



IFYS Submission

To: The Legal Affairs and Safety Committee, Parliament of Queensland

Re: Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022

**From: IFYS Sunshine Coast
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Dear Parliamentary Committee Members

IFYS values the opportunity to provide a submission to the Legal Affairs and Safety Committee. The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence and parliamentary colleagues are taking responsible action in dealing so thoroughly with the patterns of coercive control that feature in domestic and family violence.

Coercive control is a misunderstood pattern of behaviour, yet as seen in many Queensland cases, it can lead to lethal consequences. IFYS acknowledge the extraordinary advocacy on coercive control led by Sue and Lloyd Clarke. They have channelled grief into positive action to prevent harm to others. We also acknowledge the powerful voices of First Nations leaders who have called for caution in legislating for coercive control due to the risks that Aboriginal and Torres Strait Islander women become further criminalised when protecting themselves from domestic and family violence.

In this submission we address one aspect of the Bill that:

"...gives effect to legislative reform in recommendations 52 to 60 and 63 to 66 of the Women's Safety and Justice Taskforce (the Taskforce) in Chapter 3.8 of its first report, Hear her voice – Report one – Addressing coercive control and domestic and family violence in Queensland.

1. Recommendations

Recommendation 1. The Queensland Parliament support this Bill.

Recommendation 2. The Queensland Government increase funding to: (i) enable regular police and criminal justice system training on coercive control, and (ii) a continuous program of evaluation to monitor the impact of the legislation.



Recommendation 3. Prioritise and intensify training for police in coercive control, gender and race relations and equity. When police understand that DFV commonly arises as a pattern of gender-based coercive control, rather than an incident-based occurrence, police practices improve. Women — especially Aboriginal and Torres Strait Islander women — are too often mis-identified as perpetrators of violence. The result is excessive use of cross-applications and failure to protect the women who are at risk of harm. Criminalising coercive control may well have unintended consequences of unjustly criminalising women, if police fail to understand the gender-based, patterns of intimidation and abuse that underpin coercive control, and the chaotic, conflict-based violence that can be a product of dislocation and oppression of First Nations’ peoples.

Recommendation 4. Keep eyes on the perpetrator. Policing practice and collaborative work with external agencies must focus on risk assessment, perpetrator mapping and every possible effort to increase perpetrator accountability and responsibility for their coercive control and violence.

Recommendation 5. Avoid criminalising young people whose own controlling behaviour may be a product of inter-generational cycles of violence and trauma. Increase investment in early intervention, trauma-informed wrap around supports for adolescents who use controlling and violent behaviours.

Recommendation 6. Increase co-location and collaborative models with QPS and external agencies. Collaborative, co-location work with QPS builds bridges. It builds good relationships; improves information sharing and helps to break down the us and them culture that commonly exists between QPS and external agencies. DFV models such as co-location, co-responder and high-risk teams improve understanding of coercive control. These models must be expanded across Queensland.

About IFYS

IFYS is a multi-service community agency operating services from the Gold Coast to Cairns. We welcome the opportunity to lodge a submission to this inquiry as:

1. We lead the Multi-Agency Triage and Case Lead Allocation (MATCLA) co-ordinated response to DFV. Our 2 P/T staff are co-located with QPS officers at the Vulnerable Person’s Unit, Mooloolaba. MATCLA began operating in December 2020 to deal with the cases of DFV that pose significant risk of harm, yet do not reach the imminent high-risk threshold. MATCLA is not funded as a High Risk Team (HRT). It is more a process for collaborative information sharing among multi-sector agencies (n=15); triage, perpetrator mapping, and case planning and referral.
2. Our staff respond to the impacts of DFV in all support programs we offer, including family support, child protection, foster care, residential care, youth support, housing and homelessness and more.



The MATCLA review covered the period 1 December 2020—31 December 2021. In this period

- 72 high-risk families were referred into MATCLA. Of those 72 families, there were 158 children identified as family members and primary victims of domestic violence.
- In 12.5% of families one or both adults identified as Aboriginal. Six out of 72 perpetrators identify as Aboriginal.
- In the MATCLA review, 7 of 72 of the referred perpetrators were female (almost 10%). In 6 of 7 circumstances, it was determined by the MATCLA core group that the female was the person most in need of protection and in need of AOD and/or mental health support. In the remaining case, it was determined that the children, grandparent and estranged husband had been impacted by the female’s abuse and violence, however it could not be determined if the “aggrieved” (estranged husband) was fearful of the perpetrator.

Since the MATCLA review was conducted, there have been a further 87 families referred (total of 159 referrals to date) and 370 children attached to those families.

3. Legislating coercive control - proceed with caution

Recommendation 1. The Queensland Parliament support this Bill.

Patterns of coercive control feature in most of the domestic and family violence that IFYS staff deal with. These coercive patterns of behaviour are used mostly by men to cause threats, intimidation, fear and exercise power over their partners and children.

Mostly police respond in an incident-based way to DFV. They have not fully understood or responded to behaviour that is not physical violence. We support the system-wide change recommended by the Women’s Safety and Justice TaskForce to respond to coercive control.

Police and criminal justice system personnel must be regularly trained in patterns of coercive control. The impact of the legislative changes in this Bill must be effectively evaluated to reduce the risk of unintended consequences of this Bill. The person most in need of protection must be identified accurately to avoid criminalising women and young people. The impact of fear, threats and other behaviours that underpin coercive control on victims must be taken seriously by police and courts. Coercive control is a high risk indicator of potential lethality.

The Women’s Safety and Justice Task Force urged caution in legislating for coercive control. We agree. We are pleased that the Hon. Shannon Fentimen, in introducing the Bill, has also recognised that legislative responses to coercive control must be introduced with caution.

Evidence shows that there is risk of unintended consequences of legislating coercive control — that is, the criminalisation of many women — in particular First Nations women— can occur if patterns of coercive control are not well understood by police. Adolescent violence in the home (AVITH) can also take the form of patterns of control by young people over siblings



and mothers or carers. We urge caution in criminalising young people — most of whom are victims of DFV themselves.

An unintended consequence of legislating coercive control can be a spike in the use of cross-applications with women mis-identified as perpetrators of violence not victims most in need of protection.

We support the comments made by the Hon Attorney-General in introducing the Bill to Parliament:

“...The task force recommended that a standalone offence of coercive control be introduced. However, they were very clear that, prior to the introduction of a standalone offence, system-wide reform is necessary to ensure sufficient services and supports are in place across the domestic and family violence service and justice systems...This reform and critical amendments are required to ensure the coercive control offence will be effective in reducing domestic and family violence and also mitigating any unintended consequences, particularly as they relate to the misidentification of the primary aggressor and the experience of First Nations women and girls. Therefore, consistent with the task force’s approach, this bill does not include the new offence of coercive control but sets the scene and lays the foundation...The bill amends the Domestic and Family Violence Protection Act 2012 to include a reference to a ‘pattern of behaviour’ in the definition of domestic violence...These amendments seek to strengthen systems’ responses to coercive control, through a shift from focusing on responding to single incidents of violence to focusing on the pattern of abusive behaviour that occurs over time. Amendments are also made to clarify the intent and process for a court to hear and decide cross applications—to ensure the person most in need of protection is identified and protected...”

Avoid mis-identification of persons most in need of protection.

In our work in the Multi-Agency Triage and Case-Lead Allocation (MATCLA) team, we see cases of DFV where women are mis-identified as the perpetrators of violence.

Case example 1. QPS attended a call-out to a domestic violence matter. They didn’t thoroughly investigate. They issued a domestic violence protection order against the female. The MATCLA team members considered this case and thought it was odd. The meeting called for more information. In that example it was clear the way the perpetrator used a pattern of coercive control, including systems abuse, against the survivor – the woman was a primary victim not a perpetrator.

Our experience is supported in research by ANROWS. The report *Accurately identifying the ‘person most in need of protection in domestic and family violence law* reported that:

- Women—especially Aboriginal and Torres Strait Islander women—are being misidentified as perpetrators on protection orders and the effects of this are far-reaching.
- Police practice is guided by a focus on single incidents of visible or physical violence. This focus does not always support the appropriate application of DFV legislation, where



violence would be considered in context in order to assess the need for protection from future harm.

- Police sometimes err on the side of caution in making applications, deferring to the magistrate to determine if an order is warranted. However, magistrates in turn may rely on the initial assessments made by police, as may prosecutors. This can create a pinball effect where each decision-maker defers to another's assessment of the appropriateness of an order. Accordingly, this means that accountability for that assessment is unclear.

The ANROWS (2021) report made the following recommendations:

- Create guidance for police on identifying patterns of coercive control.
- Improve processes of decision-making and accountability between police and courts.
- Create guidance for magistrates on how and when they can dismiss inappropriate applications and/or orders.

Recommendation 2. The Queensland Government increase funding to: (i) enable regular police and criminal justice system training on coercive control, and (ii) a continuous program of evaluation to monitor the impact of the legislation.

Recommendation 3. Prioritise and intensify training for police in coercive control, gender and race relations and equity. When police understand that DFV commonly arises as a pattern of gender-based coercive control, rather than an incident-based occurrence, police practices improve. Women —especially Aboriginal and Torres Strait Islander women — are too often mis-identified as perpetrators of violence. The result is excessive use of cross-applications and failure to protect the women who are at risk of harm. Criminalising coercive control may well have unintended consequences of unjustly criminalising women, if police fail to understand the gender-based, patterns of intimidation and abuse that underpin coercive control, and the chaotic, conflict-based violence that can be a product of dislocation and oppression of First Nations' peoples.

Recommendation 4. Keep eyes on the perpetrator. Policing practice and collaborative work with external agencies must focus on risk assessment, perpetrator mapping and every possible effort to increase perpetrator accountability and responsibility for their coercive control and violence.

4. Impacts of coercive control laws on young people

IFYS deals with a lot of young people in our youth programs, foster care and residential care programs. We fear that young people who use controlling behaviours against their mothers and other family members may be inadvertently caught up in the criminal justice system if coercive control laws are misapplied.

Research shows that the majority of young people who use violence in the home have themselves been exposed to DFV and/or have mental health and trauma-related challenging behaviours (Campbell, et al. 2020). There is a risk that applying domestic violence orders or the criminal law to these young people may unjustly criminalise them. The evidence suggests



wrap around, whole of family supports are more appropriate than policing and criminal justice responses in most cases.

Recommendation 5. Avoid criminalising young people whose own controlling behaviour may be a product of inter-generational cycles of violence and trauma. Increase investment in early intervention, trauma-informed wrap around supports for adolescents who use controlling and violent behaviours.

The recent ANROWS study highlights the impacts and prevalence of DFV on children and young people and how the looking at the unintended consequences of legislating against coercive control will impact children and young people. The study has recommended that the role of intergenerational violence and the complex needs of young people who are impacted by, and who use family violence, specialist policy and practices need to reflect this.

“This study represents the first national prevalence study of AFV in Australia. Recent reviews conducted at the national and state level have found that evidence on the nature and prevalence of AFV remains limited and, as such, the support needs of young people using family violence are not well understood nor responded to (Special Taskforce on Domestic and Family Violence in Queensland, 2015).

This study lends further weight to the critical call for Australian children and young people to be viewed and responded to as victims of domestic and family violence in their own right (Fitz-Gibbon, Reeves et al., 2022). Recent national and state reviews have repeatedly found that children are often only responded to through the lens of a primary carer, most commonly the mother, with the Victorian RCFV (2016) describing children as the “silent victims” of family violence. By evidencing the confronting reality and high presence of violence in the lives of children and young people living in Australia, this study supports the timely development of trauma-informed and child-centric responses to all forms of domestic and family violence, including child abuse and AFV.”

5. Need for more innovative co-location, co-responder and high risk teams to respond to domestic and family violence.

IFYS commissioned a review of our MATCLA program this year. The MATCLA review acknowledged that the collaborative processes in MATCLA enable much more comprehensive information to be shared among police, government and NGOs — especially on the patterns of coercive control and other perpetrator behaviours. The DFV skills development and cross-sector relationships are very positive and enhanced with the co-location of the VPU and MATCLA.

Participating agencies in MATCLA noted that the perpetrator mapping tool originating from David Mandel’s Safe&Together™ model can help the Police to understand perpetrator accountability and DFV as a pattern of coercive and controlling behaviour, rather than incident based. They recognised, however, apart from police who work in the VPU, very few police in



the region are well equipped to understand DFV power dynamics and the importance of perpetrator accountability.

This can lead to mis-identification of women as the aggressors and respondents to domestic violence orders. Participants described cases where women primarily are wrongly identified as perpetrators of violence under the legislation. In some cases with VPU and MATCLA assessment and action, more fulsome assessments are undertaken and DV orders on women were withdrawn.

Participants described how police attend DFV occurrences when violence, risk and emotions are high. If police do not have the skill or take time to investigate, to identify patterns of control and violence and who is most in need of protection, cross-orders and unfair “criminalising” of women can occur.

MATCLA is facilitating DFV skills development and shared frameworks with QPS and across sectors to guide actions. David Mandel’s Safe&Together™ Model foundations that underpin MATCLA, and the increasing awareness of the coercive control patterns of perpetrator behaviour, are building a common framework for the analysis of DFV risks and action required across disciplines. The participation with QPS of Queensland Health, Department of Communities, Housing and Digital Economy, Department of Education, Queensland Corrective Services – Community Corrections and DFV specialist and non-DFV specialist service providers in triage, case conference and planning was recognised as a very positive feature of MATCLA by participating agencies. Comments from agency participants included:

“Yes through MATCLA victim/survivors are supported better by police. They’re not on their own any more...I can email QPS to open up communication...We are all in it together. MATCLA has created pathways of conversation between Police and others that didn’t exist before.”

“MATCLA allows IFYS to pull together information collection on perpetrators and patterns of behaviour. Police use that in assessment and triage. Also for example, when QPS attend court to pursue an objection to bail on a perpetrator...police can inform the court better than before MATCLA existed.”

“There are good working relationships in MATCLA. We worked as individuals previously. MATCLA provides a collaborative forum—an information sharing forum and brought a unified focus on how to talk about risk. The Safe & Together approach and the – MATCLA focus on perpetrator mapping. These are a positive shift. “

To respond more effectively to coercive control in the future DFV service models in Queensland could benefit from more integrated DFV teams, co-location of DFV specialists in regional police stations, co-responder and high-risk teams.



To achieve continuous improvement in DFV responses and shift awareness from DFV as an incident to DFV as pattern of harmful behaviour, the MATCLA review reported that QPS must continue to provide skills development in DFV. The implementation of more co-location models, in which support workers are embedded in police stations in the region, is a useful strategy to foster cross-discipline learning and collaboration.

The MATCLA review also reported that to avoid women being mis-identified as perpetrators of DFV by police, more training in patterns of coercive control; the person most in need of protection and 'victim-resistance' is required.

The MATCLA framework in addition to a mapping tool informed by David Mandel's Safe&Together™ Model is applied across member agencies and disciplines to inform their risk assessment processes and to ensure that the person most in need of protection is identified and supported.

Comments for participating agencies included:

"The mapping tool helps us to know and share information on the risk posed by the perpetrator..."

"The information sharing tool helps to know who's in most need of protection...Knowing perpetrator behaviours makes it easier to predict risk. We could use this approach more in our own agency to help staff, for example to understand that if a woman is saying is this paranoia or is it perpetrator behaviour, staff can respond better."

Selected comments in support of information sharing included:

"By sharing responsibilities and putting together supports to be offered to the client MATCLA has provided an opportunity for the potential supports to gather enough information to better support the clients and act on potential risks...There have been a number of times within MATCLA meetings where individuals have brainstormed in creative ways to engage hard to reach at risk clients. "

On three occasions we could shoot information out quickly to police and the DV perpetrator was apprehended...In one case, a high risk perpetrator knew police and agencies were "on to him." He came to [name of service] and handed himself in..."

MATCLA members expressed significant concern about the inconsistent and often ineffective way the criminal justice and support systems respond to male perpetrators of violence. They described the importance of: (1) police and judicial officers understanding and taking full account of the dynamics and risks of DFV —the patterns of coercive control — in determining consequences for perpetrators, and (2) the support system building a much greater capacity



to engage men in help-seeking and provide a range of counselling and behaviour change options. Through the process of police and external providers meeting routinely to assess risks and map perpetrator behaviours, the full context of the victim and perpetrators dynamics can be more fully assessed.

“Through our shared responsibility in managing risk, we get a richer understanding of what’s happening for families, and who’s involved, and what is needed. Before MATCLA we only used to get part of the information. It is good to get the context of why DFV survivors are acting in ways that they are...We can make sense of people’s experiences...”

“Risk is a pattern “under the ice-berg.” The control is coming to the surface through MATCLA... Relying on women to report is not enough. The deliberate way we document avoids victim-blaming...We are effective in identifying patterns. We can better respond, because we are better informed of the risk posed by DFV perpetrator as they are ‘on the radar’. Our mapping allows a shift from incident to escalating behaviours of the perpetrator.”

Recommendation 6. Increase co-location and collaborative models with QPS and external agencies. Collaborative, co-location work with QPS builds bridges. It builds good relationships; improves information sharing and helps to break down the us and them culture that commonly exists between QPS and external agencies. DFV models such as co-location, co-responder and high-risk teams improve understanding of coercive control. These models must be expanded across Queensland.

Improve cultural capability and culturally safe DFV practice

The need to sustain and grow cultural capability and collaboration between community-controlled agencies, mainstream agencies and QPS was reported in the MATCLA review. MATCLA has representation from an Aboriginal and Torres Strait Islander community controlled agency, REFOCUS. The REFOCUS staff affirmed the importance of community-controlled agencies participating in collaborative processes like MATCLA. They can provide culturally responsive support to families, but first the questions about cultural background and help-seeking must be asked and recorded by police and agencies. To respond effectively to coercive control, more investment is needed in community-controlled services and culturally safe practice in mainstream DFV services.

Final Comments

The complex needs of people experiencing domestic and family violence, including adult, adolescent and child victims, require collaborative responses from many support systems — police, Community Corrections and Justice, Health, Education, community services, community-controlled agencies, disability services, youth services, Housing and more. These systems need to be responsive to Aboriginal and Torres Strait Island people and responsive to the diverse cultures, identities and backgrounds of community members. Importantly patterns of coercive control must be fully understood by police and courts to avoid unintended consequences and criminalisation of vulnerable women, children and young people.

