

Response ID ANON-6CV1-PY3T-G

Submitted to Consultation Draft – National Principles to Address Coercive Control
Submitted on 2022-11-11 23:45:25

Questions about you (or your organisation)

To continue with the survey, please confirm your agreement to the below declaration:

I agree:

Yes

What is your email address?

Email:

anna@feministlegal.org

Are you responding to this survey as an individual or on behalf of your organisation?

Organisation

Organisation

Please enter the name of your organisation:

Organisation:

Feminist Legal Clinic Inc.

Which category best describes you/your organisation?

Legal sector

Other:

Where is your organisation based?

NSW

Questions about the draft National Principles

Please indicate your level of agreement with the following statements:

statement responses - The draft National Principles effectively describe the common features of coercive control.:

Disagree

statement responses - The draft National Principles effectively describe the impacts of coercive control.:

Disagree

statement responses - The draft National Principles effectively describe the key issues associated with a lack of understanding of coercive control.:

Disagree

statement responses - The draft National Principles effectively describe the impact of discrimination and inequality in the context of coercive control.:

Disagree

statement responses - The draft National Principles effectively describe the importance of listening to and working with victim-survivors of family and domestic violence.:

Disagree

statement responses - The draft National Principles effectively describe the key elements needed to effectively address coercive control.:

Disagree

statement responses - The draft National Principles effectively describe the key issues to consider when deciding whether or how to criminalise coercive control.:

Disagree

statement responses - The draft National Principles effectively describe the potential unintended consequences of criminalisation.:

Disagree

statement responses - The draft National Principles are inclusive of a diverse range of experiences and voices.:

Disagree

Would you like to provide more information about your answers?

Please limit your response to no more than 500 words.:

Feminist Legal Clinic Inc. is a community legal service based in Sydney, that works to advance the human rights of women and their children. Our Principal Solicitor has been a member of Legal Aid's Domestic Violence Practitioner Scheme and has provided regular DV advocacy services in Sydney Local Courts. We have acted for many women who are victims of coercive control including representing them when they have been unfairly identified as defendants as well as bringing private applications when police have refused to act on their behalf. While we welcome moves to criminalise coercive control in theory, our main concern is the potential misuse of these provisions against women by male perpetrators of abuse. We are concerned that provisions criminalising coercive control are likely to result in even more women, particularly within the indigenous and migrant community, being unfairly charged and incarcerated for minor incursions while over-arching patterns of abuse by male perpetrators continue unabated. While DV legislation may contain acknowledgement that perpetrators are generally male, this has done little to protect women against victimisation through the legal system with court lists increasingly featuring women unfairly named as defendants in DV matters in which they are really the victim. This was demonstrated by recent research showing that half the women murdered by an intimate partner in Queensland had previously been labelled by police as the perpetrator of domestic violence. This mis-identification of women as perpetrators has to stop.

Do you have any suggestions as to how governments could promote the final National Principles to increase awareness and understanding of coercive control?

Please limit your response to no more than 250 words.:

It is essential that legislation is explicitly framed for the specific protection of women and their children. We are concerned that a move away from sex-based language is leaving women and their children even more vulnerable to abusive males who use the legal system to victimise them further. At Federal level, a major concern is how the family law system, including implementation of the Hague Convention, are being used by male perpetrators to prevent women and children from escaping their abuser. Women are frequently being punished for making allegations against fathers by having their children removed from them and placed solely into the care of the father and suspected perpetrator (see research by Nola Webb et al). To this extent the family law system is facilitating the most heinous coercive control that is currently taking place. These laws must be reframed with sex-based language to ensure women and children's safety is prioritised. Gender ideology should not be elevated above the human rights of women and children. Biological sex is real, as is women's vulnerability, to male violence. The evidence is also clear that the vast majority of violent and sexual crime is committed by males and the laws need to be framed in view of this reality.

Do you have any other feedback on the draft National Principles?

Please limit your response to no more than 500 words.:

I have plenty of feedback to give but very little time to waste on words that are likely to be ignored. However, I would be pleased to expand on any of the points raised above if called upon.

Your survey response