

Glossary of Key Terms

Aggrieved The legislative term for the person for whose benefit a court makes a civil law domestic violence protection order (DVO). The term *victim* is not used in the legislation because of the low standard of proof required for civil law and because the person accused of domestic violence may consent to a DVO without admitting domestic violence had occurred.

Authorised person A person authorised by the aggrieved or otherwise under the legislation, to make an application for a domestic violence order for the aggrieved.

Black When the term ‘Black’ is used it is used as a collective noun, as used by authors referenced in this research and in contrast to the dominant White culture (see below for explanation of the use of the term White). Hence, and consistent with the APA 6th Edition, capitalisation of the term is used. It is not intended to essentialise Aboriginal and Torres Strait Islander peoples.

Coercive control A range of strategies used to manipulate, dominate and control the actions of another, with the aim of achieving and maintaining personal power over an intimate partner. I adopt Stark’s (2007) definition of coercive control as an “attack on autonomy, liberty and equality” which may or may not include physical violence. Others’ definitions (e.g. Johnson, 1995, 2008) limit it to physical violence.

- Common couple violence** A term introduced by Michael Johnson (1995) to differentiate between coercive control and other physical violence between current or former couples not motivated by power and control over the life of the other.
- Criminal assault** Section 245 of the *Criminal Code Act 1899* (Qld) defines assault as “A person who strikes, touches, or moves, or otherwise applies force of any kind to, the person of another, either directly or indirectly, *without the other person’s consent*” (emphasis added).
- Cross-application** Occurs when one person in a relationship is named as the aggrieved on an application for a domestic violence order and another application (a cross-application) is made naming that person as the respondent and the other person in the relationship as the aggrieved (see Chapter 1 for discussion and Fig. 1.3 Cross-applications).
- Cross-order (cross-DVO)** Occurs when the court makes orders based on cross-applications.
- Discrete Indigenous communities** Communities predominantly inhabited by Indigenous people with housing and other infrastructure owned and managed by Indigenous people.
- Domestic relationship** A personal relationship variously defined in domestic violence legislation. The term represents the nature of the relationship, not the residential arrangements. For example, in Queensland law the term includes biological parents of a child who have never lived together and excludes people who are co-tenants but have no other personal relationship (e.g. being family members or intimate partners).
- Domestic violence** Includes a specified range of physical and non-physical actions, or threats within relevant relationships prescribed in Queensland’s domestic violence legislation. Originally synonymous with violence within current or former intimate partner relationships. The legislation defines domestic relations by their nature and context, not location (e.g. shared dwelling).
- Domestic and family violence** As above, but explicitly including violence perpetrated by other family members.
- Domestic violence order** A civil law court order that places restrictions on the behaviour of the respondent. In Queensland, they are called domestic violence orders and have different names (such as family violence order and apprehended domestic violence order) in other jurisdictions. For consistency, I use domestic violence order or its acronym (DVO), except in direct quotes.
- Enmeshed** The actions of one of a couple affect the life and action of the other, whether or not the relationship is current. Legislators used this term to limit the scope of the legislation to those who needed legal intervention to carry

on their daily lives without problems arising from ongoing enmeshment with the life of an abusive partner.

Family violence Originally used by Aboriginal and Torres Strait Islander people to represent the broader context of family and kin relationships and the types of violence occurring within that context. Also used in several Australian jurisdictions as an alternative to domestic violence to make explicit that family members in addition to current or former intimate partners, are included in the relevant policy framework.

Fights Fights are expressive and focused on resolution to a current conflict. Fights may occur frequently but they are incident-based. They are not an ongoing strategy aimed at achieving and maintaining personal power over an intimate partner. Fights may or may not involve physical violence.

Foetal alcohol spectrum disorder (FASD) An umbrella term for a range of diagnoses related to the effects of excessive alcohol ingestion on the development of a foetus, including impaired brain functioning.

Gender/gendered Gender, like *race*, is a social construct and is relevant to the theoretical framework for the thesis. People and social processes and structures are gendered to reflect and reinforce gender-based power relationships.

Gender symmetry Relates to claims by some researchers that men and women perpetrate intimate partner violence in roughly equal numbers.

Half-caste A term, now considered offensive, used to refer to an Aboriginal person who has one parent who is Aboriginal and one who is not.

Indigenous Australians Indigenous Australians are, broadly, two distinct groups of people: Aboriginal people (a collective term for many pre-colonial “nations”, i.e. language groups) and Torres Strait Islanders, who are of Melanesian origin and traditionally inhabit the tip of Cape York Peninsula in Queensland and the islands between there and Papua New Guinea.

Indigenous family violence Family violence occurring within and between Indigenous families and communities, and within the broader cultural context of family and kin relationships.

Informal care Necessary personal care provided for a person, on which that person is dependent, by another in a domestic context (i.e. it is not associated with a formal, professional care agency in which case abuse would be subject to other legislation).

Interpersonal Since 2003, the Queensland legislation has grouped three types of relationships under *interpersonal* relationships: spouses (see definition below), engaged couples, and couples who are in a relationship but not engaged or married.

Interviewees Service providers and police prosecutors interviewed for the research.

- Intimate partner/s** Unless otherwise stated, the terms intimate partner/s, or partner/s, refers to one or both of a couple who are, or were, married, in a *de facto* relationship; the biological parents of a child; or in a dating relationship.
- Intimate partner violence** Physical, sexual and non-physical forms of abuse by one intimate partner (current or former), against the other. Intimate partner violence is a subset of domestic violence and, at times, I use the terms interchangeably.
- Jealousing** Used by Aboriginal people as a verb to describe circumstances where one or both parties seek to make the other feel jealous and express their jealousy (and their valuing of the other person) by fighting with them.
- Justice reinvestment** A crime prevention strategy whereby funds that would otherwise have been spent on building prisons, or prison capacity, are invested in building strong cohesive communities.
- Lateral violence** “*Sideways*[violence] ... aggressors are your peers, often people in powerless positions” (AHRC, 2011, p. 25).
- Law women and law men** Keepers of traditional, or customary, law with cultural authority. These roles do not translate neatly to western concepts but are broadly similar to law makers and enforcers.
- Mainstream** As distinct from Aboriginal and/or Torres Strait Islander specific (e.g. mainstream services are those designed for the general population).
- Murri** Collective name for Aboriginal people of Queensland, generally used within the Aboriginal community itself.
- No contact** A condition on a court order preventing the respondent from making, or attempting to make, contact (in person, electronically or through a third party) with the aggrieved.
- Non-spousal** Personal relationships that are not current or former intimate partner relationships.
- Ouster condition** A condition on a court order that requires the respondent to vacate the home, enabling the aggrieved to remain (often called an ouster order).
- Payback** An informal social control mechanism in Indigenous communities, which involves retribution for wrongful behaviour. It may involve multiple parties in a fight and is related to Aboriginal dispute resolution.
- Perpetrator** This term refers to those convicted of breaching a DVO. In lay terms, a perpetrator is the person accused of committing domestic violence, whether or not they are subject to, or convicted of breaching a DVO. That becomes complicated when the perpetrator is also a victim.
- Perpetrator/victim** A person who has been convicted of breaching a DVO and named the aggrieved on one or more DVOs.

- Public** The opposite of private—the *public* site preferred by non-Indigenous women in general for dealing with intimate partner violence is the state, represented by the conventional criminal justice system. Indigenous women have stated a preference for their communities as alternative public sites for dealing with most cases of family violence.
- Race/raced/racialised** Race, like *gender*, is a social construct and one that is relevant to the theoretical framework for the thesis. People and social processes and structures are racialised to reflect and reinforce raced power relationships.
- Relevant relationship** A relationship covered in the domestic violence legislation (e.g. a current or former intimate partner).
- Respondent** The legislative term for the person whose behaviour is the subject of restraint in a DVO. Terms such as *offender* are not used in civil law because of the low standard of proof required and, in the case of civil domestic violence law, the person accused of domestic violence may consent to the order being made without admitting, or being found by the court, to have perpetrated domestic violence.
- Return date** The date set by the court to consider an application for a domestic violence order.
- Served** As in “the police served the DVO on the respondent”, meaning that the police executed the relevant procedure to provide the respondent with a copy of the order, including that the respondent is made aware of the DVO and its conditions.
- Service providers** People who provide counselling, court assistance and other support services to women subjected to domestic violence, particularly intimate partner violence, or who provide intervention programs for men who perpetrate domestic violence/intimate partner violence and participated in interviews (interviewees).
- Sorry business** Customs associated with bereavement, including obligation to attend a funeral.
- Spousal** In Queensland’s civil domestic violence law, *spousal* relationships include current and former marriage and *de facto* marriage relationships and the biological parents of a child. From commencement in 1989, the definition of spouse in the legislation excluded same sex couples until its amendment in 1999.
- Technical breaches** Where no offence other than the breach of the order itself has been committed (Victorian Law Reform Commission [VLRC], 2006) and is used by the police and courts to sort cases, although it is not mentioned in the legislation.

Violence Consistent with the domestic violence legislation in Queensland, *violence* includes physical and non-physical forms of abuse.

White The concept of 'whiteness' is used in the context of the dominant culture in which this research is set, and its power as expressed through structures and institutions established by the dominant White culture. The term is capitalised to denote its use as a collective noun in reference to the dominant culture, but it does not intend to convey an identity accepted by those of the dominant culture.

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