

Women's and Girls Emergency Centre
Opening statement to the Committee 24 February 2021

Moo Baulch opening statement

We acknowledge that we are on the land of the Gadigal people of the Eora Nation and pay our respects to Elders past and present. This was, is and always will be Aboriginal land. Sovereignty was never ceded.

Thank you for the opportunity to share insights from the Women's and Girls' Emergency Centre in inner city Sydney. We appreciate the invitation to present to the Committee even though we were not able to respond in great detail to the adequacy of proposed legal definitions and instruments.

Women's and Girls' Emergency Centre (WAGEC) is a non-government charitable organisation founded in 1977. We exist to create safe futures for women and families. We work across the lands of the Gadigal and Wangal people of the Eora Nation in the inner city and inner west of Sydney. WAGEC has weathered the storm of multiple sets of government reforms in the domestic and family violence and homelessness space in NSW. We're one of the lucky independent women's services that survived the Going Home Staying Home SHS reforms in 2013/14 and WAGEC has been known for many years in our local communities as a place where any woman can drop in, particularly when there may be barriers to seeking support from other services.

Our core state government funded work is providing crisis support to women and children through crisis accommodation and medium term supported housing, material aid, biopsychosocial support, crisis responses and case management. Equally our organisation seeks to address the underlying causes of domestic violence, homelessness, and gender inequality through primary prevention activities with communities, businesses and systems. Additionally, through philanthropic funding and donations we provide programs addressing the needs of children and young people impacted by trauma, as well as a mentor program supporting the economic security of women. We work in and with our local communities in a range of contexts. On any given night we accommodate approximately 200 women and children across our services. Last year we supported nearly 1600 women and children.

The women and children who seek our support are diverse; 28% of the women we support are Aboriginal and/or Torres Strait Islander, a large proportion of our clients come from culturally and linguistically diverse backgrounds – we supported women of 75 different nationalities in 2020. Many of the women who reside in our crisis accommodation are women on precarious visas who are precluded from accessing state health and welfare income support, housing and childcare. These women face multiple intersecting and cumulative barriers that exacerbate any experience of domestic and family violence they have been subjected to.

The reason I'm reiterating this context some of which was outlined in our written submission is because WAGEC works with a diversity of clients who may not be able to seek support from a range of other services. We work with some of Sydney and NSW's most vulnerable women and families and we're proud that we've long been known as a safe place for transgender and LGBTIQ people, Aboriginal women and women with complex support needs.

WAGEC does not support the proposed criminalisation of coercive control as a primary strategy to drive systemic, behavioural and attitudinal change but we do recognise the value of formal mechanisms and strategies to increase awareness, understanding and inclusion of coercive control in community, structural and system settings. Our proposition is that the NSW Government should develop a holistic response to coercive control supported by an evidence-based reframing of the causes, manifestations, impacts and responses to gender-based violence. We are not universally opposed to criminalising coercive control, however, we deem that supporting the proposed legislation at this time would be premature and lacking the necessary structural and systemic reform required.

At this point I'll pass over to my colleague and CEO of WAGEC, Helen Silvia to make an additional opening statement.

Helen Silvia opening statement:

We are concerned at the lack of Aboriginal women's voices in this Inquiry process. I'd therefore respectfully like to take the opportunity to share a short statement from our colleague Christine Robinson, Coordinator of Wirringa Baiya Aboriginal Women's Legal Centre.

"Our main issue is that there is so much work to be done before this legislation can be put in place. The bottom line is that it cannot be rushed. Conversations and consultations need to be had prior to implementing any changes but it will be essential to have to other things in place such as training, not only for the police but for everyone. If an offence, what will be the penalties? How can we be assured that this will not impact negatively or at the detriment of Aboriginal women which in our experience is usually the case?"

I would ask the committee to include the submission made by Wirringa Baiya which was submitted last week.

Thank you.

Questions on notice

1. How would you do this?

We recommend that the Premier of NSW take carriage of this and prioritise that this be the main social policy focus for the next 5 years not one of a list of Premier's Priorities. A whole of government commitment to honestly and thoroughly reviewing the failures of the systemic and strategic responses is long overdue in NSW. We don't need another Royal Commission into Family Violence, the lessons are there from Victoria's inquiry.

What is required is a long term bipartisan commitment with accountability at the very top and statutory obligations for all government and non-government partners.

Gender-based violence must be treated with the seriousness that it deserves.

- 1.1 A bipartisan commitment agreed to, detailing accountability and statutory obligations for all government and non-government partners.
- 1.2 We recommend a comprehensive 5-year research and codesign process focused on deeply scoping and reframing the problem and solutions to gender-based violence with the purpose of contributing to a robust Australian evidence base on the nature, impacts, manifestations and responses to coercive control.
- 1.3 At a minimum this would include a comprehensive exploration of the gaps in existing structures, responses and processes in supporting victim-survivors of coercive control including an exploration of the failure of existing justice responses structures and processes in supporting people impacted by gender-based violence, coercive control and vulnerability.
- 1.4 As a parallel process to the research and design of appropriate criminal, civil and alternative justice responses, the NSW government should develop a whole of population community awareness campaign.
- 1.5 This should be accompanied by a comprehensive education and training strategy implemented across all levels of the police force and judiciary and non-government support systems with a particular focus on developing targeted, place-based strategies to manage unintended consequences of criminalisation.

2. So what do you think this Committee should do?

Regardless of the decision and recommendations of the Committee, this Inquiry marks an important moment in NSW's progression on gender-based violence. There has been gross underinvestment in the response sector over decades and by successive government in NSW. Coercive control is not a new concept, framing or approach to seeing gender-based violence for most of us in the sector. The fact that we and 139 others have submitted to this inquiry and that so many from across sectors and areas of expertise have made submissions and appeared before the committee shows the level of interest and will for this to be considered and done differently.

Coercive control is not an act of violence, it's not another thing to add to the growing list of abuse typology. It's a way of framing the what and how and why of gender based violence. We therefore respectfully submit a request that this process is done carefully, with adequate resourcing and using and reflecting the best evidence about what works in terms of attitudinal change, behavioural insights, public health education. This Committee and the inquiry can be a watershed moment in NSW where action is taken. Specifically:

- 1.1 That the NSW Department of Communities and Justice lead and resource a five-year process of scoping and codesign to build a robust evidence base on best practice responses and create a suite of victim-survivor centred options that prioritise choice, safety, inclusion and prevention.
- 1.2 That the NSW government resource and undertake a large scale community campaign to build community awareness of coercive control similar to previous public health campaigns on [consent](#) and [sexual health](#).
- 1.3 That adequate time and resources are committed to prepare government and non-government response agencies for the inclusion of coercive control in legislation and that ongoing evidence-based education and training across the police force, judiciary and specialist and mainstream response sectors is developed.
- 1.4 That respectful, comprehensive, culturally sensitive and well-resourced processes for consultation and co-design of new whole of system responses to coercive control are led by government-funded specialist organisations that work with victim-survivors as their core expertise and community controlled and led services.
- 1.5 That alternative justice options sitting outside the criminal or civil justice systems be explored using evidence-based international best practice and with a particular focus on restorative justice, non-carceral options and community accountability.
- 1.6 That Aboriginal community-controlled organisations are supported and resourced to take the lead on designing a system that responds to coercive control to ensure that First Nations victim-survivors and perpetrators of violence are not further disenfranchised and disengaged from the justice system.
- 1.7 That prior to any reform of the legal system, large scale research aligned with the [NCAS](#) be commissioned by the NSW Government to develop a baseline of NSW community understanding about coercive control and with the purpose of tracking measure medium to long term population level attitudinal change.

3. What would you say to the victim-survivors who have called for criminalisation?

We hear your voices and we promise you that we will not implement legislation as a knee-jerk reaction and until we are sure that we have made the system accessible, accountable and safe for the most vulnerable, disenfranchised, locked out people who can't won't or don't access support from justice/police because their lives and the lives of their children are at threat, they are here on a temporary visa, they are from a First Nations or CALD community or have a disability that mean they have significant and very real barriers to reporting. We are not England or Scotland or Ireland, we are New South Wales, we have a unique set of circumstances and we have strong, resilient Aboriginal women, community leaders, a vibrant and skilled anti-violence workforce and community-led organisations that must be the ones driving and leading this work. If we tack on another piece of criminal legislation without reforming the broader system we will do further harm to those who don't have a voice. Anything less than doing this properly and respectfully and with the inclusion of the most vulnerable people in our communities will be doing a disservice to victim-survivors of violence and trauma.