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Attorney General and Minister for Prevention of Domestic and Sexual Violence

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GOVERNMENT TO CRIMINALISE COERCIVE CONTROL

The NSW Government has committed to outlawing coercive control in current and former intimate partner relationships as part of the response to recommendations from the [Joint Select Committee on Coercive Control](#).

Attorney General and Minister for Prevention of Domestic and Sexual Violence Mark Speakman said NSW Parliament moved to establish the Committee just over a year ago to explore whether to criminalise this conduct in NSW.

At the same time, the NSW Government published a comprehensive [Discussion Paper](#) to help guide the work of the Committee and inform submissions to the Inquiry.

The Government is committed to building on the Inquiry's work by developing and consulting extensively on the drafting of this new law.

"No person deserves to live in fear, and it is part of our responsibilities in Government to uphold the safety and human dignity of all of our citizens," Mr Speakman said.

"That's why we're supporting, or supporting in principle, 17 of the Committee's 23 unanimous recommendations. This includes consulting on and introducing a stand-alone offence to address coercive control, as well as possible amendments to other existing laws."

Six recommendations have been noted as further consideration continues.

"Coercive control is also a red flag for intimate partner homicide. The Domestic Violence Death Review Team led by the Coroner found that intimate partner homicide in NSW is typically preceded by coercive control often without any recorded physical violence," Mr Speakman said.

"I'm grateful to the frontline services, peak bodies, experts, academics and those in the criminal justice system for their vital contributions. I commend especially the extraordinary bravery of the victim-survivors who contributed to the Inquiry."

Minister for Mental Health and Women Bronnie Taylor said domestic abuse can take many forms other than physical violence, which together can comprise coercive control.

"Coercive control is simply unacceptable. It involves patterns of abuse that have the cumulative effect of denying victim-survivors their autonomy and independence. This can include physical, sexual, psychological, or financial abuse," Mrs Taylor said.

Any legislative reform must be approached with great care and caution to ensure it does not unintentionally put in further danger those in our community we are seeking to help. This is also to ensure that the offence is calibrated appropriately to capture only conduct of the very serious standard deserving of criminal sanction, avoiding over-reach.

In addition, the Department of Education will review school programs about respectful relationships to ensure these include content about coercive and controlling behaviour.

Comprehensive training on coercive control will also be introduced across Government systems and communities. A public awareness campaign about coercive control will be developed and delivered in consultation with stakeholders, including with culturally and linguistically diverse and First Nations communities and organisations.

Committee Chair, Minister Natalie Ward, said today's response further demonstrated the Government's conviction to tackle the persistent scourge of domestic abuse.

"It was a privilege to chair this important Committee and hear the brave evidence of all who provided submissions over the course of the eight-month inquiry," Mrs Ward said.

DVNSW CEO Delia Donovan welcomed today's response and agreed that comprehensive consultation would be a crucial component of the reform process.

"The creation of this stand-alone offence presents a significant opportunity to improve the safety and wellbeing of victim-survivors across NSW," Ms Donovan said.

"Thorough consultation with the domestic and family violence sector, including with Aboriginal and Torres Strait Islander and culturally and linguistically diverse services will be particularly important, alongside appropriate training and awareness raising efforts."

Beyond legislation, the NSW Government's response to domestic and family violence already includes significant investments across housing, crisis accommodation, counselling, case management, court advocacy, policing, education and health.

The 2021-22 Budget provided enhanced funding for this vital work, including an extra \$60 million over two years to strengthen frontline services. In October, the Government announced an additional \$484.3 million to expand crisis accommodation, social housing and specialist wrap-around services. It was the single biggest investment in tackling domestic and family violence in the State's history.

Go [online](#) to read more about the NSW Government's full response to the Committee.

*For confidential advice, support and referrals, contact: **1800 RESPECT (1800 737 732)**, the **NSW Domestic Violence Line (1800 65 64 63)**, **NSW Rape Crisis (1800 424 017)**, or **Men's Referral Service (1300 766 491)**.*

NSW Government Response – Joint Select Committee on Coercive Control

Justice Fact Sheet

The NSW Government has formally responded to the NSW Parliamentary Joint Select Committee on Coercive Control. We are building on the Committee's work by acting to criminalise coercive control in intimate partner relationships and further strengthen criminal justice system responses to abuse, in consultation with community.

What is coercive control?

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. This abuse can include physical, sexual, psychological, or financial abuse.

Coercive control can be difficult to identify – from the outside, a relationship may appear to be “normal” despite the perpetrator using a range of abusive behaviours.

Why was the Joint Select Committee on Coercive Control established?

The NSW Government developed a [comprehensive discussion paper](#) and moved to establish the Parliamentary Joint Select Committee in October 2020 to allow for a public inquiry that could examine coercive control, in detail. This was the best approach to ensure all interested parties could share their views on this difficult area in a thorough and thoughtful way. This also followed the [NSW Domestic](#)

[Violence Death Review Team \(DVDRT\) report 2017-2019](#) that found that coercive and controlling behaviour is a common precursor to intimate partner homicide.

More than [150 submissions](#) were presented to the committee as part of the inquiry and five days of public hearings were held. A regional visit to Narrandera to meet victim-survivors, First Nations organisations, frontline services and charities was also included in the process. In conducting the inquiry, the committee considered the NSW Government discussion paper and answered the questions posed in the paper

The Committee found that NSW laws do not respond as well as they could to coercive control and there is a poor understanding of this form of abuse in the community. The Committee's final report made [23 recommendations](#) for non-legislative and legislative reform to better respond to coercive control, including expanding public education and improving current domestic abuse laws.

What is the NSW Government's response to the Final Report of the Joint Select Committee on Coercive Control?

The NSW Government is supporting 17 of the Committee's recommendations in full, in part or in principle and noting six recommendations that require further consideration and evaluation.

Why is law reform needed?

NSW law already recognises that “domestic violence extends beyond physical violence and may involve the exploitation of power imbalances and patterns of abuse over many years” in section 9(3)(d) of the *Crimes (Domestic and Personal Violence) Act 2007*.

One of the issues the Committee considered was whether our existing legal system can better recognise the impact of coercive control by creating a specific criminal offence instead of relying on existing criminal offences (like stalking or intimidation) which are able to address *some* elements of coercive and controlling behaviours; and/or amending existing laws to better respond to this conduct.

The NSW Government recognises that this is a complex area of law and there are diverse views on whether creating a new offence to address coercive control or whether improving existing laws is preferable. The Committee recommended six different legislative reforms which warrant further investigation.

The NSW Government is committed to building on the Committee’s work by developing and consulting on drafting for a stand-alone offence to address coercive control in current and former intimate partner settings, as well as possible amendments to other existing laws.

The NSW Government is mindful that any legislative reform must be approached with great caution to ensure it does not have any unintended consequences and that the laws strike the right balance, avoiding over-reach.

Which organisations are being consulted as part of this process?

Extensive public consultation on this important issue has already occurred as part of the Committee’s inquiry. The NSW Government response is informed by the 156 stakeholder submissions to the Committee, including from legal stakeholders, victim-survivors’ advocates, health professionals, LGBTQIA+ advocates, Aboriginal and Torres Strait Islander representatives, CALD community advocates and academics.

Further consultation will be undertaken during the drafting stage of any potential reform as well as pre implementation – to ensure the proposed reforms are carefully developed and able to be implemented effectively and safely. Once a Bill has passed, there would be a period to enable the considerable prior program of education, training and consultation with police, stakeholders and the frontline sector to occur, as recommended by the committee.

What other steps is the NSW Government taking?

The NSW Government recognises the importance of comprehensive and appropriate training on coercive control across our systems and community. A public awareness campaign about coercive control will be developed and delivered in consultation with stakeholders, including with culturally and linguistically diverse and First Nations communities and organisations. The Department of Education will review school programs about respectful relationships to ensure these include content about coercive and controlling behaviour.

Work is already underway to review and improve the Domestic Violence Safety Assessment Tool, and to deliver the NSW Police Force and Women’s Domestic Violence Court Advocacy Program’s co-location pilot program at five trial sites followed by formal evaluation.

Our response to domestic and family violence already includes significant investments across a range of areas, such as housing, crisis accommodation, counselling services, case management services, court advocacy, policing, education and health.

The 2021-22 Budget provided enhanced funding for this important work to strengthen frontline domestic and sexual violence services across NSW. [In October 2021 we announced an additional \\$484.3 million](#) – the single biggest investment in tackling domestic and family violence in the State’s history. These commitments underscore the NSW Government’s determination to tackle the scourge of domestic abuse across our communities.