

**Submission
No 31**

COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS

Organisation: De Saxe O'Neill Family Lawyers

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Submission to Joint Parliamentary Subcommittee Inquiry into coercive control in domestic relationships

Introduction

We own and operate a family law practice on Sydney's northern beaches and have an extensive combined experience working with families both in family law and social work.

We are confronted by domestic violence on any given day and we have certainly seen greater reporting and actions taken in recent years. This is particularly so since its various forms were named and recognised by the law as domestic violence. Society has become educated. Victims of domestic violence, whether it be emotional, physical, verbal, sexual or financial, can seek assistance more than ever before. Why then are we still seeing such numbers of women – in the large part, being killed or seriously maimed, fearing for their life after fleeing an abusive partner? We see first-hand that coercive control in domestic relationships is a pernicious form of domestic violence which traps victims in a cycle of dependency and despair and is the most dangerous form.

To illustrate, we considered it useful to share 3 real stories (names have been changed) about clients we have assisted in the last year to firstly, recognise what is occurring and secondly, leave safely and start again.

1. Lee and Mark

Lee and Mark were in a de facto relationship which was on and off for around 5 years. During this time, Mark stopped Lee from seeing her family as he convinced her that her family hated her and were making her depressed. Mark insisted that they move to a suburb one hour from her nearest family member and controlled all of their finances. He made Lee sign a binding financial agreement that limited her claim in the event of a separation. During the relationship, Mark was very jealous and set up a family sharing app so that he could monitor her text messages, emails and he also checked her phone calls. At times, Mark took her telephone as a 'punishment' if she had spoken or texted anyone without telling him. Mark was very sexually demanding and had a timetable for sex including that Lee would have to appear in sex tapes with him monthly. Mark wanted a child and when Lee did not get pregnant, insisted on IVF. A child was born, and Mark's controlling behaviour got worse as he could not compete with the baby who was dependent on Lee. Lee started taking medication for anxiety and depression and at times was unable to look after the child. Finally, after catching him sending sexually explicit pictures to another woman, Lee left however Mark's coercive control did not stop. He hounded Lee and claimed she was not a fit mother. Lee became more anxious, attempted self harm and had a breakdown requiring hospitalisation. During this time Mark cared for the child and refused to return him when she recovered. He then insisted that he was going to move to a rural property, take the child and move her onto a separate dwelling on the property to monitor her and if she refused to go, he would publicly release a sex tape he had of her.

Lee was referred to us and with the assistance of her psychologist realised what had been happening to her and is trying to recover.

2. Cathy and Simon

Married for 15 years with two children, Cathy came to see us following the family's return to Sydney after being posted to the UK for Cathy's work. She was the main financial earner, highly intelligent and well regarded by her employer and peers. Simon had struggled to maintain employment for any length of time and when they lived in London, did not work at all. During the relationship, Simon had insisted on family sharing apps and he read all of Cathy's emails, text messages and listened to her voicemail. He also deleted any male contacts on her telephone and regularly sent offensive text messages to Cathy's family. On their return to Australia, the family moved in with Simon's father who was rude and aggressive to Cathy and the children. The couple's belongings arrived and were put in storage. Simon refused to allow Cathy to access anything. He removed all of the family's personal documents and would not return them and he set up a motion sensor camera in the bedroom so he could monitor Cathy at all times. Simon stopped Cathy taking the children anywhere without him and continued to monitor her telephone calls and emails. Simon was an active social media user who regularly vilified people and made veiled accusations against Cathy and his own family.

Cathy finally became empowered to leave when Simon's family became Cathy's allies and gave her the conviction to move out with the children.

3. Sarah and Luke

Married for 14 years with 2 children. Sarah first became aware of Luke's controlling behaviours when they were first going out as she often found him checking her telephone. He used to say he thought it was his phone and it was a mistake. Over the years she caught him deleting her messages, sending sexually inappropriate messages to male contacts and checking her emails. Luke regularly verbally abused Sarah telling her she was ugly, that no other man would put up with her, she was a poor mother and a terrible homemaker. Luke would not share finances, claimed his building business made no money and insisted that Sarah use her salary for all of the household expenses. He would regularly go on drug and alcohol binges and stay out all night – each time blaming Sarah for making his life so hard that he needed to find relief. He refused to allow Sarah to have any friends over and would not let the family go to any social events. He would only allow Sarah to see her family in the NSW west once a year and whilst they were there, he would not let her speak to her family without him being there. Sarah thought it was her fault and blamed herself as she couldn't make Luke happy. The final straw came when she found a tracking device in her car which Luke had placed there so he knew where she had been and who she had visited. We and other mental health professionals are working with Sarah to fashion a safe exit for herself and her children.

Recommendations to be considered;

1. Specific training for Police, front line health workers, lawyers, judicial officers, child protection professionals and other family support service workers to identify and appropriately respond to reports of coercive control so that victim is taken seriously
2. Inclusion of coercive control into all national definitions of family violence and consistency across all risk management frameworks and provision of education materials in organisations included by not limited to schools, community organisations and prisons.
3. Extensive consultation with all stakeholders to assist with the education process

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