CHAPTER FOUR: Building on a foothold.

Implications for domestic violence policy under changing Commonwealth governments

On 11 November 1975, as the Whitlam ALP Commonwealth government was dismissed, the start of the Australian women’s policy enterprise and, within it, the establishment of domestic violence as a policy issue had both been achieved, but only just. In this chapter I continue the examination of feminist policy activism on domestic violence at Commonwealth level, in the context of two changes of Commonwealth government: from Whitlam and the ALP to the Liberal and National-Country Parties Coalition lead by Malcolm Fraser from November 1975 until March 1983, and then to the ALP government lead by Bob Hawke (Head 1989b). Developments under the Hawke government are analysed during its first (almost) three years, to the end of 1985. During this period, complementary initiatives in domestic violence policy began at state government level; those developments will be investigated in Chapter Six, through the relevant policy initiatives of the government of NSW. A second concurrent development in this period was the steady construction of the feminist framing of domestic violence; that process will be examined in Chapter Five.

The changes of Commonwealth government in this period introduce the issue of the implications of the political philosophies of governments from the two sides of Australian party politics for both women’s policy and for feminist policy activist strategy, including the domestic violence process. This was clearly a determining issue for the policy process narrative which is the main theme of the thesis. It is equally relevant to the other major thesis themes.

From the perspective of the theme focused on contextual implications, the changes of government are significant in terms of contexts both of opportunity and representational discourse. The significance for feminist policy activism of the opportunities offered by the social democratic vision of Whitlam and his ALP colleagues has been demonstrated, and feminists certainly expected their policy prospects would be more difficult under the Fraser Coalition government (Summers
1979: 200). Following the domestic violence process through the two changes of political party in power during the period of this chapter provides the opportunity to test these expectations, as well as inviting reconsideration of the nostrum that the women’s policy project has generally done better, at both Commonwealth and state federal levels, under ALP governments than when liberal and conservative party coalitions have been in power (for example, 1990b: 16; Eisenstein 1990: 101-2; O’Connor et al 1999: 202; Goodwin 1999: 35-6; Chappell 2002: 28-30, 175). This involves examination of how changes in policy activist opportunity and outcome worked in practice. It also requires recognition of the two potential levels of policy outcome, namely achievements in the process of policy development as well as through the realised introduction of policy instruments. Analysis of the changing governmental context also includes consideration of the representational constructions of domestic violence held by members of the major political parties, and of any responses of strategic discourse adopted by feminist policy activists.

At the same time, indications of differences in the responses of the changing governments to domestic violence and to other aspects of the women’s policy enterprise will be significant for the thesis theme investigating the relationship between domestic violence policy activism and the strategies of the rest of the women’s policy enterprise.

Finally, policy activist strategic responses to the changing government contexts are likely to contribute to the theme seeking connections between such strategies and related policy outcomes.

The major primary sources for this chapter are a range of policy documents not previously examined in this context. These include the Annual Reports of the National Women’s Advisory Council and the Family Law Council, as well as reports relating to Australian participation in the UN Mid-Decade World Conference for Women in Copenhagen in 1980. Once again participant accounts contribute sources of both primary information and secondary analysis (for example Dowse 1981; Terpsichore/Taperell 1976; Connors 1981; Ryan, L. 1990; Summers 1979 and 1986; Webley 1982; Ryan, S. 1999). Information is also drawn from participant interviews. A rich literature of analytical secondary accounts has responded to developments in
women’s policy in this period (for example Sawer 1981, 1989, 1990; Sawer and Groves 1994; Baldock and Cass 1983/1988; Brennan 1998a; Chappell 2002: 86-9; McKernan 1999). Such material will once again be analytically re-positioned to focus on the ‘single thread’ of domestic violence policy and policy processes. Some of these processes, in particular negotiations for refuge funding, have drawn attention before, but are re-examined here with emphasis on the policy activist processes involved; other parts of the domestic violence process, for example the remarkable first Australian attempt to achieve legal innovations specifically relating to domestic violence, are recognised and discussed in the thesis for the first time.

The chapter begins by examining the changing sites and circumstances which established the context for feminist policy activism during the Fraser and Hawke governments in the period of this chapter. This is followed by investigation of the initiatives and strategic processes directed to domestic violence policy at this time, with attention paid both to specific domestic violence responses and to policy relevant to the need of women seeking to escape domestic violence to be able to establish a viable autonomous household.

CONTEXTS FOR FEMINIST POLICY ACTIVISM UNDER FRASER AND HAWKE

The end of 1975, following the dismissal of Gough Whitlam’s ALP Commonwealth government, was a bleak time for feminist policy activists. Faced with a government which was, in Deborah Brennan’s words, ‘committed to re-establishing traditional family values, reducing Commonwealth expenditure and returning power to the states’, despair was added to the exhaustion felt by many feminists after the hurts and struggles of International Women’s Year (Brennan 1998a: 99). Anne Summers summed up their fears when she wrote: ‘Women’s affairs ceased to be a political issue at the end of 1975’ (Summers 1979: 200).

Two factors made the outcome for the women’s policy enterprise, including domestic violence, less depressing and less predictable than this. One was the increasingly sophisticated skill and dogged resilience of feminist policy activists. The other lay in surprises about the strategic opportunities they did, and did not, find in the contexts of
the incoming governments lead by Fraser and then Hawke. The most valuable surprise of all was the discovery by feminists who only expected support for women’s policies from the ALP, of a complementary form of policy activism for women, and an opportunity for alliance, on the other side of politics.

**Opportunities and sites for feminist policy activism under the Fraser Coalition government**

The first location for these discoveries was the contested nature of the politics brought into the Coalition government by the Australian Liberal Party. In the late 1970s this was evident as a contest between those holding to a liberal politics shaped by conviction that the rights of the individual citizen include the positive liberty of an equality of opportunity provided by the ethical state, and those maintaining the ‘classical’ liberal emphasis on rights of contract and property, with a market oriented view of individual rights and the ‘negative’ liberty of non-interventionist government. The first group, referred to as ‘small l liberals’, and in economic policy as ‘the wets’, identified their political tradition with John Stuart Mill and Alfred Deakin; Marian Sawer locates them in the liberal ‘idealism’ shaped by T. H. Green in the last decades of the nineteenth century, which she calls ‘social liberalism’ (O’Brien, P.1985: 44, 64; Sawer 2003: 2-8). They included Liberal members of the Coalition government, like Ian McPhee and Peter Baume, who played important roles in outcomes for women (Head 1989: 490b; O’Brien, P. 1985: 38-52; 63-71).

The second or neo-liberal group, known also as ‘the dries’ or ‘the New Right’, placed more emphasis on non-interventionist ‘small government’ and reduction of public expenditure (Head 1989b: 490-1; Brennan 1998a: 107). Their politics were also typically linked with conservative moral, religious and family values, and rejection of challenges to traditional gender roles (Poole 1983: 111-5). Prominent amongst ‘the dries’, whom Ross Poole identified with ‘markets and motherhood’ and Marian Sawer with ‘market roles for men, motherhood roles for women’, was later Prime Minister John Howard (Poole 1983: 103; Sawer 1990: 52). Howard was already identified with this stance in 1975, as he demonstrated, for example, by his strong opposition to preparation of a Coalition women’s policy, arguing instead that women ‘could take their chances against other interest groups’ (McKernan 1999:132). (For further
The growing strength of the markets and motherhood enthusiasts also meant that as lobby groups opposing feminist policy influence emerged in this period, they found allies inside the Fraser government. Such groups included the Australian Family Association, a coalition of conservative politicians and academics established in 1980 (Brennan1998a: 104-5); the Women’s Action Alliance (WAA), formed in 1974 to campaign for women outside paid work and traditional (couple based) single income families (Sawer 1981: 246); the Right to Life, which had been active for several decades in opposition to any access to abortion; and the Women Who Want to be Women (WWWW) who split from the WAA in 1979 to take an even more conservative stance on abortion and child care (Sawer 1981: 247; Webley 1982). Essentially, these groups, in addition to their stand against abortion, were opposed to any threat to the economic dependence of women, which they saw as necessary for preservation of traditional family roles and values.

The political differences inside the Coalition offered feminist policy activism, for a time, two important windows of opportunity. The first was that, at least until the Liberal Party balance shifted to the Neo-Liberals after the 1980 election, the Fraser government included influential members who readily embraced aspects of the women’s policy agenda, for example sex discrimination legislation and the provision of child care and women’s refuges (Sawer 1989: 436; Connors 1981: 240). The second was that such policies also had appeal for Liberals outside the parliament, among them active Liberal women. One of these was the astute and politically well placed Beryl Beaurepaire, a member of the Victorian State Executive of the Liberal Party from 1968, a Vice-President of the Victorian Liberals from 1976 to 1986, and a member of the Federal Executive in the run-up to the Whitlam dismissal and the December 1975 election (McKernan 1999: 108, 119, 137). Her role would be crucial in shaping the ongoing possibilities for the feminist policy project under Fraser, including the further development of the women’s policy machinery.

Beaurepaire’s interventionist role began before the blocking of supply, which she opposed, that facilitated Whitlam’s removal in November 1975 (McKernan 1999:}
Beaurepaire pressed at a Liberal Federal Council meeting in October 1975, in opposition to Fraser and Howard, for inclusion of a women’s policy in the forthcoming election platform (McKernan 1999: 120-3, 131). She did not prevail on that occasion; but when Fraser realised that he had insulted women by a campaign gaffe to the effect that getting more women into parliament “would certainly brighten the place up a bit”, he issued a Statement announcing three significant commitments: that ‘a Liberal-National Country Party government would retain the Office of Women’s Affairs within the Prime Minister’s Department’; ‘that there would be “a more equitable representation of women on public boards, committees and commissions”’; and that “we will seek means to obtain advice from women in non-governmental areas of the community in the form of recommendations on ways to improve the position of women, eliminate discrimination and promote equal opportunity”’ (McKernan 1999: 138-9). Beryl Beaurepaire told her biographer that she had suggested the Statement, and: “That [last pledge] was me. I suggested it be put that way” (McKernan 1999: 139).

The first commitment in the Fraser Statement resulted not only in the survival of the WAB, with Sara Dowse at its head, but action on a structural proposal that had reached Prime Minister Whitlam’s desk on the day of his dismissal (Dowse 1981: 11). The proposal, worked out initially within ACT WEL, was designed to avoid the second class status risks of a separate department by keeping the central women’s policy unit and supporting it with a network of women’s units in line departments (Dowse 1981: 9-10, 1988: 215-6; ‘Terpsichore’/Taperell 1977: 3; Sawer 1990: 27-31). Fortuitously, this proposal meshed with a further Fraser election commitment that the ‘special concerns of women should be dealt with within the framework of individual portfolios’ (Dowse 1981: 11). In June 1976 Fraser appointed the first Australian Minister Assisting the Prime Minister in Women’s Affairs, Tony Street from June to November 1976 and Ian McPhee until late 1977 (Sawer 1990: 37). The central unit was promoted to the Office of Women’s Affairs (OWA) early in 1977, and by December of that year twelve departmental women’s units were linked to it through an Interdepartmental Working Group on Women’s Affairs (IDWG) (Dowse 1983: 216; Sawer 1990: 36; Dowse 1981:13, 11; ‘Terpsichore’/Taperell 1977: 4).
Meanwhile, thanks to the persistence of Beryl Beaurepaire, a Women’s Advisory Body Working Party (WABWP) began a national consultation on ways to further the election commitment to seek advice from non-government women. The Working Party reported in July 1977, but progress towards a potential second arm to the women’s machinery was interrupted by an announcement in December 1977 that the OWA was to move from the Prime Minister’s Department to the new and very minor Department of Home Affairs. Dowse records that this was more an expression of the preference of the new Secretary (CEO) of the Prime Minister’s Department than a deliberate government decision to undermine the women’s policy machinery (Dowse 1981: 12-19, 1988: 216-7). Nevertheless, the consequent loss of OWA’s central status and coordinating position effectively crippled the new interdepartmental network (Ryan, L. 1990: 81). It was a depressing demonstration of the tenuous place of the women’s policy enterprise that the women’s machinery had apparently been eroded through indifference rather than direct intention.

Dowse’s response was to resign, making a political issue of what had happened (Ryan 1990: 80). Her place was taken by Kath Taperell, a Senior Adviser in the OAW, who managed the difficult period following with consummate policy activist skill, including strategic use of the international opportunities of the period and scrupulous attention to the secrecy-obsessed atmosphere of the Fraser regime (Dowse 1981: 15, 19-20, 1988: 217-8; Ryan, L. 1990: 81; Summers 1979: 198-200; Sawer 1990: 46-50). Those pressures contributed to further erosion of trust between community based feminists and the OWA, and made the new second arm of the machinery the second arm of the machinery, largely achieved through the persistent policy activism of Beryl Beaurepaire, even more crucial. Twelve experienced, widely representative and politically balanced, women were appointed to form the National Women’s Advisory Council (NWAC) in July 1978 (WABWP 1977; NWAC 1979: 1; Connors 1981: 238-9; Sawer 1990: 42-4; McKernan 1999: 147-171).

The linked strategic sites of the OWA and NWAC, activated by the policy activist skills and alliance of Taperell and Beaurepaire, provided the means by which the women’s policy enterprise continued. How this worked in practice will be explored below through investigation of the domestic violence policy project. The broad tactical opportunities involved included the research budget allocated to the NWAC,
rather than the OWA; the vigorous consultation program through which the NWAC fulfilled its responsibility to advise the government of policy issues identified by women in the community and to make consequent recommendations; the leading role played by the NWAC in connection with Australian participation in the UN Mid-Decade World Conference on Women, held in Copenhagen in June-July 1980; and the fact that, largely as a result of its high profile community role, the NWAC rather than the OWA became the target for protests from the anti-feminist family conservative lobby inside and outside the parliament (Connors 1981: 239-40; OWA 1981: 4; Webley 1982: 136-145; Sawer 1990: 43-5, 52-3; McKernan 1999: 180-1).

Opportunities and sites for feminist policy activism under the Hawke ALP government

Feminist policy activists learnt well before the Commonwealth government changed again that the ALP was not as consistent an ally as they had presumed. The ALP under Bill Hayden paid such ineffective attention to women in its policies for the 1977 election that it lost, as it did again in 1980, at least partly because it failed to win the support of women voters (Ryan, S. 1999: 160, 175-8, 192; Sawer 1981: 243-5). Sawer explains this through the ALP tradition as the ‘“working men’s party”’, with a ‘heartland of workers and their families’ (Sawer 1982: 243; 2003: 123). It was not until 1982 that the first women’s policy section was included in the federal ALP Platform, followed by release of a full policy document, The ALP and Women: Towards Equality, drafted by Sara Dowse, and driven in the party by Senator Susan Ryan (Sawer 1990: 62-3).

An ALP federal government lead by Bob Hawke was elected on 5 March 1983, with appointment of Susan Ryan as Minister Assisting the Prime Minister on the Status of Women, in addition to the Cabinet level portfolio of Education and Youth Affairs (Ryan, S. 1999: 214-5). Immediate moves forward followed in both women’s policy and women’s policy machinery. The central unit, renamed the Office of the Status of Women (OSW), was returned to the Department of the Prime Minister and Cabinet and promoted from a Branch to a Division; in December 1983 Anne Summers was appointed to head OSW as First Assistant Secretary (Sawer 1990: 69-74, 228). On the other hand, it was initially held that a body like the NWAC was not needed ‘with the
election of a government sympathetic to the needs of women, with more women MPs and with a detailed women’s platform’ (Sawer 1990: 84). Pressure from women’s organisations nevertheless ensured appointment in 1984 of a new National Women’s Consultative Council (NWCC), but with a significant change in its terms of reference. Whereas the NWAC had powers to ‘make recommendations to the Minister on request or on its own initiative’, the NWCC was charged with seeking women’s views only “at the invitation of the Minister Assisting”’ (NWAC 1979: 68; Sawer 1990: 84; my italics). It is also significant that it was OSW, rather than a partnership between Office and Council, which played the lead role in the later international strategic opportunities, including the UN End of Decade for Women World Conference in Nairobi in 1985 (Sawer 1990: 241, 246-7).

The ‘femocracy’ and the start of a federal feminist policy activist strategy

One further innovation in the structures available for feminist policy activism in this period requires consideration before returning to the domestic violence policy narrative. This was the adoption of women’s policy machinery by a sequence of state governments, with the consequent opportunity for feminists to engage in federally structured policy strategies. The first state level women’s machinery initiatives were the women’s advisory councils appointed in 1975 by the Lewis Liberal-Country Party government in NSW and the Hamer Liberal government in Victoria (Goodwin 1999: 40; Sawer 1990: 140). Between 1976 and the end of the thesis period in 1985, Premiers’ Women’s Advisers and advisory units were appointed in all states and territories except Queensland (Sawer 1990: 140, 143-6, 152, 162, 171, 175, 178; Chappell 2002: 186). It was this federal burgeoning of women’s policy machinery which lead to the adoption, at first pejoratively and then proudly embraced, of the terms ‘femocracy’ for the machinery and ‘femocrat’ for those who worked within it (Eisenstein 1990: 68-9).

As the federal location of the femocracy grew, so did its nature as a strategic network. Regular meetings of the Commonwealth and state women’s advisers began in 1976; so did a web of informal personal contact, not only between the women in the Premiers’ and Prime Minister’s Advisers positions, but also between those working as program managers and policy advisers, across their particular policy subject areas.
The crucial feature of these networks was, at least in the period of this thesis, that such connections were shaped by a shared feminist commitment, which, while bureaucratic professionalism was always, and strategically, maintained, operated across the party differences between the governments represented (Sawer 1990: 141; Eisenstein 1990: 39-42; interview material; personal experience).

The femocrat network provided two kinds of strategic opportunity. The first was shaped by the constitutional division of powers between Commonwealth and state governments; most of the policy issues relevant to women, including domestic violence, require complementary attention at both levels of government. The importance of the strategic cooperation between femocrats in achieving this is demonstrated in the domestic violence processes investigated below. The second strategic significance of the Australian femocrat network in this period was that it was also a relationship, which offered opportunities to share every sort of information and support, from skills and strategic thinking to personal morale building (interview material and personal experience).

The ways in which the broadened network and the strategic opportunities provided by the federal spread of the femocracy interlinked with the Commonwealth players and structures will also be explored through following investigation of the domestic violence policy project.

**PROGRESS IN THE DOMESTIC VIOLENCE POLICY PROJECT UNDER FRASER AND HAWKE**

Three trajectories shaped the next stages in the development of domestic violence policy at Commonwealth government level. These were the first attempt by feminist policy activists to move towards a substantial policy agenda on domestic violence; the ongoing struggle to ensure adequate and secure funding for women’s refuges; and efforts to achieve one part of the envisaged policy agenda through a reformed legal resource for women suffering partner violence. If this last proposal had been achieved, it would have produced the first law reform response to domestic violence enacted by an Australian government. This policy activist initiative and its significance have been largely neglected in accounts of the Australian domestic
violence policy process to this time. For example, the legislative proposal is not mentioned either in Marian Sawer’s comprehensive accounts of women’s policy and policy machinery developments in this period or in the detailed case study of domestic violence policy developments in the ACT provided by Hopkins and McGregor (Sawer 1989, 1990; Hopkins and McGregor 1991).

In all of these efforts, the new player in the women’s machinery in the Fraser period, the NWAC, was the strategic site and catalyst for much that followed. The contributions facilitated by the Council included the next significant statements about domestic violence made in an Australian policy context; the location of domestic violence as part of the first attempt to produce a comprehensive Australian policy agenda for women; and the commissioning of research to inform recommendations contributing to radically new policy responses to the dilemma of women’s access to an autonomous household. The NWAC also provided the location for two further significant new aspects of the domestic violence policy process.

The first of these was the NWAC’s provision of a new site for the primary activism of women suffering and striving to escape the violence of their male partners. Untutored in policy methods but ever ingenious in recognising opportunities to speak out, once again the violence survivors drove the agenda. This time they delivered another of their serious surprises through the consultation activities that were an important part of the NWAC terms of reference. Beryl Beaurepaire’s biographer records that violence against women ‘had not been high on [her] initial agenda’ for the Council; it was, he notes, ‘one of those issues which came from the women themselves’ (McKernan 1999: 183). The result was the Council’s prompt adoption of domestic violence as its second substantial issue for investigation, following only the initial reference of problems faced by migrant women, which was directed by Minister for Home, and Women’s, Affairs Bob Ellicott (NWAC 1979: 8, 14; McKernan 1999: 182). Domestic violence was reported in each of the NWAC Annual Reports as an issue raised by women through consultation meetings, correspondence and representations to individual Council members; it continued as a primary concern for the Council throughout its life (NWAC 1979: 2-6; 1980: 1-3; 1981: 1-5; 1982: 3-7; 13-5). The changed terms of reference of the Hawke government NWCC, which
restricted its consultations to matters directed by the Minister, gave its members less access to surprises of this kind.

The second new aspect of the domestic violence process initiated by the NWAC emerged from the attention paid by the Council to women in a range of social and cultural situations. This aspect of the work of the NWAC represents, in fact, the first Australian expression in a policy context of the concurrent feminist recognition of the diversity of situations which shape women’s lives and needs (Larbalestier 1998: 152-5). From the outset, the NWAC Annual Report, which was its formal medium for communication to the government, included chapters not only on migrant women’s issues, but also on Aboriginal women and girls and on isolated women (NWAC 1979). From its third year, NWAC was also investigating the situation of older women and disabled women and girls, and the needs of women in the home were also a constant theme (NWAC 1981: 7-9, 35-42; 1979: 18-22; 1980: 28-31). Having worked out in its first year that all-inclusive consultation meetings were not an effective way of reaching Aboriginal women, particularly those in remote circumstances, Council members initiated a program of special meetings (NWAC 1979: 23-4). One of the results was that from the second Report onwards their recommendations included the need for provision of separate and culturally appropriate shelter assistance for Aboriginal women suffering domestic disturbance (NWAC 1980: 26; 1982: 29). The policy expression of this recognition through state government policy will receive further attention in Chapter Six.

The policy activist strategies involved in the three identified trajectories of Commonwealth level domestic violence policy in the period of this chapter, and as furthered by both the Fraser and Hawke governments, will be investigated in the next three sections. A final section places these domestic violence initiatives in the context of the broader women’s policy enterprise, and in particular of endeavours to extend the access of women to an autonomous household.

**Moves towards a substantial policy agenda on domestic violence**

The joint work of the NWAC and the OWA on domestic violence began as soon as the Council members appointed in July 1978 started to consult with Australian
women, and received the message which placed violence against women high on their work program. The strategic medium for their work was once again provided by the NWAC Annual Reports.

The chapter on Violence against Women in the first of the NWAC Annual Reports is effectively the next substantial policy related statement on domestic violence made in a Commonwealth government context since the briefing papers for delegates to the 1975 World Conference (NWAC 1979: 14-7). It records steps taken since then in the construction of a policy oriented representation of domestic violence, including a summary of the policy issues indicated by the new framing of domestic violence, and presents a number of policy recommendations in response. This set of recommendations amounts to the first proposal of a substantial policy agenda on domestic violence presented to an Australian government. It is all the more remarkable in that it was produced in a Commonwealth government setting but included, with due acknowledgement, issues reaching across Commonwealth and state government powers (NWAC 1979: 16; 1980: 24). This is just one of the demonstrations provided by the work of the NWAC of the significance, particularly in the context of the even more than usual constraints on overt activism by Commonwealth femocrats under the Fraser regime, of the relative independence provided by the NWAC terms of reference.

The first significant feature of the 1979 NWAC chapter on Violence against Women is its representational approach. The understanding of domestic violence and its implications for women expressed here are unquestionably informed by the now well developed feminist analysis examined in the next chapter of the thesis. But that analysis is carefully reflected in a strategic response to the policy context. Domestic violence is represented in two ways. To begin with, the definition of domestic violence that headed the 1979 Annual Report chapter, and which was repeated in each of the following NWAC Reports, was built on the 1977 Report of the Royal Commission on Human Relationships (RCHR). It repeated the RCHR definition of domestic violence as ‘an act of violence by one spouse against another, covering physical violence, including rape, but also involving emotional or verbal assault’ (NWAC 1979: 14, referring to RCHR 1977, Vol. 5: 133). By this means, the authority of the Royal Commission was called on in taking the significant step of lifting the
policy framing of domestic violence from recognition of physical violence alone, to inclusion of emotional and psychological damage. But beyond this definition, the chapter provides no further discussion of the structural causes or political implications of gender based violence. In a second finely tuned representational strategy, the rest of the chapter focuses on the practical consequences of domestic violence and the ways in which they could be addressed by policy. The framing of the chapter is an elegant response to the dilemma of mounting a strategy for a politically challenging piece of women’s policy by presenting it in terms of the less confronting framings of equity and justice (See Flammang 1997: 255-6, and discussion in Introduction above, for establishment of the distinctions referred to here).

The policy analysis of responses to the practical consequences of domestic violence included in the 1979 Violence against Women chapter also built on the work of the RCHR (which is discussed further in the next chapter), as well as on the Council’s own consultations, the experience of state government Women’s Advisers, and both international and Australian research (NWAC 1979: 14-17). Amongst the issues listed are social silence about partner violence; the reluctance of police to act; women’s ignorance of their legal rights and resources; the reasons that women withdraw their complaints, including fear and ‘the lack of financial independence’; and the variety of women and needs represented by those crowding into women’s refuges. The policies proposed included accessible information resources for women; improved police training; intervention services similar to the Crisis Intervention Service already operating in SA; counselling for troubled partners, but without unreal hopes that it could ‘overcome all difficulties’; a great deal more research; new categories of refuges for women with drug and alcohol problems and for young single women; and extension of the Commonwealth government provision of child care support in refuges. The most remarkable of the recommendations in the immediate policy context were the NWAC insistence that Commonwealth government funding for refuges should be maintained and extended, with particular emphasis on provision of refuges in country centres, and the proposal that ‘the Commonwealth should enact and enforce specific legislation to protect women’ modelled on the legislation passed in the UK in 1976 (NWAC 1979: 14-17). The legislative proposal is discussed in more detail below. Together, the 1979 NWAC proposals amounted to the main body
of recommendations which would be proposed, and to some extent enacted, in the agenda building at state government level that followed soon afterwards.

The NWAC proposals were repeated in each subsequent Annual Report, with praise for the Commonwealth government when a recommendation received attention, for example acknowledgement of funding for youth refuges in 1980 (NWAC 1980: 24), and stern statements of disappointment when they did not. Examples of such reprimands are the expression of concern ‘that there has been no attempt made by the Commonwealth government to introduce [the recommended] legislation, despite its importance to women’, and NWAC’s statement in 1981 that ‘The Council is most concerned about the recent decision of the Commonwealth Government to subsume funding for women’s refuges in general revenue grants to the States’ (NWAC 1980: 23; 1981: 12). NWAC also embedded the domestic violence proposals in the policy activist strategies through which it sought to drive ahead the broad women’s policy enterprise; those strategies, and their success, will be analysed in the context of the policy initiatives examined in the next two sections.

The substantial policy agenda on domestic violence put forward by Commonwealth femocrats and the NWAC between 1978 and 1983 was not taken up by the Fraser government and was only addressed with regard to refuge funding by the Hawke ALP government in the period of the thesis. That these bold and creative strategies nevertheless did not go to waste will become evident in the sections which follow.

**Strategies to protect refuge funding**

Policy activism to ensure lasting and adequate Commonwealth government provision of funding for women’s refuges continued to be shaped under both the Fraser and Hawke governments, as it had under Whitlam, by the issue of policy location. The funding site so brilliantly secured in June 1975 in the Whitlam CHP proved a precarious location once the government changed. The issue was neither refuge funding nor community health but rather the nature of the CHP as one of the Special Purpose Programs, based on the Commonwealth government constitutional Special Purpose funding powers, which the Fraser government was committed to dismantle (Painter 1998: 97-100; Groenewegen 1979: 56, 66).
The first impact for refuges came in 1976, when the government devolved the CHP to the states in the form of block grants, with funds for refuges still designated, but with the Commonwealth providing only 90 per cent of operating and 75 per cent of capital costs. The NSW, Victorian and South Australian state governments met the difference; the Western Australian government initially refused and then agreed to provide half of the Commonwealth cut if the refuges raised the rest (Hopkins and McGregor 1991: 19; NWAC 1979: 16); but the Bjelke-Petersen Queensland government refused to pass on any CHP funding to the Brisbane and Townsville refuges. Through a rare personal intervention with Fraser, whom she knew was sympathetic to refuges, Sara Dowse, still Director of the WAB, was able to secure direct Commonwealth funding for the Queensland refuges (Dowse 1984: 150-1; Sawer 1990: 37-8). At this point the number of refuges receiving Commonwealth funding had increased from the 11 funded in 1975 to 19 in 1975-6, with a further refuge funded from the Homeless Persons Assistance Program (HPAP); by 1976-7 a further 20 refuges were operating. But the total funding had not been increased, so the funds were spread ever more thinly (Dowse 1984: 150).

Recognising the risks involved in the CHP location, the OWA referred the issue of refuge funding to the Inter-departmental Working Group (IDWG) operating in the short period before the demotion of the WAB in December 1977. This produced a recommendation, accepted by the Prime Minister, for the refuges to be funded directly by the Commonwealth. The Prime Minister requested a Cabinet submission to this effect from the Minister for Social Security, Senator Margaret Guilfoyle. As the 1977 Budget period approached, it emerged that the Health Department had not included refuge funding in its estimates, on the expectation that Social Security would, and that the Social Security Cabinet submission had not emerged, possibly because Guilfoyle was already dealing with the equally sensitive issue of child care funding (Dowse 1981: 13; 1984: 151-2). At this point, the OWA activated what Dowse later described as the ‘double strategy’ of continuing their bureaucratic manoeuvres while tipping off the refuge network, which moved into community level activism (Dowse 1984: 158). The refuge movement tactics included telephone links to prepare an independent budget submission; a delegation to the Prime Minister; a nationally coordinated demonstration in Canberra in June, with a sit-in in the Department of Health; and
another demonstration outside Parliament House on Budget Day in August (Hopkins and McGregor 1991: 20). A third strategy was added by Lyndall Ryan, no longer an employee at OWA but still close to these developments, who arranged an ABC Four Corners television program on the refuge issue (Sawer 1990: 38). The outcome was that refuge funding stayed with the CHP and the allocation was doubled to $2 million, but with the Commonwealth contribution reduced to 75 per cent of operating and 50 per cent of capital costs (Dowse 1984: 152, 151).

This was still not the end of the story. The number of refuges receiving CHP funding went on increasing, reaching 96 in 1980 (Dowse 1984: 152; Sawer 1990: 37). But funding through the CHP was reduced again in 1980-81. Then, in the 1981-82 budget the CHP, and consequently all designated Commonwealth funding for refuges, ceased. State governments were left to fund everything that had been part of the CHP, including refuges and women’s health centres, from their general revenue allocations (Dowse 1984: 150; Sawer 1990: 54; Hopkins and McGregor 1991: 20). Some of them did so, with NSW not only taking on the former CHP refuges but also funding new ones from state funds alone; but this varied with the commitment of each state to women’s policy (McFerren 1990: 196-7). The only positive note in the grim Commonwealth picture was the continuing provision from 1978-9 of an allocation by the Office of Child Care in the Department of Social Security to provide workers to assist in the care of children, often seriously disturbed by their experiences, who accompanied their mothers to refuges (NWAC 1979: 17; Smyth 1996: 16-7).

As the Fraser Coalition government steadily withdrew from provision of designated funds for women’s refuges, feminist policy activism in all the sites which have been identified never ceased. Refuge feminists continued their demonstration of the importance of the ‘hybrid’ insider/outsider relationship with the policy arena they had adopted at the end of the Whitlam years. In anticipation of the complete devolution of funding in the 1981-2 Budget, refuge workers organised a national strike and once again descended on Canberra, to camp outside Parliament House, interview ministers and set up a ‘refuge’, complete with crèche (and dirty nappies), in the venerable Kings Hall; a pair of women stayed behind to paint an enormous women’s symbol in kerosene on the parliamentary front lawns, returning later to photograph the effect (Scutt 1983: 270; Sawer 1990: 55; personal recollections). These were all activities
requiring the ‘wild card’ responses of a location and identity outside formal policy employment; but at the same time, the well-informed appreciation of policy location and process demonstrated by these actions place the refuge activists well inside the continuum of policy activism proposed in this thesis.

It can be taken for granted that state level femocrats kept closely in touch with the Commonwealth officers over this period; such contact is demonstrated by the common patterns of policy concern evident in the NWAC proposals discussed above and the state level proposals which would soon follow. On at least one occasion, the Women’s Advisers dedicated one of their joint meetings to domestic violence and asked Jocelynne Scutt to present a paper to assist their discussion (NWAC 1979: 15; Scutt 1979; interview material). They also worked towards positive responses from their own governments. One example of this was the professional but pointed activism of Carmel Niland, the first Women’s Affairs Adviser to the Wran ALP government in NSW, who made sure through representations to the Premier that funding continued for both refuges and women’s health centres, and backed up her own influence by encouraging community level feminists to keep letters and telegrams piling up on the Premier’s desk (Sawer 1990: 155; Smith, M. 1984: 5; interview material).

Meanwhile the NWAC kept pressure on the government. The Council strategies to defend Commonwealth refuge funding included lobbying by individual members, the issuing of media releases, and recommendations, together with expressions of concern when they were not taken up, in every one of the Annual Reports. The boldest tactic of all, which placed refuge funding in the context of the most comprehensive piece of Australian women’s policy development yet attempted, was the joint strategy mounted by the OWA and the Council in the context of the UN Decade for Women Mid-Decade World Conference in Copenhagen in June-July 1980.

In a move of brilliant immanence, the Office and the Council worked together to take advantage of the government’s decision to give Beaurepaire and the NWAC responsibility for ‘coordinating national activities leading up to the World Conference’ (OWA 1981: 4). Making use of the language of the World Plan of Action adopted at the Mexico City World Conference, which nations were to report on in
Copenhagen, and foreshadowing the World Program of Action that was the working document for Copenhagen, Taperell and Beaurepaire shaped the Australian World Conference preparations into a tactical vehicle for a comprehensive national policy agenda for women. Their scheme was to use a national consultation process to build an Australian Plan of Action, to be announced and endorsed before an international audience in Copenhagen, which would lay the foundations for policy advancement touching every aspect of women’s lives (OWA 1981; 4; NWAC 1982: iii). The Draft Plan prepared for the consultation process included endorsement of women’s policy machinery; responses to women’s needs in employment, education, health and the family; substantial sections addressing the problems of rural, migrant, Aboriginal, disabled and elderly women and those ‘alone responsible for their families’; and responses to a range of forms of violence against women, including rape, sexual assault, sexual harassment and domestic violence (NWAC 1982b: 2, 8, 12, 18, 20). The proposals relating to domestic violence endorsed, but also reached beyond, support for refuges to present the range of policies foreshadowed in the NWAC Annual Reports, and discussed above (NWAC 1979: 14-7; 1980: 23-5; 1981: 11-33; 1982b: 8, 12, 18). The Draft Plan also addressed the policies required to offer women access to an autonomous household, for example, sex discrimination legislation, child care, maternity leave, equal remuneration, provision and protection of part time work and the right to unemployment benefits ‘regardless of marital status’ (NWAC 1982b: 1-4). (For further information on the Plan of Action process and its relationship with the World Conference context see: OWA 1982:4-5; NWAC 1982b; McKernan 1999: 191-199; Sawer 1990: 55-6, 25-6)

The Plan of Action process was also a policy activist tour de force in strategic use of the nexus between national and international policy opportunities. The Australian Statement delivered in Copenhagen by Women’s Affairs Minister Bob Ellicott included, in an account of recent Commonwealth government achievements, a description of the national women’s machinery and an account of the Plan of Action consultative process. The Minister also gave a high profile to the government’s provision of women’s refuges and child care facilities, and announced first steps in provision of sex discrimination legislation (OWA 1981: 67-70). These significant statements were all made in an internationally high profile context and implied a continuing government commitment. In further strategic contributions, a case study
on women’s refuges was included in the official Australian Conference documents and Australia co-sponsored a Resolution on Battered Women and Violence in the Family (OWA 1981: 4, 73).

The major achievement of the Copenhagen Conference for Australian women was the signing by Ellicott, on behalf of the Australian government, of the new UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (OWA 1981: 8; Connors 1981: 239-40). Ironically, the Australian delegation was obliged to vote against the World Program of Action, which became entangled in anti-Zionist strategies (OWA 1981: 8; Sawer 1990: 56); both Ellicott and Foreign Minister Andrew Peacock used their announcement of this decision to state again their government’s commitment to an Australian national Plan of Action (OWA 1981: 8).

Nevertheless, and despite a re-printing of the Draft Plan after Copenhagen to gather in the authority of the World Program, the Australian Plan of Action was never taken to Cabinet. Meanwhile, neither sex discrimination legislation nor ratification of CEDAW was achieved in the increasing conservatism of the post-1980 Fraser regime (Sawer 1990: 56, 245-6). Nor did these sophisticated international strategies ensure either maintenance of designated Commonwealth refuge funding by the Fraser government or adoption of the domestic violence related policy proposals discussed in the next sections. On the other hand, the expectations raised by the official statements made in Copenhagen were not allowed to go unrecognised. One example of this was the unswerving reminder attached to the NWAC expression of concern about the government’s withdrawal from designated refuge funding: ‘This action is not consistent with the support expressed for women’s refuges by the leader of the Australian delegation to the World Conference of the United Nations Decade for Women, the Hon. R. J. Ellicott’ (NWAC 1981: 12).

The seeming irony of the failure of the policy activist effort for Commonwealth government refuge funding at this time is underlined by the fact that women’s refuges, unlike most other women’s policy initiatives, do not appear to have been targeted by the family conservative lobby. Whether because of the growing diversity of the refuge movement (by September 1979 only a possible third of the refuges
funded through the CHP were run by feminists, with the rest provided by a variety of church, charity and community based groups), or because of the appealing elasticity of the expressions of concern for abused women and children and the careful representational strategies of feminist policy activists, evidence can be found that refuges received support even from anti-feminist conservatives (Dowse 1984: 152). One example of this, recorded in the minutes of the Queensland Central Women’s Refuge Group in March 1982, is an offer from the Women’s Action Alliance to provide a series of budgeting seminars for refuge residents (Aboud 1989: 73). The irony is driven home by observation that the Commonwealth child care program, which definitely was a family conservative target in terms of its claimed threat to traditional mothering, ended the Fraser period with its funding reduced by 22.4 percent but with most of its main features preserved, while the refuge program, which appeared to have the support of the Prime Minister and no significant enemies, lost its designated Commonwealth funding completely in the 1981-2 budget (Brennan 1998a: 99, 105, 113, 117). The explanation, as with the apparently absent minded undermining of the women’s machinery in 1977, must be that the women’s program was of such relatively minor priority for the government that even a broadly appealing program was readily sacrificed for what were seen to be more significant policy directions, in this case the termination of Special Purpose Program funding.

Nevertheless, developments after the election of the Hawke ALP government in March 1983 made it clear that the policy activist skill and energy expended on preservation of Commonwealth refuge funding had not been in vain. Both the political profile established for the refuge issue and the policy analysis developed around it between 1975 and 1983 promptly paid off. A pre-election ALP commitment was made to ‘put funding for women’s services on a secure footing and to enable the payment of award wages to women’s service workers’, and in 1984 $4 million were committed to a new Women’s Emergency Services Program (WESP), which provided funding for refuges, rape crisis services and incest centres (Chesterman 1988: 7, 9; Sawer 1990: 79; Hopkins and McGregor 1991: 20). Then, in January 1985 WESP was lifted, as a discreet program element, into the new Supported Accommodation Assistance Program (SAAP), which depended on 50/50 matched funding from the states (Chesterman 1988: 9, McFerren 1990: 200-1). Feminists from all the services working on violence against women protested about the inclusion of refuges and crisis
centres in a specialist accommodation program (McFerren 1990: 201). Government assurances were given that neither the support and community education functions of the refuges nor the continued funding of non-accommodation women’s crisis services would be threatened by this arrangement (Ford 1988: 2). Nevertheless, these fears, and refuge feminist anxieties that amalgamation into a big bureaucratically managed program threatened their independence and so their service delivery and administrative principles, appeared borne out when SAAP Mark II, established in July 1989, ended the separate identify of WESP within an amalgamated structure and withdrew funding for any further non-accommodation crisis services (Chesterman 1988: 57-61; Hopkins and McGregor 1991: 21).

**A federal strategy for domestic violence law reform**

The first NWAC recommendation that: ‘The Commonwealth should enact and enforce specific legislation to protect women from domestic violence’ was made in the chapter on Violence against Women in the Council’s first Annual Report. It was introduced by the statement: ‘As a society we believe in the right of the individual to live without fear of attack. We do not see why so many women should be exempted from this otherwise universal protection’ (NWAC 1979: 15).

In the second NWAC Annual Report, in addition to the expression of disappointment at lack of government response to the recommendation for legislative action, the Council reported appointment of a sub-committee to develop the recommendation (NWAC 1980: 23-4). The sub-committee had produced not only a comprehensive list of principles to be covered by the legislation, but also a Draft Act, to be entitled the Domestic Abuse Act, that appeared as an Appendix to the Report (NWAC 1980: 24-5; 92-3). The Draft Domestic Abuse Act, and the principles which framed it, responded to the shortcomings of the injunction powers of the Family Law Act by including coverage for de facto partners and for married women whether or not they were instituting divorce proceedings. It also made provision for the attachment of a power of arrest to protective injunctions, provided magistrates with powers to exclude a person from a home for which (s)he might be sole or joint owner, and ensured emergency access to the injunctions by means of rotation duty for the relevant court officers. In addition, sexual abuse was recognised as an aspect of domestic violence;
police were required to apply the ‘same standard of law enforcement and arrest’ in
domestic abuse incidents that they would for abuse between strangers; and a provision
for record keeping and data collection was included (NWAC 1980: 24-5; 92-3). These
proposals came embedded in a bold, if familiar, strategy facilitated by the Australian
federal structure. The NWAC acknowledged that legislation of the kind proposed lay
beyond the usual Constitutional powers of the Commonwealth government. Rather, it
was recommended that the legislation be introduced in the ACT, over which the
Commonwealth maintained jurisdiction, and that it be presented as ‘a model and
incentive for the States to introduce similar legislation’ (NWAC 1980: 24). The
principle applied here is similar, for example, to the ‘model legislation in the ACT’
strategy through which attempts have been made to encourage consistent censorship
for further examples of use of the ‘template’ or ‘adoptive’ legislation strategy within
Australian federalism see Painter 1998: 100, 113, 125, 128, 140-50).

Tracing the origins, contributors and influences that produced this historic piece of
feminist policy development presents a challenge. It has been noted that the NWAC
Reports refer to the work of the Royal Commission on Human Relationships; on the
other hand, other key pieces of contemporary research, including the proceedings of
the Australian Institute of Criminology Conference on Violence in the Family in 1979
(see Chapter Six) receive no specific mention (NWAC 1979: 14; 1980: 23).

At the same time, the 1980 NWAC Report is well informed about the limitations for
domestic violence sufferers of the Family Law Act. In 1979 the NWAC provided a
submission, outlined in its first Report, to a Joint Select Committee on the Family
Law Act (NWAC 1979: 28-33). The Council concentrated in this context on the many
vexed issues about marital property settlements that women had raised with members.
Its submission, as reported in the 1979 Report, did not refer to the Family Law Act
protective injunctions and the need for an attached power of arrest on breach of an
order, although approval was expressed in the third NWAC Annual Report for
recommendations of the Joint Select Committee to address these matters (NWAC
1981; 11). Those recommendations were included in the subsequent Family Law
Amendment Bill, eventually passed by the Hawke government in 1983 (ALRC 1986:
37).
The NWAC appears to have followed a separate strategy with regard to Family Law protective orders and powers of arrest, which is indicated in the Annual Reports of the Family Law Council (FLC), which had been established to advise the Attorney-General on the working of the Family Law Act. The FLC reports that the power of arrest issue was raised with the FLC in 1977, but that the FLC did not at first consider such a provision to be necessary (FLC 1978: 22; 1979: 33). The FLC later took up the matter, and proposed a major project to examine the operation of the Family Law Act with regard to domestic violence, after representations from the NWAC at the FLC meeting in December 1979, and from the Hobart Women’s Shelter at the FLC meeting in Hobart in March 1980 (FLC 1980: 26). The FLC project was overtaken by the NSW Domestic Violence Task Force (see Chapter Six) in 1981; that Task Force included a member of the FLC, Clare Petre. In the meantime, the FLC also supported and advised on the power of arrest proposal made by the Joint Select Committee (FLC 1982: 29-30).

The work undertaken by the NWAC sub-committee that developed the legislative proposal is reported to have included an examination of legislation from the UK and six states of the USA, a commissioned review of relevant research, research carried out by individual members and consultation with legal practitioners (NWAC 1980: 24). The model which most directly informed their recommendations was the UK Domestic Violence and Matrimonial Proceedings Act, passed in 1976, which addressed the issues of de facto partners, the exclusion of the violent partner from the marital home and the option of powers of arrest on the breaking of an injunction (Stratmann 1980, 1982; FLC 1978: 22). A legal adviser in the OWA assisted in preparation of the NWAC submission on matrimonial property matters to the Joint Select Committee on the Family Law Act (interview material). It would be surprising if this officer had not also played a role in development of the law reform proposal. It would also be surprising if the shortcomings of the justice system for women suffering domestic violence, and the possibilities offered by the UK legislative model, had not been discussed by the state and Commonwealth women’s advisers, including at the 1979 meeting addressed by Jocelynne Scutt (NWAC 1979: 15; Scutt 1979). It is relevant here that Penelope Stratmann, whose paper on the UK legislation was presented at the AIC conference in 1979, worked in the Office of the SA Premier’s
Women’s Adviser (O’Donnell and Craney 1982: vi). Certainly, the deft application of the ACT-based federal strategy, as well as the depth of policy analysis which informed the Draft Act proposal, suggest that the OWA and the NWAC had worked closely together. On the other hand, there is no reason to presume that the professionally experienced membership of the NWAC did not play as active and effective a role as the OWA policy experts.

The one set of possible participants whose contribution to this network of policy activism is not clearly recorded is the refuge movement. The Hobart Shelter intervention with the FLC in 1980, which has been noted, indicates both concern and current legal information in the refuge movement. As the front-runners in providing support to women striving for justice and their legal right to protection, refuge workers would, as usual, have been well informed about the short-comings of police support and the law. Some of this experience was recorded in the RCHR Report, based on research into the situation of Elsie Refuge clients commissioned by the Royal Commission (RCHR 1977: Vol. 4, 133). Despite the distance and distrust felt by community activist feminists for the OWA femocrats through these years, it is unlikely that refuge based information and advice did not play a part in the development of the Draft Act.

The Draft Act was never passed. The NWAC followed up its 1980 recommendations with more expressions of disappointment in the third Annual Report, which also notes that reference of the Council’s proposal to the Attorney General had produced advice that remedies for married women were available under the Family Law Act (NWAC 1981: 11-12). The Council’s disappointment was also conveyed in a press release (re-printed NWAC 1981: 96-7). The Council further recommended the referral to the Law Reform Commission or the State Attorneys General of the inadequacy of the defence of provocation and self-defence in the case of a woman who killed after a long period of abuse (NWAC 1981: 12). These moves were reinforced by inclusion of the legislative proposals, as well as the refuge funding issue and other aspects of the full NWAC agenda on domestic violence, in the Draft Australian Plan of Action (NWAC 1982b: 20, 18, 8).
Perhaps it is not surprising that a Commonwealth government determined to reduce its level of federal intervention did not respond enthusiastically to as robust a federal strategy as the one implied by the NWAC law reform measure. In any case, by the end of the Fraser period state governments had started to take legislative action. But none of this detracts from the significance of the first Australian domestic violence law reform proposal. At the very least the profile given to the law reform measures by the NWAC strengthened the legislative efforts of state level policy activists; this is indicated, for example, by the references to the NWAC Reports included in the key Report of the NSW Task Force on Domestic Violence in 1981, which, in turn, made a recommendation supporting the protective injunction provisions of the Commonwealth Family Law Act (NSWTFDV 1981: 138, 4). Cooperative policy activist work across federal levels of jurisdiction had helped to produce the NWAC proposal; when that line of advance was blocked, ‘the baton passed’, as it were, to state government femocrats, and they were able to take strategic advantage of reference to the Commonwealth work. This is a concrete example of the continuum of feminist policy activism operating across jurisdictional as well as political party divisions in this period.

When the Commonwealth government changed, the policy agendas and law reform legislation carried through, successively, by the state and territory governments (QDVTF 1988: 179-186) meant that the Hawke ALP government initially saw no role for itself in domestic violence policy beyond the provision of refuge funding and the passing of the Family Law Act amendments, including the possibility of a power of arrest for break of a protective injunction. This stance was yet again challenged by community women, who gave a high priority to violence against women in the Hawke government’s National Agenda for Women consultation in 1986 (OSW 1987: 52, 2). The Hawke government response, as part of that National Agenda, was a national community education initiative, the National Domestic Violence Education Program, conducted between 1987 and 1990, beyond the period of this thesis (OSW 1989a: 38).

**Policy responses relevant to women’s access to an autonomous household**

Meanwhile, feminist policy activism had also pursued the body of policy directed to increasing the economic independence of women, those measures identified in this
thesis as necessary to ensure women, with or without children, access to an autonomous household. The patterns of policy development and achievement in this area, fundamental to the survival of women striving to escape violent partners, echo those demonstrated with regard to specialised policies in response to domestic violence. On the one hand, feminist policy activists were responsible for a remarkable body of policy development and ingenious strategic processes in the Fraser government period, which were rewarded by little policy achievement under Fraser but prepared the way for some rapid action by the subsequent Hawke ALP government. On the other hand, consistent support for feminist policy initiatives proved as ambivalent under both Fraser and Hawke for autonomous household policy, and for the women’s enterprise as a whole, as it was for adoption of a comprehensive domestic violence agenda.

The measures related to economic independence pursued, but mostly not achieved, under Fraser included sex discrimination legislation, an equitable division of matrimonial property under the Family Law Act, the increase and indexation of the Family Allowances Fraser introduced in 1976 as a combination of the former Maternity Allowance and Child Endowment into a cash benefit paid to mothers, the maintenance of the Commonwealth provision of child care, maternity leave, an end to the Dependent Spouse (taxation) Rebate, and opposition to income splitting for taxation purposes in (couple based) one income families (Cass 1988: 81-2; Cass and Whiteford 1989: 290; NWAC 1979, 1980, 1981, 1982). These campaigns involved all the strategic structures, alliances and tactics which contributed to the domestic violence effort, including the Plan of Action strategies, in both national and international contexts. Most of them produced little policy achievement under Fraser. The exceptions were preservation of the principles if not the funding levels of the child care program; the amendments to the Family Law Act eventually passed by Hawke; and the contribution of a pivotal research paper commissioned by the NWAC and carried out by Meredith Edwards that demonstrated the limits of women’s access to family income, and helped to stave off the conservative push for income splitting (Brennan 1998a: 99, 117; NWAC 1981: 25-9; Sawer 1990: 58).

As with the domestic violence policy development, much of this innovative policy development prepared the way for achievement after the change of Commonwealth
government in 1983. For example, Susan Ryan ‘picked up the baton’ for sex
discrimination legislation by introducing a Private Members Bill in the Senate in
1981, which opened the way, together with the strategies within the ALP already
described as preparation for the 1983 election, for prompt ratification of CEDAW by
the Hawke ALP government (Ryan, S. 1999: 200-1, 241). This was followed by
passage of the Sex Discrimination Act and introduction of the action research
program that laid the foundations for the 1986 Affirmative Action Act (Ryan, S.

The child care program was also targeted in ALP election policy commitments and
funding increased considerably after March 1983. But the consistent efforts needed to
ensure those increases, and the fact that the price for an increasing amount of the new
funding was its designation for family-based child care, the least preferred care
delivery option, provide another demonstration that the women’s policy project was
never in an assured position under either main political player (Brennan 1998a: 173,
176-7, 188-9; Sawer 1990: 80-4). Developments in income support policy under
Hawke lead to similar conclusions. The important preparatory work undertaken by
femocrats, the NWAC and feminist scholars in the Fraser period contributed to
important social policy developments under the Hawke government, particularly in
the context of the Social Security Review. The Review provided some opportunities
for feminist social policy experts, in particular Bettina Cass and Meredith Edwards,
both of whom were given opportunities by the Hawke government to carry their work
Important resulting policies were the Child Support Scheme, the tapering of the
earnings test for the Sole Parent Pension in an attempt to break poverty traps,
increased payments of low income families through the Family Allowance
Supplement and the eventual provision of the Jobs Education and Training (JET)
scheme to assist Sole Parent Pensioners to make a return to earning work (Levi and
But other aspects of Hawke government reforms went in the other direction, for
example an end to the universal Family Allowance, built on a revived presumption
that women had equal access to family income, and cancellation of the Sole Parent
Pension when the youngest child reached 16 years, a move towards increased
financial independence in itself, but introduced before the JET program had had time
to prepare the first single mothers affected for a profound change in their life expectations (Cass 1988: 84-8; Cass and Whiteford 1989: 290-1).

A further useful conundrum is opened in the context of autonomous household policy development under Fraser and Hawke, by turning to the question of whether the policy recognition of domestic violence might have contributed to driving or shaping the broader, and particularly the economic, women’s policy agenda. Despite the powerful demonstration provided by domestic violence analysis of the negative, and even tragic, consequences which can follow from the economic dependence of women, it is difficult to find explicit policy activist use of this evidence driving autonomous household policy strategies. I have noted that the first use of domestic violence in an argument related to income support policy that I have been able to find in a Commonwealth government document was in Judy Raymond’s 1987 contribution to the Social Security Review (Raymond 1987: 10). Evidence of awareness of that connection can be found in quietly emerging policy developments, for example the introduction of regulations in the then Department of Social Security to ensure that Sole Parent Pension records did not provide violent ex-partners with means to trace women and children hiding from the danger they presented, and in training programs to ensure an appropriate response by departmental staff to women escaping violence (personal experience). When asked whether concern about domestic violence had any direct influence on the shaping of sole parent policy at this time, a former senior officer in the Department of Social Security answered that the effect of such awareness was considerable, due to the presence of so many feminist women in influential positions, but that it was seldom overt (interview material). The subtlety suggested in this tactical choice resonates with the feminist preference to build measures for economic independence on the rights of all women rather than on a ‘politics of fear’ or ‘victim status’ identification of women suffering domestic violence. But it also speaks of policy activist calculations; in terms of representational strategy, keeping economic reforms for women in equity territory presented them as safely incremental steps and avoided the disturbing role transformational implications that could have been read into a connection with gender based violence (see, again, Flammang 1997: 255-6).
CONCLUSIONS

The dominant new theme in the domestic violence policy process narrative at Commonwealth government level between late 1975 and the end of 1985 lay, as it did for the broader women’s policy enterprise, in the consequences of two changes in the Commonwealth government: those from the Whitlam ALP to the Fraser Coalition governments in November 1975, and to the Hawke ALP government in March 1983. Through analysis of those consequences I have demonstrated a variation on the presumption that women’s policy automatically meets with more success under the ALP than it does under Coalition governments. This conclusion is significant in terms both of the contextual circumstances of opportunity operating across the period of this chapter and of the nature and contribution of feminist policy activism.

Recognition of the variation on familiar conclusions about party political opportunities was assisted by a reading made in terms of the concept of policy activism. It also depends on identification of the two levels of policy process which produce policy outcomes, namely the complementary elements of policy development and the actual enactment of policy instruments. While it is certainly true that more realised policy instrument outcomes were achieved under the ALP governments concerned, it has nevertheless been demonstrated that the Fraser government period was one of intensely productive and innovatory policy development achievement within the women’s policy enterprise. It has also been found that the policy development work of the Fraser period, carried forward by means of consistent and skilful feminist policy activism, made a direct contribution to the prompt achievement of policies for women in the first years of the Hawke government, as well as playing a part in policy achievements at state government level.

If these conclusions are read in terms of the contextual circumstances of opportunity revealed, they demonstrate, to begin with, that the circumstances of opportunity during the Fraser Coalition government were not as bleak as had been anticipated. This was a result partly of the mixed and to some extent contested nature of the players in the Coalition parties, but also of the role played by women-oriented policy activists, including some Members of Parliament, in the Liberal Party. Particularly significant was the role played by Beryl Beaurepaire, including the strategic
opportunities she secured through the National Women’s Advisory Council. Similar advantages were not available to the National Women’s Consultative Council under Hawke and the ALP, although feminist policy activists within the ALP were able to capitalise on the demonstrated electoral effects of their party’s neglect of policy for women to win initial advantages for all areas of women’s policy. Nevertheless, I have also demonstrated that the supposed positive circumstances of an ALP government for women’s policy were neither reliable nor consistent. My conclusion is that governments on both sides of party politics were capable of compromising their commitment to women’s initiatives in favour of their own higher policy and political priorities.

If the same set of conclusions is also read as a demonstration of the nature and contribution of feminist policy activism under the Fraser and Hawke governments, a further significant pattern emerges. By changing the focus of this assessment from realised policy instruments to policy development, and its emphasis from party politics to feminist policy activism, the women’s policy achievements during this period can be recognised as not only exceptionally skilful, resilient and persistent but also remarkably integrated. This is not a narrative of heroic but failed policy activism in hard times under Fraser and success in good fortune under Hawke. The feminist policy activist achievement in this period, for the whole women’s policy agenda including domestic violence policy, lies in the unwavering vision and commitment which saw a project of innovative policy making flow without interruption from rich policy development under Fraser to the seizing of opportunities for policy achievement under the Hawke government. Recognition that the supposed advantages of the ALP government context were neither as reliable nor as lasting as has sometimes been presumed makes this narrative of consistent achievement all the more noteworthy.

I have also demonstrated that the same pattern of integrated and cooperative policy strategy and achievement, for the whole women’s policy agenda including domestic violence, also operated across the federal jurisdictional levels, as state government policy activists contributed to the development of Commonwealth policy proposals, and built on reference to those proposals when they carried the project to their own governments. The consistency of the integration demonstrated in feminist policy
activism across the period of this chapter is so significant that it can be added to the distinguishing characteristics of the domestic violence policy process narrative identified in the previous chapter.

At the same time it can also be concluded that the three distinguishing characteristics of the domestic violence narrative previously established have been confirmed in this one. To begin with, in further demonstration of the integration identified as characteristic of this policy process, the players in the narrative remained as diverse but as linked by consistent purpose in this period as they were in the Whitlam government period. The central significance of the survival activist role of women suffering domestic violence continued, as they recognised and made use of new intervention opportunities. At the same time, the movement of individual feminist players between the potential activist sites of community feminism, the femocracy, analytical research in a number of professional locations and the refuge movement also continued. This is not to suggest that all of the participants in the policy activist process were consistently convinced of the integration I am proposing; indeed, the pressure of circumstances for feminist bureaucrats in the context of the Fraser coalition government meant that this was a period of deteriorating communication and trust between community feminists and Commonwealth femocrats. My point is, rather, that if the achievements of the period are recognised as a linked and coherent body of feminist policy activism, the integrated commitment and direction of the women involved, despite being separated by their roles and locations, becomes evident.

Meanwhile, the significance of the second of the identified distinguishing characteristics of the domestic violence narrative, namely the implications of the early and uncontested location of domestic violence on the policy agenda, also continued in this period. In these terms it is significant that the imperatives which threatened and briefly ended designated Commonwealth government funding for refuges under Fraser were not driven by contest from either family violence professionals or the conservative family morality lobby, but rather by policy priorities for federal funding models. This eased achievement of the return of the Commonwealth funding program by the ALP. Likewise, and in confirmation of the third of the distinguishing characteristics I have identified in this process, the strategic positioning of the
feminist refuge movement, partly a result of the same early funding circumstances, also continued to be significant. The ‘hybrid’ insider/outsider policy activist role taken by refuge feminists enabled them to play an effective ‘wild card’ role in policy negotiations, while maintaining the determined independence with which they protected the representation of domestic violence they were constructing, and their service delivery philosophy.

Returning to the main thesis themes, the implications of the contextual circumstances of opportunity have already been addressed and the development of a feminist representational analysis of domestic violence in this period is examined in the next chapter. The new aspect contributed by this chapter to the theme exploring contextual implications is its demonstration of the alert care with which policy activists placed and framed the feminist analysis of domestic violence in strategic policy settings. In the contexts of both the NWAC domestic violence initiatives and decisions about use of domestic violence evidence to drive autonomous household policies, the strategic choice was to work with the safer incremental framings of equity and justice rather than overtly risking the role transformational implications of announcement of a structural analysis of gender based violence.

In terms of the theme considering the relationship between the domestic violence policy project and the broad women’s policy enterprise, it can be concluded that in this period domestic violence policy took its place, nationally and internationally, as an accepted and primary aspect of women’s policy. At the same time, for the reasons just established, it did not appear to be used in this period, except perhaps by implication, as a driver for other related aspects of the women’s project. On the other hand, no evidence emerged in this period to suggest that specific policy attention to domestic violence was seen by feminist policy activists as in any way detracting from or compromising the broad women’s project.

Finally, the chapter has contributed to the thesis theme inquiring into the relationship between policy strategies and policy outcomes. To begin with, the chapter demonstrates how contingent that connection can be. Not just the framing of domestic violence presented, but also the policy proposals made, were pragmatically moulded to the possibilities and opportunities of the relevant policy context. This was partly a
matter of the strategic choice to work incrementally rather than transformationally, made in the complex political environment of governments which could not, any of them, be relied on to provide consistent support for women’s policy. It also followed from the underlying reality, established in the first chapter in the context of late nineteenth century feminist policy activism, that policy is also constrained by the contextual limits of representational expectations about what policy can do. This is a theme which will be developed further in Chapter Six. In the meantime it can also be observed that the policy proposals worked on in the period of this chapter begin to indicate that policies which may appear limited by either strategic necessities or contextual constraint can nevertheless contain the potential for transformational responses. Development of this claim will also wait for investigation of the achievement of some of those policies in NSW in the final chapter of the thesis.