

[NAPCAN](#) generally agrees that there should be a specific offence of ‘commit domestic violence’ however we also hold concerns regarding any unintended consequences where this could be used against victims (especially Aboriginal and Torres Strait Islander women). NAPCAN also recognises that there are many factors that need to be considered and written into corresponding legislation and policy and procedures as to how this translates into practice within government systems and on the ground by police and the courts in order to reduce any further unintentional harm that can be caused by the introduction of such laws. NAPCAN would also like to draw attention to the need for further prevention education within this space across QLD and Australia. In order to reduce DFSV within our society we need to address the drivers of violence through primary prevention initiatives, such as through Respectful Relationships Education programs across the community. Programs such as [Love Bites](#) support school and out-of-school settings and align with the essential actions required to address DFSV as outlined by [OurWatch](#).

We recognise that “most women who use force are themselves victim-survivors of domestic and family violence and child abuse”<sup>1</sup> and can be misidentified as offenders. There is a need for training and clear direction that attending officers must question people (separately and away from sight of each other or any other household members) and identify who is the person requiring the most protection.

We would like to see that any legislation to be introduced is sufficiently funded with procedural and educational support for both enforcing parties plus the general public. This is required in order to address the drivers of violence. Police themselves require additional training to understand the myths and facts behind the attitudinal beliefs that may prevent some members from responding to coercive control because they themselves do not agree with or recognise the seriousness of the behaviours, or the impacts. Remembering that, as with the general public, there will be police expected to enforce these laws who themselves may be using coercive control in their own relationships or could be victims too.

Significant improvement is required in order to provide realistic and effective interventions through the use of DVOs. While having this offence can capture a broader range of behaviours, many people already do not apply for a DVO out of fear of further harm or knowledge that it does not have much significance from the view of the offender. Gaining a DVO is often seen as just a piece of paper for those committing coercive control, and offenders laugh at the mention of this and/or make threats to kill if it is sought out. It is insufficient in itself in providing protection or prevention of further and more harmful behaviours. The resulting deaths of women in the last couple of years who had sought out police and court assistance only to be killed instils further distrust in the justice system.

There are therefore many women who do not even access the criminal justice system to support them in any attempts of stopping the violence.

Government systems also need to work together to be accountable and provide a response to reduce their involvement in being a passive bystander to coercive control. One area that

---

<sup>1</sup>Kertesz M, Humphreys C, Larance LY, *et al.* Working with women who use force: a feasibility study protocol of the Positive (+)SHIFT group programme in Australia. *BMJ Open* 2019;9:e027496. doi: 10.1136/bmjopen-2018-027496

does not seem to have been examined so far is the role of the Child Support Australia (CSA) system. The current system contributes to the ability for offenders to continue to exercise coercive control upon victims, when they purposely miss payments, ask for re-assessments, provide false income statements, and use money and the frequent challenges that then arise along with resulting contact that then results from CSA (with victims also then having to counter the offender's challenges) to continue to abuse their victims emotionally and financially. Many know how to find the loopholes and are very good at convincing CSA officers that, given that they have not made a payment or two, they no longer need to have their CSA collected and are allowed to return to voluntary payments. Going through the cycle of having missed payments, then being told the payments will be collected, then changing back to payer-made payments, then missed payments allows for the abuse to continue. When this happens repeatedly, despite this pattern being recorded on the CSA system, the payee can't even elect to stop receiving payments to remove themselves from this abuse despite this method of coercive control. Even when payees explain that any contact they have with the payer results in emotional abuse, there seems to be nothing that they can do to allow a choice for payer choice to stop payments. There should be a team that can review such situations where there is a pattern of such behaviour, and provide options to the payee to provide protection from this continuing.

**Online Systems:** With almost anything available for purchase online, the use of apps and online payment methods without a person's consent has become very easy. Without any face-to-face contact required, methods of collecting ID have become much too easy for someone using coercive control against a partner to place goods and bills in another person's name.

Internet platforms and systems also need to be held more accountable and be more responsive and capable in their ability to remove content used for the purpose of blackmail, intimidation and harassment. Otherwise they will remain as passive bystanders, and in many cases, enablers of this behaviour.