

# WOMEN'S LEGAL CENTRE NEWSLETTER

## Family Court Case—Hobart Appalling Outcome

The Family Court has ordered two young girls to spend alternate weekends with their father, a registered child sex offender, provided he puts a door on their bedroom that they can lock.

Judge Robert Benjamin, in the Court's Hobart branch, ruled that the girls "need some protection from (their father), particularly at night", but said the risk of sexual abuse was "diminished when they are awake and alert, and when the children are together".

He said the father must have an "adult friend" stay with him when the girls stay overnight and, until the youngest daughter is 14, the girls must "share the same room so they can have the mutual support of one another".

A Family Court counsellor said the girls, 10 and 8, "are at an age and maturity when awake, dressed and together it would be unlikely the father would act inappropriately toward them".

"However, at night, when they were asleep or partly asleep and not aware of each other's whereabouts, they would be less secure."

The case has outraged women's groups, who say it puts the girls at risk to satisfy the father's desire to see them. The oldest girl, who has just turned 10, sobbed to counsellors that she was afraid to stay overnight with her father.

The father was convicted in 2007 of three child pornography offences, including filming images of child pornography on his computer. He also created links and shortcuts to child porn sites.

In sentencing the man for the offences, a judge in Tasmania said he was "far from convinced" he posed no risk to children and put his name on the Sexual Offenders Register for five years.

His wife left him, and has since been fighting to restrict his access to their two young daughters.

In a decision known as Robins and Ruddock, the Family Court found the father had invited one of the girls into his bed, and had "demonstrated affection toward her in a way that was, in all the circumstances, inappropriate for child of that age".

The eldest girl told counsellors she "did not want to spend time alone with her father" and kept repeating: "Please don't tell dad."

*The article comes from the Courier Mail at:  
<http://www.couriermail.com.au/news/national/girls-ordered-to-visit-sex-offender-dad/story-e6fre000-1225840724521>*

## Advice Line Details

- Our free and confidential telephone advice service is open
- Monday to Friday
- 9:30 am - 12:00 noon.



- For telephone advice ring:
- from Canberra: 6257 4499
- from outside Canberra: 1800 634 669

**There is no drop-in service.**

Advice at the Centre is by appointment only.

- Appointments available Monday to Friday 9am to 5pm and every Tuesday at 5.30pm or 6.15pm

## Are Human Rights Protected in Australia?

Not by the current government! The decision by the Australian government on the 21 April to implement a Human Rights Framework, rather than introduce a *Human Rights Act* into Australian law (a key recommendation by the National Human Rights Consultation Committee) has been met with considerable disappointment.

As noted by the committee in their final report, it is a decision that leaves Australia as the only Western Democracy without some form of a National charter or Bill of Rights.

Instead of a National Human Rights Act which could have meant real change for people whose human rights are violated, we see the introduction of a framework by the government, including:

- ◆ Investing \$12 million in human rights education
- ◆ \$2 million to NGOs
- ◆ \$6.6 million to the Australian Human Rights Commission
- ◆ \$3.8 million to education and training for the Commonwealth public sector
- ◆ A new Parliamentary Joint Committee on Human Rights to monitor compliance with Australia's core international human rights obligations
- ◆ A requirement that a statement of compatibility with Australia's human rights commitments be attached to each new Bill introduced into Australian Parliament
- ◆ Streamlining federal anti-discrimination laws
- ◆ The creation of a yearly NGO Human Rights Forum to ensure increased communication with NGOs on a number of human rights matters

Overall the Framework has failed to live up to expectations. As stated by the National Association of Community Legal Centres National Convenor, Liz O' Brien, *"These initiatives must be made as a part of, not a substitute for, a Human Rights Act."* Most disappointing, is the frameworks lack of enforcement power. Consequently, the instigation of a human rights framework over human rights legislation tends to prolong a culture of impunity for human rights

*abusers by failing to ensure that human rights violators will be held accountable for their actions".*



## Australian Law Reform Commission Family Violence Review

Submissions for this review closed on Friday 25 June 2010.

The WLC are pleased that important questions are being asked regarding how Australia can do better with regards to family violence.

The review looked at issues such as a common interpretation of family violence across all pieces of legislation and jurisdictions, how family violence is dealt with by criminal law, in parenting orders, the Family Law Act, child protection, and sexual assault.

Given the well-recognised view that family violence is a central factor in Indigenous families across all of the areas of the inquiry, the WLC were disappointed that this issue wasn't dealt with in a more holistic way for Indigenous people and instead treated as almost a sub-category or side issue in the paper. It may be that the "solutions" for Indigenous families are different to recommendations and solutions for other people and it would have been useful, in our view, to deal with Indigenous family violence in a different way.

Please email the WLC at: [coordinator@womenslegalact.org](mailto:coordinator@womenslegalact.org) to request a copy of the Centres submission.



## Women's Legal Centre News

The Centre would like to welcome Kirsty McLeod who joins the Centre as a family law solicitor. Kirsty comes to us with a background of having practised family law in New Zealand. In some areas such as family violence it is clear that Australia could learn a lot from the laws in New Zealand. It has been interesting learning the differences between family law in Australia and New Zealand and we are sure Kirsty will make a great addition to the team.



*New Family Law Solicitor, Kirsty McLeod*

The Centre also welcomes Kate Wandmaker to the Centre. Kate is due to commence with the Centre on the 19th July. Kate will take on the role of Human Rights solicitor and have carriage of all the Centre's employment, discrimination and victims compensation work. Kate has a history of working in a community legal centre in outback NSW and has recently been teaching law subjects at CIT. We are looking forward to Kate commencing with the Centre in this pivotal role of assisting women dealing with human rights violations.

## Bags 'n' Bling 2010

This years' "Bags 'n' Bling" fundraising event, held on the 6<sup>th</sup> of April, was once again an outstanding success. Over seventy people participated in the event and the Centre raised over \$4,000!

The Women's Legal Centre would like to acknowledge the raffle donors for their generosity:

- ❖ Vangeli Manufacturing Jewellers, donated a designer pearl necklace
- ❖ Rachel Bird and Co, donated a bottle of 2002 Vintage Penfolds Grange
- ❖ Ben Aulich and Co donated a \$350 Orotan gift voucher.



We would also like to thank the following local wineries for their very generous donation of wine for the evening.

- ❖ Dionysus Winey
- ❖ Doonkuna Estate
- ❖ Greystones Estate

Congratulations to Megan Peel, Rosemary Budavari, Mel Moss and Chris Parks who went home with the raffle prizes, as well as Jessica Giovanelli and Elizabeth McKenna who were successful in obtaining the silent auction prizes.

The evening would not have been possible without the hard work of Julie Taylor and Louise Taylor, for which the Women's Legal Centre is extremely grateful.

Thank you to everyone who attended and made the night a huge success!

## Violence Against Women Community Attitudes

“On their own, all the laws in the world can’t stop violence against women unless there is a genuine change in the way that Australian men think... If we are going to be effective in changing community attitudes we need a better understanding of those attitudes now, and how those attitudes change over time.”

**The Hon. Kevin Rudd**

A national survey on Community Attitudes to Violence Against Women was undertaken by the Victorian Health Promotion Foundation in 2009. This survey revealed the changes in community attitudes and beliefs since 1995.

### *So how have we progressed since 1995?*

**Defining and understanding violence against Women?** Community perceptions of what constitutes domestic violence have broadened significantly since 1995. People were more likely to understand that domestic violence can take a variety of forms including: physical and sexual assault, threats of harm to family, psychological, verbal and economic abuse.

Whilst people still thought that non-physical abuse such as verbal and economic abuse were less likely to be domestic abuse than physical forms of abuse, there has been a significant attitudinal change in this respect in the last 14 years. Stalking and abuse by phone or email is now considered to be domestic violence.

Having stated this, there is still a general reluctance in the community to regard non-physical abuse as a form of domestic violence. This includes ‘controlling a partner by denying them money’ or ‘controlling the social life of a partner by not allowing them to see their friends’.

A lack of understanding about what constitutes domestic violence will readily affect how affected women access support and help services. It also limits the extent to which the wider community can participate in building relationships based on mutual respect and equality between men and women.

**Views about prevalence and seriousness of violence against Women** Since 1995 there has been a positive shift in the proportion of people who

rate the spectrum of violent behaviours as ‘very serious’. This is especially the case for forcing a partner to have sex, 80% and threatening to hurt family members 78%, stalking was also considered to be very serious violent behaviour by two thirds of respondents. Most respondents believed that domestic violence and forced sex by partners are unlawful acts. Compared with the 1995 survey, there was a 3% increase in the proportion of the population who believed that domestic violence is a crime.



**Understanding of who perpetrates and who is affected by violence** Domestic Violence is perpetrated mainly by men and an overwhelming majority of victims are women. 76% of respondents understood this to be the case and 90% believed that women were more likely than men to suffer harm. However, a sizeable proportion, 22% believed that the levels of fear associated with domestic violence are equal for both men and women. This indicates that there is poor understanding that domestic violence is committed mainly by men against women, and is frequently characterised by a persistent pattern of controlling and abusive behaviours.

**Belief in explanations diminishing men’s responsibility for violence** Since 1995 there has been a decrease in those prepared to apportion blame to a victim of sexual assault. There are now fewer people supporting the notion that ‘women often say no when they mean yes’ and significantly fewer people in the general community (5%) believing that ‘women who are raped often ask for it’ than in 1995, (15%).

There are also sizeable portions in the general community that were prepared to excuse physical and sexual violence against women by supporting notions which diminish the responsibility of those who use violence. 18% agreed that domestic violence can be excused if it results from people ‘getting so angry they temporarily lose control’, and if the violent person ‘truly regrets what they have done, 22%.

**Beliefs about responses to violence against Women** A majority of respondents were in support of domestic violence being addressed as a matter of public concern rather than dealt with privately. Two-thirds of the general community considered



that there had been an increase in the readiness of victims to talk about domestic violence rather than a decade ago. They also believed that they were more likely to intervene at some level in a domestic violence incident than do nothing at all.

Increased police powers to remove a violent offender from the home appeared to receive wide endorsement from the general community. However, community understandings of some of the dynamics that characterise domestic violence appear to have worsened. Eight out of ten people in the general community agreed it is hard to see why women would stay in violent relationships and more than half believe a woman could leave a violent relationship if she really wanted to.

**Preparedness to intervene in situation of domestic violence** 81% of people agreed that they would intervene in some way in a domestic violence situation. 73% of selected Culturally and Linguistically Diverse men said they would intervene if a women they didn't know was being assaulted, compared with 94% reporting they would if the victim was a close family member or a friend.

The downside to this however, is that between 5 and 10% of respondents stated they would intervene in ways that were potentially unhelpful, such as stepping in the middle of the fight or confrontation. Both of which could result in further violence.

**Reach of media coverage and information about violence against Women** Just over half of the general community reported seeing or hearing some form of advertising or media reporting about domestic violence against women. Younger people were more likely than older people to report seeing some form of advertising.

DVCS is an Equal Employment Opportunity employer.

**DVCS is currently recruiting for:**  
**Crisis Workers**  
**Relief Crisis Workers**  
**Court Advocacy Workers**  
**Young People Outreach Workers**

For position information & selection criteria  
 ph: (02) 6280 6999 or visit the website  
[www.dvcs.org.au](http://www.dvcs.org.au)

Applicants be able to meet the interview and training timeframes published in the position information packages

**Applications close 19 July 2010**

The Domestic Violence Crisis Service (DVCS) is an ACT community organisation providing direct client intervention, telephone crisis lines and follow-up to all people affected by domestic violence.

**24/7 Crisis Line : 6 2 8 0 0 9 0 0**

**TTY: 6 2 2 8 1 8 5 2**

**FUNDRAISING  
 MUSIC EVENT  
 "FRAU NOW"**

**A music evening is being organised to raise money for the Women's Legal Centre. Details of this event are:**

**Date:** Friday 30 July 2010  
**Time:** From 6pm  
**Venue:** McGregor Hall, Corner of Barry Drive and Marcus Clarke St, Canberra City  
**Cost:** \$10.00 entry

**A number of fantastic local female groups will be playing on the evening. Drinks and Snacks will be available.**

## Aboriginal and Torres Strait Islander Women Access to Justice Program & the WLC Thanks the ACT Government

The Women's Legal Centre would like to thank the ACT Government for recurrent funding to continue its work assisting Aboriginal and Torres Strait Islander women in Canberra. The Centre is pleased to have some certainty regarding the continuation of the program and is looking forward to working with the community sector in closing the gap for Aboriginal and Torres Strait Islander people.

## POSITION VACANT INDIGENOUS LIAISON OFFICER

The Women's Legal Centre would like to employ a full-time Indigenous liaison officer. The duties of the position include:

- ❖ providing support for Indigenous clients
- ❖ arranging outreach visits to Indigenous clients and agencies
- ❖ organising community forums and Education sessions about legal issues in the Indigenous community.

Applications close 5pm on Friday 30 July 2010.

Formal qualifications are not necessary.

If you are interested in this position please contact the Centre on 6257 4377 or [tharris@womenslegalact.org](mailto:tharris@womenslegalact.org) for the position description and selection criteria.

## COMMUNITY VISITS

The WLC is available to come and speak to services on a range of topics. This might be a chat about what service the program provides or on a particular area of law.

If you would like the WLC to visit your service please give us a call on 6257-4377.

## Burrunji Aboriginal Gallery

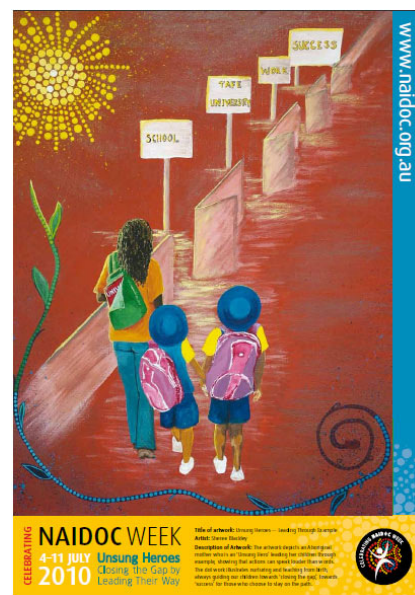
A number of Aboriginal artists including local artists sell their artwork at the Burrunju Gallery. The gallery is located at the Aboriginal and Torres Strait Islander Cultural Centre, Yarramundi Reach, Lady Denman Drive, Acton. The gallery is open 10am to 4pm Wednesday to Sunday

## NAIDOC WEEK

NAIDOC celebrations are held around Australia in July each year to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander peoples. This year NAIDOC Week is held from 4 to 11 July. The theme this year is 'Unsung Heroes—Closing the Gap by Leading Their Way'.

In Canberra NAIDOC Week begins with a family friendly event at the Peninsula between the National Museum of Australia and AIATSIS. This event will host market stalls, performances, workshops, craft, art activities, storytelling, and the annual didgeridu competition, there is something for everyone.

To help support this event, the Women's Legal Centre have jointly organised a stall with the ACT Women's Services Network and will be providing information to those involved in the festival. It should be a lot of fun, and we hope to see everyone there.



## AHL NAIDOC LUNCH

This year the lunch will be held on Friday 9 July at the Hellenic Club in Woden. The guest speaker is Gracelyn Smallwood, Aboriginal health expert and human rights activist. A performance will be given by Dale Huddleston and the Riverbank Band. Tickets are available through Ticketek.