

1 September 2021

Our ref: [BT/NDC-MC]

Committee Secretary
Community Support and Services Committee
Parliament House
George Street
Brisbane Qld 4000

By email: CSSC@parliament.qld.gov.au

Dear Committee Secretariat

Inquiry into Social Isolation and Loneliness in Queensland

Thank you for the opportunity to provide feedback on the Inquiry into Social Isolation and Loneliness in Queensland (**Inquiry**). The Queensland Law Society (**QLS**) thanks the Community Support and Services Committee (**Committee**) for the opportunity to comment on the Inquiry. This response has been compiled by the QLS Elder Law Committee and Domestic and Family Violence Committee, whose members have substantial expertise in this area.

QLS supports the Committee's work in examining and responding to the impacts of social isolation and loneliness in Queensland, and wishes to draw to the Committee's attention the link between social isolation and forms of abuse, specifically elder abuse and domestic and family violence.

Social isolation and elder abuse

Social isolation can be both a form of, and a risk factor for, the abuse of older Australians (or elder abuse). The World Health Organisation defines elder abuse as involving 'a single or repeated act or lack of appropriate action, occurring within any relationship where there is any expectation of trust, which causes harm or distress to an older person'.¹ The Australian Institute of Family Studies expands this definition, describing elder abuse as '[a] single or repeated act or failure to act, including threats, that results in harm or distress to an older person. These occur where there is an expectation of trust and/or where there is a power imbalance between the party responsible and the older person.'² This definition captures a broad range of acts or omissions, including: physical abuse; emotional/psychological abuse; financial/economic abuse; sexual abuse; social abuse; and, neglect. Social abuse includes preventing or

¹ World Health Organisation, *The Toronto Declaration on the Global Prevention of Elder Abuse* (2002).

² Kaspiew et al, 'Elder Abuse National Research – Strengthening the Evidence Base: Research Definition Background Paper' (Australian Institute of Family Studies, 2019) <https://aifs.gov.au/sites/default/files/publication-documents/1908_elder_abuse_national_research_strengthening_the_evidence_base.pdf> 4.

attempting to prevent the older person from having contact with family, friends or community (i.e., socially isolating the older person). Although significant work has been done at the State and Federal Government levels in recent years to address the abuse of older Australians, there remains limited research about the drivers of social abuse, and what interventions are effective in stopping or reducing abusive behaviours.

As well as being a form of elder abuse, social isolation is also a risk factor for abuse.³ In 2019-20 the Elder Abuse Prevention Unit (EAPU) recorded that 13.6% of elder abuse victims were socially isolated, where older adults are at greater risk of becoming socially isolated due to a range of physical, social and structural factors.⁴ For example, partners and friends of the person may have died, which can increase the likelihood of social isolation and, subsequently, loneliness. The EAPU reports that this 'not only increases vulnerability and risk of elder abuse but may also affect whether the abuse is reported. In some situations, perpetrators are the victim's only social connection; in spite of the abuse, they may be reluctant to do anything to jeopardise the relationship.'⁵ Additionally, being socially isolated prevents others from having sufficient contact with an older person to notice signs of abuse, and to privately communicate with the older person to arrange support services (e.g. health, medical, legal, advocacy etc.).

Domestic and family violence

There are clear links between social isolation and domestic and family violence. In some instances, the deliberate isolation of a person from family, friends and community can be a form of coercive control. Coercive control is a pattern of behaviour or a course of conduct aimed at dominating and controlling another person and can involve both physical and/or non-physical tactics.⁶ It is a method of undermining a person's agency and creating an atmosphere of threat and confusion.

Research suggests that coercive control is a predictive factor for serious physical violence in intimate relationships, including homicide.⁷ Coercive control is a gendered phenomenon. The way in which coercive control manifests is highly situational and contextual, and can vary significantly across different relationships.

There are communities for whom coercive control and domestic and family violence experiences and risks are compounded through social factors, systems responses and greater vulnerabilities and isolation. These groups include culturally and linguistically diverse people, First Nations Peoples, people with disability, older women and LGBTIQ+ people. QLS considers that there is significant scope to improve community understanding of coercive control and domestic and family violence.

QLS supports consideration of providing examples of behaviour which may constitute coercive control within the definition of "domestic violence" under section 8 of the *Domestic and Family Violence Protection Act 2012* (Qld). Under the *Family Law Act 1975* (Cth), for example, the definition of family violence is accompanied by examples of behaviour which fall within this definition. This includes, unreasonably denying the family member the financial autonomy that

³ Australian Law Reform Commission, *Elder Abuse – A National Legal Response* (Final Report 131, May 2017) <https://www.alrc.gov.au/wp-content/uploads/2019/08/elder_abuse_131_final_report_31_may_2017.pdf> 44-45 [2.61-3].

⁴ Elder Abuse Prevention Unit, *Year in Review 2019-20* (Report, 2020) 28.

⁵ Ibid.

⁶ ANROWS, *Defining and responding to coercive control: Policy brief*, <https://www.anrows.org.au/publication/defining-and-responding-to-coercive-control/>.

⁷ Hayley Boxall and Anthony Morgan, *Statistical Bulletin 30: Experiences of coercive control among Australian women* (Australian Institute of Criminology, March 2021) 2.

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he or she would otherwise have had; and preventing the family member from making or keeping connections with his or her family, friends or culture.⁸

While social isolation from family, friends and community can be a form of coercive control, it is also be a risk factor for other forms of domestic and family violence. Women living in regional, rural and remote (RRR) areas are more likely than women in urban areas to experience domestic and family violence, and they face specific issues related to their geographical location and the cultural and social characteristics of living in small, isolated communities.⁹ There may be cultural reluctance to discuss “family problems” in RRR communities, which serves to silence women’s experiences.¹⁰ A fear of stigma and shame, or becoming the subject of community gossip, along with a lack of perpetrator accountability, may deter women from seeking help. Additionally, many women in RRR communities lack privacy due to the high likelihood that police, health professionals and domestic and family violence workers know both the victim and the perpetrator.¹¹

Women who do seek help in isolated communities face numerous challenges. There is limited access to community legal services and a lower concentration of private lawyers in RRR areas. Distance to services and lack of transportation remain a significant obstacles to accessing support. Complex financial arrangements and financial dependency increase difficulties for women wanting to leave abusive relationships. For example, in farming communities money is often tied up in assets or trust funds (such as the family farm) and controlled by husbands or fathers, which serves to limit women from access to their own income stream.¹² This further socially isolates them and reduces their ability to seek assistance for domestic and family violence.

It is also reported that abusers often compound physical isolation with social and emotional isolation.¹³ For example, access to vehicles may be controlled by the perpetrator, access to public transport is limited, and being separated from other support networks can reinforce feelings of helplessness and dependency. While digital technologies provide those living in rural, regional and remote communities with a way to connect with the outside world, perpetrators commonly refuse to allow access to phones or internet, or closely monitor a victim’s use of such technologies.

Additionally, there is frequent difficulty in attracting experienced social workers and professionals with a background in domestic violence to RRR areas. Our members report that it is difficult to attract not only counsellors, but also facilitators for men’s behavioural change programs. . In the experience of our members, there are few family violence specific services available to people experiencing violence in RRR areas. Anecdotally for example, our members highlight many instances whereby the only means to access domestic violence support for women from farming communities is at medical appointments, where medical staff in those facilities secretly facilitate access to domestic violence workers for consults.

⁸ *Family Law Act 1975* (Cth) s 4AB(2)(g). We note that some examples of coercive control are set out in section 11 of the *Domestic and Family Violence Prevention Act 2012* (Qld) in relation to the definition of emotional and psychological abuse.

⁹ Monica Campo and Sarah Tayton, *Domestic and family violence in regional, rural and remote communities: An overview of key issues* (Australian Institute of Family Studies, 2015) <https://aifs.gov.au/cfca/publications/domestic-and-family-violence-regional-rural-and-remote-communities>.

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

¹³ In the American context, see Connie Adler, ‘Unheard and Unseen: Rural Women and Domestic Violence’ (1996) 41(6) *Journal of Nurse-Midwifery* 463.

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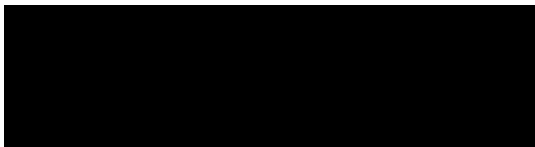
The Committee has asked for information on how COVID-19 has impacted social isolation and loneliness in Queensland. The full impact of the COVID-19 pandemic on experiences of family and domestic violence remains unknown. Many services have been suspended during the pandemic. While phone services are available, COVID-19 restrictions mean that perpetrators and victims are compelled to spend more time physically together. Accessing telephone advice is therefore likely to increase risk for women who are unable to leave the home they share with the perpetrator, in a remote town.

QLS also highlights the effect of lockdowns due to COVID-19 on women generally. According to the Australian Institute of Criminology (AIC), the COVID-19 pandemic appears to have coincided with the onset of physical or sexual violence or coercive control for many women, and an increase in the frequency or severity of ongoing violence or abuse for other women.¹⁴ The AIC reports that two thirds of women who had experienced physical or sexual violence by a current or former cohabiting partner since the start of the COVID-19 pandemic said the violence had started or escalated in the three months prior to May 2020 (coinciding with the February 2020 lockdowns).¹⁵ Similarly, more than half the women who experienced coercive control reported the onset or escalation of emotionally abusive, harassing or controlling behaviours during the COVID-19 pandemic.¹⁶

Various factors have been identified as contributing to a potential increase in both the prevalence and severity of domestic violence during the COVID-19 pandemic, including 'increased social isolation and decreased social movement, which may restrict avenues for women to seek help.'¹⁷ Importantly, women who had less frequent contact with family and friends outside their immediate household during the pandemic were found more likely to experience both repeat and first-time violence.¹⁸

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on (07) 3842 5930.

Yours faithfully



Elizabeth Shearer
President

¹⁴ Hayley Boxall, Anthony Morgan and Rick Brown, *The prevalence of domestic violence among women during the COVID-19 pandemic* (Australian Institute of Criminology, Statistical Bulletin 28, July 2020).

¹⁵ Ibid 16.

¹⁶ Ibid.

¹⁷ Ibid 2.

¹⁸ Anthony Morgan and Hayley Boxall, 'Social isolation, time spent at home, financial stress and domestic violence during the COVID-19 pandemic' (Australian Institute of Criminology, Trends & issues, No. 609 October 2020) 14.