

**Submission  
No 15**

## **COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS**

**Name:** Name suppressed

**Date Received:** 26 January 2021

Partially  
Confidential

25 January 2021

NSW Joint Select Committee on Coercive Control  
Parliament House  
6 Macquarie Street  
Sydney NSW 2000

Dear Committee,

### **Necessity for Coercive Control Legislation**

If we looked back through the generations, domestic violence would be there in the history of every family as physical violence, possibly affecting our mothers, grandmothers, great-grandmothers and in every generation before. Thankfully, such violent behaviour which was once commonplace, is no longer tolerated by society or the law. What has not changed is the need of some men for dominance and control over their partner. Over time, this compulsion for control has morphed in accordance with societal tolerance and laws into what is now slowly emerging as 'coercive control'. This new guise of domestic abuse has crept into our communities, taking us by surprise. We now need to catch-up and combat its scourge. There is an urgent need for widespread awareness in the community, educational programs across all sectors and new protections and laws.

The evolution from traditional physical violence into a much more subtle form of abusing has surely occurred in part to elude the law. Our legislation now needs to be adapted accordingly. This evasive abuse has been further enabled by innovations in technology, allowing victims to be tracked and stalked more easily.

Some time ago, my kind and gentle friend was brutally murdered by her husband. His final act of control was his first of physical violence. My friend had been subjected to years of what I now identify as coercive control. This was a term I was not familiar with, let alone knew the dangers of, until it was too late. Although I recognised his behaviours as abuse, I saw his actions as damaging, not dangerous. My concern for my friend was for her well-being,

not her safety. For a long time my friend, while regarding his behaviour as unreasonable and unacceptable, in the absence of physical violence did not perceive it as abuse.

The only thing coming between them was him. What is this phenomenon that is so powerful it distorts perception of reality and defies logic, turning seemingly ordinary men into killers, forsaking everything that had ever been important to them?

In the aftermath of my friend's senseless death, I concluded that it could not have been predicted. I analysed how we could possibly know the extent of what someone with no history of physical violence may be capable of. It seemed to me a lottery as to which of the fundamentally law abiding bullies that try to dominate and control their partners, getting away with what they can, would go on to commit murder.

We see the brief news reports and are aware of the statistics however in reality we know very little of the background in cases of domestic homicide. It is easy therefore to surmise that such murders must have been committed by the most physically violent abusers.

Some months after my friend's murder I stumbled upon the term 'coercive control' and started researching from there. Most of the information I found was from the UK. I was shocked to learn that this form of abuse is the most likely to lead to homicide and therefore the easiest type of homicide to predict. It was absolutely devastating to realise that while I had been monitoring for an escalation to physical violence or threat of violence, the real predictors had been playing out in front of me.

Another huge revelation was the ground-breaking research by UK forensic criminologist, Professor Jane Monckton Smith, 'Homicide Timeline - The 8 Stages', and my discovery that not only was coercive control a known precursor to murder, there was actually a measure of the risk. Following the pattern felt like reading my friend's story, it was all in there. For the first time,

something so complicated and clouded was simplified. It crystallised my friend's experience and it was immediately apparent the serious danger she had been in for some time prior to her murder. I believe that the Homicide Timeline will save lives and should become a global tool to be used routinely in measuring the risk of homicide.

[https://www.youtube.com/watch?v=IPF\\_p3ZwLh8](https://www.youtube.com/watch?v=IPF_p3ZwLh8)

<http://eprints.glos.ac.uk/6896/1/6896%20Monckton-Smith%20%282019%29%20Intimate%20Partner%20Femicide%20using%20Foucauldian.....pdf>

I strongly believe that the introduction of coercive control legislation and the awareness surrounding it would improve and save lives. I also believe that had this legislation been in place, it could have saved my friend's life. Those of us closest to her have paid a high price for lack of awareness, something that is hard to live with, an indelible scar. She has paid the ultimate price. I find it unacceptable that Government are sitting on recommendations, including those for coercive control legislation, which have not been acted upon while women and children continue to suffer and die, many not even realising the extent of the danger they are in.

The very introduction of this legislation would be a huge step forward. It would validate the experience of women suffering an abuse that is often not obvious to anyone outside the relationship. It would put a name to it and provide a language to explain abuse that is nuanced and difficult to articulate. An awareness campaign around the introduction of the legislation would inform women just how much danger they could actually be in and they would be encouraged to escape the relationship in its early stages or to seek help and report the abuse sooner. Family and friends of the victim and perpetrator would be alerted. It would send a clear message to perpetrators. They would be put on notice that society will no longer tolerate this hideous abuse that has previously gone unchallenged, except possibly only by the victim, and by continuing they would be punishable by law.

I believe that coercive control legislation would go a long way towards prevention and early intervention. Women whom are well enough informed

could discontinue a potential relationship before its progression and avoid entrapment and danger. Men would no longer have the excuse that their behaviour is lawful and may well seek help for themselves. Couples would possibly seek intervention at a point the relationship is still salvageable, long before escalation of behaviours when boundaries are irrevocably crossed. Police involvement at an early stage would diminish the power of the abuser, put them on the radar and allow appropriate monitoring of the couple going forward. I also believe that legislation should include compulsory treatment orders for offenders.

The longer coercive control is present in a relationship, the more difficult it is for victims to escape. Perpetrators whose controlling behaviours are long-standing and ingrained are the least likely to seek help or respect interventions. As we have seen, many such perpetrators have no regard for any police or court orders. Consequences at that stage seem to either have stopped mattering or are lost sight of altogether, whichever may be the case when perpetrators become their most dangerous.

Scotland in particular has introduced coercive control laws effectively and with immediate success. This has largely been put down to the level of preparation, training and resources put in place across all sectors prior to their introduction. Preparation even extended to educating the media on the reporting of domestic abuse. Additionally, the introduction of the legislation coincided with a powerful and informative public awareness campaign. It is imperative that NSW follow suit in both respects prior to the introduction of any new law.

[https://www.youtube.com/watch?v=HX\\_Lx9h2qSk](https://www.youtube.com/watch?v=HX_Lx9h2qSk)

<https://womensaid.scot/project/hidden-in-plain-sight-domestic-abuse-and-coercive-control/>

<https://www.wihb.scot.nhs.uk/domestic-abuse-isnt-just-physical/>

Since the introduction of coercive control laws in the UK, public awareness has continued to grow. The two major soaps, followed across generations, each have a long-running coercive control storyline. There have also been several

TV dramas on the subject. The storylines have been constructed in consultation with victim-survivors and experts in the field.

In Australia there is still very little understood in the community of coercive control. This ugly topic has finally started to gain momentum and has undoubtedly been propelled into the spotlight in response to the horrific murders of Hannah Clarke and her three little children last year. Also pivotal in starting the conversation in earnest in Australia is the highly acclaimed work of Jess Hill, 'See What You Made Me Do', which examines every aspect of domestic abuse and coercive control. Jess Hill's prominence and tireless advocacy ensures the topic remains in focus.

Lack of understanding has also led to concerns that legislation could result in the criminalisation of normal bouts of 'bad behaviour' or that victims may be seen as perpetrators when defending themselves. Anyone that has experienced or has any understanding of this sinister pattern of behaviour and the invisible chains that tangle and bind its victims knows that would not be the case. Another reason that extensive training is essential. Those that hold this view clearly do not fully understand the seriousness of the problem and the true extent of the damage and danger which erodes and destroys in one way or another. They might well also be those that ask "Why didn't she just leave?" unaware of the tremendous complexities and practicalities. Fear is a feeling and exists in cases of coercive control often in the absence of tangible evidence of abuse. It is important that those suffering this abuse are taken seriously, the dangers realised and that victims are supported and protected through their journey to escape. Any suitably trained police officer would be able to detect the very genuine levels of anxiety, hypervigilance, distress and fear in victims. The similarities in the trajectory of this insidious pattern of behaviour as it progresses would also more than likely involve the presence of other illegal behaviours such as stalking or tracking the victim.

The complexity of coercive control is no excuse not to have very necessary legislation. With targeted educational programs and effective awareness campaigns, coercive control will be seen more clearly for exactly what it is,

very damaging and extremely dangerous, its victims in urgent need of protection.

As it stands, it is difficult for women when they are concerned or fearful to contact police to report something that is not against the law and may not be understood by attending officers. As police powers are currently limited, based on actual incidents, the victim contacting the police may well only result in further ramifications. The current system trivialises the incident and the victim's experience and is futile in either assisting the victim or prosecuting the perpetrator. With legislation in place and appropriate training, police responding to a call would be able to recognise the incident in the context of coercive control. Contrary to complicating the legal process, I believe coercive control laws would simplify it, dealing with the bigger picture of what is actually going on.

Although a huge step forward, of course coercive control laws only partially address the problem. There are no easy solutions to this complex and multi-faceted issue but it does need new approaches and should be tackled from all angles. I believe the following implementations would also make a difference.

- Substantially increased annual funding going forward.
- Increased emergency accommodation and long-term safe housing.
- A mandatory module in school safety programs on healthy relationships, outlining unacceptable behaviours, with a view to effecting generational change. A similar module could be introduced for new migrants as part of an integration program.
- Hard-hitting awareness campaigns alerting the warning signs and dangers of coercive control, including its link to homicide. This would encourage women to escape or to seek help as soon as possible in the relationship before abusive behaviours become established and the victim becomes trapped. Such campaigns may well also provoke abusive men to question their behaviours, as well as serve to alert those around the victim and perpetrator. As other important safety campaigns have

done in the past, such as wearing a seatbelt or swimming between the flags, campaigns warning the dangers of coercive control will educate the community and save lives.

- Specialised training in coercive control and safe intervention for police, counsellors, social workers, clinicians, religious leaders and all other relevant professionals.
- Domestic abuse coordinators in all police stations.
- A less fragmented system for victims whereby they can access all services (including legal) in the same place, perhaps within their own community through the local council. A similar program could also be run for men recognising their need for help and for couples as a means of prevention when concerning behaviours are first identified.
- Free expert legal advice for all victims which is not means tested. As many victims' finances are being controlled and monitored, payments to lawyers would be noticed and could put the victim in further danger.
- Legislation to allow victims of domestic abuse uncomplicated access to their joint assets, thereby eliminating one of the obstacles in women leaving the relationship earlier. The ability of perpetrators to assume control over joint assets, complicating and obstructing the victim accessing their rightful share, disempowers women and further enables ongoing abuse. This should also be the case for dependants or beneficiaries in the event of death by domestic violence. Perpetrators that commit murder should not have control of joint assets.
- More cohesive policing which could perhaps include an alert system which flags both victims and perpetrators when future calls are made, regardless if the allegation is subsequently withdrawn.
- Domestic Violence Orders to include compulsory monitoring and tagging. It is essential that perpetrators identified as high-risk are kept track of at all times.
- Register of known past repeat offenders. The research shows that perpetrators transfer their abusive behaviours to new relationships.



- Introduction of Clare’s Law (Domestic Violence Disclosure Scheme) whereby a person (agency or relative) with cause for concern can make an application to police for disclosure of any past history their partner may have of violence or abuse.
- A comprehensive multi-language Government website offering information and pathways, including Professor Monckton Smith’s Homicide Timeline as a risk assessment.
- Further research into creating safe escape routes for victims trapped in established abusive relationships that maintain their safety for the long-term. I am unsure how in extreme cases this is possible after a victim’s initial escape. When a perpetrator is consumed and motivated to find, harm or destroy the victim at all costs, even to themselves, this is a massive challenge. As is now known, the most dangerous time for victims is when the perpetrator realises their intent to leave or immediately afterwards. Ironically, it is the intolerable abusive behaviour of the perpetrator that eventually leaves the victim with no choice but to seek refuge and escape the abuse. It is urgent that safe pathways are created to give victims confidence that they will be protected through this difficult journey and into the future.
- Further research into the commonality of traits in perpetrators and how to achieve safe and positive intervention to break the cycle of long-standing abuse. This will be the biggest challenge but essentially the key to fully addressing this noxious problem that is plaguing our society. Dismantling the ‘time bomb’ and reprogramming high-risk perpetrators would have to be done by highly specialised professionals. The presence of omnipotence, narcissism and sense of entitlement are a lethal combination in perpetrators, whom appear to have a warped sense of reality. The absence of genuine remorse (not the common tactic used as a means of manipulation) demonstrates their perception of justification in their actions, even murder, not that they have made a terrible regrettable mistake. These chameleons with the ability to present a different persona to the outside world, appearing to lead normal day-to-day lives, holding down jobs and being able to portray themselves as ‘a good bloke’ are master manipulators. Until it is understood how to safely intervene and bring high-risk perpetrators back from the brink,

women and their children can never be safe.

- Reform within the Family Law Court system to better protect women and children. When young children are involved, the issue becomes increasingly complicated and an avenue for perpetrators to maintain some form of control over victims for many years.
- Harsher sentences commensurate to the crime. In cases of premeditated and brutal murder, perpetrators should spend the rest of their natural lives in prison.

Home is the one place we should all feel most safe and that this is not the case for countless women and children is incomprehensible. It is also unsatisfactory that even those that have managed to escape an abusive relationship, still find they are looking over their shoulder decades later, never having the feeling of complete safety.

We cannot keep domestic abuse in the too hard basket any longer. Preventing it is everyone's responsibility. It needs to be exposed and weeded out of society and the light shone onto it so brightly that perpetrators know they can no longer hide. Seek help or else! It must be called out at every opportunity and all of us need to be informed enough to recognise the warning signs when those around may be in danger or are entering into new relationships. What is expected of our Government is the laying of foundations in protections and laws and ensuring they are backed-up by adequate training and resources. It is also imperative that what is common knowledge within the sector becomes widespread awareness in the community.

Now is the time for real and effective change, starting with legislating coercive control as the very serious crime that it should be. It is essential that women suffering abuse so damaging and downright dangerous have the full protection of the law. It is totally unacceptable that victims of this reprehensible and relentless abuse feel they have nowhere to turn and completely at the mercy of the all-powerful, their abuser.

Until we make a real commitment to addressing this issue and realistically protecting women and children, too many more precious lives will be tragically and senselessly lost, like that of my beautiful friend. Her incredible resilience and strength of character still astounds me, the only thing that could overpower it was an act of unspeakable violence. She was a special person, always putting others ahead of herself. It would be her wish that lessons from her senseless death lead to changes that help others living with domestic abuse and coercive control escape and be able to live their lives safely and in peace, which is all she ever wanted for herself.

Thank you for reviewing my submission.

Yours sincerely,

(Name Withheld)