CHAPTER SIX: Building a comprehensive policy agenda. The domestic violence policy process in NSW

The three previous chapters investigated the strategies of feminist policy activism which drove the domestic violence policy process under three consecutive Australian Commonwealth governments. That analysis established that the Australian federal Constitution shaped the women’s policy process, including the domestic violence process, both through the necessity posed by the federal division of powers, and by offering feminist policy activists opportunities to shift focus between jurisdictional levels as governments changed and to build federal activist networks. I have also demonstrated that the feminist policy project and the strategies of policy activism which drove it maintained a remarkable degree of integration and continuity between governments of differing political parties and across federal jurisdictional levels.

In this chapter, I continue my analysis of the Australian domestic violence policy process and its distinguishing characteristics through examination of the first stages of the policy process which took place in the state of NSW. As I explained in the Introduction, NSW was chosen for investigation because it was the first state in which it was possible to initiate a broad agenda of policy related to domestic violence, and because it was the first state to apply the pattern of tactics subsequently adopted in each of the states and territories. It is as the strategic ground breaker, rather than as a solitary initiator, that NSW has been chosen to represent state level policy activism on domestic violence in the thesis.

All of the main themes pursued in the thesis, together with the distinguishing characteristics progressively identified in the policy process narrative, are further investigated and tested in this chapter. The new focus it provides lies in the initiation in NSW of many of the policy responses to domestic violence towards which the work investigated in the previous chapters had been building. Indeed, it can be argued that the policy proposals and achievements examined in this final section of the thesis would not have been possible without the sequence of experiences, strategies, research projects and analytical framings that made up the process narrative of the earlier chapters. Arrival at the achievement, for the first time, of a body of Australian
policy in response to domestic violence brings to the fore the thesis themes addressing policy implications. The outcomes of the NSW process in this period make it possible to assess the relationship between the policy activist strategies adopted to this time and the policies achieved, in terms both of the influence of the strategies on the policies enacted, and of determining whether those strategies reached their intended objectives. Likewise, these events make it possible to complete assessment, at least for the time period of the thesis, of the strategic place of the domestic violence project within the broader women’s policy enterprise.

The research sources for this chapter are key policy documents, supplemented by participant interviews. Foremost among those documents are the two major reports which drove the NSW domestic violence policy process: the 1981 Report of the NSW Task Force on Domestic Violence (NSWTFDV1981) and the 1985 Report of the NSW Domestic Violence Committee (NSWDVC 1985), appointed in 1983 to oversee and monitor implementation of the recommendations of the 1981 Report. Textual analysis of the reports makes it possible to analyse the various representational strategies adopted by the participants and to explore the tensions between some of those strategies. This, in turn, assists conclusions about the eventual relationship between the strategies adopted and the nature of the policy outcomes achieved.

The chapter begins with a discussion of the political and bureaucratic context in which the NSW domestic violence policy process emerged and the opportunities it offered. It continues with an examination of the policy process furthered by the two major reports identified, and the analysis of those reports, together with other significant policy documents. A consideration of the policy instruments resulting from the process, and of their implications in relation to the policy process narrative constructed by the thesis, follows.

**THE INITIATION OF DOMESTIC VIOLENCE POLICY IN NSW: THE POLITICAL AND BUREAUCRATIC CONTEXT**

The immediate context for the launch of the NSW domestic violence process was the election of an ALP state government lead by Neville Wran in May 1976. The opportunities opened to the women’s policy project by election of the Wran
government included the ALP commitment to participative democracy and the reform principles of the ‘new public administration’, which included equity along with accountability and efficiency (Eisenstein 1996: 31-3; Wilenski 1977; Alaba 1994: 137-44; Encel, Wilenski, Schaffer 1981; Goodwin 1999: 95-7; Sawer 1990: 155-6). The new Premier’s sympathy for women’s issues had already been demonstrated by his bold step in September 1975 of moving, as Opposition Leader, the first proposal for a Sex Discrimination Bill in NSW (Goodwin 1999: 170-1). On the other hand, the norms of the Australian Labor Party were still not automatically conducive to the women’s policy enterprise (Chappell 2002: 54-5, 63-6 171; Sawer 2003: 122-42). A WEL delegation was required to urge Wran to establish a women’s advisory unit, and Violet Lloyd, a Liberal MP who had been instrumental in achieving establishment of the first NSW Women’s Advisory Board (NSW WAB) under the Lewis Coalition government in March 1975, had to threaten a motion for a Select Committee on women and single parents to help to secure a continuing women’s council (Sawer 1990: 152; Goodwin 1999: 173-6). Carmel Niland, a founding member of both WEL and the USA National Organisation for Women (NOW), was appointed as the first Premier’s Women’s Adviser (Sawer 1990: 152). Niland laid the foundations of the NSW women’s policy machinery and was instrumental in establishment of the first legislated Australian system for equal opportunity in public sector employment (Sawer 1990: 153-6).

Niland and the WCU also engaged in various forms of policy activism related to domestic violence, with the Council providing further opportunities for interventions by women suffering partner violence though its consultation program. Niland specifically appointed a refuge feminist to the staff of the WCU; this was almost certainly Barbara Wertheim, whose name appears in the 1979 incoming Director’s Briefing for Niland’s successor and whose earlier role on the Commonwealth IWY Secretariat was noted in Chapter Three (Sawer 1990: 153, 12-3, 16; NSWWCU 1979). Niland’s role in defending and extending NSW refuge funding as the Fraser government reduced and then withdrew from the provision of funds through the Community Health Program has also been noted in Chapter Four (McFerren 1990: 196, 198).
Late in 1979 Carmel Niland resigned, and in February 1980 Helen L’Orange was appointed Director of the WCU. L’Orange would remain at the WCU across the change of ALP Premier from Neville Wran to Barrie Unsworth in July 1986, leaving in late 1988 for the position of First Assistant Secretary (CEO) of the Commonwealth Office of the Status of Women after the change to the NSW Greiner Coalition government in March 1988 (Sawer 1990: 156-62).

Helen L’Orange arrived at the WCU with experience in strategic policy engagement as a community activist and as an Alderman on Strathfield Council from 1968. L’Orange was a founder member of NSW WEL and a member of the Local Government Sub-Committee of the pioneering NSW WAB from 1975-6 (Daily Telegraph 10 June 1971:1; Cox 1979; Wran 1980). Partly as a result of the skill and energy of L’Orange and her staff, partly through the continuing enthusiasm of Wran and his government for the electoral rewards of the women’s project and partly through the growing energy of the NSW women’s policy community, L’Orange’s term at the WCU saw an explosion of structural and policy achievement. The ‘hub/wheel’ model of women’s machinery expanded and the women’s policy issues addressed spread to include non-sexist education, the access of girls to apprenticeships, community based child care, the establishment of women’s health centres, women’s access to housing, and the dependency of women on minor tranquillisers (Sawer 1990: 156-160; Allen 1990: 29; Goodwin 1999: 168-72). Ongoing work on rape, sexual assault, domestic violence and eventually child abuse proceeded in this energetic context.

The policy activist expertise driving the WCU in this period is particularly illustrated by the policy and budgetary achievements that Helen L’Orange built upon the innovation, introduced by Carmel Niland, of an annual Premier’s reception on International Women’s Day (IWD) (Sawer 1990: 161; Eisenstein 1996: 96). The Premier’s Statements on those occasions indicate the stages in that process. In 1984, the IWD Statement was announced by Premier Wran, 16 days before a state election, as ‘the Government’s Policy for Women’; it included the commitment that: ‘In future the [WCU’s] input into the State Government’s budgetary process will be formalised to ensure that major economic decisions are assessed in the light of their impact on women’ (Wran 1984). The 1986 Statement had Wran report on the outcomes of this
commitment: ‘...on International Women’s Day in 1984, I announced … that the Women’s Co-ordination Unit would have direct input into the State’s budgetary process. An effect of this was seen in the 1985/86 budget when some $200m was allocated, much of it new money, to women’s programmes’ (Wran 1986). Marian Sawer later acknowledged that L’Orange’s ‘persistence and political skills were responsible for budget allocations for women which were the envy of other states’ (Sawer 1990: 161).

THE NSW DOMESTIC VIOLENCE TASK FORCE: THE DOMESTIC VIOLENCE POLICY STRATEGY BEGINS

The fertile context of opportunity for women’s policy provided by the Wran ALP government was the environment in which the NSW domestic violence policy process was launched; the strategies which drove it provide a further demonstration of the policy activist energy and skill of Helen L’Orange, the other participants in the women’s policy machinery and the women’s political community in NSW. This process was not only the next stage in the Australian domestic violence policy narrative, but also a quintessential demonstration of the operation of feminist policy activism. The strategic medium for the domestic violence process was the NSW Task Force on Domestic Violence (NSWTFDV), which was announced by Premier Neville Wran at the NSW Labor Women’s Conference on 14 March 1981 (NSWWAC 1981: 7).

The origins of the NSW Task Force on Domestic Violence

The path to the proposal for the Task Force on Domestic Violence is not entirely clear. Ludo McFerren records that it was the result of persistent lobbying by refuge workers, who ‘took examples of police inaction and magisterial indifference’ to the WCU, which subsequently urged the Premier to set up the Task Force (McFerren 1990: 202). Sue Goodwin includes the Task Force in a list of committees instigated by the WAC, in the course of its ‘major [role] in the development of policies and programs for women’ (Goodwin1999: 209-10). There is no need for these claims to be read as either contradictory or competitive. A multi-faceted policy initiation could be predicted from, and demonstrates all of: the strength and political positioning of the NSW refuge movement; the role played by the WAC in providing sites for the
intervention of women suffering partner violence; the energetic engagement of the WCU with refuge funding policy; and the fact that everyone involved in the new NSW venture would have known about the concurrent work being undertaken by the Commonwealth NWAC and WAB, as discussed in Chapter Four, to achieve a national policy breakthrough through ACT legislation. The choice of the NSW Labor Women’s Conference for Wran’s announcement of the Task Force suggests the involvement, or perhaps the gathering in, of yet another strategic women’s policy location.

In addition to this widespread commitment to action on domestic violence, the work already undertaken by the WCU on rape and sexual assault provided a useful policy logic in proceeding to work on domestic violence. The rape/sexual assault initiative also followed women’s movement lobbying, driven by feminists working in and for the Sydney Rape Crisis Centre and by WEL, in the context of the review the criminal law of NSW initiated by the new Wran government. The strategy followed in this area set a methodological precedent for the domestic violence process. It included a review committee, a consultation and information exercise by the WAC, law reform through the NSW Crimes (Sexual Assault) Amendment Act, 1981, establishment of the NSW Sexual Assault Committee and a public education strategy (Franzway et al 1989: 108; Goodwin 1999: 200; NSWITF 1978; NSWSAC 1985; NSWCPU 1985).

Unfortunately this process also resulted in bitter and lasting disagreement between feminist activists, particularly over adoption in the legislation of the term ‘sexual assault’ rather than ‘rape’ (Franzway et al 1989: 111-2). Jocelynne Scutt felt so strongly about this issue that she recorded it as an occasion when ‘women bureaucrats worked on the patriarchal side’ and were ‘responsible for “watering down” the feminists’ demand’ (Scutt 1985a: 18).

The issue of why it was that NSW work on violence against women began with rape/sexual assault rather than domestic violence, when foundation of the first rape crisis centres if anything followed the first women’s refuges, is useful in clarifying the policy dilemmas involved in a response to domestic violence. I would argue that the answer lies with the greater ‘policy readiness’ of rape reform possibilities. The ancient positioning of rape within the criminal law gave it an existing policy location; much of the thrust of women’s movement policy activism with regard to rape has
been directed to the reform of existing law and related police and judicial practice rather than, as with domestic violence, requiring the development of an entire new and comprehensive policy approach. This does not mean that the achievement of feminist reform relating to rape has been an easy matter; rather, the long established legal, policing and judicial location of rape and sexual assault policy has set the parameters for the frustrating continuing struggle to achieve a feminist impact in this area. But in considering the sequence of feminist policy work on violence against women in Australia, it can be observed that the first rape law reform work was undertaken while feminist analysis of domestic violence and its policy implications, through the processes investigated in the previous chapters, was still proceeding towards the point where a developed response to domestic violence was feasible.

The Task Force process

The NSW Task Force on Domestic Violence met for the first time on 18 March 1981, just four days after Wran’s announcement, with heroic Terms of Reference and instructions to report within three months. The Terms of Reference, which referred to ‘domestic violence’ or, in reference to the law, to ‘domestic assaults’, encompassed examination of relevant NSW laws and proposals for their reform; the review of all services already provided for the ‘treatment and support of victims of domestic violence’, identified as health, welfare, legal and police services; investigation of the adequacy of the professional training of personnel in all those sectors; an inquiry into the implications for victims of domestic violence of the policy and practices of both the public and the private housing sectors; and the provision of advice about measures to ‘prevent or alleviate incidence of domestic violence.’ The Terms of Reference also instructed the Task Force to ‘bear in mind the multi-cultural nature of our society’, and approached the underlying issue of the access of women seeking to escape a violent partner to an autonomous household through the focus on housing issues (NSWTFDV 1981: ii).

The Task Force came very close to upholding their challenging timetable: the Task Force’s Report, of 181 pages and with two substantial research reports and a lengthy Bibliography as Appendices, was delivered to the Premier in July 1981 (NSWTFDV 1981). The Task Force Report initiated a series of policy and legislative measures
and establishment of the NSW Domestic Violence Committee (DVC), with responsibility to monitor, coordinate and eventually evaluate the outcomes of those measures. The DVC produced a series of Reports which chart the development of NSW domestic violence policy in the period of this thesis and beyond (NNSWDVC 1985, 1989, 1991). The first of these, delivered in 1985, will be examined later in this chapter.

The process initiated through the Domestic Violence Task Force can be read as a textbook-perfect piece of policy cycle (or framework) methodology (See, for example, Bridgman and Davis 2004: 22-8, 164; Edwards 2001: 3). The Task Force proceeds from issue identification to definition and articulation in a detailed discussion of the nature of domestic violence and its implications (NSWTFDV 1981:32-9). Analysis of the issue and possible policy responses were undertaken through policy development research, which included an assessment of available statistical data, a review of national and international theoretical and policy literature, examination of policy initiatives in other Australian state jurisdictions and related nations, and two pieces of freshly commissioned research, namely surveys of women’s experiences of domestic violence and support services and of Aboriginal women’s particular experiences of family violence (NSWTFDV 1981: Appendices 1, 2, 4). The Task Force also undertook consultation with urban and rural refuges and other crisis services; by inviting oral submissions from those working in relevant fields and women who had suffered violence, 300 of which were received; through further written submissions; and through another round of consultation at the policy development stage (NSWTFDV 1981: 2, Appendix 3). Finally, the Task Force made 186 policy recommendations, many of which were subsequently developed, negotiated and implemented (NSWTFDV 1981:3-31). The Report also recommended a mechanism to attend to the classic post implementation tasks of policy monitoring and evaluation; this was provided by the DVC (NSWTFDV 1981: 177).

On the other hand, the Task Force Report and the subsequent process provide many indications that this classical policy cycle appearance was itself a policy activist strategy, designed to contain a complex living process with its own distinctive nature and internal tensions. Those tensions included some of the same risky ‘from the ground up’ characteristics as the earlier stages of the policy arrival of domestic
violence. Some of the indications of that process and its particular characteristics are evident in the 1981 Report; others will be demonstrated in differences between the 1981 Report and the first DVC Report in 1985.

The Task Force participants

The first indication of the strategic nature of the Task Force process can be found in the list of participants and its implications (NSWTFDV 1981: i). The Chair of the Task Force was Dr Greg Woods, Director of the Criminal Law Review Division of the NSW Attorney General’s Department, who was the bureaucratic initiator of the earlier work on rape law reform. The Director of the WCU, Helen L’Orange, sat on the Task Force, but the Convenor was Barbara Wertheim, already identified for her refuge experience and policy contributions; it is worth noting that this was possibly the only occasion that L’Orange did not herself play the leading role in a prominent WCU policy process. Three Task Force members, including two refuge participants, were designated ‘community representatives’. The weighting of the community representation is an indication of the positioning of refuge feminism in the Task Force; the implications of this will be returned to below. The rest of the Task Force members were all either public servants or representatives of government agencies, including the NSW Police, YACS, the Health Commission and the Housing Commission of NSW.

The significance of this membership becomes evident when it is recalled that the NSW Task Force was the closest Australian equivalent to this time of the ‘set piece’ enquiries through which domestic violence reached the policy arena in the UK, the USA and Canada. This recognition underlines the significant absence from the Task Force of any obvious professional representative of the individual pathology approach to family violence. The Task Force Terms of Reference, framed from a presumption that a broad social response rather than an individual pathological one is the appropriate policy direction, convey a similar implication. Indeed both the membership and framing of the Task Force can be read as an announcement that the social/individual debate was over, and that the feminist social structures representation of domestic violence had prevailed, at least in the NSW policy setting. The further implication is that the strategy represented by the framing of the NSW
Task Force was built on, and again demonstrates, the significance of the uncontested insertion of domestic violence into the Australian policy agenda, which is identified once more as a crucial characteristic of this policy process.

**The strategic voices of the Task Force Report**

A second demonstration of the strategic quality of the Task Force process, and of its living complexities, is provided by the Task Force Report. The differences and tensions between the voices it includes will be demonstrated by a comparative analysis of the main body of the Task Force Report and the report of the research survey of women’s experiences of domestic violence and support services undertaken for the Task Force by the BCSR, and printed as an Appendix (BCSR 1981; NSWTFDV 1981: Appendix 1). The BCSR report will be examined first.

The BCSR survey was conducted through a questionnaire published in the *Sunday Telegraph* newspaper on 12 April 1981. While hardly a scientifically ideal method of conducting a statistical survey, this approach enabled the BCSR to hear quickly and directly from hundreds of women who had experienced partner violence. Over 450 responses were received. Those responses were subjected to a quantitative analysis, including demographics of the respondents; a qualitative analysis of two open-ended questions; and further qualitative consideration of the letters which 57 of the respondents attached to their replies (BVSR 1981: 3-8). The survey report reached a series of familiar conclusions, which were reinforced by reference to other recent local research. These were: that domestic violence is serious; that nearly a third of the women were attacked after the relationship had ended; that the violence was persistent, with most attacks occurring either weekly or several times a year; that although many of the women mentioned alcohol in describing the attacks, this was not consistent with wider research placing alcohol as ‘a trigger rather than a cause’; that most women waited years before seeking assistance; and that economic dependence and consequently insecurity, along with fear of reprisals, guilt feelings and emotional insecurity, were among the reasons that the women had not left their assailants (BCSR 1981: 20-1, 18, 19, 24, 23, 33). With regard to available services, it was found that the police and medical professionals were those to whom most of the women had turned, but that fewer than 50% of the women ‘indicated satisfaction with the assistance
received’ (BCSR 1981: 35). The only exception to the general dissatisfaction with the support available was the appreciation expressed for women’s refuges (BCSR 1981: 30, 35). These findings provided the case to support suggestions for law reform, better training for all relevant service providers and more funding for refuges (BCSR 1981: 4).

Altogether, the BCRS report provides a skilful demonstration of the strategic use of fresh research in a policy context. Its authors make confident use of sociological methodology, provide a succinct and even dry statement of results, and then leave it to the voices of the women themselves, through a selection of their letters, to provide the messages of trauma and suffering. The outcomes are deftly tailored to the opportunities offered by the Task Force Terms of Reference and to providing support for feasible policy recommendations. This report clearly contributed to laying a convincing foundation for the outcomes of the Task Force Report as a whole.

The main body of the Task Force Report, on the other hand, could not have been more different from the BCSR report in either its representational or its strategic approach. The contrast begins in the first chapter of the Report, headed Basis of the Report (NSWTFDV 1981: 32-9). This chapter makes as boldly assertive a statement of the feminist social structures representation of domestic violence as had yet been made in an Australian policy document. It speaks with energy and passion, providing a naked statement of feminist certainty in the language of sexism, sex role socialisation and stereotypes and ‘a structural inequality of power in relations between men and women’, which is shockingly stark in comparison with the cautiously argued and painstakingly referenced representational strategies applied in the BCSR report, and, indeed, in every subsequent Australian policy document on domestic violence (NSWTFDV 1981: 35-6, 33). This is a statement which resiles from the cautious equality based ‘incremental’ representational approach identified in the almost concurrent Commonwealth WAB/NWAC work; it moves boldly into more strategically confronting role transformation territory (Flammang 1997: 255-6).

Perhaps this statement was deliberately drafted to complement the equally feminist academic care of the BCSR review report. The differences between the two statements do not involve differences of direction; both pieces of work are framed
from the same feminist structural representation of domestic violence, and in that sense provide further demonstration of the integration across roles observed as a distinguishing characteristic of this process. It is in their strategic approach that the differences appear. It is also possible some of the assertion is bravado, masking the uncertainties of an analysis which was still at least partly a work in progress. Support for this possibility can be found in the confusing account of ‘cycle of violence’ analysis, which appears to be both supported and denied (NSWTFDV 1981: 34-5). The introductory chapter moves onto firmer ground at its conclusion, where the tactic of letting the women speak for themselves is used to answer the perennial question, ‘Why don’t they leave?’ (NSWTFDV 1981: 38-9).

The same contrasts in drafting strategy continue in the tone and structure of the main body of the Task Force Report. The BCSR survey report moved tightly from a set of research findings to the recommendations they indicated. The Task Force Report, by contrast, is gloriously sprawling in its breadth and reach, and also in its defiance of some aspects of bureaucratic practice, and even of policy reality. It is unconventionally long for a policy document, with its 182 pages of main text, 147 pages of Appendices and 186 recommendations (NSWTFDV 1981: 3-31). The chapters speak with several distinct locational voices rather than as a smoothly integrated piece of bureaucratic drafting. The ambitious catalogue of recommendations reaches so far beyond the Terms of Reference that one senior participant referred to them disparagingly as ‘a wish list’ (interview with participant public servant). Some recommendations defy the jurisdictional constraints of the federal Constitution, for example with regard to Family Law reforms, child care funding and Supporting Parent and Widows pensions (Recs 14, 29, 155, 76, 181, 177). Others reach beyond the policy arena, for example addressing universities about the training of doctors, social workers and nurses, and the various churches on their response to women suffering partner violence (Recs 52-3, 142). Yet another addressed all the governments at once in a visionary recommendation for ‘a just system of land rights for Aboriginal people, since it is clear that social problems, such as domestic violence will not be solved until this occurs’ (Rec. 142).

The Report was unquestionably a remarkable achievement. Although completed in a remarkably short work period it reached right across the implications of domestic
violence identified to this time and effectively laid out the agenda of issues and possible responses which would shape the domestic violence policy work of Australian state and territory governments for decades to come. It reached across the law, policing, health, welfare, housing, refuges, crisis intervention, the particular needs of Aboriginal and migrant women, and preventative measures, including the difficult issue of treatment for perpetrators. It grappled with the complex range of relevant legal dilemmas, including police powers of entry; effective application of the existing law of assault; the vexed issue of making the victim spouse a compellable witness; the dilemma of de facto relationships and state government powers in marital matters; and operation of the laws of defence for a long violated wife who finally commits murder. The Bibliography provided makes it clear that the Report was based in all of the key Australian work to this point, with the interesting exception of the findings of the RCHR, and an impressive range of international material (NSWTFDV 1981: Appendix 4).

This wealth of achievement and recommendation makes the one significant absence from those recommendations all the more remarkable. Although the legal discussion appears to head in this logical direction, the Report omits to spell out a specific recommendation for provision of an effective protection order for victims of domestic violence. This was the measure, to be named in NSW the Apprehended Domestic Violence Order, which would be the key-stone of the policy response to the Task Force, as it was in law reform responses to domestic violence in all related jurisdictions. The emphasis of the Task Force recommendations is on the need for a power of arrest to be attached to injunctions under the Family Law Act; the subsequent, almost incidental, proposal that a similar power of arrest ‘should apply equally to orders made under the recommended NSW Domestic Violence Act’ is the only mention of a new protection order measure among the Task Force recommendations (NSWTFDV 1981: Recs 14-17). The lack of a specific recommendation on the protection order provision suggests that it was either so thoroughly taken for granted that a reinforcing recommendation was overlooked, or that its absence is an indication of the rush of work involved. That pressure, and the exuberance which accompanied it, is also indicated in the unlikely assurance made at the end of the Report that: ‘Many of the recommendations … can be implemented
within twelve months. Most of the recommendations can be implemented without cost’ (NSWTFDV 1981: 181).

The dilemma involved in placing this Report as a piece of policy work lies in assessing an impressively thorough and daringly innovative body of work operating so far outside the strategic conventions of the policy arena. Is this, a piece of highly visionary and brilliantly opportunistic policy activism, seizing a rare immanent opportunity at whatever the cost, or is it an example of naively idealistic, inexperienced and consequently foolhardy and flawed policy work? Both possibilities are implied, and also resolved, in a further remarkable section of the Report: the tight one page Introduction with which it begins, and which might well represent the intervention of the policy manager (who was, of course, Helen L’Orange) faced with the task of turning the vision of the Report into a focussed and immediately feasible policy agenda (NSWTFDV 1981:2). The Introduction speaks with the policy activist voice of the future of this enterprise. It succinctly establishes the credentials of the Task Force through its appointment by the Premier and establishes the authority of its conclusions in five dot points listing the sources of its evidence. The focus on ‘matters related to women in a violent relationship with a man’ is established. Then two one-sentence paragraphs deal with the breadth of the Report. The first of these pulls the focus back to NSW: ‘The recommendations present a framework for tackling the problem in New South Wales’, and imposes a reasonable time frame: ‘Some of the recommendations can be implemented immediately, others provide the basis for a long term action programme.’ The final sentence/paragraph then provides a perspective for the cross-federation recommendations: ‘Domestic violence is a deep-seated national problem. Governments at all levels, the community and individuals will need to pull their weight if the extent of domestic violence is to be reduced and eventually eliminated.’ This is elegantly effective drafting which does nothing to resile from the feminist achievement of the Report, or from its implications. A ground breaking policy agenda had been set. Now work would be gathered back into the policy realities of NSW.
The role of refuge feminism in the Task Force on Domestic Violence

Before moving on to the next part of the domestic violence process, attention must be given to the place within the 1981 Task Force and its Report of the refuge movement and refuge feminism. This consideration involves another of the suggestive contrasts to be found in the Task Force Report. On the one hand, the style, voice and vision of the Report, as well as the directions of its recommendations, demonstrate the strong place of refuge feminism in the Task Force process. Indeed, it is not too strong an assessment to say that the ownership of the Task Force process lay with refuge feminism. This is also indicated by the strong refuge representation on the Task Force, including that of the Convenor, Barbara Wertheim. These circumstances suggest that the individual ‘hybrid’ positioning of the feminist refuge movement in relation to the policy arena continued its significance in this process, and may, indeed, have been strategically placed in the Task Force by means of the strong representation of refuge feminists.

On the other hand, the Report chapter on Women’s Refuges is expressed in a significantly less confident tone than the statements of refuge feminism elsewhere in the Report. It is not surprising at this point in the Fraser government refuge funding drama that the chapter is preoccupied by the funding issue. But the reason for the note of caution, and even anxiety, in the chapter appears to be related to the challenges following from the increasing diversity of the refuge movement, and in particular inclusion of refuge managements operating under ‘a more traditional management structure’, and even questioning the feminist social framing of domestic violence (NSWTFDV 1981: 136). The first strategic response to these uncertainties was establishment in 1977, through the WCU and the refuge liaison officer in YACS, of a set of Refuge Funding Guidelines based on feminist refuge principles; these were reinforced by the Task Force, and again by the first evaluation of the NSW refuge program in 1982 (NSWTFDV 1981: Rec. 130; Perry et al 1982: 2-3). But the guidelines strategy was lost before it had begun. In December 1977 the YACS officer secured the support of her Minister ‘in opposing the funding of church-run refuges, because they were considered incompatible with the model of existing refuges.’ Ludo McFerren records, however, that ‘this policy was over-ridden by the Premier [Wran] for reasons of political expediency’ when Catholic organizations put pressure on the
NSW ALP right-wing (McFerren 1990: 196-7). The Women’s Refuges chapter in the Task Force Report is a product of the complicated refuge movement built on this decision. Ironically, the contrasting messages of the Report indicate a refuge feminism with a strong position within the policy activism of the policy project as a whole, but a more vulnerable grasp on the politics of its own community based movement.

THE REPORT OF THE NSW DOMESTIC VIOLENCE COMMITTEE: APRIL 1983 TO JUNE 1985

The next major policy paper on domestic violence produced in NSW makes it clear that the strategic style expressed in the Introduction to the 1981 Report of the Task Force on Domestic Violence had been well and truly established as the ongoing mode of the policy process. That paper was the first Report of the NSW Domestic Violence Committee established in April 1983 to coordinate and monitor implementation of the Task Force recommendations (NSWDVC 1985: 1). The Report includes an account of policy measures achieved following the Task Force and their early outcomes; it also provides information about the policy activist strategies adopted in bringing them about and ensuring their continuity. The most important of those strategies was the DVC itself.

This section begins by investigating the policy activist strategies made evident by the DVC Report. It then gives an account of the major policy initiatives reported by the DVC, and concludes by returning to consideration of the place of the refuge movement and refuge feminism in these processes.

Policy activist strategy and the NSW Domestic Violence Committee

The DVC was not only the oversighting body for the NSW domestic violence policy agenda; it was also the means of securing control over that process for the WCU, for Helen L’Orange as its Director, and for the women’s policy enterprise. The account of the role and origins of the Committee on the first page of the DVC Report makes that clear. The Committee was announced in the legislative context of the Premier’s Second Reading Speech on the domestic violence legislation introduced to the NSW Parliament in November 1982. The Report quotes from that Speech, in which the
Premier stated that all of the government’s relevant reforms, including those ‘in housing, community services, education and health’, would be ‘coordinated and monitored by the Domestic Violence Committee which [would] be convened by the Director of the Women’s Coordination Unit in my department’ (NSWDVC 1985: 1). This, as the Terms of Reference of the Committee further demonstrate, gave the Committee and its Convenor an oversight authority far stronger than the usual arrangements for an interdepartmental committee (NSWDVC 1985: 1-2).

The membership of the DVC reinforced that situation. All of the departments and agencies involved in the response to domestic violence, with one exception, were represented on the Committee. Those represented were the NSW Police, YACS, the Housing Commission, the Department of Education, the Department of the Attorney-General and Justice and the Premier’s Department; the exception was the Health Commission, which had played an unhelpful role on the Task Force and would not join the DVC or contribute to the policy initiatives until after the 1985 Report. The major departments were represented by officers at a more senior level than those who had attended the Task Force and each had either one or two seats on the DVC. The WCU was represented by two members, the Director, Helen L’Orange, who was both Chair and Convenor and the Acting Executive Officer for the Committee; the WCU members also represented the Premier’s Department. Three members of the Committee represented the refuge movement, two attending as alternates for each other; the community based Kingsford Legal Centre was also represented (NSWDVC 1985: 2-3). This meant that the feminist members of the Committee were in the majority and that the refuge movement had potentially more members, despite the alternate arrangement, than any other program or agency. It also meant that their voices carried the same formal weight as those of ranking police officers and senior departmental staff. At the very least, L’Orange had placed the refuge feminists so that they could continue their ‘ginger group’ advocacy of the feminist representation of domestic violence.

In contrast with this apparently favoured placement of the refuge feminists, the form and voice of the DVC Report confirm that the free-wheeling refuge-oriented unconventionality of the Task Force process and drafting was not repeated. The tension between the strategic voices and roles in the Task Force Report had been
resolved in favour of a style shaped to and making elegant use of bureaucratic convention. This was a tactical choice entirely consistent with the strategic conviction expressed by Helen L’Orange wherever she worked in women’s policy that the way for feminist policy activism to succeed was through a punctiliously professional observation of bureaucratic forms and processes (interviews with fellow public servants; personal experience). The policy outcomes achieved support her conviction. Nevertheless, the changed strategic style created unease among refuge feminists and compounded the distrust left by the rape law process. Ludo McFerren, a refuge activist and advocate, described the Task Force process as ‘a good example of feminist co-operation between the frontline and the bureaucracy’, but the subsequent arrangements as the filtering of issues ‘through the committee systems’ that were ‘run by parts of the feminist bureaucracy’ (McFerren 1990: 202-3). The folklore of the Sydney women’s movement remembers these days in similar terms, as the period when the democrats closed out the refuge feminists (interview with women’s services participant of this time). The significance of the contribution of the refuge feminist participants in the DVC is demonstrated by the policy outcomes, and their further strategies as a movement are examined below. But the more traditional bureaucratic style adopted at this stage of the policy process certainly alienated some refuge feminists, while reminding them of how close their carefully preserved hybrid role had brought them to the policy centre.

Building a domestic violence policy agenda

The policy achievements reported in the 1985 DVC Report represent those elements from the great expanse of the recommendations made by the 1981 Task Force which it had been feasible to introduce in the succeeding three years. Those achievements, like the policy process itself, deeply disappointed refuge feminists (McFerren 1990: 202-3). Those criticisms will be considered in the context of assessment of the relationship between the policy activist process and policy outcomes in the final section of the chapter. Here the refuge feminist disappointment can be balanced by observation that three significant new areas of policy initiative were introduced in the period covered by the first DVC Report. These addressed law reform, the housing needs of women escaping domestic violence and the first policy attempt to produce preventative initiatives, including the considerable innovation of a campaign of
community education. The potential state policy area left untouched at this time was the public health system; action in this area began before the subsequent DVC Report in 1989 (NSWDVC 1989: 75-8).

The most substantial of the policy responses at this time was unquestionably the set of major reforms to the NSW Crimes Act introduced to the NSW Parliament in November 1982 and proclaimed as the Crimes (Domestic Violence) Amendment Act in April 1983. This legislation was greeted at its Second Reading (9, 23, 24 November 1982) by members of all political parties and independent members in both houses of the NSW Parliament with unanimous support and a series of remarkable speeches. The speeches, and particularly those of the Premier, Neville Wran, and the Attorney General, Frank Walker, were carefully drafted statements based on the feminist research and analysis undertaken since the early 1970s. In these speeches, the feminist representation of domestic violence was announced, with the highest possible political endorsement, as government policy. The only wild card in the consistent reiteration of the feminist framing was Legislative Council Member and conservative Christian activist, the Rev. Fred Nile, who supported the measures but blamed domestic violence on the uncontrolled availability of both alcohol and pornography (NSWDVC 1985: 130-1). The speeches represented a hard worked policy activist strategy driven from the WCU, the significance of which was underlined by a further tactical decision to re-print the Second Reading speeches in their entirety, as well as the complete legislation, as Appendices to the 1985 DVC Report (NSWDVC 1985: 81-132).

The legal reforms enacted reflected almost exactly the proposals of the 1981 Task Force, including its implied recommendation of a protection order measure. They also built on the great body of work through which feminists in Australia, the United Kingdom, the USA, Canada and New Zealand had responded to the failure of the existing criminal law, and of policing and judicial practice, in providing either protection or justice for victims of domestic violence. They were also, despite small variations, of a piece with the model legislation sought by the Commonwealth WAB and NWAC through the ACT, and the reforms that had been or would be introduced by each Australian state and territory.
The core of the NSW legislative changes was the measure named in NSW an Apprehended Domestic Violence Order (ADVO). It would be available from a magistrate to ‘a person who reasonably fears violence from someone who is their lawful or de facto spouse’, and could impose ‘restrictions on that spouse’s conduct for up to six months’ (NSWDVC 1985: 9-10). Amendments added in December 1983 extended these terms to cover spouses who no longer co-habited, in recognition that some of the most dangerous assaults take place after couples have separated, and to refer to ‘harassment or molestation’ as well as ‘actual or threatened violence’ (NSWDVC 1985: 133-8, 140-1). Police were given automatic powers of arrest in the case of a breach of an ADVO (NSWDVC 1985: 5, 9-10). The legislation also dealt with the problem of police powers to enter private premises by making provision for telephone warrants; made a spouse a compellable witness, with some conditions of exemption, to solve the problem of pressures placed on or felt by a woman in bringing a complaint against her partner, and consequent police frustration about withdrawn complaints; and made it clear that the Bail Act should be used to ensure the protection of the victim of domestic violence offences, with the intention of providing the equivalent of the ‘twelve hour peace’ recommended by the Task Force. Other connected measures were the empowerment of police to apply for ADVOs on behalf of victims, and instructions to police that they should lay a charge of assault wherever appropriate, as they would for any other case of assault. The legislative reforms were accompanied by related procedural changes, and improvements in police regulations and training (NSWDVC 1985: 5-11). The 1985 Report includes an evaluation of the operation of the legislation conducted from its introduction by the BCSR (NSWDVC 1985: 12-36); this will be referred to in the final section of the chapter.

The most significant area of service delivery policy for women suffering domestic violence continued to be the provision of women’s refuges. This was not an innovation in this period, but the DVC was able to report continued and extended state government funding, as well as the re-introduction of Commonwealth refuge funding by the Hawke ALP government. By 1985 the NSW government was providing twice as much funding as the Commonwealth for the state’s 44 women’s refuges (NSWDVC 1985: 64-5). An important contribution, a first step in addressing the Task Force recommendations on behalf of Aboriginal women, was the provision of a second refuge, in Lismore, run by and for Aboriginal women (NSWDVC 1985:...
Designated migrant refuge workers positions had also been provided, and it was recorded that 31 bilingual workers covering 19 languages were working in 17 of the refuges (NSWDVC 1985: 65).

The service delivery reform I have identified as one of the three significant policy innovations in this period was in public housing. The Task Force had reported the absence of any ‘Housing Commission policy dealing with the subject of domestic violence’ (NSWDVC 1985: 66). Representations to both the Minister of Housing and the CEO of the Housing Commission by Helen L’Orange as Chair of the DVC had resulted in a Ministerial Advisory Committee on Women’s Housing and the first ‘policies and procedures for dealing with the housing issues that arise out of domestic violence’ (NNSWDVC 1985: 66). The most significant of these, made in the context of the increasing shortage of public housing, were the access of women made homeless by domestic violence to out-of-turn emergency housing, acceptance of domestic violence as a ground for transfer of tenancy, and instructions and training for public housing field staff on responses to women suffering domestic violence (NSWDVC 1985: 66-8).

In addition to the hoped for deterrent effect of the new legislation, the difficult issue of policy to prevent domestic violence included a response to the belief that attitudes leading to violent behaviour took effect in childhood. The core strategy was a Department of Education kit for teachers on ‘Ideas for Teaching about Non-violent Relationships’, which worked on ‘enhancing the self-esteem of young people’ (NSWDVC 1985: 61-2). The DVC had also grappled with the difficult issue of Batterers’ Programs, which appealed to governments but were subject to feminist scepticism and objections to the potential diversion of scarce resources from the support of battered women. The DVC had reached the compromise position that: ‘Whilst the Committee does not oppose the establishment of programmes for men who batter, indeed many members would be in favour, it is considered beyond the scope of the Committee to initiate such programmes. The Committee takes the view that the limited resources available should be primarily directed at increasing and improving services for the victims of domestic violence - that is, refuges, housing, emergency services, legal aid.’ A recommendation was made that the Probation and Parole Service develop a treatment programme for domestic violence offenders.
These conclusions resonate with the echo of a policy bargain based on assessment of risk discounts (Levi and Edwards 1990: 146-53).

The most boldly innovative of the preventative initiatives was the first Australian attempt to counter domestic violence through a campaign of community education and attitude change. Government initiated community education, based on the principles of market research and targeting, was a very recent policy innovation at this time. It was first undertaken in Australia in the early 1980s as a strategy for driver safety and to reduce drink driving, and was subsequently used to encourage the wearing of protective headgear by child cyclists (Elliott and Shanahan Research 1988a: Attachments 5-6). Later, mass media education would be dramatically included in policy action to contain the AIDS virus. Following the domestic violence campaigns, the WCU would also direct a government media strategy on child sexual abuse, in the ‘No Excuses: Never Ever’ campaign (NSW Child Protection Council 1986). Community education strategies on violence against women and children were subsequently adopted by most Australian states, and eventually also by the Commonwealth government.

The first NSW community education campaign on domestic violence was launched to accompany proclamation of the 1983 legislation. Funded to $80,000, it ran from June to September 1983. Led by the slogan: ‘Domestic Violence: You Don’t Have to Put up with It’, the campaign was addressed to women suffering violence, and carried the message of the new legislation, ‘that domestic violence was no longer a private matter ... but a criminal offence which the government regarded seriously’, to women victims and the public at large (NSWDVC 1985: 39). It consisted of an information pamphlet, radio and television advertisements and broadcasts, public transport posters, seminars for service workers, a film prepared for police training but much more widely used, and a phone-in support service staffed by counsellors employed under the concurrent Wage Pause Job Creation program (NSWDVC 1985:39-40; NSWWCU 1983).

The initial program was followed between April and October 1984 by a campaign directed to Non-English Speaking women and communities. The increased budget for this program, $120,000 allocated in the 1984-5 Budget, suggests that a notional allocation of $1 million had been agreed across the two financial years involved, to be
spent in building a two step campaign. This second stage of the campaign strengthened the message of the first, using the slogan ‘Wife-bashing is a Crime: You don’t have to put up with it’. It included a media campaign targeting ethnic media, posters and pamphlets translated into ten community languages and a multi-lingual telephone counselling service. The telephone service was also used to gather information about the experiences and needs of migrant women suffering domestic violence (NSWDVC 1985: 40-60).

The place of the feminist refuge movement in the DVC process: structural strategies

I will return to assessment of the policy initiatives undertaken in NSW between 1981 and 1985 in the last section of the chapter. But before leaving analysis of the 1985 DVC Report, I seek in this section to resolve the issue of the position of refuge feminism and refuge feminists in the DVC policy building process.

To this point, the indications about the participation and influence of the refuge movement are as ambivalent as they were in the context of the 1981 Task Force. The strong position of refuge feminists in the membership of the DVC has been noted; but so has their discomfort with the increasingly formal bureaucratic approach adopted through the DVC, which was felt by some to amount to a bureaucratic capture of the process. Two structural strategies indicated by the 1985 Report suggest, however, that rather than their discomfort indicating a reduction in their policy activist significance at this time, refuge feminists were successfully strengthening their position of policy influence.

The first indication of those structural strategies can be found in the nature of the Women’s Refuges section of the DVC Report. That section provides a tight account of the funding and services provided by the state government through the refuge program, with none of the poignant information about the internal politics of the refuge movement included in the equivalent section of the Task Force Report. Rather, internal refuge movement issues were dealt with on this occasion through reference to the recent evaluation of the refuge program conducted by an independent evaluator, Jenny Noesjirwan. The evaluation had been commissioned by a refuge movement
Steering Committee as a condition of SAAP funding (Noesjirwan 1985). The DVC Report simply provides an assurance that the 67 recommendations of the evaluation report would be used ‘as a basis for future planning’ (NSWDVC 1985: 66).

The strategic basis for this changed positioning of refuge information in the DVC Report is made clear in Noesjirwan’s account of the structural initiatives introduced by the refuge movement since 1981. Those structural strategies were designed to manage the organisational and analytical differences encompassed by the expanded and increasingly diverse nature of the refuge movement. They included a three monthly state conference open to all refuges, making complex policy decisions by consensus; a smaller monthly working party to process issues delegated to it by the state conference; and regional conferences that met between the state conferences (Noesjirwan 1985: 139-46). Noesjirwan acknowledges that the consensus reached by the state conferences ‘is a tribute to the tolerance, patience and level headed pragmatism of … [the] women who attend’ and stressed the significance of the conferences in presenting ‘a single coherent position to government.’ She concludes that the success of the refuge movement ‘in attracting adequate funding levels has been due very largely to [that] strong unified voice’ (Noesjirwan 1985: 143). It can also be concluded that Noesjirwan’s observations demonstrate that the internal structural strategies had successfully reinforced and reasserted the independent integrity of the refuge movement.

The second structural innovation of strategic significance to the refuge movement at this time was a product of refugee participation in the DVC process. It was built on the spontaneous initiation in two separate regional locations of a model for a system of local area domestic violence committees (LACs) linked with the central DVC. The two areas in which this model emerged were the outer west of Sydney and the Wollongong area (NSWDVC 1985: 71-3). The DVC Report reinforced and formalised the LAC possibility through a recommendation (NSWDVC 1985: 73). The growing network of LACs that subsequently spread across NSW provided local liaison between community and government based service provision agencies concerned with responses to victims of domestic violence, and state-wide liaison through the DVC. Refuge representatives played a central role in each of the LACs,
and the network was a further means of strengthening the agency and influence of refuge feminists at the grassroots level, and from that position back to the centre.

I would argue that the role of L’Orange and the WCU, through the DVC, in encouraging establishment of the LAC network indicates that maintenance of a strong and independent role for the refuge movement in the grassroots facilitation of domestic violence policy, as well as in central policy deliberations, was as strategically important to those operating through the women’s policy machinery at this time as it was to refuge feminists. The strategic importance of the LAC network to refuge feminists was demonstrated in its spread: by 1989, 28 LACs were operating (NSWDVC 1990: 5). That importance can also be seen in the energetic response or refuge feminists to later attempts to reduce both its significance and the centrality of domestic violence work in the policy balance of the successors to the WCU; this included helping to end the term of a later Director of the women’s machinery (Chappell 1995: 166-8; interviews with participants). It can be concluded not only that the two structural strategies identified in this section consolidated the influence of refuge feminists in ongoing policy deliberations in NSW, but that the insider/outsider hybrid policy activist position of refuge feminists continued to play a significant, indeed defining, role in the domestic violence policy activist process.

THE REPRESENTATIONAL IMPLICATIONS OF DOMESTIC VIOLENCE POLICY MEASURES ACHIEVED IN NSW BETWEEN 1976 AND 1985

It was noted in the introduction to this chapter that the policy achievements of the NSW domestic violence policy activist process in this period make it possible to bring to the fore the two major thesis themes addressing policy implications. The first of those themes focuses on the relationship between the policies achieved and the policy activist strategies adopted in pursuing them. It addresses the issues of the extent to which the policies achieved fulfilled the objectives sought, in this case those defined by the feminist analysis of domestic violence, and of the possible influence of strategic decisions or compromises on the nature of the policy outcomes. The achievement of policy measures in response to domestic violence also makes it possible to draw conclusions about the strategic place of the domestic violence policy
project for and within the women’s policy enterprise as a whole. These important themes will be addressed in sequence in this section.

I will approach the first of these investigations, of relationships between policy activist strategies and objectives and the policy measures actually achieved, in two ways. The first involves consideration of concurrent feminist expressions of disappointment about the NSW policy initiatives. In the second, related, approach I will pursue those criticisms through Carol Bacchi’s ‘What’s the Problem?’ analytical method for assessment of the representational implications of policy instruments (Bacchi 1999a: 2-3, 20, 207; see discussion in Introduction). In pursuing each of these approaches, I will continue, as I have done throughout the thesis, to seek a reading informed by the concept of policy activism. That means that my assessments will be shaped by appreciation of the contextual discourse, and consequent strategic decisions, from which the policy project proceeded.

The fundamental criticism made by feminists, and particularly refuge feminists, about the domestic violence policy initiated in NSW in the period under consideration was one of disappointment about the limitations of the body of policy achieved. Ludo McFerren expressed this by comparison with the far-reaching agenda outlined in the 1981 Task Force Report in her claim: ‘The state government then concentrated only on the affordable area of legal reform, essentially extending and defining police powers, a contradiction for many feminist refuge workers’ (McFerren 1990: 202). Others made the same complaint in more specific terms, for example that the policy emphasis on a legal solution, and the media campaign rhetoric emphasising that ‘domestic violence is a crime and should be treated as such’ could ‘[give] rise to false expectations’ leaving women with ‘an even greater disillusionment and sense of hopelessness when the promised assistance is not available’ (Lansdowne 1985: 91, 101). Evaluation of and response to problems involved in the legislative changes began before completion of the 1985 DVC Report; some of this work is referred to below. But the broad complaint being expressed was that the potentially transformational vision encompassed by the feminist framing of domestic violence had been brought back within incremental policy limits.
A valid policy activist response can at once be made, pointing out that those apparent limits were shaped by what was feasible in real policy terms, and that three years is a very short time for the achievement of transformational policy, particularly when deeply rooted service delivery cultures are involved. The constraints of state government powers also placed limits on feasible social policy responses. Nevertheless, the disappointed feminist response raises again the bureaucratic cooption issue of the extent to which the ‘bargains’ and ‘discounts’ involved in operation within the policy arena might have compromised the activist objectives (Levi and Edwards 1990: 146-53). This challenge involves a fundamental test of the strategic methods and validity of feminist policy activism.

I propose to respond to that challenge by examining the four major areas of significant innovation involved in the response to domestic violence. Those innovations were the feminist women’s refuge and its adoption as policy; the law reform response; the instigation of attitude change through government sponsored community education; and response to domestic violence through social policy initiatives. The last of these investigations will lead into consideration of the relationship between the domestic violence policy process and the broader women’s policy enterprise. Each of these investigations involves the reading of problem representations; through those readings I will be seeking to demonstrate that a policy initiative can be strategically incremental and potentially transformational at the same time, and that in these terms the early policy responses to domestic violence were more directly shaped by the concurrent feminist framing than some early critics would allow.

The transformational potential within the apparent representational dilemmas of the feminist women’s refuge movement was established in Chapter Three. It was demonstrated there that early accusations that the refuge was just a new form of middle class ‘we-know-what’s-best-for-you’ philanthropy, and fears that the support needs involved would make them little more than ‘part of the welfare furniture’, were transcended by the feminist principles adopted in practice (Johnson 1981: viii, 11-4; McFerren 1990: 201). In this case, I would argue that the apparent incrementalist forms helped to win government funding and a policy place, while commitment to the enhancement of the personal autonomy of refuge residents, including its expression in collective administrative and service delivery principles, drove the transformational
potential (see Hopkins and McGregor 1991:22 for a statement of those principles based on records of the Beryl Canberra Refuge). The radical refuge potential was also represented in the community education role adopted by the refuge movement. While the organisational and ideological diversity accompanying the spread of the refuge model carried a possible threat to that potential, two sets of circumstances suggest otherwise. One was the increased integration of the refuge movement achieved by the organisational strategies reported above. The other, which probably explains the success of that integration, is evidence that the experience of working with women escaping partner violence had the same transformational effect on those who founded refuges outside the women’s movement as it had had at Elsie and the other early feminist refuges. One example of this is provided by the Toukley refuge on the NSW Central Coast, founded in a local government context by women who ‘had not connected feminist ideas with their approach to Refuge work’, but who ‘[incorporated] feminist principles into … the Refuge … over time’ (Smyth 1990: 7-10). This refuge was later named the Central Coast Women’s Crisis Centre and Refuge (CCWCCR). Nancy Smyth, collective member and historian for Toukley, also records the transformational effects of this subtle process within the refuge movement as a whole: ‘As women’s consciousness and awareness grew, as women became politicised and active, so the Refuge Movement grew and changed as did the Central Coast Women’s Crisis Centre and Refuge’ (Smyth 1996: 45).

The legal reforms at the core of the NSW policy response to the Task Force recommendations were also a central target for feminist criticism. In addition to the claims already noted that they were a ‘cheap’ policy option and promised more than they could deliver, the ADVO was identified as a ‘soft option’ diversion from establishment of domestic violence as criminal behaviour properly dealt with as a crime of assault (Egger and Stubbs 1993: 5; Scutt 1986: 49-55). In addition, the reforms proved in practice to involve several targeting and implementation problems. State governments differed over whether to target orders specifically to domestic violence victims, as in NSW, or to any apprehension of violence, as in SA, WA and later Victoria (Lansdowne 1985: 86-8; NSWVAWCLRTF 1987: 80-4). Further issues were the lack of an ‘ex parte’ provision in NSW, later addressed in NSW by provision of ‘interim’ orders to provide protection while court action proceeded, and the relative efficacy of proceeding by way of summons, which took longer, or warrant, which
could give the perpetrator a useful shock but depended on action by police (Lansdowne 1985: 87, 93-6; NSWVAWCLRTF 1987: 104-7; Seddon 1993: 110-1). Above all, it was acknowledged from the start that effective application of the ADVO, and its equivalent in other states, depended on the response of police and magistrates. The BCSR evaluation included in the DVC Report in 1985 showed that only 7.6% of ADVOs in 1983 and 5.2% in 1984 were taken out by police on behalf of victims, and that in the same period only seven arrests had been made for breach of an ADVO, despite at least nine recorded cases of assault while an Order was in effect having received no action for breach (DVC 1985: 21-2).

A detailed review of these and other related issues can be found in the report, *The Effectiveness of Protection Orders in Australian Jurisdictions*, prepared by Sandra Egger and Julie Stubbs for the National Committee on Violence Against Women (NCVAW) a decade later (Egger and Stubbs 1993). My emphasis here, however, is less on the practical dilemmas of the legislation than on the accusations that the ADVO or equivalent was a reduction of the problem representation of domestic violence to a mere civil law matter. No legal approach alone would represent an adequate response to the issues of access to an autonomous household faced by women escaping violence. This representational challenge is discussed below in the context of the social policy response. The point I am concerned with here is whether the domestic violence protection Order, like the women’s refuge, combines the strategic advantages of incrementalism with a transformational potential, or whether it was indeed a token easy way out for policy makers. I believe that the protection Order measure has indeed such a transformational potential, and that this can be demonstrated through the response of the Order to a representational contradiction at the heart of the feminist framing of domestic violence.

That contradiction lies in the identification of domestic violence as a crime. By the middle 1980s, as is demonstrated by the responses to community education measures discussed below, refuge related feminists in Australia as elsewhere were calling for identification of domestic violence as a crime. This was not a strategy adopted as it was in Canada, and as discussed in Chapter Five, in response to contest with individual pathology constructions of family violence, but rather a straightforward demand for the application of criminal sanctions as a way of sheeting home the
personal responsibility of perpetrators. But that call nevertheless implied a contradiction with the core refuge feminist commitment to protect and enhance the personal autonomy of domestic violence victims. That commitment was expressed most particularly in terms of the right of the woman to choose her own course of action, even if her choice was to return to the violent man (Hopkins and McGregor 1991: 23). Automatic operation of the criminal law would deny her that autonomous right. That inevitable dilemma lay behind the painful debates about inclusion in the Task Force recommendations and NSW law reforms of a measure making a domestic violence victim a compellable witness; it continues in later debates over use of mandatory arrest procedures to compel police intervention (NSWTFDV 1981: 54-7).

The ADVO and equivalent Orders, on the other hand, offers the woman a legal measure which gave her a self-determining choice of action, some room to move as she worked out her decisions about the future of her most intimate relationship, and the back-up of the arrest provision if she needed further protection. These arrangements answered Penelope Stratmann’s concern that: ‘Domestic assault must continue to be prosecuted as a criminal offence’, but that a battered woman’s ‘decision must be based on an informed choice, and not on the whim or moral judgement of a law enforcement officer’ (Stratmann 1982: 134-5). Robyn Lansdowne, writing from experience at a community legal centre and as a member of the DVC about whether police or the victim should apply for the Order, acknowledges the same principles: ‘…being the complainant [in relation to an ADVO] has the significant advantage of retaining control of the proceedings. Some of the decisions to discontinue may seem wrong to outsiders but the complainant’s right not to continue must be respected. She, after all, is the person with the greatest knowledge of the relationship and the person who will bear the consequences of any court action or lack of court action’ (Lansdowne 1985: 98). It is in these terms that I mount my claim that the ADVO or equivalent, if administered according to the intentions of the legislation, carries the potentially transformational representation of a legal resort which respects the self-determination, and protects the individual autonomy, of the complainant.

It was in the context of the third major policy innovation of this period, the community education campaign, that the ‘It’s a crime’ representation found its place. Such campaigns were of their essence a representational strategy. The ‘problem’ they represented was the feminist structural claim that domestic violence was encouraged
and perpetuated by community attitudes about the appropriate roles of men and women in intimate partnerships, and that it could only be prevented if such attitudes were changed. It was a remarkable step for public policy to take up responsibility for community attitude change on such a scale; it was even more remarkable for a government to proceed as if public policy could provide the means to do so. This was the point at which domestic violence policy methodology made a non-incremental leap away from the established discourse of policy practice and possibility. The other early attempts at government sponsored community education discussed above provided a precedent; but a campaign directed at persuading children to put on bike helmets, or even one trying to scare the sexually active into wearing condoms, was attempting something much more finely targeted than trying to change an eons-old belief that men owned their wives and had the right to chastise them. The unlikely ambition of this task is what places community education strategies on the fine line between transformational policy and the ultimate tokenism of diverting funds from the provision of refuges to government self-promotion.

In practice, the first NSW campaign broke down its vast task to a slogan, ‘Domestic Violence: You Don’t Have to Put up with It’, designed to tell women that they had the right to object to the violence, and a secondary message ‘that domestic violence was no longer a private matter ... but a criminal offence which the government regarded seriously’, intended both to reassure women and remind men that domestic violence was criminal behaviour (NSWDVC 1985: 39). In the second step campaign, designed for Non-English Speaking Background communities but directed at everybody, ‘It’s a crime’ became the headline message, conveying the twin messages to both men and women. Later campaigns, like the one sponsored by the Commonwealth government in 1989-90 with the slogan ‘Domestic Violence: Break the Silence’, changed the discourse strategy to a positive action message to the community as a whole (OSW 1989b). The fact that campaigns moving away from the ‘crime’ message received stronger objections from refuge feminists suggests that the earlier campaigns may have answered the second ‘problem’ of providing an expression for the politics of anger which refuge feminists were obliged to suppress as they nurtured the self determination of their clients, while burning with frustration if they chose to return to violent men (personal experience). The ‘It’s a crime’ message also included the satisfaction of a public acknowledgement by the government concerned of the reality
and implications of domestic violence. Some of the publicity campaigns included market research evaluation demonstrating positive results in terms of retention of messages (Elliott and Shanahan Research 1989). It is likely that the overall impact was gradual, and that it can be measured in the eventual acceptance, for a time at least, that domestic violence is both a valid policy responsibility and a sufficiently intolerable form of behaviour for an AVO to threaten a political career. Perhaps the media campaigns can be decided to have been transformational in terms of policy practice, to have had a hidden representational purpose as an expression of feminist anger, and to have had an incremental transformational influence, at least temporarily, on public and government attitudes.

The fourth of the major areas of policy innovation I have indicated in the response to domestic violence was also the most challenging, and, like the contradiction over the criminal law response, involved a dilemma set by the feminist analysis. The foundation of the late twentieth century feminist framing of domestic violence is its location in the social construction of gender, including the economic disadvantages identified in the thesis as the issue of a woman’s access to an autonomous household. This means that the problem of domestic violence has no solution until the entire social and economic framing of women’s lives, and with them the construction of their relationships with men, has been transformed. That was the message conveyed by the heroic extent of the 1981 NSW Task Force recommendations. In these terms, everything achieved under the specific heading of domestic violence policy, before 1985 or since, and particularly the few hard-won changes to public housing policy reported by the DVC, look puny indeed. This is when public policy begins to look like an inadequate and clumsy tool for transformational revolution.

The response of feminist policy activism to this dilemma is two-fold; both its parts can be found in the strategies followed in NSW between 1981 and 1985. The first is the pursuit of specific policy action on domestic violence, however and wherever possible. The discussion in this section makes it possible to conclude that the initiatives achieved in NSW in this period, while incremental in strategy, also represented potential for transformational effect. The second policy activist response demanded by domestic violence lies in the broad agenda of change for women, much of which is located in the policy arena of social policy. Two indications can be found
in the NSW domestic violence policy narrative at this time that strategic policy activist connections were also being made with that wider women’s policy enterprise. The first indication can be found in the final paragraph of Premier Wran’s Second Reading speech on the law reform legislation. His concluding remarks included a forceful reminder of the constitutional location of the social policy responsibilities which could transform women’s lives: ‘The present Prime Minister [Malcolm Fraser] and his colleagues have on their conscience the many thousands of women who can no longer tolerate domestic violence and are living below the poverty line on a supporting parents benefit or a widows pension’ (DVC 1985: 104). This rousing drafting was a more effective signal of the broad policy implications of domestic violence than any explanation of Commonwealth/state powers could have been.

The second indication of a strong policy activist connection between the domestic violence and broader policy agendas for women can be recognised in the priority given to domestic violence by the NSW women’s policy machinery at this time. Helen L’Orange and the WCU under her leadership have been criticised for the emphasis placed during this period on the various forms of male violence towards women and children, including domestic violence (for example, Sawer 1990: 161; Chappell 1995: 168). This is partly a repetition of the feminist constraint about identification with ‘victim’ politics which has been observed throughout the thesis in both nineteenth century and twentieth century Australian feminist policy activism. It also involves an implication that ‘violence’ policy was easier, because apparently more specific and more emotionally appealing, and so a diversion from the broader enterprise.

Such criticism can be countered by recognition, supported by the analysis proposed in this section, that the emphasis on violence policy was part of a wider strategy. By focusing on violence against women, L’Orange and her staff were prioritising a body of policy which was clearly focussed on changing women’s lives, which women cared about strongly, which invited policy responses safely located in the state government arena, and which also had the potential to provide constant reminders of the broad agenda of change for women, the need for which was so urgently demonstrated by the circumstances of women with violent partners. In effect, domestic violence provided a strategic opportunity to work on policy in the state context which also drove feminist
representations reaching to the Commonwealth level, and beyond to the multinational context. This argument meshes with and confirms the demonstration given in Chapter Four of the integration of the Australian women’s policy project across governments of differing political parties, and across jurisdictional levels. In this sense, I conclude that the NSW domestic violence policy strategy in this period was both incremental in its immediate context, and transformational in its representational reach. 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 this is a further example of the clear, if not explicit, strategic placement of domestic violence as a representational driver within the women’s policy process.

CONCLUSIONS

This chapter has completed the policy process narrative of the shaping and making of policy in response to domestic violence to the end of 1985, by the Australian Commonwealth and NSW state governments, which is its primary task and theme. That narrative reached its conclusion in this chapter with the first moves to initiate a comprehensive domestic violence policy agenda by the NSW government between 1976 and 1985. The narrative has been shaped here, as in the rest of the thesis, as an account of the feminist policy activism which drove that policy process. That reading has once again been endorsed, both by its illumination of the strategic and persistent skill of the women who brought about the process, and through the insights it has provided into the means and possibilities of transformational change in a policy context.

This chapter has confirmed and extended the distinctive features of the policy narrative which I have identified in previous chapters. The new focus provided here has been in arrival at the point where the process of strategic policy development reached achievement in policy making. Thus, for example, the nature, diversity but essential integration in purpose of the players in the process continued as a distinguishing characteristic of this stage in the narrative, and were also confirmed to have been a determining factor in the eventual achievement of policy implementation. The interweaving of the voices, locations and experiences of the women involved, their movement between crucial roles and their individual contributions of skill and
strategic opportunity carried this process to the point of initial achievement in NSW, as was happening concurrently across Australia.

The complex but determining nature of that interweaving was most dramatically demonstrated in this part of the process in the relationship between feminists located in the refuge movement and those working through the women’s policy machinery. That relationship and its outcomes also demonstrate the continuing significance of the distinctive role and positioning of the refuge feminists, which I have also identified as a distinguishing feature of the process. The relationship between refuge and femocrat feminists was at its most uncomfortable in this period and new tactical determination was required to maintain the independence of the refuge movement. Yet the vision and directions of the two groups were unwaveringly consistent; the determination of refuge feminists in protecting their positions in the domestic violence policy structures indicates their continuing commitment to policy activist participation (see for example McFerren 1990: 204); and the strategic care with which the bureaucratic feminists placed the refuge participants in those structures demonstrates recognition that those insistent insider/outsider voices were as important at this stage of the process as were femocrat skill and professionalism.

Similarly, the NSW process confirms the ongoing significance of the uncontested nature of the Australian domestic violence policy process, which I have demonstrated by comparison with related countries. This could, indeed, be called a triumphant confirmation, as the NSW policy making expressed and endorsed the feminist framing of domestic violence, and the process absorbed possibly contesting voices from the individual pathology tradition. That skilfully maintained achievement also demonstrates the continuing location of this feminist policy activist process within its contextual circumstances both of opportunity and discourse, including its interaction with and transcendence of the discourse of policy possibility in which it operated.

The two thesis themes particularly focused on policy outcomes are those interrogating the relationship between policy activist strategies and the policies achieved, and the strategic place of the domestic violence project within the broader women’s policy enterprise. The conclusions I have demonstrated in this chapter are, firstly, that the policy outcomes achieved validly reflected the feminist framing and process to this
stage, despite fears that capitulation to policy strictures and political convenience might have captured and limited the agenda. In particular, it has been demonstrated that a policy activist reading pressing beyond the immediately apparent problem representations of the major policy innovations of this period reveals them to combine incremental strategy with transformational implications. At the same time, it has also been demonstrated that, although feminist reservations about a feminism driven by ‘victim’ politics continued, the domestic violence process was effectively, if subtly, placed as a strategic driver of the broader process both within and beyond the jurisdiction of NSW.