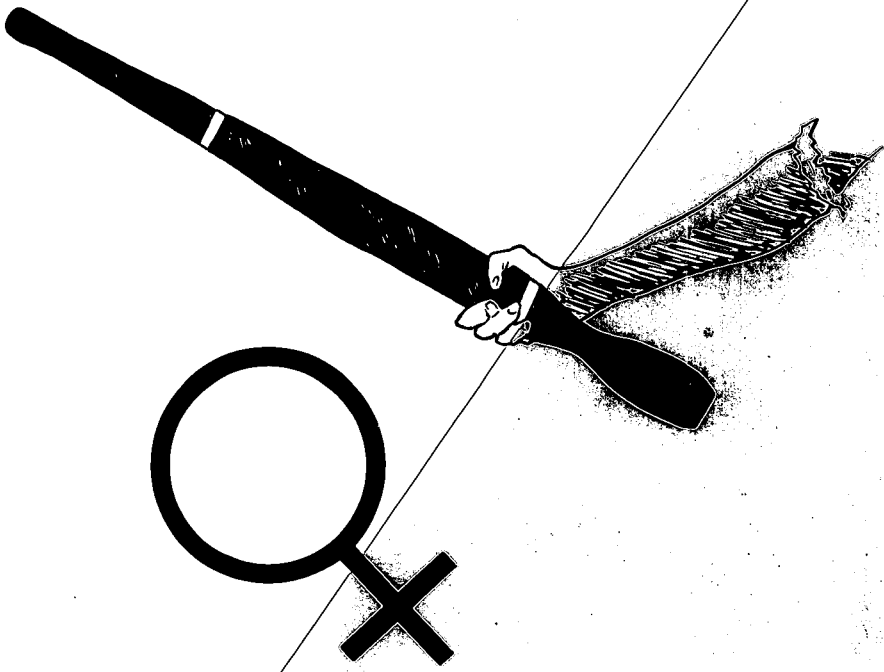


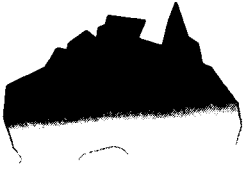
Audrey
Bolger

ABORIGINAL WOMEN



AND

VIOLENCE



Australian National University
North Australia Research Unit
Darwin 1991

ABORIGINAL WOMEN AND VIOLENCE

*A report for the Criminology Research Council
and the
Northern Territory Commissioner of Police*

by

AUDREY BOLGER

Australian National University
North Australia Research Unit
Darwin

First published in Australia 1991

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Inquiries should be directed to the publisher, North Australia Research Unit, Casuarina NT 0811, Australia

National Library of Australia
Cataloguing-in-publication entry
Bolger, Audrey

Aboriginal women and violence.

Includes Bibliographies

ISBN 0 7315 1172 7.

1. Abused women - Northern Territory.
 2. Wife abuse - Northern Territory.
 - [4]. Aborigines, Australian - Women - Northern Territory.
 - [5]. Aborigines, Australian - Northern Territory - Social conditions.
 - I. Australian National University.
North Australia Research Unit.
 - II. Title
- 362.83

Printed by Northern Territory University
Printing and Publishing Division

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ACKNOWLEDGEMENTS

This study of violence against Aboriginal women in the Northern Territory was made possible by a number of people. The Northern Territory Police Commissioner, Mick Palmer, initiated discussion of the project and funding was provided by the Police Department and the Criminology Research Council.

I am indebted to those Aboriginal women who encouraged me to undertake the study saying that it was time the suffering of Aboriginal women in the Northern Territory was brought out into the open. Without their support the project could not have gone ahead.

In the early days of the project Raelene Cummings and Pat Dodds were employed as research assistants and I thank them both for their valuable help and advice both at NARU and in the field.

The friendship and assistance of the women of the Northern Territory who contributed to the study in a variety of ways is also gratefully acknowledged. This whole project has benefited greatly from the commitment and support of Dr Peter Loveday, NARU's then Director, as well as NARU Library and other NARU staff. A particular word of thanks to Yvonne vander Weyden who managed, revised and shaped the text over a period of months.

Finally, I would like to thank all those Aboriginal women in communities, town camps, outstations and towns around the Territory who told their own stories and those of their sisters, mothers, grandmothers and aunties. They enabled me to gain an understanding of the reality of their lives and their strength and courage induced me to carry on when I would have liked to give up. I remember them in friendship and sisterhood and I hope I have not let them down.

CHAPTER ONE

WOMEN AND VIOLENCE

It was a cold winter night in 1989 in a Central Australian Aboriginal community. Although late, muted sounds of fighting could still be heard coming from the camps. Suddenly the screams of a woman rent the air as she ran towards the nurses' quarters and hammered desperately on the locked gate. Blood poured down her face and her left arm hung limp and broken. In close pursuit was a man brandishing a star picket.

As the nurse struggled to open the gate to admit the woman, at the same time excluding her attacker, she noticed the woman's T-shirt. Emblazoned across the front was the statement: 'We have survived 40,000 years'. Yes, but will they survive the next 40, she wondered.

Aboriginal women and violence

A number of writers have commented on the level of violence in Aboriginal communities and on the use of physical force, both for punishing wrongdoers and as a means of resolving disputes. For instance Hiatt (1965) and Williams (1987) have both analysed conflict resolution in communities in the Northern Territory and although physical force was certainly not the only means of settling disputes, it was prominent in each analysis.

Other writers (Burbank 1980, Bell 1983, McKnight 1986) have noted the involvement of women in physical disputes, not only in fighting back when attacked but also in initiating aggression or acting as helpers or partners when fights develop.

At Numbulwar over a period of eighteen months during 1977-8 Burbank recorded 101 fights involving 104 initial combatants, representing about half of the adult population. Of these combatants 51 were women and 53 were men, suggesting that women were involved in fighting almost as often as men and 47 per cent of all fights were between husband and wife. This might suggest female victimisation but Burbank found that in the 37 fights between women and men where she was able to identify the aggressor, 20 were initiated by men and 17 by women (Burbank 1980, 129-36).

However, two further points in Burbank's analysis are worth noting. One is that whereas a woman was more likely to initiate a fight only by threatening behaviour such as picking up a weapon, destroying an object or throwing something at her opponent, a man would often launch an immediate physical attack on a woman (1980, 131). The second point is that no matter who initiated a fight between a woman and a man, the woman was more likely to be injured or to suffer greater injury than the man (1980, 146).

Drawing on genealogical data and case histories McKnight (1986) also analysed both inter- and intra-tribal fighting in the area of Mornington Island prior to the founding of the mission and came to similar conclusions to Burbank:

Both men and women fought and both men and women were killed, but men were the lethal fighters for they had the killing implements, that is, spears, boomerangs and clubs, and all killings were done by men. I know of no case where a woman killed another woman or man (McKnight 1986, 161).

There have been some suggestions that, while violence may have been a normal part of Aboriginal life in the past, it has become worse in recent years. This may mean that there is quantitatively more violence today and/or that it is qualitatively different from past violence.

McKnight (1986) believed that fighting was more prevalent on Mornington Island when he did fieldwork in 1966-8 than it had been in the past. He argued that this was due to the high population density and high relational density of what he called a supercamp. In the Mornington Island supercamp some 600 people from different tribal groups had been thrown together, all related in some way according to the Aboriginal classificatory kinship system. This contrasted with the previous small camps of about 20 close kin which was the usual number of people with whom a person would have expected to interact on a day-to-day basis. Larger camps with more distant relatives and including those from contiguous tribal groups, would have been formed only infrequently for ceremonial purposes. Both the size of the large camps and the number of relatives present put a strain on peaceful interaction and having to confront this situation every day in the Mornington Island supercamp led to a greater incidence of fighting.

Another factor which McKnight also believed had to be taken into account was the breakdown of traditional social control due to the imposition of both structures and ideas from the alien non-Aboriginal culture. The effects of this could be seen in the inability of older men to control the young men who now outnumbered them. More specifically McKnight noted that although no-one was killed at Mornington Island during 1966-8, and the last killing then recalled was in the 1930s, people were frightened that this would happen. Their fears were justified; since the mid-1970s there have been several deaths connected with fighting and alcohol (McKnight 1986, 140).

The theme of the effect of colonisation on Aboriginal people is a common one and is particularly important in discussions of increases in violence. In *Black Death White Hands*, Paul Wilson (1982) paints a vivid and disturbing picture of violence in Queensland Aboriginal communities around 1980. The book, stemming from research carried out for the trial of Alwyn Peter, a young Aboriginal man charged with killing his girlfriend, ranges widely throughout Queensland and concludes that Peter's crime, and similar crimes committed by Aboriginal people, have to be understood in terms of the conditions in the communities in which people reside where:

Murder, self-mutilation and alcoholism are rife... People of differing tribes and from various areas mix with each other in an atmosphere of tension and violence (Wilson 1982, 1).

The responsibility for the conditions in the communities and for the violence generated is placed by Wilson squarely on the shoulders of non-Aboriginal

Australians. Although the result is that black people are killing and injuring each other, he argues that:

Whites have, by political, legal and sometimes police action, created conditions which foster murder and assault in Aboriginal communities. A central thesis of this book is that we cannot divorce the sense of hopelessness and futility that exists among Aborigines — born of dispossession and exploitation — from Alwyn's knife... (Wilson 1982, 9).

Both McKnight and Wilson were writing about Queensland and it might be that Northern Territory communities, which are more remote and where the effects of colonisation are more recent, have been less drastically affected. There may be some truth in this but there has been evidence for some years of a similar situation existing in town camps and in communities close to towns in the Northern Territory.

Also, although Burbank does not comment directly on the possibility of there being more fighting at Numbulwar in the 1970s than in the past, there is some evidence in her study of alien influences having a negative impact. For instance, while the majority of the 101 fights took place for reasons which could be termed traditional - for example, jealousy, children, ceremonial, swearing - a significant number were triggered by non-traditional factors. Eighteen of these were fights over imported material assets such as money, trucks, petrol and cards, while 16 were attributed to intoxication. Burbank notes that drinking was almost invariably accompanied by aggressive behaviour and that women particularly were worried about the effects of alcohol coming into the community (Burbank 1980, 60).

The extent to which women are victims of violence in Aboriginal communities has not been the major focus of any of the studies cited and as Tonkinson (1985) points out there has been virtually nothing written specifically about domestic violence. In a study of domestic violence in the Northern Territory d'Abbs (1983) touched only briefly on Aboriginal women and recommended that domestic violence in Aboriginal communities should be further investigated.

Similarly, Elsegood (nd) did research in the Top End into the appropriateness for Aboriginal communities of models of services funded under the Supported Accommodation Assistance Program. In most communities violence against women was identified as a problem but there were differing views concerning the type of assistance required to deal with it. Elsegood concluded that there was an urgent need for more research into the incidence of violence against Aboriginal women throughout the Northern Territory with an emphasis on women determining their own needs and possible solutions.

However, it seems that when violence increases in Aboriginal communities, as it appears to have done in recent years for a variety of reasons, most of which relate to influence from non-Aboriginal society, women may be disproportionately victims of the increase. For instance, Burbank, when commenting on the apparent correlation between violence and alcohol indicates that the connection is made by women who remark: 'When men drink they come back and bash their wives' (Burbank 1980, 60).

A number of recent reports, such as that of the Aboriginal Women's Task Force (Daylight and Johnstone 1986), have drawn attention to the increasing concern of Aboriginal women at the violence in their communities, and particularly to the extent to which it is directed at women. Indeed, it appears that Aboriginal women today may have good reason to fear assaults by men. Although Wilson (1982) sees violence

amongst Aborigines as affecting all members of a community or family it is noticeable that many of his examples relate to women being injured or killed by men, or being raped - possibly the most extreme case of intersexual violence.

The extent to which Aboriginal women are subjected to violence is perhaps best illustrated in the report prepared by Pat O'Shane for the New South Wales Task Force on Domestic Violence. In the course of interviewing women O'Shane came across only three who had not personally suffered domestic violence. Their experiences were summed up in such statements as: 'It's part of being black isn't it?' and 'It happens in every home, regardless of how it looks to people on the outside' (O'Shane 1981, 102).

When discussing violence against Aboriginal women, it should be noted that while it is important to distinguish between traditional and non-traditional violence, in practice it is often difficult to do so. Strictly speaking traditional violence refers to clearly defined and controlled punishments which were applied in cases where Aboriginal Law was broken, many of which are still in use in communities where traditional Law is followed. However, it may sometimes be used to describe violence which is not prescribed by Aboriginal Law but which is condoned as a response to socially disapproved behaviour. The same distinction can be made in the broader Australian society between the legal prohibition and punishment of violence against women and the tacit acceptance of some violence when it is in response to behaviour which meets with social censure.

Violence in Australia

At this point it is salutary to turn from violence amongst Aboriginal people to violence in Australian society at large. Is the experience of Aboriginal women so different from that of non-Aboriginal women?

There is some evidence (Tonkinson 1985) that physical aggression by both sexes may be more common in Aboriginal than in non-Aboriginal society. However, this is by no means certain as some writers have noted that resorting to physical aggression is more common than is usually admitted in Western society (Straus, Gelles and Steinmetz 1980).

In the recent report of the National Committee on Violence the conclusion is reached that in Australia, 'Violence permeates all life...' (1990, xvii). Some idea of the scope of the report is gained from the working papers published during the course of the inquiry. These dealt with such topics as violence in sport, on television, against children, domestic violence, etc.

In the final report the Committee made a number of general statements about violence in Australia, some of which are particularly relevant to the present study. These are:

that Australia is more violent than it was before the second World War

that the level of violence is substantially higher in the Northern Territory than in other parts of Australia

that alcohol plays a major role in violence in Australia

that although men are more likely to be victims of most forms of violence than women, women are the main victims of sexual assault and domestic violence (1990, 3-4).

In relation to the last statement the Committee noted that a considerable number of violent crimes never come to police attention and that, 'foremost in this 'dark figure' are the majority of sexual assaults and incidents of domestic violence' (1990, 4).

In Australia it is only in recent years that the scope of domestic violence has been brought to public attention so that now estimates of the number of women subject to violence in the home range from one in ten to as many as one in three. Due to the hidden nature of this crime noted by the Committee on Violence, such estimates are in the nature of informed guesses based on factors which will be discussed later in this study.

For the moment it is enough to note that a national social survey conducted for the Australian Government Office of the Status of Women produced some surprising facts about the views of the Australian public concerning domestic violence. The majority of people (85 per cent) considered that domestic violence was a serious issue and that perpetrators were mainly men. Also, almost half the population knew either a perpetrator or a victim of domestic violence. However, many people did not think domestic violence was a crime.

One third of the people surveyed believed that domestic violence was a private matter to be handled within the family and more than a quarter said they would ignore the situation if they found out that a neighbour was beating his wife. Two thirds believed that a woman could always leave if she was being beaten. Significantly, one in five people believed that the use of physical force by a man against his wife was acceptable in some circumstances and this view was held by 17 per cent of women and 22 per cent of men. Six percent even thought that there could be justification for using a weapon on one's wife (Office of the Status of Women 1988, 2-3).

The present study will show that both Aboriginal and non-Aboriginal women have many similar experiences of domestic violence, for the ideas and attitudes reported by the Office of the Status of Women are common also among Aboriginal people. This is one of the factors which makes it so difficult to distinguish accurately between what is really traditional violence, *ie* legal punishment, and what is merely violence which is socially endorsed because of the attitudes and biases of community members. So all women caught up in a violent domestic situation are likely to suffer shame and try to hide their injuries; they are often reluctant to go to the police; and, with good reason, considering the lack of support services, they are disinclined to leave home.

However, there do appear to be differences in the experiences of Aboriginal women. It may be that more Aboriginal women are victims of violence; indeed, it sometimes seems that few have NOT experienced it. Also, while domestic violence for non-Aboriginal women refers to assault by a spouse or partner, the domestic situation of an Aboriginal woman may encompass a larger group of relatives so that domestic violence may need a wider definition.

Another difference seems to be that Aboriginal women are more likely to be attacked with a weapon than are non-Aboriginal women. For instance, a study of 184 cases of domestic assault before the courts in New South Wales showed that weapons were

used in only 10 per cent of the attacks (Scutt 1986, 50). This contrasts with evidence from the Northern Territory Police crime reports which showed that weapons were used in over 50 per cent of the attacks on Aboriginal women.

Finally, there are social and cultural factors pertaining to Aboriginal society which have a bearing on both the attitudes to violence and the options open to women who are affected by it.

Study framework

This study is concerned with violence against Aboriginal women in the Northern Territory. It covers women who inhabit flats and houses in towns, and whose living conditions may be similar to those of many non-Aboriginal Australians. But it also includes those who live in town camps or in remote communities where the majority of the inhabitants are Aboriginal Australians and the living conditions are very different from those of non-Aboriginal Australians.

The violence referred to is not only domestic violence as narrowly defined in most legislation around Australia: that is, violence against a spouse or partner. As will have become clear from the preceding discussion such a definition is inadequate for analysis of the aggression which takes place amongst Aboriginal people. Indeed, many Aboriginal people are unhappy with the term 'domestic violence', preferring to talk about 'family fighting'. But whatever name it is given, violence between spouses or partners forms a major part of this study. Incidents such as that described at the beginning of this chapter are, unfortunately, a normal part of many Aboriginal women's experience.

Nor is the study confined to physical violence. Although physical (including sexual) abuse is a major factor, psychological and emotional abuse, and economic abuse involving the withholding or extraction of money or goods are also important in an analysis of violence against Aboriginal women. Each form of abuse may occur on its own but it is more common for them to be used simultaneously or, at least, for a man to employ each form of abuse at some time against the same woman.

The study encompasses the whole of the Northern Territory but it must be emphasised that it is exploratory only, rather than definitive. This is because the time frame of one year for the project (from July 1989 to July 1990), and the limited human resources available, precluded visiting many Aboriginal communities or spending enough time in the communities selected for in-depth study to take place.

Given the constraints, a compromise was arrived at whereby eight communities were included in the study, four in Central Australia and four in the Top End, and each was visited for a maximum of two weeks. This was an attempt to get away from the 'flying visit', which is so often the way Aboriginal research is conducted, and to gain at least some 'feel' for each community. The eight communities were all controlled either by a Local Government Council or a Community Council; no communities on pastoral leases were included. Outstations were also excluded from the study plan although some were visited and a number of people from outstations were present in the selected communities. An attempt was made to sample a variety of different types of communities on the basis of a number of factors including: population size and homogeneity/heterogeneity; language and culture; distance from and/or ease of reaching a major town; presence or absence of a police station, a health centre, or alcohol.

In addition research was carried out in Darwin, Alice Springs and Tennant Creek and included some work in town camps. Darwin was the base for the project and several weeks were spent in Alice Springs and two weeks at Tennant Creek. Because of time constraints the Katherine area was excluded from this study.

Data were collected in a variety of ways, the major ones being informal talks with Aboriginal women individually or in small groups, meetings of women's organisations, or by observation of events in communities. Aboriginal men in communities who were willing to discuss the issues were also approached both as individuals and as members of Aboriginal organisations.

Other sources of data were the various public sector agencies and organisations, government and non-government, Aboriginal and non-Aboriginal, concerned in some way with violence and its consequences. In communities the obvious sources of data were the police and clinics. Interviews were conducted with employees and available records were perused.

Similarly, employees of government agencies in towns were interviewed, including the various branches of the Department of Health and Community Services, the Northern Territory Police and the Department of Law. Other contacts were people in relevant church organisations, women's organisations such as refuges, and Aboriginal organisations such as legal aid services and health services. In all cases, where appropriate and available, documents relevant to the study were examined.

Numerical data did not form a major part of this study for the simple reason that there are few statistics available relating to violence against Aboriginal women or even for domestic violence in general. However, some numerical data was available from Northern Territory Government sources such as the police, courts and prisons and from hospitals and clinics as well as from non-government sources such as women's refuges.

The framework for the discussion is as follows. In Chapter Two the numerical data is presented and analysed in terms of the deductions which can be drawn from the various statistics. In addition, the shortcomings of the data for coming to any conclusions about the incidence of violence against Aboriginal women are pointed out.

Aboriginal women's experiences of violence are the focus of Chapter Three where the discussion centres around the presentation of cases drawn from all parts of the Northern Territory. The cases include stories by women who have been victims of abuse as well as the comments of other women and men concerning violence in their communities.

Chapter Four deals with the causes of violence against women. Theories of domestic violence are first presented and are followed by a discussion of the usefulness of these theories for an understanding of violence against Aboriginal women. Other factors which may be particularly relevant in this study are also discussed.

In Chapter Five the options for women experiencing abuse are outlined. Constraints to finding viable and lasting solutions are discussed as well as the action taken by women, both individually and collectively, to deal with their problems.

Chapter Six deals with the responses of public sector agencies and organisations to violence against Aboriginal women. The policies and practices are described as well as the attitudes and actions of employees.

Finally, in Chapter Seven some ideas are discussed for initiatives which might reduce the incidence of violence against Aboriginal women or alleviate its effects. Changes to public sector regulations, procedures and training are canvassed as well as possible Aboriginal initiatives and the resources needed to implement them.

CHAPTER TWO

FACTS AND FIGURES

The numerical data on the incidence of violence against women are generally sparse and not reliable as an indicator of the true level of violence. There are several reasons for this. The first reason relates to the point made by the National Committee on Violence (1990) when it was stated that a considerable number of violent crimes never came to the attention of the police and that foremost in these were sexual assaults and domestic violence. There is good reason to believe not only that women are the principal victims of these crimes but also that most assaults on women are by men whom they know and trust, and take place in or around their own homes. It is clear, therefore, that statistics of reported crimes will tend to understate the incidence of violence against women.

A second reason is that where statistics are kept which could give valuable information about the incidence of violence, crucial variables are often omitted. For example, many hospitals now record the number of patients treated for alcohol related diseases but fail to separate sickness from injury. Similarly, where hospitals record treatment and admissions for trauma there is generally no indication of whether the trauma relates to an injury caused by an accident or has been inflicted by another person.

Even where the type of crime or injury is defined, information about the sex and race of either victim or perpetrator is often not given. If names are recorded it may be possible to extract the information by hand but this is hardly the most efficient way of compiling statistics. Nor is it particularly reliable since Aboriginality is not always identifiable from a name.

The reluctance of women to admit to the circumstances of injuries can also lead to unreliability in statistics. Even if hospitals record different types of trauma the statistics may be invalidated in cases of domestic violence because women are unwilling to admit how injuries occurred. The classic answers: 'I walked into a door', when asked how a black eye happened or: 'I fell downstairs', to explain a broken arm clearly illustrate the problem for health workers who may feel unable to press a reluctant patient to talk about something which clearly causes her distress.

However, even if it were possible to identify and record all physical violence against all women, the data would still be incomplete because other types of violence, such as psychological and emotional abuse and economic abuse would be omitted - and these are even harder to quantify than physical abuse. Probably women's refuges are the only places which come close to identifying a woman's total experience of violence. But, then, not all women go to refuges.

All this is not to say that quantitative data are of no use in helping to understand the phenomenon of violence against women. In this chapter some of the statistics available in the Northern Territory will be presented and discussed. The aim is to attempt to interpret them to assist in assessing the incidence and circumstances of violence against Aboriginal women.

Police

The crime reports and apprehension reports of the Northern Territory Police are the main source of information concerning reported crimes of all kinds. Unfortunately, a serial numbering system is used covering the whole of the Northern Territory and there is no division into different types of crime, for example, crimes against person in contrast to crimes against property. Nor is there any sorting in relation to sex or race of either victim or offender. For the purpose of this research the crime reports (and associated apprehension reports, when these were attached) relating to personal violence, where the victim could be identified as an Aboriginal female, were extracted for the years 1987 and 1988, and form the basis for the following discussion.

Two points must be made. First, while the crime reports are said to cover reported crime this is not quite true. In fact they cover only crimes where a complaint is laid with the intention of prosecuting. The police receive a considerable number of reports of violence against Aboriginal women (and, indeed, against all women) which never become the subject of a prosecution. This may be because the police, for whatever reason, do not consider any further action is necessary or it may be because the woman is unwilling to lay a formal complaint. Both of these issues will be dealt with later.

According to the Northern Territory Criminal Code a person cannot consent to an injury which causes grievous harm, that is an injury 'of such a nature as to endanger or be likely to endanger life or to cause or be likely to cause permanent injury to health' (*Northern Territory Criminal Code* 1983). So in the case of a serious injury the police may insist on prosecution and if necessary bring the victim to court as a witness on warrant. However, a reluctant witness is obviously not ideal so in the case of a lesser, though still quite serious, injury the police will seldom proceed to prosecution without the victim's agreement.

Secondly, the crime reports themselves leave much to be desired as a source of data. The design of the crime report form is clearly geared towards offences relating to property. In the first section the offence is stated and where and when it took place. The victim's name and address, occupation and age 'if relevant' are in the next section along with details of where and when the offence took place and how it was reported. The third section is devoted to information about property stolen or damaged. There is no comparable section which deals with damage to a person. Certainly there is a space for a narrative of the incident but even here the bias is towards property; such instructions as are given for writing the narrative suggest that it should include description of property including make, model, etc. and from where it was stolen.

The lack of direction means that the form is an unreliable source of information about violence since it may or may not contain details of important factors such as the race of the victim, the relationship of victim and suspect, whether either was affected by alcohol, and details of injuries, weapons used, etc. Some forms have much information, others very little. In the end it depends on what the officer thinks is important and how much time there is to complete the form. In a busy station time may be the crucial factor.

Apart from its unreliability as a source of useful data concerning violent crime, the design of the crime report lends weight to the belief of many police officers that

injury to people (except in the case of murder) is not real police work, particularly when it is what is usually termed a 'domestic'. Real police work is in the nature of 'cops and robbers' - as the form clearly confirms.

In 1987 there were 1443 offences of murder, manslaughter, attempted murder and assault which were the subject of crime reports in the Northern Territory while in 1988 there were 1811 such offences. Table 2.1 shows the number in which the victims were Aboriginal females.

Table 2.1

Number and type of offences against Aboriginal women

Offence	1987 No	1988 No
Murder	11	6
Attempted murder	1	0
Assault	216	264
Sexual assault	29	42
	-----	-----
	257	312
	-----	-----

Source: Northern Territory Police crime reports 1987 and 1988

The total of 257 offences against Aboriginal women in 1987 represents 18 per cent of the total of 1443 offences for that year while the figure of 312 offences for 1988 represents 17 per cent of the 1811 offences in that year. According to the 1986 Census the total population of the Northern Territory was 154,848 of which 17,823 were Aboriginal females (Australian Bureau of Statistics 1986). Aboriginal females, then, constituted only 11.5 per cent of the Northern Territory population so it is clear that they were grossly over-represented in the number of offences committed against them.

It has already been suggested that a report of violence may not lead to a formal complaint and prosecution so that the offences listed here are clearly not all the assaults suffered by Aboriginal women. A number of studies both in Australia and overseas (eg Scutt 1983; Radford 1987) have noted that women are often reluctant to report incidents to the police. Scutt found that only a little over half of her sample had sought police assistance (1983, 217) while Radford put the figure as low as 25 per cent (1987, 36). Scutt also found that in only 10 per cent of those cases where women did report to the police did an arrest follow (1983, 228).

Using this information the crime report figures can form the basis for an estimate of the number of assaults suffered by Aboriginal women in Northern Territory. So, taking the 1987 figure of 287 and assuming that this represents 10 per cent of the violent incidents reported to the police, it seems that there could have been a further 2500 incidents which came to police attention but which did not result in a charge being laid. However, if only about half of all incidents were reported then there could be nearly 6000 incidents altogether; that is, equivalent to about one third of the Aboriginal female population in the Northern Territory being assaulted in a year.

While this sounds horrific it is no greater than estimates for the incidence of domestic violence by many other writers (Mugford 1989). In a study of police responses to domestic violence in South Australia, Jacobs (1985) noted that in only between three and six per cent of cases did calls to domestic violence incidents lead to a crime report being submitted. And so far as Aboriginal women are concerned it could be a conservative estimate for O'Shane (1981) found that very few of the women she interviewed in New South Wales had sought police help. The situation for Northern Territory Aboriginal women is complicated by the issue of traditional violence. It is not usually possible to identify this from statistical sources but it is unlikely that they would include cases of violence sanctioned by Aboriginal Law (or even cases of violence condoned in a community) unless injuries were so serious that they could not go unreported. However, as will be discussed later, there is a considerable amount of violence which perpetrators claim is traditional but which is disputed by others and this is more likely to be reported.

Apart from estimating the incidence of violence against Aboriginal women other information can be drawn from the crime reports which contributes to an understanding of what is happening.

Victims and offenders

Most of the offenders were Aboriginal men - about 80 per cent. The remainder of cases were evenly divided between female Aboriginal or non-Aboriginal offenders and cases where the sex or race of the offender was not stated. And, of those cases where the relationship of victim to offender was indicated, which it was not in 35 per cent of cases, about half were partners or ex-partners.

In respect to homicides, most of the victims were partners or ex-partners of the offenders; 9 out of 11 in 1987, 5 out of 6 in 1988. Also the proportion of Aboriginal women killed was particularly high in 1987 when it amounted to 44 per cent of all homicides. The proportion dropped to 21 per cent in 1988 but was still high in relation to the proportion of Aboriginal women in the Northern Territory population.

About 75 per cent of all offenders were between the ages of 16 and 40 years, with some 40 per cent in the age range 21-30 years. It is difficult to arrive at any clear picture of the women who are most at risk because ages of victims were recorded on only half the crime reports. However, of the cases where it was stated, 65 per cent were between 16 and 40 years of age. It should also be noted that some 20 per cent of victims were between six and 15 years of age.

In the case of sexual assaults about half the victims were under the age of sixteen years. The number of sexual assaults is certainly grossly under-reported since women are even more reluctant to report these than normal assaults. The high proportion of these offences in the under sixteen age group is probably due to mandatory reporting by health and welfare personnel of sexual assaults on children which come to their attention.

Place and time

Violent incidents occurred throughout the Northern Territory. Localities were identified as urban, including large and small towns and town camps, and rural, including Aboriginal communities and outstations and pastoral properties. Table 2.2 shows the location of incidents.

Table 2.2

Location of violent incidents against Aboriginal women

Area	Number	
	1987	1988
Urban (towns and town camps)	146	198
Rural (communities, pastoral stations and outstations)	111	114
	<hr/>	<hr/>
	257	312

Source: Northern Territory Police crime reports 1987 and 1988

Since the Aboriginal population is roughly evenly divided between urban and rural areas in Northern Territory, it is interesting to note that the majority of incidents were in the urban areas, and that the increased number of incidents in 1988 was mainly in urban localities. Also in the rural areas very few incidents were reported from pastoral properties or outstations.

However, it is important not to place too much emphasis on the contrast between urban and rural localities, for the number of incidents in Aboriginal communities in rural areas varied widely. In some communities there were very few incidents or none at all, while in others the number was proportionately high considering the size of the community. Also in some cases there were large decreases or increases in incidents from one year to the next. In three communities the number of incidents more than doubled in 1988 while in three others there were less than half the number of incidents in 1988 than in 1987.

The highest number of incidents reported in a community in one year was 13 while there were none reported from some communities. There does not seem to be any pattern in relation to size, homogeneity, distance from a town, whether alcohol is restricted, etc. However, other factors may affect the reporting of incidents in communities so that a high or low level of reported incidents is not necessarily a true indicator of the level of violence in a community. For instance, traditional punishment may be the most prevalent form of violence in some communities or outstations and it has already been suggested that this is unlikely to be reported. In addition, proximity to a police station and personal or community attitudes towards involving police may be important. These issues will be discussed more fully in later chapters.

Some of the variations in both urban and rural areas may be due to population movement or to changes in reporting of incidents. There is some evidence that women are starting to report assaults more frequently in some places. But other

factors may influence events such as changes in Councils or in alcohol controls or other matters such as deaths or increased ceremonial activity.

The time when most violence occurred was between 6 pm and midnight; almost half of all incidents were in that time period. The quietest time was between 3 am and 9 am. It is often suggested that more violence occurs at certain times of the week - at the weekend or on the day when Social Security payments are made. However, there is little evidence of this in the crime reports. The most noticeable thing is that Sunday was by far the quietest day. Incidents were spread fairly evenly across all other days with the most incidents being recorded on Saturday in 1987 and on Wednesday in 1988. Similarly, there is no evidence for the popular belief in a marked seasonal variation in the level of violence in the Northern Territory, for example, during the build-up to the wet season in the Top End.

Narrative

Victims were assaulted in a variety of settings, the most common being at their own house, in a camp or settlement or in a populous area such as a street or park. Other places included at another person's house, in or outside shops, offices and clubs or at beaches or creeks. However, it is often not clear exactly where the incident took place since a camp or settlement may still mean that the assault was at the victim's home, whereas an assault at the victim's house may mean either inside or outside.

In only 12 per cent of cases were victims said to have been alone at the time of the assault. Again, the evidence is inconclusive since over half the crime reports had no mention of whether or not other people were present. Even in the cases where it was stated definitely that other people were present, the majority were merely noted as reporting the incident to the police. The crime reports give very little idea of whether victims received any assistance from other people. In very few instances were there descriptions of others intervening to protect the victim; for one or two assistance in the assault was recorded.

Most incidents were reported either by telephone or by someone going to the police station. In a few cases reports were made at the scene of the incident or in the community. About 50 per cent of all incidents were reported by the victim, the rest being reported by a variety of people including relatives, friends or neighbours, and health, welfare, women's refuge, legal aid or council staff.

Weapons were used in 57 per cent of cases in 1987 and 52 per cent in 1988. They included sticks, rocks, iron bars, knives, spears, guns, firesticks, bottles and ropes. Knives and sticks of various kinds accounted for half the weapons used, with another quarter consisting of rocks and iron bars or star pickets. Injuries sustained included bruising, lacerations, burns, broken bones, internal injuries and stab or gunshot wounds. The most common were lacerations.

Considering the frequent use of weapons in 1987 it is surprising to find that, according to the crime reports, only 35 per cent of victims received medical attention of some sort. In contrast, when weapons were used in 52 per cent of cases in 1988, 49 per cent of victims were said to have received medical treatment. In most cases treatment was at a clinic or the casualty section of a hospital but sometimes victims were admitted to hospital or taken away by ambulance.

Alcohol

Neither the crime reports nor the apprehension reports are reliable sources of information concerning whether the offender or the victim were under the influence of alcohol at the time of the assault. In 40 per cent of cases there was no information at all and the most that can be said is that in just under half the cases alcohol was present, while only around 10 per cent were definitely not alcohol related. Only the offender was under the influence of alcohol in approximately two thirds of the cases where the presence of alcohol was recorded, while both offender and victim were affected in the other third.

The crime report has no specific place to record whether an incident is alcohol related or not but there is a question on the apprehension report as to whether the incident is alcohol related, drug related or not known. In many cases it seems to be not known. This may be because inquiries have not been made or because the apprehension report is filled out at a later date and the officer has to rely on the information having been recorded on the crime report.

Because of poor recording it is not possible to say with certainty what part alcohol has played in the incidents referred to in the crime reports. However, a comparison of cases where alcohol was known to be present with cases where it was known not to be present shows no difference in the proportion of victims who sustained injuries serious enough to require medical attention.

Health

There is, as yet, no official collection of statistics on domestic violence carried out by the Department of Health and Community Services although there has been some unofficial collection by staff who have become concerned at the number of cases of assault treated, particularly in relation to alcohol abuse. However, some numerical data concerning violence against Aboriginal women can sometimes be extracted from the records of hospitals and clinics. A report prepared for the Northern Territory Department of Health by Devanesen *et al* (1986) has information from the inpatient database for hospital separation rates* for Royal Darwin Hospital, Alice Springs Hospital, Tennant Creek Hospital, Gove District Hospital and Katherine Hospital. The authors noted that Aborigines had higher hospitalisation rates than non-Aborigines and that one of the leading causes was injury and poisoning.

The most useful data is that relating to the number of people hospitalised due to homicide or injury purposely inflicted by others and this is shown in Table 2.3.

* The term 'separation' refers to a patient leaving hospital due to either discharge or death

Table 2.3

Hospital separation rates for homicide and injury purposely inflicted by others

Year	Male		Female		Total
	Aboriginal	Non-Aboriginal	Aboriginal	Non-Aboriginal	
1977	172	181	159	35	547
1978	190	155	182	37	564
1979	189	127	173	37	526
1980	203	190	225	55	673
1982	211	131	235	45	622

Source: Devanesen *et al* 1986, 223

It is clear that the separation rates were generally higher for Aborigines than for non-Aborigines, (particularly when it is remembered that Aborigines constitute only 22 per cent of the Northern Territory population) and higher for males than for females. But significantly, the rates for Aboriginal females were generally closer to those of males and showed a steady increase over the years until by 1982 they were higher than for any other group. The figure of 235 for that year represents 38 per cent of the total of 622 hospital separations in the category of homicide and injury purposely inflicted by others, whereas Aboriginal women constitute only 11.5 per cent of the Northern Territory population. Also the age at which Aboriginal females were most likely to be injured was between 25 and 44, when the rate of hospital separation was similar to that of Aboriginal males and 23 times higher than the rate for non-Aboriginal females (Devanesen *et al* 1986, 222-5).

The age at which injury of Aboriginal females is most likely to occur is substantially consistent with the information gained from the crime reports. Also the annual rate of separation is comparable with the numbers of crime reports in 1987 and 1988 if we assume that the increase noted between 1977 and 1982 has been sustained.

However, it should be recognised that the hospital data is for inpatients only. From discussions with staff of casualty sections in hospitals around the Northern Territory there seems to be general agreement that the inpatient figure represents only about a quarter of those treated. On this basis the number of Aboriginal females treated for injuries in 1982 was probably about one thousand.

Another factor which needs to be taken into account is whether the data on injury purposely inflicted by others is a true indicator of the number of assaults suffered by Aboriginal females since it has already been suggested that many women who are treated for injuries are unwilling to admit what caused them. In the Health Department report it was indicated that homicide and injury purposely inflicted by others was the cause of hospitalisation for 35 per cent of trauma for Aboriginal females. However, accidental falls accounted for another 25 per cent and other accidents for 20 per cent (Devanesen *et al* 1986, 209). There is no way of telling from the data whether any of these accidents were actually the result of assaults.

There are no comparable statistics from the hospitals for the time since 1982. This is because collection of the data which made it possible for Devanesen *et al* to derive

statistics relating to injuries ceased. This was due to the gradual decrease in Federal Government funding after 1978 when the Northern Territory became self-governing. When the Royal Darwin Hospital opened in 1985 it was intended to set up a Hospital Information Centre for the collection of data and a computer was provided for this purpose but was never installed. Since then three major projects to set up a data base have been aborted. A new project is at present under consideration. If all goes well it should start in September 1990 and it may then be possible once more to obtain important data on health indicators, including injuries, which are at present lacking.

Although there has been no general collection of statistics relating to injuries in recent years, a pilot study was carried out at the Royal Darwin Hospital in 1989 through the National Injury Surveillance and Prevention Project based in Adelaide. During a six week period in January and February some Adelaide medical students interviewed each trauma patient at Royal Darwin Hospital. Out of a total of 785 patients interviewed 130 cases were extracted in which violence was the cause of the injury, that is it was the result of a fight or intended violence between persons. The breakdown by sex and race of these 130 cases was as follows:

Table 2.4

**Patients treated for injury due to violence at
Royal Darwin Hospital : January/February 1989**

Male		Female	
Aboriginal	Non-Aboriginal	Aboriginal	Non-Aboriginal
21	61	33	15

Source: National Injury Surveillance and Prevention Project pilot study

The figures here include both inpatients and outpatients whereas the Health Department data was for inpatients only, hence the higher incidence of injuries. For instance, the annual rate for Aboriginal females based on this data would be 280. Assuming an inpatient rate of one quarter of all patients an annual rate of 70 is arrived at for the Darwin/Palmerston area. This gives an annual rate of 420 for the whole of the Northern Territory compared with 235 in 1982, given that approximately one sixth of the Aboriginal female population is in the Darwin area (Australian Bureau of Statistics 1986). It would seem, therefore, that the increase in assaults on Aboriginal women noted by Devanesen *et al* has continued since 1982. Another interesting point which emerges from this data is that in 16 of the 33 incidents where Aboriginal women were injured weapons were involved, whereas this was so in only two of the 15 assaults on non-Aboriginal women. This adds weight to the previous observation that Aboriginal women are much more likely to be attacked with weapons than non-Aboriginal women.

Further evidence for a continuing increase in violence against Aboriginal women comes from another survey carried out in Alice Springs during six weeks towards the end of 1988. In this case the staff of Alice Springs Hospital Casualty Department and Central Australian Aboriginal Congress Clinic were asked to record all women treated for injuries. Only the first presentation was recorded but even so 109

Aboriginal women were treated for assault injuries during the six week period (Coghlan 1989, 43). This works out at over 900 a year for the Alice Springs area alone.

If this seems outrageous it is perhaps worth turning back to the estimate arrived at from the crime report data when it was suggested that the real figure for assaults on Aboriginal women in Northern Territory could be 6000 per annum.

As mentioned the National Injury Surveillance and Prevention Project survey was merely a pilot study. However, early in 1990 some funds had been received through the Federal Government which it was hoped would enable data relating to injuries to be collected on an ongoing basis. Initially, the intention was to continue doing this at Royal Darwin Hospital but there were also plans to extend the project to Alice Springs Hospital and eventually to the hospitals at Tennant Creek, Katherine and Gove. It was also envisaged that if the Hospital Information Centre planned by the Northern Territory Government were to go ahead this could be linked with the injury data project. In this case, at some future date, there should be much needed extensive and reliable data on violence available in the Northern Territory.

The last source of data relating to violence against Aboriginal women in the health area to be discussed is that from community clinics. Very few clinics collect data systematically although some have begun to record alcohol related injuries because of a concern at the apparent increase in the level of violence in communities. At one clinic at a Top End community this data had been recorded for one year and is presented simply as an example. The data for other community clinics visited was generally less complete but will be referred to later.

Table 2.5

Top End community : Population about 1000
Alcohol related injuries treated at clinic : 1.2.89-31.1.90

	Injuries	
	Inflicted by others	Other*
Male	68	20
Female	73	7

*Includes car accidents, falls, self-inflicted, coma
 Source: Community Health Centre records

The sister in charge estimated that figures in Table 2.5 represented about 25 per cent of all injuries in the community during the twelve month period. This was because not all clinic attendances were recorded due to oversight or staff being too busy to write up an incident; because not all injured people came to the clinic; and because a minority of injuries was not alcohol related.

Almost all injuries were inflicted by men. Only four of the women were injured by other women as were 12 of the men. In the case of the men 10 were injured by wives or girl friends while 41 women were injured by husbands or boyfriends.

Women's refuges

The final numerical data which will be presented in this chapter relate to women's refuges or shelters. Refuges provide emergency accommodation for women in times of crisis. Although women may stay in refuges because of such crises as temporary homelessness or economic problems the most usual reason for staying is because they are victims of domestic violence. Indeed even where there may be reasons other than domestic violence for women going to a refuge, the reality is that this is often a contributing factor.

All refuges are required to submit reports to funding bodies containing statistics concerning the rate of usage of their accommodation. However, most refuges keep fuller records for their own use to assess the effectiveness of the service offered and in order to be able to submit suggestions to government concerning the needs of the women they accommodate. Other information recorded includes the number of children accompanying a woman, her reason for coming to the refuge, whether or not this was her first visit, who referred her, what services she was offered while staying at the refuge, where she went when she left, and information about her partner. The last piece of information is sometimes needed to enable the police to trace a violent man who is harassing a woman.

Unfortunately, the pressures on staff at refuges are such that this information is often imperfectly recorded. Also, even when collected there is little time, and refuges seldom have the facilities, for collating and analysing the data. For instance, Dawn House in Darwin had recently acquired a computer but so far there had been no-one with sufficient skill or time to work out a simple and efficient system for recording and retrieving data.

The data presented below is from the women's refuges in Darwin, Alice Springs and Tennant Creek. There is also a refuge in Katherine but it was not included in this study.

In Darwin there are three refuges. Dawn House and Catherine House cater for both non-Aboriginal and Aboriginal women and have been operating for several years. Women with children may stay at Dawn House but Catherine House is designated a lone women's crisis centre and children are not permitted. Darwin Aboriginal Women's Shelter (DAWS) opened only in September 1988 and is for Aboriginal women and their children. Table 2.6 shows the number of women accommodated at the Darwin women's refuges during 1988 and 1989.

Most of the Aboriginal women who went to Dawn House had children with them, some as many as eight. The majority were accompanied by between one and three children. Some women stayed as long as 50 days but the majority were there for only one to three days. About half the women were self-referred while the rest were referred by others: friends, the police and other agency staff, including other refuges. About 60 per cent were there to escape physical violence, while a further 30 per cent had suffered emotional abuse or were there due to problems associated with alcohol. Some 20 per cent of the women stayed at Dawn House more than once in a year.

Table 2.6

Number of women accommodated at Darwin women's refuges

Dawn House (capacity = 15 women and children)		
Year	Aboriginal	Non-Aboriginal
1988	141 (45%)	172 (55%)
1989	55 (16%)	295 (84%)

Catherine House (capacity = 10 women)		
Year	Aboriginal	Non-Aboriginal
1988	33 (18%)	165 (82%)
1989	65 (22%)	237 (78%)

Darwin Aboriginal Women's Shelter (capacity = 12 women and children)	
Year	Number
1989	191

Source: Dawn House, Catherine House and DAWS records

About half the women who stayed at Catherine House went there because of domestic problems, either physical abuse or alcohol related. The rest stayed because they were homeless, had money problems or were in Darwin for such things as attending hospital. Most were self-referred, although some were referred by police, other agency staff and friends. At the end of their stay only 20 per cent returned to their previous home. About 10 per cent of the women had stayed at Catherine House more than once in a year.

Many of the women who stayed at DAWS had children with them. The majority were accompanied by between one and three children, but a minority came with four or five children. Most went to DAWS to escape from violence at home, although a significant number were listed as homeless. Some were self-referred but many were referred by Aboriginal Legal Aid and the other refuges as well as by friends and the police. About 30 per cent of the women had stayed at DAWS more than once during 1989.

It should be noted that the number of women using refuges in Darwin increased dramatically in 1989. The opening of DAWS did not lead to any decrease in numbers at the other refuges. The gap left by Aboriginal women moving from Dawn House to DAWS simply led to an increase in the number of non-Aboriginal women going to Dawn House. The number of Aboriginal women accommodated at Darwin refuges increased from 174 in 1988 to 311 in 1989.

All refuges reported that there were times when their capacity to accommodate women was stretched to the limit. Generally, it had been possible to accommodate everyone by pooling the resources of all three refuges but there had been times when alternative temporary accommodation had to be found for some women.

The number of women who stayed at Dawn House and DAWS more than once is high but not surprising. It simply bears out what all refuge workers know: that however good their support is for women while they are at the refuge, there is little they can do for them after they leave. So, many women return to violent situations because of lack of support services and, inevitably, end up back at a refuge sooner or later. It is noticeable that at Catherine House, which caters exclusively for single women, only 10 per cent of women stayed more than once and the majority went to alternative accommodation, rather than going home, after they left. It is obviously much easier for a single woman to reorganise her life than it is for a woman with children.

In Alice Springs there is one women's refuge which accommodates both Aboriginal and non-Aboriginal women and their children. Women's Community House was opened at the end of 1981. Initially, it was used mainly by non-Aboriginal women but over the years this has changed so that now the majority of women who stay there are Aboriginal.

Table 2.7 shows the number of women who stayed at Women's Community House during 1987-8 and 1988-9.

Table 2.7

**Number of women accommodated at
Women's Community House, Alice Springs**
(Capacity = 23 women and children)

	Aboriginal	Non-Aboriginal
1987-1988	420 (88%)	57 (12%)
1988-1989	395 (89%)	51 (11%)

Source: Women's Community House records

The slight decrease in numbers in 1988-9 is explainable by the inevitable fluctuations in the numbers accommodated at a refuge at any one time. The coordinator reported that the refuge was often filled to capacity and that, on average, over the first six months of 1989 twelve women had to be turned away each month.

The number of children accommodated at Women's Community House averaged one for each woman. However, not all women had children with them nor did they necessarily bring all their children to the shelter. The main reasons for staying were violence or the threat of violence, or alcohol related problems at home. Most were self-referred while others were referred by friends, the police, Aboriginal Legal Aid and other agencies.

The majority of women using Women's Community House were aged between 17 and 45, with 61 per cent being between 21 and 35 years of age. About 66 per cent of

the women came from Alice Springs town or from town camps; most of the rest were from surrounding Aboriginal communities. On leaving the shelter 75 per cent of the women from Alice Springs town and town camps returned home, as did 45 per cent of those from communities. That their problems were seldom solved when they went home is indicated by the fact that just over 50 per cent of women stayed at the shelter more than once in a twelve month period (Coghlan 1989, 38-42).

Tennant Creek Shelter is the newest of the refuges in the Northern Territory. It opened at the end of August 1989 and is able to accommodate 12 women and children. It is open to both Aboriginal and non-Aboriginal women and their children. Up to the first week in October, 30 Aboriginal women and one non-Aboriginal woman had been accommodated. This, of course, is less than capacity but for such a new refuge it indicates a substantial need in the area. It remains to be seen whether, as the numbers of women using Tennant Creek Shelter increase, there will be any decrease in the rate of usage of the other refuges to which Tennant Creek women have sometimes gone in the past.

Numbers of women accommodated at refuges are, of course, no indication of the level of violence against women since not all women go to refuges when they are assaulted, any more than they all go to the police or to a hospital or clinic. However, the figures presented show that altogether 736 Aboriginal women stayed at refuges in the Northern Territory during 1989. It appears that the demand may be growing since the numbers accommodated in Darwin had increased significantly over 1988 figures. Also, at Tennant Creek Aboriginal woman began using the Shelter immediately it opened. This may or may not mean that the number of Aboriginal women suffering from violence is increasing, but it certainly indicates that the demand for emergency accommodation for such women has by no means been exhausted.

Numerical data on violence

From the foregoing it can be seen that the numerical data relating to the incidence of violence against Aboriginal women in the Northern Territory is, at best, patchy. Certainly, no firm conclusions can be drawn concerning the numbers of women who have been assaulted although an attempt has been made to arrive at some very rough estimates.

Also, the additional data available is not good enough to achieve any real understanding of the dynamics of the problem. Such information as is recorded, for example that in the crime reports, is often too inconsistent and unreliable to be very useful.

All this has implications for policy since it is difficult to plan action in relation to a problem when there is little information as to the nature or extent of that problem. But however patchy the data it is clear that Aboriginal women suffer a disproportionate amount of violence and for this reason alone requests for resources and services deserve to be treated sympathetically.

One factor which inhibits the amassing of useful information is that there is no-one in the Northern Territory who has overall responsibility for collecting the necessary data. The Office of Women's Affairs is often seen as the coordinator of policy relating to women but, in fact, it has no authority over the various agencies whose brief

covers activities which are likely to bring them into contact with Aboriginal women who are victims of violence.

For a useful data bank to be built up individual agencies would have to initiate strategies for collection. But there is also a need for these individual efforts to be coordinated so that the material recorded is both complementary and interchangeable. This is not an easy task, for to be successful reasonably detailed information is required. However, such detail has to be combined with simplicity of operation if the people responsible for the initial recording are to cooperate.

Nevertheless, even if all this were done it would still not give the whole picture. The problems of women not going to refuges, of crimes not being reported, or of women refusing to admit how they were injured would still remain. Also, it is unlikely that information would be obtained for any violence other than physical injury and, as has already been pointed out, that is not the complete story.

It is for this reason that Hatty (1988, 7) has suggested that we should give up our preoccupation with the incidence of domestic violence. She argues that the private and hidden nature of the phenomenon is such that there is even a danger that a total emphasis on quantification could lead to the termination of programs and services, since inevitably statistical data will underestimate the needs. Instead more emphasis should be laid on qualitative methods of inquiry for arriving at an understanding of the problem.

In the Northern Territory the collection of quantitative data on the incidence of violence against Aboriginal women has barely started and there is much to be done to ensure adequate numerical information is available for planning purposes. But I would argue that qualitative information is equally important in attempting to understand more about Aboriginal women's experiences of violence and it is with the analysis of such data that the rest of this report is primarily concerned.

CHAPTER THREE

VIOLENT EXPERIENCES

In the Interim Report (1988) the Royal Commission into Aboriginal Deaths in Custody reported that in the seven years from 1980 to 1986 twelve Aboriginal people had died in custody in the Northern Territory. In contrast, 57 Aboriginal people died due to homicide and purposely inflicted injury during the five years from 1979 to 1983 (Devanesen *et al* 1986, 26). Aboriginal people are considerably safer in Northern Territory gaols than they are in their own communities.

For Aboriginal women the picture is even starker. During 1987 and 1988 three Aboriginal men died in custody in the Northern Territory but no Aboriginal women; indeed, there were no deaths of Aboriginal women in custody in the Northern Territory during the whole of the period covered by the Royal Commission. Yet in 1987 and 1988, according to Northern Territory Police Department crime reports, 39 Aboriginal people died due to homicide, and 17 of these were women.

When the number of Aboriginal people dying in custody was brought to public attention it caused such consternation that the Royal Commission was set up, and rightly so. Yet the fact that Aboriginal women particularly suffer far greater violence in their own communities and are much more likely to be killed and injured in and around their own homes has caused no similar public outrage.

In the Northern Territory today violence is an everyday experience for many Aboriginal women and perhaps a majority have been victims of violence at some time in their lives. As for non-Aboriginal women, domestic or family violence affects Aboriginal women in all walks of life whether they live in an isolated community or outstation, in a town camp, or in a city or small town. In this chapter the experiences of women are discussed and include both personal stories of assaults and other forms of violence and the comments and opinions of women about violence in their communities, camps and towns. Although fewer men than women were able or prepared to speak about violence against women, the observations of Aboriginal men are incorporated where possible.

Communities

In all the communities visited women perceived violence to be a major cause for concern. This did not mean that the level of violence was the same everywhere. In some communities there appeared to be far less violence than in others. But however it appeared to an outsider, women in all communities named violence as one of their greatest worries.

They referred particularly to the disruption to family and community life and the assaults and harassment of women of all ages. When the research project was explained in one community a woman remarked: 'About time too - a lot of things been happening around here, big problems with women getting beaten'. In another community a group of women identified 'women getting bashed' as their biggest

problem. Husbands, some women said, were 'too cheeky - they killim wife - they all drinking and start fighting wife and mother'.

Some women experienced violent assaults over a long period of time and for many it was associated with men drinking.

My husband is always drinking - he gets drunk, comes home, then there's an argument and he start to hit me. He talks rubbish. He hits me with a broomstick, with a cup - anything he can pick up. Last time he bashed me up and knocked my teeth out. He hit my little girl too - she help herself, open door and run to uncle place. He promise to shoot me with gun - me and the children are frightened of him. He told me 'you go to your father and mother - get out of my house'.

But when she did that he followed her:

He follows me. He wants to fight them [her father and mother]. He growls at them - he hasn't hit them. He comes with a big stick only for me. Sometimes he drags me out of the house - he keeps on and on.

This woman said her husband did not hit her when he was sober; but on the other hand, although he remembered what he had done he never said he was sorry:

He works at the Club. He gets drunk every morning, before that other mob comes. By the time they close he's really drunk.

I talk to him when he's sober and he's OK then - but he goes back on the grog and comes back and hits me. His relations have talked to him, they try to help him go to [alcohol] program. He won't. J. is his brother and growls at him and has talked to him - but he won't take notice of his brother.

Other women also experienced violence from husbands who drank. Some remarked that it was alright if they only drank a little, but unfortunately this was seldom the case.

For instance, if my husband came home with too many drinks from gambling he used to start yelling at us all, and belting me up, and mess up night for the kids. If he only drank 4 cans he came home quiet and sat down with the family. Other times he came home drunk - I had to run away a lot of times, had to run to the convent area with the kids. When the Club was there I was beaten all the time, and saw it happening to other women too.

Many women were frightened of men when they were drunk, saying that they became different people, threatening violence even if they did not actually hit:

When husbands drink they want to argue. If you are sober and want to say something they can't talk sense. If sober its different - husband lost his tongue all of a sudden. When he's sober he has nothing to say - he's lost his power, doesn't feel brave to say something. When he's drunk he talks rough, makes you feel he's going to hit you by saying rough things - that makes you shut up.

Women in all communities related the level of violence to problems with alcohol. In some cases this was because alcohol was being brought in illegally to dry communities and women were powerless to stop it. In one instance violence in a

community had escalated after a nearby roadhouse began using a takeaway liquor licence. Even where communities were reasonably successful in keeping out illegal liquor, they often had problems if they were close to liquor outlets so that men returned in a drunken state and became violent and abusive. In other cases where there was a social club selling alcohol in a community, the problem was generally one of control: both of the amount of liquor allowed to individuals and of the behaviour of club patrons.

Not all women were convinced that alcohol was the cause of all their problems. One woman remarked that her husband was 'always causing trouble - drunk or sober, he always belts me up'. Another woman was describing her experience as follows:

My husband drinks too much - he hits me for nothing. Last week he hit me on the back with a stick. It happens every week when he gets drinking. He never hits when he's not drunk. I tell him next day and he says: 'I don't know anything about it, I never hit you'. He feels sorry later - he knows he's drunk.

At this point, another woman who had been listening interrupted, saying sceptically:

He's not so drunk that he can't find his way home - he knows his own house then, so he knows what he's doing. Saying he doesn't is just an excuse.

The question of the relationship between alcohol consumption and violence against women is a complicated one and will be discussed more fully in the next chapter.

However, for some women there was no doubt that getting a husband off the grog had dramatically improved their lives. A teacher in one community eventually became so tired of the constant beatings from her husband after he had been drinking that she packed up and left, with their children. After three weeks her husband followed her to the town where she was staying and persuaded her to return to the community provided he agreed to attend a family alcohol awareness course with her. This they did and he gave up drinking. Two years later he was still not drinking and, more importantly, she had experienced no more violence.

In another community a woman had a similar experience, though for a slightly different reason:

I had a lot of problem with my husband when he was drinking. He used to punch me in the mouth, the eye, on my arm. I had a broken arm once and had to go to hospital. The police put him in gaol - he came out when he was sober.

Last year he got sick. He was sick at hospital from grog. The doctor told him he shouldn't drink and he hasn't since. I've had no trouble from him since; when he doesn't drink he doesn't hit me. He's happier too. He's alright now.

Not all women were so lucky. Some women experienced great brutality from men long after they had given up drinking, or from men who had never been drinkers. The woman in the following case had a history of beatings and severe injuries from her husband both when he drank and after he gave up drinking because of health problems some 10 years earlier. The injuries were said to have been less severe since he stopped drinking. However, just before the incident she had been frightened enough to run away to the nearest town. He followed her and brought her back to the community. Then he took her to their house and sent the children away:

X then punched me on the left side of my face twice very hard. This made me fall over. My face was bleeding from that punches. X told me not to scream out. He then asked me the same question again [why she ran away]. I said nothing. He then told me to boil the jug for some hot water. X then told me to wash my face. I washed my face and then he punched me between the eyes - that made my nose bleed and I got black eyes.

He then told her to fetch a hammer. She said she thought he might use it on her but she was too scared to say no; he hit her on the shoulder with the hammer so that it swelled. It was the next day before she went to the clinic for treatment; he refused to allow her to go that night.

Such calculated sadistic behaviour may be exceptional but many women experienced violence from sober men. There were stories of women being stabbed with knives, beaten with iron bars, burnt with firesticks, and threatened with rifles. In some cases the violence was not exclusively physical; there could also be threats or mental harassment, which kept the women in a constant state of fear:

Sometimes he uses a stick - sometimes he hits me with a steel bar, sometimes with a fish spear. Last year I had to go to hospital. One time he took one kid and threw her down some stairs - the kids are frightened when he's drunk.

He's mean to us - he chases us from the house and we to stay at another place. We have to do what he says. He pays the rent for the house so I can't do anything.

When he's drunk he chases me - but he still comes on when he's sober. He doesn't hit then, just swears.

Another woman described living in what amounted to a state of siege after she tried moving to another house in the community away from her husband:

I shut myself and the kids in the house if I know he's drinking. He comes and knocks; I don't answer, don't open the door. Then he starts shouting, smashing and it goes on all night. In the day time he screams at the kids, says shame things to me. I get upset. His family say they'll send him out bush - they do, but he comes back. I'm OK - not battered much - mostly mental - threats, hassles.

Another form of psychological abuse referred to by some women was that of damage to their property. Often, although not always, this went hand-in-hand with physical abuse of the woman herself. One woman told how her husband would come home and belt her and would also burn her clothes and throw furniture out of the house. In another case a woman spent her Family Allowance on a new fridge and washing machine, only to have her husband come home and deliberately smash them.

One factor frequently mentioned as the trigger for men's violence was jealousy. While sexual jealousy was the main concern, jealousy of women's position was also mentioned and could explain the destruction of possessions described above. One such example was of a woman gaining a teaching qualification and the next week being threatened with a gun by her husband. Similarly, a health worker in one community wanted to be on the local Council and stood for election; the day before

the election her husband came home and assaulted her, breaking her jaw. In neither of these cases had the men been drinking.

Jealousy of sexual relationships, whether illicit or not, was a frequent reason for women being attacked by men. Women would also attack men, or other women, for similar reasons. However, in these cases it was still usually women who were injured; in the first case because the man was stronger and in the second because a man would sometimes intervene on behalf of a lover being attacked by his wife.

Indeed, a point made by many women from all communities was that while certainly there were cases where men had reason to be jealous, in many instances the suspicion was a figment of the man's imagination and, often, a guilty conscience on the part of the man.

One young woman whose husband frequently beat her with a steel bar or stick said:

When I walk around with some girl friends he gets jealous. He sees me with other girls, talking and telling stories and he thinks we talk about boyfriends and gets jealous.

Other women who were listening agreed that she was innocent. They said she had four small children to care for and had no time for illicit love affairs, particularly since her husband was generally out drinking, and gave her no help with them.

Women drew attention to the fact that men were most likely to accuse women of infidelity and assault them when they themselves were being unfaithful:

The worst time is when men are playing up with another woman. Men are not honest with wives - they pick on wife and belt her because they have another woman.

However, in some cases women believed this was a deliberate ploy to encourage the woman to leave and so free the man to take up another relationship:

Men will go to the pub during the day and come back and say the wife is playing up. She isn't; the women are all there together. The wife is bashed...they want to get rid of their wives and get others.

But women noted that many men believed they had rights to women for life, long after a relationship had ended. One woman talked about her ex-husband returning and hassling her: 'Aboriginal men still think ex-wives belong to them'. Regardless of who ended the relationship, many men followed and harassed women, often physically assaulting them if they refused sexual relations. One young woman had returned to her community with her baby son after a man left her in the town where they had been living for two years. A year later he went to the community and one evening accosted her in the school grounds demanding that she sleep with him. She refused and walked away:

Then he threw a punch at me, he punched me with a clenched fist to my face. He grabbed me by the two arms and threw me to the ground. He was kicking me in the ribs, jumping on me and trying to scratch my face. Then one young fella came and stopped him. I ran away but he followed me. I started screaming. He ran towards me and hit me again, he was trying to punch me, then he grabbed my neck and was trying to twist it like it was going to break.

However, although jealousy was often a reason for men's attacks, by far the most common triggers were arguments over food and money. Also, although all the examples so far have been of women being assaulted and harassed by their partners, women were attacked by other male relatives, usually sons or grandsons:

Fights are over money - husband wants it for grog, or because wife gambles it away, or because husband comes home drunk and wants tucker or more money. A lot of women get a hiding...Fights also because men get jealous, they think women have been with other men when they've been away drinking - often it's not true.

Tomorrow men will finish their money, or next day. They'll wait till next week for pension money, for granny and old mother. \$200 pension - they just take whole lot, just leave \$20 for old man, old lady - young fellas take. Some old people cry: 'where will I find tucker, you won't kill kangaroo for me, your brain is full of beer.' If old people go out bush for bush tucker, they [young men] bring them back for pension, say give me whole lot.

In fact, while most older women worried particularly about young women getting hurt, a considerable number of them were also physically assaulted by sons when they refused to hand over money:

My son always causes trouble - he keeps going into town and comes back and beats me. He wants money to buy grog. If I won't give it he belts me.

Alternatively, older women were often injured when they attempted to intervene and protect young women:

One of my daughter's husbands is a bit rough too - he starts fighting with my daughter and taking her money. That's what I don't like - she's got no money for tucker - he's the one who takes all the money. I feel sorry for my grandchildren. I fight him too.

However, for many of the old and frail women the threat of violence was enough to make them hand over their money to sons and grandsons:

They don't hit poor old pensioners - just push them around. When they get their cheques people are waiting to take them. Poor mother just gives to sons, she's frightened and she loves them. They ask the council to do something, to stop people taking their money. You can see people waiting for cheques, and relatives waiting outside taking their money.

My mother - her sons, not daughters, just sons, always take her money. So she comes to her daughters for a feed, but it's hard, I have a big family to feed, with food only for kids but I have to give to my mother.

Older women sometimes became impatient with young women who, they felt, handed money over to their husbands too easily. It was true they might get bashed if they refused but, on the other hand, if they gave the men money they were almost certain to be bashed after it had been spent on grog.

But some women were worn down by the constant demands for money. In one community the health workers were in despair at their inability to help a woman

who had asthma and high blood pressure which was exacerbated by constant mental abuse. They feared she might die of a heart attack but it was, they said, impossible to pin anything on her husband since he never touched her but continually needled and hassled her.

Another common reason given by women for assaults was men's expectations that women should always provide them with food when they returned home. Sometimes there was no food because the man had taken all the money to spend on grog, or because he was so late home that it had all been eaten. Even if food had been left for a man when he returned long after the rest of the family had gone to bed that was not enough:

Last week he hit me on the back with a stick - it happens every week when he gets drinking. He asks for food and it is there but he still hits me if I don't get up and get his food for him. Men always want food, they want their wife to serve them every night. I tell him to help himself, then he starts to lose his temper.

Not all women do put up with assaults; some fight back:

Men are talking, yattering away to drunk friends - come home to wife and children - get cheeky - saying stupid things to wife - got another husband - starts blaming her, spiteful. Says why don't you talk to me, answer me, you must have another boyfriend. Wife says, if I answer you hit me. Then he starts bashing her. Sometimes wife gets hit and starts hitting back - 50/50 man gets blood, woman gets blood. Sometimes kids help mother - say, don't hit her, she looks out for me, you just drink.

Although there are stories of strong women who are as good fighters as men, the most usual result is that women are hurt most when they fight back as men are usually stronger. Also there are other problems. One woman described a situation where a woman who was frequently bashed one day turned on her husband and hit him with a stick. The onlooker rang the police as she was still afraid the woman would be injured. But then she wondered if the police might get the wrong idea and take the woman away. In fact the man ran off into the bush before the police arrived.

Nor is it always men who attack women; the assaults can come from other women. For example, one day I was sitting with a group of women in a community when we heard screams nearby. A young girl was running down the track, pursued by an older woman who was beating her unmercifully with a stick. Two women immediately went over and remonstrated with the older woman and sent the girl away. They explained that the woman had been angry with the girl because she was 'running round' with her son. They said the family would tell the son off but it was the girl who was seen as causing trouble so she got beaten. They also said she was lucky - she only got beaten with a stick - usually they used rocks!

The perceptions of men concerning violence against women in their communities varied. Many were not prepared to talk at all, saying this was women's business. Some of those who were willing to talk mentioned similar problems and concerns as those discussed by women. The following comments, and similar ones, were made by sympathetic men across communities:

Women get hurt. Some find it very hard with their husband. Sometimes they just come to get their cheque then go off again and women are left without money. Women do the most work and look after kids.

Men come to look for food in families, but women got no money. So the man gets wild - his money has gone on grog - so he hits his wife. Some women get badly hurt.

Last week one lady was belted up by a non-drinker in family fight. It's always women who get hurt. She was badly hurt - she had to stay in the clinic for a couple of days or more.

Sometimes problems with women - he wants to get rid of wife, get another. So he beats his wife to try to get rid of her.

Some young men take money off grandmothers and mothers to buy grog - leave them without money for tucker.

There are too many violent men in this community - when they get drunk they bash their wives and kids.

However, there were other men who, despite all evidence to the contrary, argued that there were no problems or they were insignificant, or that one should not interfere in family fights:

They don't really fight. They ask for their tucker to fill belly, they ask: 'you got my food, well what you been doing' - and give smash in face when women start growling at them...we don't belt women, we always respect them here.

Now only families here are getting hurt - that's their fight - if they just fight in their own camps that's their problem. In family fights there's nothing outsiders can do.

Before there were a few fights and some women got hurt. Now only 3 or 4 men cause trouble and fight with their wives. Things are settling down.

It's just noise - no problem. Women cause problems when men come home drunk - instead of saying lie down, they shout at him, make trouble for themselves.

Outstations

Most people talked about outstations as places where there was no grog and no violence. Indeed, many women spoke of them as safe places and often moved to them to escape from violent men. However, just as it would be wrong to assume that the kind of violence described so far occurs in all communities, so it would be wrong to assume that all outstations are trouble-free.

Only a few outstations were visited, and these were close to communities or towns. In addition, a number of women from outstations came along to meetings held in the communities and others spent time at outstations when they visited relatives there.

Many were very positive about life in the outstations and drew sharp comparisons between the peaceful existence there and the violence in their communities.

However, others suggested that, for women, violence was still often a fact of life. For instance, a Health Worker who visited outstations over a large area remarked that when women in distant outstations were beaten up there was nothing they could do about it - they simply had to put up with it. There was certainly no guarantee that women were safe even in isolated outstations. A woman in one community related how her sister, who had lived at a distant outstation, had been killed by her husband earlier that year.

Women who lived at outstations which were reasonably close to communities or towns where alcohol was easily accessible often had similar problems to those of community women. In one such outstation women had to hide in the bush when their husbands had been drinking. In another, one old woman said:

Some drunks tease older ladies, they humbug them for money for grog. They say 'if you won't give me money, I'll come back and belt you up'. It's the same with food. They have no respect for old ladies - they cause trouble.

Town camps

Women living in town camps experienced varying levels of violence, from very little in some camps to a great deal in others. In one group of town camps it was said that there was no girl over the age of ten years who had not been raped; that young men drove in, taking over some camps and terrorising everyone, and that older men were ashamed that they could not protect women.

Such statements may or may not exaggerate the situation, but they do give an idea of the degree of fear and threat with which women living in some town camps have to contend. In Alice Springs, for instance, 109 Aboriginal women were recorded as being treated for assault injuries during a six week period in 1988; 75 of these women were from town camps (Coghlan 1989, 43).

However, it should not be assumed that all town camps are dangerous places for women to live. Statistics from Women's Community House in Alice Springs are indicative of differences in the situation in the town camps. In a six month period in 1988 women from town camps comprised 70 per cent of all women who stayed at the refuge but the number of women from each town camp who stayed varied considerably. No women were recorded from some camps whereas a number of women came from other camps (Coghlan 1989, 40).

There were also physical indicators of differences in town camps. In some, houses looked cared for, children's play equipment was unbroken and there were signs of landscaping going on. Public telephone boxes were intact and even telephone directories in place. In one such town camp the health worker remarked that she had hardly anything to do apart from going round in the morning to check the old people.

In contrast, at other camps cans and rubbish abounded, fences and house walls were broken and telephones had been vandalised. In one of these camps the health worker said that alcohol and the associated violence were a major problem and she found it difficult to cope with the work alone. Many women drank as well as men but more

women than men were badly hurt and she often had to take them to hospital with cut heads or broken bones.

Women in the 'quiet' camps said they had few problems with violence because their young men were working, often in specially funded training programmes, and they had recreation facilities for young people. Also these camps were generally small and, more importantly, were mainly 'one mob', that is predominantly composed of one language group, and had strong committees which were able to exercise control.

Town camps which were known as trouble spots were generally larger, often overcrowded, and composed of several language groups so that control was a problem. A woman described one of these camps as follows:

C... is really crowded - Pintubu, Pitjantjatjara, Arrente, Luritja. Arrente are squashed in that place. Pension week is the worst. Men drink, but all the young girls are starting now at 12 or 13 years. Women get really bashed up there.

Although the level of violence experienced by women differed from camp to camp it cannot be assumed that women were never abused even at the quiet camps. This is because of the hidden nature of domestic violence, and the unwillingness of women to admit to it either for themselves or among relatives. For instance, it is significant that the records of the Alice Springs refuge showed that some women who stayed came from town camps where women said there were no problems.

In general, people were concerned about women being exposed to high levels of violence and described domestic violence or family fighting as a major problem at most town camps. A health worker in one town camp said:

A lot of women come for dressings - they have broken arms, head wounds from domestic violence. Women get really bashed. One woman was belted on Saturday - her husband hit her with a hammer and fractured her hand.

One woman got bashed up by her de facto - he smashed her face with a stick. She had bad breaks in her face bones - you couldn't recognise her. He kept her locked up - wouldn't let her go to hospital.

Many town camp women felt that things had got worse in recent years and this was often attributed to increased drinking in the camps:

Before people didn't drink much - they used to drink friendly - not like now - fighting, hitting with tin on head, face - fighting in camps or streets. My daughter gets really bashed up fighting all the time. She always has her leg, or hand or head bandaged.

Women also identified the presence of visitors in town camps as leading to an escalation of violence. This was partly because they were seen as being responsible for increased drinking in the camps, but also because they demanded food, money, etc.:

We have trouble only when bush folk come in - they do most of the fighting - from Y - they come in to drink and fight. Then women get bashed up. One old man from Y is boss and tries to stop them but even he can't when they're drunk - they won't listen.

However, the blaming of visitors for problems has to be treated with caution. It is true that town camps are particularly vulnerable to influxes in population since they are often the only places in towns where people from bush communities can stay. And although violence does tend to escalate when there are visitors in town camps, the resulting overcrowding is probably as much to blame as the visitors themselves. There is little evidence that women cease to be assaulted at all when the visitors depart. Also, there is an understandable human tendency for people to say: 'our mob don't have any problems - it's that mob over there that cause the trouble'.

When women in town camps described their experience of violence it was similar to that of women in communities. One woman said her son 'got cheeky with grog' and bashed her if she refused to give him money. In other cases husbands came home drunk and demanded that their wives prepare food for them. As in communities the abuse could be both physical and psychological and could involve either young or old women:

My husband is always swearing at me. He gets drunk and has a fight or argument with someone and takes it out on me. Sometimes he goes next door to his mother's house and starts swearing at her and calling names then he comes home and hits me.

I'm sick of it - he'll be back on Friday then he'll be breaking things, swearing, hitting. I want him out of the way.

The proportion of women who drink is greater in town camps than in communities and this often seems to put them at risk. In one town camp women observed:

The main problem is when man and woman drink together. They get too much grog and the woman starts making trouble - swearing at husband. Then husband starts bashing her up. Women get badly hurt. People just stand and watch man bashing his wife. They're frightened to stop that man bashing his wife - they might get hit by husband.

Sometimes tragedy had resulted from similar incidents. In one town camp a health worker referred to a recent case:

There was a beautiful young woman. She married wrong skin - she was from X - she married a Y man so she had no family support. Both of them were drinking and he accused her of something and belted her, then left her in bed where she bled to death. He came back and tried to revive her with water but she was dead. He said he was sorry but...

There were still many women in town camps who did not drink but this did not necessarily protect them from abuse:

I was at my house at lower B camp sleeping inside. D had been drinking out the front of the house with friends and by this time was really drunk. He came inside the house and woke me up and asked me to make him some supper. I said to him that we didn't have any tucker in the house and D then picked up a piece of firewood that was lying around the house and hit me on the knee.

After D hit me he just lay down inside and went to sleep. By this time my knee was very painful and I couldn't walk. I crawled from lower B camp to upper B

camp to get some help because there was nobody at lower B camp except D. Just before I got to upper B camp a friend of mine found me and she called the police.

Harassment for money, with or without physical abuse, caused constant distress for many women for it often meant that they had no money to buy food for their families. They said men never let up. Even being in hospital was no protection for men would come to visit them and demand money. The extent of this psychological and economic abuse is illustrated by the following incident narrated by a woman working at an Aboriginal agency in one of the towns:

Once I was at the bank and saw an Aboriginal man pushing a woman in a wheelchair. She was in a hospital nightie and on a drip. He pushed her into line, watched her draw out some money, then wheeled her outside. Then he took the money off her and left her. A few minutes later he came back with a Coolibah cask. Then he took her back to hospital.

She remarked that the nurses would probably not even have realised she was missing. They would have thought she was sitting outside to get out of the air-conditioning, which many people liked to do.

Towns

In towns, apart from those people living in town camps, two other groups can be identified: the fringe dwellers and those who live in town houses.

The fringe dwellers, known in Darwin as the 'long grass people', camp in a variety of places such as creek beds or on beaches. Many of the women, as well as men, are heavy drinkers and violence is a normal part of their lives.

In one town some women congregated under a tree behind the local pub and talked about their experiences, which included regular beatings with frequent visits to the hospital to be patched up. Many women fought also but, they said, men could hit harder. They pointed to one woman and observed:

She doesn't feel it any more. He speared her with a barbed spear right through her arm - another man pulled it out - but nothing was done about it. No-one reported it. She said to people: 'you not going to scare me, I'm tough'. She's so used to being attacked with knives, stones, sticks.

It is more difficult to get a picture of the extent of violence suffered by the last group of women in towns; that is, those who live in town houses. As with non-Aboriginal women domestic violence is a hidden phenomenon for many of them, since it takes place within the privacy of a family house in a suburb. In contrast to communities, outstations and town camps there are less likely to be relatives nearby, consequently women may be more vulnerable.

It was also hard to make contact with these town women and for this reason information was sought mainly from Aboriginal women who were working in agencies which might be expected to have dealings with women who were victims of abuse. In fact, it turned out that many of these women had themselves been assaulted and the following discussion relates mainly to their experiences. These, then, were women who were well educated and holding good jobs and whose

partners were often similarly placed. Their experiences are significant because they emphasise the universality of violence against women, which crosses boundaries of class and race and, for Aboriginal women, affects all women regardless of education, language, lifestyle or place of residence.

Some women were living in violent situations at the present time and talked about recent events:

I was at home asleep. I heard Z come into the bedroom. He said to me: 'get up' and I replied by saying: 'why should I?' He then grabbed me by the hair and pulled my hair very hard and banged my head against the wall. He shoved my head against the wall very hard several times. I yelled for him to stop it. He then stopped and walked out of the room for a short time and then returned. I was still on the bed and he hit me twice on my arm. I screamed for him to stop. Then he stopped and went to the toilet. While he was in the toilet I fled from the flat and went to my sister's house...

Another woman, a teacher, related how she had recently broken away from a very violent relationship. She talked about how it had started out with beatings when her partner was drunk but gradually changed to a regime of continuous assault and intimidation:

At first when we started living together in Darwin it was really good. Then he started getting jealous of people around, people I knew as my friends before - he used to think they were men I went out with. At first when he got drunk he just pushed me around then he started using weapons, like a knife.

We were living in a flat in F - two storey, eight flats top and bottom - we lived in the middle at the top. I'd scream out but nobody came. One time I actually ran outside and started to yell and I could see lights clicking off all round. That was the time when he grabbed me and was going to throw me down the balcony.

One man downstairs did try to help once but he was threatened so he went and called the police. They asked if I had any bones broken then left. He had a tear on his lip - I fought back - so probably they thought we were just both fighting.

They moved to another city and over the next two years, away from family and friends, things went from bad to worse. He continued to beat her but also used intimidatory tactics like pointing a crossbow at her and sharpening a chopping knife in front of her, then hitting her with the blunt side. He also made her give up her job and if she went out checked on where she had been and who she had seen. After two years she finally broke away:

I was so controlled by him I didn't know myself any more. I left him lots of times before and came home. I decided to go back - I thought maybe he'd change. This time I knew I would stay home - I knew if I went back it would be the same. I didn't want that life any more.

She had been home for six months but would not speak to him on the telephone and was still worried in case he came to find her at home.

But some women had been putting up with violence for years and had not broken away. One woman said she had been trying to leave for 23 years but had never

managed it; she now found it difficult to be in a job where she was supposed to be giving other women in a similar situation advice when she had never been able to solve her own problem.

In the early years of her marriage her husband had beaten her. But her son was now grown up and was still living with them and he had turned on his father when he attempted to hit her. However, her husband still kept up verbal abuse. He had always believed she had other men and kept trying to trick her by coming home at different times. Despite the fact that he had never caught her with another man in 23 years he still appeared to think he might!

Another woman who was bashed for years, but whose husband had reformed, said she recognised and sympathised with the excuses younger women gave for staying with violent men - because of the kids, not wanting to put pressure on the family - because she had used them all herself. In addition, in those days there were no refuges and very little help of any sort for women in that situation.

One woman whose marriage had survived through a long period of violence wryly described the things she had done to escape being beaten:

I had a lot of trouble with my husband years ago when the kids were small. He had a job and was a good provider but when he drank he was trouble. He used to drink at weekends and I would take the kids and go to my sister or mother every weekend to get away. I used to get my daughter to drive the car out of the drive - she was only 9 years old! - and I'd keep my husband occupied. It was no use arguing or I ended up with a black eye. Then when the car was on the road I'd run out the back door and we'd get away.

Other women put up with violence for years but then made a break when their children were teenagers or older:

My husband bashed me from the time we were married. When I was pregnant he bashed me more - it was as if he wanted to get at me for stopping him having a good time. At first I was scared and tried to placate him but it didn't do any good.

Then I got stronger and stood up to him and for the past four or five years he hasn't bashed me but then it became mental abuse. I went to live away from him with the kids but he would walk into the house as if he was boss. Several times he forcibly raped me - he said I was still his wife. Just before Christmas was the last straw - he walked into my house and started bullying me and walked to the fridge to help himself to food. So I told him to get out.

At that point she realised she would never get away from him while she stayed in the same town so she had moved to Darwin and was about to start divorce proceedings. She said she had not wanted to bother with a divorce but had now decided it was the only way to stop her husband pestering her.

Speaking out about violence

One of the most significant findings of this study is the similarity of the violence suffered by Aboriginal women to that suffered by their non-Aboriginal sisters. Many of the stories told by women and quoted in Scutt's (1983) study bear a marked

resemblance to the stories of Aboriginal women related here. The types of abuse were similar - physical, psychological, emotional, economic, sexual - and although abuse happened when men had been drinking, there were also cases of violence by sober men. The reasons for the abuse were also similar. Women were bashed because food was not available; because of sexual jealousy, real or imagined; over money; when they were pregnant; when the man was having an affair; because of women's greater social and economic success. As many women said: 'He just wants to be Boss'.

There were, of course, differences. As noted previously Aboriginal women were more likely to be hit with weapons - sticks, stones, star pickets - than were non-Aboriginal women. And there were differences relating to different living conditions and cultural factors. But the overwhelming impression is one of comparable experiences. And like the women in Scutt's study, these Aboriginal women were willing to talk about their experiences.

It has taken a long time for Aboriginal women in the Northern Territory to begin to speak out about the violence in their lives; it is doubtful if they would have related stories like the foregoing five years ago. However, in the last year the national Office of the Status of Women has been focusing on domestic violence and in the Northern Territory an officer from the Office of Women's Affairs has been travelling around communities discussing the issue with women. In addition, in 1989 a Remote Areas Domestic Violence Project was set up with funding from the Department of Aboriginal Affairs. Two women employed on this project regularly visit communities to discuss problems.

Women are clearly saying they are tired of the violence and want it to stop. The first stage in working out how to stop it is bringing it out in the open, talking about it.

No-one is suggesting that all Aboriginal people are violent or that all women are being assaulted and harassed. As noted earlier, the number of communities visited for this study was limited and it may be that in others there is no violence at all. However, it appears to be a widespread phenomenon and women want it to stop, not only for their own sakes but for the sake of their children and families.

In order to do anything about domestic violence, or family fighting, it is obviously necessary to try to understand why it is happening. From the case studies it is clear that the causes of violence against Aboriginal women are complex. In the next chapter some general theories of domestic violence will be discussed as well as some factors which help to comprehend the nature of violence against women in Aboriginal society.

CHAPTER FOUR

CAUSES OF VIOLENCE AGAINST WOMEN

By far the most common form of violence against women is what is often referred to as domestic violence; physical, psychological, economic and sexual abuse of one partner by the other. While, theoretically, domestic violence can refer to abuse by either the male or female partner all recent research in Australia shows that except for a very small number of cases it is men who abuse women (O'Donnell and Saville 1982, Scutt 1983, d'Abbs 1983, Western Australian Task Force on Domestic Violence 1986). It is for this reason that some writers have argued that domestic violence is a euphemism which obscures the real nature of the abuse and that wife or woman battering more clearly highlight what is happening (Hatty 1988, 1).

Domestic violence can take many forms. Physical abuse may vary from pushing, shoving and punches which cause bruising, to vicious attacks with weapons causing serious injury or even death. Psychological abuse may involve threats, or constant denigration while economic abuse refers to such things as withholding or extracting money. Sexual abuse may range from demands for degrading practices to rape. All forms of violence may occur either simultaneously or at different times in a relationship.

Domestic violence, then, is of an ongoing nature which has led some writers to refer to it involving phases of violence. Walker (1979) identified three distinct stages in an abusive relationship. In the 'tension building stage' the abusive partner harassed, threatened and sometimes mildly abused the victim. In the 'acute battering stage' the physical attacks became severe and sometimes the victim was badly injured. Finally, in the 'apology stage' the man expressed his sorrow and promised to reform and the victim, wanting to believe him, opted to continue the relationship.

However, women are also subject to abuse from men other than their partners. Significantly, much of this violence is also perpetrated by male family members or at least by men who are known to women rather than by strangers. It may take similar forms to domestic violence.

Theories of causation

There have been a number of attempts to formulate theories which explain the causes of violence by men against women. None is totally satisfactory in explaining all aspects of the phenomenon but most have something to offer in terms of understanding. All are general theories rather than specific to Aboriginal women. However, it is obvious from the previous chapter that many Aboriginal women suffer abuse which is similar to that described above, hence it is reasonable to assume that general theories will go at least some way to elucidating the causes of the violence they suffer.

Individual theories

A number of early theories of female abuse identified the problem as being one of individual pathology, the victims being considered to be masochistic, seeking out and enjoying violence, and the perpetrators having psychopathic tendencies or being deviant in some way (Snell and Rosenwald 1964). Indeed the emphasis on victims being predisposed to violence or colluding in it is one which still has much currency. Scutt (1983, 127-8) drew attention to studies published in 1978 which posed questions of why women 'allowed' themselves to be beaten or suggested that chronically abused women 'permitted' their husbands to beat them and were, therefore, co-conspirators in their plight. Scutt herself was unable to find any evidence in her study for women enjoying or permitting beating. However, this does not prevent the myth of women's 'natural' enjoyment of violence having popular appeal, perpetuated as it is by literary and media presentations of strong, handsome (aggressive) men forcing themselves on weak, pretty (submissive) women.

Other theorists have moved away from ideas of innate individual behaviour as an explanation for violence to theories of social learning, whereby people learn to behave violently or to respond to violence in a particular way. For instance, Straus *et al* (1980) argued for a social heredity of family violence whereby violence in families was perpetuated from generation to generation. Similarly, Walker (1978) put forward a theory of learned helplessness to explain why girls who saw their mothers bashed often grew up to become victims of domestic violence.

While the theory of learned behaviour is popular and may contribute to an understanding of the dynamics of violence there are limitations. Scutt (1983), O'Donnell and Saville (1982) and the Western Australian Task Force on Domestic Violence (1986) all noted that the evidence for a violent childhood resulting in women becoming victims of violence was equivocal since in their studies there were many victims who reported coming from non-violent backgrounds.

A good deal of research on violence against women concentrated on the study of victims, rather than perpetrators. McNeill noted that 'victimology' had been the subject of much controversy and even notoriety 'because of the tendency of the (usually male) authors to blame the victim' (1987, 93). Indeed it is one of the peculiarities of this sort of abuse that while wilful violence causing injury is generally regarded as criminal and roundly condemned by all and sundry, the bashing or rape of a woman often results in more discussion and theorising about what she did to cause the violence than in analysis of the actions of the offender.

For instance, Amir (1971) found that rapists were not generally sexual deviants or mentally deficient as had often been suggested, but normal men. He argued that the explanation for their actions was to be found in the social situation in that most belonged to a subculture of young, aggressive males. However, he also put forward a theory of victim precipitation, suggesting that for a sizeable proportion of women their behaviour, while not making them solely responsible for their rape, at least made them complementary partners (1971, 260).

Social/structural theories

The social situation of aggressors, alluded to by Amir, has also been the focus of other theorists, particularly the structural factors which may cause stress and lead to violence. Straus *et al* (1980) argued that large numbers of children, poverty,

unemployment and alcohol abuse could all contribute to the escalation of violence. They suggested that this was especially likely when people had already learned that physical violence was an appropriate way to respond to other family members.

Obviously being poor or unemployed may lead to feelings of anger and frustration which may result in violence but there has been increasing scepticism that these are adequate explanations for the abuse of women. For instance, Scutt (1983) found no evidence that men being employed or unemployed made any difference to the amount of abuse suffered by women in her sample. And in recent years there has been more and more evidence that many women are victims of violence regardless of their class or race, and that the social situation of the aggressors is similarly varied.

However, Straus *et al* went on to suggest that a man who is unemployed or has had a bad day at work is likely to be abusive at home because 'it is more socially acceptable to beat your wife and children than to hit someone at work' and because in an increasingly complex world a man's own home is the last place where he can be in control (1980, 188). Also, Amir, while suggesting that the rapists in his study mostly belonged to what he called a subculture where aggression was condoned, saw little sign of pathology amongst them - mainly they were normal men (1971, 318-20).

Feminist theories

It is these issues - the acceptability of men beating women and controlling them and the normality of the men who do this - that have become the focus of feminist theories of violence.

Feminist theory has focused on the inequality of women in society in relation to men in all respects, social and physical. So that, in the last resort, as Scutt says:

Women who are politically, socially and economically oppressed are battered and killed by men who are, comparative to them, politically, socially and economically dominant (1983, 277).

The inequality which led to the theory of patriarchy, that is the domination of women by men, has a long historical tradition. In Western society women were, until recently, totally dominated by men in that they were simply regarded as part of their 'goods and chattels'. Until the latter part of the nineteenth century a man legally owned his wife and children, along with their possessions, and could punish or dispose of them with minimal restraint. In public life men's power was assured by the exclusion or restriction of women from areas such as education, employment and politics.

In this century women have gradually been given legal equality with men in both public and private life but the cultural ideology of male domination has remained, as has women's subordination in real terms. Much feminist research has been devoted to explaining the ideological base for men's power over women stemming from such factors as gender socialisation, education and the division of labour both in the home and in the workplace. Indeed, initially the issues of violence and force were not addressed since it was assumed that in the modern world the ideology which maintained men's monopoly of all sources of power made physical coercion unnecessary.

One of the first writers to give violence a prominent place in the analysis of male power was Brownmiller. She argued that rape had nothing to do with sexual

gratification but was an exercise of power and as such was 'nothing more or less than a conscious process of intimidation by which ALL men keep ALL women in a state of fear' (1976, 107).

Of course, not all men do rape or bash women. But a number of other studies have shown that the ideology of male domination and the associated cultural toleration of violence permeate all aspects of life. For instance, Dobash and Dobash (1979) show that the institution of marriage is one of the instruments of oppression where psychological domination can easily spill over into physical abuse. Further, the various professional and judicial processes, when they intervene at all, are usually concerned with protecting the institution by excusing the violent male and blaming the female victim.

A theory of male power and domination, both at a material and an ideological level, makes it possible to comprehend how and why violence of all kinds against women occurs. It explains why many women who experience no physical abuse themselves still feel insecure and vulnerable to violence from men. Women's response to abuse also becomes understandable, particularly the fact that so many women find it difficult to resist violence or to leave an abusive relationship. The effects of male power on women are both social and psychological.

Individual psychology and social stress no doubt play their part in violence against women but as Edgar says:

Central to the problem of socialised aggression is the accrual of a massive power base of resources by males (1988, 14).

Not all men use that power base to abuse women but central also is the ideological base which makes it possible for men to move easily from psychological abuse to physical abuse with very little censure. It is significant that street violence is generally regarded more seriously, and attracts greater censure than domestic violence. Even here it is not uncommon for women who are attacked outside to be subjected to scrutiny regarding the 'provocative' nature of their actions or dress or for daring to exercise what, in general, is seen as a citizen's right to walk in the streets and open places.

When the violence takes place in a home, male forces (and many female, since the strength of patriarchal ideology is that women believe it also) join together to argue that 'a man's home is HIS castle'. Domestic violence becomes a private matter which neighbours ignore. Police refuse to arrest the men, or if they do, judicial and professional responses are often to deny, excuse or justify the violence. Justification can include a woman's refusal to accede to a man's demands for his sexual 'rights', negligence in fulfilling what is seen as his legitimate entitlement to household services, or perceived failure in other stereotypical female areas such as child care. In short:

Patriarchy or the sex/gender order as a social system concerned with the control of women has at its disposal a whole range of techniques and mechanisms of control. Among these are force and physical violence (Edwards, 1987, 24).

Causes of violence against Aboriginal women

It was noted previously that many Aboriginal women's experience of violence is comparable to that of non-Aboriginal women. For this reason many aspects of the general theories of causes are also applicable to them.

Equally, some theories seem to have little to offer in comprehending why abuse of the sort described is perpetrated on any women. For instance, Scutt (1983) found no women in her study who had masochistic tendencies and enjoyed violence and none of the women in this study enjoyed it either. There were one or two stories of psychopathic men but these were unusual and were known both by health staff and communities to be abnormal. The majority of perpetrators were normal male members of their communities.

The theory of victim precipitation and its companion in popular terminology - provocation - also needs to be laid to rest. As mentioned previously, violent physical assault of women, particularly rape or domestic violence, is peculiar in that it often invokes a response from the law which concentrates on how the injured woman may have provoked the aggression, something which would be unthinkable in other criminal cases. At a conference in Adelaide in 1990 Justice Frank Vincent, discussing the issue of spouse murder, noted that many men prosecuted for killing their spouses pleaded provocation in partial defence and were then given a sentence substantially less than might have been anticipated for a conviction of murder. He went on to say:

Whilst each case must be considered on its merits, the fact that so many of the killings are carried out by males, and frequently for reasons which appear to have more to do with their male image than anything else, is very disturbing (Vincent 1990, 8).

It is considered natural, and therefore excusable, for a man to react with physical violence to his wife spending the housekeeping money on gambling, not cooking dinner, or committing adultery. However, the reverse does not apply; women are not expected to respond violently when a man returns late from a drinking spree or commits adultery. In fact, her smaller build usual prohibits this anyway so she may vent her disapproval in the only way open to her, in verbal aggression, which is then called 'nagging' and seen also as provocation if the man responds violently. It is significant that a man's verbal aggression, such as criticising cooking or housekeeping, is never referred to as nagging. There is no logic in any of this; the explanation lies in men's belief that they have a right to control women.

It should be made quite clear that what is being addressed in this study is not family squabbles or arguments in which people disagree and become verbally and, at times, mildly physically aggressive towards each other. What this study is about is the situation where a person, usually a man, uses his power, including in the final analysis his superior strength, to force another person, usually a woman, to comply with his wishes and to punish her if she refuses. It is heartening, therefore, to note that in the new legislation in the Northern Territory relating to domestic violence the excuse of provocation cannot be used by the perpetrator in his defence.

Colonisation

Other theories have particular relevance for understanding what is happening to Aboriginal women. The theory of social stress is one of these, particularly as it relates to the Aboriginal people since European colonisation.

The history of colonisation in Australia is one of dispossession and exploitation leading to cultural breakdown, dislocation, alienation and poverty. For two hundred years Aboriginal people have been victims of violent oppression of a kind which is unimaginable to non-Aboriginal people. In recent years many writers have drawn public attention to this process and to its devastating results. Paul Wilson, for instance, is adamant that the situation of Aboriginal people today has to be seen in the context of the actions of white Australians which have resulted in such poverty and dependency that violence is an inevitable consequence. We need, he says, to acknowledge our collective guilt for 'all those black deaths that have, directly and indirectly, flowed from our white hands' (1982, 119).

While agreeing substantially with Wilson's thesis, there are some things which deserve closer attention. It is noticeable, for instance, that the violence which he describes is virtually all perpetrated by men and many of the victims of the violence are women. It is sometimes suggested that Aboriginal men have suffered more from the effects of colonisation than have women. The annexation of land and the subsequent cultural breakdown led to the loss of their economic, social and ritual roles and resulted in the destruction of their self-esteem. Women, on the other hand, were better off since their mothering role was left intact, leaving them with a source of pride.

There is no doubt that colonisation has been destructive to Aboriginal men. Aboriginal women recognise this and say they are sorry for their men and understand their frustrations and anger. But it has been equally destructive to Aboriginal women. To deny this is to ignore those who were raped and humiliated by white men or who had their children removed from their care by white bureaucrats. If women have continued to care for their families despite the devastation in their lives it can only be because of their greater strength and coping ability. Indeed, today they are often left with the sole care of children because men abrogate their responsibilities and women are being repaid for their sympathy and caring with violence and abuse.

Also, while the situation for many Aboriginal people today is still one of poverty, unemployment and appalling living conditions such as Wilson (1982) described in Queensland and which he argued inevitably led to violence there are now many Aboriginal people whose situation has changed considerably. Some of the women in this study who were victims of abuse had partners who could not, in any way, be described as poor and powerless. Several of the violent men were teachers holding good positions; of one it was said: 'Everyone thought he was a lovely man, a good teacher'. Another woman, whose husband was in a high position in an Aboriginal organisation remarked:

One time I was chased out of the house with a gun. He was already an outstanding Aboriginal, known all over Australia. But at home it was a different story.

In non-Aboriginal society it has been noted that violence against women occurs in all walks of life. It appears that this is so also in Aboriginal society.

Nevertheless, the history of Aboriginal people since colonisation is still relevant and it is true that:

When we mix a traditional dispute resolution tool of personal confrontation and controlled violence; learned patterns of behaviour from the early frontier

violence and dispossession; conditions that are violence provoking; with the high level of alcohol consumed by people who are frustrated, angry and feel powerless, we have a mixture of high volatility (Atkinson 1989, 6).

Alcohol

It is to the part played by alcohol in the abuse of Aboriginal women that I now wish to turn. Excessive consumption of alcohol is often seen as the cause of many social problems in Aboriginal communities today; on the other hand, it may be viewed as one of the results of dispossession and cultural breakdown.

There are conflicting views as to the part played by alcohol in the incidence of violence. The National Committee on Violence noted that, although the link between alcohol and violent crime might not be a direct one, the association of the two was a cause for concern (1990, 86).

As mentioned previously a considerable amount of violence against women is not connected with alcohol. This is true also in the case of Aboriginal women. It should also be noted that we have no evidence of how many men who drink do NOT beat their wives. Alcohol is sometimes seen as a disinhibitor, allowing people to do things they would not normally do when sober. Others argue that men drink so that they will have an excuse for beating their wives. Yet others suggest that alcohol may boost the morale of a man with low self-esteem and give him a sense of power. Finally, some people argue that there are cultural expectations as to the behaviour of a person under the influence of alcohol and that in some cases aggression is the expected mode of behaviour. All these ideas can be seen as being relevant to the association of alcohol with violence against Aboriginal women.

The problem is compounded by the fact that alcohol was introduced comparatively recently into many Aboriginal communities. People are still unsure how to deal with those affected by it since the violence of drunks does not fit into any traditional pattern of behaviour. Because of this people are often afraid to intervene because they say drunks are 'mad', although they may try to protect their innocent victims. On the other hand, drunks may be excused because if they are 'mad' they are not really aware of what they are doing. This has started to change as alcohol has become entrenched and violence has escalated. People are beginning to say that while drunks may be 'mad', they are responsible for drinking excessively and reaching that state and should be treated more severely.

Brady has argued that although anthropologists have studied alcohol use by Aboriginal people they have generally focused on such issues as its role in exchange or in forming or maintaining social relationships:

This has meant that there has been, in some cases, an unwillingness to examine frankly some of the less wholesome outcomes of alcohol use (Brady 1989, 2).

And, as she says, women are generally the ones who suffer the consequences of alcohol abuse in violence and disruption of family life.

Another writer has commented that some people see taking action in relation to alcohol consumption among Aborigines as less important than dealing with the underlying causes. He goes on to say:

Sympathetic as I am to the view that we should bring to light all the underlying causes of violent crime, I don't think our policy intervention should always take place on the basis of changing those underlying causes (Weatherburn 1989, 17)

Aboriginal women would certainly agree with this. Most of them regard alcohol as the most important contributor to their distress and for this reason alone it should be treated most seriously.

Alcohol abuse in the Northern Territory is often seen as being solely an Aboriginal problem. I would like to make it clear that this is far from the truth. The *per capita* household expenditure on alcohol in the Northern Territory is twice as high as elsewhere in Australia and an ABS survey in 1986 estimated that 76 per cent of men and 48 per cent of women had consumed alcohol during the week prior to the survey (Mathews and Peach 1988, 65). In contrast, a survey of Aboriginal communities in 1986-7 found that only 65 per cent of men and 20 per cent of women were alcohol consumers. However, alcohol consumption still constituted a major problem for although people consumed alcohol, on average, on only four or five days per fortnight, when drinking 81 per cent drank at a hazardous or harmful level (Watson *et al* 1988, 10-17). There was also a considerable variation in the proportion of people who consumed alcohol in different types of communities:

Table 4.1

Percentage of people who consumed alcohol by type of community and location

Community type	Top End		Katherine/Centre	
	Females	Males	Females	Males
Town camp	78.8	89.3	58.3	81.3
Major community	10.7	63.4	19.9	74.0
Outstation	1.4	30.2	19.5	56.6

Adapted from: Watson, Fleming and Alexander 1988, 152

Nevertheless, regardless of the proportion of people consuming alcohol in their communities, all Aboriginal women - and many men - contacted in this study considered alcohol and the associated violence to be the major problem, whether in communities, outstations, town camps or towns. People felt that the situation had worsened in recent years and that alcohol consumption was now out of control with more women drinking and, importantly, both boys and girls beginning to drink from an early age, as young as 10 or 11 years. People were quite clear that as alcohol consumption increased so did the violence. Women who did not drink feared, not only for their own safety, but for the effect on their families, with husbands and sons ending up in gaol or hospital, and children going hungry or being too tired to go to school because of disturbances around their homes at night.

Older women also felt that young women who drank were in great danger of physical and sexual abuse and worried about them and about the effect on their grandchildren. However, there were also older women who had started drinking either to forget their troubles or in despair at being unable to influence their

husbands. One woman told how her husband commandeered all their money which he spent on alcohol. Since there was then no food in the house she decided she might as well join him in consuming the alcohol so that she did not notice her hunger.

Some of the communities visited were designated 'restricted' or 'dry' areas under the *Liquor Act* but there was no sign that this had any effect on the consumption of liquor. People often said it had worked for a while but as roads became better and there were more vehicles available control became difficult. In one 'dry' community in Central Australia violence had increased dramatically after a nearby roadhouse began operating a 'takeaway' licence. Neighbouring communities had attempted to have the licence rescinded but their appeals were overruled in favour of the right of the travelling 'public' to be able to buy liquor at will.

Similarly, there was dissatisfaction in communities where there were Social Clubs operating since they proved difficult to control despite attempts to limit the number of drinks allowed at any one session. Men who became drunk or violent after being at one club were supposed to be banned for a period of time and their names were written on a board outside the gate. But men were scornful of women's attempts to have them disciplined and simply rubbed off their names. Women bore the brunt of the violence from these men who openly flouted the rules. They received little support from the male club committee for no action appeared to be taken against the offenders.

I do not wish to appear to be suggesting that Aboriginal attempts to control liquor always fail. Some communities were mentioned where restricting entry of liquor did work and other Social Clubs were said to operate well. For instance a letter from Milingimbi Women's centre:

On the question of violence, we are happy to say that we have none. Why is this? Our people have made a law to forbid alcohol in our community. We govern our own affairs. We have our own land, language and identity.

Our culture is intact. We hope that the government will take notice of these things so that they are not lost in other places (Atkinson 1990, 15).

But the experience of many communities does show that dealing with alcohol and the associated violence is not an easy one. Certainly, when facing such massive problems people need to try all strategies available. However, it seems that the most important factor contributing to success is that there should be consensus in the community that alcohol be restricted in some way and strong leadership to enforce the control. The difficulty lies in maintaining this consensus in the face of a majority of drinkers. The problem is compounded if the drinkers and grog runners who make a profit from their activities include Council members and sometimes the President.

For town campers the problems are exacerbated by the easy access to liquor outlets. People also argue that when communities become 'dry' this leads to more men from communities coming to town to drink and staying at the town camps. Women and children in these camps are then in even more danger.

Some people maintain that the proximity of outlets to outlying communities makes little difference since, provided they have transport, hardened drinkers will travel any distance to obtain alcohol. What then happens is that the community problem is transferred to the town, particularly to town camps where bush people stay when in town. Others argue that although this may apply to a few problem drinkers, there is

a larger group of 'opportunity' drinkers who will drink if liquor is easily available but who will not bother to travel for it. For this reason the opening of a liquor outlet close to an outlying community may have a devastating effect on those people, while the closing of such an outlet does little to reduce problems in a town.

With such an intractable problem there are no easy answers and it is not surprising that there is disagreement about what should be done. Women, who mainly bear the brunt of the violence and disruption to their lives, are generally the ones who want communities made 'dry' or Clubs closed. But even they are ambivalent, often arguing that their men have a right to drink. As Brady (1989, 6) says this may be because drinking rights are still regarded as a sign of equality and citizenship. However, women are also aware that prohibition may not work. In one community women had cooperated in wrecking a Club so that it had to close but found to their dismay that the ensuing peace in the community was short-lived. Many men soon went off to the nearest town to drink, threatening and beating wives, mothers and grandmothers to obtain the money to do so.

More and more people are coming to the conclusion that the answers lie in a combination of short-term strategies to combat alcohol abuse and long-term education which it is hoped will have an effect on the next generation. Aboriginal women strongly believe that children are at present learning lessons of violence from the present behaviour of their parents. The theory of learned behaviour may or may not be valid but Aboriginal women certainly do not want to risk putting it to the test. People also believe that more education, employment and recreational opportunities are needed for all young people since there is evidence that drinking is often a reaction to frustration and boredom.

While some women may be ambivalent about their men's rights to drink, others are angry that drinkers are treated too well and excuses made for them. One woman remarked:

People have got to be hard on grog people. I'm tired of hearing about things for alcoholics - why not talk about something for wives and kids? Women always lose. If they drink they get bashed, if they don't drink they still do. They should be hard on men drinking and stop making excuses for them.

And women do make excuses for their men and men take advantage of them. As was mentioned earlier the pattern of violence is such that men will say they are sorry they beat their wives when they were drunk, and promise to reform. Women, of course, are anxious to believe them even though they may have been seriously injured in the attack. It is in men's interests to be sorry, otherwise the women may leave. Also there are numerous examples of men agreeing when in gaol to go on alcohol programs as a condition for a sentence being reduced. But when they get out they fail to complete the program and more often than not return home to continue abusing the woman.

There is, of course, no guarantee that violence will cease if men stop drinking. In the last chapter an example was given of a man who continued to beat his wife long after he stopped drinking. It was said that her injuries were worse when he was drinking but the description of recent injuries was so horrific that it was hard to imagine her surviving worse.

However, some men do give up alcohol and also cease the abuse of their wives. One man expressed his shame at the way he used to behave and said that he changed

after agreeing to go on an alcohol program with his wife after she left him. There were others like him who were now joining with women in their attempts to beat the grog and violence problem. It is perhaps significant that the successes were generally those where the man admitted his problem and genuinely wanted to do something about it. It is also interesting that the programs which seem to be most effective in stopping both drinking and abuse of women are those where men are made to assess their behaviour in general, including the alcohol problem, and to accept responsibility for all their actions.

It may be that alcohol is merely a disinhibitor or excuse for violence. There is ample evidence that women are also abused by sober men. But women are sure that violence has increased dramatically in recent times since alcohol has been readily available. Perhaps their denial of any violence in the past, or without alcohol, is a denial of reality. Indeed, in those communities where the majority of women were saying vehemently that violence ONLY happened with alcohol, there were always some who would tell of their experiences of abuse by sober men or be sceptical about the pleas of drunken men that they did not know what they were doing.

Some may doubt that the violence against women will cease altogether if alcohol is somehow brought under control. Nevertheless, while alcohol is such an overwhelming problem it is difficult for most people to even consider other possible causes. And while women's experience is that there is always violence when men drink, it is entirely understandable that they should focus all their energies on dealing with that problem. For this reason the women - and men - who see the alcohol problem as the overriding one to be addressed to lessen the violence and disruption to their lives should receive every support.

Violence and tradition

Another factor to be addressed when discussing abuse of Aboriginal women is the debate about traditional and non-traditional violence. It is apparent that today true traditional violence accounts for only a minority of the incidents of abuse against women. By traditional violence is meant the punishments for transgressions which were part of the means of social control in Aboriginal society and were meted out to both male and female offenders. Such physical punishments, which could involve spearing, beating or even death, were not between individuals but were the responsibility of whole communities or relevant groups in those communities, both women and men. There were recognised punishments for specific transgressions and they were carried out by particular people under community control.

Violent punishments they certainly were, but they were legitimated by Aboriginal society in the same way that hanging and flogging in Western society were legitimated by the state and as the electric chair still is in the USA today. All such punishments do constitute violence but they are not primarily what this study is about: that is, violence which is not now sanctioned through formal societal mechanisms.

I noted previously that a considerable amount of violence against women in Western society, while not now sanctioned by law, was culturally acceptable because men were seen to have a right to control women. In British law, on which that of Australia is based, until just over 100 years ago women were legally under the control of their husbands along with all their property and earnings. In addition, fathers had absolute rights to their children, even to the extent of being able to will

their guardianship after death. Women had no such rights and in the case of separation or divorce the man automatically took custody of children. And while a man could divorce his wife solely on the ground of adultery, for a woman to obtain a divorce she had to prove both adultery and other misdemeanours, such as cruelty. The *Married Women's Property Act* of 1870 and the *Matrimonial Causes Act* of 1878 in England, their subsequent amendments, and similar legislation in the Australian states, gradually changed this. However, it was 1891 before an English court recognised a woman's right NOT to be beaten by her husband (Scutt 1986, 49).

In contrast Aboriginal women had considerably higher status in their communities although it took a long time for this to be recognised by anthropologists. This was because most were male, spoke mainly to Aboriginal men and were influenced by them, as well as by their own bias towards male dominance. This bias has now been largely corrected, mainly by women researchers who have been in a position to hear women's side of the story, for example Goodale (1971), Berndt (1979), Hamilton (1981), Bell (1983). Aboriginal women, of course, have always known it was wrong.

Aboriginal women's independence was based partly on a strong economic role, since they provided 80 per cent of reliable food and had substantial control over its distribution. They were also co-owners and carers of the land with Aboriginal men and took part in joint ceremonies to which they made a significant contribution. In addition women, like men, had ritual autonomy in ceremonies which were confined to one sex. All this meant that they had a strong power base in the political sphere of their society and were involved in issues of social control along with men.

This did not mean that there was complete equality with men. As in other societies around the world there was still, in the final analysis, a culture of male dominance. However, it seems clear that the combination of inaccurate anthropological representations of Aboriginal women and the experience of colonisation have worked against them so that their status has deteriorated. Their situation today is affected by issues of race and gender, which intersect to influence negatively their position both within Australian society at large and within their own culture.

One result of this is that they are now subject to violence from their own men of a kind which would not have been countenanced in traditional society. As one woman remarked; 'There are now three kinds of violence in Aboriginal society - alcoholic violence, traditional violence, and bullshit traditional violence'. Women are the victims of all three. By 'bullshit traditional violence' is meant the sort of assault on women which takes place today for illegitimate reasons, often by drunken men, which they then attempt to justify as a traditional right.

Aboriginal women (and some responsible men) were adamant that much of what is happening today in their communities is in no way traditional. When asked if it was traditional for men to beat their wives, older women were unanimous that it was not and many men who were asked agreed. However, women said that men were working the law 'two ways', invoking either traditional or white law to suit themselves and distorting traditional law in the process. An example of this is of a drunken man beating his wife and when someone tries to interfere or threatens to call the police arguing that he has a right, it's traditional. Other men who stand by and watch effectively condone his action if they do not either stop him or call the police so that he can be dealt with by white law. In doing so they collaborate to distort traditional law in the interests of men and against those of women.

A woman in an Aboriginal organisation related an incident where she returned to her workplace to find a half drunk Aboriginal man standing over a woman and kicking her in the ribs with big boots. Three male field officers were standing by watching. She told them to stop him, whereupon they replied: 'You can't interfere, it's Aboriginal Law'. Retorting that it was NOT Aboriginal Law to kick a woman like that with big boots, when drunk, she then told the man to stop and get out. He was so surprised that he did!

Gibson (1987) also argues that Aboriginal traditional culture is being distorted in another related area, that of sharing. He cites an example of this happening when a man spends his family's money on alcohol, leaving his wife and children without food. He then shares the alcohol with his cousins and thus justifies the action: 'as a true expression of cultural identity and as a fulfilment of cultural and kinship obligations'. Wrong, says Gibson, rather the man is using: 'Aboriginal tradition to justify what is in essence selfish exploitation based on an individual physical desire for alcohol' (1987, 3).

The same can be said of the many examples cited in this study of men beating and threatening their wives, mothers and grandmothers in order to extract money from them for grog. An Alice Springs woman observed:

All this is misuse of culture to get money. In the old days people would ask for money. If they said they had none, you would give them some - it was an exchange system. Now its DEMAND. They put the traditional argument, that people have to give to each other, but they're using it wrongly, for grog.

Gibson maintains that anthropologists and other white people have contributed to the creation and perpetuation of such myths. An example of this is an article by Kahn (1980) in which he argued, on the flimsiest of evidence, that the battering of women in a modern Aboriginal community, generally in the context of alcohol, had its origins in tribal traditions. He then went on to suggest that intervention strategies should be based on an understanding of this 'cultural context'. Similarly, Bell (1989) noted that there have been cases when Aboriginal men have been accused of rape, where male anthropologists have given evidence that rape is a light matter in Aboriginal society since traditionally women were punished for some transgressions by pack rape.

Not only anthropologists are to blame for the distortion of tradition and the perpetuation of these myths, however, for as Aboriginal women say, men have been eager to use both traditional and new laws to their advantage. The sad thing is that many young women now believe that it is traditional for men to beat their wives, since this is the everyday reality of their lives. Older women may reject this as a distortion and a myth, but they worry about the implications of acceptance of this and other 'bullshit' tradition for the next generation.

But if we return to the issue of true tradition as it relates to violence, that is violent punishment legitimated by Aboriginal Law, there is still a problem in a contemporary situation of deciding whether all violence can be justified provided it really is traditional. If not, how is the decision as to acceptability to be made, and who will make it? The Law Reform Commission inquiry into The Recognition of Aboriginal Customary Laws addressed these issues and came to the conclusion that: 'Aboriginal customary law should be recognised, in appropriate ways'. However, the Commission also said that basic human rights should be secured, and observed that:

'minority values, cannot as such, justify the violation of basic human rights' (1986, 84).

But the decision is seldom clear cut and often it is a case of asking whose view of tradition we are going to accept. Related to this is the question of what is meant by 'tradition'? Is it something which is set for all time? This seems unlikely, but if it is subject to change who decides when and what changes are acceptable? There are likely to be different viewpoints about these issues which may be related to age and gender.

A generational difference in views on tradition is apparent in some communities between older and younger women. Older women generally wish to retain traditional practices and to deal with problems of violence in their communities in traditional ways. Some young women, however, have different views and may be more willing than their older relatives to resort to white law to deal with assault. In one community a young woman observed:

Before people did get hurt, with spears and things, but older ways were too cruel. That was before. We're talking about the present. It shouldn't happen now.

From one point of view this may look like another example of cultural breakdown but, from another, it may simply appear to be inevitable, and desirable, change.

Similarly women in Aboriginal communities may have a different outlook to that of the men in relation to traditional practices. Yet when views are canvassed by outsiders it is usually male elders who are consulted and this may result in a biased view being accepted. Older women are also knowledgeable in traditional law and it could be expected that, as in other societies, there will be times when differences in interpretation will arise.

Also it is possible that changing customs will not be recognised. For instance, Bell (1980, 264) pointed out that female relatives were more likely to support young girls who flouted tradition by entering into love unions, than were the male relatives and promised spouses. There is obviously an element of self-interest here and a desire to sustain male solidarity. This was apparent also in situations such as Bell and Ditton observed where male dominated councils were often reluctant to take action against another man when women were assaulted in very untraditional circumstances (1980, 24).

The problem of disagreement between segments of a community as to what is or is not allowable according to custom, and the consequences for girls and women, was apparent in the following case encountered during this study.

A man had originally pleaded guilty to several counts of rape of two young girls but changed this to not guilty on the basis that what he had done was condoned by custom. There was clearly disagreement in the community about this, but even those who disapproved, mainly women, appeared to be unable to intervene. There was also doubt whether the girls had consented or not, and if so whether this was due to pressures in the community. The Crown prosecutor rightly observed that this case was important for all Aboriginal women in the Territory but in the event was unable to proceed when the principal witnesses were reluctant to give evidence in court.

The elders in this community who agreed that the relationship of the man with the two girls was customarily sanctioned were reported to be resentful of the church's negative influence on traditional ways. But it was noticeable that when questioned about the man's brutal treatment of his wife, for which he was also charged, they agreed that this was not customary, that a man should respect his wife. However, there appeared to have been no attempt to apply any traditional sanctions to protect her. Plainly in this type of situation women and girls are in a no win situation, since they are unable to rely on protection from either Aboriginal law or non-Aboriginal courts. As Aboriginal women say, men use the two laws to their advantage.

Violence, cultural difference and feminism

The causes of violence against Aboriginal women are often many and varied. Although some are applicable to all women, there are cultural variations. However, in a recent article Marcia Langton was adamant that cultural difference was not a justification for brutality. In a situation where:

...anomie, poverty and the rigours of the struggle to survive, allow Aboriginal men to use force, arbitrarily, to inhibit and terrorise women, and to cast them as whipping posts for their frustrations, the role of feminism is to defend the rights of women AS WOMEN (1989, 8)

For all women a crucial issue in looking for causes of male violence is inequality between the sexes. While Aboriginal women may traditionally have been more independent than their non-Aboriginal sisters, a specific factor contributing to gender imbalance today is:

...the ability of men to use force, in the final analysis, to preserve male dominance in ideology, in structures and relationships. This was so in traditional times and remains so, but in vastly changed circumstances (Langton 1989, 8).

CHAPTER FIVE

DEALING WITH VIOLENT SITUATIONS

It is plain that many Aboriginal women are the targets of violent assaults, whether they live in remote communities or outstations, or in towns or town camps. These assaults often take place in or near their own homes and usually by Aboriginal men, often partners and other close relatives. As for all women the very closeness of the relationship makes dealing with the assault difficult. In this chapter I examine the ways in which women try to come to terms with what is happening and the actions they take when assaulted.

All women have great difficulty escaping from a violent relationship. The popular view that women can always leave is far from the truth. The problems confronted by women who do leave are likely to be economic, social and psychological. And there is the emotional trauma of finally admitting a person who was loved and trusted has betrayed that trust, and the guilt experienced if children are being separated from their fathers. But one could also ask, why SHOULD a woman have to leave her home when she is the victim of a crime? I have never heard it suggested that householders should leave their homes and allow the burglars to remain!

These problems are compounded for Aboriginal women whose lives often revolve around small, isolated communities or camps. Leaving home means giving up the physical and emotional support of their families, on which they are extremely dependent for a satisfying life. Added to this are cultural factors of obligations and loyalty to kin and families which make women vulnerable to pressures to forgive and stay.

The wider net of responsibility is encompassed in the term 'family fighting' which is the one many Aboriginal people prefer to 'domestic violence'. Family fighting suggests that violence is affecting a wider group of people than husband and wife. This study has shown that wives, mothers and grandmothers are the likely victims while the perpetrators are most often male - husbands, fathers, sons. There is also acknowledgement that women are sometimes the aggressors. Anthropological literature cited in Chapter One showed that Aboriginal women did fight and the statistical data in Chapter Two confirmed that some men were injured by women, and some women by other women. Nevertheless most family fighting is either between men or is between men and women and results in women being injured.

The term 'family fighting' has some of the same disadvantages as 'domestic violence' in that there is a danger of it obscuring what is happening. It can sometimes result in a woman being put under pressure to stay in a violent relationship, at great cost to herself, in the interests of keeping the family intact. Nevertheless, the term is positive in so far as it draws attention to the fact that family fighting is a problem shared by all members of a family group, men and women, rather than that it is 'women's business' as some men have suggested.

However, not only do women often bear the total responsibility for family well-being, they often also attract the blame for the violent incidents. Comments such as the following were not uncommon:

It serves her right - she was drinking too.

It was her fault - she back-answered him when he was drunk.

She asked for it - she didn't have his tucker ready when he got home.

I was told that in one community older women had expressed concern at the new Northern Territory domestic violence legislation because: 'sometimes women need a good hiding'.

Not everyone agreed with those sentiments; others were emphatic in their assertions that no-one 'asks to be hit'. And many women talked about other women who were drinkers with compassion and understanding, worrying that they were in particular danger of abuse.

But it does point to another similarity between Aboriginal and non-Aboriginal people. In the case of domestic violence or family fighting many people, both men and women, are only too ready to 'blame the victim'.

Communities

Women in communities had different ways of dealing with violence. These partly depended on options open to them within their community or because of the location of the community. For instance, although all communities visited had health clinics, not all had fully staffed police stations though some had police aides. Some communities were isolated while others were within easy reach of towns with facilities such as women's refuges.

In the old days when open camps were the norm family fighting was easier to control. There were always other people around to 'partner' fighters or intervene if things got out of hand. Even today when assaults take place in public injuries are less likely to be severe, although when alcohol is involved there may not be appropriate people present who are able or willing to intervene.

Nevertheless, women are more likely to sustain serious injuries when they are alone. There were many stories of women being dragged off into the bush and beaten up. In one community a woman had been killed in this way a couple of months earlier with the result that there were no witnesses to the murder. However, these days many assaults take place inside houses, often when women are alone or when only children or old people are present and it is these situations which are most dangerous for women. As noted in Chapter Three some women do fight back but it is not as prevalent as is often thought. In any case, it is still usually the women who are hurt most.

Often the first reaction to being beaten was to say and do nothing, other than to try to escape from the immediate violence, generally by running off into the bush and often spending the night there. This might be because women believed it was their problem 'between husband and wife' or it might be because they feared the consequences if they said anything:

Women don't tell about beatings - except their mothers. If they tell they get more hiding.

Another reason was that they felt shame at what had happened. One woman observed that she had never thought it would happen to her. When it did she was ashamed because her daughter who was about eight years old was there:

Once my husband belted me - he hurt me badly - it was a really bad time. My eldest daughter came and put her arms around me. I hated her to see it happen - what did she think? It's wrong for a young daughter to have to care for her mother.

Another woman could not believe it was happening to her and was so hurt and ashamed that:

The first time he hit me I didn't care for myself. I didn't put on clean dress or comb my hair because my husband was treating me badly, because I'm not a person to be treated like that.

When women tried to get help the first people they went to were relatives. Traditionally certain relatives had a responsibility to protect women and they were still considered the most appropriate people to call on. In communities with no police station and no women's refuge anywhere near, a relative was the most likely source of help available since most assaults occurred at night-time when men had been drinking. Women would run, usually with children, to a relative's camp and stay there for the night, hoping that the man would not find them or if he did that their relations would be able to persuade him to go home.

Many relatives did try to protect women by taking them in when they were beaten or threatened but there were problems. As one health worker said:

This is a small community, there's nowhere to go, very few places they can go without being seen. You try to think calmly where to take a woman - you think of a safe relative. But often when you get there the husband is there first because he's thought of it too!

Another problem was that although many relatives were willing to help they also were frightened of violent men who often arrived brandishing weapons such as star pickets, and were quite likely to turn on them if they found women at their camps. One woman's brother told her to go to the police after her husband had chased him with a spear when he was drunk. 'Don't come to me', he said, 'otherwise he'll be stirring up my children too'.

A number of people remarked that it was much more difficult for women to get help these days when there were fights or when they were attacked than it had been in the past. 'In the old days women got help from brothers and uncles - not now'. Partly this was because of the sheer violence of the attacks, but also it related to the breakdown in control so that older men who would have organised protection in the past were no longer able to do so. Another problem seemed to be the frequency of the violence. It was one thing to take in a sister or niece and her children occasionally, but when it was a recurring event relatives became weary of always having their lives disrupted as well.

Even if women went right away many men would still pursue them. In one community a pregnant woman ran away to Darwin to stay with her sister because she was unable to stand the beatings any more. The health sister had warned her

that these might be endangering her unborn child. But her husband followed her there, harassing her until she gave him what money she had.

Traditionally in Aboriginal society women were mediators in disputes and fights. Many older women still tried to play that role and to intervene to protect daughters, or daughters-in-law from their sons. Unfortunately, in the sort of uncontrolled violence which is prevalent in communities today this often results in them being injured too. In one community an elderly woman had had her arm broken the previous week when she tried to intervene to stop her son hitting his wife.

However, many people felt that seeking protection from her own family was still a woman's best option:

The only time a woman feels safe is when she goes back to her family, her father and mother. That controls the man's drinking habit - sort of quietens him down.

A man knows he can be bashed up if he's belting his wife in front of her family. The family get really angry and do the same with him.

However, these women went on to observe that when people married these days they usually went to live either with the husband's family or in a house of their own - and neither was good for the woman.

Many women who lived in their husband's camp or community found they got little help from his family who were usually on his side. 'If the wife tries to fight back, the husband's family come and tell her off. However, some men's families did try to control them and protect their wives but if they were unsuccessful, as often happened, they were reluctant to take any other action and often put pressure on the woman to stay with him. This sort of pressure also came from a woman's own family. They persuaded her to stay 'for the kids' sake' or because she was 'promised to that man' and if she left it would upset both families.

When women had no relatives either in the community or in the area they were extremely vulnerable for men's relatives went to great lengths to protect them from punishment. In one community a woman had been savagely attacked in daylight outside the school but although the man's brothers dragged him away they also made sure he had disappeared by the time the police arrived. He had not been found six months later.

Apart from relatives women also approached a variety of people in their communities for help, both Aboriginal and non-Aboriginal. Women went to staff of schools, churches and health centres for help and there were frequent stories of women and children staying overnight with teachers or nurses, or taking shelter in clinics or convents. When there had been a Social Club in one community women and children lived in what was virtually a state of siege in the evenings and were always taking shelter at the convent or presbytery. One woman described what she said was a normal experience:

Once I was running to presbytery and I nearly fell down, tripped on a stone. I was dragging one old lady with me. Heard shooting going on. I had a little kid grabbing my neck, holding tight. They was fighting - following with spears.

It is not surprising to learn that when some men who were non-drinkers eventually lost patience with the Council's inaction and wrecked the club they were helped by many willing women and children. A year later women were almost unanimous in saying life was better without the club. However, they agreed there were still problems and the community was split as to the nature of some of the consequences and what action should be taken in the future.

Inevitably women often went to the clinic when they were assaulted, usually for treatment rather than for other assistance. Clinic staff called the police when injuries were life-threatening or extremely serious. In other cases they usually suggested to the woman that the police should be called but women were often unwilling to do so.

In the communities visited only three had fully staffed police stations, one including an Aboriginal police aide. Two had stations staffed only by police aides. In the remaining three there was no police presence in the community and they were serviced by police stations in nearby settlements from three to 30 kilometres away. Obviously this had implications for deciding whether to call police and what help could be expected.

A number of people remarked on the reluctance of women to go to the police for help. In one community where there was a fully staffed police station a man observed:

Police do try to help women here, when women go to the police they do help. The problem is they won't tell. It happened before, one woman she always belted. If only she'd gone to police they would have helped. Eventually she got badly hurt and they did help. If women would tell earlier they could help. Sometimes they won't even tell family for shame.

There were a number of reasons why women were unwilling to go to the police when they were assaulted. Some were scared of retribution if they did:

Some wives tell lies. If policeman ask: 'Who did that?' [referring to an injury] they tell lies, or won't tell. They're scared. He won't forget, he'll start hitting her again later.

Often there was good reason for this fear. One woman described how she had complained to the police when she was assaulted by her husband and the police had summonsed him. However, before he went to court he again attacked her:

He grabbed me and punched me in the face and tried to choke me, saying: 'If you tell police on me I'll hit you another time'.

He then knocked her to the ground and hit her with a stick and when she ran away he chased her and hit her again so that she ended up with a black eye and a split lip. In this case she promptly reported him to the police again. But it is understandable why many women are reluctant to do so; there is little protection for women while men are awaiting trial or when they come out of gaol.

Sometimes other people called the police for women but one woman who had done so the previous night observed that this also could be dangerous:

If women in the village are beaten up, others are scared to tell the police, or there's no time with drunks everywhere. And if they do, next day they get blamed and threatened.

However, many women will not approach the police because they do not want their men to end up in gaol:

Some woman - when getting hit by husband, she won't even call out to the police when she sees them passing. Most women don't like to put their man in gaol. They keep getting sorry. That's why the police can't help.

Again this is understandable. Aboriginal men still constitute a disproportionate number of the prison population in the Northern Territory. Whatever the present reason for this, the long-term contribution of oppression and discrimination cannot be overlooked. Aboriginal women have shared this oppression and are now torn by feelings of sympathy and loyalty which make it difficult for them to act against men who are abusing them. The Chairman of one community thought it was also related to the recent publicity about deaths in custody. He said people had seen it on TV and were worried about their people being sent to gaol.

More women are reporting assaults to the police these days and satisfaction with the police response is varied. In some communities people said police came promptly, usually putting the offender into protective custody if he was drunk or in the case of a serious assault, charging him. However, many women were still ambivalent about laying formal complaints resulting in the police charging men. Fear of the man and feeling sorry for him have already been mentioned, but there was also fear of going to court as well as criticism of this action by relatives. Because of all these pressures many women later withdrew their complaints or simply did not turn up in court to give evidence. Nevertheless, more women are going through with court action. In one community, I was told that when the first woman did so a few years ago everyone was astounded but since then a number of other women had followed suit.

For many women having the man taken away into protective custody was seen as a good solution. It removed him while he was dangerous but did not lead to him being charged. One woman said:

I always go and get the police when my son is drunk. I get them to lock him up - that's what everyone should do.

However, in another community women were less happy with this solution:

Women go to the police when men are drinking, causing trouble. The police lock them up but they just come back and drink more and cause more trouble and women get hurt badly.

Another woman said that she could get no help from police in her community when her husband bashed her, beyond locking him up on protective custody. So she went into the nearest town and stayed at the women's refuge and while she was there got a restraining order. She returned to her community and for a while everything was all right. Her husband then assaulted her again and she had to go to the clinic to get her arm stitched. But when the clinic sister rang the police they took no action.

In communities where the nearest police station was some distance away problems were compounded by the time it took for police to answer calls. In some cases they

were reluctant to go out to communities unless there was a guarantee that the offender would still be around. There were various ways of dealing with this, usually by having an agreement that calls to the police would be made by Council or Clinic staff or by a Community Adviser.

Again there were varying degrees of satisfaction with police responses. Some people felt that the response was reasonable, with police taking drunks into protective custody or arresting in the case of serious assault. In other cases women complained that police came but did nothing apart from telling the man to be quiet and then left; as soon as they had gone he would start making trouble again. However, one Chairman admitted there were other problems. He recalled having rung the police because a man was belting his wife but when they arrived it was quiet and the police said they had been called for nothing. He later found out that relatives had told the man to shut up and hide because the police were coming.

There were other more serious complaints. One woman was threatened with a rifle in daylight but although she told the police no action was taken. In another case a nurse called the nearest police station one night when a woman was threatened at the clinic but could get no reply. Next day she rang again and was told by the police officer that he had switched the telephone off because he was tired and did not want to be disturbed.

Over many years some women had worked through most of the options for dealing with violent men. One woman described her experience as follows:

My husband is from X - he's always causing trouble - drunk or sober he always belts me up. When we're in Alice I go to the Shelter. At X I go to the police aide. In Y I go to the police. A couple of years ago he stabbed me with a knife and I went to court and he was gaoled for three months. But when he came out he went on belting me.

Asked if she had ever tried a restraining order, she said she had not. In the past not many women in communities took out restraining orders but the introduction of new legislation in the Northern Territory in 1989 has resulted in women becoming more interested in this option, particularly as the new orders are considerably stronger than the old 'S99 order'. At the time of this study the new legislation was either pending or had only recently been introduced and no woman in any community visited had actually obtained an order. Some of the reasons for this will be discussed in the next chapter.

Certainly in some communities there was pessimism about orders working. Some women said men would take no notice, particularly if they were drunk. But on the whole the response was positive and most women believed the legislation was at least worth trying to see if it would solve some of their problems. Women in one community asked for a letter to be written to the police commissioner specifically requesting that police should act on the legislation in their community. However, a criticism of the legislation was that it applied only to partners. Women thought it should apply to other relatives since mothers were being belted by sons, and grandmothers by grandsons.

One attraction for many women was that the order could be viewed as a warning to men, but did not involve them going to gaol provided they obeyed it. They hoped that if the provisions of an order were known in a community then men would be

forced to take notice. Many felt that if a man ignored the warning: 'then he should be charged and maybe fined or locked up for a while'.

One problem that was recognised with the new legislation was that it needed police backup and in communities where there was no police station that was an obvious problem. Where there were only police aides in a community there was ambivalence as to how effective they would be in enforcing orders. Also, when discussing the part police aides could play in operating the new legislation, many people agreed that it might be difficult for them to intervene in such personal matters.

Some women were very positive about police aides and said they were the first people they approached if they were bashed. In one community women said there had been far less trouble since they had a police aide. Other women were more critical saying:

Those Aboriginal police don't help anything - too much relations, culture - they won't put men in.

It was because of the difficulty of approaching male police aides when they were assaulted by men and because of the reluctance of some police aides to take action against men in such cases that many women felt that it would be a good idea to have women police aides. The issue was raised spontaneously by women in some communities and town camps, while in other places women expressed interest when the idea was floated. No women were negative about the idea although there were concerns about how it would operate and what the duties of female police aides would be. I will return to this issue later.

Because it has become more difficult in some communities for women to find safe places to stay or people who are willing and able to protect them against assaults, some women have been forced to leave home, at least temporarily. Women were reluctant to leave their communities, particularly if they had no relatives with whom they could stay, but some were forced to do so when the abuse became too great to bear. Sometimes they were helped by religious staff to go to church accommodation in other communities or in town for what amounted to a holiday. However, men usually found out where they were, either because other people told them or because the women themselves became lonely and telephoned. There were numerous stories of the men then going after them and bringing them back, sometimes forcibly, and often beating them again to confirm their control.

A few had been to women's refuges either in Darwin or Alice Springs, although they usually needed help with transport to be able to do this. Health workers in one community described the drama of getting one woman and her children away from a particularly violent husband:

They were very frightened so we took them out to the airport. When they passed within three blocks of their house they all lay down in the back of the truck - big kids held little ones down so no-one would see them and tell the husband so he would come after them to the airport.

Once they got there the refuges had advantages in that men were not allowed access and women had the support of other women in similar positions. Also refuge workers offered advice and help in relation to social security benefits and housing if women were considering leaving home. Very few women from communities wanted

to take this drastic step and even if they did their troubles were not necessarily over, as the following case history shows.

After a number of assaults R fled to a refuge in Darwin and decided not to return to her community. In the meantime her husband, K, was sentenced to 10 months in prison for her assault, but released after three months on a good behaviour bond stipulating that he return to his community after completion of an alcohol rehabilitation program.

Three months later K broke into R's flat in Darwin, threatening her, so that she went back to the refuge. He returned to the community and she went back to her flat. A month later K was in Darwin again. This time he went to R's flat and assaulted her. She waited until he was asleep and then returned to the refuge where she was advised to contact the police. She did so and K was sent back to the community.

A week later he was back in town. She returned to the refuge and this time took out a restraining order. Three weeks later he was in Darwin again trying to break into her flat. A week later he succeeded and assaulted her; once again she returned to the refuge. He was arrested and released on bail on condition that he return to the community to await trial and R was able to return to her flat.

The case finishes with K again sentenced to 10 months in prison for assault, to be released after three months on a two year good behaviour bond on condition that he attend an alcohol rehabilitation program and return to his community...

Very few women make this sort of break. For the majority a maximum of two or three weeks (usually less) in Darwin or Alice Springs is enough. Both the economic and emotional problems of living in town are too much for most women from communities; loneliness and loyalty draw them back. So most return to their communities hoping things will be better, and at least having had a short respite from the violence.

It is because leaving one's community is so traumatic that women have recently begun to consider setting up refuges or secure houses within their own communities. The advantage of this idea is that it has traditional validity. In many areas single women's camps or *jilimi* were (and in some places still are) centres for women's ritual activity and socialising as well as providing refuge for women and children. They were out of bounds to all men. Most modern refuges are still in the planning stages but at Nauiyu Nambiyu Community, Daly River, a women's refuge has been operating successfully for several years.

This refuge, or single women's house, consists of four two-bedroom units built around a courtyard with secure, lockable gates at the entrances. The building was originally planned as community housing and was built with Housing Association money. However, the need for a safe place where women alone, or with children, could stay was recognised and it was decided to use the building as a women's refuge. Some single women live there permanently and one is in charge. Other women stay when they are sick (the refuge is opposite the health centre) or to escape when they are having trouble with husbands beating them. Women often stay for a night or two, but they can remain as long as they wish and some do so for two or three weeks until things 'cool down'. There is a telephone immediately outside the gate so that the police can be called if necessary.

The President of the community, a woman, said that the success of the refuge depended on the strength of the women running it. Men had to know that they would call the police if they caused trouble. It was important also that the Council (3 women and 4 men) supported the refuge and that the police were cooperative.

No other community had a 'custom built' refuge such as that at Nauiyu Nambiyu but two other communities had begun to use Women's Centres as safe places for women to stay in an emergency. In each case the Centres were surrounded by high fences and some older women had keys and would take women there and usually stay with them. In the first case this was common knowledge and women said they had so far had no trouble with men; they knew it was a 'women's place' and kept away. In the second case women were still worried about the men's response and were trying to keep their actions secret.

Women in other communities were discussing ways of using Women's Centres as safe places or the possibility of having buildings either built specially or transferred to this use. And information about many communities throughout the Northern Territory confirms that this is a widespread phenomenon. In only one community visited was there strong opposition to the idea; the majority of women believed that such a move would anger men and cause more trouble for them.

However, many women were concerned that going to any refuge meant that it was WOMEN who were having to run away:

Why should women and kids be locked up? It's the men who are causing the trouble.

The belief that women should be able to stay in their own communities, preferably in their own houses, when they have been assaulted is another attraction of the new domestic violence legislation. Many were enthusiastic about the ousting provision, which makes it possible to take a man into custody temporarily while an order is being obtained, and the fact that the order can stipulate that the man must keep away from the woman. As they said 'Why should it always be the women and kids who have to run away?'

In all communities women believed that the principal cause of assaults on women was alcohol and many of them saw controlling alcohol consumption in the community as the best way of dealing with the problem. Women also tried to persuade men to go on alcohol rehabilitation programs and in some communities women belonged to Alanon groups. Apart from helping woman to cope with drunken husbands and learn ways of avoiding violence, these groups also were avenues for more general discussion of what was happening and what could be done about it.

Some Councils were helpful to women; in one community a night patrol had been set up although, unfortunately, it lapsed after a while. Individual Councillors were also often supportive. However, there were many complaints by women of male-dominated Councils refusing to listen to their pleas for help. Councillors in one community argued that women getting beaten was 'family business' and they could not interfere. In another the Council was prevaricating over requests for a system to secure old people's pension money from threatening young men. It was plain that much of the resistance to women's pleas stemmed from the fact that some male councillors were themselves wife beaters and heavy drinkers while others were unwilling to upset fellow men.

However, women had heard that things were different in some places. They talked of communities where alcohol and violence were better controlled and where women were strong and able to influence decisions. In several communities women were working with sympathetic men to try to have more women elected to Councils so that their concerns would be given priority.

Outstations

As has been suggested previously women who lived at outstations were generally considered to have fewer problems with violence than other women. This was because many outstations were 'dry' and, because of the small size of the group and the distance from liquor outlets, this was enforced. Also, in small groups the traditional controls were more likely to be in place and appropriate relatives were said to intervene when necessary.

If these controls failed, women could be in a dangerous situation at an isolated outstation since there was very little chance of receiving outside help quickly. One woman told of her sister having been killed at an outstation the previous year. In that case the police had been called after the event. But in the case of a minor assault it would be unusual for the police to be called at all. Health workers who visited outstations said they did hear of women being assaulted and sometimes having to hide in the bush. There was very little action they could take. It was only when there were serious injuries that women were flown out for treatment.

At outstations close to towns women had trouble with drunks coming out and pestering them for food and money. Older women at one such outstation complained of this but since they had no telephone and no car they relied on helping each other to get rid of unwanted visitors.

However, at outstations close to towns women were also interested in the new domestic violence legislation and the possibility of taking out orders against violent husbands. One woman who had had a lot of trouble in the past said:

If I go through this again I'll go for that law. It's a good idea - women need protection. Not only Aboriginal - white women too. It's good - about time too - that government has come up with law. It will be good if women ask for protection - they should use it. People say its all culture - just a little fight between husband and wife. But we've got to sort ourselves out.

Town camps

Women in town camps had some of the same sort of strategies for responding to violence as women in communities. As was pointed out in Chapter Four more people in town camps were drinkers, both men and women, so the issue of alcohol was high on the agenda. There was some feeling that women drinkers were more likely to fight back if they were attacked and that they often gave as good as they got. But other people felt that drinking put women in more danger from both physical and sexual assault.

In any case many women who were assaulted were not drunk and for some of them there seemed little point in trying to do anything about being beaten:

In town camps there are big problems - it's the normal thing people live with these days. Women don't talk about it - they just accept it - it's part of life - they've grown up being bashed. There's nothing they can do unless they go away for a long time.

At some town camps women were protected by relatives, where the family was strong, or by camp committees:

We look after the ladies here, we get the police to take drunks away. We have a strong committee, we won't have women bashed.

However, women agreed that all too often this was not the case and there was no-one women could turn to for support in a town camp. They said that a long time ago there used to be bosses in town camps who would kick people out and stop trouble but there were none now.

A woman who worked in town camps in one area said that the problem was that no-one wanted to take responsibility. She told of one camp where a woman was locked up by her husband, beaten and burnt, and eventually died. No-one intervened or told health workers or the police. The excuse was that it was 'family'. But defending families like this was wrong, she said. In the traditional way other family members were supposed to look after the woman, now they did not.

Nevertheless, the reality was that women and other sober people were generally too afraid of drunk and violent men to intervene in disputes or to assist other women. Older women told of gathering up small children and running away when men attacked young women.

In some cases new structures were being tried to deal with the problems of drink and violence. In Tennant Creek the Julalikari Council had set up a regular night patrol of town camps, with teams of men and of women, to monitor disturbances. The first action was to try to sort out the problem but if this was impossible they called the police and stayed until they arrived to act as mediators. The police were cooperating in this venture. Patrol members also supported women in various ways, taking them to hospital or to the women's refuge or helping them to make a statement to the police and going to court with them. No-one claimed that this was a complete solution to town camp problems but many women said things had improved since the patrol began.

Because town camps were located in or on the fringes of towns many women did go to hospital when they were injured, usually because someone else called an ambulance. Unless they were badly hurt and had to be admitted they were simply treated and released. In small hospitals staff were more likely to check on where they were going when they left and make sure they were accompanied by a friend and had somewhere safe to go. In Alice Springs staff said women often asked to be taken to the women's refuge. This was also starting to happen in Tennant Creek although the refuge had only been open a few weeks.

In all towns where there were refuges many women did stay there, sometimes being taken by the police. Because refuges were close women from town camps were able to avoid violent situations by going there when they could see they were likely to

have trouble. As always, refuges were a respite rather than a solution for most women went back home after a short stay. However, in Alice Springs at least 11 per cent of women from town camps went to stay with relatives in bush communities when they left the refuge and a few moved to houses in town. There was some disapproval of this. One group of women was against the setting up of a separate Aboriginal women's refuge in Alice Springs because they were afraid that it might encourage women to leave their husbands. Even when they were constantly abused women were likely to be sanctioned if they split up families.

Women were often reluctant to report assaults to the police for similar reasons to those of women in communities. However, police were constantly called to town camps, usually by other women or relatives of victims, and, as in the communities, there were varying degrees of satisfaction with their actions. Some women were happy when the police took abusive men into protective custody or to sobering up shelters when these were available. Others were concerned that this had no long-term effect and were less enthusiastic, particularly about the sobering up shelters, saying: 'They love it - they get a free feed'!

And although the women working in the town camp patrol mentioned previously were very positive about police cooperation, many women were either critical of police action or felt it had limited use:

They can only arrest and then let them go. It's a double edge - they want to help but they won't get involved.

One woman said she was getting belted and rang the police. When they came her husband was quiet and the police just laughed at her; when they had gone he belted her again. In other cases women said police would not bother looking for men who had been beating them but who hid in the bush when police arrived. It was different, they said, if the man had stolen a car or something - then they would look for him.

Women in one organisation said that they realised the frustrations. Women often made complaints and then later withdrew them when the police laid charges:

Women drink too - they call the cops then scream at them to stop them taking the man away. But if woman and man are not drunk and she reports to the police they say she must have provoked him. Police should get advice - they need to look at why. Police probably can't help much but they need to understand why women back out and that it was NOT like this in the past. Its NOT traditional - men didn't beat their wives.

If police are serious about addressing the problem they have to talk more to women - and men - even if it is slow and doesn't always work.

Only one town camp had a police aide based there and people felt this was a great success. He had been there for two years and, although violence was still a major problem, women said things had improved because they could call on him quickly before the situation got out of hand.

In other town camps women felt there was a need for more police aides, men and women, to work with police, if only so that they did not make mistakes. One woman cited an example:

He [the police officer] was taking one man and he'd got wrong one. He argued, but he was wrong. They see someone from same mob - look similar - get them wrong.

Some town camp women had tried restraining orders in the past, with varying success, but most were interested in the new domestic violence legislation. In one area women said:

Police got more powers - we can report now and they've got to take notice. We've got to get out of that syndrome, thinking if you're married to someone you can bash them.

When asked if they thought Aboriginal women would use the legislation one woman observed:

When something is ingrained it takes time. We used to think Aboriginal women wouldn't go to the Shelter - but they do now.

The big attraction for many town camp women was that men could be removed instead of women and children having to run away. At a meeting of town camp women in one town they said:

We've got a lot of women who don't want husband back in house. Sometimes woman moves out with kids to another house, but there's another woman with kids there - too many - they don't want them. Better if woman could stay in house and get order.

Because alcohol was seen as the major cause of violence, many women saw the long-term solution to reducing assaults as getting more alcohol rehabilitation programs going. In one town camp they said:

It's quietened down a lot. D comes out and talks about grog - mainly women go to the meetings. He's started AA meetings - trying to get to people who are drinking too much. It's helping.

There was general concern at the shortage of good alcohol programs and in Alice Springs an Aboriginal Alcohol Working Party had been set up to try to address the problem.

Towns

In Chapter Three it was noted that, apart from town campers, there were two other groups of Aboriginal women living in towns: the fringe dwellers and those who lived in town houses.

Fringe dwellers seldom took any action in regard to abuse, other than fighting back, running away and hiding temporarily or, very occasionally, spending a night in a women's refuge. In one town some women who lived on the beach were reluctant even to go to hospital and said they never reported fights to the police - if they did they would get a hiding later.

However, since the fights were often public, the police did become involved. Women with injuries were then taken to hospital and men taken into custody. Unless there

was a death or an extremely serious injury it was unlikely that further action would follow as women were invariably unwilling to lay a complaint.

Women who lived in town houses tended to react to domestic violence in much the same way as non-Aboriginal women in a similar situation. One woman described putting up with violence for years and taking no action, apart from learning how to avoid being belted by making sure she was near the door and could get out quickly. She always hoped the situation would change.

Others did take action, calling the police, often with limited success. One woman whose husband constantly came home drunk and broke furniture said she always called the police and they came and took him into protective custody. But another woman said her sister was bashed regularly but when she called the police they said they could not arrest him unless he bashed her in front of them. Men knew that and stopped when police arrived. This meant that a woman who was alone in a house with a man was extremely vulnerable. When the police left after ascertaining that everything was quiet he was very likely to attack her again.

For this reason many town women were extremely interested in the new domestic violence legislation, since there should not be any further excuse for police inaction. The impression was that more town women did know of and take advantage of resources available. One woman, for instance, had been to Welfare to get help in moving to Katherine. Others went to a refuge or to Aboriginal Legal Aid for help in taking out restraining orders. But like all women it often took some time before they gave up the idea that the abuse would stop:

I was beaten up nearly every night - I used to lie waiting for him to come back drunk and start. Then six months ago I went to the Shelter and they said I should take out a restraining order. I wasn't sure, said I'd wait, but they said I should do it NOW. So I did and since then it's been better - he hasn't belted me. He blames me and abuses me [verbally] about it - but it has worked.

Another woman described putting up with violence and running away for years until one day:

Then I thought, why should I always have to run away with the kids - so I got an S99 for a year. The magistrate said he had to behave, not bash me, or he'd be in serious trouble - and it worked. I got it renewed for six months after the year then it was OK. I've had no trouble since.

She went on to say that she thought it was nonsense to say that the new domestic licence legislation would not work for Aboriginal people - men WILL take notice of an order if they know the consequences of breaking it.

However many town women were still reluctant to report assaults to the police if this might lead to men being sent to prison. One young woman, who had obvious stitch marks on her face and arm, said that several months previously her husband had broken her jaw so that she was in hospital for a month. Her husband came to see her and said if the police came she should tell them she did not want lay charges. He was already on parole and would certainly end up back in gaol if she did. The police did not come to see her and she was glad because, although she had thought about reporting him, she did not really want to get him into trouble.

Not all women think like that. One woman left her husband when he hit her. A few days later she went to fetch her belongings from their house and he attacked her with a stick, injuring her quite severely. He was an educated man and was not drunk at the time. Her mother, who was with her, rang for an ambulance and the police were called but her husband had disappeared. However, she insisted on making a formal complaint and refused to withdraw it even when the police found out that the man had gone to Queensland.

Long term abuse and its cumulative effects

Aboriginal women adopt a variety of strategies for dealing with violence in their lives. Some are reasonably successful and the violence may cease or at least abate for a while. However, some women continue to be assaulted over many years and it is clear that the official statistics of the number of women killed do not tell the whole story.

Many hospital staff told stories of women who eventually died from the cumulative effects of numerous injuries affecting their health over a number of years, often exacerbated by alcohol abuse and malnutrition. The following is an example of such a case history:

X, who had two children, had been in hospital several times up to 1985 with TB, post-childbirth problems, urinary tract infections and multiple fractures after a car accident.

January 1985 - 4th Admission - assaulted at D - head injury, laceration and an inoperable retinal detachment.

July 1985 - 5th Admission - involved in fight - lip laceration, head trauma with loss of consciousness for 10 minutes, stab wound to back, multiple bruises.

May 1987 - 6th Admission - head wound after being hit on head with a flagon - glass in eye.

December 1987 - 7th Admission - assaulted by husband - head, face, chest, abdominal injuries.

January 1988 - Attended casualty - hit on head with axe by husband - laceration.

April 1988 - 8th Admission - Painful eye needing surgery. Sent from hospital to Y for alcohol rehabilitation.

November 1988 - Attended casualty - assaulted by husband - laceration to eyebrow, swollen face.

December 1988 - Attended casualty - assault - laceration to lip and grazes to face.

January 1989 - 9th Admission - assaulted when intoxicated - multiple injuries - fracture of femur and lacerations to foot and left ear. Also multiple soft tissue bruises, widespread fungal infection of body and anaemia.

October 1989 - 10th Admission - enlarged liver, anaemia, hepatitis, TB - liver and renal failure. Fluctuating level of consciousness. Deceased February 1990.

Aboriginal women are constrained by a number of factors in taking action to halt abuse. Some of these involve cultural factors relating to appropriate behaviour and loyalty to family and kin. Shame is also a factor and few women are willing to talk about rape. It remains a form of abuse which is seldom reported by adult women. Even at Ruby Gaea House, the only sexual assault centre where there was a trained Aboriginal rape counsellor, she had only counselled five Aboriginal women in a year whereas she had two or three sessions each day with non-Aboriginal women.

However, more women are starting to make use of refuges, reporting assaults to the police and showing an interest in legal action, either to obtain a domestic violence order or to charge a man with assault.

In the next chapter the policies and practices of the various public sector agencies, both non-Aboriginal and Aboriginal, with which women come into contact will be discussed. The ideas and attitudes of the staff members of those agencies will also be considered.

CHAPTER SIX

PUBLIC SECTOR RESPONSES

In the previous chapter it was shown that although Aboriginal women are often reluctant to call on outside help when they have been assaulted, more are starting to do this. Close family and relatives are usually the preferred people to intervene but when they are unable or unwilling to help, women do seek assistance from other sources such as women's refuges, police, and health, welfare and legal agencies.

The policies and practices of public sector agencies are, therefore, important in gaining an understanding of the experiences of Aboriginal women in relation to violence in their lives, as are the actions and attitudes of the employees of the agencies. It is important to be clear that all the agencies are part of Australian society and their policies and practices are informed by the mores of that society. Similarly, the employees are part of the wider society and can be expected to mirror societal attitudes. In Chapter One attention was drawn to the results of the survey carried out for the Office of the Status of Women into public attitudes concerning domestic violence. It was noted that a large proportion of people believed domestic violence was a private matter and many considered that it was justifiable for a man to use physical force against his wife. It should come as no surprise, then, to find that some employees of the agencies to which women turn for help with domestic violence also hold those views. Nor should it be forgotten, although this is even less often acknowledged, that a considerable number of male officers are likely to be wife beaters themselves.

For Aboriginal women there is the added complication that many employees have little knowledge of Aboriginal culture and traditions. They believe that it is 'cultural' for women to be beaten and stems from the fact that traditionally their status was very low in Aboriginal society and that men were entitled to treat them as they wished. This is understandable since it is what many employees see happening when their work brings them into contact with Aboriginal people. Women's apparent acceptance of the violence or unwillingness to take formal action against their men confirms this perception. However, few of them bother to enquire why the violence is occurring or to find out whether it really is traditional. The result is that effectively they collude in the continuation of violence against these women.

Police

The police are often the first people to be called in when there is an assault on another person and they are certainly the first to be in a position to take some action against the offender. As it says in the Northern Territory Police Recruitment Leaflet, the police are: 'responsible for maintaining law and order, and for preventing and detecting crime'. How, then, do the police respond when faced with a case of assault on an Aboriginal woman? One would think that this was clearly a breach of law and order and, if she is injured, it is surely a crime.

The police generally deal with 'domestics' in one of three ways. Firstly, they may try to calm things down and then depart without taking any other action. The argument here is usually that it is 'just a domestic', private and unimportant, and that it is inappropriate for the police to do more than ensure that the parties 'keep the peace'. Secondly, they may persuade one of the parties to leave. Sometimes this involves taking a woman to a relative's house or to a women's refuge, or, less often, making sure that the man leaves the house or area. However, if the man is drunk he can be taken away and put into protective custody until sober. Finally, if the woman has been injured they may arrest and charge the man.

The action of calming things down and then leaving was the one women complained about most. Their interpretation was that the police came and did nothing. The police argument was that unless the man was drunk or the woman was obviously injured there was little action they could take. This is no longer true with the new domestic violence legislation. Also it must be stressed that leaving the scene without taking positive action can put a woman in extreme danger. There is ample evidence (Scutt 1983; Hatty 1988; National Committee on Violence 1990) that police treat 'domestics' differently to other disturbances or assaults and dislike dealing with them, believing they are not 'real' police work. When they do attend they often end up talking to the man rather than the woman and believing his story or censuring the woman for 'provoking' him. In this study some police said such things as: 'domestic violence is not criminal as such', 'women stir up men when they're drunk, the blame is 50/50', or 'the woman may yap yap and get a punch for her trouble'.

Police observed that men had frequently disappeared when they arrived at the scene, and Aboriginal people admitted this was a problem since relatives would warn men that the police had been called. However, as some women remarked, the police often seemed more enthusiastic about looking for men who were wanted for other offences, such as stealing cars, than for hitting women.

Not all police thought like that. Many tried to make sure women were safe by taking them to a refuge or, in a community, to a relative's house. Or they sometimes tried to remove the man and because most violence was associated with alcohol abuse by far the most common action was to take the man into protective custody. While this was often seen as satisfactory there were some women who felt it was not adequate because it was a short term solution only.

Some people wanted the police to prevent alcohol coming into communities so that violence would not occur. Clinic staff in one community complained that police had not acted on information they had given concerning the presence of illegal alcohol. However, police were frustrated by the impossibility of keeping alcohol out of 'dry' communities either because people did not tell them about it until fights broke out or because the number of bush roads into communities made it difficult to catch grog runners. In one community there were 11 cars in the police yard which had been confiscated for bringing in alcohol but this was unlikely to make any difference since far more cars were not caught. Also the police officer had calculated that each grog run netted a profit of about \$2000. In these circumstances having an old car confiscated from time to time was of little consequence.

It is understandable, but unfortunate, that police tend to blame whole communities for these problems, saying the Councils are hopeless. However, many Aboriginal people, particularly women, are also concerned and they are the ones who suffer the consequences of alcohol abuse but are unable to control it. There seems to be a case

for dialogue between police and concerned people even if they are not on the Community Council.

Charging a man with assault where he has obviously caused an injury would appear to be the best action to take but there are problems. Unless the injury is defined as causing 'grievous harm', that is life threatening or likely to lead to permanent injury, the victim must agree to the charge, since she will be called as a witness. And, as noted previously, women are often reluctant to take men to court. Police also know that there are a great many assaults involving 'minor' injuries, such as lacerations and bad bruising, that never come to their attention at all.

Many police were concerned and frustrated by this. One officer remarked that women who complained were ostracised: 'It's the largest problem and kept under the mat - if real figures came to light there'd be trouble'. Another told of being called to the hospital to a woman with serious burns and trying to obtain a statement from her. But her husband was also there and refused to leave, saying it was a tribal matter. While he was there the woman was obviously scared to say anything.

A further source of frustration was the number of women who withdrew complaints. Only a few police showed any sign of understanding why this happened. Most were concerned only with the waste of time and the paper work they had done for nothing. Because of this some officers told women they could not withdraw once they had made a complaint. This effectively discouraged many women from lodging a formal complaint.

A related concern for police was with court sentencing. Many officers told of cases where women had been seriously injured and on which they had worked hard only to have the man walk out of court with only a good behaviour bond.

It is difficult to come to any firm conclusions when trying to assess the effect of police actions on violence against women in communities. This is because the action varies in each situation depending partly on the officer in charge and partly on the response by the community. For this reason numbers of crime reports or statistics of protective custodies are not necessarily good indicators of the effectiveness of police action.

Some of the consequences of police policies for women can be picked up by looking at clinic figures where these are available. For example, in one small Central Australian community which was 20 km from the nearest police station the equivalent of some 90 per cent of the adult female population had been treated for alcohol related injuries in the previous twelve months. Because of the distance police only went out to the community if called by the Community Adviser. They had also begun to insist that the offenders should be held until their arrival, so very few men were taken into protective custody. Police would only accept formal complaints from women if they travelled the 20 km to the police station to make them. There had been no formal complaints of assaults from any women in that community in the past twelve months.

In contrast in another community with a population of around 450 the equivalent of 25 per cent of adult women had been treated for injuries at the clinic. Here police carried out regular evening patrols at weekends. Records for the first nine months of 1989 showed protective custody totals of 180 males and 24 females. Obviously some men had been picked up more than once. Only three formal complaints of assault had been laid with the police; one of these was a murder and one of the remaining

two was withdrawn. Police said most calls came from women. Few were willing to lodge formal complaints, most simply wanting the man taken away temporarily.

Two other communities of around 800 people also showed wide variations in policing, although here with apparently similar results. At one community protective custody totals for a 12 month period numbered 716 males and 24 females. At the other in a similar period only 35 men had been taken into protective custody. Both communities were acknowledged to have enormous problems with alcohol and related violence but in the second community police said they did not often use protective custody as it involved too much trouble in checking cells and crippled the station. Instead the policy was to break up fights and take women to relatives' houses for safety. In both communities women were told that if they made a complaint of assault they must go through with it, they could not withdraw. In each community there had been 11 formal complaints in the 12 month period, two of which were withdrawn in one community and one in the other. Neither clinic kept statistics of assault injuries but staff at both said they treated many women for such injuries and police were aware that many more women were injured than they heard about.

It is understandable that police, who are often busy, are reluctant to spend time on crime reports for charges which have only about a 50/50 chance of proceeding. Women are often reluctant to see men prosecuted and may withdraw complaints for personal and cultural reasons but police attitudes also play a part in this. If police make it clear that assault is a criminal offence which should be prosecuted and encourage women to assist in pressing charges, it is likely that the word will spread and that more women will eventually be prepared to do so. In a sense this can be seen as a process of community education which could have long-term benefit for everyone, including the police.

In this respect it is interesting to look at the situation at Tennant Creek in 1989. Here the policy was always to accept a complaint if the woman wanted to make one. It was acknowledged that they often withdrew later but it was also said that more and more Aboriginal women were making formal complaints. The result of this policy was that in the first six months of the year 20 women had agreed to press charges, although 11 subsequently withdrew them. Nevertheless, in a small town with an Aboriginal population of less than 700, nine successful prosecutions for assault on women in six months was a greater proportion than for any other community or town visited.

Additional police action in Tennant Creek included the cooperation with the Julalikari Council patrol referred to in the previous chapter and the setting up of an inter-agency domestic violence committee. Taking people into protective custody was another attempt to control violence and here the cooperation was with the Sobering up Shelter so that towards the end of 1989 only about 40 per cent of people affected by alcohol, the majority of whom were Aboriginal men, were being taken to police cells.

The importance of Aboriginal people believing that police are easily accessible and willing to listen to them and help them find their own best solutions to problems cannot be overemphasised. The satisfaction expressed by people with police action seemed to be as much related to this as to numbers of drunks taken into protective custody or complaints dealt with. For instance, one community had a station staffed only by police aides with police officers visiting on regular patrols. People complained that the police never came these days. Perusal of day journals showed

that this was not true, although the visits had been slightly less regular in recent months. The crucial factor appeared to be that the previous officer in charge had made a point of calling on such people as clinic staff when he visited whereas a new officer did not do this, spending more of his time at the station.

In the last chapter it was noted that many Aboriginal women in all areas were interested in the new domestic violence legislation. They saw it as an additional source of police help which did not involve their men going to gaol. It is, therefore, disturbing to find that many police officers were quite negative about the legislation in general and few believed it would work for Aboriginal women.

Broadly, the legislation gives police new powers to forcibly enter premises where they believe there may be injury or threat of injury to a partner or ex partner and to remain as long as necessary to deal with the situation. If satisfied 'on the balance of probabilities' that injury has, is or is likely to take place the officer may apply to the Court for an order putting restraints on the offender. In an emergency the order may be taken out immediately by telephoning a magistrate and there is an ousting provision whereby the offender may be taken into custody for four hours while the order is being obtained. In the case of an order being breached police may arrest the offender and oppose bail in the interests of the victim's safety.

Police had long complained that they had insufficient powers to intervene in 'domestics' so it might have been expected that their response would have been enthusiastic. Indeed, some said that it was something which had been needed for a long time and would remove the pressure from women if police could take out orders for them. However, most made qualifying comments showing they had doubts about aspects of the legislation even before it was in force. Once it was introduced it soon became clear that most were extremely reluctant to use it. This was born out by court statistics of applications for domestic violence orders for the first six months of operation.

TABLE 6.1

Applications for domestic violence orders 31.10.89-30.4.90

Town	Number of applications	
	by victim	by police
Alice Springs	48	8
Borroloola	1	-
Darwin	56	4
Hermannsburg	1	-
Katherine	14	1
Nhulunbuy	4	-
Tennant Creek	6	-
Total	130	13

Source: Northern Territory Government - Court Statistics

It is apparent from Table 6.9 that very few police officers have made applications for domestic violence orders on behalf of women, despite the fact that guidelines issued to all police officers specifically stated that:

As a matter of policy, Police will normally lodge the application for an order under section 100AB and assume responsibility for prosecuting the matter in court when requested to do so by a victim (NT Police 1990, 4).

The guidelines also go on to say that although the wishes of the victim should generally be respected, in cases where: 'he/she is traumatised, injured or too afraid of his/her partner' or unable to understand the legislation, it may be appropriate for the officer to apply for the order without the consent of the victim.

Only two of the 13 police applications were on behalf of Aboriginal women. Most police were convinced that the legislation was inappropriate for them, remarking that it would not work in communities, that Aboriginal women would not take out orders or that men would take no notice of them. In fact the special training for the new legislation which the majority of officers had attended had made no mention of Aboriginal people. Several officers expressed surprise that the legislation applied to Aborigines, saying it had never occurred to them that it would.

Unfortunately, the Court statistics do not always make it possible to pick out applications by Aboriginal women but where they do it is plain that a number of them are making applications. In Alice Springs 25 out of 56, and in Katherine 9 out of 15, applications were made by Aboriginal women and there was one application from Hermannsburg. It is interesting to note that in Alice Springs 10 applications were from the town camps and Amoonguna while another three were from Hermannsburg and outstations. In the case of Katherine four applications were from communities. Also significant is the small number of applications which were withdrawn. In Alice Springs six applications by Aboriginal women and four by non-Aboriginal women did not go ahead. In Katherine three each of Aboriginal and non-Aboriginal women withdrew their applications.

It could be argued that women are doing very well without police help since a number of women, both Aboriginal and non-Aboriginal, have applied for orders themselves. However, that is not quite true. The coordinator of Darwin Aboriginal Women's Shelter, for instance, reported that several women were interested in taking out orders but were frightened of doing it themselves. These are clearly instances where police could have helped. The following case shows the consequences of police inaction.

An Aboriginal woman was assaulted by her partner and beaten badly enough to need stitches in her face. The police were called but refused to apply for an order for her since they said she was not in any state to make such a decision. Instead of taking the man into custody they took her to a safe place. Such a situation is, of course, exactly what the emergency order provision is designed for. In this case the woman was aware of the legislation and later went to court herself and obtained an order but it does raise questions about police excuses that women do not want to take out orders or go ahead with complaints of assault. How many women are discouraged by such police strategies?

Some time later the man began to harass her and one Friday night ran her car off the road. The car was badly damaged. Fortunately she was not injured, although badly shocked. Again the police were called but failed to find the man. She was then

forced to leave her flat and go to stay with her mother since the man continued to harass her. On the following Monday a friend rang police headquarters for her to ascertain what was being done, only to find that there was still no record of the incident at police headquarters.

The police then did find the man and he appeared in court for a trial date to be set. At this point the police failed to oppose bail and again he was set free for some three weeks, despite all the evidence that he was likely to try to assault the woman again. The excuse was that the Superintendent was not available to give instructions. However, police guidelines clearly state:

As a general rule, bail is to be refused to persons who are arrested for 'Breach of Order' unless a member of the rank of Senior Sergeant or above directs otherwise (NT Police 1990, 11).

This is a particularly disturbing case since the woman had a good knowledge of the law and also had friends who were able and willing to assist her. For many women this would not be the case and their situation would then be even more dangerous.

There seemed to be several reasons why police were not using the legislation. In the first place, many were still unsure of their role and it may be that more training was needed to clarify this. Most officers had attended training sessions, although in two Top End communities no-one had and they received no notification of the introduction of the legislation until after the event. But even for those who had attended the training, because the legislation was delayed, this took place several months before the starting date by which time much of the detail had been forgotten.

In talking about the new law many police showed little understanding of it, saying such things as: 'It's not necessary - we know how to handle domestics' or 'It's clumsy - running round with bits of paper - protective custody works better'. Some believed it was only applicable in cases where there was habitual beating; in fact, a threat of injury or damage to property is sufficient. Others appeared to think that they were totally responsible for an order being granted, saying it would have to be an extreme case and they would have to be quite sure before they would apply. This completely negates one of the main thrusts of the legislation which is that the officer only has to believe 'on the balance of probabilities' that an order is necessary and there are no consequences if a magistrate decides otherwise so long as the officer had a reasonable belief. Other officers said the magistrate had to speak to the offender before they could grant an order. This is not true since the legislation makes provision for the granting of orders *ex parte*.

Other comments from police officers point to another set of reasons for not applying the legislation. These relate to the male culture of the police force. There were frequent remarks about women provoking an attack: 'We may take the man away when the woman is at fault - Aboriginal women aggravate the situation'. Another concern was that the training had indicated that realistically it was more likely to be women who were assaulted than men. This has been borne out by the Court statistics - only two of the 143 applications listed in Table 6.9 were made by men against women. But male officers still said such things as: 'It might not be the woman who is bashed - it could be the man' - this was in a community where all reported assaults on women and men in the last two years had been by men!

Further comments by male officers made it clear that they were extremely uneasy, and unwilling to take action against other men. They said: 'It's not fair to men' or 'it

could be abused, used against the man, there's very little protection for him'. The ousting provision was seen as particularly touchy; officers argued that it would cause disharmony and that a man would not like to be told to leave HIS house.

On the whole women officers (of whom there are very few) were more positive about the legislation. They often expressed concern as to whether it would work after they had heard the half joking asides at training sessions about men being beaten. However, not all women were positive. This is not surprising since to survive in a largely male organisation many feel that they have to adopt male attitudes.

It should come as no surprise to find that Northern Territory police are reluctant to use domestic violence legislation. Experiences in other countries and other states in Australia have shown similar problems. When comparable legislation was introduced in South Australia, Victoria and New South Wales there were at first few police applications for orders. However, in South Australia the majority of orders are now taken out by police and there have been improvements in the other two states. But in Queensland, where similar legislation was introduced only in August 1989, in the first six months of operation 61 per cent of applications for orders had been made by police (Bolen 1990, 7). One may ask why the experience in Queensland has been unique.

At the National Forum on Domestic Violence Training held in Adelaide in April 1990 there was much discussion of police training. Those involved maintained that there needed to be two strands to the training program. One dealt with changing attitudes - that is education about the causes of domestic violence. The other related to behaviour change - making sure police had the knowledge and skills to operate the law. While both were considered important the general consensus was that behaviour change was the primary concern. In the final analysis it is more important to make sure that police do take action, than to worry about WHY they do it.

Ellen Pence, of the Domestic Abuse Intervention Project in Minnesota, argued strongly that, in the short term, trying to change the attitudes of '80 policemen, one quarter of whom are beating their wives' is ridiculous. In Minnesota, where a policy of mandatory arrest for assault has been operating for some years, with dramatic results, police are required to arrest where they have evidence for assault. To ensure that this happened an agency was set up to monitor police actions and sanctions were applied where the policy was not followed.

Jill Bolen of the Domestic Violence and Victims of Crime Liaison Unit in Queensland similarly argued for the primacy of behaviour change and pressure to ensure that police enforced the law. She acknowledged that there were still teething problems with the Queensland legislation and a great deal of work still to be done to adequately educate police about the social issues surrounding domestic violence. Nevertheless, police were operating the legislation and she put this down, at least partly, to the fact that police had a duty by law to investigate and that there were penalties for not doing so. They could be prosecuted for neglect of duty.

An additional reason why Northern Territory police have been reluctant to operate the domestic violence legislation in relation to Aboriginal women concerns their view of Aboriginal culture. In their initial training all police had some sessions relating to Aboriginal issues and a few had had additional in-service training. While some were positive about the training, many thought it was a waste of time since they did not see it as being directly related to the work they had to do. A few were aware that police work often gave them a distorted view of Aboriginal people. However, most

saw no point in any further in-service training since they believed that once they were on the road they had learned everything they needed to know.

Significantly, the few officers who thought the original training had been good but insufficient and believed later training would be beneficial were generally people who had previously had a considerable amount of contact with Aboriginal people, often working with them in another capacity before entering the police force. However, one female officer who expressed this view also qualified it by saying that while she would like to learn more about Aboriginal people and would be glad to go to a training session, other police officers would be cynical and she would not say openly that she thought it was a good idea.

Most police officers' confidence in the adequacy of their knowledge of Aboriginal people, particularly women, is belied by their attitudes and actions. Because they witness much gratuitous violence against women by men they are often convinced that such behaviour is traditional and believe there is no point in taking any action. There is a need to change these views if police are to respond more effectively when Aboriginal women are assaulted.

Police aides

Police officers generally found police aides invaluable when working with Aboriginal people, since they knew the people and were able to mediate and assist in finding offenders. They were seen as particularly useful in communities, town camps, and small towns though less so in large towns. However, in the communities visited with full police stations only two were employing police aides at the time. At two communities and one town camp police aides were working alone while in two communities there was no police presence at all. Police aides were also employed in Darwin, Alice Springs and Tennant Creek.

Some police aides found dealing with domestic disputes difficult since there were often problems with relatives and avoidance relationships to be considered. Not all had these problems. They were generally men who had been working longer as aides and had gained acceptance in the community for the actions they had to take as part of the job. Communities often had trouble finding suitable men to work as police aides, which was why there were none employed in some places. Often aides resigned because of community pressures or were sacked because they drank heavily and, as women said, they also beat their wives.

None of the police aides spoken to knew anything about the new domestic violence legislation since they had been excluded from training programs because it was not intended that they should operate it. When it was explained to them they all thought it was a good idea and felt they ought to know more about it. However, they were ambivalent about operating it themselves and most thought it might cause problems for them with relatives.

Generally communities were anxious to have police aides although there was often dissatisfaction, particularly from women, when they worked alone. In one community I was puzzled when women said the police aides were hopeless, observing: 'that police station - it's like a casino'. I later noticed that on most days the station verandah and surrounding area were occupied by groups of male gamblers making it very difficult to approach the building at all. In another community women were annoyed because the police aide had undermined their efforts to stop drinking in the community by meeting with male council members behind their

backs and allowing drinking at the community boundary. This was a practice which they had vetoed when the community was declared 'dry'.

It was for such reasons that many women raised the issue of employing women as police aides, and many of the male police aides also thought it would be a good idea. It was not always clear what sort of work they envisaged women doing. Often the idea seemed to be to have someone for women to talk to about such matters as abuse and mediate between them and police officers. However, the general enthusiasm for the idea certainly makes it worth exploring further as another possible way for the police to assist in overcoming violence against Aboriginal women.

Courts

The police response to violence against women leaves much to be desired and has rightly been criticised but there is now a recognition of this and new training programs are being put into effect. The same cannot be said for the legal profession or the judiciary. The National Committee on Violence drew attention to the lack of awareness of the dynamics of domestic violence on the part of legal personnel and recommended that some provision should be made for their continuing education in such matters (1990, 201).

Justice Michael Vincent of the Victorian Supreme Court has been even more stringent in his criticism of the courts. Speaking at a forum in Adelaide he noted that the previous public tolerance of domestic violence had changed but argued that the reaction of the courts had been quite inadequate:

... it appears to me that there has been an unacceptable discrimination in favour of offenders who have committed acts of violence within the family unit as against those whose acts have been perpetrated against other persons (1990, 7).

This, he said, was because the seriousness of domestic violence had been underestimated, trivialised as 'domestic' rather than being regarded as 'real' violence. He noted that perpetrators were treated with more 'understanding' than were those in other violent crimes. But this understanding was reserved for male offenders whose pleas of provocation were generally accepted while similar pleas by the few female offenders were often rejected.

In this respect a Darwin police prosecutor remarked that while one magistrate did not like offences against women, the magistrate was even harder when the offence was BY a woman. It is also interesting to note that out of the 143 domestic violence orders granted in Northern Territory courts since the new legislation was introduced, all except two were against men and the orders were for lengths of time from one to 12 months. However, in one of the two applications by men against women, the order was granted for two years.

Justice Vincent went on to advocate that all legal personnel should have training in social matters. At present, he said, judges and magistrates arrived with a knowledge of the law, but with all the prejudice and ignorance of the community. They proceeded to make decisions without seeing the consequences of those decisions.

Many of the legal personnel in the Northern Territory exhibit the same attitudes as the rest of the community towards domestic violence. In addition, when dealing

with violence against Aboriginal women, preconceptions about Aboriginal culture and traditions may influence the course of justice.

Reading many court transcripts relating to cases of rape, murder and assaults on women is like reading the minutes of a male club. Judges, lawyers and witnesses act to confirm each other's prejudices - that men may be provoked into violence by women's actions, that women are inferior and that rape is not a serious offence in Aboriginal society, and so on. The interests of the victim are often completely forgotten in the efforts of all parties to find excuses for a man's behaviour. They do not necessarily find him not guilty, but certainly underplay the seriousness of his crime.

In one case, *R v Dennis Narjic*, a man on trial for a brutal assault on his wife was said to have beaten her for many years causing her serious injuries, among which were a ruptured spleen and two miscarriages. In his defence it was suggested that for women in his community: 'it is the custom ... for whatever reason, that wives are assaulted by their husbands' and that he was: 'a very highly respected member of the ... community' (Supreme Court of the Northern Territory, 1988, 20-21). Somehow from all this the judge, while finding him guilty of the assault for which he was before the court, was able to conclude that: 'you appear to be a man of good character' and 'you seem to have a good marriage' (Supreme Court of the Northern Territory 1988, 69).

When an Aboriginal man is on trial, opinions as to his action in terms of character or cultural connotations are canvassed from such people as DAA officers, Community Advisers, Land Council officials or priests as well as community elders and experts in Aboriginal traditions. With few exceptions these are males and have an interpretation of issues which, in many respects, coincide with those of the offender. It is unusual for anyone to put an alternative viewpoint, that is a female opinion, of the issues before the court.

The Law Reform Commission inquiry into Aboriginal Customary Law drew attention to the necessity of obtaining women's as well as men's opinions on traditional matters. To date there is little evidence of this happening in Northern Territory Courts. But even when it is attempted the evidence is then often treated less seriously than men's evidence as the following cases show.

In *R v Burt Lane, Ronald Hunt and Reggie Smith* the defendants were accused of the rape of a woman who subsequently died. The defence adduced evidence, all obtained from non-Aboriginal males, to show that rape was not a very serious crime in Aboriginal society and that by approaching the men and asking for a cigarette the woman may have been seen as inviting the men to join her. One witness admitted he had never heard Aboriginal people talk about rape but that did not preclude him voicing his opinion. The one dissenting view was that of a female anthropologist who had spent a considerable amount of time with women in Aboriginal communities. Her evidence showed that rape was serious, an assault on a woman's sexual character, and that traditionally women punished men severely for it. In the face of the groundswell of male knowledge and the judge's own view, for which he twice asked for confirmation during the trial, that women were inferior in Aboriginal society, it is no surprise to find him summing up as follows:

There is evidence before me, which I accept, that rape is not considered as seriously in Aboriginal communities as it is in the white community ... and

indeed the chastity of women is not as importantly regarded as in white communities (Supreme Court of the Northern Territory 1980, 99-100).

In another case of rape, *R v Dennis Narjic*, this time of two young girls, the defence indicated that customary elements would be canvassed in a pre-sentence report. Much to the defence lawyer's dismay the judge insisted that this should include women's views as well as those of male elders. This was plainly seen as subversive (Supreme Court of the Northern Territory 1988, 24-26). However, when the report was produced it was then argued that while the male elders represented the traditional viewpoint, older women had a Christian perspective.

These kinds of views in individual trials do not necessarily mean that men are found not guilty. But their constant airing has the effect of explaining a defendant's actions as somehow those of a normal, though slightly mistaken, man and often reducing his sentence. It is true that some judges and magistrates do ponder how this may be interpreted in Aboriginal communities: will it be seen to show that the court is not concerned that an Aboriginal woman is killed, raped or beaten? But judgments seldom appear to be affected by these doubts, nor are they made in the light of any exploration of the immediate effects of a reduced sentence on either the victim or other women and girls.

In discussing a woman's actions - being unfaithful, 'nagging' a man when he is drunk, returning to a relationship after a bond or order has been imposed - these are often made to seem more relevant to conviction and sentencing than the matter which is before the court: HIS brutal assault on HER. It often seems that she is being tried for her actions as if they were equal to his violent assault.

Being under the influence of alcohol is another factor which is brought up to excuse men's actions. While some judges and magistrates refuse to accept it, many do because they believe that Aboriginal people need more help in learning to deal with alcohol. In 1988 a judge in Katherine sentenced a man to three years gaol with a non-parole period of 12 months for killing his wife. The judge said that he had been in an agitated state of mind due to jealousy and: 'because of the alcohol he had consumed [he] did not know that his attack was likely to lead to his wife's death' (*Australian*, 27 August 1988)

Aboriginal women may be ambivalent about their men going to gaol and may think they need help to control alcohol, but many consider this sort of reasoning ludicrous. Some writers have commented that drunken men still know what they are doing sufficiently to control their actions (eg Burbank 1989, 9; Brady 1989, 9). As was shown in Chapter Three Aboriginal women thought so too. They were particularly incensed when men got off with nothing but an unsupervised good behaviour bond. This often happens and effectively means no punishment at all. One woman remarked that white people made too many excuses for Aboriginal people:

The law for drunken driving is hard - you lose your licence or go to gaol. Why is the law for bashing a woman easy? Alcohol isn't an excuse for drunken driving - why is it for killing a wife?

Aboriginal men are over represented in the Northern Territory prison population as in the rest of Australia. At the beginning of 1990 there were 238 Aboriginal and 99 non-Aboriginal men in gaol. Rightly there is concern about this. The general policy is to try to keep young people out of gaol and not to gaol first offenders unless the crime is extremely serious. But when putting these policies into effect in cases of

assault on women the consequences for the victim are seldom addressed in the court. One magistrate admitted that the court might not always be aware of the circumstances and that the woman's view might not be known to the police prosecutor.

For instance, unless there are previous recorded convictions it is assumed that an assault is the first offence and the defendant usually receives a suspended sentence with a good behaviour bond. The reality is that most women are reluctant to report assaults by their partners and only do so after a number of attacks. Police prosecutors seldom have time to probe the background of an assault and as the woman is merely a witness and has no other legal representation this is unlikely to come out in court.

But even if the history of the case is put before the court it may have little effect. A police prosecutor related a case of serious assault on a woman by her husband where he had known there was a background of abuse. In court he produced evidence to this effect from clinic records. But the magistrate's response to the prosecution was to say he was shocked. What right had the police to go between man and wife? The man was released on a six month good behaviour bond and promptly returned to his community and continued to assault his wife. He had effectively been told that it was his right to do so. No doubt other men in his community also took note. In situations like this it is not surprising that women are reluctant to complain a second time.

There may be a disproportionate number of Aboriginal men in gaol but there is great concern in courts for the rights of the offender. It is not seen as fair to refuse a man bail while he awaits trial, or to gaol him for a first offence. But little attention is given to what is fair for the victim, of what happens to her right to live without fear if he is set free on bail or on a good behaviour bond which is inadequately supervised. Women in one community expressed their concern when they said:

They don't keep men in prison in Alice Springs - they put them back in the community and they go on bothering women .

There is, of course, also concern that men come back from gaol and beat women in revenge. One magistrate remarked that he was: 'always scared of retribution - every time I send a wife-beater to gaol I fear the worst'. The fear is often justified but, on the other hand, the reverse is not the case. If women do not report violent men or they are not sent to gaol the beatings do not cease. It could be said that at least a gaol sentence gives a woman a respite from the violence.

It was because of the inadequacy of most legal responses to abuse that many Aboriginal women hoped that the new domestic violence legislation might help them. In the first six months it seemed that the courts had dealt with applications for orders reasonably efficiently, although unfamiliarity led to problems with some aspects of the legislation at times, such as the granting of *ex parte* orders.

Some of the same criticisms apply as to the handling of criminal charges for assault: little attention is paid to the background to the assault in setting up the conditions of the order. This may be difficult to do since a woman may be so intimidated by the court situation, and the presence of the man, that she can say very little. This is one of the reasons why it is advantageous for a police officer to apply for the order on her behalf since the officer can obtain information from the woman beforehand and put

the case clearly in court. The consequences of a woman going to court without legal assistance are illustrated in the following case.

A woman was in court applying for an order. She had a friend with her but was plainly terrified and could only murmur a few words as to what she wanted. The man, on the other hand, was calm and confident. In fact there was a long history of assault and this was her second attempt to apply for an order. The first time she could not pluck up courage to go to court. In the interim the Bagot community had made an order prohibiting the man from entering their land and he was now being prosecuted for trespass as well.

The magistrate accepted the man's assurance that he would leave Darwin immediately and not return for the duration of the order, 12 months, and he was also fined for trespassing. No questions were asked about the connection between the two charges or why he had been excluded from Bagot. Outside the court the man's manner changed immediately. He muttered that he would 'get' the woman. Fortunately, her friend's judgement was better than that of the magistrate for she took her straight from the court to DAWS. An hour later he was back at Bagot looking for her but disappeared by the time the police arrived.

Obviously this is a similar problem to that relating to bail and good behaviour bonds. There is no efficient mechanism for ensuring that the conditions are adhered to. It seems that the courts are saying that women must be assaulted at least twice before effective action can be taken! It may be that it is impossible to supervise non-custodial sentences completely. But when the crime is a violent one and conditions are imposed which direct a man to leave town or reside in a particular place, it seems reasonable to ensure that he does so even if his 'rights' have to be infringed.

In the first six months of the operation of the new domestic violence legislation there were only two prosecutions for breach of order and both seem to have been dealt with adequately by the lower court. However, in one case where a three month gaol sentence was handed down, the defendant's lawyer immediately appealed to the higher court and the man was released on bail. His appeal to the Supreme Court two months later resulted in the sentence being quashed as too harsh and the case was sent back to the lower court for re-sentencing. Bail was again granted but a month later he breached bail and was remanded in custody to await the rehearing.

There are two disturbing factors about this case. The first is that bail was granted after the man had been found guilty of an offence for which legislation allows for bail to be refused. The second is the Supreme Court action of quashing a sentence which was already well below the maximum of six months imprisonment for this offence. Whatever the reason for these decisions the intent of the legislation to give protection to victims of domestic violence was effectively subverted.

Aboriginal Legal Aid Services

The last case raises the issue of the part played by Aboriginal Legal Aid Services in cases involving abuse of women. Several years ago Bell and Ditton noted that women in Central Australia were often critical when 'legal aid' protected men charged with violent crimes against women (1980, 17). In this study the same concerns were raised by women throughout the Northern Territory. One woman observed:

Legal Aid are good but there are things they shouldn't support. There's one man walking round after murdering his wife - now he's bashing another woman. Legal Aid should take a hard line - why defend men who murdered before? They say it's 'human rights' - but what about HER rights?

In fact many people in the legal services, particularly women, are concerned about these issues. Part of the problem stems from the fact that when Aboriginal Legal Aid Service was set up in the 1970s the main reason was that Aboriginal people, primarily men, had no legal representation. So today the expectation of Legal Aid is that it will provide a service for men. It will help keep them out of gaol or have their sentences reduced if convicted.

This means that in cases of assault there is a conflict of interests. The legal services, for ethical reasons, will not act for two Aboriginal people against each other. It is sometimes argued, rather unconvincingly, that this does not matter as in the case of assault the victim is only a witness and is looked after by the police prosecutor. In effect the legal services offer very little to women although they may be helped to take out orders or, in a few cases, to obtain compensation for an assault. Some support is also offered by field officers but because of staff shortages this is limited.

These services have to be set against the massive amount of help offered to men, including those who assault women. When defending them this involves much personal contact. Tactics can include using delaying strategies by seeking numerous adjournments, opposing bail, or bringing up customary practices to excuse behaviour. These are all perfectly legitimate legal tactics and the legal services would be failing in their duty if they did not use them. This is the way the law operates in Australia and the whole point of the Aboriginal legal services being set up was so that Aboriginal people would not be disadvantaged in that system.

However, in cases of assaults, many of which are of men against women, the tactics mentioned which benefit men also frequently harm women. The question that has to be asked is why a service which is for all Aboriginal people is operating in such a way as to disadvantage half the population? In fact many people in Legal Aid are also concerned about this, particularly some women lawyers who find it horrific to have to defend a man in court when they have seen what he has done to another woman.

As early as 1976 women working at Central Australian Aboriginal Legal Aid Service became concerned that two male lawyers only were employed at Alice Springs. This effectively meant that women, particularly those from the bush, had no representation since they were not comfortable with the men. This concern was taken to a full meeting of CAALAS, composed almost totally of men, and it was agreed that a woman lawyer should be appointed to improve things for women. This did not have the desired effect since the massive amount of general work, ie defending men, was such that the woman lawyer's time was gradually taken over by this work.

Despite the good intentions women's interests were again pushed into the background as the necessity for representing men in criminal cases took priority. And once again the conflicts of many of these cases with the welfare of women victims was ignored. Dissatisfaction amongst women involved in CAALAS grew and there were ongoing discussions in search of solutions, with two ideas gaining favour. One was for the establishment of a separate Aboriginal Legal Service for victims, that is primarily women, under the administrative umbrella of CAALAS.

The other was for a special Aboriginal women's legal service linked to a wider project including a women's refuge and child care agency. It was considered that either of these schemes would solve the ethical problem of a lawyer not being able to act for a victim when this conflicted with the interests of a defendant client. Also they would leave the existing legal service to carry out its perceived role of defending men. Unfortunately, neither of these schemes has progressed further due to lack of funds.

In the interim the legal services try to meet women's needs by referring them to women lawyers at Australian Legal Aid when these are available and when their funding guidelines allow this. But Australian Legal Aid has no resources for support services, which are what many women need. As far as possible women field officers in the Aboriginal legal services try to provide such support as explaining legal processes to women or accompanying them to court or to the Crown prosecutor's office. But even these services have suffered in recent years as real funding has been cut so that there are insufficient field officers to deal with all the demands on their time.

Health and welfare

The Department of Health and Community Services has no policy relating to domestic violence in hospitals or health services. No official statistics of assaults are collected although, as noted previously, some health staff have become so concerned at the level of alcohol related violence that they have begun to keep their own records. There is no training for staff in recognition of domestic violence injuries nor any guidelines for dealing with situations if they are recognised. In this the Department is similar to other health authorities in Australia.

The National Committee on Violence drew attention to the neglect of domestic violence by health authorities and recommended that health and welfare professionals should be trained 'in the recognition, treatment (including counselling and support services) and management of victims of violence' (1990, 132). It was also recommended that health service providers should develop specific procedures for dealing with domestic violence victims.

Nurses and Aboriginal health workers in all communities reported treating many women for injuries acquired as a result of assaults, mainly by men, some of which were serious enough to require transfer to hospital. Aerial Medical Service records show that in the Top End 27 Aboriginal women and 36 Aboriginal men were transferred to Darwin Hospital with injuries caused by assaults in 1988. However, health staff were aware that women did not always come to the clinic even with quite bad cuts or bruises, or came a day or two later when the injury began to cause trouble.

In most clinics no records were being kept but health staff still reported a considerable amount of their work relating to assaults. In one community clinic staff said they averaged at least two women per week attending with assault injuries while in another a nurse said that the bulk of the work at the clinic was alcohol related.

Since both women and their attackers were known to clinic staff there was generally no problem in identifying the injury as caused by an assault or in discovering the assailant. The emphasis was on treating the injury but staff did assist victims in other ways. If the injury was very serious the police were called. If it was not serious staff

often tried to persuade victims to call the police, although in this case the final decision was left to the victim. Women and their children sometimes took refuge from drunken men in clinics or in nurses' houses and Aboriginal health workers often tried to intervene in fights. Additional support included arranging for women to get away from the community for a while, either to a women's refuge or to stay at a hostel in town while they or their children attended hospital.

However, most nurses and health workers were women and both Aboriginal and non-Aboriginal staff were vulnerable to attacks. Much violence was alcohol related and the incidence of attacks on health staff by violent drunks was increasing in many communities. In the communities visited several nurses and health workers had been injured recently and one had been raped. Attacks sometimes took place when workers tried to intervene to protect victims or when they were answering a call for treatment. However, there were also attempted attacks on staff in the clinic or in their houses. In some communities the situation had deteriorated to such an extent that clinic staff would only answer night calls to violent incidents if male Councillors accompanied them. This raised ethical problems for staff who were loath to refuse calls for treatment but the reality was that if they went alone they were likely to be injured also.

All staff in accident and emergency sections of hospitals reported that a considerable amount of their work was with victims of assault, many of whom were Aboriginal women who had been assaulted by men. Injuries treated included lacerations requiring suturing, broken arms or jaws, serious head wounds, ruptured spleens, or punctured lungs.

In small hospitals staff were particularly concerned about the number of Aboriginal women presenting with assault injuries. At Tennant Creek the doctor in charge had recently begun to keep records of alcohol related injuries and in six months 18 Aboriginal women and 10 men had been admitted for alcohol related assault injuries. At Nhulunbuy in a similar period 20 Aboriginal women and 15 men had been admitted for trauma although it was not known how many of these were assault injuries. At both hospitals staff said that these figures represented only about a quarter of patients presenting with injuries as the majority were not admitted. They also observed that they knew there were many women who were even afraid to come to the hospital to have injuries treated. As at the community clinics some came in several days later if wounds failed to heal.

While treating injuries was their prime concern, nursing staff and health workers in small hospitals often knew the women who came in and when dressing wounds were able to find out what had happened. If women were afraid to leave or appeared to be in danger they tried to admit them for a short period. However, many women were reluctant to stay and in these cases hospital staff attempted to make sure they left the hospital with someone or were taken to a safe place.

Although they often suggested that the woman should report the matter to the police, women were frequently reluctant to do so. In these cases nurses hesitated to take the initiative since they were afraid that women would then not return to the hospital for further treatment. However, it was standard practice to call the police in cases of very serious injury and police were often called in to deal with men who were harassing either patients or staff. The doctor in charge of one hospital noted that a problem for staff was that there was no legal right to intervene in domestic violence, unlike child abuse where legislation required cases to be reported to the police.

In the major hospitals at Alice Springs and Darwin the accident and emergency departments reported a considerable amount of work treating Aboriginal victims of violence. A major problem in these hospitals was the high turnover of nursing staff many of whom were simply passing through the Northern Territory on working holidays which meant that most had little knowledge of Aboriginal people. In Alice Springs six out of the eight nursing staff in casualty had been there less than a month. The Director of Nursing admitted that this caused problems in that Aboriginal women were sometimes sent home from hospital too early without nursing staff being aware of their circumstances. The coordinator of the Alice Springs refuge also referred to this problem observing that women were sometimes sent to the refuge in a condition which refuge staff were unable to handle.

Experienced staff did attempt to ensure women's safety when they left the hospital and if there was doubt tried to admit them at least overnight. Apart from police being called when injuries were serious, they were frequently called to deal with men who were pestering women for money or even trying to attack them. Women themselves never asked to see the police.

At both hospitals welfare staff were employed and theoretically women who had been assaulted could be referred to them, although this was only if they were admitted. Since women often did not say how they were injured and nursing staff were not trained to recognise assault injuries, welfare officers generally found out about assault cases by accident, when they were referred for other matters. In neither hospital did levels of welfare staffing allow for contact with all patients.

At Alice Springs hospital there were no Aboriginal welfare workers attached to the general wards although the majority of patients were Aboriginal. Both Hospital liaison officers were non-Aboriginal. In Darwin there were Aboriginal workers and one of them said that she was often able to pick up cases of domestic violence and encourage women to talk about it when non-Aboriginal social workers were unable to elicit any response. Women often first admitted they did not want to go home and she was next able to probe to find out why and often the reason was violence at home. She was then able to assist them in various ways; arranging for them to go to one of the refuges or to a friend's house, fixing up social security payments, or asking if they would like to talk to someone from Aboriginal Legal Aid.

There is plainly a need for more Aboriginal health and welfare workers in large hospitals if victims of violence are to be adequately assisted. But there is also a need for non-Aboriginal medical and health staff to become more aware of domestic violence as an issue to be addressed and to make sure patients are referred for appropriate help. Some do recognise that certain types of injury are almost certainly the result of an assault but unless the woman admits it many are unwilling to 'interfere'.

Another area of concern is the lack of Aboriginal workers at sexual assault centres. As noted previously Ruby Gaea House in Darwin is the only place where there is a trained Aboriginal rape councillor. But she is not always consulted in cases of sexual assault on Aboriginal women and girls. Considering the deep reluctance of Aboriginal women to discuss sexual assault with outsiders it seems that more use could be made of her expertise.

The need for training and for some sort of policy and guidelines for procedures in dealing with victims of violence is also apparent in the Welfare Section of the

Department of Health and Community Services. At the moment there seems to be a reluctance to become involved in domestic violence and there is no representative from Welfare on the Domestic Violence Committee coordinated by the Office of Women's Affairs. The major emphasis is on the welfare of children and at present the policy is to intervene only in violent situations where children are involved. This is short-sighted since there is much evidence to show that if women are being bashed then the children are certain to suffer. Dealing exclusively with children's welfare may also be dangerous for women. Welfare workers may give the impression that caring for children and keeping families together should take priority over a woman's own safety.

In fact, in the field many welfare workers do try to offer support to women who are being abused. But there is often little they can do since there are very few welfare workers to cover large areas and their resources are limited. There is also the problem that the image of Welfare for Aboriginal people is still connected with the removal of their children. For this reason they are often suspicious of anyone connected with 'the Welfare', even an Aboriginal welfare worker.

The main assistance offered is with money for transportation to escape from a dangerous situation and indeed it is often through approaches for monetary assistance that welfare workers learn about a woman's situation. Some welfare workers are anxious to help in other ways and in Central Australia several had attended a workshop relating to the new domestic violence legislation. And in Tennant Creek there was a representative from Welfare on the domestic violence committee coordinated by the police. But others argue that it is a 'private' matter or 'traditional' and that welfare workers should not interfere.

One area where Welfare sometimes does assist in communities is in helping to set up Women's Centres. These have not been specifically planned for use as refuges but there is evidence that many women's groups in communities now see this as one of their uses.

Women's refuges

Most public sector agencies have no clear policies and practices relating to domestic violence or, if they have, personnel are often reluctant to intervene. Women's refuges are the only places which are completely geared to understanding a woman's situation and to helping with her problems. At the National Forum on Domestic Violence Training in Adelaide a North American Indian woman described her experience of being constantly beaten and of approaching a priest, a psychologist and a social worker for help with no success. It was only when she at last went to a refuge that she was told that she did not deserve to be beaten, that it was not her fault, and began to receive some useful assistance.

The primary concern of refuges is to provide a temporary place of safety for an abused woman and her children. Women are never turned away unaided although if a refuge is full alternative accommodation may have to be found for her. And if a woman is drunk she may have to be sent somewhere else to sober up before being admitted to the refuge. But it is always accepted that a woman does not deserve to be assaulted or harassed and that she needs help to deal with the situation.

Workers in refuges are all too aware that what they can offer is usually only a temporary solution but they do offer a supportive environment for women to work

out how they can deal with the problems facing them. And if they come to the conclusion that they want to leave the abusive situation permanently they are helped to find alternative accommodation, get social security payments or to travel to another area. Alternatively, they may be assisted to take out a restraining order or given support in dealing with lawyers and courts if they decide to take legal action. Much of the assistance offered involves helping women deal with unsympathetic employees in other agencies.

Refuge workers are often criticised by employees of other agencies for being totally on the side of the victim and uninterested in the perpetrator's story. I would argue that this is entirely reasonable in the present circumstances where there are already too many people amongst police, legal personnel and health and welfare workers who are only too ready to accept and justify the actions of a violent man.

A further role that refuges can play is in the education and training, at both a formal and informal level, of personnel from agencies dealing with victims of violence. Refuges report problems of impressing some agency officials with the seriousness of a woman's situation. They cite cases where housing officials have given a woman's new address to her husband when he enquired and of Social Security writing to her husband from a woman's new and secret place of residence using headed paper indicating to which town she has moved.

The limitations to what refuges can do is particularly apparent when dealing with Aboriginal women, many of whom come from small communities or camps and have few real options when considering an alternative life. For this reason refuge workers become resigned to seeing women return time and time again to violent situations and being powerless to help. However much sympathy and support they offer at the refuge the reality is that once women leave they often have to survive alone.

Like police, and health and welfare employees, refuge workers also become frustrated when women refuse to take legal action against violent men or keep on returning to the same abusive relationship. But their understanding of the situation is much greater than that of most public sector employees and they realise that real help for Aboriginal women caught up in violent situations is circumscribed on all sides. The practical assistance they can offer may be limited but their understanding of the situation means that staying in a refuge is a powerful educational process. In this way they are assisting in the processes whereby Aboriginal women are bringing the violence in their lives out into the open and beginning to work on effective strategies for dealing with it.

Alcohol agencies

The final group of agencies whose services have some bearing on violence against Aboriginal women are those dealing with alcohol and its abuse. It was suggested previously that women believed that alcohol was the root cause of violence in their communities and that control of alcohol and programs to combat abuse should receive priority.

In this respect the Sobering up Shelters at Alice Springs and Tennant Creek were seen as assisting by offering a place for drunken people to stay until sober as an alternative to being placed in police cells. However, there was also some criticism of the Shelters since they were able to offer little beyond this. One group of women commented: 'They just pick them up, wash, feed, then send them back - it's just going

round in the same circle'. In fact both Shelters did refer people to alcohol programs if that was what they wanted and in Alice Springs an outreach program had been started although it was unable to expand because of lack of funding.

Other programs aimed at long-term rehabilitation and education of drinkers were seen as more positive. These included the Aboriginal controlled FORWAARD in Darwin and programs run by the Catholic Church at '5-mile', near Daly River, as well as at some communities in the Top End, and by the Uniting Church at the Gordon Symons Centre in Darwin. In one community an alcohol awareness program had been set up in the school since there was great concern at the effect that alcohol and violence were having on children.

Women were particularly interested in the programs at '5-mile' and the Gordon Symons Centre since they had a family orientation. Women were usually involved in these programs as codependents and learned how to deal with drinkers: not supporting their habit, looking after themselves and their children in violent situations, or helping men when they tried to come off the grog. There were no such programs in Central Australia but people there were interested in them and groups of people had been up to '5-mile' and had set up support groups in their communities on return.

It is difficult to judge the effectiveness of these programs; there were certainly successes, some of which have already been referred to. However, not everyone who attended them continued to refrain from drinking after returning home. On the whole the people who ran them were realistic in their assessment of what could be expected, as were Aboriginal people. No doubt such programs are expensive to fund but so are health services. At the moment a considerable amount of the money spent in the health area is directed towards the treatment of alcohol related injuries and disease.

The activities of the Liquor Commission are somewhat tangential to the issue of violence against Aboriginal women but they were seen as important by many people. On the one hand the Commission has enabled many communities to restrict alcohol coming into their areas, with varying degrees of success. At the beginning of 1990 there were 64 designated restricted areas in the Northern Territory and the Commission has generally acceded to requests from communities and camps to become 'dry' when they had sufficient support.

On the other hand, the Liquor Commission has also allowed the opening of more and more liquor outlets throughout the Territory with disastrous results for Aboriginal communities. The Northern Territory has the greatest number of liquor outlets for its population of any state or territory in Australia. In Alice Springs at the beginning of 1990 there were 76 liquor outlets, one for every 299 people, while in Tennant Creek there were 16 liquor outlets, or one per 218 people.

The outlets which were of most concern were those with takeaway licences, either in local food stores or in petrol stations and roadhouses near communities or town camps. There has been much opposition from Aboriginal people to the granting of new licences close to communities but with limited success. People in Central Australia were unsuccessful in their opposition to the licensing of the Curtin Springs Roadhouse despite being able to show that violence had increased in their communities since a takeaway licence was granted. In this case the supposed demand for liquor by tourists took precedence despite the fact that it was clear that Aborigines from nearby communities were the main customers.

Government action in general is seen as having been geared to moving drunks out of town centres and streets where they are publicly visible, into town camps and communities where they can be ignored. A lawyer in Alice Springs observed that the 2-kilometre law, whereby drinking in public places is prohibited within 2 kilometres of a liquor outlet, had effectively moved drinking away from the streets and creek bed into the town camps so that they were no longer safe places for women and children. The problems were compounded by the lack of alternative places where Aboriginal people could drink socially and by the increased number of takeaway liquor outlets close to town camps. Another factor was the lack of accommodation for visitors from the bush so that they were forced into town camps, creating overcrowding and tension.

Aboriginal people are not the only ones who believe that alcohol is the cause of many of their problems and that a variety of strategies is needed to deal with it. When sitting in the Supreme Court Mr Justice Muirhead was usually reluctant to allow alcohol to be used as an excuse for violent crimes. However, summing up in a case of manslaughter (*R v Steward Colin Mungkari and Simon Nyangu*) in 1985 he commented as follows.

As is usual in this depressingly frequent type of offence, the root cause was alcohol. For over 10 years sitting in this Territory, I have endeavoured to draw attention to the need for something to be done about the marketing, the regulation and supply of alcohol, particularly to our Aboriginal community, the need for detoxification units, modern treatment and rehabilitation centres. I have not been alone in this exercise but it's been entirely fruitless... It is Australia's problem; it won't go away. It can't be dealt with solely by the people of Alice Springs or other townships and it cannot be dealt with by the Aboriginals themselves without a lot of support and action (McCorquodale 1987, 416).

CHAPTER SEVEN

FUTURE ACTION

In this study it has been shown that many Aboriginal women in the Northern Territory are victims of violence. This may take the form of physical attacks, including sexual abuse. But it may also involve psychological, emotional and economic factors.

Non-Aboriginal women similarly are victims of violence, particularly domestic violence. But proportionately greater numbers of Aboriginal women are victims of abuse and many suffer worse injuries because weapons are more often used. And perpetrators frequently include other relatives as well as partners so that the term 'family fighting' is generally preferred.

Many of the causes of violence are common to all women but cultural differences must be taken into account. The legacy of colonisation has adversely affected Aboriginal society. The interaction of non-Aboriginal values and the consequent breakdown of traditional values has resulted in a deterioration in the position of Aboriginal women. Violence has escalated with increased alcohol abuse and women are the main victims.

The problem of violence against Aboriginal women is thus extremely complex and there is no simple panacea. Aboriginal people are struggling to find solutions. Women particularly are voicing their concerns and seeking help to deal with the violence in their lives. But responses of public sector agencies are often inadequate and could certainly be improved.

The policy of self-determination is supposed to have returned control of their affairs to Aboriginal people. So many public sector employees believe that Aborigines should now be solving their own problems and that they should not interfere. Police, for instance, say community councils should control alcohol and violent drunks. Courts try to hand back responsibility for punishment to the elders. What is often forgotten is that it was interference from white colonisers which caused many problems by weakening traditional Aboriginal structures. So it is appropriate that white Australians should now share responsibility for solving them.

But sharing responsibility is different from interfering. The failure of self-determination lies in the type of consultation with Aboriginal people which has veered between denial of responsibility and continuation of control. What is needed is a process of dialogue whereby strategies for dealing with problems are formulated with Aboriginal people and assistance offered as required.

However, dialogue with male-dominated community councils or male elders is not enough since they do not necessarily represent women's concerns. It is essential that dialogue should take place with women if all community issues are to be addressed and not just those which men consider important. And women's solutions may also be different. Aboriginal women have lost status through imposition of alien structures. It is appropriate that they should now be offered some assistance to redress the balance.

The limitations of this study have already been noted in Chapter One. While it may not be possible to generalise the findings to all Aboriginal women in the Northern Territory the similarities noted in the places visited give cause for concern. There is an urgent need to develop strategies to alleviate the violence being experienced by Aboriginal women throughout the Northern Territory. With such a complex issue searching for a complete solution is unrealistic in the short term, but the situation is so serious that immediate action is needed by both the public sector and Aboriginal people.

Public sector agencies

At present few agencies have policies and procedures for dealing with violence against women, including Aboriginal women. There is a need for all relevant agencies to address this problem and to ensure that personnel are fully informed and trained to deal with it. Many strategies will apply to violence against all women. But differences in lifestyle and culture need to be taken into account in relation to Aboriginal women.

Police

At the recording level there is a need for a statistical base to be developed by the Police Department in relation to violence against women. Within such statistics Aboriginal women need to be clearly identified so that the extent of the problem can be more accurately assessed.

If the effectiveness of the new domestic violence legislation is to be evaluated it is imperative that its use be carefully monitored. It was originally intended that the legislation should be assessed by the Police Department over the first twelve months of its operation. However, six months after the legislation was introduced there was still no recording of domestic violence incidents. It is important that this situation should be remedied as soon as possible so that both the number and nature of incidents and the actions of police officers can be studied.

The above legislation covers only abuse by a partner. Since much abuse experienced by Aboriginal women is by other relatives it is important that this should be recorded. It is obvious from this study that the present crime report is inadequate for recording crimes against people and at a general level this needs to be remedied. Also a program should be developed whereby records of specific crimes can be extracted. In particular, records of crimes against women, both Aboriginal and non-Aboriginal, need to be easily retrievable so that statistical data can be compiled.

The police response to violence against women, particularly domestic violence, is unsatisfactory. The new domestic violence legislation means that there should now be no excuse for police not dealing effectively with violent incidents against women. It should be impressed upon all police officers that they are required to implement the legislation. Progress should be monitored and there should be sanctions for non-compliance.

Domestic incidents constitute a large proportion of police work so it is reasonable that training should reflect this. Training in this area should be included in induction courses and should be followed up in refresher courses. Experience from overseas

and from other states in Australia has shown that firm police action in relation to domestic violence is important in preventing recurrences. It has also been noted that three areas need to be addressed in all training programs and these are as follows:

- (a) *Knowledge:* All police officers should have a thorough grounding in legislation relating to domestic violence and assault. Knowledge should be tested to ensure that officers are quite clear about the law and their responsibilities under it.
- (b) *Behaviour:* It should be emphasised that officers are obliged to take action in situations of domestic violence as defined in the legislation. The danger of such situations for victims should be impressed upon officers. The emphasis should be on ensuring the safety of a victim rather than on mediation. Whether a victim may later withdraw a complaint or a magistrate approve an order should not influence decisions relating to appropriate action.
- (c) *Attitudes:* Training should include education to change the attitudes of officers to problems of violence against women. This should include both theoretical material concerning causes and empirical examples.

While the above training and action required applies to situations relating to all women, the particular problems of Aboriginal women need to be addressed. In this respect instruction relating to Aboriginal culture should take place both during induction courses and in refresher courses. In these training programs the position of Aboriginal women in traditional culture and in the contemporary situation should be discussed.

Consideration should also be given to employing Aboriginal women as police aides to work in communities and town camps so that the particular needs of women are dealt with more effectively than at present. The duties for such positions may need to be different from those of male police aides and should be worked out in dialogue with Aboriginal women.

Finally, in communities and town camps there is a need for police to consult with Aboriginal people concerning the most appropriate action to assist in dealing with violence against women. Dialogue at this level should be specific to the particular situation. It should take place with women and men separately and discussions with women should be coordinated by female police officers, female police aides (when appointed) or other women. The emphasis should be on listening to Aboriginal women's concerns and offering police assistance where appropriate.

Courts

It has been shown that the legal system serves female victims of violence badly, and this is particularly so for Aboriginal women. The situation is complicated by the desire to reduce the proportion of Aboriginal men in prison. However, this goal needs to be balanced by consideration for the rights and welfare of the female victims.

The lack of knowledge of social issues on the part of court personnel, including judges and magistrates, has been noted and this needs to be remedied. Training programs should be instigated in which the issue of violence against women is given prominence. In addition a knowledge of Aboriginal culture is of prime importance in

the Northern Territory and the position of Aboriginal women should be covered in training in this area.

While such training would help to promote a better understanding of the issues relating to violence against Aboriginal women, the question of court procedures also needs to be addressed. It was noted that in many cases issues of culture were canvassed in mitigation of the offence. When this happens it should always be ensured that the information tendered is accurate and relevant opinions, including those of Aboriginal women, should be sought. And in cases where anthropological evidence is called for it should include input from female anthropologists.

In relation to sentencing, the number of Aboriginal men in gaol is of great concern and there is a need to develop alternative sentencing options for violent men. But the safety of victims should always be the prime factor when either bail or sentencing of violent offenders is under consideration. It is crucial that the existence of adequate supervision, including monitoring of the offender's movements after leaving court, should be ascertained before non-custodial measures are adopted.

Whatever the sentencing practice adopted, the imposition of a punishment which fails to deal with the violent behaviour is unlikely to have any long-term benefit. However, attendance at a rehabilitation program which addresses issues of violence and alcohol should not be seen as an alternative to any sentence imposed. While voluntary attendance at such programs may be the ideal overseas experience has shown that mandatory attendance as part of a sentence can result in behaviour change (see, for example, Pence 1985, 24-36).

In considering all the options for sentencing and rehabilitation of violent men it is essential that Aboriginal communities and town camps should be consulted. The aim should be for Aboriginal people to become involved in supervision of offenders if alternatives to gaol are agreed upon.

Aboriginal Legal Aid Services

During the course of this study it has become obvious that Aboriginal Legal Aid Services are failing to serve women adequately. There is an urgent need to consider seriously the duty towards women who are bashed, raped and killed in conjunction with the duty to defend violent male offenders.

The idea of setting up separate legal services for women either under the umbrella of the present Aboriginal Legal Aid Services or in conjunction with other Aboriginal women's organisations would appear to be the ideal. However, since the new funding necessary for this to eventuate may not be available in the short term consideration should be given to allocating a proportion of the budget in an Aboriginal Legal Aid Service to the development of services specifically for women.

Health and welfare

The health and welfare services could be important sources of information about domestic violence but at the time of this study statistics relating to assaults were either non-existent or inadequate. A statistical data base in which assault injuries are recorded is thus urgently needed and should allow access to information concerning assault injuries sustained by both Aboriginal and non-Aboriginal women.

When dealing with victims of violence the response of health and welfare personnel is primarily reactive since there are no official policies or procedures to guide them as there are, for instance, in cases of child abuse. The new domestic violence legislation makes it clear that domestic violence is an offence and while it may not be the province of health and welfare workers to enforce the law there is a need for clear policies and procedures to be developed so that a more holistic service can be offered to women who have obviously been assaulted.

Such services should take account of the particular needs of Aboriginal women and in this respect it is important to consult with Aboriginal people so that appropriate procedures are followed. Wherever possible Aboriginal women who are victims of violence should be referred to female Aboriginal health and welfare workers and sexual assault counsellors. All hospitals, clinics, sexual assault referral centres and welfare agencies should employ Aboriginal women in these roles.

One problem that is apparent is that many health and welfare personnel are unable to recognise injuries which have been sustained as a result of an attack by another person. There is a need for training in this area, which should also include knowledge of the options available for referral of victims as well as the sort of action which may be appropriate. Training should also include input on the causes of violence against women. In all this training there should be specific input concerning Aboriginal women.

Women's refuges

The importance of women's refuges in the area of domestic violence cannot be over-emphasised. Yet the resources of all refuges are stretched to the limit. The only all Aboriginal refuge, DAWS, is particularly under-resourced.

Apart from providing shelter for women victims of violence the refuges perform a number of additional important tasks and these should be recognised when funding is allocated. For instance, staffing should be adequate to allow time for group work and individual counselling of women, as well as for day-to-day running of the refuge. This is crucial if women are to be helped to take control of their lives rather than simply to escape temporarily from a violent situation. Where refuges cater for all women, the special problems of Aboriginal women have to be recognised and it is appropriate that Aboriginal workers should be employed wherever possible.

Refuge staff also have a significant educational and policy formulation role to play in relation to other agencies. Again adequate funding is necessary to ensure that they have time for this task.

In addition numerical information from the refuges is vital when trying to ascertain the incidence of domestic violence in relation to both Aboriginal and non-Aboriginal women. Lack of resources means that refuge staff find it difficult to keep good records. The necessity of this work should be recognised and adequate funding provided.

Coordination

Because so many agencies may become involved in domestic violence incidents it is important that a coordinated strategy should be adopted. Experience overseas and in

other states in Australia has shown that there is a real need to develop inter-agency policies and procedures as well as for the collection of statistics relating to violence against women to be coordinated.

The prime concern when working out such policies and procedures should be with the safety of the victim. The aim should be to reduce her responsibility for invoking sanctions against the abuser without infringing upon her autonomy.

The Domestic Violence Committee coordinated by the Office of Women's Affairs is a useful forum for planning but at the moment its role is informal. All states except the Northern Territory and Australian Capital Territory now have formally constituted Domestic Violence Units.

A Domestic Violence Unit should be set up in the Northern Territory as soon as possible. This Unit should be composed of representatives of agencies concerned with violence against women and should include Aboriginal women. The Domestic Violence Unit should have a mandate to coordinate the development of inter-agency policies and procedures to address the problem of violence against women throughout the Northern Territory.* In doing this the special needs of Aboriginal women should be recognised and catered for.

One issue which should be looked at by such a Unit is the applicability of the new domestic violence legislation to the needs of Aboriginal women. At the moment it relates only to violence by partners whereas much of the abuse experienced by Aboriginal women is perpetrated by other close relatives. As noted, there is some disquiet about this and consideration should be given to ways of amending the legislation to take account of this problem.

Aboriginal Initiatives

While the nature of violence in Aboriginal communities today means that the assistance of public sector agencies will often have to be sought, it is important that such assistance coincides with the needs of the people concerned. It has been shown that Aboriginal women have their own ideas about the action which is necessary and many of them are already taking steps to deal with the violence in their lives. Women are realistic in seeing that the problem is too complicated to be amenable to one solution. Because of this they should be assisted, when this is required, in trying out different strategies.

Alcohol

Most Aboriginal women believe that abuse of alcohol is the main cause of violence in their communities and families and are adamant that the sort of violence levelled at women today has no counterpart in traditional practices. For this reason they regard the control of alcohol as the first priority in attempting to stop the violence. To this end they believe that a number of strategies are necessary to combat alcohol, including both short-term and long-term measures.

* The paper by Pence (1985) is a good example of an inter-agency approach to domestic violence which could act as an excellent guide for the formulation of policies and procedures in the Northern Territory.

In the short-term women want help to control alcohol and its effects in their camps and communities. They also require help in setting up alcohol rehabilitation programs, with supports for both drinkers and non-drinkers. The provision of employment and education programs is also regarded as important so that young people can be provided with alternative meaningful ways of spending their time.

Women believe the long-term answer lies in education so that children learn of the dangers of alcohol abuse. But this has to be coupled with a broader education which gives children better life chances so that they grow up with feelings of dignity and self-worth.

Adequate funding to assist such strategies is urgently needed. However, no-one expects the strategies to succeed overnight and the return for money spent may often seem depressingly low. In order to keep things in perspective the present enormous costs of alcohol abuse in both human misery and public money should be borne in mind when assessing success or failure of a particular initiative. As also should the fact that reluctance to act now will certainly result in an escalation of those costs in the future.

Refuges and supports

Aboriginal women may initially have been reluctant to use women's refuges in the towns but it is clear from the records of the refuges that many have now overcome that reluctance. In addition, they are now starting to set up shelters or single women's houses in communities so that women and children can escape from violence. Often a multipurpose Women's Resource Centre is being used as a shelter along with other uses.

This is a positive move as it means that the problem of violence is being dealt with in the community. It can also be seen as following a practice which was traditional for many Aboriginal people of having a *jilimi* or single women's camp prohibited to men, where women and their children could live in safety and gain support from other women. However, it is important to keep in mind that while the approach may be traditional the present situation is very different.

Shelters in communities will not necessarily develop along the same lines as women's refuges in towns. Nor will they be identical to the traditional *jilimi*. It is essential that Aboriginal women should work out their own models to fit the needs of their particular situation. For this reason a flexible approach to requests for resourcing is essential. Apart from monetary assistance, cooperation from agencies such as police or health and welfare may be required to make the operation of such shelters successful.

Legal options

In the past few Aboriginal women took legal action when they were assaulted, and many are still reluctant to do so even when seriously injured. However, some do now believe that legal action is necessary and it is a measure of their frustration and concern at what is happening that they have come to this viewpoint. There is evidence that recently more women have persisted with complaints leading to charges and some have taken out orders under the new domestic violence legislation.

It is still extremely difficult for most of them to use non-Aboriginal law and it has been shown that at the moment the assistance they receive leaves much to be desired. When legal action is being considered as an appropriate option by a woman she should be given every encouragement and all possible support. In particular efforts should be made to lessen the responsibility of the victim for both the action and any sanctions which may follow.

Conclusion

In the final analysis the problem of violence against Aboriginal women will only be solved by Aboriginal people themselves. Women want help but most agree that no real change will occur until both women and men are prepared to discuss it and to support action. Women, they say, must increase their numbers on community councils so that their views are aired and they are able to influence community decision making.

But the problem is a complicated one, bound up as it is with other issues connected with changing lifestyles. Working through these issues towards satisfactory solutions is crucial to the future well-being of all Aboriginal people.

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