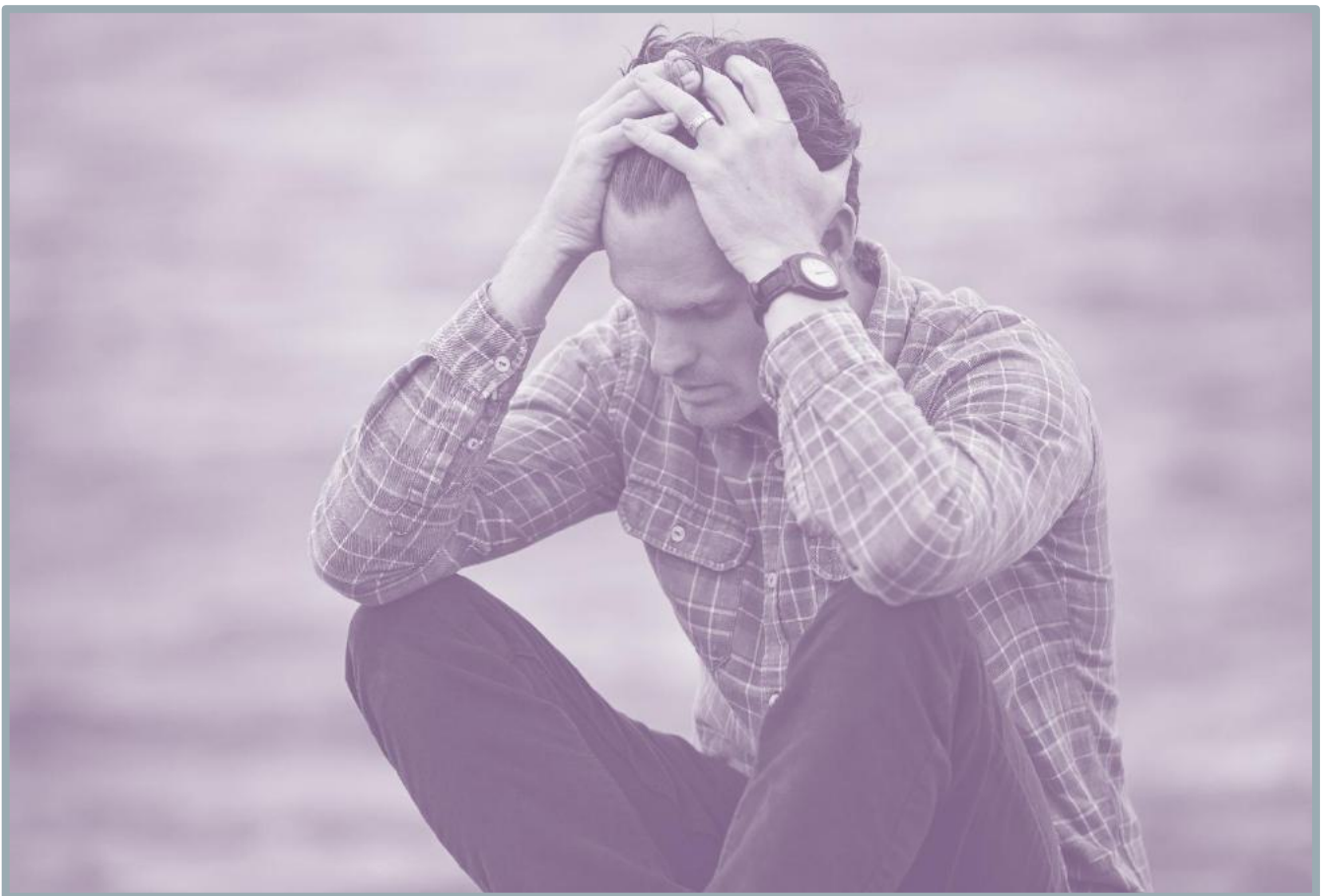


Submission to the South Australian Government:

*Implementation considerations for criminalising
coercive controlling behaviours*



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Executive summary

While coercive control has been identified as underpinning domestic and family violence for a considerable length of time, there is limited evidence regarding the effectiveness of criminalising coercive control, both in Australia and internationally ([ANROWS, 2021](#)). In jurisdictions where coercive control has been criminalised overseas, such as the UK, the Republic of Ireland and Scotland, the effectiveness of such legislation has been determined by the quality of the implementation strategy. Successful implementation of coercive control legislation requires a nuanced and inclusive definition that reflects the range of tactics a perpetrator may use in different contexts; targeted messaging to perpetrators that their behaviour will not be tolerated in the community (including information about where to seek help for managing behaviours); training and upskilling of both the justice and broader service sectors; and additional funding for specialist services to meet the demand of new referrals as a result of the new legislation.

No to Violence are well placed in the sector to support the implementation of coercive control legislation, through the provision of services such as (but not limited to) training and resources to justice and the broader service sector, the Men's Referral Service (MRS) and Brief Intervention Service (BIS), and through the provision of crisis accommodation for perpetrators of coercive control.

No to Violence provides support and advocacy for the work of specialist men's family violence interventions carried out by organisations and individuals in South Australia. The work undertaken by specialist men's family violence services is diverse and includes but is not limited to Men's Behaviour Change Programs (MBCPs), case management, individual counselling, policy development and advocacy, research and evaluation, and workforce development and capability building.

At No to Violence, we believe that legislation has the potential to form an important part of a holistic response to coercive control. However, new offences will only increase the ability of criminal justice systems to respond if these systems correctly identify non-physical abuse. This will depend upon the family violence sector being adequately resourced to provide connected services for victim-survivors and perpetrators.

Summary of recommendations

No to Violence recommends that the South Australian Government's implementation of offences to criminalise coercive controlling behaviours includes:

1. Clear messaging about the many forms of coercive control, including the different types of relationships in which the behaviour can occur, and clarification that coercive control involves a pattern of behaviours rather than a single incident.
2. Targeted information for men about coercive control through several mediums, such as mainstream media (e.g.: sports media, social media campaigns); flyers and information available at pubs and events (e.g.: music festivals, major sporting events); and mandatory Respectful Relationships programs in high schools, universities, workplaces, sporting clubs, and community groups.
3. A nuanced definition of coercive control that reflects the range of tactics a perpetrator may use in different contexts. The ANROWS' definition of coercive control could be used as a guide (see our response to Question 3). Examples of coercive controlling tactics would be beneficial.
4. Comprehensive implementation planning and resourcing including the training and upskilling of both primary and secondary services. No to Violence cautions the South Australian Government against becoming over-reliant on justice-led responses for the following reasons:
 - Given the already high number of domestic and family violence cases across the state, South Australia Police (SAPOL) may not have capacity to respond to additional cases of coercive control;
 - Police have an incident-based approach to domestic violence cases. Incident-based policing is an inappropriate function for identifying and responding to coercive control; and
 - Social and health services are often better placed to identify early signs of coercive control.
5. Provision of targeted information for men about accessing help in managing coercive controlling behaviours, such as No to Violence's Men's Referral Service (MRS) and Brief Intervention Service (BIS).
6. Comprehensive training for the justice system on identifying and consistently responding to coercive control. No to Violence can offer support for workforce planning and training to support the implementation of any coercive control legislative changes.
7. An investment in specialist family violence experts to convene regular external consultations with other connected services (e.g.: housing, mental health, alcohol and other drug services, youth services etc.) to upskill workers in identifying coercive control.
8. New and additional funding for South Australian victim-survivor services, especially those providing legal assistance to victim-survivors, such as Women's Legal Services SA (WLSSA) and the Legal Services Commission of SA (LCSA).

9. Measures to address the current gaps in victim-survivor support in South Australia, such as pre- and post-court appearance supports. The South Australian Government should be guided by the advice of women's services in the domestic and family violence sector and their recommendations regarding addressing the existing gaps for servicing victim-survivors.
10. Additional funding to the following services, to bolster existing supports for victim-survivors of coercive control:
 - Junction SA's housing initiative to support victim-survivors with short term accommodation and to source sustainable living options; and its AOD services
 - Embolden
 - Women's Legal Service Advice
 - Women's Safety Services SA
 - Women's Domestic Violence Court Assistance Service
 - Relationships Australia South Australia
11. An investment into the following services across South Australia, as per No to Violence's key election asks:
 - \$1.8m-3m over three years into existing South Australian men's services, including an expansion of the Men's Referral Services (MRS).
 - \$1.8m over three years to support the development and implementation of a fully resourced and formalised police outreach service, including relevant training, which will directly connect men using violence to the Men's Referral Service.
 - \$5.508m over three years to expand existing crisis housing for perpetrators.
 - Targeted funding for young perpetrator services, so that 1) age-appropriate programs can be developed and 2) the workforce receives training to specialise in working with this age group.
12. Increased funding to all perpetrator services to enable services to respond to increased demand stemming from the criminalisation of coercive control.
13. Funding for No to Violence to develop and deliver a new suite of training packages on coercive control to be included as part of the legislation implementation package.
14. Consultation with perpetrator intervention services regarding their willingness and ability to include programs aimed at perpetrators who use coercive control without physical or other forms of violence, and to ascertain the magnitude of funding that such programming would require.
15. Funding for perpetrator intervention services to secure a foundation of family safety contact practice, including pre- and post-Covid-19 periods.
16. To ensure this legislative change does not result in further overrepresentation of Aboriginal and Torres Strait Islanders in prison, No to Violence recommends:

- The ongoing reform of police practices and procedures, as well as police culture, together with a greater commitment to the development of collaborative projects (such as justice reform initiatives), to address the overincarceration of South Australian Aboriginals whilst still supporting victim-survivors.
- A consultation process should be conducted with Aboriginal and Torres Strait Islander groups in South Australia to inform the legislative changes and implementation phase.

Awareness Raising and engagement

Question 1: What are the key messages that should be communicated about coercive control?

As mentioned in the discussion paper, coercive control involves tactics of emotional and mental abuse which undermine the victim's sense of autonomy and identity. The biggest challenge in defining coercive control is resisting the temptation to oversimplify and reduce it to a set of specific behaviours. In accordance with our stakeholder consultations in South Australia, No to Violence advises that any messaging about coercive control includes examples that capture the nuance of the diverse and abusive tactics that may be used. Overall, No to Violence suggests that key messages about coercive control should include:

1) The many forms coercive control can take (including examples)

No to Violence recommends that messaging includes examples of the many forms coercive control can take, to ensure that victim-survivors can recognise and name their abuse. Although awareness of coercive control is growing, community understanding is still relatively low, and many victims may be unaware that the behaviour they are experiencing is a form of abuse. This is particularly true for members of the community who are already marginalised for various reasons. For these reasons, it is important that key messages incorporate examples of the following types of coercive control:

- Spiritual abuse
- Abuse specific to First Nations peoples
- Deprivation of liberty within a cultural context
- Abuse specific to LGBTQIA+ communities
- Abuse specific for people living with disabilities and their families
- Technology-facilitated abuse
- Threatening or attempting suicide or self-harm
- Gaslighting

These examples are not only important for the awareness victim-survivors – they will help to ensure perpetrators of coercive control understand that these behaviours are unacceptable and will not be tolerated by the community or criminal justice system. This will also enable bystanders to call out coercive controlling behaviour.

2) The different types of relationships where coercive control can occur

No to Violence would prefer a definition of coercive control that provides a holistic representation of relationships to ensure that all persons experiencing coercive control are included. As such, messaging should cover diverse forms of coercive control, including but not limited to:

- Exerting coercive control over a parent or child;
- Coercive control in familial and non-familial caring relationships; and
- Exerting coercive control over a daughter-in-law or other extended family member.

Coercive control can be perpetrated across many different forms of relationships, including intimate partner, familial, caring, and other and other close relationships. It is important this diversity is captured in any messaging for coercive control.

3) Clarification that coercive control involves a pattern of behaviours, rather than a single incident

No to Violence strongly advises that the community messaging about coercive control should clarify that it is a pattern of behaviour rather than a single incident (see legislative definitions in UK and Wales, s76). As heard in the NSW Parliament Joint Select Committee inquiry, perpetrators of coercive control may employ tactics to isolate the victim from their friends and family; control finances; control what they can say, wear or eat; when they can sleep; and when they can leave the house. It is the culmination of such behaviours over time that results in the victim feeling isolated, insignificant, and humiliated. This was true in the case of Hannah Clarke, who was brutally murdered along with her three children by her estranged husband in March 2020. Hannah was subjected to coercive control and other forms of abuse for several years prior to the violence escalating. As noted in the discussion paper, research from the UK has found that coercive control is present in the vast majority of intimate partner homicide cases – even more so than physical violence (Myhill & Hohl 2016, Monckton Smith 2019).

Describing coercive control as a pattern of behaviour will help people to understand that the impacts of abuse are cumulative. As mentioned in the discussion paper, victim-survivors describe coercive control as more harmful and long-lasting than physical abuse. It is important that members of the community are aware of the signs of coercive control, including ways to identify patterns of abusive behaviour and how to report it.

Recommendation 1: No to Violence recommends that the key messages about coercive control include the many forms behaviour can take, including the different types of relationships in which the behaviour can occur, and clarification that coercive control involves a pattern of behaviours rather than a single incident

Question 2: What are the best mediums to communicate information about coercive control to your community?

As the largest national peak body supporting organisations and individuals working with men who use family violence, 'our community' is men who use family violence - in this case, South Australian men. We believe that the messaging to men in South Australia requires a combination of targeted information through mainstream media (e.g.: sports media, social media campaigns); flyers and information available at pubs and events (e.g.: music festivals, major sporting events); and mandatory Respectful Relationships programs in schools, universities, workplaces, sporting clubs and community groups. Examples of similar approaches are already being used to respond to mental illness (Beyond Blue) and gambling addiction (Gambling Help Online). Using multiple and re-enforcing communications strategies creates more opportunities to highlight the harm of coercive control, challenge men's use of controlling tactics, and promote healthy relationships.

As highlighted in our previous submission, media attention is a significant part of community awareness raising. In the United Kingdom, for instance, coercive control has increasingly been an identifiable theme in popular programming such as 'Coronation Street' and the legal drama 'The Split.' However, increasing the visibility of coercive control through popular culture will not be enough to educate the broader population; there also needs to be targeted messaging going out to various groups that covers primary prevention and early intervention of coercive control, to challenge the attitudes and behaviours of men, and to help bystanders and victims identify coercive control - including the pathways available for seeking support.

Recommendation 2: No to Violence recommends providing targeted information for men about coercive control through several mediums, such as mainstream media (e.g.: sports media, social media campaigns); flyers and information available at pubs and events (e.g.: music festivals, major sporting events); and mandatory Respectful Relationships programs in high schools, universities, workplaces, sporting clubs, and community groups.

Education and training for first responders, the legal sector and service providers

Question 3: How is coercive control understood by you and more broadly within your community?

As outlined in ANROWS' (2021) policy brief, No to Violence understands coercive control to be a purposeful course of conduct aimed at dominating and controlling another (usually intimate partner but can be other family member) that is almost exclusively perpetrated by men against women. Coercive control is intrinsic to a particular manifestation of male power, where the man uses non-physical tactics and/or physical tactics to subordinate his partner and maintain his dominance and

control over every aspect of her life. Overtime, this effectively removes her personhood. It may involve strategies such as physical, sexual and/or emotional abuse; psychologically controlling acts; depriving the woman of resources and other forms of financial abuse; social isolation; utilising systems (including the legal system) to harm the woman; stalking; deprivation of liberty; intimidation; technology-facilitated abuse; and harassment. Importantly, the concept of coercive control helps to articulate the ongoing, repetitive, and cumulative nature of intimate partner violence.

As outlined in our response to Question 1, coercive control can manifest in many ways depending on the context of the people involved – and for this reason, No to Violence strongly recommends that the South Australian government avoid producing an oversimplified definition of coercive control. Oversimplification would diminish the nuance and severity of the behaviour. Instead, we recommend that specific examples or ‘case studies’ are included in the messaging about coercive control to capture the range of tactics that perpetrators may use to dominate and control their victim.

Recommendation 3: No to Violence recommends that the South Australian Government adopt a nuanced definition of coercive control that reflects the range of tactics a perpetrator may use in different contexts. ANROWS’ definition of coercive control could be used as a guide. Examples of coercive controlling tactics would be beneficial.

Question 4: If coercive control were made an offence, what might this mean to you and the people around you?

There is little evidence to suggest that criminalisation will, in and of itself, have any significant effect on either the perpetrators or victims of coercive control. As outlined in our previous submission, new offences will only increase the ability of criminal justice systems to respond if these systems correctly identify non-physical abuse. This will depend upon the family violence sector being adequately resourced to provide connected services for victim-survivors and perpetrators

In our consultations with South Australian stakeholders, we heard that services are best placed to identify and respond to early signs of coercive control—and that the community services, rather than solely the police, should be resourced to do this work.

Additional resources and training will need to be allocated to upskill other connected services (for example housing, mental health, youth services).

We take this position because we know that the police are already overwhelmed with the most severe cases of domestic and family violence;

We also understand that identifying and responding to new coercive control legislation will significantly change the way police respond to incidents of domestic and family violence.

This will necessitate moving away from the current approach of incident-based management of South Australia’s policing response to domestic and family violence.

Recommendation 4: No to Violence recommends comprehensive implementation planning and resourcing including training and upskilling both services and police. No to Violence cautions the South Australian Government against becoming over-reliant on justice-led responses for the following reasons:

- Given the already high number of domestic and family violence cases across the state, South Australia Police may not have capacity to respond to additional cases of coercive control;
- Police have an incident-based approach to domestic violence cases. Incident-based policing is inappropriate for identifying and responding to coercive control; and
- Social and health services are often better placed to identify early signs of coercive control

Question 5: If you were concerned about the use of coercive control as an individual, or on behalf of someone else, what systems and services would you approach for support or advice?

No to Violence offers a suite of services that are available to men who are worried about their use of violence and abuse, including coercive controlling behaviours. As such, we would recommend that men concerned about their (or someone else's) behaviour contact the Men's Referral Service (MRS). Alternatively, No to Violence also operates the Brief Intervention Service (BIS) – a time-limited, multi-session telephone support for men pre and post men's behaviour change and who are currently on a waiting list for Men's family violence support. This service is being used increasingly by rural and remote men where there are in person access issues.

Recommendation 5: No to Violence recommends provision of targeted information for men about accessing help in managing coercive controlling behaviours, such as No to Violence's Men's Referral Service (MRS) and Brief Intervention Service (BIS).

Question 6: What education and training is needed to improve the justice sector's understanding of coercive control and detect, investigate and prosecute coercive control appropriately?

As mentioned in our previous submission, responding to coercive control necessitates moving away from our current incident-based policing system. If the criminal justice sector is to be effective in its criminalisation of coercive control, it must have the education and training to move away from incident-based policing.

The below points are critical components of the workforce capacity building required to support a legislative response:

- Consistently identifying and responding to coercive control: Criminal justice systems require training to enable them to identify patterns of coercive control, and to accurately and consistently identify the predominant aggressor during domestic violence callouts.
- Engaging victim-survivors: this will require explaining to the complainant what this pattern is; what it means in a criminal context in order to ascertain criminality; gathering the evidence; and presenting the evidence in court and cross examination on that evidence.
- Specialist knowledge, interview skills to support the gathering of evidence, and professional confidence in the policing, judiciary, child protection, and correctional services contexts.
- Ensuring that the criminal justice system and members of the judiciary have access to and make use of the expert advice from the domestic and family violence sector
- Judiciary roles and responsibilities will require foundational training to interpret the legislation.
- Court experts will need significant clinical front-line experience in working directly with men who use family violence and must also be sufficiently trained in presenting within a court setting.

Recommendation 6: Comprehensive training for the justice system on identifying and consistently responding to coercive control. No to Violence is well placed to be part of workforce planning and training to support the implementation of any coercive control legislative changes.

Question 7: What education and training is needed for organisations that work with victim/survivors and perpetrators of coercive control (e.g.: in health, housing, education, etc.?)

In our consultations with South Australian stakeholders, including with housing and community services, we heard that the most important training for organisations that work with victim-survivors and/or perpetrators of coercive control, is going through a range of case studies that demonstrate the tactics that perpetrators may use to dominate or control their partner. As one stakeholder put it:

“It’s about getting staff comfortable with the messiness of (identifying coercive control)”

It is important that this training is provided to periphery services such as housing, mental health, AOD, youth services - who do not necessarily encounter domestic violence perpetrators on a day-to-day basis. Having learning frameworks in place to build the broader service sector’s confidence in identifying and referring issues of coercive control, will lead to a stronger South Australian domestic and family violence service system, overall.

To facilitate this, periphery services would benefit from having regular external consultations with specialist family violence advisors. This is a more cost-effective and sustainable model than locating specialist family violence experts in all services, and will provide workers with the cross-skilling necessary to identify and report occurrences of coercive controlling behaviour. Alternatively, organisations could explore opportunities to establish formalised partnerships with external agencies, to draw on each other's skill sets and provided integrated responses to coercive control. While this model has the potential to create significant benefits for both organisations, establishing meaningful relationships and ensuring they are providing dual benefit can be challenging.

Recommendation 7: An investment in specialist family violence experts to run regular external consultations with periphery services (e.g.: housing, mental health, alcohol and other drug services, youth services etc.) to upskill workers in identifying coercive control.

Support services for victim-survivors

Question 8: What types of coercive control services should be prioritised?

The South Australian Government should expand their support of existing victim-survivor legal services. This expansion should focus on ensuring that existing services are accessible to and appropriate for victim-survivors, in all their diversity. Participants at No to Violence's [Roundtable on coercive control](#) consistently stated that court experiences continue to be re-traumatising experiences for victim /survivors. To reduce the trauma of the court experience, participants suggested that pre- and post-appearance supports should be provided for victim-survivors. Providing support services would promote the safety and wellbeing of victim-survivors, thereby increasing the chances that they will ultimately benefit from the court process.

Examples of pre- and post-appearance supports include free consultation and representation; help understanding the family violence legal and court system; and access to protective supports during and after the court process. Women's Legal Services SA (WLSSA) provides free and confidential legal information, advice, assistance, referrals, and representation: as well as outreach work, and education workshops/ seminars. Additionally, WLSSA offers a Family Law & Family Violence program providing legal assistance to women fleeing family violence, as well as the Aboriginal & Torres Strait Islander Women's Program that works specifically with First Nations women and their communities.

Similarly, the Legal Services Commission of SA (LSCSA) provides a Women's Domestic Violence Court Assistance Service that provides specialised and free legal assistance for women in South Australia affected by domestic and family violence. Expanding these programs through the provision of long-term funding would enable victim-survivors to access the services they need to aid in recovery.

Recommendation 8: New and additional funding for South Australian victim-survivor services, especially those providing legal assistance to victim-survivors, such as Women's Legal Services SA (WLSSA) and the Legal Services Commission of SA (LCSA).

Question 9: Are there any gaps in the services currently available to victim/survivors of coercive control?

As noted above, participants in the No to Violence’s [roundtables on coercive control](#) identified gaps in pre- and post-court appearance support for victim-survivors of all forms of domestic and family violence, including coercive control. Pre and post support for victim-survivors during the court experience is essential for the safety and wellbeing of victim-survivors. Examples of such support programs include free legal consultation and representation; help with understanding the family violence legal and court system; and access to protective supports during and after the court process.

No to Violence recommends that the South Australian Government hears the advice of women’s services within the domestic and family violence sector, and their recommendations around existing gaps for servicing victim-survivors. No to Violence strongly encourages the committee to support the existing work of its South Australian member, Junction SA, who run services supporting survivors of coercive control. To close any gaps that do not meet the needs of victim-survivors, No to Violence recommends funding existing services, acknowledging and responding to the gaps they identify, and adequately resourcing service organisations through funding.

Recommendation 9: Measures to address the current gaps in victim-survivor support in South Australia, such as pre- and post-court appearance supports. The South Australian Government should be guided by the advice of women’s services in the domestic and family violence sector and their recommendations regarding addressing the existing gaps for servicing victim-survivors.

Question 10: Are there any current specialist and mainstream service providers that could improve and/or tailor their current services for victim/survivors of coercive control?

As Australia’s largest peak body for organisations and individuals working with perpetrators of family violence, No to Violence stands in solidarity with victim-survivor services across South Australia. We know that South Australia’s domestic and family violence sector is underfunded. Women’s safety services, including services that work with victim-survivors, need new, additional, and sustainable

Recommendation 10: Additional funding to the following services, to bolster existing supports for victim-survivors of coercive control:

- Junction SA’s housing initiative to support victim-survivors with short term accommodation and to source sustainable living options; and its AOD services
- Embolden
- Women’s Legal Service Advice
- Women’s Safety Services SA
- Women’s Domestic Violence Court Assistance Service
- Relationships Australia South Australia

funding to provide the services their clients need. Additional funding would enable these specialist services to expand their delivery and further aid victim- survivors.

Appropriate responses to and for coercive control perpetrators

Question 11: What types of perpetrator services should be prioritised?

No to Violence emphasises that the proposed legislation will likely lead to an increased detection of coercive control, an increase in the number of men identified as needing support, and a greater demand for perpetrator services more broadly. No to Violence notes that currently there are not enough services available to cover the existing need in South Australia, let alone an increased need. We are concerned that without significant investment to bolster the men’s services sector, referrals made by SAPOL will place additional pressure on the family and domestic violence sector, homelessness and Alcohol and Other Drug sectors. For these reasons, we are calling on the South Australia Government to fund three key initiatives to hold perpetrators to account for their coercive controlling behaviour, thereby keeping more women and children safe and moving us towards our vision of a future free from male violence. These three initiatives formed No to Violence’s [South Australian key election asks](#). This section addresses these three initiatives as well as an additional ask.

Initiative 1: A fully resourced and formalised police outreach service – including relevant training for police officers – that ensures men identified by South Australia Police (SAPOL) as using violence are formally referred to the Men’s Referral Service.

As mentioned above, we know that the introduction of coercive control legislation will likely lead to increased detection of coercive control by police, who are often the first to respond to instances of family and domestic violence and the first to identify if a man is using violence against his partner, ex-partner, or children. We also know that, historically, Australia’s police forces have struggled to accurately and consistently respond to family and domestic violence.

We applaud South Australia’s concerted effort to improve policing responses to family and domestic violence. This has included the introduction of the Domestic Violence Disclosure Scheme, improvements in specialist family violence training for SAPOL officers, and the creation of Multi Agency Protection Service.

We believe the introduction of a formalised police outreach service in South Australia – including appropriate training for officers – would further strengthen this response by providing outreach to men who have used, or are at risk of using, violence.

No to Violence currently provides police outreach services in Victoria, New South Wales and Tasmania through our [Men’s Referral Service](#), or MRS (more on the MRS in the following section). Our outreach service means MRS can make telephone contact with men who are identified as perpetrators of family violence—within 48 hours of police response. As part of this service, police use the MRS assessment of a family violence incident to identify the level of risk posed by a perpetrator to a victim. This process increases the visibility of perpetrators within the family violence system and gives police with a way to connect perpetrators with services.

This outreach service also provides the opportunity to monitor men for warning signs of escalation – with the ultimate goal of preventing the senseless murders of women and children by keeping perpetrators in view.

We know frontline support services have previously advocated for holistic police outreach for perpetrators as well as victim-survivors. The introduction of this service should include input from victim-survivor services, especially around risk management and enhancing the safety of women and children.

The police outreach service should be implemented alongside extensive training and development aimed at service providers, including SAPOL. This training should be developed and implemented with the involvement of existing men’s services in South Australia that offer training modules aimed at working with perpetrators.

Further, the men’s services sector should work closely with police stations serving areas with high reports of family and domestic violence, and those located in regional areas without access to services, to develop and embed appropriate training.

This training would help to ensure greater SAPOL compliance with this initiative and address the assumptions that underpin police interactions with perpetrators.

Recommendation 11a: In our key election asks, No to Violence asked for \$1.8m over three years to support the development and implementation of a fully resourced and formalised police outreach service, including relevant training, which will directly connect men using violence to the Men’s Referral Service.

Initiative 2: Investment in existing South Australian services working with men to end their use of family violence, to provide an integrated service response to police referrals and increase the number of available Men’s Behaviour Change Programs (MBCPs) and specialist male family violence interventions.

No to Violence would like to reiterate that new legislation will likely lead to increased detection of coercive control by SAPOL, leading to more men being identified as requiring support, more men contacting MRS who require a MBCP or specialist family violence intervention. To facilitate the successful implementation of the new legislation, the South Australian government must adequately fund these MBCPs and specialist family violence services to ensure that they have the capacity to meet service demand.

The past five years has seen a huge surge in demand for the MRS. The number of police referrals of violent men to No to Violence has more than trebled from 17,929 in 2016-17, to 58,065 in 2020-21. Our MRS team is dedicated to assessing and monitoring the risk of every one of those cases. In the past 12 months alone, more than 7500 men called the MRS seeking help to access supports to change their behaviours.

In 2021, in response to the COVID pandemic, No to Violence received funding from the South Australian Government to provide this service specifically for South Australia. The current MRS contract runs from 1 July 2021- 30 June 2024, at \$380,000 per annum. In the 20/21 financial year, MRS received 167 contacts from men in South Australia seeking help for their behaviour; in the first six months of 21/22, that number has almost doubled. The increasing demand for the MRS demonstrates that South Australian men are increasingly aware of the service and, perhaps more

importantly, increasingly able to ask for the help they need to ensure improved levels of safety for women and children.

We anticipate that there will be an increase in calls to MRS as the new legislation criminalising coercive control comes into effect. No to Violence will require more resources to manage the increase in demand. This funding will ensure we can effectively meet demand and start more men on their change journeys.

As the MRS' primary function is to refer men who are concerned about their violent or controlling behaviour into the most effective and pointed community support services, we are concerned that South Australia does not currently have adequate services to meet existing demand, nor a potential increase in demand for services that may accompany the implementation of this legislation. South Australia currently has few services funded to work with men using violence. Those services that do exist are concentrated in Adelaide, with even fewer services available to men in regional and remote areas. Some areas of the state, such as Kangaroo Island, cannot access face-to-face services at all – meaning that men must travel long distances to access support, or rely exclusively on telephone or online counselling.

We know, from our 30 years of experience working with men who use violence, that in-person programs provide more opportunities to keep men in view of the system and to hold them accountable. While telephone counselling is a vital initial support, the evidence shows that men require holistic, wrap-around local services to provide the best chance at changing their behaviours. These services include place-based interventions that reflect the specific needs of the local community, and services that are equipped to work individually with diverse groups of men.

We are concerned that without significant investment to bolster the men's services sector, referrals made by SAPOL will place additional pressure on the family and domestic violence sector, homelessness and Alcohol and Other Drug sectors.

Particularly, we worry that men who present with significant and intersecting behaviours (such as substance abuse disorders, acquired brain injury or poor mental health) will not be able to access the support they need through telephone or online counselling, and that new referrals will result in longer waiting lists for services whose operations remain impacted by COVID-19.

During our stakeholder consultations, we heard that men's services in South Australia can be fragmented and hard to identify or connect with. The provision of additional funding, alongside targeted efforts to coordinate services, can help the South Australian Men's Family Violence sector shift to a coordinated services framework built on clear, definable intentions.

The funding requested, primarily supports a foundational approach which is required to underpin additional measures for men who use coercive control. It is our hope that by investing in this foundation, we can in turn gather practice evidence for more effective modelling that can then be expanded into regional South Australia. For example, a pilot program in metropolitan Adelaide can be used as a basis for new regional programming, as long as it is inclusive of efforts to understand the individual needs of our regions and their local service level requirements.

Recommendation 11b: In our key election asks, No to Violence asked for an investment of \$1.8m-3m over three years into existing South Australian men’s services.

- This investment should be directed into expanding the MRS program in South Australia to cover the increased number of calls that will occur with the implementation of the new legislation
- An additional three to five 20-week MBCPs, including an expansion of existing services into under-served areas of regional South Australia. This cost is inclusive of staff required for intake, risk assessment, active holding on waitlists, facilitating the face-to-face programming and family safety contact work.
- This funding can also support staff in undertaking one to one counselling with men who are not yet ready to enter group programming

Initiative 3: Expansion of existing crisis housing for perpetrators, to help keep victim-survivors safe in their homes, as part of a wider suite of perpetrator interventions.

We commend the South Australian Government’s commitment to keeping women safe and in their homes.

The 2020 announcement of a pilot to fund nine crisis beds for perpetrators, made as part of a \$40 million dollar investment aimed at tackling an ongoing shortage of crisis accommodation, is a strong demonstration of the government’s commitment to innovation in the family and domestic violence sector.

This crisis housing service began in September 2020 and offered independent units to men who needed to remain separated from their families after referrals from police or child protection. Men were connected with counselling and given help securing housing and dealing with court proceedings. Limited public information is available on the outcomes of this pilot, which was a joint initiative through Offenders Aid and Rehabilitation Services and SA Housing. However, we note that this pilot was scheduled to complete at the end of 2021.

Given the South Australian Government’s commitment to innovative and best-practice interventions, South Australia is well-placed to scale up its perpetrator accommodation work.

At No to Violence, we have a strong evidence base for best-practice perpetrator accommodation through our Men’s Accommodation and Counselling Service (MACS) program, formerly known as PASS. This program works alongside MRS and supports men who have been excluded from the home to find both temporary accommodation and the counselling support they need.

In 2021, No to Violence commissioned EY Australia to conduct an evaluation of MACS/PASS. It found the service effectively provides temporary accommodation and associated supports to men who have

been excluded from the home, performing an important role in addressing a service gap within the specialist family violence service system.

Further, MACS/PASS was found to be effective in engaging a broad and diverse range of men who use violence, including Aboriginal and Torres Strait Islander men, men from a wide range of age groups, men from urban and regional areas and men from different cultural backgrounds.

Importantly, the evaluation found client engagement correlated to increased levels of stability and safety for the women and children identified as affected family members

Communicare's Breathing Space intervention in Western Australia is another example of the success that can be achieved with crisis housing for perpetrators. It combines behavioural change programming with the provision of perpetrator accommodation, as well as nine months of supported care after completion of the program.

Breathing Space provides 12 beds for men who use violence or abuse within the family and is a significant example of a best practice approach that holistically supports men to change their behaviour.

Based on the evidence from Victoria and Western Australia, we recommend that the South Australian Government considers further investment and adaptation of the crisis housing program for perpetrators. Any improvements or expansion should draw upon best practice as determined by evidence from other perpetrator interventions.

The funding should be sustainable and adequate, to avoid additional pressures on the homelessness sector and to ensure all participating perpetrators are provided with a sufficient and appropriate level of case management.

No to Violence is always committed to partnering with local South Australian non-government organisations. This could include partnerships with metropolitan and regional homelessness services, to help form new referral pathways and to provide suitable crisis accommodation locations.

We could also seek to partner with Aboriginal Community Controlled Organisations that can support us in responding to First Nations men in culturally safe and informed ways through the provision of MBCPs and individual counselling services.

Further, MACS recently engaged a Family Safety Practice Lead who is co-located at the Victorian state-based 24/7 family violence response centre. This is an integrated service systems role, providing holistic family violence services to 'families' impacted by FDV.

We believe a similar position would work well in South Australia, to ensure the families of men connected to these services remain supported and in view and we recommend the South Australian Government considers further investment into the expansion of this vital service.

Recommendation 11c: In our key election asks, No to Violence asked for an investment of \$5.508m over three years to expand existing crisis housing for perpetrators, with the amount to cover:

- Staffing (\$ 508,000 per annum for 5 program staff, inclusive of a Program Manager, Project Officer and three MACS telephone counsellors)
- Establishment costs (one-off cost of \$30,000)
- Management and administration (\$140,000 per annum)
- An additional FTE to support direct service and administration of crisis housing response (\$170,000 per annum)
- Family Safety Practice Lead co-located with Women’s Safety Services SA (\$170,000 per annum)
- Brokerage (\$682,000 per annum)
- Workforce development (\$36,000 per annum)
- Evaluation activities (\$120,000 per annum)

Initiative 4: Funding for the development of age-appropriate young perpetrator programs

No to Violence consultees voiced that young perpetrators, aged 18-25 years, should be a priority focus for intervention programs. Evidence suggests the prevalence of violence by young men in Australia appears to be increasing. Despite this, South Australia, like most jurisdictions, is completely devoid of specialist services for young people who perpetrate family violence. These young men are referred into adult behavioural change programs. Young people identified as perpetrators often have complex backgrounds including a history of trauma and abuse. As such, many young men who use violence often have co-existing mental health challenges or disabilities. Additionally, practice in this area can be complicated by issues of misidentification of the predominant aggressor.

No to Violence is advocating for funding for young perpetrator services so that young people identified as perpetrators receive age-appropriate, needs-based services. The men’s services sector also requires specialised training on working with this cohort.

Recommendation 11d: Targeted funding for young perpetrator services, so that:

- Age-appropriate programs can be developed
- The workforce receive training to specialise in working with this age group

Question 12: Are there any gaps in the services currently available to perpetrators of coercive control?

In short, South Australia does not have sufficient perpetrator services. Existing services are not keeping up with demand. Programs have long waitlists, meaning that men have to wait up to six months to enter into a behavioural change program, over which time a significant number drop out and do not attend, when a place become available for them. The criminalisation of coercive control will presumably increase the number of men referred to MBCPs and other interventions; thus No to Violence strongly advocates for significantly increased funding for all perpetrator services.

Additionally, No to Violence has identified three important gaps in the availability of services for perpetrators of coercive control. Note that recommendations for filling these gaps are made in the below section.

Recommendation 12: Increased funding to all perpetrator services to enable services to respond to increased demand stemming from the criminalisation of coercive control.

Gap 1: Inconsistency in knowledge and skills on coercive control within the perpetrator workforce

As identified previously in this submission, there is inconsistency in knowledge and skills on coercive control within the DFV sector. With ongoing expansion of our understanding of coercive control and the pervasive role this plays in DFV, there is a need for upskilling the workforces who identify and work with perpetrators. This includes and extends beyond the perpetrator intervention workforce, to ancillary services that work with men who use violence including AOD, community health and mental health practitioners, social workers and counsellors working directly with men in corrective services, child protection services, MBCPs, court programs and specialist family violence policing.

Gap 2: A lack of services for men who use coercive controlling behaviours without physical violence

There is a gap in the South Australian landscape for perpetrator intervention programs specifically aimed at perpetrators who use coercive controlling behaviours but not physically violent behaviours. We endorse the South Australian Government's statement that counselling and treatment programs for men who use coercive control in the absence of physical and other forms of violence would be a useful addition to the current suite of perpetrator responses. Since the primary trigger for entry to perpetrator interventions currently is physical violence or threat thereof, the introduction of these new programs would necessitate substantial changes to policing and referral processes.

Gap 3: Inadequate and inconsistent funding to support the families and children of those enrolled in perpetrator intervention program.

Working with perpetrators to change their attitudes and behaviour contributes to supporting the safety of victim-survivors and children. Men's family violence interventions aim to keep perpetrators in view of the system and hold them accountable – all with the end goal of keeping women and children safe. When men enter an MBCP or other intervention, they receive on-going support through one-on-one counselling and referrals to ancillary services. No to Violence believes adequate and

consistent funding is needed so the people directly affected by men’s violence – overwhelmingly women and children – receive the support they need.

In many Australian states, partner and affected family member safety work (AFM Safety work) is a fundamental foundation of MBCP practice standards and could be used as a template for South Australia. It is intended to ensure the women and children affected by a man’s use of violence are safe, and that safety and risk is always assessed and monitored. AFM Safety work can take many forms, but in its most effective form it is a comparable support system to case management. In this system, a woman who is identified as an AFM of a man enrolled in an MBCP is assigned to a case manager. The case manager maintains regular contact with the AFM (fortnightly or weekly) for the duration of the program. This contact includes providing updates on the MBCP program and curricula, conducting on-going risk assessments to ensure the AFM is safe and probing to ascertain the extent to which the information being provided by the perpetrator to his case manager is true (i.e. whether his behaviour is really changing).

Question 13: Are there current specialist and mainstream service providers that could improve and/or tailor their current services for perpetrators of coercive control?

Fund No to Violence to increase the awareness and consistency of best practice knowledge and practice skills on coercive control, within the perpetrator workforce

Training on coercive control is essential for the workforces that try to prevent and respond to family violence; including statutory agencies like the police, court staff and Magistrates, public sector employees and ancillary services that frequently encounter people using family violence.

No to Violence provides training to various industries and sectors: training that develops skills in identifying, interrupting and responding to men’s use of domestic and family violence. We also support our members – more than 150 organisations and professionals – to deliver this training. The demand for training is increasing. In 2019-20, our team delivered training to 546 participants. In 2020-21 we delivered training to 1707 participants from 318 agencies across Australia.

Within our current suite of training programs, the Introduction to Working with Men using Family Violence program touches on coercive control, but is not sufficient as a stand-alone training on this topic. Practitioners need specific and directed training to identify and respond to instances of coercive control. No to Violence recommends the South Australian Government fund No to Violence to develop and deliver a new suite of training packages on coercive control to be included within the implementation package attached to this new legislation. The suite would build on material presented in the Introduction to Working with Men using Family Violence, refine it for the South Australian context and include tailored delivery to specific workforces, including perpetrator intervention workforces, AOD, community health and mental health practitioners, children protection services, family law mediators and so on.

Recommendation 13: Funding for No to Violence to develop and deliver a new suite of training packages on coercive control to be included as part of the legislation implementation package.

Consult with perpetrator intervention services to address the lack of services for men who use coercive controlling behaviours without physical violence

As stated previously, there is a gap in the South Australian landscape for perpetrator intervention programs specifically aimed at perpetrators who use coercive controlling behaviours but not physically violent behaviours. We suggest the South Australian Government consult with perpetrator intervention services regarding their willingness to include this new type of program and the magnitude of funding that would require.

Recommendation 14: Consultation with perpetrator intervention services regarding their willingness and ability to include programs aimed at perpetrators who use coercive control without physical or other forms of violence, and to ascertain the magnitude of funding that such programming would require.

Fund perpetrator interventions services to adequately and consistently support the families and children of those enrolled in perpetrator intervention programs

As discussed in Question 12, perpetrator intervention services do not adequately and consistently support the families and children of men enrolled in perpetrator intervention programs. Therefore, No to Violence strongly advocates that South Australian perpetrator intervention services are funded to establish a baseline of family safety contact practice, including pre- and post-Covid-19 periods.

Recommendation 15: Funding for perpetrator intervention services to establish a baseline of family safety contact practice, including pre- and post-Covid-19 periods.

General questions

Question 14: Is there anything else that should be considered as part of implementing a criminal offence relating to coercive control?

It is likely this legislation will have a disproportionate impact on Aboriginal families and other marginalised groups. No to Violence and our allies are concerned that marginalised groups might not be well represented in this submission process and that the legislative changes may result in further overrepresentation of Aboriginal and Torres Strait Islanders in prisons. We recommend the ongoing reform of police practices and procedures, as well as police culture, together with a greater commitment to the development of collaborative projects (such as justice reform initiatives), to address the overincarceration of South Australian Aboriginals whilst still supporting victim-survivors. Further, we recommend a specific consultation process be conducted with South Australian Aboriginal and Torres Strait Islanders to inform the legislative changes and implementation phase.

Recommendation 16: To ensure this legislative change does not result in further overrepresentation of Aboriginal and Torres Strait Islanders in prison, No to Violence recommends:

- **the ongoing reform of police practices and procedures, as well as police culture, together with a greater commitment to the development of collaborative projects (such as justice reform initiatives), to address the overincarceration of South Australian Aboriginals whilst still supporting victim-survivors.**
- **A consultation process should be conducted with Aboriginal and Torres Strait Islander groups in South Australia to inform the legislative changes and implementation phase.**

Concluding statement

No to Violence appreciates the opportunity to provide our experience and expertise in relation to the implementation of this important legislation.

We support a systemic response to coercive control and wish to ensure that the South Australian Government also considers submissions from our sector.

Criminalisation will not in and of itself end men's use of coercive control.

We can only hope to end men's family violence, in all its forms, when we have a holistic and responsive service system that supports men in all their diversity, to change their attitudes and behaviours.

Criminalisation of coercive control without the necessary supports runs the very real risk of further marginalising already marginalised people and communities who already experience higher rates of family violence and may not be connected to the service system.

This could result in even longer waiting periods for men to enter behaviour change programs and other vital interventions.

If such legislation is to be introduced, it is important to consider ways of ensuring that we do not inadvertently disincentivise victim-survivors from seeking help.

We stand ready to work with the South Australian Government to consider its implementation plan and would appreciate the opportunity to provide further input.