

Understanding intergenerational trauma

On 4 August 2016, national ATSI Children's Day, judicial officers and legal practitioners attended a seminar on intergenerational trauma conducted jointly with the NSW Bar Association and NSW Law Society. Focussing on Aboriginal communities, the speakers provided an understanding of how an appreciation of the causes and effects of intergenerational trauma can contribute to improved justice outcomes for Aboriginal people. Chair for the seminar, the Honourable Justice Stephen Rothman AM, introduced the speakers, Dr Robyn Shields, AM, Deputy Commissioner at the Mental Health Commission of NSW; her Honour Magistrate Sue Duncombe, presiding magistrate of the pilot Youth Koori Court; and Mr Brian Dowd, a Gamilaroi man and healer.

Dr Robyn Shields AM contextualised Aboriginal intergenerational trauma. From the time of colonisation with the loss of land, language and cultural identity, to protectionist policies and continuing social and economic disadvantage for Aboriginal communities, Aboriginal people have suffered ongoing psychological distress. Dr Shields explained that complex psychological trauma, manifested in family violence, child, drug and alcohol abuse, for example, needs to be addressed through recognising the losses and hurt caused to Aboriginal people over two centuries rather than applying short-term solutions. She emphasised that it is crucial for Aboriginal communities to design and take ownership of their own services.

Magistrate Sue Duncombe described the work of the pilot Youth Koori Court (YKC) to date. Under s 33(1)(c2) of the *Children (Criminal Proceedings) Act 1987*, the YKC can defer sentence to assess a young person's capacity and prospects for rehabilitation, and to allow the young person to demonstrate that rehabilitation has taken place. Addressing the causes of the young person's offending behaviour and obtaining a commitment from them are central to the YKC's problem-solving, therapeutic justice approach. This involves developing a support and action plan which aims to improve the participant's cultural connections; address health, alcohol and drug issues; improve school attendance; and obtain stable accommodation as required.

The court's goals are to increase Aboriginal community (including Aboriginal young people's) confidence in the justice system in NSW; to reduce the risk factors impacting on recidivism; to reduce the rate of non-appearances by young Aboriginal offenders in the court process in NSW; to reduce the rate of breaches of bail by Aboriginal young people in NSW; and to increase compliance with court orders by Aboriginal young people in NSW. Since the court commenced in February 2015 in Parramatta, there have been 50 young people referred to the YKC. Early indications are that the court's goals are being achieved in the majority of cases. Partnerships with government agencies, NGOs such as Daramu (Marist Youth Care) and charities are proving fruitful in developing support and action plans for young offenders.

Brian Dowd outlined his therapeutic approach as a healer to working with traumatised people based on the holistic understanding that a person's life is a two-fold spiritual and material journey. Symptoms of trauma occur when there is a disconnection between the two. His approach enables a person suffering trauma to locate disconnections in their journey and find the right structures, balance and routines to enable self-healing, in other words, to assist a person to be "comfortable in their own skin". In 2014, Brian was contracted by the Healing Foundation to support people who provide healing services in their local communities.

Words and photos: Kate Lumley



Her Honour Magistrate Sue Duncombe (l) with Ms Joanne Selfe, the Judicial Commission's Ngará Yura Project Officer and Mr Brian Dowd from the Healing Foundation.



Dr Robyn Shields AM (right) with Mr Tony McAvo SC, host for the evening, and Ms Sarah Hanson of the NSW Mental Health Commission.