

**Submission
No 136**

COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS

Organisation: Shoalcoast Community Legal Centre Inc

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RE: SUBMISSION TO THE JOINT SELECT COMMITTEE ON COERCIVE CONTROL

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INTRODUCTION

1. This submission is made on behalf of Shoalcoast Community Legal Centre (“**Shoalcoast**”). We thank the Joint Select Committee on Coercive Control for the opportunity to make this submission.
2. Established in Nowra in 1999, Shoalcoast is a generalist legal service assisting regional, rural and remote clients on the South Coast of New South Wales. Our services are delivered to residents residing in the Shoalhaven, Eurobodalla, Bega Valley, Snowy Monaro, and Queanbeyan-Palerang Local Government Areas. We acknowledge and respect the traditional owners of these lands.
3. Our mission is to provide an accessible, professional legal service, responsive to the needs of those most disadvantaged which promotes just and lasting solutions to legal and social issues in our community. We provide clients with free legal advice on a wide range of matters, with a smaller number of

financially and socially disadvantaged clients being provided ongoing support, case assistance, and representation services.

4. We primarily provide advice on family and civil law matters, in addition to some minor procedural matters in criminal law. In the 2019-2020 financial year, approximately 32.8% of the client's we supported **self-identified** they were experiencing domestic and family violence ("**DFV**"). This number increased to over 50% of our family law advice services and is identified in over 30% of our civil advice services, typically advice services with respect to Apprehended Domestic Violence Orders ("**ADVOs**") and Victim's Support applications.
5. We also provide duty legal services to individual's named as the Protected Person, generally women, at Milton local court. We also have a good working relationship with frontline services in the Shoalhaven and along the South Coast including:
 - Waminda;
 - Anglicare Family Relationship Centre;
 - the Domestic Violence Intervention Service ("**DVIS**") through YWCA;
 - South Coast Women's Domestic Violence Court Advocacy Service ("**WDVCAS**") through Southern Women's Group;
 - Supported Accommodation and Homelessness Services Shoalhaven Illawarra ("**SAHSSI**"); and
 - our local Domestic Violence Liaison Officers ("**DVLOs**").
6. Furthermore, Shoalcoast auspices the Shoalhaven Domestic and Family Violence Committee (previously known as the 'Nowra Domestic and Family Violence Committee'). The Shoalhaven Domestic and Family Violence Committee is part of a network of over 80 local domestic violence committees across New South Wales tasked with raising community awareness, lobbying for improved services, and contributing and promoting the effectiveness of local services in responding to victims of domestic and family violence.
7. As a community legal service, our submission and the comments made within it must be understood within the context of our particular practice. Furthermore, it is apparent from reviewing our case notes¹, our experience is predominately, with cis-heterosexual couples and accordingly, our response is framed in terms of male-female partner relationships. We recognise and acknowledge that DFV and coercive control also occurs in other relationships and defer to the organisations with expertise supporting the LGBTQI community to speak to their particular experience.
8. This submission aims to contribute to the discourse on criminalisation of coercive control based on our clients' experiences. Whilst our position has been informed by formal research papers, we do not seek to replicate their arguments here as we are sure the committee is well versed in the work of the key commentators in this field. Accordingly, we have only provided a response to certain questions and not necessarily in the order listed.

¹ Based on self-identified responses provided by client's during intake.

9. We further note, our service is more likely to be engaged when things go wrong, and so are perhaps more likely to hear criticisms of existing systems and processes such as experiences with the police than the experience of victim-survivors as a whole, and as such our observations should be taken in that context. Finally, we have generalised the experience of our clients to assist in the deidentification of the client and their situation.

DISCUSSION QUESTIONS

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

10. We have addressed this question generally, within the broader context of whether coercive control should be criminalised at all, as opposed to the more technical issue of whether if coercive control is criminalised should it be a standalone offence or incorporated within existing legislative frameworks.
11. When the Discussion Paper was first released, our initial response was to enthusiastically welcome the criminalisation of coercive control. We frequently see the devastating impacts of this insidious form of DFV and there are many occasions when we are impotent in assisting clients, particularly where there is no accompanying physical violence. As the Domestic Violence Death Review Team 2017-2019 report illustrates, relationships with the hallmarks of coercive control can have fatal consequences and action on preventing and deterring this particular aspect of personal violence is needed.
12. However, the time spent researching, reflecting and reviewing our case studies for the Discussion Paper has raised more questions for our service than recommendations, as we have carefully considered the complexities and nuances of what it would mean to criminalise coercive control would mean in reality for our clients. ***Our primary recommendation therefore is that whilst we welcome a sustained commitment by government to end this type of abuse, we are cautious about a quick jump to criminalisation, without an ongoing commitment to the necessary funding, resourcing, education and cultural change to affect an actual change in the incidence of coercive controlling behaviours in the community.***
13. There is no dispute that coercive controlling behaviours, with or without the presence of physical violence, are harmful and destructive and need to cease. They place women² (and their children) at risk of physical and psychological harm and trauma. It cannot, and should not, be acceptable for the community that people live in fear in their own homes, to feel like they are 'walking on eggshells', to have little if any control over their own life.
14. The difficulty lies in the surreptitious nature of the violence, behaviours that are taken in isolation that seem innocuous, but as a course of behaviour reveal a power disparity, a loss of autonomy and a life of fear. Fear that may not even be expressly identified by the victim, but are apparent in behaviours that evolve

² And some men

so as not to upset the perpetrator. Therefore, the key question in our view, is how do you prevent or reduce coercive control, and can this be achieved by criminalisation of the behaviour?

15. We acknowledge criminalisation may help to create public discourse and spur cultural change as to the unacceptability of coercion and control in relationships. We would hope that criminalisation of coercive control would provide protection to more women, who fall outside the protections of the existing legislation (because they cannot establish that personal violence offence has occurred for example because of the nature of the offending behaviour). A further advantage would be the general deterrent nature of criminalisation, arguably criminalisation provides a strong message that a behaviour is unacceptable.
16. However, and it may be a somewhat simplistic observation, but homicide is already a criminal offence, and yet a potential life sentence was not sufficient deterrence for the 111 the perpetrators of the intimate partner homicides referenced in the Foreword of the Discussion paper. Therefore, criminalisation alone is likely to be insufficient to significantly change perpetrator behaviour unless it is accompanied by a sweeping range of measures aimed at overall cultural change, dispelling acceptance of these behaviours as the norm and perhaps a sustained commitment to gender equity.
17. Although not necessarily disadvantages, there are a number of difficulties and concerns with criminalising coercive control. A key difficulty should an offence of coercive control be created, is drafting the offence precisely enough to capture unwanted behaviours without inadvertently capturing behaviours within relationships that are not coercive in nature, and through the pattern of behaviour approach, criminalise behaviours that in some relationships would otherwise be lawful.
18. Connected with the difficulty of defining coercive control is the identification of coercive control by professionals. As the beginning of this submission details, as a community legal centre, we have extensive experience with DFV, and would generally consider ourselves perhaps better placed than other legal practitioners at recognising the signs of DFV and coercive and controlling behaviours. However, in preparing this submission it was interesting to observe a small number of clients whom Shoalcoast had previously advised, where the client had not expressly disclosed DFV or coercive and controlling behaviours and nor was it identified by the advising solicitor, but was expressly disclosed when the clients returned for subsequent advice.
19. There were many reasons why the DFV was not identified in the earlier services, however, it does illustrate, even for services with DFV experience, coercive control is not always easy to identify. Accordingly, we return to our point that any role out in criminalising coercive control must be accompanied by extensive education, capacity building, resourcing and cultural change within the police, legal profession, courts, judiciary and front-line services like health and care and protection as well as the community as a whole.

20. Reservations regarding the effectiveness of introducing an offence of coercive control prior to sustained capacity building (initially with the police, prosecutors and legal professionals) arises from the difficulty many of our clients currently experience within the current legislative framework, even when there is physical violence. This raises concerns about how well the criminal justice system will respond to a more nuanced and contextual offence.
21. For example, we have a number of clients who have fled DFV (including physical violence, and where the perpetrator had access to firearms) from very isolated, regional towns into our catchment areas. The police stations in these areas do not have DVLO's and there is a dearth of frontline FV services. When the client has sought to make a statement to the police regarding the DFV they are experiencing, they are often dismissed, and the harm they are experiencing minimised. One client, whom the local police refused to take a statement from was told to 'stop wasting our time so we can get back to real policework'³. Other clients have been told that the perpetrator "Is only trying to be a good dad" or that the client "should think of [the perpetrators] reputation in the community."
22. This then leads to feelings of helplessness, distrust and reluctance to subsequently engage with the police. This is particularly exacerbated in towns where everyone knows everybody, and the police are often acquaintances, if not friends with the alleged perpetrator⁴. These clients initially returned to the perpetrator, eventually fleeing when the behaviour of the other party escalated further.
23. With respect to our comments regarding systemic culture change and resourcing, we note another matter where a triple 000 call was made to the police informing them that the caller had been strangled by her partner. This couple, and their domestic disputes, were well known to the police who failed to attend to take a statement from the victim until over 8 hours later, in which time that victim was no longer prepared to make a statement to the police or pursue charges. Had the police responded in a timely matter, the response of the victim may have been different.
24. A concern with criminalising coercive control without the accompanying education and resourcing is the potential for the offence to be inconsistently applied, undermining the general deterrent effect as well as the potential to further 'gaslight' victim-survivors who seek help and are experiencing coercive controlling behaviours, but are then turned away. The fear here, is if the police do not validate a person's report that they are experiencing coercion and control, where coercion is a criminal offence, that victim may be left questioning whether the behaviour of the perpetrator is in fact acceptable.

³ As indicated at paragraph 9, we recognise the experience of our client's is not necessarily the experience of all individuals and there are good practices across many stations and commands. As noted, as a legal service we are contacted when usual processes go wrong.

⁴ Whilst there may not be any bias, there is a perception on the part of the victim-survivor that there is.

25. A further risk of criminalising coercive control is that it has the potential to prevent women reaching to support services where they are in coercive controlling situation where they wish to remain in the relationship with the offender. In these instances, where previously they may have reached out to mental health, drug and alcohol or counselling support, they may be more reluctant to do so because they are fearful it will lead to the arrest of the perpetrator.
26. Even under the current system, a significant percentage of women seeking advice from our service, are seeking advice about withdrawing or amending their statements where the preparator is being charged with an offence, often becoming hostile witnesses when matters proceed in court. That is not to say that they are not in fear of the perpetrator but there are many reasons these women remain in these relationships and do not want their partner to be incarcerated.
27. This might include: the impact of ongoing trauma from the DFV; the complexities of these being intimate partner relationships (and clients still love and care for the perpetrator); the financial dependence on a perpetrator; difficulty of single parenting (often where there are a large number of children, or children with special needs or health conditions); pressure from other family members; and the overall difficulty for women to safely extract themselves from a DFV situation.
28. For example, a client who had been in a long-term marriage and experienced multiple incidents of physical violence, in addition to coercive and controlling behaviours, called the police for the first time when the perpetrators behaviour was directed at one of the party's children for the first time. Charges were laid against the perpetrator and a provisional ADVO with strict conditions was put in place. Whilst these measures were for the client's and children's protection, the client implied that she regretted calling the police and was unlikely to do so again in the future as she did not want the perpetrator to go to gaol.
29. For women such as the client above, assistance such as increased funding for programs addressing men's behaviour, better financial support (including housing, financial support and childcare) for women fleeing DFV, drug and alcohol and mental health programs, could result in better outcomes.
30. We note the potential of criminalisation in disproportionately impacting marginalised groups who often experience further harm from interactions with the criminal justice system, such as Aboriginal and Torres Strait Islander Women, Culturally and Linguistically Diverse Women, members of the LGBTQI community, those with disability, etc. We further note the observations of Heather Douglas⁵ in that unconscious bias also appears to result in a disproportionate number of Aboriginal and Torres Strait Islander women and other marginalised persons being charged for breaching an ADVO

⁵ Douglas H and Fitzgerald R (2018) The domestic violence protection order system as entry to the criminal justice system for Aboriginal and Torres Strait Islander people. *International Journal for Crime, Justice and Social Democracy* 7(3): 41-57. DOI: 10.5204/ijcjsd.v7i3.499.

31. For example, intergenerational trauma may contribute to a general distrust of the police and other services, particular child protection services, which may then lead to women seeking to avoid the involvement of these institutions and trying to resolve disputes for themselves, which may inadvertently lead them to being considered to be the perpetrator when they have tried to protect themselves.⁶
32. An example of the police mis-identifying the primary aggressor, is a matter where a victim-survivor whom had been subjected to physical, financial and psychological abuse, sought assistance from the police post-separation after an incident where the perpetrator had been intimidating the victim-survivor. During the interaction, the client had pushed the perpetrator. The client disclosed this to the police as she thought it was best to be honest in case the perpetrator raised it with the police at a later time and the client was told that she would be pursued for assault if she pressed her complaint regarding the perpetrator.
33. In a recent webinar discussion⁷ on the proposal to criminalise coercive control, one of the points raised was with respect to the costs of introducing and prosecuting a new offence of coercive control and discussion as to whether the funds necessary for this process would be better invested in other ways to prevent coercive control.
34. There is no doubt that coercive control is incredibly harmful to those experiencing this form of DFV, their children and the community as a whole. What is not as clear, is whether criminalisation is the most effective way of preventing and reducing such behaviour and improving outcomes for victim-survivors.

1. What would be an appropriate definition of coercive control? Should the definition be gendered?

35. In the event that coercive control is criminalised, we are initially inclined to support a definition similar to that introduced in Scotland.⁸ Under the Scottish definition, the offence is limited to those in relationships as intimate partner or previous partner only, not the larger categories of individuals that are currently captured by our ADVO legislation.⁹ Whilst we are not advocating to reduce the different kinds of relationship that may be subject to an ADVO, we do recommend any definition seeking to criminalise coercive control should be limited to current or past intimate partner relationships. Whilst not diminishing the harms that can be inflicted in cases such as Elder abuse, it is our understanding that the escalation to more serious harm (such as murder-suicide) generally occurs in the context of intimate partners and not family

⁶ Ibid.

⁷ Transactional Criminal Law Monash University Group - The Criminalisation of Coercive Control – Speakers including Professor Heather Douglas, Professor Felicity Gerry QC, Dr Marie Segrave,

⁸ Domestic Abuse (Scotland) Act 2018

⁹ Section 5, Crimes (Domestic and Personal Violence) Act 2007 No 80 (“ADVO Act”)

members generally. The inclusion of past partners is particularly important as it is well established¹⁰ that the risk of violence escalates at the time of separation.

36. We note that within the broader community, the term 'coercive control' may not be well understood. Accordingly we would recommend careful consideration is given to the language that is used in any framework should coercive control be criminalized and consideration of the use of 'plain English' terms.
37. It is our view that coercive controlling behaviour is gendered. It is certainly our experience that we receive many more enquiries from women than men disclosing coercive controlling behaviour¹¹. And whilst not diminishing the experiences of those male victim-survivors, the potential serious harm (such as the risk of homicide) to women who are exiting coercive controlling relationships is much more significant for women than for men¹² experiencing coercive control¹³. In the context of seeking to reduce and prevent coercive controlling behaviour as a whole, a gendered definition may better contribute to improved gender equity than a non-gendered definition.
38. However, a gendered definition may not be appropriate in the context of same-sex relationships and we would seek to be lead by the recommendations of agencies with direct experiences with the LGBTQI community.
39. A different perspective on not pursuing a gendered definition, might be to ameliorate potential backlash from men and men's rights groups, by removing the potential for arguments of 'not all men are perpetrators' and 'not all victims are women'.

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

40. The insidious nature of coercive controlling behaviour is that many of the constituent elements of the abuse, taken alone, appear quite benign and in the context of an ordinary relationship, would not be considered coercive and controlling and are quite lawful actions. It is the combination of the actions as a whole and the intent behind them that change the behaviour to abuse.
41. Whilst it may not be possible to distinguish between the behaviours themselves, what can distinguish the actions in an ordinary relationship to coercive control is the intent (or recklessness of intent) in causing a person to suffer psychological or physical harm. This requires consideration of the actions of the alleged perpetrator as a whole, and would be a shift from an incident focused process to a pattern of behaviour focus.

¹⁰ e.g. the studies referenced here <https://dfvbenchbook.aija.org.au/dynamics-of-domestic-and-family-violence/factors-affecting-risk/kl?ref=10700#t-10700>

¹¹ Anecdotally, as a free legal service, we are often contacted by women seeking advice as they do not have the funds to obtain private representation, yet their partner are often privately funding their legal practitioner which speaks to the financial power imbalance, but a potential further explanation of the data.

¹² in heterosexual relationships.

¹³ Above n10

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?

42. As we generally do not practice criminal law, our expertise in this area is limited, however, and whilst not seeking to provide a prescriptive list of behaviours (or advocating for one within the definition of the offence), below is a list of different coercive and controlling behaviours our clients have experienced..

- Monitoring phone and social media accounts, overtly and covertly including:
 - Having access to the persons social media accounts and passwords;
 - Monitoring whom they become friends with on social media;
 - creating fake profiles to befriend the victim-survivor,
 - getting friends, family and children to contact the victim-survivor on the perpetrator's behalf over Facebook Messenger and WhatsApp;
 - Using local community group social media pages to "help locate their missing family member"
- Excessive demands on a victim-survivors time so she has no time or opportunity or autonomy to make decisions as to how to spend her time herself (such as being required to do all of the shopping, household chores, and child care responsibilities on top of her fulltime work commitments).
- Excessive text messages and phone calls.
- Accessing a partner's bank accounts by taking their ATM cards without knowledge and using the PayWave function.
- Dictating what a client can eat e.g. the whole household needs to follow a keto or vegan diet.
- Threatening and carrying out self-harm and threats of suicide.
- Unpaid work in the family business on top of their paid employment.
- Encouraging the victim-survivor to take out credit on the basis the perpetrator would assist them to make repayments which they never made.
- Getting the victim-survivor to take out credit for the benefit of the perpetrator ('because they have a bad credit rating') including credit cards, loans, AfterPay and ZipPay.
- Controlling access to finance such as getting a homemaker parent to put all expenses on a credit card on the basis the perpetrator would pay the credit card and scrutinise the statement. Payments not always made.
- Putting all assets in a perpetrators name, particularly motor vehicles that are paid and driven by the victim-suvivor.
- Putting utilities and mobile phone contracts in the client's name.
- Making false declarations to Centrelink and other government bodies about the status of their relationships.
- Encouraging young children to clean and carry unregistered firearms and disclose this to the victim-survivor.

- Making the children take things from the victim-survivor or report on them to the perpetrator
- Making homemade (illegal) silencers for their firearms.
- Threatening to take the children if the parties separate (both unilaterally and through abuse of the Family Court system, failing to return the children following separation after agreed contact time.
- Locking children in their rooms.
- Locking windows and doors in the family home generally.
- Preventing a parent from undertaking normal caring duties such as changing nappies, feeding, responding to crying or cleaning the children
- Excluding a partner from attending events with family and friends attended by the perpetrator
- Abusing animals, including:
 - threats and actual physical harm to household pets.
 - sale or relinquishment to animal shelters of loved household pets.
 - abuse and neglect of livestock and horses, such as failing to provide feed.
 - Teaching a child to physically discipline a dog with the use of a chain.
- Dictating who the victim-survivor can have relationships with post-separation (including prohibiting a pregnant ex-partner from having new sexual partners whilst pregnant)
- Beginning significant renovations of the family home, but failing to complete works and leaving the property in an unsaleable condition (or leading the victim-survivor to believe this is the case).
- Chasing clients by physically running after them or chasing them in motor vehicles.
- Interfering with the victim-survivors car by removing fuses or other methods to stop the car from starting.
- Blocking access to the victim-survivors car by parking across the driveway.
- Making no financial contribution to support the children of a relationship post separation, including requiring the mother to provide everything needed for contact visits (such as snacks, nappies, etc) or, where child support is paid, dictating how it should be spent.
- Systems abuse including:
 - constant malicious reports to the police for welfare checks;
 - to care and protection services despite there being no risk of harm to the child; and
 - the abuse of court processes such as contravention hearings in family law matters. For example, one client reported she was due to attend 3 separate hearings in 3 different jurisdictions initiated by the other party.
- Threatening to embarrass or humiliate the client by contacting their employer, friends or family with personal information about the client or their relationship.
- Following a partner when they are going about their day, or unexpectedly turning up at events or appointments

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

43. It has been our experience that the current process around ADVOs does not always address coercive and controlling behaviours, particularly where there has been no physical violence.¹⁴ It has been our experience in the past, that there was a reluctance on the part of the police to utilise the stalking and intimidation provisions under the current ADVO regime. This was particularly the case where there is no written evidence substantiating the claim, such as a report of a threatening or abusive phone call as opposed to an SMS message or voicemail recording. Whilst we appreciate that evidentiary requirements may be a consideration, this does not necessarily assist those who are experiencing verbal threats and abuse. We have also found the current framework can make it difficult for clients to obtain an ADVO if there has been a delay in them making an initial report to the police from when the offending behaviour occurred.
44. Clients have also reported what they perceive to be a reluctance by the police to pursue a perpetrator for contravening an ADVO, and we frequently hear that contravening behaviour is only considered a 'technical breach'. In these situations, the perpetrator continues to engage in behaviours that continue to traumatise the victim survivors, in addition to having the potential to escalate into more significant physical harms. Without proper enforcement, the threat of criminal sanctions for breaches of a civil ADVO order will not have the power of general or specific deterrence.
45. However, it could be argued this insufficiency arises from the implementation of the current legislative regime as opposed to the regime itself; something which could be remedied by cultural change within the police and prosecution service through education and policy changes.
46. To better address coercive and controlling behaviours within the current regime it might be of assistance to expand the list of personal violence offences to include a 'controlling' provision specifying behaviours such as telecommunications offences, technology facilitated abuse or financial abuse although these would need to be precisely defined.
47. Expanding (or providing further guidance) on the definition of 'fear' may also be of assistance and we note that the Scottish legislation¹⁵ psychological harm includes fear, alarm and distress.

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?

¹⁴ Also as detailed in our earlier examples in paragraph 20, even where physical violence is present, the current ADVO system is sometimes deficient, where the police have refused to take a statement from the client, or told them they would have to make their own private application for an ADVO.

¹⁵ Above n8, section 1(3)

48. As indicated earlier in this submission, Shoalcoast does not believe the criminal justice system alone is a sufficient response to prevent coercive and controlling behaviours. There needs to be a holistic approach to engender a cultural shift within the community as a whole to reduce the incidence and acceptability of coercive controlling behaviours in the first instance, in addition to better resourcing and support for when a victim-survivor of DFV seeks to leave an abusive relationship. As previously conceded, criminalisation could be a kick start to facilitate the change in acceptable societal norms, however, alone it is likely to be insufficient.
49. Other activities, (which may not necessarily be within the remit of the NSW Government) include:
- Greater consultation with victim-survivors to ascertain what they want and what measures could have helped them.
 - Greater consultation with vulnerable and marginalised groups at risk of being inadvertently targeted by criminalisation including Aboriginal and Torres Strait Islander people, LGTBQI, recently arrived migrants and refugees, the CALD community, financially disadvantaged, those with mental health problems, and those with a current or previous history with DCJ.
 - Formal education programs within schools and community groups with respect to healthy relationships and markers of unacceptable behaviours.¹⁶
 - Community education programs like the innovative “Cut it out” program, designed at capacity building members of the community, like hairdressers, to identify the signs of DFV and make appropriate referrals to frontline services.
 - Informal education of young people by example by role models within the family home, local community as well as individuals in the public eye like sports stars, musicians, and even politicians.
 - Consideration of the portrayal in film and media of healthy and unhealthy relationships¹⁷,
 - Other community led initiatives.
 - Review of the coverage of issues and allegations of DFV, sexual violence, and misogyny in the media. This is twofold, one in considering what stories are reported¹⁸ and more careful consideration of the language used when reporting violence against women.¹⁹
 - Reframing of the provision of phone numbers provided at the conclusion of news articles regarding DFV, noting the numbers that perpetrators can

¹⁶ We note the limit of formal education in this realm given the existing demands on the curriculum, the costs of existing DFV programs such as ‘Love Bites’ and that school attendance may be low for children who do not have safe housing or sufficient food so greater redress of social issues and poverty.

¹⁷ Such as the storyline in the UK radio series “The Archers”, P., & Bates, C. (2016, April 5). The Archers: What effect has the Rob and Helen story had? BBC News Magazine. Retrieved from <https://www.bbc.com/news/magazine-35961057>.

¹⁸ At a recent forum hosted by the Illawarra Committee Against Domestic Violence Forum it was commented by a member of the panel (with no disrespect) that reporting of ‘photogenic white women’ such as Hannah Clarke and Jill Meagher often gained a lot of media attention, yet the murders of women of colour often go unreported or receive significantly less coverage.

¹⁹ <https://theconversation.com/how-australian-media-are-changing-the-way-they-report-violence-against-women-99845>

access for support if they have concerns about themselves (and placing the onus on men to address their behaviour) in addition to listing the DFV support services for women.²⁰

- Cultural change and continued education of the police, legal practitioners, the judiciary and courts, health, government and child protection with respect to coercive and controlling behaviours including eSafety and technology facilitated abuse, as well as trauma informed practice, risk identification and DFV screening.
- Sufficient ongoing funding and resourcing of frontline family violence services including men's behaviour change programs including extending existing programs well beyond 3 months (and research into these and other therapeutic options to address perpetrator behaviour);
- Increased availability of affordable housing, subsidised childcare and other economic supports for those seeking to leave DFV situations;
- Increased funding for, and access to, facilities and services to assist those with drug and alcohol dependence and mental health problems.
- Sufficient resourcing of police to respond to and investigate allegations of DFV including of controlling and coercive behaviours if criminalised.
- Specialist police officers available 24/7 to take statements and commence evidence gathering for DFV matters, including holistic supports such as the provision of childcare services whilst women give statements for example.
- Research and review of the efficacy of restorative justice and other alternatives to criminalisation.
- Research and review of the efficacy of criminalisation of coercive control in overseas jurisdictions in reducing the overall rates of DFV in the community.²¹

CONCLUSION

50. We would like to see the adoption of a holistic set of measures that demonstrate a sustained commitment to addressing and preventing coercive control, with a view to improving outcomes for victim-survivors. Whilst that may include criminalisation we are concerned that the introduction of a new offence may have unintended negative consequences that disproportionately impact our vulnerable members of the community. We therefore recommend indepth consultation with marginalised groups, and commitment to funding, resourcing, education and cultural change to accompany any changes to the current legislative framework.

51. If you have any further queries regarding the contents of this submission, please do not hesitate to contact us on [REDACTED] [REDACTED] [REDACTED] or [REDACTED]

²⁰ Another proposal made by a panel member at the Illawarra Committee Against Domestic Violence Forum

²¹ Whilst we appreciate there are statistics with respect to charges, prosecutions, and convictions under the new legislation in England, Wales and Scotland, the writer had been unable to find prior to submitting this submission research confirming that overall rates of DFV and coercive control within the community have reduced.

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Forums and Webinars

Transactional Criminal Law Monash University Group - The Criminalisation of Coercive Control – Speakers including Professor Heather Douglas, Professor Felicity Gerry QC, Dr Marie Segrave,

Decriminalising Coercive Control with Leigh Goodmark

Illawarra Committee Against Domestic Violence Forum - "How do we change community attitudes to domestic & family violence?"