

Formal Response from the Anglican Diocese of Brisbane Domestic & Family Violence Task Force & JCDVPP on Coercive Control as a Stand Alone Offence

(Disclaimer: Parts of this submission are from the members of the Joint Churches Domestic Violence Prevention Project, which is an activity of Queensland Churches Together. The members are speaking here out of their own experience and understanding in the field of Family and Domestic Violence. JCDVPP was established by the Churches of Queensland over twenty years ago and offers Family and Domestic Violence Awareness and Response Training to the Christian Church across Australia.)

Our Responses to the Discussion Questions:

Part 1 – How is coercive control currently dealt with in Queensland

1) What other types of coercive controlling behaviours or risk factors used by perpetrators in domestic relationships might help identify coercive control?

Our Response:

Service delivery staff from the Community Services arm of the Diocese, Anglicare Southern Queensland (Homelessness Services Women & Families) note that Coercive Control is often complex, 'sneaky and insidious' behaviour that takes multiple and varied forms — including behaviours that by themselves may appear innocuous, but as a pattern or cluster of behaviours are harmful. These might include, but may not be limited to:

- the use of "Gaslighting" Techniques to confuse, destabilise and make the victim distrust or worse disregard her natural instincts and doubt her own memories or version of events and eventually her sanity. Because of these techniques, Women's stories when they do go to the Police can in fact sound 'crazy' and far-fetched, and are often perceived that way by the Police – which reinforces the belief in Women's own minds that they are 'going crazy'.
- the gradual build-up of Coercive behaviours so that the Victim may take time to realise the harmful nature of the relationship. Relationships may start with a rush to commitment – early declarations of love from the Perpetrator; moving in together or marrying quickly; promises to 'rescue' her from her problems; justifications such as "I only do it because I love you". Trust can be manipulated (e.g. his wanting access to her phone because "we don't hide anything from each other"). 'Spending time together' can become a means of isolating women from their support networks.
- The use of the "If you, then I..." blame technique. This technique isn't about making the recipient feel like they're losing their mind, it's about shifting the responsibility of the abuse from the giver to the receiver. The one being abusive is seen as innocent because what they're doing seems reasonable given the situation and the one receiving the abuse is regarded as deserving of it. "If you didn't ..., then I wouldn't".
With this form of Coercive Control it is hard to produce change because the Perpetrator feels absolutely no remorse as they can justify to themselves and others the reasons for their behaviour. It's extremely hard to get them to feel remorseful because they don't consider themselves accountable. The Victim has been blamed for everything for so

long, that they can't believe it's not true, that the abuse is not their fault. "If only I had..., then he/she...wouldn't have..."

- An insistence on 'sharing' ("What's mine is yours, and what's yours is mine also") often becomes 'sexually transmitted debt', with the Perpetrator accumulating huge debts on credit cards or cash advances. This makes it much harder for the Victim to leave the relationship because she has insufficient funds to care for herself and/or children, as well as the associated shame, embarrassment and/or guilt. Debt accrued by the Perpetrator can lead to associated crime and/or blacklisting on rental databases due to arrears. It is currently very difficult to have a woman's name removed from a lease unless there is evidence of physical violence.
- The use of the Victim's children as a further manipulative tool by the Perpetrator, via bribery or threats to harm children if they don't comply. It is important to note the possible long-term harmful impact(s) on children being manipulated and used as pawns in these relationships. Anglicare Staff frequently observe boys modelling their behaviour on the Male Perpetrator's, and using similar manipulation/Coercive Control tactics (and potentially physical violence) on their Sisters and Mothers. They are ultimately likely to repeat the behaviour with their future partner/s.
- Coercive sexual/reproductive control can also lead to women having a child/more children or none, against their will.
- Cultural and language barriers can isolate women further, where they may have no family to turn to, little common language, and particularly when there are children, who can be a further lever for manipulation. Where Women do seek help, translators who support traditional values have been known to leave out or deliberately misinterpret Women's statements – some languages in fact have no word/phrase for 'Domestic and Family Violence'. Women on temporary visas face further challenges. Awareness of these additional factors may make Coercive Control easier to identify.

2) What aspects of women's attempts to survive & resist abuse should be taken into account when examining coercive control?

Our Response:

- Reports to Police- the Victim may have previously called or visited the Police to discuss her 'home' situation;
- Reports/Testimonies from Church or Faith Communities;
- Diary Entries- the Victim may be recording everything to keep track of actual dates, times & happenings to identify if & when she is being manipulated "Gaslighted";
- Receipts- the Victim may keep records to demonstrate Financial abuse;
- Bank Accounts – the Victim may be able to demonstrate uncontrolled spending or withdrawal of large amounts of funds by the Perpetrator;
- Testimonies of closest friends &/or relatives of Victim- often Victims will 'open up' to someone close to them about what is really happening in their intimate relationship;
- Legal Statements/Affidavits- the Victim may have written or be willing to put their 'story' in writing; and
- Behaviours that at first glance may indicate that she is happy or consenting to his demands ("walking on egg shells" or "keeping the peace").
- Recognition by Police and the Courts that when women do react out of frustration or fear, it's often physical, and they end up on a DVO themselves. This often leads to feelings of guilt and shame (e.g. the situation is 'all my fault').

3) What should be done to improve understanding in the community about what “coercive control” is and the acute danger it presents to women and to improve how people seek help or intervene?

Our Response: It would be very helpful if there were:

- more programs like Jess Hill’s, “See What You Made Me Do?”
- Community Awareness Programs;
- incorporation of attempted Strangulation and Coercive Control into Secondary and Tertiary Education Programs on “Healthy & Mutually Respectful Relationships” with separate and combined sessions (depending on the subject matter) for males and females;
- education of DV Connect and other Frontline Services on Coercive Control and appropriate questions to ask Victims and/or Perpetrators;
- early identification of people displaying signs of narcissistic/antisocial behaviours and appropriate supportive interventions (e.g. parental support & counselling; behaviour intervention programs);
- Television, Radio & Social Media Advertisements to raise Community Awareness & provide crisis support contact numbers;
- enlist the help of Church & Faith Communities to include information on Coercive Control in DFV Training for Clergy, Faith & Lay Leaders;
- provision of posters with information on support for Victims of DFV (specifically highlighting attempted Strangulation & examples of Coercive Controlling behaviours) on the backs of cubicle doors in Female Public Toilets.
- Early education for teenagers, raising awareness around the pattern of first relationships.

4) Are there opportunities for the Media to continue to improve its reporting of DFV and for popular entertainment to tell more topical stories to increase understanding of coercive control?

Our Response: Yes. There are countless numbers of stories that could be dramatised for viewing by the general population. However, the danger of doing this is that we may end up normalising this type of antisocial behaviour or worse equipping ‘would be’ Perpetrators with the methods of maximum impact and harm to their intended Victims. Perhaps Victim impact statements may be more useful.

In addition, it would be most helpful if the Media could stop portraying men **not taking** “No” as a definitive answer to unwanted advances of a sexual nature, but rather portraying them as seeing this as a worthy and manly challenge or conquest, and that this is a normal and romantic thing to do, that women find really attractive.

Also, it would be helpful and appropriate for the Media to **stop** using phrases such as:-

- Sexual assault or non-consensual sex rather than rape (these terms seem to lessen the severity of the crimes)
- “Lover” when describing Intimate Partner Violence (there is clearly no love in that relationship)
- “Good bloke snaps!” – he clearly wasn’t a good bloke after all
- “Tragedy” when describing a death related to DFV when it is a crime!

5) Would a change in terminology support an increase in community awareness of coercive control?

Our Response: No. It is best to explain clearly what Coercive Control is, how it works, and how we as individuals might be able to recognise signs of it. Social attitudes in Australia tend to minimise poor behaviours and expect independent action from the woman – ‘stick up for yourself’ or advice to ‘just leave him’.

Publicise examples of Coercive Control more widely. Many aspects of Coercive Control have not yet been named. For example:

Emotional/Psychological: phone monitoring & tracking; checking time; cross-examining their Victim about where she/he has been/done all day; isolating victim; throwing tantrums; brainwashing (‘Gaslighting’) Victim, blaming, shaming, silent treatment, personal criticisms (e.g. “How could you be so stupid?”, “You’ve really let yourself go!”, “You look so old & fat these days.”)

Financial: deliberately restricting the Victim’s access to money, material items, medications, pocket change for social activities (e.g. cup of coffee with friends/work colleagues).

Physical: affection deprivation, absence of caring or considering, or outlandish gestures of affection in public for the benefit of the Perpetrator.

Sexual: any sexual activity involving a Victim acting against their will, sexual harassment, Perpetrators having sex for satisfaction of their own needs, inappropriate touching of their Victim in public.

Indicators for Victims of Coercive Control: doubting own thoughts and opinions, having to ask permission for everything, hanging out for ‘crumbs’, ‘walking on egg-shells’, always feeling responsible for his needs, never having a minute to yourself to relax without thinking about what partner will say/do next, never being able to make a decision on one’s own, without thinking what he’ll do/say, beginning to believe you’re imagining things, being unreasonable/irrational or feeling like you’re ‘going crazy’.

Anglicare staff note that not only is the term not currently well understood in the community, but that victims themselves often do not understand it. Many people understand that DFV is a Power and Control issue, but tend to think of it in physical terms, and do not understand the complexity and nuance of coercive relationships.

Information on Coercive Control should be included in any discussion &/or publication about DFV and “Men Who Use Violence”.

6) If you are a member of a mainstream service or represent a mainstream service provider:

a) What training relevant to coercive control & DFV is currently available in your industry?

Our Response: Minimal and voluntary. No mandatory training is required.

b) How are you currently supporting victims of coercive control?

Our Response:

- Encouraging education of Clergy, Faith & Lay Leaders on DFV Referrals and Pastoral Care
- Through services offered by the Community Services arm of the Diocese, Anglicare Southern Queensland.

c) What is working well?

Our Response:

- Raising awareness through intentional internal faith-based media coverage.
- Through Anglicare, holistic support via a range of services including individual case management and accommodation, to help women rebuild their self-worth and make sustainable changes in their lives.
- Joint Churches Domestic & Family Violence (JCDVPP) comprises a group of laity and Clergy with pastoral hearts with a commitment to raising awareness and educating the wider community about DFV. Some are counsellors, psychologists, family of Victims or Victims in recovery themselves. Collectively JCDVPP and other agencies are not only a voice for the voiceless but also members of the Body of Christ who are competent, compassionate and experienced to effect and articulate change.

d) What could be done better?

Our Response: Funding for more events. Recognition of how well-placed Churches and Faith Communities are for helping with raising awareness and providing sanctuary to the abused and a place most suited for recovery. Mandatory Training for all Clergy, Faith & Lay Leaders and Church Workers. Churches are well placed to support Perpetrators (provided they are genuinely wanting to repent and reform) and good training will help Clergy, Faith & Lay Leaders to recognise the difference. In addition, ongoing regular supervision/debriefing of Clergy, Faith & Lay Leaders will help them to minister to the complex needs of both Victims and Perpetrators.

Early education for teenagers, raising awareness around the pattern of first relationships

7) If you are a victim of coercive control (or have supported a victim) and you received assistance from a mainstream service:

a) What worked well?

Our Response:

Believing the Victim.

What could have been done better?

Our Response:

Recognition by the Police when Victims first reported abuse. Advice to Victims on safety plans and recognition of how much danger they are in when deciding to leave an abusive relationship.

8) What is currently being done well?

Our Response:

We believe in the concept of Specialist DFV Courts but have to question their effectiveness when recently a mother, Kelly Wilkinson, in Southport was brutally murdered in front of her 3 small children after apparently repeatedly asking for assistance from Southport Police with the DVO taken out against her estranged ex-husband during the months leading up to her murder and their apparent disregard for this. There needs to be accountability for these services.

There also needs to be better links and communication between specialist Services, so that fewer people slip between the gaps. Anglicare Staff note that team responses work very well, with Specialist Service Providers working to the same safety plan for Women with Staff from Queensland Health, Queensland Corrective Services and High Risk Teams.

9) What could be done to improve capacity and capability of the service system to respond to coercive control (this includes services to both victims and perpetrators)?

Our Response:

- Better links and communication between Services, so that fewer people slip between the gaps.
- Need for a Specialist Female Police Unit that includes education to other Police among its roles, focusing on how Coercive Control may present and its likely impact(s).
- Increased education and training for workers is critical so they respond appropriately to service users who have been in this situation. This includes helping Women to recognise not only signs of Coercive Control, but also why the Perpetrator behaves that way and why she responds as she does. Staff referenced some particularly helpful Models that they use with Service users (e.g. Duluth Model of Power and Control and the Karpman Drama Triangle).
- Increased funding for safe changeover spaces for child access in high conflict relationships – long waitlists mean that Women and children are placed in dangerous/coercive situations every time there is an access visit.
- Family Law Courts desperately need to recognise the impact on children of being manipulated in these relationships, and the difficulties for many Women of presenting themselves 'suitably' in Court. Men tend to present as more emotionally and financially stable in court; while women are traumatised by fears of safety for themselves and their children; financial vulnerability; historical coercion, control and violence. There tends to be a narrow band of tolerance for women's 'appropriate' behaviour in Court – the narrow mid-ground between being 'too emotional' and unstable, and 'cold and uncaring'; and little recognition that Women can react inappropriately, even aggressively, out of fear and trauma.
- Support Services for Women tend to be cancelled when the Perpetrator is in prison. It needs to be recognised that many Women are still vulnerable to control at this time – the partner's friends may be tasked with spying on her, there may be phone calls, and there is still potential for financial manipulation. There is often a resumption of patterns of control when the Perpetrator is released. Whilst the Perpetrator is in prison, it is an ideal time to work with the Victim to build a support network and understanding of the nature of Coercive Control.

10) What could be done to better ensure that women in regional and remote areas of Queensland have access to services with the capacity and capability to respond to coercive control?

Our Response: More funding.

11) What could be done to better ensure perpetrators in regional and remote areas of Queensland have access to services with the capacity and capability to respond to coercive control?

Our Response: More funding.

12) What could be done to better ensure that perpetrators, have access to services and culturally appropriate programs with the capability to respond to coercive control whilst they are on remand or after sentencing in a correctional facility?

Our Response: More funding.

13) What are the gaps in the service system that could be addressed to achieve better outcomes for victims and perpetrators of coercive control?

Our Response:

- Better links and communication between services, so that fewer people slip between the gaps.
- Funding for a Specialist Female Police Unit that includes education to other Police among its roles, focusing on how Coercive Control may present and its likely impact(s).
- Increased education and training for workers is critical so that they respond appropriately to service users who have been in this situation.
- Increased funding for safe changeover spaces for child access in high conflict relationships – long waitlists mean that Women and children are placed in dangerous/coercive situations every time there is an access visit.

14) What service system changes would be required to support the options to legislate against coercive control? (see Part 3)

Our Response:

15) What in the current integrated service response works well to enable effective responses to coercive control?

Our Response:

Anglicare Staff note that team responses work very well, with service providers working to the same safety plan for Women with Staff from Queensland Health, Queensland Corrective Services and High Risk Teams.

16) What are the opportunities to improve integrated responses to victims and/or perpetrators of coercive control to achieve better outcomes?

Our Response:

17) Have you had any experience with the existing integrated service responses or co-responder models operating in the Brisbane, Cairns, Cherbourg, Ipswich, Logan/Beenleigh, Mackay, Moreton and Mt Isa regions? If so:

- a) What worked well?
- b) What could be done better?
- c) What outcomes have been achieved?

18) How could the integrated service response work to support the options for legislative reform proposed in Part 3 of this paper?

Our Response:

19) What is working in the civil protection order system under the DFVP Act to protect women and children from coercive control?

Our Response:

20) What parts of the civil protection order system under the DFVP Act could be improved to better protect women and children from coercive control?

Our Response:

21) What are the advantages and/or risks of using the civil protection order system under the DFVP Act instead of using a direct criminal law responses?

Our Response:

Positive: Hopefully cases can be processed, expedited more efficiently.

Negative: Will this result in Magistrates missing/overlooking serious cases? Will this make things worse for Victims and easier or quicker for Magistrates, Solicitors, Barristers and Perpetrators to dismiss these claims?

22) What could be done to help the civil protection system under the DFVP Act be more effective in protecting women and children from perpetrators who coercively control them?

Our Response:

23) What coercive control behaviours would constitute an unacceptable risk of reoffending while on bail?

Our Response: Abusive phone calls, stalking and/or surveillance of Victim. Letters to Employer of Victim seeking to undermine or terminate their employment. Unauthorised access to, or operation of, joint bank accounts. Unauthorised access to children and/or property from the relationship. Intimidation of family, friends or employers (e.g. Witness tampering), especially withing the Family Court precinct (without any repercussions).

24) What would be the benefits and risks in only allowing courts to make decisions on bail with respect to a person charged with a domestic violence offence?

Our Response: Delays in Court proceedings. Alternatively, the Police could grant bail but the risk is that they may be inadequately trained and/or experienced to do this.

25) What could be done to improve the capability of police, lawyers and judicial officers to better understand coercive control behaviours so that these factors are given appropriate weight in the assessment of unacceptable risk under section 16 of the Bail Act?

Our Response: Development of a Specialist DFV Police Task Force. Specialist education on this subject matter with incorporation of Victim statements/testimonies to verify importance & severity of this issue.

26) Should further training be offered to police, lawyers and judicial officers involved in bail applications about coercive control and if so, should it be mandatory where possible?

Our Response: Yes. Ideally, this further Specialist Training would incorporate some sort of evaluation or quiz to make sure that participants have absorbed and processed information- (e.g. observation & reporting on simulated situational exercises).

27) How could the Bail Act be amended to improve a court's ability to take into account coercive control when assessing unacceptable risk under section 16?

Our Response: An additional subsection in the Bail Act that specifically refers to DFV Victims. Acknowledgement of the increased risk to Victims if the Perpetrators of DFV are let out on bail.

28) What could be done better, for example mandatory perpetrator programs, to protect the safety of women whose coercively controlling partners are given a grant of bail?

Our Response: Mandatory Behavioural Change Programs for Perpetrators. Ultimately, prevention and early intervention programs will be more effective and sustainable with better long-term results for our communities.

29) What types of coercive control behaviours aren't currently criminalised by existing offences in the Criminal Code?

Our Response:

30) In what ways do the existing offences in the Criminal Code at sections 359E (Unlawful stalking) and 320A (Torture) not adequately capture coercive control?

Our Response: Some 'real life' examples of when these offences do not adequately capture Coercive Control are as follows: Phoning Victims when a DVO is in place; approaching Victims in Court within 1m when the law states 100m; emailing threats to kill; posting a copy of a letter the Perpetrator has sent to the Victim's Employer to cause further damage to Victim & intimidate their Employer; use of Standover Tactics (e.g. forcing Victim to take part in criminal activity(ies) such as signing of a Statutory Declaration on who was driving the car to avoid losing their licence- leading to no means of travel to work and paying share of mortgage, living expenses, etc).

31) How could police and prosecutors in Queensland utilise the current offences in the Criminal Code more effectively to prosecute coercive control?

Our Response: Interpret each term literally. Stop giving Perpetrators the benefit of the doubt. Follow Legislation verbatim.

32) How could defence lawyers and courts better apply the existing defences and excuses in the Criminal Code in circumstances where a person's criminal offending is attributable to being a victim of coercive control?

Our Response: By adhering to definitions and their explanations. Through attending further specialist training in this area.

33) How could the Criminal Code be amended to better capture coercive control? (other than by introducing a specific offence)

Our Response:

34) How is evidence of coercive control being used in criminal proceedings currently?

Our Response:

35) What, if any, are the non-legislative barriers to the use of this evidence?

Our Response:

36) How could prosecutors, defence lawyers and courts more effectively introduce evidence of coercive control under the current law?

Our Response: We believe that reforms to the current laws need to reflect the recent changes made to other Australian States & Territories such as Western Australia that has introduced reforms to its Evidence Laws to ensure that expert evidence relevant to issues like Coercive Control is more readily admissible. In addition, the admission of Police body worn camera evidence should be allowed.

In addition, Victim's Diary entries should be taken more seriously.

37) What amendments or changes to the law would assist to facilitate greater admission of evidence of coercive control without unfairly prejudicing an accused person's right to a fair trial?

Our Response:

38) How are sentencing courts currently taking coercive control into account as both an aggravating or a mitigating factor?

Our Response:

39) What could prosecutors, defence lawyers and courts could do better under the current law to ensure that coercive control is appropriately taken into account when sentencing?

Our Response: Prosecutors, Defence Lawyers and Magistrates need to be provided with **all of the evidence**. Frequently, full Affidavits are reduced down to a sanitised list that has no impact or standing in Court, thereby minimising the understanding of the impact of the Perpetrators Coercive Control on their Victim(s).

40) What amendments could be made to the PS Act (other than those proposed in Part 3) that would help to ensure coercive control was appropriately considered during sentencing?

Our Response:

41) How could sentences given to perpetrators of coercive control be structured to better protect the safety of women and children?

Our Response: Harsher sentences to discourage Perpetrators from committing Coercive Control. Inclusion of Fraud rather than separating it out and forcing the Victim the expense and added trauma of returning to a Court to pursue another claim against the Perpetrator.

42) What could police officers do differently when exercising their powers to better protect women and children from coercively controlling partners or former partners?

Our Response: Listen to Victims of alleged DFV without prejudging and writing women off as 'hormonal messes'. Stop dismissing them as 'whingeing' wives. Undertake the necessary training in this area, so that they can make better assessments and offer appropriate assistance.

43) What are the benefits of personal service of PPNs?

Our Response: Ensuring that the Perpetrator has actually received the PPN & is made fully aware of the seriousness of this order & the consequences of a breach of this order.

44) What would be the risks of enforcing a PPN immediately, even though the perpetrator is not yet aware it exists?

Our Response: The Perpetrator may not be aware that a PPN has been taken out against him/her & may unintentionally breach it with serious consequences.

45) What avenues other than personal service would be suitable to ensure perpetrators are aware that an order exists so police can commence enforcing a domestic violence order immediately to help keep the victim safe?

Our Response: The use of phone, text, email to issue the PPN to the Perpetrator.

46) What could be done to ensure that police officers more effectively and consistently comply with the guidance for investigation of domestic violence in the OPM?

Our Response:

47) How could Chapter 9 of the OPM be improved to ensure it is effective in guiding police to identify and respond appropriately to coercive control?

Our Response: Records to be checked by Superior Officer/Supervisor.

48) How could the DV-PAF be improved to ensure it is sufficiently sensitive to identify coercive control risk factors?

Our Response: This is a Police mindset issue. All aspects of DV-PAF must be included in interview and reports.

49) How could police officers use the DV-PAF or other tools more effectively?

Our Response: Take each guide question and characteristics seriously. It is impossible to know each criterion as a psychoanalyst does. Each question/point must be asked and recorded verbatim.

50) What improvements could be made to police training to ensure better protections for women and girls who are victims of coercive control?

Our Response: On paper VPT looks comprehensive but in reality it lacks detail. In addition to training within, external training courses with Victims' stories including how well Police dealt with their particular case would be confronting, edifying, enlightening powerful and ultimately effective. Police are accountable. Unfortunately, they are fallible and are capable of making mistakes and of diluting the gravity of reality and underestimating the danger Victims of DFV are in.

51) Should people with a conviction for a domestic violence offence be automatically excluded from working as a police officer in Queensland? Why/Why not?

Our Response: Yes, unless a comprehensive Psychiatric Assessment is made of them one-to-one and their history is examined. Reform is possible but QPS should provide adequate supervision, as encountering a public DFV situation could 'press his/her buttons' resulting in the Police Officer trivialising, ignoring or having a prejudiced understanding of the case presented, based on his/her experience- either partially or fully.

52) Should people with a history of being named as a respondent to civil domestic violence orders be excluded from working as a police officer in Queensland? Why/Why not?

Our Response: Not necessarily as unfortunately people can be wrongly accused of DFV by an abusive partner (e.g. Malignant narcissist). However, a full assessment should be undertaken to ascertain if they have underlying anger and control issues.

53) What could QPS do differently to better identify people who do not meet service and community standards of behaviour?

Our Response: Look at previous performance reviews to see if there is any previous history of poor work behaviour or reportable events.

54) Do you have experience or knowledge of circumstances where a serving police officer was an alleged perpetrator of domestic violence, a respondent to an order made under the DFVP Act or was charged with committing a domestic violence offence? If so:

a) Was a complaint made to QPS? No, because he was a Senior Officer and was so violent that his former wife had to flee interstate. She was so frightened for her life that she did not ask for any property settlement. Instead, she lives in perpetual hiding. No-one would believe her as he was such a high-profile officer in the QPS.

b) Was the matter handled in accordance with the OPMs as noted above?

c) What was done well?

d) What could QPS have done better?

Part 2 – How do other jurisdictions address coercive control?

2.1 With respect to each jurisdiction's model (legislative and policing) summarised below:

a. What do you think are the benefits and risks of the model?

Our Response: **Benefits of Tasmania:** Economic abuse included in Legislation: Applicant has a chance of recouping missing funds. Other aspects of economic abuse are also specified. Emotional abuse outlined in Legislation: intimidation, fear, causing mental harm- needing Psychological Counselling in order to function.

b. Do you think any elements of the model would work well in Queensland? If so why? If not, why not?

Our Response: Yes, as economic abuse is included. This is sorely needed because Solicitors are disinterested, citing it as a criminal offence. Victims are often not in a fit enough emotional or financial state to mount a Civil case against the Perpetrator. An example of this was a case in 2016 where there was a one-sentence mention by the Victim's Solicitor and Barrister at Property Settlement Mediation despite the Victim having a detailed statement & documents to substantiate her claim from a Forensic Accountant. As the Victim had no money left, she was unable to make a Civil claim within the Statutory time limit for these types of claims.

Emotional: Yes, but definition is vague. It needs specific examples such as: denying freedom of choice in decision-making; verbal abuse; controlling of finances and major purchases; refusing to disclose bank statements on joint accounts.

In England and Wales Coercive Control is specified in point form and articulated clearly - Appendix 4 of model. This captures the essence of Coercive Control. England & Wales legislate against Coercive Control. QLD could and should incorporate psychological and non-violent abuse as well as physical abuse. There has been so much emphasis on the physical and sexual violence historically, that Coercive Control has been largely over-looked. Victims have often paid a very heavy price for this as it is now well-known & recognised by experts in DFV that Coercive Control can go on well after the relationship has ended and is often the most dangerous time for Victims, when Perpetrators feel they are losing 'control' over his/her Victim.

2.2 Are there any models being used by other jurisdictions that aren't summarised below and you think the Taskforce should consider? If so:

c. What is the jurisdiction?

Our Response:

Ireland - CEO of Safe Ireland: Prison sentence "They can no longer control, stalk, assault, isolate or degrade a woman with impunity. What was once secret and privatised is now public."

Scotland - Legislation: making a partner dependent, isolating controlling /regulating or monitoring; depriving or restraining partner; frightening, humiliating, degrading or punishing partner or her experiencing. Scotland has a 'gold standard' for criminalising Coercive Control. Definitions are very specific.

Police - Quality and level of response is influenced by policy and practice, legislation, cultural attitudes, beliefs of the individual or her organisation. Now a raft of training and practices designed to enhance the policing response to DV and to address these influencing factors - "Safe Lives".

Canada - 2-day DFV Specialist Training Programmes. Includes definition and dynamics of DFV, a rationale for risk assessment talks as well as common lethality indicators, Victim safety and supporting Victim's decision-making. Includes doctors? Includes Victim's

perspective and accumulative trauma - viewed and responded to by attending Police Officers. This is a great example of what should be offered to QPS.

Victoria – vague.

NSW - limited.

USA & South America - Family Justice Model centres on bringing government and non-government agencies together to support Victims. Argentina's Police Stations bring in Lawyers, Social Workers and Psychologists to act as the 'Gateway for Integrated Services' to support Victims of gendered violence. This is another great example of what could be done.

d. What is the model & why do think the Taskforce should consider them?

Our Response:

Part 3 – Legislating against Coercive Control

55) Are there any other benefits in legislating against coercive control?

Our Response: It should help to raise community awareness & recognition of these types of abusive behaviours that will no longer be tolerated and will in future be considered criminal, rather than just bad behaviour. It should also lead to Victims being able to receive better protection in the future as Policing moves from purely an incident-based model to a model/construct of investigation of both incident-based and non-physical forms of abuse such as: economic, emotional, psychological, spiritual & vocational, so that Coercive Control can be better understood and recognised and punished.

56. How will legislating against coercive control improve the safety of women and children?

Our Response: It should help Women & children that are subjected to these forms of non-violent abuse to receive the support & help they need with which to recover & rebuild their lives. It should also lead to much needed reforms in the Insurance Industry to stop penalising Women for identifying mental anguish due to Coercive Control when applying for Life Insurance and other Financial Products. Currently, there is a 3yr penalty with significantly reduced coverage & much higher premiums to be paid by victims of DFV. This is simply disgraceful!

57. How will legislating against coercive control encourage greater reporting of domestic and family violence including non-physical abuse?

Our Response: It will help to raise community awareness of these forms of abusive behaviours and that Perpetrators will be charged with criminal offences if they do not change their behaviour. The Justice System will need specific behaviours listed, so that they are not dismissed or overlooked.

58. How will legislating against coercive control improve systemic responses to domestic and family violence?

Our Response: We wonder & hope if criminalising this behaviour might enable more funding to be directed to Prevention Programs?

Legislation against Coercive Control should lead to improvements in systemic responses to DFV by Social workers, Police, Lawyers, Magistrates & Court Officials.

59. How will legislating against coercive control improve community awareness of domestic violence?

Our Response: It will finally give these non-violent forms of abuse the recognition & penalties that they deserve. Legislating against Coercive Control should be done in conjunction with Community Awareness raising campaigns incorporating advertising in Print, TV, Radio & Social Media.

60. How will legislating against coercive control help stop perpetrators from using coercive control?

Our Response: It should help to raise Community Awareness and education about mutually respectful behaviours and make it much harder for Perpetrators to continue to “get away” with these non-violent forms of DFV. Will criminalisation of this behaviour enable funding for more men’s programs to assist perpetrators to reform their behaviour?

61. What other risks are there in implementing legislation to criminalise coercive control?

Our Response: Could lead to 'net-widening' and overcriminalisation. However, as it is running rampant in our society this risk cannot be avoided. Make it a compulsory subject for undergraduate Law, Medical, Allied Health and Theological students.

62. Could the risks identified above be mitigated successfully by proper implementation or other means? If so, how?

Our Response: There needs to be investigation on how best to distinguish between dysfunctional and tolerable behaviours versus Coercive Control related behaviours which cause severe harm. If this is not done well then this could lead to negative impacts on the already limited resources of the Criminal Justice System. 'Carceral Feminism' could be a contributory factor too. Police need to identify the person most in need of protection, as was the case with Tamica Mullaley, an Indigenous Woman who was mistakenly identified as an Offender because she did not act as a ‘typical Victim in distress’. In light of incidents of DFV like this, more 'dual arrests' (both parties) could occur; misidentification from a manipulating Perpetrator could lead to the Victim being wrongfully penalised (e.g. a Perpetrator wrote to a Country Magistrate to tell her the ‘real story’ which resulted in all pending charges being dropped against the Perpetrator & the Victim having her case left unheard and being at the mercy of the Perpetrator once again).

Comprehensive specialist training is needed and refresher courses offered on a regular basis for all DFV Professionals (e.g. See Scotland's multi-pronged approach to raising awareness of all behaviours which constitute DFV). Australia is decades behind and Service Providers are grossly underfunded. Cultural change and extensive training/re-training are needed. First Nations Peoples also need to be an integral part of any DFV changes in Legislation.

63. Are there any other challenges for police and prosecutors?

Our Response: Consistency is of utmost importance including DFV jargon (choice of terms and their definitions). Each Australian State & Territory must agree on what key terms mean to avoid semantics or misunderstandings.

64. What could be done to mitigate the challenges for police and prosecutors identified above?

Our Response: Spell out every word or supply a glossary for Police and Prosecutors, Solicitors, Barristers, Magistrates and Court Officials, to help mitigate risk of failing to prosecute Perpetrators based on semantics or misunderstandings.

65. Would requiring mainstream services (for example health and education service providers) to report domestic violence and coercive control behaviours improve the safety of women and girls?

Our Response: Yes, as long as it is done in an appropriate way that doesn't put the safety of women and girls at heightened risk. Well-meaning but ill-informed people (especially Professionals) often cause more harm than good. An example of this was when a Hospital Social Worker interviewed a suspected victim of Sexual Assault (rape), in the Hospital's Emergency Department, in front of her abuser. Not surprisingly, the Victim denied any abuse and put her extensive & life-threatening vaginal injuries down to "rough sex". After her life-saving emergency surgery to repair the extensive vaginal tears, no-one bothered to visit her post-operatively or to talk with her when her abusive partner was not there by her side. As a result of this, her subsequent application for a DVO against the Perpetrator was denied due to a lack of evidence.

66. Are there any other challenges for specialist service providers?

Our Response: Yes. Increased case load. Increased court cases. Appalling lack of funding. Long waiting lists to contend with.

67. What could be done to mitigate the challenges for specialist service providers?

Our Response: Increased funding. Increase in training opportunities in DFV for potential students of Social Work, Law, Medicine, Nursing, Allied Health & Theology, etc.

68. Are there other ways that specialist service providers could support implementation of legislation against coercive control?

Our Response: Yes, by increasing the provision of and intakes of Perpetrators into Behaviour Intervention Programs. There also needs to be compulsory education on mutually respectful relationships in all Primary & Secondary Schools.

69. Would it be desirable to narrow the definition of domestic violence to include only the abuse that is perpetrated in the context of coercive control?

Our Response: No, there still needs to be provision for Situational Violence. Also, due to the current chasms in our Legislation, Perpetrators frequently get away with economic, vocational, sexual and spiritual abuse. We need to publicly encourage Victims to photograph physical injuries, dead pets, etc. For example, a Victim juxtaposed a photo of her pet cat alive and juxtaposed it with him deceased. The Magistrate was so horrified by these graphic photos that he responded by giving the Victim the requested DVO.

70. Are there sufficient alternative mechanisms for seeking redress from abuse that is not within the context of coercive control?

Our Response: In terms of the Church, Victims of physical or psychological abuse from Clergy or Laity ought to be able to claim redress.

As for secular cases, we should be using the countries' or states' lists, where applicable, as a yardstick or touchstone for Legislation. "Robust methods for Monitoring and Evaluating" are imperative.

71. What should be key indicators of success when measuring the impact of legislation against coercive control?

Our Response: Comparing other Countries' and States' Legislation to brainstorm what constitutes Coercive Control. This should be utilised to formulate a Checklist or starting point for drafting Legislation incorporating all aspects of DFV.

Also, there should be increases in: reporting of DFV, DVO applications, criminal charges being laid, number of Perpetrators attending Behavioural Change/Intervention Programs. Correspondingly, there should be a decrease in the number of calls to DV Connect & other Crisis Call Centres, number of Victims in shelters, number of serious injuries & deaths.

72. What other factors should be considered in relation to assessing impact?

Our Response: How all peoples in Qld - First Nations' and New Australians' needs are met - both Victims & Perpetrators.

Option 1 – Utilising the existing legislation available in Queensland more effectively:

Option 2-Creating an explicit mitigating factor in the Penalties and Sentences Act 1992 (Qld) that will require a sentencing court to have regard to whether an offender's criminal behaviour could in some way be attributed to the offender being a victim of coercive control

Option 3 – Amending the definition of domestic violence under the Domestic and Family Violence Act 20

Option 4 – Creating a new offence of 'cruelty' in the Criminal Code

Option 5 – Amending and renaming the existing offence of unlawful stalking in the Criminal Code

Option 6 – Creating a new standalone 'coercive control' offence

Option 7 – Creating a new offence of 'commit domestic violence' in the Domestic and Family Violence Act 2012

Option 8 – Creating a ‘floating’ circumstance of aggravation in the Penalties and Sentences Act 1992 for domestic and family violence

Option 9 – Creating a specific defence of coercive control in the Criminal Code

Option 10 – Amending the Evidence Act 1977 (Qld) to introduce jury directions and facilitate admissibility of evidence of coercive control in similar terms to the amendments contained in the Family Violence Legislation Reform Act 2020 (WA)

Option 11 – Creating a legislative vehicle to establish a register of serious domestic violence offenders

Option 12 – Amending the Dangerous Prisoners (Sexual Offenders) Act 2003 or creating a post-conviction civil supervision and monitoring scheme in the Penalties and Sentences Act 1992 for serious domestic violence offenders

Option 13 – Amending the Penalties and Sentences Act 1992 to create ‘Serial family violence offender declarations’ upon conviction based on the Western Australian model

Our Response:

Legislative Options: Summary for All 13 Options

- A. These 13 options could form a springboard for discussion but they must be considered alongside Overseas and Interstate options to avoid omissions and maximise protection and safety in QLD.
- B. Coercive Control may not be defined adequately.
- C. These Options may not be suitable for Minority Groups e.g. First Nations people (lack of understanding; prejudice). Their Leaders need to be consulted.
- D. Brainstorm **every** aspect of Coercive Control, eliminate extraneous or similar terms, but make sure **every** aspect is stated and defined.
- E. Brainstorm results plus existing legislation here in QLD, Interstate and Overseas.
- F. Avoid Legislation which conflicts with International Human Rights.
- H. Yes, but there are concerns that too few definitions will result in Perpetrators just 'slipping through the Criminal Justice System's net'. Australia has a long history of it. For far too long, Perpetrators have been given 'the benefit of the doubt' (e.g. sports stars breaking laws and Magistrate's just seemingly ignoring it).