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Joint Select Committee on Coercive Control
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Australian Psychological Society response to questions taken on notice at the Joint Select Committee on Coercive Control Public Hearing - 23 February 2021

The Australian Psychological Society (APS) welcomes the opportunity to submit answers to the questions taken on notice at the NSW Government Joint Select Committee on Coercive Control public hearing on 23 February 2021.

The APS considers the significance of the current inquiry into the criminalisation of coercive control to be based on discovery around the effectiveness of legislation in decreasing the incidence of this type of family domestic violence (FDV) and increasing the safety of those who experience it. With this in mind, we consider the following questions taken on notice from the public hearing.

Question 1. If the legislation to criminalise coercive control does not proceed, do you think that sends a message that coercive control is less serious than physical assault?

The APS believes that the current inquiry into the criminalisation of coercive control is significant in its recognition that in many relationships where family and domestic violence (FDV) occur, there exists a pattern of behaviour, which is cyclical in nature and challenges the common notion that FDV is an isolated event.

There is a risk that the decision to not proceed with criminalising coercive control will be viewed as minimising the impact of this behaviour on victim-survivors (with it being perceived as less serious than physical assault) and will inadvertently allow this type of behaviour to continue.

To view coercive control as 'more' or 'less' serious than physical assault, however, is somewhat misleading. One form of abuse is not more, or less problematic for the victim, than the other. There can be devastating effects on the victim-survivor with both physical and psychological forms of violence, which often occur together (i.e. victim-survivors are often subject to physical or sexual assault *and* controlling behaviours).

Communication from the Joint Select Committee about their final decision regarding criminalisation of coercive control needs to be carefully considered, irrespective of whether the legislation does become enacted or not. The announcement of this decision signifies an important opportunity to provide education about the nature of this behaviour and the harm it causes. If the legislation does not proceed, and in order to avoid sending a message that coercive control is less serious than physical assault, the Government should highlight that legal and social support systems are not yet ready to deal with the impact of coercive control or to meet the essential needs of victim-survivors.

Whether or not legislation is in place, it is paramount to ensure the safety of victim-survivors. Funding is required to guarantee that the right support is available for this, as legislation alone will not necessarily reduce the incidence of coercive control.

Factors that need to be considered and clearly communicated are:

- Coercive control is a reality and occurs within the context of FDV. Further, it is dangerous, unjust and will not be ignored by Government, i.e. in the absence of legislation, other social measures will be implemented to address this behavior in an ongoing way (please see the recommendations in our original submission - Question 15, p.6).
- It is a significant social issue and structures that maintain and inadvertently allow its continuation must be challenged (e.g. gender inequality, social inequities etc).
- Community-based education and awareness programs (ongoing and with an intergenerational focus) are essential to address coercive control.
- Perpetrators, and potential perpetrators, need to understand the long-term impact of coercive control and be discouraged from reframing their behaviour as protective, caring or loving.
- Appropriate resourcing needs to be in place to meet the support needs (psychological and practical) of victim-survivors.

Question 2. Given that there are already challenges with proving physical and sexual assault, intimidation and stalking, do unsuccessful prosecutions of these offences provide sufficient reason not to criminalise coercive control?

In short, the APS believes the answer to this question is - no. Challenges with proving other forms of violence do not provide sufficient reason not to criminalise coercive control. However, there are other considerations. Without appropriate practical and psychological support for victim-survivors, legislation alone is inadequate to ensure their safety and reduce the incidence of coercive control.

This question is important because it highlights the system's lack of readiness to legislate for the criminalisation of coercive control. Unlike other forms of DFV, the evidence for coercive control needs to focus on the *impact* on the victim-survivor over and above proving individual behaviours.

For example, coercive behaviour could include giving flowers. As noted in our original submission, this behaviour is contextual. If the flowers are provided as a reward for cancelling social activities, causing isolation of the victim-survivor, the meaning is clear. It is clearer still when the victim-survivor describes: (1) the sense of powerlessness they experience, and (2) the possible risks associated with disclosing the symbolic meaning of the flowers to others.

If the legislation does proceed, the APS emphasises that for it to be effective, significant training in being able to identify patterns of behaviour characteristic of coercive control is essential for legal personnel, community service staff and other frontline workers.

Further, consideration needs to be given to evidence that can be collected through electronic means (e.g. emails, text messages, screen-shots of social media posts) along with witness testimony and psychological assessment of the victim-survivor.

Additionally, system level support for victim-survivors is needed to enable them to articulate the impact of coercive controlling behaviours. This will require focus on both the wording of the potential legislation and funding to support trained family violence specialists to assess impact.

The APS would be very happy to provide any further information to the Committee as required.



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