

The victims who can't fight back

By ANDRA JACKSON

THE legal system has shown it is unable to deal with domestic violence, according to a group of women lawyers.

"With the exception of women's refuges, there are no mechanisms for coping with the problem," one lawyer said.

"The police are reluctant to intervene. It's classic for the police to say after getting a call 'it's a domestic, we won't get involved,' or they get there too late," solicitor Dominica Whelan said.

Often the woman didn't want to press assault charges because of the problem of proof — her word against her husband's.

If the man was drunk, all they could do was throw him in the cells overnight, but they were tempted to do that less now.

Under the Family Law Act, a woman separated from her husband could apply for a restraining order forbidding him to harass her, but the law fell down by not empowering police to act immediately it was breached, Dominica said.

A woman could get beaten up by a husband in defiance of a restraining order, call the police only to find they had no power of arrest.

She had to wait until the morning to get a solicitor to apply to the court for a warrant of arrest.

It was frustrating for the police — all they could do was take the husband away and have a talk to him.

It was worse for women harassed by a de facto partner.

Domestic violence in de facto relationships was increasing, but the woman could not take out a restraining order.

"One of my clients split up with a man she had been living with six weeks ago. He kept on coming around and harassing her and after the last assault, she called the police," Dominica said.

"They took him away and put him in the cells for drunkenness, let him out at five the next morning and within an hour he had broken into her house again and raped her."

Dominica, a solicitor with the Fitzroy Legal Service, is a member of the newly-formed women's sub-committee of the Australian Legal Workers' Group, set up to propose reforms to laws covering the treatment of women.

Its recommendations include:

- Setting up community justice centres like Sydney, to try to solve neighborhood and domestic problems with a mediator.

- Establishing a special police squad with women to work exclusively on domestic cases.

- Implementing the royal commission into human relations' recommendation for family crisis centres.

Seeing a lot of domestic violence cases through her own work, Dominica recognises that the cause of the violence often

stems from outside the relationship.

When the woman wanted the relationship to end, counselling could help the man understand the relationship was over, and that he had no property rights over the woman.

Where a man persisted with assaults, the courts had to take a stronger stand.

"Being picked up and put in a cell overnight is not a big deal to these men and is not a sufficient deterrent," she said.

The women lawyers are also concerned about the way the law deals with young females.

The Childrens' Court made no distinction between offenders and young girls deemed in need of care, Dominica said.

A young girl who may be the victim of incest could end up in Winlaton — "a junior version of prison" — the same as the young girl who may have taken part in

an armed hold-up.

The group is critical of the hardening effects of an institution like Winlaton.

The NSW royal commission into prisons found that 80 per cent of women in prisons had first been institutionalised as young girls, Dominica said.

Deborah Morris, the only non-lawyer represented on the women lawyers' sub-committee said the girls didn't get therapeutic treatment for their problems.

The worst thing "is the way the system undermines their confidence and self-worth".

"Sure, they get make-up lessons and learn crafts but they're not taught skills that will help them get a job or a flat once they get outside," she said.

The group had been told a high percentage of the young girls at Winlaton were getting pregnant — they are allowed to keep their babies — because that at least gave them some image of themselves as mothers.

It was critical of the lack of alternatives to Winlaton and of what they called the sexual discrimination that places large numbers there.

It began when the police saw them hanging around the streets, Dominica said.

"The police are much more likely to pick up a girl, while telling a boy to go home," she said.

The girls were often put in or recycled through the system because "they are sexually active", she said.

What the police and social workers failed to realise was that you can't stop a 14-year-old who wants to be sexually active — all you could do was teach them sexual responsibility.

The alternative was for wards of the state and non-violent of-

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WINLATON ... there must be an alternative.

fenders to be placed in normal suburban homes under stand-in parents, as was now happening with younger children from Al-lambie.

There they could be taught marketable skills in a supportive environment and at least have a chance of making new lives for themselves.