

Sponsor: Mildura Rural City Council
Refuter: Westbourne Grammar School

A Bill for an Act relating to Criminalisation of Coercive Control.

To be enacted by the YMCA Victoria Youth Parliament;

Criminalisation of Coercive Control Bill 2021

A Bill for an Act to establish legislation in reference to coercive control and controlling behaviour. This legislation outlines and defines all relevant terms, provides an explanation of what constitutes coercive control, and outlines the penalties for perpetrators of such crimes.

This Bill was developed to address the ongoing and rising concerns of domestic violence rates in the state of Victoria. Many of the increasing domestic violence cases are born out of actions which may constitute coercive control under this legislation. This Bill aims to provide preventative methods to stop the pattern of abuse often demonstrated in family violence cases.

PART I—Preliminary

Clause 1 Purpose

The main purposes of this Act are—

- (a) to introduce the criminalisation of coercive control and controlling behaviour;
- (b) to outline the various different methods of coercive control.

Clause 2 Commencement

This Bill shall commence upon receiving assent from the Youth Governor of Victoria.

Clause 3 Definitions

In this Bill, we define the following to mean—

- (a) **coercive control** means conduct that a person engages in that includes, but is not limited to, the following—
 - (i) the conduct makes the other person dependent on, or subordinate to, the person;
 - (ii) the conduct isolates the other person from their friends, relatives or other sources of support;
 - (iii) the conduct controls, regulates or monitors the other person's day-to-day activities;
 - (iv) the conduct restricts the other person's freedom of movement;
 - (v) the conduct restricts the other person's access to support services, including the services of health practitioners and legal practitioners;
 - (vi) the conduct frightens, humiliates, degrades or punishes the other person;
- (b) **perpetrator** means the abuser whose actions reflect negatively unto the victim through humiliation, assault, intimidation, mental manipulation or any other abuse used to harm their victims;
- (c) **affected person** means the victim of coercive control who has been abused by a perpetrator;
- (d) **reasonable person** means someone who has the conscious capacity to act for themselves and see what is necessary in order to survive and progress in their own life;
- (e) **belittling** means the act of language, attitude or behaviour that causes the affected person to feel inferior, or insignificant;
- (f) **financial support** refers to the economic support needed for one to live and meet their own expenses for living;
- (g) **manipulation** means a practice that is employed by an individual to exercise harmful influence over others.

Part II—Establishment

Clause 4 The disclosure of personal information

- 4.1 A person shall not disclose any of the affected person's personal information either privately or publicly.
- 4.2 Examples of personal information disclosed by perpetrators of coercive control in order to manipulate, harass and/or threaten the victim include the following—
- (a) disclosure of information involving the affected person's address(s);
 - (b) disclosure of the affected person's contact information, including phone number, email and/or social media usernames;
 - (c) disclosure of the affected person's sexual orientation and/or gender identity;
 - (d) information regarding the affected person's medical history, including HIV status;
 - (e) disclosure of personal information involving the affected person's date and/or place of birth.
- 4.3 A person shall not use personal information to manipulate an affected person.
- 4.4 Examples of manipulation by perpetrators can include—
- (a) establishing a power imbalance at the affected person's expense;
 - (b) taking advantage of a person with the intention of gaining control over them.

Clause 5 Financial control or abuse

- 5.1 A person shall not exert unreasonable financial control over another or misuse finances as means to abuse, intimidate, harass or threaten an affected person.
- 5.2 Examples of a perpetrator misusing finances to abuse, intimidate, harass and threaten the affected person in order to control them include—
- (a) depriving the affected person of financial support;
 - (b) restricting the affected person of their own financial account(s);
 - (c) the taking of an affected person's wage benefits or allowances;
 - (d) Controlling and manipulating the affected person's finances in an attempt to make the affected person solely reliant on the perpetrator.

Clause 6 Controlling the activities of the affected person

- 6.1 A person shall not place unfair restrictions upon another as a means to control or coerce them.
- 6.2. Examples of placing unfair restrictions upon the affected person, in an effort to control them or coerce them include—
- (a) monitoring the affected person’s time;
 - (b) taking control of aspects of the affected person’s day to day life, including but not limited to where they go and who they are able to see;
 - (c) controlling what the affected person wears;
 - (d) depriving the affected person of support services that any reasonable person would consider to be ‘essential’, including but not limited to medical and support services;
 - (e) limiting the affected person’s access to friends and family;
 - (f) prohibiting the affected person from attending school or their place of employment.

Clause 7 Emotional or psychological abuse

- 7.1 A person shall not engage in behaviour that has the effect of unreasonably controlling or intimidating an affected person, in an attempt to produce mental injury, apprehension, or fear in an affected person.
- 7.2 Examples of circumstances that constitute emotional or psychological abuse are as follows—
- (a) a sustained and repeated pattern of belittling the affected person and impacting their self esteem in a negative manner;
 - (b) threats to kill or harm themselves or a pet;
 - (c) the enforcement of activities that continuously humiliates, degrades and dehumanises an affected person.

Clause 8 Punishments

- 8.1 If a perpetrator is deemed to have coercively controlled an affected person, then the perpetrator shall be punished under the following guidelines—
- (a) imprisonment with—
 - (i) a minimum sentence of 2 years;
 - (ii) a maximum sentence of 8 years.
- 8.2 Sentences shall be imposed at the discretion of the court based on the following factors--
- (a) the perpetrator showing reasonable remorse and genuine willingness to amend for their crimes and access relevant rehabilitation programs;
 - (b) a criminal record, or lack thereof.