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MEDIA RELEASE

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NSW GOVERNMENT DELIVERS ON COERCIVE CONTROL LAW

A bill to outlaw coercive control will be introduced to the NSW Parliament this week, after Attorney General Mark Speakman gave formal notice in Parliament today.

If passed, NSW will become the first Australian state or territory to have a dedicated stand-alone offence of coercive control.

Coercive control is a form of domestic abuse that involves patterns of behaviour that have the cumulative effect of denying victim-survivors their autonomy and independence.

“Coercive control is a proven red flag for domestic violence homicide. It is no exaggeration to say this bill could literally mean the difference between life and death,” Mr Speakman said.

“This bill is the product of extensive consideration and unprecedented consultation. The NSW Government has undertaken at least seven rounds of consultation in the last two and a half years alone, including a discussion paper, parliamentary inquiry and public exposure draft bill. The draft exposure bill we released in July 2022 received almost 200 submissions – three times the submissions Scotland received on its draft bill.

“This offence is unlike any other coercive control offence in the world. We have learnt from overseas jurisdictions’ experiences and built a bespoke offence that best reflects the diverse nature of our society in NSW, in terms of Aboriginal communities and CALD communities.”

Minister for Women's Safety and the Prevention of Domestic and Sexual Violence Natalie Ward, who chaired the Joint Select Committee on Coercive Control, said the Bill delivers on the NSW Government's commitment to introduce a standalone offence of coercive control in the 2022 spring session of Parliament.

“We made a clear commitment to develop, publicly consult on and deliver this piece of legislation to make NSW a safer state for women and deter domestic and sexual violence,” Mrs Ward said

“I would like to thank the many individuals, community members and stakeholders who shared their stories to help shape this important legislation.”

Dr Nithya Reddy, sister of Dr Preethi Reddy said coercive control, as a course of conduct, is the most prevalent precursor to intimate partner homicide.

“My beloved sister, Dr Preethi Reddy, was killed by a former intimate partner who had been non-physically abusive throughout the relationship. She did not recognise the danger of this course of conduct as her killer's first act of physical violence was to take her life,” Dr Reddy said.

"I believe Preethi would be alive today if coercive control was already criminalised and so on this day, the International Day of the Girl, I heartily welcome today's motion by the Attorney General.

"And this is with recognition that not every victim's story is the same as Preethi's as this bill is not a symbolic gesture but comes on the back of two plus years of consideration and investigation. Most specially it forms a key part of the unanimous recommendations of the NSW Parliamentary Joint Select Committee Inquiry in coercive control.

"Along with a follow through of cross-sectional training, extensive resource provision, wide spread education and especially ongoing consideration of the impacts on the indigenous community, I believe this is the strongest action to prevent intimate partner homicide we have seen in our state."

Professor Evan Stark, who is widely regarded as the world's leading authority on coercive control, said the seriousness of this offence cannot be exaggerated.

"I salute the work being undertaken by the NSW Government and the courage, and wisdom, it takes to move forwards. Coercive control is a systematic violation of rights and liberties. This is a wise and brave law to help those held hostage in their own lives by domestic terrorism," Professor Stark said.

The NSW Government's Crimes Legislation Amendment (Coercive Control) Bill 2022 will create an offence of coercive control with appropriate safeguards in the *Crimes Act 1900*. The stand-alone offence will carry a maximum sentence of seven years in jail and consists of five elements to be proved beyond reasonable doubt:

1. An adult engages in a course of conduct repeatedly and continuously.
2. The course of conduct is 'abusive behaviour' that involves violence, threats or intimidation; and/or coercion or control of the person against whom the behaviour is directed.
3. The accused intends the course of conduct to coerce or control the other person.
4. A reasonable person would consider the course of conduct would be likely to cause: the other person fear that violence will be used against them: or a serious adverse impact on their capacity to engage in some or all of the other person's ordinary day to day activities.
5. The course of conduct is directed at a current or former intimate partner.

NSW Bar Association President Gabrielle Bashir SC said the Joint Select Committee's work made clear that criminalising coercive control will increase the ability of the criminal justice system to respond to patterns of behaviour that are not currently captured adequately by the law.

"The case for the criminalisation of this conduct as reflected in the draft legislation is backed by extensive evidence heard by the Joint Select Committee including first-hand accounts from victim-survivors, and evidence from community groups and legal experts. The Committee also considered available data and examined legislative reform in other jurisdictions," Ms Bashir said.

"An important part of the offence is that the adult intends the course of conduct to coerce or control the other person. Setting the bar at intention rather than a lower mental state will limit the spectre of the offence being used as a weapon against the very people that it is designed to protect. This is an important safeguard to reduce the offence being misapplied to already marginalised communities and persons in intimate relationships who are in need of the protection of the law."

After discussion with stakeholders, including Aboriginal-led organisations, important safeguards have been included in the bill to minimise the risk of impact on Aboriginal communities, such as limiting the scope to intimate partner settings only.

Legal Aid NSW Chief Executive Officer Monique Hitter said the NSW Government is right to focus on current and former intimate partners only.

“While coercive control can exist outside intimate partner relationships, we believe that the risks of including a broader range of relationships would outweigh the potential benefits” Ms Hitter said.

The NSW Government’s bill will be second read in the Legislative Assembly on Wednesday, 12 October 2022.

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