

**APUNIPIMA  
CAPE YORK  
HEALTH COUNCIL**

**"Yes, but I never hit her in the face":**

**A Survey of Attitudes to Domestic Violence in Cape York Aboriginal Communities**

## **Acknowledgment**

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### Synopsis

This work is an examination of attitudes towards the phenomenon of violence. It looks particularly, although not exclusively, at domestic or family violence among Indigenous people. It is based on the responses to a set of questions posed to representative groups of Aboriginal people, most of whom live in communities on Queensland's Cape York Peninsula. These were:

- a pilot group of 20 Aboriginal students at the Cairns campus of James Cook University
- four groups, each of 48 Aboriginal people living in four separate remote communities
- one group of 48 Aboriginal people living in a small mixed race township

The discussion contains a selective review of that literature which is considered particularly relevant

While the survey concentrates on attitudes to domestic violence, our enquiry was not restricted to violence within the family setting because of the belief that domestic violence in Aboriginal communities can not be properly understood if it is viewed in isolation from other forms of violence. A study aimed only at domestic violence might tend to ignore some of the less obvious but nonetheless connected features which contribute significantly to all types of violence. Also, due to the hidden intertwining of Aboriginal lives, it is frequently difficult to determine where intra-family violence starts and finishes. Because of its "open" nature domestic violence may frequently invade whole groups of families and should not necessarily be considered the problem of a particular couple.

We have chosen to use the term "domestic violence" rather than that of "family violence", which, it is commonly claimed Aboriginal people prefer. We have done this for the simple reason that we found that "domestic violence" is now the expression of choice: the one most commonly employed by the people in these communities to describe conflict between intimate partners and their children. It has been made obvious to us that the term "family violence" means a variety of different things to Cape York people.

In the Aboriginal mind set, alcohol and violence are inseparable. As a result, the nexus between the two is examined in the light of the people's attitudes to both. Information and analyses of government initiatives relating to the past and present availability of liquor in the region's Indigenous communities are also included

The weight of history bears very heavily on Aboriginal society; they are a people who are greatly influenced by precedent. For them, the past is a vital element often providing a justification for the present. Consequently overviews of the historical significance of violence and related issues in this region are provided and attention is drawn to possible influences this may have on contemporary circumstances in these communities.

Analyses provide insights into the findings of various researchers who have worked in the region in recent times. However, I wish to underscore the fact that this report is essentially an

attempt to sound out people's understanding of what actually constitutes domestic violence and to formally ascertain their attitudes to certain of its physical and sexual aspects. As it is overwhelmingly premised on what the people of these communities told us, it is therefore research into the way they see the issues, to which we have added comment emanating from our own observations.

The report demonstrates the scope of intimate violence by presenting a number of case studies of violent crimes that have recently occurred in these communities.

It will be noted that the work has ignored psychological aspects of domestic violence. We decided to restrict our questions to physical and sexual violence rather than the more abstract issues such as emotional, social and financial aggression. This neglect is deliberate and regrettable, but brought about by the fact that few of the Aboriginal people to whom we spoke in the run up to this survey recognised these things as part of domestic violence and we did not wish to muddy the water by introducing what are to them, unrelated or contentious issues. Our decision was also influenced by the need to prioritise. To have researched attitudes towards non physical violence would have demanded that we spend a good deal more time in the field than financial resources would allow. It should also be appreciated that as undesirable as these non-physical forms of violence undoubtedly are, they are not crimes under the criminal code and in the time available to us we wanted to underscore the idea that domestic violence is a criminal offence.

The research is not definitive and it is important to remind those who read it that people's perceptions of circumstances, no matter how honestly given they may be, do not necessarily accord with the reality of the situation. The significance of this work then, is that it reflects Aboriginal people's attitudes to the phenomenon of violence and its associated issues within their communities and it asks whether sufficient importance has been placed on these attitudes as a contributing factor to the incidence of domestic violence.

## Introduction

There are considerable differences between the way Aboriginal Australians living in Indigenous communities and those of non-Indigenous origin living in main stream Australia regard domestic violence (hereafter DV) and the issues surrounding it. It is this attitudinal difference with which this work is particularly concerned.

The study records the opinions and the level of understanding held by a small, but significant section of the Australian society. It examines attitudes towards DV held by people living in five North Queensland Aboriginal communities. These communities, although representing only a small section of the total Queensland population are highly significant to the phenomenon of DV because they are returning levels of this type of violence that are entirely disproportionate to their numbers. For these people DV is producing very grave problems indeed. They are problems that are unlikely to disappear in the near future. Apart from the fact that the abuse of women and children has always been a part of the human condition, a major reason for this tardiness and our resultant pessimism, is the attitude of acceptance towards acts of violence that some Aboriginal people appear to hold

During the 12 months ending July 1999 the few thousand people that make up the Aboriginal population of the Cape York Peninsula region have suffered at least nine homicides that broadly fall under the rubric of DV. This is a figure that puts the incidence of homicide in this region at about 10 times the Queensland average.

In August 1989 a *Victims of Crime Report* found that Cape York Peninsula Aboriginal communities had the highest rate of violence in Australia. Due to variations in reporting, recording and for other reasons, this assertion may be arguable, however a claim that the level of violence in this region is totally unacceptable and giving rise to very grave concern is not. It is no exaggeration to claim that some people, especially women, children and the elderly in these communities live in a state of terror and it is a serious indictment of our society that such a situation was allowed to develop in the first place and continues to exist. In a submission to ATSIC, Apunipima Cape York Health Council (hereafter Apunipima) record that: "*The atrocities committed against women and children sometimes defy description..*"<sup>1</sup>

That there is an inordinately high level of violence in this region's Aboriginal communities has long been recognised. Seventeen years ago, referring specifically to the Cape, a lawyer stated:

*...in Queensland there have been created communities where the incidence of homicide and very serious assault is among the highest that has been reached anywhere in the world...*<sup>2</sup>

In 1982 the criminologist Paul Wilson, in an often quoted work wrote:

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<sup>1</sup> Cited in an Apunipima's submission to ATSIC, 1989.

<sup>2</sup> Cited in the manslaughter trial. R v Alwyn Peter

*Murder, self mutilation and alcoholism are rife in these communities...violence and death is such a common occurrence...that every family directly or indirectly suffers the consequences of murder or serious assault.<sup>3</sup>*

In mention to one of the region's communities Gibson, in 1987 wrote:

*The recent history of the community shows that the problems within the community have escalated tremendously. There is widespread economic and social breakdown...and alcohol seems to be destroying the traditions proudly established...the last 15 to 20 years have seen the decline of what the people themselves have achieved in the face of dispossession and colonisation.<sup>4</sup>*

Two years later Atkinson, said of another:

*It has been stated by people who have long worked in the field and had long associations with trust communities that the nature, severity and extent of violence have increased dramatically over the last 10 - 15 years...violence is now endemic in contemporary Aboriginal society. So pervasive is it that it has become a fact of life...In some communities... women expect to be hashed and in fact do not think their bloke loves them unless he belts them...the estimate is that domestic violence affects 90% of families living in trust areas.<sup>5</sup>*

In 1990 in a less dramatic submission to the Royal Commission into Aboriginal Deaths in Custody (hereafter RCIADIC) Reser observed that:

*In contemporary Aboriginal communities in North Queensland 'violence' in majority culture terms and alcohol 'abuse' are reported to be endemic and of crisis proportions.<sup>6</sup>*

A 1997 study showed that Aboriginal people from this region are being admitted to hospital at several times the Queensland average and that assault, including DV was the principal cause of external injury amounting to 42.8% of all wounds requiring treatment.<sup>7</sup>

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<sup>3</sup> P. Wilson. Black Death :White Hands. Allen and Unwin. Sydney 1998. p.1.

<sup>4</sup> M. Gibson. Anthropology and Tradition: A Contemporary Viewpoint. Paper presented to AANZAS Conference Townsville 1987.

<sup>5</sup> J. Atkinson. Violence in Aboriginal Australia. draft paper cited in J. Reser. Report to the RCIADIC

<sup>6</sup> J Reser. A perspective on the causes and cultural context of violence in Aboriginal communities in North Queensland: A report to the RCIADIC. 1990. p.1.

<sup>7</sup> D. Gladman et al. Study of Injury in Five Cape York Communities. Qld Health publication. 1997.

Therefore it can be argued that this violence has been an increasing, albeit under acknowledged feature, of Cape York community life for at least the last quarter of a century. Such a lengthy period inevitably gives rise to questions about the accuracy of its crisis status. Nevertheless, the violence is so public and its incidence such that it is impossible for anyone to escape it. There is not a man, woman or child living in these communities who is not touched by, or does not see physical violence of some sort on a regular basis.

Given the recognised level of reported violence, perhaps the most worrying comment is contained in the recently released report from the Aboriginal and Torres Strait Islander Womens Task Force on Violence, who state:

*The Task Force believes the number of violent offences is much higher than the officially recorded data...The Task Force researchers heard many stories about crimes that women did not report for fear of reprisals from the perpetrator, his kin folk or the justice system.<sup>8</sup>*

Reference to fear of reprisal from the justice system is particularly disturbing. Nevertheless the claim that beatings often go unreported is one with which few who have worked in these communities would argue. One learns of many serious assaults that go unreported and of women and children who have been obliged to flee their communities for fear of reprisals. Paradoxically there are many who are unable to leave them for the same reason, or because they have nowhere else to go.

The RCIADIC found that the pivotal factor underpinning the deaths they investigated was the gross over-representation of Aboriginal people in custody. The dreadful irony of this is that there are in the communities we have surveyed, people who would actually be safer in gaol.

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<sup>8</sup>

ASTI Womens Task force on Violence Report, p.xiv.



### Contemporary violence in Cape communities

During nine months in 1998/9, violence on Cape York Peninsula resulted in the deaths of people like the 41 year old Aurukun woman (name suppressed)<sup>9</sup> who died from massive internal injuries after being battered and jumped upon by her defacto. The 39 year old Aurukun man who was stabbed to death by his defacto. The 45 year old Napranum woman who died in Weipa hospital after being savagely beaten by her man. The Aurukun man who died after being stabbed by his girlfriend. The woman who died after being stabbed by a drunken associate for refusing to pass a cask of wine. And the more recent killing of a wife by a husband who had previously been imprisoned for stabbing her.

Many more have received life threatening or life shortening injuries. Therefore one might also consider the lives that are shortened and pain filled, like the woman in Pormpuraaw who was so badly beaten by her boyfriend that she will suffer pancreas problems for the rest of her life. Or the young woman whose drunken partner attacked her with a meat hook causing horrendous injuries. The woman who was attacked with an axe for referring to a man as a sorcerer. The 63 year old Aurukun grandmother who was bashed on the head with a cement block as she lay sleeping, then raped while unconscious. The 16 month old Pormpuraaw child who received a fractured skull in his mother's arms when she was attacked with a lump of wood, and the Cooktown neonate who was punched in the face under similar circumstances.

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<sup>9</sup> Names of the dead have been suppressed out of respect for Aboriginal custom. Reports on all these homicides and injuries may be seen in the Cairns Post between June and December 1998. There were additional homicides in 1999.

## PART 1: HISTORICAL AND CONTEMPORARY INFLUENCES

### Historical influences: background to the Cape communities

Beginning in the 1880s, these communities were created as reserves and missions by the Queensland Government in the wake of a protracted and bloody inter-racial war. Commenting on the Aboriginal condition on the Cape 100 years ago, an observer informed Queensland's Colonial Secretary that:

*...treatment in this peninsula is a shame to our common humanity...they came in here like hunted wild beasts having lived for years in a state of absolute terrorism...their manifest joy at assurances of safety is pathetic beyond expression. God knows they were in need of it...*<sup>10</sup>

Consequently these places, which the criminologist Paul Wilson describes as being among the most violent on Earth, have their foundations cemented in conflict. They were then run along lines that were structurally aggressive. Aboriginal people who were living on land required by Europeans and who were not wanted as labour by private enterprise were rounded up, forced into these concentration centres and legally compelled to remain there.<sup>11</sup> The Act of parliament that was instituted to govern Aboriginal people,<sup>12</sup> and which provided the blueprint for similar legislation in WA and the NT has been described as "One of the most repressive laws ever passed on an indigenous people by conquering Europeans"<sup>13</sup>

Superintendents had prison-like control over their charges which included the denial of permission to marry, the censorship and withholding of mail, the right to sell or dispose of their property and to prohibit their customs that were considered detrimental to discipline. It was legal for them to flog the "young" Aboriginal inmates and they did so, with the definition of young being very much in the eye of the flogger. One might remember that Aboriginal men old enough to be grandfathers were referred to as "boys". Corporal punishment was so frequent in one community that an early 20th century observer queried the aims of the establishment stating:

*...the question arises in my mind as to what this place is, whether a reformatory or a mission station. It savours more of the former.*<sup>14</sup>

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<sup>10</sup> Meston to Col Sec, 96/11535, Col/808, Queensland State Archives, (hereafter QSA)

<sup>11</sup> Ironically, legislation in the 1970s and 80s was used to keep them out of these settlements.

<sup>12</sup> The Aborigines Protection and Restriction of the sale of Opium Act, 1897 -1939

<sup>13</sup> S Wellborn, "Politicians and Aborigines in Queensland and Western Australia, 1897 - 1901," in Studies in Western Australian History, Vol2, 1978, p.91.

<sup>14</sup> Cited in, D. May, PhD thesis, James Cook University, 1986, pp.978-9.

The more fundamental missionaries added to this repression by prohibiting certain ceremonies and Dreamtime stories on the grounds that they were satanic and of course by incarcerating children and separating them from their culture and source of history.

The Missionary at Bloomfield (now Wujal Wujal) had Aboriginal people perform totally unproductive work because he believed labour to be an essential ingredient for conversion to Christianity. At Cape Bedford (now Hopevale) control, and labour was obtained by near starvation. Missionary Fleirl asserted " *...he who does not work, shall not eat*". Historians have drawn attention to the fact that the Rev Bill MacKenzie, superintendent of Aurukun mission locked people in a tin shed at the height of summer, had women's heads shaved for minor transgressions and had offenders marched 380 kilometres at gunpoint to a rail head at Laura en route to Queensland's Aboriginal penal settlement at Palm Island.<sup>15</sup> It is also alleged by community Elders that he engaged in fist fights with his charges.<sup>16</sup>

Missionaries with the blessing of government also enforced strict sexual segregation. It is perhaps under-recognised that this sexual separation produced generations of young Aboriginal men and women who simply did not know how to relate to each other<sup>17</sup> It is not unreasonable to suggest that this has influenced the levels of DV currently being experienced by some communities.

The enforced concentration of diverse tribal groups in these settlements produced communities in name only. People were forced to live cheek by jowl alongside strangers who spoke a totally different language, or even with 'enemies'. This has also contributed to the levels of tension that presently exists in these places. An Aboriginal woman pulled all these points together telling us that:

*When the Government put our people on to the missions they forgot about our clan groups which causes problems to this day. It's like six different countries in one area*  
Community # 2 woman

Add to this the over crowding, material disadvantage, unemployment and alcohol misuse and one has provided the perfect recipe for tension, conflict and physical violence

The missionary and governmental approach then, has been one of restriction and even if a high level of violence did not exist in traditional Aboriginal society, (a premise I do not accept) it is illogical to force a people who typically lived in small, highly mobile groups, into a restricted, overcrowded, closed world and expect pacificism. Therefore, at the risk of stating the obvious, given the historical circumstances of their establishment and the contemporary marginalisation they suffer it would be surprising if these concentration centres were not violent. An old Aboriginal lady put it like this:

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<sup>15</sup> R. Kidd, The Way We Civilise, UQ Press, St Lucia 1997, p.121.

<sup>16</sup> Personal interview with deceased Community Elder. Name withheld out of respect for Aboriginal custom.

<sup>17</sup> I am indebted to Elizabeth Pearson for her informed opinions on this issue.

*I'm an old woman but I lived for 39 years in one of them places and I can't begin to tell you what went on. It makes me sick when I think about the cruelty that was going on almost every day. I don't know if I'll get to heaven, but I bet some of them missionaries and managers don't*

Community #3 woman

### **Traditional violence: a short analysis**

In a recent publication under the heading "Family Life Before the Invasion" one reads:

*Our children were brought up in a protected environment where child abuse or neglect were non existent ... Although some violence did exist at this time, any one person who caused harm or dishonour to another was usually dealt with by the Elders or other members of the community according to customary law. **Nothing to the extent of today's family violence existed** <sup>18</sup> [my emphasis]*

With regard to the abuse of children in Cape York Communities, ten years ago Atkinson wrote:

*...Children are being abused - something so foreign to Aboriginal culture - that it reveals the extent to which communities are in total social crisis.*<sup>19</sup>

Also a decade ago, the Queensland Domestic Violence Task Force encountered similar comments, related this time to the abuse of women:

*...we were advised in very strong terms that the kinds of violence currently occurring in many communities were not elements of traditional society.*<sup>20</sup>

One might ask what is meant by "violence currently occurring". If it refers to alcohol associated violence, it is a reasonable assertion,<sup>21</sup> but to suggest that violence towards women and children in traditional society was unknown or always structured, is an arguable claim. It is definitely one that some 18th and 19th Century European observers of traditional society would have rejected. Such an assertion however demands a word of warning.

Our knowledge of what was permitted or mandated by traditional law among Cape York Aboriginal people (or anywhere else for that matter) with respect to punishment and the

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<sup>18</sup> Apunipima's Family Violence Information Pack p.2.

<sup>19</sup> J. Atkinson 1989 Violence in Aboriginal Australia, draft paper, 1989.

<sup>20</sup> Queensland Domestic Violence Task Force, 1989, p. 258.

<sup>21</sup> Alcohol of course was unavailable and apparently fighting and the use of weapons within the camp precincts was in some areas considered an offence against the group collectively and attracted very serious sanctions. See Roth, NO Ethnography Bulletin, No 8, Govt Printer Brisbane, 1901.

management of offending behaviour, is fairly scant, but not entirely deficient. As a pre-literate people, Aborigines obviously left no written records. There are some oral histories, but in the main what little we know comes from the observations of non-indigenous people and it must be said that historical references to acts of violence perpetrated on Aboriginal women and children by their menfolk, are legion.

It should equally be acknowledged, that to many of these European observers Aborigines were the "enemy", consequently their portraits of Indigenous society are often malevolently drawn. Furthermore, as a result of colonisation and dispossession, detribalisation was rapid and devastating to Aboriginal society. Therefore what many of these observers were looking at may not have been traditional society, but one that had been severely modified by outside influences. For these reasons, what these white people wrote needs to be regarded with caution.

### **Violence towards Aboriginal women and children: historical references**

Among many other references that exist, the phenomenon of wife beating was remarked upon virtually from day one of the British invasion. An officer of the First Fleet wrote:

*...I was seized with a propensity to learn whether the attractions of Gooreedeeana were sufficiently powerful to secure her from the brutal violence with which [Aboriginal] women are treated...I proceeded to examine her head, the part on which the husband's vengeance usually alights... I discovered it covered with contusions and mangled scars....*

Captain Watkin Tench, Royal Marines, Sydney Cove, 1789.<sup>22</sup>

Gooreedeeana also limped from having been speared Tench tells us, during a sexual assault. This is very early evidence of Aboriginal family violence, but in fairness we know nothing of the circumstances under which this woman got these scars and contusions, or of Tench's attitudes towards Aboriginal people.<sup>23</sup>

However there is some evidence that even as late as the turn of the 19th century in far North Queensland, especially on Cape York Peninsula, traditional lifestyles were still relatively

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<sup>22</sup> Cited in W. Tench, Narrative of The Expedition to Botany Bay: Complete account of the settlement at Port Jackson.

<sup>23</sup> Accepting that it is dangerous to extrapolate from 18th century observations, Tench's comment about the wife's head being the "*part on which the husbands vengeance usually alights*" is interesting in the light of what Gladman et al's research found among Cape York Aboriginal people 190 years later. Gladman said: *There is a higher number of males involved in all types of injury except head injury where females had nearly 30% more injuries than males. These types of injuries are due mainly to assault...* [my emphasis]

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intact in the more remote places. The destructive invasion and dispossession that had occurred around Sydney in the 1780s and in Brisbane in the 1820s did not really begin in much of Cape York until the 1870s: nearly a hundred years after the arrival of the first fleet.<sup>24</sup> In relation to European influences on traditional culture it may be useful to appreciate that in 1896, in a report to the Queensland Parliament, it was estimated that over half the Aboriginal population of Cape York Peninsula, had still never been in contact with Europeans. It should additionally be acknowledged that there were Europeans who were well qualified to comment and who did not see Aborigines through jaundiced eyes. Notable among these in Queensland was Dr. Walter Roth who was both a medical practitioner and a qualified ethnographer with an internationally respected reputation, in addition to being Queensland's Northern (and later Chief) Protector of Aborigines.<sup>25</sup>

On the subject of traditional law and tribal government on the Cape in 1900 Roth writes:

*The lives of his wives and children are completely in the husband's hands ...for infidelity a husband or his brothers may publicly ridicule, maim or even kill the wife...maiming includes striking with a boomerang...or anything else handy, spearing in the thigh or calf, or [at Bloomfield] cutting the hamstrings or flaying her alive when notoriously unfaithful ...At Miriam Vale in the old days the poor unfortunate while held on the ground would have hot ashes heaped upon or rubbed into her stomach ...the husband has the right to loan, exchange, sell or divorce his wife who has no reciprocal powers: he can kill her if he likes, although for such an outrage he may be called to account by her relatives...*

With regard to children Roth goes on to add that:

*The lives of the children are absolutely in the hands of the father or father's eldest brother without it being anyone's right or duty to condemn him. He may chastise his son [prior to initiation] in any and every manner he chooses ... **a broken bone is not an uncommon occurrence...** [my emphasis] With regard to his daughter it is the father's eldest brother, or her own elder brother's business to pin her down when for being guilty of adultery she is speared in the thigh or leg by her husband's group or blood brothers...*<sup>26</sup>

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<sup>24</sup> Report on the Aborigines of Queensland. Queensland Votes and Proceedings :: 1896. p.726.

<sup>25</sup> Roth argued that it was unjust for Aborigines to be made amenable to Anglo-Australian law, he also pleaded for whites to be kept out of Cape York and for most of the peninsula to be gazetted as an Aboriginal reserve. See, Report of the Northern Protector of Aborigines for 1899, in Queensland Votes and Proceedings, 1900 P. 590.

<sup>26</sup> Roth's comments about elder brothers are interesting in the light of what Burbank wrote on the subject of "mirriri" (which is the name given to a brother's shame for the activities of his sister in Arnhem land) Burbank quoted an Aboriginal friend who said: "women are very careful of their brothers"

Roth continues:

*A child may be killed for some crime committed by its parents or relatives, blood or group: how this principle may clash with European ideas is evidenced in the case of the so called murder some ...ten years ago [c 1889] on a little boy at Cardwell for which crime "Julius Caesar" is now serving a sentence at St Helena Penal Establishment...<sup>27</sup>*

*A mother may lawfully kill her child within a few hours after birth, especially if the confinement has caused her more than ordinary pain. She usually puts her infant out of the way by pressing her foot upon its chest...*

Roth also explains how he had examined dozens of women and girls for sexually transmitted infections. His description of genital mutilation and gang rapes which were part of a young girl's initiation have to be described as horrendous.

James Morrill, who also regarded Aborigines highly<sup>28</sup> and who lived with North Queensland tribes for 17 years between 1846 and 1863, before any contact with whites, recalls how young girls are stolen from their parents. he goes on to add:

*The Aborigines amongst whom I have been living are a fine race of people... they have no chiefs...the strongest is the best man...I also remember that in one case when there was a boy and a girl born to a woman, the father killed the boy and saved the girl - to save the trouble of bringing them up...<sup>29</sup>*

If these author's statements accurately reflect the treatment of Aboriginal women and children a little more than 100 years ago, it would be naïve to believe that this historical use of force has had no influence on contemporary attitudes to domestic violence.

I find it difficult to reject their evidence and embrace the myth of a society in which aggression was always controlled, where there was no gratuitous, or self seeking violence shown towards women and children. Such a society seems not to have existed anywhere.

Having said all this, one accepts that many of the assaults currently being perpetrated in Aboriginal communities, often in association with alcohol and other drugs are undeniably very heavily influenced by the appalling conditions created by colonialism and marginalisation. However there is little to be gained in perpetuating a myth of pre-contact perfection. Violence towards women and children, I would suggest, was very probably ubiquitous and the available evidence does not point to traditional Aboriginal society as having been an exception.

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<sup>27</sup> A similar murder took place in Brisbane in 1860.

<sup>28</sup> Morrill also pleaded for land to be given to Aboriginal people.

<sup>29</sup> J. Morrill, The Story of James Morrill, Published by the Bowen Independent in 1863.



## The status of women in traditional Aboriginal society

It has been cogently and frequently argued that white patriarchal values which accompanied colonisation have assisted in stripping Aboriginal women of the high status they had in traditional society making them more vulnerable to male dominance and aggression.<sup>30</sup>

There is in fact considerable disagreement on the status of women in traditional society and one might argue that their standing on Cape York Peninsula, particularly for older women was nothing like that enjoyed by men. Quoting Roth again, he tells us that:

*Old men in general get the best of everything...they not only get respect but they command fear and obedience. An old woman as a rule receives but scant consideration, although she may be looked after by her sons when neglected by her husband, as is often the case when the latter has a plurality of wives. When however unable to provide for herself or too infirm to accompany her younger dependents or relatives on their journey, she may either be left behind to starve, or perhaps even be put to death. Reverend Hey on the Batavia River mentions two cases of old women whom the blacks proposed burying alive: [because] they were "no more good".<sup>31</sup>*

In fairness though, Roth's observations should be juxtaposed with those of Captain J Mann who was the secretary of the Royal Geographical Society of Sydney and a member of Leichhardt's 1846 expedition. Mann wrote:

*...in dealing with these people you must be true to your promises for they are scrupulously honourable...I have never known the Aborigine neglect the lame, the old or the blind.*

Perhaps one should leave the last word on the subject to Marcia Langton who refers to:

*...the ability of men to use force in the final analysis, to preserve male dominance in ideology, in structures and relationships. This was so in traditional times and remains so, but in vastly changed circumstances.<sup>32</sup> [my emphasis]*

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<sup>30</sup> See for example, P. Grimshaw, 'Aboriginal Women: A Study of Culture Contact', in N. Grieve and P. Grimshaw (eds), Australian Women: Feminist Perspectives No 86, 1981.

<sup>31</sup> W. Roth, North Queensland Ethnography: Bulletin, No 8, Govt Printer, Brisbane 1901, p.7.

<sup>32</sup> M. Langton, "Feminism: What do Aboriginal women Gain?", in Broadside: National Foundation for Aboriginal Women Newsletter, cited in Bolger, Aboriginal Women and Violence, p.53

### Aborigines and alcohol: an historical overview

The evidence that some Aboriginal people used mind altering substances prior to the European invasion is sketchy. We know that pituri was chewed for its narcotic effect, and also placed behind the ear so that it could be absorbed through the skin. It seems however that smoked substances were the most commonly used and it appears that in parts of NW Queensland a narcotic drink was made of bauhinia blossom and wild honey. It is also possible, but by no means certain that palm wine which came from Macassan fishermen made its way into the hands of Cape York people via Arnhem Land and gulf Aborigines. A more likely original source for Cape York people would have been the Government base with its detachment of Royal Marines at Somerset which was established in 1863. Widespread alcohol use in the region came of course with white settlement in the last quarter of the 19th century.

- .. A sort of prohibition for Queensland Aborigines was imposed in 1885 when the Liquor Act introduced fines for any "licensed victualler or wine seller who supplies or permits to be supplied any aboriginal native or half-caste of that race". This was tightened up to prohibit any supply to Aborigines under the Act<sup>33</sup> in 1912.

Prohibition for Aboriginal people who were under the Queensland Act was lifted when a new Act was introduced in 1965 and not, as many people believe, following the 1967 referendum. The right to consume alcohol was not granted by a legal statement that Aborigines could now drink, but by simply making no reference to them in connection with liquor. The annual report of the Director of Aboriginal and Islander Affairs (DAIA) stated:

*It is of interest to note that the new welfare legislation by making no references to alcoholic beverages removes restrictions by race relative to liquor.<sup>34</sup>*

The right of communities to sell liquor came in 1971 with the introduction of The Aborigines Act. The documentary evidence that the Queensland Government encouraged drinking in these communities, and continues to do so as a means of revenue raising is compelling. There is evidence to support this contention held in the files of the Dept of Families, Youth and Community Care in Brisbane. As an example I offer the following comment from parliamentary debates:

*...there is no doubt that some communities would like to see alcohol banned altogether, but... a major portion of the finance that is needed to run the community is derived from profits made by the canteen...this Government will have to come up with some answers on how the communities can replace that revenue if a community decides...not to allow a canteen within its boundaries<sup>35</sup>*

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<sup>33</sup> The Aborigines Protection and Restriction of the Sale of Opium Act 1897-1939

<sup>34</sup> Report of the DAIA for year ending 30 June 1966 in Queensland Parliamentary Papers 1966-7, p.1149.

<sup>35</sup> Extract from Queensland Parliamentary Debates (Hansard) 7 May, 1992.

### Alcohol and other drugs in the communities we visited

Two of the communities we surveyed have no liquor sales outlets. Both are approximately one hours drive from any licit source of alcohol. One of them, it appears had toyed with the idea of buying a pub in the closest town. A third had carried out the failed experiment of closing its canteen for a couple of years in an effort to reduce social problems. All communities currently have major alcohol associated problems including "sly grogging."

In four of the five, some people told us that cannabis was becoming as big a problem as alcohol and several believed that this drug also caused violence. In two of the communities we were told that amphetamine use was an additional issue. In all of these places petrol sniffing is an intermittent cause for concern.

We were frequently told of younger people (mostly men) who took money, by force if necessary, from the old people for alcohol or other substance purchases. Ergo we were also told of old people who have no money to buy food because it is taken from them. One old man we interviewed habitually gets a lift to the closest liquor outlet on pension day, buys casks of wine or cans of beer and hides himself in the bush for a couple of days so that his son can not take his liquor from him.

A middle aged woman explained:

*Its the children who suffer most. The drinking starts on Thursday evening and goes on until Sunday... we know who the ones are who don't feed their children because they are drinking and gambling. We take the children and look after them until their parents sober up. We've asked the Council to give us a place and some money so that we can look after these kids. We reckon they could take some of the CDEP money off parents who neglect their children in this way, but they wont be in it. We never say anything to the parents or get involved in their fights otherwise they might jack up on us looking after their kids.*

Community # 1 woman.

In community # 2 we were informed that the normal practice of sharing alcohol with friends or family inevitably leads to being drunk if sufficient grog has been brought in because:

*...everyone drinks as fast as they can in order to get their share. It doesn't matter if the beer is hot, it will all be drunk at one sitting.*

Community # 2 man

This is one of the rules to which most of the drinkers we spoke to seemed to subscribe. Being drunk clearly provides an acceptable excuse for acts of violence in a significant number of people's eyes. It was surprising how many people in these communities admitted, often without prompting, to partner beating, but nearly always "when I'm drunk".

We received blank looks when we asked how many times a drunken perpetrators plea that "he didn't mean it" and that "the grog was responsible" should be sanctioned. Interestingly however being drunk appears not to provide an excuse for failing to share grog.

Only the non-drinkers accepted the proposition that someone with a propensity for violence

under the influence of alcohol should not drink at all. Grog, it was explained,

*"makes you feel good and gives you something to do".*

Community # 2 man

In the locations where they do not have one, some younger people were prepared to argue the merits of a beer canteen (when some more of the old ones die off) because having no pub it was explained, causes binge drinking and also encourages sly grogging by people who have money and are prepared to extend credit to their impecunious mates.

Our second visit to community # 3 coincided with the arrival of the income tax refund cheques, which we were told averaged \$800:00. per person. This produced a bacchanal that was reminiscent of Hogarth's painting "Gin Lane". By mid afternoon the area of the community canteen was full of inebriated people; many of whom were "blind drunk". A half-naked woman had passed out in the storm drain opposite the tavern and another was lying on the forecourt in a similar condition. The state of some of the men was hardly describable with one being plastered in his own excrement. I estimate that there would have been about 150-200 people drinking in or around the tavern. Those who were banned were either drinking at home or in small clan groups under the nearby trees.

Under Queensland's liquor laws, serving intoxicated people attracts a fine of \$18,750:00. A second offence within two years means an automatic licence suspension. The extreme level of intoxication in Community # 3 should raise some questions about law enforcement. It should also raise some about the Community Council's culpability.

This community had employed a new tavern manager who started work the day we arrived. He was obviously unable to give me any turnover figures but he had previously been employed in a similar capacity in one of the Gulf of Carpentaria Aboriginal communities where he claimed an annual turnover of \$3.6 million. I was staggered to hear him say that he expected to exceed this in Community # 3. Considering this community's population (there are about 500 adults on the electoral role) people simply can not drink at that level without incurring very serious health risks. Three years ago Apunipima released findings that showed that death rates attributable to grog among the Cape's Indigenous people are 21 times that of the general Queensland rate.<sup>36</sup>

On the other hand it should be recorded that several people told us that the re-establishment of a liquor outlet in the Community had reduced the incidence of heavy binge drinking. Looking at Community # 3 on that day I am far from convinced that this is the case.

The reliance on liquor sales to fund Community projects at the expense of public health needs little comment other than to say it induces a sense of hopelessness. So little has changed and the likelihood of it happening still appears to be light years away.

It seems that about 70% of the disposable income in community # 3 goes through the tavern

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<sup>36</sup> Annual Report Apunipima CYHC, 1996, p9.

with 30% being spent on food (these admittedly rough estimates came from the school principal who is on the store committee) They are what I seem to remember them being about four years ago when the canteen was closed and grog was being flown in from the nearest outlet.

In community # 4 the difference in the social ambience was marked. There was an air of tranquillity that was totally absent in community # 3 . We remarked on this to the resident Police Sergeant who had recently been posted in from one of the Gulf of Carpentaria Aboriginal communities. He confirmed that community # 4 was one of Cape York's least violent, attributing this not to lower level of alcohol consumption, but to a more controlled drinking milieu. Local by-laws prohibit alcohol anywhere other than the canteen or a private dwelling. This community also has a strong banishment policy and the Manager of the exceptionally well run Community Store informed us that approximately 2/3 of the people's income went through the store with only 1/3 being spent in the beer canteen

A notable feature of this community from our perspective was that there were far fewer respondents who were willing to accept the proposition that being drunk provided an acceptable excuse for DV.

Community # 5 is a remote township with a European owned and run hotel, rather than an Indigenous community with a beer canteen. It should be noted however that the town's population is about 80% black. Alcohol associated problems while being by no means absent, did not appear to be excessive in the town and this claim is substantiated by the fact that at the time of our visit there were no community correctional orders currently running, which must be something of a record. There were nevertheless, several DV orders current and the Aboriginal Council recognises family violence as being one of its major problems.

Another problem they have is their relationship with the resident police, who it is alleged will not turn out for brawls at the pub or DV calls from Aboriginal women. Many of the women to whom we spoke are up in arms about this and letters of complaint have been sent to Queensland's Minister for Police.

### **The nexus between alcohol and violence in Aboriginal Australia**

It is suggested by Martin that in the Aboriginal context there are three broad paradigms within which the relationship between Alcohol and violence has been analysed.<sup>37</sup> These are

- . biomedical models in which drinking behaviour is explained in the pharmacological properties of the drug itself.

- . structuralist models in which the excessive alcohol use and the associated violence are attributed to the cumulative effects of the historical process of dispossession and material marginalisation through which the contemporary Aboriginal communities have been created.

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<sup>37</sup>

D. Martin. The supply of alcohol in remote Aboriginal communities: potential policy directions from Cape York. ANU Discussion Paper. No 162. 1988. p.10.

And socio-cultural explanations in which heavy drinking has become so deeply embedded within the social framework of indigenous relations that it has become a significant and normal part of behaviour that provides solidarity among men, and among other things, a way of defying whitefella laws and customs.

There is no serious debate about the coincidence of alcohol and accidents, crime or violence, but there is considerable argument about causality. Wilson, Herrnstein and Pemanen suggests that there are four possible relationships between the drug and behaviour. The relationship may be:

- spurious (ie no relationship at all)
- directly causal (alcohol directly causes violence)
- conditionally causal (causal providing other conditions also exist)
- a common cause (alcohol misuse and violence stem from a commonality, ie some factor like a personality defect which causes people to drink a lot and to engage in violence)

It is fairly safe to rule out the possibility that the relationship is spurious and most social scientists reject the notion of psychological defects. Reser asserts that the weight of psychological and social science research argues that the relationship between anger (the state associated with most violent behaviour) is social rather than psychological.<sup>38</sup> MacAndrew and Edgerton put it this way:

*Rather than viewing drunken comportment as a function of totally disinhibited brains operating in impulse driven bodies...what is fundamentally at issue are learned relations that exist among men living together in a society. More specifically, we have contended that the way people comport themselves when they are drunk is determined not by alcohol's toxic assault on the seat of moral judgement, conscience or the like, but by what their society makes of and imparts to them concerning the state of drunkenness.*<sup>39</sup>

Even so, no matter how it is explained, among the people to whom we have spoken alcohol and violence are seen to be causally linked; they overwhelmingly believe that grog actually causes violence. This belief of course, supports the contention that MacAndrew and Edgerton offer. It is what Aboriginal society (and Australian society as a whole) imparts to its members. So while there is no debate about a connection between alcohol and crimes of violence, there is uncertainty about its nature, about whether alcohol actually causes violence. Are MacAndrew and Edgerton right; or is alcohol a disinhibitor that attacks the seat of moral judgement and causes violent behaviour? To use Gelles' words "commonsense says yes: research says no".

*...there is little evidence that alcohol and [other] drugs are disinhibitors. The best*

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<sup>38</sup> Reser, Draft Submission, 1990, p.13.

<sup>39</sup> C. MacAndrew and R. Edgerton, Drunken Comportment: A Social Explanation, Thomas Nelson, Melbourne 1970, p.165.

*evidence against the disinhibitor theory comes from cross cultural studies of drinking behaviour. These studies find that how people react to drinking varies from culture to culture. In some cultures people drink and become violent in others they drink and become passive. What explains the difference? The difference is what people in these societies believe about alcohol. If they believe it's a disinhibitor they become disinhibited. If they believe it's a depressant they become depressed. Because our, [and Aboriginal] society believes that alcohol releases violent tendencies they are given time out<sup>40</sup> from the normal rules of social behaviour when they drink or when people believe they are drunk. Combine the time out and the desire to hush up family violence and you have the perfect excuse "I didn't know what I was doing, I was drunk". Or from the victim's perspective "My man is a real Dr Jekyll and Mr Hyde when he drinks he's violent when he's sober there's no problem". In the end violent people learn that if they don't want to be held responsible for their actions they should either drink before they hit or at least say they were drunk."<sup>41</sup>*

I ran Gelles' theory past an Aboriginal friend (a now tea-total, convicted wife beater) in community # 3 who refused to accept it asserting " *The only time I've had ever belted , or wanted to belt (name withheld) was when I was drunk*". So I went and asked (name withheld) who replied :

*That's bullshit! he belts me drunk or sober. One time he hit me with a tomahawk at that time he hadn't had a single drink for three weeks because he'd been crook and the doctor had told him to give it away or he might die...*

But most people, Indigenous or non-indigenous, believe that alcohol actually causes violence and in some cases produce compelling evidence to support their contention. In a letter written by the Manager of Community # 4 in 1978 he refers to the number of offences tried in the Aboriginal Court which showed:

*... a direct relationship to the availability of beer and funds...*

*For the period 1/9/78. to 23/10/78 beer was available. There were 105 charged before the court...during this period 17 injuries were treated at the hospital*

*For the period 23/10/78 to 12/11/78 no beer was available due to industrial unrest in the stevedoring industry. There were no charges and only one injury was treated at the hospital*

*For the period 12/11/78 to 27/11/78 when beer was available again there were 63 charged before the court, and 13 injuries were treated at the hospital<sup>42</sup>*

Convincing though it appears, this analysis does not take into account the learned attitudes to

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<sup>40</sup> See the work of McKnight, Reser Taylor and Atkinson.

<sup>41</sup> R. Gelles. Intimate Violence in Families, Sage, Thousand Oaks, 1997, p.10.

<sup>42</sup> Manager to director DAIA, 14 Dec 78, EM/T/1, Dept. of Families

alcohol and violence to which the authors cited above refer. The following work however, does. Writing of a Cape community in the 1980s the Anthropologist John Taylor said:

*...indeed I was told of at least one instance where a row had been postponed until a shipment of grog had been smuggled in. "They'll drink and then they'll fight" said my informant.*<sup>43</sup>

Victoria Burbank made similar observations of NT people asserting that one of the reasons people get drunk is so that they can act aggressively without being held accountable:

*Hey you! you wanna fight?  
Oh we can't fight because we not drunk. You are drunk, you [sic]*<sup>44</sup>

The clear implication is that one needs to be drunk to fight, or at least, violent behaviour is acceptable when one is under the influence of alcohol.

It also provides a temporary sense of personal empowerment: something that has been denied to Aboriginal people for much of their recent history. One needs to keep in mind that they were legally forbidden to drink until a little over 30 years ago, consequently it is for many still a civil rights issue. In community # 1 a man told us:

*When I can get full it shows that I am a man*

And in community # 3 we were told:

*...when you full drunk you feel like a big man; you not 'fraid of anybody*

These are interesting comment because they could be construed as either macho remarks or a *crie de coeur* for equality. Without doubt, being drunk provides many Aboriginal men with a tangible excuse for violent behaviour. The number of people who affirmatively responded to our question about forgiving DV committed under the influence of alcohol confirms this.

Based on personal observation, I believe that among many Aboriginal people, particularly younger men ebriety is not regarded as dysfunctional or a lack of propriety. It is not all that unusual to see Aboriginal people turn up at court, to answer charges arising from drunkenness in a state of inebriation. Heavy drinking in Aboriginal communities has become an important part of men's culture and some Bama see both getting drunk and violent behaviour as contributors to their status as men. Unlike main stream society where a man loses face for these things, some Aboriginal men gain in image by being seen as a "real men". The comments we heard lend truth to this.

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<sup>43</sup> J. Taylor. *Of Acts and Axes: An Ethnography of Socio-Cultural Change in an Aboriginal Community Cape York Peninsula*. Ph.D. thesis, JCU, 1984, p.62.

<sup>44</sup> V. Burbank. *Fighting Women*. University of California Press, Los Angeles, 1994, p.62.



*Sometimes a flogging's the only thing: women simply won't listen. They have no respect if they are allowed to get away with things*

Community # 4 man

*...I reckon it's the women that cause it. They start the fights and the men get dragged in. In their [the women's] eyes, a violent man is a strong man and they admire them*

Community # 4 woman

Additionally, alcohol provides an excuse in cases where violence meets with disapproval. In the Aboriginal context it allows one to behave in a way that might be regarded as unreasonable when sober. This was clearly recognised by the late Justice Muirhead when he said:

*...I am just not prepared to regard assaults on Aboriginal women as a lesser evil to assaults committed on other Australian women because of customary practices, or lifestyles, or because of what appears at times to be **the almost hopeless tolerance or acceptance by some Aboriginal people to drunken assaults of this nature.** [my emphasis]*

It is somewhat more than tolerance. Aboriginal people respect those who can fight and this admiration also extends to women. Furthermore, historical evidence suggests that this has long been the case. Commenting in 1861 James Davies, a runaway Moreton Bay convict who lived with pre-contact Aboriginal tribes for 14 years said:

*The father will beat the son, and the son the father, the mother the daughter and the daughter the mother; the brother will lie in ambush to be avenged on the brother if he can't manage him in a fight ..The parents have no rule over the children at all..The ablest is the greatest...*<sup>45</sup>

### **The influence of ordinary violence on domestic violence**

In mainstream society we consider "ordinary violence", by which I mean non-domestic violence, as something separate from DV. However Fagan et al assert that their studies show that the men who are most likely to inflict serious injury on intimate partners are those who are also violent in non-domestic situations.<sup>46</sup> This is relevant to DV in Aboriginal communities: an examination of the antecedence of DV perpetrators frequently shows a history of general assaults.

Yet while examination of Aboriginal violence often shows a linkage between the two, there are features in Aboriginal DV that place it closer to ordinary violence than its non-indigenous counterpart. It is much more likely to take place out of doors, to directly involve people other

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<sup>45</sup> Evidence of J. Davies. Minutes of Evidence Select Committee on the Native Police Force. Queensland legislative Assembly. 1861. p.58.

<sup>46</sup> J. Fagan et al. "Violent Men or Violent husbands?" in D. Finklehor et al The Dark Side of Families. Sage. Newbury Park. 1993. pp 49 - 67.

than the intimate partners and their children, to be more often physically injurious and unfortunately to be acceptable. It is also heavily influenced by cultural factors which may not always have been dysfunctional

Referring to 1937 Warner explained how violent conflict prevented:

*... modifications in the society that would possible destroy it...Arguments and fights occur for many reasons, the main ones are competition for wives, sexual jealousy, disrespect or alleged disrespect for the dead, adultery, behaviour of children, gossip and sorcery<sup>47</sup>*

Nearly three quarters of a century on, these are still major contributors to physical conflict in these communities.

Over the last 50 years or so, the ethnographic reports of many social scientists have described and analysed Aboriginal violence in its various forms. The majority recognise that violence in contemporary indigenous society, where marginalised people are now forced to live in large groups is dysfunctional. However this may not always have been the case, in fact aggression may have been utilitarian in a number of ways. It served as a mechanism to resolve conflict and to preserve social order. It also ensured that small bands [clans] were spread over the land evenly, preventing competition for scarce resources.<sup>48</sup> Aggression and violent behaviour are ways in which Aboriginal people make a statement about their attitudes and values. They are an expression of personal identity which is vital to their relationships with others.

Martin for example, argues that fighting and violence constitute core cultural values, saying:

*...it also needs to be understood that fighting and violence are not simply the products of social disintegration...they are in my view deeply rooted in cultural values which relate among other things to the high stress placed on individual autonomy...notions of morality, how individuals are seen to be related to wider social groupings and on how they are expected to act upon the world in order to achieve their ends or redress wrongs done to them. Violence played a part in creating and maintaining social order where there were no overarching institutions such as the wider Australian legal system... Aurukun people ...explicitly see fighting as part of their culture...There is a strong cultural value placed on aggression. From the time they can crawl, babies are encouraged through teasing and play acting by older siblings to hit back and retaliate*

Put simply it might be argued that the contemporary level of violence is, at least in part, a manifestation of the fact that Aboriginal people living in communities have not yet learned to cope with the tensions that populations of a 1000 or so marginalised people produce and that at the moment they are still resolving conflict as they have always done. Thus the incidence of ordinary violence and its acceptance as legitimate, influences the level of family violence.

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<sup>47</sup> Warner, 1958. Cited in Reser's submission to the RCIADIC, p.144.

<sup>48</sup> Australian Law reform Commission, 1987.

involving a group of men. None were serious and apparently nobody was injured. Nevertheless considering that we are looking in this case at an adult population of 500, it is about the same size as many small North Queensland towns, but I doubt one would see five fights in a year in these. So why are Cape York communities so much more violent than non-indigenous towns? There are of course several reasons but an important part of the answer lies in the cultural acceptance of interpersonal violence as a means of settling disputes. In such a climate, where there is widespread alcohol abuse coupled with frustration and where physical violence is only seen as an aberration when it is extreme, it is not difficult to see how a minor domestic squabble may develop in a serious assault..

### **Attitudes to domestic violence**

A particularly poignant response to questions about the frequency of Indigenous DV is the disturbingly resigned and often quoted comment by an Aboriginal woman: "...it's part of being black isn't it?"<sup>49</sup> It is not only part of being black, it is as Gelles explains a part of family life:

*People are more likely to be killed, physically assaulted... in their own homes by other family members than anywhere else or by anyone else... not only is this true today, it is true throughout ...history... it is also an accurate assessment of family life...<sup>50</sup>*

It is a particularly accurate assessment of Aboriginal family life. An immediately apparent difference between Indigenous and non-indigenous DV is not simply its frequency, it is as I have suggested above, the widespread acceptance of violent behaviour as legitimate by Aboriginal men and women.

This resignation to violence by both perpetrator and victim is of particular significance to our survey. Something of this endorsement of intimate violence can be gathered from the title we have given this report. "Yes but I never hit her in the face" was the response by a young Aboriginal man to a question from Apunipima's Domestic Violence Officer. Without rancour, or recognition of criminality, his defacto not only admitted the veracity of the claim, but in a way applauded her partner's restraint, asserting, "That's true - he never hits me in the face".

This level of restraint however is not ubiquitous. In two communities we were told of young women who coyly sport black eyes and bruised faces as a sign of courtship in much the same way that girls once wore friendship or engagement rings. A point I am trying to make is that to spend time in these communities is to become aware that violence permeates daily life and is not necessarily seen as dysfunctional.

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<sup>49</sup> Cited in M. Langton et al. Too Much Sorry Business Submission to RCIADIC, 1990

<sup>50</sup> R. Gelles. Intimate Violence, Sage, Newlands, 1997, p.1.

### Some case histories

The following case histories which relate to recent DV incidents in the communities we visited are taken from records of District and Magistrates court trials. They are not chosen for any shock value they might contain, but intended to show the measure, types and attitudes to violence that occurs in these communities. They contain a few comments from police, community personnel, and judges. These case histories are for Apunipima and the CRC.<sup>51</sup> they will not be included in the reports to the communities because the details in them might make the victims and perpetrators recognisable which would be a breach of the confidentiality we promised.

#### # 1:

A 24 year old man charged with assault on his girl friend. Defendant was seen by police to punch her to the ground with a blow to the left cheek, ram his heel into her mouth twice then give her several kicks to the body. Judge's comments:

*It's no use saying that's the way it's always been. Women are not punching bags: just because a man gets angry and drunk does not mean he can bash his wife or girl friend up. Women in these communities from what I can see are from early adulthood until the day they die. the victims of beatings and similar violence from drunken men. I don't pretend that I can change it, but people are going to know that they are entitled to such protection as the courts can give them...*

Sentenced to 9 months imprisonment. In response to this prisoner's application for parole the Community Council said, "we are willing to have parolees back in the Community but they must live at an outstation during their parole period." This is the normal community response. It stems from a recommendation from Corrective Services and is designed to protect the offenders from the influences that made them offend in the first place. Unfortunately it seldom works properly. The infrastructure is simply not in place to allow parolees to spend protracted periods in outstations, particularly during the wet season that North Queensland experiences

#### # 2:

A 30 year old man, a community leader and described by his peers as "a man of exceptional talent" charged with assaulting his defacto wife occasioning grievous bodily harm. He assaulted her again while on bail awaiting trial for first offence. His defence was, "She argued with me and I was drunk at the time". The Police Sergeant stated in evidence "I arrested him because I know that he flogs his defacto whenever he gets drunk".

Sentenced to four years imprisonment.

#### # 3:

A 24 year old man charged with assault occasioning bodily harm. Defendant admitted that he had assaulted his defacto on numerous occasions. Sometimes they had been drinking and

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<sup>51</sup> Unlike the report to Apunipima, this report to the CRC does not reveal the name of the community.

sometimes not. He said they usually argued because she was jealous. He stated that he does not drink excessively and smokes marijuana only occasionally.

The argument which resulted in the charge was over a child. The defendant grabbed his defacto by the hair, pushed her to the ground, then kicked her in the face and on the arm. Her facial injury required eight stitches. He threatened that if she went to the police he would kill her. Defendant originally told police she had hit her head on a chair. He was already on bail for similar offences. She asked that bail not be granted for this offence as " *he will kill or badly injure me* ". Judge's comments:

*This defendant's history of assault on this woman goes back five years. He had already completed an anti- DV program while serving a previous prison sentence.*

Sentenced to two years imprisonment.

#### # 4

A 46 year old man charged with assault occasioning bodily harm. His defacto asked for the return of money she had loaned him to buy beer. Defendant became angry and punched her several times to the head. He floored her then kicked her. Witnesses stated that he also hit her with an object and that blood was spurting from two different wounds. Judge's comments:

*I accept that alcohol plays a big part in your violence and you are both violent to each other. With your history of DV it seems to me that you both stand a very good chance of ending up in gaol.*

Sentenced to 100 hours community service.

#### # 5

Age not stated.( perhaps unknown) man charged with rape and assault occasioning bodily harm in company . Defendant, with friends entered the victim's house at night. ( She was a life long friend with whom he had previously had an intimate relationship). Victim was held on her own bed and raped. Defendant stated he was drunk at the time and could remember no details. Whilst on bail for this offence he was charged with common assault against the same victim.

Sentenced to 4 years imprisonment.

#### # 6

A 26 year old woman charged with assault with a dangerous weapon. After a verbal altercation defendant ordered her boy friend to leave her house. When he refused to go she stabbed him in the arm. Judge's comments:

*In future you leave the knives in the drawer and if you are having problems with this fellow go to the police. They will soon get him out of the house for you. As you can see if you start picking up knives all you can do is get into trouble.*

Sentenced to 50 hours community service, no conviction recorded.

Eight months later same defendant again charged with stabbing the same complainant; this

time in the head. Judge's comments:

*The history of violence between the prisoner and the complainant is very disturbing. But the fact is, on the appearance of their criminal histories, the entrenched violence in the relationship has come from the complainant. As I indicated during the course of submissions, in my view violence produces violence ... in the circumstances of this particular offence... I am not satisfied, even with the prisoner's criminal history that a term of imprisonment is warranted*

Sentenced to 60 hours community service, no conviction recorded.

# 7:

A 19 year old man who had been released from gaol three weeks earlier, charged with Aggravated assault on a 16 year old girl. This girl, who was a relative of the defendant was arguing with her boy friend who was also a relative of the defendant. Defendant struck her on right side of face then hit her on the back with a stick with enough force to break the stick

Sentenced to 18 months probation. Two months later this defendant was charged with assault occasioning bodily harm and assaulting police. He was sentenced for this, and re-sentenced for the above offence to 6 months imprisonment.

# 8:

A 20 year old man charged with aggravated assault during an intra-family fight. Defendant said he had to protect his sister from her defacto's mother. Judge's comments:

*I accept that customary law and traditional ways had a lot to do with it, but I find it difficult to accept that customary law would permit you to hit a 48 year old woman who was on the ground in the head with a stick*

Sentenced to 100 hrs community service

# 9:

A 24 year old man charged with assault and grievous bodily harm. The defendant had an argument with his defacto. He stated in evidence that he was too drunk to remember what it was about. He did remember that he wanted to scare her with a knife but the woman was stabbed and the knife punctured her lung. Defendant was "straightaway sorry" because he thought he had killed her.

Sentenced to two years imprisonment but obtained early release on parole

Post script: At the time of writing, this defendant is awaiting trial on a manslaughter charge after stabbing his defacto.

# 10

An 18 year old woman charged with assault occasioning bodily harm. She stabbed three family members with broken bottle.

Sentenced to 100 hrs community service

# 11:

A 27 year old man charged with unlawful wounding. He slashed his brother with a knife when drunk. It was his second knifing offence. Judge's comments

*...you carried a knife with you and when you were drunk you took it out and slashed your brother twice with it causing him a very lengthy wound... you are a man who has been to court before for exactly the same thing - using a knife on someone, and you appeared in front of me and I told you no more knives... yet here you are again, carrying a knife around and using it.*

Sentenced to 18 months imprisonment

#12

A 28 year old man charged with assault. He accused his defacto of associating with other men grabbed her by the hair, pulled her backwards then punched her on the side of the face and on the back several times. He had previously served a six months prison sentence for beating his uncle and female cousin with a stick.

Sentenced to 80 hrs community service.

#13

A 24 year old man charged with unlawful wounding. This man had been drinking with his defacto in the community canteen. An argument ensued and he struck her several times with a stick. In retaliation she then stabbed him with a very short bladed knife causing a flesh wound which did not require stitching. Later the defendant threw this woman to the ground, sat on her stomach and stabbed her 20 times. According to a witness he seemed oblivious to her screams and pleadings for him to stop. He was eventually dragged off by a witness who had also sent for the police. When the defendant saw the police he picked up a piece of broken glass and attempted to fight them with it. He then raised the piece of glass to own throat and threatened to cut it.

Sentenced to 3 years imprisonment

#14:

On a slightly lighter note, when a 19 year old man was charged with wilful damage to an electricity meter by throwing a chair at it, his defence was that he hit the meter box accidentally. The chair, he said was thrown to hit his grandmother.

Ordered to pay restitution for the meter box.

#15:

A 21 year old man charged with aggravated Assault and unlawful wounding. He had been drinking and "causing trouble" He asked his grandmother for a can of beer which she refused to give him whereupon he slapped her around the face and punched her to the ground. He then fought with own brother stabbing him in the shoulder and leg

### Judge's comments

*...you seem to think it's alright to fight women, this is the third time you've been in court for attacking women and now you've stabbed your brother*

Sentenced to 15 months imprisonment.

#### #16:

A 34 year old woman charged with being armed to cause fear. This woman left her five year old child with the child's father and went drinking. When she returned the father refused to let her take the child because she was drunk. She picked up a knife and attempted to stab him

Sentenced to 100 hrs community service

#### #17

A 41 year old woman charged with unlawful wounding. This woman had been drinking with her daughter and both were extremely drunk. On arrival at the mother's home the daughter went to lie down under the house. Her mother told her to get inside the house to sleep but the daughter refused. The defendant then struck her daughter with a broomstick whereupon she ran away. The mother gave chase and stabbed the daughter in the back.

Sentenced to 12 months probation

#### #18

A 25 year old man charged with assault. He went looking for his defacto and found her at an ex boyfriends house. He dragged her onto the verandah, punched her in the face, then forced her to accompany him to another house where he gave her a beating with a stick and again punched her in the face. His defence was that she was trying to make him jealous by being at her ex boyfriends house " *I was very drunk at the time but I knew exactly what I was doing*" he told the court. Judge's comments

*... you had a previous conviction last year for assault if you had any more convictions I would send you to gaol*

Sentenced to 2 years probation and 240 hrs community service

I know this man quite well and having discussed this particular case at some length with him, believe it demonstrates the attitude that many Aboriginal men hold towards domestic violence. He admitted the assault without reservation but considered that his actions were completely justified and told me that he would do the same again, asserting:

*...that woman lives with me under my rules or she doesn't live with me [sic] and no woman is going to take the piss out of me. And I don't give a stuff what any judge says...*



## PART TWO: THE SURVEY

### Aims of the survey

There were several objectives to this survey, however the primary aim was to seek information relating to DV that would inform and assist in the future development of strategies to be employed by Apunipima's Family Violence Advocacy Project. Secondary aims were:

- . to learn what constitutes family or domestic violence in the Aboriginal community context
- . to seek information that will broaden our understanding of community attitudes to the phenomenon of violence generally and DV in particular.
- . to learn more of the relevance of possible cultural influences on this crime. Specifically, to discover how widespread is the belief that certain levels of violence are culturally justified and to discover to what extent this varied between communities
- . to sound out contemporary attitudes to The Domestic Violence (Family Protection Act) 1989.
- . to learn what impact respondents believed family violence to be having on their children's future development.
- . to discover the degree to which being drunk was seen as a factor which exonerated or mitigated DV.
- . to seek information relating to community options for dealing with DV

and very importantly, as a vehicle for raising community awareness about the issues surrounding DV and presenting Apunipima's "Healing Our Families Project" as being more than just a strategy to protect women and children but also as a means of keeping men out of gaol. We considered that by raising these issues in face-to-face interviews we would help to increase community awareness (among men in particular) about the possible consequences of violence.

### Methodology

It was originally our intention that this survey would be conducted by direct questioning from members of the local justice groups. This proved to be unworkable. People felt they had neither the right or the skills to pose sensitive questions to others. Some, perhaps justifiably, believed that the interviewees would be more likely to be honest with us than people with whom they had to live on a day-to-day basis. In only one location have we able to have a community justice group member pose questions. Consequently the questions were normally asked by one or the other member of the survey team. We have however, as a matter of routine discussed the questions with key community personnel and sought their advice on the

composition of questions and their approval to pose them.

### **Survey numbers and groups**

Given the sensitive and time consuming nature of the work and the availability of funds, we decided that we would have to limit numbers interviewed to 20 people in a pilot study which was conducted among students at James Cook University, (hereafter JCU) and 48 people in each of five other locations. These were divided evenly by sex and made up of three age groups which were:

15 to 24 years of age

25 to 40       "

over 40       "

We felt that this division by age would give a reasonable representation of community attitudes. It should be pointed out however that a few of the Aboriginal people we questioned are unaware of their true age and under these circumstances we were obliged to estimate them.<sup>52</sup>

In order to make this investigation representative we wanted to survey communities that were roughly equal in population. This was not entirely possible: we were restricted to communities with which Apunipima was associated and because of cultural differences we rejected communities that contained significant numbers of Torres Strait Islanders.

### **Ethical considerations**

Mindful of the potential this survey had to cause embarrassment, distress or even violent reaction from people who might not approve of their family member speaking to us, we pressured no one, sought parental consent for young respondents and scrupulously explained in terms understandable to all:

- . who we were and whom we represented
- . the aims of the survey and what would be done with their responses
- . their right to ask any questions about the survey
- . their right not to respond to any, or all of the questions
- . their right to withdraw their consent to be questioned at any time, in which case we assured people that their responses already recorded would be destroyed

They were also given assurances that what they told us would be treated as completely confidential and that nobody would be capable of recognising the identity of any respondent or community. Consequently in this report, numbers have been substituted for names of communities and people are described as "Community # 3 woman" or "Community # 2 man"

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<sup>52</sup> The health standards are such that for people over about 40, it is not unreasonable to assume that they are 10 years younger than they look.

etc. The case histories are similarly numbered and do not indicate the community in which the violence occurred.

We began by introducing ourselves and the project in this way:

*Hello, my name is \*\*\*\*\* I'm doing some work for Apunipima Cape York Health Council. They are trying to do something about the fighting and violence in Bama communities and we'd like to find out what you think about this. It'll only take a couple of minutes and what you say will be kept absolutely private between you and the Health Council. No one else will know what you said and actually nobody will know, because we don't write down or even ask your name.*

*You don't have to answer any question if you don't want to and you can stop this interview at anytime. In which case we will tear up what you've already told us. What you say is respected and really important because it will help the Health Council to know where they should be working to try to change things. Without knowing what the people in (Community name) think they could end up barking up the wrong tree*

Bearing in mind that for many in this region English is a second language, one of the problems we faced was the choice of appropriate words. In this we sought and followed advice from community people living in Cairns. From Elders etc in the communities during the setting up visits and from the Indigenous students at JCU; some of whom were Cape York People. Consequently we have used words like "bash". "belt" more than words like "hit".

Below, are some responses to these questions. The statistical information relating to them is shown as an appendix at the end of the work.

### **The questions and some responses to them**

#### **Q1: What do you call it when a person bashes their spouse, defacto or partner?**

(If they did not know, we asked "Do you call it "family violence" "family fighting" "domestic violence", or what"?)

In no community we visited did the majority of our respondents refer to DV between intimate partners and their children as "family violence" or "family fighting". They called it "domestic violence". In fact we were told in one community:

*...everybody calls it domestic violence now, especially since the rally. But it's "family violence if the rest of the family gets involved*

Community # 3 woman

We were also informed by police that many community people use the initials "DV".

#### **Q2: Is domestic violence the same thing as family violence?**

(or vice-versa if they referred to it as "family violence". If the answer was "no" we asked, "What's the difference?" )

Most people did not consider DV and family violence to be the same. In the majority of cases family violence was to our respondents either conflict between members of the extended family or between separate families. A notable exception was a woman in Community # 4 who asked

*Why do you keep talking about domestic violence? It's just fighting as far as I'm concerned, no matter who does it*

**Q3: What about a couple who are dating but not living together, if they belt each other up is that domestic violence?**

Again most respondents did not regard dating violence as a form of DV. A frequent comment was:

*It can't be DV if they are not living together*

**Q4: Would you call it domestic violence if a family member took money, grog, food or other things from other family members by force or threats?.**

Few respondents considered this to be DV. The practice however, is widespread and causing concern in most communities. We were quite often told of old people who were robbed in this way and left destitute. And of those like the man mentioned below who buy alcohol and "go bush" to drink it so that it will not be taken from them by relatives etc.

*This happens a lot. It's usually when the young people want money for grog or gambling and the old ones won't give it to them*

Community # 1 woman

*...the young men are the ones, [ who do this] they spend all their own CDEP then try to take the pension money off the old people*

Community # 2 man

*Old [name withheld] gets his grog on pension day then goes and hides in the bush so that his son won't take it off him. He stays in that place 'till it's all gone*

Community # 1 man

*Only a few days ago old [ name withheld] was in tears: her pension money had been taken from her and she had no food to eat*

Community # 3 woman

Neither it is unusual for several men to claim paternity over a woman's child and demand a share of her family allowance. However one needs to be aware of the culture of sharing which gives a "right" to the belongings of other family members.

**Q5: Whitefella law says it is a crime if someone makes their wife, defacto or girlfriend have sex when they don't want it. Do you agree with that law?**

The survey questions pertaining to sexual issues produced mixed responses and many people found them difficult to discuss. They were also, predictably the most difficult to frame and pose. This was not simply a matter of sensitivity; the Aboriginal English words for things sexual often differ considerably from their standard Australian English counterpart, and they may also vary between localities.

Most of the women we spoke to acknowledged the concept that relationship rape (rape within marriage) was a crime. This was certainly not the case with young men who often stated or implied that a relationship gave them the right to demand sex. A significant number of both sexes (about 8%) were ambivalent about this law.

There is considerable confusion about the expression "sexual harassment". Many appeared to believe this term covered incest and rape. With the exception of incest, it is quite obvious that sexual offences, although acknowledged as crimes under whitefella law, are not viewed with anything like the same gravity that they are in non-indigenous society. Rape is not considered particularly serious in communities and people were staggered to learn that a little over 100 years ago it was a capital offence and that in Queensland more Aboriginal men were hanged for rape than for murder.

In fact, the way in which the questions were answered, particularly by young men suggests that forced sex within a partnership, or outside one for that matter, is so common as to be little more than a joke. One young man said:

*...it often happens when blokes have had too much to drink and want to have a good time. But sometimes the women take it too seriously: especially if they have another boyfriend and are afraid he'll find out*

Community # 1 man

*A lot of blokes think that once they've had sex with a woman they have that right for ever and that the woman can't refuse. Women get raped like this*

Community # 3 woman

*It's asking for trouble for women to refuse their man. They [the men] are going to get it somehow even if they have to get it from another woman*

Community # 4 man

On several occasions it was implied by men, that any accepted form of relationship past or present removed a woman's right to ever refuse sex..I recall a recent case of a young Aboriginal man being released from a two year prison sentence. On the day he returned to his community he demanded sex from his ex girlfriend. He would not accept her refusal, then physically assaulted and repeatedly raped her. At this time she was in a defacto relationship with another man and had a child by him. In spite of threatening to "kill"<sup>53</sup> her with a broomstick and a full beer can, the defendant's excuse to police was "*she has two kids by me*

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<sup>53</sup> "Kill" in Aboriginal parlance often means a beating; or at least something less than homicide.

*and I thought she loved me".*

In community # 3 a woman was raped in the grounds of the women's shelter. Her attacker who was related to her, on being sentenced to two years imprisonment told how he was now sad, that he " *should not have done that because she was frightened*" and that he "*should not drink*", adding

*When I return to (community # 3) I will ask (name withheld) for forgiveness*

At his District Court trial the Judge acknowledged permissive community attitudes to rape when he said:

*...it is appropriate to give some weight to the values of the community from which the victim and criminal come... but it is still a serious offence. I have got to show the young men of (community # 3 ) that if they continue to rape girls they will be severely punished...*

In community # 4 we were laughingly told of young women who drink heavily and "pass out" who are then raped while in a state of intoxication. It was explained to us that some women wear several pairs of underpants as a form of safeguard and that some men carry scissors to circumvent the stratagem. On expressing disbelief and suggesting my leg was being pulled, I was assured by the Community Justice Coordinator that it was a fact.

Questions relating to incest were clearly the hardest to handle. We found questions related to this issue more acceptable when they were linked to the interviewee's understanding of what constituted DV, rather than baldly asking about incest. In other words, it was more acceptable to ask something like, "is incest part of DV" then to expand on the question by general discussion if the respondent showed a willingness to do so, than to ask a question that directly linked them or their community with this offence.

We sometimes had to explain what incest was. Where it involved children, people were more likely to refer to this as "child abuse" and there was scant recognition that it was in any way connected to DV and even less that some people in their communities had sex with children. Occasionally someone would tell us that they had heard of men committing this crime and that people had to leave the community as a result of it, but most of the references to incest we heard of involved adult relationships.

One woman told us of her ex husband's long term affair with his sister. Another of her relative's "wrong" marriage with his own cousin for which they had to flee their community.

People were less inhibited about referring to incidents of unwitting incest. For example we were told that:

*Traditionally men had more than one wife within their own tribal group. Now they hop from one community to the next, have three children there and then come back here to their woman and have four or five with her. Sometimes these children not knowing they have the same father, marry - then it's either alcohol or they start taking drugs.*

*Then it's DV, abuse and gaol or suicide.*

Community #3 woman

For attitudes to incest involving children we were really obliged to rely on information supplied by clinic staff and police. In one community it was explained to us that complaints involving incestuous acts never came from parents but from the child's grandmother or from clinic staff who see evidence during unassociated medical treatments.

A white Police Sergeant asserted

*...when it happens it's generally the uncles. I've seen cases where men have had to get out of the community for fear of their lives*

- ~ From the people themselves, we were given the general impression that incest was rare. However Apunipima's DV Co-ordinator who is a Kuku Yalangi woman, in an impassioned speech to several thousand people at the 1999 Laura Festival said:

*...we Bama know that abuse of women and children is happening in all our communities... sexual abuse - rape of women is a crime: child abuse is a crime. Men! you know when you commit these crimes you do it knowingly. You think about it. You plan it in your mind and then you even think of a plan to cover it up. Some excuses used for these crimes are : "I was drunk; I didn't know what I was doing; its in our culture". Or in the case of rape, "she asked for it". When I look out there I know I'm looking at the faces of women, girls and boys who have to learn to deal with what someone has done to them - and I know you hate that man with a vengeance. You probably hate your father, brother or uncle for what they've done...*

Given the ovation her accusations received from women and the glares of hatred from some men, one would have to seriously question any idea of rarity.

A policeman's response when we asked about the crime's frequency was:

*...It's hard to say how common it is, we don't get to hear about it. They deal with it themselves*

Community # 4 Policeman

With regard to rape the ATSI Women's Task Force on Violence Report states that an estimated 88% of rapes go unreported. It is of course difficult to accurately estimate unreported events, but there is little doubt that unreported sexual assaults including those perpetrated on male and female children are, if not legion, certainly not uncommon.

**Q6: Should children be hit for doing something wrong or something their parents tell them not to do, or should they be punished in some other way?**

In the four of the five communities we have surveyed, roughly 90% of our respondents believed that corporal punishment taught children right from wrong and was consequently warranted. Many though, added the proviso that it should not be excessive as this constituted

child abuse. Few regarded child abuse as being an element of DV but as something separate which was nevertheless a crime.

We were however, surprised at the number of people (22%) in Community # 3 who believed that children should not be hit under any circumstances. Of course it still leaves an overwhelming majority of this community's respondents who approve of beating children. A fairly typical response to the question was:

*Of course they've got to get a belting when they do wrong, how else are they going to learn right from wrong?*

Community # 2 man

People generally had attitudes of acceptance to corporal punishment for children: like the woman who said

*We'd see my old man coming home and if he'd been drinking you knew you'd get a hiding no matter what. Don't think it did us kids too much harm though...*

Community # 3 woman

As already stated the majority differentiated between smacking children and abusing them. The general consensus being that punishment became abuse when it resulted in visible injury. During discussion we pointed out the serious holes in this argument. For example, it means that one may neglect or terrorise a child and as long as no visible effect resulted, it is considered acceptable. The question raised frequent discussion about parents who go beyond acceptable or "ordinary punishment" as a result of accident or frustration with a young woman saying:

*The problem is that some parents belt their kids when they've been drinking and they don't know when to stop and some of our children get really hurt. They also get hurt trying to stop their fathers giving their mothers a hiding.*

Community # 3 woman

Another said:

*How are kids supposed to know the difference between being loved when the parents are OK and being belted or neglected when they [are] drunk?*

Community #1 woman

Nevertheless, few people to whom we have spoken seemed to appreciate that hitting children was frequently the option of first, rather than last choice, sometimes excessive in severity and often used as a release valve for parental frustration.

One young father asserted:

*...my kids know the score, do something wrong and get me mad; you get a good belting*

Community # 2 man



People were astonished and even angry to learn that in some countries it is now against the law to hit children and that there are moves to outlaw the practice here and in the UK.

*This is just interfering bullshit! Everybody with any sense at all knows that if you spare the rod you spoil the child*

Community # 3 man

Predictably, the most common pro-smacking argument was that children have to be punished to teach them not to do things that have the potential to cause harm to themselves; acts like playing with fire etc. However analysis shows that physical punishment is in fact rarely used "for the good of the child" in spite of claims to the contrary.<sup>54</sup>

- The other sobering point, which we discussed whenever possible is that physical punishment can train children in the use and acceptance of violence as the most effective means of getting one's own way and:

*...that this most ordinary-of-ordinary types of family violence is one of the root causes of child abuse and wife beating<sup>55</sup>*

Most people are aware that spouse beating is a crime, even if they may not always agree that it should be. Violence towards children on the other hand, is not only within the law, but often gains peer approval. It is considered good parenting practice.

We tried to stress the concept that if communities are to reduce the incidence of family violence they must also work at reducing the level of violence of all types, including violence towards children.

The overwhelming majority of respondents to our survey saw physical punishment as the only way to correct offending behaviour by youths and older children:

*Whitefella law leaves us in a no-win situation. You can't bring back the old ways for grown ups, they were too hard and you'd end up in gaol yourself. We could bring back some of the old laws for the under 17s but. A good flogging might teach some of them to have a bit of respect*

Community # 1 man.

Condemning this concept, Straus asserts:

*If ordinary physical punishment [of children]...is related to child abuse and wife beating it means that to break the cycle of violence from generation to generation*

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<sup>54</sup> R Berk et al, "Mutual Combat and other Family Violence Myths" in D. Finkelhor, et al (Eds) The Dark Side of Families: Current Family Violence Research Sage, Newbury Park, 1983. P.197.

<sup>55</sup> M. Straus, A. Gelles, R & S. Steinmetz, Behind Closed Doors: Violence in the American Family, Doubleday, Garden City, 1990. p.50.

*more attention must be paid to helping parents to find alternatives to the use of physical punishment*<sup>56</sup>

**Q7: Some people say traditional Aboriginal law allowed men to hit their wives as a punishment for doing something wrong. Do you think Aboriginal men should still have the right to control women in this way?**

Quoting an Aboriginal woman, Bolger accurately claims that women in Aboriginal society are now subjected to three kinds of violence. These she asserts are alcoholic violence, traditional violence, which in Aboriginal terms should refer to punishment sanctioned by customary law and "bullshit traditional violence" in which men abuse their women for a variety of reasons and claim the right to do so as traditional.<sup>57</sup>

We found that few men or women themselves justify wife beating with the claim that it reflects traditional law, or believe that Aboriginal men should have the right to do this. However although a "cultural rights" justification was infrequently given, it was not uncommon to be told that "others" believed it. The question was often tangled up with whether spouse beating was justified under certain circumstances. For example a young woman told us that:

*Some of our older men still belt their wives because of cultural ties...*

Community # 1 woman

A man asserted:

*We don't know what traditional law or custom said, people have forgotten to pass that sort of stuff on to their kids so that now different people in the same mob argue about what was Aboriginal law or not*

Community # 3 man

A middle aged man said

*We never used to hit our women and kids. We never been a violent people 'til the white man took away our land and brought in his grog...*

Community # 4 man

An older woman said:

*I remember some of the old men used to say this, but not now. Not really*

Community # 1 woman

From another:

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<sup>56</sup> *Ibid*, p.53.

<sup>57</sup> A Bolger, Aboriginal Women and Violence, ANU Northern Research Unit, Darwin 1991. p.50.

*What kind of people do you think we are? What kind of law would allow men to hit women?*

Community #5 woman

And:

*...they know they are not supposed to flog their women but sometimes when they angry or had too much grog they forget and bash them up. Then they come this rubbish about it being the Aboriginal way*

Community # 3 man

A woman Elder in Community # 4 maintained:

*They belt us when they get angry but they know they are not supposed to belt us. Them old Aborigines never used to belt their women. Women were the ones who got most of the food, looked after the fires and the children. If they injured their women who would do these things?*

And from a white policeman

*I've heard that [a right to beat] much more down south than here in (community # 3) I reckon its an idea they get from white people - anthropologists*

Whether this "right to beat " justification can be considered a traditional right, or simply one of common application is arguable, but it is certainly a point of view that exists. Not only among black people, but among some white ones who work in Aboriginal communities including police and Aboriginal legal service workers. It was put to me that:

*...you get so used to seeing or hearing about DV that you become inured to it and don't regard it as a crime but as a normal part of community life between men and women. Unless of course its "over the top"*

School teacher Community # 2

A policeman working in community # 4 put it this way:

*They don't consider a belt under the ear DV and neither do I. If I did there would be hardly a man left in the community - they'd all be in gaol and a fair few of the women would be in there with them*

In community # 2 we interviewed a woman Elder who explained that despite what we were being told about people no longer recognising that men have a traditional right to control their wives by violence, this was not completely the case. If a man, she said, was giving a woman a flogging in the street, people in her community would not intervene. Cultural imperatives would ensure that only the families of the involved parties would become involved. On asking what would happen if her daughter was experiencing violence at the hands of her man, she replied that her husband would give the man a flogging. She also told me that she would expect a violent reaction from her husband for minor transgressions. She would expect to be hit for not having a meal available for him. Without saying so, she unmistakably implied that

this was acceptable and that she was proud of his physical prowess. What is significant about this particular woman's attitudes is that she is the DV Officer for her community.

She was not the only person in this community to make such claims; another senior indigenous woman stated that any woman who did not have food for her man should expect a beating.

Mindful of what we had been told in this community (Community # 2) I asked five Community # 3 women, "would it be a fair thing if a woman got hit for not having a meal ready for her man?"

One woman said

*I don't know about fair, but I'd hit him back*

Two women said

*(a) It's a fair thing, you should have a meal for your husband*

*(b) Yeah, lot of women don't look after their man properly*

From the fourth

*No! not hit: its ok to growl but [sic]*

The fifth said:

*Men shouldn't hit their women, maybe that woman got no money. Why should she get hit for no money: it's not her fault*

**Q8: In your opinion, are there any times where wives/husbands, partners or defactos should get a belting?**

The question of whether violence was ever justified, was another difficult question to handle. The responses were determined by how much trouble one took to expand the question. The addition of "what about if?" frequently produced an affirmative answer where a negative one had previously been given. The most frequently given offences that justified a beating were:

- . sexual infidelity
  - . using family money for alcohol or gambling
  - . payback
  - . not looking after children
- And (infrequently) breaking traditional law or custom

An interesting justification was provided by a Community #5 man who said

*...its not just a case of hitting women for nothing. If women won't do as they're told it means that they don't respect their bloke which is usually a sign that they are having it*

*off with somebody else*

**Q9: Under traditional Aboriginal law people who did wrong were speared, given a belting, or made to leave the group for a time decided by the Elders. Should communities go back to some of the old laws?**

As a generalisation, most of the people we questioned believed that the old ways were too harsh and should not be reintroduced

*The old ways are out, we can't go back to that sort of thing*

Community # 1 woman

*...we don't want that sort of stuff anymore and the sooner some of the Elders and old people get the message the better*

Community # 5 man

However an older man explained

*...the traditional ways made people see what they had done wrong by treating them in the same way that they treated others. If we were allowed to spear people who had bashed others; their wives or whatever, it wouldn't just stop them doing it, it would be fair because they would suffer pain same as the victim does...*

Community # 2 man

It should also be noted that in 1989 at a meeting in Cairns, Elders from Aboriginal communities called on the Queensland Government to reintroduce traditional punishment for specific alcohol related offences. They asked to be allowed to spear violent community offenders in the legs: a call that the Aboriginal Co-ordinating Council supported.<sup>58</sup>

From a personal perspective, although I know of many Aboriginal women who have received beatings, analysis generally indicates it to be a spontaneous result of male anger. However "cultural" punishments do still occur. About four years ago I witnessed a severe beating administered by two older women to a young woman who while drink driving had accidentally killed her companion in a car accident. The deceased was from a different clan and there were mutterings about "a payback". Eighteen months ago, I vividly remember seeing an older man receive an undefended beating from a younger man for a sexual offence against the latter's wife. The older man sat with his hands in his lap while the outraged husband punched him around the head and face. The punishment was witnessed by three women "blockers" who repeatedly prevented the young man from picking up an iron pipe with which he wanted to batter the offender. Both of these beatings would fall into the "payback" category and were considered completely just.

**Q10: Under Aboriginal custom very young girls were promised to older men as wives. Some people think this is a good way, others don't agree. What do you think? (Encourage**

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<sup>58</sup>

See "Dreamtime or Genocide", The Bulletin, 21 November 1989, p.44.

additional comment)

*... some of the older men were promised to younger girls but things have changed. This causes problems because the men take the young girls anyway*

*Some of these old ways cause trouble; some of our men have several partners and children to all of them. These children really don't know who their sisters and brothers are and children with the same father could end up marrying each other*

A few older people saw merit in this system, mostly out of respect for traditional law, or with the argument that it afforded a certain amount of protection to young girls from the promised man. The majority under about 45 years old rejected it. Predictably the younger women were utterly opposed to the concept.

**Q11: What should happen when people belt their wife/ husband/ defacto or partner. Should**

- (a) others mind their own business**
- (b) the family deal with them**
- (c) the community deal with them**
- (d) they be charged by police**

*Doing nothing is what far too many people do*

Community # 2 male Elder

*...you can't rely on the family to do what's right. They only interested in their {sic} own people*

Community # 3 woman

*..because the community knows the[ community] police and what they do nobody listens to them*

Community # 1 woman

**Q12; Should people get sent to jail for domestic violence?**

- (a) Yes always**
- (b) yes if they cause injury**
- (c) yes if if they do it more than once**
- (d) No never**

*They should get sent to gaol. You people who come in here from time-to-time don't know what our life is like trying to handle stupid, drunken 19 to 20 year old bastards who have no feelings for anybody or anything*

Community # 3 male Elder

*They should go to gaol. but we don't want them to because they come out worse than they went in*

Community # 1 woman

*When men go to gaol they come out angry, get on the grog and the whole business starts all over again*

Community # 5 woman

*Gaol is not the answer. It doesn't stop the repeat offenders or we wouldn't have any. Our men need educating. Their attitudes to women are terrible. Women get bashed for nothing when men have been drinking*

Community # 5 man

*Some of us feel that the police and gaol are the only option*

Community # 2 Elder

*...not always ; nobody should get sent away to Lotus<sup>59</sup> just for giving some woman a belt under the ear. It's a different matter if he puts her in hospital though*

Community # 2 woman

An impression we gained was that most people were quite willing to see violent men go to gaol for causing injury; a smaller number for repeat offences. Many however actually believed it achieved little. (See the statistics relating to this question in the appendix )

### **13: Do domestic violence protection orders stop people from belting their partners ?**

*... they work OK until the men get drunk and forget. It's when they are drunk that they get violent and the fact that a woman has put a DV order on them makes them angry. So I suppose you could say that in a way DVOs actually cause DV*

Community # 4 woman

*More and more of our women are starting to use DVOs*

Community # 2 woman

*It's all very well women taking out orders but how can I stay away from my missus in this community? There's only one shop, only one post office, only one clinic and even only one canteen. The next lot is 200 km away. How can I stay away from her and the kids even if I wanted to?*

Community # 4 man

*Some women taunt the men with them*

Community # 2 man

*There are men who are forced to live in the 1 metre space under my church because they can't live in the family home because they are under restraining orders and they have no where else to go. These are generally men who are from other communities and have no support links here. We desperately need a shelter for men*

Anglican Priest Community # 4

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<sup>59</sup>

A reference to Lotus Glen Correctional Centre. Queensland's most northern prison.

*...about 50% of the men here have DVO's out against them. They certainly give the women some protection, but the way the law stands at the moment requires amendment. The Act needs some special sections for Aboriginal communities*

Police Sergeant, Community # 3

A significant problem with Queensland's legislation is that the Domestic Violence (Family Protection) Act 1989 does not cover dating or defacto relationships of less than 12 months duration unless there is a child from the union. Given the way some Aboriginal people change partners, women are often unprotected by this Act.

*Women are afraid to discuss domestic violence because their men bring it up when they're drunk. Its a very sensitive issue because of what happens later on when men are drunk. The same thing goes for DVOs the women are afraid to take them out*

Community # 4 woman

*What good is a DVO when he's belting you with the police an hours drive away? You've got to protect yourself any way you can. But when women fight back in self defence that's when the weapons are used. Although women can be just as bad when they are drunk*

Community # 1 woman

*...we were treating her for the injuries her defacto had given her. He came down to the clinic and tried to break in screaming that he'd kill her if he got his hands on her. Everybody was scared stiff. Thank God .....[a community policeman, name withheld] came down and defused the situation. A DVO is at least some protection - it might make him think twice*

Nurse Community # 1

*I've had to smuggle women out of [ name of community withheld] hidden under a blanket in the back of my four wheel drive. I've even had men chase after me trying to get at the women to give them a further bashing*

Regional social worker referring to Community # 2

Another problems with Protection Orders is that the people, men especially, do not understand them. They are not aware of how they are meant to work, and in particular, that the police can initiate them without the woman's consent once any kind a complaint has been laid. This results in men, believing they have been forgiven by the woman, suddenly being served with a summons and having a DV order imposed on them. At his request I attended court with a man who was in this position. He was very angry about what he saw as his "wife's tricks and lies". It took me some time to convince him that she was blameless.

If as some Police claim, that 50% of the men have DVO's out against them it is clear that there is an urgent need for some sort of an educational program to take place within communities. Furthermore such a venture might take notice of the literacy levels that exist in these places. It is of little value to hand people pieces of paper they can not read or understand



**Q14: What should a person do first if their partner starts belting them or they think they are going to get a belting ? Should they**

- (a) fight back**
- (b) run away**
- (c) go to their family or friends**
- (d) go to the police** (record one answer only)

*Go to police! that's a joke; they are an hour away, you'd be dead by the time they got here*

Community # 2 woman

*They [police] don't turn out for black women. They are never here anyway*

Community # 5 woman

A range of other actions were suggested including leaving the Community. Few of them were viable in the Aboriginal community context and others would have been counter-productive. On several occasions we were told of women who have had to be smuggled out of communities. And of others who had been forbidden to go to the clinic in case the nursing staff told the police. We spoke to several women who genuinely feared for their lives. One woman in Community # 1 told us:

*I am afraid to speak to you about DV because if my man finds out I'll get a flogging. If he gets mad enough I could end up dead*

And by another:

*You remember when I got that community service? The reason I didn't do it was because he wouldn't let me report. I'm really scared of him when he's on the grog*

Community # 3 woman

The options to battered women in Aboriginal communities are severely limited by lack of facilities, isolation and a shortage of informed advice. Some of the advice that is offered from uninformed but well meaning people is dubious and in some cases dangerous. In recent months however the women's shelter situation has improved enormously with some communities now boasting first class facilities and trained workers.

**Q15: You don't have to answer this question if you don't want to, but has domestic violence ever happened to you in any way? What I mean is have you ever**

- (a) done it,**
- (b) had it done to you**
- (c) or seen it happening** (record one answer only)

It can be seen from the statistics that there is virtually no one living in these locations that is not touched in some way by DV. Many people admit to having been at some time or other both perpetrators and victims and just about everyone states they have seen DV. However, I was told by a woman in Community # 2 that she had never seen, or had any exposure to DV in any form. I mentioned this to the DV Officer in this community who replied:

*That's impossible. You can't live in a Murri community for more than a week and not see DV of one sort or another*

**Q16: What do you think it does to children if they see their father or mother belting each other?**

It is clear from the responses we received that people are increasingly recognising the trauma that DV causes to children. We tried to impress on respondents that witnessing DV was a prime cause of the crime in future generations. Many people thought that anti-violence training should be part of the school curriculum.

When Community # 3 had their DV rally the children were allowed to write anti DV graffiti on the walls of the Community Centre, apparently some of it was heart rending.

**Q17: If someone is drunk when they bash their partner, who is to blame, them or the grog?**

*I know it's the grog, he's not like that when he's sober... you couldn't get a better man when he's off the grog*

Community # 2 woman

About 60% blamed either Alcohol, or a combination of liquor and perpetrator.

There is also enormous despondency related to heavy drinking in these communities, not only from people who are touched by the associated violence or other social problems, but by those who want to achieve sobriety and are unable to do so. They are getting little assistance from councils who see community canteens as a goose that lays golden eggs. It is disturbing to look back through the records and see comments from the Churches, police, the magistracy and other officials that were made during the early 1970s, imploring community councils to place less emphasis on generating income from alcohol sales and to realise that 30 years on, so little has changed.

**Q18: Would you forgive someone who belted you and afterwards said "I'm sorry the grog made me do it"?**

*You got to forgive him - where else you going to go...if the woman comes crying to her family most of them would say "you've made your bed now go and lie on it"*

Community # 5 woman

*...he belts my sister up drunk and sober, then when he's calmed down says he's sorry. We keep telling her to leave him, but she says she loves him - I don't think she does, I think she's terrified of him.*

Community # 2 woman

*...It's pretty rare that anybody says sorry...*

Community # 4 woman

It would have been better had this question had been prefixed with the words "how many

times would you forgive..." because it is patently clear that the blame for violence is overwhelmingly attributed to liquor.

**Q19: What do you think are the main causes of domestic violence in your community?**

The causes of DV in Indigenous communities are manifold, as indeed they are in non-indigenous society. However we wish to stress that we sought to discover what **they** considered responsible for causing DV. Consequently the question we asked emphasised the word "you".

The overwhelming response to this question was as already stated, "the grog"

- The conviction that DV is caused by alcohol and more specifically by ebriety, is ubiquitous. It is rare to meet a person who does not believe that violence is overwhelmingly alcohol induced and would cease if liquor was prohibited or at least better controlled. This immediate and single-minded approach to the issue of DV is a stumbling block of considerable proportion in that it encourages people to ignore other influences and tends to stifle any informed debate on causality. There is little recognition that such a perspective might actually encourage both drinking and violence by providing an acceptable excuse for unacceptable behaviour. To suggest that there is no conclusive proof that the drug alcohol actually causes violence and that one should also consider it alongside other factors is to lose credibility even though the people themselves, when asked to list the causes indicate that they are diverse.

From the responses we have received, it appears that quite often several factors spread out over a protracted period combine to cause an act of violence, rather than a single offence. In other words we are frequently told "she did this, this, and this and then this happened so I hit her " It is obvious nevertheless that single events do result in beatings and if we are to believe what we are told, gratuitous violence is not unknown. A medical practitioner running a paediatric outreach clinic informed us that on querying the causes of facial bruising in two young mothers who attended his clinic in Community # 5, he was told by one:

*I did absolutely nothing I was nursing the baby when he walked in and punched me in the face. I hadn't even said a word to him.*

And by the other:

*...he belts me for nothing. I think he hits me to show me who's boss. I'm going home because I can't take anymore. I've tried to ask his family to tell him to stop, but they won't speak to him even though he hits me when I haven't done anything.<sup>60</sup>*

However, other than alcohol, the most commonly stated causes were:

sexual jealousy  
Infidelity and sexual jealousy play a very important role in domestic and ordinary violence in

<sup>60</sup>

We were told many stories similar to these

these communities. Violence stemming from what is perceived as inappropriate behaviour by both sexes is common and one listens to court trials and reads transcripts in which women have received life threatening beatings from jealous partners. The problem is compounded by the practice of deliberately making partners jealous as a test of their affection. In one community in particular, (community # 4) it was explained to us that the younger women "sell" their men. That is a woman gets another woman to flirt with her man to test his fidelity. This senseless game often ends with the woman in hospital and the man in custody or worse.

Imprisonment looms large in Aboriginal life, but it was still surprising to have it related to sexual jealousy. We were told that:

*Jealousy happens a lot when the men get sent to gaol. Some men 'phone up all the time, Some 'phone their mates to find out what the missus is getting up to. If they've heard any rumours they build up their rage and when they get out the first thing they do is to get drunk and give her a belting*

Community # 2 man

I asked this man if he would give his defacto a belting under these circumstances. He replied that he might "It's a matter of trust, if I didn't trust her I would" he replied

A young woman told us that:

*...there's always somebody telling tales on him, or her hearing about it second or third hand*

Community # 1 woman

A man said:

*She was terrible; got it into her head that I was knocking around with other women. She'd attack me when I was asleep. One time she belted me on the head with the half shaft from a Falcon car. I had to sneak out of (community name withheld) in the middle of the night. If I'd stayed there she would have killed me*

White tradesman in Community #1 (referring to his experiences with an Aboriginal defacto in another community)

family jealousy

*He was great before we got married - only ever drank at special times - but after we got married every time I went to see my family, he'd get jealous and I'd end up with a flogging...*

Community # 2 woman

the absence of Aboriginal laws and culture and the rejection ( particularly by young adults of kinship arrangements

*The old ways are out, particularly when it comes to promising young girls to older men; our young people don't want that and the sooner some of the Elders understand*

*this the better. The problem is that some of the men think they have the right and take the girls anyway and that's when the trouble starts*

Community # 1 man

*Wrong marriages cause a lot of problems. People marry who they shouldn't and this happens because we are all mixed up. [a reference to the mixture of traditional and historical people] Then you have different groups living together with different rules. It can be very frustrating and people lose their temper.*

Community # 4 man

*.the old ways were too harsh but they still have influence for some people. The trouble is there's now two laws and the young people don't want anything to do with the old ways because they were so hard. Being caught between two laws has given them an excuse to play one off against the other. Really, most of them have no respect for either of them.*

Community # 2 woman Elder

*feelings of despair and anger caused by the marginalisation of Aboriginal people*

*I tell the young ones to get to buggery out of here. There's nothing for them here. I [sic] been living here all my life - 48 years and things are no better than they were when I was a kid. I must admit I've done that, [DV] mostly when I'm drunk but. My old man used to belt mum and us kids and I do the same thing. Mind you sometimes a flogging's the only thing when them women just won't listen. They have no respect for the bloke who allows them to get away with everything<sup>61</sup>*

Community # 2 man

*the stresses created by overcrowding, unemployment and poor material conditions*

*We live with her family: there's eleven of us in a two bedroom house that's falling to bits. There's always fights over something*

Community # 1 man (This overcrowding with its resultant frustration is a contributing factor to a rise in DV during the "wet" season)

*What's the good of two days CDEP? I keep asking for more days but it's no good; you are better off in gaol - at least there's something to do there. I can learn a trade at Lotus...*

Community # 3 man

*resistance to the whitefella law*

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<sup>61</sup> People's attitudes to their communities seem to fall into two opposing schools of thought. Some hate being away from their home and support systems. Others particularly the young can not wait to leave. The Lutheran Pastor in Community # 2 who runs Life Promotion classes in the school told me that for many teenagers, getting out of the Community was the most important thing in their lives.

*Thanks to your laws, we can't make them do the right thing with a belting. We can't have sex with them. We not supposed to growl at them when they do wrong or don't look after the kids. We can't "go" them for spending the money on gambling and the like. What can we do with them?*

Community # 2 man (See also case number # 18 in the criminal case histories above.)

- the increasing use of other mind altering substances eg cannabis etc

*It's not just the grog you know. We got fighting problems caused by acid, speed, and yarndie [cannabis] Queensland police know about this but don't do something [sic*

Community # 2 woman

*He's OK when he's smoking the funny stuff [cannabis] but if he mixes it with grog he goes into his shell sometimes for hours at a time. But when he comes out of it - watch out! he's like a bear with a sore head. Then he lays into anybody, me the kids anybody at all.*

*...my boyfriend and his mates started drinking and smoking dope and behaving stupid. and talking strangely<sup>62</sup> When I asked them to stop they wouldn't, so I cleared off and went to a friend's house and went to bed... next morning I found myself being dragged off the bed by my boyfriend. I screamed "what are you doing" He said "you were a smartarse last night" and kept hitting me with a metal spike. Other people were there and I yelled "please help me, he's going to kill me", but no one came. I can't understand it. In [name of community withheld] where I come from anybody will stop people bashing each other, but here everyone minds their own business.*

Community # 4 woman

- money problems caused by alcohol purchases and gambling

*...money is another issue, a lot of men try to keep money from their women so that can spend it on grog this leads to fights*

Community #5 woman

*I think gambling causes as much violence as grog*

Community # 2 man

- conflict over children

*...it's amazing, the children start squabbling and before you know it the parents are at it hammer and tongs and not just different parents. lots of fights between husband and wife start over kids and it ends up with whole families fighting each other*

Community #1 woman

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<sup>62</sup> Interview, Kinley-Genever It is claimed that this combination has caused hallucinations

immature defacto relationships

*...they start living when they are far too young. Some of 'em still wet behind the ears*

Community # 2 man

On several occasions intimate violence was put down to young people "living" ( the name given to defacto relationships) without the life skills that maturity brings and which are necessary to overcome the problems that all couples face in an intimate relationship. Very young couples, we were told, did not know how to respond to each other. Girls were unskilled as cooks or did not know how to keep house. Boys were unable and unwilling to share in the responsibility of the partnership, particularly in looking after children. Neither were capable of economic management and as a consequence of all these shortcoming their unions were often dysfunctional and frequently violent.

We in fact interviewed a 15 year old boy who was living in a defacto relationship with his 16 year old girl friend. It was a relationship the boy's workmates described as violent.

It was rare for anyone to cite traditional or cultural rights, or the acceptance of violence as a cause, although it did happen. However a few recognised the importance of attitudes in an oblique way "*our men belt us because they think it's OK to do so*" was fairly frequently offered as a cause. A notable response was from a woman who said:

*...they [men] belt us because everything around them tells them it's alright to belt us.  
It's no wonder they got such little respect for us women*

Community # 5 woman Elder

This, albeit often worded differently, was a response we heard from at least one woman in every community. We heard it several times in some locations.

The causes of violence against women in Aboriginal communities are complex and research suggests a combination of components. I believe that important among them is the traditional subordination of women in Aboriginal society, which is a proposition that many women (indigenous and non-indigenous) do not accept.

## **Q20: What could be done to stop or reduce domestic violence in your community?**

Apart from controlling alcohol consumption, the most frequently offered suggestions involved educational programs of some sort:

*Our men need education they need to be made to realise that violence should not be the knee-jerk response to every problem that comes along*

Community # 3 man

*They think they got the right to belt us women, but they should learn that we got rights too and one of them is not to get a flogging at the drop of a hat*

Community # 5 woman

*We could get the DV down if the Police in this place did what they are paid to do. The coppers here simply wont turn out for a black woman who's getting a hiding. What kind of a message is that they are sending to our men? I'll tell you what it is. "It's OK boys go ahead and flog your missus".*

Community # 5 woman Elder

*We need someone who knows what they are talking about to come in here and tell our men about violence and alcohol. They don't know what they are doing to themselves*

Community # 2 man

*I feel sorry for our men. They got nothing to do and they've been shoved on the sideline. We've got to find something for our men to do*

Community # 3 woman

*We need an out-station that's specially for men where they can go to get information and learn to quieten themselves down*

Community # 4 woman

### **What Communities are doing about DV**

About five years ago I recall attempting to discuss DV with a woman in Community # 3 This was a person with whom I was on good terms and to whom I went for advice on cultural matters. In spite of our friendship when I tried to raise the subject of DV, her discomfort became obvious and she refused to speak on the matter saying "*I can't speak to you about that it's too shameful* " I can also remember being taken to Community # 3 clinic by an Elder to see his daughter who was being evacuated to intensive care for a severe beating that was never reported to the police. Therefore one has to appreciate the courage that it takes for shy people in their own communities to speak about culturally taboo subjects.

A few years ago it was very difficult to get Aboriginal people to speak about DV at all , but without doubt this situation is changing. The police and community staff to whom we spoke definitely felt that people were becoming more open about the phenomenon of family violence. Strong partnerships involving communities, Aboriginal bodies NGOs and government departments are emerging in many places. This is attributable to Aboriginal women and those who support them who have been prepared to state publicly that they have had enough and to the considerable publicity that has been given to DV. One might particularly mention the anti DV rallies held in some locations.

For example, in July 1999, community # 3 closed down for one hour every day for a week and the people, including the Service Providers, the Council and the Police marched or drove slowly through the streets condemning DV. The children were brought into the affair by giving them the walls of the Community Centre on which to draw pictures and write anti DV graffiti.<sup>63</sup> What effect this will ultimately have on the level of DV is obviously as yet

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<sup>63</sup>

I understand other Cape communities have conducted similar demonstrations.



unknown, but it is difficult to see it as being anything other than positive. One needs to constantly remind oneself that for many community people the idea that hitting ones partner or children constitutes a crime is still a foreign concept; they simply do not see it that way. Another often forgotten point is that literacy levels preclude the rapid dissemination of ideas. Many people do not read very well, and some not at all. Consequently posters and anything that relies on the written word, unless supported by extremely accessible graphics, is of limited value. However sending a loud and unambiguous message that DV is not acceptable; not just to whitefella law but to the Community, is an excellent idea. We suggest it becomes an annual feature like the "Reclaiming the Night" march that is conducted by the Women's Movement.

Community # 1 has a "Life Promotion Team" with a specific mandate to raise community awareness about DV issues.

In Community # 2 there now exists a council of Elders who counsel couples who are undergoing relationship problems. They try to prevent people from initiating DV orders until they have been counselled.

Community # 4 has a strong banishment policy, and by intense lobbying now have an excellent women's shelter. They are now training people to staff it. They also recognise the need for an outside location for men and are working hard to get one.

Community #5 are currently negotiating with the Queensland Police Minister because of their dissatisfaction with the way their white police are responding to DV calls from Aboriginal women

These and all the other Cape communities are assisted in many ways by Apunipima's Domestic Violence Advocacy Team.

## **Conclusion**

This report provides information relating to attitudes to domestic and other violence in some of Cape York Peninsula's Aboriginal communities. It is appropriate that the research to produce it was conducted under the aegis of Apunipima Cape York Health Council because domestic violence is not only a social and criminal justice issue, it is very much a health issue as well. Quite apart from physical trauma, it is impossible that the violence to which some Aboriginal people, particularly women, are so frequently exposed could fail to be pathological to their intellectual health.

Even though our questions did not invite personal experiences, some of the stories that we have been told and others of which we have learned, are truly horrifying. The mixed feelings of anger, and resignation, of hope and hopelessness and particularly of fear for the future that were expressed by some of our respondents was often utterly depressing and frequently induced in the survey team a wish to distance ourselves from it as quickly as possible. The lives that some people in these communities live on a knife edge of fear, waiting for the next violent episode is beyond contemplation.

It is incredible that such a condition should exist, and has existed for at least half a century, in a modern Australian State. It is an indictment of our society; a case par excellence of out of sight and therefore out of mind. It is also a situation that only the people themselves can change.

However before apportioning blame and laying it squarely at black feet, white Queenslanders might remind themselves that their Indigenous people have been subjected to pressures that were and in some cases still are, beyond their control. These come from a variety of historical and contemporary sources. They include colonialism, racism, an inappropriate criminal justice system, a denial of human and civil rights, a lack of education, and employment. And, in relation to alcohol sales, dubious government initiatives abetted by the efforts of private enterprise, all of which have contributed to a climate that is conducive to violence. They have also suffered at the hands of a public that neither knew or cared what was being done, or not being done, in their name.

Despite this, Aboriginal people should not be seen, or see themselves as hapless victims. They cannot continue indefinitely to blame everything on the whitefella, grog and marginalisation. The decision to continue misusing alcohol and battering their families belongs to them and them alone. They are agents in their own right. This should be recognised and they must lead the way in correcting what is an intolerable situation. Until Aboriginal people, particularly young men, recognise that aspects of their behaviour are maiming their society and killing their people just as bullets and arsenic once did, communities will continue to be physically and intellectually impoverished by the absence of so many of their number who spend some of their most productive years behind bars. Their women will continue to live in a state of terror and their children will be exposed to influences that will perpetuate the situation. They must stop seeing physical violence as an appropriate medium for settling disputes, relieving frustration or simply achieving their own ends

A useful starting point would be a modification of attitudes to violence. Without this there will be no change and people will still be asking why Aboriginal communities are so violent for the next 50 years.

Geoff Genever

## Appendix

Statistical information relating to the questions that were suitable for this type of analysis.

Total number of respondents 260

48x respondents in each community #1 to # 5,

20x respondents in community #6. This was the pilot study conducted among Aboriginal students at the Cairns Campus of James Cook University.

### Q1: What do you call it when a person bashes their spouse, defacto or partner?

| Community       | #1      | #2       | #3        | #4      | #5       | #6       |
|-----------------|---------|----------|-----------|---------|----------|----------|
| DV              | 29(60%) | 31(64%)  | 23(47.9%) | 47(97%) | 30(62%)  | 18(900%) |
| Family violence | 13(27%) | 10(20%)  | 16(33.3%) | 0       | 15(10%)  | 2(10%)   |
| Other           | 4(8.3%) | 7(14.5%) | 9(18.7%)  | 1(2%)   | 3(14.5%) | 0        |

The other names given were assault, wife bashing or simply fighting

### Q2: Is domestic violence the same thing as family violence?

| Community | #1        | #2        | #3        | #4        | #5        | #6      |
|-----------|-----------|-----------|-----------|-----------|-----------|---------|
| Yes       | 26(50.9%) | 18(37.5%) | 11(22.9%) | 10(20.8%) | 7(14.5%)  | 8(40%)  |
| No        | 22(45.8%) | 30(62.5%) | 37(77%)   | 38(79.1%) | 41(85.4%) | 12(60%) |

180 people(69.2%) believed that DV and FV were not the same. This number considered that DV referred to aggression between intimate partners and their children only. Whereas "family violence" was either when the extended family became involved or when the conflict escalated to involve the families of the two partners.

### Q3: What about a couple who are dating, but not living together. If they belt each other up is that domestic violence?

| Community | #1        | #2        | #3        | #4        | #5        | #6       |
|-----------|-----------|-----------|-----------|-----------|-----------|----------|
| Yes       | 21(43.7%) | 37(77%)   | 29(60.4%) | 22(45.8%) | 19(39.5%) | 18(90%)  |
| No        | 27(56.2%) | 11(22.9%) | 19(39.5%) | 26(54.1%) | 29(60.4%) | 2(11.1%) |

146 people (56.1%) recognised dating violence as DV. 114 (43.8%) people said it was not DV the main reason for this belief was the fact of the couple not living together. A general definition among this group was that between boyfriend and girlfriend it was "fighting".

### Q4: Would you call it domestic violence if a family member took money, grog food or other things from other family members by force or threats?

| Community | #1      | #2       | #3        | #4        | #5        | #6       |
|-----------|---------|----------|-----------|-----------|-----------|----------|
| Yes       | 12(25%) | 7(14.5%) | 17(35.4%) | 19(39.5%) | 16(33.3%) | 9(18.7%) |
| No        | 36(75%) | 41(85.4) | 31(64.5%) | 29(60.4%) | 32(66.6%) | 11(61%)  |

80 people (30.7%) recognised this as DV. Most however, recognised it as a crime or at least morally wrong. A few raised the point that families and close friends had an obligation to share.

**Q5: Whitefella law says it's a crime if someone makes their wife, defacto or girlfriend have sex when they don't want it. Do you agree with that law?**

| Community | #1        | #2       | #3        | #4        | #5        | #6        |
|-----------|-----------|----------|-----------|-----------|-----------|-----------|
| Yes       | 31(64.5%) | 39(81%)  | 33(68.7%) | 29(60.4%) | 41(85.4%) | 19(95.5%) |
| No        | 17(35.4%) | 9(18.7%) | 15(31.2%) | 19(39.5%) | 7(14.5%)  | 1(2.4%)   |

Of the 68(26%) people who disagreed 11(16.1%) were women

**Q6: Should children be hit for doing something wrong or something their parents tell them not to do. Or should they be punished in some other way?**

| Community | #1        | #2        | #3       | #4        | #5        | #6      |
|-----------|-----------|-----------|----------|-----------|-----------|---------|
| Hit       | 44(91.6%) | 41(85.4%) | 39(81%)  | 37(77%)   | 42(87.5%) | 17(85%) |
| Other     | 4(8.3%)   | 7(14.5%)  | 9(18.7%) | 11(22.9%) | 6(12.5%)  | 3(15%)  |

**Q7: Some people say traditional Aboriginal law allowed men to hit their wives as a punishment for doing something wrong, do you think Aboriginal men should still have the right to control women in this way?**

| Community | #1        | #2        | #3        | #4        | #5        | #6       |
|-----------|-----------|-----------|-----------|-----------|-----------|----------|
| Yes       | 2(4.1%)   | 4(8.3%)   | 4(8.3%)   | 5(10.4%)  | 3(6.2%)   | 0        |
| No        | 46(95.8%) | 44(91.6%) | 44(93.7%) | 43(89.5%) | 45(93.7%) | 20(100%) |

**Q8: Are there any times when wives, partners of defactos should get a belting?**

| Community | #1        | #2         | #3        | #4        | #5        | #6      |
|-----------|-----------|------------|-----------|-----------|-----------|---------|
| Yes       | 6(12.5%)  | 9(18.7%)   | 10(20.8%) | 11(22.9%) | 9(18.7%)  | 1(5%)   |
| No        | 42(87.5%) | 39(81.25%) | 38(79.1%) | 37(77%)   | 39(81.2%) | 19(95%) |

Although there was an overwhelming "no" response to Q8, if one added specific offences such as infidelity, child neglect etc, we estimate that about 25% would have considered partner beating justifiable.

**Q9: Under traditional Aboriginal law people who did wrong were speared, given a belting or made to leave the group for a time decided by the elders. Should communities go back to some of the old laws?**

| Community | #1        | #2        | #3        | #4        | #5        | #6      |
|-----------|-----------|-----------|-----------|-----------|-----------|---------|
| Yes       | 7(14.5%)  | 9(18.7%)  | 13(27%)   | 7(14.5%)  | 5(10.4%)  | 1(5%)   |
| No        | 41(85.4%) | 39(81.2%) | 35(72.9%) | 41(85.4%) | 43(98.5%) | 19(95%) |

Virtually all the "yes" respondents were over 40 years of age

**Q10: Under Aboriginal custom very young girls were promised to older men. Some people think this is a good way, others don't agree. What do you think?**

| Community | #1        | #2        | #3        | #4        | #5        | #6      |
|-----------|-----------|-----------|-----------|-----------|-----------|---------|
| Agree     | 6(12.5%)  | 5(10.4%)  | 8(16.6%)  | 11(22.9%) | 4(8.3%)   | 1(5%)   |
| Not agree | 42(87.5%) | 43(89.5%) | 40(83.3%) | 37(77%)   | 44(91.6%) | 19(95%) |

**Q11: What should happen when people belt their wives/ husbands/defactos or partners?**

**Should:**

**(a) others mind their own business?**

**(b) the family deal with them?**

**(c) the community deal with them?**

**(d) they be charged by the police?**

| Community | #1        | #2        | #3        | #4        | #5        | #6      |
|-----------|-----------|-----------|-----------|-----------|-----------|---------|
| (a)       | 5(10.4%)  | 3(6.25%)  | 6(12.5%)  | 4(8.3%)   | 6(12.5%)  | 1(5%)   |
| (b)       | 12(25%)   | 14(29.1%) | 17(35.4%) | 16(33.3%) | 11(22.9%) | 2(10%)  |
| (c)       | 17(35.4%) | 20(41.6%) | 19(39.5%) | 16(33.3%) | 14(29.1%) | 3(15%)  |
| (d)       | 14(29.1%) | 11(22.9%) | 6(12.5%)  | 12(25%)   | 17(35.4%) | 14(70%) |

**Q12: Should people get sent to gaol for DV?**

**(a) Yes always:**

**(b) Only if injury caused:**

**(c) Only if repeat offence:**

**(d) No never:**

| Community         | #1        | #2        | #3        | #4        | #5        | #6      |
|-------------------|-----------|-----------|-----------|-----------|-----------|---------|
| Yes always        | 17(35.4%) | 19(39.5%) | 12(45%)   | 14(29.1%) | 16(33.3%) | 11(55%) |
| If injury caused  | 8(16.6%)  | 7(14.5%)  | 9(18.75%) | 8(16.6%)  | 12(25%)   | 1(5%)   |
| If repeat offence | 13(27%)   | 15(31.2%) | 7(14.5%)  | 8(16.6%)  | 8(16.6%)  | 4(20%)  |
| No never          | 10(20.8%) | 7(15.5%)  | 20(41.6%) | 8(16.6%)  | 13(27%)   | 4(20%)  |

Totals all Communities (260 Respondents) Yes unqualified 89(34.2%). Injury only 43 (16.5). Repeat only 47(18.0%). No unqualified. 72 (27.6%)

The main reason offered by those who thought that a prison sentence was inappropriate was the belief that imprisonment did not rehabilitate offenders.

**Q13: Do domestic violence orders stop people from belting their partners?**

| Community | #1        | #2        | #3        | #4        | #5        | #6      |
|-----------|-----------|-----------|-----------|-----------|-----------|---------|
| Yes       | 19(39.5%) | 16(33.3%) | 23(47.9%) | 20(41.6%) | 14(29.1%) | 11(55%) |
| No        | 29(60.4%) | 32(66.6%) | 25(52%)   | 28(58.3%) | 34(70.8%) | 9(45%)  |

**Q14: What should a person do first if their partner starts belting them, or they think they are going to get a belting? Should they:**

- (a) fight back
- (b) run away
- (c) go to family or friends
- (d) go to police (record 1 answer only)

| Community | #1        | #2        | #3        | #4        | #5        | #6     |
|-----------|-----------|-----------|-----------|-----------|-----------|--------|
| (a)       | 8(16.6%)  | 11(22.9%) | 13(27%)   | 9(18.7%)  | 12(25%)   | 3(15%) |
| (b)       | 17(35.4%) | 14(29.1%) | 12(25%)   | 16(33.3%) | 14(29.1%) | 4(20%) |
| (c)       | 20(41.6%) | 17(35.4%) | 20(41.6%) | 19(39.5%) | 18(37.5%) | 8(40%) |
| (d)       | 5(10.4%)  | 3(6.25%)  | 3(6.25%)  | 4(8.3%)   | 4(8.3%)   | 5(25%) |

The low number choosing police as first response is influenced by the non-availability of police in some communities and by them being seen as an option of last resort. However, I know of one Police Sergeant who recently answered eight DV calls in one night.

**Q15: You don't have to answer this question if you don't want to, but has domestic violence ever happened to you in any way. What I mean is have you ever:**

- (a) done it
- (b) had it done to you
- (c) or seen it happening (record one answer only)

| Community | #1        | #2        | #3        | #4        | #5        | #6      |
|-----------|-----------|-----------|-----------|-----------|-----------|---------|
| (a)       | 8(16.6%)  | 11(22.9%) | 14(29.1%) | 9(18.7%)  | 8(16.6%)  | 0       |
| (b)       | 12(25%)   | 16(33.3%) | 17(35.4%) | 13(27%)   | 12(25%)   | 3(15%)  |
| (c)       | 28(58.3%) | 21(43.7%) | 17(35.4%) | 26(54.1%) | 28(58.3%) | 11(55%) |

No one declined to answer this question.

**Q16: What do you think it does to children if they see their mother and father belting each other?**

52.6% of respondents were aware that this could predispose children to domestic or other forms of violence. The remainder either answered the question inappropriately, or did not know.

**Q17: If someone is drunk when they bash their partner, who is to blame?**

- (a) them
- (b) the grog
- (c) both (record one answer only)

| Community | #1        | #2        | #3        | #4        | #5        | #6     |
|-----------|-----------|-----------|-----------|-----------|-----------|--------|
| (a)       | 10(20.8%) | 14(29.1%) | 11(22.9%) | 16(33.3%) | 13(27%)   | 9(45%) |
| (b)       | 9(18.75%) | 17(35.4%) | 14(29.1%) | 19(39.5%) | 15(31.2%) | 6(30%) |
| (c)       | 29(60.4%) | 17(35.4%) | 23(47.9%) | 17(35.4%) | 20(41.6%) | 5(25%) |

**Q18: Would you forgive a partner who belted you and afterwards said "I'm sorry the grog made me do it"?**

**(a) yes**

**(b) no**

| <b>Community</b> | <b>#1</b> | <b>#2</b> | <b>#3</b> | <b>#4</b> | <b>#5</b> | <b>#6</b> |
|------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| <b>(a)</b>       | 23(47.9%) | 27(56.2%) | 21(43.7%) | 34(70.8%) | 25(52%)   | 9(45%)    |
| <b>(b)</b>       | 25(52%)   | 21(43.7%) | 27(56.2%) | 14(29.1%) | 23(47.9%) | 11(55%)   |

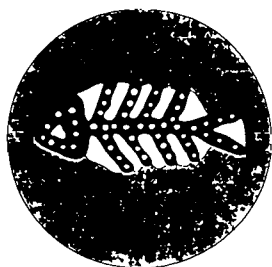
A total of 139 (53.4%) respondents said they would forgive under these circumstances. However many respondents said they would not continue to forgive repeated beatings in which this excuse was offered.

**Q19: What do you think are the main causes of domestic violence in your community.**

See pp44 -49.

**Q20: What could be done to stop or reduce domestic violence in your community?**

See pp. 49 - 50.



# **APUNIPIMA CAPE YORK HEALTH COUNCIL**

**But I Never Hit Her In the Face:  
A Survey of Aboriginal Community Attitudes to Domestic Violence  
CRC 42/98-9/98-9**



### **A Progress Report for the Criminology Research Council**

Research conducted to date and that which is subsequently undertaken, will be released to the Criminology Research Council (CRC), the involved communities and Apunipima Cape York Heath Council (Apunipima) as a final report. In the meantime information that is considered to be of immediate value in informing Apunipima's Family Violence Advocacy Project.(FVAP) is being released to them on a monthly basis.

What follows is a report to the CRC on the development of the survey in compliance with section "B" of the grant contract.

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**This is a project supported by a Grant from the Criminology Research Council. The views expressed are the responsibility of the author and are not necessarily those of the Council**

## **1 The scope of violence on Cape York Peninsula**

Referring to the Cape sixteen years ago during a manslaughter trial a lawyer said:

*...in Queensland there have been created communities where the incidence of homicide and very serious assault is amongst the highest that has been reached anywhere in the world<sup>1</sup>*

It is now also a matter of history that in 1987 the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) spent three years on the mammoth task of investigating the circumstances surrounding the deaths of 99 Indigenous people who died in confinement during the nine and a half year period, 1 January 1980 to 31 May 1989.

These deaths were seen by many people as a shocking indictment of our criminal justice system. It should be remembered though, that they were not limited to any particular region: they occurred Australia wide.

During the nine months prior to July 1999, the date this survey got underway, eight Cape York Aboriginal people died as a result of acts of violence between intimates and many more have had their lives shortened or radically diminished in quality as a result of them. A juxtaposition between Aboriginal deaths in custody in the 1980s and family violence on Cape York in 1999 may appear incongruous. The point I wish to make however, is that if the number of these Cape York homicides held good for the same length of time that the RCIADIC considered, (three and a half years) we would be looking at over 100 deaths - not Australia wide as in the case of the Royal Commission's investigation, but on Cape York Peninsula alone.

The pivotal factor underpinning the deaths the RCIADIC inquired into was the gross over-representation of Aboriginal people within the various custodial systems. Aborigines were being incarcerated at nearly 30 times the rate of non-indigenous Australians.<sup>2</sup>

The dreadful irony associated with these shocking statistics is that as a result of domestic violence there are people in the communities we have surveyed who live in terror and who would actually be safer in gaol.

## **2 Background to the survey**

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<sup>1</sup> Cited in the trial, R v Alwyn Peter.

<sup>2</sup> It has been argued that Australian Aborigines are the world's most imprisoned people.

In August 1998 following the homicides and assaults referred to above, a Victims of Crime Report found that the Cape had the highest rate of violence in Australia, adding:

*...the atrocities committed against women and children sometimes defy description...*

Not surprisingly, domestic violence (DV) is a top of the mind issue for Indigenous people living in the region. Based (mostly) on collateral evidence the perception that it is increasing in frequency and intensity is now widely held.

Acting with the conviction that "the option of doing nothing is no longer an option"<sup>3</sup>, Apunipima successfully lobbied the Queensland Minister for Families, Youth and Community Care, and ATSIC for funds to run a family violence advocacy project. (FVAP)

During discussion it was accepted that community attitudes to DV played a highly significant role in its incidence and that one of the major aims of the FVAP would be to effect changes in these attitudes. To do this it was clearly necessary to ascertain what they were and if they differed from community to community. As a consequence a proposal for funding a survey of attitudes to domestic violence( hereinafter referred to as the survey) was submitted to the CRC in February 1999.

Three months later a CRC grant was awarded to Apunipima to conduct the survey in selected Cape York Peninsula Aboriginal communities. The survey, as stated above, got underway in mid July 1999.

### **3 Aims of the survey**

There are several broad objectives, however the primary aim is to seek information relating to DV that will inform and assist the future development of strategies to be employed by Apunipima's FVAP. Secondary aims are:

- . to learn what constituted family or domestic violence in the Aboriginal community context
- . to seek information that will broaden our understanding of community attitudes to the phenomenon of violence generally and DV in particular.
- . to learn more of the relevance of possible cultural influences on this crime. Specifically, to discover how widespread is the belief that certain levels of violence are culturally justified and to discover to what extent this varied between communities
- . to sound out contemporary attitudes to "payback" which legitimates acts of violence in some Aboriginal eyes
- . to learn what impact respondents believed family violence to be having on their

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<sup>3</sup> ACHYC report to ATSIC, 1998, p.1.

children's future development.

- to discover the degree to which being drunk was seen as a factor which exonerated or mitigated DV.
- to seek information relating to community options for dealing with DV

and very importantly, as a vehicle for raising public awareness and presenting Apunipima's "Healing Our Families Project" as being more than just a strategy to protect women and children but also as a means of keeping men out of gaol. We considered that by raising the issues surrounding DV in face-to-face interviews we would help to increase community awareness (among men in particular) about possible consequences of family violence.

#### 4 Methodology

It was originally our intention that this survey would be conducted by direct questioning from members of the local justice groups. This proved to be generally unworkable. People felt they had neither the right or the skills to pose sensitive questions to others. Some, perhaps quite rightly believed that the interviewees would be more likely to be honest with us than people they had to live with on a day-to-day basis. In only one location so far have we able to have a community justice group co-ordinator present questions. However we have, as a matter of routine, discussed the questions with key community personnel and sought their advice on the composition of questions and their approval to pose them.

#### 5 Survey numbers and groups

Given the time consuming and sensitive nature of the work we decided that we would have to limit interviewees to 48 people in each of six communities. These would be divided evenly by sex and made up of three age groups which were:

- 15 to 24 years of age, which we termed (Age group 1)
- 25 to 40 " " (Age group 2)
- over 40 " " ( " 3)

It should be pointed out however that some of the Aboriginal people we questioned are unaware of their true age and under these circumstances we were obliged to estimate them.<sup>4</sup>

In order to make this investigation representative we also wanted to survey communities that were roughly equal in population. This was not entirely possible. We were restricted to communities with which Apunipima was associated and because of cultural differences we rejected communities that contained significant numbers of Torres Strait Islanders.

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<sup>4</sup> The health standards are such that for some people over 40 it is not unreasonable to assume that they are 10 years younger than they look!

## 6 Ethical considerations

Mindful of the potential this survey had to cause embarrassment or even distress we scrupulously explained in terms understandable to our respondents:

- . who we were and whom we represented
- . the aims of the survey and what would be done with their responses
- . their right to ask any questions about the survey
- . their right not to respond to any or all of the questions
- . their right to withdraw their consent to be questioned at any time in which case their responses already recorded would be destroyed

They were also given assurances that their responses would be treated as completely confidential and that nobody would be capable of recognising the identity of any respondent or community

## 7 Problems and solutions

### 7.1 Project acceptance

So far we have been surprised and pleased by the willingness of people to speak with us. It must be acknowledged though, that some people are painfully shy and have to be made aware of the need for such research and given additional promises of confidentiality.

The number of potential interviewees who have declined to take part in the survey could be counted on the fingers of one's hands. In one community two women declined to be interviewed because:

*... our blokes might find out we've been speaking to you and take it out on us when they've been drinking*

Others have actually sent messages indicating that they would like to take part. These were normally people who wanted to ask specific questions. One man travelled about 80 kilometres to see us. Several couples wanted to be interviewed together, something we neither sought or desired.

We were also surprised at the number of men and women who admitted to being violent towards their partners, quite frequently without any probing on our part. These admissions were generally rationalised in some way. "When I'm drunk" being the most common.

On a few occasions we have interviewed same sex groups. We excluded these group sessions from our statistical findings but some of the comments to us and each other are highly informative.

An bonus was the fact that we employed as a interviewer, a 40 year old Aboriginal woman who had strong regional connections. Her family name, which always seemed to be known by somebody, generally guaranteed a degree of community acceptance enabling us to set up networks and move from one recommended person to another

Having previously worked among these communities as a Community Correctional Officer and having been responsible for sentence management in one of the two small open prisons on the Cape was also a bonus. It meant that I knew at least someone from many of the clan groups if not the individual families. Asking interviewees if they were related to a particular person and how that person was getting on, often proved to be a useful icebreaker.

## 7.2 Literacy

Illiteracy levels precluded the use of any questionnaires. They and considerations of confidentiality also restricted the employment of people within the communities who might have helped us in this work.

We found it necessary to frequently remind our selves of the fact that illiteracy impinges enormously on Aboriginal people's awareness of what constitutes DV, their understanding of its criminality and their knowledge of the existence of agents to whom they can go for help. Literature, leaflets and posters which impart this knowledge and which inform the majority of Australians are inaccessible to a large number of Aboriginal people no matter how frequently they are displayed on noticeboards etc.

In some instances we found ourselves answering more questions than we posed. People were particularly ill informed about restraining orders. Even though DV orders are common in communities, many of the provisions and features of Queensland's Domestic Violence (Family Protection) Act 1989 are not understood. The fact that this survey provided an opportunity to verbally divulge information to people who might otherwise not receive it, is in my opinion a major strength.

## 7.3 Language

It is a dangerous trap for non-indigenes no matter how long they have worked with Aboriginal people to automatically assume that they understand Aboriginal English. We experienced several problems associated with language and terminology. For many of the people we interviewed, English is a second (or even a third) language. Added to this is the frequently encountered absence of shared meaning. Even when words are understood as intended, occasionally unintended nuances can effect communication and rapport. Our opening question "What do you call it when a person belts up their spouse defacto or partner" provided examples. In some cases the word "spouse" was not understood. On the other hand, when we explained its meaning as a matter of routine, we met instances where respondents considered this an insult to their intelligence.

Aboriginal people commonly refer to physical violence as "bashing, belting or flogging", yet it was suggested to us that we should use more "educated" terminology such as "strike, hit or slap". In Aboriginal parlance however hit and slap can signify very mild physical aggression that would not be considered DV.

The you word also gave rise to problems causing us to change it at one stage to "people" resulting in an interviewee responding with, "people call it DV but I think it's wife beating" Another response, delivered without sarcasm, was "I don't know what people call it I've never

asked them".

Our solution, at the risk of appearing infantile to some people, was to work at the level of the least articulate respondents. In some instances getting them to demonstrate understanding by providing examples from their own understanding.

The sensitive nature of the topic determined to some extent not only the questions but the way we presented them. For example if we asked:

*Is it ever OK to give your wife / husband / defacto etc a belting for doing something wrong?*

the response would be an overwhelming and strongly delivered "No".

If on the other hand one was specific and asked something like:

*Do you reckon a bloke or a woman has the right to give their partner a flogging if he/she finds out they've been playing up with somebody else?*

some of the "no" respondents would answer "yes".

Even so we found it vital, particularly during the opening stages of the interview, to make the questions as non-invasive as possible by constantly stressing that we sought their opinions rather than their experiences. Having said that, we did encourage comment on personal stories if they demonstrated a willingness to share them with us; which many did.<sup>5</sup>

#### 7.4 Interviewer problems

Although aware of the potential this survey has to distress respondents, we underestimated its draining effect on the ourselves. Listening to disturbing stories day after day induces a sense of angry hopelessness that requires fairly constant self counselling.

### 8 Perceived causes of domestic violence

The belief that the cause of violent behaviour between intimates can be exclusively sheeted home to alcohol is more than widespread. A conviction that liquor is a "releaser" of aggression pervades almost every discussion on DV at the community level. Just about everyone we have so far spoken to, believes that all one needs to do to end the violence is to stop the grog. This single minded approach to the problem tends to obscure other important antecedents and presents a stumbling block of considerable proportions.

Nevertheless some people are aware that there are several other factors affecting the high level

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<sup>5</sup> These comments will form a major contribution to the final report and will appear therein after the statistical findings for each community.



of family violence experienced by Aboriginal people. For example, it is argued that the incidence of violence of all types in DOGIT communities cannot be divorced from a range of "structural" influences which include the historical black/white relationship.

Some of those we spoke to recognise low self-esteem emanating from the removal of people from their families, ceremonies and source of history.

As expected when questioned on issues of causal significance people also cite:

- . marginalisation, unemployment, (nothing to do) overcrowding and sub standard housing
- . the absence of indigenous law and the rejection (particularly by the young) of kinship arrangements
- . sexual jealousy (very frequently)
- . money problems (caused by alcohol and gambling)
- . problems over children
- . rejection of or resistance to the "whitefella" law
- . increasingly, the use of mind altering substances other than alcohol. For example yarndie (cannabis) and petrol sniffing.

It has also been infrequently argued that the erosion of the traditional male role has led to familial violence as a means of men reasserting their authority. It is interesting, (and well documented) that some Aboriginal men approach the issue from the other end and use the traditional male role to justify violence on the grounds that it reflects cultural norms. Atkinson,<sup>6</sup> Bolger,<sup>7</sup> Gibson<sup>8</sup> and Langton,<sup>9</sup> to name only a few have examined the impact of traditional culture on DV. In general they argue that much of what is now happening in Aboriginal communities is in no way traditional and they may well be correct.

This "cultural norms" justification is an argument that on the face of it, few of the people we have spoken to seemed to accept. Even so, when we dug a little deeper into the issue the fact emerges that a significant number believe that under certain circumstances low level violence

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<sup>6</sup> J Atkinson, (1988) Violence in Aboriginal Australia, Draft paper.

<sup>7</sup> A. Bolger, (1991), Aboriginal Women and Violence. ANU, Darwin.

<sup>8</sup> M. Gibson, Anthropology and Tradition: A Contemporary Aboriginal Viewpoint, paper presented to the 1987 ANZAAS conference Townsville.

<sup>9</sup> M. Langton et al. (1990) Too Much Sorry Business, Submission to the RCIADIC,

is justified and in some cases even desirable. As one woman put it:

*...if I don't have a meal for my man I should expect a flogging...*

We have heard similar claims from a variety of sources but it is notable that this woman was the DV officer for her community!

Consequently whether this "right to beat" justification could be considered a traditional right or simply one of common application is open to argument. It is however, notable that so far, only one man has claimed that wife beating is mandated by traditional Aboriginal law.

Virtually everyone believed they have not only the right, but an obligation to beat children. In fact, several people have suggested that the justice group should discipline children in this way: "because the whitefella law isn't working and the young people have no respect for the elders."

## **9 The importance of attitudes in DV**

Differences in public attitudes towards DV have been observed by many social scientists. Gelles<sup>10</sup> for example, points out that there is considerable difference in people's perception of what level of violence constitutes a criminal act; and about the difference between what is acceptable, what is tolerable if not acceptable, and what is unacceptable.

Closer to home it has been recognised by National Crime Prevention (formerly The National Campaign Against Violence and Crime) that

*the high incidence of domestic violence in Australia can be explained in part by the prevalence of community attitudes condoning domestic violence*

A recent report to the above named authority contained the observation that:

*Young Aboriginal people were genuinely surprised when they are told that they have been wrong to take a young girl or bash their girlfriend senseless*

We spoke to an Aboriginal man who receiving a six month gaol sentence for dragging his girlfriend into the street, ripping the clothes from her then beating her about the head and body with a five kilogram weight. This potentially life threatening attack, which no one tried to stop, was caused by jealousy.

A young woman who was badly beaten by her boyfriend told us:

*I can't understand it, in (community name withheld) where I come from people will*

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<sup>10</sup> R Gelles. (1993) "Through a sociological lens; social structure and family violence", in R. Gelles and D. Loseke. (eds) Current controversies on family violence, Sage, Calif. p.2.

*help a woman getting a bashing, but here everybody minds their own business.*

Another woman explained attitudes to DV like this:

*a man might stop two women from fighting or two men from fighting, but he would look somewhere else if he saw a man belting his woman. That's nobody's business [sic] and people shouldn't interfere, they only make it worse.*

We were shocked to hear a white policeman working in one of the communities we visited say:

*They don't consider a belt under the ear to be DV and neither do I. If I did there would be hardly a man left in the community; they'd all be in gaol and quite a few of the women would be in there with them...*

In another community we received several complaints from Aboriginal women that white police refused to respond to their calls for help, with one woman adding:

*...no wonder our men think it's ok to belt us*

Clearly, if the news that DV is a crime is not getting through to police after all these years, we should not be too surprised at the attitudes held by some Aboriginal people.

## **10 The current state of the survey**

We have so far completed the research in five of the six communities. The sixth has been visited and our request to conduct the survey is currently before the Community Council for consideration.

We expect permission to be granted within the next two/three weeks and hope to complete the research stage by the end of December 1999. This will leave about six months to compile the statistics and write the final reports. Consequently the survey's progress is on target and the final reports will be submitted within the allotted time.

Geoff Genever