

**Submission  
No 46**

## **COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS**

**Organisation:** The Salvation Army Australia

**Date Received:** 28 January 2021



## **Submission to the New South Wales Joint Select Committee on Coercive Control**

**Prepared in response to the NSW Government Discussion Paper on Coercive Control**

**January 2020**

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## Statement of Recognition

The Salvation Army acknowledges the Traditional Owners of the lands on which we live and work.

We pay our respect to Elders and acknowledge their continuing relationship to this land and the ongoing living cultures of Aboriginal and Torres Strait Islander peoples across Australia. We also acknowledge future aspirations of all First Nations peoples.

Through respectful relationships we will work for the mutual flourishing of Indigenous and non-Indigenous Australians.

We commit ourselves in prayer and practice to this land of Australia and its people, seeking reconciliation, unity and equity.



## Introduction

The Salvation Army thanks the New South Wales Joint Select Committee (**the Committee**) for the opportunity to provide a submission on coercive control in domestic relationships.

The Salvation Army provides a wide range of services and support to people across Australia as part of realising our vision and living our values.

Whilst we do provide some specialised services within the legal system our response to the Committee is evidenced on our extensive experience working with people seeking front line experience from financial counsellors from our MoneyCare services, case workers and emergency relief workers or volunteers from our Doorway services and social workers and managers from our family and domestic violence services. Our submission focuses on questions 1, 2, 3, 4, 7, 9 and 15 posed in the Department of Communities and Justice Discussion Paper released in October 2020.

The key messages of our submission are:

**Any decision around policy or legislative responses must be driven by the actual lived experience of coercive control** – to this end we encourage the Committee to proactively seek the views of victim-survivors in a way that ensures that providing evidence will not endanger or re-traumatise the victim-survivor. Defining acceptable and unacceptable behaviour is critical - To provide the best services we can we have developed a list of behaviours we do not consider would be present in a healthy, 'ordinary' relationship (Appendix A). We do not have the expertise to determine if these behaviours should be considered criminal but we do know that they cause harm. We offer our practical experience in these behaviours to assist the Committee in defining the problem to be addressed.

**In considering criminalisation, we would draw attention to the experience of criminalising modern slavery activities and the experience of other jurisdictions** – the critical factor in this evidence is that criminalisation is likely to only be effective if other broad-based supports, appropriate training for police and frontline workers and community reinforcement of acceptable behaviours is provided.

**Community education is critical to addressing coercive control** – We believe that improved education around healthy relationships in primary and secondary schools, education around financial literacy for adults and inclusion of coercive and controlling behaviours in all risk identification, assessment and management practices would assist in addressing coercive control.

**Any policy or legislative response needs to be monitored and evaluated** – especially in relation to victim survivor safety, wellbeing and recovery and perpetrator accountability and rehabilitation.

## Questions 1 and 2: Definition of coercive control and abusive coercive controlling behaviours.

### Behaviours

Coercive control must be more than just a single incident, it is a pattern of abusive behaviour over time. Underlying the abuse is the factor of control and compelling or forcing a person to do or refrain from something that they want to do. It is complete loss of an individual's autonomy, self-esteem and independence.



*“My husband was very controlling, he wouldn't allow me to work or leave the house without his knowledge, he was abusive psychologically and emotionally, he was demanding in nature and generally left me feeling I had no choice in my life and had no prospects for the future.”* (Person with lived experience from our service)

The definition of coercive control must address a wide variety of abusive behaviours including social, financial, psychological and technology-facilitated abuse. This definition must also consider the need to capture the full range of behaviours which can include conduct directed towards people other than the victim themselves including children, other family members and even animals or pets.

The Salvation Army has recently developed a comprehensive trauma-informed model of care for our specialised family and domestic violence services (Model of Care). This Model of Care was developed in consultation with experts in the family violence sector and is supported by a suite of policy, practice tools, training, client participation, and formal reviews that aims to drive both the practice and culture around how our organisation responds to family violence.

Our Model of Care defines family and domestic violence as behaviours that threaten, control, or dominate a current or former partner, family member, or person in a family-like or kinship relationship causing them to fear for their own or another person's safety or wellbeing. The definition also recognises exposing a child, indirectly or directly to these behaviours or their effects.

We believe the Committee may find our family violence categories of behaviours, in particular the non-physical forms of violence: stalking/surveillance, financial/economic, spiritual/cultural, social behaviours, animal/pet abuse and technology facilitated abuse, helpful when considering a definition of coercive control. These behaviours are listed at **Appendix A**.

Our experience identifies that some of the more common and difficult to demonstrate evidence of demeaning behaviours are verbal abuse, threats, intimidation and isolation. This includes undermining a person's sense of reality by corrupting one's version of events and confusing or changing decisions to assert power, deplete a victim's sense of self, handing over of all liberties and enforced social isolation. Those with disability and mental health are particularly vulnerable to these behaviours.

Our Trafficking and Slavery Safe House in particular is confronted by the cultural influences of controlling behaviours. These include the use of shame, family reputation and family pressure as forms of coercive control as well as threats and manipulation around visa status and migration and risk of early and forced marriages.

Our National Safer in the Home program registered a 40 per cent increase during COVID-19, of surveillance and stalking behaviours. Concerns around technology abuse and surveillance increased by 46 per cent during COVID-19. The Salvation Army family and domestic violence services warns of the extreme dangers of sophisticated technology-facilitated abuse from overseas. For example, our services have anecdotally heard of reported cases whereby young men primarily from the ages of 25-35 are recruiting highly capable international hackers in order to access a victim-survivor's phone, accounts and personal computers. For this reason, the use of domestic and international third parties in facilitating abuse should also be considered in addressing coercive controlling behaviours.

Moneycare is The Salvation Army's financial wellbeing and capability service. It has been operating for 28 years and has helped thousands of people experiencing or at risk of experiencing financial and social exclusion in 85 sites across Australia. The Salvation Army Doorways service provides emergency relief and case management for people who are experiencing or may be at risk of financial hardship. Our Moneycare and Doorways evidence suggests that definitions in relation to financial controlling behaviours should extend to the withholding of family intellectual property. The extent of this control encompasses bank statements, bills, wills, mortgage information, pay slips and access to government platforms such as my.gov.au.

Moneycare and Doorways community members frequently state financial abuse in all types of relationships, this includes immediate family members, carers, guardians and relatives or other family groups recognised by various cultures and communities.

### Other factors to consider - lack of a nationally consistent approach

There is no national definition of family and domestic violence that includes coercing and controlling behaviours. The NSW government needs to adopt a statewide definition of family and domestic violence that includes non-physical forms of violence and demonstrates leadership for a nationally consistent definition that includes coercive and controlling behaviours.

The Salvation Army believes a nationally consistent approach to family and domestic violence will help avoid ongoing confusion within the community as to what 'defines' both physical and non-physical forms of violence; facilitates consistent responses to perpetrator accountability (eg. compliance with orders); and facilitates referral pathways and trauma-informed support that ensures that victim-survivors are not disadvantaged due to locality or situation.

## Recommendations

We recommend the Committee advise the NSW Government to:

- Seek out and consider the voices and experience of individuals with lived experience of coercive and controlling behaviours towards them to inform any legislative or policy reforms.
- Ensure coercive controlling behaviours encompass a broad range of situations, cultural influences, vulnerable cohorts and abuse that occurs in all types of relationships.
- Address the comprehensive overview of physical and non-physical family violence behaviours (see our experience of these behaviours at Appendix A).
- Demonstrate leadership for a nationally consistent definition of family and domestic violence that includes coercive and controlling behaviours.



## Question 3 and 4: Criminal and civil law and improvements.

The Salvation Army provides limited, specialised services within the court system, but we often come alongside victim-survivors as they interact with the system. Changes to current legal frameworks must address the points of contact between frontline workers and presenting evidence in court, to disposition by the court. These all present hurdles for victim-survivors to navigate and negotiate<sup>1</sup>, made more complex by a wide range of variables, including class, ethnicity and cultural background.<sup>2</sup>

The Australian Law Reform Commission has undertaken a review that identifies that family violence and abuse is a sustained and growing issue for the family courts.<sup>3</sup> We commend this report to the Committee.

Often the power imbalance within a relationship where family violence is present means that perpetrators control the finances of the victim-survivor. Consequently, when a victim-survivor interacts with the family law system there is significant financial disparity. In some cases, victim-survivors may not be eligible for Legal Aid, or find the eligibility for Legal Aid too complex or difficult. In other instances victim-survivors can be 'conflicted out' by the other party accessing Legal Aid first. We have also seen instances of perpetrators locking the victim-survivor out of accessing community-based legal centres by booking more than one service at a time. Even if a victim-survivor can access Legal Aid or a community based legal service, these lawyers may not have the time or resources to actually represent the victim-survivor or represent them in a way that can withstand privately funded lawyers casting aspersions on the truth of claims of family violence.

Our experience is that flexible brokerage packages are also often used to cover legal costs, displacing funds needed to help women transition into safe accommodation. During the 2019-20 financial year, 18 clients from Bayside Peninsula in Victoria accessed flexible support packages to a value of nearly \$62,000 to pay for legal fees relating to family violence.

Delays in the family law system can see victim-survivors settle for outcomes that are not safe or satisfactory. Some of the people we support have expressed that they feel they cannot move away or start the healing process because they are in 'limbo' and required to stay in their current location. There have been instances where our clients have withdrawn applications for a restraining order because of the exhaustion and stress of waiting so that they can move on with their lives.

<sup>1</sup> Australian Law Reform Commission. (2020). Review of the family law system. <https://www.alrc.gov.au/inquiry/review-of-the-family-law-system/>

<sup>2</sup> Walklate S and Fitz Gibbon K (2019) The criminalisation of coercive control: The power of law? International Journal for Crime, Justice and Social Democracy 8(4):94-108. <https://doi.org/10.5204/ijcisd.v8i4.1205>

<sup>3</sup> Australian Law Reform Commission. (2020). Review of the family law system. <https://www.alrc.gov.au/inquiry/review-of-the-family-law-system/>.

## Question 7: Advantages and disadvantages of creating an offence of coercive control.

In the first instance it is worth noting that legislative approaches rely heavily on victim-survivors' willingness and ability to involve police. Research from the Australian Institute of Criminology shows that many women do not seek help from police because of mistrust or an ineffective response when they initially sought help.<sup>4</sup> Our frontline experience repeatedly shows us that there are many reasons why victim-survivors are hesitant to report abuse. In many cases, victim-survivors just want safety for themselves and their children rather than punishment for the perpetrator. Victim-survivors fear they will not be believed and are terrified that the abuse will escalate if police intervene, or that they will be blamed for the abuse committed against them.

We are concerned that a stand-alone criminal offence of coercive control may give victim-survivors a false sense of security that in turn, adversely affects their safety. It is critical that the voices of those with lived experience are considered prior to determining whether the criminal law will be an effective vehicle for addressing coercive and controlling behaviours.<sup>5</sup> As argued above, it is equally important to have a nationally consistent definition of family and domestic violence that includes coercive and controlling behaviours, improvements to civil interventions and training for first responders.

If a separate criminal offence is created for coercive control it is paramount that that all first responders are able to correctly identify the coercive and controlling behaviours and gather the right information from the victim-survivor at the right time. For cases proceeding to court, a key issue is how to prove coercion, which rarely leaves physical evidence and may not have a third party as a witness who can corroborate the occurrence of the behaviour. A new offence will need to get this balance right<sup>6</sup> to ensure that accounts of abuse are to the requisite legal standard, avoid long drawn out processes and ensure the safety and wellbeing of adult and child victim-survivors.

In determining the utility of criminalising coercive control in the family violence context, we draw to the Committee's attention the current criminal controls in place and associated challenges of prosecuting certain slavery and trafficking offences under the Commonwealth Criminal Code Divisions 270 and 271.<sup>7</sup>

<sup>4</sup> Richards, K. and Lyneham, S. (2014). Help-seeking strategies of victim/survivors of human trafficking involving partner migration. Trends & issues in crime and criminal justice, 468, Canberra: Australian Institute of Criminology.

<https://www.aic.gov.au/publications/tandi/tandi468>

<sup>5</sup> Fitz-Gibbon, Kate; Walklate, Sandra; Meyer, Silke (2020): Criminalisation of Coercive Control - Research Brief. Monash University. Online resource. <https://doi.org/10.26180/5f72806cd6ab2>

<sup>6</sup> Queensland Government (4 October 2020). Palaszczuk government to get coercive control right.

<https://statements.qld.gov.au/statements/90986>

<sup>7</sup> 'Coercion' is defined in section 270.1A of the Criminal Code and is defined as including coercion by any of the following: force; duress; detention; psychological oppression; abuse of power; or taking advantage of a person's vulnerability.

The Commonwealth Director of Public Prosecutions has noted<sup>8</sup> that the major impediment to prosecuting these offences is the reluctance of people to give evidence, particularly as they (or their families) may have been the subject of violence or threats of violence, or because the allegation is that family members are involved in the offending.

Because the prosecution of matters involving human trafficking and slavery relies heavily on the evidence of individual victim-survivors, corroboration of that evidence is frequently necessary to meet the high standard of proof in criminal proceedings (as would be the case for offenses relating to coercive control). It is often challenging to corroborate this evidence. In some cases, victim-survivors may be unable or unwilling to contribute to a criminal justice process due to trauma or threats by the alleged offenders. It can also be difficult to corroborate victim-survivors' evidence to the high standard required in criminal prosecutions.<sup>9</sup>

We suggest the NSW government also consider the recent analysis and learnings from the Tasmanian laws that criminalise financial and emotional abuse. The Tasmanian legislation lacks clarity of the concept of reasonableness in terms of financial and emotional abuse, requires incidents to be reported within 12 months of occurring, and has significant difficulties around the operationalising of emotional abuse in the legal context. There are also overlapping offences in terms of what is included and excluded, 'arguably making both redundant'.<sup>10</sup>

Creation of any new offence will require a highly coordinated legal and non-legal workforce that has the appropriate expertise in identifying, investigating, assessing, prosecuting and judging such complex domestic and family violence matters. Monitoring and evaluating professional practice and system improvements must also be measured relative to outcomes including the extent to which the reforms improve victim-survivor safety, wellbeing and recovery and improves accountability of perpetrators.

## Recommendations

We recommend the Committee advise NSW Government to:

- Undertake further research to comprehensively address both international and domestic evidence and findings on criminalising coercive control including current challenges of prosecuting certain slavery and trafficking offences.

<sup>8</sup> Australian Government. (2020) Trafficking in persons. The Australian Government Response. Ninth report of the Interdepartmental Committee on Human Trafficking and Slavery. <https://www.homeaffairs.gov.au/criminal-justice/files/interdepartmental-committee-human-trafficking-and-slavery-07-2016-06-2017.pdf>.

<sup>9</sup> Joint Standing Committee on Foreign Affairs, Defence and Trade (2018) Inquiry into establishing a Modern Slavery Act in Australia. Final Report. [https://www.apf.gov.au/Parliamentary\\_Business/Committees/Joint/Foreign\\_Affairs\\_Defence\\_and\\_Trade/ModernSlavery/Final\\_report/section?id=committees%2Freportjnt%2F024102%2F25296#footnote70target](https://www.apf.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/ModernSlavery/Final_report/section?id=committees%2Freportjnt%2F024102%2F25296#footnote70target).

<sup>10</sup> Walklate S and Fitz Gibbon K (2019) The criminalisation of coercive control: The power of law? International Journal for Crime, Justice and Social Democracy 8(4):94-108. <https://doi.org/10.5204/ijcsd.v8i4.1205>



- Simplify and clarify the legislative framework to enable police and other first responders to identify and respond effectively to both physical and non-physical forms of family and domestic violence.
- Monitor and evaluate any changes in relation to victim-survivor safety, wellbeing and recovery and perpetrator accountability.

## **Question 9: Scope of offence and other factors to be taken into account.**

The Committee will no doubt receive extensive expert evidence in response to this area of the Discussion Paper. The Salvation Army cannot provide a direct legal response to Question 9, but we ask that when the Committee considers other evidence they keep at the forefront concerns we have raised in relation to Question 7. This is particularly critical in ensuring that an offense will not create a false sense of security for victim-survivors or involve a legal process that could retraumatise victim-survivors.

At Appendix A we have provided a portion of our Model of Care that outlines behaviours that we consider, on the basis of decades of direct service delivery, constitute family violence. These are the behaviours that we consider any legislative change would need to address while balancing concerns about the legal process more generally.

Again we would reiterate the importance of proactively seeking the voices of lived experience to inform any decision – recognising that systems and structures need to be in place to ensure that sharing this experience does not put the victim-survivor in danger of further violence or of being retraumatized (creating secondary trauma).

## Question 15: Non-legislative activities needed to improve the identification of and responses to coercive and controlling behaviours more broadly.

From our experience delivering a range of supports to victim-survivors of coercive control we can identify many non-legislative improvements that can be made.

### Prevention, early intervention and community education

Prevention, early intervention and community education to address patterns of coercive and controlling behaviours remain the most effective way to address the underlying problem. Evidence from our frontline experience identifies that many victim-survivors living with coercive behaviour do not realise that what they are experiencing is actually family and domestic violence. Many community members are confronted with this realisation for the first time after speaking to our Moneycare financial counsellors, Doorways case workers or our Doorways emergency relief centres.

The NSW Government needs to continue to find ways to empower all victim-survivors to identify all forms of abuse and as a community, address discrimination, disadvantage and entrenched gender bias and exploitation in the home, in relationships and in the workplace. We wholeheartedly support the Our Watch Change the Story policy approach to prevention and education<sup>11</sup>.

### Empowering victim-survivors to seek help

We need to ensure that when victim-survivors seek help from all frontline staff, that they are believed and receive help promptly and in the right way. Our experience shows that police training and responses remains critical and outside the specialist family violence sector, there is limited understanding of what coercive control is and how best to respond to it.



*“Police need training on identifying coercive control. Even today there are a lot of issues with police responding correctly to domestic violence. Individuals are being coerced into dropping charges, being cut off financially and left homeless and isolated”* (A frontline worker in our family and domestic violence service)

<sup>11</sup> Our Watch (2015) Change the Story: A shared prevention for the primary prevention of violence against women and their children in Australia <https://d2bb010tdzqag7.cloudfront.net/wp-content/uploads/sites/2/2019/05/21025429/Change-the-story-framework-prevent-violence-women-children-AA-new.pdf>

Some groups of women experience greater risks of family and domestic violence due to social barriers and intersecting forms of oppression, discrimination and marginalisation. These groups include Aboriginal and Torres Strait Islanders, women from culturally and linguistically diverse backgrounds, young women, pregnant women, women separating from their partners, women with disability, women on temporary visas, and women experiencing financial hardship.<sup>12</sup> While more research is desperately required into the risks experienced by those who identify as lesbian, gay, bisexual, transgender, gender diverse, intersex, queer, asexual and questioning (LGBTIQ+), our experience suggests that this cohort similarly experiencing greater risks due to marginalization and discrimination.

Aboriginal and Torres Strait Islander women may not seek help or report violence because they fear isolation from community and family connections, racism and lack of understanding from support services in their region. As Aboriginal and Torres Strait Islander women often live in tight knit communities, the whole community can be affected by family violence and a shared sense of shame can reinforce the unspoken rule to keep silent, especially within the historical context of white settlement and colonisation and the continuing impacts of loss of traditional roles and status within communities.<sup>13</sup> Others may have to leave the community and their spiritual connections to the land, creating trauma for both women and their children. Due to this sense of loss from community, land and family, many women leave family violence services and return to unsafe and violent relationships.<sup>14</sup> Some Aboriginal and Torres Strait Islander women have also mentioned to our staff that there is a lack of culturally appropriate family violence services that enable victim-survivors to safely disclose and build trust.

Our experience through the Moneycare program shows that women living in rural and regional areas experience high rates of financial abuse. Isolation creates limited access to help and support when needed and without access to a vehicle or transport they are unable to leave relationships, even when staying becomes dangerous. Financial abuse is often used against culturally and linguistically diverse women who due to language barriers are often isolated, have a limited understanding of their rights or the law and are scared to leave as they have access to no money for themselves and their children.

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<sup>12</sup> Australian Institute of Health and Welfare (AIHW). 2018. Family, domestic and sexual violence in Australia. Cat no FDV2. Canberra: AIHW. <https://www.aihw.gov.au/getmedia/d1a8d479-a39a-48c1-bbe2-4b27c7a321e0/aihw-fdv-02.pdf.aspx?inline=true>.

<sup>13</sup> National Aboriginal and Torres Strait Islander Legal Service. (2017). Strong Families, Safe Kids: Family violence response and prevention for Aboriginal and Torres Strait Islander children and families (Policy paper). [http://www.natsils.org.au/portals/natsils/Strong\\_Families\\_Safe\\_Kids-Sep\\_2017.pdf?ver=2017-10-18-111427-643](http://www.natsils.org.au/portals/natsils/Strong_Families_Safe_Kids-Sep_2017.pdf?ver=2017-10-18-111427-643).

<sup>14</sup> Ibid



*“Financial abuse is high within this [culturally and linguistically diverse women] cohort. They often have this as a threat – you have no money so how will you go?” (A The Salvation Army frontline worker)*

Many culturally and linguistically diverse (CALD) women and children remain isolated within Australian communities due to a lack of community connection outside of their culture and language barriers. CALD victim-survivors are sometimes not aware of the fact that they are in abusive relationships and those that do may be threatened daily with deportation by the perpetrator. The situation becomes more difficult for CALD women as many are told they will also not be able to take their children with them.

The Salvation Army has worked intensively with CALD women to facilitate access to services and support. Many do not know their legal rights in Australia and face significant barriers in engaging with support services, especially if they are not provided access to interpreting services. Our experience has identified that in some cases children are asked to translate advice to their respective parent, increasing trauma for both the child and the parent-child relationship. This issue is elevated in regional and remote areas with fewer services.

### Education on healthy relationships

Violence is preventable. We must continue to educate the community to recognise and call out coercive and controlling behaviours as unacceptable. Importantly, the National Community Attitudes towards Violence against Women Survey (NCAS) highlights that ‘violence supportive attitudes’ such as excusing perpetrators, minimising violence against women and mistrusting women’s reports of violence can influence social norms and expectations.<sup>15</sup>

Education on healthy relationships particularly in relation to respectful youth relationships within primary schools and healthy peer to peer and early intimate relationships in high schools is critical. We call on the NSW government to educate youth in the dangers and use of technologically facilitated abuse and, in particular, the use of social media and its ability to ‘blur’ a young people’s ability to navigate online peer relationships and the appropriate use of technology. This is particularly important considering the exponential use of intimate photo and video sharing and GPS monitoring of women and children since 2015.<sup>16</sup>

<sup>15</sup> Australia’s National Research Organisation for Women’s Safety. (2018). Are We There Yet? Australians’ attitudes towards violence against women & gender equity (Summary findings from the 2017 National Community Attitudes towards Violence against Women Survey). [https://d2m9qno7zhxqg.cloudfront.net/wpcontent/uploads/2019/12/05051806/300419\\_NCAS\\_Summary\\_Report.pdf](https://d2m9qno7zhxqg.cloudfront.net/wpcontent/uploads/2019/12/05051806/300419_NCAS_Summary_Report.pdf).

<sup>16</sup> Woodlock, D., Bentley, K., Schulze, D., Mahoney, N., Chung, D., and Pracilio, A., (2020). Second National Survey of Technology Abuse and Domestic Violence in Australia. WESNET. <https://wesnet.org.au/wp-content/uploads/sites/3/2020/11/Wesnet-2020-2nd-National-Survey-Report-72pp-A4-FINAL.pdf>



We continue to advocate for future investment and research into integrated family violence, child and family and perpetrator services that improve support for parent-child relationships and children exposed to family violence.<sup>17</sup>

### Training of all frontline staff

Due to the nature of coercive controlling behaviours, police will not always be the first responders for victim-survivors. For this reason, it is critical that all frontline staff that are employed or volunteer in an organisation have access to specialised training to correctly identify the person/s in need of protection and respond with meaningful support options for both the adult and child victim-survivor/s and the perpetrator.

We call on NSW government to deliver consistent and mandatory specialised training to identify and respond to coercive and controlling behaviours for police, lawyers, judicial officers, frontline health, animal health and education workers, financial counsellors, finance and banking employees, child protection workers, community case workers, mental health workers and disaster recovery staff as well as other child, family and retail service workers.

Training and response needs must also extend to the identification of other high risk factors of violence in particular the strong link between pet abuse and prevalence of family violence.<sup>18</sup>

### Financial literacy

NSW government must address the need for improved education around financial literacy and financial abuse. Data collected by the Household, Income and Labour Dynamics Australia (HILDA) survey suggests that around 45 per cent of Australians cannot demonstrate basic financial literacy.<sup>19</sup>

The Salvation Army's Doorways and Moneycare program provides free access to qualified financial counsellors who can help with crisis intervention and financial resilience services. In many cases, victim-survivors are running households with minimal funds as perpetrators direct all income for personal use, attach all bills, purchases and rental contracts to the victim-survivor's name and acquire significant debt, making it more difficult for the victim-survivor to escape violence. We have also assisted clients who have incurred government debt through incorrect reporting of income or coercive action by a perpetrator. In most cases, use of technology facilitated abuse is also present with other forms of financial and economic abuse.

As 'first responders' to victim-survivors experiencing financial abuse we continue to advocate for financial counsellors and the broader finance sector to be included in coordinated family

<sup>17</sup> Victorian Auditor General's Office. (2020) Managing Support and Safety Hubs (Independent assurances report to Parliament 2019-2020). [https://www.audit.vic.gov.au/sites/default/files/2020-05/20200527-Support-Safety-Hubs-report\\_0.pdf](https://www.audit.vic.gov.au/sites/default/files/2020-05/20200527-Support-Safety-Hubs-report_0.pdf)

<sup>18</sup> Andrew Campbell and Mark Randell (1 September 2020). Showcase by Lucy's Project: Criminal investigations, animal abuse and domestic violence. <https://www.lucysproject.com/events/>

<sup>19</sup> Preston, A. (2020, March). Financial Literacy in Australia: Insights from HILDA data. University of Western Australia Business School.



violence responses. Our experience delivering financial counselling, as well as family violence support, is that banks do not always have sufficient protections in place to safeguard against financial abuse.

### **\*Kylie's Story**

Kylie is a 56 year old women who was referred to the National Safer in the Home program by her accountant as she was not experiencing a level of high risk to qualify for a local family violence service. Kylie separated from her ex-husband in 2014 after being married for 30 years. During this time, Kylie became very successful in her career and despite being the main income earner in the relationship her ex-husband was in charge of all their finances.

During this time Kylie's ex-husband began to undermine her decision-making, self-worth and femininity. Kylie did not find out until decades later that portions of her wages were being placed in offshore accounts. Her ex-husband also paid a hacker to seize her email accounts and also opened bank accounts and credit cards in her name running up significant debts. This behaviour continued until they separated.

Following separation, her ex-husband began sending graphics and detailed death threats to her via strangers who she believed he was paying as well.

*\*Name changed\**

### **\*Lily's Story**

Lily is a 28 year old women and was in a 7 year relationship. She experienced psychological, verbal, sexual and financial abuse including manipulation, controlling and stalking behaviours. During the relationship her ex-partner controlled all finances and forced her to perform sexual acts in return for money for nappies or milk for their children.

During the relationship Lily's ex-partner obtained various loans in her name without her knowledge or consent. She discovered this late in 2019 as a result of accessing an email account unused for years. Lily continues to find new debts in her name. The debts currently total over \$50,000, in addition to previous debts totalling tens of thousands of dollars in her name. These debts have severely affected Lily's credit rating and she is unable to purchase a car she needs for transport for her children and her medical appointments.

Lily's old social media and email accounts, which she has previously deactivated, continue to be reactivated by someone else, Lily's ex has managed to access information from Lily's new online accounts and ascertained private information about her daughters' locations.

The Salvation Army has assisted Lily to make contact with all creditors and to provide the police with information. It is a slow process though and Lily is still experiencing trauma.

*\*Name changed\**

### Risk assessment and management

To ensure victim-survivors are met with an appropriate response on first disclosure the NSW government must undertake further research on the identification of risk of coercive and controlling behaviours along with consistent approaches in all risk assessment and management frameworks.

The development of the Family Violence Information Sharing Scheme (**FVISS**) and the Family Violence Multi-Agency Risk Assessment and Management Framework (**MARAM**) in Victoria, which importantly is supported by a suite of policy, practice tools, training, legislation, and formal reviews that aims to change both the practice and culture around how professionals and organisations respond to family violence.

An important feature of MARAM is that it applies an intersectional lens to support diversity and inclusion in family violence practice.<sup>20</sup> We draw this example to the Committee's attention as an example of current best practice.

### Recommendations

We recommend the Committee advise NSW Government to:

- Implement specialised training to all frontline responders so they understand coercive and controlling behaviours and can respond effectively.
- Focus on prevention, early intervention, community education including education around financial literacy and financial abuse to empower victims, particularly those within vulnerable cohorts, to seek help.
- Address the risk of coercive and controlling behaviours in all risk identification, assessment and management practices across New South Wales.

<sup>20</sup> Family Violence Reform Implementation Monitor. (2019). Report of the Family Violence Reform Implementation Monitor - As at 1 November 2019. <https://www.fvrim.vic.gov.au/report-family-violence-reform-implementation-monitor-1-november-2019/>

## Conclusion

The Salvation Army again thanks the New South Wales Joint Select Committee for the opportunity to provide evidence to this important Inquiry.

Coercive control is highly complex and due to its prevalence and impact on victim-survivors we support thorough research and consultation especially with those with lived experience, to determine if further legislation is required. This is particularly important as legislative measures ultimately rely on a victim's willingness and ability to assist police, first responders and the courts in investigations and prosecutions.

Any policy and legislative change must hold the safety and wellbeing of victim-survivors as paramount. It must be monitored and evaluated to ensure that safety and wellbeing of victim survivors is not being compromised including by ensuring that their ability to continue to be employed, pursue education and be connected with their community is not compromised.

Evidence from Tasmania and overseas confirms that widespread community education and extensive lead-in times are critical to ensure that victims are empowered to seek help and anyone who works in areas related to domestic and family violence is ready to identify and respond appropriately to coercive control.

The eradication of family, domestic and sexual violence is critically important to The Salvation Army in Australia and across the world. We believe it can be achieved through complementary efforts to address the societal drivers of violence, extensive frontline-worker education and approaches to family violence that are tailored to the individual needs and voices of victim-survivors.

We are grateful for the efforts of the Committee in examining and drawing attention to this critical issue. If there is any way, we can be of help to the Committee The Salvation Army would be very happy to assist.

## About The Salvation Army

The Salvation Army is an international Christian movement with a presence in 128 countries. Operating in Australia since 1880, The Salvation Army is one of the largest providers of social services and programs for people experiencing hardship, injustice and social exclusion.

The Salvation Army Australia has a national operating budget of over \$700 million and provides more than 1,000 social programs and activities through networks of social support services, community centres and churches across the country. Programs include:

- Financial inclusion, including emergency relief
- Homelessness services
- Youth services
- Family and domestic violence services
- Alcohol, drugs and other addictions
- Chaplaincy
- Emergency and disaster response
- Aged care
- Employment services

As a mission driven organisation, The Salvation Army seeks to reduce social disadvantage and create a fair and harmonious society through holistic and person-centred approaches that reflect our mission to share the love of Jesus by:

- Caring for people
- Creating faith pathways
- Building healthy communities
- Working for justice

We commit ourselves in prayer and practice to this land of Australia and its people, seeking reconciliation, unity and equity.

### Further Information

The Salvation Army would welcome the opportunity to discuss the content of this submission should any further information be of assistance.

Further information can be sought from Major Paul Hateley, National Head of Government Relations, at [REDACTED] or on [REDACTED].



## Appendix A: Family violence behaviours

This list presents a comprehensive overview of family violence behaviours as included in The Salvation Army Model of Care. This Model of Care was informed by experts within the sector and is incorporated into our service delivery guidelines, practice and training materials.

Category	Description	Examples
<b>Physical</b>	Assaulting or causing personal injury or fatality, disrespecting bodily integrity, damaging property, or threatening to do so.	<ul style="list-style-type: none"> <li>• Deliberately causing or threatening to cause physical injuries through hitting, punching, kicking, burning, pushing, throwing, strangulation, etc.</li> <li>• Using intimidating physical actions or gestures to instill fear of bodily harm.</li> <li>• Threatening to kill or using physical violence to cause near fatalities.</li> <li>• Restraining, tying, locking up or moving someone's body.</li> <li>• Covertly or forcefully giving medicine, drugs, alcohol, poisons, or other substances.</li> <li>• Controlling or denying access to food, medication, doctors, and healthcare treatments.</li> <li>• Using or displaying weapons (e.g. guns, knives, bats), or objects as weapons, (e.g. cars, blunt instruments, scissors).</li> <li>• Trying to control, force, or deny changes to a person's physical body or appearance.</li> <li>• Damaging or destroying property and personal belongings.</li> <li>• Damaging or moving a wheelchair, mobility aids or communication devices.</li> </ul>

Category	Description	Examples
<b>Sexual</b>	Sexual assault, rape, coercion, sexual harassment, non-consensual sexual behaviour or threatening to do so.	<ul style="list-style-type: none"> <li>• Pressuring, forcing, or expecting sexual intercourse, sexual acts, or touching.</li> <li>• Not obtaining consent or expecting that prior consent to sexual intercourse/acts means ongoing consent.</li> <li>• Pressuring or forcing to view, talk about, or participate in pornographic video/images.</li> <li>• Making sexual comments or engaging in humiliation or put-downs of a sexual nature.</li> <li>• Using alcohol or drugs to take control and confuse someone in order to engage in sexual assault/abuse.</li> <li>• Engaging, or threatening to engage in, sexual acts with other people.</li> <li>• Sharing, or threatening to share, private sexual information with other people.</li> </ul>
<b>Reproductive</b>	Behaviour that controls, constrains, or interferes with reproductive autonomy, choices, and decision-making.	<ul style="list-style-type: none"> <li>• Sexual abuse (see category) that is used to control or interfere with reproductive choices.</li> <li>• Forcing or pressuring someone to become pregnant, terminate a pregnancy, manipulate menstrual cycles, or engage in sterilisation.</li> <li>• Forcing or pressuring unprotected sexual intercourse.</li> <li>• Removing a condom/contraceptive device before or during sex without consent.</li> </ul>

Category	Description	Examples
		<ul style="list-style-type: none"> <li>• Denying access to or sabotaging contraceptives, such as condoms and birth control medication/devices and emergency contraception (e.g. 'morning after' pill).</li> <li>• Knowingly passing on a sexually transmitted infection or refusing to get tested for a suspected infection and continuing to force or expect sexual acts.</li> <li>• Stopping access to reproductive healthcare information, services, and tests.</li> <li>• Forcing, pressuring, or threatening genital cutting, mutilation, or surgeries.</li> </ul>
<b>Stalking/Surveillance</b>	Repeated behaviours of harassment, intimidation, monitoring and unwanted contact, including in current or former intimate/familial relationships.	<ul style="list-style-type: none"> <li>• Keeping track of someone's movements, contact with others, and plans.</li> <li>• Following someone to/from their home, workplace, and social activities or turning up unexpectedly at places</li> <li>• Sending or leaving unwanted gifts, notes, items.</li> <li>• Breaking into a home or workplace or entering via manipulating/threatening others or using unreturned keys.</li> <li>• Using the internet to contact, monitor, or intimidate via email, social media, websites, online databases, and records.</li> </ul>

Category	Description	Examples
		<ul style="list-style-type: none"> <li>• Checking mobile phones, tablets, computers and/or putting surveillance apps and software on devices.</li> <li>• Hiring or procuring others to engage in stalking and surveillance.</li> </ul>
<b>Financial/Economic</b>	Using money to hurt someone, denying reasonable financial autonomy or financial support.	<ul style="list-style-type: none"> <li>• Controlling access to money, financial institutions, bank accounts, assets, and financial information.</li> <li>• Controlling or denying access to money or other resources required for the care of children.</li> <li>• Controlling access to, denying, or forcing employment or paid work.</li> <li>• Denying access to education and personal development opportunities.</li> <li>• Taking income earnings and denying access to pay.</li> <li>• Denying financial autonomy completely or providing only an 'allowance'.</li> <li>• Requiring requests to access and explain use of funds, provide receipts, justify reasonable purchases.</li> <li>• Using household income for purchases, gambling, or other expenses that cause financial insecurity.</li> <li>• Making a person financially responsible for assets, debts, liabilities.</li> <li>• Dowry-related threats and abuse.</li> </ul>
<b>Spiritual/Cultural</b>	Preventing, controlling, or	<ul style="list-style-type: none"> <li>• Using scripture, religious/spiritual texts, or cultural beliefs to justify abusive behaviours.</li> </ul>



Category	Description	Examples
	<p>ridiculing spiritual, religious, or cultural practices and beliefs and/or manipulating practices and beliefs to cause harm.</p>	<ul style="list-style-type: none"> <li>• Forcing participation in a religion or cultural practices, or denying and controlling access to a religion, spirituality, or culture.</li> <li>• Shaming or insulting religions, spiritual or cultural beliefs.</li> <li>• Involving religious or cultural leaders in minimising, denying, or encouraging acceptance of control and abuse.</li> <li>• Pressuring and/or forcing non-consensual relationships or marriage on religious or cultural grounds.</li> </ul>
<b>Social</b>	<p>Social isolation from family, friends, and community networks and/or damaging social relationships.</p>	<ul style="list-style-type: none"> <li>• Stopping someone from contacting or seeing friends, family, or other people, and forming new social relationships.</li> <li>• Controlling movements and/or not allowing movement outside their home, room, yard, neighbourhood, or geographic boundary.</li> <li>• Denying or restricting participation in social and community activities and events, including pick-ups and drop-offs and social interactions with others.</li> <li>• Telling lies or manipulating information to humiliate someone in front of others or turn other people against them.</li> <li>• Deliberately causing someone to be late or miss events and appointments.</li> <li>• Restricting access to a vehicle, transportation, wheelchair, or mobility aids.</li> </ul>

Category	Description	Examples
		<ul style="list-style-type: none"> <li>• Involving multiple family members in the perpetration of abuse and controlling behaviours.</li> </ul>
<b>Psychological/Emotional</b>	Behaviour that causes emotional or mental distress and harm.	<ul style="list-style-type: none"> <li>• Verbal abuse, put-downs, name-calling, and humiliation.</li> <li>• Blackmail, emotional manipulation, ignoring and 'silent treatment'.</li> <li>• Yelling, shouting, using obscene language.</li> <li>• Jealousy, possessiveness and accusations of flirting or cheating.</li> <li>• Threats of harm, including toward children, family members, friends, pets.</li> <li>• 'Gaslighting' by using 'mind games' or creating an atmosphere to cause someone to believe they have a cognitive deficit or are mentally unwell.</li> <li>• Exacerbating existing mental health issues and using mental health issues to control or discredit.</li> <li>• Criticising appearance, thoughts, plans, and intelligence.</li> <li>• Giving orders and treating a person like they are a servant.</li> <li>• Using coercion to force someone to use drugs and alcohol.</li> </ul>

Category	Description	Examples
<b>Neglect<sup>21</sup></b>	Controlling, denying, or ignoring health and wellbeing needs that support someone to feel comfortable and safe.	<ul style="list-style-type: none"> <li>• Denying access to food, water, personal hygiene materials or providing inadequate amounts or poor quality/unsafe products.</li> <li>• Not providing a safe and reasonably clean environment to live in with access to personal privacy.</li> <li>• Denying or controlling access to bathrooms, laundry, running water and other ways of keeping a clean body, clothes, shoes, etc.</li> <li>• Engaging in social abuse (see category) to neglect access to support systems, transportation, and general quality of life.</li> <li>• Engaging in psychological abuse (see category) and treatment where a person is denied love, care, and kindness.</li> </ul>
<b>Animal/Pet Abuse</b>	Causing or threatening to cause the death or injury to an animal, irrespective who the animal belongs.	<ul style="list-style-type: none"> <li>• Causing physical injury or killing pets/animals or threatening to do so.</li> <li>• Talking about or demonstrating acts of violence and abuse toward a pet/animal.</li> <li>• Denying resources to sustain a pet/animal's health and wellbeing such as food, comfort, medication, etc.</li> </ul>

<sup>21</sup> This category has particularly impacts on children, people with disability or temporary impairments, older persons, and people living in institutions.

Category	Description	Examples
<b>Technology-facilitated</b>	Using technology such as phones, email, social media, or spyware to threaten, harass and harm.	<ul style="list-style-type: none"> <li>• Using the internet and technology to engage in stalking/surveillance, hacking and impersonating.</li> <li>• Using the internet and technology to spread lies and manipulate information causing harm.</li> <li>• Denying access to technology, computers, phones, or other devices and/or controlling access including use of passwords.</li> <li>• Engaging in repeated emails, phone calls, voicemails, text messages, or social media posts or messages.</li> <li>• Posting private photos/videos online without permission, including images with sexual content, or that are used to discredit and distress.</li> </ul>
<b>Migration-related</b>	Using and manipulating immigration systems to bully, control and threaten.	<ul style="list-style-type: none"> <li>• Threats of rescinding visa sponsorship, deportation and separation from family, children, and community.</li> <li>• Denying or controlling access to migration documents, visas, and passports.</li> <li>• Denying or controlling access to English language education or other settlement resources.</li> <li>• Manipulating or withholding information about migration status and eligibility.</li> <li>• Taking advantage of systemic problems caused by visa status to exert control, such as lack of government income</li> </ul>

Category	Description	Examples
		<p>support, healthcare, childcare and other resources.</p> <ul style="list-style-type: none"> <li>Engaging in human trafficking and modern slavery where a person becomes involved in a family/family-like relationship by means of threat, coercion, force, and deception.</li> </ul>
<b>Systemic/Legal</b>	Using legal or other systems to bully, control, and threaten.	<ul style="list-style-type: none"> <li>Keeping someone involved in legal processes, such as family law systems, vexatiously and repeatedly over time to scare them or wear them down.</li> <li>Using tactics to make the victim appear as though they are the perpetrator in order to turn systems, such as police, courts, and child protection against them.</li> <li>Stopping access to legal advice, social services, or therapy, including for children.</li> <li>Controlling access to or destroying documents or evidence, claiming documents are missing or not filing them with legal services or courts as requested.</li> <li>Breaching police or court orders, manipulating information about orders, or taking orders out against the victim.</li> <li>Representing themselves in court to examine and put the victim 'on trial'.</li> <li>Not showing up to court, avoiding or hiding from legal or justice systems.</li> </ul>

Category	Description	Examples
<b>Child abuse</b>	Violence and abuse that directly or indirectly harms children, their parental relationships, and their right to a care and protection.	<ul style="list-style-type: none"> <li>• Abusing or harming children or threatening to do so to children directly, or to their other parent, carer, or family members, using any of the above categories and tactics of family violence.</li> <li>• Exposing children to seeing, hearing, overhearing family violence or the effects of family violence, such as distressed parents, family members, or siblings, property damage, financial insecurity, housing insecurity, neglect, social isolation, contact with police, etc.</li> <li>• Forcing, pressuring or coaching children to use abusive and harmful behaviours against their parent/carer, siblings, or other family members.</li> <li>• Forcing children to clean up and comfort their protective parent/carer, siblings, or other family members after using violence.</li> <li>• Preventing or disrupting a protective parent/carer from reducing children's exposure to family violence.</li> <li>• Preventing or disrupting a protective parent/carer from creating a stable, nurturing, and loving environment for children.</li> <li>• Insulting a parent/carers abilities and capacity to look after children.</li> </ul>