Furthermore, given that both mainstream and ethno-specific services do exist and are utilised by some victims, Graycar maintains that "there appears to be a lack of services for certain vulnerable populations such as NESB and Indigenous persons" (Graycar, 1999, p. 3).

Culturally and linguistically diverse women are both more vulnerable to sexual and domestic violence and are less able to seek redress.

The importance of this issue stems from the distinct cultural nuances which CALD women bring to our society. The language barrier hinders CALD women's access to support services. Additionally, cultural and institutional barriers mean this access becomes insurmountable. As such, the following section will highlight the cultural barriers CALD women experience, with a particular emphasis on the family structure and how the structure of CALD families influence CALD women's help-seeking behaviours, and thus why current service provisions, founded upon white liberal feminism are inadequate in dealing with CALD victims.

Research findings

In conducting a thorough literature review it was found that although experiences in accessing domestic violence service providers of CALD women overlap to some extent with those of the majority, Lievore noted that "the specificities of their lives may have different consequences for the nature and severity of sexual assault and for the particular significant factors such as shame ... privacy and family" (Lievore, 2003, p. 116). Cultural barriers are influenced by migration history, family structure, gender roles, acculturation and religious tradition (Manderson & Rae, 2003; Volpp, 1994; Wang, 1996; Yoshioka, DiNoia, & Ullah, 2001). As Sokoloff and Dupont highlighted, different cultures define violence differently, thus there are varying perceptions of what constitutes severe versus milder forms of abuse within minority groups (Sokoloff & Dupont, 2005).

The South Central Migrant Resource Centre also looked at the needs of CALD victims. They found that the understanding of crime varies across cultures. These victims do not perceive themselves as 'victims of crime' *per se*, therefore do not believe they have rights as victims, nor do they consider themselves eligible for victim assistance services (Migrant Resource Centre South Central, 2004). Likewise the Queensland Immigrant Women's Support Service (IWSS) acknowledges that CALD women "often struggle with the Australian definition of sexual assault and domestic violence ... particularly within marriage", believing that as a wife, it is their 'duty' or their 'role' (Immigrant Women's Support Service, 2005).

Such findings are particularly important in highlighting the urgent need for education, not only for CALD communities, but society in general. A greater understanding of victim's rights, and what constitutes a victim, is essential in ensuring that services are utilised by all victims. Thus considerations of cultural factors must be taken into account in order to guarantee accessible and suitable services to CALD victims.

The relevant literature identifies a number of needs and rights which all sexual assault victims share in common. These include the right to:

- be treated with dignity, respect, sensitivity and understanding;
- privacy and confidentiality;
- be believed;
- information including legal and referral process, emergency housing; and
- control decision making (Scott, Walker, & Gilmore, 1995).

Further, in addition to the general needs of all sexual assault victims, the specific needs of CALD victims have been identified as also including:

- access to and availability of women interpreters;
- linguistically appropriate information;
- cultural sensitivity and understanding; and
- appeasement of fears and apprehension regarding confidentiality (Ciurak, 1986; Graycar, 1999).

Additionally, barriers to disclosure of sexual violence need to be addressed in order to guarantee culturally sensitive and appropriate service for CALD victims. There are a host of individual, cultural and structural barriers that these victims are confronted with when deciding whether or not to disclose

sexual violence to service providers and the police, as well as whether to remain or leave the abusive relationship.

These barriers include the following: shame related to family honour; women's responsibility to keep the family together; fear that confidentiality will not be respected; lack of trust; notion that women should tolerate violence; fear of escalating violence; language barrier; and lack of culturally specific services (Ciurak, 1986; Ely, 2004; Laster & Taylor, 1994; Maglizza, 1986; Partnership Against Domestic Violence, 2000; Schetzer & Henderson, 2003; Shui-Thornton, Senturia, & Sullivan, 2005).

Other barriers are: lack of awareness regarding domestic violence; marital conflict perceived as 'ordinary'; and concern for their children (Shui-Thornton et al., 2005); fear of retaliation and shame (Manderson & Rae, 2003; Shui-Thornton et al., 2005); and, alienating service delivery (Alcorso & Schofield, 1991; Victorian Law Reform Commission, 2004).

Gill (2004), Lievore (2003) and Scheelbeek (1991) identify language, racism, sexism, and monocultural nature of the criminal justice system as barriers, while other authors identify fear of deportation (Easteal, 1996; Jiwani, 2001; Victorian Law Reform Commission, 2004); fear of isolation, and absence of extended family in Australia (Bagshaw, Chung, Couch, Lilburn, & Wadham, 2000).

Ciurak (1986), Martin (1998), and Schetzer and Henderson (2003) identify lack of knowledge and understanding of their cultural backgrounds by workers in mainstream services and the general community as a barrier to the disclosure of sexual violence.

Through interviews with 11 participants, it was found that the generalist mainstream services that they accessed were often at odds with the needs of CALD communities, CALD women and their families. Language, cultural and institutional barriers often work to prevent CALD women from seeking such assistance, therefore limiting their access to justice. Consequently, the benefits of applying a minority socio-legal feminist perspective emerged, given that such a framework highlights the exclusion of CALD women from the purview of white liberal feminism and services founded upon white liberal feminism.

Through interviewing the participants, it became clear that although sexual assault/rape victims do share some experiences, the specific experiences of CALD victims cannot be generalised as being shared by all sexual assault/rape victims. This is because their culture, religion, family, community and ethnicity all play a significant role in the way CALD victims experience the trauma of such violence; and further, how they then deal with this, whether it's through counselling, involving the police, or keeping the 'secret' within the family, to avoid shame and embarrassment. Whilst sexual violence does not discriminate on the basis of race, it emerged that the effects of such violence against CALD women severely impacted on CALD victims help-seeking behaviours.

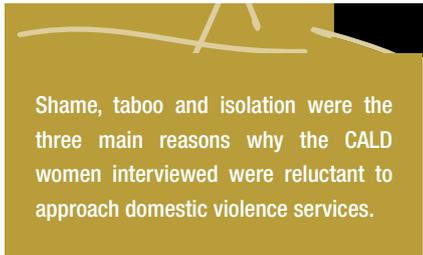
Themes emerging from participant interviews

Although the data collected were obtained from services operating in metropolitan Melbourne, such findings (although based on a very small sample), may provide a platform that can be used by services throughout Australia, given that Australia prides itself on being a multicultural country. All participants stated that generally, CALD women keep abuse to themselves, or within their family. As such, it was noted by one participant that "people, whatever their background, generally don't have an awareness of sexual assault services" (Migrant Resource Centre Northwest, 2005).

The *specific* needs and barriers of CALD women, and the adequacy of existing services, as identified by the participants were: shame; limited access to linguistically appropriate information; unawareness of women's rights; lack of bi-lingual and ethnic employees; use of interpreters and counsellors; counselling practices; appropriateness of current services; and tension between remaining and leaving abusive relationships.

Shame

It was made clear that CALD women are reluctant to seek outside assistance in the first instance. Shame, taboo and isolation were the three main reasons why



Shame, taboo and isolation were the three main reasons why the CALD women interviewed were reluctant to approach domestic violence services.

the CALD women interviewed were reluctant to approach domestic violence services. The notion of shame was closely linked to the dishonour of the family name if a woman was to speak openly about the abuse she was suffering at home, which would then result in the 'loss of face' for not only her husband/partner, but also herself as well as her family.

Lack of access to linguistically appropriate information

In relation to access to linguistically appropriate information, funding restrictions was a main concern in guaranteeing that *all* minority groups received the appropriate information regarding sexual violence service providers. Some participants also expressed concern for small and emerging CALD communities, as they tend to be disadvantaged in terms of receiving linguistically appropriate and accessible information.

Unawareness of women's rights

It was identified that many CALD women do not see their experiences as domestic or sexual violence. Additionally, the Chinese community representative maintained that racism, language and communication act as significant barriers. Likewise, the broad Australian definition of domestic violence suggests that CALD women may have difficulty in recognising that domestic violence does not just involve physical abuse. Viewed through a human rights perspective, participants in this research highlighted the fact that most CALD women are not aware of their rights as citizens, nor as victims. This ultimately influences the women's own perceptions of themselves, the abuse they suffer and their right to access services.

Lack of bi-lingual and ethnic employees

The lack of bi-lingual and ethnic employees within existing services was shown to precipitate the under-utilisation of services by CALD women. Given that CALD women are reluctant to seek outside assistance in the first instance, some of the research participants argued that the presence of an ethnic worker, who speaks the language and understands the culture, would be of added value to the service.

Use of interpreters and counsellors

While participants encouraged the employment and utilisation of interpreter services, many highlighted the fact that some interpreters, whilst skilled in the art of interpreting, failed to receive cultural training. Likewise, the lack of culturally trained and experienced interpreters suggests that women pass through a number of interpreters. This acts as a barrier and stems from the fear that their personal issues will become public if more people know about it. This was also an issue with the use of counsellors.

Appropriateness of current services

When questions were asked pertaining to culturally appropriate services currently available to CALD women, a majority of participants expressed that they did not feel that mainstream services were neither appropriate nor adequate in accommodating for the needs of CALD women. Stemming from the lack of culturally appropriate services, some participants alluded to the reality that for CALD women, it may be better for them to remain in the relationship despite the violence because services simply are not culturally sensitive or appropriate.

Women who stay versus women who leave

It was identified by research participants that there exists a tension between what the woman wants and what service providers impose on her. As a result, CALD victims' decisions to remain in an abusive relationship, for whatever reason, are at odds with that of mainstream services. It was argued, predominately by smaller community and ethno-specific services, that mainstream service providers fail to consider the imminent cultural repercussions CALD women face when they leave their abusive partner, as leaving the relationship often means ostracising herself from her family and her community.

There exists a tension between what the woman wants and what service providers impose on her ... mainstream service providers fail to consider the imminent cultural repercussions CALD women face when they leave their abusive partner.

Overall, participants highlighted and emphasised the urgent need to not only educate CALD women and communities about such services, but to also equip services with the right training, people and practices in order to deliver culturally appropriate and sensitive service to CALD victims of sexual and domestic violence. Participants believed that while women may not seek the assistance of services immediately after learning of their existence, the knowledge that services are there, and are culturally appropriate, staffed with ethnic and or bi-lingual employees, will help ensure that women are willing to approach service providers when they decide to do so.

Conclusion

CALD victims are doubly disadvantaged: being women, as well as being outside the dominant cultural group. If mainstream feminist services employ a 'one-size-fits-all' approach, this does not acknowledge the importance of factors such as race and culture. Many CALD women need a more tailored response – one that considers their culture and all that it encompasses (Donnelly, Cook, Van Ausdale, & Foley, 2005).

From my exploratory research findings, mainstream services may not be well equipped to accommodate for the needs of CALD women nor their multiplicity of identities given that they are founded upon white, liberal feminism, heavily geared towards formal, rather than substantive justice.

As Richie argued, mainstream services render *every woman* as being a “white ... woman who could turn to ... a police officer or a law to protect her from abuse” (Richie, 2000, p. 1135). The failure of liberal feminism in acknowledging and including other forms of oppression CALD women face can be seen as the sacrifice of substantive justice in favour of “consistent application of the legal principle” (Massaro, 1989, p. 2103). As such, liberal feminism runs the risk of rendering immigrant women’s experiences and beliefs as unimportant and meaningless, further denouncing CALD victims’ lived realities and belief systems.

Culture plays a significant role in how domestic violence is perceived, how the issue is dealt with, and further, the options available to victims. Thus it becomes important to explore the cultural barriers CALD women face, how these barriers influence CALD victim’s help-seeking behaviours, and thus why current service provisions are inadequate in dealing with CALD victims.

The multiplicity of CALD women’s identities compels us to delve deeper in order to uncover the specific cultural milieu that may render them reluctant to seek such service assistance and support. In doing so it is important to recognise the totality of the intersection of both gender and racial oppression CALD women experience, which is further compounded by the inflexible structure of current mainstream service providers. Thus the recognition of the multiple layers of oppression faced daily by CALD women is increasingly important in ensuring that they have equitable and suitable access to domestic and sexual violence services.

This article provided an overview of my research findings, and highlighted and emphasised the importance of utilising the experiences and expertise of culturally and linguistically diverse women and their communities. Further, by listening to these women’s stories, in conjunction with the application of minority socio-legal feminism, this alternative framework lends itself to the improvement of service delivery provision to CALD victims. I argued that the very infrastructure of white liberal feminism, and services based on white liberal feminism are not inclusive of all women and thus many women’s voices were and continue to be ignored. Thus I presented that minority feminism is necessary, if not essential, in recognising the inequalities these women experience, and therefore required in delivering justice – substantive justice – to CALD victims of sexual and domestic violence.

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Deadly young women's business?

INTERVIEW BY DARYL HIGGINS

ACSSA staff talk with Sandy Chapman, Coordinator and Psychologist at Acacia Support Centre in South Hedland (Perth), in Western Australia.

ACSSA: *What was the impetus for the establishment of the Acacia Support Centre?*

Sandy Chapman: The Centre was established, as Hedland SARC (Sexual Assault Resource Centre in 1989 to provide a support service to victims of sexual abuse. In 1998, our name was changed to "Acacia Support Centre", but our function remained the same. Last year we received additional funding to provide a holistic healing service.

ACSSA: *What are the key aims and objectives of the Acacia Support Centre?*

Sandy Chapman: Our aims are to provide accessible and appropriate counselling and support services, a range of training, education and community-based programmes and to establish a coordinated approach to service delivery by working in partnership with other agencies. Our counselling is available to both males and females over the age of thirteen.

ACSSA: *Why do you think it's particularly important to have a service such as Acacia?*

Sandy Chapman: It provides a free and confidential service to victims of abuse. To some extent we were already looking at a more holistic way of dealing with clients. Many people, particularly indigenous women, find it difficult to talk about sexual abuse. There are other issues to consider such as domestic violence, alcohol and drug abuse, living conditions, health and finances. While a number of these issues are related, some are easier to tackle than others. We also need to remember that many of the people we want to target have only very basic literacy skills and English is often their second language. We need to use basic information sessions that are short and visual. We need to be flexible to meet the needs any group present.

ACSSA: *What is the particular focus of your 'Deadly Young Women's Business' program?*

Sandy Chapman: Last year, Karen Jose (Women's Support Worker-Acacia Support Centre) and Debbie Thompson (Sexual Health Nurse-Wirraka Maya Health Services) facilitated a program with traditional teenage girls from remote communities. These girls were nominated by female elders from Warralong, Strelley and Goodabinya communities. They named themselves "Deadly Young Women."

The program involved monthly sessions, with the facilitators travelling to the remote communities to collect the participants and provide the workshops. The sessions covered a variety of topics from protective behaviours to hair colouring. The basic idea was to make the girls feel good about themselves so that they would respect themselves and others. A total of 25 girls participated in the program and five of those who completed the program went on to train and qualify as health care workers.

We had intended to run a similar program for other women and possibly even young men at the start of this year but a very wet summer meant that the rivers were running and it was too difficult to travel to the nominated communities at that time.

Instead we decided to run a similar program for traditional women living in town. They have named themselves “Soul Sisters.” We decided that a mix of educational, vocational and grooming sessions could be combined to provide an informal and non-threatening program with a capacity for healing. We have 10–12 women aged between 21 and 55 years attending weekly. The women are picked up and transported to whichever location we are using for the day. We find much of our material is covered informally, often while in the vehicle, making lunch or even fishing. The women are comfortable in these situations and more receptive to discussions. We also use people from other agencies to present information and also to familiarise the women with other services that they can access. The women learning about available services will be able to pass this on to others.

ACSSA: How do the specific needs of Indigenous adult survivors differ from the needs of other survivors?

Sandy Chapman: In order to show/gain respect, people need a strong sense of identity. Many of the people we are targeting do not have documentation of their identity. They do not have a birth certificate; their birth may not even be registered. For some of our groups this may be the starting point.

ACSSA: What particular needs does Acacia Support Centre fill? How is it different from other sexual assault services in WA?

Sandy Chapman: We find that many agencies have similar funding and we are trying to broker partnerships with these agencies as much as possible so that we can combine resources and reach more people. We are very actively involved with the local Hedland Family Violence Action Group as a way of disseminating information, promoting partnerships and preventing duplication.

ACSSA: What will the focus of the Centre for the coming year?

Sandy Chapman: In town, our plans for the next six months include combining with the Youth Involvement Council to provide a “Butterfly Project” for a group of 13–16 year old girls. This will involve grooming and deportment combined with basic life style issues. This will also involve the participation of other services to present information.

For our outreach services to remote communities, we will be working with Wanga Maya language centre, the WA Department of Community Development and a Wirraka Maya family violence prevention officer to take a number of service providers to Marble Bar, which is the hottest town in Australia. It has a population of a few hundred people and is accessible to the remote communities of Warralong, Goodabinya and Irrungadji. We will be looking at the community’s issues and how we can help address them by using Playback theatre.

Playback theatre involves a group of indigenous actors acting out a story or situation and showing possible outcomes using audience participation. It is very empowering to see your story unfold and the steps taken to reach a decision or achieve an outcome.

We have three television commercials—made with local indigenous women—that encourage women to talk to someone about sexual abuse. These are being shown on local television at the moment.

All the things that we are involved with will make Acacia Support Centre better known and more accessible to people. We want to be known as an agency that will help individuals and families to be strong.

For further information please contact Lotteries House, Office 10, PO Box 3116 South Hedland WA 6722.
Phone: 08 9172 5022. Fax: 08 9172 5033. Email: acaciasupportcentre@bigpond.com

ACSSA Wrap 2

Available now!

Male victim/survivors of sexual assault

Author: Sarah Crome, Consulting Psychologist and Psychotherapist

ACSSA's second *Wrap* summarises the issues, statistics and resources that inform current research, policy and practice on/for male victim/survivors of sexual assault. It examines the key issues for male victim/survivors of sexual assault – whether experienced in childhood, adolescence or adulthood – and looks at how these issues, which are often similar for women, can sometimes be experienced uniquely by male victim/survivors. The *Wrap* will present current research on prevalence and incidence, barriers to reporting, criminal justice and service responses, and possible future directions. The emphasis in the *Wraps* is to outline the most up-to-date, evidence-based research and theory on the topic, and to direct the reader to relevant resources, including books, articles, and online documents.

Issues Paper Number 5

Available now!

Exploring the links between sex offender treatment and sexual assault prevention

Authors: Donna Chung, Patrick O'Leary and Tammy Hand (University of South Australia)

This *Issues Paper* on sex offender treatment programs examines the research on prevalence and the nature of sexual offending, a history of intervention responses, and a critical review of contemporary sex offender treatment programs and their underlying theoretical perspectives. The paper also documents the various programs offered in Australia and considers the implications of those evaluations that have been conducted. Future directions for research and practice developments in the area are outlined.

Good practice profile

ACCSSA is keen to build on our national collection of Good Practice Programs and Responses for Sexual Assault. This on-line collection of programs provides an important resource for national information-sharing across the work of service providers and policy makers in developing or refining models for responding to sexual assault. See details below for how to submit an entry to the database.

For more information on our database of Good Practice Programs and Responses for Sexual Assault, please contact ACSSA at acssa@aifs.gov.au, or on (03) 9214-7888. We invite submissions of examples of good practice from service providers, policy and program developers, educators and trainers, researchers and others working to address sexual violence. These can be programs, approaches or initiatives currently or recently conducted. Good Practice programs can also be submitted online at www.aifs.gov.au/acssa/gpdb/goodpractice.html

CONFERENCES

The following conference listings are taken from the website of the Australian Centre for the Study of Sexual Assault.

Positive Ways: An Indigenous Say – Victims and Justice Issues in an Indigenous Context

12–13 September 2006
Darwin, NT

The aim of this conference is to create an awareness of victim and justice issues for Indigenous people across Australia, New Zealand and particularly in the Northern Territory. While raising this awareness is an integral feature, the specific intent is to build on current strengths and continue the momentum in regards to addressing these issues.

Further information is available from www.victimsofcrime.org.au/Conference%2006.html

Communities in Action for Crime Prevention

14–15 September 2006
Canberra, ACT

This colloquium will bring together both international and Australian policy makers, practitioners and researchers involved in the crime prevention field, providing the opportunity for countries and organisations in different regions of the world to benefit from the exchange of ideas, research and experience on developing policy and practice in crime prevention. The colloquium will include contributions on promising policies, practice and research geared towards building and sustaining healthier, safer communities, as well as rich and active society participation.

Further information is available from www.colloquium2006.info

Governments and Communities in Partnership: From Theory to Practice

25–27 September 2006
Melbourne, Vic

This conference will bring together key policy makers, community leaders and researchers from around Australia, together with leading experts from the UK, Ireland, Austria, Canada, the United States and New Zealand. The aim of the program is to deepen the academic and policy debate about the impact and value of efforts to 'join-up' different

public services and related initiatives to strengthen communities.

Further information is available from www.public-policy.unimelb.edu.au/conference06

Forensic and Medical Sexual Assault Clinicians Australia: 2006 Sexual Assault Symposium

7–8 October 2006
Melbourne, Victoria

The focus of this conference will be "Expanding the Horizons" within forensics and clinical care to victims of sexual assault.

Further information: Phone: (02) 6244 3508. Email: famsac@act.gov.au. Details available online at: www.famsacaustralia.org.au

Violence Against Women: Diversifying Social Responses

22–24 October 2006
Montreal, Canada

The conference will provide an excellent opportunity for participants to share their knowledge, experiences and insights about violence against women and the various social responses that have been developed to combat it.

Further information: Phone (418) 656 3286. Email: conference@criviff.ulaval.ca. Details available online at: www.criviff.qc.ca/colloque/accueil_ang.asp

Congress for Sexual Health

15–19 April 2007
Sydney, NSW

The conference theme 'Achieving health, pleasure and respect' captures the essentials of sexual health. This meeting will be multidisciplinary and introduce participating clinicians, researchers, educators, activists and policy makers to the manifold, diverse and often controversial perspectives of contemporary sexual health.

Further information is available from www.sexosydney-2007.com

The Australian Centre for the Study of Sexual Assault website lists organisations that provide training in areas relating to sexual assault. The following are some of the courses on offer.

Australian Capital Territory

Sexual Health and Family Planning (SHFPACT)

SHFPACT offers both set and tailored courses throughout the year related to or specifically addressing sexual assault including:

- Educating in Sexuality and Health
- Managing Challenging Behaviours in Sexuality
- Sexuality and Disability
- Introduction to Sexuality and Health

SHFPACT offers tailored workshops, seminars and information sessions for professionals, parents and other members of the community.

Further information: Phone: (02) 6247 3077, Email: shfpact@shfpact.org.au, Internet: www.shfpact.org.au/training/calendar.html

South Australia

Narrative Therapy at the Dulwich Centre

The Dulwich Centre offers a range of training opportunities for practitioners wishing to learn more about narrative therapy and to develop their own skills at narrative practice. Training is offered in the following formats:

- Five day intensive workshop: Responding to violence – narrative possibilities
- Two day workshop: Working with women about the effects of abuse and trauma in their lives
- Post Graduate Diploma in Narrative Therapy for International Practitioners.

Further information: Email: dcp@senet.com.au, Internet: www.dulwichcentre.com.au

New South Wales

Education Centre Against Violence

The centre offers a large number of sexual assault courses throughout the year, as well as training manuals and packages. Courses include:

- Foundations for working with adults who were sexually assaulted as children
- Who can a man tell: Working with men who have been sexually assaulted
- Responding to adults and children with a disability who have been sexually assaulted
- Adult sexual assault in aboriginal communities.

Further information: Phone: (02) 9840 3737, Email: ecav@wsahs.nsw.gov.au, Internet: www1.health.nsw.gov.au/ecav

Victoria

Graduate Certificate in Social Science (Male Family Violence)

No To Violence (NTV), the Male Family Violence Prevention Association Inc. offers a range of competency-based training packages for individuals and organisations working with men in the context of violence, particularly towards family members. Applications can be made for a Graduate Certificate in Social Science (Male Family Violence) for Men's Behaviour Change Group Facilitators and Telephone Counsellors.

Further information: Phone: (03) 9428 3536, Email: Lindsay Clark lindsay@ntv.net.au, Internet: www.ntv.net.au

Queensland

Centre Against Sexual Violence (CASV)

CASV provides professional training programs to community, non-government and government service providers within the Logan, Beenleigh and Beaudesert region. Training workshops can be tailored to meet the individual needs of service providers. Topics include: 'responding to disclosures of sexual assault' and 'counselling women and young women who have been sexually assaulted'.

Further information: Phone: (07) 3808 3299, Internet: www.connectqld.org.au/asp/index.asp?pgid=10400&cid=19764&id=39795

Teaching the Community about Sexual Assault

This training is intended to educate the community about sexual violence and sex offender management programs. Groups such as neighbourhood watch, or those with an interest generally in community safety issues may find this training useful. There are four sections in the program:

- What community members need to know about sexual assault and sex offenders
- Conducting a community notification
- Managing sex offenders
- The role of the community.

Further information: Internet: www.dbconferences.com.au/content/view/52/88

For more training courses visit www.aifs.gov.au/acssa/training.html. If your organisation provides training or professional development in the area of sexual violence that you would like listed on the ACSSA website, please contact acssa@aifs.gov.au with the details.

LITERATURE HIGHLIGHTS

The resources listed here comprise selections from new additions to the ACSSA library collection. They may be borrowed from the Australian Institute of Family Studies library via the interlibrary loan system.

Adolescent victims

Sex without consent: Young people in developing countries, by S. J. Jejeebhoy, I. H. Shah & S. Thapa. London: Zed Books, 2005.

"This volume presents a disturbing picture of non-consensual sex among girls as well as boys, and among married as well as unmarried young women in a variety of settings. This volume documents, moreover, the expanse of non-consensual experiences that young people face – from unwanted touch to forced penetrative sex and gang rape. Although focusing on young females, it also sheds light on the experience of young males as both victims and perpetrators. This pioneering volume highlights key factors placing young people at risk, whilst outlining the significant distinctive health and social implications they face." – Prelim.

Attachment

Attachment and sexual offending: Understanding and applying attachment theory to the treatment of juvenile sexual offenders, by P. Rich. Chichester: England, John Wiley & Sons, 2006.

"Beginning with a detailed and critical overview of attachment theory, *Attachment and sexual offending* provides an analysis of research that links attachment theory to sexually abusive behavior in children and adolescents. This complete guide also extensively covers literature that relates attachment to adult sexual offending. A comprehensive framework for applying attachment theory to the treatment of juvenile sexual offenders is also included, providing steps for developing and implementing attachment treatment." – Book jacket.

Attitudes

The macho paradox: Why some men hurt women and how all men can help, by J. Katz. Naperville, Ill.: Sourcebooks, Inc., 2006.

"[This book makes] the case that violence against women is a men's issue. Jackson Katz, one of the nation's foremost authorities on this subject, takes the reader deep inside male culture to examine why so many men physically and sexually abuse women and children, including those closest to them. Written for both women and men, [this book] provides women with original and creative ways of thinking about how to reverse this ongoing national tragedy. It also makes a powerful case to men that the only way to end the abuse and mistreatment of women is for many more self-identified 'good guys' to make these issues their own." – Book website.

Domestic violence

Domestic violence and child protection: Directions for good practice, by C. Humphreys & N. Stanley. London: Jessica Kingsley Publishers, 2006.

"How can we respond simultaneously to the needs of adults experiencing domestic violence and to the specific needs of their children? Practitioners and researchers outline the essential safety considerations for children, adult victims and child protection workers, and offer examples of good practice in prevention, intervention and recovery." – Book jacket.

Intimate partner abuse and health professionals: New approaches to domestic violence, edited by G. Roberts, K. Hegarty & G. Feder. Edinburgh: Churchill Livingstone, 2006.

This book is concerned with identifying victims of intimate partner abuse when they come in contact with the health care system. It discusses current and historical professional attitudes to domestic violence, prevalence, the effect of abuse on the victim and on their children, barriers to identification, screening issues, professional education, and initial interventions and support.

Elderly victims

Older people and mandatory reporting of abuse: Rights vs protection, by L. Jackson. *Queensland Centre for Domestic & Family Violence Research Newsletter*, 4(3), 2006, pp. 13–14.

Following reports of the rape and abuse of older women in aged care facilities, there have been calls for mandatory reporting of elder abuse. This article distinguishes between the abuse of older people within an aged care facility and those living at home and with no impairment to their decision making capacity, and suggests that older people with no diminished capacity ought to be consulted on the mandatory reporting question. It discusses the possibility that mandatory reporting would increase the incidence of hidden abuse, and argues that educating service providers in how to recognise and report family violence affecting older people would be a more effective use of resources.

HIV-AIDS

Violence against women and the burden of HIV-AIDS in sub-Saharan Africa, by L. A. McCloskey, U. Larson & C. Williams. *Women's Studies Journal*, 19(2), 2005, pp. 41–55.

The literature on the prevalence of violence, including sexual violence, against women and girls in regions of sub-Saharan Africa, and the connection between violence and HIV-AIDS, are discussed in this article. The article reports on a study, conducted in Tanzania, of indicators of gender inequality, the measurement of types of violence against women, and the link between women's victimisation and their HIV status.

Law reform

The attrition of sexual offences from the New South Wales criminal justice system, by J. Fitzgerald. Sydney, NSW: NSW Bureau of Crime Statistics & Research, 2006.

Approximately 10 per cent of the 7,000 sexual or indecent assault incidents reported to New South Wales Police each year result in a court conviction. This bulletin examines the reasons for such a small proportion of cases being prosecuted, and for the low rate of conviction among those defendants who do go to court. It suggests that cases could be strengthened at the investigation stage, in terms of evidence gathering and victim support, which would increase the prospect of a successful conviction.

Good law or bad lore? The efficacy of criminal injuries compensation schemes for victims of sexual abuse: A new model of sexual assault provisions, by C. Forster. *University of Western Australia Law Review*, 32(2), 2005, pp. 264–297.

An effective avenue of compensatory redress for victims of sexual abuse can provide therapeutic, economic and symbolic benefits. This article looks at current compensation options for Australian victims of sexual abuse and proposes a new model. It discusses sexual abuse and the legal system; benefits of an effective compensatory avenue; the emergence of criminal injuries compensation schemes; failures of the schemes for victims of sexual assault, including the requirement for a crime, reliance on convictions, reasonable reporting clauses and time limitations, related acts clauses, and statutory categories of injuries and the harms typically suffered; the United Kingdom, New South Wales, Victorian and Queensland models; and recommendations for a model with specific sexual assault provisions, with multiple levels of award for child and adult victims, which is primarily victim centred rather than offence based, with an expansive definition of injury, and that does not require proof of injury.

Improving responses to allegations involving sexual assault, by G. E. Brouwer. Melbourne, Vic.: Government Printer, 2006.

This report summarises the conclusions and recommendations of Ombudsman George Brouwer on how Victorian government agencies respond to allegations involving sexual assault, including the topics of police checks, reporting mechanisms, child protection, inter-agency liaison, and community education.

Matters outside the uniform Evidence Acts. In *Uniform evidence law: Report*. Sydney, NSW: Australian Law Reform Commission, 2005, pp. 679–698.

This inquiry considered whether a number of evidentiary provisions contained in federal, state and territory legislation should be incorporated into the uniform *Evidence Acts*. This chapter looks at: the rape shield provisions contained in state and territory legislation; concerns about the rape shield laws; their relationship with the uniform *Evidence Acts*; provisions dealing with child witnesses; evidence in family law proceedings; evidence and the paramountcy principle; and the Children's Cases Program.

Sexual violence on trial: Assisting women complainants in the courtroom, by E. McDonald. *Women's Studies Journal*, 19(2), 2005, pp. 107–130.

Reforms that may improve the experience of women complainants in rape cases in New Zealand are explored. The article discusses the current evidential and prosecutorial rules, privacy issues, witness questioning rules, sexual history evidence, recent complaint evidence, corroboration, the role of the judge, and the role of prosecuting counsel. It considers further reform options within the current adversarial process, some of which are proposed in the 2005 Evidence Bill: alternative ways of giving evidence and the provision of support persons; witness questioning rules; sexual history evidence; recent complaint evidence; evidence of character and credibility; use of narrative evidence; and legal representation for complainants. Reform options for structural and systemic change include separate specialised courts to deal with sexual offences; incorporating the advantages of an inquisitorial model; and restorative justice.

Legal issues

Sexual assault: The victims, the perpetrators, and the criminal justice system, edited by F. P. Reddington & B. W. Kreisel. Durham, N.C.: Carolina Academic Press, 2005.

“Sexual assault: The victims, the perpetrators, and the criminal justice system provides an overview of the crime of sexual assault and its related issues. It provides a synthesis of the most current information relating to sexual assault. The authors approach the topic of sexual assault in a unique way by examining it from a criminal justice perspective. In giving an overview of sexual assault, examining its victimology, discussing the sexual offender, and looking at the role the

criminal justice system plays, this book presents a comprehensive and thoroughly informative study of the crime.” – Book jacket.

Offender characteristics

Behavioural characteristics of rapists, by M. P. McCabe & M. Wauchope. *Journal of Sexual Aggression*, 11(3), 2005, pp. 235–247.

Two studies that examined the behavioural characteristics of rapists were investigated in order to better understand the behavioural patterns that accompany rape. Data from Victoria Police rape files were examined. The article looks at: type of assault, including five themes, vaginal, kissing or fondling, oral, anal, and brutal or physical; patterns of themes; victim offender relationship; victim activity; and communication with victim.

The emotional intelligence of adult sex offenders: ability based EI assessment, by M. L. Puglia, C. Stough, J. D. Carter & M. Joseph. *Journal of Sexual Aggression*, 11(3), 2005, pp. 249–258.

The emotional intelligence of sex offenders was assessed using an abilities-based emotional intelligence test, the Perception, Assimilation and Management branch sub-tests from the Mayer Salovey Caruso Emotional Intelligence Test. The article discusses the results, which showed that participants did not display a deficit in emotional intelligence when compared to control groups.

Offender treatment

Treating sex offenders: An introduction to sex offender treatment programmes, by S. Brown. Cullompton, UK: Willan Publishing, 2005.

“This book aims to provide an introduction and overview of sex offender treatment programmes, designed for students and practitioners coming to this field. It seeks to describe the development, theoretical underpinnings, treatment goals and operation of cognitive-behavioural and other programmes to an audience unfamiliar with this form of rehabilitation. In addition, it aims to examine the effectiveness of these programmes and the difficulties associated with assessing this, the public response to treatment and also the effects on staff responsible for implementing

them. The book is concerned particularly to assess the operation of sex offender treatment programmes in the UK context, considering also the issues associated with implementing programmes developed in other contexts, especially the USA and Canada.” – Book jacket.

Working with adolescents who have committed sexual abuse: Establishing a new place to stand, by J. R. Stillman. *International Journal of Narrative Therapy & Community Work*, 1, 2006, pp. 32–38.

To reduce the risk of re-offending among young perpetrators of sexual abuse, alternative treatment to that used for adult sex offenders should be utilised. This article cautions against labelling these young offenders as sex offenders and thus stripping them of any individual identity. It discusses several tools, including the use of externalising practices, which begins by exploring the family and placing the problem apart from the family; giving people a new place to stand, which explores the individual’s skills and practices of living; re-authoring conversations, which explore the person as a whole, rather than concentrating on their offence; re-remembering practices, which aim to reconnect the individual with people who have had a positive influence in their life; outsider witness practices; and enabling people to make a statement of position.

Prostitution

Victimisation among those involved in underage commercial sexual activity, by M. Saphira & A. Herbert. *Women’s Studies Journal*, 19(2), 2005, pp. 32–40.

This study, conducted in New Zealand, examines rates and experiences of childhood sexual abuse and violence in people who were underage when they began working in the sex industry. It looks at incidents involving verbal abuse and physical assault, place where sexual assault occurred, and the relationship between current sexual assault associated with sex for money and prior childhood sexual abuse.

Rape

Remembering Anita: Rape and the politics of commemoration, by T. Serisier. *Australian Feminist Law Journal*, 23, 2005, pp. 121–145.

The rape and murder of Anita Cobby inspired a book by Julia Sheppard and an exhibition. This article considers the shared commemorative objectives and tone of these two works. It discusses: ways of remembering how Cobby is remembered; the construction of Cobby as the perfect victim; why some victims are more important than others; the contrast between the public memory of Cobby and the lack of attention given to other raped women; making Cobby representative of violated womanhood; the distinction between commemorating a crime and commemorating violence against women; replacing women’s rights with victim’s rights; women and the fear of public spaces; law and order, surveillance and social control; and feminism and the politics of commemoration.

Sexual assault by male partners: Is the licence still valid?, by P. Easteal & C. Feerick. *Flinders Journal of Law Reform*, 8(2), 2005, pp. 185–207.

This study collected information about partner rape from a number of sources in the Australian Capital Territory. The article discusses low disclosure and reporting rates, discontinuing cases, going to trial, consent, evidence of prior violence and consent, and complainant credibility.

School-based programs

We want to be aware: Reflections on violence prevention with young people, by R. Imbesi. *DVIRC Quarterly*, 4, 2005, pp. 6–11.

CASA (Centre Against Sexual Assault) House Schools Program aims to prevent sexual assault and increase reporting. It involves a five week program with secondary school students to raise awareness, and a professional development session with school staff to improve the school’s capacity to respond to sexual assault. The program is facilitated by CASA staff and involves police and senior Australian Football League players in the sessions. In this article, one of the facilitators reflects on what she learned about effective ways to deliver programs in schools. (Journal abstract, edited)

Sex trafficking

Sex traffic: Prostitution, crime, and exploitation, by P. Monzini. London: Zed Books, 2005.

"The trafficking of women and girls for prostitution is big business. This book focuses on the experiences of migrant women and girls who have very little choice or control over their lives. This book examines the techniques of recruitment, methods of transportation, and forms of exploitation abroad, and focuses on women's own experiences of migration. It explains the mechanisms of supply and demand and assesses attempts at controlling trafficking and strategies for resistance and change." – Prelim.

Trafficking and the global sex industry, edited by K. Beeks & D. Amir. Lanham, MD: Lexington Books, 2006.

"[This book] focuses on the international trafficking of women and children for forced labor and prostitution. This anthology takes a broad geographical and economical perspective while also dealing with the specificities of the sociopolitical background, poverty, opportunity structure, legal conditions, the role of the state, gender structure, and the organization of the trafficking business. This collection gives the reader a clearer understanding of the problem of human trafficking and the actions being taken to combat it." – Book jacket.

Theories

Theories of sexual offending, by T. Ward, D. L. Polaschek & A. R. Beech. Chichester, UK: John Wiley & Sons, 2006.

"This comprehensive text provides an up-to-date review and critique of current theorising about sexual offending. It presents the key ideas underpinning each theory in a clear and accessible manner. Theories are rigorously tested and evaluated, and their merits are examined from both a research and a clinical point of view." – Book jacket.

Victim support services

Fatin Hakmatek: The safe room project in East Timor, by M. Martens da Silva, L. Marcal, S. Kendall & L. Laing. *Australian Domestic & Family Violence Clearinghouse Newsletter*, 23, 2006, pp. 11–13.

Fatin Hakmatek provides support to victims of sexual assault, domestic violence and child

abuse in East Timor. This article discusses the prevalence of, and attitudes towards, domestic violence in East Timor. It describes the services provided by Fatin Hakmatek, including support for victims of violence, promotion of Fatin Hakmatek and development of referral pathways, and community education and training about domestic and sexual violence. The organisation's innovations include providing accessible information for victims of violence, and an integrated forensic medical protocol.

Videos

Anyone's story: Understanding and responding to adult sexual assault, by Education Centre Against Violence & New South Wales Police Force. Parramatta, NSW: NSW Health, New South Wales Police, 2004. (40 minute video plus guide)

The first part of this video provides an overview of adult sexual assault. It includes interviews with male and female victims, police, offenders, counsellors and sexual assault doctors and examiners, and looks at scenarios and effects of sexual assault. The second part is a dramatisation of the sexual assault of a woman and her subsequent experiences with police and health professionals in New South Wales. An accompanying guide provides suggestions for use of the video in training, including questions for discussion.

Sex traffic, by A. Morgan. UK: Channel Four Television Corporation, 2004. (2 DVD videos, 180 min.)

"*Sex traffic* weaves stories from around the world into one bold, explosive narrative, revealing how a massive \$7 billion global business trafficking young women into enforced prostitution is operating in cities throughout Europe and America. Daniel Appleton, researcher and investigator for a London-based charity, investigates the plight of two young Moldovan sisters, Elena and Vara, sold into sexual slavery. The girls are trafficked through Romania, Serbia, Albania, Bosnia and Italy to the dark side of London, betrayed along the way by pimps, police, and politicians. The reverberations of their story lead from big business in America to corruption amongst the international peace-keepers in Europe. This is an epic story with an emotional heart, all the more powerful, shocking and important because it is inspired by fact." – Container jacket.

FORTHCOMING

10th Anniversary – Special Report – *Women Against Violence Journal*

November 2006 will mark the 10th Anniversary of the *Women Against Violence Journal*. To celebrate this important milestone, a special report will be produced in the form of a 'mini' journal that will provide a critical analysis of the first 10 years.

The *Women Against Violence Journal* is a national journal examining issues relevant to the work to stop violence against women. The journal is founded on the belief that those working against violence against women welcome the opportunity to document initiatives, policy and practice development and encourage debate. The journal reflects a feminist philosophy and a social justice framework.

For more information on the *Women Against Violence Journal*, contact Gail Draper at CASA House Melbourne on (03) 9347 3066, email casa@rwh.org.au or visit the website at www.rwh.org.au/casa/

Contribute to *ACSSA Aware*

Service providers, researchers and those interested in working against sexual assault are encouraged to contribute to the *ACSSA Aware* newsletter. We are interested in short reviews (no more than 1500 words of books, conferences, workshops and projects. We will also consider more substantial articles (no more than 5000 words) on significant issues in understanding, responding to, or preventing sexual assault.

ACSSA Aware aims to provide a lively forum for ideas, argument and comment: thus we welcome readers' letters, comments and feedback on issues discussed in ACSSA publications.

Please email contributions in a Microsoft Word document to acssa@aifs.gov.au, or post to the Australian Centre for the Study of Sexual Assault, 300 Queen Street, Melbourne, Victoria 3000.

We welcome your feedback



Australian Centre for the Study of Sexual Assault

Help to shape the work of the Australian Centre for the Study of Sexual Assault. We are interested in hearing your views on the best way to meet the needs of our stakeholders. If you have any comments on services that could be offered, possible topics for publications or areas of research, please fill in the section below and return it to the Institute. Comments can also be provided on-line via the ACSSA website, or email us at: acssa@aifs.gov.au

What other services would you find useful for your work?

What topics would you liked covered in ACSSA's publications, or considered for research projects?

Membership form overleaf ►

ACSSA services

The Australian Centre for the Study of Sexual Assault is funded by the Office for Women, Australian Government Department of Families, Community Services and Indigenous Affairs through the *Women's Safety Agenda*. ACSSA provides stakeholders with a variety of services (see below). ACSSA is located at the Australian Institute of Family Studies in Melbourne.

Resources

ACSSA is building a collection of publications and best practice literature, reports, and training resources to inform initiatives and programs directed at improving the understanding of, and response to, sexual assault. These materials are available for browsing at the Australian Institute of Family Studies Information Centre, or may be borrowed through the interlibrary loan system. Bibliographic information on these resources may be searched online via the Institute's catalogue.

Advisory service

ACSSA's research staff can provide specialist advice and information on current issues that impact on the response to sexual assault. Email research queries to acssa@aifs.gov.au

Policy advice

ACSSA offers policy advice to the Australian Government and other government and non government agencies on matters relating to sexual assault, intervention and pathways to prevention.

Publications

ACSSA produces Issues Papers, ACSSA *Wraps* (short resource papers) and Newsletters which are mailed free of charge to members of the mailing list. Publications can also be received electronically.

Good Practice database

ACSSA is continuing to build its *Good Practice* database, to document and publicise best practice projects and activities being undertaken in relation to sexual assault.

Research

ACSSA staff undertake primary and secondary research projects, commissioned by Government and non-government agencies.

Email alert and discussion lists

ACSSA-Alert and *ACSSA-Discuss* keep members posted on what's new at the Australian Centre for the Study of Sexual Assault and in the sexual assault field generally, and allow networking and communication among those working on issues related to sexual violence against women.

MEMBERSHIP FORM

Australian Centre for the Study of Sexual Assault

If you would like to join the Australian Centre for the Study of Sexual Assault mailing list, please fill in this form and return it to the Institute. Membership of the Centre is free.

- Please add my name to your mailing list to receive ACSSA publications I would like to receive publications electronically
 I would like to receive back issues of ACSSA publications I would like to receive publications in hard copy

Title _____ Full name _____

Position _____

Organisation _____

Address _____

Postcode _____

Phone _____ Fax _____

Email _____

Send this completed form to:

Australian Centre for the Study of Sexual Assault
Australian Institute of Family Studies
300 Queen Street Melbourne Victoria 3000 Australia
www.aifs.gov.au/acssa/