

Are coercive control offences warranted in the NT?

Education and support rather than fresh offences needs to be a priority when it comes to tackling coercive control within domestic relationships.

The *Domestic and Family Violence Act* in the Northern Territory has a very broad definition of 'domestic violence' which already includes intimidation and economic abuse, as well as attempts at either. Intimidation includes 'any conduct that has the effect of unreasonably controlling the person or causing the person mental harm', and allows for consideration of any pattern of behaviour that may be relevant to the question of intimidation. Further, economic abuse is broadly defined in section 8 of the Act and includes, amongst other things, 'coercing the person to relinquish control over assets or income' and 'unreasonably preventing the person from taking part in decisions over household expenditure...'

Our definition appears to sufficiently cover the scope of behaviours that fall within a range of conduct amounting to 'coercive control' as discussed in reports or research relevant to private member's bills tabled in other jurisdictions. Community education around socially acceptable relationships and available supports to persons and families of persons experiencing or at risk of experiencing coercive control, should be a key concern when engaging in any discussion around the issue.

It may be that current providers of assistance to protected persons, whether it be the police or non-government organisations, need to consider the scope of the legislation that is already in existence. The pro-forma police DVO application form has a box for harassing or intimidating and there is also a box entitled 'other' that can be ticked and filled in with the term 'economic abuse.'

The true picture of issues relating to coercive control is currently difficult to gauge, however it is anecdotally true that offences of breaching domestic violence orders in the NT are predominately the result of non-violent interactions. Most of these breaches occur between persons with entrenched social or medical issues including alcohol and drug addiction and homelessness. It is reasonable to imagine coercive control issues arising in the circumstances of such relationships.

Given the circumstances of our jurisdiction and our broad ranging definition of domestic violence, there seems little basis to create further offences. Instead, any urgent reform to our current domestic violence laws should focus on repealing mandatory sentencing for breaches of orders. If we can eradicate mandatory sentencing and incorporate the *Aboriginal Justice Agreement* into our sentencing laws, it is hoped that therapeutic and alternative sentencing regimes can be utilised that better address the cultural, social and medical issues and other underlying criminogenic risk factors unique to our jurisdiction. If we can achieve this, then in time we should see marked improvements in the health and safety of our community, which in turn should promote healthier and more supportive family and domestic relationships.

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