

**Submission
No 145**

COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS

Name: Name suppressed

Date Received: 23 February 2021

Partially
Confidential

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Introduction:

My name is [REDACTED], I am a [REDACTED] year old woman, I have a professional career that I adore and for as long as I can remember, I have been a thoughtful, kind and independent young woman who has a great group of friends, a loving family, adorable pets, and who has always felt confident and competent in everything I have done and accomplished; be it childhood activities, elite competitive sports, academic achievements or purchasing my first home as a young adult.

This submission outlines what happened to that woman, when, at [REDACTED], she met an abuser who afflicted coercive control against her, as well as other forms of domestic violence.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

I must make it known that any views expressed in this submission are my personal views and opinion as a private citizen and it does not in any way represent my employer or the views or opinions held by my employer and its authorised representatives. I am not authorised to, nor am I making any comments on behalf of my employer.

I am making a submission to advocate for the practical, lifesaving and overdue implementation of legislation to criminalise coercive control and its associated behaviours. I make this submission as I am many things;

- I am a Victim survivor (*barely*) of coercive control
- I am an advocate for Victim survivors of any type and kind of domestic abuse; with particular passion in advocating for survivors who have fallen Victim to narcissistic abuse and coercive control
- [REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- I am a woman who (despite my years of professional experience, meaningful and reasonable understanding of psychology and mental health) had no idea what coercive control was, how this abuse is inflicted upon a Victim and the ramifications of coercive control and its associated abuse, or what was happening to me when I was in this situation – until months after it stopped happening to me

Background:

In order to provide responses to the questions posed throughout the 2020 Coercive Control Discussion Paper I would like to share a small amount of background information and my opinions formed throughout the course of my personal experience in my employment and in relation to court process and mental health which I believe must work

together harmoniously in order to allow combative coercive control strategies, implementation of legislation to criminalise this behaviour and associated court process and outcomes to be successful.

I have worked in my chosen career for █ years and during this time I have been afforded the opportunity to work in a number of different locations which have enabled me to work first hand in direct contact with Victims of domestic violence (meaning existing criminal offences such as assault, sexual assault, stalking, harassment and intimidation) and Victims of coercive control. These Victims come from all social and economical backgrounds, all age groups, all cultural and linguistically diverse backgrounds, all religions, all levels of education and all gender identities and sexualities. Offender who perpetrate coercive control and associated abuse against their Victims, do not discriminate. This being said, based only on my firsthand observations and involvements with Victims and offenders, most Victims are female, and most offenders are male.

Based on my workplace knowledge and experience, as well as personal experience, very little is known or understood by Police about coercive control. I did not know what coercive control was, until I escaped an abusive relationship in which coercive control was a constant theme of abuse inflicted upon me by my ex-partner.

The investigating officer of my complaint (who was the rank of Inspector) made to Police, when I finally turned to them for help, did not know what coercive control was. I remember being frustrated and upset by this at the time, but thought to myself ***“if I didn’t know what coercive control was, and it was happening TO me, what hope do other Police have who have never encountered this, and how are they supposed to recognise it happening to others?”*** This, I feel, will be an issue moving forward with criminalising this behaviour.

I was barely able to escape the coercive control of the relationship, finding it easier to attempt suicide not once, but twice (█), than to attempt escaping the abusive relationship and dealing with the repercussions which would then be inflicted upon me by my ex-partner.

When I finally escaped him, the physical violence stopped, but the coercive control did not stop; it became harder for him to inflict, but the control continued, the gaslighting continued and his stalking and harassing behaviour continued. I expected them to stop over time, that he would lose interest in menacing me and my life in this way, but it continued, even after I turned to the Police for assistance.

Despite providing a detailed statement outlining all of the coercive control inflicted upon me, as well as assaults and other stalking, harassing and intimidating behaviour supported by SMS conversations, CCTV footage, photographs of injuries and supplementary statements, I was told the Police could not proceed with any charges in relation to the matter. Below is the notification that I received of the outcome:

*“I have thoroughly investigated all the allegations made against *****. I have determined there is insufficient evidence to commence criminal proceedings for any offence. I have provided the Complaints Management Team at ***** with a complete copy of all the evidence I obtained and considered as part of my determination. The ***** has supported my determination.*

I appreciate this is not the outcome you may have hoped for or expected and encourage you to utilise the support services available to you as an employee should you feel this will assist.”

I do not know why the physical assaults and supporting evidence did not lead to Police taking action, I am fearful and upset of seeking clarifications as I do not wish to put myself through further trauma. If this was a complaint made by a civilian member of the public, with the supporting evidence that was provided, the matter would have almost certainly proceeded to court and an Apprehended Domestic Violence Order would have been applied for by Police.

If coercive control behaviours were already criminalised, this likely could have presented a different outcome and could illustrate the totality of the offender’s criminal behaviour against me throughout the entirety of the relationship which is supported by vast amounts of evidence such as SMS conversations, emails, witnesses and CCTV

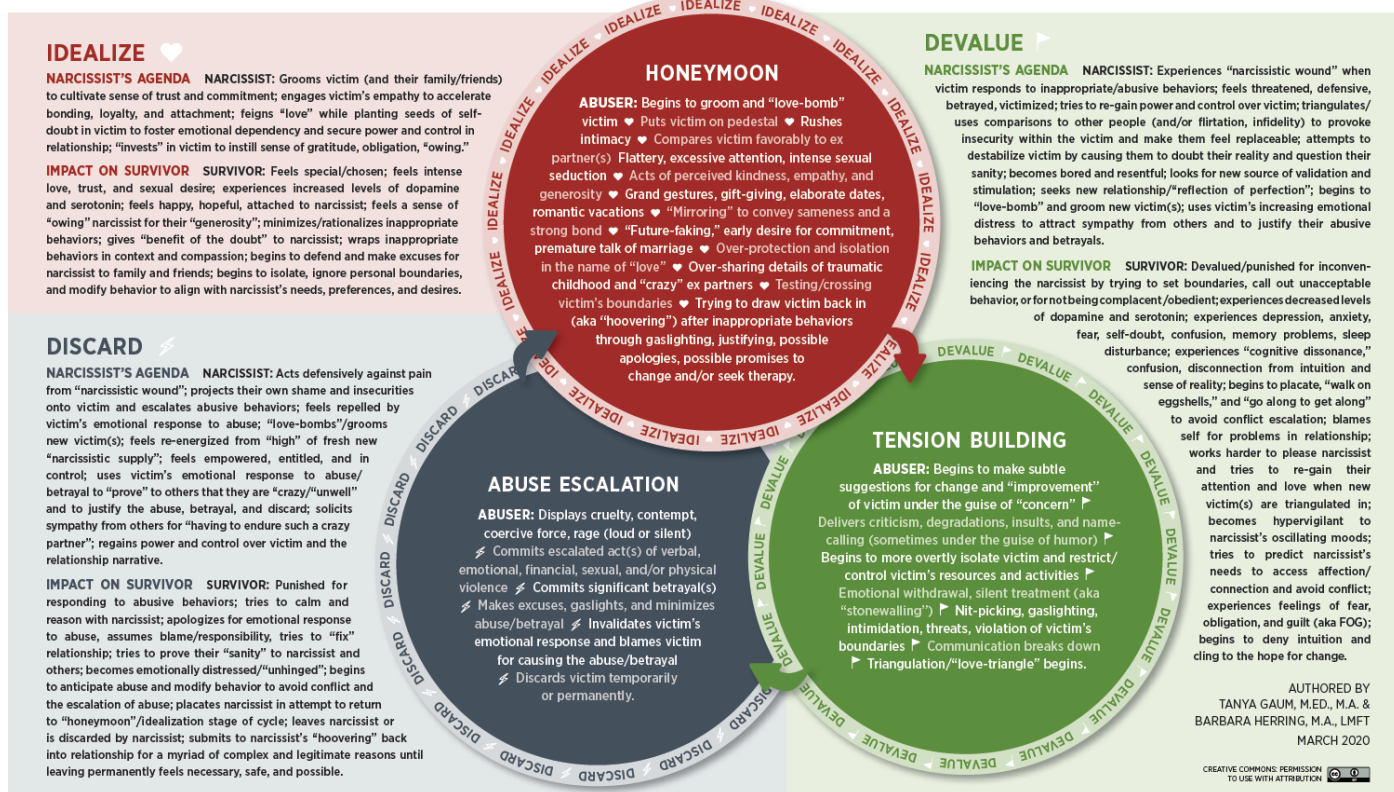
footage. The coercive control abuse was the worst part of any of the abuse that I experienced, I would much rather be assaulted than be psychologically abused and controlled in the manner that I was.

Based on my personal experience and speaking to other survivors and other advocates it appears that coercive control is most commonly committed by offenders who have diagnosed or diagnosable mental health conditions or disorders. In my personal experience, the offender told me that he had been diagnosed with borderline personality disorder, on speaking to a member of his family and on speaking to psychologists after the fact, I believe he did have this disorder and that he likely has narcissistic personality disorder or at the bare minimum displayed a large number of narcissistic traits. The offender refused to accept his diagnosis or participate in any medical or other treatment which may have improved his condition.

I have included a piece of reference material which describes the narcissistic cycle of abuse which directly reflects the abuse and coercive control that I was subjected to. This then flows directly into a large number of coercive control behaviours that I was subjected to as abuse over an almost █████ year period.

CYCLE OF NARCISSISTIC ABUSE

IDEALIZE DEVALUE DISCARD



<https://static1.squarespace.com/static/5ab6c727a9e02868fa113fc4/t/5e5ab79abcd48e5c8c2859cc/1583003547074/Narcissistic+cycle+of+violence.pdf>

A list of coercive control abuse that I was subjected to include, but are not limited to;

- **Limiting or removing my privacy**

This was done by the offender insisting on knowing my pin codes and passwords for my phone and various accounts. Prior to this relationship, I had never had a partner in the bathroom when I was using the toilet as I believe it to be unacceptable, unnecessary and gross; the offender knew my view on this and that to me, using the toilet was an act not designed to be shared with others would begin with joking that it is “natural” and something that people who are “comfortable around each other” would do without issue or hesitation, he would then try to make jokes out of barging in to the bathroom when I was on the toilet, knowing that this made me uncomfortable, this then further progressed to the offender telling me that I was a “prude” and that I needed to “relax” or “lighten up”; this eventually led to him being in the bathroom when I was on the toilet whenever he felt inclined to do so. I had no privacy and he did not respect my boundaries. When I tried to have boundaries, he would guilt or shame me to make me believe that there was something wrong with me, or my view or my request for privacy. Information about this was provided in my statement to Police in the above-mentioned report.

- **Isolating me from my support system**

This was done by the offender insisting that I move house to live closer to him because he could not move due to his children and their schooling, the offender insisted that I did not tell anyone where I lived except for my family, my friends and colleagues were not allowed to know where I lived or to visit me. My family lived many hours away, so it was difficult to see them at all, further isolating me. The offender would fabricate lies about me to others, though I did not find this out until after I escaped the relationship. The offender would also convince me that my work colleagues did not like or trust me, this would further segregate and isolate me. When I eventually purchased a home that the offender inspected with me, [REDACTED], I was then berated for living there.

- **Monitoring my activity throughout the day**

This was easily achieved by the offender as [REDACTED]; if I would leave the office to complete certain tasks he would insist that he had particular knowledge which would make it easier for me to complete those tasks with him, or to assist me and keep me ‘safe’, or would purport that he was accompanying me just to spend time together out of the kindness of his heart. On a number of occasions where I had attempted to escape the offender, [REDACTED]

Further examples of the offender monitoring my activity throughout the day would include him showing up at my home uninvited and unannounced, contacting me via SMS or phone calls to see where I was and what I was doing and who I was with.

Later in the relationship, we opened a number of joint bank accounts together, there was a mutual agreement that we would each contribute a certain amount every fortnight, however from the time the accounts were opened to the time I escaped the relationship, he never deposited any money into the accounts; it became clear to me that he had wanted to open the joint accounts not to co-contribute, but to watch my spending and the geographical basis of my location when I was, for example, on a day off and he was at work. He would contact me about where I was and what I was doing and would compare this to transactions on internet banking, he would also appear at places that I would make purchases even if this was out of the area for him on that day. Information about this was provided in my statement to Police in the above-mentioned report.

- **Denying me freedom and autonomy**

Further to the above, which also relate to denying me freedom and autonomy, the offender would insist that I travel places with him in his car, as opposed to me utilising my own car to attend and leave various events, functions or work on a daily basis. Information about this was provided in my statement to Police in the above-mentioned report.

- **Restricting access to medical care**

The offender prohibited me from speaking to a psychologist, which I commenced doing about one year into the relationship. There seemed to be a feeling within me that something in the relationship was abnormal, or not right and I believed that the offender was jealous and controlling. The offender always made out that this was untrue. The offender made out that the psychologist was hindering out relationship, that the medication recommended and prescribed to me by my general practitioner (anti-anxiety and antidepressant medication) was unnecessary for me because there was nothing wrong with me. The offender also made out that because he and I lived within a small town that the psychologist would likely share confidential information with others.

I was heavily restricted from going to the general practitioner and at many times ran out of anti-anxiety medication, which caused me to spiral. This was then my fault and everything was blamed on me.

Later, in the last year of our relationship and after over [REDACTED] years of constant love bombing and pressure to have a child together, despite my hesitations and my best attempts to use birth control, I had an unplanned pregnancy to the offender. Until I actually fell pregnant, the offender would constantly talk about me being pregnant and how he wanted this so much, that a child was the ultimate expression of our love and that I should have a child to him, he was pressing this within the first [REDACTED] of the relationship and I had expressed for a long time that I had career goals and that I wanted to wait for a period of time before we had a child together, including to allow his children to settle in to the family dynamic and to allow for his children to not feel threatened or replaced in any way by a new baby.

In my previous relationships I had always used contraception such as oral tablets or implants and had always used condoms in addition to this. The offender never allowed condoms to be used. This made me uncomfortable and I expressed boundaries surrounding this in the initial stages of the relationship, again, I was made to feel like there was something wrong with me and was repeatedly told it is “natural” for two people to have sex without condoms or birth control. I still continued to use oral contraceptive and implant birth control but fell pregnant despite my efforts not to.

Once I was pregnant, everything changed, the offender would constantly shift between “loving” me and the baby and wanting to be a family, to telling me to get an abortion, to taking me out to dinner to celebrate our “family”; many times trying to get me to consume alcohol which I was extremely uncomfortable with. He would then guilt me and put me down for not wanting to have “one cocktail to celebrate” and would call me a prude and tell me that his ex-partner drank whilst pregnant with their eldest son and that his eldest son turned out fine. The abortion vs. keep the baby with the offender leaving the relationship and having nothing to do with the child vs. stay together as a happy family cycle, if I can call that, continued repeatedly. Sometimes the offenders view on this would change multiple times in a day, to a couple of times a week or month. From the time I performed my first at home pregnancy test, I was not allowed to receive any medical care from my usual doctor, who was a male. The offender would become enraged when I would ask to go to my doctor. I eventually asked to see another doctor who was a female, for myself or the baby. The offender became enraged at this and said he already had [REDACTED] children and knew how to help with pregnancies and manage and raise healthy children. I was not allowed to get any medical treatment during the course of my pregnancy and was completely distressed and distraught, separated from all supports and had been banned from psychology by the offender for at least 8 months prior to this. I resorted to buying an at home doppler to listen to the heartbeat and completed many

pregnancy tests in the early stages to determine how many weeks pregnant I was. I miscarried at [REDACTED], at home. In the week after this came my second suicide attempt.

- **Gaslighting**

Throughout this relationship, to assist in coercively controlling me I was constantly gaslighted by the offender; he would make me question my sanity and perception of everything. I was in a constant state of confusion as to what I had done wrong to cause the offender was upset at me, angry at me, treating me poorly, yelling at me or ignoring me. The gaslighting started slowly, unnoticeably, but progressed to becoming more strange and to others; glaringly obvious (but not to me); the offender might tell me he wanted steak for dinner, I would cook steak and when he came home, he would abuse me and scream and become upset because he said he told me that he wanted chicken. I presented emails to Police in which the offender had said I had lied about an injury, lied about a deceased ex-boyfriend, lied about, lied about a previous partner having a young son that I helped to raise, as well as many other things. Despite legitimately experiencing all of these things, I began to think I was crazy, or that these things had never happened, and the offender was right. It took me finding old paperwork about my injury, driving to the cemetery where my high school sweetheart was buried and taking a photo of his headstone, and reconnecting in a plutonic manner with my ex-partner who had a son to realise I was not crazy and these things had happened. When I provided all of this paperwork and photographic evidence to the offender he was enraged, belittled me and the discarded me and gave me the silent treatment for weeks. The gaslighting was probably the most constant part of the coercive control and abuse which happened from day one without me even realising it. After escaping the relationship and seeking the help of trusted friends, disclosing the whole story to them, I was so unable to trust myself that I would often ask my friends to clarify reality and to tell me or explain to me that things were in fact a certain way, to help me become a healthy, normal, functioning person again. Statements and SMS messages were supplied to Police in relation to the above-mentioned report, including messages where I was put down, berated, put down and gas lighted for not enjoying coffee... Because, apparently that is a reason to abuse someone.

- **Limiting my access to money**

The offender would constantly tell me that he was broke, or short on money, or had too many outgoing expenses at the hands of his ex-wife. This led to me feeling compelled to provide for him and his children, despite my lower income. I was happy and willing to assist financially where I could, because that is what you do when you love someone and their children; but over time this led to the offender monitoring my bank accounts as described above, hiding financial resources from me (he always seemed to have money, despite claiming otherwise) and rigorously monitoring what I would spend. Any discussion surrounding my use of money would almost always cause the offender to lose his temper at me or guilt and manipulate me into feeling bad. By the end of the relationship I had two credit cards amounting to over [REDACTED] debt which were obtained solely for purchasing things that the offender wanted or needed or that he stated his children wanted or needed. SMS messages and banking information relating to this was supplied to Police in relation to the above-mentioned report.

- **Controlling aspects of my health and body**

As described above under restricting access to medical care, the offender controlled my health and every aspect of my health and medical care. Including not allowing me to have private health insurance because it was “unnecessary”, this ties directly into limiting my access to money.

Additionally, to this, the offender would tell me what to eat. Would constantly criticise my physical image, my fitness regime and would berate me to eat certain types of food, or to eat more when I was eating a healthy and sufficient amount of food that was what I had usually for as long as I can remember, had consumed. SMS text

messages of the offender telling me what to eat and berating me over this were also supplied to Police in relation to the above-mentioned report.

I was repeatedly told that I should dress in a certain way, specifically, more feminine, wearing dresses and similar which is not my preference. This was often enforced when we would go to certain locations or events, despite my discomfort with wearing dresses and generally considering myself a bit of a "tom-boy which is how I am regarded by all who know me.

- **Jealous accusations**

The offender would make jealous accusations about work colleagues, friends of the opposite sex and would often complain about members of the public looking at me when we were out at shopping centres and the like. The offender would also complain about the closeness of my relationship with my mother (who lives some distance away) and our regular communication on the phone and online. The offender constantly made me feel guilty about contacting friends or family via phone, text message or online and after losing a number of friendships over time, it became evident after the fact that this was done to phase out my contact with the "outside" world or what little part of my life he did not have complete control over.

- **Regulating my sexual health and sexual relationship**

Further to the above described under restricting access to medical care, I was not permitted to use condoms in this relationship despite having done so in all other previous long-term relationships. I also had demands made of me to perform sexual acts that I was not comfortable with. On many occasions I was choked into unconsciousness; you cannot consent to anything when you are unconscious. I discussed this matter with police in the above-mentioned report but did not include it in my statement to Police because there was video footage of this occurring and I did not want to deal with the public humiliation of having my naked body in this video reviewed by Police and potentially in a court room. Though, as noted above, the offender was not charged with any offences.

Aftermath:

Whilst this is not an exhaustive list of all of the coercive control that I was abused with, it clearly illustrates the offender's behaviours and ultimate objective, he set out to do one thing; to control me as a Victim and monopolise my time and entire life.

If, as a Victim you are made to feel guilt and shame, if you are made to feel like you are the issue or the problem, and once you are downtrodden enough, you are unlikely to talk to others or tell others about your experience. As a Victim, I came to the 'understanding' that if I did not comply with my offenders demands, desires, views, rules, constraints and restrictions that I would face significant consequences; this could include physical violence, humiliation, threats against my career, further isolating me from what little people were left in my life at the time or what joy I had to look forward to.

After escaping the offender who had committed the above outlined abuse against me, for good, I was subject to more coercive control, or attempted coercive control, I was subjected to stalking, harassment, intimidation and threats.

The offender would arrive at my home unannounced and uninvited, the offender would follow me in my car to and from work, around town, the offender would attempt to stop me in my vehicle or flag me down to engage me, the offender would appear outside my home at [REDACTED] in the morning and shine the headlights of his car through my front bedroom window, the offender would spread vexatious lies and rumours about me, the offender would follow me from my workplace, the offender would road rage me as I drove on the freeway to work.

This led to me changing my workplace, changing the locks on my home, installing CCTV cameras at my house, changing my alarm code at my house, selling my vehicle so that he did not know what car I drove, once my new car was identified by the offender and the behaviour continued I installed a front and rear dash camera on my car, I changed my start and finish times at my workplace, I would park in a closer and more secure carpark to my workplace, I would change locations that I would frequent or shop at, I changed my phone number at least three times, I changed my email addresses, I set up mail forwarding so that my mail could not be tampered with. I made all of these necessary changes before reporting matters to Police as I felt little to nothing would be done about it, knowing the Police views on these matters and knowing the legal system, I felt there was unlikely to be anything done to assist me, and I was right.

Since reporting the matter to Police, I actually moved house, because the stalking and harassment continued where the offender would drive other cars into my street or ride unregistered trail bikes into my street past my home, but he could "not be identified" to Police standards, as such, it was easier and safer for me to move than it was to expect him to be held accountable for his stalking and menacing behaviour.

Submission:

I understand that specific questions have been posed for comment and that many other submissions can answer these questions in a more comprehensive nature than I from a legislative perspective and others. I hope to answer the questions as best as possible [REDACTED]

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

Coercive control could be defined as a type of domestic violence in which an offender commits a pattern of controlling behaviours against the Victim which create an unequal power balance or dynamic in a relationship where factors/feelings of intimidation, threat, humiliation, degradation, debility or dread are present in the mind of the Victim and where they fear or have experienced psychological or physical harm.

For the purposes of legislation, it should be considered that the coercive control committed against a Victim, causing them to fear psychological or physical harm includes fear of harm to others in which the Victim shares a domestic relationship; such as children.

It should also be considered that an offender committing coercive control abuse, causes fear of psychological or physical harm if he or she knows that the conduct is likely to cause fear in another person or a reasonable person.

The prosecution should not be required to prove that the Victim of coercive control actually suffered psychological or physical harm; e.g. having to prove the Victim suffered a psychological injury as a result.*

*Expert testimony from neuropsychologists in this field costs at minimum, \$2,000 which would see lower rates of arrest, charges and successful prosecutions if these costs had to be borne Police districts investigating these matters. Further, Victims should not be expected to bare these costs. Who will pay if expert testimony is required to secure convictions to make the legislation work?

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

This question has a lot to do with perception of the Victim, as opposed to quantification of certain behaviours committed by an offender, though both are relevant. For example with offences relating to stalk/harass/intimidate the words or actions may not need to be harassing but the sheer quantity of these actions can constitute an offence (for example 100 missed telephone calls in a 24 hour period; even though the telephone calls never resulted in a harassing conversation or voicemail, the behaviour itself is harassing due to the quantity over time).

With the exception of vexatious complainants, if a Victim is afraid enough to be contacting Police, what does that tell us about the pattern of abuse they are likely experiencing? Do people in “ordinary relationships” contact the Police? Being in an ordinary relationship now, I can comment that I certainly would not call the Police in relation to any aspect of my partners behaviour in general or behaviour toward or treatment of me, he is a fantastic man and I’ve never been so relieved in all my life to refer to my relationship as “ordinary” if that means it is free from abuse, coercive control or poor treatment.

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?

In short, absolutely not, as outlined above based on personal experience. The Police were presented with this information, supporting evidence and did not proceed to charge.

There is insufficient time provided to Police to investigate domestic violence matters as is. This type of offending taking up majority of Police workload.

If I had to speculate as to what a suitable outcome would be to better allow Police to investigate domestic violence matters (both existing criminal matters and futuristically speaking; incorporating coercive control legislation) the answer would be to increase Police numbers and to have a dedicated “first responder or general duties domestic violence team” that has 24/7 coverage at every Police district to respond to and investigate domestic violence offences including coercive control offences. Domestic violence offences take up majority of Police workload and a significant number of existing staff who provide “first response” or “general duties” would have to be shuffled across to a dedicated “first responder or general duties domestic violence team” just to cover workload and allow ordinary “first response” or “general duties” to respond to all other types of crime and investigation.

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

Respectfully, what current framework. There is no current framework to address coercive and controlling behaviour on a criminal level. Assault, stalking, harassment and intimidation covered under existing Domestic Violence Legislation and the use of Apprehended Domestic Violence Orders on their own do not encapsulate what coercive control is. Criminalising this behaviour is essential, as is understanding this behaviour as a Victim, Police officer, support worker, Magistrate or Judge.

Police and the judicial system are slow-to-change, bureaucratic organisations which take significant periods of time to accept and then implement change. There needs to be significant education on what coercive control is prior to criminalising this behaviour and ongoing education once it is criminalised.

Coercive control legislation is the future of domestic violence legislation and for it to be implemented effectively Police need time to learn and understand what constitutes this behaviour, how to investigate it, afforded the

appropriate amount of time to investigate this (and existing domestic violence offences) and for the court and judicial system to hand down appropriate sentencing. This is an issue within itself, as coercive control abuse is often committed by persons who have personality disorders or mental health issues; whether they are diagnosed or not or undergoing treatment or not. The courts approach to mental health is too light and too forgiving, they are given a slap on the wrist where perhaps court ordered treatment should be mandated and enforced. This then places additional strains on health systems, etc. By criminalising this behaviour and introducing legislation it is not going to fix an already failing justice system or health system which inadequately handles mental health.

Further, for people with personality disorders, I don't know how they are going to be held accountable for their actions other than serving terms of imprisonment, which again, depending on their legal defence and mental health assessments, is often unlikely due to the penalties imposed by the courts at sentencing.

Australia has a legal system. Not a justice system.

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

Evidence is argued in or out by the prosecution and defence in criminal hearings and in criminal trials, evidence must be compliant with the Evidence Act and the biggest issue with this is that it prohibits an offender's previous misconduct from being known to the court.

We have hundreds, if not thousands of offenders all across Australia who have been charged for offences which are not factored in, given any weight or discussed when the criminal matter then proceeds to hearing or trial. Offenders of coercive control are reliant on this type of segregation of "who they are" not being identified and "what they do" not being disclosed. This is how they move from relationship to relationship continuing the same patterns of abuse. Similar as to how paedophiles continue their behaviour under a cloak of anonymity.

The use of tendency and coincidence certificates must be used to introduce tendency evidence to the court to show relevant prior convictions and have this pattern of offending displayed to the court, however, the issue with this is that the person must have been charged and must have been convicted of those charges in order for tendency certificates to be used. The defence is still then able to argue tendency evidence out.

In terms of modern technology and the courts ability to receive evidence of offences, this should be more reliable and should be a standard part of every court room, for example having a computer in every court room with various multimedia options for playback of files or for reviewing digital images, etc. At present, Police or prosecutors must bring their own laptops or computers to court. This practice, in 2021, is quite frankly unacceptable. There is no reason that each court room should not have its own multimedia facilities.

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 either of the above questions, how could the law be improved to ensure the evidence is admissible and is given adequate weight in civil and/or criminal proceedings?

In short, no, based on the above and, further to this, when a Magistrate or Judge is presented with an offender's criminal history print out, they are presented with the title of the offence for which the offender was previously charged and convicted; and no further information.

One example of this would be the offence of aggravated sexual assault. There are many circumstances of aggravation which can be applied to a sexual assault, such as the Victim being a relative of the offender, or being under the care of the offender, or the Victim having a cognitive impairment. The criminal history provided to a Magistrate only highlights the offence of aggravated sexual assault and the term of imprisonment or other relevant penalty or sanction imposed.

There is no context given as to who that Victim was in the previous matter, the detailed or nature of the offending, if it was prolific and ongoing, or a one-off incident, there is no supporting information whatsoever, simply the title of the offence and the conviction imposed.

There is insufficient context provided at sentencing and this, I am almost certain, is part of the reason we criminal sentences which appear to be on the weak or lesser side of sentencing.

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

The advantages I believe have been outlined so far as best I possibly can. It is not just an advantage, but a necessity.

The disadvantages would be that there will no doubt be an increase in reporting for vexatious reasons, or to use against another party in family court proceedings, divorce proceedings and similar. These matters I believe will also be difficult to secure convictions on based on the current practices within the judicial system, as they need to be proved beyond reasonable doubt and the Victim and Police will have to be careful as to how they collect evidence of the commission of these offences so as to not cause the offending to become worse or cause the offender to act out in retribution. That being said, these are disadvantages that the right people will overcome to investigate these matters thoroughly.

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

The creation of the offence will need to be clearly defined. All involved parties will need to be well educated on the definitions and what to look for when investigating an allegation of coercive control.

The definition of domestic relationship also needs to be re-defined or given careful consideration as to how it would be applied to coercive control legislation; at present it is extremely broad which would present issues.

The types of coercive control most commonly inflicted upon Victims are as a result of an intimate relationship and this should be considered, perhaps as a separate offence title or code to coercive control committed against another domestic relative.

A reverse onus could be considered, for the Accused to prove the "legitimacy" or "need" for their controlling behaviour. For example in the case of a parent alleged of committing coercive control against a child (although this is not a 'typical' example of this behaviour) a parent a legitimate need for tracking a child's movements in the event that they have behavioural or developmental issues and this is done for the safety of the child. If this is part of a broader list of coercive control behaviours it may be identified that this portion serves a legitimate purpose, though other behaviours may still be identified as criminal.

Legislation used in Tasmania for emotional abuse, is less restrictive in defining characteristics and a more open approach may be useful, with amendments and repeals being considered at a pre-scheduled review time for this legislation.

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?

This answer has been addressed to my best ability in other sections of my submission.

An important consideration is that in other parts of Australia and the world, the state of mind of the offender knowing or having ought to have known that their behaviour would have been abusive leaves a great deal of room for interpretation and error.

In the event of dealing with an offender who has a diagnosed or diagnosable personality disorder or similar, these offenders see themselves as right, almost exclusively, all the time. They are unlikely to ever see or be willing to concede that their behaviour was wrong, or that they ought to have known it was wrong.

Much like the differentiation between a psychopath and a sociopath it will be impossible, without expert psychological testimony to identify that an offender knew or ought to have known that what they were doing is abusive.

A psychopath doesn't have a conscience. They do not feel that what they are doing is wrong. A sociopath has a conscience, but it is weak. They know what they are doing is wrong but do it anyway.

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

The existing regime surrounding ADVO's would not fully be able to adequately address coercive and controlling behaviour without criminalising this behaviour. Further, ADVO's would require additional sections or options to add additional behavioural constraints. It is difficult to suggest what these behavioural constraints could be or should include until a coercive control legislative definition is decided upon.

Further consideration should be given to the status of the relationship, for example, an ex-partner is unlikely to have access to or control of finances of the Victim; it would be unnecessary in most cases to put an enforcement condition on an ADVO related to financial control if the relationship has dissolved, however, in circumstances where the relationship, for whatever reason, continues between the offender and Victim, an enforcement condition relating to financial access and control over the Victim may be necessary.

***In relation to questions 11, 12, 13 and 14,** I have not made submissions to answer these questions as I would need to conduct detailed reading on the Criminal Procedures Act in order consider myself slightly apt to comment. As with any new legislation, procedures must coexist with that legislation to allow for it to be successfully put into practice and for it to function as intended.

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?

The response must be reassessed from every aspect of society and culture who will deal with these offenders and Victim survivors. As discussed throughout, I believe that education on coercive control is paramount. This will be essential throughout the criminal justice system and will also be essential throughout the health system.

More statistics and research are required to quantify the correlation between coercive control abuse and abuse committed by persons who have diagnosed or diagnosable personality disorders. As is the case with a number of personality disorders there is no "cure" there is only the option of "treatment" being talk therapy for the sufferer and their families or support network, if they have one.

This being the case, and the overlap between coercive control and a range of personality disorders being evident, the demand on the health system would be significant and the impact this would have on conviction and appropriate sanctions and sentences being imposed would also be significant as punishing criminal behaviour committed by a person with an untreated or undiagnosed personality disorder is unlikely to rehabilitate or change their behaviour.

This will see offenders of coercive control reoffend because they are unlikely to accept their behaviour as being inappropriate or unlawful.

Conclusion:

In closing, I would like to profusely thank the Joint Selection Committee for reading and considering my submission and views on the issue of criminalising coercive control abuse and factoring in my personal experience and work experience as well as escalating this matter to the Australian Parliament for consideration and much needed action. If these laws were in place at present, my circumstances may have played out differently and afforded me protection as a Victim survivor of coercive control and may have prevented others from falling Victim to the same offender,

who continues to offend, and who, I sincerely pray, does not cost another woman their life at his hands or their own to escape his abuse.

Finally, I must again state that any views expressed in this submission are my personal views and opinion as a private citizen and it does not in any way represent my employer or the views or opinions held by my employer and its authorised representatives. I am not authorised to, nor am I making any comments on behalf of my employer.