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Acknowledgement of Country

We acknowledge the Traditional Custodians of the various lands on which we work today and the Aboriginal and Torres Strait Islander people participating in this webinar.

We pay our respects to Elders past, present and emerging, and recognise and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.

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Survivor Acknowledgement

We also acknowledge all victim survivors of domestic and family violence, including any attending today, and the variety of ways that victim survivors resist violence in overt and covert ways.

We recognise the lives taken as a result of choices to use violence and the need for systems to make profound changes to uphold the safety and dignity of women and children.

We acknowledge the victim survivors who have led and advocated for the criminalisation of coercive control. We note that some people may have worries about these new laws, and we will have a chance to explore these together.

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Dr Mareese Terare

Working with First Nations People Impacted by Coercive Control: What Practitioners Need to Know

Independent Research Consultant,
Yamurrah

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The information presented in this webinar may be triggering or cause concerns for some people. Please keep yourself safe and reach out for support.

Aboriginal and Torres Strait Islander people should also be aware that this webinar may discuss or refer to Aboriginal people who have died.

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In NSW, Aboriginal women are 8x more likely to be victims of DFV-related assault than non-Aboriginal women

In June 2025 33.4% of adults in custody were Aboriginal despite making up only around 3-4% of the adult population

In 2022-23, Indigenous women were 34x more likely to be hospitalised due to family violence than non-Indigenous women.

Around 72% of Aboriginal and Torres Strait Islander women identify an intimate partner or family member as a perpetrator in their most recent experience of violence

In 2022-23 Aboriginal children were 12x more likely to enter Out of Home Care (OOHC) than non-Aboriginal children.

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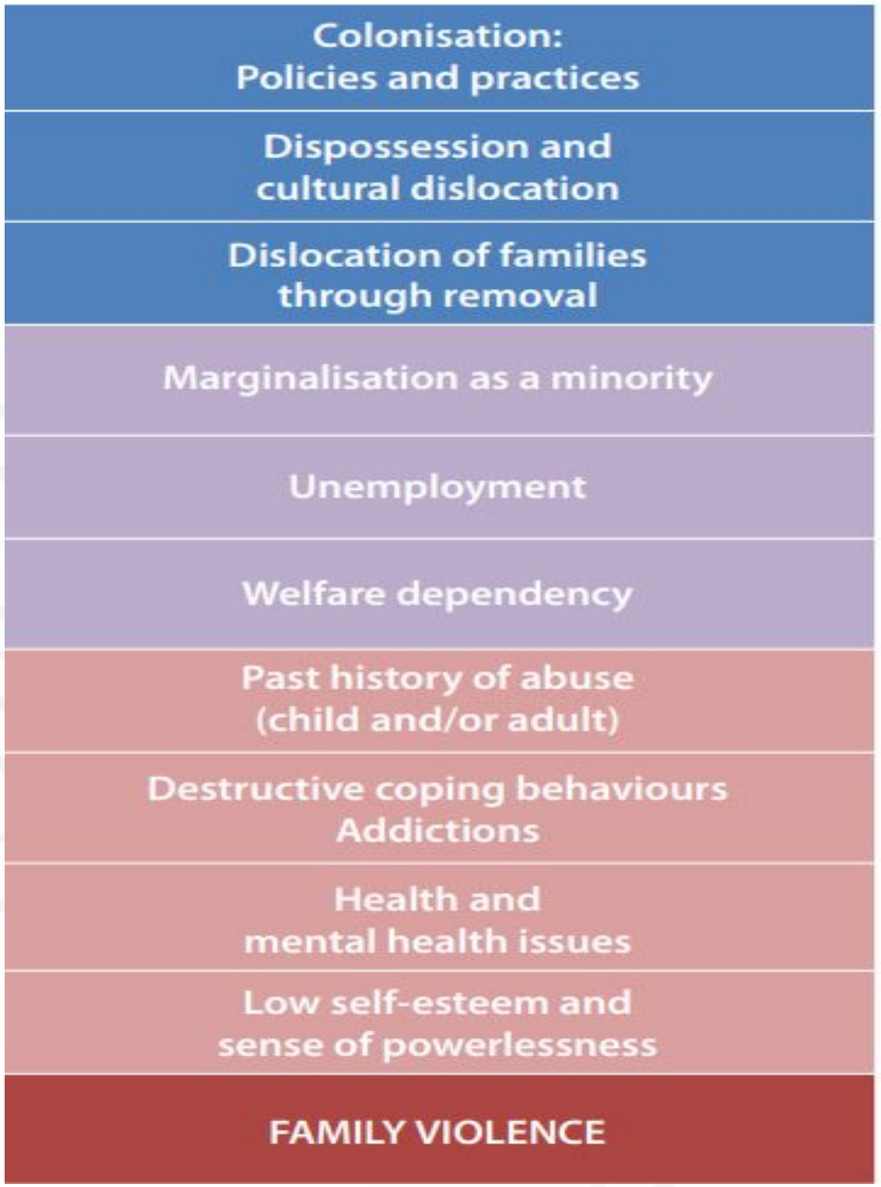
Factors Contributing to Family Violence in Aboriginal Communities



Group 1 factors have been experienced specifically by Aboriginal people and their communities. They continue to impact on families in the present and may exacerbate their experiences of violence.

Group 2 factors can occur separately or in multiples in any population and can influence one's experience of violence.

Source: Adapted from Cripps K, 2004, Enough family fighting: Indigenous community responses to addressing family violence in Australia and the United States (Unpublished PhD thesis): Melbourne: Monash University; 2004.

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What is coercive control

- Coercive control is when someone repeatedly hurts, scares or isolates another person to control them
- It's domestic abuse and it can cause serious harm
- It’s an ongoing and repeated pattern of behaviours
- It includes physical and non-physical behaviours

The key to understanding coercive control:

- It is an assault on autonomy, liberty and equality
- A person aims to dominate and control another person
- It occurs within the individual context of that relationship, culture and community

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Coercive control & trauma

Coercive control is a trauma experience and a violation of human rights;
Trauma is when "*a person experienced, witnessed or was confronted with an event/s that involved actual or* ***threatened*** *death or serious injury or* ***threat to the physical integrity*** *of self or others*" and "*the person's response involved intense fear, helplessness or horror*" (Diagnostic and Statistical Manual of Mental Disorders (DSM-V)

- These traumas occur at a personal or at a collective level e.g. war, natural disasters or genocide/colonization
- Trauma can affect a person for many decades and in many different ways. If people have not had the opportunity to heal, then they may act out their pain in negative ways including physical or emotional violence, abuse
- This can also play out in other systems; justice/corrections, mental health

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- While colonisation exemplifies coercive control at a population level for Aboriginal people, fracturing culture and wellbeing, this webinar will be limited to coercive control between intimate partners
- Trauma is an event or process which overwhelms the individual, family or community, and the ability to cope in mind, body, soul, spirit
- Inter-generational: Intergenerational trauma is passed down directly from one generation to the next
- Trans-generational trauma is transmitted across a number of generations
- Racial Trauma or race-based traumatic stress, is the cumulative effects of racism on an individual's mental and physical health
- Oppression trauma

Judy Atkinson (2002) Trauma Trails Recreating Songlines

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Experiences of Coercive Control for Aboriginal people

- Threats of child removal – reporting mothers as abusive or negligent to child protection services
- Belittling, mocking or denial of right to practice cultural and spiritual beliefs, attend community events, funerals or visit country
- Phone sharing practices – may have calls and texts monitored
- Perpetrators spreading rumours and using public shaming or humiliation as a form of control
- Using community networks to monitor & keep 'tabs' on a victim – ‘jealousing’
- Threats to, or actual isolation of the victim-survivor from family & community connections e.g. not allowing you to discuss 'women's business' with others in kinship network
- Denial of Aboriginality - Saying or implying a person isn't 'Aboriginal enough’
- Discourage help-seeking - using a victim’s fear of prior negative police responses or shame from community
- Warnings a perpetrator could die in custody if a victim reports the abuse & exploiting community pressure not to criminalise First Nations men

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A trauma-informed service is one which:

- Commits to and acts upon the core organising principles of *safety, trustworthiness, choice, collaboration* & *empowerment*
- Has reconsidered and evaluates *all components of the system* 'in the light of a basic understanding of the role that violence plays in the lives of people seeking DFSV services'
- Applies this understanding 'to design service systems that accommodate the vulnerabilities of trauma survivors & allows services to be delivered in a way that will avoid inadvertent traumatisation and… facilitate consumer participation in treatment'
- Requires (to the extent possible) close collaborative relationships with other public sector service systems serving these clients & the local network of private practitioners with particular clinical experience in 'traumatology'

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Coercive Control Legislation – Crimes Act 1900 Div 6A

Crimes Legislation Amendment (Coercive Control) Act 2022 No.65

- From 1 July 2024, coercive control is a criminal offence in NSW when a person uses a course of conduct of abusive behaviours towards a current or former intimate partner with the intention to coerce or control them – Section 54D *Crimes Act 1900 NSW*
- The criminal offence captures repeated patterns of physical and non-physical abuse used to hurt, scare, intimidate, threaten or control someone.
- Calibrated to capture **heinous behaviour** we all condemn
- The law only applies to abusive behaviour after 1 July 2024
- Behaviour prior to commencement can be used to provide background and context to a relationship

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Section 54D: Abusive behaviour towards current or former intimate partners

Section 54D: Abusive behaviour towards current or former intimate partners

(1) An adult commits an offence if—

(a) the adult engages in a course of conduct against another person that consists of abusive behaviour, and

(b) the adult and other person are or were intimate partners, and

(c) the adult intends the course of conduct to coerce or control the other person, and

(d) a reasonable person would consider the course of conduct would be likely, in all the circumstances, to cause any or all of the following, whether or not the fear or impact is in fact caused:

(i) fear that violence will be used against the other person or another person, or

(ii) a serious adverse impact on the capacity of the other person to engage in some or all of the person's ordinary day-to-day activities.

Maximum penalty—Imprisonment for 7 years.

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Meaning of 'Abusive Behaviour'

Crimes Act s.54F(2) contains a non-exhaustive list of "Abusive behaviours". This includes engaging in or threatening to engage in:

- violence or threats against, or intimidation of, a person
- behaviour that is economically or financially abusive
- behaviour that shames, degrades or humiliates
- behaviour that prevents the person from doing any of the following or otherwise isolates the person
  - making or keeping connections with the person's family, friends or culture,
  - participating in cultural or spiritual ceremonies or practice,
  - expressing the person's cultural identity
- behaviour that deprives a person of liberty, restricts a person's liberty or otherwise unreasonably controls or regulates a person's day-to-day activities.
- denying a person access to basic necessities including food, clothing or sleep
- directly or indirectly harassing, monitoring, tracking a person's activities or movements.

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Misidentification & Systems Abuse

"I wasn't a good enough victim"

- Discrimination
- Perceptions of 'victims'
- Incident focused
- Misinterpreting resistance

Perpetrator intentionally misrepresenting their behaviour and the victim

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Indicative Misidentification Data

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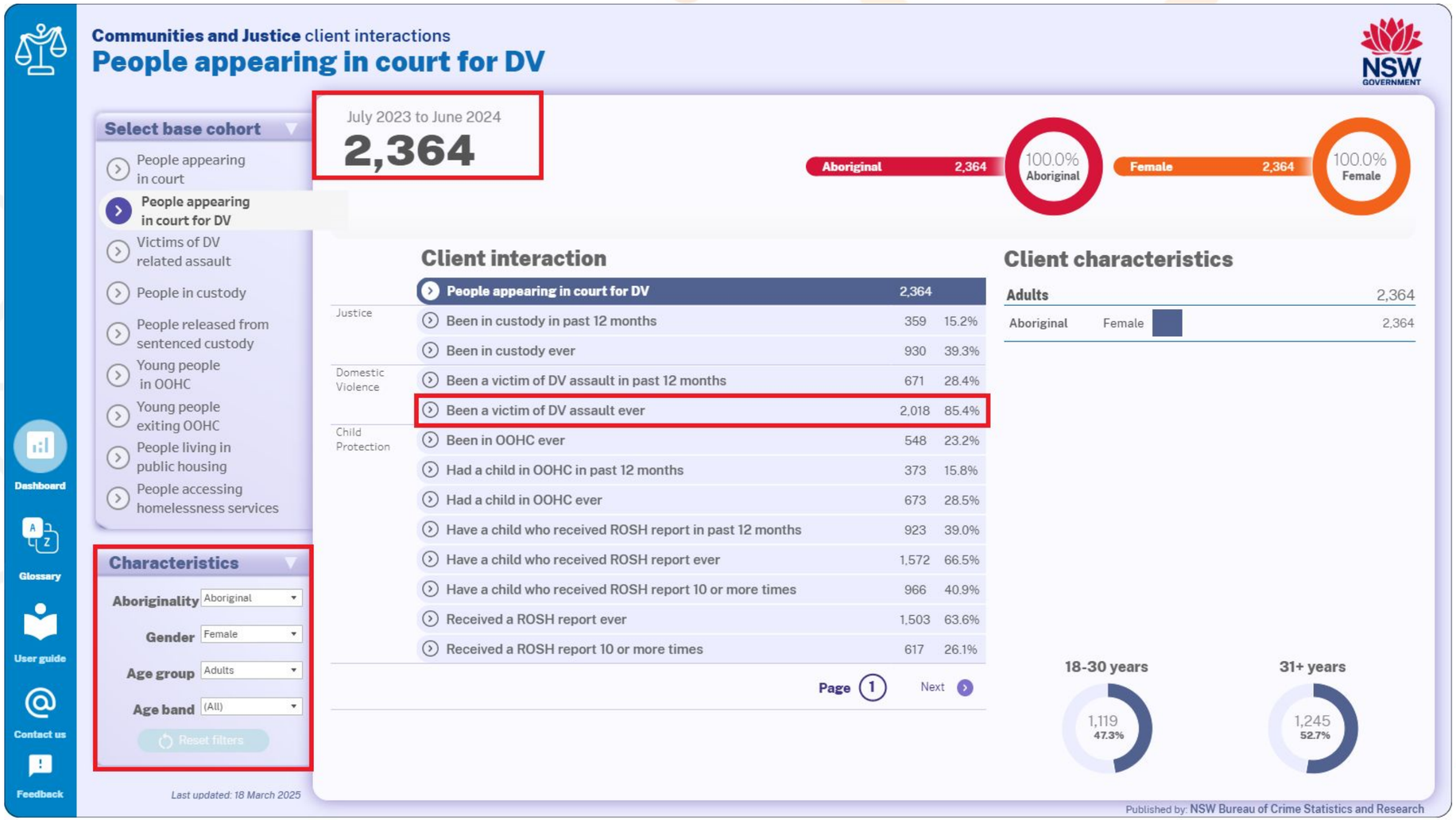
Note: Currently there is no reliable method for quantifying the prevalence of misidentification in NSW. The following data may be considered informative trends or statistics:



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Ways the law attempts to minimise misidentification

Targets intentional forms of coercive control

Restricted to intimate partners

Doesn't include 'verbally abusive behaviour'

Includes behaviour that 'degrades, shames or humiliates'

Reasonable person test

Regard for 'all the circumstances'

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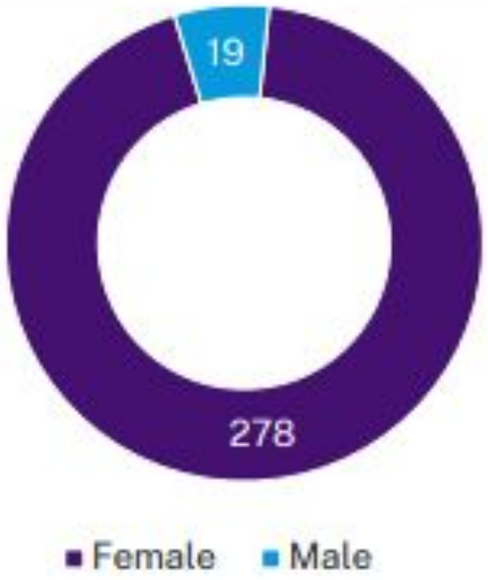
NSW BOCSAR Monitoring Report 1 July 2024 to 30 March 2025

Victims of coercive control (n=297)

Jul 2024-Jun 2025

2.1 Victims by gender

94% of victims of coercive control were female



2.2 Victims by gender of the alleged offender

92% of coercive control incidents involved a female victim and a male alleged offender

2.3 Aboriginality of victims and alleged offender

9% of victims of coercive control were Aboriginal

*Includes one Non-Aboriginal victim and offender with unknown Aboriginality.

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What Practitioners Need to Know

Violence is 'always embedded in a social structure that permits the abuse and exploitation of a subordinate group'

Trauma robs the victim of a sense of power and control; the guiding principle of recovery is to restore control to the survivor”

Judith Herman, 1992, p. 159

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Trauma Informed Cultural Safe practice (TICSP)

Presenting Issues:

- Anxiety
- Depression
- Scared
- Uncertain
- Vague
- Angry/aggressive

TICSP:

- Listen
- Validate feelings, remind of strengths
- Reassure safety checking in regularly
- Respond to presenting needs
- Practical support
- Attentive

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Cultural Safe Services

Cheryl Axleby, Co-Chair, National Aboriginal and Torres Strait Islander Legal Services emphasises that it is important to:

Ensure survivors of family violence have access to culturally safe services that can negotiate with police, courts and child protection services on their behalf

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Cultural Safe Services

It is important survivors of family violence have access to culturally safe services that can assist negotiate police, courts, child protection and other services. Acknowledging the prevalence of trauma, as well as impacts and dynamics and presenting a (therapeutic) service based on key principles

Consideration of what has happened to a person and how they have kept going

Shift from

"what is wrong with you"

to

"what happened to you"?

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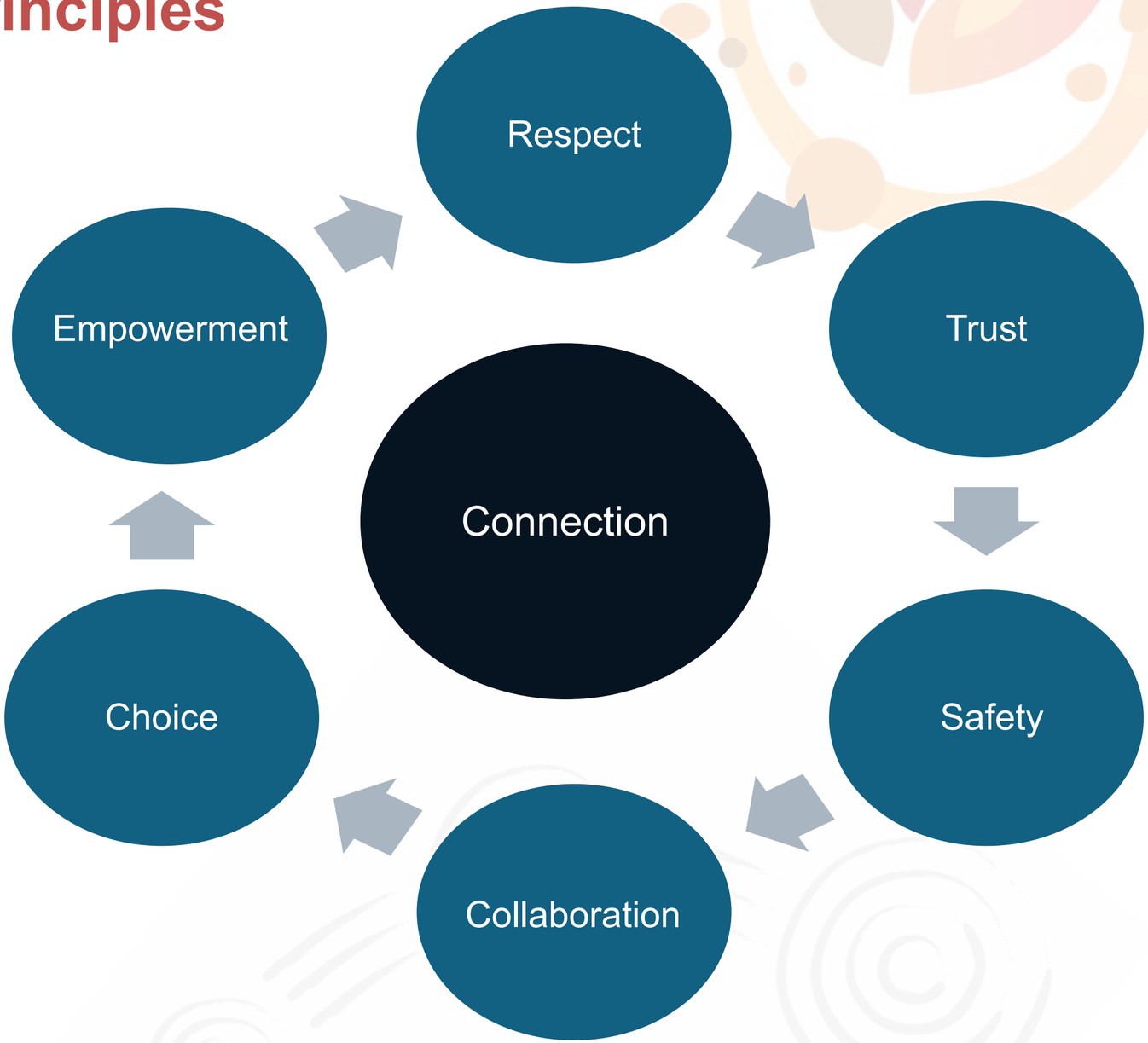
Guiding Principles



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Cultural Safe Services

In my chapter, "Always Political – Indigeneity, Colonisation & Trauma Work," First Nations human service workers cited racism and sexism as key issues in the trauma context for Aboriginal women, who are vastly overrepresented in domestic violence and sexual assault cases.

Five themes guide their practice:

- belonging
- connections
- always being political
- sharing knowledge
- and challenging theories.

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Where to from here:

- Cultural Safety is important. It is a basic human right to be treated equally within the context of your culture
- This is especially important for groups that do not fit into the popular/dominant culture.
- Provides ‘opportunities’ for people to critique, engage, debate and discuss relevant issues like racism without fear of retribution
- Overall Cultural Safety enhances human rights
- Measured by enhancement of human rights

(Terare 2020)

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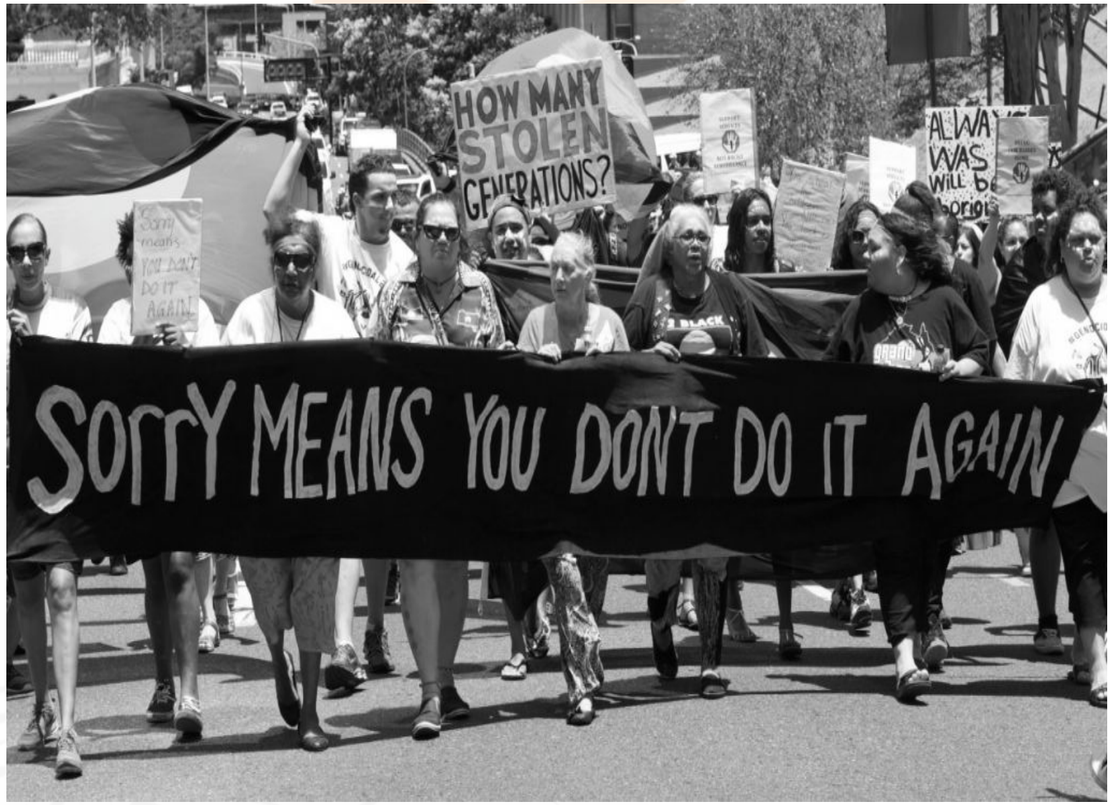
Where to from here: CULTURAL HUMILITY

Principles:

Multidimensional Concept

- Lifelong learning & Development and Critical Self Reflection
- Recognise & Challenge Power Imbalances
- Institutional Accountability (Cultural Safety)

M. Tervalon, J. Murray-Garcia (1998).



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Where to from here: CULTURAL HUMILITY

Characteristics:

- Open to learning all the time
- Ability to express how you feel
- Power & Privilege
- Social Justice, Social Change
- Inclusiveness, diversity, equity and equality
- Appreciating and learning from diversity

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