



GOVERNMENT OF
WESTERN AUSTRALIA

Legislative Responses to Coercive Control in Western Australia

Fact Sheet

The Department of Justice has released a discussion paper called *Legislative responses to coercive control in Western Australia*. This fact sheet is a summary of the important points in the discussion paper and can be used by anyone who would like to be involved in the consultation.

In this fact sheet we use the word **victim-survivor** to mean a person who has experienced family violence. We use the word **perpetrator** to mean a person who is committing family violence against a victim-survivor.

About the consultation process

Family life should be safe for everyone. Family violence is never okay and the WA government is working to help stop and respond to this behaviour.

We would like to talk to people about coercive control and the law, including:

- how the law and the legal system currently responds to coercive control
- whether we need to change some laws so they work better for people who have experienced coercive control.

What is coercive control?

Sometimes when people think about family violence they think about one-off episodes of physical violence. For example, two people in a relationship have a fight and one person punches the other. But family violence can be an ongoing pattern of behaviours that are not just physical violence. A perpetrator can use many types of behaviour to harm the victim-survivor.

A perpetrator may:

- intimidate (frighten a person with threats)
- monitor (watch, check in with, or keep a record of someone's movements and activities)
- regulate (control someone with rules or standards)
- isolate (keep someone apart from their family and friends)
- humiliate (make someone feel ashamed, embarrassed or small)
- manipulate (make a plan to control someone to get something the perpetrator wants)
- punish (treat someone badly or cause them pain or suffering because they have acted a certain way, or broken a rule the perpetrator made)
- frighten (stop someone from doing something by making them afraid)

Perpetrators use these behaviours to maintain control over the victim-survivor, sometimes for years.

In this consultation we call this pattern of behaviours **coercive control**.

What does the law say now about coercive control?

People who experience family violence can apply for a family violence restraining order. The law about family violence restraining orders says that family violence includes behaviour that “coerces or controls” a family member.

The police can charge a person with the criminal offence called “persistent family violence” if they commit three or more family violence offences against a single person within a 10-year period.

This criminal offence covers ongoing patterns of behaviour. However, it only covers specific family violence offences.

What could be changed about the law?

Around Australia there has been debate about whether governments should create a new criminal offence that covers coercive control. There are different opinions about whether this is a good idea or not.

Some people say a new criminal offence would send a message to the community that coercive control is unacceptable, and that a new offence might stop people from using coercive control. A new offence might help victim-survivors to get better outcomes from the criminal justice system.

Other people say that making a new criminal offence won't make victim-survivors feel safe, and that it could make things worse. One example is if a victim-survivor gets mistaken for the perpetrator and faces a criminal charge.

Questions to think about for this consultation

These questions are to help you think about coercive control and the law. You don't have to answer them directly if you don't want to — you can just tell us what you think we need to know.

1. Should we talk about patterns of family violence behaviour using the words “coercive control”, or should we talk about it another way?
2. Have you been able to get a family violence restraining order to stop a person from using coercive control against you?
3. How can we improve the way the justice system (e.g. police, judges) helps victim-survivors of coercive control?
4. Should we make a new criminal offence about coercive control?
5. How can we help victim-survivors of coercive control feel safe?

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.**