

Department of Communities and Justice
Via email: policy@justice.nsw.gov.au

31 August 2022

Response to the coercive control exposure draft Bill

Thank you for the opportunity to provide feedback on the exposure draft Crimes Legislation Amendment (Coercive Control) Bill 2022 ('the Bill').

The Public Interest Advocacy Centre ('PIAC') holds concerns about the proposal to introduce a stand-alone criminal offence, the effect of which has not clearly been shown to increase the safety and wellbeing of women and children.

We urge that more work is done to improve the existing framework for the prevention of family and domestic violence before steps are taken to introduce further criminal offences.

PIAC is a community legal centre that works with people who are marginalised and facing disadvantage to achieve social justice. Since 2004 our Homeless Persons' Legal Service ('HPLS') has provided free legal advice across Sydney and the Hunter to people experiencing or at risk of homelessness. Many HPLS clients have experienced domestic abuse in its different forms, including domestic and family violence, financial abuse, and coercive control. PIAC's work has also included advocacy with family violence organisations to improve the way in which the police and the justice system work with domestic violence survivors.

In our experience, there is also still a long way to go to improve the understanding of domestic and family abuse within the legal sector and legal system. We support the detailed submissions of the Women's Legal Service NSW ('WLS') in relation to introducing comprehensive and regular training of legal practitioners, NSW police, the judiciary, court staff and law students. These reforms should be prioritised ahead of introducing a stand-alone offence.

We share the view of WLS that a staged approach to reforming legislation to improve the safety and wellbeing of women and children should begin with introducing amendments to modernise the *Crimes (Domestic and Personal Violence) Act* ('CDPV Act'), including a contextual definition of 'domestic and family abuse', rather than an incidents-based approach. This will go some way to recognising domestic abuse as a pattern of behaviour used to gain and maintain power and control and cause fear.

We also acknowledge the concerns raised by the Aboriginal Legal Service NSW/ACT about the effects of criminalisation on Aboriginal and Torres Strait Islander people and the danger that introducing a new stand-alone offence criminalising coercive control could further harm people facing disadvantage and victim-survivors of domestic and family abuse.

We therefore urge that priority is given to holistic reforms which would improve the safety of women and children and recommend that more extensive consultation and consideration of the issue of coercive control be undertaken before the government seeks to introduce a new offence criminalising this behaviour. Consultation should be focused on the domestic and family violence sector, including specialist services for First Nations people, and people with lived experience of domestic and family violence.

Thank you for considering PIAC's views. Please do not hesitate to contact me if you require any further information.

Yours sincerely

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