



30 July 2022

Coercive control consultation  
Office of the Commissioner for Victims of Crime  
GPO Box F317 PERTH WA 6000  
By Email: [coercivecontrol@justice.wa.gov.au](mailto:coercivecontrol@justice.wa.gov.au)

**Submission to the Coercive Control consultation  
(Office of the Commissioner for Victims of Crime WA)**

To whom it may concern,

Thank you for the opportunity to contribute to the Coercive Control consultation. The [Centre for Women's Economic Safety](#) (CWES) welcomes the WA Government's attention on the issue and recognises the potential to improve responses to people experiencing domestic and family violence. An offence of coercive control could save lives and this submission supports its creation.

**About the Centre for Women's Economic Safety Ltd (CWES)**

The mission of the Centre for Women's Economic Safety (CWES) is to support women experiencing, or at risk of experiencing, economic abuse in the context of domestic and family violence, and to use lived experience insights to advocate for social changes that support women's economic safety and opportunity.

CWES is a company limited by guarantee operating on a not-for-profit basis under the auspices of Domestic Violence NSW Service Management, a registered charity and public benevolent institution endorsed as a deductible gift recipient (DGR). CWES is currently applying for registration with the Australian Charities and Not-for-profits Commission (ACNC).

The Centre works:

1. To support women experiencing economic abuse by connecting them with the information and resources they need;
2. Towards prevention and early intervention of economic abuse by raising awareness and understanding of the issue; and
3. To advocate for social, service and system change to better support women's economic safety and opportunity.

**About this submission**

This submission supports:

- The creation of a coercive control offence in WA that names and defines economic, emotional and psychological abuse in addition to physical and sexual violence.
- A definition of coercive control that recognises abusive behaviours having an effect on the victim's day to day life of being 'unreasonably constricted' and/or physically or psychologically harmed.

This submission further recommends:

- Significant investment in training in coercive control and economic abuse for police and the legal profession
- A communications and awareness-raising campaign about coercive control; and



- That Restraining Orders be utilised more broadly to enable financial orders to protect victim survivors from further economic abuse

The submission responds to questions 1, 8, 10, 11, 12, 13, 14, and 15 of the Discussion Paper.

This submission is informed by:

- Interviews to investigate service responses to domestic economic abuse in the United Kingdom, United State and Canada conducted for my Churchill Fellowship 2019.
- My experience in domestic violence as Assistant Director at Insight Exchange (an initiative of Domestic Violence NSW Service Management)
- Interviews with victim-survivors of domestic and family violence (most involving coercive control and economic abuse).
- Interviews and group discussions with frontline DFV service providers in Australia.
- My experience in financial wellbeing (Former CEO Financial Literacy Australia and former Executive Manager Financial Wellbeing at Commonwealth Bank).

Should you have any further questions, please don't hesitate to contact me.

Your sincerely,

Rebecca Glenn

Founder and CEO, Centre for Women's Economic Safety Ltd

## RESPONSES TO COERCIVE CONTROL DISCUSSION PAPER QUESTIONS

### Q1: Does the Restraining Orders Act 1997 adequately address the nature and impact of coercive control?

No.

In almost all cases of coercive control you will find the perpetrator using tactics of **economic abuse** to exert their control, including post-separation. Currently, economic abuse is rarely considered by police and the courts, and not captured in the existing section 3000 of the Family Violence Legislation Reform Act 2020.

The key elements of an appropriate definition of coercive control are to:

- recognise a **pattern** of abusive behaviour
- **name and define specific types of abusive behaviour** (Economic, Physical, Sexual, Emotional and Psychological) and provide non-exhaustive examples of these
- specify that the pattern of behaviour would **unreasonably constrict** the victim's life (for instance by limiting freedom of movement, activity, association, speech, consumer activity, decision-making, or physical autonomy).
- specify that the behaviour is likely to **cause physical or psychological harm** (fear, distress, alarm) and
- include a '**reasonable person**' test to judge the likelihood of harm.

The impact of economic abuse is significant and ongoing. It remains one of the most common reasons victims stay with, or return to, a perpetrator when they otherwise don't want to.

Despite the association of financial insecurity and family violence being well recognised (including most recently by Anne Summers's report, [The Choice: Violence or poverty](#)), the deliberateness of the acts of economic abuse which cause that financial insecurity are often ignored and overlooked. Any new legislation must work towards rectifying this.

### Q8: Is coercive control a meaningful concept for victim-survivors and the community to understand the nature of family and domestic violence in Western Australia? Should this type of behaviour be called something else or understood differently?

Among the dozens of interviews I have done with victim-survivors of intimate partner and family violence from every state and territory in Australia, coercive control was at the heart of almost every case. Further, the term 'coercive control' has been particularly useful as a validating term for victim-survivors who say they did not experience 'physical violence'. Often what they mean is they were never punched or hit. Notably, upon further exploration, it is revealed that women who say they did not experience physical violence have often experienced proximity to physical violence, property damage, sexualised violence, choking, or threats of physical violence.

The way in which a perpetrator 'graduates' from seemingly innocuous behaviours (managing finances) to more severe abuse (controlling every aspect of life) is best explained through definitions of coercive control.

**Q10: How can the justice system improve its ability to recognise and respond to patterns of violence, rather than incidents?**

Coercive and controlling behaviour must be understood in context. This requires a shift in existing evidence-gathering approaches. The coercive and controlling behaviours that make up what we commonly know as domestic and family violence are both social and interactional. There are perpetrators, victims and responders.

Victims always resist violence (even if only in the safety of their own mind) and perpetrators work deliberately to suppress or overcome that resistance and present themselves to responders (individuals and institutions) in a positive light. The responses of other 'actors' (individual, community and institutional) are always playing a role in the decision-making of victims.

I commend to the Office, the 1.5hr introduction to understanding domestic, family and sexualised violence in two parts from Insight Exchange: [Foundations](#) and [Foundations Applied](#).

I further commend training in economic abuse for Police along the lines of the Safe Lives/Surviving Economic Abuse (UK) model being rolled out in England and Wales (see [my Churchill Report, 2021](#)).

**Q11: Should the Western Australian Government criminalise coercive control?**

Yes, provided that appropriate training is delivered to Police and the legal system so that practitioners understand the complex, individualised and cumulative nature of the abuse.

**Q12: If the Western Australian Government criminalises coercive control, how should the risks of adverse impacts for victim-survivors be addressed?**

The offence of coercive control is materially different to most offences in law because, by definition, it refers to multiple behaviours with cumulative impact. This requires a step change in training for police and judicial officers to understand the behaviours that might constitute coercive and controlling behaviour and a commitment to gathering evidence around context, including:

- the social and material setting
- the offending actions and events leading up to these
- the victims' resistance
- the responses of others
- the perpetrator's and victim's responses to the responses of others; and
- the institutional responses to each of the actors.

This requires a different approach to questioning. At the moment, the scope of evidence gathering is too narrow and focuses on incidences rather than patterns in context. This too easily sees victims misidentified as perpetrators for defensive actions which try to minimise harm, create safety or uphold dignity, when they have been subject to ongoing abuse and humiliation.

**Q13: What are alternative options to criminalisation? In what alternative ways can the objects of criminalisation be achieved?**

**Q14: What community-based responses could help to address coercive control?**

There are a number of ways that we could improve community responses to coercive control, with or without a new criminal offence, outlined below.

**Professional training**

Police and lawyers must receive training to understand the dynamics of coercive control, the intersection of economic abuse with all other forms of violence, the importance of responses and

resistance to violence, the role of social responses in informing victim-survivor decision-making, and the critical importance of context.

Even without legislative change, this training would likely result in improvements in the quality of police response to victims of DFV and less traumatic experiences of the legal system. This would be a significant achievement even without a corresponding increase in charging and prosecutions, although such improvements would likely support this outcome also.

Too many police, lawyers and court officers can be, inadvertently, manipulated and co-opted by perpetrators to extend their abuse. Very few of these professionals have sufficient training in coercive control.

Police training in [Response-Based Practice](#) has the potential to equip officers with an approach to questioning which better reveals the context of the abuse. It can reveal the situational logic of the victim in their decision-making and navigation through day-to-day life with an abusive person. This information is an important part of the fact pattern in cases of domestic and family violence.

### **Recruit forensic accountants to support police work on economic abuse**

Some forms of economic abuse create a digital footprint providing investigators with potential evidence. However, it requires a specific skill set to uncover patterns of financial abuse and more sophisticated forms of financial manipulation. If police had forensic accountants on staff, they would be better equipped to identify coercive economic behaviour.

### **Increase guidance and resources for practitioners**

The WA Government should also consider Recommendation 8 of the Domestic Violence Death Review Team (NSW) 2017-2019 Report to increase guidance and resources to support safety planning by generalists and specialists responding to victims of domestic and family violence.

#### *Recommendation 8*

*That the NSW Government develop increased guidance and resources to support safety planning, which may include consideration of standard resources or tools for use by responders and practitioners who work with victims of domestic and family violence. In developing standard resources or tools the NSW Government may consider the work of DVSM Sightlines [now Insight Exchange] and literature around safety planning and responding to risk. Roll out of standard resources or tools should be accompanied by comprehensive training and education.*

The Sightlines/Insight Exchange resources include: [My Safety Kit](#) and [Follow My Lead](#).

### **Community awareness campaigns**

A significant investment in educating the public about coercive control is an important corollary to professional training.

The effectiveness of any new offence will also be impacted by the community's awareness and understanding. So long as misunderstandings, myths and stereotypes continue to exist in the community about domestic and family violence, victim-survivors will continue to experience further harms through unsupportive and judgmental responses from others. See my Spot Talk, '[How to rethink your responses to victims of family violence](#)' at the Financial Counselling Australia Conference 2022.

Critically, the pool from which juries are drawn is the community. If the community remains ill-informed, the likelihood of the jury to do its job is compromised.



As community attitudes start to shift and awareness and understanding increases, more victim-survivors are likely to feel comfortable to speak out. Over time, this will elevate survivor voices in efforts to improve community understanding.

**Q15: Is there anything else you would like to say about responding to coercive control in Western Australia?**

Family Violence Restraining Orders, as a key tool for responding to coercive control, are too limited to physical threats and stalking. Many perpetrators, once physically separated from their partner/family member, resort to other means to threaten, harass and control, including technology-facilitated violence, legal systems abuse and economic violence. Too many women I have interviewed have seen their joint bank accounts or mortgage redraw facilities drained the minute they take out an intervention order. Finances are an avenue the perpetrator can still control from a distance. Restraining Orders could and should be utilised to protect assets, freeze joint bank accounts (except for a nominated amount for day-to-day expenses), and suspend redraws on a mortgage account. While affected individuals can request this directly of their financial institution, it may not be safe to do so, and there isn't a mechanism to quarantine 'living money' when it happens.