



National Principles to Address Coercive Control – Consultation Draft

A submission to: Australian
Government Attorney-General's
Department

November 2022

Authorised by Tracy Adams,
Chief Executive Officer, **yourtown**

email: advocacy@yourtown.com.au **tel:** 0435 081 939

yourtown is a trusted provider of services for young people, with a focus on mental health and wellbeing, long-term unemployment, prevention of youth suicide, child protection, as well as support for those experiencing domestic and family violence. **yourtown** has evolved to helping hundreds of thousands of young people each year by powering a range of service offerings that support them through difficult challenges.

Our services

- Kids Helpline, providing professional counselling and support to 5–25-year-olds across Australia since 1991,
- Kids Helpline @ School and Kids Helpline @ High School, which delivers early intervention and prevention programs through primary and secondary schools
- My Circle, a confidential, private, online peer support network for 13–25-year-olds to share information and build coping skills
- Mental health service/s for children aged 0-11 years old and their families, with moderate mental health needs
- Domestic and family violence refuge, accommodation, and therapeutic supports for women and their children, including post-refuge support
- Accommodation and therapeutic supports for young parents and their children at high risk
- Parentline, a telephone and online counselling and support service for parents and carers in the Northern Territory and Queensland
- Expressive Therapy interventions for young children and infants who have experienced trauma and abuse, or been exposed to violence
- Young Parents Program providing parenting support to help with child development, life skills and health and wellbeing activities in safe, supportive environments, and
- Employment, education, and social enterprise programs to help long term unemployed young people re-engage with education and/or employment.

Kids Helpline

Kids Helpline is Australia's only free and confidential 24/7 phone and online counselling service for young people aged 5 to 25. It offers children and young people a range of care options that are right for their needs and circumstances.

Our commitment to being there anytime, and for any reason, has meant that we have responded to more than 8.6 million contacts from children and young people nationally in the 31 years since our service was first established, whilst also providing tens of millions of self-help interactions via our website and social channels.

In 2021, children and young people across Australia attempted to contact Kids Helpline almost 460,000 times – approximately 1,260 contacts per day, one contact every 69 seconds. Our counsellors provided almost 100,00 counselling sessions. The top issues children and young people contacted us about were mental health and emotional wellbeing (one in two), suicide-related concerns (one in six) and family relationships (one in six).

There was a 109% increase in children and young people requiring an immediate emergency response including the assistance of ambulance, police or child protection compared to 2020; 37% were related to child abuse, 33% to suicide attempts and 10% to sexual assault.

Domestic and family violence support

At **yourtown** we provide safe housing and therapeutic support to women and their children escaping domestic and family violence, and help them to transition into independent, safe, accommodation that is accessible and affordable. Our transitional housing service is available in Queensland, and we have recently expanded our services to offer this support in New South Wales.

In 2021, our domestic violence refuge supported 78 mothers and their children who had fled domestic violence. This support has helped them to develop their own sense of independence and transition into their own accommodation.

yourtown welcomes the opportunity to provide feedback to the Australian Government Attorney-General's Department on the Consultation Draft- National Principles to Address Coercive Control (National Principles). **yourtown** recognises the importance of and need for National Principles. We are encouraged, by the inclusion of draft National Principle 5 and the focus on recognition of the lived experiences of the person experiencing violence (PEV) and person using violence (PUV), specifically the principle of direct engagement of children and young people to inform policy and solutions to address coercive control.

It is disappointing to note that while the draft National Principles are seeking to address coercive control and people with lived experience are anticipated to participate in the consultation process, there is no quick exit mechanism available on the Attorney-General's consultation website, or throughout the survey. The incongruity between the draft National Principles and the consultation process is therefore concerning.

We strongly support the development of a coordinated, comprehensive, and unified national approach to addressing domestic and family violence, and provide our responses to the survey questions below:

yourtown's level of agreement with the following statements:

1. The draft National Principles effectively describe the common features of coercive control.

Strongly disagree

2. The draft National Principles effectively describe the impacts of coercive control.

Disagree

3. The draft National Principles effectively describe the key issues associated with a lack of understanding of coercive control.

Disagree

4. The draft National Principles effectively describe the impact of discrimination and inequality in the context of coercive control.

Disagree

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

Agree

6. The draft National Principles effectively describe the key elements needed to effectively address coercive control.

Disagree

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

Disagree

8. The draft National Principles effectively describe the potential unintended consequences of criminalisation.

Disagree

9. The draft National Principles are inclusive of a diverse range of experiences and voices.

Disagree

Would you like to provide more information about your answers?

yourtown proposes the following amendments to ensure the National Principles create a shared national understanding of coercive control, which is important for improving the safety of all Australians:

Definition and common features

The National Principles adopt a very narrow definition of coercive control, this should be revised and broadened to capture coercive control in other contexts and age groups. The definition of coercive control should reference behaviours that are designed to systematically deny autonomy and dominate, e.g., coercive control is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, frighten, subjugate, or deny autonomy.¹

This broader definition allows for consideration of behaviours that make a person dependent by isolating them from support, exploiting them, depriving them of independence and regulating their everyday behaviour without confining the behaviours to the domestic and family violence context.

Impact on children and young people

National Principle 2 should be revised to better represent the impact on children and young people, including the risk of repeating behaviours modelled in familial settings. Children and young people should be treated as experiencing violence and coercive control in their own right, not simply as dependents of a parent experiencing violence and coercive control. This requires an approach that upholds the safety of children and young people, protects their human rights, and incorporates their voices in decisions that affect them.

Community attitudes

National Principle 3 should acknowledge the impact of community apathy upon the perpetuation of coercive control within society. Cultural or ageist ideas about gender can contribute to patterns of coercive behaviour and shape controlling behaviours in relationships in all contexts. Further, popular culture (including reality television) can exacerbate confusing messages and potentially glorify coercive control behaviours, e.g., derogatory language used to describe women, encouraging, or fostering of online stalking.

Strengthen system integration and remove red tape

Coordinated approaches under National Principle 6 should include strengthening integration of local, area and state-wide services across mental health, health, child protection, education, employment, and other social systems to recognise and respond to coercive control. Building stronger channels for communication for and between services will support a coordinated response effort and minimise those who fall through the cracks in the system.

For example, in Queensland, access to Queensland's Homelessness Information Portal (QHIP) – the homelessness assessment and vacancy management system for homelessness and domestic family violence - is only accessible by publicly funded organisations delivering domestic and family violence services. Despite **yourtown** supporting women and children experiencing domestic and family violence, **yourtown**'s status as a privately funded service prevents it from using QHIP to access client information and manage referrals for their clients experiencing domestic and family violence. This highlights how lack of system integration and red tape can prevent those experiencing coercive control from receiving support from appropriate services when they need them.

¹ Women's Aid Federation of England. 2022. What is coercive control? (<https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/coercive-control/>)

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

'Easy read' versions of the National Principles should be developed and target three different cohorts including, children under the age of 12, teens between the ages of 12-17 and young adult for those aged 18 years of age and over. These versions should be accessible for people with visual and auditory impairments and be available across multiple media channels. All easy read versions should include a reference to Kids Helpline, for those aged 5-25, needing help and support.

Where hosted on a website or social media platform, safe/quick exits should be included and positioned prominently to ensure users can leave the site quickly, if needed. Safe/quick exits can also act as a prompt that the website or social media page contains sensitive information. These websites and social media platform hosting information on coercive control, including raising awareness of the National Principles, should provide clear guidance on how and where to seek help.

Public messages should be short and simple; with reference to the diverse and varied ways in which you can seek support for those experiencing or know of someone experiencing coercive control.

Community awareness about what constitutes coercive control as well as the existence and scope of the National Principles is critical for any legislative mechanism developed to have the necessary levels of uptake to be effective. As such an implementation and communications strategy should be developed alongside the National Principles.

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

Risk of impacting those experiencing coercive control in all contexts

The development of the National Principles provides an opportune moment to inform the national dialogue and the broader community about the various forms of dominating behaviours that coercive control can take from an Australian lens.

However, limiting the scope of the National Principles to the context of family and domestic violence risks skewing understandings of what coercive control is or can be. The Consultation Draft fails to appropriately consider coercive control in other contexts including in situations of elder abuse, financial abuse, mental health involuntary treatment and/or forced treatment, and controlling behaviours perpetrated against migrant working communities. Should the National Principles be endorsed by the Australian Government and State and Territory governments in its current form, the national dialogue will be shaped by this limited approach.

Further, in its current form the narrow definition and common features of coercive control will limit identification and response capabilities. This can have flow on effects for support services seeking to provide appropriate training and to develop systems to identify/discern patterns of behaviour that amount to coercive control and respond/follow up to effectively.

It is also recommended that gender neutral language is used throughout the National Principles. The National Principles should ensure all voices and experiences are heard, whether children, young people and adults at risk experiencing coercive control outside of the content of family and domestic violence, or LGBTQIA+.

yourtown also strongly recommends the National Principles to be amended to allow for people experiencing coercive control to have a greater voice and role to tell their unique stories and experiences, should they wish to have one and regardless of their gender identity or context in which they experience coercive control.

Criminalisation

Significant caution should be exercised by State and Territory Governments in developing and implementing a specific coercive control offence. The National Principles should provide toolkits and guidance material on the criminalisation of coercive control to ensure consistent approaches across the country. State and Territory Government should also undertake intersectional gender analysis and engage marginalised communities in co-design to ensure that proposed policies and legislation do not create further obstacles for diverse groups to live their life free from violence.

Failure to do so would risk further impacting those experiencing coercive control and the capacity to develop a coordinated approach to prevention, early intervention, response, and recovery under National Principle 6.

Guidance material and any toolkits developed must have consideration for concerns around the extent to which people experiencing domestic violence, especially women, are currently misidentified as perpetrators and, the extent to which Aboriginal and Torres Strait Islander peoples are criminalised. As these concerns highlight how laws developed around coercive control that may aim to protect could in turn be used to target those same groups.

We would welcome the opportunity to explore these ideas with you in further detail. Should you require further information about any issues raised in the submission, please do not hesitate to contact Kathryn Mandla, Head of Advocacy and Research at **yourtown** via email at kmandla@yourtown.com.au.