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Attorney-General's Department
Via email: coercivecontrol@ag.gov.au

Dear Standing Council of Attorneys-General,

**Consultation on the Draft National Principles to Address Coercive Control**

Anglicare Australia appreciates the opportunity to provide brief feedback on the Draft National Principles to Address Coercive Control. Our submission is based on the insight and expertise of Anglicare Australia's member organisations and the people with whom they work.

As a Network that delivers family services to 61,500 people nationwide, we are well-placed to provide insights on the impacts of coercive control and identify gaps in the family violence service system. Our member organisations deliver services and support across the whole family violence spectrum, including early intervention and prevention, women's refuges, counselling services to women and children who have experienced abuse, and men's behavioural change programs. Women and children with lived experience of family violence are over-represented in other Anglicare Australia services, including emergency relief, housing and homelessness services, youth services and mental health care. For example, more than half of the clients who receive services from Anglicare Sydney's Counselling, Family Relationship Centres and Youth Services have experienced family violence.

Every Australian has the right to live safely and free from harm. Anglicare Australia applauds the Standing Council of Attorneys-General for its commitment to improving the safety of Australians through the development of a shared understanding of coercive control. We share the view of the Standing Council that we need improved justice system and community responses to coercive control. Some Anglicare Australia Network members are working closely with their state and territory governments to criminalise coercive control as a separate offence. However criminalisation alone is not enough to provide safety to Australian women and children experiencing or at risk of coercive and abusive behaviour.

**Strengthen the broader support system**

Draft National Principle 6 advocates for a coordinated response to prevention, early intervention, response and recovery. It speaks of reducing duplication and gaps, and the role of businesses, the health and education systems and social services. Yet it does not note the capacity crisis facing many of these sectors that is already forcing them to turn away women and children. This can only worsen if additional resourcing is not provided.

Women need support to leave abusive situations, a liveable income for themselves and their children, a safe and secure place to live, and long-term counselling and support to assist their recovery. Instead, services are stretched to breaking point and waiting lists for social housing years long. Without investment and capacity in the family violence sector, more people will be turned away.

The relationship between poverty and inequality of income and domestic violence is a complex and multi-directional one. Poverty is a significant reason why women return to violent partners[i] or feel unable to leave. Experiencing domestic violence also directly increases financial hardship for women. Improving women's incomes and economic independence is vital to reducing and preventing abuse. Yet poverty and financial hardship is not recognised in the draft principles. Immediately raising social security payments above the poverty line would help lift thousands of victim-survivors out of poverty and give many more the freedom to make the choice that will keep them safe.

Other measures to close the gender pay gap and build women's financial security, including more affordable childcare, more flexible parental leave and better pay, security and conditions for female dominated industries like the care sector can enable women and their children to escape abuse.

Victims must also not bear the burden of managing risk in their home and families. Australia needs a strong approach to perpetrator accountability. In reviewing the principles, Anglicare Australia Network members were deeply concerned about how the workforce and resources for men's behaviour change programs will be addressed, as they are already stretched to the limit.

**Build on international evidence**

The consultation draft refers to a lack of available evidence and data on the outcomes of criminalising coercive control. Yet various international jurisdictions, including Scotland which is widely regarded as having the "gold standard" for protecting women and children from coercive control, have data about trends in case numbers, prosecutions and outcomes for victims.

Governments should be drawing more heavily on international data and evidence to understand the effectiveness of different methods to tackle coercive control, whether criminalisation of coercive control will achieve the objective of increasing women's safety, and what impacts will be for communities already subject to harm by the justice system, including First Nations communities, culturally diverse communities and people with disability.

**Plan for the impacts on First Nations and other communities**

Anglicare Australia is uncomfortable with the language in the draft National Principle 8, which refers to the "unintended consequences of criminalisation" including over-incarceration of First Nations people, discrimination, misidentification of perpetrators, traumatisation of victim-survivors and fostering distrust in the justice system.

While these are not the aim of criminalising coercive control, they are well known consequences, frequently cited by community organisations, First Nations communities and survivor advocates. It is disingenuous to call them "unintended". They should be recognised, planned for and the risk of harm addressed. It is essential that Aboriginal and Torres Strait Islander voices are listened to and taken into account when forming policy.

**Definition of coercive control**

The concept of coercive control is not new. Family violence organisations have long recognised control as a common factor in many of the families that seek their assistance. But while it is recognised, it is not always well understood by the community. The legal system is also based primarily on a framework of incidents, that does not always recognise broader patterns of coercive control. An agreed national definition would help embed the concept of coercive control in training, assessment and response systems.

The draft National Principles define coercive control as perpetrators using abusive behaviours in a pattern over time in a way that creates and keeps power and dominance over another person or persons. This definition is helpful, but would benefit from additional details as recommended below. A clearer inclusion of the role of fear in coercive behaviour is needed. Abusive behaviour isn't always apparent. For example, perpetrators may secretly install spyware and tracking devices in their children's toys or devices to stalk and harass their victims. But over time, fear created by such behaviours can trap victim-survivors in a cycle of abuse. Observed outside of a lens of fear, such behaviour may not appear manipulative or abusive, therefore, the instilling of fear in victims as a primary goal of coercive control needs to be included in the definition.

The current definition of coercive control focuses mostly on intimate relationships and broader family relationships. However, coercive control can occur in other forms of relationships, including between people with disability and their carers. It is also not unusual for coercive control to exacerbate after a relationship ends. A broader definition of coercive control would help ensure people's experiences of coercive control are recognised.

Anglicare Australia Network members reported that often children are used as part of coercive control tactics. Research shows that the mother-child relationship is often undermined by the abuser, with children manipulated to act abusively towards their mother.[ii] This manipulation may include damaging children's respect for their mother, constraining a mother's ability to parent by demanding attention for themselves, making threats or offering bribes to ensure the child complies.[iii]

Anglicare Australia Network members report that disrespect for women, bullying and aggression, and disturbances in eating and sleeping behaviours were observed in children who were exposed to coercive and controlling behaviours.[iv] This shows of how coercive control impacts children and how easily violent attitudes can be replicated. It is vital that the National Principles reflect the impact coercive control has on children to facilitate early intervention and break cycles of abuse.

**Recognising abuse of legal systems**

While legal processes exist to protect individuals and uphold their rights, for many women, the legal system itself is abused by their partners to perpetuate coercive control. Common tactics include counter-allegations, firing lawyers and hiring new ones to extend the litigation and requesting multiple adjournments.[v] Not only are these actions disruptive, intimidating and traumatic to women, but it can also cause women to lose their jobs, fall into poverty and become homeless.

Yet, the National Principles do not explicitly identify legal systems abuse as a form of coercive control. It is common for victims-survivors to experience legal processes as secondary victimization due to inappropriate responses from legal actors who struggle to ensure that perpetrator's rights to access the courts are not obstructed, while simultaneously recognising that this same right to justice is often misused.

It is critical that legal systems abuse is recognised as a form of coercive control so that victim-survivors are not re-victimised.

**Giving children a voice**

Children and young people are directly and indirectly affected by coercive control. Witnessing or experiencing violence can cause children to become anxious or depressed, become aggressive, have a lowered sense of self-worth, and regress in their development.[vi] In some cases, aggressive behaviour may persist into adulthood, perpetuating the cycle of abuse.[vii]

Too often, children and young children are not given sufficient tailored support to overcome their trauma and are not viewed as victims in their own right. Our members tell us that children and young people's perspectives on, or experiences of family violence can be unvalued or dismissed. The National Principles must recognise children and young people as victims of coercive control so that they can be supported to disclose violence, seek assistance, and heal.

Children and young people are experts in their own lives and possess valuable information and knowledge about their own needs. Their views should be sought and taken seriously when finding solutions, in decision-making about family violence, and in the design and delivery of services.

Additionally, greater attention needs to be paid to children's voices in determining safe contact with abusive parents. Only 3 percent of family law cases result in no contact with a parent despite over 85 percent of families going through the family law system having a history of family violence.[viii] A review by the Australian Law Reform Commission found that one in five parents expressed concerns about their children's safety or their own safety following court-ordered contact with the other parent.[ix] Incorporating children and young people's perspectives about further contact with their abusive parents must occur to prevent further victimisation.

**Accessible resources on coercive control**

Language plays an important role in enhancing community understanding. The term "Family and Domestic Violence" tends to be intuitively associated with physical brutality. Changing language to 'Family and Domestic Violence and Abuse' will bring the issue of coercive control and non-physical abuse into focus. Using simple language and providing diverse examples of coercive control can further enhance understanding of the issue.

In determining the best way to communicate information about coercive control, it is important to consider the unique needs of different communities, including First Nations peoples, people with disability, people living in rural or regional areas and people who identify as lesbian, gay, bisexual, transgender and/or queer. Anglicare Australia recommends that the Government consult with different communities to develop an appropriate and suitable communication strategy and resources, and that ongoing consultation be conducted to refine strategies and resources.

Communities should also be educated about how their attitudes can enable controlling behaviours and reduce perpetrators' ability to recognise harmful behaviour.

**Reckoning with the growing threat of technology-facilitated abuse and control**

Anglicare Australia Network members report that women are increasingly at risk from coercive control perpetrated through technology and apps. Some women may be unaware of the methods used to track, monitor, and stalk them by their perpetrators. Other women are aware that their partner monitors their location, phone calls, and text messages, but are unable to escape. This action forms part of the controlling behaviour by the perpetrator that can restrict, limit or prevent the capacity for the victim to seek support over the phone or computer.

Anglicare Australia members also notethat an increasingly 'cashless' society makes it easier for abusive partners to track their victim's financial activities, and to restrict access to money. Some women are unable to access services they have traditionally paid cash for, including counselling, when payments are now only being accepted by phone or online.

Many community service organisations lack the knowledge and capacity to help women identify and remove spyware and tracking devices, as the technology keeps rapidly evolving. Telecommunications carriers are not always helpful, or pathways for notifying them and seeking assistance are unclear.

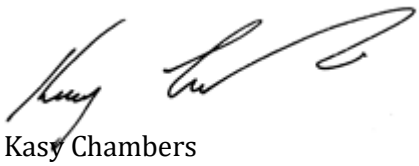
Anglicare Australia recommends that the National Principles recognise the growing threat of technology-facilitated abuse, and governments commit to building the capacity of community service and family violence workers to identify and respond to such threats.

**Unified responses across states and territories**

States and territories are at different stages of considering whether to criminalise coercive control in their own jurisdictions. Anglicare Australia Network members are working with their state and territory governments in support of criminalising coercive control. However, family violence does not respect state borders. People move interstate for many reasons, including to escape violent partners or to evade law enforcement. A nationally consistent approach towards addressing coercive control would help reduce confusion and barriers to accessing legal protection and help for victim-survivors, especially those living in cross-border communities.

Anglicare Australia looks forward to working with the Government to strengthen the National Principles and improve outcomes for Australian women. We would welcome the opportunity to further discuss anything raised in this submission. Please do not hesitate to contact us on anglicare@anglicare.asn.au.

Yours sincerely



Kasy Chambers
Executive Director

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[i] Anti-Poverty Week (2022) APW Briefing on Women, Violence and Poverty.
[ii] Research in Practice (2018) Coercive Control: Impacts on children and young people in the family environment: literature review.
[iii] Research in Practice (2018) Coercive Control: Impacts on children and young people in the family environment: literature review.
[iv] Anglicare Sydney (2021) Anglicare Sydney submission into the NSW Government's coercive control discussion paper.
[v] Douglas, H. (2018) Legal systems abuse and coercive control.
[vi] Women's Aid (2021) The impact of domestic abuse on children and young people.
[vii] Monash University (2020) Why we need to focus more on the needs of children in domestic and family violence responses.
[viii] The Conversation (2021) Victims of domestic abuse find no haven in family courts.
[ix] The Guardian (2020) Children and family law: "How can you share parenting with an abusive parent?"