



Submission to the
Women's Safety and Justice
Taskforce:

Options for legislating against coercive control and the creation of a stand-alone domestic violence offence

 **No to Violence**
Working together to end men's family violence

Acknowledgment of Country

No to Violence acknowledges First Nations Peoples across these lands; the Traditional Custodians of the lands and waters. We pay respect to all Elders, past, present and emerging. We acknowledge a deep connection with country which has existed over 60,000 years. We acknowledge that sovereignty was never ceded, and this was and always will be First Nation's land.



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About No to Violence

No to Violence (NTV) is Australia's largest peak body representing organisations and individuals working with men to end family violence. We are guided by the values of accountability, gender equity, leadership, change, and respect.

NTV provides support and advocacy for the work of specialist men's family violence interventions carried out by organisations and individuals. The work undertaken by specialist men's family violence services is diverse and includes but is not limited to Men's Behaviour Change Programs (MBCP), case management, individual counselling, policy development and advocacy, research and evaluation, and workforce development and capability building.

NTV also provides a range of training for the specialist men's family violence workforce including a graduate certificate in partnership with Swinburne University, as well as professional development for all workforces who come into contact, directly and indirectly, with men using family violence.

NTV is a leading national voice and plays a central role in the development of evidence, policy, and advocacy to support the work of specialist men's family violence nationally and in Victoria, New South Wales, South Australia and Tasmania.

About Our Members

NTV represents 183 members Australia-wide. Our membership structure is inclusive of individuals and organisations ranging from specialist services to individuals and groups who have an interest in preventing and responding to men's family violence.

Process of developing submission

Across November 2020 to April 2021, No to Violence consulted with around 500 individuals from across Australia around coercive control. This included enabling community and cohort-led roundtables for victim survivors, First Nation's Women, LGBTIQ+ individuals and communities, people from migrant and refugee backgrounds, Older Australians and people with disability.

This culminated in a national roundtable with attendees and experts from across Australia. These discussions, knowledge and experiences have strongly informed the development of this submission.

We thank all those involved for their generosity, respect and conversation.

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Summary of Recommendations:

Questions 3 and 4: What should be done to improve understanding in the community about what ‘coercive control’ is and the acute danger it presents to women and to improve how people seek help or intervene?

1. The Queensland Government should work with subject matter experts and across the community to deliver extensive community education about coercive control – including around its highly gendered nature. Settings should include schools, entertainment, sports clubs, work, faith communities and in other community settings.
2. A publicity campaign (created across platforms, targeting different communities and cohorts in different language) should also be undertaken leading up to the commencement date of new legislation. The publicity campaign should outline the role different people in the community can take to intervene, utilising the best evidence around bystander education. It should be clear about the steps people can take to seek help or to intervene.

Question 9: What could be done to improve the capacity and capability of the service system to respond to coercive control (this includes services to victims and perpetrators)?

3. The Queensland Government should invest significant resources in the service systems to ensure frontline responders and the sector workforce has the skills they need to appropriately respond to coercive control. This upscaling of investment is imperative, regardless of whether coercive control is criminalised.
 - a. Increase long-term and flexible funding for specialist service providers.
 - b. Provide specialist services with training opportunities to improve their skills related to identifying and responding to coercive control. Organisations like No to Violence should be consulted around how to work with perpetrators regarding coercive control due to the risk of collusion.
4. Require all members of the criminal justice system—from police to judges—to undertake mandatory, rigorous training in coercive control and domestic and family violence more broadly. Training should be designed and implemented by domestic and family violence experts, and police and prosecutors (and other members of the criminal justice system) should be trained together.

Question 10: What could be done to better ensure that women in regional and remote areas of Queensland have access to services with the capacity and capability to respond to coercive control?

5. No to Violence recommends that the Queensland Government increase funding for all specialist services to ensure providers can meet the needs of victim-survivors. This includes providing targeted, long-term support for providers in rural, regional, and remote areas to ensure they have the resources they need to attract and retain highly qualified staff, and that they can provide training on coercive control as needed.
6. In addition, No to Violence recommends that Queensland invest increased funding in:
 - a. Increase funding for all specialist services.
 - b. Increase funding for women’s refuges.

- c. Increase funding for social housing for women and other people escaping domestic and family violence.
- d. Increase funding for family violence specialists in Queensland's Courts.

Question 11: What could be done to better ensure perpetrators in regional and remote areas of Queensland have access to services with the capacity and capability to respond to coercive control?

7. No to Violence recommends that the Queensland Government increase funding for all specialist services to ensure providers can meet the needs of perpetrators. This means increasing funding for MBCP providers to ensure they can:
 - a. attract, retain, and upskill highly specialist staff.
 - b. increase the number of funded places to ensure perpetrators can access interventions quickly.
 - c. Trial interventions across different communities and cohorts with evaluation built in to expand the evidence base.
 - d. invest in innovative practices such as:
 - Developing and implementing online and hybrid MBCPs to meet the needs of geographically dispersed and culturally diverse perpetrators. No To Violence is currently undertaking a research project into online programs that target two cohorts - gay, bisexual and transexual men and rural/remote men.
 - Investing in perpetrator accommodation services to enable victim-survivors to stay in the home (when safe) while removing perpetrators.
8. No to Violence recommends exploring use of online programs so that perpetrators can connect with services in their usual home location.

Question 12: What could be done to better ensure that perpetrators, have access to services and culturally appropriate programs with the capability to respond to coercive control whilst they are on remand or after sentencing in a correctional facility?

9. The Queensland Government should ensure that all perpetrators have access to expert-led, evidence-based interventions and information in culturally appropriate and safe environments. No to Violence recommends that the Government fund specialist services to develop and expand existing services to ensure that men on remand or in prisons can access timely and appropriate MBCPs and other forms of support.

Question 22: What coercive control behaviours would constitute an unacceptable risk of reoffending while on bail?

10. The perpetration of any coercively controlling behaviours while an offender is on bail poses a serious risk of reoffending and escalation in the severity of abuse and should be considered with urgency, undertaking a comprehensive risk assessment.

Question 42: What are the benefits of personal service of PPNs?

11. Continue to require PPNs to be served through personal service.

12. Ensure that the personal service of PPNs is tailored to address the specific circumstances and needs of the user of violence, such as language requirements or illiteracy or cognitive impairment. Undertaking lived experience design work with a specialist perpetrator service can ensure obstacles to recipients understanding their PPN are combated.

Question 49: What improvements could be made to police training to ensure better protection for women and girls who are victims of coercive control?

13. Train police to understand the gendered, powered, patterned and relational contexts in which family violence occurs, particularly addressing racial, cultural and sexuality stereotypes
14. Train police to correctly identify the predominant aggressor within a family violence situation, within the context of non-violent forms of abuse.
15. Ensure training goes across every officer level including scenario-based role playing.

Questions 50 and 51: Should people with a conviction for a domestic violence offence be automatically excluded from working as a police officer in Queensland? Why/Why not?

16. Exclude members of the Queensland Police Service who have been convicted of a domestic violence offence from working as a police officer.

Question 52: What could QPS do differently to better identify people who do not meet service and community standards of behaviour?

17. Create a mechanism for confidential reporting, and independent investigation, of police officers suspected of perpetrating family and domestic violence.

Question 61: Could the risks identified above be mitigated successfully by proper implementation or other means? If so, how?

18. Provide significant, long-term funding to undertake the depth and breadth of organisational change and workforce development required to mitigate implementation risk for QPS.

Question 66: What could be done to mitigate the challenges for specialist service providers?

19. No to Violence recommends that the Queensland Government increase funding for specialist service providers to ensure they can:
 - Attract and retain qualified staff using 5-year funding contracts.
 - Keep-up with demand for existing services including addressing wait lists.
 - Expand services to meet the needs of diverse clientele, both victim-survivors and perpetrators.
 - Provide comprehensive training and regular refresher education courses on coercive control.

Discussion:

Questions 3 and 4: What should be done to improve understanding in the community about what 'coercive control' is and the acute danger it presents to women and to improve how people seek help or intervene?

As has been noted by prominent advocates for the criminalisation of coercive control, there are examples of coercive control narratives in United Kingdom entertainment, including the soap opera '*Coronation Street*', and the legal drama '*The Split*'. This legislation has the possibility of shifting the cultural zeitgeist.

Although an important part of culture change, this will not in itself be enough to educate the broader population. Through extensive consultation, both in the preparation of this submission and previously, there have been constant calls for increased awareness of what non-physical forms of violence look like, targeted to different populations.

Community education and awareness about coercive control can be delivered in school, work, sporting clubs, faith and community settings. Every single person comes with a set of different experiences and background. Programs and messaging need to be able to appeal and resonate with everyone to be the most effective, influenced by gender, sexuality, cultural heritage, familial background and many other facets in individual's lives. As such, different messages and engagement with different communities will be require raising awareness.

One critical element of a community education campaign should be increasing awareness about coercive control and enable the community to identify patterns of coercive and controlling behaviour – including the highly gendered nature. However, the campaign must also provide referral pathways for people who identify that they are experiencing coercive control, as well as referral pathways for those who are using it.

It is vital that this education happens prior to any legislation to reduce unintended consequences of criminalisation (such as being used against victim survivors which are overwhelming women).

Recommendation

1. The Queensland Government should work with subject matter experts and across the community to deliver extensive community education about coercive control – including around its highly gendered nature. Settings should include schools, entertainment, sports clubs, work, faith communities and in other community settings.
2. A publicity campaign (created across platforms, targeting different communities and cohorts in different language) should also be undertaken leading up to the commencement date of new legislation. The publicity campaign should outline the role different people in the community can take to intervene, utilising the best evidence around bystander education. It should be clear about the steps people can take to seek help or to intervene.

Question 9: What could be done to improve the capacity and capability of the service system to respond to coercive control (this includes services to victims and perpetrators)?

Recognition of the impacts of coercive controlling violence, including the impacts of non-physical forms of violence, is incredibly important to validate the experiences of too many people across Australia who experience this insidious pattern of harmful behaviours.

Criminalisation of coercive control may result in perpetrators being identified and removed before they are able to commit other forms of violence. Further, criminalisation of coercive control would send a message that it is unacceptable. This provides an opportunity to raise awareness of the behaviours, attitudes and actions that make up domestic and family violence through extensive social campaigns including primary prevention and early intervention programs. Importantly, community education campaigns and training for police and other members of the criminal justice system can and should happen prior to criminalisation of coercive control.

Criminalisation is not and should not be the endpoint.

As has been seen in the England, Wales and Scotland, the implementation of this offence is only as effective as the justice and social services system responses. Legislative changes to create a new offence will inevitably increase demand on domestic and family violence specialist services. The supply of services must be bolstered to meet demand, or it will not successfully reduce domestic and family violence.

Systemic reforms are required to reduce the social and economic costs of domestic and family violence.

Gender-based violence, including domestic and family violence (incorporating coercive control), has huge economic costs and strains health, legal, police, community and other services. In 2016, KPMG Australia estimated that men's domestic and family violence costs Australia \$22 billion per annum.¹ Research shows that assigning a monetary value to human suffering does little in the way of changing policy, and yet governments continue to invest in these valuations rather than in the cultural change necessary to stop the perpetration of family violence.

What is needed is a whole-of-community response encapsulating government, the community sector, business, and individual communities and citizens. Presently, the systemic response is weighted towards crisis. This is incredibly important in directly responding to the violence experienced by so many; however, expanding preventative and early intervention activities is needed to prevent it happening in the first place and to prevent escalation.

- Addressing the structural and gendered inequalities, behaviours and attitudes that underpin family violence.

¹ KPMG 2016. The cost of violence against women and their children in Australia. Sydney: Department of Social Services. Accessed online 5th February 2021: <https://www.dss.gov.au/sites/default/files/documents/08_2016/the_cost_of_violence_against_women_and_their_children_in_australia_-_summary_report_may_2016.pdf>

- Intervening as early as possible to prevent escalation of coercive control into physical and/or sexualised violence.
- Responding to violent and significantly traumatic experiences with high levels of risk to victim safety.
- Aiding recovery from crisis, and maintenance of stability /behavioural change.

Investment in primary prevention across our whole society

No to Violence calls for increased investment for primary prevention across Queensland to support its implementation, including better targeting of messages for different communities and experiences. As highlighted by Our Watch, primary prevention should address the attitudes, practices and power differentials across the whole population to prevent gender-based violence, including non-physical forms of violence.²

We know what the drivers of coercive control are, and it is critical that the focus is expanded to address them to prevent the social and economic impacts of domestic and family violence for the next generation. These approaches need to be implemented across all areas of society, from schools, to workplaces, sports clubs, government institutions and the justice system.

Current responses to men using violence

Men’s Behaviour Change Programs (MBCP) are offer one avenue for intervention and accountability work for men who use domestic and family and coercive control. MBCPs can provide a suite of intensive and ongoing interventions with perpetrators of violence and coercive control.

These interventions can include group programs, one on one counselling, case management, support for men on wait lists, and follow up with men who have completed a program. Through these multi-faceted programs, perpetrators are kept firmly ‘in view’ of the system and can engage in the deep accountability and change work necessary to stop their violence.

Group work is an essential component of behaviour change and accountability work, as it asks perpetrators to take accountability for their behaviour in front of a group of peers. Taking responsibility for the harm they are causing can increase motivation and investment in the change process.

A fundamental pillar of MBCPs is partner contact work, which works with affected family members to provide appropriate referrals, monitors perpetrator behaviour, and assesses ongoing risk. Unfortunately, partner contact work is often unfunded or funded inadequately which increases risk for partners and affected family members. If a perpetrator is deemed at increasing risk of escalating violence, reports are made to appropriate authorities. While MBCPs are focused on men who use violence, they ultimately exist to ensure the safety of victim-survivors. MBCPs can and must be designed with the safety of victim-survivors in mind.

² Our Watch, Australia’s National Research Organisation for Women’s Safety (ANROWS) and VicHealth (2015). *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia*, Our Watch, Melbourne, Australia

Referral to services to address behaviour

Currently there are two pathways into MBCPs in Queensland: voluntary or mandatory referral to a community-based program, and court-mandated participation in a program through Corrective Services. A system that recognises the harm and seriousness of coercive control must provide every opportunity for interventions (particularly early interventions) to reduce abusive behaviours, decrease the likelihood of domestic homicide, and offer recovery support for victims. Based on consultation with the Men's Behaviour Change practitioners and domestic and family violence peak bodies, No to Violence recommends considerations be given to:

- Reforming bail and remand legislation through consideration of the perpetration of coercive control in whether a defendant should receive bail for a domestic violence-related offence or look at what conditions can be imposed for bail for a coercive control offence.
- Making it a condition of parole for users of violence to participate in registered a men's behaviour change program.
- Developing and strengthening referral pathways for the Court to refer users of violence to registered men's behaviour change programs when making a decision.
- All reports to police of coercive control are referred to wrap around services for people who use domestic and family violence to assess their individual needs, including alcohol and drug, mental health, housing, access to income, appropriate specialist interventions.

We need better ways of working with men who use violence

Coercive control – including physical and non-physical forms of violence - is central to Men's Behaviour Change Programs (MBCPs). MBCPs represent a way to substantially increase community safety, and better respond to the behaviours exhibited by perpetrators of coercive control.

No to Violence believes that men are not born violent. In our work, and in the work that our members do, we have seen it is possible to hold perpetrators to account and help them along the journey to a safer and more respectful life for themselves and their family.

However, we also recognise that this work is relatively new with Practice Standards and dedicated funding only occurring in recent years. There is more to do to build effective practices to intervene within the spectrum of men who use domestic and family violence. A refined approach is needed that acknowledges that men who use violence are not a homogenous group and require different sometimes tailored approaches. Opportunities to intervene early are generally more effective and provide substantially more wrap-around guidance and support for those at the highest risk of reoffending.

Not a homogenous group

Perpetrators are a heterogeneous group: they have different experiences, identities and needs, and need to be able to access programs and interventions that cater to their individual experiences.

Unfortunately, the majority of MBCPs are delivered in English with a very Euro-Centric focus; thus, excluding men who are from migrant and refugee communities; who are part of the GBTIQ+ community; who live in rural, regional or remote areas, and who have different backgrounds from accessing services that meet their needs.

In No to Violence’s consultations on coercive control, particularly with First Nations’ Communities, LGBTIQ+ individuals and communities, and people from migrant and refugee backgrounds, there were calls for culturally appropriate programming to support the men in these communities to understand and change their violent and abusive behaviour.

There were calls for programs to be delivered in language where required, and with an understanding of cultural backgrounds. In the case of family violence within First Nations’ Communities, an understanding of unique drivers within these communities and intergenerational trauma is essential.

“If I were a gay or trans man who was using family violence, I would find it very difficult to engage in an ordinary MBCP. The toxic masculinity that corresponds with family violence can often include homophobia, and the experiences and drivers of these men could be very different” – Participant, LGBTIQ+ consultation

Increasing the cultural competency of specialist services and frontline responders like police is an important step to the process of addressing the behaviour of men who use violence.

Early Intervention

Early intervention is focused at preventing people from needing crisis and tertiary responses due to their experiences of violence and should be an immediate focus for preventing family violence (and the repeat offences of the men who use violence). Throughout consultation, as well as in public discussion around this issue, the importance of raising awareness so people know what to look out for has been consistently highlighted. If done well, this will enable earlier intervention.

Research indicates that men who have less interaction with police and justice responses are more successful candidates for Men’s Behaviour Change Programs.³ Indeed, this aligns with the experience of practitioners of the Men’s Behaviour Change practitioners, with people who have self-referred being the most prepared to change their abusive and violent behaviour.

However, due to the limited supply of these programs and the need to prioritise men deemed at a greater risk, most of these men are either placed on waitlists or in many cases are not offered a place in program.

Given the importance of this work, including keeping the perpetrator in view and monitoring risk through partner contact work (i.e. interacting with affected family member as an ongoing way of assessing risk), the men’s behaviour change sector has little ability to amend processes due to current under resourcing across the sector. Having programs which are specifically focused on intervening early will be required if we are to stop people who use family violence on their path of escalating violence. Coercive control is a key risk factor in intimate partner homicide and early identification and intervention of coercive control may provide increased safety for victim survivors.⁴ Improving information sharing, interagency collaboration, and risk assessment to include information about coercive control will identify users of violence and victim survivors earlier and can result in referrals to

³ Government of Victoria, 2019 *‘Expert Advisory Committee on Perpetrator Interventions: final report’* Accessed online 10 February 2021.

⁴ Myhill, A. and Hohl, K., 2019. The “golden thread”: Coercive control and risk assessment for domestic violence. *Journal of interpersonal violence*, 34(21-22), pp.4477-4497 viewed on 5th February 2021
<<https://pubmed.ncbi.nlm.nih.gov/27807208/>>

the relevant support services. This could play a key part in reducing the number of domestic homicides.

Keeping men engaged when waiting for access to groups

Deciding to reach out for support, or admitting you have a problem with family abuse and violence, is one of the most difficult steps. With nearly 30 years' experience working directly with men, we know that the amount of time a person must wait can be the difference between staying engaged with support or disengaging again.

The workforce that responds to men's use of family violence

A considerable increase in training and professional development is required across all sectors on identifying coercive controlling behaviour patterns.

As was the case in Scotland, significant training was undertaken to ready a justice response to addressing the complex patterns of coercive control. The following critical workforce capacity building components that are required to support a legislative response:

- Clarity about defining the coercive control pattern and competency in attributing the pattern to the perpetrator (identifying, linking and evidencing consistent behavioural patterns to an individual accused of a coercive control related charge).
- Competency to engage victim-survivors will require explaining to the complainant what this pattern is; the scope of criminality; gathering the evidence; and presenting the evidence in court and cross examination on that evidence.
- Specialist knowledge, interview skills to support gathering evidence, and professional confidence in the policing, judiciary, child protection, and correctional services contexts.
- Training for all judges, magistrates, prosecutors and senior law officers that are involved in cases of domestic and family violence (including coercive control), noting countless examples of cases where comment from presiding judges has not been informed by evidence, best practice and an understanding of the nature of domestic and family violence.
- Ensure the provision and access to expert specialist advice to support the definition and specialist evidence.
- Judiciary roles and responsibilities will require foundational training to interpret the legislation.
- Court experts need to have significant clinical front-line experience in working directly with men using family violence and be sufficiently trained in presenting within a Court setting.
- Investment in workforce capacity building will need to be extensive across a range of contexts and fields to support principles that do not retraumatise victim-survivors and children/young people impacted.

No to Violence has significant expertise in the delivery of professional development around working with men who use violence. This ranges from 'Everyday Conversations' which works with senior management, Human Resources and customer facing staff around what to do when you stop abusive and violent behaviour.

No to Violence delivers a Graduate Certificate in Client Assessment and Case Management (Men's Family Violence) in conjunction with Swinburne University. We are well placed to be part of workforce

planning, and the implementation of training to support the implementation of any coercive control legislative changes.

Recommendation

3. The Queensland Government should invest significant resources in the service systems to ensure frontline responders and the sector workforce has the skills they need to appropriately respond to coercive control. This upscaling of investment is imperative, regardless of whether coercive control is criminalised.
 - a) Increase long-term and flexible funding for specialist service providers.
 - b) Provide specialist services with training opportunities to improve their skills related to identifying and responding to coercive control. Organisations like SPEAQ and No to Violence should be consulted around how to work with perpetrators regarding coercive control due to the risk of collusion.
4. Require all members of the criminal justice system—from police to judges—to undertake mandatory, rigorous training in coercive control and domestic and family violence more broadly. Training should be designed and implemented by domestic and family violence experts, and police and prosecutors (and other members of the criminal justice system) should be trained together.

Question 10: What could be done to better ensure that women in regional and remote areas of Queensland have access to services with the capacity and capability to respond to coercive control?

Please see Question 9 for discussion.

Recommendations

5. No to Violence recommends that the Queensland Government increase funding for all specialist services to ensure providers can meet the needs of victim-survivors. This includes providing targeted, long-term support for providers in rural, regional, and remote areas to ensure they have the resources they need to attract and retain highly qualified staff, and that they can provide training on coercive control as needed.
6. In addition, No to Violence recommends that Queensland invest increased funding in:
 - e. Increase funding for all specialist services.
 - f. Increase funding for women's refuges.
 - g. Increase funding for social housing for women and other people escaping domestic and family violence.
 - h. Increase funding for family violence specialists in Queensland's Courts.

Question 11: What could be done to better ensure perpetrators in regional and remote areas of Queensland have access to services with the capacity and capability to respond to coercive control?

Queensland must ensure that perpetrators of coercive control can access appropriate MBCPs in a timely manner. Men in rural, regional, and remote areas do not have easy access to MBCPs. Increasing the accessibility and availability of MBCPs for urban and rural perpetrators requires innovation and upscaling of existing services—this could, for instance, include resourcing specialist providers to develop and run online or hybrid MBCPs where population density is unable to support a program.

No to Violence is currently beginning a multi-jurisdictional research project on online MBCPs for men in rural, regional, and remote areas and intend to share the results of the evaluation when it is completed (July 2022).

Recommendations

7. No to Violence recommends that the Queensland Government increase funding for all specialist services to ensure providers can meet the needs of perpetrators. This means increasing funding for MBCP providers to ensure they can:
 - a. attract, retain, and upskill highly specialist staff.
 - b. increase the number of funded places to ensure perpetrators can access interventions quickly.
 - c. Trial interventions across different communities and cohorts with evaluation built in to expand the evidence base.
 - d. invest in innovative practices such as:
 - Developing and implementing online and hybrid MBCPs to meet the needs of geographically dispersed and culturally diverse perpetrators. No To Violence is currently undertaking a research project into online programs that target two cohorts - gay, bisexual and transexual men and rural/remote men.
 - Investing in perpetrator accommodation services to enable victim-survivors to stay in the home (when safe) while removing perpetrators.
8. No to Violence recommends exploring use of online programs so that perpetrators can connect with services in their usual home location.

Question 12: What could be done to better ensure that perpetrators, have access to services and culturally appropriate programs with the capability to respond to coercive control whilst they are on remand or after sentencing in a correctional facility?

It is integral that perpetrators have access to culturally appropriate information, services, and programs throughout their interactions with the criminal justice system. To that end, the Queensland Government must ensure that qualified, specialist services are available to perpetrators while on remand or in a prison.

This means contracting specialist MBCP providers. Prison-run MBCPs or groupwork sessions cannot facilitate the same type or level of behaviour change necessary to stop men's violence against women. Prison-run programs, especially where correctional officers are employed as MBCP facilitators, cannot effectively create the trusting relationships or safe environments necessary for behavioural change and reflection.

Providing information in multiple ways and enabling perpetrators to ask questions

No to Violence and Victorian Legal Aid (VLA) are currently undertaking research with men who have been identified as the respondent in a domestic violence order and gone through court proceedings. Through this research, we heard that providing men, especially culturally and linguistically diverse men, immigrant men, and First Nations men, with multiple forms of information and the opportunity to ask and answer questions about court processes is integral.

Not only does providing accessible and culturally appropriate information enable men to be fully informed about their rights and legal processes, but men are more likely to take responsibility for their coercive controlling and other abusive behaviours if they understand the charges and the legal process. More information about the VLA project can be found on the ANROWS research register.⁵

Recommendation:

9. The Queensland Government should ensure that all perpetrators have access to expert-led, evidence-based interventions and information in culturally appropriate and safe environments. No to Violence recommends that the Government fund specialist services to develop and expand existing services to ensure that men on remand or in prisons can access timely and appropriate MBCPs and other forms of support.

⁵ <https://www.anrows.org.au/project/victoria-legal-aid-specialist-family-violence-court-client-advisory-study/>

Question 22: What coercive control behaviours would constitute an unacceptable risk of reoffending while on bail?

Coercively controlling behaviour is an indicator for increased risk of intimate partner homicide. Of the recent family violence murders in Queensland, many perpetrators were engaging in coercively controlling behaviours.⁶

In this context, any perpetration of coercively controlling behaviour presents a significant risk of reoffending while on bail and should be considered with urgency. However, these coercive and controlling behaviours pose an unacceptable risk:

- An increase in the severity or frequency of ongoing coercively controlling behaviours
- Threats to kill or use a weapon against the victim
- Threatening or attempting suicide or self-harm
- Harming or threatening to harm a pet or animal
- Following, repeatedly harassing or messaging the victim
- Obsessive jealousy toward the victim

Another key determinant when assessing an offender's risk of reoffending while on bail is the self-assessment of victim-survivors. If a victim-survivor believes it is possible that their abuser may kill or seriously harm them or a member of their family, this poses an unacceptable risk.

Comprehensive risk assessment and management tools are essential to do this.

Recommendation:

10. The perpetration of any coercively controlling behaviours while an offender is on bail poses a serious risk of reoffending and escalation in the severity of abuse and should be considered with urgency, undertaking a comprehensive risk assessment.

⁶ Smee, B 2021, 'Kelly Wilkinson sought help from the police 'almost every day' after her first domestic violence complaint. So what went wrong?', *The Guardian*, 24 April, <theguardian.com/australia-news/2021/apr/24/kelly-wilkinson-sought-help-from-the-police-almost-every-day-after-her-first-domestic-violence-complaint-so-what-went-wrong>

Question 28: What types of coercive control behaviours aren't currently criminalised by existing offences in the Criminal Code?

While the combination of the offences of torture and stalking in Queensland's 2012 Act cover some coercive controlling behaviours, some behaviours remain unlegislated. For instance, existing legislation does not cover spiritual coercion, economic or social abuse clear offences. Spiritual coercion is a particular concern for First Nation's communities.

Examples of spiritual coercion include threatening to remove a First Nations woman from Country or preventing her from accessing Country or cultural events. Stalking is one means of enacting coercive control that, while covered in existing legislation, is substantively different in intimate partner relationships than in stranger-based incidents: when stalking is used as part of a pattern of coercive control, the victim is often aware that the perpetrator is stalking them.

According to Women's Legal Service Tasmania (WLST), it is inadvisable to broaden the accepted definitions of stalking to shoehorn coercive control under existing Family Violence legislation; this view aligns with those in England, where advocates have concluded that stalking offences should not include situations of coercive control in intimate relationships.

Question 42: What are the benefits of personal service of PPNs?

There are significant benefits to personal service of Police Protection Notices (PPNs). Recent research conducted by Victoria Legal Aid and No to Violence, focused on men who use violence's experience of the legal system, found that perpetrators respond better to criminal justice processes when:

- They understand the exact charges against them, the consequences, and the conditions of their order
- They understand the future steps in the process
- They are able to receive information based on their specific circumstances.

Personal service of PPNs assists in providing perpetrators with the information they need to comply with their order and improves the likelihood of their future engagement with the justice process.

Recommendations:

11. Continue to require PPNs to be served through personal service.
12. Ensure that the personal service of PPNs is tailored to address the specific circumstances and needs of the user of violence, such as language requirements or illiteracy or cognitive impairment. Undertaking lived experience design work with a specialist perpetrator service can ensure obstacles to recipients understanding their PPN are combated.

Question 43: What would be the risks of enforcing PPN immediately, even though the perpetrator is not yet aware it exists?

The enforcement of PPNs without personal service, where the perpetrator is not aware an order has been placed against them, is likely to result in the order being inadvertently breached and the user of violence facing additional police action. This raises concerns for First Nations men and other marginalised communities, who already experience higher rates of incarceration.

Additionally, the immediate enforcement of PPNs is likely to create distrust between men who use violence and the justice system and may impact their willingness to engage in Men's Behaviour Change interventions in the future. Furthermore, by creating an adversarial dynamic between the user of violence and justice system, experienced perpetrators may attempt to overturn their orders and use the process to engage in systems abuse.

Question 49: What improvements could be made to police training to ensure better protection for women and girls who are victims of coercive control?

To respond to the perpetration of coercive control effectively and safely, **police must receive comprehensive specialist family and domestic violence training that prepares them to assess non-physical forms of abuse.** There are several foundational principles that should underpin this training.

Firstly, police responses to family and domestic violence are often based on an assumption that victim survivors want to report to police and engage with the criminal justice system. A significant body of research has found that victims of family violence are reluctant to engage police. Some reasons include fear of not being believed, discrimination, and fear that police intervention will escalate the abuse.

This is particularly important for migrant and refugee women, women of colour, First Nations women, women with disabilities, and LGBTQI+ women (and LGBTQI+ men), many of whom have historically difficult relationships with police. Police training should account for fear of the police being a driving factor behind the reason some women do not report violence. It is important that officers are critical of the power they possess and understand that this may be the very reason some women do not report violence. Victim survivors need to feel confident that police will understand their situation and respond in a way that supports their safety.

Secondly, **police must be educated on the gendered nature of violence and equipped to undertake gender-sensitive assessments of family violence matters.** This involves training police, when attending a family violence call-out, to assess who is most in need of protection overall or who is the predominant aggressor. A continuing challenge for police responding to family violence incidents is identifying the predominant aggressor. Misidentification results in the incarceration of women who are victims of family violence and enabling perpetrators, overwhelmingly men, to continue to abuse systems as a way of continuing the perpetuation of family violence. Police should understand the different contexts in which women may use and resist violence and know how to respond to this appropriately. Failing to respond appropriately has a negative effect on subsequent reporting, exposed victims to further harm and potentially emboldens perpetrators to continue to use violence and abuse.

Additionally, Police must also be trained to appropriately respond to people who use violence. Police are often the first 'interruption' point with men who use violence and are uniquely placed to engage and encourage men in help seeking behaviours.

In training police to respond to coercive control effectively and safely, it is important that this training is delivered in connection with specialist family violence provided to other parts of the justice systems, such as legal professionals and courts. Given the complex nature of coercive control, it is key that justice services are aware of their roles and the roles of others in protecting women and children, and how these roles intersect.

No to Violence's Workforce Development team would welcome an opportunity to provide further guidance on police training.

Recruitment and Leadership:

Gender inequity also impacts the way services respond. Only 14 per cent of Queensland senior officers and executive are women according to the 2020 Annual Report. This comparison is in stark contrast to other police forces across Australia. Whilst the appointment of Commissioner Carroll is a good demonstration of female leadership from the top, we encourage you as Attorney General and Minister for the Prevention of Domestic and Family Violence, to work with the Police Minister and Commissioner, to address this immediately.

Recommendations:

13. Train police to understand the gendered, powered, patterned and relational contexts in which family violence occurs, particularly addressing racial, cultural and sexuality stereotypes
14. Train police to correctly identify the predominant aggressor within a family violence situation, within the context of non-violent forms of abuse.
15. Ensure training goes across every officer level including scenario-based role playing.
16. Improve recruitment and enable the promotion of women in senior ranks of Queensland Police as a way of improving responses.

Questions 50 and 51: Should people with a conviction for a domestic violence offence be automatically excluded from working as a police officer in Queensland? Why/Why not?

To become a Queensland Police Service Officer, you must 'Display a high standard of past behaviour and conduct, including your traffic and/or criminal history'⁷.

Members of the Queensland Police Service who have been convicted of a domestic violence offence would, without question, be excluded from working as a police officer under these eligibility criteria.

Evidence suggests that Australian police officers are at least 'as likely' as the general population to perpetrator family and domestic violence. However, it is immensely challenging for victims to report the abuse if the perpetrator is in the police ranks, and similarly difficult to get police to act on these reports. This suggest that the known number of police who commit family and domestic violence is only the tip of the iceberg.⁸

Allowing police officers to continue working following a domestic violence conviction send the message that the Queensland Police Service supports and reward behaviour of this kind, while creating further barriers for victim-survivors to report abuse.

Recommendation:

17. Exclude members of the Queensland Police Service who have been convicted of a domestic violence offense from working as a police officer.

⁷ Queensland Police Entrance Assessment < <https://qps.acer.org/about/eligibility>>

⁸ Gleeson, H 2020, 'Abusers in the Ranks', *ABC News*, 19 October, < <https://www.abc.net.au/news/2020-10-19/police-in-australia-are-failing-to-take-action-against-domestic/12757914?nw=0>>

Question 52: What could QPS do differently to better identify people who do not meet service and community standards of behaviour?

In order better identify police officers who do not meet service and community standards of behaviour, the Queensland Police Service needs to create mechanisms for confidential reporting through an independent body. No to Violence recommends creating a hotline for victim-survivors, or other members of the community, to contact if they have concerns about a police officer's behaviour. These concerns should be investigated both independently and separately to the Queensland Police Service.

Recommendation:

18. Create a mechanism for confidential reporting, and independent investigate, of police officers suspected of perpetrating family and domestic violence.

Question 60: What other risks (not mentioned in the paper) are there in implementing legislation to criminalise coercive control?

In addition to the risks of overcriminalisation, misidentification of the predominant aggressor/person in most need of protection, and increasing overrepresentation of First Nations people in the criminal justice system, No to Violence has identified the following risks:

Additional risks for migrant women and women on temporary visas:

“If we [criminalise] coercive control, we need to have special protection for temporary visa holders ...[to] protect women from being deported.” – Participant, Migrant and Refugee Consultation

Australian visa laws can be used as a tool for coercive control. Due to temporary and partner visa requirements, migrant and refugee victim-survivors are extremely vulnerable to this form of control.

If someone on a temporary visa is charged with a criminal offence, there are grounds to deport them to their country of origin. In the case of partner visas, there is a profound risk that this could result in the deportation of victims of family violence.

No to Violence strongly believes that deporting victims of domestic and family violence is morally reprehensible. The current arrangements present a considerable risk that victims on temporary or spousal visas will not reach out for support out of fear for the immigration implications.

The lack of understanding of Australia’s migration system can also be used by perpetrators to lie as a way of controlling their partner or family member. Through our work and in consultations, No to Violence has frequently heard of perpetrators lying about insecure visa status and threatening to report victim survivors if they leave or did not submit to their demands.

Whilst No to Violence notes that visa and migration issues are a matter for the Commonwealth Government, it is of critical importance to note the importance of:

- Strong advocacy from the Queensland Government regarding reform of the visa system, to better protect victim survivors from migrant and refugee backgrounds.
- Significant funding boosts for specialist multicultural family violence organisations, including for migration lawyers.
- A system response which does not force criminal proceedings, noting in the cases of some partner visas women will be deported if their perpetrator receives a criminal conviction.

No to Violence points to the submission of the Muslim Women’s Association, in particular their response to Question 7 which provides powerful case studies detailing abuse in migrant and refugee communities.⁹

Continuation of coercive control through criminal justice proceedings:

Many women’s rights experts are concerned that a new offence could put women and children in more danger by allowing perpetrators more opportunities to engage with victim-survivors in Court. It

⁹ Muslim Women Australia, ‘Coercive Control Reform Position Statement’, 2021, <https://mwa.org.au/submissions-and-reports/coercive-control-reform-position-statement/>.

is imperative that proceedings do not place further burden on victim survivors, and they are adequately supported throughout legal processes.

No to Violence also considers it important that victim-survivors are provided choice and agency over the path they wish to take – some prefer a service response, some civil, and some criminal. Having these options is important. Perpetrators can use courts and other legal proceedings to remain in contact with, and thereby continue to control, manipulate, and abuse victim-survivors long after their relationship or connection has ended.

Victim-survivors face many challenges when going to court, including the retraumatising experience of providing evidence and statements about their experiences of violence. Although No to Violence notes the important changes to the DFVP Act and Criminal Code, it is important that processes to improve victim survivor court experiences, such as training for the justice system, are incomplete.

Some victim-survivors just want the violence to stop

A ‘black and white’ response to coercive control is not in the interest of victim survivors, particularly in the case of the many women who just want their partners to change. Victim-survivors identified non-criminal responses as a key priority for responding to coercive control:

“Choice and agency for people who don’t want to interact with CJS and for those that do.” – Participant, Victim Survivor Consultation

In these cases, Men’s Behaviour Change Programs (MBCP) and other support services are encouraged rather than a criminal justice response. This was echoed in other consultations, in particular with First Nations communities and services that worked with women from migrant and refugee backgrounds, where victim-survivors’ response preferences are informed by historical over-policing and hyper-marginalisation.

Some victim-survivors who had experienced coercive control noted that they wish a criminal justice response had been available, as it would have enabled them to leave their abusive relationship earlier and more easily. This highlights the importance of choice and agency for victim survivors about the path they choose to take.

Criminal justice response isn’t a deterrent and has the potential to escalate violence and abuse

There is an extensive evidence base around criminal convictions not being an effective deterrent for crime and can potentially have criminogenic impacts.¹⁰ It is important to note that perpetrators of coercive control can and do continue their abuse even while incarcerated, and there is a risk of escalation when perpetrators leave custody. In cases where prosecution is unsuccessful – which is common in all domestic violence prosecutions, including in jurisdictions where coercive control has been criminalised through new legislation—there are significant risks associated with escalation of domestic and family violence following the conclusion of proceedings.

Comprehensive risk identification, assessment and management focused on victim wellbeing and safety are key and need to be undertaken by a skilled and competent workforce. Without significant

¹⁰ Donald Ritchie, ‘Sentencing Matters: Does Imprisonment Deter? A Review of the Evidence’ (Sentencing Advisory Council, 2011), https://www.abc.net.au/mediawatch/transcripts/1128_sac.pdf.

cross sector training in risk identification, assessment and management to monitor victim safety, the creation of an offence would be very dangerous.

Victims are reluctant to engage with the police

A significant body of research has found that victim-survivors of family violence are reluctant to engage Police. Many women and other people who experience family and domestic violence fear they will not be believed, or that reporting violence will only make it worse. In Queensland, where the Queensland Police Union has recently provided evidence attesting to the fact that it does not believe women or domestic violence reports as a matter of course, underreporting is likely higher than in other jurisdictions where police have a less adversarial response.¹¹

Furthermore, many victim-survivors report that they do not want their partner to be convicted or imprisoned; rather, they just want the violence to stop.

“I really loved my partner, I loved him as a person, I did not like the violence. I wish that stopped.” – Participant, Victim Survivor Consultation

This can be particularly challenging for certain communities who have historically been over-policed and otherwise marginalised, specifically First Nations women; the LGBTIQ+ community; people from non-Anglo and/or migrant and refugee backgrounds; and women with disabilities. Victim-survivors from marginalised communities are less likely to engage with police and the criminal justice system than are Anglo, native English speaking, able-bodied Australians.

If engaging with police and the criminal justice system is the only means to access justice under coercive control legislation, it is unlikely to meet the needs of many victim-survivors. These barriers to accessing justice not only indicate the need for culturally appropriate training across the justice and legal system but demonstrate the necessity of a response which extends beyond criminal to civil and social services.

¹¹ Ben Smee, ‘Queensland Police Union Condemned over Claims DVOs Used to Get Advantage in Family Court Disputes’, The Guardian, 16 July 2021, <http://www.theguardian.com/australia-news/2021/jul/16/queensland-police-union-condemned-over-claims-dvos-used-to-get-advantage-in-family-court-disputes>.

Question 61: Could the risks identified above be mitigated successfully by proper implementation or other means? If so, how?

Every jurisdiction that has criminalised coercive control is still adapting to mitigate risks. In Scotland, where criminalisation has been accompanied by significant training and community education, gaps in implementation continue to arise. For instance, in May of this year, legal experts in Scotland warned that domestic abuse and coercive control are not being adequately considered in child custody cases.¹² Despite the relative success of Scottish legislation and initial excitement from women's rights groups, experts warn that misogyny and systemic failures to understand domestic abuse in civil courts is putting children at risk.

The many, recent high-profile murders of women in relationships that have been documented as abusive combined with publicly available data on policing and recent news reports have made it increasingly clear that the QPS has significant and systemic issues with racism and sexism in their ranks.¹³

Family violence capability of the Queensland Police Service

The Queensland Police Service currently employs just 86 specialist domestic and family violence officers.¹⁴ This means there is approximately one specialist domestic and family violence officer for every 60,233 people in Queensland. Domestic violence cases make-up approximately 10% of Queensland's total 'calls for service,' yet the police service dedicates a mere 0.5% of its positions towards domestic violence specialists.

Police misidentification is already a widespread problem in the domestic violence sector and is a particular problem in Queensland: of the 27 women murdered by intimate partner in Queensland in 2017, just under half (12) had been previously identified by police as the perpetrator and given a formal charge or restraining order.¹⁵ Angela Lynch, of Women's Legal Service Queensland, says that many of the officers charged with responding to family violence complaints lack a nuanced understanding or are 'too lazy' to act effectively—or, worse, 'too readily accep[t] the account of the perpetrator'.¹⁶ Breaches of domestic violence orders have nearly tripled in the last nine years, and offending rates continue to increase year-on-year.¹⁷

¹² Jolene Campbell, 'Domestic Abuse Experts Warn That Victims Are Told Not to Disclose Domestic Abuse in Child Contact Battles', News, The Scotsman, 16 May 2021, <https://www.scotsman.com/news/people/experts-and-campaigners-warn-plaint-of-domestic-abuse-victims-and-their-children-ignored-in-scottish-courts-3238452>.

¹³ Ben Smee, 'Queensland Police Investigated after Sexist, Racist and Homophobic Facebook Posts', The Guardian, 13 July 2021, <http://www.theguardian.com/australia-news/2021/jul/13/queensland-police-investigated-after-sexist-racist-and-homophobic-facebook-posts>; Ben Smee, 'Women Fleeing Domestic Violence "Trapped" in Refuges Due to Lack of Housing, Advocates Say', The Guardian, 8 June 2021, <http://www.theguardian.com/australia-news/2021/jun/09/women-fleeing-domestic-violence-trapped-in-refuges-due-to-lack-of-housing-advocates-say>; Smee, "'Racist'"; Ben Smee, 'Call for Urgent Review of Queensland Family Violence Police Procedures after Attempted Murder Charges Laid', The Guardian, 17 May 2021, <http://www.theguardian.com/australia-news/2021/may/17/call-for-urgent-review-of-queensland-family-violence-police-procedures-after-attempted-charges-laid>.

¹⁴ Ben Smee, 'Fewer than 90 Domestic Violence Specialist Police Officers in Queensland to Handle 107,000 Cases', The Guardian, 26 April 2021, <http://www.theguardian.com/australia-news/2021/apr/27/fewer-than-90-domestic-violence-specialist-police-officers-in-queensland-to-handle-107000-cases>.

¹⁵ Domestic and Family Violence Death Review and Advisory Board, 'Domestic and Family Violence Death Review and Advisory Board - Annual Report 2016-2017'; No to Violence, 'NTV Discussion Paper: Predominant Aggressor Identification and Victim Misidentification'; Smee, 'Fewer than 90 Domestic Violence Specialist Police Officers in Queensland to Handle 107,000 Cases'.

¹⁶ Smee, 'Fewer than 90 Domestic Violence Specialist Police Officers in Queensland to Handle 107,000 Cases'.

¹⁷ Queensland Government Statistician's Office, 'Crime Report Queensland 2019-20' (Queensland Government, 2021).

In a 16 July 2021 article for The Guardian, Ben Smee revealed that '[t]he union representing Queensland's police officers has been criticised for claiming some people seek domestic violence orders to gain an advantage in family law disputes.'¹⁸ Queensland Police Union representatives have given evidence that women use false family domestic violence claims—specifically against police officers—to further unrelated matters in court. This public admission that the Queensland Police Union does not, as a matter of course, believe women *or* accept the mounting evidence that Queensland Police members are themselves perpetrators suggests that there is no realistic mitigation strategy for the risks associated with criminalising coercive control.

Domestic violence is criminalised in Queensland, as is murder. And yet men continue to murder their current or former partners at an alarming rate. Criminalising coercive control will not prevent it from happening and is unlikely to deter men from murdering their current or former partners unless it is met with a systematic over haul in how QPS respond.

If new criminal legislation is introduced, it seems unlikely that the Queensland Police Service will be able to enact it in any meaningful way unless there is significant cultural change and training.

Recommendation:

19. Provide significant, long-term funding to undertake the depth and breadth of organisational change and workforce development required to mitigate implementation risk for QPS.

¹⁸ Smee, 'Queensland Police Union Condemned over Claims DVOs Used to Get Advantage in Family Court Disputes'.

Question 65: Are there any other challenges (not mentioned in the paper) for specialist service providers?

As noted in the Discussion Paper, the primary challenge for specialist service providers is persistent inadequate funding. While funding for services has increased, it has not kept up with demand. Specialist service providers are unable to meet the increasing needs of their clients. The introduction of legislation to criminalise coercive control would likely further increase demand for services as women seek to understand their rights and seek support for pursuing charges.

Inadequate, inconsistent, short-term funding means specialise service providers are unable to meet the needs of their clients for a variety of reasons:

- Programs are funded as ‘pilots’ rather than on a continuing basis, hindering efforts to expand programs
- Specialist service providers struggle to attract and retain staff. Short contracts, high workload, and comparatively low pay increase staff burnout and turnover.
- Staff do not have the resources they need to keep-up with demand from diverse clients. Queensland is a culturally and geographically diverse state.

Additionally, the introduction of new criminal legislation will undoubtedly increase the workload for specialist services.

Question 66: What could be done to mitigate the challenges for specialist service providers?

Recommendation:

20. No to Violence recommends that the Queensland Government increase funding for specialist service providers to ensure they can:

- Attract and retain qualified staff using 5-year funding contracts.
- Keep-up with demand for existing services including addressing wait lists.
- Expand services to meet the needs of diverse clientele, both victim-survivors and perpetrators.
- Provide comprehensive training and regular refresher education courses on coercive control.

Question 67: Are there other ways that specialist service providers could support implementation of legislation against coercive control?

If specialist service providers were consistently and adequately funded, they would be able to support victim-survivors and perpetrators navigate new legislation by, for instance, developing and implementing new programs to meet demand; engaging in community education campaigns; running regular trainings for police, prosecutors, and other members of the criminal justice system; and working with policy makers to ensure the needs and concerns of victim-survivors are kept central in all legislation.

Specialist service providers should be contracted to train police and prosecutors, as well as other members of the criminal justice system. These trainings should be mandatory, comprehensive, and should be followed-up with refresher training.

Question 70: What should be key indicators of success when measuring the impact of legislation against coercive control?

When assessing the impact of legislation measuring coercive control, the Queensland Government should take the following into consideration:

- Number of community education campaigns raising awareness about coercive control.
- Ability of public to identify coercive control.
- Ability of police force to correctly identify coercive control.
- Ability of prosecutors to correctly identify coercive control.
- Number of women murdered by their current or former partners.
- Number of coercive control charges laid.
- Proportion of charges laid that result in conviction.
- Proportion of charges laid that result in men being removed from home.
- Proportion of men with coercive control charge who go on to murder their partners or commit other domestic violence offences.
- Perspective of women who have pursued charges under coercive control legislation to understand the extent to which they felt supported and safe.
- Experiences of specialist service staff supporting women to pursue criminal charges for coercive control.
- Experiences of specialist staff supporting perpetrators who are being pursued for coercive control.