

**Submission  
No 107**

## **COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS**

**Name:** Name suppressed

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Partially  
Confidential



Parliament of New South Wales  
Joint Select Committee on Coercive Control

By e:mail [coercivecontrol@parliament.nsw.gov.au](mailto:coercivecontrol@parliament.nsw.gov.au)

Dear Committee Members,

I was only made aware of this inquiry last week. My responses to the Discussion Paper questions are below.

Yours sincerely,



## 1. What would be an appropriate definition of coercive control?

There should not be a definition of coercive control introduced until the anti-male gender bias in the current domestic violence regime is resolved.

The potential list of coercive behaviours is very long (e.g. <https://www.mankind.org.uk/help-for-victims/types-of-domestic-abuse/>). Such a list is likely to be very difficult for an innocent person subject to false allegations (itself part of coercive control behaviour) to defend, particularly given the biases in and resources available to law enforcement that take an anti-male bias (refer Question 15 and reference of the NSW Police Force members taking the White Ribbon Oath).

The current system is failing men. Have a look at the stories from the Mothers of Sons website (<https://www.mothersofsons.info/>) and how their son's lives have been destroyed by false accusations.

The current system is also failing children, by denying them their right to have a meaningful relationship with their father.

I discuss the following areas:

1. False allegations - Gender bias - Male victims
2. False domestic violence allegations
3. "Ouster" orders / Exclusion orders
4. "Consent without admission"
5. Parental alienation

### 1. False allegations - Gender bias - Male victims

The current anti-male gender stereotyping must stop. Males are significantly represented in the victims of domestic and family violence and that what statistics for males do exist, they are affected by underreporting by male sufferers (refer the <http://www.oneinthree.com.au/> website). Men who have experienced partner violence are 2 to 3 times more likely than women to have never told anybody about it.<sup>1</sup>

Another aspect of identifying male victims is that men may not realise that they are in abusive relationships because the issue of domestic violence has historically been framed as one in which women are the victims.

Statistics from the oneinthree website and Infographic include that more than 1 in 3 victims of domestic homicide were male (35.2%). Additional statistics from that source are, show that in some categories, males are victims at a higher rate than females, including that during the last 12 months (of the survey):

- Almost half the persons who experienced emotional abuse by a partner were male (45.8%)
- 13.8% of men that experienced emotional abuse by a current partner had their partner deprive them of basic needs such as food, shelter, sleep, or assistive aids, compared to 6.4% of women.

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<sup>1</sup> \* Source: <http://www.oneinthree.com.au/infographic/>. This data is taken from the 2012 ABS Personal Safety Survey, as it was not published in the 2016 ABS Personal Safety Survey

- 8.9% of men that experienced emotional abuse by a current partner had their partner threaten to take their child/ren away from them, compared to 4.6% of women
- 38.5% of men that experienced emotional abuse by a previous partner had their partner lie to their child/ren with the intent of turning them against them, compared to 25.1% of women.

These statistics are not what the 'family violence industry' portrays in order to gain further funding.

Despite men being a significant group of the population affected by domestic violence, men are almost totally ignored as victims. As does the Discussion Paper.

Government programs, for example the commonwealth 'The National Plan to Reduce Violence against Women and their Children 2010 – 2022'<sup>2</sup>. Such programs almost totally ignore women as the perpetrators of abuse against men. These programs will not be effective in eliminating domestic violence until there is acceptance of the reality that females are a significant portion of perpetrators of domestic violence and men are a significant portion of victims.

Gender equality means dealing with female perpetrators and assisting male victims.

## 2. False domestic violence allegations

Situations of genuine domestic violence need to be dealt with. However, the current system of DVOs and AVOs is a travesty on our legal system and is corrupted by the many false allegations being made by aggrieved people.

I recently attended the local magistrates court because I was called for jury duty. I experienced what can only be called a toxic anti-male environment with all the anti-male domestic violence stands and paraphernalia. So much for innocent until proved guilty. And clearly there is no gender equality.

The definition of family violence already includes the threats by the one parent (particularly the female parent) to withhold contact by the other parent (usually male) with the children. However, these threats are not usually acknowledged, nor are they addressed. These threats are usually effective because of the gender bias in the system and lack of a rebuttable equal shared parental contact framework.

In any other situation of ex-parte hearings (i.e. only one party being heard like in DVO applications), the court takes issuing orders against the absence of the other party extremely seriously. This care is very much absent from DVOs, with magistrates deferring any challenging of the allegations to a formal hearing. An apt description is that magistrates issue DVOs like lollies. In the meantime the respondent (often male) has a DVO against him. This can and does lead to catastrophic consequences, including loss of income and employment, as a DVO is often treated as a conviction. Many licences, such as security, weapons, explosive

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<sup>2</sup> <https://www.dss.gov.au/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022>

licences appear to be linked to DVOs and false allegations often mean loss of licence and employment.

It seems that DVOs are now a common and almost standard tactical weapon, often used by women in separation and divorce situations. It seems to be common for a woman to make false allegations, get a DVO, with the increasing common consequence that the man is ousted from the matrimonial home, and is prevented from seeing his children. This then sets up a "status quo" situation, that courts seem loathe to change, where the children having little contact with their father. This then feeds into a financial reward for the woman through increased child support payments based on the low care percentages of the father.

The courts do not currently do much about false allegations.

The abuse of the system, in the name of domestic violence, and males assumed to be guilty, must stop!

The system needs to be fixed.

Until the abuse of DVOs and false allegations is fixed, you are going to continue to have children and their fathers harmed. Children are harmed through not having a meaningful relationship with their father. Fathers are harmed through many reasons, including financial stress and mental anguish from not having meaningful relationships with their children.

### 3. "Ouster" orders / Exclusion orders

"Ouster" orders / exclusion orders are being abused with false allegations. This exacerbates the harm (particularly from family violence from false allegations) against fathers and their children.

It is far easier to use a DVO and ouster order to remove a partner than applying for sole use and occupancy of the home through the Family Court. Many fathers find they are ousted from their home without even an opportunity of a hearing and contesting false allegations.

With an increasing number of businesses being run from home, these "ouster" orders are evicting men from their homes and access to their businesses. Such men are not being afforded the opportunity to get their business equipment and records, with the consequent effect of that business being damaged or destroyed. So not only are they homeless, but they are unemployed.

Until the abuse of "ouster" orders is fixed, you are going to continue to have children and their fathers harmed.

### 4. "Consent without admission"

The legal system is failing, mainly men, with the use of "consent without admission" arrangements. Many men are suckered into agreeing to these agreements, including under pressure by the lawyers, without understanding the legal consequences.

Men are often essentially bribed to admit guilt to see their kids or make the issue go away. But the agreements backfire badly – consent without admission is treated as a guilty plea, and it comes back at the men in the future as they are treated as being violent. Even if they are innocent and agreed to the “consent without admission” under pressure.

There are significant adverse consequences for men who “consent without admission” for future family law cases and care for their children, licences (weapons, Security, explosives) etc. etc.

The abuse of “consent without admission” orders exacerbates the harm (particularly from family violence from false allegations) against fathers and their children.

## 5. Parental alienation

There needs to be a greater and direct acknowledgement that parents can, and do, alienate their children against the other parent. Further, that this behaviour represents abuse against the children and meets the definition of domestic and family violence. Parental alienation needs to be taken into consideration when protecting children and DVOs.

Parental alienation can include:

- The residential parent preventing the child from contacting the other parent - this includes preventing the child from phoning and talking to the other parent
- The residential parent taking the child from the family home or otherwise preventing them from spending time with the other parent. This can be as simple as the mother saying to the child “you do not have to go to daddy’s place if you do not want to”.

To eliminate domestic violence, you need to eliminate parental alienation.

The current system needs to be fixed first, by addressing the fact that males are a significant proportion of victims of domestic violence, a significant portion of domestic violence perpetrators are women, and the need to eliminate the insidious effects of false domestic violence allegations.

### **2. How should it distinguish between behaviours that may be present in ordinary relationships with those that taken together form a pattern of abuse?**

As per my response to Question 1, a definition should not be introduced.

### **3. Does existing criminal and civil law provide the police and courts with sufficient powers to address domestic violence, including non-physical and physical forms of abuse?**

No, the current system is not working.

As per Question 1, the following areas are deficiencies in the current system:

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2. False domestic violence allegations
3. "Ouster" orders / Exclusion orders
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## 1. False allegations - Gender bias - Male victims

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It seems that DVOs are now a common and almost standard tactical weapon, often used by women in separation and divorce situations. It seems to be common for a woman to make false allegations, get a DVO, with the increasing common consequence that the man is ousted from the matrimonial home, and is prevented from seeing his children. This then sets up a "status quo" situation, that courts seem loathe to change, where the children having little contact with their father. This then feeds into a financial reward for the woman through increased child support payments based on the low care percentages of the father.

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The current system needs to be fixed first, by addressing the fact that males are a significant proportion of victims of domestic violence, a significant portion of domestic violence perpetrators are women, and the need to eliminate the insidious effects of false domestic violence allegations.

#### **4. Could the current framework be improved to better address patterns of coercive and controlling behaviour? How?**

Yes, the current framework can deal, and should deal, with coercive behaviours such as false allegations of domestic violence, threats over restricted or no contact with children, and parental alienation.

#### **5. Does the law currently provide adequate ways for courts to receive evidence of coercive and controlling behaviour in civil and criminal proceedings?**

It is not clear whether the law is currently adequate, as the system is not implemented in such a way to deal with coercive behaviours such as false allegations of domestic violence, threats over restricted or no contact with children, and parental alienation.

#### **6. Does the law currently allow evidence of coercive control to be adequately taken into account in sentence proceedings?**

**If the answer is no to questions 5 or 6, how could the law be improved to ensure the evidence is admissible and is given adequate weight in civil and/or criminal proceedings?**

Similar to Question 5, it is not clear whether the law is currently adequate, as the system is not implemented in such a way to deal with coercive behaviours such as false allegations of domestic violence, threats over restricted or no contact with children, and parental alienation.

#### **7. What are the advantages and/or disadvantages of creating an offence of coercive control?**

While an offence of coercive control may provide some protection for men and their children against false allegations of domestic violence, threats over restricted or no contact with

children, and parental alienation, it is unlikely to be effective given the current anti-male gender biases with the system.

**8. How might the challenges of creating an offence of coercive control be overcome?**

As per my response to Question 1, a definition should not be introduced.

Instead, the current system should be improved to address male victims of domestic violence, female perpetrators of domestic violence, as well as dealing with coercive behaviours such as false allegations of domestic violence, threats over restricted or no contact with children, and parental alienation.

**9. If an offence of coercive control were introduced in NSW, how should the scope of the offence be defined, what behaviours should it include and what other factors should be taken into account?**

As per my response to Question 1, a definition should not be introduced.

**10. Could the current legislative regime governing ADVOs better address coercive and controlling behaviour? How?**

As per Question 8, the current system should be improved to address male victims of domestic violence, female perpetrators of domestic violence, as well as dealing with coercive behaviours such as false allegations of domestic violence, threats over restricted or no contact with children, and parental alienation.

**11. Should the common law with respect to context and relationship evidence be codified within the CPA (or other relevant NSW legislation) to specifically govern its admissibility in criminal proceedings concerning domestic and family violence offences? If yes, how should this be framed?**

No comment

**12. Would jury directions specifically addressing domestic and family violence be of assistance in criminal proceedings? If so, what should a proposed jury direction seek to address?**

Jury directions should address the current anti-male gender bias within the law enforcement and court systems and society as a whole, and focus on males being a significant portion of victims, and that females are a significant portion of perpetrators.

**13. Should provisions with respect to sentencing regimes be amended? If so, how?**

Yes, the sentencing regime (as well as the prosecution regime) is clearly inadequate for coercive behaviours such as false allegations of domestic violence, threats over restricted or no contact with children, and parental alienation. Current penalties are clearly inadequate to provide a deterrence to perpetrators of such harmful behaviours.

**14. Are there any other potential avenues for reform that are not outlined or included in the questions above?**

As per Question 8, the current system should be improved to address male victims of domestic violence, female perpetrators of domestic violence, as well as dealing with coercive behaviours such as false allegations of domestic violence, threats over restricted or no contact with children, and parental alienation.

An excellent start would be for all government agencies (including the NSW Police Force<sup>5</sup> and NSW Department of Communities and Justice<sup>6</sup> to remove their association with organisations such as the White Ribbon organisation.

The White Ribbon organisation promotes a gender biased, male bashing and male apologist approach to domestic violence. It does not deal with male victims, female perpetrators, or insidious false domestic violence allegations.

The White Ribbon approach, and that of similar organisations, is not aligned with the objectives of:

- Australians take a zero tolerance approach to domestic and family violence
- All Australians live safely in their own homes and children can grow and develop in safe and secure environments
- Perpetrators stop using violence and are held to account.

**15. What non-legislative activities are needed to improve the identification of and response to coercive and controlling behaviours both within the criminal justice system and more broadly?**

As per Question 8, the current system should be improved to address male victims of domestic violence, female perpetrators of domestic violence, as well as dealing with coercive behaviours such as false allegations of domestic violence, threats over restricted or no contact with children, and parental alienation.

Significant non-legislative activities are needed to counter and remove the current anti-male gender bias. This includes removing government association with the White Ribbon and similar organisations (Question 14). Significant education will be required to overcome existing gender biases.

It is despicable that members of the police force, and government social workers, who are supposed to help the population promote such an anti-male gender bias. Even worse, is having members of the NSW Police Force to swear the anti-male White Ribbon Oath<sup>7</sup>. This perpetuates the gender bias in those supposed to uphold the law. Clearly, members of the NSW Police Force are hobbled in addressing domestic and family violence without fear or favour for male victims and female perpetrators.

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<sup>5</sup> NSW Police wear “White Ribbons” with pride

<https://www.miragenews.com/nsw-police-wear-white-ribbons-with-pride/>

<sup>6</sup> White Ribbon Workplace, <https://www.facs.nsw.gov.au/about/reforms/DFV/white-ribbon-workplace>

<sup>7</sup> Make a difference by swearing,

[https://www.police.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0004/213997/White\\_Ribbon\\_Day-make\\_a\\_difference\\_by\\_swearing.pdf](https://www.police.nsw.gov.au/__data/assets/pdf_file/0004/213997/White_Ribbon_Day-make_a_difference_by_swearing.pdf)