

## 31 August 2022

Mr Michael Tidball, Secretary

NSW Department of Communities and Justice Locked Bag 5000,

Parramatta NSW 2124

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**Attention:** Communities & Justice Coercive Control Project Team Delivered by email to [policy@justice.nsw.gov.au](mailto: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.

## 1

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—*

1. *fear that violence will be used against the other person,*
2. *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. LGBTIQA+, 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.

1. 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.](mailto: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:

## 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.

## 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

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.

## 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.

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| **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 |

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| 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 WDVCAS | Karin Whelan |
| Central Tablelands and Blue Mountains Community Legal Centre | Arlia Fleming |
| Central West WDVCAS | 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 WDVCAS | Leonie Duroux |
| Coffs /Clarance, 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 |

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| 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- WDVCAS | Alissa West |
| Housing Plus/ WDVCAS | Erin Hunt |
| Hume Riverina Community Legal Service, Acting Principal Lawyer | Alison Maher |
| Hunter Community Legal Centre, Managing Solicitor | Bronwyn Ambrogetti |
| Hunter Valley WDVCAS | Mary Simpson |
| Hunter Valley WDVCAS | Olivia Stein |
| Hunter Valley WDVCAS, Domestic Violence Specialist Worker | Audrey Eshiloni |
| Hunter Valley WDVCAS, SAM coordinator | Christine Lamplough |
| Hunter Valley, DFV Specialist Worker | Nicole Sheridan |
| Illawarra Legal Centre | Phillip Dicalfas |
| Illawarra WDVCAS, DFV Specialist Worker | Janelle Armstrong |
| Illawarra WDVCAS/ Women Illawarra | Amanda Easther |
| 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 |

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| 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 WDVCAS | Sandra Sheridan |
| Mid Coast WDVCAS, Aboriginal Domestic and Family Violence Specialist | Laura Schmidt |
| Mid Coast WDVCAS, Domestic & Family Violence Specialist | Danielle Mead |
| Mid Coast WDVCAS, Domestic & Family Violence Specialist | Kate Fernandes |
| Mid Coast WDVCAS, Domestic & Family Violence Specialist | Makiita Chilcott |
| Mid Coast WDVCAS, Domestic & Family Violence Specialist | Kate Moulton |
| Mid North Coast Legal Centre, Assistant Principal Solicitor | Sarah Dahlenburg |
| Mid Western - WDVCAS, SAM Coordinator | Jasanna Pilon |
| Mid Western WDVCAS, 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 WDVCAS, DFV Specialist Worker | Tayla Haig |
| National Child Protection Alliance | Pip Rae |
| National Womens Saftey Alliance | Frances Crimmins |
| NBMWDVCAS, Manager | Anna Hanson |
| New England WDVCAS - Aboriginal Focus Worker | Talitha Holzhauser |
| New England WDVCAS, 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 WDVCAS | Kylie McKenzie |
| Northern Rivers WDVCAS, 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 WDVCAS, 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 |

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| 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 WDVCAS | Frances Price |
| Oxley WDVCAS, DFV Specliast 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 WDVCAS | Sarah Totterdell |
| South Coast WDVCAS | Skye Gunning |
| South West Sydney Legal Centre | Joshua Mestroni |
| South West Sydney Legal Centre, CEO | Yvette Vignando |
| South West Sydney WDVCAS, 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 Accomodation & Homelessness Services Shoalhaven/Illawarra  (SAHSSI) | Kathy Colyer |
| Survivors & Mates Support Network (SAMSN), MD/CEO | Craig Hughes-Cashmore |
| Sydney WDVCAS, Acting SAM Coordinator | Kathy Drane |
| Sydney WDVCAS, DFV Specialist worker | Ally Payne |
| Sydney WDVCAS, DFV Specialist worker | Jessica Pleitez |
| Sydney Women's Counselling Centre, Assistant Manager | Sonya Finlayson |
| SydWest Multicultural Services | Elfa Moraitakis |

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| 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.

## 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.

## 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?

## 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



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.**

* + 1. 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.
    2. Ensure the criminalisation of coercive control considers the wide range of relationships in which domestic and family abuse may occur.

## 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](https://www.dvnsw.org.au/)
* [Women’s Legal Service NSW](https://www.wlsnsw.org.au/)
* [Wirringa Baiya Aboriginal Women’s Legal](http://www.wirringabaiya.org.au/)

[Service](http://www.wirringabaiya.org.au/)

* [Muslim Women Australia](https://mwa.org.au/)
* [Older Women’s Network NSW](https://ownnsw.org.au/)
* [Women's Health NSW](https://whnsw.asn.au/)
* [Immigrant Women’s Speakout Association](http://www.speakout.org.au/)

[NSW](http://www.speakout.org.au/)

* [Full Stop Australia](https://fullstop.org.au/)
* [ACON Health Ltd (LGBTQ+)](https://www.acon.org.au/)
* [No To Violence](https://ntv.org.au/)
* [People with Disability Australia (NSW)](https://pwd.org.au/)
* [NSW Council of Social Service (NCOSS)](https://www.ncoss.org.au/)
* [Seniors Rights Service](https://seniorsrightsservice.org.au/)
* [Youth Action](https://www.youthaction.org.au/)