

Good Shepherd response to the National Principles to Address Coercive Control: Consultation Draft

Good Shepherd welcomes the release of the *National Principles to Address Coercive Control: Consultation Draft* ('National Principles'). While the presence of coercive control in intimate relationships, and the gendered nature of this abuse, has been well established for decades, inconsistencies in definition and identification of coercive control in practice have resulted in poor outcomes for victim-survivors, including increased risk of serious and fatal violence. We believe that a nationally consistent conceptual framework of coercive control that is fit for purpose across jurisdictions, industries, and sectors, is necessary to provide a truly integrated, multi-disciplinary approach to prevention, early intervention, response and recovery.

Definition

Good Shepherd welcomes the framing of coercive control as *constituting* family and domestic violence, which may be shown through both physical and non-physical behaviours. As the National Principles state, in line with our earlier submission to the [New South Wales Inquiry into Coercive Control](#), this behaviour is a significant risk factor for intimate partner homicide.

We are encouraged to see financial abuse described as a key behaviour used by perpetrators of coercive control. Financial abuse is an issue we see frequently in our family violence and financial counselling services. We hope that in highlighting the central role financial abuse plays in many victim-survivors' experiences of family violence, greater attention and resourcing might be dedicated to preventing, addressing, and supporting recovery from financial abuse. We are pleased to see a number of examples of financially abusive behaviour articulated in our above submission included in the definition on page 13, including:

- Withholding financial support considered reasonably necessary to maintain a partner.
- Force, fraud or coercion in obtaining bank loans, credit cards or other forms of financial debt.
- Unreasonably preventing a person from taking part in decisions over household expenditure or any joint property.
- Preventing a person from seeking, gaining or maintaining employment.

- Demanding financial resources or material goods as part of a marriage or relationships either at the beginning of the relationship or at any point during the relationship.

There is scope within the National Principles for further practical examples of financial abuse to assist in identification, including but not limited to:

- Controlling behaviour that denies personal financial autonomy.
- Force, fraud or coercion in obtaining social security payments.
- Force, fraud or coercion in relinquishing control over assets.

Good Shepherd supports the articulation of coercive control as a type of violence that compounds discrimination and inequality such as sexism, racism, ableism, colonialism, classism, and homophobia. While domestic and family violence impacts people from all backgrounds, it is important that an intersectional lens is applied to recognise the unique ways in which coercive control may present and be perpetrated within diverse communities.

Impacts

The 'invisible' impacts of coercive control on victim-survivors are significant and include erosion of self-worth, identity, security, and wellbeing. The impact of financial abuse on a victim-survivor's ability to escape has been articulated well in the National Principles. Coercive control impacts not only escape, but also healing and recovery from abusive relationships. The impacts of coercive control are long-term, and can affect mental and physical health, employment, family relationships, housing security, and financial wellbeing for a long time after an abusive relationship ends. It is critical that funding responses recognise these long term impacts, and support women and families beyond the crisis response, into recovery.

It's important to recognise the role of government in preventing or mediating harm from some forms of coercive control including system abuse. System abuse is enabled and exacerbated by structural issues such as inadequate funding of community legal services (including women's and Aboriginal legal services), criminal justice system practices, and community attitudes towards trauma and mental illness. There are examples within Australia of legislative changes mediating some forms of system abuse. In Victoria, we have heard reports from family violence practitioners that the Family Violence Information Sharing Scheme has enabled practitioners to better identify and address some system abuse tactics. Sharing relevant information between services that are targeted by perpetrators of system abuse, about abusive dynamics within a relationship, can

enable services to better support victim-survivors, including where there are unsubstantiated allegations of mental illness or child abuse. Alongside a nationally consistent definition of coercive control, jurisdictions across Australia could align their practices to emerging best practice response systems in Victoria, reducing fragmentation within the system.

Community attitudes

We applaud the wide-lens focus of the National Principles in identifying that community attitudes towards coercive control significantly impact prevention, identification, and response. While family and domestic violence encompasses a range of behaviours beyond physical violence, the criminal justice system, police, and service providers are still building their capacity to identify and address non-physical violence. It is our hope that a nationally consistent definition supports this capacity building, and increased the likelihood that victim-survivors are believed and supported when reporting coercive control.

Lived experience

Good Shepherd unreservedly supports the statement that victim-survivors, including adults, children, and young people, should be centred in the design, implementation and evaluation of the National Principles.

Criminalisation

Good Shepherd understands and strongly supports the desire for improved responses to coercive control. Recognising the context of coercive control, and that it impacts almost every aspect of a victim-survivor's daily life, Good Shepherd has formed the view that improving justice system responses to coercive control is essential, but that we must look beyond simply the justice system as a mechanism for recourse and remedy.

We continue to caution against criminalisation of coercive control as a separate offence, as a means by which to achieve this improvement. Our concern in arriving at this position is based on decades of practice experience working alongside women and children who have experienced coercive control in their lives. This work tells us that victim-survivors of family violence must navigate a range of systems, including legal systems, often with an inadequate response that does not provide protection from, or remedy for, the more intractable experiences of coercive control.

These systems perpetuate and, in some cases, magnify discrimination experienced by victim-survivors, including racism. As a result, Aboriginal and

Torres Strait Islander women, and women who are culturally and linguistically diverse, are already [mis-identified as perpetrators in situations of family violence](#). These women would be at even greater risk when engaging with police if coercive control was introduced as a separate offence, including mis-identification as perpetrators, child removal, over-policing, and institutionalisation.

By its nature, coercive control may be difficult to prove to a criminal standard. Due to the incident-based focus of the criminal justice and civil systems, it can be difficult for lawyers to provide adequate evidence to substantiate claims of ongoing, non-physical behaviours that are unwitnessed. This means that victim-survivors who do report coercive control may face an increased risk of violence following unsuccessful prosecution, or short/non-custodial sentences.

The National Principles could include a more explicit recognition that poor responses to coercive control are not necessarily driven by the absence of a standalone coercive control offence, but failures or difficulties in applying the existing law, by law enforcement bodies and courts. For example, the [Queensland Women's Safety and Justice Taskforce](#) found that the police response to family violence/coercive control in that state remains inadequate, highlighting misbelief of victim-survivors, and failures to properly investigate family violence. An effective response to coercive control would build recognition within policing and criminal justice systems of the nature of family violence, and ensure proper prioritisation and investigation of family violence within the context of the current law. This is a much harder task than introducing a new criminal offence, but one that is essential for victim-survivor safety. The National Principles could provide more explicit guidance about ensuring multi-disciplinary, integrated responses to family violence/coercive control in communities, the criminal justice system, and society more broadly.

Victim-survivor safety, and perpetrator accountability, should be the overriding objective of any response to coercive control. We strongly encourage states and territories to use these National Principles to strengthen their response to coercive control across the civil and criminal justice systems and non-legal systems, without introducing a separate criminal offence. We also call on State and Commonwealth Governments to address the fragmentation and lack of coordination across legislative regimes. A common definition is an important first step, however the statement in National Principle 7 that criminalisation is a matter for State Governments allows this fragmentation to continue. This is a missed opportunity to create consistency across the country that extends beyond a definition.