

## Answers to questions on notice – Scottish Women's Aid

*Ms TRISH DOYLE: Dr Scott, are you seeing some evidence of an increase in misidentification of the primary aggressor at all?*

The answer to this is no, which I think I made clear in the subsequent discussion, but it is early days. I do want to stress that misidentification is a feature of any system and needs to be paid very very careful attention, in crafting of protocols between police and prosecution, in training and evaluation of training, and in data gathering before and during implementation. We were most concerned about the numbers of women victims who were already being mistakenly arrested/accused/prosecuted, and given that the research indicates that coercive control is perpetrated almost exclusively by men, this was a key indicator for early assessment of implementation. We are cautiously optimistic based on evidence from first year of prosecutions, of which men were 96% of accused. I believe the issues in NSW will include existing system bias that results in misidentification of indigenous women and other women of colour, and I would recommend investment in establishing a strong evidence base for existing problems and setting the bar high in how implementation of a new law will address existing bias.

*But I am going to ask our Committee staff to follow up with you on the balance of your answer to that question. I also have a further question if you would be kind enough to take it on notice, which is about your earlier statement in your opening about existing offences and the ability to prosecute under existing offences before coercive control was introduced. You spoke about how it is more likely to be effectively prosecuted under a coercive control specific offence. If you could talk to that, we will send those questions through to you following this.*

The simple truth is that if the criminal justice system doesn't have an appropriately defined and described offence, the system doesn't have the tools it needs to hold offenders accountable and protect victims. A very convincing study that looks at the rationale for a specific offence is *Protest, Policy, and the Problem of Violence against Women*, Canadian social scientist Laurel Weldon. There was a follow-up study in 2010: Weldon, S. Laurel and Htun, Mala N., *Violence Against Women: A Comparative Analysis of Progress on Women's Human Rights* (August 20, 2010). APSA 2010 Annual Meeting Paper, Available at SSRN: <https://ssrn.com/abstract=1644227>.