

Council of Australasian Tribunals Nation and COAT NSW
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Tribunals : Enablers of Justice

How receiving victims compensation can lead to further victimisation – a case study of the impact of intergenerational trauma on Aboriginal and Torres Strait Islander peoples and how Tribunals can better respond to Aboriginal needs.

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Acknowledging the Ancestors, Elders, Peoples, and
Country of Gadigal Nation,
With thanks from Bundjalung Country.

Listening and Learning Together

Being *Trauma Informed* means we hear through different ears



- £ Ngangikurungkurr - *dadirri* - listening to one another in contemplative - reciprocal relationships – an ancient mindfulness practice.
- £ Pitjantjatjara - *kulini* (listening), or *pulgkara kulin tjugku* (really (deep) listening, and wanting to listen).
- £ Bundjalung - *gan'na* hearing, listening, feeling, thinking, understanding.
- £ Gunmbayngirr - *junga-ngarraanga miinggi* - hearing, listening, learning, feeling, thinking, understanding, knowing from the heart.
- £ Gamilaraay – *winanngar-gurru* listening deeper

Symptom as History.

Healing is individual and collective

(Mollica R 2006: Healing Invisible Wounds - Paths to Hope and Recovery in a Violent World)

- £ People's violence - trauma stories become and remain the centre piece of all healing processes
- £ These stories are historical because the storytellers believe that the stories are not just about him or herself, but also his or her culture and society
- £ The Healer have to place themselves as close as possible to the pain and suffering of the traumatized people in order to take in the revealed truths. This process becomes the foundation of all healing actions
- £ There is an inner healing mechanism ...



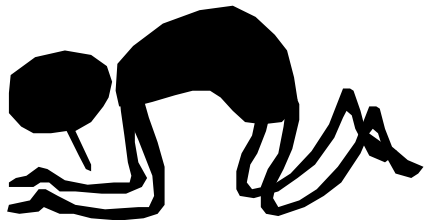
Understanding Trauma ...

what has happened – not what is wrong ...

World-wide Colonisations



The Story of Dolly
The story of Karen



- ◎ Subjugation of Indigenous peoples
 - Physical Violence - Structural Violence - Psycho-Social dominance
- ◎ The creation of culturally unsafe learning and living environments.
- ◎ Understanding the trauma story: Historic, Social, Cultural, Collective, Complex, Developmental Trauma.

Introduction
 This map shows the distribution of the various Aboriginal groups in Australia. The map is divided into regions, each of which is color-coded to represent a different group. The map also shows the locations of the major cities and towns in Australia.

Legend

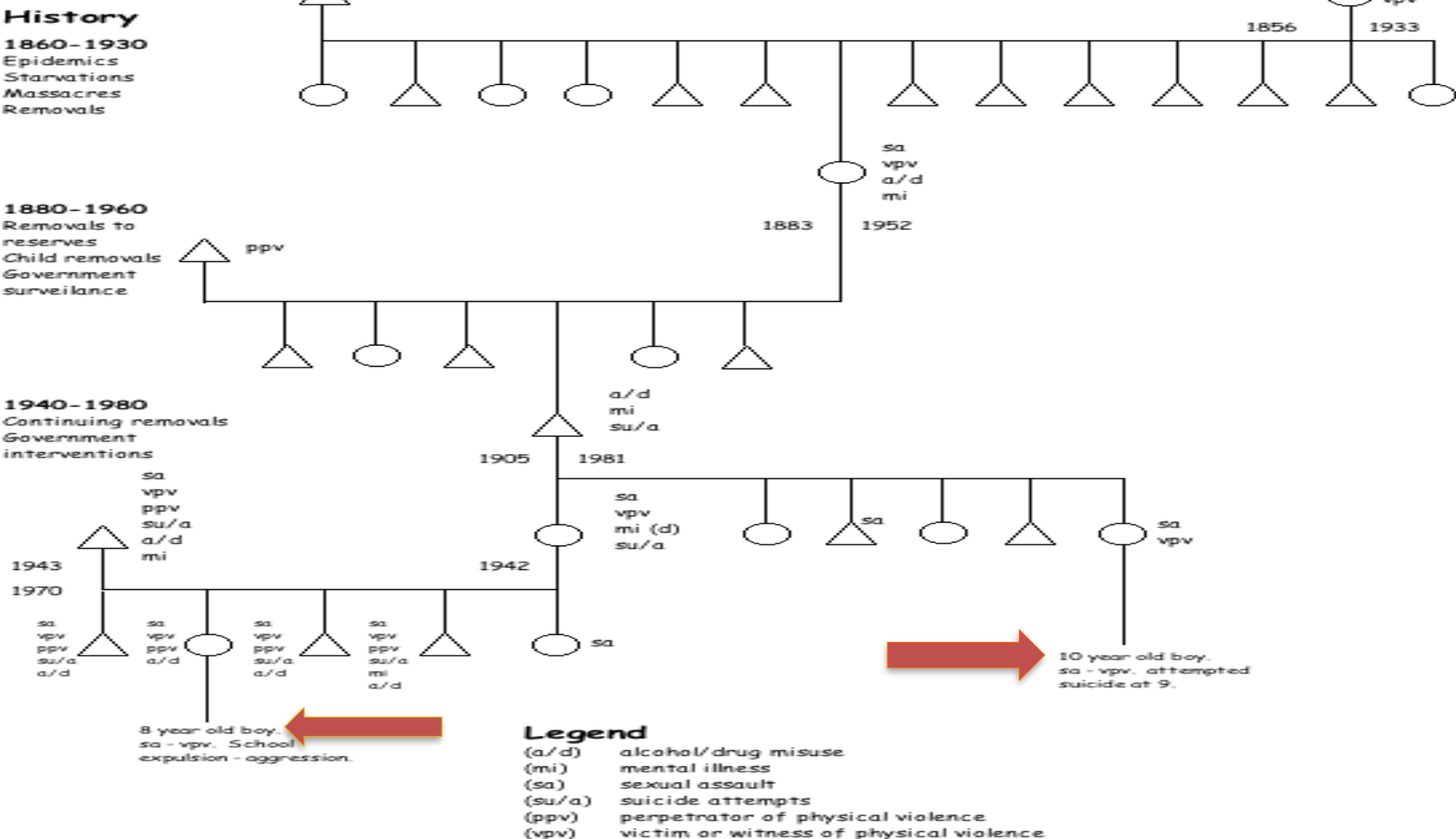
■ Capital
 ■ Major City
 ■ Aboriginal Group

ABORIGINAL AUSTRALIA



Transgenerational trauma

Figure 1
A six-generation genogram




Collective - Historic trauma

- Collective trauma is the “psychological blow to the basic tissues of social life that damage the bonds attaching people together and impairing the prevailing sense of community” (p. 233), “a gradual realization that the community no longer exists as a source of nurturance and that part of the self has disappeared” (Erikson, 1976).
- Historical trauma is ‘the collective emotional and psychological injury, in the life of an individual or of a community, both over the life span and across generations’, (Muid, 2006, p. 36).



Cultural – Social Trauma

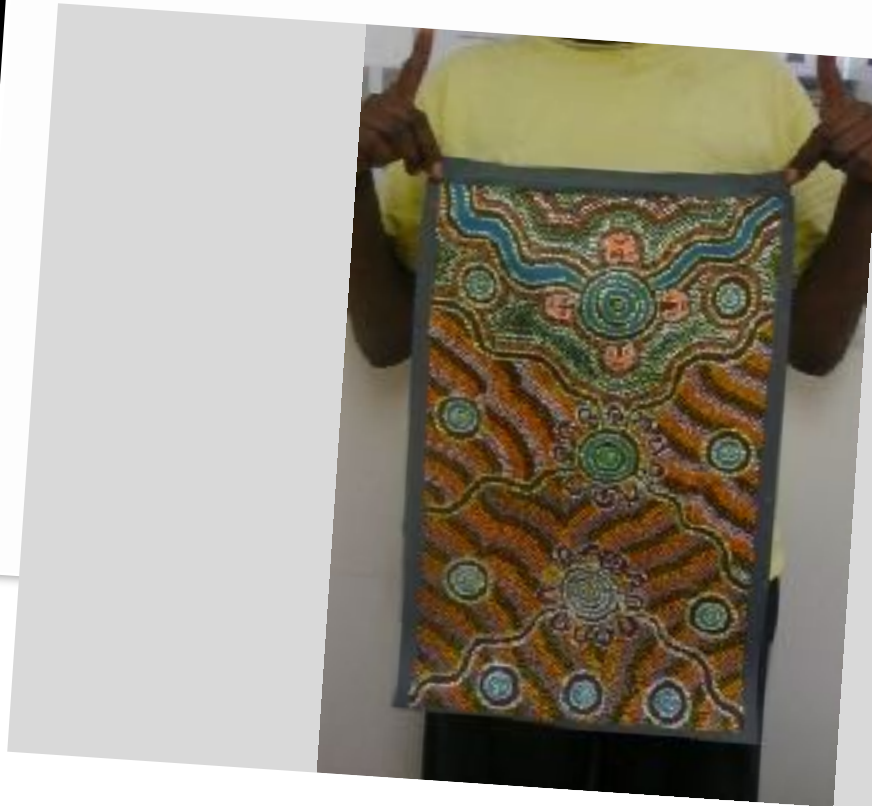
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- £ Salzman and Halloran (2004), describe the destruction of cultural worldviews which have sustained Indigenous peoples for millennia; a collective experience across diverse cultures and peoples: the Yup'ik of Alaska; Navajos and Athabaskan Indians; Hawaiian Natives; Maori in New Zealand, and **Aboriginal Australians**, all having experienced similar physical, social, behavioural and psychological symptoms (eg high rates of suicide, alcoholism, accidental deaths, and layers of loss grief and trauma (p. 233).

Hearing things differently



“Nobody will listen!”

*“We make the same mistakes again and again –
running from the darkness -
and you turn a blind eye ...
... then you can call it critical ...”(B2M)*



... Running from the Darkness ...

– to name and know our stories of pain and disorder -

Trauma informed services and trauma specific care

- 1: Understand trauma and its impact on individuals, families and communal groups
- 2: Safe physical and emotional spaces and services -ensuring Cultural Competence - Proficiency - Fitness
- 3: Supporting Control, Choice and Autonomy though sharing Power and Governance
- 4: Integrating Care – a holistic approach to service needs.
- 5: Healing / Recovery Happens in Relationships, and we have to believe! Healing and Recovery is Possible.
(AIHW Resource Sheet 20. Closing the Gap Clearinghouse. Atkinson J. 2013)



For some young women receiving victim compensation may lead to further victimisation, and offending



When Victim becomes Offender

- A young woman received compensation for an injury sustained in a domestic attack, which left her permanently injured. She received \$32,000, but immediately a long line of relatives lined up demanding she buy each of them a car, which she did (used car dealers benefited from the victims compensation more than she did).
- In the end, she felt so distressed and pressured by these demands, she attacked those who were continuing to make these demands, injured one person, and hence was charged, and sent to prison.
- She now owes the state / territory government for the victims compensation she has to pay. This makes it difficult when she comes out of prison, because it is difficult for her to rent when she has such a big debt.

For a young man – receiving compensation for medical negligence did not benefit him in the long term

- A young Aboriginal man from a remote community received over \$1 Million in compensation, for medical negligence, which left he permanently disabled. When the money was received, a long line of people were lined up for their share.
- The compensation was not used to provide him with comfortable accommodation – on-going care, over his remaining life span.



Points for discussion

Intergeneration trauma creates disadvantage at many levels.

- Victims may receive compensation, and then be placed under such pressure they react and offend.
- A person receiving compensation for medical negligence may be unable to react physically but may not benefit in any substantial way from the compensation meant to provide a better life for him.

How can the COATS protect them?



Opening a conversation

- I now invite a conversation about how we can find a better response to the needs of some Aboriginal people experiencing harm as a result of victim compensation outcomes.



