

Joint Media Release – For Immediate Release

Domestic Violence NSW
Wirringa Baiya Aboriginal Women's Legal Centre
Women's Legal Service NSW
Redfern Legal Centre

12 October 2022

Coercive Control Bill has serious flaws, warn domestic and family violence advocates

Today, NSW Attorney General Mark Speakman introduced a Bill creating a stand-alone offence for coercive control. While the focus on improving NSW's response to domestic and family violence (DFV) is welcome, numerous leading DFV organisations including Domestic Violence NSW (DVNSW), Wirringa Baiya Aboriginal Women's Legal Centre, Women's Legal Service (WLS) and Redfern Legal Centre's Financial Abuse Service NSW are unable to support the Bill in its current form.

"DVNSW has valued being part of the many different consultation processes leading to this Bill since 2020, and commends the Government's efforts to address domestic and family violence." says acting Chief Executive Officer of DVNSW Renata Field. "However, we are concerned that important issues raised by experts in the field have not been sufficiently heeded, and therefore a second open round of consultation is essential to support the best and safest outcomes for victim-survivors."

"Coercive control is an insidious form of domestic and family violence that often leads to physical abuse," says domestic and family violence advocate Rosie Batty. "If criminalisation is not given enough time for consultation with victim-survivors and experts in the field, the complex legislation has the potential to re-traumatise the people it was designed to protect."

An open letter signed by over 220 domestic and family violence advocates (including Rosie Batty and Jess Hill) regarding the draft Bill for Public Consultation was sent to the NSW Attorney General, outlining significant concerns with the Bill that could enable perpetrators of violence to find significant loopholes.

Key concerns with the current Bill include:

- Requiring proof of a specific intent to coerce or control places a significant burden on the prosecutor
- The bill is limited to intimate partner violence, excluding many forms of abuse suffered by victim-survivors in the community
- There is no contextual definition of domestic and family abuse which will cause confusion when the legislation is put into practice

- The implementation period is too short for legislation that will require substantial police training and changes to the NSW justice system.

Chief Executive Officer of the Wirringa Baiya Aboriginal Women's Legal Centre Christine Robinson says the Bill's narrow definition of relationships doesn't consider Indigenous communities, where more people can be involved in an act of violence. "The Bill does not allow for the practices that may happen in Aboriginal communities, and the NSW Government must take into account Indigenous experiences and include them in contributing to what this Bill should look like," she says.

Redfern Legal Centre's Financial Abuse Service has repeated concerns over the rushed introduction of this legislation and the lack of proper consultation with the sector. Gayatri Nair, who also coordinates the Economic Abuse Reference group in NSW, says that "economic and financial abuse needs to be recognised in NSW, but we are disappointed that a new criminal offence has been introduced without proper and robust consultation."

Women's Legal Service NSW also does not support the Bill in its current form. "We need to start first with a contextual definition of domestic and family abuse – violent, threatening or other behaviour that coerces, controls or causes fear", says Liz Snell, Law Reform and Policy Coordinator at Women's Legal Service NSW. "Without a contextual definition, the focus will remain on incidents in isolation which often results in the misidentification of the person most in need of protection. Further, with such high mental elements of intent to coerce or control there will likely be few successful prosecutions. We fear this will have the effect of providing victim-survivors with false hope of protection and embolden perpetrators to continue and even worsen their abuse as they will likely be able to act with impunity."

You can read the full open letter and the list of signatures [here](#).

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Domestic Violence NSW is the peak body for specialist domestic and family violence services in NSW. DVNSW provides a representative and advocacy function for specialist services and the women, families and communities they support. Their mission is to eliminate domestic and family violence through leadership in policy, advocacy, partnerships and the promotion of best practice.

If you or someone you know is experiencing domestic violence help can be found via:

- **1800RESPECT** or 1800 737 732 which offers a national counselling helpline, information and support
- **NSW Domestic Violence Line** 1800 65 64 63 which offers a state-wide counselling helpline, information and support
- **Men's Referral Service** 1300 766 491 for men, or friends and family of men using violence

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- **National Violence and Abuse Trauma Counselling and Recovery Service** on 1800 FULL STOP (1800 385 578) or [online](#) for 24/7, free, confidential counselling.