

# Criminalising coercive control in South Australia - implications for Aboriginal women and communities

## A summary of initial consultation

On 24 November 2022, the Department of Human Services (DHS) held an initial consultation with Aboriginal Community Controlled Organisations and community and sector leaders, to discuss the implications of criminalising coercive control on Aboriginal women and communities. Nerida Saunders, Executive Director, Aboriginal Affairs and Reconciliation Division, Department of Premier and Cabinet, facilitated. The consultation was attended by the Hon Katrine Hildyard MP, Minister for Women and the Prevention of Domestic and Family Violence.

Prior to the session, participants were provided with a discussion paper – *Criminalising coercive control in South Australia for Aboriginal women and communities*. This paper provides a definition of coercive control, explains the unintended consequences that legislation may have on Aboriginal women and asks a number of questions for participants to consider.

**This is a summary of the key themes and issues raised by participants.**

### Terminology statement

The term Aboriginal has been used throughout this document to reference all Aboriginal and Torres Strait Islander peoples. DHS acknowledges and respects this preference of the South Australian Aboriginal community in written and spoken language.

*Please be aware that the content in this document may be distressing or raise issues of concern for some readers. There are a range of services available if you require support after reading this paper. Lifeline provide 24/7 crisis support and can be contacted on 131 114. Beyond Blue also provide support services and can be contacted on 1300 224 636. Confidential information, counselling and support services can also be accessed through 1800RESPECT.*

### **What does coercive control look like for Aboriginal women and communities?**

Participants highlighted that coercive control could manifest in a range of ways, including but not limited to the following (noting that each community/individual is different):

- Manipulation - control is not always fear-based
- Alienation (women have to leave their own community), isolation – especially in remote communities
- Pressure and control from extended family
- Humbugging (money and sex)
- Financial control
- Stalking - women reporting men are following them everywhere in community
- Technological monitoring - some noted that women are using code words in text messages with services because they are aware their phones are being monitored
- Threats of harm to self, family and children
- Jealousing – lack of understanding and perceived that it goes both ways by SAPOL which leads to the misidentification of victims
- Non-consensual relationships – some women have never given consent to be in a relationship with the perpetrator, and
- A personality trait – specific to an individual rather than a form of abuse.

Financial control was raised as a common form of abuse. Participants advised that men sometimes receive their partner's Centrelink payments. It was also explained that in many families, financial control is normalised and even expected, as people are expected to share their money with their partner.

Participants also emphasised that family violence is a behaviour resulting from dispossession and disconnection, and that controlling behaviours are systematic learned behaviours – they are not cultural. Participants agreed that Aboriginal women often experience violence from non-Aboriginal men, and that it is an incorrect assumption that Aboriginal men are perpetrating most of the violence.

### **What are the unique needs for Aboriginal women living in remote communities?**

Participants emphasised the isolation that women in remote communities experience. People noted that it is easier for a perpetrator to control someone who is living in a remote community, through restricting their access to a phone, restricting communication with friends and family, and restricting socialisation.

Participants also highlighted that the lack of women's shelters in regional and remote communities was a significant concern. Respite services in community was also raised as a beneficial early intervention initiative, providing a 'time out' as well as food and a place to sleep. The need for these services was stressed, as a woman in a crisis situation effectively has to evacuate as a safety plan, leading to isolation and broken ties with family, community and culture. Participants were in agreement that services in community are needed to enable women to stay – around friends and family, with the help available where she needs it.

### **Mainstream service responses – what is required for legislation to be successful?**

Participants highlighted that very few Aboriginal women report abuse to the police and that there are significant barriers that prevent Aboriginal women from accessing family and domestic violence services. These include

- concerns about police response and specifically not being believed or being dismissed
- the fear of reporting violence resulting in children being removed or child protection intervening, and

the threat of being misidentified as a perpetrator or aggressor due to a lack of cultural understanding.

It was also raised that a large proportion of those women that do report will drop charges because they do not want to navigate the legal system. Without addressing the barriers to reporting, participants did not consider that additional legislation would necessarily be beneficial.

There was a strong consensus for the need to improve the cultural safety and accessibility across all relevant mainstream services, as well as a need to establish more Aboriginal specific supports – with participants noting that women in Aboriginal communities may be more open to sharing their experiences if they were able to attend an Aboriginal service. Participants expressed concern that significant education is already required for mainstream organisations working with Aboriginal people, and that this need will be increased substantially with the introduction of legislation.

### **What should the role of government be in implementation?**

Participants agreed that the role of government in implementing coercive control legislation should be to empower Aboriginal agencies and assist them to build the infrastructure needed. Participants also strongly agreed that a community voice is required to educate and advise communities. The need for investment and early intervention programs was also raised, given current investment is weighted toward crisis services.

Participants also emphasised that without stronger investment in programs that support men to address their violence, the cycle of violence will continue. There was a common view that there are no options available other than incarceration and that healing programs are needed; and men need to be encouraged to be role models for other men in their communities. Perpetrator intervention programs were also raised as a current gap, with participants advising that there are few options available to perpetrators other than incarceration, which does not stop the cycle of violence.

### **What education is required? How do we deliver education successfully?**

There was support for education about the proposed legislation when it is introduced that improves understanding of what coercive control is and what it isn't, how it looks and very importantly what will happen if victims report abuse. Education about reporting was highlighted as particularly important within remote communities. It was suggested that any educative material must explain what is involved in going to a police station and what to expect when you go to court, as well as the role of child protection. Resources must be in accessible language.

Participants also agreed that any education around coercive control must be delivered by Aboriginal people to Aboriginal people, which is tailored to and designed by respective communities. Importantly participants suggested the concept of 'coercive control' is largely a western concept and wouldn't be readily understood or a familiar term for many Aboriginal people. Use of the language of 'control' rather than 'coercive control' would be more effective. There was also a clear position that education should have cultural authority – elders working with young people to talk to them about what is healthy and what is safe is a strong and powerful education mechanism. Finally, there was agreement that that any resources developed should include positive representation of Aboriginal women and families and display healthy relationships and role modelling.

Participants also advised that in many communities, coercive controlling behaviour is seen as being normal. To prevent this misconception, the need for respectful relationships education beginning in primary school was emphasised, so that children grow up knowing what respect looks like – and what control looks like.

Some examples of culturally appropriate educational materials already developed included yarning cards developed in Port Lincoln in partnership with the E-Safety Commission, and a healthy relationships program being delivered in Coober Pedy schools.

Finally, participants stressed the need for government to facilitate two-way education. The system also needs educating about Aboriginal people, culture and communities – it is not just Aboriginal communities that need educating about western law.

**How should legislation be worded?**

Participants clearly stated that any legislation will need to be accessible, using language that is easy to understand. Legislation should include a definition of cultural law, with an explanation of how that cultural law can be manipulated and made a form of abuse.

**What should justice responses look like?**

All participants strongly advised that communities do not want their men incarcerated, and that alternative avenues for redress should be available for perpetrators, particularly when there is family and community support. Incarceration results in trauma for the entire community and it should be diverted where possible and appropriate. The option for cultural payback was suggested, as well as a justice process such as the Nunga Courts, where elders and community leaders are able to sit on the bench with a judge.