

**A SUBMISSION TO WOMEN'S SAFETY &
JUSTICE TASK FORCE - Options for legislating
against coercive control and the creation of a
standalone domestic violence offence**

July 15, 2021

WHO WE ARE

Zonta International is a global organisation committed to empowering women and girls. Zonta envisions a world in which women's rights are recognised as human rights, where every woman is able to achieve her full potential, where they have access to resources and decision-making positions on an equal basis with men, and where no woman lives in fear of violence.

In keeping with this vision, since 1919, Zonta has implemented service and advocacy projects and educational programs to improve the legal, political, economic, educational and health status of women and girls. Zonta clubs around the world implement projects in their own communities and raise funds to support them. In addition, one third of monies raised is contributed to the Zonta International Foundation to support global activities. There are 1,100 Zonta Clubs in 63 countries, with global membership of approximately 28,000 Zontians.

Annually from the 25 November to the 10 December Zonta Clubs across the world undertake a campaign of action to raise awareness and advocacy on violence against women, under the banner Zonta Says No. The need for such campaigns continues to be a vital component in changing attitudes, beliefs and behaviours that contribute to violence against women.

In Queensland Zonta International (ZI) is represented by 44 Zonta clubs approaching 1,000 members. This year marks the 50th anniversary of Zonta's first Queensland club - the Zonta Club of Brisbane which has been advocating against domestic violence from its beginnings. In 2020 the Queensland Government honoured both Brisbane and Brisbane *East Zonta Clubs* with an entry to the

Queensland Government Domestic and Family Violence Prevention Honour Roll

We are particularly focused on the UN Sustainable Development Goal No 5 targets which include –

- Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation
- Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels

OUR COMMENTS

In studying Discussion Paper 1 - *Options for legislating against coercive control and the creation of a standalone domestic violence offence*, we have chosen to comment on five specific areas of discussion.

- 1. A new name to integrate domestic violence and coercive control*
- 2. Community education to help recognise coercive control*
- 3. Education for Young People around domestic violence and sexual assault.*
- 4. Police training and specialist "champions"*
- 5. Developing a register of serious domestic violence offenders*

1. A new name to integrate domestic violence and coercive control

As a priority, we support establishing a new name to integrate domestic violence coercive control to signal that these are inter-related issues and actions that are manifested in multiple ways yet are all ultimately a form of abuse.

In line with the recommendations of the NSW Joint Select Committee on Coercive Control, amendments need to be made to existing legislation to provide a clear and accessible definition of domestic abuse and what is included in this behaviour.

We submit that this is a priority and should be one of the foundation recommendations as this then enables the development of a clear framework for the community, the police and the legal profession to move forward together with mutual understanding.

Having such a definition in place is also critical for any successful delivery of education and community awareness and thus needs to be done before criminalising coercive control.

2 Community education to help recognise coercive control

The community cannot continue to turn its back on the relentless psychological abuse of a victim over many years. It is too late when someone is murdered and only then is there a forensic “slow reveal” of the partner’s controlling behaviours.

But even if this abuse had never led to murder, it is deserving of criminal sanctions equal to that of physical abuse.

We agree that community attitudes play a huge role in recognition and “naming” of coercive behaviours, and removal of the shame and embarrassment many victims feel. Given the effect of “gaslighting” and its insidious destruction of a person’s self-confidence, external validation by a neighbour, friend or colleague can be crucial in the victim taking steps to end the abuse.

Survey results show a current difference between a community person’s responses to physical violence AND non-physical abuse. We believe this reflects uncertainty in people’s minds about the real impact of coercive control. Enacting legislation alone will not solve this divergence. It must be accompanied by a long-term public awareness campaign.

We view public awareness equally as important as the legislative process. Without a deeper community understanding, such legislation will not work. Any programs to build this understanding needs to be across a wide group of including with police, stakeholders, and frontline sectors.

It needs to consider best practice and to take on board any lessons from existing education programs to raise awareness around domestic and family violence eg the MATE Bystander program. .

It is perhaps depressing to consider that despite the huge efforts that go into educating people around Domestic and Family Violence (DFV) through these organisations, the statistics on domestic violence remain grimly high. What makes an impactful community awareness program will need to be top of mind: we want a program that works.

3. Educating Young People around domestic violence and sexual assault

Schools play a critical role in preparing young people for their future. Zonta Clubs across Queensland have and continue to fund projects in schools to raise students' awareness and understanding of issues and strategies in dealing with domestic violence and sexual assault prevention.

Since 2015 Zonta Clubs across Brisbane, including the Zonta Club of Brisbane have funded training for a wide range of educators in a respectful relationships program, LOVE BITES. In collaboration with the National Association for the Prevention of Child Abuse and Neglect (NAPCAN) clubs have funded the training of school-based police officers, school-based nurses, youth coordinators, guidance officers and teachers. These staff work in teams to provide the program in schools to male and female students aged 15 to 17 years. Programs such as these are vital if we are to effect generational change in this critical area. It is recommended that the Taskforce refers to the role education authorities have in educating young people about family and domestic violence, including coercive control and the need for the work arising from the taskforce to be included within education authorities' programs for respectful relationships.

4. Police training and specialist "champions"

Police training is crucial to successful introduction of new legislation. Apart from appointing an independent training organisation to deliver training, we support the idea of "attitudinal change champions" within the police service to ensure sustained response over the long term.

Zonta recognises the important work of police in attending critical incidents involving domestic violence, and their role in ensuring the immediate safety of women and children. We also acknowledge the good work that lawyers and courts around this state achieve in the administration of justice in the making of protection orders and hearing associated criminal law matters.

From the outset however, it should be noted that these agencies are not providers of therapeutic services and that they remain in the lives of those affected by domestic violence for short sharp periods - usually after critical incidents. We understand that these agencies are bound by fundamental matters such as the rules of evidence, natural justice, standard of proof and that the outcomes are blunt instruments which have significant consequences (eg orders with conditions preventing freedom of movement or contact with children or criminal charges. Because of these characteristics there is a requirement to examine incidents and behaviour in detail.

4.(contd)

That said, we support the police and the justice system to be better informed about coercive control and to culturally shift to having an in depth understanding of coercive control to ensure that their dealings with victims and perpetrators are informed and empathetic but also where possible relevant evidence is collected and not discounted. It is also essential that this approach is taken in terms of risk assessment to ensure that all possible serious high-risk matters are given the attention and action they deserve.

We find the Scotland introduction was extremely comprehensive and was delivered by a dedicated organisation Safe Lives that delivered a multi-layered training program. In Scotland, the training was developed in close consultation with non-government stakeholders and accompanied by significantly increased investment in police training accompanied by a community awareness program and training for other professionals involved in the system including prosecutors, lawyers, and judges.

Importantly we advocate that whilst the police and the justice system are a fundamental part of the domestic violence response (particularly at and after critical incidents) they are not the ONLY response and that there needs to be a fundamental shift in government policy to provide social services targeted at the various life stages of both women and men which educates and supports living free of domestic and family violence.

We support an approach which includes work to ensure the immediate safety and wellbeing concerns of the family (including the perpetrator) but also looking at the future trajectory of each and every family member who is affected by the domestic abuse, attending to risk assessments and then considering how to eliminate the violence from their lives through a variety of treatments which may include judicial intervention, counselling and education, social services assistance, parenting and other assistance. These interventions should all be designed for the family with the short, medium, and long term in mind.

It is also our submission that the justice system is not the only place where this lens can be applied. There are many opportunities during a woman's life where government and other entities are able to identify and assess risk and provide education and support, discrete referrals, and assistance. For example schools, universities, GP's and health services, parenting assistance, child health clinics, family law courts and child protection agencies, banks, shopping centres, public libraries, playgroups, workplaces, retirement villages and nursing homes etc.

5. Developing a register of serious domestic violence offenders

Several attempts have been made to get a register of DFV offenders off the ground, most recently in 2017 when the Queensland Law Reform Commission recommended against the type of scheme that would operate in a similar fashion to the Child Sex Offenders register.

Interestingly, no part of The Child Sex Offenders Register is public. It is designed to help keep the police informed of the whereabouts etc of former offenders in the community, not to alert members of the public.

The Discussion Paper suggests that a Serious Domestic Violence Offenders Register could operate in a similar way; *ie* be a tool to assist police, not the public. Alternatively it could provide for lawful disclosure similarly to Clare's Law in the UK, whereby a person who feared they were at risk of domestic violence could get access to their partner's criminal history from the police.

(The QLRC recommended against this in 2017 "because the cost of funding it consistently across the State could not be justified." It also stated that "other investments in prevention would yield much better results and there was a lack of good evidence about the effectiveness of such schemes." However, we are unaware of any attempt to outline exactly what would constitute a better investment in prevention.

We contend the idea of Clare's Law, where an intimate partner concerned about her safety can access DFV-related information from the police on that intimate partner's criminal history, is worth serious consideration. This is an instructive example of the victims working in collaboration with police under carefully constructed guidelines to take responsibility for their own well-being and safety.

There would have to be significant criminal penalties for unlawful disclosures of information on the register to protect the Human Rights of those who might appear on such a register, to guard against vigilantism, or to limit an offender's ability to rehabilitate and reintegrate into the community.

As to costs, we submit that the current financial impact on the community, policing budgets, the workplace and women and children's lives from out-of-control Domestic and Family Violence would more than justify this investment.

SUMMARY

In summary, Zonta supports the following reform at community and statutory level in Queensland –

- 1. A new name to integrate domestic violence and coercive control**
- 2. A major and comprehensive community education campaign to accompany and support legislative change**
- 3. Recognition that schools have a vital role to play in community and cultural change**
- 4. Increased investment in police training to enable understanding of the broader idea of domestic abuse**
- 5. A register of Domestic Abuse offenders available to potential victims through the police**

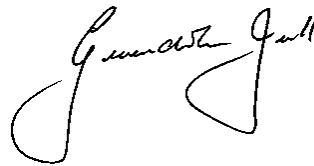


Bridget Mather PSM

District 22 Governor

Zonta International

Contact: Susan Davies



Emeritus Professor Gwendolen Jull AO

President

Zonta Club of Brisbane

zontabrisbane@gmail.com