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Changing legislation does not change behaviour

CENTRAL Victoria's leading specialist family violence response service, Centre for Non-Violence, believes Australia is not ready for any change to legislation that has the potential for unintended consequences for women and children, particularly those in marginalised and disadvantaged groups.

As Australian states and territories are being asked to criminalise coercive control, CNV encourages all governments considering legislative change to proceed cautiously.

Following the horrific deaths of many women across Australia in 2020, there has been increased public debate and conversation about coercive control. Some are lobbying for all Australian states and territories to change legislation, as we have seen in countries such as England, Wales and Scotland. Others are urging caution.

Coercive control is a defining feature of family violence, and includes a range of tactics and behaviours where fear is ever present.

If a person is coercive, they are demanding obedience or control over a person's mind, body and movements. A person using coercive control will create an environment that instils fear in all circumstances.

A perpetrator's pattern of behaviour means they have power and control over their victim, making it difficult for them to ever leave the relationship.

It can be difficult for others to recognise coercive control, without knowing the totality of a victim-survivor's experience.

Specialist family violence response services have varying positions on whether coercive control should be criminalised – but all share the same motivation: improved safety for victim-survivors.

Centre for Non-Violence chief executive Margaret Augerinos says while there is urgent need for improved whole-of-system responses to coercive control and better outcomes through the justice system, changes to legislation alone are not the solution.

"There is no evidence to suggest such changes will increase safety for women and children," she said.

"Changing legislation does not change behaviours.

"Coercive control is a complex phenomenon that should not be seen as a stand-alone tactic, but rather a form of serious and harmful abuse that is present in almost every case of violence against women.

“We recognise the need for improved whole-of-system responses to coercive control and better outcomes through the justice system, but changes to legislation alone are not the solution.

“We need a broader social movement that will lead to a change in the behaviours that excuse and condone violence against women, while having a sharp focus on ensuring the current systemic and legal system responses are working as intended.”

Centre for Non-Violence notes that while there is a strong push in NSW for legislative change, the Victorian Royal Commission into Family Violence did not make such recommendations.

We have seen significant reform following the Royal Commission, and Victoria needs time for those reforms to be fully implemented before we can consider whether there has been adequate system-wide and cultural change, particularly in the justice system.

While there is urgency to address justice system responses in relation to violence against women, there remains no common understanding within the criminal justice system about coercive control.

Responses are inconsistent and nuances and the complexity of coercive control are often missed or overlooked. The system needs time to embed the recommendations from the Royal Commission.

“Embedding those reforms, and adequate training of our police force and legal system, are vital,” Ms Augerinos said.

“If we look to change legislation criminalising coercive control before those reforms are embedded, we are concerned there will be unintended consequences for women.

“Women will be burdened with the onus of proof, which in many cases involving coercive control are difficult to evidence.

“It is our view extensive consultation is required with the specialist family violence sector, and importantly victim survivors.”

Our position paper on the criminalisation of coercive control [can be found here](#).

Centre for Non-Violence covers the Loddon region – which includes the City of Greater Bendigo and the Central Goldfields, Mt Alexander, Macedon Ranges, Loddon and Campaspe shires. Centre for Non-Violence can be contacted on 1800 884 292 | The 24-hour statewide safe steps family violence crisis response line is 1800 015 188 | Men’s Referral Service 1300 766 491 | In an emergency, call 000 | For information, visit: www.cnv.org.au/we-are-here-to-help