

Domestic Violence in NSW

Elizabeth Matka, Research Officer

Domestic violence has become a much talked about problem in contemporary society, but what is 'domestic violence'? How much is there? Who is at risk? What is involved? When does it occur, why don't victims leave and what can be done about it?

WHAT IS DOMESTIC VIOLENCE?

Current legislation in NSW defines violence between any family members as domestic violence. Research has shown, however, that the vast majority of victims are women being abused by their partners.¹ Indeed, as pointed out by Stubbs and Powell, some researchers prefer terms such as 'wife abuse' or 'wife beating' because they feel that using a gender-neutral term like 'domestic violence' masks this important point.²

While the most unmistakable form of domestic violence is physical assault, the New South Wales Domestic Violence Committee also includes in its definition verbal, emotional and psychological abuse, sexual assault, financial and economic abuse (e.g. withholding money and other resources) and social abuse (e.g. preventing contact with family or friends).³

Domestic assaults may range from pushing, slapping and threats of violence to use of weapons such as knives or guns, and may result in little or no physical injury through to serious wounding or even death. Domestic assault, like any other physical assault is a crime punishable by law.

HOW MUCH IS THERE?

In the 19th Century, the suffragette movement in Britain and the United

States took up the issue of domestic violence, but, according to Smith, the issue 'virtually disappeared from the agenda of "social" problems between 1920 and 1970'.⁴ In the early 1970s domestic violence again became an issue, largely because of the concern of the women's movement. Since then, a growing body of research fuelled by increased public concern has made it apparent that domestic violence is a widespread problem both in Australia and overseas.⁵ While it has been acknowledged as a significant crime problem by the Federal and State Governments, a large portion of the community still seems to regard domestic assault as more trivial or more acceptable than other forms of violence. In a survey conducted for the Office of the Status of Women in 1988, it was found that one-third of those asked thought that domestic violence should be kept private, while 19% - about one in five - thought that such violence could be justified in some circumstances and 21% thought that domestic violence was not a crime.⁶ Possibly as a result of such attitudes, much domestic violence is hidden or trivialised.

The short answer to the question 'How much domestic violence is there?' is that we don't know. There are no accurate figures on how widespread the problem may be in Australia. Some overseas research has suggested that from one in three to one in ten partnerships involve violence at some point, but it is impossible to check the accuracy of these figures.⁷ Most studies have had to rely on samples of the cases recorded either by police, the legal or the welfare systems or women's refuges, and there is no reason to suppose that all, or even the majority, of victims seek or obtain help from any of these agencies. Studies have shown that victims often suffer a violent domestic

situation for a long time before being able or willing to get official help.⁸ For all those who have sought help, there are likely to be many more who have not, often because of fear or ignorance about the help available or because, as shown in the survey of attitudes described above, there is still a widespread idea that 'domestic' violence is no one else's business. Generalising from these sample studies to the whole population, therefore, necessarily provides only a poor indication of the prevalence of domestic violence.

In NSW the best indicators we have of the incidence of domestic violence come from crime victims surveys. The problem of under-reporting described above means that these figures still only provide an *estimate* of the extent of the problem. A survey of victims of crime was conducted by the Australian Bureau of Statistics (ABS) in April 1990.⁹ A sample of NSW residents aged 15 years and over were asked if they had been the victims of a number of different types of crimes in the previous 12 months. On the basis of this survey the ABS estimated that about 11,300 women (36% of all those assaulted) had been assaulted at least once inside their own homes (compared with 10%, or 6,180, of the male assault victims). While we don't know that all these cases involve domestic violence, it is highly likely that the vast majority of the assailants were known to or related to their victims (this assumption, of course, applies equally to the men assaulted in their homes). The survey also asked how many times each victim had been assaulted within the 12 month period. Seventeen per cent of female victims said that they had been assaulted twice and 27% said they had been assaulted three or more times in the last 12 months. Using these figures we can estimate the actual number of assaults on women in

Table 1
Number and Rate of Apprehended Domestic Violence Orders sought per 100,000 residents, and Income and Education Levels of residents, for selected Sydney Local Government Areas

Local Government Area	Number of orders sought in 1989*	Rate of orders sought per 100,000 residents*	Percentage of residents with income over \$26,000#	Percentage of residents with diploma, degree or higher qualification#
Highest rates				
Campbelltown	248	204.5	8.6%	4.9%
Liverpool	163	174.9	5.7%	3.1%
Fairfield	217	141.3	4.3%	2.9%
Blacktown	223	115.9	6.4%	3.5%
Wyong	92	111.7	5.1%	3.8%
Lowest rates				
Ku-ring-gai	8	8.0	24.6%	26.1%
Lane Cove	3	10.3	19.9%	21.7%
Willoughby	6	11.6	18.7%	19.3%
Woollahra	6	11.8	22.4%	22.4%
Hunters Hill	2	16.3	17.1%	18.6%

* Source: Local Courts data base, NSW Bureau of Crime Statistics and Research (unpublished data).

Source: ABS, 1988, **Census 86 - Profile of Legal Local Government Areas - Usual Residents Counts: New South Wales**, Catalogue No. 2470.0, ABS, Canberra.

their own homes during the 12 months to be somewhere in the order of 19,000.

Recent work by the NSW Bureau of Crime Statistics and Research (BCSR) shows that a growing proportion of non-aggravated assaults reported to the police involve a suspect who is the spouse or de facto partner of the victim. In the 1988/89 financial year, this proportion had reached 21%, compared with 7% in 1982.¹⁰ In 1988/89 there were 10,695 non-aggravated assaults reported to the police,¹¹ so we may estimate that about 2,200 of these cases were domestic assaults. This figure is considerably lower than the victim survey estimates, supporting the idea that large numbers of such assaults are not reported to the police.

Another indicator of the extent of domestic violence in NSW is the proportion of homicides which involve spouses and de factos. Between 1968 and 1986, 43% of all homicide victims were killed by a member of their own family. Furthermore, 54% of these family killings (23% of all homicides) involved spouses or de facto partners.¹²

WHO IS AT RISK?

As noted above, research suggests that the vast majority of domestic violence victims are women. Certainly there is a difference in the rate at which men and women kill their spouses. Although, in general, homicide victims are more likely to be male than female, 48% of women, but only 9% of men killed in NSW between 1968 and 1986 were killed by their spouse or de facto spouse.¹³ In terms of raw numbers there were three times as many women as men killed by a spouse or de facto spouse. Furthermore, in 1989, 99% of individuals seeking protection orders against a spouse or de facto were women.¹⁴

Many studies show a predominance of 'working class' victims, but all social strata are represented.¹⁵ Some researchers argue that methods used in such studies have mostly targeted people of lower socioeconomic status - for example by surveying women in refuges. They suggest that domestic violence is just as prevalent in the 'middle class' but that middle class women are less willing to

report assault, or that they are more able to deal with the problem without the aid of welfare agencies, or that the violence they suffer is more likely to be psychological rather than physical.¹⁶

In NSW there is a very much higher rate of protection orders sought by domestic violence victims in areas of low socioeconomic status. Table 1 shows the areas of Sydney which had the highest and lowest rates of orders sought in 1989, together with two indicators of socioeconomic status for these areas. As can be seen, the rates of orders sought in 1989 ranged from 204.5 per 100,000 residents (i.e. around one per 500) in Campbelltown to 8 per 100,000 in Ku-ring-gai (one per 12,500). The table shows that those areas with low rates of orders sought had larger percentages of tertiary educated and high income residents. Conversely, in the areas with high rates of orders, the proportion of such residents was much lower.

It seems unlikely that all of the difference in the rates of orders sought shown in Table 1 is due simply to those

of higher socioeconomic status being less willing to seek orders. While there may be less reporting by such victims, the figures shown here suggest that the actual incidence of domestic violence may also be lower for those of higher socioeconomic status. This view has been expressed by Schwartz who uses data from the American National Crime Survey to show that, at least in the United States, there is a clear difference in income between women who are victims of spouse assault and women who are assaulted by strangers or who are not assaulted at all. Schwartz argues that the dynamics of wife battering are different at different socioeconomic levels. He suggests that the normal operation of a capitalist society puts greater stresses on lower status men because their existence is more insecure and frustrating and that as a result, violence as a means of venting that frustration, becomes more likely. In answer to the question of why this violence should be directed towards the wife, he suggests that, in part, it is because those of low socioeconomic status do not have the means to alleviate the problems of family life. They cannot afford child care and domestic help, for example, and the resulting family stresses become the trigger for venting aggression.¹⁷

Another explanation for this kind of difference is the so-called 'subculture of violence' hypothesis which suggests that some sectors of the community have a different attitude to the acceptability of violence than others.¹⁸

WHAT IS INVOLVED?

More than three-quarters (77%) of women seeking a protection order against a spouse or de facto in 1989 cited at least one alleged physical assault, while 58% referred to an alleged history of physical assault. In addition, 23% alleged that they had received at least one death or shooting threat from the spouse.¹⁹ Other abuse described included injury to the children of the relationship or threats to harm them or other relatives, property damage, verbal abuse, and harassment such as persistent phone calls late at night.

It is not easy to establish whether people of a certain age are more at risk from domestic violence. Some studies have found that victims are mostly under 30, but other research contradicts this.²⁰

In most cases abuse seems to begin within the first few years of the relationship. For example, Dobash and Dobash interviewed 109 female victims of domestic violence and found that 59% had been assaulted by the end of the first year of the marriage, and 92% within the first five years.²¹ In Wallace's study of homicides, she found that the first few years of marriage were the most critical for spouse killing. In fact, 14% of all spouse homicides occurred within the first year of marriage.²²

As Smith points out, there have now been numerous studies which show that where domestic violence happens it is likely to happen often.²³ Furthermore, while violence often begins early in the relationship, it may then continue for a long period of time. The NSW Domestic Violence Task Force reported that in 28% of the cases they examined, attacks had occurred over periods longer than 10 years.²⁴ Other studies also suggest that the severity of domestic violence escalates the longer it continues.²⁵

Wallace's study of homicide in NSW shows that women homicide victims killed by their spouses had often hitherto suffered a violent domestic life. In addition, women who had killed a spouse often claimed that it was in response to a long history of assaults by that person.²⁶ A NSW study by Bacon and Lansdowne of 16 cases where women had killed a husband or boyfriend found that in 14 of the 16 cases the man who was killed had physically assaulted the woman in the past. In most of these cases the violence committed against the woman had been frequent and severe.²⁷

WHEN DOES IT OCCUR AND WHY DON'T VICTIMS LEAVE?

Many researchers have attempted to define the causes of domestic violence. Often such factors as alcohol or the stresses of unemployment are blamed.²⁸ At best, however, such explanations are only partial. Not all alcoholics are violent to their spouses, nor are all of those who live in stressful lower class environments. Furthermore, these are not the only situations in which domestic violence occurs. Gelles has turned the alcohol argument around. He suggests that people who want to be violent need alcohol to give them 'dutch courage'.²⁹

Certainly much research suggests that alcohol is a disinhibitor.³⁰ Thus, it could be argued that if someone is inclined to be violent, he is less likely to restrain himself when he is drunk, rather than that alcohol turns a normally non-aggressive person into a 'Mr Hyde'.

Other research suggests that men who abuse their partners, regardless of their socioeconomic status are most often those with a 'traditional' view of the man as the 'lord and master' of the family.³¹ Such men, so the theory goes, are more likely to feel the need to demonstrate their dominance of the domestic situation. This theory is supported by the findings of the survey of community attitudes described earlier. This survey found that those with sexist attitudes were more likely to think that the use of physical force by a man against his wife could be justified in some circumstances.³²

While many victims do leave violent relationships, a considerable number stay, often for a long time. Why is this?

Firstly, it is important to remember that, while a relationship may be violent, this may not be the only factor involved. Some victims maintain strong feelings of love or concern for their partners despite being abused.³³ Some stay in the hope that the violence will end, and some stay because they feel that it is not acceptable to walk out on a marriage, especially if children are involved,³⁴ still others feel that they are somehow to blame for their situation and are too ashamed to seek help.³⁵

There are practical considerations, too, which may tie a woman to a violent relationship. These include living in geographical or social isolation, having children to care for, or having nowhere safe to go and no financial support. As mentioned earlier, it is only in the last 20 years that the issue of domestic violence has been widely publicised, and so it is only relatively recently that services such as refuges, counselling and protection orders have become available to victims. Many women are still ignorant of the resources available to them and do not know where to go to find help.

Perhaps the most compelling reason why women stay in violent relationships is fear of the consequences if they leave.

Table 2
Assault Female: Appearances before Local Courts in NSW
1982 to 1988*

Year	Appearances	Rate per 100,000 residents
1982	1648	30.9
1983	1950	36.3
1984	1868	34.4
1985	2073	37.7
1986	2307	41.4
1987	3076	54.3
1988	3654	63.6

* Source: BCSR, 1982 to 1988, **Court Statistics**; 1987 and 1988, **Lower Criminal Courts and Children's Courts Statistics**, BCSR, Sydney.

Table 3
Assault Female: Convictions before Local Courts in NSW
1982 to 1988
Number of convictions and percentage of appearances*

Year	Convictions	Percentage of appearances	Rate of convictions per 100,000 residents
1982	620	38%	11.6
1983	990	51%	18.4
1984	1083	58%	19.9
1985	1240	60%	22.6
1986	1442	62%	25.9
1987	2042	66%	36.1
1988	2597	71%	44.3

* Source: BCSR, 1982 to 1988, **Court Statistics**; 1987 and 1988, **Lower Criminal Courts and Children's Courts Statistics**, BCSR, Sydney.

These fears are often very well grounded, as many cases where women have left the relationship testify. Violence and harassment often continue after the couple have split up. In NSW in 1989, more than half (58%) of those seeking protection orders had left the relationship at the time the complaint was made and yet were still seeking protection against continuing violence,³⁶ while 53% of the women contacting the NSW Domestic Violence Advocacy Service in 1988 wanted advice or help concerning a man with whom they were no longer living. In a further 17% of cases the couple was

separated but living under the same roof.³⁷ Wallace's study of homicide in NSW also showed that one in three men who killed their wives or de factos were separated from them at the time of the attack.³⁸

Finally we should note that often it is not simply a question of the woman staying or going. Okun argues that many women leave a relationship and return to it a number of times because they are conditioned by society's expectations that a wife should 'try everything' to keep a marriage together. He quotes Dobash and Dobash who say:

'The twin questions of why women stay in or fail to leave violent relationships to a large extent miss the point: they [assume] ... that a woman engages in one behaviour or the other. Most women engage in both ... Some women leave quite frequently but do so with varying intentions about the permanency of the act.'³⁹

WHAT CAN BE DONE ABOUT IT?

The first step in the prevention of any offence is an active prosecution policy in relation to it. Active prosecution of domestic violence offenders helps reinforce community attitudes against the offence and has been shown to inhibit assault behaviour, at least in some instances.⁴⁰ While we do not have accurate statistics on prosecutions for domestic assault, we do know that the rate of prosecutions for 'assault female' was rising between 1982 and 1988. Cases of this offence are largely, but not exclusively, cases of domestic violence.⁴¹ Table 2 shows the number and rate of appearances before the courts for 'assault female' in NSW between 1982 and 1988. As shown in Table 3, the proportion of cases brought before the courts which result in conviction also rose. This may be a result of increasing willingness on the part of victims to co-operate in the prosecution process.

In 1981, the NSW Government set up a task force on domestic violence. As a result of the task force recommendations, a number of legislative reforms were enacted in 1983 to help deal with domestic violence. Under these new laws, police powers to intervene in domestic violence situations have been clarified and widened, making it easier to obtain warrants to enter premises where an assault is thought to be occurring. Each police patrol now has a Domestic Violence Liaison Officer who is responsible for ensuring that appropriate action is taken by police in domestic violence situations, as well as for developing community and police education about the issue. In addition, the Police Department introduced new procedures in April 1988 to 'encourage positive intervention by Police in bringing offenders to justice'.⁴²

As well as changing police procedures, in 1983 the NSW Government set up the NSW Domestic Violence Committee, whose brief is to 'monitor the implementation of the legislation and co-ordinate the Government's Domestic Violence Programme'.⁴³ The committee has set up a number of local domestic violence committees which act as liaison between groups in the community who are concerned with domestic violence, ensure co-operation between police and other Government agencies, educate the community and keep them informed of the issues involved, and investigate provisions for victim support services.⁴⁴

Services available specifically for domestic violence victims in NSW now include 55 refuges providing accommodation for women and their children, including special refuges for Aboriginal women (three), Muslim women (one) and single women (three).⁴⁵ The Domestic Violence Advocacy Service began operating in November 1986. It is a community legal service for women, providing, without charge, telephone advice, counselling, referral and legal representation relating to domestic violence. It covers the whole of NSW and is funded by the Legal Aid Commission of NSW.⁴⁶

One of the most important of the 1983 legislative reforms was the introduction of protection orders for victims. From 1983, people in danger of being assaulted by a current or former spouse or de facto have been able to apply to the courts for a protection order prohibiting that person from harassing or attacking them or approaching their home. Initially such an order was called an 'Apprehended Domestic Violence Order' (ADVO). To obtain such an order, the person in danger, or someone acting on their behalf (usually a police officer), must go to a Chamber Magistrate. The case is then brought before a magistrate of the Local Court who decides whether or not to grant the order. The person who is named as being the defendant is summoned to appear before the court, and should attend. Since it often takes a while before the case can be decided in court, interim orders are available to restrain the defendant until the case is heard.

The force of these orders is backed up by a law which says that if the defendant does not obey the order, he or she is

guilty of a criminal offence and can be prosecuted. Thus if, for example, a man has been ordered not to approach the home of his wife and does so, regardless of whether or not he actually assaults her, he may be charged with a breach of the order and arrested by the police.

Up until the beginning of 1988 protection orders were available only in relation to violence between current or former spouses or de facto spouses. In February 1988, the provisions were broadened to include family relationships such as parents, grandparents, children and grandchildren, siblings, uncles and aunts, nieces and nephews and in-laws, and all people who would stand in those relationships if de facto partners were legally married. Also included are people living in the same household (except for landlord/tenant relationships), and people who are or have been involved in an 'intimate personal relationship' even if they have not lived together as a de facto couple.

In 1990, the legislation was again broadened, this time to create an equivalent 'Apprehended Personal Violence Order' for people fearing attack from someone unrelated to them. The legislative provisions now refer to 'Apprehended Violence Orders' (AVOs) which are designated either 'domestic' or 'personal'. It is interesting to note that, despite the broadening of the legislation, 58% of orders granted in 1990 related to violence between current or ex spouses or de factos, and in 95% of these cases the victim was female.⁴⁷ In other words, it is apparent that, despite the widening of the scope of protection orders, these orders are still most often used by women in situations of violence from current or former husbands or de facto husbands.

As a result of the release of the NSW domestic violence strategic plan discussion paper in early 1991,⁴⁸ there is much consideration now being given to ways in which we can establish and promote services for victims of domestic violence. Providing services for victims, however, is not the whole story. In order to reduce domestic violence, rather than simply aiding its victims, what is needed is a change in community tolerance of and male attitudes toward this type of crime. Active prosecution of offenders, as noted earlier, plays a major role in producing this sort of change. Public

education campaigns such as those undertaken by the NSW Domestic Violence Committee, which have publicised the issue using slogans such as 'BREAK THE SILENCE' and 'WIFE BASHING IS A CRIME. YOU DON'T HAVE TO PUT UP WITH IT.' also play their part.

Cultural change in attitudes to domestic violence may seem a difficult thing for governments and community groups to bring about. It must be remembered, though, that sustained public attention given to other crime problems, such as drink-driving, has succeeded in reducing offending, partly by stigmatising the offence. The motivation of domestic violence offenders is, of course, very different from that of drink-drivers. Nevertheless, it may well be that a co-ordinated policy of arrest and social stigmatisation of domestic violence offenders will eventually have similar effects.

NOTES

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