



SUBMISSION

Inquiry into family, domestic and sexual violence

July 2020

INTRODUCTION

Women's Legal Service Tasmania (WLST) is a not-for-profit organisation providing free and confidential legal advice and representation to women in all areas of Tasmania.

WLST provides clients with information about their legal and non-legal options, including referral to other legal services and law firms, or to appropriate support services.

WLST represents women from low socio-economic backgrounds, those who are unable to afford legal assistance and those who do not qualify for a grant of legal aid. The majority of our casework is in family law, often with a focus on family violence.

In the north west and northern Tasmania, we are funded to run two Domestic Violence Units (DVUs) with offices in Burnie and Launceston. From these offices we provide outreach and also offer financial counselling and access to a social worker.

WLST is committed to making the legal system more accessible and responsive to the issues affecting women in Tasmania.

We wish to provide you with a submission from our service drawing on our experiences assisting women in Tasmania.

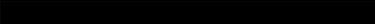
Our submission is relevant to terms of reference b) and e) in drawing on experiences internationally (and in Tasmania) of responding to coercive control. It addresses the question of whether Australian states and territories should introduce specific family violence offences to criminalise coercive and controlling behaviour.



Yvette Cehtel

Chief Executive Officer

Women's Legal Service Tasmania



SUBMISSION

Inquiry into Family, Domestic and Sexual Violence

Women's Legal Service Tasmania (WLST) welcomes the inquiry into family, domestic and sexual violence. WLST provides in principle support for immediate and long-term measures to prevent violence against women and their children, and improve gender equality.

This submission supplements the joint Women's Legal Service Australia (WLSA) submission.

The submission addresses the question of whether Australian states and territories should introduce specific family violence offences to criminalise coercive and controlling behaviour.

1. The case for criminalising coercion and control

1.1. Are existing laws sufficient?

Assault and Stalking

Extant criminal law offences in Australia such as assault, damage to property, and stalking do not cover the scope of behaviours that would be captured by a coercion and control offence. In many Australian jurisdictions the crime of assault has gradually expanded in scope to include some non-physical injury in the form of mental or psychological harm.¹ However, satisfying the requisite degree of mental harm suffered is generally a high threshold (requiring, for example, serious psychological injury)² and consequently the offence remains relatively narrowly construed in cases of non-physical harm. Further, assault and property damage offences are constrained by a single-incident framework which fails to capture the course of conduct associated with coercion and control.

In many Australian jurisdictions the offence of stalking encapsulates a wide range of behaviour that overlap with the types of behaviours targeted by a coercive control offence. Importantly, stalking offences are generally also characterised as course of conduct offences. In Tasmania, for example, the definition of stalking includes 'acting in any other way that could reasonably be expected to cause the other person to be apprehensive or fearful.'³ It may be possible in some circumstances to include coercive and controlling behaviour in intimate relationships within the scope of this provision, however this does not accord with common understandings of the definition of stalking (which anticipate a stranger or estranged partner), and there does not appear to be any attempts to pursue such a charge

¹ See e.g. *Criminal Code 1899 (Qld)* s 663A, *Shu Qiang Li v R* [2005] at [45].

² See e.g. *Criminal Code 1899 (Qld)* s 663A, *Shu Qiang Li v R* [2005] at [45].

³ *Criminal Code 1924 (Tas)* s 192(1)(j).

to date.⁴ WLST is of the view that it is inadvisable to broaden the ambit of accepted definitions of stalking in an attempt to shoehorn coercive control in family settings into the definition. This accords with case law in England, which has tended to conclude that stalking offences should not include situations of coercive control in intimate relationships.⁵

There is a gap in the existing criminal law which fails to recognise that family violence is commonly characterised by a course of conduct, rather than a single specific incident. Furthermore, existing laws do not adequately capture the range of non-physical abusive behaviours that constitute family violence. Coercive control offences are therefore necessary to capture the full range of behaviours, and can include conduct directed towards people other than the victim themselves (such as children or other family members, or even pets), that constitute family violence.⁶

Civil Orders

It has been suggested that criminalising coercion and control is unnecessary as these behaviours are by proxy criminalised through the various state and territory civil protection order regimes. Referred to variously as restraining, family violence, intervention, protection, or apprehended violence orders, these orders can be applied for by the victim (or by police on behalf of the victim) and are intended to protect the victim from future violence by an intimate partner (or in some jurisdictions by any family member).⁷

Although these orders are civil in nature, they link to the criminal law through penalties for breaches: a respondent who breaches an order commits a criminal offence.⁸ This two-stage approach requires that a civil order be in place before any criminal sanction can be imposed for engaging in abusive behaviour (other than if the behaviour is capable of constituting a separate criminal offence such as assault). This has the effect of criminalising abusive behaviour (including coercive and controlling behaviours) by-proxy: it is the breach of the order that constitutes the offence, as opposed to the

⁴ Kerryne Barwick, Paul McGorrery and Marilyn McMahon, 'Ahead of Their Time? The Offences of Economic and Emotional Abuse in Tasmania, Australia' in Marilyn McMahon and Paul McGorrery (eds), *Criminalising Coercive Control: Family Violence and the Criminal Law* (Springer, 2020) 135-158; Marilyn McMahon and Paul McGorrery, 'Criminalising Controlling and Coercive Behaviour: The Next Step in the Prosecution of Family Violence' (2016) 41(2) *Alternative Law Journal*, 98, 101.

⁵ Marilyn McMahon, Paul McGorrery and Kelley Burton, 'An Alternative Means of Prosecuting Non-Physical Domestic Abuse: Are Stalking Laws an Under-Utilised Resource?' in Marilyn McMahon and Paul McGorrery (eds), *Criminalising Coercive Control: Family Violence and the Criminal Law* (Springer, 2020) 93-110.

⁶ Kerryne Barwick, Paul McGorrery and Marilyn McMahon, 'Ahead of Their Time? The Offences of Economic and Emotional Abuse in Tasmania, Australia' in Marilyn McMahon and Paul McGorrery (eds), *Criminalising Coercive Control: Family Violence and the Criminal Law* (Springer, 2020) 135-158.

⁷ See *Family Violence Act 2004 (Tas)*; *Family Violence Protection Act 2008 (Vic)*; *Restraining Orders Act 1997 (WA)*; *Intervention Orders (Prevention of Abuse) Act 2009 (SA)*; *Domestic and Family Violence Protection Act 2012 (Qld)*; *Domestic and Family Violence Act 2007 (NT)*, all of which (in the context of civil orders) define family violence to include economic and emotional abuse. The remaining jurisdictions do not include economic and emotional abuse in their definitions of family violence: see *Crimes (Domestic and Personal Violence Act 2007 (NSW)*; *Domestic Violence and Protection Orders Act 2008 (ACT)* s 13.

⁸ See e.g. *Family Violence Protection Act 2008 (Vic)* ss 37 – 37A, 123 – 123A and 125A.

behaviour itself. The validity of this approach is questionable, as it ostensibly suggests that ‘the wrongfulness lies in the breach of a court order as opposed to the abuse itself.’⁹ WLST is of the view that this by-proxy criminalisation is insufficient, and leads to confusion in community understandings of the operation of the two-stage criminalisation of certain behaviours.

A recent Tasmanian coronial inquest into the murder of Olga Baraquio Nuebert by her estranged husband Klaus Dieter Neubert has highlighted the failings of relying on civil orders to catch emotionally abusive behaviour. The inquest (findings yet to be released), found that Mrs Neubert had been advised by her solicitor to seek assistance from police, after Mr Nuebert had tracked her location and confronted her at a friend’s birthday.¹⁰ Police refused Mrs Neubert’s request for a Police Family Violence Order to be issued, and 3 weeks later Mr Nuebert shot and killed Mrs Nuebert.¹¹ In his findings, Coroner Simon Cooper stated that ‘the principle issue that arises from Mrs Neubert’s shocking death is the absence of any protective order at the time of her death.’¹² These findings contribute to the conclusion that the civil regime is insufficient.

2. The Tasmanian Experience

2.1. Overview of the provisions

The *Family Violence Act 2004* (Tas) (‘The Act’) underpins Tasmania’s integrated response to family violence. The Act introduced a suite of reforms as part of an integrated response to criminalise family violence and protect the safety, well-being and interests of persons affected by family violence.¹³ The Act introduced a number of key reforms, including introducing a new regime for police and court issued protective civil orders,¹⁴ as well as changes to bail procedures by introducing a presumption against the granting of bail for an offender charged with family violence offences.¹⁵

The Act also introduced two new family violence criminal offences of economic abuse (s 8) and emotional abuse or intimidation (s 9). Tasmania is the only Australian jurisdiction to have introduced offences that directly criminalise coercive and controlling behaviours. However, similar offences have been introduced in jurisdictions in the UK.¹⁶ In England and Wales it is an offence to engage in

⁹ Heather Douglas, ‘Do we need a specific domestic violence offence?’ (2016) 39(4) *Melbourne University Law Review*, 434– 471, 438.

¹⁰ Lucy MacDonald, ‘Olga Neubert was refused family violence order before her murder by estranged husband’, , *ABC* (online 22 July 2020): <https://www.abc.net.au/news/2020-07-22/olga-neubert-sought-family-violence-order-before-her-murder/12479786>

¹¹ Lucy MacDonald, ‘Olga Neubert was refused family violence order before her murder by estranged husband’, , *ABC* (online 22 July 2020): <https://www.abc.net.au/news/2020-07-22/olga-neubert-sought-family-violence-order-before-her-murder/12479786>

¹² Lucy MacDonald, ‘Olga Neubert was refused family violence order before her murder by estranged husband’, , *ABC* (online 22 July 2020): <https://www.abc.net.au/news/2020-07-22/olga-neubert-sought-family-violence-order-before-her-murder/12479786>

¹³ Department of Justice (Tas), (2003) *Safe at Home: A Criminal Justice Framework for Responding to Family Violence in Tasmania*, Options Paper. Retrieved from http://www.safeathome.tas.gov.au/__data/assets/pdf_file/0006/28374/Options_Paper.pdf

¹⁴ *Family Violence Act 2004* (Tas) s 14 (Police Family Violence Orders) and Part 4 (Family Violence Orders).

¹⁵ *Family Violence Act 2004* (Tas) s 12.

¹⁶ *Serious Crimes Act 2015* s 76 (England and Wales); *Domestic Violence Act 2018* s 39 (Ireland); *Domestic Abuse (Scotland) Act 2018* s 1 (Scotland).

controlling or coercive behaviour (that is continuous or repeated) in an intimate or family relationship.¹⁷ The coercive and controlling behaviour must have a serious effect on the victim, and the offender must have known, or ought to have known that their behaviour would have this effect.¹⁸ In Ireland, the offence of coercive control is framed closely to the English and Welsh offence and is made out where a person engages in coercive or controlling behaviour that has a serious effect on the victim (current or former intimate partner), and that a reasonable person would consider it likely that the behaviour would have that effect.¹⁹ The Scottish offence is framed differently, and instead refers to ‘domestic abuse’. A person can be charged with this offence where they engage in a course of behaviour which is abusive to the victim, and where a reasonable person would consider the course of behaviour is likely to cause the victim to suffer physical or psychological harm.²⁰ Some parallels can be drawn between the Scottish offence and the Tasmanian provisions (in particular the Section 9 emotional abuse offence). In Tasmania, Section 9 makes it an offence for a person to pursue a course of conduct that is likely to unreasonably control or intimidate, or cause mental harm, apprehension or fear in, their spouse or partner. Section 8 is framed in a similar manner but is restricted to behaviours relating to financial matters.

The offences across these jurisdictions are operationally similar, although there are differences in their precise application. This submission does not provide a comparison between the jurisdictions, or an assessment of their relative merits, which has been canvassed in detail in other commentary.²¹ WLST does note, however, that a comprehensive review of the Tasmanian provisions would be timely and appropriate, should other jurisdictions in Australia consider introducing similar offences. The Tasmanian experience can provide valuable insights into the difficulties of operationalising coercion and control offences, and provide a framework for a best practice approach.

2.2. Operationalising the offence provisions in Tasmania

Despite being in force since 2004, the Tasmanian economic and emotional abuse provisions are relatively underused. No charges were laid in the 3 years following the introduction of the offences.²² By the end of 2019, a combined total of 198 charges had been laid, with the significant majority (186) of these being for emotional abuse.²³ By way of comparison, in a single year (2015 – 2016) there were

¹⁷ *Serious Crimes Act 2015 (E & W)*, s 76.

¹⁸ *Serious Crimes Act 2015 (E & W)*, s 76.

¹⁹ *Domestic Abuse Act 2018 (IR)* s 39.

²⁰ *Domestic Abuse (Scotland) Act 2018 (Scot)* s 1.

²¹ WLST encourages the Standing Committee to refer to Vanessa Bettinson’s comprehensive comparison: Vanessa Bettinson, ‘A Comparative Evaluation of Offences: Criminalising Abusive Behaviour in England, Wales, Scotland, Ireland and Tasmania’ in Marilyn McMahon and Paul McGorrery (eds), *Criminalising Coercive Control: Family Violence and the Criminal Law* (Springer, 2020) 197-217.

²² Barwick, McGorrery and McMahon, above n 6,137.

²³ WLST extends its appreciation to the State Prosecution Services for supplying these statistics.

3,174 incidents of family violence that resulted in charges (generally in the form of breach of police family violence orders) being laid.²⁴

In addition to the difficulties generally associated with prosecuting family violence offences (under-reporting, lack of witnesses (other than the offender and the victim), reluctant victim witnesses), some commentators suggest that early antipathy towards the new offences held by key members of the legal profession may have contributed to the low prosecution rates.²⁵

One key explanation for the slow uptake in these offences is that the offences as originally enacted did not contain a statutory limitation period for initiating proceedings.²⁶ Consequently, the default 6-month statutory limitation period for summary offences specified in the Justice Act 1959 (Tas) applied.²⁷ Amendments that came into force in October 2015 increased the limitation period to 12 months from the day on which the most recent act constituting part of the 'course of conduct' occurred.²⁸ Data obtained from the State Prosecutions Service shows a significant increase in charges laid following this amendment coming into force. From 2008 – 2015 the highest number of charges laid in any year was 10. In 2016 this increased to 27 charges, and varied between 37 and 38 charges from 2017 – 2019. This represents a promising increase, however remains comparatively low considering the high number of family violence incidents responded to by police each year.

A second contributing factor to the low charge rate is the lack of community awareness about the existence and scope of the provisions.²⁹ Prior to the passage of the Family Violence Act 2014 (Tas) there was a widespread community perception that family violence is primarily limited to physical assault.³⁰ There has been little media attention in relation to the offences, and both legal and non-legal support services (including WLST) must accept collective responsibility for our relative silence on this issue, which has contributed to the continued lack of community awareness about the existence of the offences. As a result of this lack of awareness, few complaints are brought by victims, resulting in a reliance on police identification of potential offending when responding to other incidents.

Reliance on police identification is problematic because police tend to respond to incidents such as assault or property damage where there are immediate safety risks that require police action or intervention and take priority. This sets the context for the investigation to be confined to the specific

²⁴ Barwick, McGorrery and McMahon, above n 6,149.

²⁵ Ibid.

²⁶ Barwick, McGorrery and McMahon, above n 6,137.

²⁷ *Justice Act 1959* (Tas) s 26.

²⁸ *Family Violence Amendment Act 2015* (Tas), s 5.

²⁹ Barwick, McGorrery and McMahon, above n 6,149,137.

³⁰ Department of Justice (Tas), (2003) *Safe at Home: A Criminal Justice Framework for Responding to Family Violence in Tasmania*, Options Paper. Retrieved from http://www.safeathome.tas.gov.au/__data/assets/pdf_file/0006/28374/Options_Paper.pdf.

incident, and to avoid probing whether that incident forms part of a wider course of conduct of coercion and control. The effectiveness of risk identification tools containing questions intended to identify coercive control is contingent on officer's having sufficient understanding of the concept of coercive control to frame, recognise, respond, identify and record appropriately.³¹ The criminal law has traditionally adopted an incident-based framework, and moving away from this requires significant investment in training of police first responders. However, there was no training for police on what constituted emotional or economic abuse when the offences were first introduced as part of the new family violence framework under the *Family Violence Act 2014* (Tas).³² Instead, training focussed on the immediate changes to police powers and processes.³³ This implementation gap results in missed opportunities for identifying offending at the earliest stages. The lack of clarity surrounding the operation of the offences, coupled with the difficulty of the criminal justice system in moving away from an incident-based offence framework, has arguably resulted in a reluctance within the broader legal profession to fully embrace the offences, with some suggestion that the profession is waiting for a test case and appellate proceedings to explain the provisions.³⁴

The recent Tasmanian coronial findings into the murder of Olga Baraquio Nuebert by her estranged husband Klaus Dieter Neubert demonstrate how the system is failing women. When Mrs Neubert sought protection in the form of a civil order (which was refused), the behaviours identified by Mrs Nuebert would likely have been sufficient to ground (or at the minimum to prompt and investigation into) an emotional abuse charge.³⁵ However, as Coroner Simon Cooper noted, Tasmania Police's inaction (together with advice received from a solicitor) resulted in a situation where 'where she was unprotected by a system designed to protect [her]'.³⁶

Early investigations into the operationalisation of the offences in the UK have echoed the Tasmanian experience. The operational issues in England have been summarised as 'problems for frontline police officers in 'seeing' coercive control [...], in practitioner understandings of coercive control more generally [...], and problems associated with providing evidence of this offence.'³⁷ Despite these issues, statistics in England suggest that uptake is increasing (with numbers of offences doubling from 2017 to 2018) as police and the legal profession familiarise themselves with the offences.³⁸ The need for regular and ongoing family violence education and training for all professionals and services in the

³¹ Amanda Robinson, Andy Myhill and Julia Wire, 'Practitioner (mis)understandings of coercive control in England and Wales' (2018) 18(1) *Criminology & Criminal Justice*, 29, 44 – 45.

³² Barwick, McGorrey and McMahon, above n 6, 151.

³³ Ibid.

³⁴ Ibid.

³⁵ Lucy MacDonald, 'Olga Neubert was refused family violence order before her murder by estranged husband', , *ABC* (online 22 July 2020): <https://www.abc.net.au/news/2020-07-22/olga-neubert-sought-family-violence-order-before-her-murder/12479786>

³⁶ Lucy MacDonald, 'Olga Neubert was refused family violence order before her murder by estranged husband', , *ABC* (online 22 July 2020): <https://www.abc.net.au/news/2020-07-22/olga-neubert-sought-family-violence-order-before-her-murder/12479786>

³⁷ Sandra Walklate and Kate Fitz-Gibbon, 'The criminalisation of coercive control: The power of law?' (2019) 8(4) *International Journal for Crime, Justice and Social Democracy*, 94, 98.

³⁸ Ibid, 98.

family law, family violence, and child protection systems has been emphasised by the Australian Law Reform Commission in multiple reports.³⁹

The critical lesson from the Tasmanian experience is that legislative change alone, even legislative change that is part of a whole of government response such as Safe at Home, is insufficient without appropriate implementation support. As Burman and Brooks-Hay highlight:⁴⁰ ‘whatever laws we have will be only as effective as those who enforce, prosecute and apply them. Improving these practices – through education, training and embedding best practice and domestic abuse expertise – is likely to be more effective than the creation of new offences alone.’

3. The case against coercion and control

3.1. Unintended consequences for victims

There are concerns that criminalising coercion and control may have unintended adverse effects on victims, particularly indigenous or marginalised women.⁴¹ There is a risk that creating new offences creates new opportunities for perpetrators to engage in ‘legal systems abuse’ by utilising the legal system to exert continued control over their victim.⁴² Research has shown that police misidentification of primary aggressors can often result in victims being mistakenly charged, or being made the subject of restrictive orders.⁴³ Misidentification of female victims as primary aggressors is particularly acute in the Aboriginal and Torres Strait Islander community.⁴⁴

However, these concerns have not manifested in England and Wales, where male perpetrators have made up 106 of 107 convictions for coercive control offences to date.⁴⁵ This is consistent with the Tasmanian experience, where all offences prosecuted under the economic and emotional abuse provisions to date have involved male perpetrators.⁴⁶ These statistics reinforce the substantial research base indicating that coercive control is a highly gendered form of behaviour.⁴⁷

³⁹ Australian Law Reform Commission, *Family Violence – A National Legal Response*, Report No 114 (2010), 47: recommendations 31-1 to 31-6; Australian Law Reform Commission, *Family Law for the Future – An Inquiry into the Family Law System*, Report No 135 (2019), 22: recommendation 52.

⁴⁰ Michele Burman and Oona Brooks-Hay ‘Aligning Policy and Law? The Creation of a Domestic Abuse Offence Incorporating Coercive Control’ (2018) 18(1) *Criminology & Criminal Justice*, 67, 78.

⁴¹ Queensland Special Taskforce on Domestic and Family Violence. (2015). *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Victoria*. Retrieved from <https://www.comunities.qld.gov.au/resources/gateway/campaigns/end-violence/about/special-taskforce/dfv-report-vol-one.pdf>.

⁴² Walklate and Fitz-Gibbon, above n 37, 102.

⁴³ Women’s Legal Service Victoria (July 2018), Policy Paper1: “Officer she’s psychotic and I need protection”: Police misidentification of the ‘primary aggressor’ in family violence incidents in Victoria.

⁴⁴ Australian Law Reform Commission, *Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*, Report No 133 (2017), [11.69].

⁴⁵ Paul McGorrrery and Mariyln McMahon, ‘Prosecuting controlling or coercive behaviour in England and Wales: Media reports of a novel offence’ (2019) (00(0) *Criminology & Criminal Justice*, 1, 6.

⁴⁶ Barwick, McGorrrery and McMahon, above n 6, 155.

⁴⁷ Evan Stark, ‘The ‘Coercive Control Framework’: Making Law Work for Women’ in Marilyn McMahon and Paul McGorrrery (eds), *Criminalising Coercive Control: Family Violence and the Criminal Law* (Springer, 2020) 33-49, 40.

3.2. Is a criminal justice response appropriate?

The concern that women will face unintended negative consequences by the introduction of new offences derives from an abundance of literature documenting the profound difficulties faced by women dealing with the criminal justice system.⁴⁸ The introduction of coercion and control offences alone will do little to address the barriers to women's access to justice, and significant work is needed to ensure that any legislative change is not simply symbolic or superficial in effect (Douglas 2015 ; State of Victoria 2016).⁴⁹ WLST is of the view that inaction arising from a fear that a particular course of action may not succeed in increased protection for women, only further fails those women. Criminal justice responses to family violence must respond to contemporary understandings of the nature of family violence patterns, and women's experiences of coercion and control. Limiting direct criminalisation to the physical aspects of family violence legitimises the hierarchy of violence which inappropriately regards non-physical forms of violence as less severe.⁵⁰ This reinforces the incident-based characterisation of family violence, thereby obscuring the underlying patterns of coercion and control that are typically present in these relationships.⁵¹

The criminal justice system cannot provide all of the solutions to a complex social and clinical issue. Acknowledging these limits of the criminal law requires increased commitment to investing in long term cultural change and the services that support this change.⁵² As Stark emphasises, 'Work on coercive control is about changing the big picture, not adding new offensive behaviours to a series of (already unenforced) distinct offences.'⁵³ For legislation to be effective it must be part of a wider whole of government approach. Critical lessons from the Tasmanian experience reveal that comprehensive implementation support is key to the success of any reform. Significant changes and improvements in police and institutional responses to family violence are necessary preconditions to the effective operation of any such legislation.⁵⁴

⁴⁸ Walklate and Fitz-Gibbon, above n 37, 101.

⁴⁹ Vanessa Bettinson, 'A Comparative Evaluation of Offences: Criminalising Abusive Behaviour in England, Wales, Scotland, Ireland and Tasmania' in Marilyn McMahon and Paul McGorrrery (eds), *Criminalising Coercive Control: Family Violence and the Criminal Law* (Springer, 2020) 197-217, 198.

⁵⁰ Stark, above n 47, 42 – 43.

⁵¹ Ibid, 43.

⁵² Walklate and Fitz-Gibbon, above n 37, 127.

⁵³ Stark, above n 47, 40.

⁵⁴ Marilyn McMahon and Paul McGorrrery, 'Criminalising Controlling and Coercive Behaviour: The Next Step in the Prosecution of Family Violence' (2016) 41(2) *Alternative Law Journal*, 98, 99.

4. Conclusion

Women's Legal Service Tasmania makes this submission in support of introducing specific family violence offences targeting coercive and controlling behaviours. This support is accompanied by an important caveat: the creation of new offences alone is unlikely to achieve the intended impact, without substantial institutional reform and support for implementation measures. This in part requires, police, lawyers and courts to embrace and consider coercion and control as a series of behaviours and actions as opposed to focusing on single incidents. It also requires an investment in facilitated discussions within the community to challenge norms permissive of family violence. It requires the links between gender inequality and family violence to be recognised by all those responding to family violence. It cannot be emphasised enough that '[e]ven the best drawn laws function as a 'disguised betrayal' of women's justice claims without concurrent commitments of resources to infrastructure, nationally coordinated assistance to local surveillance and interdiction, and the comparable political will to pursue the equality agenda.'⁵⁵

⁵⁵ Stark, above n 47, 34.