

31 August 2022

Mr Michael Tidball, Secretary
NSW Department of Communities and Justice
Locked Bag 5000,
Parramatta NSW 2124

Attention: Communities & Justice Coercive Control Project Team

Delivered by email to policy@justice.nsw.gov.au

Dear Mr Tidball

Coercive control exposure draft Bill

Thank you for the opportunity to comment on the [exposure draft of the Crimes Legislation Amendment \(Coercive Control\) Bill 2022 \(NSW\)](#) (the exposure draft) that has been designed to criminalise coercive control.

PWDA is Australia's peak national disabled people's organisation and is funded to engage in disability advocacy on behalf of people with disability in New South Wales.

We appreciate the opportunity for PWDA Board member Nicole Lee, Deputy Chief Executive Officer Carolyn Hodge and Senior Policy Officer Amanda Ellis to meet with Department of Communities and Justice (DCJ) staff this month and take part in a Roundtable to share our views on the exposure draft.

Our views

PWDA agrees that 'coercive control is a form of domestic abuse that involves patterns of behaviour which have the cumulative effect of denying victim-survivors their autonomy and independence... [and that it]... can include physical, sexual, psychological or financial abuse' as outlined in the [Criminalising Coercive Control in NSW Fact Sheet](#).

However, PWDA disagrees with the scope of the Bill, as outlined in the section 54D(1)(b) of the exposure draft, that the offence is deemed to occur (along with other factors) if:

the adult and other person are or were intimate partners...

We believe it is unfair to introduce laws that only apply to intimate partnerships, when we – people with disability – experience coercive control from many people in our circles besides proposed, current or previous romantic or sexual partners. Our informal or formal supporters, or carers, can – and often do – seek to coercively control us. We experience this form of abuse in service settings, from family members and support workers. If these laws are introduced, PWDA wants them to apply to all perpetrators, from the outset. It is our view that this Bill sets up a two-tiered system for dealing with coercive control – a system in which the same behaviour is an offence in certain settings or circumstances and not in others. This is unacceptable.

PWDA is also concerned that behaviour from people with disability – particularly people with post-traumatic stress or trauma, cognitive or intellectual disability, acquired brain injury, and developmental conditions such as autism or autism spectrum – may be misinterpreted as being intentionally or recklessly coercive. We question whether there is sufficient understanding of disability among police, the legal profession and the community more broadly to ensure that the reasonable person test outlined in section 54D(1)(d) of the exposure draft provides a sufficient safeguard. The exposure draft states that a person commits an offence (among other factors) if:

a reasonable person would consider the course of conduct would be likely, in all the circumstances, to cause either or both 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,

(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.

We are concerned that a lack of understanding of disability will lead to unintended negative consequences for people with disability. We recommend safeguards are put in place to prevent people with disability being charged based on behaviour related to their disability rather than behaviour that is coercive control. Our key concern here is that this law could be used by the perpetrator to characterise their victim as the controller. Alongside this concern, we also consider that there is a risk that controlling behaviour

could be viewed by a 'reasonable person' who has no understanding of disability as a reasonable course of action or one that doesn't have a serious adverse impact on the person with disability to engage in their ordinary activities. For example, where the partner of a woman with an intellectual disability uses financial control coercively and this is accepted rather than understanding that the woman has capacity to control her own finances on her own or with support as needed. Without substantial growth in understanding disability by those operationalising and enforcing this new law, we see these risks as unacceptable especially given they are not currently mitigated by adequate safeguards. Any safeguards must be developed with people with disability to ensure these laws are disability-informed and no loopholes are created. A nuanced approach is vital.

PWDA believes culture-change and the comprehensive training of police, the judiciary, and the legal profession to comprehensively understand disability (especially a contemporary, rights-based understanding that assumes capacity), and the impact of trauma needs to happen before these laws are introduced.

The NSW Women's Alliance recommendations

PWDA is a member of the [NSW Women's Alliance](#) (the Alliance) and endorses the letters the Alliance sent to the Attorney General and the Minister for Women's Safety and the Prevention of Domestic and Sexual Violence on 22 and 31 August (attached). We support calls for:

1. a clear definition of coercive control – PWDA supports the letters' call to 'start first with a definition of domestic and family abuse in the Crimes (Domestic and Personal Violence) Act prior to introducing a stand-alone coercive control offence'.
2. a broader scope of domestic relationship as in the *Crimes (Domestic and Personal Violence) Act 2007*. Given the current scope of the offence excludes abuse against people with disability by their informal or formal supporters, family members, carers or co-residents in shared living arrangements – PWDA believes the laws should apply to all these potential perpetrators and any other perpetrators in family-like relationships and other intimate, close or professional relationships with the victim-survivor.
3. increased time for consultation – PWDA and people with disability agree with the concerns of the Alliance that a rushed process to criminalise coercive control may

have dangerous consequences. Adequate consultation with people with lived experience of violence has not been done. There needs to be discussions with people with disability who have and haven't accessed criminal justice pathways. This is needed to gain a sense of what has worked, what's not worked, or why people have not pursued justice pathways. These discussions need to include a diverse range of people with disability to take account of intersectionality among our community e.g. LGBTIQ+, CALD and Aboriginal and Torres Strait Islander people with disability among others. We believe co-design of policy with people with disability still needs to occur, as is our human right under Article 4(3) of the Convention on the Rights of Persons with Disability (CRPD) that states:

In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

Like the Alliance called for in its [election platform](#), we feel there must be a safe, phased transparent and accountable approach to the criminalisation of coercive control, (see 5.1.a). NSW must also ensure the criminalisation of coercive control considers the wide range of relationships in which abuse may occur, as per the platform's recommendation 5.1.b, and apply the laws to these people from the very beginning. We believe this is especially important to countering and outlawing the abuse we know many people in our disability community experience in a range of relationships. Retrofitting legislation takes time, is costly, and would at this point exclude the disability community from the wider community conversations and education that will come with the introduction of this new law. Omitting key abusers from being held accountable would also have the potential to create more confusion and mistrust in the justice process for our community members.

4. the **immediate establishment of an independent implementation taskforce** – We support the Alliance's call for an independent implementation taskforce. It is imperative that the taskforce includes representation of people with disability.

Like our fellow members of NSW Women's Alliance, PWDA asks that the above concerns be immediately addressed by the NSW Government before this proposed legislation is passed through NSW Parliament. To hold further discussions with us, please contact PWDA Senior Policy Officer Amanda Ellis on +61 438 003 868 or at amandae@pwd.org.au.

Yours sincerely



Sebastian Zagarella
People with Disability Australia CEO

Attachments:

Letter from NSW Women's Alliance re: Urgent request for draft bill to criminalise coercive control to be opened to a second round of consultation dated 31 August 2022.

Letter from the NSW Women's Alliance re Four points of objection: Urgent request to meet re: Coercive Control Legislation dated 22 August 2022.

The Hon. Mark Speakman, Attorney General

52 Martin Place, Sydney, 2000

Cc/ Hon Natalie Ward, Minister for Women's Safety and the Prevention of Domestic and Sexual Violence

Hon. Michael Daley, Shadow Attorney General

31 August 2022

To the Hon. Mark Speakman,

Re: Urgent request for draft bill to criminalise coercive control to be opened to a second round of consultation

The NSW Women's Alliance has grave concerns with the Crimes Legislation Amendment (Coercive Control) Bill 2022. These concerns are echoed by the DVNSW Aboriginal & Torres Strait Islander Steering Committee and DVNSW Lived Experience Policy Advisory Committee.

Responding to coercive control is an important reform, however, the draft Bill is complex legislation, and without being given the appropriate time for consideration and consultation it has the potential to harm the very people it was designed to protect.

The NSW Women's Alliance has three key concerns with the proposed legislation which can only be addressed with careful consultation with the domestic and family violence sector and those who have lived expertise, and with a longer consultation period. These include:

1. Need for a clear definition

Coercive control needs to be clearly defined, or it will do very little to improve the safety and wellbeing of victim-survivors in NSW. In the current draft Bill, the proposed definition of domestic abuse is unclear, and "domestic abuse" is not a ground for an apprehended violence order. We believe that it is confusing to have two different definitions – one in the *Crimes (Domestic and Personal Violence) Act* and a different definition in the *Crimes Act*. This will result in perpetrators not being held accountable as there will be loopholes. It is imperative to have a phased approach, starting first with a definition of domestic and family abuse in the *Crimes (Domestic and Personal Violence) Act* prior to introducing a stand-alone coercive control offence. This was a recommendation of the NSW Joint Select Committee on coercive control.

2. Omission of family violence and abuse

The current draft bill limits the criminalisation of coercive control to just intimate partner relationships whereas the current *Crimes (Domestic and Personal Violence) Act* applies a broad definition of "domestic relationship". The omission to include this broader definition in the proposed coercive control legislation will have negative consequences in the law and protection that will be

established in NSW. Under the proposed draft bill, coercive control perpetrated by a person against their intimate partner would be a crime, but the same behaviour perpetrated in other circumstances would not be classified as a crime. For example, coercive control perpetrated by an adult child against their aged parent, or by a carer against a person with a disability who is dependent on their care, or by an extended family member or kin against another family member (including Indigenous kin relationships), would not be covered by the proposed draft bill. In effect this further marginalises priority populations including older people, people with disability, Aboriginal and Torres Strait Islander people and people from migrant and refugee background by denying them the same access to the justice system as those in intimate partner relationships.

3. Immediate establishment of an independent implementation taskforce

We call for the NSW Government to immediately establish an independent coercive control implementation taskforce before the Bill is introduced into Parliament. This taskforce should have oversight of the draft legislation, consultation processes, and the implementation process, including systems and cultural reform as well as training, and ongoing monitoring and evaluation. If the NSW police and justice system aren't sufficiently trained with significant cultural reform undertaken, if our communities don't understand what coercive control is, and if support services aren't funded to provide support to women throughout the process, the proposed legislation will not provide justice for those it has been designed for and who need it most. We must have independent, transparent oversight and evaluation to ensure the legislation leads to appropriate convictions, and that it is not harming victim-survivors.

The NSW Women's Alliance and undersigned supporters ask you to listen to the advice of sexual, domestic, and family abuse experts in the development of this bill. At an absolute minimum we urgently request a second round of consultation on the amended exposure bill.

The changes we need to see in policy and legislation regarding domestic and family violence MUST be informed by those who have lived it. We MUST consider all communities within NSW, including Aboriginal and Torres Strait Islander people. We MUST ensure police, the courts and the legal fraternity are trained appropriately and cultural and systems reforms are implemented, to ensure victim-survivors of coercive control are not re-traumatised. We MUST take the time to criminalise coercive control in order to keep victim-survivors in NSW safe.

The co-signees ask that the above concerns be immediately addressed by the NSW Government before this proposed legislation is passed.

Organisation	Representative
Aboriginal Health Worker	Heidi Bell
Aboriginal Health Worker	Kayla Webb
Aboriginal Maternal and Infant Health Midwife	Janaya Lewis
Aboriginal Maternal Health service, midwife	Olive Hall
ACON	Teddy Cook
Advocate	Daniel John Kofler

Advocate	Kat Docherty
Albury Wodonga Aboriginal Health Service, Community Health/AOD Counsellor	Yvonne Nichol
Animal Defenders Office, Managing Solicitor	Tara Ward
Australian Centre for Disability Law, Principal Solicitor	Mark Patrick
Barnardos Australia, CEO	Deirdre Cheers
Birra-Li Maternal & Child Health Service	Malia Donaldson
Blue Mountains Women's Health & Resource Centre Inc., Manager	Gina Vizza
Bondi Beach Cottage, Specialist DFV Counsellor	Eleanor Campbell
Bonnie Support Services Ltd, Executive Officer	Tracy Phillips
BWDVCAS, DFV Specialist Worker (Multicultural Focus)	Annie Cheng
Carries Place Domestic Violence and Homelessness Services	Jayne Clowes
CASPA Family Supports Casino, Team Leader	Maureen Gill
Central Coast WDV CAS	Karin Whelan
Central Tablelands and Blue Mountains Community Legal Centre	Arlia Fleming
Central West WDV CAS	Penny Watt
Centre for Women's Safety & Wellbeing, Director	Alison Evans
Centre Manager Central West Women's Health Centre Inc	Karen Boyde
CFHN Birra Li Aboriginal Maternal and Child Health Service	Kathryn Linsley
Clarence WDV CAS	Leonie Duroux
Coffs /Clarence, DFV Specialist Worker	Georgie Tebbs
Country Women's Association of NSW, CEO	Danica Leys
Cumberland Women's Domestic Violence Court Advocacy Service, Manager	Oloa Savaiinaea
DFSV Homelssness and Disability Consultant Advocate	Talie Star
Domestic and Family Specialist	Nicolle Woodleigh
Domestic Family Violence Specialist	Karen Vella
Domestic Violence NSW	Elise Phillips
Domestic Violence NSW Service Management	Nicole Diab
Domestic Violence Service Management	Kath Donovan
Domestic Violence Service Management (Wilcannia safe House)	Mary Ronayne
Domestic Violence Service Management, General Manager	Sally Grimsley-Ballard
Domestic Violence Specialist Worker	Kelly Clifton
DV West	Catherine Gander
DVNSW Aboriginal and Torres Strait Islander Women's Steering committee	
DVNSW Lived Expertise Policy Advisory Committee	
Educator/Advocate/Survivor	Ashlee Donohue
Embolden SA, Policy & Communications Manager	Jennifer Kingwell
Enough Is Enough Anti Violence Movement Inc	Simone Marslew
FACAA, President	Adam Washbourne
Faculty of Law, UTS, Associate Professor	Jane Wangmann
Family and friend of victim survivors and 2 deceased victims	Jacy harding
Family Support Barnardos, Program Manager	Melissa Cooke
Family Support Network Inc	Helen Lieschke
Family Support Newcastle	Mark Hoppe
Family Support Newcastle (Family Skills), Group Worker	Danielle Simmonette

Family Support Newcastle (SHLV/Men's Project/Family Skills), Team Leader	Nicole Cameron
Family Support Newcastle, CEO	Sue Hellier
Family Support Newcastle, Family worker	Beth Holmes
Family Support Newcastle, Intensive Family Preservation Social Worker	Louise Davies
Family Support Newcastle, Men's and Family Worker	Roger Currie
Family Support Newcastle, Playtime Facilitator	Jess Johnstone
Family Support Newcastle, Social worker	Jane Grant
Family Violence Prevention Advocate	Rosie Batty
Far West Community Legal Centre, Acting Principal Solicitor	Nina Betts
Full Stop Australia, CEO	Hayley Foster
Got Your Back Sista	Jo Buckingham
Green Valley Liverpool Domestic Violence Service	Sheikha Al Nabhan
Green Valley Liverpool Domestic Violence Service	Jane Ryan
Green Valley Liverpool Domestic Violence Service	Jasmine Shamim
Happiness Habits Inc (free mentoring for vulnerable women)	Penny Newson
Homelessness NSW, CEO	Trina Jones
Housing Plus	Elisabeth Sattler
Housing Plus	Rebecca Bohun
Housing Plus	Penny Dordoy
Housing Plus- WDV CAS	Alissa West
Housing Plus/ WDV CAS	Erin Hunt
Hume Riverina Community Legal Service, Acting Principal Lawyer	Alison Maher
Hunter Community Legal Centre, Managing Solicitor	Bronwyn Ambrogetti
Hunter Valley WDV CAS	Mary Simpson
Hunter Valley WDV CAS	Olivia Stein
Hunter Valley WDV CAS, Domestic Violence Specialist Worker	Audrey Eshiloni
Hunter Valley WDV CAS, SAM coordinator	Christine Lamplough
Hunter Valley, DFV Specialist Worker	Nicole Sheridan
Illawarra Legal Centre	Phillip Dicalfas
Illawarra WDV CAS, DFV Specialist Worker	Janelle Armstrong
Illawarra WDV CAS/ Women Illawarra	Amanda Easterher
Illawarra Women's Health Centre, Executive Director	Sally Stevenson AM
Immigrant Women's Speakout of NSW Association, Executive Officer	Sunila Kotwal
Immigration Advice and Rights Centre (IARC)	Joshua Strutt
Inner City Legal Centre	Hilary Kincaid
Intellectual Disability Rights Service, Executive Officer	Janene Cootes
Interrelate	Jessica Alva
Jenny's Place Inc., Executive Manager	Marcia Chapman
Journalist, author and educator	Jess Hill
Kempsey Families Inc.	Paul Reinbott
Kingsford Legal Centre	Emma Golledge
Knowmore Legal Service, CEO	Warren Strange
Leopard Consulting	Vicki Johnston
Liberty Domestic & Family Violence Specialist Services, CEO	Kelly Lamb
Lismore MBC Worker and PVAW worker	Sarah Drury
Lismore Womens Health & Resource Centre	Diane Latta
LIVEfree Project, CEO / Founder	Chris Jones
Macarthur Legal Centre, Executive Officer	Robert Pelletier

Macarthur Womens Domestic Violence Court Advocacy Service-Disability Focused Caseworker	Lisa Stark
Make A Seat Australia, Survivor Advocaet and Founder	Amanda Morgan
Manager Monaro Hume Womens Domestic Violence Court Advocacy Service	Julie Hathaway
Marrickville Legal Centre	Lucy Carroll
Mary's House Services, CEO	Claire Barber
Mid Coast WDV CAS	Sandra Sheridan
Mid Coast WDV CAS, Aboriginal Domestic and Family Violence Specialist	Laura Schmidt
Mid Coast WDV CAS, Domestic & Family Violence Specialist	Danielle Mead
Mid Coast WDV CAS, Domestic & Family Violence Specialist	Kate Fernandes
Mid Coast WDV CAS, Domestic & Family Violence Specialist	Makiita Chilcott
Mid Coast WDV CAS, Domestic & Family Violence Specialist	Kate Moulton
Mid North Coast Legal Centre, Assistant Principal Solicitor	Sarah Dahlenburg
Mid Western - WDV CAS, SAM Coordinator	Jasanna Pilon
Mid Western WDV CAS, Domestic Violence Specialist Worker	Ellen Newton
MLALC, Deputy Chair	Yvonne Weldon
Molonglo Support Services, CEO	Janette Dale
Monash Gender and Family Violence Prevention Centre, Director	Kate Fitz-Gibbon
Mountains Outreach Community Service, Manager	Tatiana Lozano
Moving Forward DFV Case Management Services Inc.	Maria Rodriguez
Multicultural Disability Adovacy Association NSW, Executive Director	Susan Laguna
Murrumbidgee WDV CAS, DFV Specialist Worker	Tayla Haig
National Child Protection Alliance	Pip Rae
National Womens Saftey Alliance	Frances Crimmins
NBMWDV CAS, Manager	Anna Hanson
New England WDV CAS - Aboriginal Focus Worker	Talitha Holzhauser
New England WDV CAS, Manager	Cassandra Cutmore
Newcastle Domestic Violence Committee	Lisa Ronneberg
Newcastle Womens Domestic Violence Court Advocacy Service	Brooke Falcioni
NFSS	Nikola Brookes
Northern Beaches Womens Shelter	Sara Friedman
Northern Rivers DVCAS and Men and Family Centre Lismore	Michelle Lyons
Northern Rivers WDV CAS	Kylie McKenzie
Northern Rivers WDV CAS, Acting Assistant Manager	Em Williams
Northern Rivers Women and Children's Services Incorporated, General Manager	Kelly Banister
Northern Rivers Womens Domestic Violence Court Advocacy Service	Maryanne Collins
Northern Rivers Womens Domestic Violence Court Advocacy Service	Jody Webster
Northern Rivers Womens Domestic Violence Court Advocacy Service	Keira Walker
Northern Settlement Services - Manager - Settlement and Communities Programs	Debbie Carstens
Northern Settlement Services Central Coast	Nellie Srisurapon
Northern Settlement Services, CEO	Sharon Daishe
North-west Sydney WDV CAS, Domestic Family Violence Specialist worker	Clasina Nel
Nova for Women and Children	Belinda Biagioli
Nova for Women and Children	Bobbie Graham
Nova for Women and Children	Danielle Thompson
Nova for Women and Children	Fiona Edwards

Nova for Women and Children	Immogen Rodier
Nova for Women and Children	Katherine Terlato
Nova for women and children	Lee Liewes
Nova for Women and Children	Michelle Apschner
Nova for Women and Children	Wendy Pinch
Nova for Women and Children	Georgia Robson
NOVA for women and children	Tanya Rowney
Nova for Women and Children, case worker	Emma Ginn
Nova for Women and Children, CEO	Kelly Hansen
Nova for Women and Children, Rapid Response Case Worker	Teegan MacDonald
NSS Multicultural Families Team, Manager	Pet Kelly
NSW Council of Social Service, CEO	Joanna Quilty
NWDVCAS, manager	Suellyn Moore
Older Women's Network NSW	Yumi Lee
Oxley WDVCS	Frances Price
Oxley WDVCS, DFV Specialist Worker	Ashley White
Parramatta Women's Shelter, Shelter Manager	Tania Smith
Picking Up the Pieces, Birrang, DFV Program Manager	Keren Barker
Port Stephens Family and Neighbourhood Services, Assistant Manager	Ann Fletcher
Redfern Legal Centre, CEO	Katherine McKernan
Riverina Women's Domestic Violence Court Advocacy Service	Julie Mecham
Riverina Women's Domestic Violence Court Advocacy Service	Veronica Maloney
Riverina Women's Domestic Violence Court Advocacy Service	Melissa Harris
Service Manager TFSS Womens and Children's refuge and Staying Home Leaving Violence	Lynda Townsend
Settlement Services International, CEO	Violet Roumeliotis
Settlement Services International, Program Manager, DFV	Juliana Nkrumah AM
SEWACS, Staying Home Leaving Violence, Bega	Tahnee Austin
Shoalcoast Community Legal Centre	Emma Wood
Shoalhaven Women's Health Centre, Manager	Tracy Lumb
South Coast WDVCS	Sarah Totterdell
South Coast WDVCS	Skye Gunning
South West Sydney Legal Centre	Joshua Mestroni
South West Sydney Legal Centre, CEO	Yvette Vignando
South West Sydney WDVCS, DFV Specialist Worker	Patricia Ho
Southern Cross University, Social Work Field Education Officer	Inga Lie
Staying Home Leaving Violence, Case manager	Julie Dowse
Staying Home Leaving Violence, Case manager	Madeleine Taylor
Staying Home Leaving Violence, Caseworker	Laura Noonan
Staying Home Leaving Violence, Referral & Intake worker	Sophie Harley
Supported Accommodation & Homelessness Services Shoalhaven/Illawarra (SAHSSI)	Kathy Colyer
Survivors & Mates Support Network (SAMSN), MD/CEO	Craig Hughes-Cashmore
Sydney WDVCS, Acting SAM Coordinator	Kathy Drane
Sydney WDVCS, DFV Specialist worker	Ally Payne
Sydney WDVCS, DFV Specialist worker	Jessica Pleitez
Sydney Women's Counselling Centre, Assistant Manager	Sonya Finlayson
SydWest Multicultural Services	Elfa Moraitakis

Tenants' Union of NSW	Leo Patterson Ross
The Northern Centre, CEO	Cate Sinclair
The Salvation Army Trafficking and Slavery Safe House, Program Manager	Claudia Cummins
The Women's Cottage, manager	Maria Losurdo
Thiyama-li FVSIC Moree, Acting CEO	Denise Ranby
Trans Queer Brains Trust (TQBT), Founder	Sparrow Katekar
Tumut Regional Family Services Inc.	Karen Tobin
University of Arizona and Fulbright Scholar, UTS, Clinical Law Professor	Negar Katirai
University of Newcastle Legal Centre, Acting Director	Sarah Breusch
Victim survivor	Angela Brown
Victims of Crime Assistance League (Hunter), CEO	Kerrie Thompson
WDVCAS, Domestic family violence Specialist	Sarah Bills
Weave Youth & Community Services, CEO	Siobhan Bryson
WESNET, Chair	Julie Oberin
Western NSW Community Legal Centre, Principal Solicitor	Patrick O'Callaghan
Western Sydney Community Legal Centre, Interim CEO	Helen Bouropoulos
Western Sydney Community Legal Centre, Acting Principal Solicitor	Susannah Coles
Western Sydney University Justice Clinic, Executive Officer	Rebecca Dominguez
Western Women's Domestic Violence Court Advocacy Service	Wanita Gibbs
Western Women's Domestic Violence Court Advocacy Service	Tearne Ryan
Western Womens Legal Support, Principal Solicitor	Rachael Robertson
Wirringa Baiya Women's Legal Service, CEO	Christine Robinson
Women Illawarra, General Manager	Michelle Glasgow
Women Up North Housing	Brooke Cotten
Women With Disabilities Australia	Heidi La Paglia Reid
Women's and Girls' Emergency Centre	Helen Silvia
Women's Community Shelters, CEO, Chair - DVNSW Board	Annabelle Daniel OAM
Women's Health NSW, CEO	Denele Crozier, AM
Women's Legal Service NSW, Executive Officer	Helen Campbell OAM
Women's Service Manager SHS Uniting	Jasmine Aspinall
Yes Unlimited	Di Glover
Yes Unlimited Albury	Kira Pace
Yfoundations, CEO	Trish Connolly
Youth Action	Kate Munro
Youth Law Australia, Principal Solicitor (Harm Practice)	Carolyn Jones
Zonta Club of Central Coast	Gael Butler

The Hon. Mark Speakman SC MP
Attorney General
52 Martin Place, Sydney, 2000
Cc/ The Hon Minister Ward

22 August 2022

To the Hon. Mark Speakman,

Four points of objection: Urgent request to meet re: Coercive Control Legislation

The NSW Women's Alliance invite you to meet with us this week regarding our concerns with the coercive control draft exposure bill, implementation process and consultation process.

1. Need for a clear definition

The NSW Women's Alliance urgently request to meet as we have substantial concerns about the proposed bill including that the function of the proposed definition of domestic abuse to be included in the *Crimes (Domestic and Personal Violence) Act* is not clear. The definition should be incorporated as a ground for an apprehended violence order and does not appear to do so. We believe that it is confusing to have two different definitions – one in the *Crimes (Domestic and Personal Violence) Act* and another in the *Crimes Act*. It is imperative to start first with a definition of domestic and family abuse in the *Crimes (Domestic and Personal Violence) Act* prior to introducing a stand-alone coercive control offence.

2. Omission of family violence and abuse

The NSW Women's Alliance also hold strong concerns that the proposed new offence only covers intimate partner violence. We believe that it is confusing and concerning for only behaviour by an intimate partner to be criminalised. How can you say this form of abusive behaviour perpetrated by a person against their partner is a crime, but similar behaviour perpetrated, for example, by an adult child against their aged parent, or by an extended family member or kin against another family member (including Indigenous kin relationships), or by a carer against a person with a disability who is dependent on their care, or an adult against a child is not also a crime?

3. Increased time for consultation

We are greatly concerned by the rushed process to criminalise which may have dangerous consequences. We dispute claims which have been made that there has been a substantial consultation period, as the inquiry was not a consultation- it was an Inquiry as to whether or not NSW should criminalise the offence. There has been no intentional inclusion of consultation with victim-survivors who are the very people this legislation aims to protect.

NSW WOMEN'S ALLIANCE

As you are aware, we launched our election platform last week, Action to End Gendered Violence. The Platform makes two important recommendations for a **safe, phased, transparent and accountable approach to the criminalisation of coercive control**.

5.1.a) Prioritise an extensive and proper consultation process with the specialist SDFV sector, leaders and leading organisations representing priority populations and people with lived expertise, following the release of the public consultation draft of the Crimes Legislation Amendment (Coercive Control) Bill 2022 (NSW) prior to further criminalising coercive control. Immediately establish an independent implementation taskforce. A report be required by legislation to be tabled in parliament prior to the new offence commencing outlining all the implementation work undertaken, with the commencement date being delayed if insufficient implementation work is undertaken. Further regular and ongoing statutory reviews following commencement are also required, with the first review no more than 3 years after commencement.

5.1.b) Ensure the criminalisation of coercive control considers the wide range of relationships in which domestic and family abuse may occur.

4. Immediate establishment of an independent implementation taskforce

We call for the NSW Government to immediately establish an independent coercive control implementation taskforce which has oversight of draft legislation and consultation processes, the implementation process prior to commencement, focused on systems and cultural reform as well as training, and ongoing monitoring and evaluation. We call for the tabling of a report to parliament prior to the commencement of a new coercive control offence as outlined above. Once a new offence commences, annual data reports on the operation of the new offence must be published to provide transparency, including about unintended consequences. Evaluations of the experience of victim-survivors must be integral.

We look forward to meeting with you as a matter of urgency.

Yours sincerely,

NSW Women's Alliance.

- [Domestic Violence NSW](#)
- [Women's Legal Service NSW](#)
- [Wirringa Baiya Aboriginal Women's Legal Service](#)
- [Muslim Women Australia](#)
- [Older Women's Network NSW](#)
- [Women's Health NSW](#)
- [Immigrant Women's Speakout Association NSW](#)
- [Full Stop Australia](#)
- [ACON Health Ltd \(LGBTQ+\)](#)
- [No To Violence](#)
- [People with Disability Australia \(NSW\)](#)
- [NSW Council of Social Service \(NCOSS\)](#)
- [Seniors Rights Service](#)
- [Youth Action](#)