Family Violence in Aboriginal Australian Communities: Causes and Potential Solutions

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I would like to express my gratitude to Carolyn Whyte, Director of Criminal Research and the Statistics Unit in the Northern Territory, and Kevin Schnepel, Lecturer at the University of Sydney, for a couple very informative email conversations. I would also like to thank Professor William Joseph for his advice and my father, Charles Littrell, for proof reading and emotional support. Last, but not least, thank you to my thesis advisor, Professor Lois Wasserspring, for her advice, support and constant feedback throughout this past year.
Prologue

This thesis is an investigation into why family violence in Aboriginal Australian communities is so severe, and an examination of ways in which this violence might be decreased. I engage with the two competing narratives around violence in Aboriginal communities. The political left typically tells a story about the legacy of violent colonization, and the consequent need to improve Aboriginal legal rights. On the political right the narrative is less well defined, but the argument typically focuses on the importance of personal responsibility, or on the role of traditional culture in creating violence. I argue that competition between these narratives is harmful for actually reducing family violence, and that we should pursue evidence-based policy, such as alcohol restrictions, in addition to trialing and evaluating new policies.

In Chapter 1, I briefly outline the higher rates of family violence in Indigenous communities. I also summarize the history of Aboriginal Australians and the contemporary argument around Aboriginal Australians and violence.

In Chapter 2, I discuss the competing explanations for elevated rates of violence in Aboriginal Australian communities. The focus of the chapter is on discussing how colonization and traditional culture have been considered as major causal factors for violence, and also discussed as mutually exclusive. I challenge this view, and also discuss alcohol abuse and socio-economic status as important factors.

In Chapter 3, I review the recent policy initiatives that Australian Federal and State governments have made in an attempt to reduce the high levels of family violence, with a focus on alcohol restrictions.
In the Chapter 4, I make recommendations for how to improve the quality of conversation and policy related to this issue.

In the Statistical Appendix there is a longer discussion of selected statistics, including information on homicide and child abuse.
Chapter 1: Introduction and Statistical Overview

This thesis seeks to understand why family violence is so common in Aboriginal Australian communities, and what policies can be implemented to reduce the rates of family violence.\(^1\) I compare the Aboriginal Australian community with the non-Indigenous community and Aboriginal Australian communities with each other in an effort to understand the scope of the problem.

We know that family violence in the Aboriginal Australian community is higher than in the non-Indigenous community.\(^2\) This is general knowledge and generally agreed upon, but what many do not realize is that the difference in violence between Aboriginal Australian and non-Indigenous communities is not just quantitative, but also qualitative.

While Aboriginal Australians are more likely than non-Indigenous Australians to be subject to all forms of violence, a greater percentage of Aboriginal-Australian violence is family violence. I use the Recorded Crime Survey from the Australian Bureau of Statistics (ABS) to demonstrate this.

All family violence is underreported. Family violence among Indigenous Australians is probably more underreported than non-Indigenous family violence,

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\(^1\) I define family violence as violence committed by family members against family

\(^2\) See Appendix I for statistical evidence. Appendix I is a more complete breakdown of selected statistics related to partner violence, child neglect and homicide. I have performed some basic analysis on the 2012 Recorded Crime Survey (released by the Australian Government’s Australian Bureau of Statistics), and I invite anyone who is interested to examine those statistics further. They are not crucial to understand the argument of my thesis.
due in part to a past of official indifference. My analysis seeks to find trends and comparisons between populations in the data instead of “true” victimization levels.

To summarize my findings:

(1) General violence is higher against Indigenous persons than non-Indigenous persons.

(2) Family violence against Indigenous persons is highly elevated in comparison to family violence against non-Indigenous persons.

(3) Family violence is a greater percentage of total violence for Indigenous persons than for non-Indigenous persons.

(4) Family violence against Indigenous persons is highly gendered, above and beyond what we see against non-Indigenous persons.

(5) The rate for family violence in the non-Indigenous population is very similar across states, while the rate of family violence against Indigenous persons varies significantly from state to state.

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Figure 1: Recorded assault victimization per 1,000 persons by Indigenous status.⁴


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⁴ Appendix: Tables 1, 3 and 5. These are the only three states where this information was collected in 2012. Together they comprise about half of Australia’s Indigenous population.
Figure 2: Partner violence victimization per 1,000 persons by Indigenous status.\textsuperscript{5}


\textsuperscript{5} Appendix: Tables 1, 3 and 5. Notice that the scale on the graphs is different.
Figure 3: Partner violence victimization per 1,000 persons by Indigenous status and gender.\textsuperscript{6}


Family violence is a greater percentage of total violence against Indigenous persons than total violence against non-Indigenous persons. In New South Wales, 36% of total assaults with Indigenous victims are partner violence. For non-Indigenous victims, 22% of assaults were partner violence.\textsuperscript{7} In South Australia, this

\textsuperscript{6} Appendix: Tables 1, 3 and 5.
\textsuperscript{7} Appendix: Table 1. These numbers are from recorded crime data provided by the Australian Bureau of Statistics. New South Wales is a state in Australia, and
difference is wider with 43% of recorded assaults committed against Indigenous persons fitting the definition of partner violence, in comparison to 24% for the non-Indigenous community.\(^8\)

The difference is also a matter of gender. Non-Indigenous women in Australia are more likely to be the victims of partner violence than non-Indigenous men, but Indigenous women are victims of partner violence even more disproportionately than non-Indigenous women. In New South Wales, partner violence made up 40% of recorded assaults against non-Indigenous women whereas the number was 47% for Indigenous women. In the Northern Territory, partner violence comprised 33% of assaults against non-Indigenous women, whereas that number was 63% for Indigenous women.

Figures 2 and 3 above demonstrate that differences between communities and Aboriginal populations in different states are clearly a factor, much more so than for non-Indigenous Australians. Non-Indigenous partner violence incidence displays no clear differences among the three states. We cannot analyze Aboriginal Australians as an equivalently homogenous group. As the above statistics demonstrate, although Indigenous family violence is more elevated than non-Indigenous family violence in every state, it is elevated to different levels. An Aboriginal Australian woman living in New South Wales is less than one seventh as likely to be a victim of partner violence than an Aboriginal Australian woman living

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\(^8\) Appendix I: Table 3.
in the Northern Territory. A non-Indigenous woman living in either state has approximately the same likelihood of victimization.⁹

From this information many questions emerge. Why is Indigenous violence higher than non-Indigenous violence? Why does the violence fall so heavily on women? Why is violence so much higher in the Northern Territory than elsewhere? How can we use the differing levels of violence in different areas to better understand the causes of violence? I argue that a complex mix of factors can answer this first set of questions, such as colonization, traditional culture, alcohol abuse and socio-economic status.

This leads to a second series of questions. What policies can effectively reduce violence? Can (and should) we reduce family violence without reducing other forms of violence, and vice versa? What has worked in the past? Here the answers are even murkier. Tactics that have worked to reduce violence, such as alcohol bans, are localized and temporary solutions that don’t tackle the underlying causes. Interventions from the state and federal governments have produced mixed results. Yet policy inaction, given the disparity between the Indigenous and non-Indigenous community, is indefensible.

Below I provide a guide to terms, a historical summary, demographic information and an outline of the contemporary discussion around Aboriginal Australia. This provides necessary background for the reader about family violence in Aboriginal Australian communities.

⁹ Appendix I: Tables 2 and 6. There are significantly different rates of intermarriage rates across states, as will be briefly discussed in Chapter 2.
Terminology and Definitions

Indigenous Australians fall into two broad categories: Aboriginal Australian and Torres Strait Islanders. 90% of Australia’s Indigenous peoples refer to themselves as Aboriginal, 6% as Torres Strait Islanders and 4% as both. This thesis focuses on Aboriginal Australians, but the statistics I use combine the two groups.

I use Aboriginal community to refer to a group of Aboriginal Australians living together. Some of these communities, particular urban communities, contain many language groups, while some do not. Aboriginal urban communities are often mixed with non-Aboriginal Australian communities. Aboriginal Australians can identify with a clan, tribe and/or language group.

It is important to note for the purposes of this thesis that the definition of family is somewhat more inclusive in Aboriginal Australian communities than in non-Indigenous communities, as the definition of family in non-Indigenous Australia is focused on the nuclear family. When I use the term “family violence,” I am generally discussing violence between partners, or by parents against children. This is for the purposes of fair statistical comparison, and because these relationships are the location for the majority of family violence among Aboriginal Australians.

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The Torres Strait is off Queensland, thus Torres Strait Islanders are concentrated in that state. Aboriginal Australians come from, and are scattered around, the rest of Australia.
**Australian Demographics**

Australia is a country of approximately 23 million people. A former colony of Britain, it still has a majority European-descended population, but is also a multicultural society with substantial immigration from all over the world.

Three percent of the population of Australia is comprised of Indigenous Australians. They tend to live in more remote areas: 56.8% of the Indigenous population lives in urban areas, in comparison to 88.6% for the total population. 13.7% of Indigenous Australians live in very remote areas compared with 0.5% of non-Indigenous Australians.

Australia has six states and two major territories. Indigenous Australians are a relatively small percentage of the population of each state and territory, with the exception of the Northern Territory, where they are almost a third of the population. New South Wales and Queensland have the largest total number of Indigenous Australian inhabitants:

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11 ibid. Note that this number is 2.5% in the 2011 census and the 3% number is the best estimate of the Australian Bureau of Statistics, taking into account those who were unable to fill out the census or who were unable to mark themselves as Indigenous on the census.

12 ibid.

13 ibid.
<table>
<thead>
<tr>
<th>State</th>
<th>Indigenous Population</th>
<th>Non-Indigenous Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Capital Territory</td>
<td>5,185</td>
<td>357,222</td>
</tr>
<tr>
<td>New South Wales</td>
<td>172,620</td>
<td>6,917,658</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>56,776</td>
<td>211,945</td>
</tr>
<tr>
<td>Queensland</td>
<td>155,825</td>
<td>4,332,739</td>
</tr>
<tr>
<td>South Australia</td>
<td>30,430</td>
<td>1,596,572</td>
</tr>
<tr>
<td>Tasmania</td>
<td>19,625</td>
<td>495,354</td>
</tr>
<tr>
<td>Victoria</td>
<td>37,990</td>
<td>5,354,042</td>
</tr>
<tr>
<td>Western Australia</td>
<td>69,664</td>
<td>2,239,170</td>
</tr>
<tr>
<td>All States</td>
<td>548,368</td>
<td>21,507,717</td>
</tr>
</tbody>
</table>

**Figure 4: Indigenous Population by State.**


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14 This territory contains Canberra, Australia’s capital, and little else.
Australia is mostly desert with population concentrated in coastal areas:

![Australia Map](image)

**Figure 5: Australia with states and major cities marked.**

Source: The Constitutional Centre of Western Australia website. Australia page.

It is important to note that Aboriginal Australians should not be treated as a homogenous group. There are urban Aboriginal Australians who live alongside non-Indigenous neighbors, and often have spouses who are non-Indigenous. There are also Aboriginal Australians in extremely remote areas that live in an almost exclusively Aboriginal community. This is a critical distinction for my thesis, as state
and national statistics are combining two groups who live very differently and suffer from different rates of violence.

There are marked demographic distinctions between the two groups. Indigenous Australians living in major cities are partnered with non-Indigenous Australians 88% of the time, whereas only 24% of Indigenous Australians marry non-Indigenous Australians in remote areas. Indigenous households in remote areas also had a higher number of children and a higher rate of teenage pregnancy. In remote Australia, 45% of Indigenous adults speak an Aboriginal or Torres Strait Islander language at home. In comparison, less than 1% of Indigenous adults do the same in major cities.

**Historical Background**

The complicated history of the Indigenous peoples of Australia can (and does) fill many books. The following is a thumbnail sketch of important events in Indigenous history that make up the background to the debates and studies discussed in this thesis.

Aboriginal peoples have inhabited the continent of Australia for at least 40,000 years. We don’t know how many Aboriginal and Torres Strait islanders lived in Australia before the arrival of the First Fleet of European colonizers in 1788. Common estimates vary between 300,000 and 750,000 Aboriginal and Torres Strait

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16 ibid.
17 ibid.
Islander persons, with other estimates as high as a million.\textsuperscript{18} Although we don’t know the exact number of pre-colonization inhabitants, we do know what happened upon colonization: a large decrease in population.

Unlike, among others, the Maori of New Zealand, Australian Aboriginals did not offer any large-scale resistance to the occupation of their land.\textsuperscript{19} Indeed, the English considered Australia \textit{terra nullius}, or uninhabited territory, with Aboriginal peoples as landless nomads, able to be evicted from the land they inhabited without loss to their livelihood or culture. Despite the lack of organized resistance, there were a series of conflicts and massacres between the colonizers and the Aboriginal peoples.\textsuperscript{20} In addition, as was true all over the world, smallpox and other diseases were devastating to the Indigenous groups. The extent of the conflict (and if smallpox was sometimes spread deliberately or not) is a source of heated academic debate in Australia.

European occupation of Aboriginal land soon turned to Aboriginal peoples being forcibly moved to missions and settlements, as a means to protect them against disease and violent settlers. As elsewhere, colonizers believed in Christianizing the Indigenous people to civilize them. The different policies instituted regarding missions and settlement varied slightly in timing and

\textsuperscript{19} Notice that this framing is problematic, as Aboriginal culture did not initially have the European understanding of land ownership. They viewed themselves as custodians of the land instead of owners.
This timeline is not an academic work, but ably shows that there were multiple violent encounters during the colonization of Australia.
imple
mentation across colonies (later states), who had control over their
Indigenous population instead of the federal government.21 “The Stolen Generation,” as it came to be widely known during the 1990s, was a natural outgrowth of this policy.

By the early 20th century, official Australian policy was to remove Aboriginal children from some Aboriginal homes and families, particularly when those children had European as well as Aboriginal ancestry. This policy was based upon a desire to protect infants and children who were often at risk of abuse, including infanticide, and also based upon a policy of assimilating Aboriginal populations over time into the much larger European descended population. Aboriginal children were removed from their parents between 1909 and 1969 to be raised by white missionaries and foster parents. Children were often trained into domestic service, and were often physically, sexually and emotionally abused by their caretakers.22

Missions, settlements and “The Stolen Generation” were part of the policy of assimilation, where “full-blood” Aboriginal Australians were expected to die out due to their natural inferiority and “half-caste” Aboriginal Australians were expected to become culturally white, and then eventually disappear into the white population. This policy was changed to a policy of reconciliation in the 1960s, which was about recognizing past wrongs committed against Aboriginal Australians, and attempting

21 Australia was federated in 1901.
22 The 1997 “Bringing them home: The ‘Stolen Children’ report,” undertaken by the Australian Human Rights Commission documents the emotional trauma divided families suffered, in addition to specific abuses children suffered after they were removed from their homes. Readers from the United States might recall the “boarding schools” that Native American children were forced to attend. The Stolen Generation is similar in that it was a deliberate attempt to educate the younger generation of Indigenous people away from their identity “for their own good.”
to preserve Aboriginal cultures rather than assimilate them. In 1962, after many years of activism, Aboriginal Australians had their right to vote recognized. In 1967, the Australian people passed a constitutional referendum on whether Aboriginal Australians should be subjects of the federal government. The referendum meant that Aboriginal people were included in the Census and discriminatory language was removed from the Australian Constitution, and states no longer had control over their Indigenous population. This referendum passed with more than 90% of the vote, signaling recognition of equality from the wider population.23 The combination of voting rights and the 1967 referendum meant that Aboriginal Australians, who previously were wards of the state, had full citizenship, something that had been granted only patchily before.24

Once those dominoes fell, others followed. In 1975, the Racial Discrimination Act made it illegal to discriminate on the grounds of race, ethnicity or ancestry. In 1992, the legal standing of terra nullius was overturned in the Mabo and Others v. Queensland High Court decision, as part of a broader land rights movement. Mabo meant that Aboriginal Australians were given title over land they had continuously inhabited. In 2008, Kevin Rudd, then Prime Minister, made an apology to the Aboriginal people for the Stolen Generation. This was widely seen as a step forward

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24 For instance, in the 1940s Aboriginal Australians who agreed to live as white (without any Aboriginal practices) were given citizenship certificates and no longer considered Aboriginal under the law. Aboriginal Australian World War I veterans were also given special consideration and were a crucial part of Aboriginal Australian activism.
for Aboriginal Australians, as it was a historical admission of wrongdoing on the part of the government.

Despite these advances for Aboriginal legal rights, Aboriginal wellbeing is still significantly below that of non-Indigenous Australians. Legal equality has been achieved, but substantive equality has not followed. Currently, the average individual income of Indigenous Australians is approximately 60% of non-Indigenous Australians. Indigenous Australians suffer higher unemployment and are concentrated in low wage jobs.\textsuperscript{25} Indigenous Australians are also worse off physically, with poor health outcomes such as higher rates of diabetes and heart disease. There is a life expectancy gap of about ten years between Indigenous and non-Indigenous Australians.\textsuperscript{26} Although legal rights are important, they clearly haven’t been sufficient to generate socio-economic equality.

\textbf{An Introduction to the Contemporary Argument}

This section is a general discussion of arguments about Aboriginal Australians and violence in mainstream Australia. For a discussion of the arguments about the causes of family violence, see Chapter 2.

The problem of violence in Aboriginal Australian communities is widely known, but narratives on violence are often attached to a recounting of the historical wrongs committed against the Aboriginal peoples by the European colonization. For instance, Australia Day, celebrated on January 26\textsuperscript{th} when the First


Fleet arrived, is widely known as Invasion Day in leftist circles. However, this recognition of historical wrongdoing and violence committed by whites has not led to effective policy addressing the many differences between non-Indigenous Australians and Indigenous Australians across social indicators. As a broad generalization, from around 1960 to 2000, the weight of academic and political opinion was increasingly a consensus that the solution to Aboriginal disadvantage, including violence in general and domestic violence in particular, was to award Aboriginal Australians legal rights and recognition. Furthermore, these programs sought to empower Aboriginal Australians to better control their own destinies through preserving and valuing Aboriginal culture.

Recently, this consensus has fractured. Noel Pearson, a prominent Aboriginal Australian leader from northern Queensland, allied himself with the conservative wing of Australia politics in an attempt to address violence (in addition to substance abuse and economic development) in Indigenous communities. In his famous ‘Light on the Hill’ speech in 2000, he spoke up about violence in Indigenous communities, and blamed welfare dependency for poor outcomes in Indigenous health:

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28 This speech title was a reference to a landmark speech made by then Prime Minister Ben Chifley in 1949, also referred to as the “Light on the Hill.” Chifley was the leader of the Labor government, and his speech was an example of progressivism, where he called for social and economic security and high living standards for Australians.
A rule of thumb in relation to most of the programs and policies that pose as progressive thinking in Indigenous affairs, is that if we did the opposite we would have a chance of making progress.\textsuperscript{29}

Many were outraged by this speech and its anti-welfare sentiments, including Kim Bullimore, Aboriginal Australian activist. She stated: "he has given a speech that reinforces racist prejudices about Aborigines and welfare payments."\textsuperscript{30} Pearson was and is viewed by some as a sellout, transitioning “from land rights activist to conservative power broker,” by making the speech, at least in the words of journalist Chris Graham, a long time activist for Aboriginal Australian causes.\textsuperscript{31}

In his book ‘The Politics of Suffering: Indigenous Australia and the End of the Liberal Consensus,’ respected anthropologist Peter Sutton documented how policy shifted from providing public assistance to looking for new solutions during the early 2000s. This book, published in 2009 to controversy, showed how academics, politicians and spokespeople differed ideologically in response to evidence of poor health outcomes and high levels of violence. Sutton is a long time supporter of land rights and a white anthropologist, and also an adopted member of the community of Aurukun in Queensland. He is one of the many prominent commentators, Indigenous and non-Indigenous, who criticizes those in the “Aboriginal lobby” who have ignored high levels of violence and poor health outcomes in favor of supporting legal rights. His work is in turn criticized by scholars and activists such

\textsuperscript{29} Noel Pearson. "Light on the Hill." \textit{australianpolitics.com}. (2000)
as John Altman, a white academic. Altman asserted that Sutton’s book was a “treatise against Indigenous culture,” in that Sutton drew attention to the violence in Aboriginal traditional culture. Anthropologist Basil Sansom called the book “an exercise in blaming the victim.”

The renewed debate and the growing understanding that something had to change was given a strong push in 2007 by the ‘Little Children Are Sacred Report,’ which documented the shocking extent of family violence, particularly child abuse, in the Northern Territory. In response to the report, the conservative federal government began the Northern Territory Intervention. The Intervention was multi-faceted, including series of legislative changes especially related to law enforcement, welfare provision and alcohol consumption. The Intervention, also called the Northern Territory Emergency Response and later, under the Labor government, the Stronger Futures Act, will be described and evaluated further in Chapter 3.

Reactions to the Intervention (which Pearson and a number of other Aboriginal activists supported) were negative from groups such as Amnesty

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35 The conservative political party in Australia is the Liberal/ National Party (traditionally the Liberals are urban, the Nationals rural). Conservative in the Australian sense is similar but not identical to American politics. The Liberal Party tends to support deregulation, lower taxes and fewer multicultural policies.
36 The Labor government is the center-left political party to the Liberal/ National center right. As the name implies, they have a historical connection to unions and labor. However, there is not a great deal of difference between Labor and Liberal on Indigenous policy.
International and the Australian Human Rights Commission, who viewed the Intervention as a violation of Aboriginal Australian human rights: Amnesty International was particularly harsh:

*Amnesty International has criticised successive governments for a failure to seek and secure the consent of affected Aboriginal people and the blanket imposition of a raft of racially discriminatory measures.*

Bess Price, an Aboriginal Australian who is a Member of Parliament in the Northern Territory for the Liberal Party, supported the Intervention. She has been outspoken in condemning violence in Indigenous communities. While making a speech to the Northern Territory legislative territory she asked her audience:

*Why hasn’t there been the same outrage over the continuing killing of our women and abuse and neglect of our kids? If these women victims were white, we would hear very loud outrage from feminists. If their killers had been white, we would hear outrage from the Indigenous activists. Why is there such a deafening silence when both victim and perpetrator are black?*

In this speech she goes on to assert that members of the progressive left and urban middle class Indigenous groups have attempted to shout her down when she raises attention to these issues. One example of this is left-wing Aboriginal Australian academic Larissa Behrendt, who tweeted "I watched a show where a guy

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39 This means she is part of the Northern Territory legislative assembly, not that she represents the Northern Territory at the federal level.
had sex with a horse and I’m sure it was less offensive than Bess Price." Behrendt apologized, but her remarks created a media storm that underlined the tensions between those who support government intervention and those who do not on this highly emotional issue.

As it stands, the typical left view is that the best way to reduce violence in Aboriginal communities is through continuing public assistance and Aboriginal Australian rights to make their own rules on their own land. The emerging right wing view is to make public assistance conditional on defined behavior (such as sending children to school) and to focus on personal responsibility, with government intervention as necessary.

This highly politicized conversation has produced little meaningful discussion or clear successes in reducing family violence in Indigenous communities.

Nova Peris, an Aboriginal Australian, Olympic gold medalist and Northern Territory Senator for the Labor Party, made her maiden speech to Parliament in 2013. Peris showed that for some policy-makers, the debate is moving beyond ideology and towards meaningful solutions:

This improvement [in healthcare] comes from people who have sought evidence, and put that evidence into action. They have not acted on any fixed ideology, but out of dedication and commitment. This evidence based method of approach is in my view, a real road sign for

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42 She represents the Northern Territory in the federal parliament.
43 She was talking about the recent improvements to Aboriginal Australian life expectancy in the Northern Territory.
the future and points the way to dealing with so many other areas of Aboriginal life that have seemed so intractable for so long.44

When the Liberal Party won the 2013 federal election, Tony Abbott, former leader of the opposition, became Prime Minister. In 2007 he wrote an editorial for The Australian (a national newspaper), where he used the mildly offensive term “Aborigine,”45 and also referenced with approval the "blackfellas have to take responsibility" approach of Noel Pearson and Warren Mundine.46 Prime Minister Abbott’s view of issues in Aboriginal communities was combined with his stated commitment to improving the lives of Aboriginal Australians. He made Indigenous Affairs part of the portfolio of the Office of the Prime Minister. Since then, he has focused on school attendance in Indigenous communities,47 and has made several controversial decisions, including cutting legal aid to National Aboriginal and Torres Strait Islander Legal Services, then reversing some of those cuts.48

Currently, the conversation around Aboriginal Australian family violence and poor socio-economic outcomes is changing. Family violence, as well as Indigenous health and education are on the agenda, with some policy-makers seeking to move beyond left/right ideology towards finding fundamental solutions to the high levels of family violence in Aboriginal Australian communities.

45 The word is technically correct, and not a racial slur, but it is not a preferred term. 46 Warren Mundine is an Aboriginal man, and former National President of the Labor Party.
Chapter 2: Causes of family violence in Australian Indigenous Communities

There are several possible explanations for the high rates of family violence in Aboriginal Australian communities: colonization, traditional culture, socio-economic factors, and the presence of alcohol, drugs and pornography in Aboriginal Australian communities. I will examine all of these factors in this chapter.

In Chapter 1 we saw that non-Indigenous partner violence rates are nearly identical across the three Australian states with comparable data, but Indigenous partner violence rates vary a great deal. If we combine this information with the National Aboriginal and Torres Strait Islander Social Survey (NATSISS), a survey of Indigenous persons over the age of 15, we see that the states with higher levels of violence also have other characteristics that relate to violence. In Chapter 1 we saw that New South Wales had comparatively low levels of partner violence, South Australia had higher levels of partner violence and the Northern Territory had the highest level. New South Wales also has low levels of Indigenous persons fluent in Indigenous languages and the lowest level of attendance at cultural gatherings. In New South Wales, approximately49 half of Indigenous persons lived in households that could raise $2000 in a week in an emergency.50 In New South Wales we see a lower level of Indigenous cultural attachment and a higher level of financial security than Indigenous inhabitants of other states.

The Northern Territory had high levels of language fluency and high levels of cultural participation. Only 15% of the Indigenous population lived in households

49 These measures are all self-reported, with a small percentage of respondents declining to answer, thus the use of “approximately.”
50 This was the amount that NATSISS enquired about.
that could raise $2000 in an emergency. The Northern Territory also had three times the proportion of Indigenous persons who lived in households with missing or non-working facilities, such as electricity or running water. South Australian Indigenous persons fell somewhere between the other two states on these measures.\textsuperscript{51}

On some measures the Indigenous populations of each state are very similar to each other. In educational outcomes, approximately 15.8\% of New South Wales respondents had completed high school, compared with 18.8\% of South Australian Indigenous persons and 15.5\% in the Northern Territory. In New South Wales approximately 11.8\% of Indigenous persons were unemployed\textsuperscript{52} compared to 10.9\% for South Australians and 9.8\% for Indigenous persons in the Northern Territory.\textsuperscript{53}

To summarize, educational attainment and employment is similar across the board, with poor housing, poor financial flexibility and high levels of Indigenous cultural attachment in states with higher levels of violence. This is a complex picture. It is difficult to see what factors are most responsible for violence, as they are all inter-related.

One statistical consideration is that the majority of Aboriginal women marry

\begin{flushleft}
\textsuperscript{51} Australian Bureau of Statistics. ‘National Aboriginal and Torres Strait Islander Social Survey, 2008. “Table 03: Indigenous persons aged 15 years and over, by State or territory of usual residence.” (2009). The data collection was in 2008, but it was released in 2009. This is the most recent NATSISS released, which is why I’m using it.

\textsuperscript{52} Note that this percentage includes people not in the labor force.

\end{flushleft}
non-Aboriginal spouses.\textsuperscript{54} Therefore, the elevated violence in the community covers several groups, spanning urban Aboriginal Australians who live with mostly non-Indigenous Australians and Aboriginal people living in remote communities that are almost exclusively Aboriginal. It is difficult to separate these two groups in any quantitative analysis and, as a result, much of my analysis in this chapter relies on anthropological work and secondary sources. We do know that rates of Indigenous women outmarrying are lowest in the Northern Territory (16\%) and highest in New South Wales (71\%), with South Australia falling between the two (55\%).\textsuperscript{55} The discussion of homicide statistics in the Appendix does support that this is an intragroup problem, not a case of non-Indigenous spouses disproportionately abusing Indigenous spouses relative to non-Indigenous spouses.

A 2001 Australian government report lists common types of violence in Indigenous communities as spousal assault, homicide, rape and sexual assault, child violence, suicide, self injury, one-on-one adult fighting (same gender), inter group violence, psychological violence, economic abuse, cyclic violence,\textsuperscript{56} and dysfunctional community syndrome.\textsuperscript{57} I will focus on spouse assault, sexual assault and rape between family members and child violence.

\textsuperscript{54} Genevieve Heard, Siew-Ean Khoo, and Bob Birrell, ”Interrmarriage in Australia: Patterns by Birthplace, Ancestry, Religion and Indigenous Status.” \textit{Centre for Population and Urban Research, Monash University}, 2009. 4.
\textsuperscript{55} ibid. 4. The percentages refer to Indigenous women in 2006, combining urban and rural women.
\textsuperscript{56} Cyclic violence is defined as long-term violence that occurs over generations. Dysfunctional violence refers to widespread violence occurring at one time. Both terms refer to feedback cycles (the idea that violence generates more violence).
\textsuperscript{57} Paul Memmot et al., ”Violence in Indigenous Communities.” \textit{Attorney-General’s Department: National Crime Prevention}. 2001. 2-3.
We saw in the previous chapter that Aboriginal women are much more likely to be victims of violence at the hands of their partners than Aboriginal men are. Katherine Burbank’s study of the Aboriginal community Mangrove in the 1980s also showed this to be true.58 Family violence in Indigenous communities is extremely gendered, with women much more likely to be the victims. Thus, I will discuss violence against women as part of family violence.

**Colonization**

Colonization in the modern Australian context began when the First Fleet arrived from the United Kingdom in 1788. At that time, there were over 250 distinct languages spoken in Australia. Now there are fewer than 200 Indigenous languages spoken in Australia,59 and a growing number of young people who can speak neither English nor their native language fluently, so are without language.60

Colonization in Australia was the process by which Aboriginal and Torres Strait peoples were partially dispossessed of their land and their culture. This process has continued to the present day, where Indigenous peoples continue to be marginalized by mainstream Australian culture. As Snowball and Weatherburn,61 note, most of the academic literature treats colonization as the major or underlying

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cause of Indigenous family violence. Subsections. Some identify colonization as a force that undermined traditional social norms that prevented or ameliorated violence, arguing that while violence existed in traditional culture, women and children were protected by the community. Others assert that the violent nature of colonization and white on black violence started a pattern of violence that continues to this day.

The colonization process in Australia, as elsewhere, was extremely violent. This included sexual violence committed by white men against Aboriginal women, girls and boys. Aboriginal women and girls who worked at outback stations were called “gins” and were exploited both sexually and for labor. An Aboriginal woman, Ruth, recounts the history of sexual abuse in a sewing circle with other Aboriginal women:

There are too many stories about rape and abuse of our women by white fellas. Those dirty rotten dogs would take the young girls and do terrible things to them - some of them never recovered, other ones would be pregnant, some only 12 years old. And, those rotten dogs, they’d go off and get another young girl - some poor young one.

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63 Burbank. 1994. 32.


Australian Aboriginal writer Larissa Behrendt asserts “for Indigenous women, violence, and especially sexual violence, have been a legacy of colonization.”

Judy Atkinson and Glen Woods, Aboriginal Australian social workers and academics, identify colonization and cultural genocide as the same thing. They claim that European cultural domination is “the greatest violence: the violence that brings the loss of spirit and the destruction of self, of the soul,” with family violence being an unfortunate consequence of this spiritual disruption.

For Behrendt and Atkinson and Woods, colonization is a fundamental explanation for contemporary family violence.

Anthropologist Katherine Burbank suggests a theory that supports the link between colonization and family violence. She asserts that Aboriginal culture had safeguards in place against extreme violence. She makes the argument that violence where no serious damage is done to the victim is common in Aboriginal culture, but that community members will intervene to protect women once the fight gets too violent. She found that community members would intervene even if it means holding back their own family members in defense of someone who isn’t related to them.

Colonization, by undermining these traditional social controls, is said to have increased violence against women in Aboriginal society, as community members are less likely to step in once domestic disturbances become serious.

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70 Burbank. 1994. 41.
Furthermore, there is the Stolen Generation to consider, where as many as 50,000 Aboriginal children, particularly those of mixed descent, were removed from their parents from 1910 to 1970 as part of a deliberate policy of assimilation.\textsuperscript{71} The Stolen Generation is a potent symbol of colonization in Australian culture. The Bringing Them Home report documents the experience of the Stolen Generations through interviewing survivors and investigation of government documents. They found that the Stolen Generation policies contributed to the disruption of Aboriginal culture, as was explicitly envisioned by the Australian government officials of the early twentieth century:

\begin{quote}
The violence and disease associated with colonisation was characterised, in the language of social Darwinism [sic], as a natural process of 'survival of the fittest'. According to this analysis, the future of Aboriginal people was inevitably doomed; what was needed from governments and missionaries was to 'smooth the dying pillow'.\textsuperscript{72}
\end{quote}

In a multivariate analysis, Snowball and Weatherburn found that being a member of the Stolen Generation increases the likelihood that an Indigenous person will be a victim of violence.\textsuperscript{73}

20\textsuperscript{th} century child removal policies, however, cannot account for all or even most of Indigenous family violence. The 2008 NATSISS reports that in New South Wales, approximately 7.7\% of Indigenous persons had been removed from their families, compared to 11.9\% in South Australia and 4.8\% in the Northern Territory. This indicates that the effects of the Stolen Generation are counteracted by other

\textsuperscript{72} ibid. 23.
\textsuperscript{73} Snowball and Weatherburn. 2008. 229. This analysis focused on victimization, not perpetration.
causes. Another difficulty is the impossibility of disentangling the children who were part of the Stolen Generation because of their Aboriginality (i.e. they were taken just because they were Indigenous), and children who were part of the Stolen Generation because childcare workers genuinely thought they were victims or at risk of violence and/or neglect. As childhood abuse leads to negative outcomes later in life, including increased risk of violent victimization, it is difficult to tell if being a member of the Stolen Generation led to increased risk of victimization. The wrenching emotional hardship of being torn away from family, and the abuse experienced in the institutions and homes where Aboriginal children were placed are not something that can be captured quantitatively with existing statistical information. But it is an important part of the picture, and of the harm colonization has done to the Aboriginal peoples of Australia.

Superficially the colonization explanation for high rates of family violence appears persuasive. The process of colonization has continued to recent times, as has white male sexual violence against Indigenous Australians, including, among other examples, police officers sexually assaulting and pimping out Aboriginal women and girls. The link between European colonization and violence that

Behrendt and others note is a factual reality, but whether it accounts for a material proportion of high rates of family violence between Indigenous persons is uncertain.

The theory that colonization is the key factor leading to family violence has at least one major flaw. If colonization led to a decrease in the strength of protective social norms, which then led to increased violence, we should see more violence in urban communities where Aboriginal culture is most diluted by European culture, less in rural communities and even less violence in remote rural communities which have maintained more of their culture and language and where colonization was least severe. The 2002 NATSISS appeared to show that result. Survey respondents were asked whether they were subject to violence or threatened violence, and fewer Indigenous Australians in extremely remote areas than in urban areas stated they were victims of violence. However, this outcome is tainted by the fact that in urban communities respondents were asked privately, while in rural communities, respondents often needed a translator from the local community.

In one striking contrast to the 20002 NATSISS, hospitalization data shows the rate of head injuries for women due to assault in rural and remote Indigenous communities is 1500 per 100,000. In metropolitan areas it is 215 per 100,000.

And, as pointed out by Stephanie Jarrett, in the 2002 NATSISS, 30% of participants

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77 Jarrett. 2013. 44. Respondents in rural areas identified high level of violence in their communities but were reluctant to state that they were victims of threatened or actual violence (the question used the terminology “threatened or actual violence,” with no distinction between the two). Also note that terminology differed slightly between questionnaires in remote and non-remote areas to account for language differences.
78 Jarrett. 2013. 29.
aged fifteen years and over in remote areas reported witnessing violence, while only 10% in non-remote areas reported the same. More substantially, if we look at the 2008 NATSISS, the most recent NATSISS available, we can see that there is a flaw in the colonization thesis. Family violence is reported as a problem in their community by 20.8% of respondents in non-remote areas and 36.9% of respondents in remote areas. Communities with more exposure to non-Indigenous culture and with a greater history of colonization have less, not more, family violence.

Other information challenges the view of colonization as the major causal factor of Indigenous violence. In New South Wales colonization began in 1788, while in South Australia it began 1836. Many attempts were made to colonize the Northern Territory, with the first successful settlement in 1869, and substantial European settlement from the mid 20th century. Family violence appears to be more prevalent where the forces of colonization are most recent, not where they are more distant.

Nevertheless, the violence committed by white Australians against the Aboriginal peoples, both intended and unintended, was in many cases catastrophic. Any commentary on family violence within Aboriginal communities would be remiss in not noting this.

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79 NATSISS. 2002. 39. The 2002 NATSISS is released in PDF form, while the 2008 NATSISS is released in excel form, thus why I cite page numbers for the 2002 and tables for the 2008.
80 NATSISS. 2009. “Table 10: Neighbourhood or Community Problems, indigenous persons aged 15 years and over, Australia by remoteness, sex, 2008.”
Family Violence in “Traditional Culture”

Despite the role of colonization and non-Indigenous Australians in contributing to violence against Aboriginal peoples, there are significant problems with blaming colonization and ignoring the role of traditional Aboriginal culture, which included child marriages and sanctioned male violence against women. Traditional culture included the use of violence to maintain social relationships, including the power of men over women.

Stephanie Jarrett is among a group of Australian academics, including Peter Sutton, who offer a counter-thesis to the colonization argument. Jarrett draws attention to the fact that traditional Aboriginal culture exhibits high rates of violence against Aboriginal women.

We can trace pre-colonization violence in early anthropological work. The early anthropologists were primarily men who used primarily male informants, so we see traditional culture through men’s eyes, which is a distortion. The male experience is treated as the default Aboriginal experience, and the female experience as an offshoot or special case. This means the academic understanding of traditional culture relies too heavily on male experiences and perspectives.

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81 This term is problematic, as I will explain later in this chapter and more completely in Chapter 4.
82 I define child marriage as child abuse, and thus part of family violence, particularly when the child is forced into the marriage by her family and assaulted by her “spouse,” as happened in two cases cited in the Little Children Are Sacred Report (2007). 70.
83 This is especially true in the work of A. R. Radcliffe-Brown, who worked for years in the Northern Territory. His 1931 book “Social Organization of Aboriginal Tribes,” describes kinship relationships in detail, but never treats women as more than broodmares.
When the First Fleet arrived at Sydney in 1788, Watkin Tench, a British marine officer, wrote about his experiences.\(^\text{84}\) Although he was not an anthropologist, his work is the first written account we have of traditional Aboriginal culture in early New South Wales. His accounts contain a lot of blatant racism,\(^\text{85}\) but also describe very troubling male violence against women. He discusses the common and “brutal violence” that Aboriginal men commit against Aboriginal women, as well as the scars and contusions on women’s heads “on which the husband’s vengeance generally alights.”\(^\text{86}\)

We can gather other evidence from before European colonization began from the remains of Aboriginal peoples. All over the continent, excepting the Murray River region in South Australia, the remains of pre-contact Aboriginal women have a much higher rate of skull injury than the skulls of Aboriginal men, the exact rate varying by region.\(^\text{87}\) According to paleontologist Stephen Webb, cited by Sutton, “the average female incidence of triple skull fractures caused by force in Australia was prehistorically more than five times that of men.”\(^\text{88}\)

W. Lloyd Warner, an anthropologist from the United States, carried out fieldwork in northeastern Arnhem Land in the Northern territory in the 1920s, where the Yolngu people live today, although Warner refers to them as the Murngin.

\(^{84}\) Watkin Tench. “A narrative of the expedition to Botany Bay; with an account of New South Wales, its productions, inhabitants, &c. To which is subjoined, a list of the civil and military establishments at Port Jackson. Third edition, to which is now first added, a postscript, dated Sydney Cove, October 1, 1788. By Captain Watkin Tench of the Marines.” Eighteenth Century Collections Online. 1789. Last accessed March 16, 2014.

\(^{85}\) He refers to their “natural hideoufnfs” or hideousness on page 78.

\(^{86}\) Tench. 1789. 181.

\(^{87}\) Sutton. 105.

\(^{88}\) Sutton. 105.
He describes that girls were expected to be sexually untouched upon marriage, and their husbands would often beat them if this was not the case. He described a common legend where adulterous women were left on a rock to die, and according to the story-tellers, deservedly so. In practice, if women continued in their adultery, they could be killed by a member of their own family. When women caught their husbands in adultery, the husbands would usually only receive a severe tongue lashing. He also describes the practice of killing one child when twins are born, and if there was a male and female child, the female was almost always killed.

Despite this bleak picture, there were exceptions. Warner also described a case where the mother chose instead to kill the male, and was poorly thought of for it. The fact she was able to make this choice without severe censure speaks to the room Aboriginal women had within the confines of restrictive social customs. He notes that the practice of older men taking young girls as wives was common, as “Murngin polygyny usually implies that a man will acquire wives throughout his lifetime.”

In his anthropological work published in 1899, John Matthew was more explicit about child marriage. He was working in Burnett District, Queensland. He wrote of marriage between older men and girls who had just reached puberty as the

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90 Ibid. 68-70.
91 Ibid. 70.
92 This cultural practice appears to be based in preserving limited resources to give the surviving child the best chance at survival.
94 Ibid. 61.
standard, and marriage by abduction as common between hostile groups. The Little Children are Sacred Report notes that in the Northern Territory, marriage between an older man and a girl is still seen as an ideal, especially by older men and women, showing that this aspect of traditional culture has staying power, even if it has weakened.

More contemporary female anthropologists such as Katherine Burbank and Diane Bell also note high levels of violence against women, but neither of them see traditional culture as a causal factor for this violence. However, even in the 1970s and 1980s when Bell was researching, she found that “often white male officials consulted only with the Aboriginal men,” when making decisions about how to accommodate Aboriginal culture. Again, the male version of traditional culture remains privileged by official accounts and understanding.

Violence in traditional Aboriginal culture was used to maintain order or to set things right. This is nearly universally true in anthropological studies. The most common Australian example is ritualized forms of peacemaking or revenge. For instance, if a man commits murder, then the relatives of the murder victim are able to throw spears at the murderer. The murderer can be speared in the leg, setting things right. More generally, violence and guilt are collective endeavors. If one member of a group is killed by a member of a second group, then multiple members

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96 Little Children are Sacred Report. 2007. 71.
98 Burbank. 1994. 90.
of the second group can offer to be speared in the thigh to make peace.\textsuperscript{99}

Furthermore, in some remote communities sickness or injury is still attributed to sorcery from an enemy, so that those who commit family violence are often seen to be victims of sorcery and not accountable for their actions.\textsuperscript{100} In this very violent context, it makes sense that this form of patriarchy is very violent towards women.

We can see that patriarchal norms that are intimately related to violence spelled out by the Yolngu people in the written copy of their laws:

\begin{quote}
13. You will not speak in the hearing of the brother things which pertain to his sisters, which are of a sacred or intimate nature.\textsuperscript{101}
\end{quote}

This law, seemingly an innocuous cultural custom, can result in brothers punishing sisters through beatings for profanity being spoken around or about them, or even if he witnesses them in any act remotely seen as sexual.\textsuperscript{102} To be clear: if an unrelated man curses a woman, the woman’s brother beats the woman, not the unrelated man who caused the offence in the first place.

Another Yolngu law excludes women from much of the political process:

\begin{quote}
\textsuperscript{100} ibid. 89.
\textsuperscript{102} Burbank. 1994. 157. This includes defecation and urination.
29. Neither women nor children nor the uninitiated... shall enter into or in any way be familiar with the chamber or restricted surrounds of the hjarra’ parliament.

None of these traditions are exceptional. Among a great many other examples, political exclusion of women was practiced in the United Kingdom until 1928 and child marriages were common for the nobility of medieval Europe. Practices that are discriminatory against women are not due to any exceptional ingrained Aboriginal tendency to abuse women. Many cultures exhibit such traits. The reality of pre-colonization violence against women is almost completely ignored in the Australian academic literature, however, at least until recently. Clearly Aboriginal society included patriarchal customs prior to the Stolen Generation, and as anthropological work in remote communities shows, also before colonization.

Burbank describes a situation in which white field officers did not intervene when a man began to kick a woman, as they believed it was part of traditional culture. Other Aboriginal women had to tell them to intervene, as while the husband could inflict violence on his wife under customary law, kicking her with his boots on was seen as too extreme. The act of violence itself was not.

This is an example of how colonization and traditional culture are not opposing forces or competing explanations, but enhance each other. This man may have beaten his wife before colonization, but he might not have acted so harshly,

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103 Aboriginal men must go through initiation rituals to become full men and members of the community. Women cannot go through these rituals.
and other Aboriginal people might have intervened instead of seeing the white field officers tacitly condone this conduct.

We cannot consider Aboriginal culture as pristinely non-violent before the arrival of Europeans. Like any other group, they had complex social practices, including practices that consisted of violent, oppressive and degrading behaviors towards women that we would today understand as family violence. This violence does not come from any primitive nature. Indeed, the Aboriginal societies described by anthropologists, such as A. R. Radcliffe-Brown,\(^{106}\) have complex rules and hierarchies, and were populated by loving families.\(^{107}\) While this thesis focuses on family violence, it is important for readers unfamiliar with Aboriginal culture to note that the anthropological record describes communities with many positive aspects including rich mythology, art and music.

The disparity between violence against Indigenous women and non-Indigenous women cannot be understood solely as a result of traditional culture. Until very recently, family violence was also extremely common and accepted in non-Indigenous Australian culture.\(^{108}\) Both European and traditional Aboriginal cultures are patriarchal. The question to ask is not if Aboriginal culture is intrinsically violent. Culture is not static; it changes. The question should be: how do we help transform Aboriginal culture into becoming less violent?


\(^{107}\) Radcliffe-Brown. 2011. 103.

\(^{108}\) In Australia spousal rape was first criminalized in 1981, in New South Wales. It took until 1992 until it was illegal in every state. Good statistics on family violence do not exist prior to the cultural change that problematized family violence, for obvious reasons.
**Socio-economic factors**

According to Christine Choo, “material poverty... is secondary to the more deep-seated deprivation that is the consequence of cultural invasion, racism and oppression.”\(^{109}\) This statement reflects the continuing focus on colonization as a cause of Aboriginal violence in the academic literature at the expense of all other explanations. However, material poverty is an important factor to consider.

In the Australian context Indigenous poverty does not just mean current conditions of poverty in Aboriginal communities, but a long history of Aboriginal people not sharing in the plenty of one of the world’s wealthiest countries. In 1938-39 the federal government spent "£1 per [indigenous] person per annum compared to £42.10s per annum on non-Indigenous pensioners."\(^{110}\) The comparison of Indigenous people to non-Indigenous pensioners is apt, as Indigenous persons were held on settlements where they had limited opportunities to work or support themselves. These settlements were seen as a place for Aboriginal communities to stay until they eventually died out.\(^{111}\) Before equal wages were introduced in 1968, Aboriginal people were often paid a pittance or not at all for work, receiving clothing, tobacco and food instead of wages.\(^{112}\)


“Pensioner” is the Australian term for a retiree living at least partially on government benefits.


Thus, present day poverty needs to be understood in the context of continued disadvantages and discrimination suffered by the Aboriginal community over time. The 2011 Census found that the median weekly household income for all Australians was $1,234. For Indigenous Australians it was $991. Economic inequality of outcomes continues to persist between Indigenous and non-Indigenous Australians. This pattern of disadvantage varies by state as well. The median household income divided by average number of residents shows that in the Northern Territory an average income per week for residents is $262, in South Australia $281 and in New South Wales $304. This is exactly the pattern you’d expect to see if income is important, given the differing rates of violence in Chapter 1, but as the difference is relatively small, other factors must be more important. Non-indigenous income across states is variable but rates of family violence are similar, showing that there are more than socio-economic factors at play for differing levels of violence.

Robertson et al developed a report charting the socio-economic disadvantages contemporary Aboriginal people face in education, employment, housing and living conditions, health and wellbeing and crime and justice. Notably, she found that Australian Aboriginal students were less likely to progress to later

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113 Australian Bureau of Statistics. “Australia,” 2011 Census QuickStats. 2013. This difference is larger when you consider the average household size for non-Indigenous Australians is 2.6 where it is 3.3 for Indigenous Australians.


115 ibid, Northern Territory $577, New South Wales $475 and South Australia $435.

grades in high school and to attend college. Indigenous people are also more likely
to be unemployed or employed in low-level industry sectors.\textsuperscript{117} Thus, as Robertson
et al states “it is not surprising that the Indigenous population live in typically
poorer conditions than the total Australian population.”\textsuperscript{118} Indigenous Australians
are also more often under financial stress. In 2008, they were almost four times
more likely to live in a household that could not raise $2,000 in an emergency,
compared to non-Indigenous Australians.\textsuperscript{119}

In the Australian context the link between poverty and crime has been
explored. In 1992 Don Weatherburn reviewed Australian and non-Australian
information about the links between unemployment and social disadvantage with
crime. Although some studies were ambiguous, he found a strong link between
social disadvantage and crime, underlining the importance of social inequality.\textsuperscript{120} He
also stressed the importance of long-term economic disadvantage over short-term
recessions as a causal factor for crime.\textsuperscript{121} The situation in Aboriginal communities is
often one of social inequality and long-term deprivation, and can be seen as part of
the reason why Aboriginal Australian violence is so high. In 1998, Weatherburn and
Bronwyn Lind found that economic disadvantage increased juvenile offending in

\textsuperscript{117} Ibid. 5.
\textsuperscript{118} Ibid. 7
\textsuperscript{119} Australian Bureau of Statistics. “Demographic, Social and Economic
Characteristics: Language, Culture and Socioeconomic Outcomes.” \textit{The Health and
Welfare of Australia’s Aboriginal and Torres Strait Islander Peoples.} Web. 2010.
\textsuperscript{120} Don Weatherburn. ‘Economic Adversity and Crime.’ \textit{Australian Institute of
Criminology.} 1992.
\textsuperscript{121} Weatherburn. 1992. 8.
The most recent update of Weatherburn’s research is an in-depth study of persons in Queensland born in 1990. It showed that geographical distribution of criminal offenders is not random, and continues to be concentrated in areas of social disadvantage, with one third of chronic offenders classified as Indigenous. These reports were not specific to family or domestic violence, and do not explain the difference in patterns of violence, i.e. why family violence makes up a greater percentage of total violence for Indigenous persons and why Indigenous women are disproportionately targeted by violence compared to their non-Indigenous peers.

It is generally accepted that poverty creates the conditions for most crime, whether that crime is violent or not. Internationally, there is research that supports the links between family violence and socio-economic stress. For instance, researchers have generally found that unemployment increases domestic violence. Multiple U.S. Department of Justice reports have found that increased economic distress and instability was correlated with higher levels of domestic violence, once other factors such as neighborhood and race have been controlled for. In addition, a European Union study found that when male unemployment increased

123 Troy Allard, April Chrzanowski and Anna Stewart. ‘Targeting crime prevention: Identifying communities that generate chronic and costly offenders.’ Australian Institute of Criminology. 2013. 35.
and female unemployment decreased, domestic violence decreased.\textsuperscript{125} In other words, when male members of the community are more likely to depend on their female partners for support, then rates of domestic violence decrease. This suggests that female financial dependence may be more important than male unemployment in contributing to violence.

There is evidence for the idea that socio-economic status and Indigenous family violence are causally related. Jarrett asserts that Indigenous family violence is higher in remote contexts, theorizing that assimilation with mainstream culture reduces interpersonal violence in Aboriginal communities.\textsuperscript{126} But the varying levels of violence between rural and urban settings may also be related to the socio-economic differences between the two groups. Of Australian Indigenous peoples living in remote or very remote areas, 41\% had not gone beyond year nine in education, compared to 37\% for inner and outer regional areas and 28\% in major cities.\textsuperscript{127} The pattern of rural disadvantage, where those in rural areas have lower educational attainment and income, may partially explain why violence is higher in rural areas in comparison to urban areas.

The issue of housing again shows how Australian Aboriginal people in rural areas are disadvantaged relative to their urban peers. In 2008, 31\% of Indigenous children in all of Australia lived in a household that needed an extra bedroom. In

\textsuperscript{126} Jarrett. 2013. 52.
\textsuperscript{127} 2008 NATSISS. 2009. "Table 2: Indigenous persons aged 15 years and over, by Remoteness area."
remote areas that number was 57%. Housing is a particularly relevant issue in Indigenous Australia. Aboriginal Australians are much more likely to live in conditions of overcrowding, and The Little Children Are Sacred report links this to children being exposed to sexual activity and being unable to escape from violence. Multiple family units often live in one house and these houses often lack security features such as lockable doors.

Socio-economic factors appear to be part of the explanation for high levels of family violence, but it is important to note that they cannot account for the discrepancy in violence alone. As we saw in Chapter 1, Indigenous women make up the great majority of Indigenous victims of assault. Being female increases the chance of violence for Indigenous women, while violent victimization is considerably higher for non-Indigenous men than it is for non-Indigenous women. The differential outcome is not explained by socio-economic disadvantage.

Exacerbating factors

In Diane Bell’s anthropological work, conducted in the 1970s and 1980s, she described alcohol as the catalyst for the majority of family violence in Aboriginal Australian communities. In Katherine Burbank’s study, when alcohol was brought

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129 Little Children are Sacred Report. 2007. 195.
131 Bell. 2002. 32.
into the “dry” (alcohol-free) community of Mangrove, it was “marked by an aggressive event.”\textsuperscript{132} In other words, she could tell when alcohol was brought into the community as its presence led to violence. Peter Sutton sees alcohol as the major reason for violence in his community, Aurukun, and alcohol restrictions as the reason for reductions in this violence.\textsuperscript{133} Jarrett describes alcohol as a trigger for violence, taking its relation to family violence for granted.\textsuperscript{134} Indeed, as Chapter 3 will show, essentially all policy-makers and non-policy making Aboriginal peoples take the connection between Indigenous violence and alcohol for granted. There is a general awareness both in the mainstream media, and the academic literature, that alcohol exacerbates violence in Aboriginal communities.

According to the Little Children Are Sacred Report, alcohol use by perpetrators and the sexual abuse of children have a strong association, but in addition to its immediate effects, alcohol is tearing the social fabric of Aboriginal communities apart. Alcohol is estimated to contribute to the death of an Indigenous Australian every 38 hours.\textsuperscript{135} The Little Children are Sacred Report involved interviews in 45 Aboriginal communities in the Northern territory. Every community interviewed cited alcohol as a problem related to violence. In a report produced by the Australian Institute of Criminology, this link is again noted, with the caution that fewer Indigenous Australians than non-Indigenous Australians drink,

\textsuperscript{132} Burbank. 1994. 62.
\textsuperscript{133} Sutton. 2009. 37-38.
\textsuperscript{134} Jarrett. 2013. 84.
\textsuperscript{135} Little Children are Sacred. 2007. 161.
but those who do, drink in riskier ways. In a 2005 Western Australia survey of adult female prisoners, Indigenous women were almost twice as likely to admit being under the influence of alcohol as non-Indigenous women when they committed their offense. A Queensland study of non-custodial (non-imprisoned) offenders found that two thirds of female Indigenous offenders had been subject to alcohol related partner violence, while less than half of non-Indigenous female offenders reported the same. The same study showed that forty percent of male Indigenous offenders reported being the victim of alcohol-related aggression from their partners, in comparison to thirty percent of non-Indigenous male offenders. Like violence, the pattern of alcohol abuse is different in Indigenous communities than in non-Indigenous communities. Alcohol serves as a trigger for violence in a disproportionally higher number of cases, which further complicates policy to address either violence or alcohol use.

Alcohol is the major drug that the literature discusses, with other drugs such as marijuana, methamphetamines and petrol getting a brief mention in Katherine Burbank’s work and the Little Children Are Sacred Report. These drugs are not as prevalent as alcohol, and non-Indigenous offenders are more likely than Indigenous offenders to use drugs other than alcohol. However, drugs are seen as contributing to the general social dysfunction in Indigenous communities and there

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137 Wundersitz. 2010. 45.
138 Ibid.
139 Ibid.
140 Burbank (1994).
is a high level of cannabis use in some Indigenous communities.\textsuperscript{143} Petrol-sniffing is rare outside remote Indigenous communities, a result of other drugs not being consistently available, but in those communities it causes serious cognitive and physical harm.\textsuperscript{144}

Pornography is mentioned often in government reports and by members of the Aboriginal communities they interviewed in the Little Children are Sacred Report. A report for the Australian Crime Commission reviewed the literature, and found no quantitative evidence for pornography creating violence.\textsuperscript{145} There is a consistent pattern of pornography being cited as a concern, as documented by Joy Wunderstitz in her report of risk factors for violence in Aboriginal communities.\textsuperscript{146} The Little Children are Sacred Report describes a culture in remote communities where pornography use is normalized and children are exposed to pornography.\textsuperscript{147} Adults showing children pornography is, in and of itself, child abuse, and may also be grooming behavior for further abuse.\textsuperscript{148} But there is little quantitative data on how pornography and violence are linked, even outside Indigenous Australia, and it is probably a much less important causal factor than alcohol.

Although alcohol and substance abuse may increase the chance of violence in an individual situation, the underlying causes are already there, as Aboriginal women themselves recognize. Diane Bell talks about Aboriginal women linking the

\begin{itemize}
  \item[Ibid.]
  \item Cairey and Dingwall. 2010. 510-513.
  \item Wundersitz. 2010. 60.
  \item Little Children are Sacred. 2007. 199.
  \item Wundersitz. 2010. 60.
\end{itemize}
violence they experience at the hands of their husbands not only to the alcohol
imbibed but also to their “lives as women on settlements and past in the bush.”
In other words, they recognize that being Aboriginal women makes them vulnerable to
abuse. Alcohol is often a trigger to family violence, but it is not the only explanation.

Conclusion

This chapter outlines two competing explanations for high rates of
Indigenous family violence. The first explanation is that violent colonization
shattered social norms and created social disadvantage in Aboriginal communities,
and that one of many ills flowing from colonization is increased family violence. The
second thesis is that pre-colonization Aboriginal culture already demonstrated very
high rates of domestic violence, and these rates have continued post-colonization.

There is an element of truth in both arguments. Colonization did undermine
social controls, but there was already a culture of patriarchal domination and
violence.

This is not a unique situation. In many societies, male colonizers and males
from Indigenous groups collude at the expense of women. This has been found by
Kathleen Staudt in her work on different African societies150 and Irene Silverblatt in
her work on Andean women.151 Thus an argument about whether colonization is to
blame or traditional culture is to blame for family violence is ultimately futile. Both

149 Bell. 2002. 32.
150 Kathleen Staudt. “The State and Gender in Colonial Africa.” In Women, the State
and Development. Eds, Sue Ellen M. Chaudt, Jana Everett and Kathleen Staudt. 67–85.
1989. 67.
151 Irene Silverblatt. “Andean Women Under Spanish Rule.” In Women and
elements can work together to help create the high rates of violence in Indigenous communities.

Violence is normalized in Aboriginal communities, with support from the legacy of colonization, traditional culture and the reconstructed culture that is neither solely European nor Aboriginal. Culture is hybrid, with what is considered traditional or normal changing over time. Infanticide, for example, is no longer an accepted practice in Aboriginal communities. It is not unreasonable to think that family violence, whether it be “traditional” punishment for adultery and religious infractions, or alcohol-fueled “non-traditional” violence can likewise be reduced.

As we debate about culture, we cannot forget that substance abuse exacerbates violence or that the socio-economic disadvantage that Aboriginal people face means that Aboriginal people have fewer options to escape family violence. The high rates of family violence will continue unless all of these issues are effectively addressed.
Chapter 3: Policy responses to indigenous violence in Australia

There have been many policy responses at local, state and federal levels to high levels of violence in Aboriginal Australian communities. Evaluation of these programs, with the exception of alcohol restrictions, has tended to be anecdotal rather than rigorous.

As I discussed in the previous chapter, there are many causes of increased Indigenous family violence, and I will discuss policy in relation to those. One causal factor is general socio-economic disadvantage, so I will give a brief overview of government efforts to reduce this disadvantage. One area of agreement is the large role alcohol plays in Aboriginal Australian family violence. As a result, I will discuss and evaluate alcohol restrictions. Two of the causal factors I discussed in Chapter 2 were colonization and traditional culture. No specific policy intentionally addresses colonization, violence in traditional culture or their intersection, but I will discuss and evaluate local level programs that have sought to deal with high levels of violence from a cultural change and education viewpoint under the umbrella of “non-alcohol specific policy.” There is also the criminal justice response, such as increased police presence and more emphasis on prosecutions and longer sentences, which I will also discuss.

Lastly, I will examine the Northern Territory Intervention, which combined all of these policy types in an attempt to address the family violence crisis in the Northern Territory.
Policy Designed to Address Socio-Economic Disadvantage

Both the Labor party and the Liberal party of Australia recognize the levels of disadvantage and are committed to “closing the gap” between Indigenous Australians and non-Indigenous Australians. The focus has been on education and health, with an emphasis on increasing Indigenous high school graduation rates, and Indigenous life expectancy.

This section is not intended to evaluate effectiveness of the many different policies related to Indigenous socio-economic disadvantage that federal, state and local governments have put in place, but to give a brief overview of recent trends.

At a federal level, a ‘Closing the Gap’ report has been released every year since 2009, referring to closing the gap between Indigenous and non-Indigenous Australians. Six goals were set: reducing child mortality, providing access to early childhood education, improving literacy and numeracy, improving Year 12 attainment, improving employment and improving life expectancy. This report typically receives more attention than any other document on Indigenous wellbeing. It is when Indigenous issues are most prominent in the media and in Parliament House. The ‘Closing the Gap’ Report 2014 is focused on ‘the right to take responsibility’ for Indigenous persons. This is the major shift in emphasis between the current, centrist-conservative, federal government and the former, centrist-left, government. The current government is more likely to support coercive policies.

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with penalties for Indigenous persons who do not meet the government’s standards of personal responsibility.

The policies that the 2014 report focuses on are school attendance strategies, practical job training programs and continuing increased access to healthcare (which has been a priority for many years, given low standards of Indigenous healthcare, especially in remote communities). The school attendance strategies include introducing truancy officers at 40 primarily Indigenous schools. There are also punitive measures, such as prosecution and enforced income management for Indigenous parents and guardians, if students do not attend school.

Income management is a relatively recent trend across Australia. This policy will also be discussed in the section on the Northern Territory Intervention. Income management is not implemented inclusively on Indigenous individuals and families, but exclusively in heavily Indigenous regions. All states, barring Tasmania, have at least one program, with the majority in Queensland, Western Australia and the Northern Territory. Income management quarantines some percentage of a family’s government assistance so it cannot be used for alcohol, tobacco, or pornography.

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155 The Australian government guarantees a basic allowance to all citizens, but the program varies with age, disability status and by family situation.
Alcohol Restrictions

The connection between alcohol and violence is a much more obvious one than the connection between socioeconomic disadvantage and violence. It is unsurprising that there are many alcohol restriction policies in place in heavily Indigenous communities.

Peter Sutton, working in the almost exclusively indigenous Queensland community of Aurukun, described the effects of strict alcohol restrictions in his community as reducing the number of sutures required per week as a result of physical conflict by about 90%,\(^{157}\) and also as reducing the number of homicides and suicides.\(^{158}\) Although alcohol restrictions seem antithetical to the idea of individual choice prized by “Western” culture, overall such restrictions have had strong positive impacts in the indigenous communities where they have been implemented. While there is restrictive alcohol policy in majority non-Indigenous communities, true alcohol restrictions\(^{159}\) are only implemented in heavily Indigenous communities.

Recently, alcohol restrictions have been called Alcohol Management Plans (AMPs), reflecting the mindset that a comprehensive plan is needed. AMPs are intended to include a comprehensive range of alcohol restriction policies that are implemented based on specific community conditions and community

\(^{157}\) Sutton. 2009. 37.
\(^{158}\) Sutton. 2009. 37. In the four-year period before the restrictions, there were six suicides and six homicides. In the four years after, there were two suicides and one death caused by trauma.
\(^{159}\) For instance, pubs may be banned from serving alcohol past 3:00 AM in Sydney as part of restrictive alcohol policy, but it’s only in Indigenous communities where alcohol is completely banned.
consultation.\textsuperscript{160} Previous policy had been to adopt dry (alcohol free) areas. Only people with permits for alcohol could bring it into the area and only approved wet canteens could sell it. The major difference between AMPs and previous policy is that AMPs have a heavier emphasis on community consultation and catering restrictions specific to local conditions.\textsuperscript{161}

The Aurukun AMP was the first of its kind and its success meant that similar plans were implemented Australia wide.\textsuperscript{162} The Aurukun restrictions are that all alcohol is banned, with the exception of weak beer from approved locations during limited hours.\textsuperscript{163} In 2012, the community of Aurukun was given the opportunity to remove or lessen the alcohol restrictions with the election of a new state government. Instead, community leaders praised the ban and asked it to continue. The mayor of Aurukun, Derek Walpo, said, “from past experience we had in our community there were too many fights, there were too many deaths. Now people are working together. That's the way I want to keep it.”\textsuperscript{164}

On the heels of Aurukun, heavily Indigenous communities in the Northern Territory adopted AMPs. Communities with plans that have been seriously evaluated include Groote Eyelandt and Bickerton and Tennant Creek, among

\textsuperscript{161} ibid. 2.
\textsuperscript{162} ibid. 1.
\textsuperscript{163} Sutton 2009. 37. and Queensland Department of Aboriginal and Torres Strait Islander and Multicultural Affairs. “Aurukun Alcohol Limits.” Web. 2014.
others.\textsuperscript{165} Groote Eylandt is an archipelago off the north-east of the Northern Territory, containing Bickerton Island. Tennant Creek is in approximately the center of the Territory:

\textsuperscript{165} See next page for map.
Figure 6: Northern Territory Map.

Source: Tourism NT, credit to Nigel Malone.
An AMP, called an Alcohol Management System in this case, was implemented in 2005 in Groote Eyelandt and Bickerton Island. The plan meant that every person in the area, Indigenous or non-Indigenous, was required to have a permit to buy takeaway alcohol.\textsuperscript{166} It was widely seen as a success, with an evaluation involving the collection of statistics and 62 interviews with community stakeholders, including council representatives, and school and clinic staffs. Interviewees who had lived in the area before and after implementation of the policy universally stated that there “was a marked improvement in community harmony and reduction in fighting and other alcohol-related harms.”\textsuperscript{167} However, qualitative evidence with interviewees suggested that the impact of the Alcohol Management System on family violence against women was not as significant as for other forms of violence. Clinic workers and police officers reporting that incidents of domestic violence had not reduced greatly.\textsuperscript{168} Alcohol was no longer the most common cause of domestic violence, but cannabis use (primarily attempts to get money to buy cannabis) made up the difference between pre-2005 domestic violence and lower post 2005 domestic violence.\textsuperscript{169}

In fact, there was an increase in incidents of domestic violence that came to police attention post implementation of the plan, although this may have been due to increased reporting. New policies regarding reporting and increasing access to

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\textsuperscript{167} Conigrave et all. 2007. 56-57.
\textsuperscript{168}ibid. 31.
\textsuperscript{169} ibid. 31.
restraining orders occurred during the same time period.170 Women interviewees overwhelmingly supported the Alcohol Management System, but some were afraid to support it in public for fear of drawing the “potential animosity of male drinkers.”171 Like Aurukun, Groote Eylandt is seen as one of the more successful AMPs.172

Tennant Creek, also in the Northern Territory, is a more complicated case, with a series of overlapping alcohol restrictions. In 1995 “Thirsty Thursday”173 was introduced. Community members worked with the Northern Territory Liquor Commission to completely ban takeaway alcohol on Thursdays, in addition to restricting the hours and amount of alcohol that could be bought for the rest of the week.174 Alcohol consumption, assaults and injury rates all fell.175 The results from this plan were positive, but ‘Thirsty Thursday’ was revoked in 2006. Alcohol related violence began to rise again, even after a decade of restrictions.176 In 2008, an Alcohol Management Plan was introduced into Tennant Creek, which banned alcohol from community events and raised alcohol prices. While the 2008 AMP it

170 ibid. 35-36.
171 ibid. 58.
172 Smith et. al. 2013. 6.
173 ibid. 3.
174 Thursdays were when welfare and Community Development Employment Program (CDEP) wages were paid. CDEP was a government program that provided training and community development opportunities in Indigenous communities. This meant a large segment of the community were given paychecks on Thursdays, which they could use to buy large quantities of alcohol. CDEP has been rolled into the Remote Jobs and Community Program (RJCP) since 2013.
176 Smith et. al. 2013. 6.
reduced the number of alcohol related presentations to the Emergency Department, they were still higher than “Thirsty Thursday” levels.\textsuperscript{177} This demonstrates the importance of continuing successful policies.

Fitzroy Crossing and Halls Creek, both in the Kimberley region of Western Australia, implemented alcohol restrictions in 2007 and 2009 respectively. Fitzroy Crossing and Halls Creek are in the North of the State:

\begin{center}
\includegraphics[width=\textwidth]{western-australia.png}
\end{center}

\textbf{Figure 7: Western Australia.}

Source: myplace.edu.au.

\textsuperscript{177} ibid. 6.
The Fitzroy Crossing alcohol restrictions banned packaged alcohol (takeaway) sales above 2.7% ethanol concentration (strong alcohol).\textsuperscript{178} A two year evaluation in 2008 and 2009 took place, with researchers collecting quantitative data and interviewing 184 members of the local community, including service providers, business persons and indigenous and non-indigenous residents. The researchers found that the reported rate of domestic violence actually went up, but local survey respondents attributed the increase to less tolerance of domestic abuse and higher reporting rates. The women’s refuge reported fewer presentations of women needing a place to stay safe from abusive partners than prior to the restrictions.\textsuperscript{179} Survey responses indicated that, before the restrictions were implemented, domestic violence had been normalized, with wife-beating accepted as normal behavior.\textsuperscript{180} The restrictions not only had an impact on the amount of alcohol sold and consumed, but signaled to community members that high levels of violence were abnormal and deserved a policy response.

The majority of respondents reported that they believed there was a decrease in domestic violence as a result of the restrictions, and a general improvement of the welfare of children in the community.\textsuperscript{181} Before the restrictions, “very young children were roaming the streets at night to avoid returning to their homes where people were drinking and they felt unsafe.”\textsuperscript{182} After the restrictions,

\textsuperscript{178} University of Notre Dame Australia. “Fitzroy Valley Alcohol Restriction Report December 2010.” The Drug and Alcohol Office of Western Australia. 2010. 10.
\textsuperscript{179} Fitzroy Valley Report. 2010. 12.
\textsuperscript{180} ibid. 26.
\textsuperscript{181} ibid. 26.
\textsuperscript{182} ibid. 26.
there was an increased interest in parenthood, especially from fathers, and children were thought to be exposed to less violence and to be in better health.\textsuperscript{183} Again, as in the previous cases, these restrictions in Fitzroy Crossing appear to be successful.

The result of restrictions in Halls Creek was more ambiguous. The restrictions prohibited takeaway strong alcohol sales from anyone but liquor vendors, and banned the local hotel (pub) from selling alcohol before noon. As for the other evaluations, researchers interviewed community members (167) and collected quantitative data. Overall, there was a decrease in violence and a positive community reaction, but also concerns that there was increased use of marijuana,\textsuperscript{184} and increased violence, especially domestic violence, in a nearby community that sells full strength alcohol.\textsuperscript{185} Here we can see that alcohol restrictions are hampered when alcohol is available fairly readily outside the restricted area. Unlike Groote Eylandt and Fitzroy Crossing, the reported drop in violence in Halls Creek included a significant fall in reported sexual assault and domestic violence. However, the drop in reported domestic violence was less than for non-domestic assaults.\textsuperscript{186} The Ngaringga Ngurra Safehouse noted a reduction in women using the shelter: the number began to increase again after six months, although the number of women was still significantly lower than pre-restrictions.\textsuperscript{187} The Department for Child Protection reported no difference in their workload post-restriction compared to

\textsuperscript{183} ibid. 39.
\textsuperscript{184} University of Notre Dame Australia. “Halls Creek Alcohol Restriction Report, December 2010.” \textit{The Drug and Alcohol Office of Western Australia}. 2010. 10.
\textsuperscript{185} ibid. 56.
\textsuperscript{186} ibid. 23.
\textsuperscript{187} ibid. 12.
pre-restriction. The Halls Creek results indicate that alcohol restrictions can only go so far in addressing family violence. Community members were generally in support of the restrictions, but felt they were enacted in a discriminatory manner. The majority of respondents did not support restrictions before they were brought in, unlike the community led restrictions in other cases. And, unlike in the other cases, only a slim majority of survey respondents supported continuing the alcohol restrictions.

Many of these reports describe levels of community involvement, but rarely make the distinction between male and female community leadership. Given that women are much more likely to be victims of violence and men are more likely to be perpetrators, their interests when it comes to violence may differ. In addition, Indigenous men drink at high risk levels more than Indigenous women at every age group. The movement to impose restrictions in Fitzroy Crossing was spearheaded by the Marninwarntikura Women’s Resource Centre, which asked the Director of Liquor Licensing for the restrictions. The subsequent improvements cannot just be laid at the door of the government, but the local women who campaigned for the changes. We must make a distinction between restrictions that are imposed, and restrictions that are asked for by the local community. It also important to pay

\[188\] ibid. 14.
\[189\] ibid. 14.
\[190\] ibid. 14.
\[192\] Neena Bhandari. “Australia: heroines from the Outback have a dream.” Women’s Feature Service. June 1, 2009.
attention to which elements of the local community support or oppose the restrictions.

Alcohol Managements Plans are voluntary,\(^\text{193}\) but some have more community involvement than others. An examination of multiple plans supported by the Indigenous Justice Clearinghouse found that the most effective were those that involved a high level of community consultation and involvement, whereas plans which were less successful or only saw a temporary decrease in violence were plans imposed from outside.\(^\text{194}\) In addition, Peter D’Abbs, who has been involved in several alcohol restriction evaluations in Australian-Aboriginal communities, notes that governments at all levels are more likely to support restrictions, as they require little government spending. They are less likely to support programs for harm and demand reduction strategies like treatment and rehabilitation programs, which are more expensive.\(^\text{195}\)

In the evaluations of the AMP there were several important patterns, beyond the individual lessons to be learnt from each community. Alcohol restrictions can be effective in reducing violence in general, and thus probably at least some family violence (given the large proportion of family violence as a percentage of all violence), yet the pattern across alcohol restrictions was that general violence was reduced more than family violence. Other than the lower incidence of violence, alcohol restrictions led to decreased severity of violence, including domestic


\(^{194}\) Smith et. al. 6.

\(^{195}\) Smith et al. 4.
violence.\textsuperscript{196} While the incidence may have been similar, the injuries received were less severe. Alcohol restrictions also meant that police and community organizations could be proactive about community problems, as fewer of their resources were tied up in addressing alcohol related violence.\textsuperscript{197}

Alcohol restrictions have strong positive effects that reverberate throughout the community. The results of consultatively implemented AMPs are almost entirely positive, and thus they can be regarded as good policy. It is worth exploring harm and demand reduction strategies in addition to restrictions. But alcohol restrictions can only be implemented in remote communities, which means they are of limited use in other contexts. Also, as we saw in Chapter 2, there are many causal factors for violence. Thus, alcohol restrictions can lead to fewer people in the hospital and fewer bodies in the cemetery, but, in and of themselves, they are not sufficient for reducing Aboriginal-Australian family violence.

\textbf{Non-Alcohol Specific Policy}

The 2014 Closing the Gap Report briefly mentions violence, highlighting violence against women, children and the elderly as part of the reason for poor health and life-expectancy outcomes in Indigenous Australia. The report, the most important report about Indigenous Australians released by the federal government,


\textsuperscript{197} Halls Creek Report. 23 and Fitzroy Valley Report. 27.
mentions only one policy in relation to this violence: alcohol management plans.\textsuperscript{198} As I have outlined, alcohol regulations have been successful, but they cannot be viewed as any sort of silver bullet for Aboriginal Australian family violence.

Programs to reduce family violence in Indigenous Australia are often place-based initiatives: “an activity in a specific geographical location, rather than a state or nation-wide initiative.”\textsuperscript{199} This means there are several little-known programs across Australia, each with different methods and emphasis. Although this is frustrating for the researcher, ideally it can mean that the diversity of each community’s cultures and needs are respected and utilized.

In Chapter 2 we saw that pre-contact culture is one causal factor for violence in Aboriginal Australian communities. One place-based initiative tries to use a different aspect of pre-contact culture: respect for elders, to reduce general interpersonal violence in Indigenous communities. This initiative is referred to as a night patrol, where volunteer or paid members of the community, usually respected elders, patrol the streets and intervene before violence, particularly alcohol related violence, escalates.\textsuperscript{200} They work to supplement police rather than replace them, as police in many heavily indigenous areas have a large workload.\textsuperscript{201} Night patrols have operated in a growing number of Aboriginal Australian communities since the 1980s, where they started in the Northern Territory, and provide “non-coercive, non-

\textsuperscript{200} Kylie Cripps and Megan Davis. “Communities working to reduce Indigenous family violence.” \textit{Indigenous Justice Clearinghouse}. 2012. 2.
\textsuperscript{201} Senior et. al. 61.
intervention strategies.”\textsuperscript{202} In practice, night patrols consist of senior members of the community who “call police if a crime is suspected, send children and teenagers home and refer others to health or welfare agencies.”\textsuperscript{203} They also “provide a safe means of transport home or to refuges and safe houses for people at risk of offending or victimization,” with their emphasis and focus varying from community to community.\textsuperscript{204} While night patrols are rarely formally evaluated, communities value these patrols highly.\textsuperscript{205} Night patrols can be viewed as significant in crime prevention, but their scope is usually limited to the streets. Although they may reduce public family violence, and move people at risk of offending or victimization to safe houses, their effect on family violence rates is limited.

Safe houses are another place-based initiative, one that does not directly address any Indigenous causal factors, but offer a safe place for women to stay, as they do in non-Indigenous communities. Women and children can stay at safe houses when they are at risk of violence. More specific to Indigenous communities, sobering up shelters are where men can stay if they are at risk of perpetrating violence.\textsuperscript{206} These houses and shelters often work in conjunction with night patrols, as outlined above.\textsuperscript{207} A survey of service providers working in Indigenous communities found that safe houses or refuges for both men and children were

\textsuperscript{204} Australian Institute of Criminology. “AICrime reduction matters no. 26.” \textit{Brief.} 2004.
\textsuperscript{205} Beaucroft et al. 2.
\textsuperscript{206} Cripps and Davis. 2012. 3.
\textsuperscript{207} ibid.
perceived to be lacking and sorely needed. A women’s shelter or refuge was present in 56% of communities compared to 32% for children and 12% for men. Although these shelters are primarily reactive, they also provide education and awareness. While helpful, like alcohol restrictions and the night patrols, shelters do not address the fundamental underlying causes of violence. Shelters cannot address the toxic mix of colonization and traditional culture or socioeconomic disadvantage, only compensate for them.

The Human Rights and Equal Opportunity Commission (HREOC) released a report in 2007 focusing on promising practice in reducing Indigenous levels of violence, as opposed to best practice. According to the HREOC, promising practice focuses on the successful practices and knowledge that already exist, while best practice implies that all policies are transferrable from one location to another with only one “true” best practice.

One set of promising practices highlighted by the HREOC is education and awareness programs: programs that inform the community of the incidence of family violence and the resources available to those suffering family violence or who are at risk. HREOC points out that a lack of funding and capacity has inhibited formal

209 ibid.
210 ibid.
212 ibid. 21.
evaluation, but they have provided a limited description of programs they found promising.

One of these initiatives is the Mildura Family Violence and Sexual Assault campaign in the state of Victoria, where police provided funding and consultation for local organizations to make campaign posters and television advertisements about family violence. This program was not formally evaluated, but police reported increased awareness of family violence and improved relationships between the police and community. The practice of advertising is not Indigenous specific, but the content of the advertisements were made for the local Aboriginal community to address their specific challenges.

Another awareness campaign, the Balgo Women’s Law Camp in Western Australia, was developed by the Kapululangu Aboriginal Women’s Association and took place in 2007. This is another program that seeks to use traditional culture to reduce violence. It was conceived as a response to the Northern Territory Intervention to show the Western Australian government that local communities could improve community wellbeing without outside interference. The camp involved discussions of violence in the community and strategies to solve it, and the importance of Women’s Law in addressing family violence. The camp also

213 ibid.
214 Cripps and Davis. 2012. 4.
216 ibid. 48.
217 Women’s Law is separate from Men’s Law. Men’s Law was more important in traditional societies, but women had their own sphere and ceremonies distinct from men. The capital indicates the importance of the Law in Aboriginal Australian communities.
218 HREOC. 2007. 49.
brought attention to the lack of funding for a proposed safe house in the area to
provide shelter for women at risk of family violence. This is an example of how
traditional culture remains powerful in remote Indigenous communities, and can be
used to challenge family violence.

The Aboriginal Family and Community Healing Program in Adelaide, South
Australia was an example of a holistic program to address family violence. It ran in
2007 and 2008. The program, based at three local clinics, included educating youth
in the community about family violence, providing counseling and talking circles for
both women and men, in addition to offering physical health services. This
program was considered to produce positive outcomes by both community
members and government officials, but clinic staff had a high turnover rate and
program funding was discontinued. This is an example of how anti-violence
programs are often piecemeal, make small changes in the community and then
disappear.

Another successful place-based program was adapted from a series of anti-
violence programs aimed at family violence in non-Indigenous communities. This
program was undertaken in Derby in Western Australia in the early 2000s, where
adolescents were targeted for training and support in how to deal with family

\[\text{\[219\] ibid. 50.}\]
\[\text{\[220\] Inge Kowanko, Terry Stewart, Charmaine Power, Rosalie Fraser, Ida Love, Trevor}
\text{\[221\] ibid. 10.}\]
violence at schools and pre-existing community centers. The Working with Adolescents program worked with schools to include the unacceptability of family violence within the curriculum, placed articles in the local newspaper about family violence. They specifically targeted young women, a group extremely vulnerable to abuse, for information services and creating a young women’s group. This targeting included general awareness about the unacceptability of family violence, but also specific sessions to address women’s needs, such as lessons on budgeting, or the group providing emotional support to victims of violence. The program also worked with the local Australian Rules (football) team to add anti-family violence messaging to their uniforms and change team habits to reduce drinking. This one program provided support and funding for multiple initiatives that seem to have made a difference in shifting the culture of violence and in the lives of community members.

These initiatives are narrow, but appear to be effective to some degree. If governments can work with communities to maintain effective programs, evaluate current programs and develop new approaches, then we should see worthwhile reductions in the rate of family violence. We also need to formally evaluate these programs so we can see which are effective and which are not. In addition, we should center family violence as an important issue, because in too many of these reports, especially reports related to alcohol restrictions, family violence is an

\[223\] ibid. 15.
\[224\] ibid. 20.
afterthought, with researchers focusing on violence that is more easily measured and discussed. Many anti-violence programs are subject to capricious government funding and support. Academic Robyn Gilbert cautions against judging the effects of these initiatives too soon, suggesting that these initiatives can take years to work.\textsuperscript{225}

**Criminal Justice Response**

In discussing family violence as a practice in society, it is easy to forget that it can be prosecuted by the state. This section examines the criminal justice response to Indigenous family violence, such as the police presence in Indigenous communities, as well as courts prosecuting and imprisoning offenders. The criminal justice response is complicated by the legacy of white-run state institutions’ racist and violent behavior towards Indigenous persons, and some court attempts to respect traditional culture while upholding criminal law. Over all, the criminal justice system is defined in the literature by its mistakes more than its successes, but policy can be adjusted to create positive outcomes.

Indigenous people make up less than three percent of the Australian population, but 40 percent of those imprisoned for assault offenses are Indigenous.\textsuperscript{226} This can be seen as an injustice, especially as the criminal justice system in Australia has had a long history of brutalizing Aboriginal Australians. Between 1980 and 1988, there were at least 100 Aboriginal Australian deaths in

\textsuperscript{225} Gilbert. 2012. 7. 
custody, which was disproportionately high for the imprisoned population.\textsuperscript{227} Recently, Indigenous deaths in custody are at the same rate as non-Indigenous deaths, but the legacy of the deaths in custody scandal remains a central part of the discussion of the criminal justice system.

This problem of police brutality has not disappeared for Aboriginal-Australian women who report their abuse.\textsuperscript{228} In New South Wales, between 2006 and 2012, at least nineteen Indigenous women and one girl were prosecuted for retracting statements they made about their abusive partners.\textsuperscript{229} This obviously reduces the incentive for Indigenous women to report partners who abuse them.

The justice system is also clumsy in other ways, such as attempting cultural sensitivity that actually reduces protections for victims of family violence.

There is evidence for cultural sensitivity reducing sentences for Indigenous male perpetrators. The Little Children are Sacred report states that:

\textit{The Inquiry was unable to find any case where Aboriginal law\textsuperscript{230} has been used and accepted as a defence [sic] (in that it would exonerate an accused from any criminal responsibility) for an offence of violence}

\textsuperscript{228} It should be noted that given this history of abuse and distrust between police and Aboriginal Australians, that just reporting this abuse is generally more difficult for Aboriginal Australian women than non-Indigenous women.
\textsuperscript{229} Natasha Robinson. “Rough justice for women too scared to testify against abusive partners.” \textit{The Weekend Australian}. May 04, 2013.
Three of the women were sentenced to prison, and later had their sentences overturned. Before there were overturned, these sentences were the harshest in recent history for the offenses, indicating that Indigenous women are harshly penalized over their non-Indigenous peers for retracting statements about family violence.
\textsuperscript{230} The norms of Aboriginal society.
against a woman or a child.\textsuperscript{231}

However, this same report offers an example of a 2001 case where a 50 year old man raped his 15 year old promised wife.\textsuperscript{232} His sentence was reduced due to the judge considering the context of traditional marriage during sentencing.\textsuperscript{233} Aboriginal law has not demonstrably been used to exonerate offenders, but it has been used to reduce sentences, a fact that the Little Children Are Sacred Report does not highlight.

Audrey Bolger, one of the first researchers to draw attention to the high rates of violence against Aboriginal Australian women, reviewed court cases from the 1980s. Whether cases involved Indigenous persons or not, “reading many court transcripts relating to cases of rape, murders and assaults on women is like reading the minutes of a male club.”\textsuperscript{234} She then goes on to discuss cases where Aboriginal men receive reduced sentences for rape and assault because of male magistrates interpretations of traditional law, with their interpretation informed by Indigenous and non-Indigenous men.\textsuperscript{235} Stephanie Jarrett also notes lawyers successfully using their interpretation of traditional law as mitigating circumstances, while noting that the prosecution presents a version of traditional law that does not justify abuse of women and children.\textsuperscript{236} Bolger famously referred the practice of using customary

\textsuperscript{231} Little Children Are Sacred Report. 17.
\textsuperscript{232} His wife under traditional understanding of laws and kinship relationships.
\textsuperscript{233} Little Children Are Sacred Report. 70.
\textsuperscript{235} ibid.
\textsuperscript{236} Jarret. 2013. 74.
law to justify abuse as “bullshit tradition,” in her 1991 report. Reinforcing my argument in Chapter 2, this is another example of how traditional culture is not merely handed down from generation to generation, but is also reconstructed in each generation. The justice system is unwieldy in dealing with this reality, as there is no one “correct” interpretation of traditional culture, but multiple versions, some that offer offenders mitigating circumstances, and some that do not.

When the justice system assigns Indigenous perpetrators of assault less prison time than non-Indigenous perpetrators, it is unjust to past victims who have wrongs committed against them minimized, and also unjust to potential future victims who are exposed to the offender sooner. By being “culturally sensitive” to Aboriginal men, courts are not offering equal protection to Aboriginal women and children, particularly when police prosecute women who report their abuse but do not want to go forward with criminal cases.

Family violence cannot be solved using just the criminal justice system, and in some cases, the criminal justice system actively made the situation worse. We must also remember the limitations of the criminal justice system in any family violence context, Indigenous or non-Indigenous. The private nature of family

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238 For instance, police in New South Wales often charge victims of domestic violence if they withdraw their testimony. Although few of these cases go to court, it provides a barrier to reporting. A survey of women in domestic violence shelters found the biggest reason women did not report violence was the (justified) belief that police would treat the issue poorly. From Rachel Olding and Nick Ralston. “Domestic violence: police often blame victims.” Sydney Morning Herald. March 10, 2014.
violence means that women are reluctant to report it, as many women are financially, emotionally and/or psychologically dependent on their abusers.

While the courts and jails are often the villains in the story of Indigenous interactions with criminal justice, evidence exists that an increased police presence in Indigenous communities has positive consequences, despite the history of distrust between police and Aboriginal Australians. It appears that night patrols work best in conjunction with police.\(^{239}\) Most social service providers in Aboriginal communities identified a need for a larger police presence.\(^{240}\) The federal government is prioritizing having a permanent police presence in more remote Aboriginal Australian communities.\(^{241}\) Police presence is a necessary but insufficient part in helping Aboriginal Australians to reduce violence.

**Northern Territory Intervention**

It is hopefully clear from this discussion that a comprehensive approach is best suited to address family violence, rather than a single policy. The Northern Territory Intervention was an attempt to do just that.

The Northern Territory Emergency Response (NTER), also called the Intervention, began in 2007 as a response to the ‘Little Children are Sacred’ report. The report documented shockingly high levels of disadvantage and child abuse in Aboriginal Australian communities in the Northern Territory. The NTER was passed when the Liberal party was in power, with bipartisan support. It targeted

\(^{240}\) Willis. 2010. 40.
\(^{241}\) Closing the Gap. 2014. 15.
'prescribed areas’ in the Northern Territory, including over 500 heavily Aboriginal communities, of which 73 were large settlements that were intensively targeted.242

The Emergency Response was intended as an urgent response to crisis, so does not represent an ideal form of long-term policy-making. Policies enacted included:

- The suspension of the Racial Discrimination Act passed in 1975,243
- Greater police presence.244
- Alcohol restrictions.245
- Funding to women’s safe houses/refuges and men’s cooling off/sobering up shelters.246
- Income management.247

The 2008 Review of the initial Emergency Response found that the measures carried out had positive impacts, but were applied poorly with little government consultation of local communities.248 The newly elected Labor government carried out a series of consultations in 2009,249 and reinstated the Racial Discrimination Act

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243 ibid. The Racial Discrimination Act makes racial discrimination unlawful across Australia. Laws specifically targeting Aboriginal people or communities or individuals on the basis of their race, such as alcohol restrictions or income management, can be seen as a violation of this act.
245 ibid.
246 Willis. 2010. 25.
in 2010 in response to criticism from human rights and Indigenous advocacy
groups. In 2011, the Labor Government passed the Stronger Futures Act, designed
to combat Indigenous disadvantage over the long term by turning the Emergency
Response into a long term program.

Child abuse and family violence in general have been used as justification for
the intervention. Mal Brough, the federal Minister for Indigenous Affairs for the
2007 Liberal government, stated in his press release announcing the Intervention
that “all action at the national level is designed to ensure the protection of
Aboriginal children from harm.”250

Given this focus on family violence, it is worth asking if the Northern
Territory Emergency Response has been effective at addressing it. As we have
already seen, alcohol restrictions, shelters and increased police presence can reduce
violence, so those measures can be seen as qualified positives. Income management
was more controversial.

Income management is a fairly new idea, one that had been trialed in Cape
York in Queensland from 1999 with some success.251 Income management in the
Intervention meant that 50% of income support from the government was put on a
ration card, and could not be spent on cigarettes, alcohol, pornography or gambling
for 16,000 residences in the Northern Territory, 91% of which were Indigenous.252

The Australian Government review of income management reported that almost

250 Mal Brough. “National emergency response to protect Aboriginal people in the
NT.” Media Release. 21 June 2007.
2014.
two thirds of 818 survey respondents had a positive view of income management, with one third holding a negative view.\textsuperscript{253} However, due to the connection of income management with the imposition of the NTER, community members still felt that the policy was discriminatory.\textsuperscript{254} Qualitative responses indicated that respondents saw a reduction in domestic violence and humbugging,\textsuperscript{255} with an improvement in child health.\textsuperscript{256} Criticism of income management was fierce from Aboriginal activists, who considered buying food at the grocery store with a ration card humiliating.\textsuperscript{257} Another report found that alcohol sales did not fall in the Northern Territory due to income management.\textsuperscript{258} A joint statement by the Australian Council of Social Service, the National Welfare Rights Network and St Vincent de Paul Society condemned income management as degrading, and thus “harmful and hurtful.”\textsuperscript{259} A report by the Equality Rights Alliance, a women’s rights group in Australia, performed a survey of 168 women affected by income management. They

\begin{flushleft}
\textsuperscript{253} ibid. vi.
\textsuperscript{254} ibid. vii.
\textsuperscript{255} Where family members ask other family members for money, often to buy alcohol or drugs. The nature of kinship networks is that family members feel obligated to give money or share alcohol in many Aboriginal Australian communities when asked, and humbuggers may become violent if refused.
\textsuperscript{256} ibid. vii.
\textsuperscript{258} Julie Brimblecombe, Joseph McDonnell, Adam Barnes, Joanne Garnggulkpuy Dhurrkay, Dabid Thomas, Ross Bailie. “Impact of income management on store sales in the Northern Territory.” Menzies School of Health Research. (2010). This report was widely cited and viewed as a vindication anti-Intervention views, but all it shows is that alcohol sales did not fall due to the Intervention. It did not show who was buying the alcohol, or discussed long term trends, so while it is quantitative, it is of limited use in determining whether the Intervention was effective or not.
\textsuperscript{259} Australian Council of Social Services. “Six Years of the NT Intervention is too long.” Web. 2013.
\end{flushleft}
found that 22% of women saved money with the ration card, 75% said it made no difference and 2% said it cost them more.\(^{260}\) The report also found that women were burdened by the administrative hassles that came along with the ration card,\(^ {261}\) including that they were no longer able to shop at small stores that didn’t take the ration card.\(^ {262}\) It is fair to say that income management was not an unqualified success, but neither was it an abysmal failure, and insufficient information exists to tell where it falls between the two.

There are a number of policies that have sought to address family violence, and that have been successful to a greater or lesser extent. But there is, as yet, no comprehensive program that has significantly reduced Aboriginal Australian family violence.

\(^{262}\) ibid. 21.
Chapter 4: Conclusion

The Culture Problem

One issue that is always implicit or explicit whenever we discuss Aboriginal Australian violence is the role of culture. We saw in Chapter 2 that pre-contact Aboriginal culture was violent and patriarchal. But we also saw in Chapter 3, from the Balgo Women’s Center, that Aboriginal culture is also viewed as a healing, positive presence. Put simply, traditional culture is in the eye of the beholder.

This understanding of multiple traditional cultures goes against the “Western” understanding of other cultures as fixed and knowable. Australian Aboriginal culture cannot be put into a box. Crucially, this idea of culture as changeable is also contrary to the Aboriginal understanding of the Law. Cultural practices are idealized as passed down unfixed over millennia, with whitefella law as inferior in comparison, as it constantly changes. This means that many people involved in making policy around family violence in Aboriginal Australia communities need to change their understanding of culture.

As I’ve already indicated in Chapter 2, understanding culture in Aboriginal communities as passed down more or less accurately from pre-colonization is incorrect, as is attributing a sole or dominant causal role in family violence to colonization. The major debate on causality in the family violence literature, colonization versus traditional culture, is a shallow debate, but one with large ramifications. If you believe traditional culture is solely to blame for rates of high violence, then a policy of forced assimilation, or at the least forced behavior

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modification, makes sense. If you believe colonization is to blame, then a policy of rejecting mainstream Australian culture and rediscovering traditional culture is the obvious policy objective. Neither of these policies is based on compelling evidence, rather a political debate.

In reality, there is no longer clearly defined colonial (or neocolonial culture) juxtaposed with traditional culture, but rather a hybrid culture. This truth is illuminated if we step outside the murky waters of family violence, and look at a different issue in Aboriginal communities: gangs.

These gangs are inspired by American popular culture, but their mechanics are based on kinship obligation:

*Gangs took their names and identity from heavy metal music, thus a prominent gang was (and continues to be) the Judas Priest Gang... Most interviewees noted that they didn’t want to join a gang but had to due to kin obligation. The gang chose the individual rather than the individual choosing the gang.*

In this context, we can see that gangs are entirely contemporary enterprises, part of the reconstructed hybrid culture. It makes little sense to point fingers between colonization and traditional culture when this doesn’t reflect the reality of violence in current communities. Violence is a culture problem, a problem of *current* culture, shaped heavily by traditional culture, mainstream Australian culture and substance abuse. That said, we cannot ignore the role of pre-colonial Aboriginal culture and current interpretations of “traditional” culture in shaping the high rates and types of violence.

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Culture is a wide net to cast. It is a set of beliefs, norms and practices associated with language and religion, but it is more than that. It is the environment in which we live, and how we live, apart from formal laws and governments. Family violence is specifically a cultural problem and a cultural practice. Throughout the world, types of and rates of family violence are determined by culture. This is as true in Indigenous Australia as it is elsewhere.

If we studied primarily white communities in nineteenth century Australia the way we study Aboriginal Australian communities today, no doubt we would conclude that men beating women is an accepted, ingrained and common cultural practice for white men. To take a less controversial example than family violence, we can look at sanitation practices in Indigenous Australian communities. Practices that are carried out in nomadic hunter gathering communities are unhealthy when carried out in densely populated settlements. This isn’t a judgment of culture, just a public health fact.\textsuperscript{265} Nothing valuable was lost when it became less common for white Australian men to beat their wives. Nothing valuable is lost when sanitation practices change to make a more healthy community. Culture can and should change.

\textsuperscript{265} Sutton. 2009. 122.
Policy Approach

If the problem is primarily one of culture, then how can policy makers address the issue? Moving away from the colonization/ traditional culture binary is an important first step for policymakers and academics, but a change in thinking is not, in and of itself, sufficient is to address high rates of family violence in Aboriginal communities.

One way to improve existing policy is to be specific about how policies are supposed to account for culture. In most reports regarding Indigenous violence in Australia, there is a pro-forma paragraph or sentence where the author reminds their audience that cultural appropriateness or sensitivity is important. They do this without explaining what that culturally sensitivity is or what they mean by culture. One example comes from the Indigenous Justice Clearinghouse, a group that offers comparatively rigorous and complete analysis of federal, state and local government policy designed to address Indigenous violence. They say: “particular care needs to be paid to developing culturally appropriate and ethical services and to issues of power, marginalisation, disadvantage and frustration.”266 Paul Memmott, one of the foremost authorities on Indigenous violence, and his co-authors, write that one of the key principles for service providers is to “observe Indigenous customs, protocols and traditions.”267

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Presumably the authors of these words did not mean that culturally appropriate services should look the other way if they see child marriage, something that is very much a part of pre-contact Aboriginal culture. They are asking for policy that addresses the violent contemporary culture in some Indigenous communities, framing it as a problem of marginalization by, and disadvantage relative to, the Australian mainstream. One issue in these publications is they conflate three distinct concepts: understanding of contemporary culture, working with the community and acceptance of pre-contact culture.

A nuanced understanding of the culture of the place where you make policy is critical. Community consent and support of policy is also critical, but separate from cultural understanding. We saw in Chapter 3 that community consent was important in determining how successful alcohol restrictions are. This is not because of any special Indigenous characteristic, but is good policy making in general. Universal community consent is not required. As we also saw in Chapter 3, support of alcohol restrictions was sometimes lower among men, but very popular among women. When deciding whether to implement restrictive policy or not, the support of the latter group is more important when we care about reducing family violence.

The third concept caught under the banner of “cultural appropriateness,” acceptance of traditional culture, is less critical. A return of the violent and patriarchal pre-colonial traditional culture is neither possible nor desirable. In addition, culturally appropriate should not mean accepting local and specific
statements of what traditional culture is on face value. Rather it means making policy that is effective, given the environment in which Indigenous family violence takes place. This means making policies that are specific to Indigenous groups, such as alcohol restrictions, night patrols and sobering up shelters, while also adapting policies in widespread use, like women’s shelters and advertising campaigns to the specific context of Aboriginal communities. It also means respecting certain traditions that are not harmful. Belief in Aboriginal spirituality may fall outside the Australian mainstream, but is no more odd than many Christian beliefs.

Another critical recommendation from my research is that mainstream Australian culture should not be rejected for fear of destroying Aboriginal culture. This same understanding of fluidity of culture needs to be applied to “Western” or non-Indigenous Australian culture which, in actuality, is a complex mix of many cultures, dominated by the history of European colonization and settlement of Australia. Yes, much of mainstream Australian culture is racist, and specifically racist towards Aboriginal Australians, but this does not mean interaction between Indigenous Australians and non-Indigenous Australians is immediately suspect. In fact, it appears that the more interaction with non-Indigenous Australians, the less family violence is present, as we see in the differences between the Northern Territory, South Australia and New South Wales violence rates. Even Indigenous Australians in incredibly remote communities interact with non-Indigenous
Australians, and increasing numbers of Indigenous Australians live in urban areas surrounded by non-Indigenous Australians. Interaction between Indigenous Australians and non-Indigenous Australians is inevitable, and can and should be positive.

Taking this awareness of the complex role of culture in policy, federal, state and local governments should continue attempting to reduce family violence in Aboriginal Australian communities. Put simply: we should continue policies that have a positive track record, trial new policies and evaluate all policies rigorously.

One of the striking issues that confronts the researcher in Aboriginal Australian family violence is how little formal policy evaluation has been undertaken. Many reports totaling thousands of pages altogether exist on alcohol restrictions and their effects in Aboriginal Australia. Yet, within these reports, partner violence and violence against children are not mentioned enough, relative to the large part of Aboriginal Australian violence they represent. When it comes to place-based initiatives designed to address family violence, just finding a record of their existence is difficult, let alone any comprehensive evaluation of programs. We saw in Chapter 3 that successful programs are often discontinued due to a lack of funding. The role of the government here is clear: we need more policies and money spent on addressing family violence in particular, instead of just general violence and socio-economic disadvantage. We also need to evaluate this policy to see what is effective and what isn't, and this evaluation needs to be carried out in a rigorous manner.
The government can put policies into place to facilitate lower rates of violence, but ultimately, as the 2014 Closing the Gap report states, “we have to stop pretending that a government policy or programme on its own can overcome Indigenous disadvantage.”268 As family violence is a cultural problem, many of the solutions will not come directly from government policy. A lot of addressing family violence comes down to non-government individual and group actors in Aboriginal communities. Some of the work of reshaping culture is already being done. For instance, in 2008, at the Aboriginal male health summit, a group of Aboriginal men apologized to Aboriginal women:

We acknowledge and say sorry for the hurt, pain and suffering caused by Aboriginal males to our wives, to our children, to our mothers, to our grandmothers, to our granddaughters, to our aunties, to our nieces and to our sisters.269

This statement was part of a broader acknowledgement from these men that violence is just not a women’s problem, but a men’s problem, and that Aboriginal men had a role in addressing violence against women in Aboriginal communities. This is important work that can be supported by the government, but that the government cannot enforce.

Policy has limits. Recognizing that policy alone is not the solution is not an admission of defeat, or an excuse for policy inaction. Given the high levels of family violence in Aboriginal Australian communities, policy inaction would be morally reprehensible. Policy can be important in reducing violence, as we saw with the

268 Closing the Gap. 2014. 4.
alcohol restrictions in Chapter 3. But as we also saw in Chapter 3, all of the policies
that Australian governments have implemented so far have had flaws. This will
continue to be the case for the foreseeable future, but we cannot let the perfect be
the enemy of the good. Too often in evaluations of programs designed to address
Indigenous disadvantage, policymakers and experts are disheartened by little
progress over short periods of time. My main policy recommendation is not to stop
addressing this issue when confronted with these difficulties. Australia is one of the
wealthiest nations in the world per capita, with a well-educated workforce and
competent government. We can address family violence and violence against
women in Aboriginal Australia communities, as long as we accept that it will take
time. There is no alternative to making policy and sometimes failing.

**Implicit Assumptions**

In this debate, as in all debates, there are a series of underlying assumptions
that characterize the conversation. I have already discussed the colonization/
traditional culture binary, but there are other assumptions that this work should
address head-on.

In comparing Indigenous women to non-Indigenous women, I have
reinforced a dichotomy that exists in the popular Australian culture of Indigenous
women as oppressed and as victims of violence, with non-Indigenous women as
equal to men and empowered in comparison. Just because rates of violence against
women are higher against Aboriginal Australian women than non-Indigenous
Australian women is not an excuse for policy inaction on family violence in
primarily non-Indigenous communities. It is also not an excuse to portray Indigenous women as one-dimensional victims. There is nothing wrong or shameful about being a victim of violence, but that is not all that Aboriginal women are. And, as the example of Bess Price and the women at Fitzroy Crossing show, they are also active agents who confront family violence.

I have also discussed causal factors in general terms, talking about the foundations for the high levels of family violence as a result of cultural factors. This is not an excuse or a mitigating factor for individuals who choose to commit violence against women and children, or an attempt to ignore that individual women and children are suffering.

Elaine Shaw was repeatedly raped and sexually abused from the age of four by her father and uncles. Her partner physically assaulted and psychologically tormented her, locking her in a room for three years to separate her from the children.270

Elaine’s story, and stories like hers, are often put in voyeuristic settings and used for shock value, rather than productive discussion, so I have not told individual stories extensively in this thesis. It is still important to remember what is happening, and the true extent of the problem, and that the individuals, usually men, are creating these harms and bear responsibility for their actions.

Another underlying assumption in some of the academic literature and policy reports is that traditional Aboriginal culture is an unadulterated good, and everything negative happening in Indigenous communities stems from disruption

due to colonization. Because of the evils of colonization, this is a tempting argument, but it also goes back to the noble savage myth. Pre-contact Aboriginal societies had complex social practices that included oppression and violence. Pretending pre-colonial Australia was a utopia is ignoring the factual evidence, from the work of anthropologists, early settlers, and the physical remains of the Aboriginal peoples.

I have underlined the importance of traditional and pre-colonial Aboriginal culture in shaping violence in contemporary Aboriginal Australian society. This should not be taken as confirmation that traditional culture is primarily to blame for high levels of family violence. We need to move away from the idea of blame, and towards an idea of producing better outcomes. The causes behind high rates of family violence are not important because they show who or what is to blame. They are instead important because they show how to best address the issue.

Further Research

The statistical analysis in this thesis is basic, and based on publicly accessible information. We can use these statistics, and other statistics that are collected but not publicly available, to create a more complex statistical picture and investigate the causal factors behind high rates of family violence more completely. As we collect more quantitative data over a larger time series, we can ask better questions and gain more specific answers, particularly about whether family violence is increasing, decreasing or holding steady, and where.

Future research can be more precise in two important ways. We should carry out a comparative analysis between Indigenous Australians and non-Indigenous
Australians, controlling for income, location and other relevant factors. We should also determine a way to compare Aboriginal Australians who are differently Aboriginal. Is it useful to lump in someone who recently discovered their Indigenous heritage and who lives in a majority non-Indigenous area to someone who lives in the township of Aurukun? How can we account for this statistically without diminishing any person's Indigenous identity?

This work opens itself up to comparative analysis across developed nations such as New Zealand, the United States and Canada. All of these countries struggle with high rates of Indigenous family violence. What we can take from the Australian case study is that we cannot uncritically accept colonization as a dominant causal factor for violence when discussing high rates of violence in post-colonial societies. This is neither effective for reducing violence, nor fair to the people who are victims of violence. Colonization had devastating effects on Indigenous peoples, but it does not automatically follow that all problems in Indigenous communities are a result of colonization.

Family violence is not something that falls from the sky, beyond our control, like rain. Family violence is committed by individuals in specific contexts, and is therefore changeable. Future research should be carried out with that understanding.
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Appendix: Statistics Overview

Statistics from the Recorded Crime Survey

I have used the Recorded Crime Survey from the Australian Bureau of Statistics (ABS) to investigate rates of violent victimization in Aboriginal Australian communities.\textsuperscript{271} The Survey, released every year, has information on Indigenous victimization versus non-Indigenous victimization for New South Wales (NSW), South Australia and the Northern Territory. Queensland and Western Australia also have sizeable Indigenous populations, but this data is not yet collected for those states.

The Recorded Crime Survey reports crimes against persons that have been reported by a victim, witness or otherwise become known to the police. Due to human error and high probability of underreporting, these statistics do not show the full extent of family violence in either the non-Indigenous or Indigenous communities. We are able to compare reported partner violence committed against Indigenous persons and reported partner violence committed against non-Indigenous persons.

The following tables depict victimization of assault by Indigenous status and by relationship to the offender. Further insight is added when we break up these results by gender.\textsuperscript{272}

\footnote{271 The 2012 Recorded Crime Survey is the most recent survey available.} \footnote{272 This survey divides “persons” into “males” and “females” and has no genderfluid or other option recorded.}
### Table 1: Recorded Crime - New South Wales 2012

<table>
<thead>
<tr>
<th></th>
<th>Indigenous</th>
<th>Non-Indigenous</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Persons in State</td>
<td>208,476</td>
<td>7,010,053</td>
</tr>
<tr>
<td>Number of Recorded Assaults</td>
<td>5,072</td>
<td>57,723</td>
</tr>
<tr>
<td>Assaults of Persons per 1,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>24.26</td>
<td>8.23</td>
</tr>
<tr>
<td>Assaults by Partner or Ex-Partner</td>
<td>1,818</td>
<td>12,627</td>
</tr>
<tr>
<td>Assaults by Partner or Ex-Partner per 1,000</td>
<td>8.72</td>
<td>1.80</td>
</tr>
<tr>
<td>Percentage of Assaults that are Partner or Ex-Partner Violence</td>
<td>36%</td>
<td>22%</td>
</tr>
</tbody>
</table>

### Table 2: Recorded Crime by Gender – New South Wales 2012

<table>
<thead>
<tr>
<th></th>
<th>Indigenous</th>
<th>Non-Indigenous</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td>Total Number of Persons in State</td>
<td>104,569</td>
<td>103,907</td>
</tr>
<tr>
<td>Number of Recorded Assaults</td>
<td>3,322</td>
<td>1,750</td>
</tr>
<tr>
<td>Assaults per 1,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>31.77</td>
<td>16.84</td>
</tr>
<tr>
<td>Assaults by Partner or Ex-Partner</td>
<td>1564</td>
<td>254</td>
</tr>
<tr>
<td>Assaults by Partner or Ex-Partner per 1,000</td>
<td>14.96</td>
<td>2.44</td>
</tr>
<tr>
<td>Percentage of Assaults that are Partner or Ex-Partner Violence</td>
<td>47.08%</td>
<td>14.51%</td>
</tr>
</tbody>
</table>

---


275 All per capita measurements are rounded to the nearest two decimal points, using population data from the 2011 Census.

276 This variable combines two of the variables in the Recorded Crime Survey.

277 I calculated these percentages and rounded to the nearest percent.
Higher Indigenous ex-partner and partner violence\textsuperscript{278} in New South Wales is not just a symptom of higher overall violence. It is a result of the fact that partner violence is more common relative to other forms of assault in Indigenous communities than in non-Indigenous communities.

We can see that Indigenous women\textsuperscript{279} in New South Wales are approximately six times more likely to be victimized by partner violence than Indigenous men, while Non-Indigenous women are about four times more likely to be victimized than non-Indigenous men. Thus we can see partner violence is more highly gendered among Indigenous victims than non-Indigenous victims of violence in New South Wales.

The same patterns repeat themselves, at higher intensity, in South Australia and the Northern Territory.

\textsuperscript{278} Henceforth just “partner violence”
\textsuperscript{279} Note that data includes assaults committed against victims of all ages, so “women” is shorthand for women and girls, as “men” is for men and boys.
In South Australia we see the same difference between non-Indigenous and Indigenous patterns of violence. Violence is approximately twice as high per capita for Indigenous persons as it is for New South Wales, while assault rates are essentially identical for non-Indigenous persons, indicating that Indigenous violence is higher in South Australia than in New South Wales relative to the non-Indigenous community.
We can also see that in South Australia an Indigenous woman is almost ten times more likely to be subject to partner violence than an Indigenous man, whereas non-Indigenous women are around six times more likely to be victims of partner violence than non-Indigenous men. Notice too that Indigenous persons in South Australia are more than twice as likely to be victims of partner violence than Indigenous persons in New South Wales.

Table 5: Recorded Crime – Northern Territory 2012

<table>
<thead>
<tr>
<th></th>
<th>Indigenous</th>
<th>Non-Indigenous</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Number of Persons in State</strong></td>
<td>68,850</td>
<td>162,442</td>
</tr>
<tr>
<td><strong>Number of Assaults</strong></td>
<td>4,651</td>
<td>2,087</td>
</tr>
<tr>
<td><strong>Assaults of Persons per 1,000</strong></td>
<td>67.55</td>
<td>12.85</td>
</tr>
<tr>
<td><strong>Assaults by Partner or Ex-Partner</strong></td>
<td>2567</td>
<td>306</td>
</tr>
<tr>
<td><strong>Assaults by Partner or Ex-Partner per 1,000</strong></td>
<td>37.28</td>
<td>1.88</td>
</tr>
<tr>
<td><strong>Percentage of Assaults that are Partner or Ex-Partner Violence</strong></td>
<td>55%</td>
<td>15%</td>
</tr>
</tbody>
</table>

Table 6: Recorded Crime by Gender – Northern Territory 2012

<table>
<thead>
<tr>
<th></th>
<th>Indigenous</th>
<th>Non-Indigenous</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td><strong>Total Number of Persons in State</strong></td>
<td>34,371</td>
<td>34,479</td>
</tr>
<tr>
<td><strong>Number of Assaults</strong></td>
<td>3,615</td>
<td>1,036</td>
</tr>
<tr>
<td><strong>Assaults per 1,000</strong></td>
<td>105.18</td>
<td>30.05</td>
</tr>
<tr>
<td><strong>Assaults by Partner or Ex-Partner</strong></td>
<td>2,294</td>
<td>273</td>
</tr>
<tr>
<td><strong>Assaults by Partner or Ex-Partner per 1,000</strong></td>
<td>66.74</td>
<td>7.92</td>
</tr>
<tr>
<td><strong>Percentage of Assaults that are Partner or Ex-Partner Violence</strong></td>
<td>63.46%</td>
<td>26.35%</td>
</tr>
</tbody>
</table>
In the Northern Territory we can see that reported partner violence relative to the non-Indigenous community and relative to assaults in general is much worse than in New South Wales or in South Australia. For non-Indigenous Australians only the overall number of assaults seems to be higher than the norm,\textsuperscript{280} with partner violence indistinguishable from New South Wales or South Australia. The statistics for Indigenous Australians, by contrast, are very different across these three states. I offered an explanation for this in Chapter 2.

We see that the Northern Territory is the most dangerous place of the three states for both Indigenous women and men, by far. We see that Indigenous women in the Northern Territory are eight times more likely to be victimized by partner violence than Indigenous men, whereas non-Indigenous women are about four times more likely to be victims of partner violence than non-Indigenous men. Indigenous women in the Northern Territory are more than 20 times more likely than non-Indigenous women to be the victims of partner violence. This ratio is 10 to 1 in South Australia, and 5 to 1 in New South Wales.

\textbf{Analysis of 2012 Recorded Crime}

It is noteworthy that Indigenous women and girls are more likely to be victims of assault than Indigenous men and boys in NSW, South Australia and the Northern Territory, while the opposite is true for non-Indigenous women and girls. That is: assault is primarily a male on male crime in the non-Indigenous community,

\textsuperscript{280}The higher rates of assault victimization for non-Indigenous persons in Northern Territory relative to NSW and South Australia may be a result, among other things, of interracial violence.
and a male on female crime for Indigenous communities. Much of this difference is made up by the large amounts of partner violence reported, which I use as a proxy for all family violence.

What we can conclude from looking at these three different states is that the people most likely to be victimized by partner violence are Indigenous women in all cases. Indigenous women in the Northern Territory are the most victimized, while Indigenous women in New South Wales are the least victimized among Indigenous women, at least in the states with available data.

Indigenous communities are more violent than non-Indigenous communities, with most of that violence being directed towards women. This is a problem of family violence, but also can be understood primarily as a problem of violence against women.

**Recorded Crime Survey: 2010 and 2006**

Outside the 2012 ABS data (the most recent at time of writing), we can see the same five trends mentioned above over two other states and territories, Queensland and the Australian Capital Territory. The per capita numbers are not directly comparable to the 2012 Recorded Crime Survey, so these simply serve to show that the trend of high family violence and highly gendered violence hold.
### Table 7: Recorded Crime – Queensland 2010

<table>
<thead>
<tr>
<th></th>
<th>Indigenous</th>
<th>Non-Indigenous</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Persons in State(^{281})</td>
<td>188,954</td>
<td>4,287,824</td>
</tr>
<tr>
<td>Number of Assaults</td>
<td>2449</td>
<td>15,241</td>
</tr>
<tr>
<td>Assaults of Persons per 1,000</td>
<td>12.96</td>
<td>3.55</td>
</tr>
<tr>
<td>Assaults by Partner or Ex-Partner</td>
<td>615</td>
<td>848</td>
</tr>
<tr>
<td>Assaults by Partner or Ex-Partner per 1,000</td>
<td>3.25</td>
<td>0.20</td>
</tr>
<tr>
<td>Percentage of Assaults that are Partner or Ex-Partner Violence</td>
<td>25.11%</td>
<td>5.56%</td>
</tr>
</tbody>
</table>

### Table 8: Recorded Crime by Gender – Queensland 2010

<table>
<thead>
<tr>
<th></th>
<th>Indigenous</th>
<th>Non-Indigenous</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td></td>
<td>Non-Indigenous</td>
<td>Male</td>
</tr>
<tr>
<td>Total Number of Persons in State</td>
<td>94,872</td>
<td>94,082</td>
</tr>
<tr>
<td>Number of Assaults</td>
<td>1629</td>
<td>820</td>
</tr>
<tr>
<td>Assaults per 1,000</td>
<td>17.17</td>
<td>8.716</td>
</tr>
<tr>
<td>Assaults by Partner or Ex-Partner</td>
<td>547</td>
<td>68</td>
</tr>
<tr>
<td>Assaults by Partner or Ex-Partner per 1,000</td>
<td>5.77</td>
<td>0.720</td>
</tr>
<tr>
<td>Percentage of Assaults that are Partner or Ex-Partner Violence</td>
<td>33.57%</td>
<td>8.29%</td>
</tr>
</tbody>
</table>

### Table 9: Recorded Crime – Australian Capital Territory 2006

<table>
<thead>
<tr>
<th></th>
<th>Indigenous(^{282})</th>
<th>Non-Indigenous</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Persons in State</td>
<td>4,282</td>
<td>329,837</td>
</tr>
<tr>
<td>Number of Assaults</td>
<td>50</td>
<td>1370</td>
</tr>
<tr>
<td>Assaults per 1,000</td>
<td>11.67</td>
<td>4.15</td>
</tr>
</tbody>
</table>


Other Statistics

Family violence is notoriously difficult to measure,\textsuperscript{283} with competing sources citing that Indigenous women are 40 times more likely than non-Indigenous women to be subject to family violence,\textsuperscript{284} with others saying 80 times as likely.\textsuperscript{285} Homicide data shows that Indigenous women are 11 times more likely to die due to assault than the non-Indigenous women, while Indigenous men are 9 times more likely to die than non-Indigenous men.\textsuperscript{286}

There are other indicators of the high rates of family violence in Indigenous communities. In the 2011-2012 cycle, approximately 41.9 Indigenous children\textsuperscript{287} per 1,000 had child protection records of “substantiated harm or risk of harm from abuse or neglect.” The comparable rate for non-Indigenous children was 5.4 per 1,000 throughout all of Australia.\textsuperscript{288} Family violence does not fall just upon adult women, but also children.

Interestingly, the Northern Territory’s child protection intervention rate\textsuperscript{289} is similar to the rate for Australia as a whole. Of every 1,000 Indigenous children in the

\begin{itemize}
\item \textsuperscript{283} Denise Lievore. ‘Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review.’ \textit{Australian Institute of Criminology for the Commonwealth Office of the Status of Women}. 2003.
\item \textsuperscript{284} Australian Institute of Criminology. “Domestic Related Homicide: keynote papers from the 2008 international conference on homicide.” 2008. 52.
\item \textsuperscript{285} Candace Sutton. ‘Violence against Aboriginal women 80 times worse.’ \textit{Perth Now}. June 10, 2013.
\item \textsuperscript{286} Australian Institute of Criminology. “Domestic Related Homicide: keynote papers from the 2008 international conference on homicide.” 52. 2008.
\item \textsuperscript{287} Between 0 and 17 years of age.
\item \textsuperscript{289} The Australian Institute of Family Studies states: “Child protection authorities are required to intervene if a child has been, is being, or is at risk of significant harm,
Northern Territory, 47.3 have a substantiated child protection report, in comparison to 6.0 for non-Indigenous children. Indigenous children are 7.8 times more likely to have a substantiated report than non-Indigenous children in both Australia as a whole and in the Northern Territory. Why is reported child endangerment the same in the Northern Territory, while reported violence against women is much higher? This result indicates that either children are subject to relatively less family violence than women in the Northern Territory, or that child protection services are failing to identify Northern Territory Indigenous children at risk, or that Indigenous communities are materially underreporting child abuse, relative to non-Indigenous communities.

Indigenous children suffer more abuse than non-Indigenous children, but the type of abuse suffered by Indigenous and non-Indigenous children differs. The data makes the distinction between neglect and different forms of abuse. A higher percentage of Indigenous children suffered from neglect (38.7%) in comparison to non-Indigenous children (24.9%). However, given the disparity between the total number of reports, many more Indigenous children per capita suffered from abuse than their non-Indigenous counterparts (26.7 per 1,000 compared to 4.06).

The Australian Institute of Family Services suggests reasons why the rate of child abuse and neglect in Indigenous communities is probably underreported in comparison to abuse and neglect in non-Indigenous communities. These reasons therefore some of these children may not have been abused or neglected but were identified as being at risk of harm.”

291 ibid.
292 ibid.
include: “fear that the child may be removed from the community” (as per the Stolen Generation), “social and cultural pressure from other members of the family or community not to report abuse or violence, and the belief that reporting is a betrayal of the culture and community” and “fear of repercussions or retaliation from the perpetrator or their family.”  

Another study of the disparity between family violence in Indigenous communities and non-Indigenous communities is a report by Fadwa Al-Yama, Mieke Van Doeland and Michelle Wallis published in 2006. This report summarized some of the data about the prevalence of family violence in Aboriginal and Torres Strait Islander communities. Many of the broader community studies on family violence undertaken in Australia have not had a large enough sample size of the Indigenous population to draw any conclusions. An International Violence Against Women Survey, however, showed that across Australia, only 14% of all women, Indigenous and non-Indigenous, who experienced intimate partner violence reported their last assault to police. The sample of Indigenous women was small for this survey, but in the last twelve months 20% of Indigenous women had been victims of physical assault and 12% had been victims of sexual assault. The rate of victimization for non-Indigenous women were 7% for physical assault and 4% for sexual assault. This data was recorded during the 2002-2003 data collecting cycle.

293 ibid.
295 ibid. 37-42.
296 ibid. 31.
297 ibid. 32.
The National Drug Strategy Household Survey sampled from the entire Australian population during 2004, including a small Indigenous sample. The survey found that 13.1% of Indigenous persons had been a victim of alcohol related physical abuse\(^{298}\) during the past twelve months. Of those who reported being the victims of alcohol or drug related physical abuse, 26% reported that they were abused at the hands of a partner or ex-partner.\(^{299}\)

**Changes Over Time**

The Australian Bureau of Statistics Recorded Crime Survey only uses the 2012 format from 2010 onwards.

**Recorded Crime Survey: Number of Partner or Ex-Partner Assaults Committed Against Indigenous Women**

<table>
<thead>
<tr>
<th>Year</th>
<th>NSW</th>
<th>South Australia</th>
<th>Northern Territory</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>1370</td>
<td>668</td>
<td>2082</td>
</tr>
<tr>
<td>2011</td>
<td>1419</td>
<td>729</td>
<td>2261</td>
</tr>
<tr>
<td>2012</td>
<td>1564</td>
<td>658</td>
<td>2294</td>
</tr>
<tr>
<td>% change between 2010 and 2012</td>
<td>14.2%</td>
<td>-1.5%</td>
<td>10.2%</td>
</tr>
</tbody>
</table>

Over these three years, we see an increase in assaults in New South Wales and the Northern Territory, but no dramatic changes. This time series is insufficient to draw conclusions about change over time.

The Department of the Attorney-General and Justice in the Northern Territory releases its own information, separate from the Australian Bureau of

\(^{298}\) Verbal abuse (37.7%) and being put in fear (30.6%) were also reported.  
\(^{299}\) Al-Yama et al. 2006. 34.
Statistics. Crime data from 2008 to 2013 shows a steady increase in assaults and no discernable pattern in homicides among Indigenous persons.\textsuperscript{300} This information is not enough to draw a conclusion about changes in assaults rates over time. However, we can look at homicide data over longer time series and see how the rate of victimization has changed for the Indigenous and non-Indigenous communities.

A report examining Australian data from 1990 to 2000 found that fewer Indigenous persons were victims of homicide and fewer Indigenous persons were committing homicide.\textsuperscript{301} The victimization rate fell steadily, from approximately 14 per 100,000 to approximately 9 per 100,000 for Indigenous persons.\textsuperscript{302} Offending rates fell, with significant variation, from approximately 19 per 100,000 to approximately 10 per 100,000 for Indigenous persons.\textsuperscript{303}

The same report found that between 1989 and 2000 Indigenous persons were 15.1\% of homicide victims and 15.7\% of offenders in cases of homicide, but accounted for only 2.2\% of the total Australian population during this time period.\textsuperscript{304} Within this time period, 61\% of Indigenous homicides occurred between family members. For non-Indigenous homicides, this number was 33\%.\textsuperscript{305} We can see the pattern of Indigenous family violence making up a greater percentage of violence continuing here. Homicides were overwhelmingly intra-racial, with 94.4\%
either taking place between non-Indigenous victims and offenders or between Indigenous victims and offenders (although it must be noted the category non-Indigenous is not homogenous). This is not a case of violence between communities, but within them.

Given the complexity of the issue, it is difficult to state with any statistical significance whether family violence is increasing, decreasing or holding steady. However, it is apparent that rates of violence are extremely high and have been extremely high for quite some time.

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306 ibid. 3.