

Criminalisation of Coercive Control

in Queensland

Dr Amanda Gearing

PhD, MA Research, B Business (Communication)

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Executive summary

The death of Hannah Clarke and her three young children on the morning of 19 February 2020 on a footpath in Camp Hill in Brisbane opened our collective eyes to the devastating failures of authorities to protect victims of abuse in cases where a perpetrator is intent upon killing their partner and/or children in revenge for the partner leaving a toxic relationship.

Over the past 20 years coercive control has been defined, documented and legislated against in Britain. In Australia, a combination of factors has blinded the public from the horror of the reality that women and children are being harmed and killed, predominantly by men, who proclaimed to ‘love’ them, but who too often ‘change the project’ and become killers if the woman leaves or tries to end the relationship.

This submission traces the overseas and Australian research, the media coverage and the growing community awareness that has led to public calls for urgent law reform. This will hopefully provide live-saving protection for victims of domestic abuse and violence, and their children.

Preliminary findings of a national survey *Domestic Violence Survey: Australia 2021* on coercive control that is currently underway are also included. The findings document for the first time, victims’ accounts of experiencing the various elements of coercive control; the cost to victims in terms of health consequences, medical costs and financial costs; their experience of reporting to police and the outcome of their reports; their experience of the legal system and many other issues. These early results present us with the confronting reality that many women are very fearful of reporting abuse or even murder threats to police because the victims are not confident of being protected if they do. Although the Covid19 pandemic may have been a factor in some cases, the survey respondents indicate they have been in coercive and controlling relationships for many years.

Finally, this submission proposes a combination of the 13 options suggested by the Queensland Women's Safety and Justice Taskforce and proposes reforms of various agencies and first responder organisations; as well as a combination of federal and state law reforms designed to address the problems that are clearly identified by victims via the survey findings.

I am willing to make a presentation to the Taskforce and answer questions.

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Thank you to all the women, men and children who have approached me as an investigative journalist over the past 20 years to expose the catastrophic failures of the systems that were designed to protect you. The insight I have gained by observing how offenders are able to use the legal system to continue their coercive control of their partners and children has informed my research and reporting on child sexual abuse and domestic abuse.

Thank you to Sue and Lloyd Clarke for your willingness to confront the distressing lead up to the murder of your beloved daughter and grandchildren. Your willingness to share the agony of your loss in order to help spark law reform and to hopefully prevent further loss of life in future, is an extraordinarily courageous and generous act.

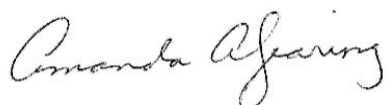
Thanks to the many women who responded to my article in *The Guardian* at the beginning of the 2020 Covid19 lockdown who shared their terrifying stories of attempted murders. That the system let you all down and failed to protect you from ongoing threats and fear of homicide is inexcusable. Change needs to happen – and to happen soon.

Thank you to all those victims of domestic abuse around Australia who have participated in the current online Domestic Violence Survey: Australia 2021. Your contribution adds to our better understanding of the destructive nature of coercive and controlling behaviour on victims, children, relationships and society as a whole. Your voices are being heard and your needs are acknowledged.

I pay tribute to the pioneering work of criminal behaviour analyst Laura Richards in documenting homicide data since 2000 to reveal the elements of coercive control that are common to every intimate partner homicide. Her work with police at New Scotland Yard and the National Police Chiefs' Council to develop a preventive perspective for law and order has saved the lives of countless women and children.

The shift from a culture that has for centuries accepted a patriarchal system where men have ruled their domestic partner and children, immune from prosecution for coercively controlling and punishing their family may not be an easy one. But it is a necessary shift to ensure that criminal behaviour inside the home is punished with the same energy as that same behaviour outside the home.

I commend this submission to the Taskforce for your earnest consideration.



Dr Amanda Gearing

PhD, MA Research, B Business

Journalist, author, broadcaster

Dedication

A mother and her children,
lost but never forgotten,
who have inspired many people to make necessary change.

Hannah Clarke, 32

Aaliyah, 6

Laianah, 4

Trey, 3

Chapter 1: A hidden crisis

This submission provides a chronology of the circumstances that spearheaded Australia to confront the apparently unstoppable scourge of domestic abuse, violence and intimate partner homicide and filicide in Australia. The public awakening and the political motivation has arisen remarkably quickly. The most recent major report on domestic violence in Queensland, the *Not now, not ever* Report released in 2015 mentioned coercive control only four times but did not explain the relevance of it or define it (Bryce 2015). The report did not mention the US and UK research literature on coercive control that had been building over more than 10 years, or efforts overseas to criminalise coercive control. However, public awareness of the corrosive effects of coercive control has grown very quickly due to a combination of the murder of Hannah Clarke and her children, coverage of the terroristic nature of the crime and the Covid19 lockdowns in Australia that led to spikes in domestic abuse and violence. The term ‘coercive control’ is now used frequently in the media, in news and current affairs contexts, with reference to the dangerous nexus between domestic and family abuse and violence, and subsequent intimate partner homicide and filicide.

Australian Governments have spent billions of dollars in the past decade attempting to reduce domestic violence and to assist victims and attempt to rehabilitate perpetrators. A 2009 Government study found domestic abuse and sexual assault against women was costing Australia \$13.6 billion annually with costs projected to rise to \$15.6 billion per year by 2021. The Australian Government adopted a 10-year National Action Plan to reduce domestic and family violence and sexual assault to run from 2012 to 2022. Despite the action plan, the rates of domestic abuse remain stubbornly high but there is a new political to make generational change.

This submission traces the chronology leading to the political promises by both sides of the Queensland Parliament to address the problem of coercive and controlling behaviour. Queenslanders, especially Brisbane residents were horrified by the multiple murder of a woman and her children on a suburban footpath in view of onlookers who tried to save the children but who were prevented from doing so by their father. The need for improved protection for victims of domestic abuse led to a united community demand for terroristic-style murders to be *prevented*.

A Women’s Safety and Justice Taskforce established in April 2021 by the State Government has suggested thirteen options ranging from not changing any legislation to making various changes to current laws. This submission argues that taking no legislative action is not acceptable and will lead to further preventable harm and deaths. A national online survey has been carried out providing a snapshot of the current crisis. Preliminary results indicate that victims are well able to identify the elements of coercive control and many are able to give reasons why they cannot risk reporting to police. This is one of the first surveys in which victims have provided detailed data about how they were lured into a toxic relationship, trapped, subjected to coercion and control, the cost they have incurred in terms of loss of freedom, physical and psychological injury and the financial cost. The findings are as compelling as they are shocking.

The aim of the recommendations made in the final chapter of this submission is to suggest a combination of methods to address the current crisis articulated by the survey findings. The data indicates that there is a systemic failure of current legislation, policing, civil law and criminal law to protect women and children (and some men) from being trapped in toxic relationships that too often lead to deadly outcomes if and when the victims (and their children) attempt to escape to safety.

HANNAH CLARKE

The death of Hannah Clarke, 32, and her children Aaliyah, 6; Laianah, 4; and Trey, 3 on 19 February 2020 shocked Australians and focused the attention of the public, law enforcement and other authorities on how the lives of innocent women and children might be saved in similar future cases. In this case, Baxter had been exhibiting coercively controlling behaviour in the home and when he lost control of Hannah because she left, he decided to kill her and the children. He bought petrol, ambushed Hannah and the children on their way to school, poured petrol in the car and set fire to them in broad daylight in a public place. Baxter then used a knife to threaten and to keep at bay some bystanders who tried to rescue the children from the burning car.

Characteristics of terrorist-style murderers such as Baxter and others are now well-recognised in the overseas research literature. The offenders are almost exclusively male aggressors who undertake a very familiar modus operandi:

1. The offender loses a previous relationship where they have been coercive and controlling;
2. The offender targets a second or subsequent victim;
3. The offender ‘love bombs’ the victim;
4. The offender demands from the victim a demonstration of commitment very early in the relationship; and
5. Immediately seeks to control every aspect of the woman’s daily life.

These predators subversively entrap the victim in a toxic relationship by using non-physical abuse; credible threats of violence and actual violence to silence the victim, isolate the victim from family and friends and prevent the victim from obtaining medical care for themselves or their children; prevent the victim accessing help or support and try to prevent them from reporting to police.

Risk assessment

The South Brisbane vulnerable person’s unit that interacted with Hannah Clarke before her death used a risk assessment tool but despite their use of a risk assessment, they did not correctly assess the deadly risk to Hannah Clarke and her children. Critically, the risk assessment did not include questions about the previous partners of the offender. Had the risk assessment done so, Hannah would have been able to tell police that Baxter had admitted going to his former partner’s house with a rope in order to strangle her and her son. Had police known this, they might have been more proactive in protecting her. This is why the

adoption and use of a thorough risk assessment questionnaire such as the DASH risk assessment framework is urgently needed (Richards 2009). The DASH assessment has also been adapted for victims of stalking and honour-based violence and in forensic mental health.

In an interview with Lloyd and Sue Clarke in October 2020, I used a questionnaire based on the UK Home Office coercive control Legal Guidance to assess Hannah's risk (retrospectively). Using this assessment, Hannah was experiencing an extremely high level of coercion and control in the years before she was murdered.

Risk factors for homicide have a parabolic relationship – that is, two risk factors creates much more than twice the risk and three risk factors create far more than three times the risk. At the time Hannah approached police she had left the relationship and the coercion and control was escalating. Hannah was terrified. Yet her fears were not translated by police into effective protections for her.

Parenting plans and orders

At the time Hannah left the relationship there were no court ordered parenting arrangements. This meant Baxter was legally able to take one of his children away from the mother without incurring legal consequences.

However abduction of a child from a protective parent signals a serious risk of homicide (Jaffe et al. 2014). Research in the US has shown that 49% of child abductions are carried out by a parent and 74% of abducted children who are ultimately murdered are dead within three hours of the abduction.

Despite this evidence of risk, the Australian Family Law system allows parents who do not have parenting orders to each have equal custody rights to their children. Thus Baxter was legally 'allowed' to remove his daughter from the care of her mother and drive with her interstate. Baxter was therefore able to take his daughter as a hostage and use her as a bargaining tool over Hannah.

Hannah was terrified that her daughter had been taken but she had no legal recourse. She reported the abduction of her daughter to police. They did not pursue Baxter (as he had parental rights to take her). Police waited for Baxter to return to Queensland. He returned three days later.

Risk profile

Risks that were not acted upon sufficiently to protect Hannah and her children include the following:

1. He isolated Hannah from her family and friends and limited her access to them.
2. Baxter had a criminal history. He had previously been charged with assault in New Zealand and was charged in Australia with kicking in a car door.
3. He deprived Hannah of basic needs such as food, clothing and sleep.
4. He controlled her daily life: where she could go, who she could see, what she must wear.
5. He prevented her from attending doctors for her medical needs.

6. Baxter belittled Hannah with insults about her figure and her mothering ability.
7. He made up rules for her to obey and punished her for disobeying his rules.
8. Baxter monitored Hannah's phone and cancelled her Facebook account.
9. He stalked her, monitoring her location using mobile phone tracking software and devices and followed her to different locations.
10. He tracked other members of her family, spied on them and confronted them in public places.
11. He had threatened to kill his previous wife and son.
12. He threatened to kill himself as a means of trying to force Hannah to stay with him.
13. At least once Baxter held Hannah down on the ground and told her that he could kill her.
14. Baxter printed and shared intimate photos of Hannah.
15. Baxter demanded sex from Hannah every night – a course of conduct that amounts to rape.
16. When he drank, Baxter drank to excess and became violent towards other people.
17. Even when he was sober he destroyed mobile phones and his children's watches. He destroyed household goods; he threw away toys belonging to his children as punishment for not putting them away (Gearing 2020d).

In her book *See what you made me do*, investigative journalist, Jess Hill, has named coercive control as the critical issue that needs to be addressed to find solutions to preventing domestic abuse (Hill 2019). In an article in December 2020, Jess Hill wrote that coercive control had become the subject of intense media interest since Rowan Baxter murdered Queensland woman Hannah Clarke and their three children in February. And she believed that interest would intensify as states including Victoria considered criminalising it.

What we're talking about when we understand coercive control is finally moving away from our incident-based approach to domestic violence, to understanding how the systems of abuse actually never switch off.

It's not about an explosion or overreaction ... that all these other behaviours are part and parcel of the abuse.

She said Rowan Baxter had become an exemplar for coercive control because he showed exactly how dangerous controlling and degrading abuse could be.

What shocked people was to hear there had been little to no physical violence in the relationship before that horrific act of violence that took Hannah and the three children's lives.

Inquest

Hopefully a detailed analysis of what happened and when in the days, weeks and months before the murders will be undertaken during an inquest into the deaths. No inquest is currently scheduled but it is understood that the family has requested an inquest.

2020 COVID19 LOCKDOWN

The Covid19 pandemic lockdowns began in Australia within weeks of the murder of Hannah Clarke and her children on 19 February 2020. Media coverage detailed the coercive and controlling behaviour of the offender, Rowan Baxter whose family had a serious criminal history in his native New Zealand. Baxter had a prior relationship in which he was coercive and controlling, that ended, and in which Baxter admitted to Hannah that he had ideated about murdering his partner and child and had begun to carry out his plan, equipping himself with a rope and stalking his partner and child to strangle them.

Coercive control legislation overseas

Following Hannah's death, I began researching the topic of intimate partner terrorism to find out if any other jurisdictions had already sought and found policing or legislative solutions. I discovered coercive control laws in the UK that had been legislated years earlier in the UK, in 2015, and in Scotland in 2019.

The first legislation to criminalise coercive control

Laura Richards has a BSc in Psychology and Sociology and an MSc in Forensic and Legal Psychology. In her role as a criminal behavioural analyst in New Scotland Yard from 2000, [Laura Richards](#) helped to solve intimate partner homicides, becoming head of the Violent Crime and Intelligence Analysis Unit in the Metropolitan Police Service. As she investigated the murders she wanted to try to prevent more deaths if possible. To do this she asked family and friends if they had seen any signs or signals that the victim might be murdered. Family and friends of the deceased were able to readily describe behaviours of coercion and control of the victim in the weeks, months and years before the murder. In many cases there were no physical assaults but there were always threats of violence. Laura used her role in the police force to document her findings, do further research and to describe the elements of coercion and control that she saw in every case. This enabled her to show that the 'crime of passion' paradigm that courts and society had accepted for many years was not true. Her research became the basis upon which the new English and Scottish legislation was drafted.

In 2009, Laura Richards completed development of the Domestic Abuse, Stalking and Harassment and Honour based violence (DASH 2009-2020) Risk Identification, Assessment and Management Model which police in the UK use to assess risk (Richards 2009). The change in paradigm meant that it was vital for police, magistrates, DV workers, court staff etc to be trained to recognise the signs and symptoms of coercive control long before the murder may occur and protect the potential victim. A feature of this assessment is that victims can do the assessment themselves online at home and then seek police help.

After a decade of analysing violent crime at New Scotland Yard, Laura Richards became the violence adviser to the National Police Chiefs Council (NPCC). She combined her practical and academic understanding to create six areas of law reform to better protect victims.

Laura led a campaign to make stalking a criminal offence in 2012. Laura then led a campaign to criminalise coercive control in 2015. She helped draft the new law and the statutory guidance and developed and delivered the first training on the new law in the UK.

Laura continues to advise the NPCC, the College of Policing, the Home Office and police services across the UK on public protection.

The Scottish legislation has been approved by the ‘father’ of coercive control, sociologist and forensic social worker Evan Stark as the ‘gold standard’ for coercive control legislation (Scott 2020). Stark had written the book *Coercive Control: How men entrap women in persona life* in 2007, showing that ‘domestic violence’ is neither primarily domestic nor necessarily violent, but a pattern of controlling behaviours more akin to terrorism and hostage-taking” (Stark 2007).

In Australia, terrorism is successfully combatted with a combination of surveillance of suspected persons and prosecution of people who prepare or plan to commit terror acts. If a similar approach was taken to domestic violence harm and killing, then perpetrators could be prevented from carrying out their plans.

Under the Federal Criminal Code Act 1995 it is an offence under Part 5.3 to plan or commit terrorist acts. Under the code, it is an offence to do the following:

- commit a terrorist act
- plan or prepare for a terrorist act
- finance terrorism or a terrorist
- provide or receive training connected with terrorist acts
- possess things connected with terrorist acts
- collect or make documents likely to facilitate terrorist acts (Criminal Code Act 1995 1995).

A person may be convicted of an offence if they:

- intended to commit one of these offences
- or
- were reckless as to whether their actions would amount to one of these offences.

For example, someone may be found guilty of a terrorist act offence where they intentionally prepared or planned a terrorist act but did not actually commit it themselves.

A person may still commit a terrorist act offence even though a terrorist act did not occur.

DEFINITION OF COERCIVE CONTROL

The term coercive control was coined in the 1970s to describe abuse victims who appeared to live as hostages of their partner.

The intention of a coercive controlling person is to exploit and dominate their partner and to ultimately deprive the victim of their most basic rights and needs. Over time, the victim may lose the very essence of being, the sense of who they are, their likes and dislikes, rendering their needs and desires irrelevant (Richards). At first the perpetrator may be charming and put the victim on a pedestal by the effective tactic of love bombing. Once under their spell, the perpetrator's behaviour changes however the victim may not be able to identify when the change in the perpetrator took place or how it happened (Richards).

Laura Richards has carefully defined coercive control as follows and described how it is deployed by perpetrators:

Coercive control is a strategic pattern of behaviour designed to exploit, control, create dependency and dominate. The victim's every day existence is micromanaged and her space for action as well as potential as a human being is limited and controlled by the abuser.

Initially love bombing and charm may occur to get the victim into the relationship. Gaslighting, isolation, economic control and financial abuse and rules and regulations are gradually introduced over time once the victim is emotionally invested as well as a consequence if they are broken. The rules apply to the victim rather the perpetrator creating a double standard and the victim fears the consequence if she breaks a rule.

Over time, coercively controlling behaviour erodes the victim's sense of self, their confidence and self-esteem, agency and autonomy.

The abuser creates an unreal world of contradiction, confusion and fear. Moreover 51% of victims do not even know that they are being abused, manipulated and controlled.

Coercive control correlates significantly to serious harm and homicide.

Gendered violence

Coercive control is a gendered type of violence. The vast majority of offenders are males and the vast majority of victims are female.

Australian Bureau of Statistics figures from the Personal Safety Survey show 95% of all victims of violence (women or men) experience violence from a male perpetrator (Department of Social Services 2019).

Language

Labelling male crimes of physical assaults and threats of assault against their female partners as ‘domestic violence’ or ‘domestic abuse’ obscures the reality of the gendered nature of the offences that result in hospitalisations and death every day in Australia. In addition, the term ‘domestic violence’ or ‘domestic abuse’ leaves room for the reader or listener to interpret that the behaviour might be a two-way occurrence and that working out who is the aggressor is problematic.

POLICING

Misidentification of the victim and perpetrator by police

A major problem for domestic abuse victims is that too often they are mis-labelled as the perpetrator and subsequently are murdered. Australia’s National Research on Women’s Safety (ANROWS) has begun to try to address the problem of victims being wrongly labelled by police as being the perpetrator (Nancarrow et al. 2020).

ANROWS cites research by the Queensland Domestic and Family Violence Death Review and Advisory Board that found that *almost half* of the female homicide victims in Queensland from 2015-2017 had been *wrongly labelled* as the perpetrator before they were murdered:

[The] QDFVDR&AB identified that, of domestic violence-related deaths reviewed for the period 2015–17, in just under half (44.4%) of the female adult cases the woman had been identified by police as a *respondent* on at least one occasion, and “in the Aboriginal family violence homicide meeting, nearly all of the victims had a prior history of being recorded as both respondents and aggrieved parties, in both their current and historical relationships” (2017, p. 82). That is, *a substantial proportion of DFV victims had been constructed as perpetrators, prior to their domestic violence-related death*. (Emphasis in first sentence in the original. Emphasis in the final sentence added)

Therefore the ability of police to quickly identify the victim and to correctly assess the true level of risk to the victim is urgently needed.

Incident-based policing

Current policing follows an incident-based policing model in which police respond to physical evidence of physical injuries such as blood or broken bones. Baxter had not physically assaulted Hannah and used this point to convince her family and Hannah that she was not being subjected to domestic violence. However Baxter did subject her to very high

levels of coercion and control that escalated after she fled with the children in the 50 days before Hannah and the children were all murdered.

A model of assessment that more accurately would have captured her level of risk was a model using *patterns of behaviour* and the *combination of risk factors* at the time. The combination of risk factors in Hannah's case were as follows:

- a. a recent separation (Hannah was murdered 50 days after leaving the relationship);
- b. coercion and control (Hannah had been very highly controlled for the ten years of her marriage to Baxter); and
- c. physical assault (a twisted arm – Baxter's use of physical force by twisting Hannah's arm behind her back to prevent Hannah removing intimate photos that Baxter had in his car and that he was threatening to share on social media, represented a sudden escalation to physical violence that could have precipitated police to apprehend, arrest, charge and place him in detention for the child abduction and assault or pending a mental health assessment.)

Combining these three risk factors, Hannah had a 900% increased risk of being murdered (Monckton-Smith and Haile 2019).

The absence of any physical injuries (or evidence of a physical assault) was perceived by police (using their incident-based policing model) as meaning that Hannah was not at risk, when in fact she had a very high risk of being murdered. Failure of police to recognise the magnitude of the risk or to respond with enough protection for her and her children meant that ultimately Baxter was able to kill them all.

It has been noted that even if Baxter had not been apprehended but had been required to wear an ankle bracelet tracking his movements, police and Hannah could have gathered the evidence of his intention to kill – buying a jerry can of petrol, obtaining a knife and going to the house where Hannah was living, that was off limits to him due to a domestic violence order. This could have enabled police to charge him with attempted murder and for Hannah and the children to be saved.

Many of the missed opportunities for Hannah, her family, her friends and police to correctly assess the dire risk that Hannah faced are explained in a feature article published in *The Guardian* in November 2020 (Gearing 2020d). The interview with Sue and Lloyd Clarke was also made into a podcast (Gearing 2020b) in which the parents are sure that were they to have understood coercive control they could have rescued their daughter and grandchildren before they were killed.

FAMILY LAW AND CHILD PROTECTION

Australia's family law system is dysfunctional and dangerous and routinely fails to protect children and their protective parent. This largely stems from an unsolved series of murders and bombings in the Parramatta Family Court in Sydney in the 1980s that remained unsolved for some 40 years. Murderer and bomber Leonard Warwick was in a Family Law dispute

with his wife and murdered Family Court judges when they made judgements reducing his contact with his child. Family Court judges became understandably very cautious about denying fathers contact with their children, lest they risk being murdered or bombed.

Several disastrous verdicts were made as a result, including one in which the judge knew the father was a familial child sex offender who had offended against his step-daughter for some years but in the judge's judgement access was given to the father to spend time unsupervised with his young daughter. As a result, the precedent set means that protective mothers who know or suspect the father of committing sexual abuse of a child, are not able to legally withhold their children from a known or suspected sex offending father (Berkovic and Gearing 2015). Judges routinely prioritise 'relationship' over child safety. This judicial precedent unfortunately continues to the present day and there are dozens of children I have interviewed during the past ten years who have described sex offences committed against them during court-ordered time with their father.

The silencing of parties involved in Family Law litigation means the protective parent cannot safely withhold their child from the abusive parent for fear of a judge removing the children from their care and declaring the protective parent to be an 'unfriendly' parent for withholding the child. Seeking media coverage of this outrage is also fraught with risk for protective parents due to their fear of being identified despite attempts to anonymise their accounts. It is a crime under the Family Law Act (Section 121) for a litigant to identify themselves and for a journalist to identify a litigant or child who is the subject of litigation.

CONTEXT FOR PROPOSED LEGISLATION OVERSEAS

Any legislation that is revised or added to the current civil and criminal frameworks must be founded upon evidence-based research. The legislation must be practical, understandable, measurable and achievable.

Whilst the research literature overseas has recognised and described coercive control in the past 20 years the term has only entered popular culture in Australia in the past year. In addition, any research on domestic and family violence in Australia before 2020 when coercive control became a common term, rarely sought responses to questions naming coercive control or the elements that are now recognised as making up the most common elements of coercive and controlling behaviour.

Cases were being prosecuted, offenders apprehended, convicted and jailed. In Australia, offenders committing similar acts are treated under the civil domestic violence legislation and senior police have claimed that they do not have jurisdiction to charge or even to investigate by gathering evidence, for example by installing cctv cameras in a home where repeated violent physical or sexual offences have been reported to happen. This lack of evidence-gathering is a severe risk to the lives of women and children because many victims who try to report, do not have the evidence necessary for a prosecution and once the offender is alerted that the victim has reported, the offender may plan to kill the victim. Due to a lack of evidence, the offender is unlikely to have been apprehended and the victim is at potential risk of being murdered.

Upon examining how the coercive control legislation was rolled out in the UK, I came across the UK's Home Office Legal Guidance on coercive control which specifies the behaviours captured in the new Domestic Abuse Act (UK Home Office 2015):

Types of behaviour

The types of behaviour associated with coercion or control may or may not constitute a criminal offence in their own right. It is important to remember that the presence of controlling or coercive behaviour does not mean that no other offence has been committed or cannot be charged. However, the perpetrator may limit space for action and exhibit a story of ownership and entitlement over the victim. Such behaviours might include:

- isolating a person from their friends and family;
- depriving them of their basic needs;
- monitoring their time;
- monitoring a person via online communication tools or using spyware;
- taking control over aspects of their everyday life, such as where they can go, who they can see, what to wear and when they can sleep;
- depriving them of access to support services, such as specialist support or medical services;
- repeatedly putting them down such as telling them they are worthless;
- enforcing rules and activity which humiliate, degrade or dehumanise the victim;
- forcing the victim to take part in criminal activity such as shoplifting, neglect or abuse of children to encourage self-blame and prevent disclosure to authorities;
- financial abuse including control of finances, such as only allowing a person a punitive allowance;
- threats to hurt or kill;
- threats to a child;
- threats to reveal or publish private information (e.g. threatening to 'out' someone).
- assault;
- criminal damage (such as destruction of household goods);
- rape;
- preventing a person from having access to transport or from working.

This is not an exhaustive list

Figure 1. Coercive and controlling behaviours.

UK prosecutions

Successful prosecutions

Precipitating the suicide of a partner

Prosecutions for driving a person to commit suicide are rare to non-existent in Australia. Coercive control laws in the UK have resulted in successful prosecutions for this offence, such as the jailing of Steven Gane in 2018.

Gane was jailed for four years for severe coercive control including throwing his partner on the floor and choking her for not telling him where she was going; and for committing physical violence including breaking his partner's skull.

Steven Gane jailed after 'driving his partner to suicide'

26 March 2018



A man who physically and mentally abused his girlfriend before she took her own life has been jailed for controlling and coercive behaviour.

Steven Gane, 31, of Gadsden Close, Upminster, was also found guilty at St Albans Crown Court of actual bodily harm and assault by beating Kellie Sutton, from Welwyn Garden City.

A judge said his actions had driven her to suicide.

He was jailed for four years and three months.

Gane was cleared of a second charge of assault by beating.

The court heard Ms Sutton, 30, a mother of three, began a relationship with Gane in March 2017 and had changed from being a positive and outgoing woman into someone who was anxious,

quiet and increasingly isolated from her friends.

On 23 August, she was found unconscious by Gane at her home in Pollards Close after attempting to take her own life.

She never regained consciousness and life support was withdrawn three days later.

'Broke her spirits'

Police were told by one of Gane's friends he had "bust Kellie's head open" after losing his temper and he made jokes about her taking her own life.

Medical records showed she had been to hospital on 3 June with a 3cm wound to the top of her head and police were called to reports of a row at her home on 6 July.

She later told a family member Gane had thrown her on the floor and choked her because she had gone out and not told him where she was. She told others he was abusive, jealous, possessive and controlling.

He denied hurting her, saying they loved each other but their relationship was sometimes "volatile".

Passing sentence, Judge Philip Grey said: "Your behaviour drove Kellie Sutton to hang herself that morning.

"You beat her and ground her down and broke her spirits."

The judge also imposed a Criminal Behaviour Order, requiring Gane to inform police if he is involved in a sexual relationship that lasts for 14 days or longer.

Enforced gruelling fitness regime

Mohammed Anwaar was jailed for 2 years and four months for treating his partner 'like an animal', forcing her to eat 50 cans of tuna a week and undergo a gruelling exercise regime to burn 500 calories a day in the hope of changing her physique to be similar to that of his ideal models. If she refused his demands, he beat her.

Controlling boyfriend jailed after forcing his girlfriend to run on a treadmill while he showed her pictures of other women and told her she didn't look as good

A boyfriend has been jailed for forcing his girlfriend to undergo a gruelling fitness regime and controlling what she ate as though she was a lab rat to make her look like Kim Kardashian.

Mohammed Anwaar told Gemma Doherty even sent her pictures of the women he thought looked better than her, which also included his 'favourite' model Graceyanne Barbosa.

Anwaar would threaten to beat her if she did not do as she was told during a reign of terror that lasted more than a year, a court heard.

Miss Doherty said: 'He treated me like an animal - almost like a guinea pig in a laboratory. He wanted me to have abs and a huge ass - a big one like Kim Kardashian.'

'His favourite model was Graceyanne Barbosa and he would make me look at her fitness routines and practise them. If I didn't he would beat me.'

Anwaar was today jailed for 28 months at Sheffield Crown Court, South Yorkshire, and one of the ten charges was the new crime of controlling or coercive behaviour, brought in at the end of 2015.

Police believe today's sentence - which carried 12 months for that charge alone - could open the floodgates for many more prosecutions.

In a victim statement read out to the court yesterday, Miss Doherty said the relationship had started out 'perfect' but everything changed in May 2015.

'I knew how quickly his mood could change over the smallest thing,' she said.

The court heard how Anwaar told mother-of-two Miss Doherty, 30, who she could see, what she was allowed to wear and what not to eat.

He wanted me to have abs and a huge ass - a big one like Kim Kardashian.

She told the court she was forced to eat 50 cans of Tuna a week and run on a treadmill every day to meet his demands, and he would not let her see her friends - who noticed her drastic weight loss.

Anwaar made her burn 500 calories every single day on the treadmill, despite her telling him that it was not the best way to achieve a body like the women he showed them.

She said: 'He would sit on the toilet while looking at pictures of Graceyanne and would tell me I needed to do more sit ups and do more squats.'

'I told him that by losing 500 calories a day on the machine would not achieve that - but he wouldn't listen. He would force me on the treadmill until I achieved the daily target.'

'One time I had stopped because he had fallen asleep. I had got to 425 calories, he woke up and because I had stopped - he made me start again.'

She added: 'He would only let me eat tuna and beetroot. I would see my friends out and they told me to eat more.'

'I was wasting away when I was forced to lose all these calories every day. I felt like

a zombie on autopilot and was at his beck and call - whatever and whenever.' Mixed in with Anwaar's controlling behaviour were violent attacks, the most serious of which in August last year brought a charge of assault causing actual bodily harm. After an argument over money, Anwaar first smashed Miss Doherty's iPhone before attacking her with slaps and kicks, choking her and causing her to fall unconscious.

Selling partner as a sex slave

The importance of extraterritorial powers is underlined by a UK case in which police were able to prosecute an offender for luring a woman from overseas and keeping her in a cage and selling her to other men as a sex slave.

The offender was jailed for three years after admitting coercive and controlling behaviour including depriving her of money, her phone and her identity documents to entrap her, locking her in a cage, controlled who she spoke to and advertised her online for sex.

A DEPRAVED pervert who kept a woman as his sex slave while threatening to show explicit pictures of her 'to the whole of Poland' has been caged for three years.

Sick Ryszard Bojarski, 42, kept the woman at his shared house for seven weeks and advertised her for group sex.

He persuaded her to travel to the UK after meeting on a dating website in November last year and she stayed at his home in Worcester.

Within weeks he began forcing her to hand over her money and perform sex acts on him.

The monster plied her with alcohol to keep her under control while also advertising her for sex on websites.

His victim was rescued in January this year when another housemate became concerned for her welfare and called police.

Bojarski has now been jailed for three years at Worcester Crown Court after admitting controlling and coercive behaviour.

Prosecuting, Harpreet Sandhu told the court: "He became aggressive and abusive towards the woman and took what little money she had.

"She found a job and he ordered her to have the money paid into his bank accounts and he would check her mobile phone so she could not contact other people.

"He preyed on her isolation.

"She had to stay in because he would go through her belongings if she went out and he became obsessed with her performing a sex act on him several times a day.

"She became robotic. He would get her to dress in specific underwear, tell her what to wear and how much make up she should apply.

"He made her reliant on him financially and emotionally."

The court heard he even filmed her dancing and brought other men back to the house to have sex then advertised online.

Bojarski took away her phone and national insurance documents with the aim of making her "helpless and destitute" Mr Sandhu said.

Robert Jukes, QC, also handed Bojarski an indefinite restraining order banning him from ever contacting the victim again.

Self harm used to coerce a partner

Nicholas Pearce was jailed 14 months for controlling his partner by stabbing himself in the leg, banning her from having male friends, monitoring her social media activity, damaging her property and assaulting her.

Portishead man stabbed himself in the leg when his girlfriend tried to leave him

A “controlling” partner banned his girlfriend from having male friends on social media.

Nicholas Pearce accused Donna Harvey of cheating on him, Bristol Crown Court heard.

Not only did he impose a block on male friends and checked her Facebook account, he assaulted her and beat and stabbed himself when he thought their relationship was over.

Pearce, 31, of Briary Road in Portishead, pleaded guilty to three assaults, two charges of criminal damage and one charge of engaging in controlling or coercive behaviour.

Judge Michael Longman handed him a 14 month jail term, suspended for two years.

He told Pearce: “There plainly is a risk that you will visit behaviour of a similar sort on other partners in future if flaws in your character are not confronted.”

He was told to pay £1,000 compensation to Ms Harvey and made the subject of a five-year restraining order banning him from contact with her.

He was fined a further £250 for breaching a previously suspended jail term.

Kenneth Bell, prosecuting, said the pair got together in March but the relationship deteriorated after a few weeks.

Mr Bell said: “She began to see a different side in which he could be manipulative and controlling.

“She was allowed no male friends on Facebook and he threatened to harm himself when she said she wanted no more relationship.

“At the end of the relationship he punched himself in the face and stabbed himself in the leg with a knife.”

The court heard of specific incidents in which Pearce damaged Ms Harvey’s property and assaulted her.

After one incident she reported him to police, only to retract her statement.

But after another incident in which he pinned her down and slapped her she reported him to police again.

She gave an impact statement in which she said the abuse left her feeling very drained and isolated, she recognised he needed to learn a lesson but was worried for his mental health.

Neil Treharne, defending, said Pearce had a job as well as caring for his father, mother and brother.

Mr Treharne said: “He is genuinely remorseful and he fully appreciates his wrongdoing.”

“I was thinking it wasn’t abuse because he never hit me.” – Hannah Clarke

Upon reading the above list, I realised that almost all of the behaviours Baxter had exhibited towards Hannah in the weeks, months and years before he killed her were itemised in this list. I wrote an article pointing out the ‘red flag’ behaviours that Hannah, her family and friends all noticed. I explored the possibility that Hannah’s life and her children’s lives could have been saved if she, her family, her friends and police had understood the danger of the coercive and controlling behaviours to which she had been subjected – even though there was very little physical violence (Gearing 2020a).

In one third of intimate partner homicides, the murder is the first physical violence by the offender (Monckton-Smith 2020). This is why authorities must protect victims who report non-physical violence to be successful in reducing the incidence of intimate partner homicide.

By 2016, researchers Andy Myhill and Katrin Hohl reported that the dangerous patterns of coercive controlling behaviour were the best predictor of the risk of domestic homicide and better than assessing danger by physical assaults alone (Myhill and Hohl 2016). They found coercive and controlling conduct was identifiable by behaviours including perpetrators’ threats, controlling behaviour and sexual coercion, and victims’ isolation and fear. In addition, sub-lethal physical violence such as choking and the use of weapons were also consistent with the same conduct. However, interestingly, a physical injury sustained during a particular current incident was not a consistent indicator of future risk. They summarised their conclusions as follows:

We conclude that *coercive control is the “golden thread” running through risk identification* and assessment for domestic violence and that risk assessment tools structured around coercive control can help police officers move beyond an “incident-by-incident” response and *toward identifying the dangerous patterns of behaviour that precede domestic homicide*.

Coercive control in Australia

Australian law academics Professor Marilyn McMahon and lawyer Paul McGorrery have been researching coercive control legislation in the UK and have suggested that Australia could consider similar legislation to the ‘gold standard’ Scottish legislation (McGorrery and McMahon 2019, 2020). The critical point they raise is the need to identify coercive control early enough for protective authorities to intervene.

Public response

After the *Guardian* article was published, about 20 female readers responded directly to me by phone (during the Covid19 lockdown) indicating they were in a similar position to the one Hannah had faced and described themselves as being in imminent danger of being murdered.

I interviewed them, recording the interviews with their permission, collated their responses and summarised the emerging data in a second article in *The Guardian* on 1 April 2020, entitled “Coronavirus and ‘domestic terrorism’: how to stop family violence under lock down” in *The Conversation* (Gearing 2020c). One of the women who responded has described the moment she realised the risk she faced – when she was listening to the Clarke’s answers to the questions about Hannah.

For two years I truly believed I was crazy.

I had been repeatedly abused, stalked, harassed, humiliated and the old “me” simply didn’t exist anymore. I couldn’t function. I had isolated myself from every single person who cared for me and I was broken inside.

I still remember where I standing in my apartment when I finished listening to Amanda Gearing’s interview with Hannah Clarke’s Mum and Dad. The coercive control questions she had asked them were sitting in my stomach like hot coals and I felt the paralysis of my entire body, right down to my feet.

I wasn’t crazy. In fact, I was lucky to be alive.
This questionnaire is a critical part of turning the tide. Victims of domestic violence and coercive control must be seen. We must talk and we must stand up.

Right now, I feel fortunate that I kept fighting, but I know that there are women out there who are frightened, who are tired and who feel like they have been beaten by a system that doesn’t understand.

INTIMATE TERRORISM

Domestic abuse has been categorised since 2008 into three basic types of abuse characterised by perpetrator motivation: intimate terrorism, violent resistance and situational couple violence (Johnson 2008). In his 2009 book, Evan Stark described and defined *coercive control* which he classifies as a crime against the liberty of a target person. Coercive control

“erodes personal freedoms and choice leading the victim to a state of subjugation” in which “perpetrator motivation is set around a need for control, and challenges to that control produce an environment *where homicide is more likely* (Monckton-Smith 2020).” (emphasis added)

Too dangerous to stay, too dangerous to leave

As the offender’s control increases, the victim sometimes (but not always) perceives a risk of staying in the relationship, to their life or to the lives of their children. A surprisingly large proportion of victims of domestic abuse are not aware that coercive and controlling behaviours are domestic abuse.

In my current national domestic violence survey, that is still underway, early results show that about 30% of domestic abuse victims in Australia were *not aware* that non-physical abuse is domestic violence. In addition, many victims were afraid to report to police for various reasons.

Reasons for *not* reporting the abuse

Of those victims who did not report to police, 70% said the reason involved fear of the offender's reaction to them reporting.

The most common reason, given by 41% of victims, for *not* reporting the abuse was that they were frightened that reporting the abuse would lead to an escalation of the abuse.

The second most common reason, given by 30.87% of victims, for *not* reporting the abuse was that they *did not realise* that non-physical abuse was domestic violence.

Other reasons included the following:

22.19% of victims were frightened that the offender might harm the children;

18.33% of victims believed they needed to remain in the household to protect the children from the offender;

Q41 If you did not report, what were your reasons for not reporting the abuse? (Please tick more than one box if necessary).

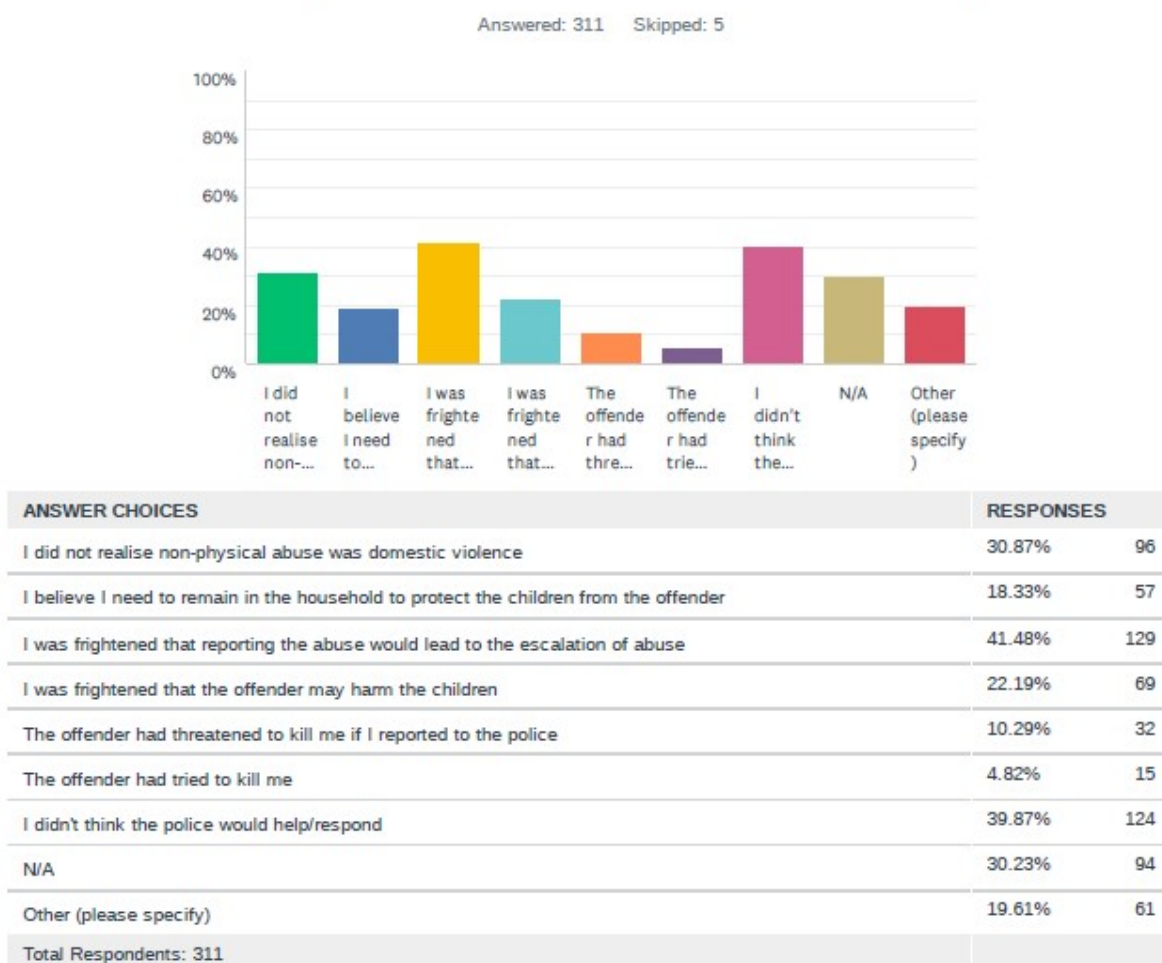


Figure 2. Reasons for not reporting the abuse.

Other reasons were given for not reporting the abuse. Most of them centre around their risk of being killed or previous murder attempts by the offender. The seriousness of these fears indicates that for women at risk to report, they need to know that police will immediately act to protect them and their children from a potential murderer in the immediate and longer term future.

Amongst the responses are the following:

“The offender threatened to kill me if I left and took children.”

“I was terrified to report him until he beat up four of the children one night. He said he was going to kill me and one of my sons. We ended up getting help to escape interstate.”

“The offender had tried to kill me.”

“I had resigned to the fact he would kill me one day.”

“I left and moved interstate with the children, however if I stayed in the state or if he comes to the state where I have moved, I fear he would kill or seriously harm me or me and the children.”

“It took me five times leaving, going to stay with family before I finally left and never went back. Lots of threats to kill me and my daughter and himself.”

INTIMATE PARTNER HOMICIDE

In Australia, cases of intimate partner homicide are captured by Australian Domestic and Family Violence Death Review Network Data Report 2018.

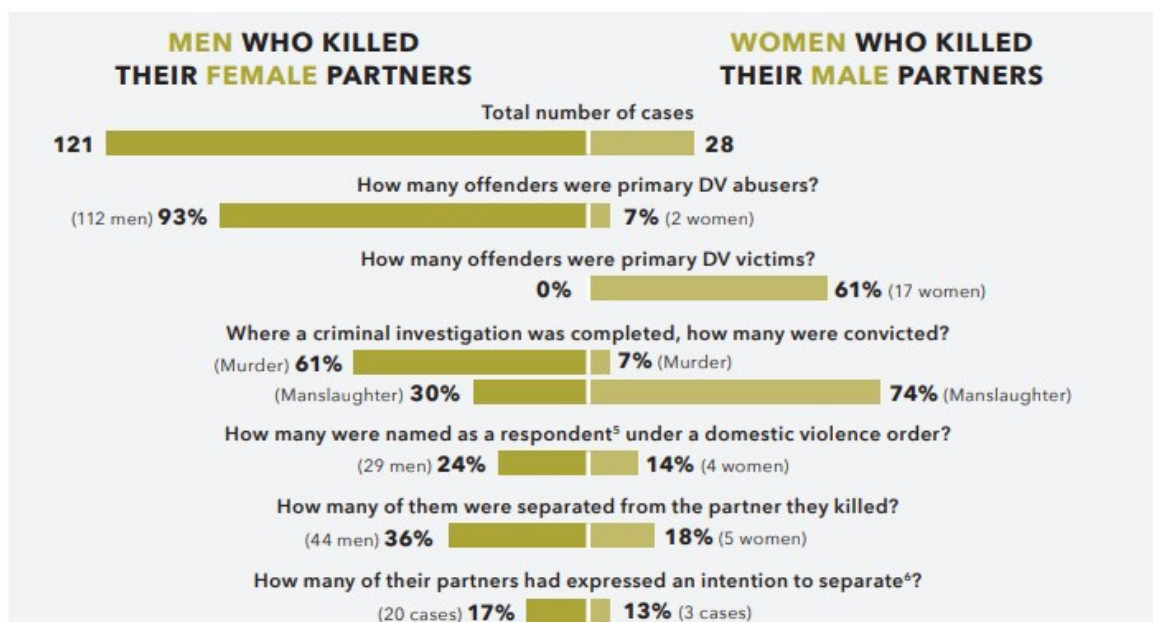
The report found that between 1 July 2010 and 30 June 2014 there were 152 intimate partner homicides in Australia that followed an identifiable history of domestic violence (DV).

The majority of these homicides involved a man killing his female intimate partner (121 cases, or 80%).

The majority of men who killed a female intimate partner in the context of DV had been the primary DV abuser³ against their partner prior to killing her.

Fewer intimate partner homicides involved a woman killing her male intimate partner (28 cases, or 18%) and the majority of these women were primary DV victims who killed a male abuser.

In this period, three men killed their male intimate partners—two were primary DV abusers and one was a primary DV victim. No women killed a female intimate partner.



‘Crime of passion’ theory debunked

What UK research has now proven is that intimate partner homicides are not the split-second ‘snap’ murders that have been in the past characterised as ‘crimes of passion’ by otherwise ‘good’ men. Instead, these murders arise from a history of coercion and control of the victim by the killer and are the most predictable of all murders (Monckton-Smith 2020). These murders are therefore preventable. Victims can be identified well before the murder as being a victim of coercive control.

Research in the UK by Jane Monckton-Smith who reviewed 372 intimate partner homicides, found that *every killer* had coercively controlled their future victim in the weeks, months and years before the murder (Monckton-Smith 2020). These murders are preventable because every perpetrator can be identified prior to the murder working through eight predictable, sequential stages leading to the murder. Intercepting this deadly progression is possible and necessary to protect the lives of victims and their children and to punish would-be offenders *before they kill*.

POLITICAL CLIMATE

The protection and safety of women and children should not be a partisan political issue but an issue of bipartisan resolve to protect the lives and safety of all citizens.

LNP policy promise

In May 2020, three months after Hannah and her children were murdered, the Queensland Opposition promised publicly to criminalise coercive control (Frecklington 2020).

ALP policy promise

In early October 2020, three weeks before the State election, the ALP Government also promised to ‘tackle’ coercive control but Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence Di Farmer stopped short of promising to legislate, citing “the difficulty of proving coercive control and demonstrating intent beyond reasonable doubt” (Farmer 2020). Post the election, the ALP gave a timeframe of ‘in the next four years’ and announced in March 2021 that it would set up a Taskforce to examine the issue (Attorney-General 2021).

First anniversary, February 2021

By the first anniversary of Hannah’s death, the Premier announced the formation of a taskforce to consult on how to make coercively controlling behaviours a crime (Gearing 2021).

As the Covid lockdown was announced I became increasingly aware during 2020 that women at risk were capable of assessing their own risk and seeking police protection once they were made aware of all the elements that comprise coercive control. Furthermore, I found that women who identified themselves as being at risk of domestic violence were very willing to confront the level of coercion and control being exhibited by their partner and – perhaps surprisingly – the progression of their partner through the eight stages that precede intimate partner homicide. All 20 of the women who responded directly to me after they had listened to the Guardian podcast on Sue and Lloyd Clarke’s assessment of the coercion and control of their daughter Hannah, or who read the feature article, were found to be under very high levels of control and had also experienced murder threats or murder attempts by a variety of means including stabbing, shooting, strangulation, arson of their house whilst they and the children were trapped inside, pharmaceutical drug overdose or a deliberate car crash.

All of these victims needed immediate, effective confinement of the offender to prevent him from committing murder of the victim or the children. None of the women received the police protection they needed.

THE CRISIS

Queensland Police have admitted failing to protect women who subsequently have been murdered (Smee 2021). The current lack of effective legislation to enable police to swiftly and effectively deal with people who pose a serious risk to their family is distressing to the police force and a catastrophe for the victims and their children.

The perceived inability of police to protect vulnerable people is leading to many victims fearing to make a report to police. Following my reporting on the murder of Hannah Clarke, at least 20 women made contact with me identifying their own very high level of risk. The women had experienced murder threats or murder attempts by stabbings, shootings, arson, strangulation, choking or injected drugs. They had all sought police protection via domestic violence protection orders and *were all denied* domestic violence protection orders despite their best attempts to seek protection from a person who had already tried to kill them. Despite my many years of reporting, the collective failure of authorities to bring attempted

murderers to justice and to protect the victims was shocking and precipitated further research and investigation.

I asked the women why police had not acted to protect them and they told me that police had told them they ‘could not be a domestic violence victim’ due to their job or their education level. Most of the women had tertiary degrees and a professional career. Two of the women were commercial lawyers, one was an international airline executive, one was an engineering project manager, one was a diplomat, one was a very experienced paralegal, one was a psychologist. Most of their perpetrators did not have a tertiary degree, were unemployed or had a lacklustre career and a lazy work ethic. Questions in the survey have validated that some offenders target and gold-dig successful, tertiary-educated women with good careers.

Anecdotally, the perpetrators who have children, take virtually no interest in their children, yet once the relationship fails, the perpetrator instigates Family Court proceedings, enabling them to maintain control over their partner and seek 50/50 contact with their children. A 50/50 time share means the abusive partner is not required to pay any child support. Once the abusive ex-partner is granted time with the children, the fathers typically did not spend time with the children themselves, instead placing the children with a grandparent or other relative, or in long day-care or before-school care and after-school care.

NATIONAL SURVEY ON COERCIVE CONTROL

Having interviewed various domestic violence research academics, it became clear that there are gaps in the research literature in Australia on the topic of coercive control. In addition, political and other sensitivities mean the research might have trouble being funded. A barrister who had run several large surveys using Survey Monkey then offered to assist me to gather national data for Australia on coercive control and the effect on victims of the current failure of protection systems. The survey data can isolate state-by-state responses. The graphs in this submission are all national data except if labelled otherwise.

Formulation of questions

From November 2020 to May 2021, I formulated a survey of 69 questions encompassing demographic data, basic relationship status data, the UK Home Office Legal Guidance questionnaire and questions derived from Jane Monckton-Smith’s eight stages that precede homicide. I also added questions to elicit data about the impact of domestic abuse including coercive control on the victim and the effect on them of being drawn into civil legal processes to try to protect their children from a known aggressor in the Family Court.

Peer review

Once the questions were formulated, I forwarded them to criminologist Laura Richards whom I had interviewed some months earlier. Laura provided peer review and guidance about some language choices.

Active participation

The survey was shared online via public sites such as Twitter in May 2021. The survey will remain open for some weeks until we have about 2,000 participants. In many of the questions, participants were provided with the opportunity to add comments. A high proportion of participants did so, adding significantly to the qualitative data. There was also strong interest from the participants in the progress of the survey. Half of the participants provided their contact details for the purpose of receiving the results of the survey and about the same number expressed their willingness to participate in a follow-up interview. These follow-up interviews have not yet been carried out. Funding may be required to conduct the interviews, collate the data, analyse it and present formal findings.

Acceptance of coercive control being defined as a crime

Participants in the survey, who are arguably at the front line of the problem of coercive control, overwhelmingly said they want coercive control to be *criminalised*. More than 99.04% of victims agreed that coercive and controlling behaviour should be a criminal offence in Australia, providing there is appropriate training of police, domestic violence services, lawyers and court staff including magistrates and judges.

Q64 Coercive and controlling behaviour has been made a criminal offence in Britain. Would you support coercive control being made a crime in Australia (providing there is appropriate training for police, domestic violence services, lawyers and court staff including magistrates and judges)?

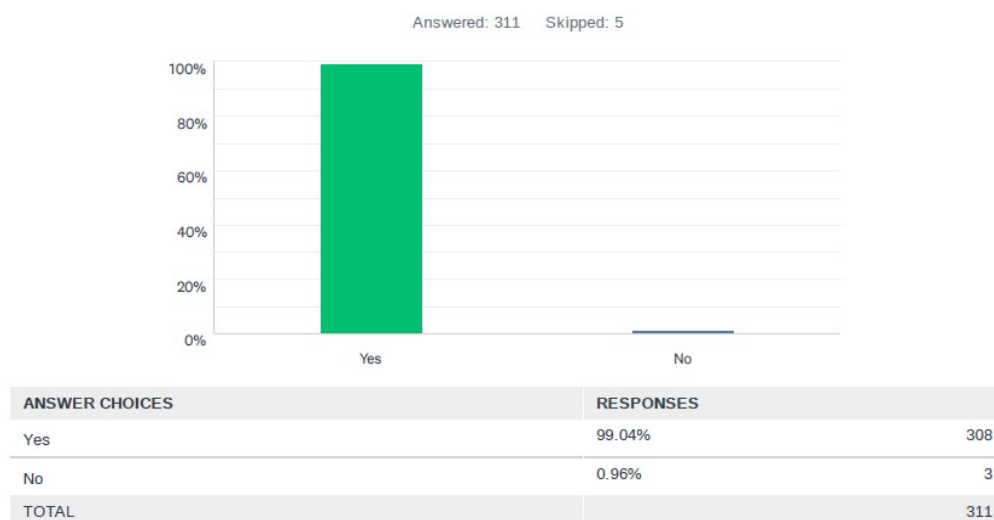


Figure 3. Support for coercive control to be criminalised.

CRIMINALISATION OF COERCIVE CONTROL IN OTHER JURISDICTIONS

UK

The UK Serious Crime Act 2015 makes coercive and controlling behaviour a crime carrying penalties ranging from fines to a maximum of 5 years' jail in Section 76 of the Act:

Section 76 Controlling or coercive behaviour in an intimate or family relationship

(1) A person (A) commits an offence if—

- (a) A repeatedly or continuously engages in behaviour towards another person (B) that is controlling or coercive,
- (b) at the time of the behaviour, A and B are personally connected,
- (c) the behaviour has a serious effect on B, and
- (d) A knows or ought to know that the behaviour will have a serious effect on B.

(2) A and B are “personally connected” if—

- (a) A is in an intimate personal relationship with B, or
- (b) A and B live together and—
 - (i) they are members of the same family, or
 - (ii) they have previously been in an intimate personal relationship with each other.

SUBMISSION OUTLINE

The following chapter sets out the preliminary findings of the national survey and the final chapter assesses the 13 options proposed by the Queensland Taskforce and recommends preferred options.

National survey preliminary findings

The Domestic violence survey: Australia 2021 aimed to identify the types of non-physical and physical violence reported by people:

- living in Australia,
- aged 18 or over, and
- who are married, or in a relationship, or who have left a relationship.

This survey benchmarked aspects of domestic violence including coercive control against coercive control indicators as described in the UK Home Office Legal Guidance on coercive control.

The survey takes approximately 20 minutes to complete. Participants were required to complete the survey in one sitting.

The survey was endorsed by Sue and Lloyd Clarke who said:

The process of understanding coercive control is very much in its infancy in Australia. Tragically, we often don't recognise the signs until it is too late. Gathering better data about offences and offenders is crucial. By participating in this survey, you are helping to build the knowledge base that will, in turn, inform better laws and protections.

Thank-you for supporting this project.

Participants were provided with a brief introduction to the survey:

Coercive control has been a legislated crime in the United Kingdom since 2015. The implementation of this legislation has resulted in improved policing, better protection of men, women and children and the prosecution and imprisonment of offenders for up to four years.

This survey allows victims to describe their experience and whether authorities in Australia such as police, domestic violence services and courts are currently responding promptly and effectively to protect victims from further violence.

Thank you for your contribution to this survey. Your answers will help to improve responses to victims in the future.

Your identification will remain anonymous.

If you require emergency help, contact details are listed at the end of this survey.

DEMOGRAPHICS

Participants identified as being victims of physical or non-physical domestic violence, living in all states and territories of Australia.

Residency

People living in every state of Australia have participated in the survey. The breakdown of participation from each jurisdiction is as follows:

Queensland	88
NSW	72
Victoria	84
South Australia	20
Western Australia	29
Tasmania	8
ACT	8
Northern Territory	2

Heritage

4.82% identified as being of Aboriginal or Torres Strait Islander descent and
95.18% identified as not being of Aboriginal or Torres Strait Islander descent

Sex of participants

Participants identified their sex as follows: 96.78% female and
3.22% male.

Sex of abusive partner

Participants identified the sex of their abusive partner: 95.5% male
4.5% female

First language

English	97.11%
A European language	0.96%
An Asian language	0.96%
An Aboriginal language	0.32%
Other	0.64%

Highest level of education of victims

64.96% of victims identified as having completed a post-graduate degree, undergraduate degree or trade-based qualification.

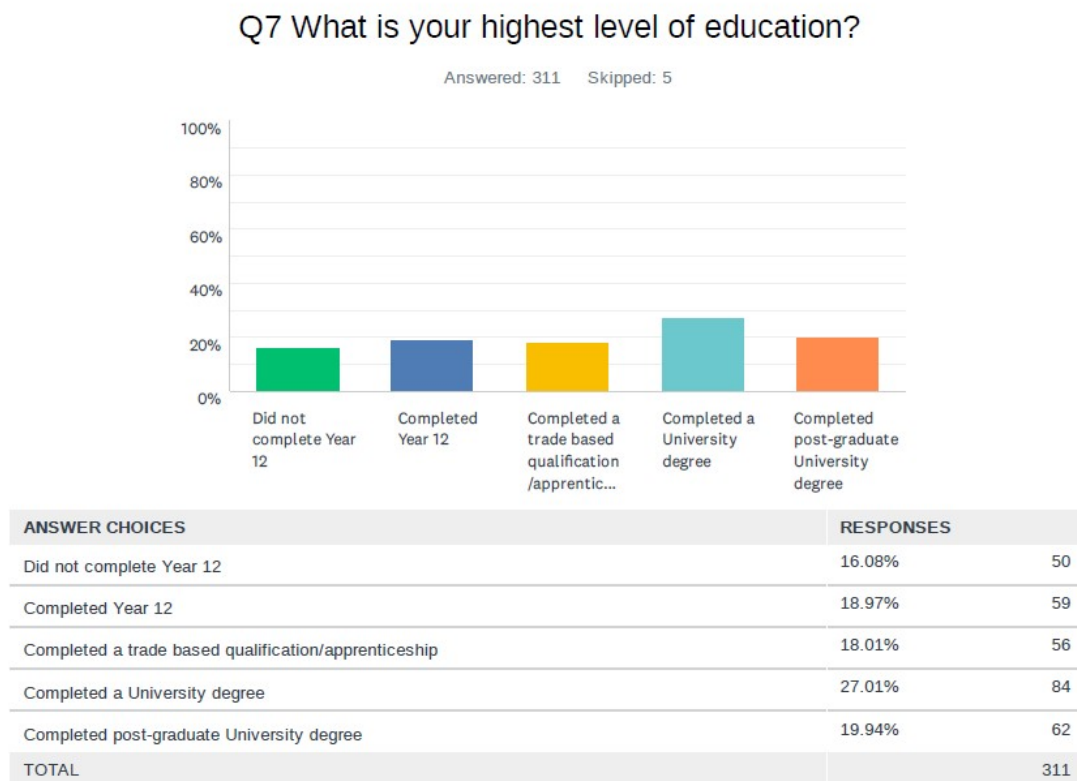


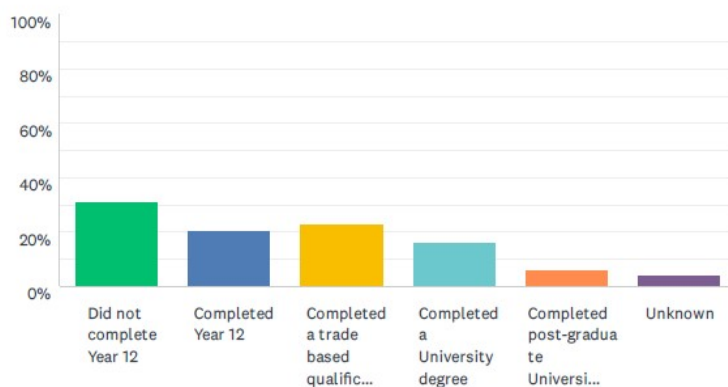
Figure 4. Education level of victims.

Highest level of education of perpetrators

44.7% of perpetrators had completed a post-graduate degree, undergraduate degree or trade-based qualification.

Q8 What is your partner's highest level of education?

Answered: 311 Skipped: 5



ANSWER CHOICES	RESPONSES	
Did not complete Year 12	30.87%	96
Completed Year 12	20.58%	64
Completed a trade based qualification/apprenticeship	22.83%	71
Completed a University degree	15.76%	49
Completed post-graduate University degree	6.11%	19
Unknown	3.86%	12
TOTAL		311

Figure 5. Education level of offenders.

BEGINNING OF THE RELATIONSHIP

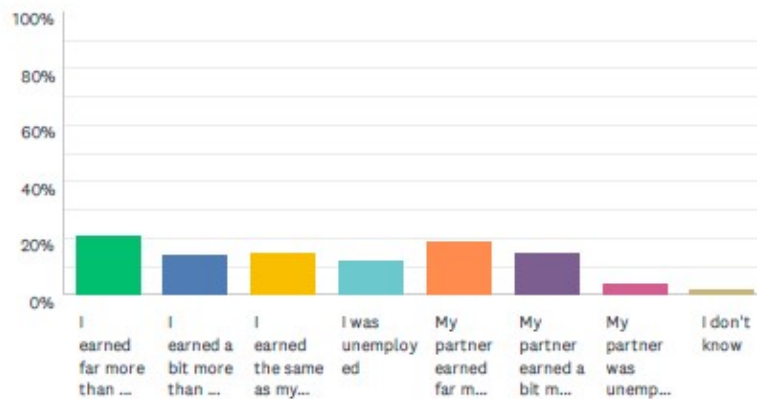
Income at relationship formation

Anecdotal evidence of perpetrators preying upon women who have tertiary qualifications and high incomes are borne out by the survey findings that show about a third of victims earned far more or more than the perpetrator when the relationship began.

34.41% of victims earned *far more* or *more* than their abusive partner when the relationship began.

Q10 At the time you met your partner, what was your income compared with theirs?

Answered: 311 Skipped: 5



ANSWER CHOICES	RESPONSES	
I earned far more than my partner	20.26%	63
I earned a bit more than my partner	14.15%	44
I earned the same as my partner	14.79%	46
I was unemployed	11.90%	37
My partner earned far more than me	18.33%	57
My partner earned a bit more than me	14.47%	45
My partner was unemployed	4.18%	13
I don't know	1.93%	6
TOTAL		311

Figure 6. Comparative income initially.

Initial indications of coercive control

Stage 2 of the 8 stages that precede intimate partner homicide.

Very high percentages of victims identified key aspects of coercive control identified in the second stage of the eight stages that precede homicide. These can be identified *early* in the relationship.

79.74% of victims said the relationship began very quickly.

60.77% of victims said the relationship was initiated by the offender.

56.27% of victims said the offender asked for a demonstration of commitment very early in the relationship.

66.88% of victims said the offender then became possessive or jealous.

Only 6.75% of survey participants did not identify elements of coercive and controlling behaviour in the relationship formation, making this an important ‘red flag’ for potential risk.

The strength of this correlation with later abuse might reasonably be used to educate young women (and young men) about the risk of coercive control much earlier in the relationship before the victim is separated from their support systems such as family and friends, work colleagues etc.

In addition, if coercive and controlling behaviour was criminalised, authorities could apprehend and prosecute the behaviour long before psychological harm and potentially injurious or deadly physical violence emerges.

Q12 In your relationship: (Please tick more than one box if necessary).

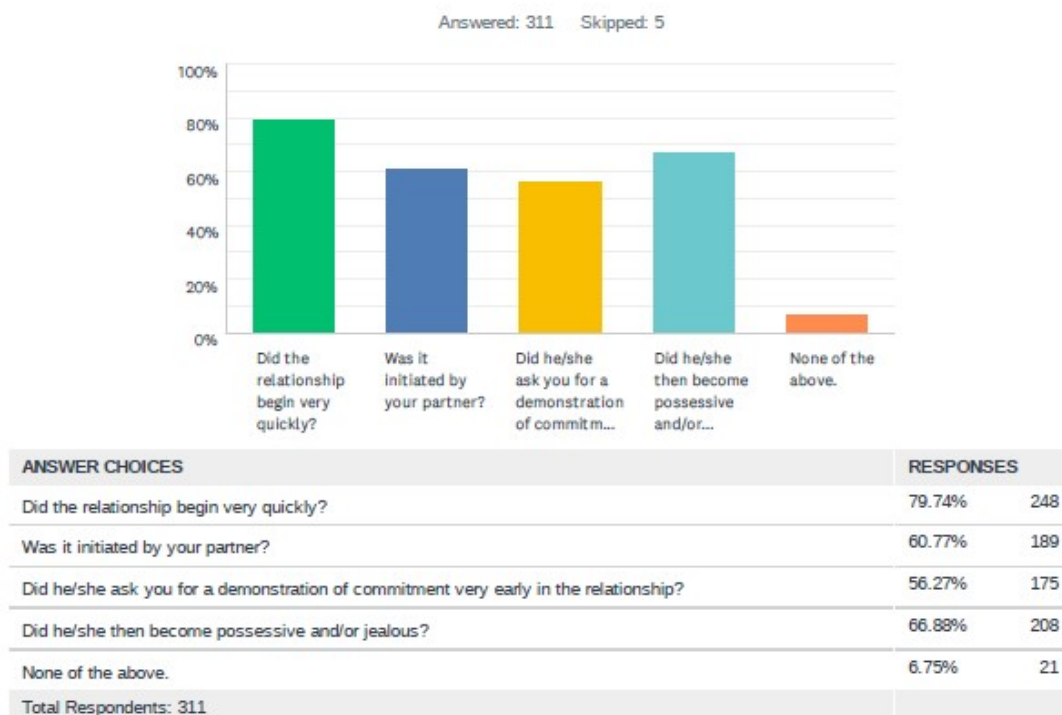


Figure 7. Early controlling behaviours.

Length of relationship

Despite victims being able to clearly identify coercive and controlling behaviours that occurred early in the relationship, the relationships endured for extended times.

11.58% of relationships continued for more than 20 years;

30.55% of relationships continued for 10-20 years;

26.37% of relationships continued for 5-10 years;

27.01% of relationships continued for 1-5 years;

4.18% of relationships continued for less than one year.

Q13 For how long were you in a relationship with your partner?

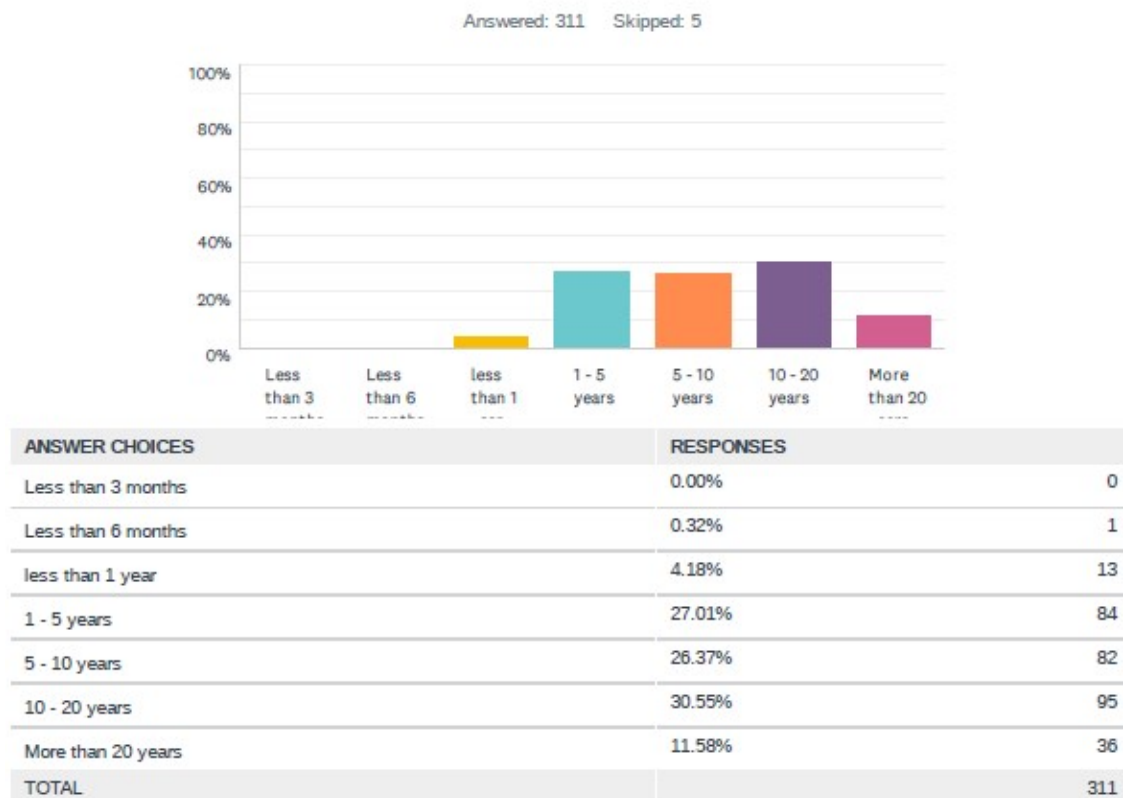


Figure 8. Length of relationship.

Children

There is anecdotal evidence that many perpetrators check that their partner is fertile before beginning the abusive relationship; they use the early pregnancy as a means to persuade the victim to cohabit (often in the woman's house) and use repeated pregnancies as a means of control to convince the victim she cannot leave him due to being pregnant.

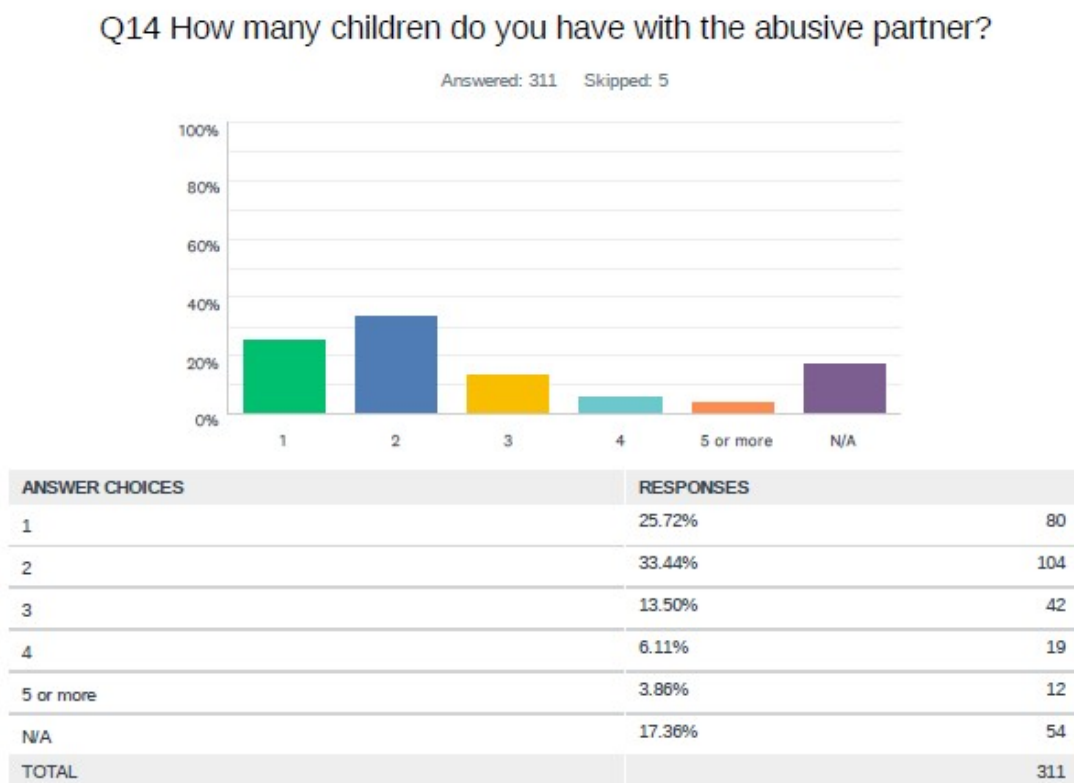


Figure 9. Number of children.

COERCIVE AND CONTROLLING BEHAVIOURS

The following questions were derived directly from the UK Home Office Legal Guidance on coercive and controlling behaviours that are punishable by prison terms in the UK. The list of behaviours is used by police to determine whether observed behaviour of offenders reaches a criminal threshold. It is also used by prosecutors bringing criminal charges in the courts. UK police use a different risk assessment tool, the DASH questionnaire. Queensland authorities need to determine which of these risk assessment tools is going to be more accurate in assessing a victim's risk profile and more manageable by police. To do this I have approached the Queensland Police at the Brisbane South Vulnerable Persons Unit with a view to running a collaborative pilot study. Head of the unit, Acting Inspector Bernie Quinlan has agreed to pilot test the two assessment tools with his officers with two groups of victims:

1. First time reporters of domestic abuse; and
2. Repeat reporters of abuse

This pilot test will provide evidence as to which of these two assessment tools – and any other that is tested - is most fit for purpose in Queensland.

a) Removing individual freedom

Stage 1 of the 8 stages precede intimate partner homicide

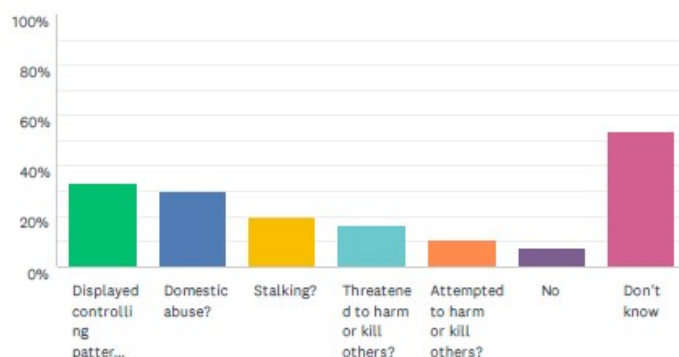
Of those victims who were aware of their partner being coercive or controlling in a previous relationship, more than one third of victims said the offender had displayed coercive or controlling behaviours (33.12%), domestic abuse (29.26%), stalking (19.29%), had threatened to harm or kill others (15.76%) or had attempted to harm or kill others (10.61%).

Interestingly, only 7% said their partner had not been coercive or controlling in their previous relationship.

This survey has identified another risk factor which is that more than half of the victims in our survey did not know if their partner had been in a previous coercive or controlling relationship. This is an inherent risk factor because research has shown victims in second and subsequent relationships are at a far greater risk than those in first relationships. Jane Monckton-Smith's research showed that all 372 murders in her study were of second or subsequent partners – never a first partner (Monckton-Smith 2020). Given the secretive nature of perpetrators concealing negative character traits, an offender register would be very useful to enable individuals to check with police as to whether a person has been reported for domestic abuse in the past, or if they have a criminal history. This would make potential victims and their families and friends aware of potential risks.

Q32 Has your partner had a previous relationship in which he or she displayed any of the following: (Please tick more than one box if necessary).

Answered: 311 Skipped: 5



ANSWER CHOICES	RESPONSES	
Displayed controlling patterns of behaviour?	33.12%	103
Domestic abuse?	29.26%	91
Stalking?	19.29%	60
Threatened to harm or kill others?	15.76%	49
Attempted to harm or kill others?	10.61%	33
No	7.07%	22
Don't know	53.38%	166
Total Respondents: 311		

Figure 10. Previous coercive and controlling relationships.

Isolation from family and friends

89.39% of victims reported they had been isolated from family and friends either frequently (60.13%) or occasionally (29.26%).

The high percentage of victims who were isolated from family and friends makes this behaviour an important identifying factor for the risk of coercive control.

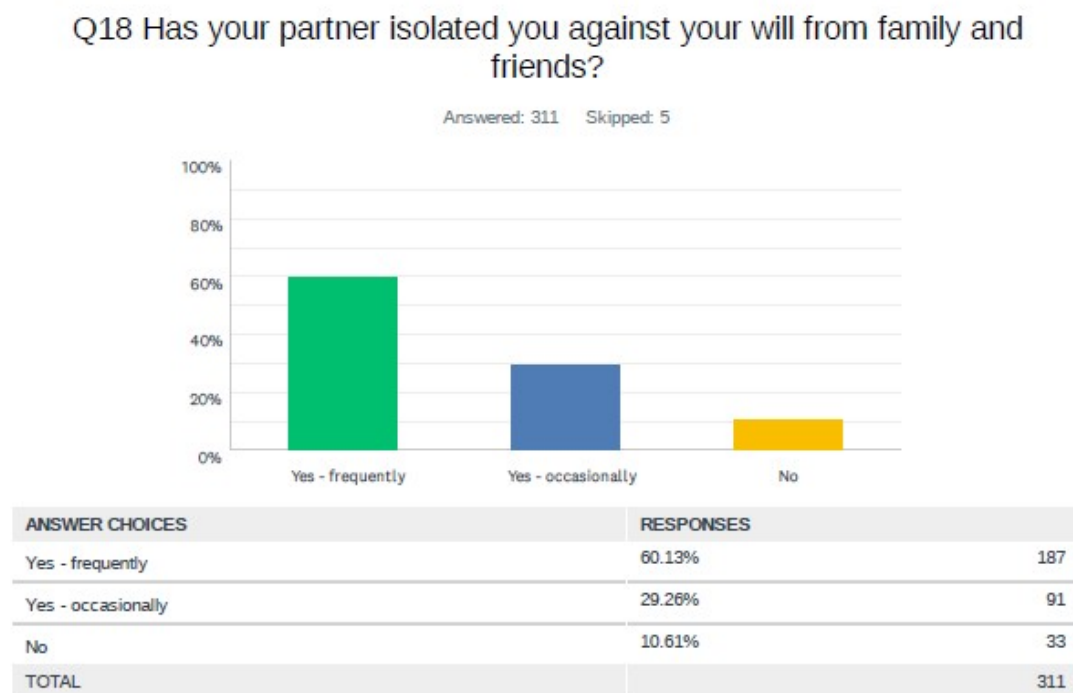


Figure 11. Isolation from family and friends.

b) Deprivation

Deprivation of basic needs including food, clothing, shelter and sleep.

Food, clothing, shelter and sleep are basic human needs. Deprivation of these necessities indicates an offender has a high level of control over their victim.

58.52% of victims in this survey were deprived of their basic needs including food, clothing, shelter or sleep either frequently (29.26%) or occasionally (29.26%).

Q19 Has your partner deprived you of your basic needs such as food, clothing, shelter or sleep?

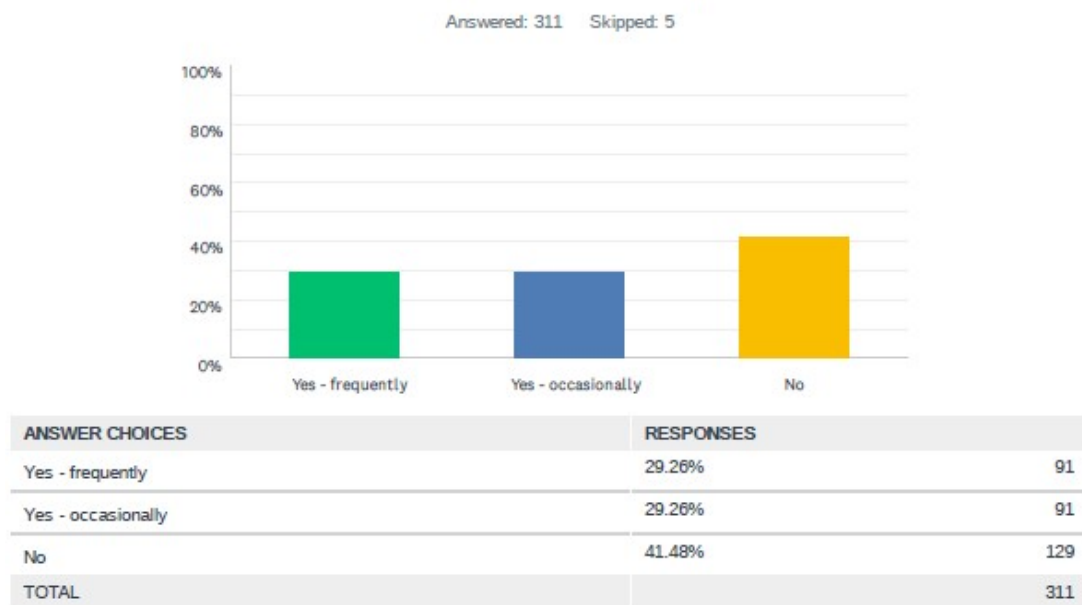


Figure 12. Deprivation of basic needs.

Exerting control soon after securing a commitment

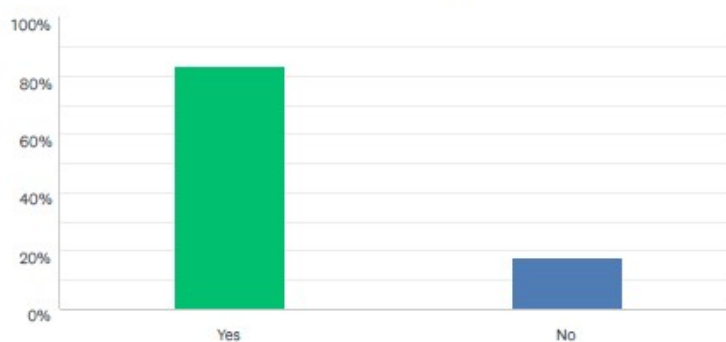
Stage 3 of the 8 stages that precede intimate partner homicide.

82.96% of victims reported that their abusive partner began exerting controlling behaviour soon after securing their commitment to a relationship.

The strong response to this question makes it an important ‘red flag’ that can be recognised early in a relationship.

Q33 Did your partner begin exerting control behaviour soon after securing your commitment?

Answered: 311 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes	82.96%	258
No	17.04%	53
TOTAL		311

Figure 13. Exerting control early in the relationship.

Control of access to medical treatment for the victim or children

Control by perpetrators over whether their partner and/or their children can access medical care can represent a serious risk to the health of the victim and their children.

More research is needed to determine whether perpetrators preventing their partner and/or children from accessing medical care presents any greater risk of later perpetrating physical injury or killing their partner and/or their children.

Anecdotal evidence suggests that offenders who prevent their partner and/or children from seeking or obtaining medical care may be a useful indicator for a heightened risk of homicide and greater need for protection for the victim. For example, if a victim or child has bruising or a broken bone due to physical abuse by the offender, the withholding of medical care by a partner could be seen as concealment of an offence.

The percentage of offenders who withhold medical care either frequently (21.86%) or occasionally (20.58%) is surprisingly high. Further analysis will be undertaken on our data to see how strongly the withholding of medical care correlates with threats of violence or actual violence.

If the correlation is strong, as we suspect, then doctors may prove to be a very important frontline for detecting the risk of pre-homicidal violence.

Q23 Does your partner control your access to medical treatment for yourself or your children?

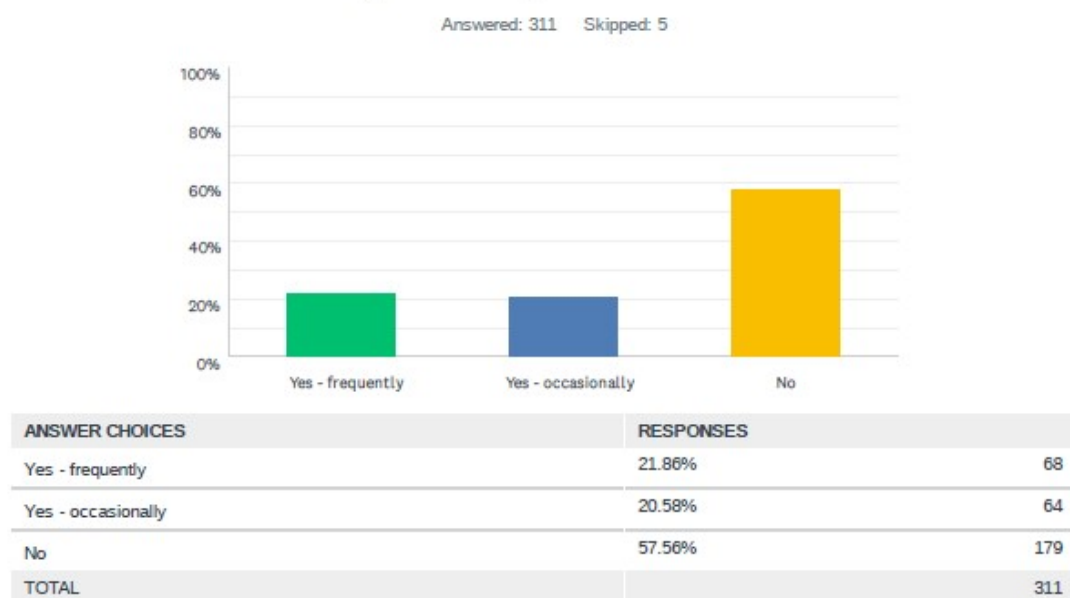


Figure 14. Control of access to medical treatment for the victim and children.

Control over association, movement and clothing

78.78% of victims reported that their partner controlled who they see, where they go or what they wear, either frequently (43.41%) or occasionally (35.37%).

Q20 Does your partner control who you see, where you go or what you wear?

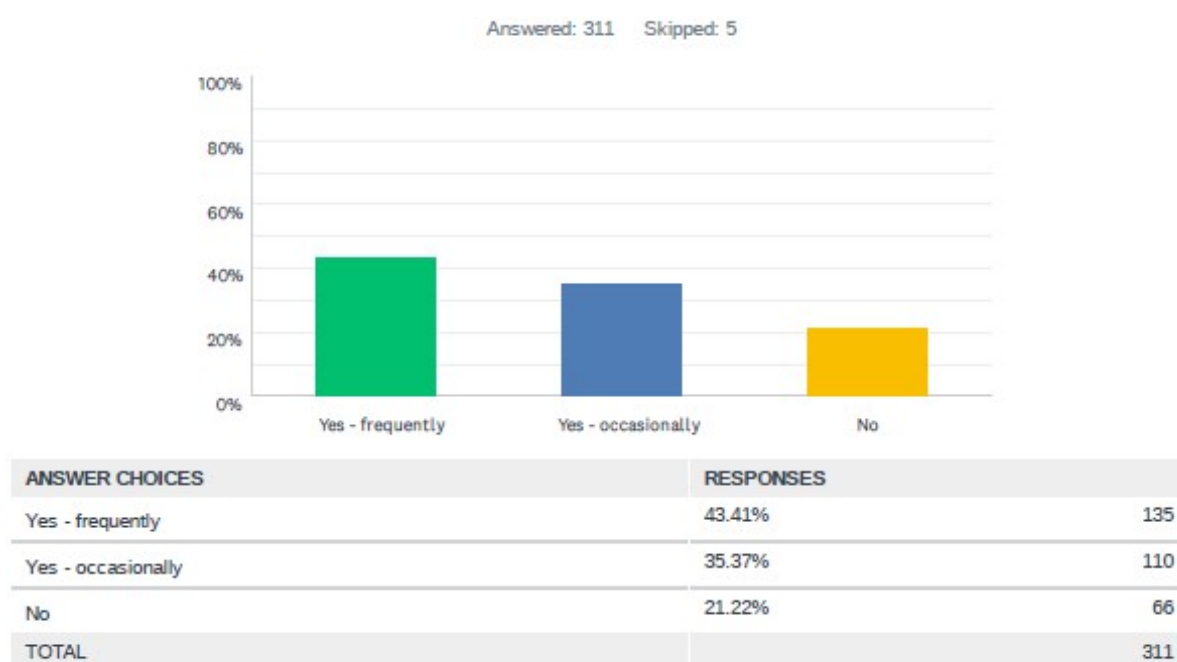


Figure 15. Control over association, movement and clothing.

Control of the family's money

More than half of the victims reported that the offender frequently controlled the family's money.

More than 75% of the victims reported that their partner controlled the family's money, either frequently (51.45%) or occasionally (24.12%).

Control of the family's money by the offender leaves victims vulnerable and trapped – unable to escape without significant financial support to leave if they decide to do so.

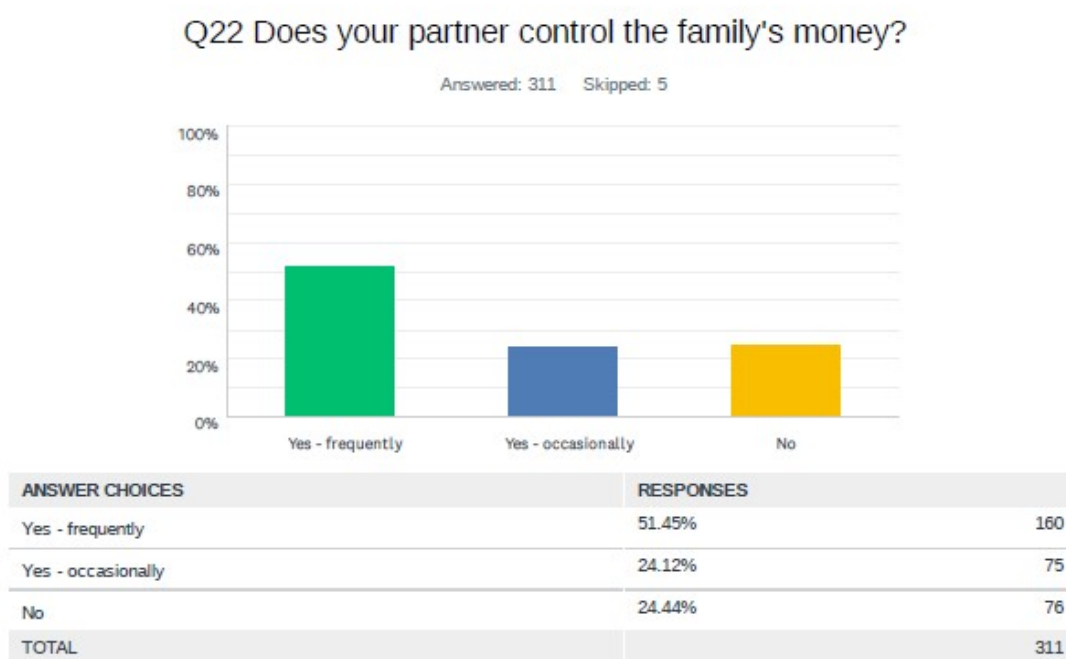


Figure 16. Control of the family's money.

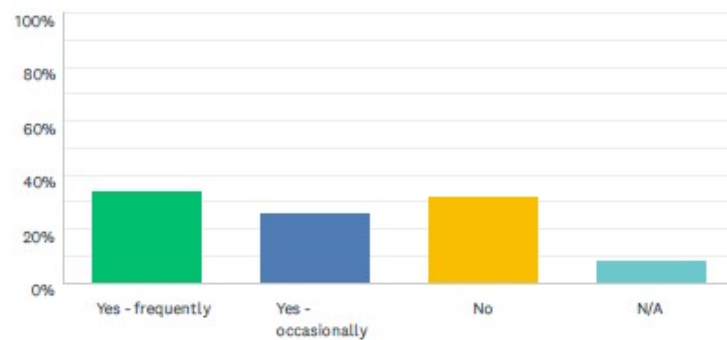
Control over work and hours of work

In addition, many offenders control whether the victim works and the hours they work.

In this survey, almost 60% of victims were controlled by the offender who decided whether they worked and how many hours they worked. Of these, 34.08% of victims were frequently controlled in their work and the hours of work, and another 25.72% were occasionally controlled in their work and hours of work.

Q21 Does your partner control whether you work or the hours you work?

Answered: 311 Skipped: 5



ANSWER CHOICES	RESPONSES
Yes - frequently	34.08%106
Yes - occasionally	25.72%80
No	32.15%100
N/A	8.04%25
TOTAL	311

Figure 17. Control over the victim's work and work hours.

c) Demeaning behaviour

Demeaning name calling

Almost 90% of victims of domestic violence reported the offender calling them demeaning names such as worthless, ugly, stupid, fat, etc.

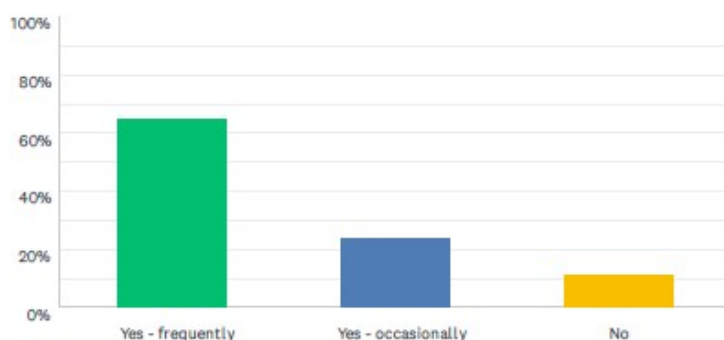
65.27% reported the offender did this frequently.

23.79% reported the offender did this occasionally.

The very high percentage of demeaning name calling is an important indicator of coercive control because it occurs in almost 90% of cases. The aim of the perpetrator in calling the victim derogatory names is to erode the victim's sense of self, their confidence and self-esteem, agency and autonomy in order to reduce the risk of the victim reporting the abuse or leaving the relationship.

Q24 Does your partner demean you by calling you names such as "worthless", "ugly", "stupid", "fat" etc?

Answered: 311 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes - frequently	65.27%	203
Yes - occasionally	23.79%	74
No	10.93%	34
TOTAL		311

Figure 18. Demeaning name calling.

Making unilateral rules and punishing disobedience

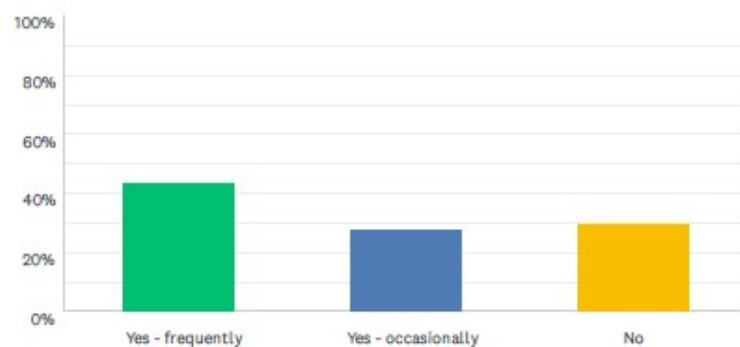
More than 70% of victims reported that the offending partner makes rules for them to obey and then enforces those rules by punishing the victim for disobedience to the rules they have imposed.

43.41% of victims said the offender frequently made rules for them to obey and enforced the rules by punishing them for disobedience.

27.33% of victims said the offender occasionally made rules for them to obey and enforced the rules by punishing them for disobedience.

Q25 Does your partner make rules for you to obey and enforce those rules by punishing you for disobedience to the rules imposed?

Answered: 311 Skipped: 5



ANSWER CHOICES	RESPONSES
Yes - frequently	43.41%135
Yes - occasionally	27.33%85
No	29.26%91
TOTAL	311

Figure 19. Making rules and enforcing rules by punishing disobedience.

d) Surveillance

Stalking and monitoring

Stalking and monitoring of a person is recognised as a crime in Queensland with a maximum penalty of 5 years' jail (Section 359B of the Criminal Code). However more than half of the victims reported that their offending partner stalks them or monitors where they are, using either a mobile phone app, location software on a computer, or spyware. This phenomenon of stalking and surveillance indicates that these offenders are not deterred by the fact that stalking is already recognised as a crime in Queensland.

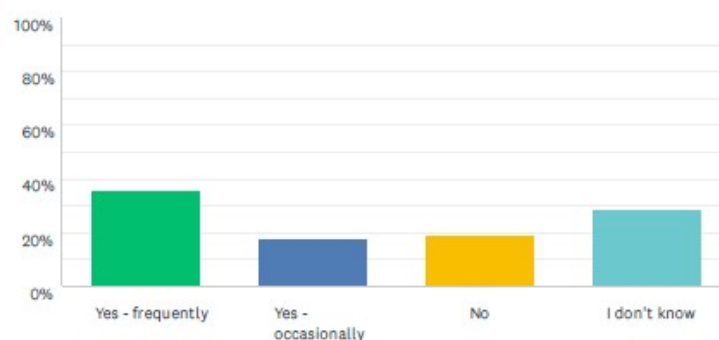
35.37% of victims reported that they were frequently stalked or placed under surveillance by the offender.

17.68% of victims reported that they were occasionally stalked or placed under surveillance by the offender.

Interestingly, 28.62% of victims said they did not know whether their partner was stalking them or monitoring where they were. This may indicate that far more victims are actually being stalked or placed under surveillance by the offender.

Q26 Does your partner stalk you or monitor where you are, such as using a mobile phone app, location software on a computer or spyware?

Answered: 311 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes - frequently	35.37%	110
Yes - occasionally	17.68%	55
No	18.33%	57
I don't know	28.62%	89
TOTAL		311

Figure 20. Stalking and monitoring via phone apps and spyware.

Monitoring the victim's time

Almost 90% all victims in this survey reported that the offender monitored how they spent their time during their daily activities.

56.91% of victims said the offender frequently monitored how they spend their time.

30.87% of victims reported their offender occasionally monitored how they spend their time.

Only 12.22% all victims said they did not believe their partner monitored how they spend their time. This may be because some victims were not aware that their partner was monitoring how they spend their time using spyware or other devices, so the incidence of monitoring may be higher than the figures recorded in the survey.

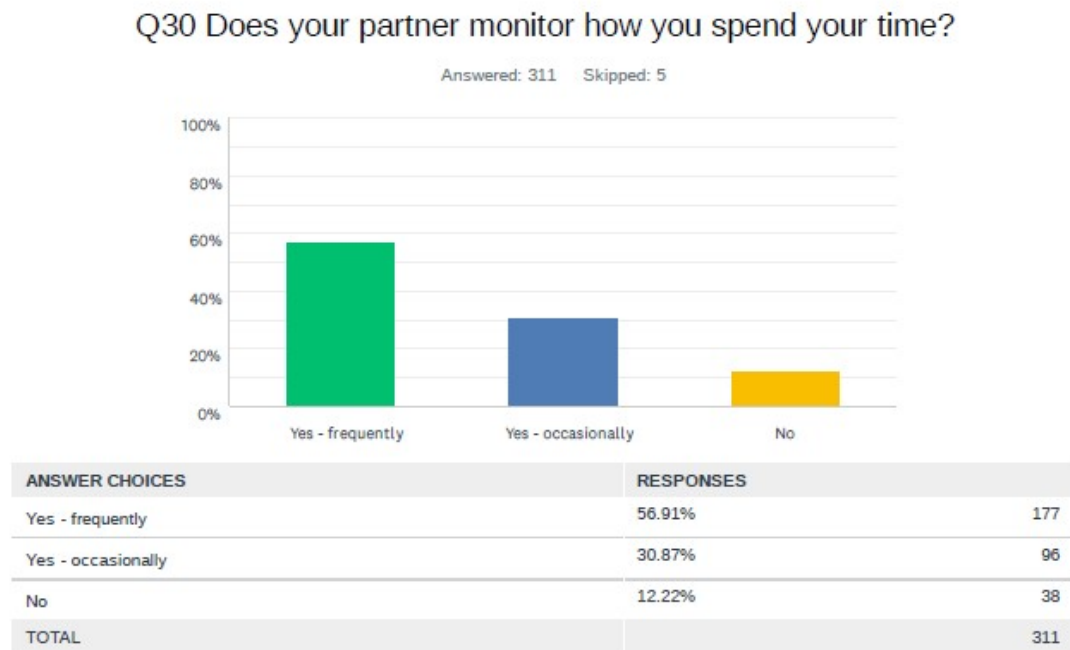


Figure 21. Monitoring time and demanding accountability for the victim's time.

e) Threats to harm

Threats to harm the victim

Almost 70% of the participants in this survey reported that their partner had threatened to harm them.

The use of threats is a defining characteristic of perpetrators of coercive control. Any victim who reports that they have been threatened with harm by the offender needs to be carefully assessed, and provided with evidence-gathering equipment such as CCTV at their house, place of work, in their car and places they may frequent.

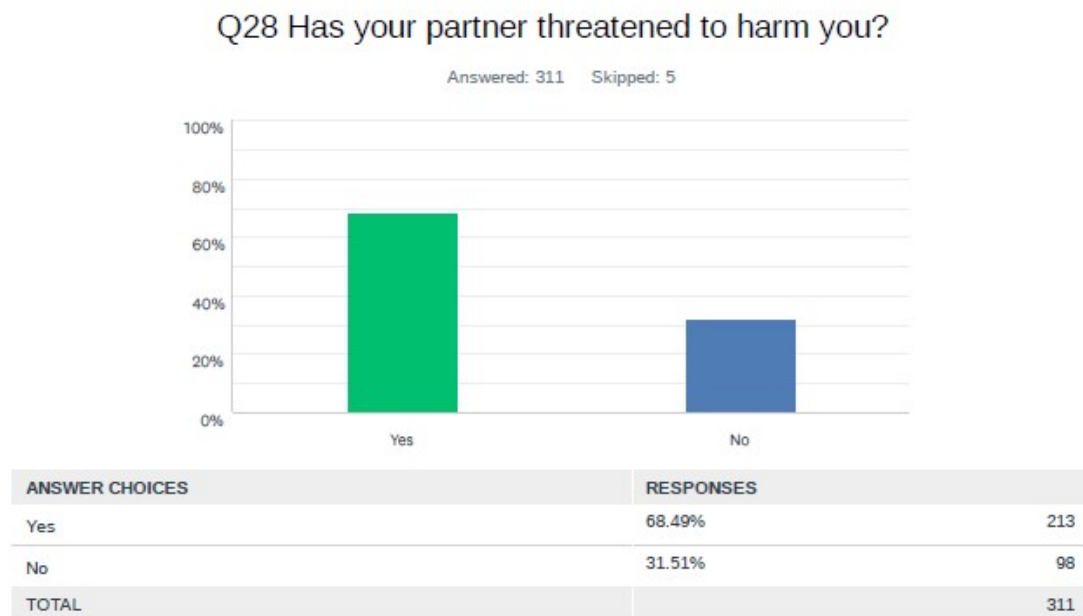


Figure 22. Threats to harm the victim.

Threats to kill – Australian national data

Stage 4 of the 8 stages that precede intimate partner homicide

In the vast majority of cases, the homicide is triggered by a withdrawal of commitment, or separation. Stages 5 to 8, including the murder may occur in a very short period of time, as short as few days to a few hours. A large recent UK study found that about 30 percent of intimate partner homicides occurred where there was a *short gap* in time between the trigger in Stage 4 and the homicide in Stage 8 (Monckton-Smith 2020).

67.2% of survey participants reported that their partner had either threatened to kill the victim, the children, the family pets or to commit suicide. The high percentage of perpetrators who make threats to kill is an indication of the need for very strong deterrence of this crime that is contemplated by many offenders. The high percentage of perpetrators who make threats to kill is also an indication of the extreme sense of fear that victims experience and is an additional reason why they need confidence that they will receive prompt, secure police protection in order to be able to safely report domestic abuse.

54.34% of perpetrators threatened to kill themselves;

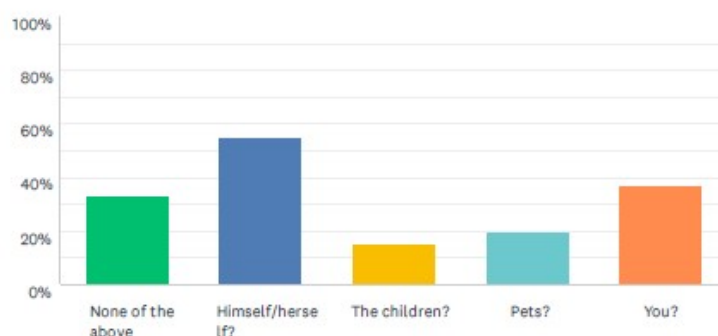
36.98% of perpetrators threatened to kill their partner;

19.61% of perpetrators threatened to kill family pets; and

14.79% of perpetrators threatened to kill the children.

Q29 Has your partner threatened to kill: (Please tick more than one box if necessary).

Answered: 311 Skipped: 5



ANSWER CHOICES	RESPONSES
None of the above	32.80% 102
Himself/herself?	54.34% 169
The children?	14.79% 46
Pets?	19.61% 61
You?	36.98% 115
Total Respondents: 311	

Figure 23. Australia: Threats to suicide, or to kill the victim, the children or the pets.

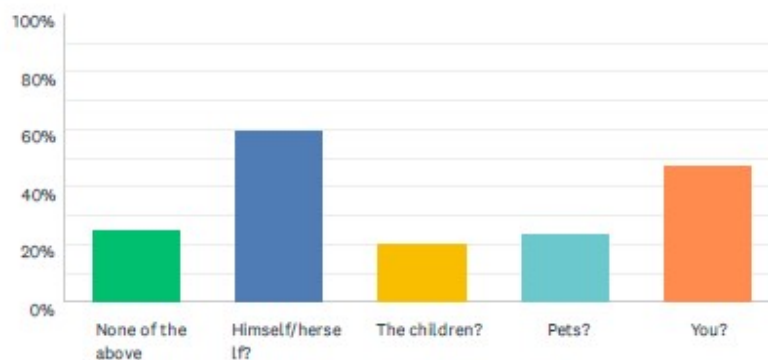
Threats to kill - Queensland data

The early Queensland data is even stronger than the national data in highlighting the incidence of murder threats. In Queensland 75% of victims reported that the offender had threatened to kill themselves (59.71%), the victim (47.48%), their pets (23.74%) or their children (20.14%). Some offenders threatened to commit multiple murders.

Research by Jane Monckton-Smith has shown that once a person makes threats to kill, they may carry out their threats within hours or days of the threats. The intended victims need active police protection because the target individual/s cannot adequately protect themselves from someone who is intent upon murdering them, using weapons such as knives or guns, or isolating them from help and killing them by strangulation, smothering or some other method. Police tracking and surveillance of these potential murderers is crucial to preventing intimate partner homicides.

Q29 Has your partner threatened to kill: (Please tick more than one box if necessary).

Answered: 139 Skipped: 0



ANSWER CHOICES	RESPONSES
None of the above	25.18% 35
Himself/herself?	59.71% 83
The children?	20.14% 28
Pets?	23.74% 33
You?	47.48% 66
Total Respondents: 139	

Figure 24. Queensland: Threats to suicide, or to kill the victim, the children or the pets.

f) Actual harm

Physical violence including hitting, punching, biting, strangling, sexual assault and threats with a weapon

Almost 80% of the victims in this survey reported that their partner had used physical violence against them including hitting punching biting strangling sexual assault or threats with a weapon. Only 20.9% of victims said their partner had not inflicted physical violence on them.

41.48% of victims reported having been hit;

34.73% of victims reported having been sexually assaulted;

29.9% reported having been strangled;

28.94% reported having been punched;

28.94% reported having been threatened with a weapon;

13.5% reported having been scratched; and

7.72% reported having been bitten.

Q31 Has your partner used physical violence towards you including:
(Please tick more than one box if necessary).

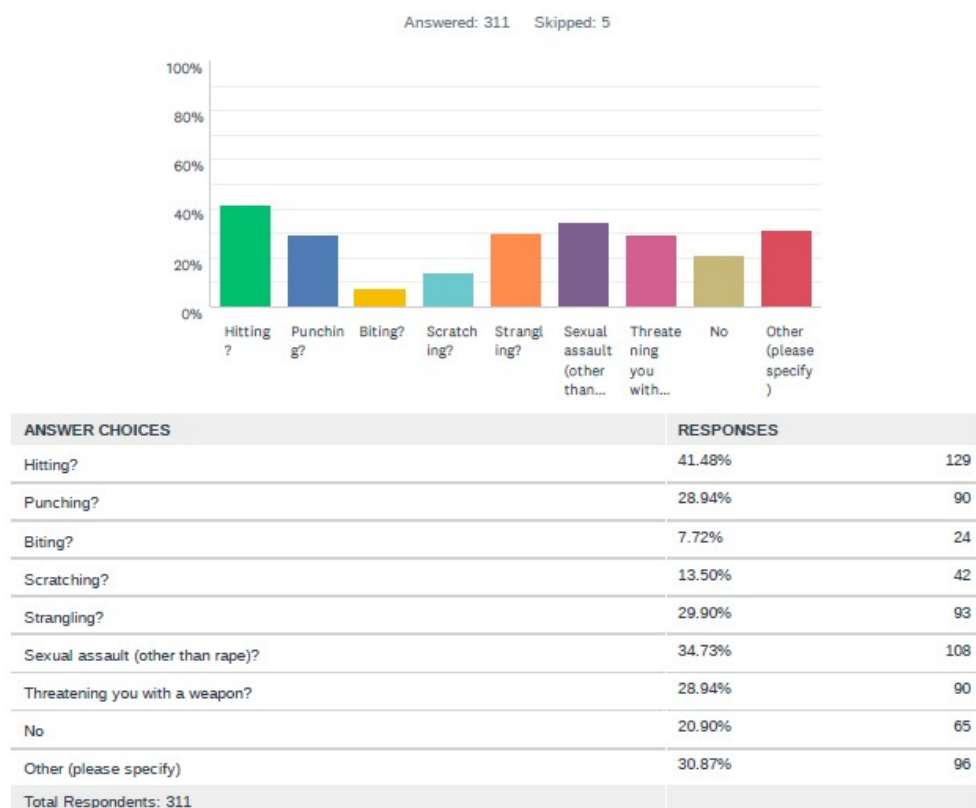


Figure 25. Physical violence or sexual assault.

Damage to property

Almost 70% of victims reported that the offender damaged their property, or jointly owned property such as children's toys, kitchen equipment or their car.

36.98% of victims said the offender frequently damaged their property.

30.55% of victims said the offender occasionally damaged their property.

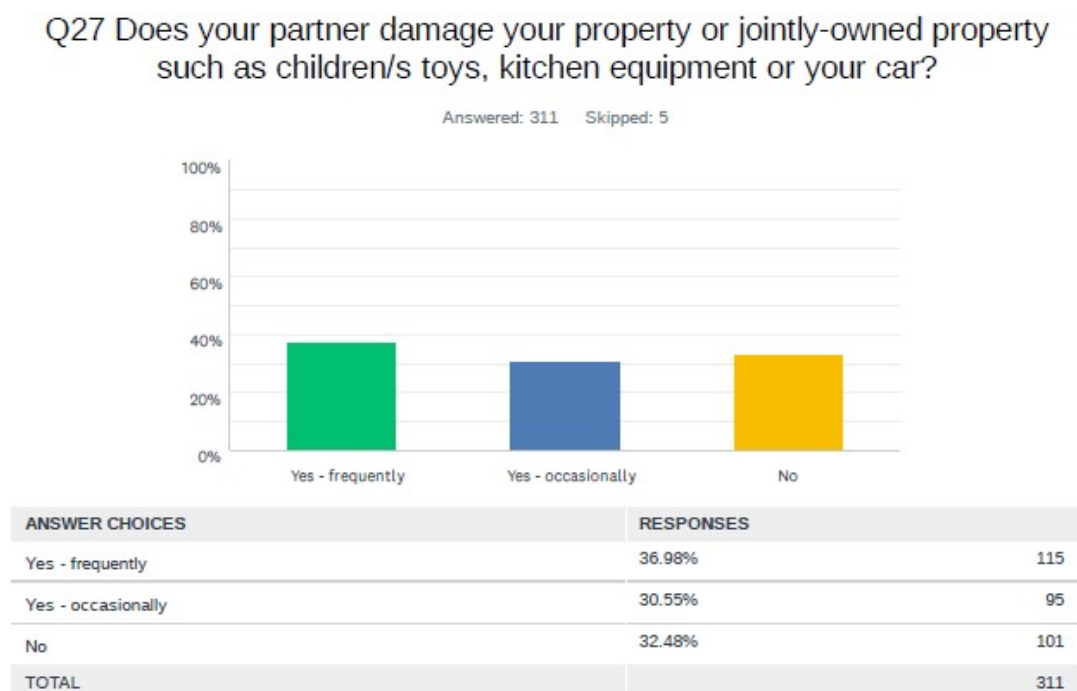


Figure 26. Damage done to household possessions and cars.

HOMICIDE TRIGGER FACTORS

"I had resigned to the fact he would kill me one day."

Escalation in the frequency, severity or variety of abuse, control or stalking

Stage 5 of the 8 stages that precede intimate partner homicide

Separation of a couple is a risk factor for homicide when an offender may escalate their control to try to force the victim to return, or they may 'change the project' and make a decision to kill their partner and/or children.

58.84% of victims reported the offender increased the frequency, severity or variety of abuse, control or stalking *after the relationship ended*.

In Queensland, preliminary data shows 63.31% of victims reported an increase in the frequency, severity or variety of abuse, control or stalking *after the relationship ended*.

Sue and Lloyd Clarke were able to identify Baxter's escalation of stalking Hannah and her family and friends; he lured Hannah back to his house when he had the children there under the pretext of learning how to cook food for the children. Once Hannah was at his house, he forced her to remain there overnight, unable to get help for herself or the children.

Q34 If you have left the relationship, has there been an increase in frequency, severity or variety of abuse, controlling behaviour or stalking?

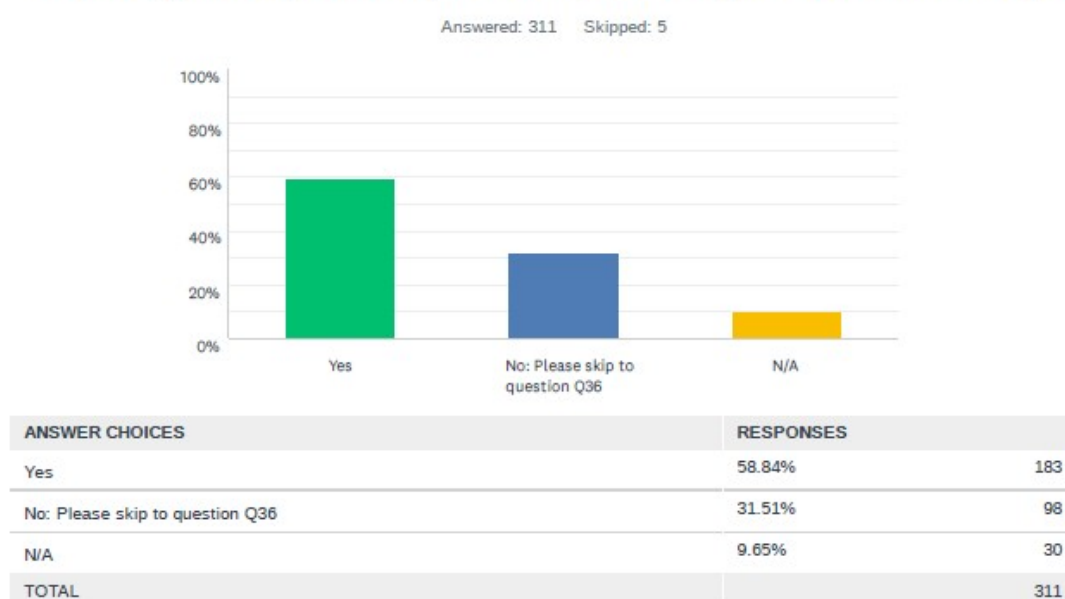


Figure 27. Increased frequency, severity or variety of abuse, control or stalking.

Is the relationship irretrievable?

Stage 6 of the 8 stages that precede intimate partner homicide

Perpetrators who realise the relationship is at an end may respond to this loss of control by ‘changing the project’ and making a decision to kill.

48.55% of survey participants said that their partner had accepted that the relationship was over;

19.29% of victims said that their partner had not accepted that the relationship was over;

32.15% of victims said that they were not sure whether their partner accepted that the relationship was over.

These figures indicate that many women who leave coercive controlling relationships – but who are not aware whether the offender understands that the relationship is over - may not realise the level of risk that they are taking when they leave.

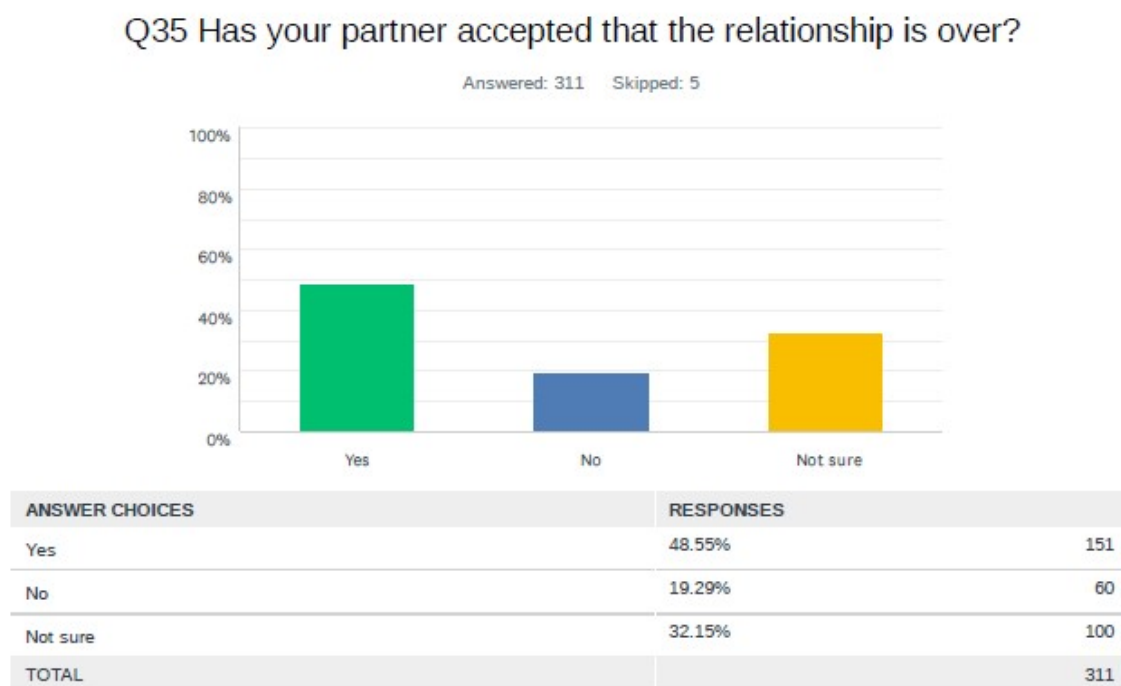


Figure 28. Acceptance that the relationship is over.

REPORTING THE ABUSE

Did domestic violence agencies communicate well to protect and help you?

46.63% of victims said that the domestic violence agencies were either uncoordinated, ineffective, or referred them excessively from one agency to another. This exacerbates the anxiety of the victim by adding a sense of helplessness because domestic abuse organisations were not able to help them effectively.

Only 19.94% of victims said agencies worked well together to protect them.

These figures indicate a failure of the current domestic violence system to protect victims.

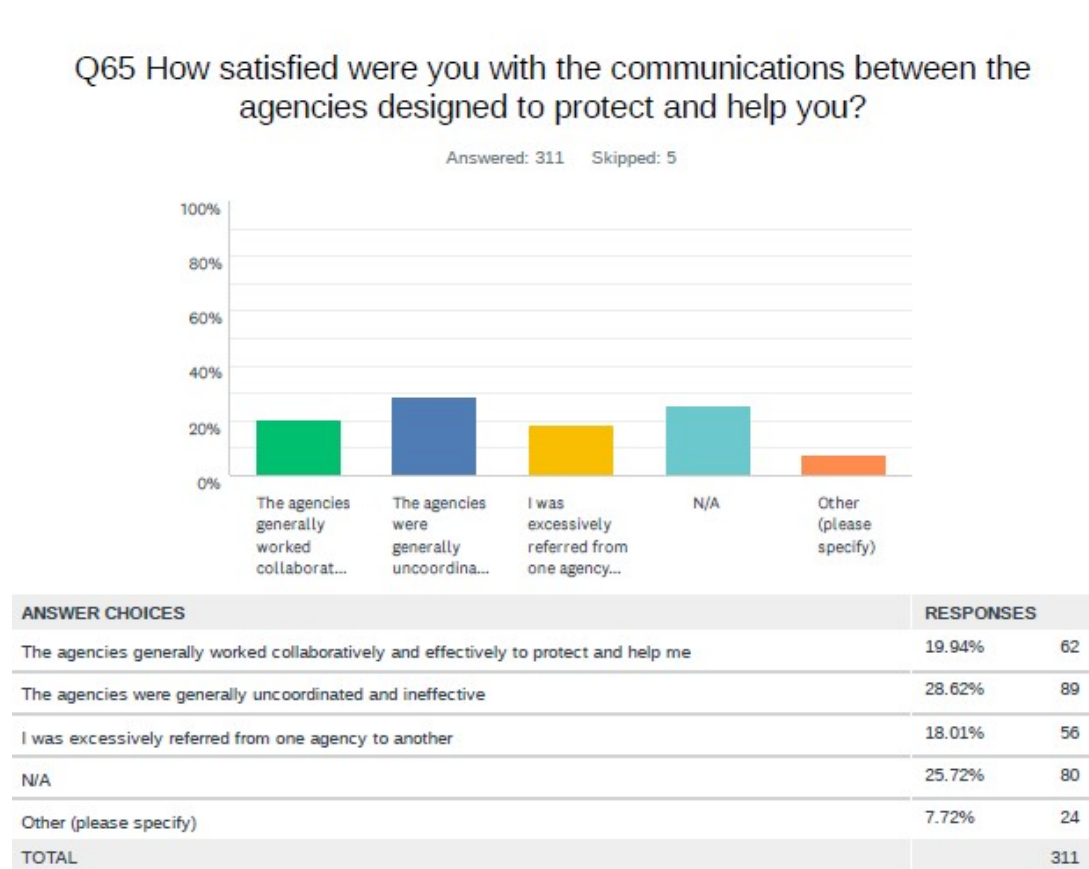


Figure 29. Communication between domestic violence agencies.

Reporting the abuse to police

Given the high numbers of victims who are threatened with being murdered or that their children will be murdered (Question 29), it appears that many of these victims do not have confidence to report to police, or they may fear the outcome of escalated violence or being killed if they do report. This means that for our society to protect these victims, they must be confident that their lives will be securely protected if they report.

65.27% of victims said they reported the abuse to police.

34.73% of victims said they did not report the abuse to police.

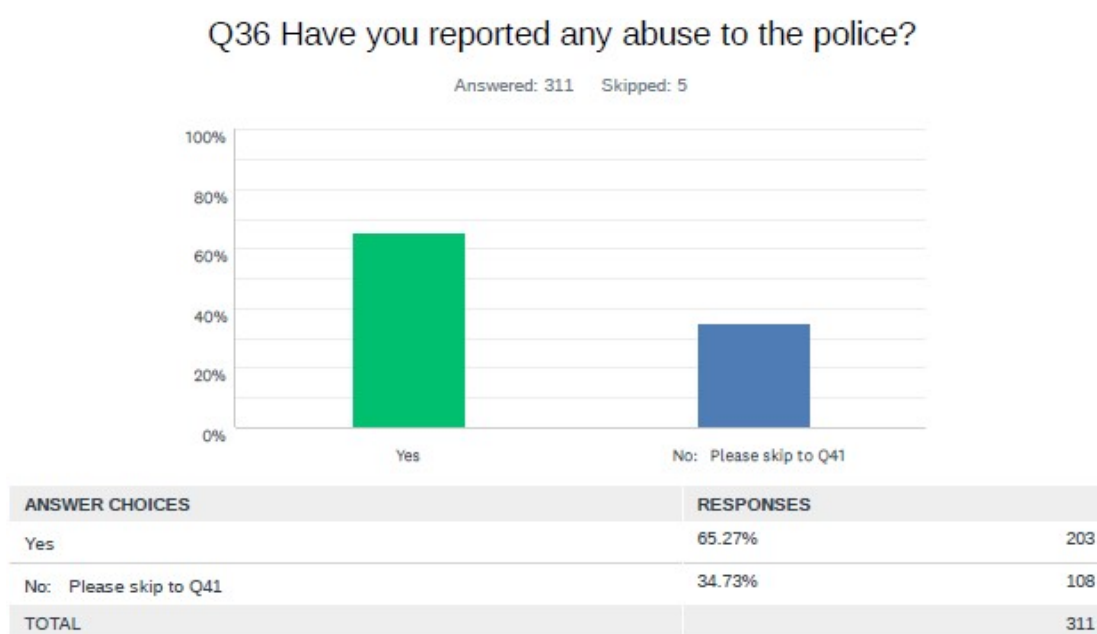


Figure 30. Reporting the abuse to police.

What type of abuse did you report?

Of the victims who reported to police, almost 40% reported both physical and non-physical abuse to the police.

28.63% of reporting victims complained of only non-physical abuse

9.16% of reporting victims complained of only physical abuse

Less than 10% of reporting victims complained of only physical abuse. The vast majority of victims report either non-physical abuse or physical and non-physical. However these reporting victims are complaining of behaviour that they believe places them in danger or even in life-threatening situations.

The current incident-based policing model focuses very strongly on physical evidence of physical abuse and therefore fails to respond adequately or protectively to about 66.8% of the behaviour that victims of abuse are reporting to police to obtain protection.

Q37 If "Yes" to Q36, what type of abuse did you report to the police?

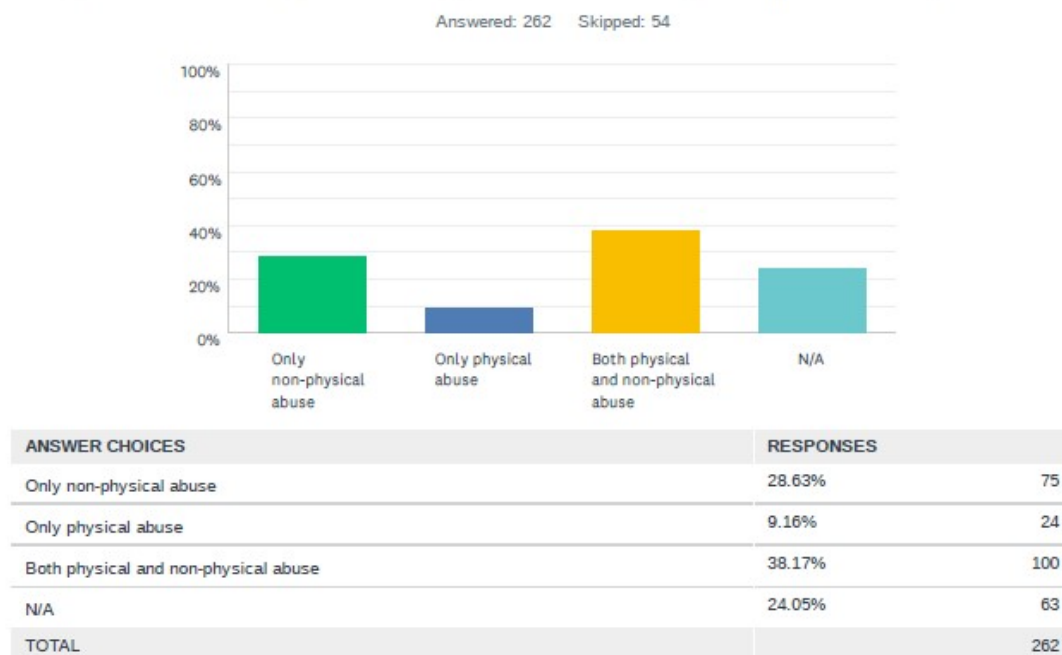


Figure 31. What type of abuse did you report?

What was the victim seeking?

Most victims said that their aim in reporting the abuse to police was that they wanted the abuse to stop (65.33%).

23.12% of victims said that they wanted police to investigate or charge the offender for breaching an existing domestic violence order;

28.6% were requesting a temporary domestic violence protection order;

18.59% requested police to arrest and charge the offender.

Q45 If "Yes" to Q42, when you reported to police, what were you seeking? (Please tick more than one box if necessary).

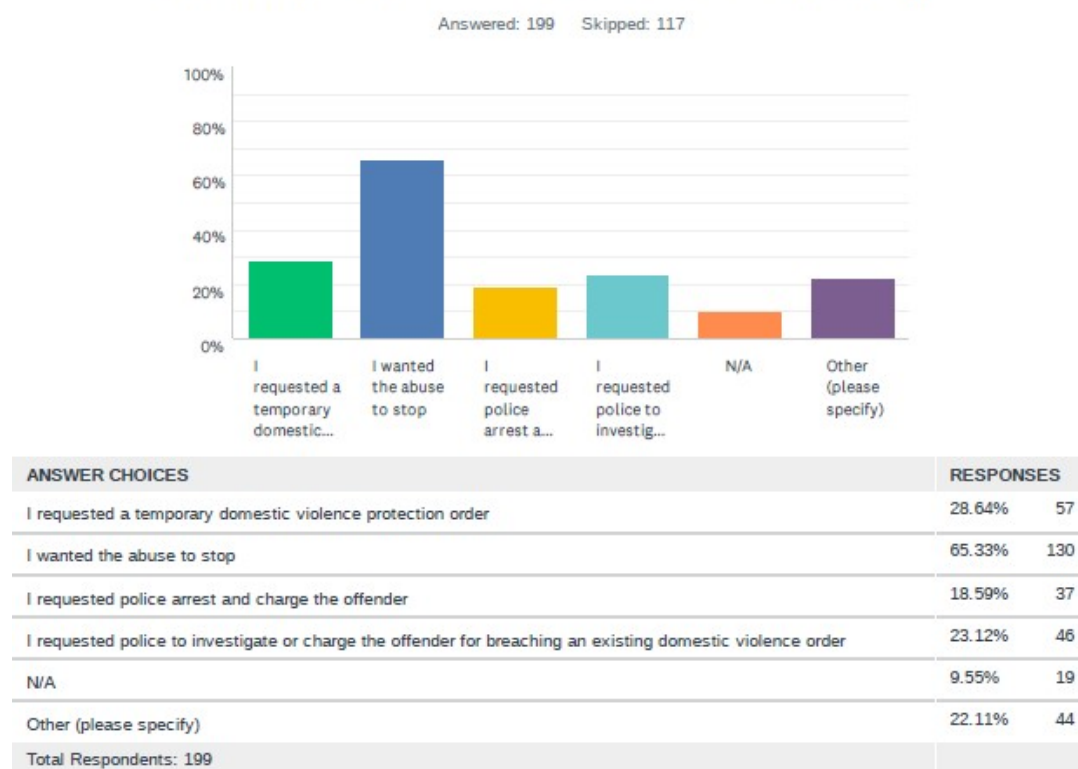


Figure 32. What were you seeking?

Reasons for *not* reporting the abuse (from Chapter 1)

Of those victims who did not report to police, the most common reason, given by 41.48% of victims, for *not* reporting the abuse was that they were frightened that reporting the abuse would lead to an escalation of the abuse.

The second most common reason, given by 30.87% of victims, for *not* reporting the abuse was that they *did not realise* that non-physical abuse was domestic violence.

Other reasons included the following:

22.19% of victims were frightened that the offender may harm the children;

18.33% of victims believed they needed to remain in the household to protect the children from the offender.

Q41 If you did not report, what were your reasons for not reporting the abuse? (Please tick more than one box if necessary).

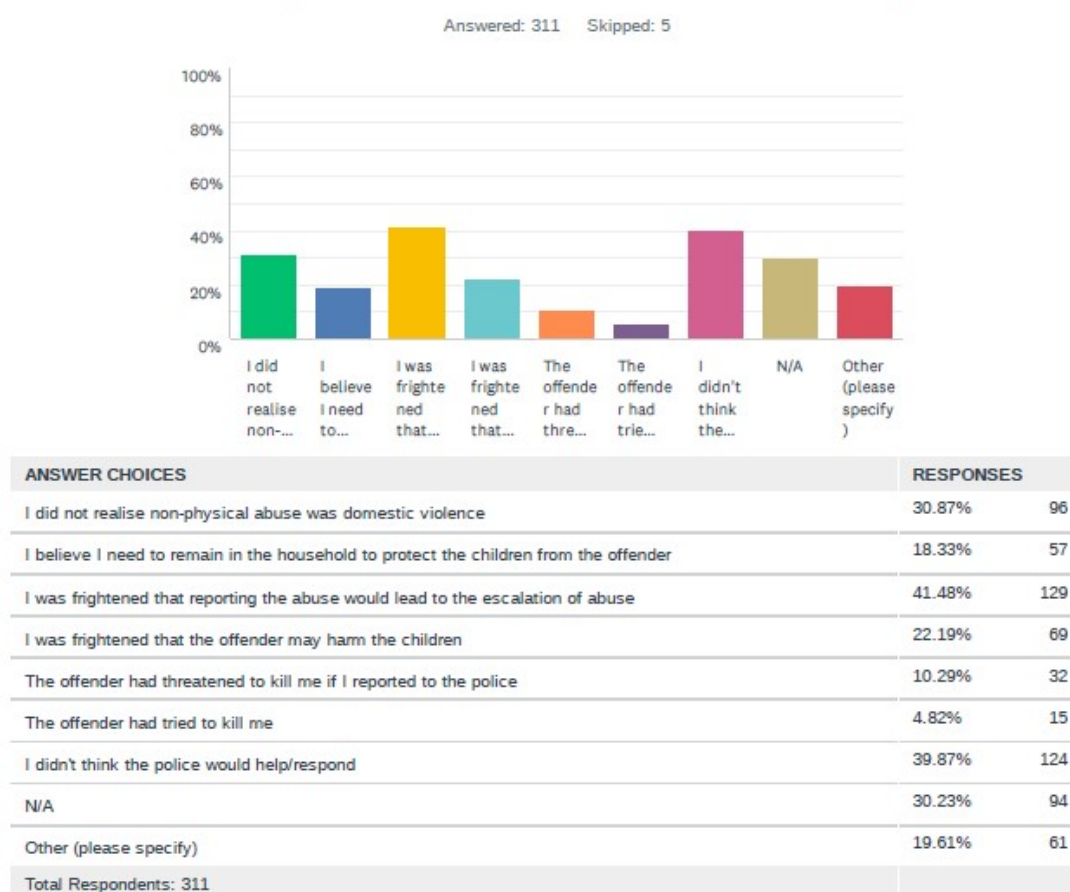


Figure 33. Why did you decide to not report?

Other reasons were given for *not* reporting the abuse.

Amongst the ‘other’ responses are the following:

“The offender threatened to kill me if I left and took children.”

“I was terrified to report him until he beat up four of the children one night. He said he was going to kill me and one of my sons. We ended up getting help to escape interstate.”

“The offender had tried to kill me.”

“I had resigned to the fact he would kill me one day.”

“I left and moved interstate with the children, however if I stayed in the state or if he comes to the state where I have moved, I fear he would kill or seriously harm me or me and the children.”

“It took me five times leaving, going to stay with family before I finally left and never went back. Lots of threats to kill me and my daughter and himself.”

Most of the reasons given for not reporting the abuse centre around the risk of the victim being killed or previous murder attempts by the offender. The seriousness of these fears indicates that for women who are at risk to report, they need to know that police will immediately act to protect them and their children from a potential murderer in the immediate future as well as in the longer-term future.

POLICE RESPONSE

Police attendance at a domestic violence incident

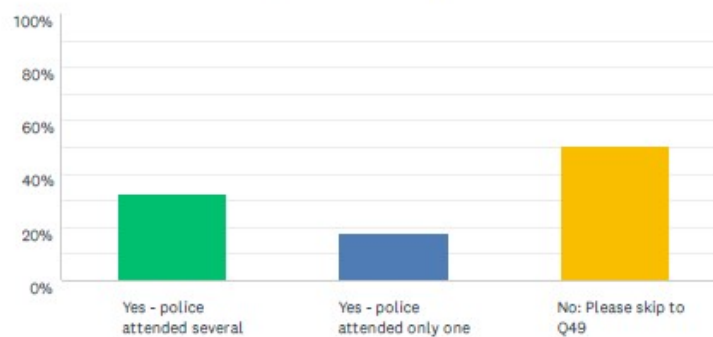
More than 50% of all victims reported that police had attended a domestic violence incident in which they were a victim.

32.15% of victims said police had attended several incidents.

17.68% of victims said police had attended only one incident.

Q42 Have the police attended a domestic violence incident in which you were a victim?

Answered: 311 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes - police attended several incidents	32.15%	100
Yes - police attended only one incident	17.68%	55
No: Please skip to Q49	50.16%	156
TOTAL		311

Figure 34. Have police attended a DV incident where you were the victim?

Police response time

Fewer than 10% of victims who reported a breach of a domestic violence order to police received a police response within an hour.

In 36.6% of cases, police took more than three hours or did not attend.

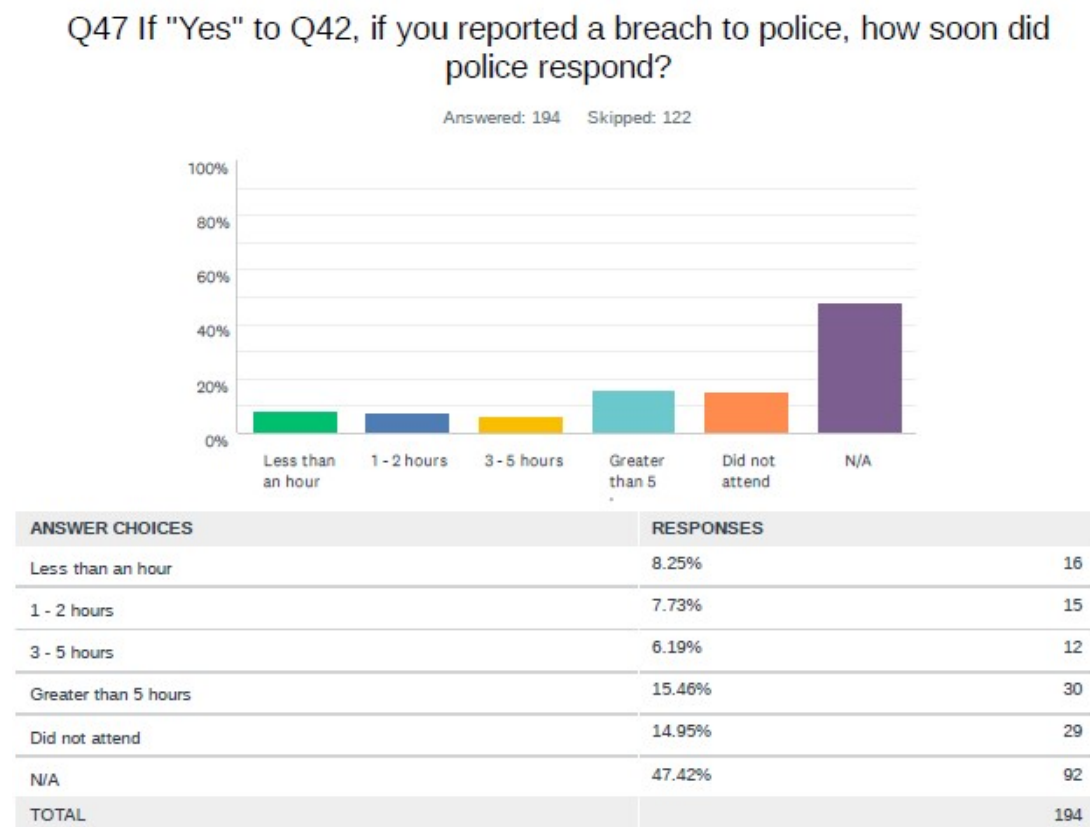


Figure 35. How soon did police respond?

Action of police to protect the victim

Given the high levels of fear and the frequency with which victims are threatened with being killed, it is disappointing that only 10.31% report police conducting a risk assessment.

In addition, it is disappointing that 37.63% of victims who report to police, said that police did nothing to protect them.

Police did seek domestic violence orders and did arrest some offenders.

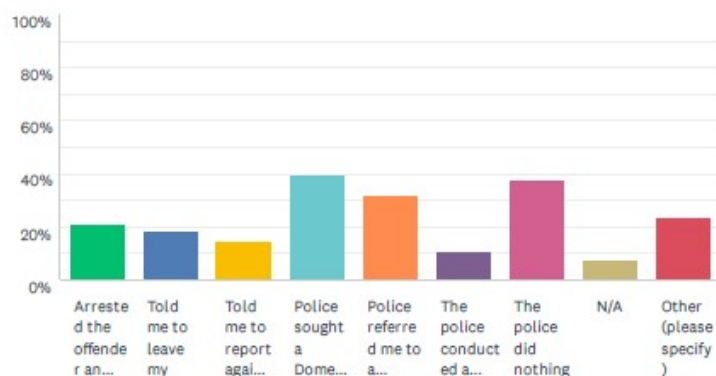
39.69% of victims said police sought a domestic violence order on their behalf.

20.62% of victims said the police arrested the offender and removed them from the home.

However, in 18.04% of cases the victim was told to leave their home and in 14.43% of cases police told the victim to report again only if they suffered physical injuries.

Q44 If "Yes" to Q42, what action did the police take to protect you?
(Please tick more than one box if necessary).

Answered: 194 Skipped: 122



ANSWER CHOICES	RESPONSES	
Arrested the offender and removed him/her from your home	20.62%	40
Told me to leave my home	18.04%	35
Told me to report again only if I have suffered physical injuries	14.43%	28
Police sought a Domestic Violence Order	39.69%	77
Police referred me to a domestic violence service	31.44%	61
The police conducted a risk assessment survey	10.31%	20
The police did nothing	37.63%	73
N/A	7.73%	15
Other (please specify)	23.20%	45
Total Respondents: 194		

Figure 36. What did police do to protect you?

Satisfaction with the police response

More than half of the victims who reported to police said they were either very dissatisfied (32.65%) or dissatisfied (18.37%) with the police response.

Only 7.14% of victims were very satisfied with the police response.

16.84% were satisfied with the police response.

Q48 If "Yes" to Q42, how satisfied were you with the police response to your report of abuse?

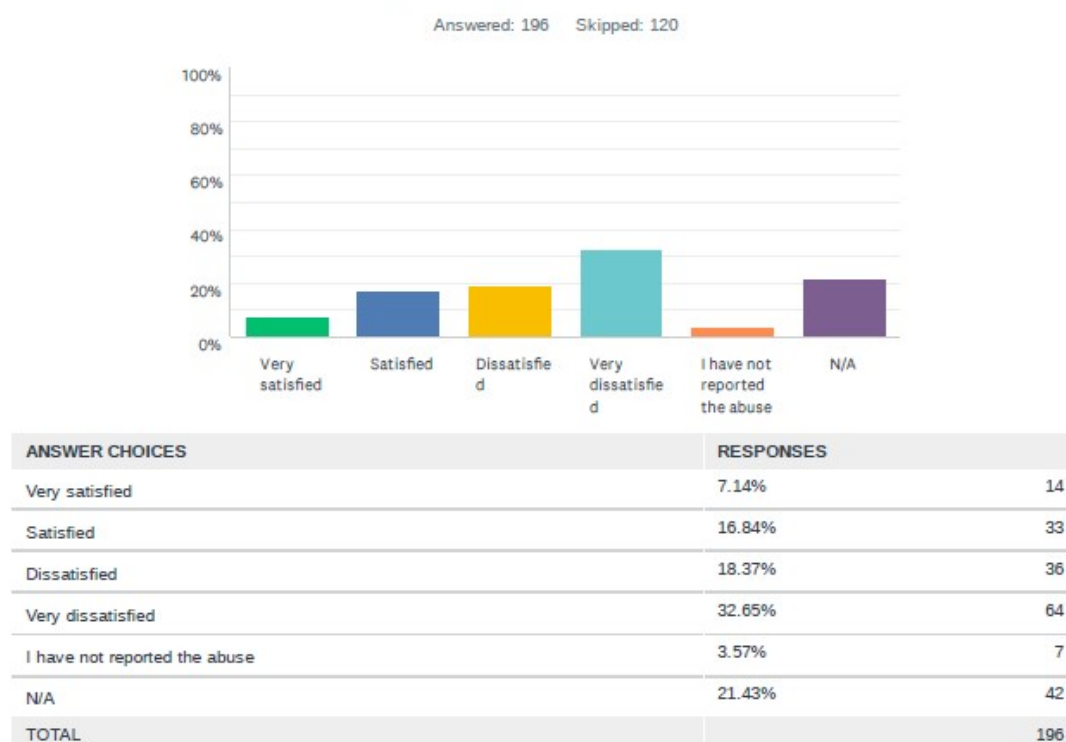


Figure 37. How satisfied were you with the police response?

Did police treat the victim with dignity and respect?

34.72% of victims said police treated them with dignity and respect.

38.26% of victims said they were not treated with dignity and respect.

Q49 If you had contacts with the police, would you agree or disagree that you were treated with dignity and respect by police officers?

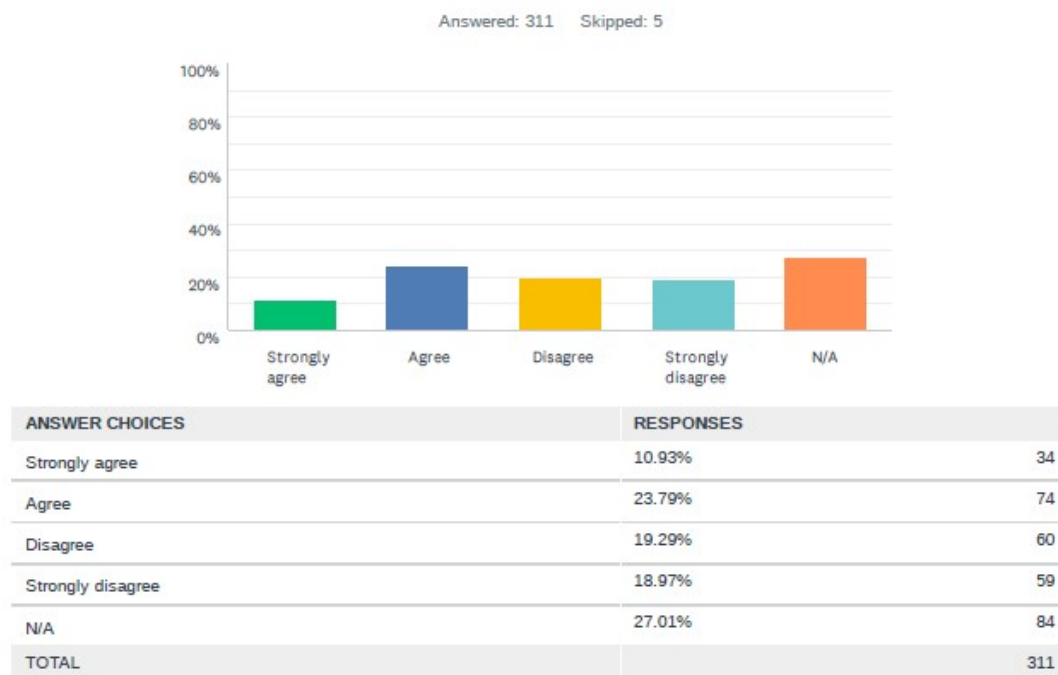


Figure 38. Were you treated with dignity and respect?

Sex of police officers who dealt with complaints

Most victims of abuse who reported to police were dealt with by male police officers. Research in Australia and overseas indicates that female victims are more comfortable dealing with female police officers and this might partly explain why victims do not report the seriousness of the threats against themselves, their children and their pets, and the threats by the offender of suicide.

67.22% of victims said they were dealt with primarily by male police officer.

23.89% of victims said they were dealt with primarily by male and female police officers.

8.89% of victims said they were primarily dealt with by a female police officer.

Further analysis of the data will reveal whether the sex of the officer is correlated with improved outcomes as perceived by victims.

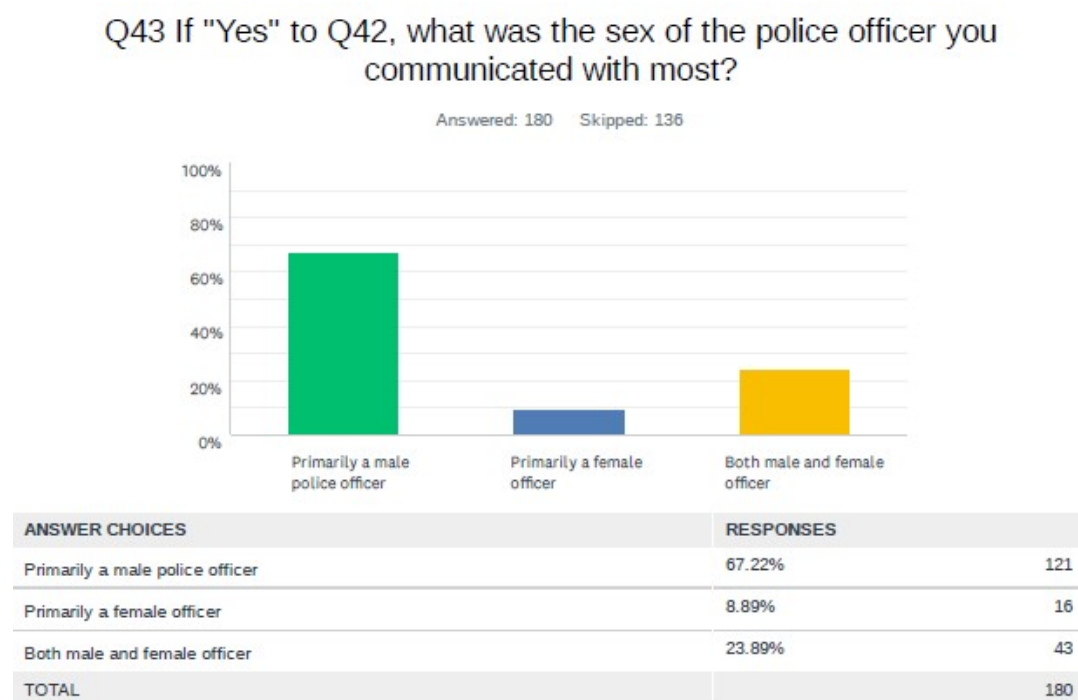


Figure 39. What was the sex of the police officer who mainly dealt with you?

Support from police officers

27.75% of victims said that the level of support they received from police officers was very positive or positive.

45.62% of victims said that the level of support they received from police was either negative or very negative.

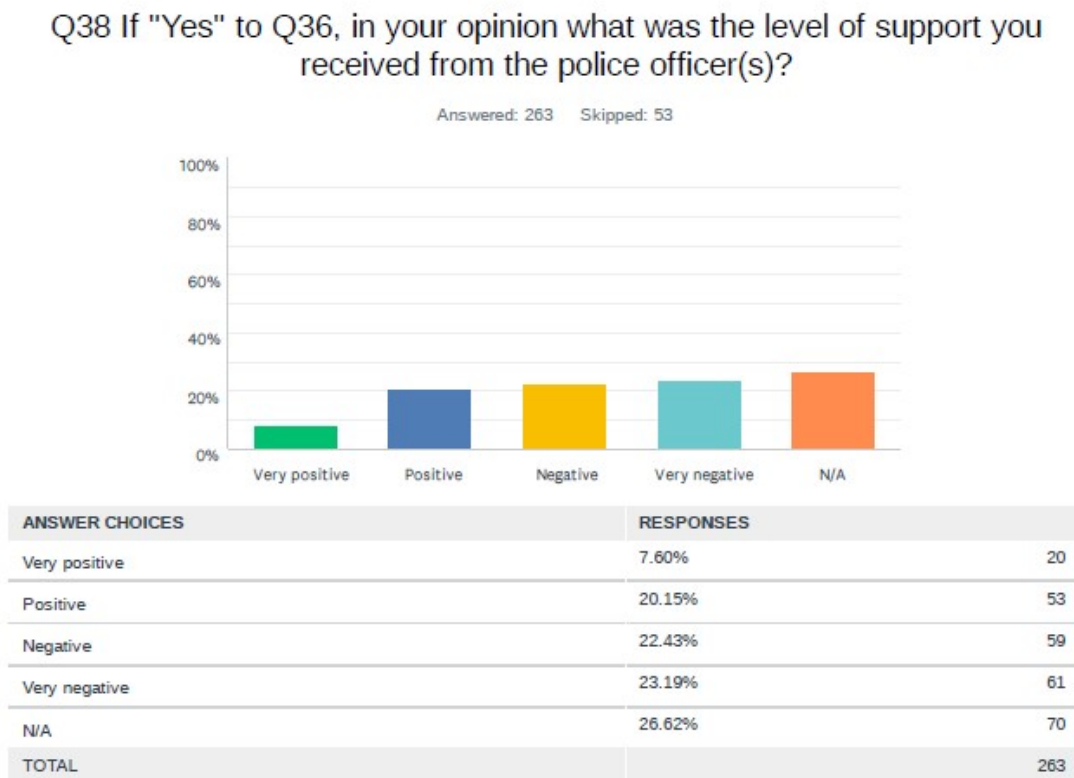


Figure 40. What level of support did police give you?

Outcome of reporting abuse to the police

There was a wide variety in outcomes for victims who reported abuse to police. Some victims who reported were perceived by police to be the offender and were given a domestic violence order against them (8.94%). This misidentification of the perpetrator of DV is chilling, especially because the 2017 Queensland murder statistics indicated 44.4% of murder victims had previously been *misidentified by police as a DV perpetrator*.

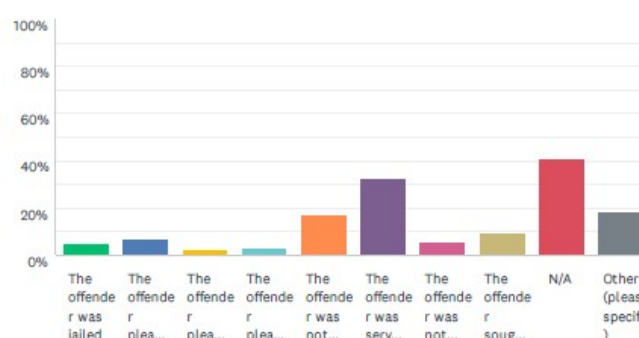
Just over 30% of victims who reported abuse were able to obtain a domestic violence protection order (31.79%).

24.84% of cases resulted in the offender not being charged, being found not guilty and released or not being served with a domestic violence order

Only 13.25% of cases resulted in the offender being sentenced after being found guilty, pleading guilty or being jailed.

Q61 If you made a report of the abuse to the police, what was the outcome? (Please tick more than one box if necessary).

Answered: 302 Skipped: 14



ANSWER CHOICES	RESPONSES	
The offender was jailed	4.64%	14
The offender pleaded guilty and was sentenced	6.62%	20
The offender pleaded not guilty but was found guilty and sentenced	1.99%	6
The offender pleaded not guilty and was found not guilty and released	2.65%	8
The offender was not charged	16.89%	51
The offender was served with a domestic violence order	31.79%	96
The offender was not served with a domestic violence order	5.30%	16
The offender sought a domestic violence order against me	8.94%	27
N/A	40.40%	122
Other (please specify)	17.88%	54
Total Respondents: 302		

Figure 41. What was the outcome of your report to police?

Was the protection order breached?

Almost 60% of victims who received a domestic violence protection order continued to be subjected to abuse by the offender, who breached the order.

32.32% of victims said their partner had breached the order more than five times.

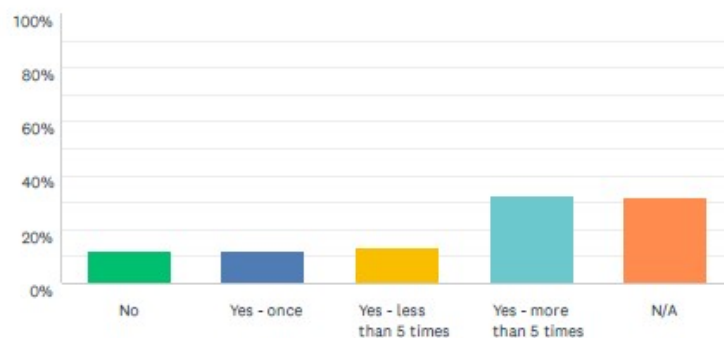
13.13% of victims said their partner breached the order less than five times.

11.62% of victims said their partner breached the order once.

Only 11.62% of victims who received domestic violence protection orders reported that the offender did not breach the domestic violence order.

Q46 If "Yes" to Q42, if a protection order was granted, did the offender breach the order?

Answered: 198 Skipped: 118



ANSWER CHOICES	PERCENTAGE	COUNT
No	11.62%	23
Yes - once	11.62%	23
Yes - less than 5 times	13.13%	26
Yes - more than 5 times	32.32%	64
N/A	31.31%	62
TOTAL		198

Figure 42. If you obtained an order, did the offender breach it?

ESCAPING THE ABUSE

Leaving the home

Although more than half of victims of domestic abuse left the family home, many were trapped in the abusive home for various reasons:

10.93% said they could not afford to leave.

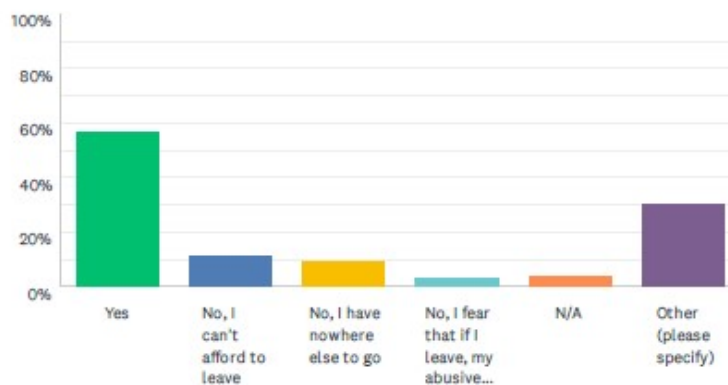
9.32% said they had nowhere to go.

3.54% said they feared that if they left the offender would kill or seriously harm the victim or their children.

This means that a total of 24.79% of victims remained in the abusive household despite the abuse.

Q15 Did you leave the family home? (Please tick more than one box if necessary).

Answered: 311 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes	56.27%	175
No, I can't afford to leave	10.93%	34
No, I have nowhere else to go	9.32%	29
No, I fear that if I leave, my abusive partner will kill or seriously harm me and/or my children	3.54%	11
N/A	3.86%	12
Other (please specify)	30.55%	95
Total Respondents: 311		

Figure 43. Reasons for leaving or staying.

Seeking help to escape the abuse

Almost 80% of victims sought help from family and friends, police, DV support organisations, helplines, lawyers or a child safety organisation to escape the abuse.

59.16% of victims sought help from family or friends.

51.77% sought help from police.

42.44% sought help from a domestic violence support organisation.

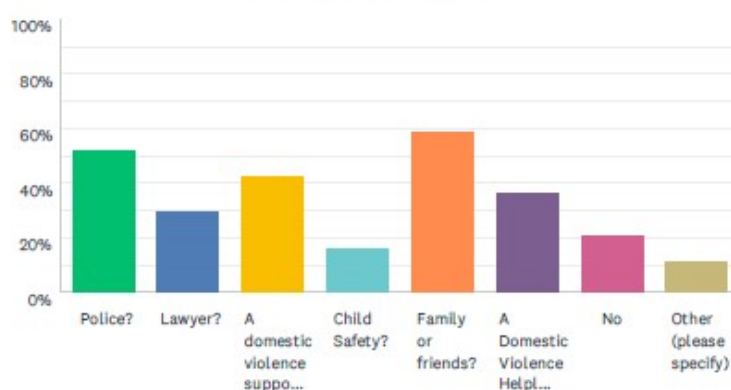
36.66% sought help from a domestic violence helpline.

29.58% sought help from a lawyer.

16.08% sought help from a child safety agency.

Q9 Did you seek help to escape the abuse from one or more of the following: (Please tick more than one box if necessary)

Answered: 311 Skipped: 5



ANSWER CHOICES	RESPONSES	
Police?	51.77%	161
Lawyer?	29.58%	92
A domestic violence support organisation?	42.44%	132
Child Safety?	16.08%	50
Family or friends?	59.16%	184
A Domestic Violence Helpline or Organisation?	36.66%	114
No	21.22%	66
Other (please specify)	11.58%	36
Total Respondents: 311		

Figure 44. Who did you go to for help to leave?

Current relationship status with the abusive partner

Stage 4 of the 8 stages that precede intimate partner homicide

80.07% of the victims had separated from their abusive partner or divorced their abusive partner when they completed the survey.

However, 9.65% were still in a relationship or married to the offender.

Q11 What is your current relationship with your abusive partner?

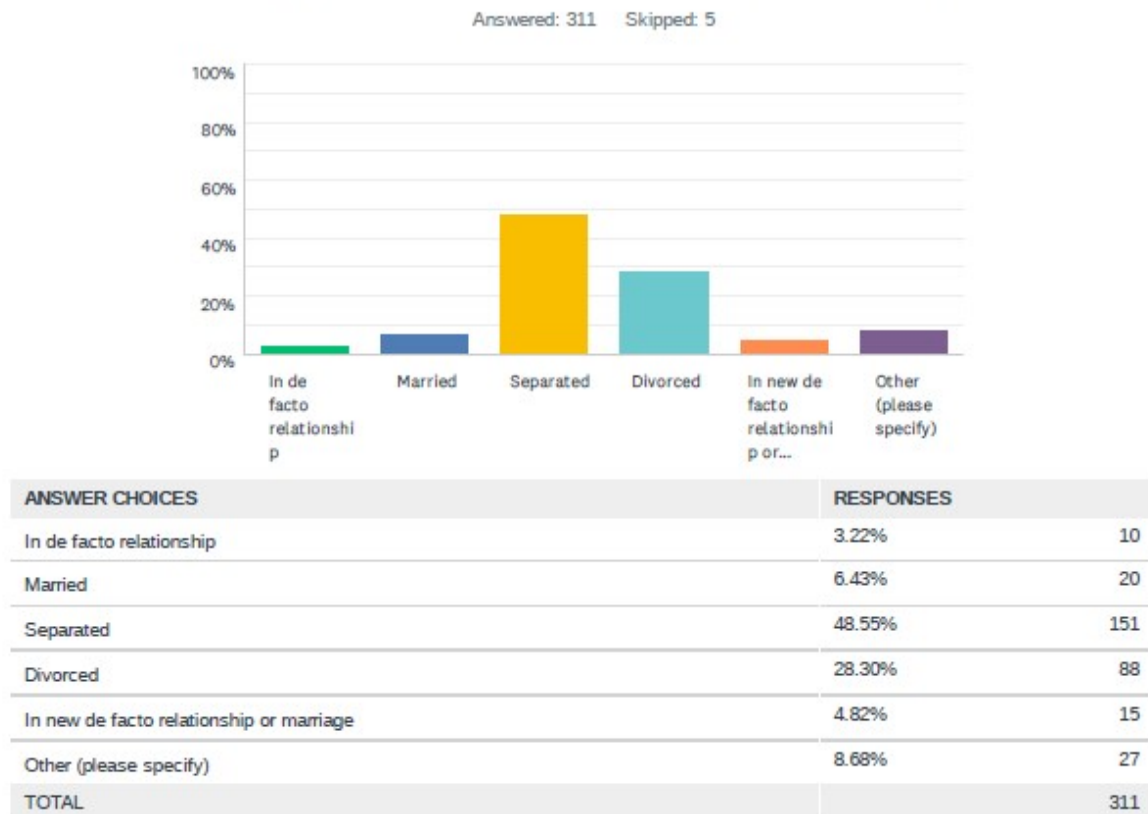


Figure 45. Current relationship status.

COST

Psychological and emotional cost of the abuse

Victims of abuse disclosed that they suffered major and minor mental health and emotional issues as a result of the abuse.

47.27% reported experiencing major health and emotional issues that reduced their will to live.

42.12% reported experiencing major health and emotional issues that prevented them from working.

37.94% minor health and emotional issues that reduced their enjoyment of life.

Although the Covid19 pandemic may have been a factor in some cases, the survey respondents indicate they have been in relationships for many years.

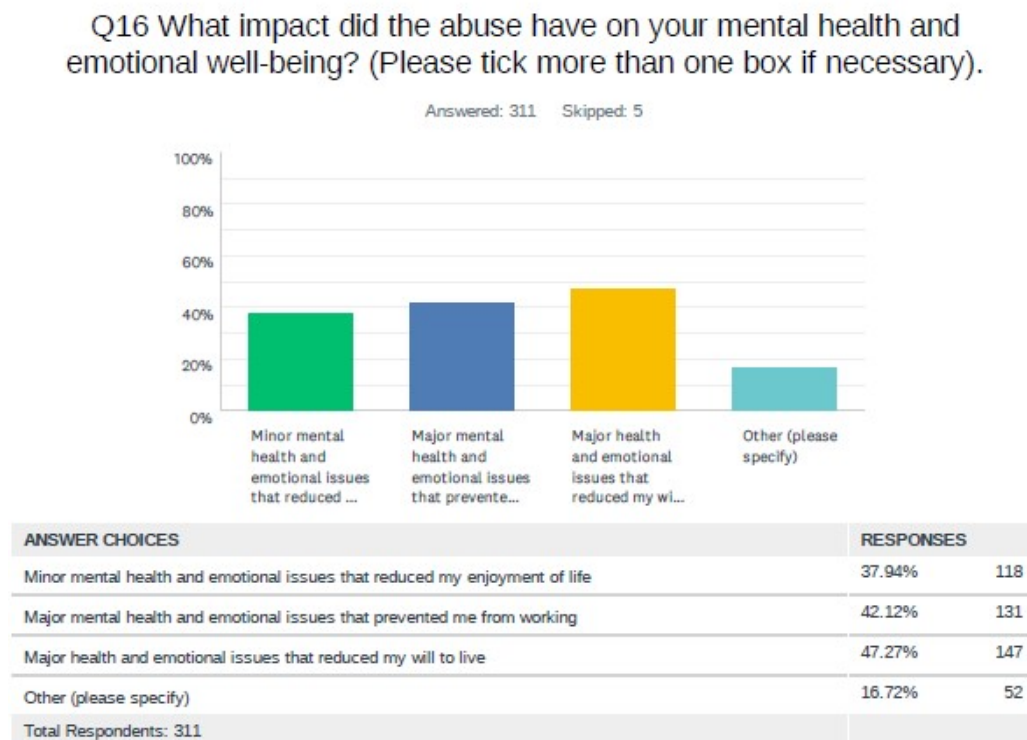


Figure 46. Health impacts.

Psychological care required

Victims needed medical attention, surgery, psychological and psychiatric care as a result of the abuse. Some were permanently disfigured or disabled.

The physical and mental toll was very high amongst this relatively small group of victims.

30.23%	needed medical attention.
68.49%	needed psychological care for more than a year.
19.51%	needed psychological care for less than a year.
11.58%	needed psychiatric care for more than a year.
5.79%	needed psychiatric care for less than a year.
3.85%	needed one or more operations.
3.86%	were permanently disfigured or disabled.

These figures indicate that damage caused to victims of abuse is adding substantially to the burden on the health and hospital system.

Q17 Did you need support if you were physically and/or mentally abused? (Please tick more than one box if necessary).

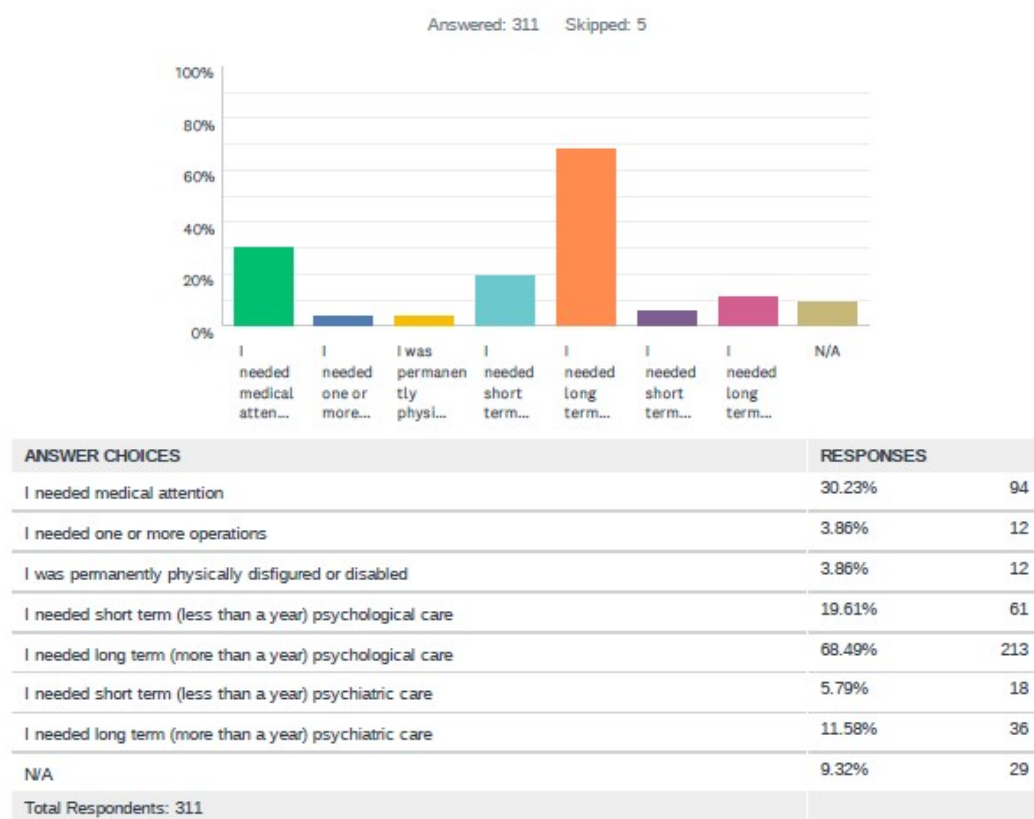


Figure 47. Medical care required.

Cost of legal advice

61.41% of victims sought legal advice whilst 38.59% did not seek legal advice.

Those who sought legal advice paid their legal costs from their own savings or by borrowing money from family and friends. Some borrowed money from a commercial lender. Some victims were unable to obtain legal advice because they had no source of funds.

The desperate situation of a woman who is threatened with being murdered but being unable to afford to seek protection must be addressed as a matter of urgency by all levels of government.

Q55 If "Yes" to Q54, the money to pay legal fees was sourced from:
(Please tick more than one box if necessary).

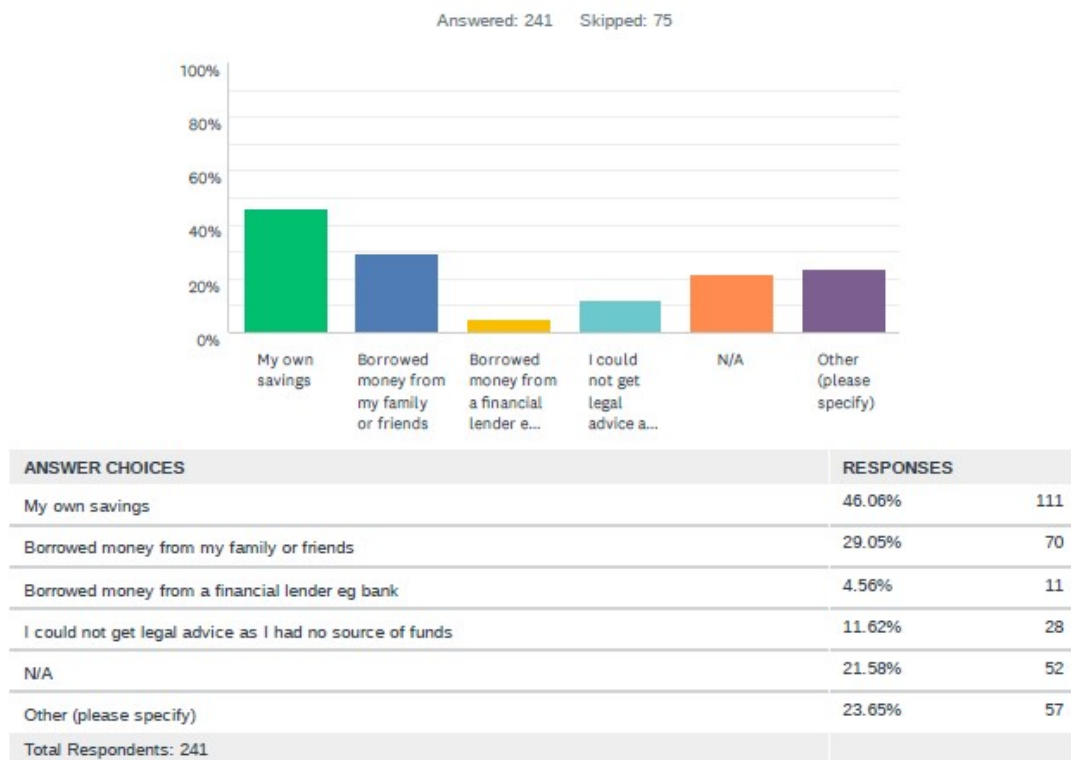


Figure 48. Where did you obtain the money for legal advice?

Cost of legal advice and representation regarding the abuse.

The cost of legal advice is a severe impediment to victims of abuse gaining the protection they need for themselves and their children. Representation for a domestic violence order, taken as a civil action rather than by police costs at least \$100,000. Even then, the data about breaches of orders indicates that about 60% offenders are unlikely to comply with the court order.

Only 4.55% of victims spent more than \$100,000 on legal advice seeking protection. This means that almost every victim was financially unable to buy the legal advice they needed to obtain the protection they needed. Therefore it all the more important that when someone reports to police, that police provide timely, appropriate and thorough protection for the victim.

Given the large percentage of victims who were unable to work because of the abuse and unable to access their own money, effective legislation and policing to protect victims and apprehend offenders is needed urgently.

Q56 If "Yes" to Q54, how much money did you spend on seeking legal advice and representation regarding the abuse?

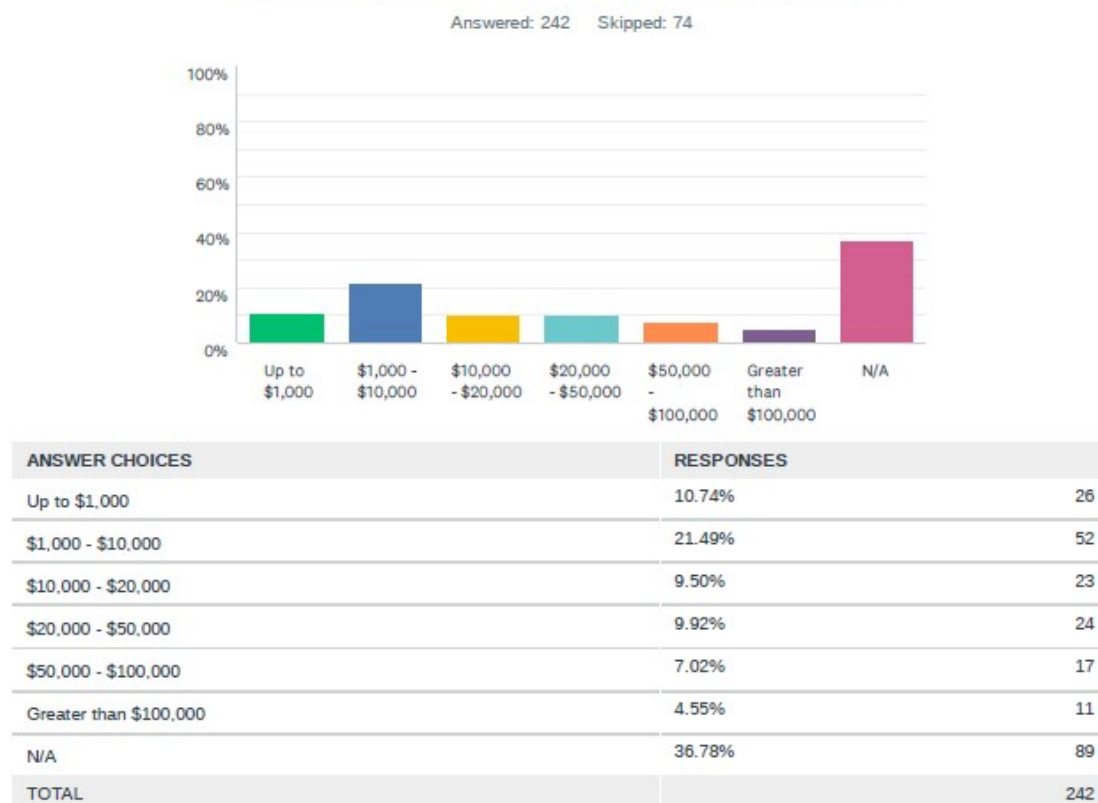


Figure 49. How much money did you spend obtaining legal advice?

Financial costs of victims

A substantial proportion of the financial cost of domestic abuse is currently being borne by the victims.

Participants in the survey collectively have reported being financially disadvantaged by millions of dollars through having to find alternative accommodation, legal advice and representation and to fund medical expenses.

30.87% of victims spent less than \$20,000.

31.83% of victims spent \$20,000 - \$500,000.

Q57 If you were financially disadvantaged after reporting the abuse, what is your estimate of your financial costs for finding alternative accommodation, legal advice and representation, medical expenses etc?

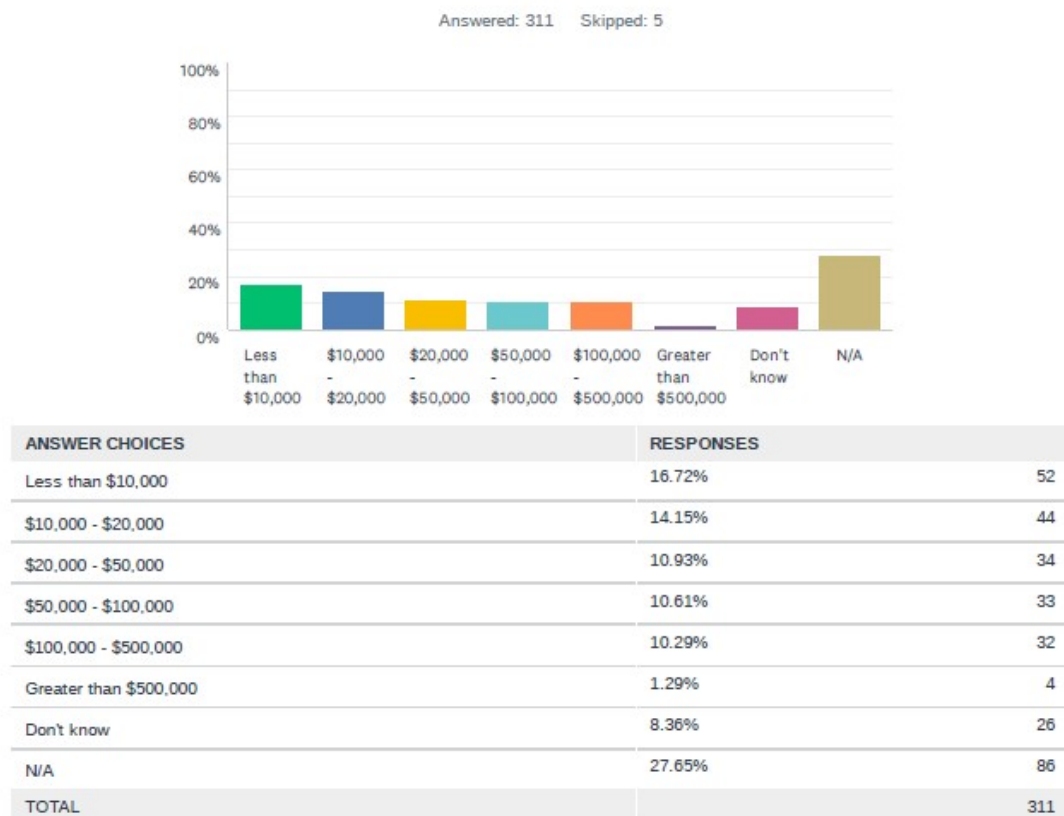


Figure 50. How much has it cost you for housing, medical and legal expenses?

Failure of the legal system to provide protection

More than 40% of victims who sought a domestic violence protection order did not receive one.

However some orders were processed promptly.

Of those who did receive a protection order, 20.26% received the orders in less than a week.

14.15% of victims received a domestic violence protection order in two weeks to a month.

6.43% took two months to six months.

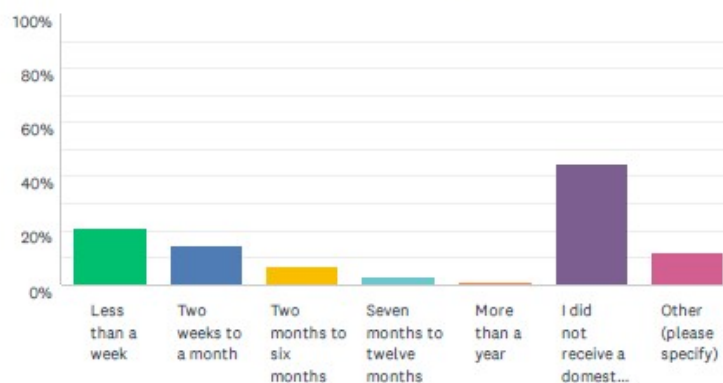
2.25% took seven months to 12 months; and

0.96% of orders took more than a year.

Despite the speed of these orders being issued, we note that almost 60% of orders were later breached (see Question 46).

Q58 If the Court issued a domestic violence protection order, how long did it take from when you reported the abuse to police for a Court to issue the order?

Answered: 311 Skipped: 5



ANSWER CHOICES	RESPONSES	
Less than a week	20.26%	63
Two weeks to a month	14.15%	44
Two months to six months	6.43%	20
Seven months to twelve months	2.25%	7
More than a year	0.96%	3
I did not receive a domestic violence protection order: Please go to Q60	44.37%	138
Other (please specify)	11.58%	36
TOTAL		311

Figure 51. How long did it take to obtain a protection order?

MAGISTRATES AND JUDGES

Demeanour and performance of Magistrates and judges

Anecdotal experiences recounted by women seeking domestic violence protection orders over the past ten years is borne out by the data gathered in response to a question asking how victims perceived they were treated by presiding magistrates and judges.

Only about a quarter of respondents said the presiding magistrates or judges were professional and helpful.

16.06% said the presiding judicial officer was dismissive.

3.61% said the presiding judicial officer was angry.

Frequent reports by victims that judicial officers had not read all or part of the court material upon which they were making decisions is also borne out by the data:

10.44% of victims said the judicial officer had only read parts of the material.

4.42% of victims said the judicial officer had not read any of the material.

10.04% of victims said the judicial officer had read all the material.

Q59 If the court issued a domestic violence order, what was the overall demeanour and overall performance of the judge or magistrate at your hearing? (Please tick more than one box if necessary).

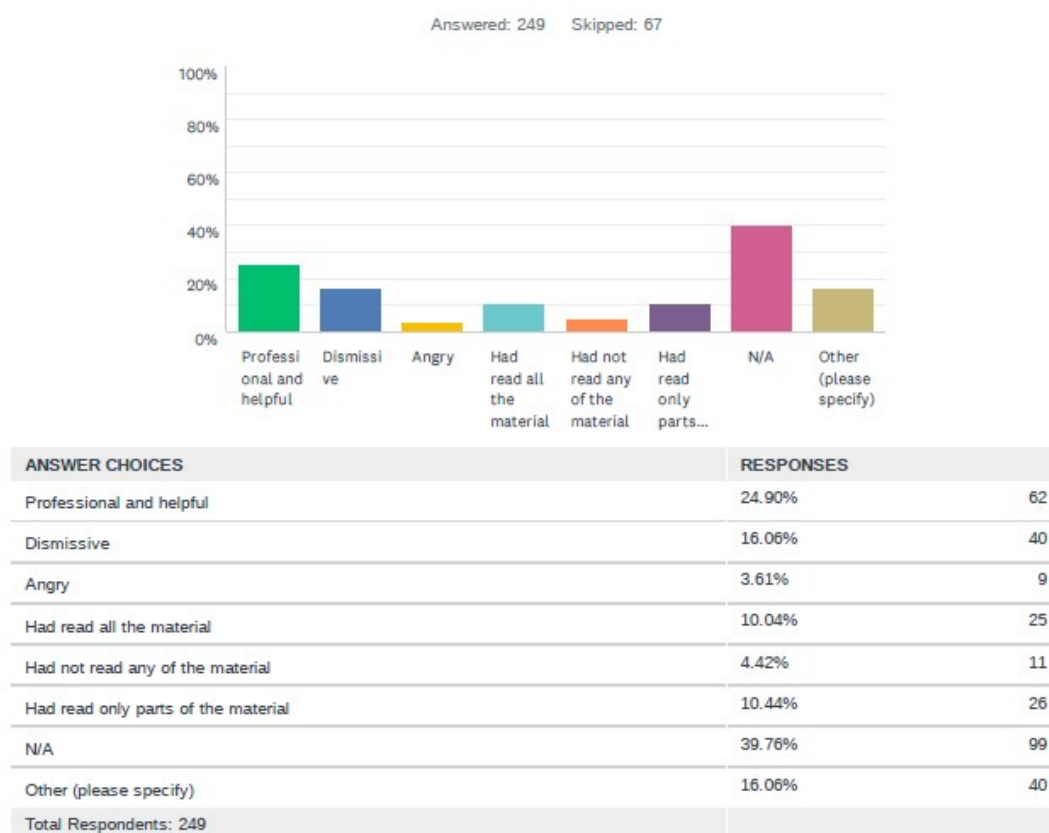


Figure 52. What was the performance of the magistrate or judge?

FAMILY COURT

Anecdotal accounts by victims of abuse have indicated that victims who report to police often find that the offender subsequently files Family Court action against them, seeking property or time with the children, even though they have threatened to kill the victim and/or their children and/or their pets. The use of the Family Court as a means of maintaining and escalating coercive control over victims has been widely documented overseas. Systems abuse is recognised in the domestic violence sector in Australia but thus far there has been little attempt by legislators to prevent perpetrators of domestic violence and abuse from using the Family Court to maintain coercion and control over domestic abuse victims and their children by engaging their former partner in protracted and costly litigation over many years or until the children reach 18 years of age.

18.33% of victims reported that that partner filed a Family Court case after the victim reported abuse to the police.

3.86% of victims reported that the partner filed a Family Court case after the victim reported the abuse of their children to police.

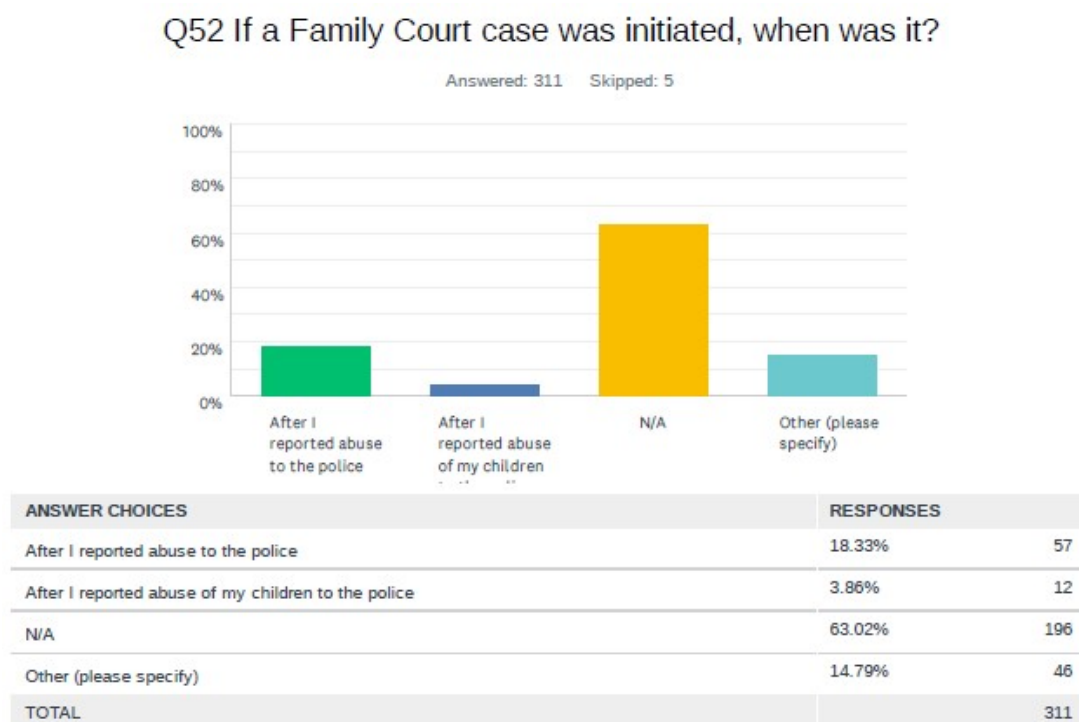


Figure 53. When was the Family Court case initiated?

Who initiated proceedings in the Family Court?

Further information on this topic would be very useful. The figures here indicate that 24.44% of offenders initiate proceedings in the Family Court compared with 17.68% of victims initiating proceedings in the Family Court. The reasons why victims initiate proceedings in the Family Court need further research.

Anecdotally, many victims who file proceedings in the Family Court believe that the Family Court will protect them and their children from further abuse, only to be very disappointed that federal jurisdictions take precedence over state jurisdictions. This means in reality that victims of abuse who gained domestic violence protection orders are required to hand their (terrified) children to the offender to spend time with an offender who has threatened or attempted to kill the victim and/or their children. Thus domestic violence protection orders in the state jurisdictions are little to no help in the federal jurisdiction. Non-publication orders in Section 121 of the Family Law Act severely restrict the reporting of Family Court cases and many victims ‘blindly’ think the Family Court will protect them from contact with a dangerous offender, when in practice, it does not.

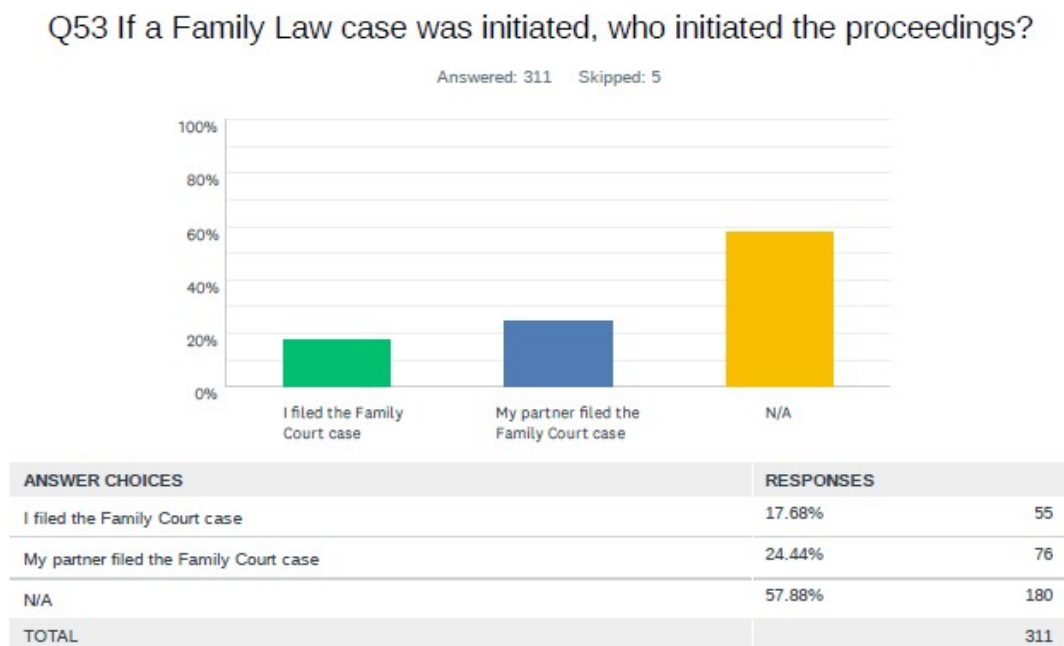


Figure 54. Who initiated Family Court proceedings?

A BROKEN SYSTEM

Impacts on the victim of reporting the abuse

Whilst authorities encourage victims to report abuse to the police, the outcome for victims at the moment is more often than not worse abuse. In addition, many victims report added systems abuse, loss of their job, loss of their accommodation and added health or psychological problems. Only 7.36% all victims said that the court helped them to get themselves and their children to safety. A large majority of victims found that reporting the abuse led to worse outcomes such as:

51.17% of victims said they began to experience mental health problems such as anxiety, fear and depression.

39.80% said the stress of the legal process made their situation a lot worse.

25.42% said they suffered worse abuse later.

21.74% of victims said they were unable to work.

12.04% of victims became homeless.

6.02% of victims lost their job.

These figures indicate that the criminal justice system and the domestic violence protection system are currently not fit for purpose. Victims who report abuse are severely disadvantaged financially and emotionally through increased fear for their safety and the safety of their children, financial stress, and loss of their home and job.

Q62 If you made a report on the abuse and/or going to court, the main impacts on me were: (Please tick more than one box if necessary)

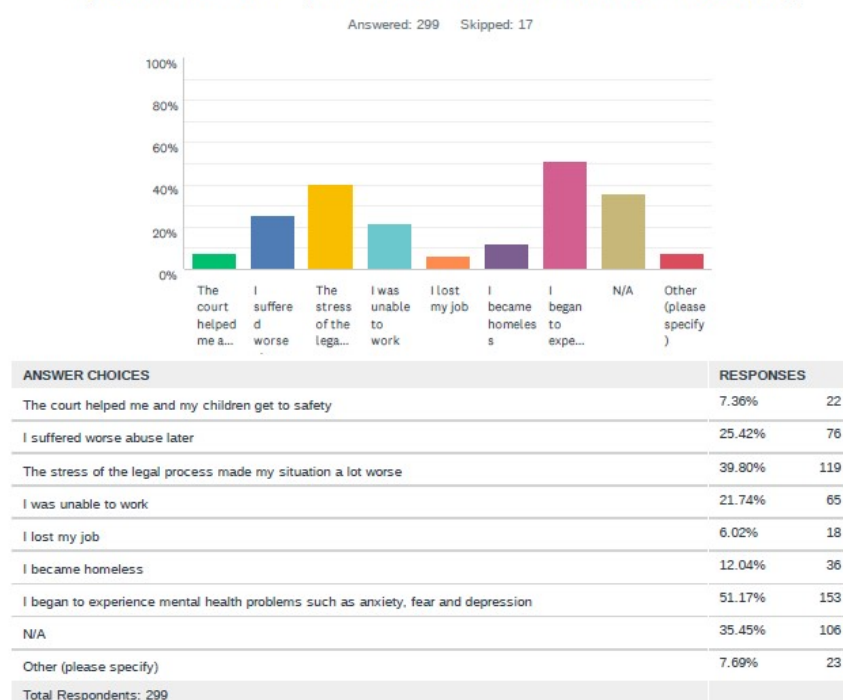


Figure 55. What were the impact son you of reporting the abuse?

In hindsight, would you have reported the abuse?

With hindsight, many of the victims said that had they known how difficult the legal process of reporting the abuse would be, they *would not have reported*. In this question participants could select all responses that applied to their situation.

22.19% of victims said the process victimised them further.

21.54% said the people they dealt with did not understand the trauma they had suffered.

17.36% said the police failed to assist and their situation worsened.

21.54% said the court failed to assist them and their situation worsened.

Only 18.01% said reporting the abuse was difficult but they needed to get themselves or their children to safety.

18.01% said reporting was difficult but they were glad they had reported.

It is hoped that once reforms are made, that victims will experience a far more supportive and protective system that enables them to seek safety without the severe negative consequences and risk to their lives that currently exist.

Q63 If you had realised how difficult the legal process would be, would you have reported the abuse? (Please tick more than one box if necessary).

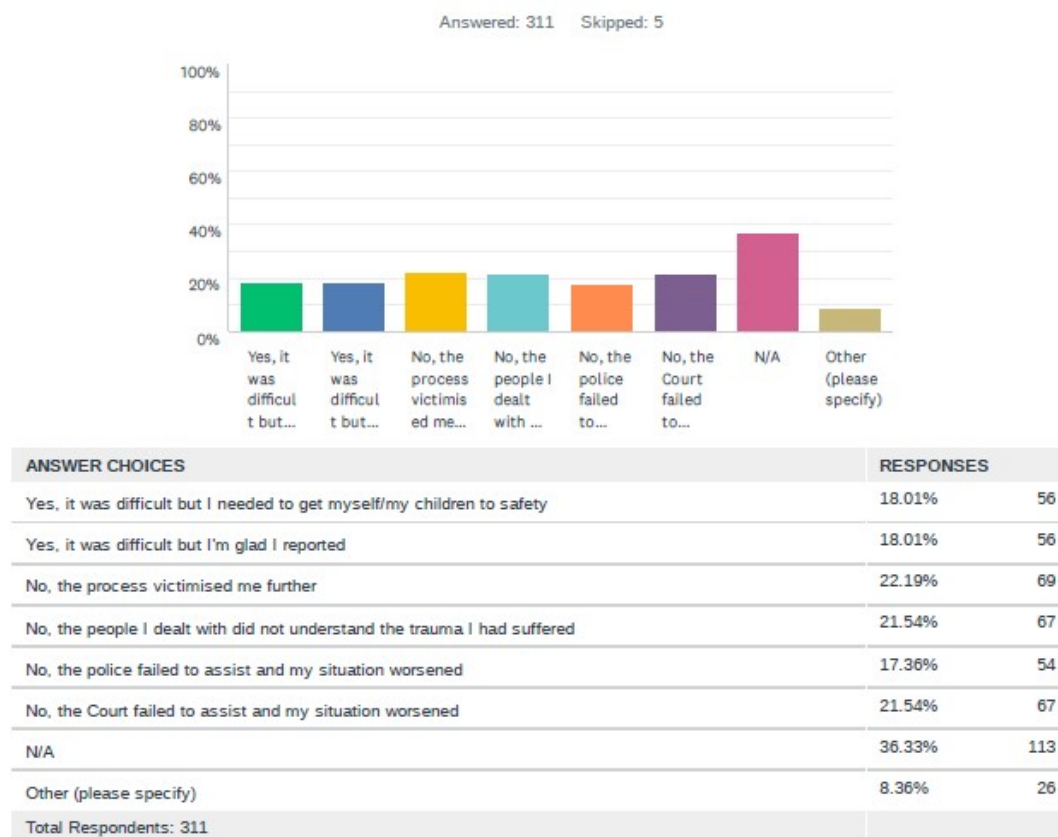


Figure 56. In hindsight, would you have reported the abuse?

Was your overall experience with the domestic violence system positive?

More than 70% of domestic abuse victims reported that their overall experience with the domestic violence system was negative.

34.41% said the experience was strongly negative.

36.01% said their experience was negative.

Less than 30% of domestic abuse victims reported that their overall experience with the domestic violence system was positive.

4.18% said their experience with the system was very positive.

25.4% said their experience with the domestic violence system was positive.

The very low overall satisfaction rating of 4% indicates that there is a current crisis in which victims of domestic abuse including threats and attempts to murder them are not being adequately provided with assistance to escape to safety with their children or supported to rebuild their lives.

Q66 Would you agree or disagree that your overall experience with the domestic violence system was positive?

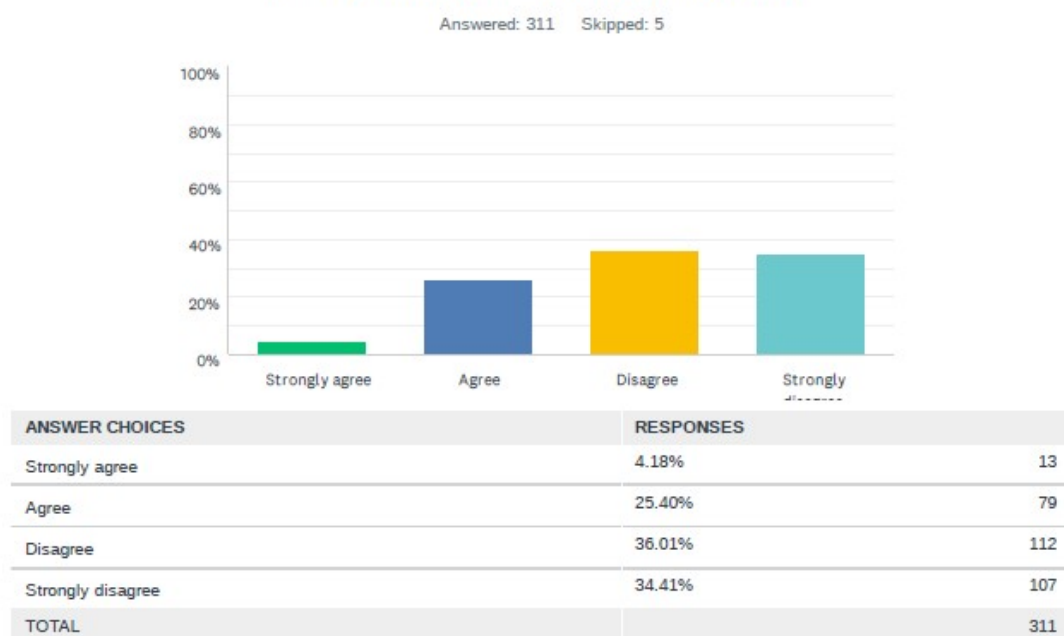


Figure 57. What was your overall experience of the domestic violence system?

The following chapter proposes legislative and systemic reform to address the identified problems.

Chapter 2: Recommendations for reform

The previous chapters have outlined the current problem of identifying, preventing and punishing coercive controlling behaviour to protect people from the damaging effects of this sinister behaviour.

Recognition of the serious harm caused by coercive control should guide the reform of existing domestic violence responses from government and private agencies, such as domestic violence organisations. Reforms within or between existing organisations such as the police force, the courts and domestic violence organisations are needed as are legislative changes at the state and national level.

Analysis of proposed changes

The Queensland Taskforce has suggested 13 options ranging from making no legislative changes to making legislative changes including to the criminal code. The current legislation has not enabled police to effectively prosecute non-physical domestic abuse which is highly correlated with intimate partner homicide. Other jurisdictions that have examined this matter such as England, Ireland, Wales and Scotland have spent many years trying to address similar issues and have all concluded that criminalisation of coercive controlling behaviours is necessary.

Participants in the Domestic Violence Survey: Australia 2021 who are all victims of domestic abuse are very strongly (99.04%) in favour of coercive control being criminalised.

Although Queensland does not have the power to make national changes, suggestions for national reforms are included to demonstrate how a functional federal-state network of protection could work, providing for extra-territorial powers so Queensland can prosecute offenders in other jurisdictions who are offending against Australian citizens in Queensland.

Queensland could legislate a Coercive Control Crimes Act that follows the pattern of the Queensland Human Rights Act 2020 that binds all persons including the State and, to the extent the legislative power of Parliament permits, the Commonwealth and the other States.

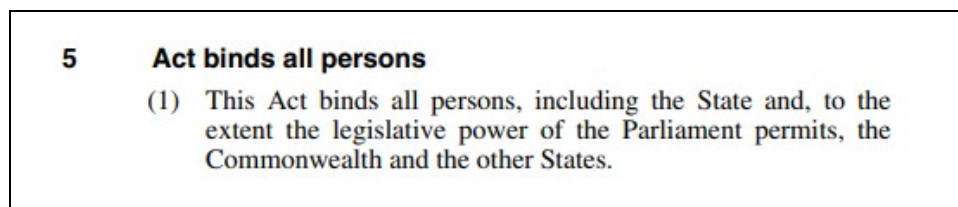


Figure 58. Queensland Human Rights Act (Part 1, Section 5).

The rights and obligations set out in the Human Rights Act impose compliance of other relevant Queensland legislation (including domestic abuse and related legislation). For example, protection of families and children (Section 26) and the right to liberty and security of the person (Section 29).

Under the Human Rights Act, any change to any other Act must include a statement of compatibility with the Human Rights Act. The proposed Coercive Control Crimes Act could be given a similar status in that any legislation should be compatible with the proposed Coercive Control Crimes Act.

Current civil jurisdiction

In Queensland, domestic violence is regulated under civil law, the Domestic and Family Violence Protection Act 2012. The word ‘crime’ does not appear in the text of the Act. (This makes Option 7 of the Taskforce options unsuitable). Anecdotally, many victims of domestic abuse seek police protection and wish the offender to be apprehended and charged but overwhelmingly this does not occur. Instead, the victims are required to go to court and ask a Magistrate to order that the offending behaviour stop. Even if the victim obtains a domestic violence protection order, breaches of this order are still not recognised as direct crimes but are merely breaches of the domestic violence order, leaving the victim vulnerable to further violence. Our survey results indicate that many offenders (57.57%) repeatedly breach domestic violence orders more than once, leaving victims vulnerable to further harm.

In addition, senior police have informed me they do not have jurisdiction in civil matters and therefore cannot use crime-fighting and investigative techniques such as installing covert video surveillance in a home in advance of subsequent offences occurring. This leaves many victims without the evidence necessary for police to prosecute serious crimes occurring in the home – offences that in some cases amount to grievous bodily harm or murder.

Current Queensland domestic abuse (and related offences) legislation is spread across a number of Queensland Acts¹. If the Queensland Parliament is to provide the victims of abuse with legislation to protect them, Queensland legislation must be fit for purpose. To achieve this, there should be both focus and emphasis. Focus and emphasis within this context means an acceptance that the current system has failed; that it is far too disparate and complex; and that it therefore requires courage to introduce measured and sweeping reforms designed to minimise domestic abuse.

Federal changes

Complementary legislation in the federal jurisdiction is needed in Commonwealth Acts such as the Family Law Act to prioritise the protection of victims of domestic abuse and coercive control and children.

Any alleged offender who is arrested for a domestic abuse or coercive control offence in Queensland should have no contact with the children until the criminal matters are resolved. This would allow victims of abuse to protect their children during the most vulnerable period of relationship breakdown, and when offenders can quickly ‘change the project’ by escalating their violence and harm or murder their partner and/or children.

¹ For example: Domestic and Family Violence Act (2012); Evidence Act 1977; Penalties and Sentencing Act (1992); Criminal Code Act (1899)

Overcoming current barriers to reporting

The barriers to reporting domestic abuse include all those described in Chapter 2 regarding reasons why victims did not report:

- fear of being harmed or killed if the offender is not apprehended and prevented from harming the victim and /or their children.
- 70% of surveyed respondents said their reason for not reporting was their fear of the offender's reaction to them reporting.
- 41% of victims were frightened that reporting the abuse would lead to an escalation of the abuse.
- 30.87% of victims *did not realise* that non-physical abuse was domestic violence.
- 22.19% of victims were frightened that the offender may harm the children.
- 18.33% of victims believed they needed to remain in the household to protect the children from the offender.

These barriers could be countered by a variety of reforms including providing community awareness information in locations where victims cannot be followed by the offender, such as in female toilets.

Any offender who is assessed as being highly controlling and/or who has progressed through to Stage 4 of the 8 stages leading to intimate partner homicide should be either taken into custody or required to wear an ankle bracelet so the victim and police can track the offender's location.

The Scottish Parliament responded to the research about the failings of their system by making the Domestic Abuse (Scotland) Act 2019. Australian law academics including Paul McGorrery and Prof Marilyn McMahon have endorsed this Act as being suitable as a basis for an Act to perform a similar function of criminalising coercive control in Australia (McGorrery and McMahon 2019).

Criminalisation – Option 6

If domestic violence was a direct legislated crime as a stand-alone new act, police would have jurisdiction to use crime-fighting techniques such as covert surveillance for evidence-gathering. This would enable them to successfully gather evidence and to prosecute offenders, thus providing the required protection for victims and saving lives. The gathering of evidence promptly and independently of the victim will also enable police to gather reliable, objective evidence.

Overseas lead

In the UK, the offence of controlling or coercive behaviour (CCB) came into force as a crime through Section 76 of the Serious Crime Act 2015. The aim of the new offence was to criminalise patterns of coercive and controlling behaviour during a relationship between intimate partners, former partners who still live together, or family members.

Section 76 Controlling or coercive behaviour in an intimate or family relationship

- (1) A person (A) commits an offence if—
- (a) A repeatedly or continuously engages in behaviour towards another person (B) that is controlling or coercive,
 - (b) at the time of the behaviour, A and B are personally connected,
 - (c) the behaviour has a serious effect on B, and
 - (d) A knows or ought to know that the behaviour will have a serious effect on B.
- (2) A and B are “personally connected” if—
- (a) A is in an intimate personal relationship with B, or
 - (b) A and B live together and—
 - (i) they are members of the same family, or
 - (ii) they have previously been in an intimate personal relationship with each other.
- (3) But A does not commit an offence under this section if at the time of the behaviour in question—
- (a) A has responsibility for B, for the purposes of Part 1 of the Children and Young Persons Act 1933 (see section 17 of that Act), and
 - (b) B is under 16.
- (4) A’s behaviour has a “serious effect” on B if—
- (a) it causes B to fear, on at least two occasions, that violence will be used against B, or
 - (b) it causes B serious alarm or distress which has a substantial adverse effect on B’s usual day-to-day activities.
- (5) For the purposes of subsection [\(1\)\(d\)](#) A “ought to know” that which a reasonable person in possession of the same information would know.
- (6) For the purposes of subsection [\(2\)\(b\)\(i\)](#) A and B are members of the same family if—
- (a) they are, or have been, married to each other;
 - (b) they are, or have been, civil partners of each other;
 - (c) they are relatives;
 - (d) they have agreed to marry one another (whether or not the agreement has been terminated);
 - (e) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
 - (f) they are both parents of the same child;
 - (g) they have, or have had, parental responsibility for the same child.
- (7) In subsection [\(6\)](#)—
- “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;
 - “child” means a person under the age of 18 years;
 - “parental responsibility” has the same meaning as in the Children Act 1989;
 - “relative” has the meaning given by section 63(1) of the Family Law Act 1996.
- (8) In proceedings for an offence under this section it is a defence for A to show that—

<p>(a) in engaging in the behaviour in question, A believed that he or she was acting in B's best interests, and</p> <p>(b) the behaviour was in all the circumstances reasonable.</p> <p>(9) A is to be taken to have shown the facts mentioned in subsection (8) if—</p> <p>(a) sufficient evidence of the facts is adduced to raise an issue with respect to them, and</p> <p>(b) the contrary is not proved beyond reasonable doubt.</p> <p>(10) The defence in subsection (8) is not available to A in relation to behaviour that causes B to fear that violence will be used against B.</p> <p>(11) A person guilty of an offence under this section is liable—</p> <p>(a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both;</p> <p>(b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both.</p>
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Review of the new Act

In May 2021 the UK Government published [a detailed review](#) of the new law (UK Home Office 2021). The Home Office undertook a rapid review of the new offence to assess its effectiveness and make any changes or any wider policy interventions that were needed. The review included assessing court data, academic literature, and consultations with stakeholders to review how the new laws were working in practice.

The same process could be undertaken with Queensland's new Coercive Control Crimes Act.

Gold standard legislation in Scotland

The Scottish Domestic Abuse Act (attached as Appendix C) has been recognised as the gold standard for this legislation by Evan Stark, who first described coercive control in 2007 (Scott 2020; Stark 2007). The Scottish Women's Rights Centre produced a summary of the legislation and the significance of the reform it introduced ("Scotland's new domestic abuse law" 2019).

For the first time, the law recognises domestic abuse as a crime. This means that a person who engages in a pattern of abusive behaviour toward a partner or ex-partner can be prosecuted and punished by the law.

A key aspect is that it will cover a range of behaviours such as psychological and emotional abuse (this includes what is commonly known as 'coercive control'). Previously, the criminal law focused on physical violence; however, the changes now make coercive control a criminal offence.

In Queensland, the new law would recognise domestic abuse – including psychological and emotional abuse - as a crime, allowing perpetrators to be prosecuted and punished under criminal law.

How Queensland can adopt similar laws

There are a number of key elements to the Domestic Abuse (Scotland) Act 2018 that could be adopted by Queensland, and which would provide the focus and emphasis needed to address the domestic abuse crisis in Queensland. These include:

1. Recognising domestic violence as a crime;
2. Addressing the pattern of behaviour of offenders known as “coercive control” rather than focussing on solely physical violence;
3. A straightforward and intelligible definition of ‘abuse’;
4. A focus on the effects that abusive behaviour has on a victim/survivor including isolating a survivor from family and friends, depriving them of their freedom of action and not allowing a partner to access a shared bank account.
5. In certain circumstances, where a child was adversely affected by the abuse, the offence is automatically considered worse (an aggravation) and this can result in a longer sentence;
6. Offences attract penalties of between 12 months to 14 years’ imprisonment and/or a fine;
7. The court be required to consider whether to issue a non-harassment order if a perpetrator is found guilty of domestic abuse. If a court decides not to issue an order, there is a mandatory provision imposed on the court to explain its decision. This reverses the onus on the court to be protective rather than on the victim to prove that they need protection.

Register of Domestic Abuse offenders – Option 11

A significant proportion of domestic abusers are serial offenders, moving from one partner to the next. The lack of a register of serial offenders leaves victims and whole community vulnerable. This submission supports the establishment of a Register of Domestic Abuse offenders, modelled on the child sex offenders’ register.

Post-conviction criminal supervision – Option 12

The Coercive Control Crimes Act should also have a provision that offenders will receive post-conviction supervision and monitoring after conviction and/or after their release from jail. The same provisions should be copied or connected into the Penalties and Sentences Act 1992.

RECOMMENDATIONS

Based on the Domestic Violence Survey: Australia 2021 findings and other primary research with protective parents over the past ten years, I make the following recommendations:

Recommendation 1.

A new stand-alone Act, Coercive Control Crimes Act (CCCA) should be drafted and presented to Parliament to criminalise coercive control and set out punishments for convicted offenders, modelled on the Scottish legislation and incorporating deterrence by making the threat of violence or other harm and the planning and preparation for intimate partner violence a criminal offence.

A high priority should be given to *preventing* harm, injury and death as exemplified in Australia's anti-terror laws that enable law enforcement to monitor and surveil potential offenders in order to protect the public.

A key weakness in the current Queensland domestic violence legislation is the lack of *deterrence* to commit domestic abuse by an offender. The proposed Coercive Control Crimes Act (CCCA) addresses this issue and there is Federal legislation that has already adopted the principle of deterrence: the Commonwealth Criminal Code, Part 5.3—Terrorism.

Section 100.1 of the Commonwealth Criminal Code defines a “terrorist act” in the following terms:

terrorist act means an action or threat of action where:

- (a) the action falls within subsection (2) and does not fall within subsection (3); and
- (b) the action is done **or the threat is made with the intention of advancing a political, religious or ideological cause**; and
- (c) the action is done or the threat is made with the intention of:
 - (i) **coercing, or influencing by intimidation**, the government of the Commonwealth or a State, Territory or foreign country, or of part of a State, Territory or foreign country; or
 - (ii) intimidating the public or a section of the public [My emphasis]

We note that the Act adopts the principle that “... the threat is made with the intention of...”.

The same principle could be applied to threats made to domestic violence victims ie. the seriousness of the threat that is made to a victim could be punished as an offence equal to the threat having been carried out.

We further note that the “coercing, or influencing by intimidation” also falls within the definition and is consistent with the conduct of domestic violence offenders.

Recommendation 2.

Any offender who is assessed as being highly controlling and/or who has progressed through to Stage 4 of the 8 stages preceding intimate partner homicide should be either taken into custody or required to wear an ankle bracelet so the victim and police can track the offender's location.

Recommendation 3.

Establishment of an independent Domestic Abuse Commission (DAC) to provide the necessary focus, independence and enforcement of domestic abuse and associated legislation.

The Domestic Abuse Commission will coordinate the implementation and ongoing management of the Coercive Control Crimes Act. A key role of the Commission would be to initiate independent surveys to determine whether the objectives of the CCCA are being achieved. Results of the surveys should be published by the Commission quarterly and submitted to Parliament, in the first year and then annually, to actively monitor the implementation of the reforms and the effectiveness of the legislation against set criteria. In addition, the Domestic Abuse Commission will survey:

- domestic abuse victims and offenders to identify systemic problems within Queensland's domestic violence system;
- all frontline workers (eg. police, court staff, DV support agencies) to identify and address any systemic issues; and
- the Bar Association and Queensland Law Society members to identify any systemic issues.

The Domestic Abuse Commission could then aggregate the data and make recommendations to the Queensland Parliament to improve the domestic violence system based on the evidence obtained.

Recommendation 4.

Initial in-service training and annual compulsory professional development in coercive control for all frontline workers who interact with domestic abuse victims including:

- Police, Fire and Ambulance officers
- Doctors and nurses who work in emergency or as general practitioners
- Domestic violence helpline staff eg. Lifeline, 1800Respect, Beyond Blue
- Domestic violence organisation frontline staff eg. women's shelters; and
- Teachers and chaplains

Recommendation 5.

- That all frontline domestic abuse workers (including doctors and nurses who work in emergency or as general practitioners and teachers) become mandatory reporters of suspected or actual domestic abuse and/or coercive control to police.

Recommendation 6.

Initial in-service training and annual professional development in understanding coercive control and responding to protect victims, for:

- Lawyers working in criminal law or family law
- Judicial officers and registrars

Recommendation 7.

That undergraduate tertiary programs in related fields will include compulsory course work in domestic abuse and coercive control. These courses would include disciplines such as social work, medicine, teaching and nursing.

Recommendation 8.

All Police Academy students must complete a compulsory subject in domestic abuse and coercive control before being able to graduate.

Recommendation 9.

Selection criteria for promotion in the Police Service will require the officer to demonstrate experience in using risk assessment tools to accurately assess risk of harm to domestic violence victims.

Recommendation 10.

Given the research findings that females make up the majority of victims and that victims relate most easily to female officers, that the Queensland Police service will recruit female officers to domestic violence roles to reach a balance of at least 40% female officers in frontline domestic violence policing.

Appendices

Appendix A Coercive control questionnaire and homicide risk assessment.

Appendix B “Coercive control laws could have saved Hannah and her three children.”

Appendix C Domestic Abuse (Scotland) Act 2018

Appendix A

Coercive control questionnaire and homicide risk assessment

Domestic violence risk assessment questionnaires

Are you at risk?

More than one woman per week on average is killed in Australia by her husband or partner or ex-partner. This risk assessment is designed to help you assess your level of risk and inform authorities so that you and your children can be protected as well as possible.

This questionnaire and risk assessment tool is being pilot tested. It brings together recent research findings that show that women leaving relationships where there has been coercive control and violence and a recent separation or ongoing stalking have a 900% increased risk of homicide. The assessment is designed to help you to explain the behaviours to authorities such as police, domestic violence services and the Family Court, that may cause you to be fearful for your safety or your life.

There are two questionnaires. If you answer yes to most of the questions in the first [questionnaire](#), please go ahead to the second questionnaire.

In Australia, domestic abuse is not a direct criminal offence. In Britain, coercive control is a criminal offence and people who repeatedly engage in controlling or coercive behaviour that a reasonable person would know could have a serious effect on another person, are punished under criminal laws. Some States of Australia are considering criminalising coercive control.

This questionnaire is designed to be used by a person whose intimate partner is a potential (or actual) offender.

First Questionnaire:

Has your partner engaged in any of the following coercive or controlling behaviours? (Please tick those behaviours that apply.)

Questions about respect for individual freedom:

	Yes	No
Has your partner isolated you from your friends and family?		
Has your partner forced you to take part in criminal activity to prevent disclosure to authorities?		
Has your partner limited your access to family, friends and finances?		

Questions about deprivation:

Has your partner deprived you of your basic needs (such as food, clothing, shelter or sleep)?		
Has your partner taken control over aspects of your daily life, such as where you can go, who you can see, what you must wear and when you can sleep?		
Has your partner deprived you of access to support services, such as specialist support or medical services?		
Does your partner control your access to finances, such as allowing you only an inadequate allowance?		
Does your partner control your ability to go to a place for study such as a college or University?		
Has your partner taken your wages, benefits or allowances?		
Has your partner prevented you from having access to transport or from working?		

Questions about demeaning behaviour:

Has your partner repeatedly put you down (such as telling you that you are worthless, ugly, stupid, fat etc)?		
Has your partner enforced rules and activities on you that humiliate, degrade or dehumanise you?		
Has your partner damaged your reputation by spreading rumours about you?		
Has your partner disclosed your sexual orientation or HIV status or other medical condition without your consent?		

Questions about surveillance:

Has your partner monitored how you spend your time and required you to account for your time?		
Has your partner monitored you via online communication tools or using spyware?		

Questions about threats to harm:

Has your partner threatened to hurt or kill themselves or you?		
Has your partner threatened to harm a child or children?		
Has your partner threatened to reveal or publish private information (such as intimate photographs)?		
Has your partner threatened to hurt or physically harm a family pet?		
Does your partner use alcohol or illicit drugs that influence his behaviour?		
Does your partner have a diagnosed mental illness or condition; or does he appear to have an undiagnosed mental illness or condition?		

Questions about actual harm:

Has your partner assaulted you (including hitting, punching, biting, scratching, choking or strangling, sexual assault or threatening with a		
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weapon)?		
Has your partner damaged or destroyed your possessions including household goods?		

If you have answered yes to most of the above questions, you and/or your children may be at significant risk of harm or attempted homicide.

Coronavirus questions

Do you feel more at risk since the introduction of the Coronavirus isolation regulations?		
Do you feel safer since the introduction of the Coronavirus isolation regulations?		

The following questionnaire is based on the findings of research by UK researcher Jane Moncton-Smith who has analysed 372 cases of intimate partner homicide. She found that in every case of intimate partner homicide there was **coercive control** of the victim before the homicide of the woman. She also found that there are eight defined stages of behaviour that usually occur before a homicide. The following questionnaire is based on the eight stages of behaviour that precede homicide and can help you to determine how far along this path the behaviour has progressed and thus help to determine the level of personal protection you require from authorities.

Second questionnaire:

Risk assessment for intimate partner and/or child homicide

Stage	Indicators	Yes	No
1	Has your partner had a previous relationship in which he displayed controlling patterns of behaviour, domestic abuse or stalking, or threatened to harm or kill, or attempt to kill others?		
2	Did your relationship begin very quickly?		
	Was it <i>initiated</i> by the offender?		
	Did he ask you for a demonstration of commitment <i>very early</i> in the relationship?		
	Did he then become possessive or jealous?		
3	Did your partner begin exerting control soon after securing your		

	commitment?		
4	Have you recently withdrawn your commitment from your partner or separated from him, or repartnered?		

In the vast majority of cases, the homicide is triggered by a withdrawal of commitment, or separation.

The second four stages may occur in a very short period of time, as short as few days to a few hours. A large recent UK study found that about 30 percent of intimate partner homicides occurred where there was a short gap in time between the trigger in Stage 4 and the homicide in Stage 8.

5	Has there been an increase in frequency, severity or variety of abuse, control or stalking?		
6	Has your partner accepted that the relationship loss with you is irretrievable? This loss of control may lead to a decision to kill.		
7	Is there any evidence of your partner making plans to kill? (For example, by making written plans or doing internet searches about methods to kill or purchasing weapons (guns, knives, hammers etc). NOTE: The planning stage can potentially last anywhere from a couple of hours to more than 12 months. Where stalking continues, the risk remains high.		
	Is there any evidence of your partner creating opportunities for a killing? (For example by attempting to isolate you and/or your children via a holiday request, collecting belongings, or child contact.)		
	Is there any evidence of your partner making plans to conceal a body (eg. grave digging) or organising finances and papers (especially where a simultaneous homicide and suicide is planned).		
	Is there any evidence of your partner undertaking reconnaissance (scouting), or stalking (with surveillance and intelligence gathering)?		
8	Has your partner attempted to kill you? Extreme levels of violence are sometimes used, even in previously non-violent people. The homicide may involve: <ul style="list-style-type: none"> • suicide, • killing children, • attempts to cover up the homicide, • killing others who are blocking completion of the homicide, • a victim going missing. The homicide itself may occur in public, or more usually in the home of the victim or their place of work.		

If you recognise behaviour in any of these stages, you may wish to alert authorities such as your local police, and give them all the evidence you have so that you can be protected as well as possible.

Domestic violence resources

Help is available from the National Sexual Assault, Family & Domestic Violence Counselling Line.

24 hour phone: 1800 RESPECT

Phone: 1800 737 732



Detach here and send the following Request for Protection and Risk assessment.

Request for protection

Given the attached information in the Risk assessment for intimate partner and/or child homicide, I (First name) _____

(Middle name) _____

(Surname) _____

request that you assign officers to do everything required to immediately protect me and my children:

Name _____, Aged _____

Name _____, Aged _____

and

Name _____, Aged _____

Please contact me as soon as possible. My contact details are:

Phone _____ Email _____

Yours sincerely,

Signed _____

Name [Please print] _____

Cc

Police Commissioner in your state (via email)

Police Minister in your state (via email)

Shadow Police Minister in your state (via email) and

Journalist and researcher, Dr Amanda Gearing via email gearingap@bigpond.com

[NAME OF POLICE COMMISSIONER IN YOUR STATE]

Police Commissioner

[State]

Via email: [email address]

[Date]

Dear [NAME]

Re Safety and Protection request

I have recently completed two questionnaires to assess my risk of intimate partner homicide.

The researcher has recommended that anyone who has answered 'yes' to a substantial number of the questions about being subjected to coercive control by an intimate partner should forward their answers to Police in their state to alert Police to their need for immediate and ongoing protection for themselves [and their children].

The first questionnaire is based on Legal Guidance issued by the UK Home Office regarding coercive control offences when these behaviours were criminalised in England and Wales in 2015.

In the UK it is a criminal offence carrying a potential term of imprisonment to repeatedly engage in controlling or coercive behaviour that a reasonable person would know could have a serious effect on another person.

The second questionnaire is based on the eight identified stages of behaviour in 372 intimate partner homicides in the UK. The first four stages usually occur over a substantial time period however the final four stages may occur within days or even hours.

For this reason, any woman who identifies that the first four stages have already occurred is in need of immediate effective protection by authorities including Police due to a potential escalation to a single or multiple homicide that may involve children, and/or suicide of the offender.

A key finding of the research is that 100% of these homicides included the offender exhibiting coercive control over their partner.

My partner has engaged in coercive and controlling behaviour as indicated and as detailed below:

My partner/former partner

First name _____ Middle name _____

Surname _____ Date of Birth ____-

Address _____-

(Please delete any behaviours below that do not apply):

Behaviours that have reduced my individual freedom

My partner has isolated me (against my will) from my friends and family.

Description: <ul style="list-style-type: none"> •
My partner has forced me to take part in criminal activity to prevent disclosure to authorities. Description: <ul style="list-style-type: none"> •
My partner has limited my access to family, friends and finances. Description: <ul style="list-style-type: none"> •

Behaviours that have deprived me of basic needs

My partner has deprived me of my basic needs. (such as food, clothing, shelter or sleep) Description: <ul style="list-style-type: none"> •
My partner has taken control over aspects of my daily life, such as where I can go, who I can see, what I must wear and when I can sleep. Description: <ul style="list-style-type: none"> •
My partner has deprived me access to support services, such as specialist support or medical services. Description: <ul style="list-style-type: none"> •
My partner controls my access to finances. Please describe: <ul style="list-style-type: none"> •
My partner controls my ability to go to a place for study such as a college or University. Please describe: <ul style="list-style-type: none"> •
My partner has taken my wages, benefits or allowances. Please describe: <ul style="list-style-type: none"> •
My partner has prevented me from having access to transport or from working. Please describe: <ul style="list-style-type: none"> •

Demeaning behaviours

My partner has repeatedly put me down (such as telling me I am worthless, ugly, stupid, fat etc)
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Please describe: <ul style="list-style-type: none"> •
My partner has enforced rules and activities on me that humiliate, degrade or dehumanise me. Please describe: <ul style="list-style-type: none"> •
My partner has damaged my reputation by spreading rumours about me. Please describe: <ul style="list-style-type: none"> •
My partner has disclosed my sexual orientation or HIV status or other medical condition without my consent. Please describe: <ul style="list-style-type: none"> •

Unwanted surveillance behaviours

My partner monitors how I spend my time and requires me to account for my time. Please describe: <ul style="list-style-type: none"> •
My partner has monitors me via online communication tools or using spyware. Please describe: <ul style="list-style-type: none"> •

Threats to harm

My partner has threatened to hurt or kill himself or me. Please describe: <ul style="list-style-type: none"> •
My partner has threatened to harm a child or children. Please describe: <ul style="list-style-type: none"> •
My partner has threatened to reveal or publish private information (such as intimate photographs). Please describe: <ul style="list-style-type: none"> •
My partner has threatened to hurt or kill a family pet. Please describe: <ul style="list-style-type: none"> •

Behaviours that have caused actual harm

My partner has assaulted me (including hitting, punching, biting, scratching choking or strangling, sexual assault or threatening with a weapon)? Please describe:
--

-

My partner has damaged or destroyed my possessions including household goods.
Please describe:

-

Risk assessment for intimate partner homicide and/or child homicide

I have identified behaviours by my partner that are consistent with the following eight stages identified by research that precede intimate partner homicide:

	Indicators	Yes	No
Stage 1	<p>My partner had a previous relationship in which he displayed controlling patterns of behaviour, domestic abuse or stalking, or threatened to harm or kill, or attempt to kill others.</p> <p>Please describe:</p> <ul style="list-style-type: none"> • 		
Stage 2	<p>Did your relationship begin very quickly?</p> <p>Please describe:</p>		
	<p>Was it initiated by the offender?</p> <p>Please describe:</p> <ul style="list-style-type: none"> • 		
	<p>Did he ask you for a demonstration of commitment very early in the relationship?</p> <p>Please describe:</p> <ul style="list-style-type: none"> • 		
	<p>Did he then become possessive or jealous?</p> <p>Please describe:</p> <ul style="list-style-type: none"> • 		

Stage 3	<p>Did your partner begin exerting control soon after securing your commitment?</p> <p>Please describe:</p> <ul style="list-style-type: none"> • 		
Stage 4	<p>Have you recently withdrawn your commitment from your partner or separated from him?</p> <p>Please describe:</p> <ul style="list-style-type: none"> • 		

In the vast majority of cases, the homicide is triggered by a withdrawal of commitment, or separation.

The second four stages may occur in a very short period of time, as short as few days to a few hours. About 30 percent of intimate partner homicides had a short gap in time between the trigger in Stage 4 and the homicide in Stage 8.

Stage 5	<p>Has there been an increase in frequency, severity or variety of abuse, control or stalking?</p> <p>Please describe:</p> <ul style="list-style-type: none"> • 		
Stage 6	<p>Has your partner accepted that the relationship loss with you is irretrievable? This loss of control may lead to a decision to kill.</p> <p>Please describe:</p> <ul style="list-style-type: none"> • 		
Stage 7	<p>Is there any evidence of your partner making plans to kill? (For example, by making written plans or doing internet searches about methods to kill or purchasing weapons (guns, knives, hammers etc).</p> <p>Please describe:</p> <ul style="list-style-type: none"> • <p>NOTE: The planning stage can potentially last anywhere from a couple of hours to more than 12 months. Where stalking continues, the risk remains high.</p>		
	<p>Is there any evidence of your partner creating opportunities for a killing? (For example by attempting to isolate you</p>		

	and/or your children via a holiday request, collecting belongings, or child contact.) Please describe: •		
	Is there any evidence of your partner making plans to conceal a body (eg. grave digging) or organising finances and papers (especially where a simultaneous homicide and suicide is planned). Please describe: •		
	Is there any evidence of your partner undertaking reconnaissance (scouting), or stalking (with surveillance and intelligence gathering)? Please describe: •		
Stage 8	Has your partner attempted to kill you? Extreme levels of violence are sometimes used, even in previously non-violent people. The homicide may involve: suicide, killing children, attempts to cover up the homicide, killing others who are blocking completion of the homicide, a victim going missing. The homicide itself may occur in public, or more usually, in the home of the victim or their place of work.		

If you have identified that you are at risk, please send your risk assessment and the following Request for Protection to the Office in Charge of your local or regional Police Station.

In order for police in each state to gauge the level of risk to women as accurately as possible, please send a copy of your risk assessment and Request for Protection to the following people:

1. The Police Commissioner in your state
2. The Minister of Police in your state
3. The Shadow Minister for Police in your state
4. The journalist and researcher Dr Amanda Gearing via email gearingap@bigpond.com

Thank you for your willingness to complete these questionnaires and assist authorities to provide the best possible protection for women and children who are at risk.

Appendix B

“Coercive control laws could have saved Hannah and her three children.”

Lloyd and Sue Clarke



by [Amanda Gearing](#)

Tuesday 17 Nov 2020

Grief's timetable plays out in myriad ways. It's nine months since Lloyd and Sue Clarke lost their daughter and three grandchildren in a most appalling murder that shocked a nation and, for them, their pain has accrued at different rates, in different ways.

For Sue, first there was surreal denial. She would watch videos of her daughter Hannah, and her grandchildren Aaliyah, 6, Laianah, 4 and Trey, 3, to keep them close in the vain hope that they might one day come home.

Now, denial is slowly giving way to the reality of the terrible day when her son-in-law set fire to his family in their car on a suburban [Brisbane](#) street, killing them all, and each day feels harder and harder.

“I struggle. I'm very edgy without them. They were a big part of my life,” she says. “Hannah and I spoke at least once every day of her life.”

Lloyd Clarke's grieving has been different. On day one he saw the stark chasm of their loss and for some time could not bear to look at videos and photos of Hannah and the children. “It brought back horrible memories of the day.”

But as those first weeks have turned to months in their toughest of years, Lloyd and Sue Clarke are bound together in their grief. Still processing what happened to their family, after the strange relief of largely being left alone because of Covid-19, they are speaking up now in an effort to prevent other families going through the hell of their loss.

The Clarkes' learning curve in 2020 has been steep and brutal. They have learned about things they never imagined, the most important thing – the thing that might have saved their daughter and their grandchildren – is understanding the concept of coercive control. It's something they want to raise awareness about now.

They are speaking from their kitchen in the family's Camp Hill home – it's this home where Hannah sought refuge when she separated from Rowan Baxter, frightened for her life, knowing the increased risk, and yet needing to keep her children safe. When she arrived to be with her parents at the end of 2019, she and her children had 50 days to live.

The Clarkes did not recognise the signs that signified their daughter was in danger. 'We want people to be aware of what Hannah went through,' Sue says. 'And if there's anybody going through similar things, to be aware that it can be quite dangerous and to seek help.' Photograph: David Kelly/The Guardian

The Clarkes are both grateful for that consolation now. In those days, their house was filled with noise, laughter and squeals of delight as everyone crowded into the kitchen, sitting around the sturdy dining table.

It is around this table – now so much quieter – that Lloyd and Sue are speaking about the legacy they want for their daughter and grandchildren.

"We never wanted to be in the national spotlight and be in this situation but now that we are, can we do something to help?" Lloyd Clarke says. "It has just been so horrific. There are just no words for it."

"We want people to be aware of what Hannah went through," Sue says, "And if there's anybody going through similar things, to be aware that it can be quite dangerous and to seek help."

By the time Hannah realised her life was in danger, it was too dangerous to stay and too dangerous to leave. She asked her mother in the weeks before she was killed if she should write a will, instinctively aware of the grim reality of domestic violence homicide. Where there is a cluster of three risk factors in relationships – coercive control, violence and a recent separation – women have a 900% increased risk of intimate partner homicide, according to research by the US National Center for Injury Prevention and Control.

The family did not recognise the danger signs.

Rowan Baxter, 30, spotted Hannah, then 19, at a Police Citizens Youth Club in 2008. He lied from day one, telling Hannah that he was single when he wasn't. He moved very quickly, according to the Clarkes, love-bombing Hannah and pursuing her in a whirlwind romance.

They married quickly, but vital background knowledge about Baxter's past was revealed slowly – his troubled childhood and adolescence, his mental health issues and his plans to kill his previous partner and child. While they were together, Hannah reported no incidents of physical violence to either her parents or police. Meanwhile, the most dangerous aspect of domestic abuse was overlooked.

Coercive control includes [25 types of behaviours](#) including isolation, deprivation, demeaning behaviour, surveillance, threats to harm and actual harm that are already recognised as crimes in the UK.

Hannah Clarke with her children Aaliyah, Trey and Laianah. Baxter belittled Hannah with insults about her figure and her mothering ability. Demeaning behaviour is one of the signs of coercive control. Photograph: David Kelly/The Clarke Family

Before the murders, the Clarkes were unaware of the term coercive control, and for the sake of awareness raising – and the hope that others might be spared their sorrow – they go through the list of behaviours with *Guardian Australia* and find Baxter’s behaviour raised 17 red flags:

- He isolated Hannah from her family and friends and limited her access to them.
- Baxter had previously been charged with assault in New Zealand and was charged in Australia with kicking in a car door.
- He deprived Hannah of basic needs such as food, clothing and sleep.
- He controlled her daily life: where she could go, who she could see, what she must wear.
- He prevented her from attending doctors for her medical needs.
- Baxter belittled Hannah with insults about her figure and her mothering ability.
- He made up rules for her to obey and punished her for disobeying his rules.
- Baxter monitored Hannah’s phone and cancelled her Facebook account.
- He stalked her, monitoring her location using mobile phone tracking software and devices and followed her to different locations.
- He tracked other members of her family, spied on them and confronted them in public places.
- He had threatened to kill his previous wife and son.
- He threatened to kill himself as a means of trying to force Hannah to stay with him.
- At least once Baxter held Hannah down on the ground and told her that he could kill her.
- Baxter printed intimate photos of Hannah which he had in his car and threatened to share on social media.
- Baxter demanded sex from Hannah every night – a course of conduct that amounts to rape.
- When he drank, Baxter drank to excess and became violent towards other people.
- Even when he was sober he destroyed mobile phones and his children’s watches. He destroyed household goods; he threw away toys belonging to his children as punishment for not putting them away.

“If we would have had that list to tick the boxes, that would have confirmed this was more than just a marriage breakup,” Lloyd Clarke says.

UK criminologist Jane Monckton-Smith’s research has identified eight stages of domestic violence that lead to murder. Lloyd and Suzanne say they can now see how these stages played out in the murder of their family. Photograph: David Kelly/The Guardian

In Britain, where coercive control became a crime in 2015, an [analysis of crime statistics](#) shows that 97% of those charged with offences were male, and while there has been no empirical analysis of convictions since the laws were introduced, [one](#)

2019 study that looked at media reports of coercive control cases in England and Wales found 75% of offenders were jailed for up to four years.

If coercive control laws were enacted in Australia, Baxter could have been charged for any or all of these offences. As it stands, an incident-based model of policing prioritises evidence of physical violence, rather than patterns of behaviour.

But research by UK criminologist Jane Monckton-Smith has shown that intimate partner homicide is not always characterised by previous violence. Her research also shows that patterns of behaviour make this type of murder the most predictable form of homicide. She has analysed 372 intimate partner homicides and identified eight stages of domestic violence that led to murder in every single case.

Lloyd and Sue Clarke say they can see how these stages played out in the murders of their family:

1. Pre-relationship Offenders have left a previous relationship where they have coercively controlled their previous partner. Baxter admitted that he had taken a rope, climbed a tree and planned to kill his previous partner and child.

2. Early relationship Baxter initiated the relationship with Hannah very quickly and demanded a demonstration of commitment very early in the relationship.

3. Relationship Baxter's behaviour was marked by control, possessiveness, jealousy and paranoia that his wife was being unfaithful.

4. Triggers When the victim leaves the relationship, the offender escalates their control. Griffith University criminologist Associate professor Molly Dragiewicz who is internationally recognised for her research on coercive control said some authorities believe the risk of coercive control ends at separation, when in fact the control usually escalates.

"Many abusers use technology to continue monitoring, harassing their partners in an effort to regain control," she says. "It's also common to use children to continue the abuse."

Baxter insisted on seeing the children and threatened family court action. He forced Hannah to agree to shared time with the children, giving him ongoing access to her and enabling him to use the children to control her.

The final four stages can play out over years or can move very quickly, over weeks, days or even hours.

5. Escalation Baxter's abuse escalated in frequency, severity and variety. Hannah believed Baxter could kill her. When Baxter suddenly took one of the children, Hannah reported him to police. Baxter fled with his four-year-old daughter Laianah to NSW.

That abduction should have activated a police search, according to Dragiewicz. "Child abduction should be the biggest red flag for homicide and it's just not recognised."

6. Decision to kill Stage six is the killer realising the relationship loss is irretrievable. Rowan Baxter phoned the night before the killings and spoke to Hannah and the

children and was crying uncontrollably – the Clarkes believe now this was him saying goodbye to the children.

7. Plan to kill Baxter borrowed his aunt's car – Sue and Lloyd Clarke believe he did this so he would not be recognised at the scene of the murder.

8. Homicide: Stage eight is the murder itself.

Lloyd Clarke believes Baxter's plan was to ambush Hannah on the way to school, force her to drive at knife point out of the city to secluded bushland and murder Hannah and the children but escape himself, staging the scene to look like a murder-suicide by Hannah, but that Hannah foiled his plan by stopping along the street and calling for help from a neighbour. Baxter was caught at the scene of his crime.

After setting fire to the car, he used a knife to prevent bystanders from saving his children, and then killed himself by stabbing himself in the chest.

Despite sustaining fatal burns, Hannah gave police a detailed statement before she was sedated and taken to hospital.

An inquest into the deaths will be held early next year to find out what happened over the last days and weeks of their lives to determine what might have been done to save them. The Clarkes are hoping there will be strong recommendations for coercive control laws. Around Australia, state governments have the issue on their agendas, but no coercive control laws have been passed into legislation.

"We want to make sure the community gets to know about coercive control. Education needs to be brought in – not just state, but nationally. But we can work on [Queensland](#) first because we're here," Lloyd Clarke says.

"I'm sure it would have saved her," Sue Clarke says.

Lloyd and Sue Clarke still hold on to their consolations. They have each other, of course: "Right at the very start, we didn't hold back. If we wanted to have a good howl, we did," Lloyd Clarke says. His wife finishes his sentence, "and we'd both be blubbering. We just held each other and cried".

When Sue looks in her husband's eyes, she says, she finds the strength she needs in him. "I just know Lloyd is always there. He's just my constant. He's my rock."

Looking back at her, Lloyd sees his wife "hurting badly": "I just see sorrow ... I'm so gutted that I've lost my little girl, but I know it hurts Sue a lot more."

After the initial trauma of the murders, the police returned Hannah's phone to the family. They found video messages from the children that they hadn't seen before. The kids would often take their Mum's phone and send love messages to their grandmother, "Nini", but these ones were new.

"We found a lot on her phone that they had made but never sent – which was wonderful to find – messages that they love me. It's just beautiful," Sue says. "It breaks my heart, but also makes me very happy."

“I miss them like crazy,” Lloyd says. “Hearing that voice again, hearing their little squeals.”

“But we’ve got to get through this. We can’t just sit in a hole. We have to live. We try and be strong.”

If you or someone you know is impacted by sexual assault, domestic or family violence, call 1800RESPECT on 1800 737 732 or visit 1800RESPECT.org.au

Crisis support services can be reached 24 hours a day: Lifeline 13 11 14; Suicide Call Back Service 1300 659 467; Kids Helpline 1800 55 1800; MensLine Australia 1300 78 99 78; Beyond Blue 1300 22 4636

<https://www.theguardian.com/australia-news/2020/nov/17/lloyd-and-sue-clarke-coercive-control-laws-could-have-saved-hannah-and-her-three-children>

Appendix C

Domestic Abuse (Scotland) Act 2018

<http://www.legislation.gov.uk/asp/2018/5/contents/enacted>

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 1st February 2018 and received Royal Assent on 9th March 2018

An Act of the Scottish Parliament to create an offence with respect to the engaging by a person in a course of behaviour which is abusive of the person's partner or ex-partner; and to make rules of criminal procedure for that offence and also for offences subject to the statutory aggravation involving abuse of partners or ex-partners.

Part 1 Offence as to domestic abuse

Engaging in course of abusive behaviour

1 Abusive behaviour towards partner or ex-partner

(1) A person commits an offence if—

- (a) the person ("A") engages in a course of behaviour which is abusive of A's partner or ex-partner ("B"), and
- (b) both of the further conditions are met.

(2) The further conditions are—

- (a) that a reasonable person would consider the course of behaviour to be likely to cause B to suffer physical or psychological harm,
- (b) that either—
 - (i) A intends by the course of behaviour to cause B to suffer physical or psychological harm, or
 - (ii) A is reckless as to whether the course of behaviour causes B to suffer physical or psychological harm.

(3) In the further conditions, the references to psychological harm include fear, alarm and distress.

2 What constitutes abusive behaviour

(1) Subsections (2) to (4) elaborate on section 1(1) as to A's behaviour.

(2) Behaviour which is abusive of B includes (in particular)—

- (a) behaviour directed at B that is violent, threatening or intimidating,
- (b) behaviour directed at B, at a child of B or at another person that either—

- (i) has as its purpose (or among its purposes) one or more of the relevant effects set out in subsection (3), or

(ii) would be considered by a reasonable person to be likely to have one or more of the relevant effects set out in subsection (3).

(3) The relevant effects are of—

- (a) making B dependent on, or subordinate to, A,
- (b) isolating B from friends, relatives or other sources of support,
- (c) controlling, regulating or monitoring B's day-to-day activities,
- (d) depriving B of, or restricting B's, freedom of action,
- (e) frightening, humiliating, degrading or punishing B.

(4) In subsection (2)—

- (a) in paragraph (a), the reference to violent behaviour includes sexual violence as well as physical violence,
- (b) in paragraph (b), the reference to a child is to a person who is under 18 years of age.

3 Extra-territorial jurisdiction

(1) An offence under section 1(1) can be constituted by a course of behaviour engaged in by A even if the course of behaviour occurs wholly or partly outside the United Kingdom.

(2) If the course of behaviour occurs wholly outside the United Kingdom—

- (a) A may be prosecuted, tried and punished for the offence—
 - (i) in a sheriff court district in which A is apprehended or in custody, or
 - (ii) in a sheriff court district that is determined by the Lord Advocate,as if the offence has been committed entirely in that district,
- (b) the offence is, for all things incidental to or consequential on trial and punishment, deemed to have been committed entirely in that district.

(3) Subsections (1) and (2) apply only if A, when the course of behaviour occurs—

- (a) is habitually resident in Scotland, or
- (b) is a UK national.

(4) "UK national" means someone who is, as referred to in the British Nationality Act 1981—

- (a) a British citizen,
- (b) a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen, or
- (c) a British subject or a British protected person.

Evidence, aggravation and defence

4 Evidence of impact on victim

(1) The commission of an offence under section 1(1) does not depend on the course of behaviour actually causing B to suffer harm of the sort mentioned in section 1(2).

(2) The operation of section 2(2)(b) does not depend on behaviour directed at someone actually having on B any of the relevant effects set out in section 2(3).

(3) Nothing done by or mentioned in subsection (1) or (2) prevents evidence from being led in proceedings for an offence under section 1(1) about (as the case may be)—

- (a) harm actually suffered by B as a result of the course of behaviour, or
- (b) effects actually had on B of behaviour directed at someone.

5 Aggravation in relation to a child

(1) This subsection applies where it is, in proceedings for an offence under section 1(1)—

- (a) specified in the complaint or libelled in the indictment that the offence is aggravated by reason of involving a child, and
- (b) proved that the offence is so aggravated.

(2) The offence is so aggravated if, at any time in the commission of the offence—

- (a) A directs behaviour at a child, or
- (b) A makes use of a child in directing behaviour at B.

(3) The offence is so aggravated if a child sees or hears, or is present during, an incident of behaviour that A directs at B as part of the course of behaviour.

(4) The offence is so aggravated if a reasonable person would consider the course of behaviour, or an incident of A's behaviour that forms part of the course of behaviour, to be likely to adversely affect a child usually residing with A or B (or both).

(5) For it to be proved that the offence is so aggravated, there does not need to be evidence that a child—

- (a) has ever had any—
 - (i) awareness of A's behaviour, or
 - (ii) understanding of the nature of A's behaviour, or
- (b) has ever been adversely affected by A's behaviour.

(6) Evidence from a single source is sufficient to prove that the offence is so aggravated.

(7) Where subsection (1) applies, the court must—

- (a) state on conviction that the offence is so aggravated,
- (b) record the conviction in a way that shows that the offence is so aggravated,
- (c) take the aggravation into account in determining the appropriate sentence, and
- (d) state—
 - (i) where the sentence imposed in respect of the offence is different from that which the court would have imposed if the

offence were not so aggravated, the extent of and the reasons for that difference, or

(ii) otherwise, the reasons for there being no such difference.

(8) Each of subsections (2) to (4) operates separately along with subsection (5), but subsections (2) to (4) may be used in combination along with subsection (5).

(9) Nothing in subsections (2) to (5) prevents evidence from being led about—

(a) a child's observations of, or feelings as to, A's behaviour, or

(b) a child's situation so far as arising because of A's behaviour.

(10) In subsections (4) and (5), the references to adversely affecting a child include causing the child to suffer fear, alarm or distress.

(11) In this section, the references to a child are to a person who—

(a) is not A or B, and

(b) is under 18 years of age.

6 Defence on grounds of reasonableness

(1) In proceedings for an offence under section 1(1), it is a defence for A to show that the course of behaviour was reasonable in the particular circumstances.

(2) That is to be regarded as shown if—

(a) evidence adduced is enough to raise an issue as to whether the course of behaviour is as described in subsection (1), and

(b) the prosecution does not prove beyond reasonable doubt that the course of behaviour is not as described in subsection (1).

Presumption, alternative and penalty

7 Presumption as to the relationship

(1) In proceedings for an offence under section 1(1), the matter of B being A's partner or ex-partner is to be taken as established—

(a) according to the stating of the matter in the charge of the offence in the complaint or indictment, and

(b) unless the matter is challenged as provided for in subsection (2).

(2) The matter is challenged—

(a) in summary proceedings, by—

(i) preliminary objection before the plea is recorded, or

(ii) later objection as the court allows in special circumstances,

(b) in proceedings on indictment, by giving notice of a preliminary objection in accordance with section 71(2) or 72(6)(b)(i) of the Criminal Procedure (Scotland) Act 1995.

8 Alternative available for conviction

(1) In proceedings for an offence under section 1(1), A may be convicted of an alternative offence if the facts proved against A—

(a) do not amount to the offence under section 1(1), but

(b) do amount to the alternative offence.

(2) An alternative offence as referred to in subsection (1) is one or other of these—

(a) an offence under section 38(1) (threatening or abusive behaviour) of the Criminal Justice and Licensing (Scotland) Act 2010,

(b) an offence under section 39 (offence of stalking) of that Act.

9 Penalty for offence under section 1(1)

A person who commits an offence under section 1(1) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both),

(b) on conviction on indictment, to imprisonment for a term not exceeding 14 years or a fine (or both).

Meaning given to key expressions

10 Meaning of references to behaviour

(1) Subsections (2) to (4) explain what is meant by the references to behaviour in this Part.

(2) Behaviour is behaviour of any kind, including (for example)—

(a) saying or otherwise communicating something as well as doing something,

(b) intentionally failing—

(i) to do something,

(ii) to say or otherwise communicate something.

(3) Behaviour directed at a person is such behaviour however carried out, including (in particular)—

(a) by way of conduct towards property,

(b) through making use of a third party,

as well as behaviour in a personal or direct manner.

(4) A course of behaviour involves behaviour on at least two occasions.

11 Meaning of partner and ex-partner

(1) Subsections (2) and (3) describe who is a person's partner or ex-partner as referred to in this Part.

(2) Someone is a person's partner if they are—

(a) spouses or civil partners of each other,

(b) living together as if spouses of each other, or

(c) in an intimate personal relationship with each other.

(3) Whether someone is a person's ex-partner is to be determined accordingly.

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