



'We Have Left it in Their Hands':

A Critical Assessment of Principles Underlying Legal and Policy Responses to Aboriginal Domestic Violence: a Location Study

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This thesis is submitted to the Department of Geography and the
Department of Politics, the University of Adelaide, October 1997, for
the Doctor of Philosophy.

Table of Contents

Statement.....	ii
List of Charts.....	ix
List of Abbreviations.....	xii
Abstract.....	xiv
Acknowledgements.....	xvi
Introduction.....	1
Methodology.....	6
Thesis Structure.....	6
Identification Of Places, Organisations, And Individuals.....	9
Definitions.....	10
Selection of 'Viewtown'.....	12
Survey Methodology Issues.....	14
Qualitative Data Collection Issues.....	26
Chapter 1. Liberal democracy's reluctant response to domestic violence.....	35
Introduction.....	35
Liberalism's Problems with Universalising Rights.....	37
Women's Exclusion from Liberal-Democratic Rights.....	39
Legacies for Domestic Violence Policy.....	43
Liberalism's Reform Task.....	45
Conclusion.....	50
Chapter 2. Recognising Domestic Violence: a Survey of Policy Responses.....	51
Introduction.....	51
United Nations Recognition of Domestic Violence.....	51
The Australian Response.....	55
South Australia.....	59
Some Early Reforms.....	59
The South Australian Domestic Violence Council Report of 1987.....	61
Conclusion.....	65

Chapter 3. Universal Rights and Non-Liberal Minority Cultures: Problems With Extension.....	67
Introduction.....	67
Cultural Rights: A Core Principle of Government Policy-Making.....	68
Defences for a 'cultural Rights' Approach.....	73
Oppositions to Universal Rights 'Compromises'.....	81
Conclusion.....	91
 Chapter 4. A Survey of State Responses to Domestic Violence Occurring Among Aboriginal South Australians.....	 94
Introduction.....	94
Liberalism and Aboriginal Domestic Violence.....	94
Domestic Violence: a Cross-Cultural Phenomenon.....	97
South Australian Responses to Aboriginal Domestic Violence.....	102
The SADVC Report.....	102
Principles in Tension in South Australia.....	110
Liberal-Democracy's Dilemma.....	115
Conclusion.....	120
 Chapter 5. The Implementers of Viewtown.....	 122
Introduction.....	122
Refuge: a Contingent Right?.....	124
'Difference' and Medical Service Responses.....	129
Counselling: in a Place Between Mainstream And Difference.....	132
Government Welfare: Dilemmas with Aboriginalisation.....	134
Self-Management and Crime Prevention in Conflict?.....	136
Institutions of Law: Tensions in Advocacy and Protection.....	140
Aboriginal-Managed Services: Ideals and Realities in Tension.....	144
Conclusion.....	147
 Chapter 6. The Service Survey.....	 148
The Goal of the Survey.....	148
Aboriginal and Caucasian Client Contact with Services.....	149
Types of Services Used.....	152
The Violences: Perpetrators and Victims, Severity, Time Span, Associated Factors.....	154
Service Responses.....	160
Conclusion.....	167

Chapter 7. The Police Contact with Aboriginal Domestic Violence in Viewtown	169
Introduction.....	169
Attended Incidents.....	170
Overall Trends in Viewtown.....	170
Attendance at Aboriginal Domestic Violence Incidents.....	171
Police Responses.....	173
Offender Arrest-Detention Rates.....	176
Hospitalisations and Other Factors: a Qualitative View.....	182
Police Response to Victims.....	189
Conclusion.....	194
 Chapter 8. Aboriginal Domestic Violence in Viewtown: a Non-Liberal Situation	197
Introduction.....	197
Attitudes to Domestic and Non-Domestic Violence Among Viewtowners.....	201
Professional and Prominent Aboriginal People.....	201
'Ordinary' Aboriginal People.....	205
White And Aboriginal 'Ordinary' Viewtowners Compared.....	207
White Professional Observations About Aboriginal Violence.....	214
Summary.....	215
Aboriginal Domestic Violence in Viewtown: An Epic of 'rights', Status, Division,...	217
...And Alienation.....	228
Sources Of Challenge to Aboriginal Tolerance of Domestic Violence.....	233
Conclusion.....	244
 Chapter 9. Implementing Group Rights And Protecting The Person: Policy Oppositions In Viewtown	246
Introduction.....	246
Separate Spaces in Viewtown.....	247
Separate Spaces from Viewtown: Homelands.....	251
The State and Aboriginal Gender Relations: Identity, Cultural Rights, Victim Rights.....	257
Aboriginal Self-Management Realities: Community.....	266
Aboriginal Self-Management and Aboriginalisation.....	272
Aboriginal Workers: Attitudes to Work.....	274
Aboriginal Self-Management and Staffing: Confidentiality.....	276
Aboriginal Self-Management and Staffing: Nepotism In Service Delivery.....	278
Aboriginal Self-Management and Staffing: 'Services for the Clients' Or 'jobs For The Family'?.....	279
'Services for the Clients' or 'Jobs for Aboriginal People'?.....	281

Services for the Clients' or 'Jobs for Aboriginal People': A Case Study.....	283
Aboriginal-White Relations in Viewtown: Policy Implications....	289
Conclusion.....	292
Conclusion	294
Liberal-Democracy's Failure	294
Liberal-Democracy, Aboriginality, and a Violent Social Mileau ..	295
Mainstream Institutions, Aboriginal Difference, and 'cultural Rights'	298
Human Rights for Aboriginal Victims: Through Consultation and Victim Choice?.....	300
Aboriginal Autonomy and Domestic Violence Responses.	305
Individual Rights and Cultural Rights in Opposition	309
Appendices	312
Appendix to Methodology. Sample of Service Survey Guidelines and Chart	312
Survey Guidelines.....	314
Service Survey Chart	317
Concluding Questions.....	318
Appendix to Chapter 2	319
A. Examples of Official Domestic Violence Reports and Initiatives.....	319
Federal.....	319
South Australia.....	320
Other States and Territories.....	321
B. The SADVC Report's Terms of Reference.....	323
Appendix to Chapter 3	324
Examples of Official Documents that Advocate Aboriginal Autonomy.....	324
Examples of Academic Works that Advocate Aboriginal Autonomy.....	325
Appendix to Chapter 4	327
A. Recommendations of the SADVC 1987 Pertaining to Aboriginal South Australians.	327
B. Public Servants' Comments Pertaining to Aboriginal Domestic Violence Policy.....	329

Appendix to Chapter 6	332
A. Numbers of Clients	332
A1. Total Numbers.....	332
A2. Numbers of 'violence' Clients.....	332
A3. Numbers of Domestic Violence Clients.....	333
A4. Percent and Numbers of 'Violence' Clients that are 'Family Violence' Clients	333
A5. Percent and Numbers of 'all Violences' that are 'non- Domestic Violence' Clients.	334
A6. Percent and Numbers of All Violences that are 'Unstated Relationship Violence' Clients.....	334
B. Type of Service Used.....	335
B1. Mainstream or Aboriginal Service?	335
B2. Numbers of Clients Using Categorised Services	335
C: The 'violences': Perpetrators and Victims, Severity, Time Span, Associated Factors	337
C1. Perpetrators and Victims.....	337
C2. Severity of the Violence	337
C3. Time Span of the Violence.....	339
C4. Triggers or Associated Factors	340
D. Service Responses	341
Appendix to Chapter 7	343
A. Numbers of Attended Incidents.....	343
A1. Total Number Trends: Factoring for Relationship and Place.....	343
A2. Factoring for Identity, Relationship and Place	344
B. Trends in Arrest-Detention Responses	345
C. Victims and Complainants in Viewtown.....	346
C1. Police Response to Victims	346
C2. Changes in Complainant Type Between 1990-1 and 1994.....	347
Appendix to Ch 8. Additional Interview Extracts	348
Group 1. Viewtown Aboriginal Service Provider Attitudes.....	348
Group 2. 'Ordinary' Aboriginal Viewtowners Attitudes.....	348
Group 3. 'Ordinary' White Viewtowners Observations.....	350
Group 4. Professional White Viewtowners Observations.....	353
Group 5. On Alienation.....	354
Group 6. CDEP's Impact on Domestic Violence	355
Group 7. On Female Housing Independence	356
Appendix to Chapter 9. Additional Interview Extracts	357
Group 1. Aboriginal Visions of Homeland Arcadia.....	357
Group 2. White Resentment of Special or Separate Aboriginal Services and Treatment	357

Bibliography	359
Books and Journal Articles	359
Dissertations.	366
Attended Conferences Proceedings, Workshops.	366
Conferences Proceedings, Workshops.....	367
Dictionaries, Encyclopedias.	368
Newspapers.....	368
Radio Programs	369
Book Reviews	369
Letters To The Editor.....	369
Official Publications	369
Acts	382

Abstract

In Australia, responses to Aboriginal domestic violence are commonly assumed to be most effective when they arise from, or are controlled and implemented by, members of the Aboriginal population. This assumption is treated as self-evident, because it is expected that Aboriginal representatives, policy-makers and implementers have a better understanding of the nature of Aboriginal domestic violence and Aboriginal cultures, and that Aboriginal interventions would be more acceptable to Aboriginal people. However, strategies based on these assumptions are failing to deliver adequate prevention and protection to Aboriginal victims, and Aboriginal domestic violence remains at high levels in urban and remote, and more traditional and less traditional, settings.

The continuation of high levels of domestic violence within Australia's indigenous populations, and the inadequacy of institutional responses to that violence, should be anathemas to Australia's liberal-democratic states, based, even defined, as these states are on the principle of universal rights extension. This thesis analyses how the concept of a 'cultural right' is cutting across Australian states' commitment to extending the principle of a universal right of physical safety to Aboriginal victims of domestic violence.

At the level of bureaucratic policy-making, the doctrine of 'cultural rights' marginalises challenges to the present policy emphasis on

Aboriginalisation and control of domestic violence responses, even in the face of Aboriginal response failure. This thesis focuses on the interface of policy with a specific Aboriginal population. It seeks to explore the extent of domestic violence policy success and failure arising from this commitment to a 'cultural rights' approach to Aboriginal well-being and domestic violence. This exploration extends beyond programs specific to domestic violence, to an analysis of the underlying, broader 'cultural rights' policy contexts within which responses to Aboriginal domestic violence must occur, namely self-determination, self-management, a politicised and localised Aboriginal identity formation, and Aboriginal separatism.

The thesis examines the capacity of states, even those committed to upholding and extending the right to physical safety into different cultural contexts, to do so in the case of Aboriginal populations. For on the group level, these populations commonly aspire to become politically, structurally and locationally more removed from the sphere of state control.