

**The Making of Domestic Violence Policy by the Australian
Commonwealth Government and the Government of the State of
New South Wales between 1970 and 1985**

An Analytical Narrative of Feminist Policy Activism

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Abstract

This thesis is a study of the processes by which domestic violence, as framed by Australian feminists from the early 1970s, was inserted into the policy agenda of governments, and developed into a comprehensive body of policy. The thesis covers the period between 1970 and 1985. Acknowledging the federal nature of the Australian polity, it examines these processes that unfolded within both the Australian Commonwealth government and the government of New South Wales.

The thesis provides a political history of domestic violence policy making in the identified period. It shows that policy responses to women escaping violent partners included both immediate measures (such as protection and justice strategies) and more long-term measures to attempt to secure the conditions for women's financial, legal and personal autonomy. The elements found to have been most significant in shaping the development of such policies were the roles and identities of the participant players, including the driving role of the women suffering partner violence; the lack of contest in the early stages of policy achievement with established professionals in related fields; the uniquely 'hybrid' role and positioning of refuge feminists; and the degree of integration and continuity which characterised the domestic violence policy process.

The thesis also investigates the relationship between domestic violence policy making and the broader women's policy enterprise. It demonstrates the care with which those involved avoided the dangers of sensationalism and tokenism while striving for an appropriate policy response. The thesis pays particular attention to the circumstances in which feminists in the early 1970s experienced their 'discovery' of domestic violence. It demonstrates the significance of social and economic circumstances in shaping the political options of feminists in the thesis period and those preceding it, and the extent to which policy possibilities are shaped by representations of the nature and functions of policy itself. Finally, the thesis investigates the relationship between the strategic processes undertaken and the policy outcomes produced, finding that policies achieved in the thesis period complemented and in some ways transcended accepted policy practice in the relevant period.

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Acronyms

ACT	Australian Capital Territory
AIC	Australian Institute of Criminology
AGPS	Australian Government Publishing Service
ALP	Australian Labor Party
ANAC	Australian National Advisory Committee for International Women's Year
ADVO	Apprehended Domestic Violence Order
BCSR	NSW Bureau of Crime Statistics and Research
CASA	Centre Against Sexual Assault (Victoria)
CCWCCR	Central Coast Women's Crisis Centre and Refuge (NSW)
CEDAW	UN Convention on the Elimination of All forms of Discrimination against Women; also, UN Committee on the Elimination of Discrimination against Women
CHP	Community Health Program
DVC	Domestic Violence Committee (NSW)
FLC	Family Law Council
FLS	Forward Looking Strategies Toward the Year 2000
IDW	International Decade for Women
IDWG	Interdepartmental Working Group on Women's Affairs (Commonwealth)
IWD	International Women's Day (8 March)
IWY	International Women's Year
LAC	Local Area [domestic violence] Committee
MP	Member of Parliament
OSW	Office of the Status of Women (Commonwealth)
OWA	Office of Women's Affairs (Commonwealth)
NASCVAW	National Committee on Violence Against Women
NOW	National Organisation of Women (USA)
NSW	New South Wales
NSW WAB	New South Wales Women's Advisory Board
NSW TFDV	New South Wales Task Force on Domestic Violence
NWAC	National Women's Advisory Council
NWCC	National Women's Consultative Council
NZ	New Zealand
RCHR	Royal Commission on Human Relationships
SAAP	Supported Accommodation Assistance Program
UK	United Kingdom
UN	United Nations
USA	United States of America
WSL	Womanhood Suffrage League (NSW)
WAB	Women's Advisory Branch (Commonwealth)
WABWP	Women's Advisory Body Working Party
WAC	Women's Advisory Council (NSW)
WAS	Women's Advisory Section (Commonwealth)
WCU	Women's Coordination Unit (NSW)
WEL	Women's Electoral Lobby
WESP	Women's Emergency Services Program
YACS	NSW Department of Youth and Community Services

Introduction

During the last quarter of the twentieth century, after two centuries of dealing with men's assaults on their wives and partners in a multiplicity of unrelated and often ad hoc ways, Australian governments made their first explicitly designated policy responses to domestic violence. Governments in related western countries, in particular the United Kingdom, the United States, Canada and New Zealand, were taking similar steps at the same time; but in each of those countries, as in Australia, the policy response, and the feminist activism which stimulated it, proceeded initially separately, and in an intensely local context (for example Dobash and Dobash 1992: 25-8; Walker 1990: 22-6; Schechter 1982: 29, 56-8). This thesis is an investigation of the policy processes which brought about the response to domestic violence in the Australian policy arena. It is an account of the means by which brutal physical and psychological behaviour by men towards women with whom they share intimacy and often a dwelling, named in the thesis period as 'domestic violence', came to be addressed as a specific policy issue by Australian governments.

The period of the thesis, 1970 to 1985, covers the years during which the first steps towards a domestic violence policy agenda were taken by the Australian Commonwealth and most state governments. This period begins just after the first Australian Women's Liberation meetings took place, late in 1969, and ends with presentation of the first evaluatory report on the introduction of a substantial policy agenda on domestic violence in New South Wales in September 1985 (Caine 1998: 377, 392, 499; NSW DVC 1985). The thesis addresses the Australian federal structure by focusing on the domestic violence policy initiatives of the Australian Commonwealth government and the government of the state of New South Wales (NSW). The federal division of powers and responsibilities established by the Australian Constitution is particularly pertinent in the case of domestic violence policy since, for example, the Commonwealth is responsible for the law of marriage and divorce (the Family Law Act), for income support policy and for the provision of funds and broad policy directed to health, education and training and public housing, while the six states and two territories are responsible for the criminal law, policing and the delivery of health, education and public housing services. The government of NSW was chosen to represent the state jurisdictions in the thesis because NSW was

the first state in which a broad agenda of policy related to domestic violence was initiated, and because it was also the first to adopt the pattern of policy process strategies subsequently applied in each of the other states and territories. My choice of NSW to represent state government responses to domestic violence does not imply that NSW was an exceptional pioneer in a process which in fact proceeded in a consistently integrated way across state and federal boundaries. It is as the strategic ground breaker, rather than as a solitary or exceptional initiator, that NSW has been chosen to demonstrate state level policy processes in the thesis.

In carrying out this investigation, I address four major themes. These are: the unfolding of the strategic policy processes involved in the introduction of the Australian policy response to domestic violence; secondly, the relationship between the domestic violence policy process and the broader women's policy enterprise of which it formed a part; thirdly, the contextual implications of this policy process, in the senses both of contexts of opportunity and those of representational discourse; and, finally, the relationship between domestic violence policy outcomes and the strategic processes and opportunities which contributed to their achievement.

The following section of the Introduction discusses these themes and their implications. That is followed by a section introducing two fundamental aspects of the domestic violence policy process, each of which played a defining part in the issues explored through the thesis themes. The first of these involves the remarkable set of circumstances which led feminists in Australia and other related countries in the early 1970s at first to fail to emphasise, and then to dramatically identify, domestic violence as a feminist issue, in an experience which felt like a 'discovery'. As will be explained in the discussion below, this aspect of the domestic violence process raises questions about Australian feminist and policy responses to domestic violence which invite the broader historical exploration made in the first two chapters of the thesis. The second of the framing aspects of the domestic violence process comprises the far-reaching nature of the body of policy required for an adequate response to domestic violence. I refer here to the fundamental practical difficulties structuring the challenges faced by a woman striving to separate from a violent partner, and which an effective policy response must address, in addition to specific initiatives responding directly to the violent behaviour she has suffered.

Following discussion of these two sets of significant circumstances, the next section of the Introduction places the thesis and demonstrates its contribution in relation to the literatures reflecting its major analytical contexts, namely the historical and contextual background to the feminist and policy response to domestic violence; the broad women's policy project pursued in Australia since the early 1970s; and the feminist development of an analytical and policy response to domestic violence. The remaining sections establish the methodological approaches adopted in pursuing the thesis, discuss some key issues of definition and clarification and provide the reader with a structural overview of the thesis.

THE FOUR MAJOR THESIS THEMES

1. The policy processes that achieved an Australian public policy response to domestic violence

This primary theme for the thesis analysis operates on two levels. One involves the analytical construction of a policy process narrative, in the sense suggested by Bridgman and Davis when they argue that their 'policy cycle' model of policy process can, if 'used carefully', 'go some way to constructing a narrative' from 'the human and political imbroglio of making public policy' (Bridgman and Davis 2004: 29, 26). The narrative constructed here could also be described as a political history of the domestic violence policy process in the years encompassed by the thesis period, from 1970 to 1985. The second task implied by this theme is the identification within the domestic violence policy narrative of the characteristics of the process that are most significant in explaining its nature and outcomes.

In pursuing the policy process narrative identified here, I have referred to three theoretical approaches to policy process analysis. These are: the policy cycle or framework approach to policy development; agenda setting theory; and the concept of 'policy activism'. All three provided valuable insights into the process studied here and will be referred to in the thesis discussion. But the approach that proved most apposite for investigation of the domestic violence process, as I will demonstrate in the remainder of this section, is the relatively new concept of 'policy activism'. The three approaches and their relationship with this study will be introduced in the

following discussion, with attention to the particular applicability of policy activism to analysis of the policy process investigated here.

(i) The policy cycle or framework approach

The policy cycle or framework approach to policy development offers a professional policy practitioner's viewpoint on policy process. An exposition of this analytical approach is provided by Peter Bridgman and Glyn Davis in their *Australian Policy Handbook* (2004). Although frank about the 'complexity and discretionary nature' of policy decision making, and admitting that '[finding] a way through the policy maze can seem impossible', they also insist that 'policy processes generally follow a logic, a system', understanding of which 'helps us to pursue better practices' even if 'it cannot tame entirely the human and political imbroglio of making public policy' (Bridgman and Davis 2004: 2, 1, 26). The model they suggest 'to describe this system [is] a *cycle* depicting the rhythms and patterns of the policy world', which can be used as a tool 'to understand and structure policy development' (Bridgman and Davis 2004: 2 - their italics, 22). The stages of the cycle, which the authors claim should all be present 'even if not in sequence' for good policy, are: the identification of issues (including the definition and articulation of problems); policy analysis (including research for data and information, clarification of objectives and the development of options and proposals); inclusion of consultation; coordination with existing and overarching policy commitments and imperatives; the making of a decision; implementation design and management; and evaluation (Bridgman and Davis 2004: 24, 26-8, 164).

In her book *Social Policy, Public Policy: From Problem to Practice* (2001), Meredith Edwards makes use of the Bridgman and Davis 'cycle', which she prefers to call a 'policy development framework', and develops it through analysis of four major Commonwealth government policy initiatives to which she contributed between 1983 and 1997, first as a ministerial consultant and then as a senior public servant (Edwards 2001: 3). Edwards concludes 'that even though there can be forewords and backwards "policy dances" and overlap of stages, unless each policy stage is addressed in policy reform, it is unlikely that any major policy proposal will have a chance of being implemented' (Edwards 2001: 8).

The policy cycle/framework is of assistance to the thesis in two ways. The first is that it lays out the expectations and conventions within and through which feminist activists engaging with policy had to work in order to achieve their objectives. The second is through its contribution of a policy process ‘skeleton’, offering a way of structuring the policy narrative in the way suggested by Howlett and Ramesh, by breaking it into stages ‘[enabling] analysis of a wide range of factors at work at the various stages (Howlett and Ramesh 1995: 198, quoted Edwards 2002: 4)’.

On the other hand, the policy cycle analysis is too focussed on the professional and conventional internal processes of policy making to entirely encapsulate the policy process investigated in this thesis. The women driving the women’s policy enterprise sought a great deal more than reforms to established policy provisions and practices. They strove for a thorough re-conceptualisation of the ways in which women had been represented and addressed by policy, and set about inventing new policy institutions and practices in order to carry it out (Dowse 1984: 140-4). As the enterprise proceeded, it was shaped by a fluid process of analysis and strategy undertaken by players located on, and regularly shifting their activist identities across, the familiar borders of the policy realm. The domestic violence policy process, as later chapters relate, was a prime example of this, beginning as it did well before a clear analysis of either the issue or appropriate responses had been reached, proceeding through a conceptually evolutionary development, and furthered by feminists located in and moving between community activism, academic research, a number of professions and policy institutions. The policy cycle model alone is clearly insufficient to illuminate all that was happening here.

(ii) Agenda-setting theory

The literature of the policy process analysis designated ‘agenda setting’ presents itself as particularly relevant to the kind of policy process under investigation here. This approach was defined in the pioneering work of Roger Cobb and Charles Elder as: ‘the identification and specification of the types of issue conflict that receive the attention and action of governmental decision-makers’ (Cobb and Elder: 1972: 63). Consideration of this tradition for the purposes of the thesis has concentrated on

studies applying it specifically to the policy impact of social movements, some of which are referred to below.

Barbara Nelson, in her study of the arrival of child abuse policy in the USA, builds on Cobb and Elder's work by differentiating between the systemic agenda (that is 'all issues that are commonly perceived by all members of the political community as meriting public attention and [falling] within the legitimate jurisdiction of existing governmental authority') and the formal agenda ('that set of items explicitly up for the active and serious consideration of authoritative decision-makers'). She separates the 'systemic' agenda into the 'popular agenda', referring to 'awareness on the part of the mass public', and the 'professional agenda', '[designating] awareness among those ...who may promote a particular expert view of a problem'(Cobb and Elder 1972:85-6; Nelson 1984: 20). This differentiation is as relevant to the placement of and contest between community and professional activists in the domestic violence narrative as it was for Nelson's study of child abuse policy. In further suggestions relevant to this study, Paula McClain, in her study of racial minority group access to the policy agenda in the USA, and Ann Aboud, in her investigation of the initiation of domestic violence policy in the Australian state of Queensland, both make constructive use of the distinction made by Cobb and others between an 'outside initiative model' in which 'the issue in a general form comes from groups outside of the governmental structure', a 'mobilization model', in which decision makers place issues on the formal agenda and legitimate them by courting public support, and an 'inside access model' referring to situations in which officials or those with direct access to them initiate an issue (Cobb et al 1976: 127-8; McClain 1993a: 6; Aboud 1989: 4-18).

These useful studies also reveal a deficiency in the agenda setting models they apply. The problem, which follows from the focus of agenda setting analysis on the decision making and access structures of US administrations which shaped the agenda setting tradition, is the clumsiness of these analyses for conceptualising relationships and processes operating across the 'insider/outsider' divide in an activist driven process of agenda setting. McClain, for example, concludes that the reasons for the minimal influence she claims for racial minority groups on the US policy process were 'cultural differences in problem definition, and lack of strong minority group organization' (McClain 1993: 9). In somewhat similar terms, Aboud concludes that

the failure of community activists to have a stronger influence on the Queensland domestic violence process was because: 'Some of the issue partisans seeking to bring domestic violence onto the public agenda used an inappropriate approach to agenda building' (Aboud 1989: 106). Each of these judgements appears to opt for a 'blame the activist' solution rather than pushing the analytical model further across insider/outsider boundaries.

This conclusion is reinforced by the analysis offered by Janet Flammang, whose project is to test agenda setting and other established political science theoretical approaches against the nature of the US feminist women's movement, rather than the other way around (Flammang 1997: 3-4; 253-6). One of Flammang's contributions relevant to the present study is precisely in her conceptualisation of the relationship between insiders and outsiders in the US women's policy project, through her description of the process of the women's policy project as '*a reciprocal relationship among the women's movement, women's groups, and female elected officials*' (Flammang 1997: 255, my italics). Flammang refers here to Jo Freeman's argument that 'the women's movement provided many strategic resources for sympathetic government officials', whom Freeman delightfully dubbed 'woodwork feminists' (Freeman 1975: 222, 234-7; Flammang 1997: 260-1).

In a further contribution suggestive for this study, Flammang breaks away from established agenda setting models to identify distinctions within the women's agenda between policy areas depending on a 'brokered' achievement of incremental developments from existing policies, and those involving entirely new innovations. The first distinction she makes is between policies addressing role equity, which she argues recombine familiar ideas, and those directed to role change, which involve transformations in views of sex roles. She goes on to describe the three types of issues she sees as making up the feminist policy agenda. These are invisible issues made visible and involving role transformational and innovative policy, as in the cases of domestic violence or child abuse; equality issues which could be put in familiar and incrementalist terms; and the middle way of issues involving the recasting of male models to female experience, as in the feminist challenge to traditional health care practice and research (Flammang 1997: 255-6). These distinctions will be referred to

and assessed in the thesis, not only in accounting for the varying success of relevant initiatives, but also in recognising the strategic decisions of policy activist players.

(iii) The concept of ‘policy activism’

The concept of ‘policy activism’ was initially developed by Julie Nyland in her Doctor of Philosophy thesis on the reform of public housing administration in NSW in the 1970s and 1980s (Nyland 1998). The concept was elaborated and extended in a collection edited by Anna Yeatman (Nyland’s thesis supervisor) and published as *Activism and the Policy Process* (Yeatman 1998). Nyland defines her concept in terms of the participants, whom she identifies as ‘policy activists’ and distinguishes from ‘other types of reformers’ by virtue of two characteristics: ‘their activism in which they are driven by their values and critique of existing policy’, and their engagement with ‘the policy process ... *within* the process rather than operating from the outside (Nyland 1998: 232-3, my italics). Two other contributors to the 1998 collection make useful additions to this definition. Deborah Brennan, in her article ‘Children’s Services and Policy Activism’, makes a distinction between the ‘traditional lobbying and pressure group activity’ undertaken for decades by child care activists ‘clearly positioned as outsiders’, who ‘did not contribute to the making and shaping of policy but rather towards getting their issue onto the government agenda’, and those taking ‘strategic action inside the relevant policy making process’ (Brennan 1998b: 88, 103, 82). Gael Fraser adds to this, in her study of community housing and urban renewal in the Bowden Brompton area of Adelaide, identification of *a continuum* in the development of community activism from ‘reactive and intuitive ... activism ... oriented to stopping ... policies’, ‘to a deliberate and conscious policy activism which had a direct impact on setting the community housing agenda’ (Fraser 1998: 198; my italics). Both distinctions are helpful in establishing the edges of the policy process which is the focus of the thesis.

Another useful conceptual contribution is provided by Paul Dugdale. Working on the dilemma of making distinctions between policy activists and zealous technocrats, Dugdale introduces what he calls the ‘immanent perspective’ of insider policy activists who ‘find their cause in situations at hand’ and for whom ‘it is not possible to know what to do until you are in a position to do it’ (Dugdale 1998: 107). In an

identification which rings true to anyone with experience as an activist insider, Dugdale describes the ‘policy activist-professional’ as a ‘hybrid creature’ whose ‘activism straddles [the] divide’ of ‘his or her activism ... rooted in prior political and, or, community based experiences’ and the activity which ‘emerges immanently from their location inside the agency’ (Dugdale 1998: 109, 121). This observation resonates with the domestic violence policy narrative to follow in terms of insider activist strategies, in the confusion and sometimes consequent lack of trust which immanent opportunities and consequent opportunist leaps could engender in outsider activists, and as a further way of illuminating insider/outsider identities and relationships.

Gar Jones, Alison Lee and Cate Poynton also make proposals directly relevant to this thesis in their ‘argument for the use of discourse analysis for the purposes of policy activism’ (Jones et al 1998: 150). These scholars apply Foucault’s understanding of ‘discourse’ as ‘practices that systematically form the objects of which they speak’, and that ‘discourses are not about objects, they constitute them’ (Foucault 1977: 49, quoted Jones et al 1998: 149). They note the nature of policy as discourse both through the literal writing and reading of words on paper, and through its productivity as discourse, ‘that is, its capacity to “bring into being” what is being talked about’ (Jones et al 1998: 149). Rejecting any notion that ‘what language does is “re-present” what already exists outside language’, they insist ‘that what language does is to constitute or construct the world we live in, and ourselves as part of that world’ (Jones et al 1998: 149-50). At the same time, they also insist that: ‘Language is not just about representation ... Texts such as policy texts are [also] incitements to action’, potentially including both ‘interpretation’ and ‘rewriting’ (Jones et al 1998: 150). In these terms, Jones et al propose two key policy activist strategies, which they define as: ‘vigilant readings’ and ‘strategic retelling’ (Jones et al 1998: 166-8). These insights assist the project of this thesis, for example, by contributing to the contextual task of reading the differences in responses by both feminists and policy makers to the circumstances later named domestic violence prior to the policy activism of the mid-1970s, and hence to understanding the experience of ‘discovery’ involved for the later feminists. The concepts of ‘vigilant readings’ and ‘strategic retelling’ also vividly capture the experiences of the feminists who listened to the stories of women escaping violent partners in the early women’s refuges, and set out to conceptualise what they heard, and to express it in ways that would achieve a policy response.

Meredith Edwards provides a further viewpoint on the operation of policy activism when she acknowledges that during her years as a senior policy officer for the Commonwealth government she had been ‘on reflection ... probably what Yeatman (1998) calls a “policy activist”.’ ‘Between 1983 and 1997’, she explains, ‘I was a policy adviser with a real commitment to making a difference in areas of social policy. ... My values were known to the people who worked with me. Those values related to wanting to address the inequities I perceived in the ways in which government policies affected certain groups of people, such as families, unemployed people, people with disabilities and, more generally, lower-income people (including children). I wanted to improve the quality of life for these people in our society’ (Edwards 2001: ix). Edwards also states her conviction that such a stance ‘does not detract from providing good policy advice outside the political context’ (Edwards 2001: ix).

In an earlier piece of work, also reflecting on her own policy practice, Edwards, together with Margaret Levi, set aside the traditional feminist anxieties about co-optation as a consequence of engagement with the processes of the state, to provide some equally policy activist observations and advice. In an analysis redolent with practised strategic wit, including a precise sense of what Paul Dugdale calls ‘immanent’ opportunities, the writers lay out a set of tactical approaches to assist feminist bureaucrats, whom, they say: ‘We ... [assume to be] ... strategic actors’ (Levi and Edwards 1990: 146). These tactics include the location of ‘allies within the bureaucracy who are willing to exert pressure on behalf of feminist reforms’ and the calculation, in terms of immediate possibilities and assessment of short and longer term goals, of what the writers call ‘policy bargains’ and ‘the discount rate’ (Levi and Edwards 1990: 146-153). These proposals will be demonstrated to be frequently relevant the policy narrative studied here.

The potential of the concept of policy activism in constructing the policy process narrative which is the primary theme of this thesis lies in the answers it provides to the shortcomings of the other policy process models examined. The limitations of those models for this study are located in the relationships, identities and strategies operating across the boundaries of, while still playing a direct part in, the formal

policy process; that is the territory illuminated by policy activism. In doing so, one of the relevant contributions of policy activism is that it provides a means of both acknowledging that players operating across the insider/outsider boundaries of the policy arena may indeed be part of the formal policy development process, and of recognising that those professionally engaged in bureaucratic policy activities may also be validly identified as activists. Further, policy activism provides an appropriate way of understanding the initially exploratory and then analytically evolutionary nature of a policy process which begins, as does the domestic violence process, with the ‘discovery’ experience of a new representational leap.

Policy activism also assists through clarification of the focus and boundaries of the thesis. While the broadest sense of the term ‘policy process’ can validly include all the activities, inside or outside the formal policy process, involved in bringing about a particular policy outcome, and encompass also the policy instruments achieved, the primary emphasis of this study is on the part of that broad reading identified by Nyland’s proposal. That is, the focus of the thesis is on policy related processes undertaken by players who can be identified as activists, and which, whatever the identity or location of those players, can be defined as part of the direct process, within the policy arena, through which the first body of Australian domestic violence policy was developed. The primary task and theme of the thesis can accordingly be described as an analysis of the narrative of policy activist, in this case feminist, strategic processes that established domestic violence policy within the Australian policy arena.

2. The relationship between the domestic violence policy process and the broader women’s policy enterprise

The second of the major themes of the thesis addresses the relationship between the domestic violence policy process and the broader policy enterprise for women which was its context. It has often been observed that one of the distinguishing features of Australian feminism in the late twentieth century was the pursuit of an activist strategy of engagement with the state, not only by addressing it as an avenue of reform and redress, but through active participation in the bureaucratic institutions and professions involved in the policy process (Watson 1990: 3; Eisenstein 1996: xii-

iii; Sawer 1990: xv; Sawer 1993: 1). The conjunction between the new stirring of Australian feminism and the opportunities provided by the various party political contexts, both Commonwealth and state, in the thesis period helps to explain why Australian feminism at this time adopted an energetic commitment to direct strategic policy action, despite simultaneously expressing a comprehensive rejection of existing political structures. Sara Dowse memorably described that apparent contradiction: ‘What has intrigued me ... throughout my life as a feminist activist is ... that, despite my scepticism about the so-called democratic process of government ..., when I want something done I look to just that arena. ... I look to the public sector’ (Dowse 1984: 139; see also Chappell 2002: 22-6).

The other contextual circumstance encouraging that distinctive Australian feminist direction was the political and policy making tradition still broadly embraced by all major Australian political parties in the thesis period, as it had been since the late nineteenth century. This was the tradition of state action referred to by Sara Dowse and analysed in more and historical detail by Marian Sawer (Dowse 1984: 139; Sawer 1993 and 2003). Sawer locates it in the tradition enunciated in late nineteenth century Britain by L. T. Hobhouse and J. A. Hobson and based in the neo-Hegelian idealism of T. H. Green; Sawer names this tradition, which provided the philosophical basis for the welfare state’, ‘social’ or ‘social (interventionist) liberalism’ (Sawer 1993: 2, 7-9; 2003: 9-30). Sawer demonstrates the pervasive presence of social liberalism’s emphasis on the citizen right of access, assisted by the ethical state, to opportunities for individual advancement, in Australian politics during the first three quarters of the twentieth century (Sawer 2003: 31-85). She also concludes that social liberalism, unlike the earlier classical liberal or later market or neo-liberal traditions, is particularly advantageous for the advancement of feminist objectives though policy (Sawer 1993: 20-1; 2003: 143-65). It can be argued that one of the most thoroughgoing expressions of the social or ethical liberal tradition made in Australian politics can be found in the participative democratic philosophy, with emphasis on civil rights and equity of opportunity, of the Whitlam ALP Commonwealth government between 1972 and 1975, and in the immediately subsequent regimes of state ALP governments, including the Wran ALP government elected in NSW in 1976 (Yeatman 1990: 131; Yeatman 1998: 26; Short 1998: 126-8; Encel et al 1981; Alaba 1994; Sawer 2003: 113-4). The twin circumstances of the particular governments

elected during the thesis period and the persisting social liberal philosophy in Australian politics were key aspects of the ‘context of opportunity’ for feminist policy activism in this period which is explored further in the next section.

The early stages of the women’s policy enterprise launched under the Whitlam ALP Commonwealth government certainly provided crucial opportunities for the arrival of domestic violence in the policy arena. Likewise, it was soon the case that domestic violence became an accepted aspect of the women’s policy enterprise. Nevertheless, neither of these circumstances was either automatic or predictable. As will be seen in Chapters Two and Three, the domestic violence policy drive did not originate in the feminist policy context, and the strategic relationship between feminists working for domestic violence policy inside and outside the bureaucracy was at times difficult. These complexities are one aspect of this theme. Another lies in the urgent connection, already indicated and further discussed later in this chapter, between the needs of women fleeing from violent partners and the far-reaching objectives of equity of opportunity in education, income support, housing and the work place which made up much of the broad women’s policy enterprise. This meant that the domestic violence project had possible potential as a driver for that broad enterprise, through its demonstration of the most dramatic and even tragic consequences of the economic dependence of women. On the other hand, some participants saw in such a connection the danger of a deflection from the broad agenda, either fearing that it would be debased as ‘victim’ politics, or because it was seen as more appropriate to argue the agenda in terms of the rights of all women rather than focus on those in greatest need (on ‘victim’ concerns, see for example Sawyer 1990: 161).

3. The contextual implications of the domestic violence policy process, in the senses both of contexts of opportunity and those of representational discourse

I have introduced the circumstances for which I suggest the label ‘contexts of opportunity’ in my discussion of the party political circumstances and the political and policy tradition which provided contextual opportunities for a feminist policy activism in the thesis period. In pursuing this aspect of the contextual implications of the domestic violence policy process through the thesis, I examine the significance of the opportunities provided, or not, by changing political circumstances and traditions;

the contribution of unpredictable opportunities and those of the kind described by Paul Dugdale as immanent within policy circumstances; and the implications of developments in historical changes in broad social and economic circumstances, for example those shaping options for women suffering partner violence. It will be noted that this part of my analysis overlaps with, and potentially stretches beyond, the concept of political opportunity structures (POS) used by Louise Chappell in her comparative study of the relationship between gender and political institutions in Australian and Canada (2002). Chappell adopts the POS approach, in particular, for the ‘dynamic view [it provides] of the interaction of social movements and political structures’ (Chappell 2002: 9). The contrasts she demonstrates in the engagement of feminists with state structures in Australia and Canada inform her conclusion that entrenched institutional norms are as significant as institutional structures and the nature and conjunctions of political actors in determining the opportunities open to activists (Chappell 2002: 9-11, 171). The example already given illustrates the relevance of Chappell’s analysis and approach to this study, while I also reach beyond the POS approach to both more particular and ‘immanent’, and to more broadly historical, circumstances of opportunity.

The second aspect I have indicated for the thesis theme of the contextual implications of the domestic violence policy process lies in its contexts of representational discourse. The nature and significance of the representational context relates, of course, to the circumstances of opportunity already discussed. The particular relevance of representational context to this study is further indicated by the dramatic circumstances of feminist ‘discovery’ and re-framing indicated above, and demonstrated in more detail in the next section of the Introduction.

I have approached the challenge and opportunity of the ‘discovery’ circumstances in two ways. The first is to pursue the historical implications, both social and representational, of the neglect/discovery experience of 1970s feminists. Since it was obviously not true that the age-old circumstances of wife beating were unknown to Australian women at the beginning of the 1970s, how could it be that feminists felt as if they had ‘discovered’ domestic violence? How had the well-known violence of many men towards their wives and partners been placed and identified by both Australian feminists and public policy prior to those circumstances of ‘discovery’?

The pursuit of answers to these questions in the first two chapters of the thesis establishes the context, and so contest, of representation, and within it of policy, in which the new feminist framing took place. It also offers opportunities for investigation of the relationships between social and political circumstances, representational discourse and the contextual framing of both political, in this case feminist, analysis and policy possibilities.

The second way in which I approach the ‘discovery’ circumstances of the initiation of the domestic violence policy process is through use of the analytical tool offered by Carol Bacchi’s ‘What’s the Problem ... represented to be?’ approach (Bacchi 1999a). Based in both discourse theory and social constructionist/deconstructionist analysis, Bacchi’s approach is built on the recognition that ‘discourse refers not just to ideas or ways of talking, but to practices with material consequences’ (Bacchi 1999a: 20). Her project is analysis of the problem representations embedded in policy instruments, so as to uncover the ‘frames that construct [those] policy problems’ and identify their practical implications for those to whom they are directed (Bacchi 1999a: 207, 45, 200). ‘This focus’, she argues, ‘is ... useful because it allows us to see just what is at stake in postulated [policy] solutions’ (Bacchi 1999a: 21). I have applied Bacchi’s method and the theory on which it is based both in analysing the implications of policy responses to partner violence prior to the 1970s, and in tracing and assessing development of the feminist analysis and policy response in the thesis period. Her application of discourse theory also assists the reading of representational strategies employed by feminist policy activists in the negotiation of their objectives through the media and in policy documents. Finally, application of Bacchi’s policy problem analysis also provides a useful tool in assessment of the contextual representational implications not just of individual policy instruments, but of expectations about the nature and task of policy itself.

4. Assessment of domestic violence policy outcomes in relation to the strategic processes which achieved them

The fourth theme of the thesis turns to the policy instruments which were the eventual outcome of the strategies investigated. Here, once again, the primary emphasis of the thesis on the strategic processes which produced those outcomes must be underlined.

The focus of the thesis is not, that is to say, on evaluation of the success in practice of the policy instruments achieved, nor the basis for proposals for future policy work. This theme is consequently about assessment of the policy outcomes in this period in terms of their relationship with the feminist policy activist processes and intentions which brought them about.

This theme also addresses the potential for disagreement within that process. It includes assessment of claims, which will be referred to, that the policy outcomes betrayed the process and those who drove and shaped it. Such claims reflected the fears of feminist activists outside the policy professions that engagement with the state, and even the participation of feminists on the inside of policy structures, meant the unavoidable cooption and dilution of feminist visions and directions. Such fears are an expression of one of the areas of discomfort between feminist policy activists working across the formal boundaries of the policy process. They raise questions about the nature of direct policy participation across those boundaries, or, at least, about the integration of feminist objectives in different policy activist roles and locations. This theme is consequently as much an assessment of the processes and their implications as it is of their outcomes in achieved policy. It provides a final examination, not possible until arrival at the initiation of a considerable body of domestic violence policy in the final chapter, of the policy processes which are the subject of the thesis. It also offers a concluding opportunity for assessment of the template of policy activism which I have adopted as my primary analytical tool.

TWO BROADLY DEFINING ASPECTS OF THE DOMESTIC VIOLENCE POLICY PROCESS

I now turn to the two underlying aspects of the domestic violence policy process which I briefly introduced above, and which I have claimed played a defining role in the issues to be explored through all the thesis themes. The first of these involves the ‘discovery’ circumstances through which Australian feminists in the 1970s arrived at their framing of domestic violence. The second refers to the recognition that an adequate response to domestic violence requires the restructuring of all the practical circumstances which stand between many battered women and any real choice to

leave the violent man. These two circumstances, and their implications for the policy process, and so for this study and its methodology, are explored in this section.

1. To begin with, it was as if no-one knew it existed

At the beginning of the second millennium, ‘domestic violence’, or one of the variants on its name, is an established item on the policy list of every Australian government, of whichever of the major political parties, and at both Commonwealth and state/territory levels. In most cases, this inclusion indicates commitment to a considerable policy agenda. This established policy presence of domestic violence is equally true of the international arena, as was recognised by the achievement of the United Nations Declaration on the Elimination of Violence Against Women, negotiated through the United Nations Commission on the Status of Women, and achieved in 1993 (Charlesworth and Chinkin 1994: 22-5).

But this ‘matter of course’ policy recognition of the violence suffered by many women at the hands of male partners represents the achievement, not the beginning, of the process studied here. Moreover, at the beginning of the thesis period specific attention to domestic violence was as absent from the identified concerns of the newly reinvigorated Australian women’s movement as it was from public policy. The first Australian Women’s Liberation groups began in Sydney, Adelaide, Brisbane, Canberra and Melbourne late in 1969 or early in 1970, and in the other states soon after; the Women’s Electoral Lobby (WEL), established to achieve a feminist impact on public policy in the context of an approaching federal election, was initiated in 1972 (Caine 1998: 499, 377, 392, 395, 456; Sawer 1990:2; Burgmann 1993: 93-5). Yet neither the term ‘domestic violence’ nor the issue it represented appeared at that time in either the public statements or publications of those early manifestations of the newly stirring women’s movement. Violence against women was not among the demands expressed in the broadsheet for the 1972 Sydney International Women’s Day March (Caine 1998:54); nor was it included in the list of issues on which WEL surveyed federal electoral candidates in the same year (Sawer 1990: 2). The first issue of the first Sydney Women’s Liberation newspaper, *Mejane*, appeared in March 1971. It contained a sad, defiant joke about male partner violence; but no identification of such behaviour as a feminist issue (*Mejane* March 1971: 3). The first indication of a feminist response came three years later, when an announcement about Elsie, the first

women's refuge appeared (*Mejane* April 1974: 28). No article appeared on refuges or male partner violence (it was not yet being called 'domestic violence') until the first issue of *Mejane's* successor paper, *Mabel*, in December 1975; that issue also printed an advertisement about the International Tribunal on Crimes Against Women held in Brussels the following year (*Mabel* December 1975: 10, 20). Similarly, the first time domestic violence was touched on in the Sydney *WEL Newsletter* was an advertisement for a meeting on the needs of homeless women; that meeting resulted in the founding of *Elsie* (*WEL Newsletter*: November 1973; Summers 1999: 319-36; Chapter Two below). The first Australian compendium of articles on Australian feminist issues was published in 1975; it provided accounts of Women's Liberation and WEL, but did not mention either domestic violence or women's refuges (Mercer 1975a; see also Hopkins and McGregor 1991: xx, 4).

A similar lag between the reinvigoration of feminism in the late 1960s and the identification of partner violence as a feminist issue occurred in feminist publications in the northern hemisphere (see for example Morgan 1970; Schechter 1982: 32-3). Perhaps its most telling demonstration can be found in the multilateral arena. In June to July 1975 the first World Conference on women's issues was held in Mexico City as part of the United Nations (UN) International Women's Year (IWY). The Mexico City World Conference adopted 'a world plan of action so that women could enjoy equal rights, opportunities and responsibilities and could contribute to the development process on equal terms with men'; but neither the Conference nor the Plan 'laid [any] stress on violence against women in the family' (UN 1989: 3). The following sequence of World Conferences for Women during the International Decade for Women (IDW) then place the chronology of the emergence of violence against women as an international feminist issue. The Mid-Decade Conference in Copenhagen in 1980 'stated that domestic violence was a complex problem and constituted an intolerable offence to the dignity of human beings'; the Programme of Action adopted at that Conference advocated research and action on domestic violence, 'with a view to its elimination and the provision of effective help' (UN 1989: 3-4). Domestic violence was addressed in the Forward Looking Strategies Towards the Year 2000 (FLS) adopted by the World Conference in Nairobi at the end of the Decade in 1985. This was followed by adoption of United Nations General Assembly resolution 40/36 advocating 'concerted and multi-disciplinary action within

and outside the United Nations system to combat [domestic violence]' (UN 1989:4; Charlesworth and Chinkin 1994: 17-8).

While an unquestionably significant process of recognition and reframing was taking place through these Australian and multi-lateral developments, it is, of course, concurrently true that the issue of wife beating was not new, either to the hundreds of thousands of women experiencing it, or to Western society at large. Whether regarded as an aspect of social order, a tragic individual wickedness or pathology, or a subject of age-old humour ('A dog, a woman and a walnut tree ...'), the violence of some men towards their partners has long been part of a deeply embedded cultural awareness. Likewise, as is demonstrated in the following chapters, a range of professionals, service providers and public agencies, from police officers and magistrates to doctors and ministers of religion, have also had frequent opportunities to know that many of their women clients were suffering, or had suffered, violence at the hands of their partners, and have responded, often with concern and to the best of their ability. Friends, neighbours and family members have shared this knowledge. Moreover, many of the responses with which desperate women were received represented elements of policy, whether in law or through the established practices of agencies or professionals.

Seldom have the linked circumstances of political activism and public policy delivered such a vivid demonstration of the significance of context in determining how an abiding situation, no matter how unjust or intolerable, becomes an 'issue' in either context. Linda Gordon encapsulates her observation of the 'always known' and yet 'just discovered' nature of the feminist recognition of domestic violence in the USA in her conclusions 'that family violence has been historically and politically constructed', and that '[t]he modern history of family violence is not the story of changing responses to a constant problem but, in large part, of redefinition of the problem itself' (Gordon 1989: 3, 2, 27-8). These conclusions resonate with Carol's cautions that there is no such thing as 'a discovery process which uncovers ... "real" social problems as a prelude to state policy interventions'. Rather 'while ... there are a multitude of disturbing social conditions, once they are given the shape of an interpretation ... they are no longer "real". They are interpretations or constructs of the "real". This is what is meant by the sometimes misunderstood phrase that people

do not “discover” problems: they “create” them’ (Bacchi 1999aa: 3, 9 and acknowledging Watts 1993/4:116). This, in turn, Bacchi also stresses, means that: ‘Context is highly important ... because “problems” are often constituted differently due to location-specific and history-specific factors’ (Bacchi 1999a: 7).

One consequence of these recognitions for the feminists launching an activist response to what they had started to call ‘domestic violence’ was that neither their feminist analysis nor their policy activism was operating in a blank field. This meant that both their analytical representations of the violence and the policy proposals which expressed them were initiated into contest with those that already existed. This also means, for the study undertaken in this thesis, that the policy activist process under investigation was not a simple matter of the insertion of a ‘new’ issue onto the policy agenda, but of the replacement of an existing representational and policy response with another. Consequently the thesis must include investigation of the policy constructions of domestic violence into which the feminist activism intervened, together with the contest which followed, and the implications of that struggle for the eventual policy outcomes.

The ‘discovery’ circumstances also require consideration of how it was that Australian (and other) feminists in the early 1970s believed that they were making a fresh discovery of circumstances which had not only perennially existed, but had long been the subject of a variety of policy responses. It is this question which offers the opportunity, as well as the necessity, of including a dimension of historical context in the investigation of the feminist analysis and the policy processes involved, together with a contribution to consideration of the contextually constructed nature of policy itself. I respond to these opportunities in the first two chapters of the thesis, by considering earlier responses by the Australian feminist tradition to male violence towards women and asking how it was that feminists in the early 1970s apparently experienced a disjunction from those earlier feminist representations. I also provide an account of the sequence of policy developments and representations which shaped the policy context challenged by the new feminist proposals.

2. The access of women to the capacity to form an autonomous household

The second of the defining circumstances shaping both the domestic violence policy process and this study is the breadth of the policy response needed to provide appropriate assistance for women escaping violent partners. The most immediate needs of those women are the assurance of refuge and protection, ideally reinforced by the redress of justice. But even if supplied, such immediate responses are alone insufficient to ensure that the fleeing woman and her children have the option of re-establishing a viable way of life. The most fundamental answer to the ever-asked question: ‘Why doesn’t she leave him?’ is that she fears, even more than she fears his violence, that she will not have access to the home and income needed for a reasonable way of life for herself and her children.

To assist in encapsulating this dimension of the policy response to domestic violence, I have adopted a concept proposed by Ann Shola Orloff. In the context of development of a gender responsive framework for the cross-national analysis of welfare state regimes, Orloff defines the right she describes as ‘the capacity to form and maintain an autonomous household’ (Orloff 1993: 319-21). Orloff further developed and applied her proposal, together with Julia O’Connor and Sheila Shaver, in their joint work comparing the social policy regimes of Australia, Canada, Great Britain and the United States (O’Connor et al 1999). The three authors observe that: ‘Welfare benefits, provision of services, and employment regulations affect the capacity to form and maintain an autonomous household, a dimension which indicates an individual’s ability to survive and support their children without being forced to marry or enter into other family relationships’ (O’Connor et al 1999: 32). They add: ‘We believe that a key issue for contemporary gender relations is whether women – like most men – are in a position of being able to choose freely whether or not to enter into marital or other relationships, and to some extent to have a voice in their character’ (O’Connor et al 1999: 32-3). The issue they wish to identify includes ‘more than individual independence; it also gets at whether women and men are allowed to have, as well as support, families’ (O’Connor et al 1999: 34). Paid work and cash benefits from the state are indicated as ‘two possible sources for a capacity to form an autonomous household’, with ‘[benefits] for sole parents [while] not usually generous enough to merit being called a “citizen’s wage”’, offering ‘a bottom-

line capacity for household independence (critical in cases of domestic violence)' (O'Connor et al 1999: 33).

The challenges presented by this logic for feminist policy activists responding to domestic violence are threefold. The first is that it makes an adequate response to the needs of escaping women a very large task, with the broadest possible policy reach. The dilemmas this involves for the strategic placing of domestic violence within the broad women's policy enterprise have already been discussed. The second implied challenge, also noted above, is that policy capacity to answer such a wide stretch of needs reaches across the Commonwealth/state division of powers established by the Australian federal constitution. The federal structures issue produces the third challenge, involving the strategic relationships between participants in the women's policy project, also located across the federal divide.

The part played by these dilemmas in the domestic violence policy process will be investigated in the thesis. But the autonomous household implications of domestic violence policy also provide challenges for the scope of the thesis. I have responded to the federal structures dilemma, as already mentioned, by examining the policy activist process in the Commonwealth and one of the state jurisdictions. The policy breadth of an adequate policy response to domestic violence presents a different problem. It is beyond the reach of the thesis to provide a full investigation of all the areas of feminist policy initiative, including equal pay, child care, equal employment opportunity, public housing and income support measures, which are implied by the autonomous household aspect of response to domestic violence. But to leave out this broader range of relevant policy would be to deny crucial aspects of response to the needs of the women concerned. My answer to this dilemma is to make the processes involved in policy innovations specifically related to domestic violence the primary focus of the thesis, but to place this material in reference to summaries, in most cases based on secondary literature, of the broader women's policy context.

THE RELATIONSHIP AND CONTRIBUTION OF THE THESIS TO ITS MAJOR ANALYTICAL CONTEXTS

The focus of the thesis on strategic policy processes indicates its relationship with and contribution to two major analytical contexts. The first of these is the considerable literature recording and analysing the broad women's policy enterprise pursued in Australia since the early 1970s. The second is the literature through which late twentieth century feminists, in Australia and related countries, have explored their understanding of and responses to the phenomenon they named domestic violence. Also relevant and territory for a further contribution by the thesis is the historical analysis of Australian feminism and of policy development related to domestic violence prior to the thesis period. The literature contributing to each stage of the analysis of the thesis will be dealt with at the beginning of each chapter; this section provides an introduction to the relevant analytical contexts and identifies the related contributions of the study undertaken in the thesis.

The analysis of the Australian women's policy enterprise, and the literature which expresses it, began almost as soon as the project itself. Many of the early contributors were participants in the process itself, who have left a record of their experiences in both 'work in progress analyses' (for example, Reid 1974; Dowse 1981, 1984, 1988; Ryan, L. 1990, Connors 1981, Summers 1986, Lynch 1984, Eisenstein 1985, 1990), and later reflections and autobiographies (Reid 1986, 1987; Ryan, S. 1999, Summers 1999). This work is of value to the current study both through its analytical contributions and for the eye-witness and consequently primary accounts of the contexts in which the domestic violence processes took place. The participant accounts make up a significant part of the literature analysing the relationship between feminists and the state, often identified as 'the femocrat literature'; further examples are Franzway, Court and Connell 1989; Eisenstein 1991; Pringle and Watson 1990 and 1992; Watson 1990a and 1992; Curthoys, A. 1996.

Another key part of the literature reflecting the women's policy project provides an integrated account, both historical and analytical, of that enterprise. This literature, which provided much of the structural context for the present study, includes Marian Sawyer's significant and ongoing work on the institutional and political contexts of the

women's enterprise, with emphasis on the innovations she has named 'the women's policy machinery' (1981, 1982, 1988, 1989, 1990: quotation xv, 1993, 1994a and b, 1996, 1999, 2003); Hester Eisenstein's *Inside Agitators*, based on interviews with many of the first generation of femocrats (Eisenstein 1996); Anna Yeatman's analyses of the development of Australian government policy and administrative processes, including the place among them of the women's policy project (in particular 1990, 1994); and the work of Louise Chappell, including her recent book, *Engendering Government*, comparing the policy opportunities available to women in Australia and Canada since the early 1970s (Chappell 1995, 2001, 2002). A further section of this literature consists of studies of particular areas or instruments of policy and their implications for women. These include the ground breaking and continuing work on social policy by Bettina Cass (1985, 1988, 1995), Lois Bryson (1988, 1995), Sheila Shaver (1988, 1990, 1993, 1995, 1996, 1999), Cora Baldock (1988a and b, 1990), Jill Roe (1976, 1988), Deborah Brennan (1998a and b) and others; work on wage regulation and other employment related policies and issues by Edna Ryan and Anne Conlon (1975), Clare Burton (1991, 1999), Rosemary Pringle and Anne Game (1983); by Dorothy Broom (1991), Judith Dwyer (1992) and Gwen Grey (1999) on health policy; by Wendy Weekes (1994) on service provision from community based agencies; and by Victoria Foster (1984, 1987), Paige Porter (1988) and Lyn Yates (1998) on education. Also relevant here is the work on domestic violence and related policy discussed in more detail later in this section.

The contribution of this thesis to the study and literature of Australian women's policy and policy process is two-fold. Its first contribution in this area is in providing a detailed examination of an individual policy process, namely the production of domestic violence policy, which has not previously been examined in as broad a period, jurisdictional reach or detail as that offered by this study. The second contribution of the thesis is that it focuses on the processes responsible for that body of policy, in this case the strategic processes identified here as feminist policy activism. While all of the work identified unquestionably constitutes a scholarship of policy process, it includes few specialist investigations of the separate policy processes within the women's project and few studies focusing on the strategic processes of policy making. It is interesting that the relative paucity of detailed examinations of specific policy processes is a feature also of Australian policy process

literature in general. Within the women's policy literature, the broad integrating accounts mentioned provide a rich coverage of the policy elements making up the women's enterprise; but the primary emphasis of this work is on the overall process and the institutions which shaped it. The 'femocrat' debate is certainly about process and strategy, and the participant accounts provide valuable records of individual tactical achievements; but the central concern of this work is often the dilemmas of feminist practice involved, and the work describing processes related to domestic violence have a narrower focus than this study (for example Dowse 1984; McFerren 1990). Similarly, the emphasis of the individual policy studies identified is frequently on the implications of policies for women, and how they might be improved, rather than the strategic processes involved in their achievement. One exception is Deborah Brennan's account of the strategic processes as well as the policy achievements shaping Australian child care policy from the nineteenth century to the late 1990s (Brennan 1998a). The two pieces of policy process analysis by Meredith Edwards discussed in the policy narrative section above are another exception (Edwards, with Levi 1990, 2001). Two other exceptions to the paucity of studies of individual policy processes are those of the development of the Australian Capital Territory (ACT) Domestic Violence Service by Andrew Hopkins and Heather McGregor (1991), and of the initiation of domestic violence policy in Queensland by Ann Aboud (1989). This study adds to them a longer term account of the domestic violence policy process, in the jurisdictions of the Commonwealth and NSW governments, during the first fifteen years of its development.

The second major context indicated for the thesis is the literature of the late twentieth century feminist exploration of the phenomenon then named domestic violence, including the issues involved in seeking a policy response. This literature records the re-framing process undertaken by feminists in related Western countries, in particular the United Kingdom (UK), the United States of America (USA), Canada and New Zealand (NZ), as well as in Australia, from the early 1970s. A review of much of the international literature including its policy implications, but excluding most of the work from Australia and NZ, can be found in Lorna Smith's report for the UK Home Office (Smith 1993). In addition to the Australian work referred to in this section and the rest of the thesis, accounts of important NZ projects can be found in Busch 1994a and b. Some of the Australian contributions to this process are examined in Chapter

Five (in particular BCSR (1975, 1982), Scutt (1982, 1983), O'Donnell and Saville (1979, 1980, 1982).

The feminist exploration of practical responses to domestic violence proceeded in tandem with the theoretical process and can be divided, broadly, into five overlapping streams. One records and analyses the hands-on invention of the feminist women's refuge/shelter (for example Johnson 1980, 1981; Saville 1982; McFerren 1990; Summers 1994a: 516-9, 1999: 315-36, 358-65; Hopkins and McGregor 1991: 11-26). The second stream focuses on legal, policing and justice system remedies for women suffering partner violence (for example Scutt 1982, 1983; Johnson 1981; BCSR 1975, 1981, 1985; Stratmann 1980, 1982; Seddon 1986a and b, 1993), and includes later work assessing policy instruments in practice and emerging legal dilemmas (for example Lansdowne 1985; Stubbs 1986; Egger and Stubbs 1993; Rathus 1986, 1993; Sheehy 1994; Stubbs and Tolmie 1994). A third related but distinct stream of analysis examines a range of other policy and service delivery responses to domestic violence and other forms of violence against women (for example Breckenridge 1992, 1995; Nixon 1992; Vinson et al 1995; Carmody 1990, 1995; Breckenridge and Carmody 1992; Breckenridge and Laing 1999; The fourth stream of practical response analysis expresses the recognition that women's experience of partner violence differs according to the diverse cultural and social locations of their lives. This work begins in the policy related reports examined later in the thesis, for example the Annual Reports of the National Women's Advisory Council (NWAC) and the NSW policy reports analysed in Chapter Six (NWAC 1979, 1980, 1981, 1982; NSWTFDV 1981; NSW DVC 1985, 1989). Other examples are the work of Bonita Byrne (1989), Judy Atkinson (1990a, b, c, d, e), Audrey Bolger (1991), Pam Greer (1989, 1994), Margaret Smallwood (1993) and Vasilka Vicki Pateras (1997). The fifth stream in this part of the literature is work identifying the broad scope of the practical dilemmas faced by women seeking to escape from violent partnerships, that is those issues identified in the thesis as determining women's access to the capacity to form an autonomous household. It is interesting that this aspect of practical responses to domestic violence, apart from its clear identification in state government reports instigating policy actions (for example NSWTFDV 1981; SADCV 1987; QDVTF 1988), has most often been expressed in critical assessments of policy initiatives seen

to be too narrowly directed to immediate, often legal, responses (for example McFerren 1990: 202-3).

As with the literature of the women's policy enterprise, the literature expressing the feminist response to domestic violence is an essential context for the thesis, providing both primary source participant accounts and secondary analysis of the processes of analysis, service delivery and policy making which shaped the policy activist project. Much of this material is in fact an intrinsic part of the process of policy activism which is a major focus of the thesis, and is analysed as such in the following chapters. At the same time, the thesis has contributions to make in this area similar to those offered in the broad policy project context. Once again, the contribution of the thesis lies in its analysis of the domestic violence policy process in two centrally relevant jurisdictions, and in its focus on the strategic processes of feminist policy activism it involved. In this case, the existing literature has largely focussed on the urgent practical tasks of building the feminist analysis of gender based violence, exploration of appropriate policy responses and recording and assessing particular policy initiatives, rather than providing an analytical narrative of the policy process involved. This is equally true of more recent work continuing the exploration of the politics of and policy responses to gender based violence, for example the journal *Women against Violence. An Australian Feminist Journal* established by the Victorian Centre Against Sexual Assault (CASA) and the collections edited and contributed to by Ros Thorpe and Jude Irwin (1996), by Jan Breckenridge and Moira Carmody (1992) and by Jan Breckenridge and Lesley Laing (1999). Once again the exceptions to the lack of a study of the domestic violence policy process are the more narrowly focused work of Andrew Hopkins and Heather McGregor (1991) on the context and origins of the ACT Domestic Violence Centre and Ann Aboud's thesis (1989) on the early stages of the policy process in Queensland. The absence of a longer term policy narrative in the Australian domestic violence literature to this point makes an interesting contrast with the attention paid to the policy process in the UK, USA and Canada (for example Dobash and Dobash 1992; Pleck 1987; Walker 1990).

The third body of literature providing an important context for the thesis analysis, and to which the thesis contributes, is the historical analysis of the development of both feminism and social policy in Australia between the last decades of the nineteenth

century and the 1960s. This is the work informing the thesis analysis of representations of domestic violence in both feminist theory and public policy prior to the thesis period. Significant among this work are the histories of Australian feminism provided by Marilyn Lake (1998, 1999), Audrey Oldfield (1992) and Pat Grimshaw et al (1994), together with related biographies (for example, Allen 1993; Roberts 1994; Ollif 1978; Matthews 1987), and of social and legal history (for example Roe 1976, 1988; Dickey 1980; Kewley 1972, 1980; O'Brien 1988; Allen 1990; Golder 1985). Valuable as it is, this work also demonstrates the contribution made by the analysis undertaken in this thesis. With the one exception of attention to feminist participation in the temperance movement, histories of Australian feminism prior to 1970 do not explore whether or how earlier feminists responded to domestic violence; nor do policy accounts of this period assess policy implications for women and children escaping violence (these claims are discussed and demonstrated at the beginning of Chapter Two). The only Australian historian of this period who brings policy and feminism together in work framed by the post-1970 feminist representation of violence against women is Judith Allen, in her analysis of the involvement of women in crimes of violence in NSW after 1880, and her biography of the Sydney suffrage feminist Rose Scott (Allen 1990, 1993). The absence of an Australian study of the history of representations of domestic violence in feminism and policy is all the more remarkable by comparison with international historical studies responding to the 'discovery' of domestic violence in the early 1970s (for example, Pleck 1983, 1987 and Gordon 1998 for the USA and the far reaching historical analysis of Dobash and Dobash 1980). The contribution of the thesis to this area is in bringing together information from the histories of Australian feminism and policy making in exploring the representational and policy contexts for the feminist response to partner violence in the thesis period. This also initiates a neglected aspect of the historical analysis of Australian feminism, Australian social and legal policy making, and of the lives of Australian women.

RESEARCH METHODOLOGY

I have used three kinds of primary research material, requiring three kinds of methodological approach, in the preparation of the thesis. I have also referred to the rich secondary literatures outlined in the previous section. The three groups of

primary materials consist of documentary material published during the thesis period, interviews with participants in the policy process studied, and information resulting from my own experience as a feminist policy activist. A discussion of these categories of primary material and the methodologies involved follows. The section concludes with an outline of the ways in which I used relevant secondary literatures.

Foremost among the documentary material from the thesis period is a rich collection of reports and other documents. These include reports and briefing papers relating to Australian participation in multi-lateral women's activities, the Annual Reports of the National Women's Advisory Council (NWAC), reports produced in several Australian jurisdictions – notably NSW and the Commonwealth - as vehicles for the initiation of domestic violence policy, and a number of other related policy documents. Most of these documents have not been analysed before as part of a process oriented study of the development of Australian domestic violence policy. My methodological approach to these documents combines detailed textual analysis with accepted methodology for the historical examination of documentary evidence. This includes the contextual placing of written information and opinions and consideration of comparative sources. My methodology in document analysis has been informed by May (1997: 157-78), and in particular his discussion of the issues of bias and selectivity in the use of documents as research evidence (May 1997: 176-7). I have also drawn on the methodological insights of Denscombe (1998: 158-71) and Knight (2002: 104-8), in relation to the evaluation of documentary sources.

The rest of the primary documentary material comes from a range of sources published in the thesis period, and some written by participants subsequently. These include NSW feminist newspapers and journals and some material from the general media; accounts of both the broad women's policy enterprise and the domestic violence process written by participants either at the time or as reflections in subsequent years; and a number of reports and articles recording the research contributing to the feminist framing of domestic violence and the development of policy responses. This material has also been analysed according to the document assessment methodology discussed above. Some of the material in this category is well established as part of the record of the feminist policy process in the thesis period; whether or not this is the case, I make a fresh analysis of the material

concerned, re-interpreting and re-positioning the information provided from the new research direction of the policy processes involved in the initiation of domestic violence policy.

The interviews undertaken supplement the information gathered from documentary sources. All of those interviewed were participants in the domestic violence policy process, some within formal policy structures, some in community activist settings and many moving between the possible arenas of feminist policy activism. The interviews were structured to seek further information about the relevant policy processes; some interview participants also added more personal recollections of this period and the issues involved. The interview methodology followed the approach sometimes described as 'key player' (Denscombe 1998: 111), or 'elite' interviews (for an example of this approach see Painter 1998), in that those interviewed were selected because they were significant participants in the policy processes under investigation. The interviews were conducted according to semi-structured interview methodology (May 1997: 111-2; Denscombe 1998: 113). This involved the preparation of initial, often open-ended, interview questions on the basis of preliminary documentary research, response to the spontaneous flow of participant reactions and recollections through further questions, comparative analysis of information gathered, and, on some occasions, taking the opportunity to make further contact with the subject for follow-up information. Some aspects of the methodology referred to as the 'focused' interview (May 1997: 112-3, 118-21; Merton et al 1956) were also relevant, despite the usual application of that term to unstructured interviews. For example, I would argue that the issues, including those of ethics, involved in the establishment of rapport, including those of demonstration of grounds for trust and cooperation between interview and interviewee, are as relevant to the semi-structured interview, and, indeed, the structured approach, as they are to unstructured interviews (for example May 1997: 118-9). Information gathered through the interviews, which could also be described in terms of the methodology of oral history, was analysed and assessed by the processes of historical evidence assessment already described, which apply equally to oral source material. A commitment was made that any direct quotations would be checked with interview participants. My interview approach, including issues of privacy and acknowledgement, was guided and approved by the Sydney University Ethics Committee.

In order to respect sensitive matters attaching either to the former and/or present roles of those interviewed or to the personal nature of information shared, in most cases I do not provide the name of my source when referencing information provided. Instead, I refer either to the roles of interviewees or to their relationship to the information provided. Exceptions are those occasions when the identity of the interview participant is obvious from the context, when a direct quotation is included and when an issue of due acknowledgement is also involved. A list of the roles of those interviewed is included at the end of the Bibliography. (My precedents for this approach to the referencing of interview information are Chappell 2002 and Goodwin 1999.)

My own policy activist experience has contributed to the thesis through reference to some pieces of information acquired through first hand experience, but also through my participant knowledge of the context, opportunities and demands of working as a policy arena contributor to the women's policy enterprise. While I was not a direct participant in the policy activist processes of the thesis period, I was active in the community based women's movement during those years and shared in their representational 'discovery' experiences and worries about bureaucratic participation. Between 1986 and 1994, immediately after the thesis period, I worked as a feminist bureaucrat in a series of positions providing strategic experience related to the thesis. This included participation in multi-lateral activities from the Commonwealth Office of the Status of Women (OSW); management of the National Domestic Violence Education Program (NDVEP) from OSW between 1988 and 1990; management of the Jobs, Education and Training (JET) Program for Sole Parent Pensioners in the Department of Social Security; and the position of Director of Women's Health in Queensland, including responsibility for introduction of domestic violence and rape/sexual assault protocols into public hospitals and community health units. I have applied to my personal recollections the same principles of contextual and comparative scrutiny outlined in connection with the rest of my primary source methodology. When information based on my personal experience is provided in the thesis, that derivation is clearly identified.

I have made use of the valuable secondary literatures described in the previous section to assist in construction of the broad policy contexts and background of the specialist study undertaken in the thesis. My methodology in this regard has included a thorough and comparative consideration of available secondary accounts and the cross referencing of primary and secondary sources. With much of this material, as with the participant accounts referred to above, my analysis has involved a reconsideration of established material from the viewpoint of the policy process study undertaken here. This is particularly the case with regard to the secondary historical material which is the main research source for much of the first two chapters. Since the historical perspective required by the representational context of the thesis was not part of its primary research task, I have turned to secondary historical work for this purpose rather than undertaking fresh primary level historical research. This material is, however, re-examined, re-interpreted and re-positioned in making the representational analysis presented in those chapters, and in determining the applicability of the concept of policy activism to the activities of Australian feminists in previous generations. In the absence of Australian studies drawing together the implications of the histories of feminism and policy development in this country with regard to domestic violence, I have also made reference in this context to relevant historical studies of these circumstances in other related countries.

I declare here that, in all the ways that I have described here, this thesis is my own original work, and that it contains no material previously published or written by another person except where due acknowledgement is made in the text.

TERMINOLOGY

The following explanations of terminology and usage are provided for the sake of clarity.

Domestic violence

The term ‘domestic violence’ is used throughout the thesis in identifying the physical, psychological, emotional and economic violence of some men towards women with whom they share intimacy and often a dwelling. I acknowledge the well founded

controversy which exists about use of this term, and respect the preference of Aboriginal women and communities for the term ‘family violence’ (for discussion of such issues see, for example, Macdonald, H. 1998). ‘Domestic violence’ was, however, the term adopted in the first feminist inroads into Australian law and policy. Its use has been maintained since in most jurisdictions to avoid the confusion of a change in terminology. I have adopted it for use in the thesis as part of this tradition.

Although I have not been able to establish exactly when and how the term ‘domestic violence’ became an established part of Australian feminist terminology, I believe that the thesis identifies the first occasion on which the term was used in an Australian policy related document.

Victim or survivor

In some contexts the term ‘survivor’ has been adopted when referring to women who have suffered domestic violence. This strategy expresses feminist respect for the courageous resilience of such women, and a determination to identify them in more positive terms than the possibly passive implications of ‘victim’ (for example, Kelly 1988: 159-60). At the same time, this usage has been questioned as an implied detraction from the very real suffering those women have endured (for example Hopkins and McGregor 1991: xxiii-iv). I do not adopt either usage as a ‘generic’ term. I make use of both ‘victim’ and ‘survivor’ in contexts to which they apply; more generally I identify the women concerned as ‘women suffering domestic, or partner, violence’ or ‘women seeking to escape, or escaping from, violent partners’.

Women’s refuge or shelter

Both terms have been used to identify the emergency accommodation and support service invented by feminists for the assistance of women escaping domestic violence. The founders of the Elsie refuge in NSW called it a ‘refuge’ as a way of differentiating their feminist strategy from the traditional over-night-only shelters run by church and charity groups (Summers 1994a: 519). The women’s movement in some states, for example South Australia (SA), have adopted the term ‘shelter’;

others, including NSW, use ‘refuge’. Since NSW is the state jurisdiction studied in the thesis, I use the term ‘refuge’.

States and territories

The Australian federation consists of six ‘states’ and two ‘territories’. The latter, the Australian Capital Territory (ACT) and the Northern Territory (NT), began their histories as territories administered by the Commonwealth government. I use the term ‘state’ when referring to all jurisdictions at this level in the federation, unless I am making specific reference to a territory.

OVERVIEW OF THE THESIS

The thesis begins the process of charting the political history of domestic violence in Australian feminism and public policy by examining the ways in which it was framed in NSW in the late nineteenth century. Chapter One analyses the policy options available to women suffering domestic violence at that time, the use women were making of them, and the representational implications of those policies, as well as the ways in which the feminists of the women’s suffrage movement placed and responded to partner violence. My conclusions in this chapter recognise the extent to which feminist, policy and individual options are shaped by the imperatives of social and cultural context, and in particular in the period of this chapter, by the difficulties faced by women in achieving, or even imagining, the possibility of access to an autonomous household. This chapter also opens the exploration of feminist policy activism by demonstrating that the concept is as valid for feminist policy engagement in the late nineteenth century as it was in the later twentieth century.

Chapter Two begins by examining the circumstances in which NSW feminists in the early 1970s made their encounter with domestic violence. This includes recognition of the initiatory role played by the survival strategies of women suffering partner violence and an account of the first stages in the founding of the first Australian women’s refuge, Elsie, in the inner Sydney suburb of Glebe. The chapter then examines the apparent disjuncture between feminist knowledge of domestic violence in the late nineteenth century and the first years of the invigorated phase of the

Australian women's movement beginning at the end of the 1960s. The chapter examines the place and framing of domestic violence in Australian feminism and public policy in the decades between 1900 and 1970. The chapter concludes that the feminist disjuncture related to the slow and steady development of women's social and economic opportunities in the first half of the twentieth century, particularly with regard to opportunities to form an autonomous household, followed by the exponential leap in those opportunities, and the expectations which accompanied them, in the 1960s. This chapter also establishes the dominant framing of domestic violence, and other forms of violence in the family context, in professional and policy practice and representation, that provided the context for the feminist 'discovery' of the early 1970s and set the terms for the policy activism that followed.

In the third chapter of the thesis, the story of the founding of Elsie women's refuge continues, followed by the process and consequences of the decision to seek government funding for Elsie and the other refuges which followed rapidly. This chapter introduces the context of opportunity for women's policy provided by election of the Whitlam ALP Commonwealth government in 1972, the early stages of the Australian innovation of women's policy machinery, and the place of domestic violence initiatives in the debates which followed as Australian feminists clarified their relationship with the state and policy participation. The chapter includes an account of the first stages of the spontaneous process, described in the chapter title as 'in at the deep end and on the run', by which feminist policy engagement around domestic violence, including the first steps in the framing of a feminist analysis of the violence, began. It also analyses the series of strategic events and choices through which the distinctive policy activist positioning of the feminist refuge movement, identified for the first time as a 'hybrid' relationship with the policy arena, was determined. The strategic positioning of the refuge movement is identified as one of the significant characteristics of the domestic violence policy process which emerged in these years; the others identified at this stage of the process are the roles and identities of those participating in the process and the fortuitous absence of public contest between the feminist initiative and the pathological and therapeutic representation of family violence held by established professional practitioners.

The thesis then moves into the period after the dismissal of the Whitlam ALP government. Chapter Four follows developments in feminist policy activism on domestic violence in the Commonwealth government arena under the Coalition government led by Malcolm Fraser and the subsequent ALP government headed by Bob Hawke. One of the findings of this chapter is that the context of opportunity for the women's policy enterprise, including the response to domestic violence, was both less restricted under Fraser, especially in the early stages of his government, and less assured under Hawke, than feminist activists then and since have presumed. This conclusion is assisted by a reading in terms of the concept of policy activism, but also by distinguishing between the two levels of the policy making process, namely policy development and the actual enactment of policy instruments. These steps of analysis, and the recognition of the important federal strategies that became part of Australian feminist policy activism as state governments followed the Commonwealth in the establishment of women's policy machinery, make it possible to confirm the three significant characteristics of the domestic violence policy activist process identified in the previous chapter, and to add a fourth. This fourth framing characteristic involves recognition of the integration and consistency of the policy activist process across the jurisdictions of changing governments and governments at Commonwealth and state levels, as well as between feminists occupying and moving between activist roles in the community, the bureaucracy and various relevant professions. Meanwhile, findings in response to the other major thesis themes build in this chapter to conclusions about the continuing significance of the contexts of opportunity already discussed as well as the representational contexts involved in the framing of the emerging feminist analysis of domestic violence; the substantial place of domestic violence policy development in the broader women's policy enterprise at this time; and the contingently strategic relationship between the policy activist process and policy outcomes revealed as activists responded to the political environments and changing governments.

Chapter Five varies the chronological flow of the thesis to this point. The previous chapters demonstrated the multi-faceted nature of the feminist policy activist response to domestic violence, with strategies stretching from direct interventions like the setting up of refuges and the pursuit of government funding, to the building of new policy structures and networks and spontaneous responses to emerging opportunities.

This chapter re-traces the period covered in Chapters Three and Four in order to focus on the facet of the domestic violence process which produced the distinct re-definitional feminist social construction analysis of domestic violence which framed the policy activist process and its objectives. The chapter traces that analytical process from the opening of Elsie Women's Refuge (1974-5) to the years (1981-2) of the initiation by the government of NSW of the first comprehensive policy response to domestic violence made in Australia. In that sense, this chapter also provides the analytical context for the examination of the NSW policy process made in Chapter Six.

My investigation of the analytical process traced in Chapter Five involves examination of a selection of the key documents recording the analytical processes relating to domestic violence policy pursued in a Commonwealth context and in NSW in the chapter period. The chapter also addresses the development and distinct features of the refuge feminist framing of domestic violence. While confirming the conclusions drawn by previous chapters about the distinguishing characteristics of the domestic violence policy activist process, the findings of this chapter recognise the role of feminists working in academic research among those contributing to the policy activist process, and demonstrate that integration and continuity are as significant a feature of the analytic development of the feminist framing of domestic violence as they have been found to be in the process as a whole.

In Chapter Six the thesis arrives at the first initiation of a substantial body of domestic violence policy. The chapter concentrates on the early stages of domestic violence policy building in NSW, for the reasons explained at the beginning of this Introduction. It places these developments in the context of opportunity provided by election of the Wran ALP government in 1974 and approaches the policy process through the major policy reports which drove the domestic violence process. This chapter extends the findings of the thesis into investigation of achieved policy outcomes. In doing so, it confirms the significance of the distinguishing characteristics of the domestic violence policy process identified in previous chapters and in particular the continuing importance of the distinctive role played by the feminist refuge movement. The issue of the relationship between the strategies pursued, including the feminist framing of domestic violence, and the policy

outcomes achieved is approached by addressing expressions of some activist disappointment with the perceived limitations of the policy outcomes and by application of Carol Bacchi's 'What's the problem represented to be?' analytical method (Bacchi 1999: 20-1). By these means I conclude that each of the four major policy innovations directed to domestic violence in this period, namely the feminist women's refuge, introduction of arrest supported protection Orders, in NSW the Apprehended Domestic Violence Order (ADVO), the instigation of attitude change through government sponsored community education and response to domestic violence through social policy initiatives, demonstrates that a policy initiative can be strategically incremental and represent a transformational response to the circumstances of women's lives at the same time. In these terms I conclude that the early policy responses to domestic violence were more directly shaped by the concurrent feminist framing, and so are more consistent with the activist strategies which produced them, than some early critics would allow. That enables me also to conclude, in response to the thesis inquiry about the relationship of the domestic violence project with the broader women's policy enterprise, that the NSW process provides a further example of the clear, if not explicit, strategic placement of domestic violence as a representational driver within the women's policy process.

The thesis ends with recognition of the domestic violence process and of the policy activism which drove it in the thesis period as a complex, vibrant and highly skilled process demonstrating a living and determined continuity and driven by a clear and integrated feminist commitment still at work, and still effectively transforming the lives of women, at the time of writing.