

**Submission  
No 13**

## **COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS**

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# **Submission to the NSW Parliamentary Joint Select Committee on Coercive Control**

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The material home represents the concrete expression of the habits of frugality and saving 'for a home of our own'. Your advanced socialist may rave against private property even while he acquires it; but one of the best instincts in us is that which induces us to have one little piece of earth with a house and a garden which is ours; to which we can withdraw, in which we can be among our friends, into which no stranger may come against our will. If you consider it, you will see that if, as in the old saying, 'the Englishman's home is his castle', it is this very fact that leads on to the conclusion that he who seeks to violate that law by violating the soil of England must be repelled and defeated.

*Robert Menzies, Forgotten People Speech, 22 May 1942, that led to the founding of the Liberal Party of Australia.*

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How political parties change. The Coercive Control laws now being explored by the NSW Liberal Party would horrify Menzies. They represent a dangerous departure from the established rule of law, threatening to criminalise many aspects of regular, responsible behaviour in the family home.

They constitute a new, frightening peak in the march of social engineers seeking to control all aspects of private life. This is the real controlling threat: the obsession of publicly funded activists to extend the reach of the state into private homes and relationships.

Sadly, domestic violence is being used as a Trojan Horse for this purpose. There is no evidence from other jurisdictions (such as Tasmania, Ireland and the UK) that Coercive Control laws have made women safer.

The activists pushing Coercive Control see domestic violence solely through the lens of gender. They want these new laws to arrest men only, to the point where they advocate for police retraining programs to achieve this goal.

This is, in fact, a betrayal of the interests of the safety of women. The 'gendered' paradigm has taken Australian policy makers down a dry gully. Political theories of 'patriarchy' do not address the root causes of domestic violence, diverting attention from real solutions. This is why billions have been spent in this policy area over the past decade, with no tangible impact on the problem.

Let me be clear: any man who hits a woman is a dog and should be locked up. I grew up in a public housing estate in the 1960s and 70s. I know what domestic violence looks like. As a Federal MP, I represented other public housing estates where the problem was clear.

There is nothing about being male which makes a man hit a woman. Indeed, this kind of behaviour is the antithesis of the male instinct, properly understood. The vast majority of men in our society are protectors of their loved ones, not violators.

We saw this in the 2019/20 bushfires, for instance, when men repeatedly secured the safety of their partners and children, first and foremost, while then going on to risk their own lives. We know of this male instinct from the men who say (and I believe each of them) that they would 'take a bullet' for their wife and children.

History tells us that in times of danger – whether from war, civil unrest, lawlessness or the threats of nature – men have stepped up in vast numbers to protect their communities. This has been a constant thread in our society through millennia.

In understanding these realities, no intelligent, independent-minded person could conceive of domestic violence as being gendered. That is, to believe all men are potential wife bashers; that there is something innately male that makes a man harm the people with whom he lives.

Domestic violence by men is an aberrant behaviour, a mutant departure from the male protective instinct. The challenge for government is to identify its root cause, to look beyond the jaundiced claims of Left-wing feminism and objectively examine the evidence.

The BOCSAR mapping data in NSW shows that for every domestic incident in a middle class area there are 15 in public housing estates and 30 in remote Indigenous communities. Aboriginal and Torres Strait Islander women are 35 times more likely to be hospitalised due to family violence-related assaults than other Australian women.

Poverty is the main driver of domestic violence. The hopelessness it brings to people's lives warps the natural protective instincts of men (and also many women), leading them into aberrant, destructive patterns of violence.

Often in the political debate, poverty is viewed through a single dimension: as unemployment or welfare dependency or homelessness. In fact, it is a whole-of-life condition, whereby a range of problems – financial, housing, disability, drug/alcohol addictions, mental illness, street crime, social and geographic isolation, intergenerational abuse and relationship breakdowns – often combine and aggravate each other to produce a daily life of chaos.

The normal human sources of self-esteem and recognition are lost. Hopelessness and despair become a way of life. In this environment, people often lash out physically, trying to reassert themselves and vent their frustrations through violence. It's a perverse, inevitably counter-productive way of trying to reassert control in their life; to look at the insecurity and sense of defeat they face in broader society and react by using violence to dominate the only thing they have left: their home life.

The American polymath Francis Fukuyama has argued that human behaviour is motivated primarily by the need for recognition: a sense of worth and dignity, or what Plato in his *Republic* called 'thymos'. In *The End of History and the Last Man* (1992, pages xvi-xvii), Fukuyama writes of how:

Human beings, like animals, have natural needs and desires for objects outside themselves such as food, drink, shelter and, above all, the preservation of their own bodies ... But in

addition, human beings seek recognition of their own worth, or of the people, things or principles that they invest with worth. The propensity to invest the self with a certain value and to demand recognition for that value is what in today's popular language we would call 'self-esteem'. It is like an innate human sense of justice.

There is not much justice in poverty. It drains one's sense of worth and dignity. It crushes self-esteem. Some people respond by seeking control over others – their last avenue for being in charge, for being 'top dog' at something, even if it means hurting those around them.

What the activists call Coercive Control is invariably a direct function of poverty. This is what makes the push for Coercive Control legislation so futile. It overlooks the root cause of the problem: poverty, and seeks a broad-brush, legally unworkable solution to an issue that has its origins elsewhere.

One can only assume that those pushing domestic violence as a gendered phenomenon have no experience or understanding of conditions of poverty. The same is true of those advocating for Coercive Control laws. They are driven by ideology (theories of patriarchy, misogyny and a gendered society) rather than reality.

This is the tragedy of Australian domestic violence policy. Clueless Ministers have swallowed the 'patriarchy' line because it is too bruising politically, on social and mainstream media, to stand against it. The feel-good factor of mouthing feminist slogans and being cheered on at woke corporate lunches has been irresistible.

Meanwhile, poor suburbs are untouched and unchanged by government policy and spending largesse. They are out of sight to most activists and Ministers. They do not feature in marginal seat campaigning. Despite extensive, publicly funded advertising 'awareness campaigns' about domestic violence over the past decade, the poor are as invisible as ever.

That's today's 'progressive' movement for you: overdosing on PC rhetoric while under-achieving for the people who actually need their help. Most of our social problems can be fixed by waging a new national war on poverty. Instead, Left activists are waging war on men, the identity politics of what they call 'toxic masculinity'.

The drive for Coercive Control legislation in NSW is the latest manifestation of this wasteful mistake.

### **Reports of the NSW Domestic Violence Death Review Team**

In establishing the Joint Select Committee Inquiry into Coercive Control, the Attorney General Mark Speakman also released a Discussion Paper (13 October 2020). Mr Speakman used his Foreword to set out the key 'evidence base' of this proposed law reform.

He wrote of how, between March 2008 and June 2016, "there were 150 intimate partner homicides in NSW". Of these, "112 cases (were) included in the dataset for in-depth review" by the Domestic Violence Death Review Team (DVDRT) convened by the NSW State Coroner. It is not clear what happened to analysis of the other 38 cases.

Nonetheless, one statistic stood out for the Attorney General. He described it as "the clincher", writing of how, "In 111 of the 112 cases, the relationship between the domestic violence victim and the domestic violence perpetrator was characterised by the use of coercive and controlling behaviours."

The publicly funded feminist groups advocating for Coercive Control laws have also cited this data (See, for instance, page 38 of the Women's Safety NSW Position Paper, 11 September 2020). Women's Safety NSW is funded by the reallocation of Legal Aid NSW finances. Its policy, it seems, is to lock up the disadvantaged people who need the legal aid money it spends on itself.

The DVDRT statistics are assumed to be a 'leading indicator', positioning Coercive Control as a reliable predictor of domestic violence murders. But how valid is this analysis?

After its formation in 2010, the DVDRT produced six major reports before it reached its conclusions on Coercive Control. In the first five reports (in 2010-11, 2011-12, 2012-13, 2013-2015 and 2015-17) controlling behaviours were rarely mentioned in the analysis of circumstances leading up to and contributing to domestic violence deaths. The main emphasis was on socio-economic factors.

In 2010-11 there was a heavy focus on Aboriginality, with the report lamenting how:

The over-representation of Indigenous people as victims and perpetrators of domestic violence and domestic homicides has been widely documented. In relation to domestic assault, such over-representation has not changed over the last decade and research continues to show that Indigenous women experience domestic assault at six times the rate of non-Indigenous women. Similarly, in 2006/07, Indigenous women were reported to be nine times as likely as their non-Indigenous counterparts to be a victim of homicide. (Pages 18-19)

Instead of embracing sweeping conclusions and grand theories, the DVDRT report was cautious about the limitations of its work. It noted how:

Without detracting from the seriousness or tragedy of domestic violence deaths, from a statistical perspective, they are relatively rare. It is, therefore, difficult to collect sufficient data to identify patterns, trends and risk factors associated with characteristics of the incidents, victims and offenders. (Page 22)

In 2011-12, the DVDRT report again highlighted the significance of socio-economic factors, concluding that, “Domestic homicides that occur in circumstances where there is no prior history of violence can usually be attributed to other factors, for example, where the perpetrator is experiencing an acute mental health episode or financial pressures.” (Page 25)

The 2012-13 report produced a special chapter on “the deaths of children who were killed by their parents in a context of domestic violence, including in a context of child abuse.” Cultural factors were also reported on, by tabulating the ‘Country of Birth’ of victims and perpetrators.

In its 2013-15 report, the DVDRT again focused on socio-economic issues, especially Aboriginality, mental health, prior criminal records, drug/alcohol abuse and perpetrators themselves having been abused as children. For the first time, male “coercive and controlling behaviours” were highlighted. (Page ix)

The 2015-17 report (the last convened by Magistrate Michael Barnes) emphasised a 'holistic' approach to the problem, positioning "domestic violence death prevention as an intergenerational and sustained effort that transects agencies, committees and issues well beyond moments of interaction between an abuser and a victim." (Page xiii)

Intersectionality was used to explain the complexity of the issue: "While domestic violence is often attributed, at its core, to patriarchal attitudes and gender inequality, domestic and family violence is often perpetrated and experienced at the intersection of various axes of oppression, including sexism, ageism, racism, drug and alcohol dependence and poverty." (Page 78)

The 2017-19 DVDRT report was different in tone and content. Even though the 53 specific case studies presented were a depressing catalogue of underclass life gone wrong, deteriorating into chaos and lawlessness, the emphasis was on 'attitudes to women' and 'male behavioural change programs'. Poverty was factored out.

The report took a sharp Left turn. Some of its stranger notions included:

- In a sea of socio-economic problems, highlighting "attitudes towards women held by some young people" as a frontline concern. (Page 58)
- Repeatedly criticising the NSW Police, with unproven allegations of racism. (See, for instance, Page 97)
- Complaining of unfair "stigma and discrimination" against drug users in domestic violence cases. (Page 114)
- Blaming the racism of bystanders for attacks on an Aboriginal woman by an Aboriginal man. (Page 139)

The report relied on theories of patriarchy and a one-dimensional "understanding that domestic violence is a gendered harm". (Page 152) The reasonably balanced and multi-faceted approach of earlier reports was lost.



Against this background, it is not surprising that the report went looking for patterns of Coercive Control. In a special chapter it claimed to have re-examined 112 past cases, but no details were provided, no case studies were listed for what this involved. Readers were left to take the new analysis on trust.

What we do know (at Page 21) is that the study methodology was only by way of 'desktop review', rather than more sophisticated means, such as interviewing surviving family and friends. In straining to find Coercive Control, the report admits it deliberately over-compensated with what it calls a "victim-focused orientation", supposedly to "counterbalance the dominant narratives of the domestic violence perpetrators" (most of whom, thankfully, are in jail).

The report says it was searching for "patterns of (male coercive) behaviour", instead of allowing the evidence to speak for itself. Readers are left with the worrying impression that this was not research, but politically-laden advocacy.

Having read each of the detailed case studies in the six DVDRT reports since 2010, I find it incomprehensible that the focus has shifted from the socio-economic horrors of underclass to "the clincher" of Coercive Control.

In none of these case studies did a middle class man living in normal family circumstances wake up one day and decide to control his partner or to commit violence against her. Almost without exception, the circumstances surrounding the domestic violence deaths were ones of abject poverty, hopelessness and lifestyle chaos.

They featured a toxic mix of debilitating conditions, including long-term unemployment, welfare dependency, homelessness, low-level education, drug and alcohol addictions, mental illness, street crime, prior criminal convictions, jail time and adultery. The proportionality of refugee status was high, while Aboriginality was off the radar.

Often you have to read these case studies two or three times to comprehend the bewildering, destructive mess the people got themselves into. It's a vicious circle of self-harm and harm to others, leading to tragedy and the incarceration of those at the centre of it.

The 2017-19 DVDRT report is an example of ‘mission search’: an organisation retrofitting its research in response to a newly fashionable theory. The Review Team only latched onto Coercive Control after the theories of the American sociologist and social worker Evan Stark (who invented the concept) had become popular.

This is a shockingly anti-intellectual practice. The DVDRT has retrospectively tried to match its evidence into the framework of a new pop-sociology concept.

In practice, as a workable tool for preventing domestic violence deaths, the DVDRT Coercive Control data takes us nowhere. Given the underclass conditions in which these people lived, behavioural control was a macabre and destructive expression of recognition/self-esteem.

As a concept, Coercive Control adds little value to our understanding of why domestic violence deaths occur. The true ‘lead indicator’ is poverty. Controlling behaviours are a feature of this broader problem of disadvantage and lifestyle chaos. They are not something innate to men, as only a small proportion of men ever go down this path.

The 111 cases of Coercive Control (out of 112) were broken down by the DVDRT as follows:

- 105 (or 95%) involved verbally abusive language “that was belittling, derogatory, humiliating and insulting towards the victim” (with no explanation by the DVDRT as to how its desktop review uncovered the detail of one-on-one language in personal relationships);
- 63 (57%) involved the ‘social abuse’ of controlling the movements and personal freedoms of victims; and
- 48 (43%) involved the ‘financial abuse’ of controlling bank accounts and other forms of money.

The 111 figure (99% of cases) relies heavily on the ‘verbal abuse’ calculation. Otherwise, the Coercive Control data is not actually a strong predictor of the domestic violence deaths that followed.

Even if one accepts the DVDRT findings at face value, their public policy implications are unclear. Verbal stoushes, disagreements and other forms of conflict are a preamble to most murders. It's certainly not a world of verbal harmony. But only a small proportion of disagreements (using strong language) lead to something as serious as murder. Criminalising patterns of speech (that may or may not predict the future actions of people) is a legal nightmare.

Unfortunately, Coercive Control has taken on the status of an ideology, an article of faith for Left-feminists subscribing to theories of patriarchy. They don't want to hear or know of alternative explanations.

For instance, on the NSW Parliamentary Notice Paper in July 2020, I asked Attorney-General Speakman (Question 1765) for a break down of the case studies in the 2017-19 DVDRT report, itemising the number perpetrators and victims who were unemployed, homeless, in public housing, drug users, mentally ill and/or prior convicted criminals. Speakman answered:

The information is not available or not able to be expressed in the manner sought. The NSW Domestic Violence Death Review Team (DVDRT) Report 2017-2019 presents findings from across a wide range of demographics and case characteristics.

Yet the information I was seeking had been presented in earlier DVDRT reports. In too many cases, ignorance has become the preferred 'evidence base' for making NSW domestic violence policy.

### **Australian Institute of Criminology Findings**

In September 2019 the Australian Institute of Criminology released a metadata study to "develop a comprehensive understanding of what characterises domestic violence offenders and offending across Australia." This was seen as "important for the development of effective and targeted criminal justice responses." (Bulletin No. 580) The Institute lamented the failure of other bodies and jurisdictions to develop this type of evidence-based approach.

Against demographic norms, the study built a profile of a typical domestic violence perpetrator: as an unemployed, heavy-drinking Indigenous man living in a disadvantaged area. The key finding,

however, related to reoffending. By far the strongest predictor of a domestic violence offence was generalist prior-offending, with 82 percent of perpetrators having past criminal convictions (across a range of offences).

In particular, a limited number of domestic violence re-offenders can cause huge levels of damage. The report noted how, “There is growing recognition that domestic violence offending is concentrated among a relatively small group of offenders or couples.” (Page 12) Seven percent of perpetrators in Victoria with more than five offences were responsible for 31 percent of all recorded DV incidents. In another calculation, “a very small minority of repeat offenders (2 percent) were responsible for half of all harm.” (Page 12)

The message for policy makers is clear. Government programs need to focus on: “The need for interventions to be targeted at areas with higher levels of disadvantage, particularly where there is a higher concentration of repeat offenders. The likelihood of domestic violence reoffending appears to be higher in more socio-economically disadvantaged communities.” (Page 13)

This is the antithesis of the Coercive Control agenda, the false assumption that all men are controlling by nature. Federal and State resources need to target the serious problems of socio-economic disadvantage. They also need to strengthen criminal penalties in general. The longer repeat offenders stay in jail, the less chance they have of adding to domestic violence in the community.

Tragically for women’s safety, governments have done none of these things, ignoring the evidence and findings of the Institute of Criminology. Publicly funded agencies like Our Watch and Women’s Safety NSW have pursued the wrong policies for the wrong reasons in the wrong areas. This is why, despite a decade of big spending on domestic violence programs, the results have been desultory.

### **Criminalising Relationships**

For centuries our criminal justice system has been based on the prosecution of anti-social incidents from specific places, at specific times. Coercive Control theory seeks to turn these principles on their head, prosecuting people for ‘patterns of behaviour’, potentially over

decades. No one particular non-violent incident would lead to prosecution, but things that were said in the intimacy and daily life of families, accumulated over time, would be open to criminal charges.

Imagine the evidence-collection task after a couple breaks up, and one partner seeks a Coercive Control prosecution based on things that were said one-on-one, in-private many years earlier. It's an invitation for post-split vengefulness. It's also an impossible challenge for police, the DPP, judges and juries to separate fact from fiction in these 'he-said-she-said' situations.

Since 2007 NSW has had laws criminalising stalking and intimidation, under Section 13 of the Crimes (Domestic and Personal Violence) Act. Section 11 of the CDPV Act defines a domestic violence offence to include: "An offence (other than a personal violence offence) the commission of which is intended to coerce or control the person against whom it is committed or to cause that person to be intimidated or fearful (or both)".

It is difficult to understand why the 2007 Act needs to be extended. Coercion and control are already against the law. Taking this further into patterns of 'controlling behaviour' over lengthy periods of time turns our policing/judicial systems on their head, off a weak policy-making evidence base.

The instinct of the state is always to codify, simplify and standardise the way in which it sees society and the development of laws. But civil society is inherently complicated and diffuse, messy even. It does not easily lend itself to a one-dimensional legal approach, trying to fit diverse personal circumstances into the fixed, inflexible mould of something like Coercive Control criminality.

Intimate personal relationships are incredibly complex. In the popular adage, the only people who know how they function are the two people in them. What might be unacceptable behaviour in one relationship might be perfectly normal and loving in another. This is also true of cultural differences in relationship behaviour, which vary widely across our ethnically diverse NSW society.

At their best, intimate personal relationships are a genuine partnership, working cooperatively with a loved one for their shared happiness. But as with all aspects of life, there are moments when

one partner will feel compelled to say, “I really need you to do this” and press their case. There will also be disagreements around the conduct of life. This is true of contented, comfortable middle class households. Imagine the pressures that come onto the poor – behaviours that will be readily classified as Coercive Control.

Herein lies the real risk: setting up a new legal offence for the prosecution of the vulnerable. For the reasons outlined above, socio-economically disadvantaged people are more likely to breach Coercive Control laws. Instead of government making a genuine attempt to help people overcome their poverty, it is going to punish them for verbal disputes and other behaviours consequential from their poverty.

This is the new Labor/Greens/Liberal-Left approach to ‘social justice’: ignore the root causes of domestic violence and Coercive Control; define a new criminal offence under the banner of ‘patriarchy’; and jail the poor and Indigenous for actions that are (sadly enough) predictable, partly as a result of governmental neglect.

If anyone commits acts of physical domestic violence, of course they should be imprisoned. But it is inadvisable to criminalise long-term patterns of behaviour; defined as two or more moments that, in isolation, cause no physical harm and may have been the product of unique relationship norms, quirks or misunderstandings. The Coercive Control net will inevitably catch innocent people.

### **Labor/Greens Legislative Intent**

When governments start actively policing patterns of behaviour inside the family home, we move one step closer to a police state. This is a chilling moment in the history of NSW politics, especially when one examines the content of the Labor and Greens Coercive Control Bills currently before Parliament (as introduced by Committee members Anna Watson MLA and Abigail Boyd MLC).

The Bills were developed in collaboration with Women’s Safety NSW and reflect the recommendations of that group’s Position Paper (released on 11 September 2020). The Greens Bill even makes Coercive Control offences retrospective, an insidious development in criminal law.

The Labor/Greens Bills seek to introduce penalties of imprisonment for up to 10 years for courses of behaviour in domestic relationships that have, or are “reasonably likely to have”, one or more of the following effects:

- Making the other person dependent or subordinate;
- Isolating the other person from family, friends and support services;
- Controlling or monitoring the other person’s day-to-day activities;
- Depriving the other person of their “freedom of action”; and
- “Frightening, humiliating, degrading or punishing the other person”.

The Greens Bill defines an offence if these controlling behaviours “occur on two or more occasions”. Therefore, they are not really ‘behaviours’ as such, but incidents/actions that occur more than once. This includes incidents/actions by “an omission” – that is, something that was not done by the accused.

The numbering of “two or more occasions” is an arbitrary figure. It is never explained how this constitutes a ‘pattern of behaviour’ in anyone’s life. When spread over years, clearly it does not.

The Labor/Greens Bills aim to criminalise the following actions among men:

- Verbal, non-physical arguments with his partner where the language used can be considered as ‘degrading’;
- Telling amusing/embarrassing stories about his partner in front of her friends that cause her to feel humiliated;
- Pranks that turn sour, causing his partner to feel frightened or humiliated;

- Flirting with other women, making his partner feel lonely and degraded;
- Adverse comments about his partner's looks, making her feel degraded;
- Failing to pick up his partner (say at a train station) and transport her as arranged;
- Not wanting to visit his in-laws, or socialise with certain friends of his partner; and
- Being the sole income earner and setting the household budget.

While 'verbal abuse' (according to the DVDRT, the primary source of Coercive Control) is not specifically outlawed, the intent of the Labor/Greens Bills is to capture it under the heading of 'degrading' behaviour. Potentially, this would cover a wide range of statements in domestic disputes (which occur in every long-term relationship).

Other spoken words (interpreted as trying to control a person's movements, finances and access) would also be captured, creating a new Orwellian framework by which couples and families are expected to live. The following statements would be categorised as criminal:

- "Is there anything you ever get right, anything you don't stuff up as you make a complete bloody mess of our lives";
- "I need the car today, sorry, you'll have to do the shopping tomorrow";
- "We are running out of money, so you have to stick to this spending limit each week";
- "I don't like your family and if I have to go to this dinner, I'll tell them what I really know about you";
- "If you don't let me see more of the kids, I'm taking the dog away"; and
- "I should never have got involved with you, it was the biggest



mistake of my life, you're a bloody idiot, a total fool".

None of these things are pleasant, but they happen in some relationships over time, well below any reasonable threshold of criminal conduct. It's not hard to imagine the things said in domestic arguments that could be dredged up years later to press Coercive Control charges.

The Labor/Greens Bills run the risk of criminalising consenting and/or relatively trivial aspects of relationships. There is no room in the Coercive Control framework for couples to have verbal disagreements, get over it, make up and get on with their relationships. Two strikes and the law is invoked.

When I say the Labor/Greens Bills are aimed at men, the sponsoring MPs have acknowledged this themselves. They know that, if administered in a gender-neutral way, Coercive Control laws would also catch women. Their remedy is to train the police and criminal justice system into arresting and prosecuting men only. Most likely, this breaches Federal and State sex discrimination laws.

There is no credible research on the proportion of relationships featuring 'controlling behaviours', or on the ratio of male-to-female control. To a large extent, the political system is flying blind in this policy area. Nonetheless, only an ideologue would say there are no male victims of Coercive Control.

Anecdotally, most MPs would know of women who are the dominant (and at times, domineering) partner in relationships. The proposed laws would impact on women saying to their male partners:

- "Unless you fix yourself up, you won't be seeing the kids again";
- "I want all of your pay to go into my bank account so I can run the household budget properly";
- "Suck it up, buddy, online shopping is great, as now I get my packages delivered to my work, spending our money without you knowing it"; and
- "These jobs need to be done around the house before you can go out with your mates".

The Women's Safety NSW Position Paper deals extensively with the problem of arresting women. It recommends police retraining and changing police procedures and judicial guidelines to focus on men only. It even rolls out the nonsense of 'unconscious bias'. (Page 88)

The Position Paper also twists the notion of 'fear' in relationships, in a self-fulfilling way of arresting men only. At Page 56, it is argued:

This element of fear must be considered in the context of the gendered nature of domestic abuse. While a man may suggest that his wife's 'nagging' behaviours amount to Coercive Control, he may not necessarily fear her. On the other hand, a woman who is being controlled by her male partner may be genuinely fearful of him if he also has the physical strength to overpower or seriously injure her. The fear element is therefore crucial in distinguishing between genuine coercive control within relationships where there is fear and intimidation, and behaviours that may be irritating but not abusive.

Under this schema, only men can commit Coercive Control. Domestic violence is defined as strictly 'gendered' and only men can create fear in their partner. For a decade or more, Left-feminists have argued that domestic violence is more than physical, that it also involves mental and emotional abuse. Yet in an act of circular contradiction, Women's Safety NSW has now gone back to the physicality dimension, to rule out the possibility of male victims of Coercive Control. Naturally, the Greens wrote this 'fear' provision into Section 14A(b) and (d) of their Bill.

### **Criminalising Parenting**

Of greater concern, both the Labor and Greens Bills cover all domestic relationships. Anna Watson spelt this out in her Second Reading speech on 24 September 2020, declaring that, "For clarity, the definition of 'domestic relationship' in Section 5 of the Crimes (Domestic and Personal Violence) Act 2007 covers all relationships in this offence."

Section 5 includes married and de facto partners, 'intimate personal relationships' (whether of a 'sexual nature' or not), people who are

living or have lived in the same household, or 'relatives'. At Section 6, 'relatives' is given a broad definition, taking in parent/child, sibling, grandparent/grandchildren, stepfather and mother, in-law, uncles-and-aunts/nephews-and-nieces relationships, and even cousins.

Thus the Labor and Greens Bills seek to apply Coercive Control laws and penalties well beyond couples. They have extended their reach across all family structures and housemates. In particular, they are seeking to criminalise parenting, with no statutory time limit on the accumulated offences.

Sensible, responsible parenting requires boundaries being set around child behaviour. It's an essential part of teaching children the difference between right and wrong. Nearly all families rely on it. Automatically, these practices would be captured under Coercive Control laws. For instance, it would be illegal for a parent to say to a child:

- "You're grounded this week for doing the wrong thing";
- "I'm cutting your pocket money for a fortnight";
- "If you don't wash up, you're in bed by 9"; and
- "If you don't do your homework, you're not playing sport this weekend".

While one expects excessive state control from the Greens, it is frightening to think that the ALP, the alternative NSW government, would jail parents for simply fulfilling their responsibilities. In announcing the policy (approved by the full Caucus) on 18 September 2020, Jodi McKay declared on social media:

Labor is the first major political party to bring forward a Coercive Control Bill to the Parliament. This will save lives. I'm very proud of the excellent work by my colleagues Anna Watson MP, Trish Doyle MP and Paul Lynch MP.

Lynch is the Shadow Attorney-General, so he must have given legal vetting and approval to the Bill. Thankfully, his Coalition counterpart, Mark Speakman, has said the Government will not extend Coercive Control laws across all relationships, as per Sections 5 and 6 of the

mother Act (*Daily Telegraph*, 21 January 2021). This then raises a fresh difficulty: in defining and limiting what they would apply to.

As we have seen in the Gladys Berejiklian/Daryl Maguire matter, it is hard to pin down the meaning of 'intimate personal relationship' in today's society. Relationships are more variable and flexible. Old stereotypes have been lost. Inevitably, any attempt to codify these deeply private arrangements will be imperfect, adding to the degree of difficulty in legislating for Coercive Control.

Incredibly, the Committee Chair, Natalie Ward MLC, told Radio 2GB (25 January 2021) that the Committee would not be examining the Labor Bill, even though it is currently before the Parliament, and the mover of the Bill (Anna Watson) is on the Committee. This is a striking abdication of the proper role of a parliamentary committee, which is to apply scrutiny to legislation. What's the point of the Committee if not to fully assess Bills Labor and the Greens plan to debate and vote on in the Legislative Council and Legislative Assembly? The Ward limitation should be rejected.

## **Conclusion**

There is little to commend the Coercive Control agenda. It's a continuation of failed domestic violence policies that misunderstand the nature of the problem and divert political attention and resources away from real solutions (lifting people out of poverty) in favour of gender-focused propaganda.

It also has a series of practical problems that threaten to criminalise normal, responsible parenting, as well as consenting/trivial aspects of private relationships. It is laden with unintended consequences, coming off a dubious evidence base.

The proponents of Coercive Control laws also propose to actively discriminate against men, by retraining police and judicial officers to only pursue male offenders. By any decent community standard, this misandrist element makes the proposal unacceptable.

The Committee should follow the evidence. The best specific predictor of domestic violence is prior criminal offences. This should be the focus of law reform, ensuring that perpetrators are kept in jail longer and/or subject to more intensive and effective rehabilitation

programs, targeted at communities where reoffending is known to be high.

I urge the Committee to stand by the established principles of our criminal justice system and reject wild and discriminatory political experiments in Coercive Control. In particular, the Labor and Greens Bills should be opposed.

**Mark Latham MLC**  
**25 January 2021**