



Response to the Queensland Women's Safety and Justice Taskforce Discussion Paper Number 1

July 8, 2021

Overview

The Small Steps 4 Hannah Foundation was established in 2020. One of its objectives is to campaign for coercive control laws in Queensland and in all other states and territories. We are heartened by the decision of the Queensland Government to establish this taskforce, and grateful for the interactions we have had with the taskforce Chair and staff to date. We are also encouraged by the recent recommendations of the New South Wales Parliamentary Inquiry, which has also recommended coercive control laws for that state.

The issues canvassed in the discussion paper are multiple and complex. We are not law reform experts and while our family's experience of coercive control has been well documented, we were sadly not aware of the warning signs of coercive control while we were living through it with Hannah and her children. So instead we propose to share our experience of supporting a person living with coercive control, in the hope that the difficult lessons we have learned will inform others, support law reform and hopefully save lives in the future.

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What is 'coercive control'?

Coercive control can be described as a set of behaviours used strategically by a perpetrator to create a one-sided power dynamic in an intimate relationship, which allows them to exercise significant control over that person. While this can be accompanied by physical violence (which of course can contribute to an atmosphere of intimidation), it is in reality more likely to be psychological (real and threatened) behaviour that forces an individual to bend to the other's will. Sometimes this submission may be out of fear, out of wanting to avoid confrontation, or simply because the victim is no longer able to continue fighting.

In Hannah's case, the individual behaviours we recognise in hindsight as elements of coercive control include:

- Isolating the victim from other family and friends, and limiting their access;
- Depriving the victim of basic needs, including sleep and sustenance
- Controlling basic elements of life such as where a person may go, who they may see and what they must wear;
- Denying access (refusing permission) for medical care;
- Having a previous history of violence;
- Setting unreasonable or unrealistic "rules", then punishing any breach of those rules;
- Monitoring phone and/or social media behaviour;
- Insulting and belittling the victim;

- Monitoring the person's physical location, and suddenly appearing/confronting them in public places;
- Tracking family members and friends;
- Drinking to excess;
- Becoming or threatening to become violent towards other people, particularly those close to the victim and/or perceived as a rival for affection;
- Acting violently and threatening violence against the victim;
- Threatening self-harm or suicide as a means of emotional manipulation;
- Threatening to kill the victim and those close to them;
- Threatening to share intimate photographs of the victim;
- Rape and excessive demands for sexual activity;
- Destroying or disposing of property belonging to the victim, their children or other loved ones.

Defining coercive control in law

As outlined above, these are the behaviours that we have either witnessed or were told about. They are by no means an exhaustive list of the coercive control techniques used against Hannah, or those used against other people.

How then, can these individual behaviours be defined in law? Some of them are already illegal, and some would be illegal in some circumstances but not others. (For example, disposing of property that the perpetrator had purchased, such as children's gifts, would not be illegal, but taking and disposing of property belonging to another adult would be.) The key to coercive control is that many of these techniques are used – jointly and severally – to ensure the victim is constantly “walking on eggshells” around the perpetrator. Once this state of constant fear and anxiety is achieved, the perpetrator is psychologically in control of the victim.

The difficulty that victims face is that while many of these behaviours would be viewed poorly by the law (and by the public), individually they do not ring alarm bells. And a victim can often feel foolish for trying to report some of these behaviours to law enforcement, even though we now know that they are warning signs on a road to a far more dangerous and devastating future.

Perhaps the law could list these and other behaviours as elements of coercive control, and declare that a person who demonstrates a certain number of these individual actions towards an intimate partner is engaging in coercive control. Alternatively, perhaps they could be considered as part of a “reasonable person test” – whether the actions would make a reasonable person feel intimidated or concerned for their safety.

Community attitudes.

We believe there has been a very significant upswing in community awareness of coercive control, and support for its prohibition, in the 16 months since Hannah, Aaliyah, Laianah and Trey were taken from us. We have to admit that we did not understand coercive control, even as our family was dealing with it on a daily basis. We knew that something was wrong with the behaviour, and we certainly knew that Hannah deserved so much better from her husband. We didn't understand that

this bad behaviour had a name, could be codified and should be illegal. And, of course, we didn't know where it was leading.

Even Hannah was not fully aware of the term coercive control, even though she was fully aware of its consequences. She feared for her safety, and her fears were proved correct. But she didn't believe she was a victim of violence because "he never hits me".

As a community we are able to look, in hindsight, at what happened and agree it was coercive control. But we can't be as confident that – even had Hannah spoken out – the perpetrator's actions would have been recognised by the community as anything more than "bad behaviour". As stated above, hopefully attitudes have changed since then, and hopefully they will continue to change as the proposed laws are considered by Parliament and implemented.

It would be expected that the Government would support the proposed change in law with an advertising campaign to help people understand and recognise coercive control, and to understand their rights and responsibilities. We would strongly support such a move, and we feel it would help to continue the positive shift in community attitudes. While this is perhaps beyond the scope of this Taskforce, we have also heard of overseas examples of popular television shows weaving a coercive control narrative through one or more episodes. Given the support that this issue has received from media organisations, we would encourage Australian television producers to also put their support behind it.

Response by the Police

We can't speak highly enough of the effort of the Police to support Hannah. The officer who took the initial complaint regularly stopped by to check on Hannah when she was at work, and we feel they provided her as much support as they were able to within the law as it currently stands. We have no doubt that the officers who helped her understood the elements of coercive control and how they are used by perpetrators to manipulate their victims. They would see it every day. But we also have no doubt that they understand the shortcomings of the law – that those behaviours listed above do not necessarily amount to criminal conduct by themselves.

We also feel that the Police are hampered by both their existing powers to deal with repeat domestic violent offenders, and their workload. In Hannah's case, after the perpetrator breached a court order and assaulted her, he was served the notices for the breach and assault but never presented himself to the Police as required. Then, 10 days later he was caught at Carindale Shopping Centre where Hannah worked, and was given another 48 hours to present to the Mt Gravatt CIB and provide a statement. As far as we know he never did give a statement. We feel more needs to be done to follow up breaches of orders and assault charges. Again, we realise that this is a matter of resourcing and also ensuring the laws are strong enough that there are very real consequences for breaches. We believe that had the perpetrator spent some time behind bars for his actions – even a night – it would have been such a shock to him and his pride that he may have changed his behaviour.

It's for the dedicated Police who want to solve the problem that we would like to see these laws in place. They are fighting a constant battle to make the world a safer place, and it would be good to give them an extra tool to get the job done. We also believe that there will be a need for training and resourcing to help some police understand the elements of coercive control, and how perpetrators strategically stitch them together to create an element of fear and intimidation.

Conclusion

As stated at the outset, we are not law reform experts. In fact, we would rather not be in this discussion at all. We would prefer that we had never witnessed elements of coercive control, prefer that we had never heard the term. Certainly, we came too late to an understanding of what it is.

We support any effort to wipe this insidious behaviour from the face of our society. We thank those who are driving this law reform process, and we look forward to the successful implementation of coercive control laws across Queensland.