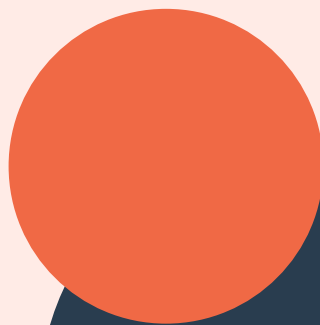




GOVERNMENT OF
WESTERN AUSTRALIA

Legislative Responses to Coercive Control in Western Australia

Discussion paper



1. Foreword

Family life should be safe for everyone. Family violence is never okay and we all have a responsibility to help stop it from happening. This includes the family violence behaviour of coercive control.

The WA Government has put advocating for victims of crime, as well as addressing family violence, as front and centre of its policy agenda. The Government is determined to bring about real change in the way coercive control is addressed in Western Australia - and is asking the community for its views.

This Discussion Paper outlines matters the community, including victim-survivors of coercive control and experts in the legal and family violence sectors, may wish to consider. Coercive control is a destructive pattern of behaviour and the Government acknowledges the serious impacts for victim-survivors.

It is important to consider the best way to improve safety for victim-survivors. Our response to coercive control must not lead to adverse impacts for victims, particularly those who are most vulnerable in our community.

The community is invited to have its say on coercive control as part of ongoing measures to make Western Australia safer for all.

Hon John Quigley LLB JP MLA
Attorney General; Minister for Electoral Affairs

Hon Simone Frances McGurk MLA BA
Minister for Child Protection; Women's Interests;
Prevention of Family and Domestic Violence;
Community Services

2. Acknowledgements

We acknowledge the Whadjuk Nyoongar people, Traditional Owners of the land on which we work, and pay our respects to their Elders past and present. We extend that respect to Aboriginal and Torres Strait Islander peoples across Western Australia and respect their continuing culture and contribution.

We recognise the strength, resilience and capacity of First Nations people in this land.

We acknowledge victim-survivors of family and domestic violence and celebrate their strength.

If you need support after reading this information or participating in this consultation process, you can get help 24 hours a day, seven days a week through the following services:

- 1800RESPECT National Sexual Assault, Domestic Family Violence Counselling Service: 1800 737 732
- Men's Domestic Violence Helpline: 1800 000 599
- Women's Domestic Violence Helpline: 1800 007 339
- Crisis Care: 1800 199 008
- MensLine Australia: 1300 789 978.

For information about the consultation process, you can contact the Office of the Commissioner for Victims of Crime during office hours on 08 9264 9877 or cvoc@justice.wa.gov.au.

3. How to participate in this consultation process

The closing date for submissions to this consultation process is Saturday 30 July 2022.

3.1. A note to victim-survivors and community members

This consultation process is open to the public, so anyone can answer any of the questions in this paper. Some questions refer to specific sections of legislation or issues that you may not have knowledge about. If you cannot or don't want to answer those questions we would still like to hear about your experiences and opinions. We are looking for information about:

- Your experience of family violence that included coercive control and the help you need/needed to feel safe.
- Your experience of getting a family violence restraining order for coercive control.
- Your experience of the court process in dealing with criminal matters that included coercive control.
- What should change to improve the safety of victim-survivors who experience coercive control.
- What should change to hold perpetrators of coercive control to account for their behaviour and change their behaviour.
- Whether you think coercive control should be a criminal offence.
- Anything else you would like to tell us about how we should respond to coercive control in Western Australia.

You can contact us if you have questions about making a submission. If we need to publish responses all information available to the public will be anonymous with identifying details removed. You can also make an anonymous or confidential submission.

3.2. How to make your submission

You can write to us by email or post. Let us know if you have accessibility requirements to make a submission so we can make arrangements for you. Accessibility options may include audio or video submissions, telephone or teleconference submissions, and online or in-person meetings.

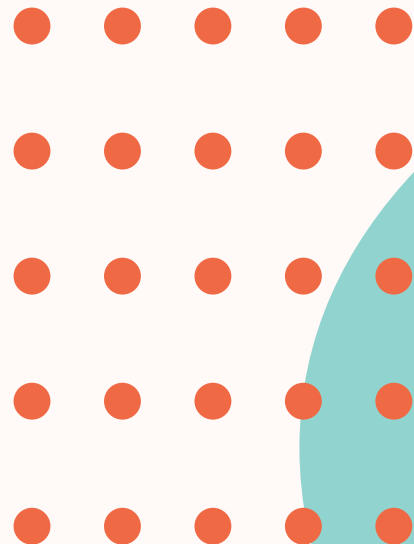
Email: coercivecontrol@justice.wa.gov.au

Mail: Coercive control consultation
Office of the Commissioner for Victims of Crime
GPO Box F317 PERTH WA 6000

Phone: 08 9264 9877

Please contact us if you would like to discuss different options for making a submission or participating in the consultation process.

Submissions close **Saturday 30 July 2022**.



4. Purpose of this discussion paper

This discussion paper seeks feedback about whether current legislative responses to coercive control in Western Australia are adequate, and if not, what the gaps are and how they may best be addressed - what is working well and where things can be improved.

We invite feedback from stakeholders working with victim-survivors in the justice system and family and domestic violence sector; legal and social services; academics; advocates; victim-survivors; and the community about:

- the impact of coercive control in Western Australia
- current responses to coercive control in Western Australia
- future responses to coercive control in Western Australia.

Coercive control is a serious and prolonged type of abuse that has significant impact on victim-survivors. Changing the law is just one of the ways governments can respond to coercive control. Whether governments should introduce new criminal offences to respond to coercive control has been debated across Australia.

The option of criminalisation as the most appropriate legislative response to coercive control is contested.¹ However, in recent Queensland and New South Wales inquiry processes, the weight of submissions were in favour of criminalisation, and recommendations were made to manage the potential unintended consequences of criminalisation. In Western Australia, we are starting with the question - *what is the best way to respond to coercive control in order to increase understanding within the justice system and the broader community, safety for victim-survivors, and accountability for perpetrators?*

In conducting this consultation, we are particularly mindful of the possible implications of criminalisation for vulnerable groups, including Aboriginal and Torres Strait Islander Peoples; people with disability; culturally and linguistically diverse people; elderly people, children, and the LGBTQIA+ community. Our intention is to prioritise the safety of victim-survivors without creating adverse impacts or further marginalisation for victims.

5. Background

5.1. What is coercive control?

Coercive control is a term that describes the context, pattern, and impact of abusive relationships where an ongoing pattern of behaviour causes harm that affects a victim-survivor's autonomy and personhood.²

Perpetrators use a range of tactics to intimidate, monitor, regulate, isolate, humiliate, manipulate, punish, and frighten victim-survivors.³ Behaviours reported by victim-survivors often fall into consistent categories of jealousy, monitoring of movements, financial abuse, social restriction, and emotional abuse or threatening behaviour.⁴ Victim-survivors may be subject to coercive and controlling behaviour over a period of time - sometimes years - and experience profound cumulative and compounding effects.⁵

In addition to its immediate harmful effects, coercive control undermines victims' ability to resist and escape the abusive relationship, and increases the risk of serious and fatal physical injury.⁶ Coercive and controlling behaviour may also persist after separation.⁷ Identifying coercive control is challenging because abusive behaviours are contextual and may vary between relationships and cultures.⁸

A perpetrator's behaviour may not appear to be coercive or controlling to someone outside of the relationship, but cause significant harm to the victim-survivor. Responding to coercive control raises complex legal, policy, and social change issues. These questions are being considered across Australia and responses are different across jurisdictions. A recent key question has been whether or not to introduce new offences to criminalise coercive control.

5.2. Responses to coercive control in other jurisdictions

Criminalisation is being considered in other jurisdictions. Tasmania has previously criminalised economic abuse and emotional abuse or intimidation under sections 8 and 9 of the *Family Violence Act 2004*. The New South Wales Joint Select Committee on Coercive Control tabled its report on coercive control in domestic relationships on 30 June 2021. The report recommended criminalising coercive control. The New South Wales Government supported 17 of the Committee's 23 recommendations and aims to introduce a bill criminalising coercive control in 2022. The Queensland Women's Safety and Justice Taskforce presented its report on options for legislating against coercive control and the creation of a standalone domestic violence offence in December 2021. The Taskforce recommended legislative reform including the introduction of a new criminal offence. South Australia released the Criminal Law Consolidation (Abusive Behaviour) Amendment Bill 2021 for public consultation in September 2021 and the Bill was tabled in Parliament on 27 October 2021.

Coercive control has been criminalised in some international jurisdictions, including:

- England and Wales under section 76 of the *Serious Crime Act 2015*
- Ireland under section 39 of the *Domestic Violence Act 2018*
- Northern Ireland under the Domestic Abuse and Family Proceedings Bill 2020
- Scotland under Part 1 of the *Domestic Abuse (Scotland) Act 2018*.

These offences are constructed to deal with a pattern of behaviour, rather than an isolated incident. The new offences have received significant attention, but due to their recent introduction there is limited evidence about their effectiveness and the impact on victims.

Coercive control has also been considered by the Meeting of Attorneys-General (MAG), which comprises Attorneys-General from the Australian Government, all states and territories, and the New Zealand Minister for Justice. Its purpose is to implement a national and trans-Tasman focus on maintaining and promoting best practice in law reform. At an Extraordinary MAG meeting held on 9 June 2021, the MAG agreed to co-design national principles to develop a common understanding of coercive control and matters to be considered in relation to potential criminalisation.⁹

The national principles will be in two parts:

1. Part one will establish a common understanding of coercive control, including the impacts on women and vulnerable groups and best practice approaches to systems reforms.
2. Part two will address high level questions about the nature and scope of any criminal offence of coercive control and associated implementation issues.

The MAG's Family Violence Working Group is leading the development of the national principles, in consultation with women's safety officials and the Women's Safety Taskforce, which includes the Ministers for Women in all jurisdictions.¹⁰ The national principles will not consider the arguments for or against criminalisation.

6. Current legislative responses to coercive control in Western Australia

Coercive control is already recognised under several legislative frameworks in Western Australia. For example, section 5A(1) of the [Restraining Orders Act 1997](#) defines “family violence” as including any “behaviour by the person that **coerces or controls** the family member or causes the member to be fearful”. Section 5A(2) lists examples of behaviour that may constitute family violence, including acts that may subordinate, monitor, isolate, deprive, punish or humiliate the victim.

In Western Australia, victim-survivors may choose to apply for a family violence restraining order (FVRO) under the *Restraining Orders Act 1997*. FVROs can prohibit a person from doing something that could be considered coercive control. Breaching the terms of an FVRO is a criminal offence, even if some behaviours prohibited by an FVRO are not generally considered criminal behaviour. A court can make a restraining order where it is satisfied that the person named has committed family violence and is likely to again, or that the victim-survivor has a reasonable belief the person named will commit family violence (section 10D). While the FVRO process can provide a measure of protection for victim-survivors, any court process is difficult to navigate and may increase the risk of violence.¹¹

The *Family Violence Legislation Reform Act 2020* introduced a range of measures strengthening responses to family violence in WA. One of these measures was a new criminal offence for persistent family violence, section 300, [Criminal Code Act Compilation Act 1913](#) (the Criminal Code), which will apply where three or more family violence offences are committed against a single victim within a ten-year period. The offence carries a maximum penalty of fourteen years on indictment and three years for a summary offence. It captures persistent low-level offending (excluding indictable only offences) and does not require the victim to particularise¹² the dates and circumstances of the acts of violence. The family violence offences covered by the section 300 offence are prescribed under the following sections of the *Criminal Code* and *Restraining Orders Act 1997*:

- 221BD Distribution of an intimate image
- 298 Suffocation and strangulation
- 301 Wounding and similar acts

- 304(1) Act or omission causing bodily harm or danger
- 313 Common assault
- 317 Assault causing bodily harm
- 317A Assault with intent
- 323 Indecent assault
- 324 Aggravated indecent assault
- 338B Threats
- 338C Statement or act creating false apprehension as to existence of threat or danger
- 338E Stalking
- 441(1)(b) Acts injuring property, when unlawful etc
- *Restraining Orders Act 1997* section 61(1) or (1A) breach of restraining order (FVRO or VRO).

The persistent family violence offence was intended to capture an ongoing pattern of harm. One of the prescribed offences caught by section 300 is a breach of restraining order, including FVROs. Because coercive and controlling behaviour can be grounds to make a family violence restraining order, and a perpetrator can be charged with persistent family violence for three or more family violence offences (including breaches of restraining orders), it is possible for the criminal justice system to recognise the effects of coercive control and for perpetrators to receive criminal convictions for coercive and controlling behaviour. However, this is dependent on the victim-survivor being able to get a family violence restraining order on the basis of coercive control, and perpetrators who breach those orders being charged, prosecuted and convicted with section 300 offences or independent breach offences.

New provisions in the *Evidence Act 1906*, also introduced under the *Family Violence Legislation Reform Act 2020*, provide opportunities in criminal proceedings for the courts to consider underlying patterns of coercive control in relationships. Sections 37-39 allow evidence of family violence to be admissible in any criminal proceedings where it is relevant to a fact in issue. The sections allow experts to give evidence and set out what may constitute family violence, including evidence of:

- relationship history
- cumulative effect of violence
- social, cultural and economic factors
- responses to help-seeking by victim (including from family, community or agencies)
- exacerbating vulnerability (e.g. race, poverty, gender, disability, or age)
- the dynamics of family violence and its psychological, social and economic impacts.

Sections 39C-39E allow a trial judge to give directions to the jury about family violence, including its nature and effect on victims. Section 39F enables jury directions to be given that can inform the court about the nature and impact of coercive control. For example, a trial judge can provide directions about any of the following matters:

- family violence may consist of separate acts that form part of a pattern of behaviour which can amount to abuse even though some or all of those acts may, when viewed in isolation, appear to be minor or trivial (section 39F(1)(a)(iv))
- it is not uncommon for a person who has been subjected to family violence to stay with an abusive partner after the onset of family violence, or to leave them and then return to the partner (section 39F(1)(b)(ii))
- it is not uncommon for a decision to leave an abusive partner, or to seek assistance, to increase apprehension about, or the actual risk of, harm (section 39F(1)(b)(v)).

When making a direction, a trial judge can also explain that behaviour—or patterns of behaviour—that may constitute family violence can include a range of coercive and controlling behaviours, such as:

- placing or keeping a person in a dependent or subordinate relationship
- isolating a person from family, friends or other support
- controlling, regulating or monitoring a person's day-to-day activities
- depriving or restricting a person's freedom of movement or action
- restricting a person's ability to resist violence
- frightening, humiliating, degrading or punishing a person, including punishing a person for resisting violence
- compelling a person to engage in unlawful or harmful conduct.

Sections 124E – 124G of the [Sentencing Act 1995](#) allow a court convicting an offender of a family violence offence to declare the offender to be a “serial family violence offender”. These provisions target offenders who repeatedly commit family violence offences against a single partner or against multiple partners. A court can make a serial family violence offender declaration when the offender has committed three family violence offences (or two indictable only offences) within a ten-year period. Someone who has been declared a serial family violence offender and commits another offence will face a presumption against bail and the possibility of electronic monitoring as part of their bail, post-sentence supervision order, or parole order conditions.

The following discussion questions ask you to reflect on current legislative responses to coercive control in Western Australia, including those under the *Restraining Orders Act*, *Criminal Code* and *Evidence Act*.

Q1: Does the *Restraining Orders Act 1997* adequately address the nature and impact of coercive control?

Q2: Are family violence restraining orders adequately capturing coercive control and patterns of harm in their application:

- through the granting of orders?
- through the prosecution of breaches?

Q3: Is there a good level of awareness about the section 300 persistent family violence offence within the family violence sector, WA Police Force, judicial system and the broader community? If not, why do you think that is?

Q4: How is the section 300 persistent family violence offence being charged and prosecuted? Is it capturing ongoing patterns of harm as intended?

Q5: How are the new evidence provisions in sections 37-39 of the *Evidence Act 1906* being used? Are they making a difference for victim-survivors in their experience of court proceedings (whether as accused or victim)?

Q6: Can current justice system responses to family and domestic violence in Western Australia capture coercive control adequately? Please provide reasons and/or examples.

Q7: Does existing family violence legislation serve the particular needs of vulnerable groups? Why/why not? What improvements are needed in its implementation or application?

7. Future responses to coercive control in Western Australia

As discussed in Part 5 of this discussion paper, identifying coercive control is challenging because abusive behaviours are contextual and may vary between relationships and cultures.¹³ Normalisation of the attitudes and behaviours associated with gender inequality and power relations in family life make it hard for police to recognise coercive control.¹⁴ Victim-survivors do not always identify what they are experiencing as abuse or family violence and may need safety and support over time before they can understand and articulate what happened to them.¹⁵

Coercive control may be justified, accepted, or even perpetrated by family support networks. For example, in culturally and linguistically diverse communities victim-survivors are more vulnerable because of their migrant status, visa status, language barriers, and cultural context. Aboriginal and Torres Strait Islander people may experience abuse differently because of their cultural context; perpetrators may prevent them from returning to country or from practicing their spiritual or cultural customs. It is also possible that concepts of coercive control, particularly when viewed only within the context of intimate partner relationships, may not be meaningful for cultural groups where family violence occurs across much broader familial and kinship relationships.¹⁶

A significant amount of the public discourse and advocacy about coercive control in Australia has focused on whether criminalisation is the most appropriate response. Advocates for introducing coercive control offences argue that criminalisation sends a deterrent message to the community that coercive control and non-physical abuse is not acceptable and will not be tolerated.¹⁷ New criminal offences may provide better recognition of the harm that victim-survivors experience that is not currently acknowledged by the criminal justice system, including through acknowledging patterns of abuse rather than focusing on incidents of violence.¹⁸

Introducing new laws criminalising coercive control would require a substantial commitment from the State Government to education, training, and information provision about their operation, or the new offences may not be effective.¹⁹ It is important to consider the cost of criminalisation (including costs associated with policing, prosecution, court matters, enforcement, and public education campaigns), and whether the resources that would be allocated to developing

and implementing the reform could be better used in other ways. Properly recognising the experience of victim-survivors, public denouncement of abuse, public education, legal system capability building, and driving greater resourcing for support programs can be achieved by options that do not involve criminalisation.

Introducing a new criminal offence may result in unintended adverse consequences for victim-survivors. Victim-survivors of intimate partner violence are already hesitant to report abusive behaviour to police for reasons including fear of not being believed, experiences of discrimination and prejudice, fear that intervention will escalate abuse, and fear of child protection involvement.²⁰ Victim-survivors risk misidentification as the primary aggressor, incarceration (for themselves or their partners) and associated risks of death in custody, and further marginalisation for already vulnerable groups.²¹ Criminalising coercive control may further exacerbate these risks, particularly where policing and prosecution relies on the testimony of parties in the context of a controlling relationship. Criminalising coercive control would create conceptual and evidential challenges for criminal prosecution,²² and victim-survivors may also be subject to increased rates of secondary victimisation through criminal justice processes.²³

It is important to acknowledge that—due to a lack of research, evaluation and understanding of victim-survivor’s perspectives—it remains unclear whether criminalisation would address the problem of coercive and controlling abuse within relationships or improve victim-survivors safety. Any response to coercive control in Western Australia must consider what justice looks like for victim-survivors; what will meet the needs of victim-survivors; what will strengthen perpetrator accountability; and what will meet the needs of vulnerable groups. Alternative responses to coercive control could include:

- increased resourcing of existing measures
- increasing community accountability for perpetrators through justice reinvestment, restorative justice and focused deterrence
- improving justice system responses, including criminal processes and sentencing responses
- improving education and prevention focused measures.

The following questions ask you to reflect on how to improve our legislative and non-legislative response to coercive control in the future.

Q8: Is coercive control a meaningful concept for victim-survivors and the community to understand the nature of family and domestic violence in Western Australia? Should this type of behaviour be called something else or understood differently?

Q9: What responses to coercive control would improve safety for victim-survivors? What responses to coercive control would improve accountability for perpetrators?

Q10: How can the justice system improve its ability to recognise and respond to patterns of violence, rather than incidents?

Q11: Should the Western Australian Government criminalise coercive control?

Q12: If the Western Australian Government criminalises coercive control, how should the risks of adverse impacts for victim-survivors be addressed?

Q13: What are alternative options to criminalisation? In what alternative ways can the objects of criminalisation be achieved?

Q14: What community-based responses could help to address coercive control?

Q15: Is there anything else you would like to say about responding to coercive control in Western Australia?

How to make your submission

Email: coercivecontrol@justice.wa.gov.au

Mail: Coercive control consultation
Office of the Commissioner for
Victims of Crime
GPO Box F317 PERTH WA 6000

Phone: 08 9264 9877

Please contact us if you would like to discuss different options for making a submission or participating in the consultation process.

Submissions close **Saturday 30 July 2022.**

8. Endnotes

¹ Luke McNamara et al, 'Understanding processes of criminalisation: Insights from an Australian study of criminal law-making' (2021) 21(3) *Criminology & Criminal Justice* 12; Lucy Williams and Sandra Walklate, 'Policy responses to domestic violence, the criminalisation thesis and "learning from history"' (2020) 59(3) *The Howard Journal of Crime and Justice* 305; Charlotte Barlow et al, 'Putting coercive control into practice: Problems and possibilities' (2020) 20(2020) *British Journal of Criminology* 161; Sandra Walklate, Kate Fitz-Gibbon and Jude McCulloch, 'Is more law the answer? Seeking justice for victims of intimate partner violence through the reform of legal categories' (2018) 18(1) *Criminology and Criminal Justice* 116; Marilyn McMahon and Paul McGorrery, 'Criminalising coercive control: An introduction' in Marilyn McMahon and Paul McGorrery (eds), *Criminalising coercive control: Family violence and the criminal law* (Springer, 2020) 4.

² Julia Tolmie et al, 'Social entrapment: A realistic understanding of the criminal offending of primary victims of intimate partner violence' (2018) 2 *New Zealand Law Review* 186; Australia's National Research Organisation for Women's Safety, *Defining and responding to coercive control: Policy brief* (ANROWS Insights, 01/2021) 1.

³ Danielle Tyson, 'Coercive control and intimate partner homicide' in Marilyn McMahon and Paul McGorrery (eds), *Criminalising coercive control: Family violence and the criminal law* (Springer, 2020) 76; Evan Stark, 'The "coercive control framework": Making law work for women' in Marilyn McMahon and Paul McGorrery (eds), *Criminalising coercive control: Family violence and the criminal law* (Springer, 2020) 40.

⁴ Hayley Boxall and Anthony Morgan, 'Experiences of coercive control among Australian women' (2021) (Statistical Bulletin No. 30) Australian Institute of Criminology 6.

⁵ Julia Tolmie et al (n 1) 191.

⁶ Marilyn McMahon and Paul McGorrery, 'Criminalising coercive control: An introduction' in Marilyn McMahon and Paul McGorrery (eds), *Criminalising coercive control: Family violence and the criminal law* (Springer, 2020) 12; Kate Fitz-Gibbon, Sandra Walklate and Silke Meyer, 'The criminalisation of coercive control' (Research Brief, 2020) 1; Evan Stark and Marianne Hester, 'Coercive control: Update and review' (2019) 25(1) *Violence Against Women* 89; Sandra Walklate, Kate Fitz-Gibbon and Jude McCulloch, 'Is more law the answer? Seeking justice for victims of intimate partner violence through the reform of legal categories' (2018) 18(1) *Criminology and Criminal Justice* 121; Department of Communities and Justice, *Coercive Control* (Discussion paper, New South Wales Government, 2020) 8.

⁷ Evan Stark and Marianne Hester, 'Coercive control: Update and review' (2019) 25(1) *Violence Against Women* 89, 95.

⁸ Department of Communities and Justice (n 6) 8.

⁹ A copy of the MAG communique June 2021 is available at <https://www.ag.gov.au/about-us/publications/meeting-attorneys-general-mag-communique-june-2021>.

¹⁰ A full copy of the terms of reference is available at <https://www.ag.gov.au/families-and-marriage/publications/development-national-principles-addressing-coercive-control>.

¹¹ Stella Tarrant, Julia Tolmie and George Giudice, 'Transforming legal understandings of intimate partner violence' (Research Report 3, Australia's National Research Organisation for Women's Safety, 2019) 37.

¹² Particulars are the details of an alleged offence, such as the time and place of the offence and how it happened.

¹³ Department of Communities and Justice (n 6) 8.

¹⁴ Charlotte Bishop and Vanessa Bettinson, 'Evidencing domestic violence, including behaviour that falls under the new offence of "controlling or coercive behaviour"' (2018) 22(1) *The International Journal of Evidence & Proof* 8.

¹⁵ Domestic Violence Death Review Team, *Australian Domestic and Family Violence Death Review Network* (Data Report, 2018) 69; Julia Tolmie, 'Coercive control: To criminalise or not to criminalise?' (2018) 18(1) *Criminology & Criminal Justice* 55.

¹⁶ Special Taskforce on Domestic and Family Violence in Queensland, *Not now, not ever: Putting an end to domestic and family violence in Queensland* (2015) 121.

¹⁷ Paul McGorrery and Marilyn McMahon, 'Coercive control is a key part of domestic violence. So why isn't it a crime across Australia?' (February 27, 2020) *The Conversation*. Lucy Williams and Sandra Walklate, 'Policy responses to domestic violence, the criminalisation thesis and "learning from history"' (2020) 59(3) *The Howard Journal of Crime and Justice* 305.

¹⁸ Catherine Donovan and Rebecca Barnes, 'Re-tangling the concept of coercive control: A view from the margins and a response to Walby and Towers' (2018) 21(2) *Criminology & Criminal Justice* 10; Charlotte Bishop and Vanessa Bettinson, 'Evidencing domestic violence, including behaviour that falls under the new offence of "controlling or coercive behaviour"' (2018) 22(1) *The International Journal of Evidence & Proof* 4; Evan Stark and Marianne Hester, 'Coercive control: Update and review' (2019) 25(1) *Violence Against Women* 82; Sandra Walklate, Kate Fitz-Gibbon and Jude McCulloch, 'Is more law the answer? Seeking justice for victims of intimate partner violence through the reform of legal categories' (2018) 18(1) *Criminology and Criminal Justice* 127; Charlotte Barlow et al, 'Putting coercive control into practice: Problems and possibilities' (2020) 20(2020) *British Journal of Criminology* 161; Julia Tolmie et al (n 1) 53.

¹⁹ Marilyn McMahon and Paul McGorrery, 'Criminalising coercive control: An introduction' in Marilyn McMahon and Paul McGorrery (eds), *Criminalising coercive control: Family violence and the criminal law* (Springer, 2020) 21; Charlotte Barlow et al, 'Putting coercive control into practice: Problems and possibilities' (2020) 20(2020) *British Journal of Criminology* 174; Sandra Walklate, Kate Fitz-Gibbon and Jude McCulloch, 'Is more law the answer? Seeking justice for victims of intimate partner violence through the reform of legal categories' (2018) 18(1) *Criminology and Criminal Justice* 121.

²⁰ Charlotte Barlow et al, 'Putting coercive control into practice: Problems and possibilities' (2020) 20(2020) *British Journal of Criminology* 176; Sandra Walklate, Kate Fitz-Gibbon and Jude McCulloch, 'Is more law the answer? Seeking justice for victims of intimate partner violence through the reform of legal categories' (2018) 18(1) *Criminology and Criminal Justice* 121; Heather Douglas, 'Do we need a specific domestic violence offence?' (2018) Jan/Feb 2018(144) *Precedent* 19; Cheryl Hanna, 'The paradox of progress: Translating Evan Stark's coercive control into legal doctrine for abused women' (2009) 15(12) *Violence Against Women* 1464; Women's Legal Service Victoria, *Justice system responses to coercive control* (Policy brief, 2020) 11.

²¹ Heather Nancarrow et al, *Accurately identifying the "person most in need of protection" in domestic and family violence law* (Research report No 23, Australia's National Research Organisation for Women's Safety Limited, 2020) 2020; Harry Blagg et al, *Understanding the role of Law and Culture in Aboriginal and Torres Strait Islander communities in responding to and preventing family violence* (Research report No 19, Australia's National Research Organisation for Women's Safety, 2020); Marcia Langton et al, *Improving family violence legal and support services for Aboriginal and Torres Strait Islander women* (Research report No 25, Australia's National Research Organisation for Women's Safety, 2020).

²² Julia Tolmie et al (n 1) 54; Kate Fitz-Gibbon, Jude McCulloch and Sandra Walklate, 'Australia should be cautious about introducing laws on coercive control to stem domestic violence' (November 27, 2017) *The Conversation*.

²³ Heather Douglas, 'Legal systems abuse and coercive control' (2018) 18(1) *Criminology & Criminal Justice* 85; Charlotte Bishop and Vanessa Bettinson (n 13) 6; Sandra Walklate, Kate Fitz-Gibbon and Jude McCulloch, 'Is more law the answer? Seeking justice for victims of intimate partner violence through the reform of legal categories' (2018) 18(1) *Criminology and Criminal Justice* 120.