

**Submission
No 10**

COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS

Name: Name suppressed

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I believe that this legislation will be open to abuse. I draw this conclusion from my own experience working in the health system, with police and having gone through a separation. Domestic Violence is a horrible blight on our community. Unfortunately it is also very difficult in many circumstances to police. From finding evidence, to victims refusing to press charges and remaining in a violent environment. It seems however that there is a push to intrude into people's lives further to find any way to root out this problem. The difficulty with that is the constantly increasing risk of collateral damage to innocent people. It is no longer the case that if you don't do anything wrong, you have nothing to worry about. We have seen a number of high profile cases that prove that just isn't true. Already we have seen the abuse of existing DV laws, for example Hasim Elmasri was the subject of false claims. The reason he was able to be vindicated was that he recorded the conversation, which whilst technically not legal, definitely saved him. Whilst efforts are made to create gender neutral laws, they are not applied in that way. Government staff are trained to approach DV in a gendered way. I received that training, and it is reinforced in the media. Government funded bodies state that if a man claims he is a victim, you should doubt that, and he is probably covering up the fact he is a perpetrator. They also state that you should always believe a woman when she claims to be a victim of DV. That is the lens with which these laws will be applied in practice.

I had the unfortunate need to call the police as I was being harassed by my ex wife. I even told the Constable that I had been grabbed by the throat by her. I later gained access to the police records and there was no record of me telling Constable Walsh that at all. I would have thought strangling someone might have warranted just a few words, but it didn't. I suspect that is because I am male. The evidence suggests that 99% of violent offenders use coercive control, not much of a surprise. Bad people will use many means to do bad things. This, as is often the case in DV stats, has been used as a causal relationship. I would suggest that whilst 99% of violent offenders may use coercion, a much lower percentage of those using coercion are violent. Did the people conducting the study and putting this forward even look at the baseline population statistics for levels of behaviours considered coercive?

This legislation targets coercion not DV. So if a partner wants more spending money (beyond bills) but doesn't work, and the working partner says well you need to get work, is that coercion? If someone says they don't want to do something, knowing that their partner won't go without them, is that coercion? If a partner doesn't talk to you for a day because you were out late drinking rather than home helping with the kids, is that coercion? There are obvious examples that do represent true DV, but there is a lot of grey that risks causing harm to innocent people, because some young police officer, with gendered DV training is over keen to make a difference. Or perhaps it is a jaded police officer who has lost a sense of impartiality due to their experiences.

If the police file an AVO or DV related charges they already include those types of behaviours in their reports. However, they are then given in greater context allowing more sound judgement, in this way coercive behaviour is already addressed. To separate out coercive behaviour risks taking behaviours out of context and twisting their meaning. As I stated earlier there are so many ways this legislation will be open to abuse further making the work of police more difficult than it already is.