

Crimes Legislation Amendment (Coercive Control) Act 2022

Statutory Report

1 June 2024

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The Hon. Michael Daley, MP
Attorney General
GPO Box 5341
SYDNEY NSW 2001

Dear Attorney General

Third report of the Implementation and Evaluation Taskforce for the coercive control reform

The Implementation and Evaluation Taskforce constituted by section 54I(1) of the *Crimes Act 1900*, and of which I am the Chairperson under section 54I(2)(a), makes this report to you pursuant to its requirements under section 54I(8).

Yours sincerely,

Michael Tidball
Secretary
Department of Communities and Justice

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Executive Summary

In November 2022, the NSW Parliament passed the *Crimes Legislation Amendment (Coercive Control) Act 2022* (the **Act**), which:

- creates an offence in current and former intimate partner relationships where an adult engages in a course of conduct of abusive behaviour that is intended to coerce or control the other person, which a reasonable person would consider would cause fear of violence or have a serious adverse impact on a person's capacity to engage in ordinary day-to-day activities (the **coercive control offence**).
- provides for a definition of 'domestic abuse' for the purposes of the *Crimes (Domestic and Personal Violence) Act 2007* (the **domestic abuse definition**).
- prescribes that an Implementation and Evaluation Taskforce (the **Taskforce**) be constituted, with a remit to provide advice to the Minister on training and education, precise commencement dates for the domestic abuse definition and the coercive control offence, and consultation with stakeholders, particularly with sector-specific Reference Groups.

The Taskforce is required to report to the Minister. This is the third report of the Taskforce on implementation activity.

- The **first report** was tabled in both Houses of Parliament in June 2023, which canvassed the constitution activities of the Taskforce and the multiple Reference Groups.
- The **second report**, tabled in both Houses of Parliament in December 2023, outlined progress against the Taskforce's workstreams, which includes the delivery of training by justice agencies critical to the implementation of the coercive control offence, including NSW Police Force, the Office of the Director of Public Prosecutions (**ODPP**), Legal Aid NSW and the Judicial Commission of NSW. It further summarised the extensive consultation undertaken on that training and to deliver a public communications strategy to support the reform.
- This **third report**:
 - retains information on Taskforce and Reference Group constitution from the first report to provide context about the reform.
 - demonstrates criminal justice system readiness for the commencement of the coercive control offence on 1 July 2024, which includes detail on:
 - comprehensive **education and training** provided on the nature of coercive control and the Act to sworn and unsworn NSW Police Force staff, ODPP solicitors, Witness Assistance Service Officers, Crown Prosecutors, Legal Aid practitioners (extended to the Aboriginal Legal Service and Community Legal Centres, private practitioners and domestic and family violence specialist workers), and judicial officers across the Local, District and Supreme Courts.
 - delivery of multiple **community awareness campaigns** to promote understanding of coercive control, including: a website, a broad advertising campaign and tailored campaigns for First Nations communities and culturally and linguistically diverse (**CALD**) communities.

- updates to **operating systems** to record and assist monitoring of the coercive control offence.
- preparations to **monitor** the operation of the legislation.

Introduction

This third report of the Implementation and Evaluation Taskforce (the **Taskforce**) follows years of research, policy consideration and extensive consultation on criminalising coercive control. The Taskforce's previous reports¹ outline the Joint Select Committee inquiry² and report³, the development and passing of the coercive control legislative reform and the establishment of the Taskforce and its Reference Groups.

The NSW Parliament passed the *Crimes Legislation Amendment (Coercive Control) Act 2022 (the Act)* on 16 November 2022 which received assent on 23 November 2022. The Act established the Taskforce on 1 December 2022 under section 54I of the *Crimes Act 1900 (the Crimes Act)*.

The Act prescribes the Taskforce to oversee the implementation of a standalone offence of coercive control in the Crimes Act, punishable by up to seven years imprisonment. The offence will apply where an adult engages in a course of conduct that is abusive behaviour against a current or former intimate partner, with the intention of coercing or controlling that person where a reasonable person would consider that the conduct would be likely to cause a fear of violence or to have a serious adverse impact on the capacity to engage in day-to-day activities (the **coercive control offence**). The Act prescribes the coercive control offence is to commence 1 February 2024 at the earliest and 1 July 2024 at the latest.

The Act further inserted a statutory definition of domestic abuse in the *Crimes (Domestic and Personal Violence) Act 2007 (the domestic abuse definition)*. The domestic abuse definition commenced on 1 February 2024 by force of statute.

The main purposes of the Taskforce are prescribed by section 54I(3) of the Crimes Act. The Taskforce oversees the implementation of the coercive control offence and is to consult with stakeholders about the offence, provides advice about, and monitors, training, education and resourcing in relation to the offence, and provides advice about consequent commencement dates for the offence and the domestic abuse definition. Following commencement, the Taskforce is to evaluate the implementation of the offence and monitor its operation and resourcing.

The Taskforce has overseen considerable collaboration between government, legal and community sectors to implement the legislation:

- The **Taskforce** was constituted and first met in December 2022. It has met 11 times to consider a three-stream workplan on sector readiness and training, and public education more broadly, and to consider advice from ten sector-specific Reference Groups.
- **Reference Groups** have held 54 meetings in total to advise the Taskforce on the impact of the reform on the sectors and communities they represent.

¹ NSW Government, Department of Communities and Justice, *Crimes Legislation Amendment (Coercive Control) Act 2022 Statutory Report* (June 2023).

NSW Government, Department of Communities and Justice, *Crimes Legislation Amendment (Coercive Control) Act 2022 Statutory Report* (December 2023).

² Parliament of NSW, 'Joint Select Committee on Coercive Control' <www.parliament.nsw.gov.au/committees/listofcommittees/Pages/committee-details.aspx?pk=271> (retrieved 17 April 2024).

³ Parliament of NSW, Joint Select Committee on Coercive Control, *Coercive Control in Domestic Relationships, Report 1/57* (June 2021).

- **First report of the Taskforce:** In June 2023, the Taskforce reported on its constitution and that of the Reference Groups. It detailed its main purposes, workplan and activity related to training and education and community awareness.⁴
- **Coercive control website:** In August 2023, following extensive research and three-rounds of consultation with the Taskforce and Reference Group members, the NSW Government launched a website about coercive control. This was the first phase in the NSW Government's approach to educating the public about coercive control.⁵
- **Training symposium:** In August 2023, criminal justice agencies and community sector organisations were connected on training and education and to boost opportunity for cross-sector engagement.
- **Community awareness workshop:** In December 2023, Reference Groups were brought together to consider community awareness campaigns and opportunities to amplify the broad advertising campaign.
- **Second report of the Taskforce:** In December 2023, the Taskforce reported on its implementation activity related to training and education, operational systems and community awareness.⁶
- **Commencement of the domestic abuse definition:** In February 2024, the domestic abuse definition commenced by force of statute, supported by training in criminal justice agencies, factsheets, and briefings and supporting materials for other frontline agencies.
- **Monitoring template:** In April 2024, the Bureau of Crime Statistics and Research (BOCSAR) designed a template to monitor the coercive control offence and Apprehended Domestic Violence Orders, following consultation with the Taskforce and Reference Groups.
- **Broad advertising campaign:** In May 2024, an advertising campaign was launched to educate the NSW public about coercive control.
- **Tailored awareness campaigns:** Campaigns developed in consultation with and designed for First Nations and Culturally and Linguistically Diverse communities. The tailored Culturally and Linguistically Diverse communities campaign was launched in May 2024 and the tailored First Nations communities campaign was launched in early June 2024.
- **Panel discussion on coercive control offence operation:** In May 2024, members of the Taskforce and Reference Groups were brought together to hear from a panel of representatives from NSW Police Force, the Office of the Director of Public Prosecutions, Legal Aid NSW and the Judicial Commission of NSW to discuss the anticipated operation of the coercive control offence in the context of the criminal justice system.

The Taskforce is required to provide the Attorney General with a report⁷ in relation to its main purposes:

⁴ NSW Government, Department of Communities and Justice, *Crimes Legislation Amendment (Coercive Control) Act 2022 Statutory Report* (June 2023).

⁵ <https://www.nsw.gov.au/family-and-relationships/coercive-control> (retrieved 26 April 2024).

⁶ NSW Government, Department of Communities and Justice, *Crimes Legislation Amendment (Coercive Control) Act 2022 Statutory Report* (December 2023).

⁷ *Crimes Act 1900* (NSW) section 54I(8).

- at least once each six months during the period between the commencement of section 54I (1 December 2022) and the commencement of the coercive control offence (no later than July 2024), and
- at least every 12 months after the commencement of the coercive control offence.

The Attorney General must table the reports in each House of Parliament within 21 days after receipt.⁸

This report is the third report under section 54I(8) of the Crimes Act. It is required to address the ‘main purposes’ of the Taskforce as defined at section 54I(3) and outlined below in Table 1.

Table 1: Main Purposes of the Taskforce (section 54I(3))		
Section	Purpose	Reference in this report or future reports
(a)	Consult with stakeholders, including Reference Groups established under this section, about the offence under section 54D (the coercive control offence) and related matters.	Pages 14 -28, 30-42
(b)	Provide advice about, and monitor, training, education and resourcing in relation to the coercive control offence.	Pages 30-39
(c)	Provide advice about the commencement dates of, and interaction between, the definition of domestic abuse in the <i>Crimes (Domestic and Personal Violence) Act 2007</i> , section 6A and the coercive control offence.	Page 29
(d)	Evaluate the implementation of the coercive control offence and resourcing in relation to the coercive control offence.	From December 2024
(e)	Monitor the operation of this Division, including – (i) The practical application of defences to the coercive control offence, and (ii) Resourcing in relation to the operation of the Division.	Page 43 and from December 2024
(f)	Provide advice to the Minister about other matters related to a matter in paragraph (a)-(e) or the coercive control offence.	Future reports

⁸ Crimes Act 1900 (NSW) section 54I(9).

Implementation and Evaluation Taskforce

Under the *Crimes Legislation Amendment (Coercive Control) Act 2022* (the **Act**), the Attorney General was required to establish an Implementation and Evaluation Taskforce (the **Taskforce**) to convene within one month of the commencement of section 54I of the *Crimes Act 1900* (**Crimes Act**). Section 54I commenced on 1 December 2022.

Section 54I(2) prescribes that the Taskforce:

- is chaired by the Secretary of the department in which the *Crimes Act 1900* is administered, being the Secretary of the Department of Communities and Justice, and
- is constituted by a representative from the NSW Police Force, the chair of the NSW Domestic and Family Violence and Sexual Assault Council, and a member from the domestic and family violence sector with substantial expertise and experience in domestic and family violence service delivery (the **statutory members**).

The Taskforce was established from December 2022 and was constituted by appointment of the then Attorney General. Membership includes the statutory members under section 54I(2) and member agencies from other relevant areas of Government.

Taskforce members

Table 2 outlines the statutory members and additional member agencies.

Table 2: Taskforce Members
Statutory members appointed under section 54I(2)
Secretary, Department of Communities and Justice (Chairperson)
Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice and Chair of the Domestic and Family Violence and Sexual Assault Council (Deputy Chairperson)
A/Assistant Commissioner, NSW Police Force
Annabelle Daniel OAM, Chief Executive Officer, Women's Community Shelters and Chair, Domestic Violence NSW (Independent member)
Government member agencies
Deputy Secretary, Aboriginal Affairs NSW
Chief Executive Officer, Multicultural NSW
Deputy Secretary, Health System Strategy and Patient Experience, NSW Health
Executive Director, Criminal Law, Legal Aid NSW
Executive Director, Strategy and Economic Policy, Department of Regional NSW
Executive Director, Health and Stronger Communities, NSW Treasury
Executive Director, Social Policy, The Cabinet Office
Women's Safety Commissioner (joined April 2024)

Taskforce governance

The Taskforce provides advice to the Minister, referring to the Attorney General for NSW.

The Taskforce is chaired by the Secretary of the Department of Communities and Justice. The Secretary is also the chairperson of the NSW Domestic, Family and Sexual Violence Board, which oversees the implementation of the recommendations made by the Joint Select Committee on Coercive Control.⁹ Accordingly, the Secretary is the conduit between the Taskforce and the Board, ensuring that information flows between the two bodies.¹⁰

The Secretary, as Chairperson of the Taskforce, appointed the statutory member who is the Chairperson of the NSW Domestic and Family Violence and Sexual Assault Council as the Deputy Chairperson of the Taskforce. This ensures an information flow between the Taskforce and Council as determined by the Chairperson and Deputy Chairperson to support the implementation of the coercive control offence in NSW.

As required by the Act, the Taskforce has formed sector-specific Reference Groups. There are 10 Reference Groups, and each group is chaired by an appropriate member of the Taskforce. This ensures that discussions and advice from Reference Groups are integrated into the decision-making of the Taskforce in its formulation of advice to the Minister.

The Taskforce and Reference Groups are supported by a Secretariat in the Department of Communities and Justice.

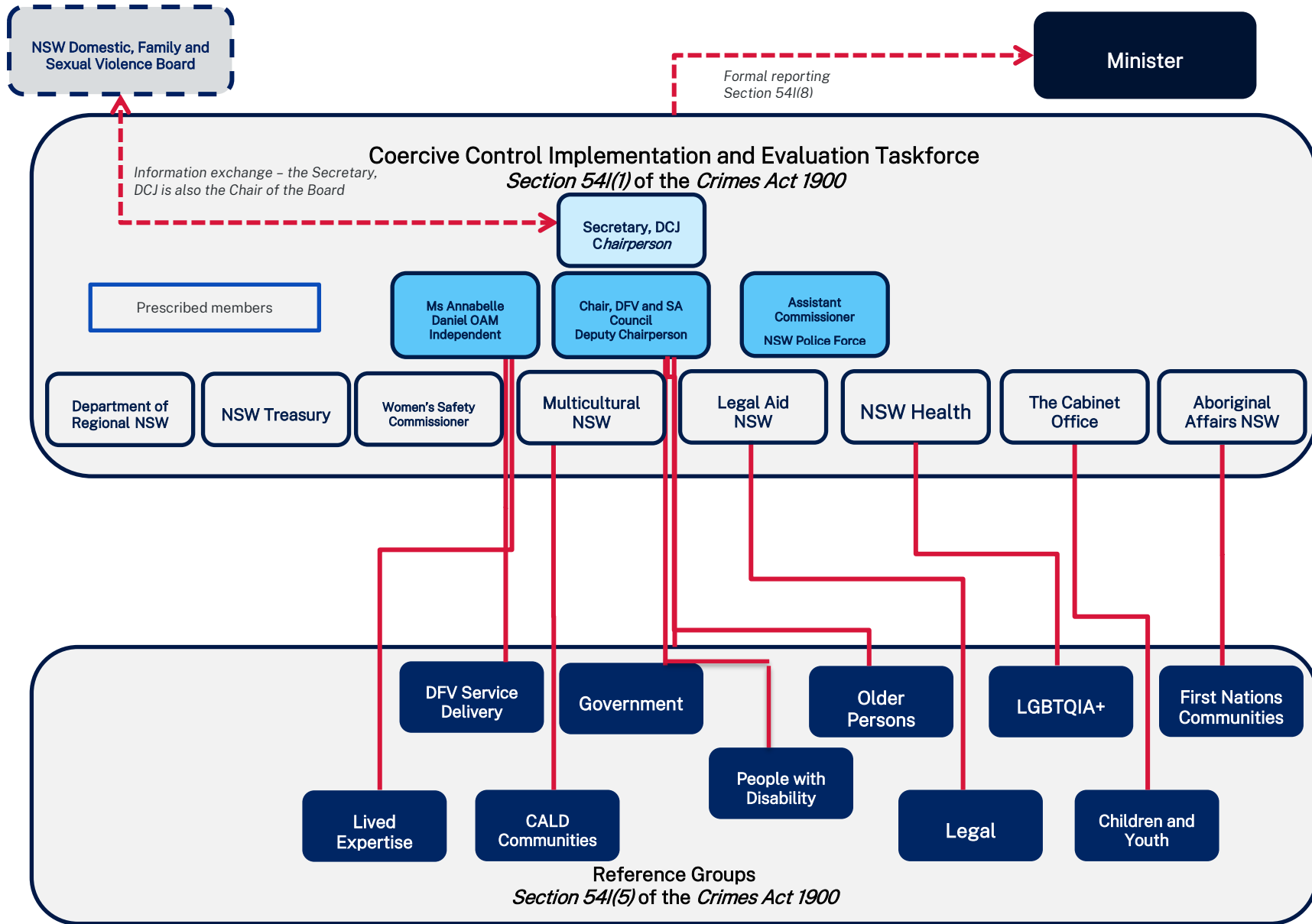
The Coercive Control Implementation and Evaluation Taskforce governance structure is presented in Figure 1.¹¹

⁹ Recommendation 8 of the Joint Select Committee's Report provides that the Secretary of the Department of Communities and Justice should work together with a range of public bodies including NSW Police Force, Health, Education, Justice, Housing, and Indigenous agencies to prevent domestic abuse, with the aim of reducing the numbers of victims and perpetrators of abuse. This represents a critical opportunity to implement an early intervention and public health-focused approach, rather than relying solely on traditional criminal justice levers, which only come into play in the aftermath of an offence. The whole-of-government approach to domestic and family violence is the role of the Domestic, Family and Sexual Violence Board.

¹⁰ The NSW Women's Safety Commissioner has also been attending meetings of the NSW Domestic, Family and Sexual Violence Board and is a member of the Coercive Control Taskforce and Government Reference Group as part of her role in providing leadership and oversight of whole of NSW government policy and programs on domestic, family and sexual violence.

¹¹ Figure 1 refers to the **NSW Domestic, Family and Sexual Violence Board** that provides whole-of-government strategic direction on domestic, family, and sexual violence reforms, and is chaired by the Secretary of the Department of Communities and Justice. Figure 1 also refers to the **NSW Domestic and Family Violence and Sexual Assault Council**, chaired by the Deputy Secretary, Strategy, Policy and Commissioning in DCJ. The Council, along with the NSW Domestic and Family Violence and Sexual Assault Corporate Leadership Group, provide advice to the Minister for Women, Seniors and Prevention of Domestic Violence and Sexual Assault on domestic, family and sexual violence reforms and initiatives relevant to their Terms of Reference.

Figure 1



Taskforce workstreams

In January 2023, the Taskforce provided advice to the Minister in support of it overseeing three workstreams to progress the implementation of the coercive control reform.

The workstreams reflect the main purposes of the Taskforce (section 541(3), see page 8) and the areas on which the Taskforce is consulting Reference Groups. These areas reflect key recommendations of the Joint Select Committee on Coercive Control to support effective implementation of the reform.

Table 3: Workstreams	Key Focus	Legislative Reference or Joint Select Committee Report Recommendation	Outcomes to June 2024
<p>Stream 1: Training and education</p> <p>Lead: Frontline agencies</p>	<p>NSW Police Force, the Judicial Commission of NSW, Legal Aid NSW and the Office of the Director of Public Prosecutions to provide dedicated training and education on the coercive control reform.</p>	<p>Section 541(3)(b) of the <i>Crimes Act 1900</i></p> <p>Part of recommendations 1, 19, 22 of the Joint Select Committee on Coercive Control report which was supported by the then NSW Government.¹²</p>	<p>NSW Police Force Over 20,000 police employees trained about the core aspects of coercive control and legislation.</p> <p>Training for 16,500 officers ongoing to identify, investigate and prosecute coercive control.</p> <p>Office of the Director of Public Prosecutions (ODPP) Research, planning, consultation and delivery of training for solicitors, witness assistance services officers and Crown Prosecutors.</p> <p>Legal Aid Release of tip sheets in February 2024. From May-June 2024, roll out of training for Legal Aid NSW staff, Aboriginal Legal Service (NSW/ACT), Community Legal Centres, private practitioners and domestic and family violence specialist workers.</p> <p>Judicial Commission of NSW</p>

¹² NSW Joint Select Committee on Coercive Control, *Coercive Control in Domestic Relationships, Report 1/57* (June 2021).

			Research, planning, consultation and delivery of training for judicial officers across the Local Court, District Court and Supreme Court.
Stream 2: Operational systems Lead: Frontline agencies	Updates to government operational systems.	Section 54I(3)(c) and (f) of the <i>Crimes Act 1900</i>	<p>Within the COPS database, an incident category of 'Coercive Control' will be created prior to the enactment of the coercive control offence on 1 July 2024 to record and monitor the offence. The NSW Police Force is collaborating with BOCSAR and DCJ to deliver the update.</p> <p>Judicial Commission of NSW has created a Law Part Code¹³ for justice agency databases. The Law Part Code will become available to all justice agencies on the date the offence commences.</p>
Stream 3: Community awareness Lead: Department of Communities and Justice Communications	Awareness raising among the general community and in First Nations communities and multicultural communities is a key part of this reform, acknowledging that understanding of coercive control is still evolving.	<p>Section 54I(3)(a) and (b) of the <i>Crimes Act 1900</i></p> <p>Recommendation 9 of the Joint Select Committee on Coercive Control report,¹⁴ which was supported by the then NSW Government.¹⁵</p>	<p>Following extensive consultation, DCJ launched (see pages 18-20):</p> <ul style="list-style-type: none"> • a dedicated website about coercive control. • a broad advertising campaign. • tailored campaigns for CALD and First Nations communities. <p>(see page 40)</p>

For further detail on the workstreams, see from page 30.

Meetings of the Taskforce

The Taskforce has met eleven times since constituted:

- **Meeting 1:** 8 December 2022
- **Meeting 2:** 31 January 2023
- **Meeting 3:** 10 March 2023

¹³ Law Part Codes are maintained by the Judicial Commission of NSW. They are unique codes based on legislation for all NSW offences and Commonwealth offences dealt with in NSW. The provision and use of these codes enables NSW justice sector agencies to exchange information and improve the integrity of information about offences.

¹⁴ NSW Joint Select Committee on Coercive Control, *Coercive Control in Domestic Relationships, Report 1/57* (June 2021).

¹⁵ NSW Government, *NSW Government Response to NSW Joint Select Committee on Coercive Control* (December 2021) 4.

- **Meeting 4:** 18 April 2023
- **Meeting 5:** 17 May 2023
- **Meeting 6:** 11 July 2023
- **Meeting 7:** 12 September 2023
- **Meeting 8:** 21 November 2023
- **Meeting 9:** 14 February 2024
- **Meeting 10:** 8 April 2024
- **Meeting 11:** 15 May 2024

Further meetings are scheduled for:

- **Meeting 12:** 19 June 2024
- **Meeting 13:** 30 October 2024
- **Meeting 14:** 18 December 2024

Meeting dates are published on the DCJ website.

Reference Groups

Section 54I(5) of the *Crimes Act 1900* (the **Crimes Act**) requires the Implementation and Evaluation Taskforce (the **Taskforce**) to establish Reference Groups to ‘consider and provide advice and recommendations to the Taskforce’ about the impact of the coercive control legislation on specific communities and on particular elements of the legislation.

Section 54I(6) of the Crimes Act prescribes that Reference Groups are to consist of members who have expertise in, or legal knowledge of, the subject matter for which the Reference Group is established. It also provides examples of sectors and organisations which could make up the Reference Groups:

the domestic and family violence sector, the legal profession, the Judicial Commission of NSW, Aboriginal organisations and groups, the culturally and linguistically diverse sector, LGBTIQ+ groups, the disability sector, youth and children’s groups, victims and survivors of sexual or domestic and family violence and the families of victims and survivors.¹⁶

Section 54I(7) of the Crimes Act requires the Taskforce to consult with any Reference Group on matters relevant to their particular purpose.

¹⁶ *Crimes Act 1900* (NSW) s 54I(6).

Eleven Reference Groups were established from December 2022. Reference Groups started to meet from February 2023. A Regional Reference Group was initially formed but dissolved on request of member agencies, with the members of that group joining other Reference Groups. Each group has also considered regional representation and expanded memberships as necessary. See Appendix 4.

Each Reference Group is chaired by a Taskforce member who reports back to the Taskforce as a standing agenda item at Taskforce meetings.

Reference Groups hold joint meetings where appropriate and consult with each other via the Chairpersons or through the Taskforce meetings. The Taskforce’s Secretariat supports the operation of each group.

Table 4: Reference Groups		
Group Name	Chairperson	Meeting Dates
First Nations Communities	Deputy Secretary, Aboriginal Affairs NSW	24 March 2023 26 June 2023 6 September 2023 1 December 2023 21 March 2024 5 June 2024 (scheduled)
Culturally and Linguistically Diverse (CALD) Communities	Chief Executive Officer, Multicultural NSW	22 March 2023 24 May 2023 2 August 2023 11 October 2023 11 December 2023 21 February 2024 1 May 2024
Domestic and Family Violence (DFV) Service Delivery	Annabelle Daniel OAM, Chief Executive Officer, Women’s Community Shelters and Chair, Domestic Violence NSW.	16 February 2023 26 April 2023 28 June 2023 7 August 2023 9 October 2023 11 December 2023

Table 4: Reference Groups		
Lived Expertise		<p>19 February 2024</p> <p>8 April 2024</p> <p>13 June 2024 (scheduled)</p> <p>13 July 2023</p> <p>8 September 2023</p> <p>14 December 2023</p> <p>11 March 2024</p> <p>12 June 2024 (scheduled)</p>
Government Legal	<p>Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice (DCJ) and Chair of the NSW Domestic and Family Violence and Sexual Assault Council (Government)</p> <p>Executive Director, Criminal Law Division, Legal Aid NSW (Legal)</p>	<p>13 March 2023 (Government)</p> <p>20 March 2023 (Legal)</p> <p>22 June 2023 (groups meet jointly going forward)</p> <p>4 September 2023</p> <p>13 December 2023</p> <p>13 March 2024</p> <p>4 June 2024 (scheduled)</p>
Older Persons People with Disability	<p>Deputy Secretary, Strategy, Policy and Commissioning, DCJ and Chair of the NSW Domestic and Family Violence and Sexual Assault Council</p>	<p>17 April 2023 (People with Disability)</p> <p>27 April 2023 (Older Persons)</p> <p>30 June 2023 (groups meet jointly going forward)</p> <p>7 September 2023</p> <p>6 December 2023</p> <p>28 March 2024</p> <p>5 June 2024 (scheduled)</p>
LGBTQIA+	<p>Deputy Secretary, Health System Strategy and Patient Experience, NSW Health</p>	<p>5 May 2023</p> <p>6 July 2023</p> <p>15 September 2023</p>

Table 4: Reference Groups		
		1 December 2023 11 March 2024 14 June 2024 (scheduled)
Children and Youth	Executive Director, Social Policy, The Cabinet Office	27 March 2023 29 June 2023 8 September 2023 14 December 2023 18 March 2024 14 June 2024 (scheduled)
Regional	Executive Director, Regional Liveability, Department of Regional NSW	31 March 2023 (Dissolved by decision of the Taskforce on 17 May 2023 at the request of the Department of Regional NSW and the group's members. Members consulted and appointed to other reference groups.)

Member agencies of the Reference Groups are detailed in Appendix 3.

Information about the Taskforce and the Reference Groups is published on the DCJ website.¹⁷

Activity of the Reference Groups

The Reference Groups have been actively engaged in the implementation of the coercive control reform. This has included:

- consultation on community awareness campaigns
- engagement on training and education programs
- discussions on monitoring.

¹⁷ NSW Government, Department of Communities and Justice, 'Coercive control Implementation and Evaluation Taskforce' (11 September 2023) <<https://www.dcj.nsw.gov.au/children-and-families/family-domestic-and-sexual-violence/police-legal-help-and-the-law/criminalising-coercive-control-in-nsw/coercive-control-implementation-and-evaluation-taskforce.html>> (retrieved 3 November 2023).

Consultation on community awareness campaigns

Reference Groups have provided advice on the development of community awareness materials. This has included advice on the development of materials to raise awareness about coercive control in communities across NSW, including First Nations and CALD communities.

Consultation has taken place through verbal briefings and/or written consultations by DCJ Communications, including for the educational website, the broad advertising campaign and the tailored campaigns for First Nations and CALD communities (see pages 18-20). For the educational website, three rounds of written consultation were undertaken, which resulted in 47 responses. Reference Group members were also involved in user testing for the website, which resulted in eight responses and over 50 pieces of feedback.

For the broad advertising campaign, three rounds of written consultation were undertaken which resulted in over 95 responses. Reference Group members were also involved in a workshop to discuss ideas on amplifying the reach of the campaign.

For the tailored campaign for First Nations people, three rounds of written and verbal consultation were undertaken which resulted in 14 responses.

The tailored campaign for CALD communities involved three rounds of written and verbal consultation, resulting in 12 responses.

Members of the Lived Expertise Reference Group shared their stories to be a part of the NSW Government coercive control educational website and also participated in the promotion of the broad advertising campaign.

Reference Groups further advised on materials about the new definition of ‘domestic abuse’ for the purposes of the *Crimes (Domestic and Personal Violence) Act 2007*, including tailoring materials to specific audiences.

Table 5: Community Awareness Campaign Consultation Reference Groups			
Date	Stakeholder engagement	Reference Group	Consultation topic
April 2023	First Nations Communities Reference Group meeting	First Nations Communities Reference Group	Phase one: Website (Phase one)
	1 st round of written consultation Taskforce and Reference Groups (Phase one) 20 April – 4 May		
May 2023	ACON meeting	LGBTQIA+ Reference Group	Phase one
	Older Women’s Network meeting	Older Persons and People with Disability Reference Groups	Phase one
	Culturally and Linguistically Diverse (CALD) Communities Reference Group meeting	CALD Communities Reference Group	Phase one Phase three: Tailored First Nations and multicultural communities campaigns (Phase three)
	2 nd round of written consultation Taskforce and Reference Groups (Phase one) 24 May – 7 June		
June 2023	Ageing and Disability Commission meeting	Older Persons and People with Disability Reference Groups	Phase one

	Multicultural NSW meeting	CALD Communities Reference Group	Phase three
	Older Persons and People with Disability Reference Group meeting	Older Persons and People with Disability Reference Group	Phase one
	3 rd round of written consultation Taskforce and Reference Groups (Phase one) 27 June – 10 July		
July 2023	Multicultural NSW meeting	CALD Communities Reference Group	Phase one
	Dr Marlene Longbottom meeting	First Nations Communities Reference Group	Phase three
	Wirringa Baiya and Women’s Legal Service NSW meeting	First Nations Communities Reference Group	Phase three
	First Peoples Disability Network meeting	First Nations Communities Reference Group	Phase three
	DCJ Transforming Aboriginal Outcomes meeting	First Nations Communities Reference Group	Phase three
	Aboriginal Legal Service (ACT/NSW) meeting	First Nations Communities Reference Group	Phase three
	Full Stop Australia meeting	DFV Service Delivery Reference Group	Phase one
	LGBTQIA+ Reference Group meeting	LGBTQIA+ Reference Group	Phase one
	Website user testing – Reference Group members or agencies (Phase one) 31 July – 4 August		
August 2023	Aboriginal Health and Medical Research Council meeting	First Nations Communities Reference Group	Phase three
	Multicultural NSW meeting	CALD Communities Reference Group	Phase one Phase three
	Full Stop Australia meeting	DFV Service Delivery Reference Group	Phase one
September 2023	Lived Expertise Reference Group meeting	Lived Expertise Reference Group	Phase one Phase two: Broad advertising campaign (Phase two)
	Children and Youth Reference Group meeting	Children and Youth Reference Group	Phase two
	Multicultural NSW meeting	CALD Communities Reference Group	Phase three
	Youth Justice meeting	Children and Youth Reference Group	Phase one Phase two
October 2023	CALD Communities Reference Group meeting	CALD Communities Reference Group	Phase three
	Victim-survivor of coercive control meeting	Lived Expertise Reference Group	Phase two
	Victim-survivor of coercive control meeting	Lived Expertise Reference Group	Phase two
	Independent Taskforce member meeting	DFV Service Delivery and Lived Expertise Reference Groups	Phase two
November 2023	1 st round of written consultation Taskforce and Reference Groups (Phase two) 19 October – 1 November		

	2 nd round of written consultation Taskforce and Reference Groups (Phase two) 23 November – 7 December		
December 2023	Face-to-face workshop for interested reference group members	Multiple	Phase two
	CALD Communities Reference Group meeting	CALD Communities Reference Group	Phase three
	Victim-survivor of coercive control meeting	Lived Expertise Reference Group	Phase two
	NSW Police Force meeting	Government Sector Reference Group	Phase two
January 2024	3 rd round of written consultation Taskforce and Reference Groups (Phase two) 15 January – 24 January		
	1 st round of written consultation CALD communities Reference Group (Phase three) 16 January – 30 January		
	1 st round of consultation First Nations Communities Reference Group (Phase three) 23 January – 1 February		
February 2024	ACON meeting	LGBTQIA+ Reference Group	Phase two
	CALD Communities Reference Group meeting	CALD Communities Reference Group	Phase three
	DFV Service Delivery Reference Group meeting	DFV Service Delivery Reference Group	Phase three
	2 nd round of written consultation CALD communities Reference Group (Phase three) 19 February – 1 March		
March 2024	2 nd round of consultation First Nations Communities Reference Group (Phase three) 4 March – 10 March		
	First Nations Communities Reference Group meeting	First Nations Communities Reference Group	Phase three
April 2024	DFV Service Delivery Reference Group meeting	DFV Service Delivery Reference Group	Phase two
	Country Women's Association	Older Persons Reference Group	Phase two
	3 rd round of consultation First Nations Communities Reference Group (Phase three) 15 April – 29 April		
	3 rd round of written consultation CALD communities Reference Group (Phase three) 29 April – 10 May		
May 2024	CALD Communities Reference Group meeting	CALD Communities Reference Group	Phase three

Community Awareness Workshop

A workshop was held on 13 December 2023 at DCJ offices and via Microsoft Teams to bring Reference Group members together to contribute to the broad coercive control advertising campaign.

The workshop was attended by 24 Reference Group members from across most groups including DFV Service Delivery, Government and Legal, Culturally and Linguistically Diverse communities, Older Persons and People with Disability, LGBTQIA+ and Children and Youth.

The workshop provided an opportunity for Reference Group members to hear about the progress of the NSW Government's phased approach to educating the NSW public about coercive control. It allowed members to provide feedback directly to DCJ and brainstorm ideas to amplify the broad advertising campaign.

There was strong engagement throughout the workshop in a large group format and in smaller breakout groups.



Engagement on training and education

Reference Groups have been provided opportunities to engage with criminal justice agencies on training and education. This was initiated through the training symposium held on 17 August 2023. Since the symposium, criminal justice agencies have made connections with reference group members to contribute to training and education programs. These are outlined in pages 31 to 39.

Further engagement on training and education has included:

- Participation by Reference Group members in the NSW Police Force's expert panel component of their training program focused on coercive control and the community. Participants included: CEO of Multicultural NSW and representatives from Women's Legal Service NSW, Domestic Violence NSW, NSW Ageing and Disability Commission, Local Court of NSW and ACON. The panel will be reconvened¹⁸ for NSW Police Force's 'Coercive Control: The Silent Crime' Domestic Violence Conference on 27-28 June 2024.¹⁹
- NSW Police Force's meetings with the following Reference Groups to discuss police training: DFV Service Delivery, Culturally and Linguistically Diverse communities, Lived Expertise, Older Persons and People with Disability, LGBTQIA+, First Nations Communities, and Children and Youth.
- The Women's Safety Commissioner and DVNSW representative attended and observed phase 1 and 2 of the police training on 14 February 2024 noting this was a "one off arrangement" with the Corporate Owner of Domestic and Family Violence for the NSWPF. Other DFV stakeholders have been provided the opportunity to be

¹⁸ Original members from the NSW Police Force expert panel on coercive control have been invited, however, subject to the availability of those original panellists, the conference panel may include new panel members.

¹⁹ The target audience are police that work in domestic and family violence-specific roles, such as domestic violence team leaders, domestic violence officers and operatives, region-based domestic violence high-risk offender teams, region-based sponsors of domestic and family violence, operations managers and crime managers. The Minister for Police and Counter-terrorism, NSWPF Executive and representatives from other police jurisdictions in Australia, will also be in attendance at the conference.

briefed on coercive control training and implementation during the DV iConnect Forum which was hosted by the DFV Registry on 28 March 2024.

- Legal Aid NSW's meetings with the following Reference Groups to discuss their training package and to hear from the expertise of these groups: CALD Communities, DFV Service Delivery, Older Persons and People with Disability, and Lived Expertise.
- Opportunity for several Reference Group members to participate in the production of Legal Aid NSW's training materials, namely: ACON, Wirringa Baiya Aboriginal Women's Legal Centre, Immigration Advice and Rights Centre and the NSW Ageing and Disability Commission.
- The ODPP has engaged with the following Reference Group members to deliver training to ODPP staff: Wirringa Baiya Aboriginal Women's Legal Centre, Settlement Services International, and Lived Expertise members. A presentation on the dynamics of coercive control in the aging and disability communities is planned and this will draw upon the Reference Group member representing the NSW Ageing and Disability Commission.
- In conjunction with the Judicial Commission of NSW, the ODPP is producing a podcast featuring members of the Lived Expertise Reference Group.
- Members of the Lived Expertise Reference Group participating in a podcast series as part of training materials shared between the ODPP and the Judicial Commission of NSW.
- Members of the Lived Expertise Reference Group participating in a survey used to inform Legal Aid NSW's training materials.
- Members across Reference Groups are participating in an Advisory Group managed by DCJ's Strategy, Policy and Commissioning division on training for DFSV specialist workers alongside reform commencement.
- Members of the Government and Legal Reference Group supported the Women's Safety Commissioner to prepare for a Law Society Continuing Professional Development session on coercive control on 30 April 2024, which was delivered in the form of a 'fireside chat' with Chair of the Law Society's Criminal Law Committee and member of the Legal Reference Group.
- Consultation on a Q&A document outlining the operation and effect of the domestic abuse definition: all Reference Groups were provided any opportunity to submit questions.

Coercive control offence panel discussion

On 31 May 2024, the Taskforce and Reference Groups were invited to hear from a panel consisting of the NSW Police Force, Office of the Director of Public Prosecutions, Legal Aid NSW and Judicial Commission of NSW.

The panel was convened to allow Taskforce and Reference Group members to gain a deeper understanding of system readiness ahead of the offence's commencement on 1 July 2024. The panel examined how charges of coercive control may travel through the criminal justice system, and outlined:

- Considerations in investigating and prosecuting the offence
- Defence considerations
- Bench books and training for judicial officers.

The event brought together 60 representatives from criminal justice agencies, Taskforce and Reference Group members to hear from the panel of experts and discuss scenarios on how the offence may operate in practice.



Consultation on the monitoring report design

In 2023, verbal and/or written consultations were undertaken by the NSW Bureau of Crime Statistics and Research (**BOCSAR**) with all Reference Groups on the design and needs of the monitoring report for the coercive control offence, as detailed in the Taskforce's second report.²⁰

Reference Groups have contributed ideas and advice for the report, including options for outcomes to be monitored, victim-survivor and alleged perpetrator characteristics, the nature of the coercive behaviour and possible options for possible indicators of misidentification of the primary aggressor in administrative data.

The draft monitoring report template was provided to Reference Groups for further advice ahead the Taskforce's June 2024 meeting where the template will be considered for endorsement.

Reference Group statements, advice and recommendations

The advice and recommendations of the reference groups to the Taskforce in accordance with section 54I(5) and 54I(7) of the *Crimes Act 1900* are outlined in Appendix 4.

Information about the reference groups and their anticipated focus following the commencement of the coercive control offence are outlined in the statements from pages 24 to 28.

Lived Expertise

The Lived Expertise Reference Group is chaired by the statutory independent member of the Taskforce and comprised of individuals with lived experience of domestic and family violence. The Group was formed following an Expression of Interest process conducted by the Taskforce's Independent member and DCJ.

The Lived Expertise Reference Group formed in July 2023 and as at June 2024 has met five times. Members have made a significant impact on the implementation of the reform, through sharing their stories to inform training and community awareness.

The Group is focused on the following activities following the commencement of the coercive control offence:

- Sharing lived experience to optimise the reach of the community awareness campaigns.
- Advising the Taskforce on the operation of the coercive control offence.

²⁰ NSW Government, Department of Communities and Justice, *Crimes Legislation Amendment (Coercive Control) Act 2022 Statutory Report* (December 2023) 20-21.

First Nations Communities

The First Nations Communities Reference Group is chaired by the Deputy Secretary, Aboriginal Affairs NSW and represents the voices of communities across NSW through peak bodies and Aboriginal Community Controlled Organisations that provide expert legal advice or support to people experiencing domestic or family violence (see Appendix 3).

The First Nations Communities Reference Group formed in March 2023 and as at June 2024 has met six times.

The Group is focused on the following activities following the commencement of the coercive control offence:

- Promoting the community awareness campaigns through their organisations and networks.
- Advising the Taskforce on the operation of the coercive control offence and its impact on First Nations communities.
- Advocating for continued training for criminal justice agencies that has a strong focus on culturally competent responses to First Nations communities. This includes co-delivery and co-design with Aboriginal Community Controlled Organisations.

Culturally and Linguistically Diverse Communities

The Culturally and Linguistically Diverse Communities Reference Group is chaired by the CEO of Multicultural NSW and represents the voices of several diverse communities across NSW through agencies that provide expert legal advice or support to people from culturally diverse communities experiencing domestic or family violence (see Appendix 3).

The Reference Group formed in March 2023 and as at June 2024 has met seven times.

Members have been active in consulting on the community awareness campaigns and contributing to justice agency and community sector training programs.

The Group is focused on the following activities following the commencement of the coercive control offence:

- Promoting the community awareness campaigns through their organisations and networks.
- Advising the Taskforce on the operation of the coercive control offence and its impact on culturally and linguistically diverse communities.
- Advocating for greater engagement on community attitudes and behaviours about coercive control, moving beyond community awareness to community engagement.
- Building capacity in the community sector to respond to coercive control, in consultation with DCJ.

DFV Service Delivery

The DFV Service Delivery Reference Group is chaired by the statutory independent member of the Taskforce and comprises agencies representing the DFV sector in NSW (see Appendix 3).

The DFV Service Delivery Reference Group formed in February 2023 and as at June 2024 has met nine times.

The Group is focused on the following activities following the commencement of the coercive control offence:

- Promoting the community awareness campaigns through their organisations and networks.
- Advising the Taskforce on the operation of the coercive control offence and its impact on victim-survivors as experienced through their organisations and networks.
- Building capacity in the community sector to respond to coercive control, in consultation with DCJ.
- Advocating for an independent qualitative evaluation of the reform that includes the voices of those with lived experience of domestic and family violence.
- Advocating for DFV frontline service funding to equip them to respond to and support victim-survivors.

Older Persons and People with Disability

The Older Persons and People with Disability Reference Groups are chaired by the Deputy Chairperson of the Taskforce and are made up of government and community sector agencies that provide expert legal advice or support to older people and people with disability experiencing DFV in NSW (see Appendix 3).

The Older Persons and People with Disability Reference Groups formed individually in April 2023 and agreed to meet jointly. As at June 2024, the Groups have met six times. The Groups meet jointly as some member agencies are represented on both Groups and members share similar experiences in responding to coercive control.

The Groups are focused on the following activities following the commencement of the coercive control offence:

- Promoting the community awareness campaigns through their organisations and networks.
- Advising the Taskforce on the operation of the coercive control offence and its impact on older persons and people with disability.
- Advocating for criminal justice agencies to consider the experiences of people with disability and older persons in responding to coercive control.
- Building capacity in the community sector to respond to coercive control, in consultation with DCJ.

LGBTQIA+

The LGBTQIA+ Reference Group is chaired by the Deputy Secretary, Health System Strategy and Patient Experience, NSW Health and represents communities across NSW through agencies that provide expert legal advice or support to people from LGBTQIA+ communities.

The LGBTQIA+ Reference Group formed in May 2023 and as at June 2024 has met six times.

The Group is focused on the following activities following the commencement of the coercive control offence:

- Promoting the community awareness campaigns through their organisations and networks.
- Advising the Taskforce on the operation of the coercive control offence and its impact on LGBTQIA+ communities.
- Advocating for criminal justice agencies to consider the experiences of LGBTQIA+ communities in responding to coercive control.

Children and Youth

The Children and Youth Reference Group is chaired by the Executive Director, Social Policy at The Cabinet Office and is made up of government agencies, statutory bodies and agencies that provide expert legal advice or support to children and young people in NSW.

The Children and Youth Reference Group formed in March 2023 and as at June 2024 has met six times.

The Groups are focused on the following activities following the commencement of the coercive control offence:

- Promoting the community awareness campaigns through their organisations and networks.
- Advising the Taskforce on the operation of the coercive control offence and its impact on children and young people.

Government and Legal

The Government and Legal Reference Groups are chaired by the Deputy Chairperson of the Taskforce and the Executive Director, Criminal Law Division, Legal Aid NSW and are made up of criminal justice agencies, the judiciary, representatives from the Law Society, the Bar Association, the community legal sector, and representatives from the NSW Government.

The Government and Legal Reference Groups formed individually in March 2023 and decided to meet jointly noting members of both Groups deliver training and education programs under the Taskforce's workplan. The Groups have retained the option to meet individually as needed.

As at June 2024, the Groups have met six times.

In the first half of 2024, the Government and Legal Reference Group has shared information on training and education, and considered the interaction of the domestic abuse definition, the coercive control offence and apprehended domestic violence orders and any preparatory work that might be required. The considerations of the group on that issue are outlined in Appendix 6.

The Groups are focused on the following activities following the commencement of the coercive control offence:

- Monitoring case loads and resourcing impacts as matters proceed through the criminal justice system.
- Considering legal matters as they are identified by prosecution authorities, legal practitioners and the courts.
- Advising the Taskforce on the operation of the coercive control offence.

Commencement Dates

The Implementation and Evaluation Taskforce (the **Taskforce**) is required to provide advice about the commencement dates of, and interaction between, the definition of ‘domestic abuse’ for the purposes of the *Crimes (Domestic and Personal Violence) Act 2007* (the **domestic abuse definition**) and the coercive control offence (section 54I(3)(c) of the *Crimes Act 1900* (**Crimes Act**)).

Domestic abuse definition and coercive control offence

Section 2 of the *Crimes Legislation Amendment (Coercive Control) Act 2022* includes fixed dates for staged commencement of the coercive control reform, if not proclaimed earlier.

- **1 February 2024 for the definition of domestic abuse to be inserted into the *Crimes (Domestic and Personal Violence) Act 2007*:** The definition commenced on 1 February 2024. The Taskforce considered the advice of Reference Groups and the implementation work underway, and recommended to the Attorney General the domestic abuse definition commence on 1 February 2024 by power of statute. Information about work completed to support the commencement of the definition is at pages 17 and 19 of the Taskforce’s first report²¹ and page 37 of the second report).
²²
- **1 February 2024 at the earliest and 1 July 2024 at the latest for the coercive control offence to be inserted into the Crimes Act:** The Taskforce has advised the Attorney General the coercive control offence should commence on 1 July 2024. The Taskforce determined this on advice of agencies leading the workstreams and of the reference groups. The implementation period has accommodated the training by criminal justice agencies (see pages 30 – 39). The broad and tailored advertising campaigns about coercive control were also launched in the lead up to the offence’s commencement to educate the NSW public about coercive control (see pages 40 - 42).

²¹ NSW Government, Department of Communities and Justice, [Crimes Legislation Amendment \(Coercive Control\) Act 2022 Statutory Report](#) (June 2023) 17, 19.

²² NSW Government, Department of Communities and Justice, [Crimes Legislation Amendment \(Coercive Control\) Act 2022 Statutory Report](#) (December 2023) 37.

Workstream Progress

The Implementation and Evaluation Taskforce (the **Taskforce**) oversees the critical implementation work via its three workstreams to ensure the readiness of agencies to operationalise the coercive control legislation by the fixed commencement dates (see page 29 above).

Agencies implementing the workstreams have advised the Taskforce that the maximum implementation period is needed to implement the reform effectively.

In October 2022, the former NSW Government allocated \$5.6m of initial funding for education, training and awareness to implement the coercive control legislation. This included \$0.7m announced in the NSW 2022-23 Budget, and an additional \$4.9m to support training for police, funding for community awareness campaigns and educational resources.

Workstream 1: Training and Education

Section 54I(3)(b) of the *Crimes Act 1900* (**Crimes Act**) states that one of the main functions of the Taskforce is to ‘provide advice about, and monitor, training, education and resourcing in relation to the coercive control offence’.

Training and education is being delivered by the NSW Police Force, the Judicial Commission of NSW and the legal sector.

Table 7: Training and Education by Agency

Agency		Justice Officials
Office of the Director of Public Prosecutions	2023-24	<ul style="list-style-type: none">• Solicitors• Witness Assistance Service Officers• Crown Prosecutors
NSW Police Force	2023-24	<ul style="list-style-type: none">• General duties officers• Detectives• Police prosecutors• Police Academy students from 2024/25.
Judicial Commission of NSW	2022-23	Judicial Officers: <ul style="list-style-type: none">• Local Court of NSW• District Court of NSW• Supreme Court of NSW
Legal Aid NSW	2023-24	<ul style="list-style-type: none">• Legal Aid NSW• Aboriginal Legal Service NSW/ACT• NSW Community Legal Centres• Women’s Domestic Violence Court Advocacy Service

Since the passage of legislation, justice agencies have been researching and developing training packages focusing on the nature of coercive control and the NSW legislation. The

second report²³ of the Taskforce outlines training activity and refers to the structure of training programs outlined in the first statutory report.²⁴ This third report further outlines training delivery in the lead up to the offence's commencement.

NSW Police Force, Taskforce statutory member, member of the Government Reference Group

The NSW Police Force has developed a three-phased training package. Phase 1 has been implemented and phase 2 is in delivery.

The **first phase** was implemented in March 2023. Phase 1 online component has been completed by all available NSW Police Force employees (sworn and unsworn). The online education module is designed to assist all NSW Police Force employees to understand the reform. Detail on Phase 1 is outlined in the Taskforce's first statutory report.²⁵

The **second phase** involves face-to-face training to sworn members of the NSW Police Force. Phase 2 training commenced September 2023, focusing on Region Training Coordinators, Education Development Officers, Domestic Violence Officers and staff attached to the Domestic and Family Violence Registry who will deliver the training across the state.

The NSW Police Force consulted an expert panel in the development of the coercive control training package. These experts included:

- Domestic Violence NSW (DVNSW)
- Women's Domestic Violence Court Advocacy Program DV practitioner (social worker), Legal Aid NSW
- First Nations Senior Community Access Officer, Women's Legal Service NSW, First Nation Women Legal Program
- Women's Safety Commissioner NSW
- Chief Executive Officer, DVNSW
- Director, Operations, NSW Ageing and Disability Commission
- Deputy Chief Magistrate, Local Court of NSW
- President of the Children's Court NSW
- Chief Executive Officer, Multicultural NSW
- Director, Community Health, ACON

²³ NSW Government, Department of Communities and Justice, [Crimes Legislation Amendment \(Coercive Control\) Act 2022 Statutory Report](#) (December 2023) 28–34.

²⁴ NSW Government, Department of Communities and Justice, [Crimes Legislation Amendment \(Coercive Control\) Act 2022 Statutory Report](#) (June 2023) 15–20.

²⁵ NSW Government, Department of Communities and Justice, [Crimes Legislation Amendment \(Coercive Control\) Act 2022 Statutory Report](#) (June 2023) 17.

The purpose of the expert panel was to act as a consultation forum regarding the NSW Police Force's proposed training approach for coercive control. This training focuses on:

- recording and responding to coercive control
- collecting and recording evidence
- prosecuting coercive control offences, and
- the complexity and nuance within different communities, with a focus on First Nations communities and culturally and linguistically diverse communities.

The responses provided by the expert panel were recorded and included within the Phase 2 training package.

Phase 2 training is currently being delivered to all sworn police with the NSW Police Force expected to meet its proposed target of having 75 per cent of all sworn police trained by 30 June 2024.

Specialised training packages were released in December 2023 and are being delivered to police prosecutors and investigators until 30 June 2024 in addition to the phase 2 face-to-face training.

Next steps

The **third phase** will commence in June 2024 and run until June 2026. Phase 3 combines phases 1 and 2 to form a training package to be delivered in the Constable Development Program. This aims to ensure that all constables, after completion of their probationary period, will have received the same level of training on the coercive control reform as the remainder of their colleagues in the NSW Police Force.

From 1 July 2024, coercive control will be embedded into the domestic violence fundamentals course and the Domestic Violence Officer Course to reinforce the learnings obtained in phases 1 and 2.

Consultation approach and key outcomes

The NSW Police Force has engaged with Reference Groups to present on the coercive control training delivered to police.

A communication plan has been developed to deliver a specialised abridged version of the Coercive Control phase 2 training package to the 97 Police and Aboriginal Consultative Committees across the state. All training will be recorded on the Engage register.

Evaluation of Coercive Control Training

The NSW Police Force continues to scope and develop an evaluation process. This will draw on the data reported by BOCSAR in its quarterly monitoring reports (see page 43).

Domestic Violence Investigators Workshop

A domestic violence investigators workshop aimed at educating domestic violence operatives is under development. The workshop is planned to occur quarterly and a session of the course will include a face-to-face module on the issue of misidentification of the predominant

aggressor, with NSW Police Force collaborating with external agencies including Domestic Violence NSW on development and delivery of this session.

NSW Police Force ‘Coercive Control: The Silent Crime’ conference

The Domestic and Family Violence Registry will host a two-day domestic violence conference themed ‘Coercive Control: The Silent Crime’. The conference will be held on 27-28 June 2024 with the aim of enhancing and developing upon the phase 1 and 2 coercive control training packages delivered to police through presentations that focus on lived experience.

Keynote speakers have been selected based upon lived experience and/or operational expertise, including Dr Emma Forbes, a procurator fiscal (public prosecutor) from Scotland to discuss her ten years’ experience prosecuting coercive control.

A panel discussion will be held during the conference on 27 June 2024. Membership to the panel is open to existing panel members from the original NSW Police Force expert panel on coercive control and community (see page 21), however, subject to the availability of those existing panellists, the conference panel may include new panel members. The panel discussion will inform police of the intricacies of the coercive control offence.

The expected audience is 500 people and will include police in domestic and family violence-specific roles such as domestic violence team leaders, domestic violence officers and operatives, region-based domestic violence high-risk offender teams, region-based sponsors of domestic and family violence, operations managers and crime managers. The Minister for Police and Counter-terrorism, NSW Police Force Executive and representatives from other police jurisdictions in Australia, will also be in attendance at the conference.

Office of the Director of Public Prosecutions, member of the Legal Reference Group

The Office of the Director of Public Prosecutions (ODPP) has delivered, and is delivering, coercive control training to all legal staff and to Witness Assistance Service Officers state-wide, across its 10 offices. The ODPP is also engaging with partner agencies in the delivery of training and resources and assisting other agencies and organisations where possible.

The training package is centred on three key components, as outlined in detail in the Taskforce’s first statutory report:²⁶

1. Understanding Coercive Control
2. Coercive Control Victims (Lived Experience)
3. Prosecuting Coercive Control.

The ODPP training utilises a combination of face-to-face seminars, online content, guest lectures and skills training.

²⁶ NSW Government, Department of Communities and Justice, *Crimes Legislation Amendment (Coercive Control) Act 2022 Statutory Report* (June 2023) 18–19.

Delivery of the ODPP training began on 16 October 2023 with the first of four presentations relating to the first training component, Understanding Coercive Control. Training was also a feature at the annual ODPP Solicitor's Conference, a two-day event held on the 18 and 19 December 2023. It was at the conference that components two and three were rolled-out, in conjunction with a key presentation on Understanding Coercive Control.

Two of the conference sessions, the key presentation on Understanding Coercive Control delivered by Dr Hayley Boxall, and *An Introduction to the Crimes Legislative Amendment (Coercive Control) Act 2022 (NSW)*, are mandatory training sessions for ODPP staff and a system has been established to ensure that solicitors unable to attend the conference in person have access to the recordings of these sessions.

The ODPP has continued to deliver training in 2024, including to the Crown Prosecutors, with sessions dedicated to Understanding Coercive Control and Prosecuting Coercive Control delivered at the ODPP Crown Conference, which was held on the 2 and 3 April 2024.

In conjunction with the Judicial Commission of NSW, and with the assistance of the Taskforce's Lived Expertise Reference Group, the ODPP engaged an outside agency to produce a Lived Experience Podcast, focusing on key areas that will enhance our knowledge of the dynamics of coercive control. Production occurred in May 2024, with recording and then editing to follow.

The ODPP is also looking into online competency training as a way to train new staff and refresh the skills of existing staff, and plan to host another presentation related to Understanding Coercive Control, in relation to the aged and disability sector.

Deputy Senior Crown Prosecutor Michelle England, the ODPP's head of its coercive control training response, has delivered the following presentations:

- i. Bar Association Newcastle CPD: 24 February 2024
- ii. Bar Association Ballina CPD: 9 March 2024
- iii. Bar Association Sydney CPD: 23 March 2024.

On 26 March 2024, Virginia Morgan, a Crown Prosecutor in the ODPP's Wagga Chambers, delivered a presentation to the Bar Association Orange CPD.

Michelle England also joined the panel discussion for the Taskforce and Reference Groups in May 2024 on the coercive control offence.

In June, Michelle England will also be part of a panel discussion at the Legal Aid NSW conference. A recording of the presentation will be shared with the ODPP.

The ODPP has also agreed to sit on a panel for the Women's Legal Centre and continue to assist partner and related agencies, sharing resources and assisting with education where able.

Michelle England will also, with a colleague, co-author a paper for the NSW Bar Association and this paper will, with other resources, form part of the new ODPP coercive control Intranet resource page currently being designed.

As at the 26 April 2024, the following sessions have been delivered:

Component 1 – Understanding Coercive Control

Session	Timing: delivered or scheduled	Presenter/Mode
Launch of Coercive Control series	Delivered: 16 October 2023	The Honourable Justice Jacoba Brasch Federal Circuit and Family Court of Australia Counsel assisting at the Queensland Coronial Inquest into the deaths of Hannah Clarke and her children
Understanding Coercive Control in diverse communities	Delivered: Pre-recorded in October 2023 as part of ODPP online training. Released: 15 December 2023	LGBTQIA+ Dr Ellen Reeves Formally with the Monash Gender and Family Violence Prevention Centre; now Liverpool University (UK)
Understanding Coercive control in diverse communities	Delivered: 14 November 2023	Refugee and Migrant Communities Jess Harkins Practice Manager, Domestic, Family and Sexual Violence Bankstown
Understanding Coercive Control in diverse communities	Delivered: 23 November 2023	First Nations Christine Robinson CEO, and Rachael Martin, principal solicitor, Wurringa Baiya, Aboriginal Women's Legal Centre
<i>Understanding Coercive Control Within Relationships: Unveiling Patterns, Impacts & Dynamics</i>	1. Delivered: ODPP Solicitor's Conference 18 December 2023 2. Delivered (recording): ODPP Crown Conference 3 April 2024	Dr Hayley Boxall Formally of the Australian Institute of Criminology, now a Research Fellow, Centre for Social Research & Methods, ANU College of Arts & Social Sciences

Component 2 – Coercive Control Victims

Session	Timing	Presenter/Mode
Lived experience of Coercive Control	Delivered: ODPP Solicitor's Conference 18 December 2023	Lived Experience Reference Group panel discussion featuring five diverse members of the Lived Expertise Reference Group with Jane Wolf, the ODPP Witness Assistance Service Manager, as moderator.
Lived experience of Coercive Control	In production in May 2024	Podcast series featuring victim-survivors with lived experience of coercive control. Collaboration with the Judicial Commission of NSW, produced with the assistance of the Taskforce's Lived Expertise Reference Group.

Component 3 – Prosecuting Coercive Control

Session	Timing	Presenter/Mode
Use of Digital evidence <i>What the DFU can do for you & what they can't</i>	Delivered: ODPP Solicitor's Conference 18 December 2023	NSW Police Digital Forensic Unit – extraction and analysis of digital evidence including in DV investigations for coercive control offending. Presentation by Inspector Stephanie Hostnik and Senior Constable Nathan Cosstick, NSW Police Forensic and Technical Services Command.
<i>An Introduction to the Crimes Legislative Amendment (Coercive Control) Act 2022 (NSW).</i>	Delivered: ODPP Solicitor's Conference 18 December 2023 Delivered (by Michelle England): ODPP Crown Conference 3 April 2024	Michelle England, Deputy Senior Crown Prosecutor, and Dominique Kelly, Senior Solicitor, ODPP.
<i>Prosecuting Coercive Control in Scotland</i>	Delivered (AVL from Scotland): ODPP Solicitor's Conference 19 December 2023	Dr Emma Forbes, National Procurator Fiscal for Domestic Abuse and Head of the Victims and Witnesses Policy Team in Scotland's Crown Office, and Procurator Fiscal Service. Dr Forbes was joined by her colleague Jennifer Gilmour, Procurator Fiscal Depute, in the Service's Policy and Engagement Division.
The NSWPF Response to Coercive Control	Delivered: ODPP Solicitor's Conference 19 December 2023	This session from the NSW Police on their response to coercive control was led by Superintendent Danielle Emerton APM, Commander, Domestic and Family Violence Registry within the NSW Police Force.

Legal Aid NSW, Taskforce member, member and chairperson of the Legal Reference Group

Legal Aid NSW has established a Coercive Control Working Group to oversee the scope and rollout of Legal Aid's training. This Working Group consists of representatives from the Criminal Law Division, Family Law Domestic Violence Unit, Women's Domestic Violence Court Advocacy Program and Learning and Organisational Development Team. In October 2023, a Project Officer was onboarded to co-ordinate the delivery of the training.

The training package consists of three parts, each with a different focus:

1. A foundational module.
2. A criminal defence lawyer module.
3. A domestic and family violence specialist worker module.

Training will be made available to Legal Aid staff, Community Legal Centres, the Aboriginal Legal Service (NSW/ACT) and private practitioners.

The training will also be offered to domestic and family violence specialist workers, and we anticipate that some of the content may also be relevant to others in the community sector who have contact with victim-survivors.

Module 1

In February 2024, Legal Aid released two versions of a tip sheet on the amendments to the *Crimes (Domestic and Personal Violence) Act 2007* – one for lawyers and one for domestic and family violence specialist workers.

From June 2024, Legal Aid will launch an eLearning course on coercive control. The course offers a snapshot of coercive control and the new legislation, with a focus on how it will be encountered in practice. In developing this course, Legal Aid has consulted with multiple subject matter experts and sector representatives.

Module 2

This module is being presented as a five-part podcast series on the Legal Aid NSW Criminal Law Division channel. Episodes will be released incrementally from May and will feature special guests. The episodes are tailored to criminal defence lawyers, but we expect that lawyers from different practice areas will also find the content valuable.

There will also be two face-to-face sessions on coercive control as part of the 2024 Legal Aid NSW Criminal Law Conference in June. These sessions will be recorded.

Module 3

It is anticipated that this module will take the form of a webinar. It will highlight the key points domestic and family violence workers need to know about the new legislation, and explore how this will affect their work with clients.

All resources will be available to learners on an ongoing basis beyond June 2024.

Judicial Commission of NSW, member of the Government Reference Group

The Judicial Commission of NSW (**Judicial Commission**) is taking a multi-pronged approach with various formats including scenario-based workshops, panel discussions, seminars, dedicated Bench Book chapters, articles, and conference presentations.

Consultation and sharing resources with other agencies

The Judicial Commission has contacted the Aboriginal Women's Advisory Network for an introductory meeting and Wirringa Baiya Aboriginal Women's Legal Service are participating in a podcast episode on Coercive Control for the Judicial Officer resource webpage.

In 2024, the Judicial Commission and the ODPP are developing a Coercive Control Podcast of up to five episodes with interviews from participants drawn from the Lived Expertise Reference Group covering their experience of coercive control including breaking the cycle and interactions with the justice system. This podcast will be hosted on the ODPP and Commission closed web page*.

Legal Aid NSW is also producing a Podcast (five episodes) which the Commission will also connect to the Judicial Officer resource webpage.

Resources for judicial officers

A comprehensive coercive control webpage has been developed and hyperlinked on the home page of the Judicial Information Research System (JIRS)*. The page collates a broad range of resources that foster an understanding of the new offence. It provides links to key resources, information on abusive behaviours, Bench Book references, relevant evidence resources, legislation, policy, reports and inquiries, publications concerning coercive control, and information on the perspectives of coercive control among particular groups such as First Nations people, culturally and linguistically diverse people, people with disability, and LGBTIQIA+ people.

Training and education delivered subsequent to first Taskforce report of June 2023.

- **The District Court of NSW Annual Conference** (April 2024). Judge Miiko Kumar presented a session entitled “Coercive control – review of the law” which provided an overview of the new coercive control provisions, examined key definitions, elements of the offence, and defences. It also compared the NSW legislation with other jurisdictions and discussed various scenarios that may present in court.
- **Metropolitan workshop** (13-17 November 2023 – delivered to all metropolitan magistrates). Daily presentations by staff on new material on JIRS including the coercive control resources, (4-8 December 2023) which referred to issues of domestic violence.
- **A cross-jurisdictional webinar** entitled “Bias in the jury room: understanding stereotypes about domestic violence” included a discussion of coercive control and was delivered by Professor Blake McKimmie and Dr Faye Nitschke on 14 March 2024.
- **A cross-jurisdictional hybrid webinar** entitled “Lessons learned from incarcerated domestic violence survivors: understanding the dynamics of domestic violence, coercive control and trauma informed systemic responses to enhance equity and justice” was delivered by Victor Reyes (ret. Judge) on 27 March 2024.
- **Workshop fact scenarios** have been developed for use by all courts.

Workshop sessions on coercive control were delivered at the Metropolitan workshops (12-16 February 2024) and were incorporated into the Southern (6-8 March 2024) and Northern (20-22 March 2024) workshops for regional magistrates. These were presented by Deputy Chief Magistrate Freund and utilised the Workshop fact scenarios.

- **The *Judicial Officers’ Bulletin*** (November 2023). A detailed article on the coercive control reform authored by Acting Justice Robert A Hulme was published in November 2023.
- **The *Judicial Officers’ Bulletin*** (February 2024). An article entitled “The criminalisation of coercive and controlling behaviour in NSW – a comparative study” by Diane Elston and Rob Hoyles was published in February 2024. It examined the impending

coercive control offence and compares the elements of the offence, statutory defence, and definitions with other jurisdictions.

- **E-resource** This resource on trauma-informed judicial practices is available on JIRS and provides hyperlinked information for judicial officers hearing coercive control matters.
- **The Bench Books**
 - ***Criminal Trial Courts Bench Book*** A new chapter entitled “Abusive behaviour towards intimate partners” with commentary and a suggested jury direction was published in December 2023.
 - ***Sentencing Bench Book*** A new section in the “Domestic Violence” chapter entitled “Abusive Behaviour Toward an Intimate Partner” was published in March 2024.
 - ***Local Court Bench Book*** The chapter “Domestic violence offences” was amended to include commentary on the coercive control offence and cross-references to other Bench Books. The amendments were published in March 2024.
 - ***Equality and the Law Bench Book*** The chapter on coercive control has been updated.

Delivery plan

The Judicial Commission will continue to deliver training and education via multiple channels, including:

- The **Local Court of NSW Annual Conference** (June 2024) which will include:
 - Panel discussion: “Coercive control: victim centred approach to coercive control”. The panel will include Dr Hayley Boxall, Amani Haydar, Christine Robinson, and Rachael Martin, with Associate Professor Jane Wangmann as facilitator.
 - Session: “International trends: gendered pathways to victimization & offending: child abuse, domestic violence, and trauma over the lifecourse” presented by Denise Paquette Boots, Ph.D, University of Texas at Dallas and Stacy L. Mallicoat, Ph.D, California State University, Fullerton.
- Continual monitoring and updating of the coercive control resource page on JIRS.
- The various Bench Books will be updated with any caselaw that develops.
- Workshops focussing on coercive control and trauma informed courts.

Workstream 2: Operational Systems

Operational system work includes updates to NSW Police Force and Court operational systems to allow data entry and processing of criminal matters. The system updates must be made before new legislation comes into effect.

The court operational system, JusticeLink, does not require specific updates prior to the coercive control legislation coming into effect. A new law part code has been created for the coercive control offence.

NSW Police Force operational systems will be updated prior to the legislation coming into effect. Within the COPS database, an incident category of 'Coercive Control' will be created prior to the commencement of the coercive control offence on 1 July 2024 to record and monitor the offence. The NSW Police Force is collaborating with BOCSAR and DCJ to deliver the update.

Workstream 3: Community Awareness

The NSW Government supported recommendation 9 of the Joint Select Committee on Coercive Control to run awareness campaigns, including targeted campaigns, on coercive control.²⁷

Under this workstream, the Department of Communities and Justice (DCJ) Communications is undertaking a phased approach to educating the NSW public about coercive control.

- **Phase one – launched 30 August 2023:** Dedicated website about coercive control.²⁸
- **Phase two – launched 1 May 2024:** Broad advertising campaign to raise awareness and promote understanding of coercive control.
- **Phase three – from May 2024:** Tailored campaigns for priority audiences developed in close consultation with the First Nations Communities Reference Group and the Culturally and Linguistically Diverse Communities Reference Group.

DCJ Communications is conducting this work in close consultation with the Taskforce and Reference Groups. DCJ Communications updated the Taskforce on this work at Meetings 7, 8 and 11 and consulted with Reference Groups as outlined on pages 18 -20.

DCJ Communications is also testing communications materials with relevant target audiences to ensure they are effective and engaging.

Consultation Approach for Phase One – Website

DCJ Communications sought feedback on the coercive control website from the Taskforce and Reference Groups over three rounds of consultation and one round of user testing.

²⁷ NSW Government, *NSW Government Response to NSW Joint Select Committee on Coercive Control* (December 2021) 4.

²⁸ NSW Government, 'Coercive control' <www.nsw.gov.au/coercive-control> (retrieved 6 May 2024).

DCJ Communications also engaged a market research agency to test creative materials with the target audience. This testing showed 95% of respondents found the creative materials clear and easy to understand.²⁹

The website was endorsed by the Taskforce and launched on 30 August 2023.

Consultation Approach for Phase Two – Broad Advertising Campaign

DCJ Communications has conducted three rounds of consultation with the Taskforce and Reference Groups on creative materials for the broad advertising campaign.

DCJ Communications also engaged a market research agency to test the campaign materials with the target audience over two rounds of research.

Independent market testing was also undertaken during the campaign development with overwhelming positive results:

- 85% found it informative and important.
- 84% said the ads increased their understanding of the key aspects of coercive control.
- 82% said it was easy to understand.

The campaign was endorsed by the Taskforce and launched on 1 May 2024.

Consultation Approach for Phase Three – Tailored campaigns

DCJ Communications has consulted closely with the First Nations Communities Reference Group and the CALD Communities Reference Group on tailored campaigns for priority audiences.

Tailored Campaign for First Nations Communities

DCJ Communications conducted six out-of-session consultation sessions with representatives from the First Nations Communities Reference Group to inform the approach for a tailored campaign.

DCJ Communications engaged an Aboriginal-owned organisation to develop the campaign in close consultation with the First Nations Communities Reference Group and the target audience.

DCJ Communications conducted three rounds of consultation with the First Nations Communities Reference Group on creative materials for the tailored campaign.

DCJ sought the Taskforce's endorsement prior to launching the campaign in early June 2024.

²⁹ Independent market research with n=481 NSW residents aged over 16 years.

Tailored Campaign for Culturally and Linguistically Diverse Communities

DCJ Communications engaged a multicultural research agency to conduct market research with culturally and linguistically diverse communities to inform the approach for a tailored campaign.

DCJ Communications engaged a multicultural marketing agency to develop the campaign in close consultation with the Culturally and Linguistically Diverse Communities Reference Group and the target audience.

DCJ Communications conducted three rounds of consultation with the CALD Communities Reference Group on creative materials for the tailored campaign.

DCJ sought the Taskforce's endorsement prior to launching the campaign in late May 2024.

Monitoring

The Implementation and Evaluation Taskforce (the **Taskforce**) is required, under section 54I(3) of the *Crimes Act 1900*, to monitor the operation of the coercive control offence, including the practical application of defences and resourcing in relation to the offence's operation.

The NSW Bureau of Crime Statistics and Research (**BOCSAR**) has designed a monitoring report template for the coercive control legislation. BOCSAR's role is limited to monitoring administrative data collected by police and the courts. BOCSAR proposes reporting quarterly after the offence commences (with the first report based on data from July – September 2024, available by December 2024).

BOCSAR consulted with the Taskforce and Reference Group members on the design of the report, as outlined on page 20-21 in the second statutory report.³⁰ Further advice was received on the draft template and is being considered ahead of the Taskforce's June meeting where the report will be considered for endorsement.

The report template contains key metrics on:

- trends in incidents recorded by the NSW Police Force
- incident characteristics
- bail outcomes
- legal actions taken by the NSW Police Force
- demographics of victims and persons of interest
- presence of Apprehended Domestic Violence Orders involving the victim and persons of interest
- court outcomes
- penalties.

Future reports of the Taskforce will outline data and advice on monitoring the coercive control offence.

This monitoring will include recent provisions introduced under the *Bail and Other Legislation Amendment (Domestic Violence) Act 2024*.

That Act prescribes that the coercive control offence be considered in two ways when a bail authority is considering bail applications: 1. where coercive control is charged, the accused must show cause as to why the accused should be granted bail; and 2. where a bail decision

³⁰ NSW Government, Department of Communities and Justice, *Crimes Legislation Amendment (Coercive Control) Act 2022 Statutory Report* (December 2023) 20-21.

is granted in a coercive control matter, the prosecution may stay the matter pending an appeal.

The Taskforce will report on the operation of these provisions insofar as they relate to coercive control in its first annual report, which will be delivered 12 months after the commencement of the coercive control offence on 1 July 2024.

Future Reporting

The next report of the Implementation and Evaluation Taskforce (the **Taskforce**) is required to be tabled in both Houses of Parliament 12 months from the commencement of the coercive control offence.

The report will outline:

- Evaluation of implementation activity in accordance with section 54(3)(d) of the Crimes Act.
- Data and advice on monitoring the coercive control offence.
- Consultation with Reference Groups and any other stakeholders on the operation of the Act.
- Advice to the Attorney General about any other related matters.

Appendices

1. Section 54I of *Crimes Act 1900*
2. Implementation and Evaluation Taskforce Terms of Reference
3. Reference Group member agencies
4. Advice from Reference Groups to Taskforce
5. Advice from DFV sector stakeholders on domestic abuse definition
6. Government and Legal Reference Group consideration of the interaction between the domestic abuse definition, coercive control offence and ADVOs.

Crimes Act 1900 No 40

Current version for 23 October 2023 to date (accessed 21 November 2023 at 13:30)

[Part 3](#) > [Division 6](#) > Section 54I

54I Coercive Control Implementation and Evaluation Taskforce

- (1) The Minister must establish a Coercive Control Implementation and Evaluation Taskforce.
- (2) The taskforce is to include the following members appointed by the Minister—
 - (a) the Secretary of the department in which this Act is administered, who is to be the chairperson of the taskforce,
 - (b) a representative of the NSW Police Force,
 - (c) the chair of the Domestic and Family Violence and Sexual Assault Council,
 - (d) a member from the domestic and family violence sector with substantial expertise and experience in domestic and family violence service delivery.
- (3) The main purposes of the taskforce are as follows—
 - (a) to consult with stakeholders, including reference groups established under this section, about the offence under section 54D (the **coercive control offence**) and related matters,
 - (b) to provide advice about, and monitor, training, education and resourcing in relation to the coercive control offence,
 - (c) to provide advice about the commencement dates of, and interaction between, the definition of **domestic abuse** in the [Crimes \(Domestic and Personal Violence\) Act 2007](#), section 6A and the coercive control offence,
 - (d) to evaluate implementation of the coercive control offence and resourcing in relation to the coercive control offence,
 - (e) to monitor the operation of this Division, including—
 - (i) the practical application of defences to the coercive control offence, and
 - (ii) resourcing in relation to the operation of the Division,
 - (f) to provide advice to the Minister about other matters related to a matter in

paragraph (a)–(e) or the coercive control offence.

- (4) The chairperson of the taskforce must convene the first meeting of the taskforce within 1 month after the commencement of this section.
- (5) The taskforce must establish reference groups to consider, and provide advice and recommendations to the taskforce about any of the following matters—
 - (a) the impact of this Division on specific communities,

Examples—

Aboriginal persons, the LGBTIQ+ community

- (b) particular elements of the Division.
- (6) A reference group must consist of members who have expertise in, or legal knowledge of, the subject matter for which the reference group is established.

Examples of sectors, groups and organisations from which members of reference groups might be drawn—

the domestic and family violence sector, the legal profession, the Judicial Commission of NSW, Aboriginal organisations and groups, the culturally and linguistically diverse sector, LGBTIQ+ groups, the disability sector, youth and childrens groups, victims and survivors of sexual or domestic and family violence and the families of victims and survivors

- (7) In carrying out its purposes, the taskforce must consult with any reference group that is relevant to the particular purpose.
- (8) The taskforce must give the Minister a report in relation to its main purposes—
 - (a) at least once in each 6 months during the period between the commencement of this provision and the commencement of the coercive control offence, and
 - (b) at least every 12 months after the commencement of the coercive control offence.
- (9) The Minister must ensure a report under subsection (8) is tabled in each House of Parliament within 21 days after receiving it.
- (10) The taskforce ceases to operate, and this section is repealed, on the day on which, under section 54(5)(c), the report about the third review about this Division is tabled in the Legislative Assembly.

Terms of Reference

Coercive Control Implementation and Evaluation Taskforce



OFFICIAL: SENSITIVE – NSW Government

1. Establishment

1.1. The Coercive Control Implementation and Evaluation Taskforce (the **Taskforce**) is required to be established under section 54I of the *Crimes Act 1900* as inserted by Schedule 1 of the *Crimes Legislation Amendment (Coercive Control) Act 2022* (the **Amending Act**).

2. Membership and Chairperson

- 2.1. In accordance with section 54I of the *Crimes Act 1900*, the Taskforce consists of the following, as appointed by the Minister:
- 2.1.1. the Secretary of the Department of Communities and Justice (**DCJ**), being the Secretary of the department in which the *Crimes Act 1900* is administered
Section 54I(2)(a)
 - 2.1.2. the A/Assistant Commissioner, South West Metropolitan Region, NSW Police Force, being a representative of the NSW Police Force
Section 54I(2)(b)
 - 2.1.3. the chair of the Domestic and Family Violence and Sexual Assault Council
Section 54I(2)(c)
 - 2.1.4. Ms Annabelle Daniel OAM, a member from the domestic and family violence sector with substantial expertise and experience in domestic and family violence service delivery, including in her roles as CEO of Women's Community Shelters and Chair of Domestic Violence NSW
Section 54I(2)(d)
- 2.2. In addition to members prescribed by statute, the following are members of the Taskforce:
- 2.2.1. Natasha Luschwitz, Executive Director, Social Policy The Cabinet Office.
 - 2.2.2. Louis Kastoun, Executive Director, Health and Stronger Communities, NSW Treasury
 - 2.2.3. Executive Director, Regional Liveability, Strategy, Corporate and Performance, Department of Regional NSW
 - 2.2.4. Joseph La Posta, Chief Executive Officer, Multicultural NSW
 - 2.2.5. Shane Hamilton, Deputy Secretary, Aboriginal Affairs NSW
 - 2.2.6. Robert Hoyles, Executive Director, Crime, Legal Aid NSW
 - 2.2.7. Deborah Willcox, Deputy Secretary, Health System Strategy and Patient Experience NSW Health
 - 2.2.8. Dr Hannah Tonkin, NSW Women's Safety Commissioner
- 2.3. In accordance with section 54I(2)(a) of the *Crimes Act 1900*, the Secretary, DCJ is the chairperson of the Taskforce. The chair of the Domestic and Family Violence and Sexual Assault Council is the deputy chairperson of the Taskforce.
- 2.4. The Taskforce may recommend additional members be appointed by the Minister.
- 2.5. The Taskforce may invite other agency or sector representatives to attend the meetings of the Taskforce from time to time.

3. Terms of Reference

3.1. In accordance with section 54I(3) of the *Crimes Act 1900*, the main purposes of the Taskforce are:

Terms of Reference

Coercive Control Implementation and Evaluation Taskforce



OFFICIAL: SENSITIVE – NSW Government

- 3.1.1. to consult with stakeholders, including reference groups established under section 54I, about the offence under section 54D (the coercive control offence) and related matters,
- 3.1.2. to provide advice about, and monitor, training, education and resourcing in relation to the coercive control offence,
- 3.1.3. to provide advice about the commencement dates of, and interaction between, the definition of domestic abuse in section 6A of the *Crimes (Domestic and Personal Violence) Act 2007* and the coercive control offence,
- 3.1.4. to evaluate implementation of the coercive control offence and resourcing in relation to the coercive control offence,
- 3.1.5. to monitor the operation of Part 3, Division 6A of the *Crimes Act 1900*, including:
 - 3.1.5.1. the practical application of defences to the coercive control offence, and
 - 3.1.5.2. resourcing in relation to the operation of the Division,
- 3.1.6. to provide advice to the Minister about other matters related to a matter above or the coercive control offence.

4. Reference Groups

- 4.1. Under section 54I(5) of the *Crimes Act 1900*, the Taskforce is to establish reference groups to consider and provide recommendations about:
 - 4.1.1. the impact of Part 3, Division 6A of the *Crimes Act 1900* on specific communities (e.g. Aboriginal persons or the LGBTQIA+ community)
 - 4.1.2. particular elements of Part 3, Division 6A of the *Crimes Act 1900*.
- 4.2. The Taskforce will advise the Minister of the day on the following matters in relation to reference group(s):
 - 4.2.1. how many reference groups should be established
 - 4.2.2. the function and main purpose of each reference group
 - 4.2.3. the membership of each reference group, having regard to the requirements set out in section 54I(6) of the *Crimes Act 1900*
 - 4.2.4. the duration of each reference group, noting some may be time limited
 - 4.2.5. how the Taskforce will consult with and receive advice from reference groups, having regard to the requirements set out in section 54I(7) of the *Crimes Act 1900*
- 4.3. The Taskforce may provide advice to the Minister for consideration of any proposed formal processes, procedures or other documents in relation to reference groups which it considers are appropriate and desirable.

5. Reporting

- 5.1. In accordance with section 54I(8) of the *Crimes Act 1900*, the Taskforce must provide the Minister with a report in relation to its main purposes at least:
 - 5.1.1. every six months during the period between passage of the Amending Act and the commencement of Schedule 1 to that Act
 - 5.1.2. every 12 months following commencement of Schedule 1 to the Amending Act, every 12 months
- 5.2. Upon receipt of such a report, the Minister must table the report within both Houses of Parliament within 21 days.

Terms of Reference

Coercive Control Implementation and Evaluation Taskforce



OFFICIAL: SENSITIVE – NSW Government

Interaction with NSW Domestic, Family and Sexual Violence Board

- 5.3. The Chairperson will be a conduit for information from the NSW Domestic, Family and Sexual Violence Board (**Board**) to the Taskforce and vice versa about the progress of related reforms.
- 5.4. The Board is responsible for overseeing the delivery of the NSW Government's response to the Joint Select Committee on Coercive Control's recommendations, in addition to its other functions. The Board is chaired by the Secretary, DCJ.

6. Cessation of Taskforce

- 6.1. In accordance with section 54I(10) of the *Crimes Act*, the Taskforce will cease to operate and section 54I will be repealed on the date the third statutory review required under section 54J of the *Crimes Act* is tabled in the Legislative Assembly.

7. Meeting Conduct and Decision Making

Decision making

- 7.1. Decisions of the Taskforce are to be made by consensus wherever possible, and only by majority as a last resort. In circumstances where there is an evenly split vote between members, the Chairperson carries the deciding vote.

Quorum and attendance

- 7.2. 75% of members must attend to achieve quorum.
- 7.3. If a member is unable to attend, any decisions will be circulated for confirmation out of session following the meeting.
- 7.4. Members who are unable to attend may send a delegate representative. The delegate should have authority to make decisions on behalf of the agency represented. The delegate must sign the Taskforce's Declaration of Ethical Behaviour and Confidentiality Undertaking Form.
- 7.5. Additional attendees, including representatives from Reference Groups, may be invited to attend from time to time, but will not have decision making authority.

Meeting frequency

- 7.6. The Taskforce shall meet at least every two months, or more frequently as determined by the Chairperson on an ad hoc basis.

Out of session papers

- 7.7. Items may be managed out-of-session at the agreement of Taskforce members where:
 - 7.7.1. the item is urgent and must be considered before the next scheduled meeting
 - 7.7.2. in circumstances when meetings are not possible to enable business to be progressed.
 - 7.7.3. Members may delegate authorisation of out-of-session papers as necessary within their agencies.

Confidentiality

- 7.8. Members of the Taskforce must sign the Declaration of Ethical Behaviour and Confidentiality Undertaking Form, appended at Appendix A, and agree to act in accordance with the provisions of that Form.

Terms of Reference

Coercive Control Implementation and Evaluation Taskforce



Communities and Justice

OFFICIAL: SENSITIVE – NSW Government

7.9. Any observers who may attend Taskforce meetings from time to time must sign the Confidentiality Undertaking Form, appended at Appendix B and agree to act in accordance with the provisions of that Form.

Secretariat support

- 7.10. DCJ must provide secretariat support to the Taskforce, including:
- 7.10.1. organising Taskforce meetings
 - 7.10.2. preparing the agenda for approval by the Chairperson
 - 7.10.3. sending invitations, agendas and papers for discussion to members prior to the meeting, allowing appropriate time for internal consultation
 - 7.10.4. sending minutes out promptly after the meeting and maintaining meeting records
 - 7.10.5. supporting the Taskforce as required, including coordinating consultation with the reference groups and other stakeholders
 - 7.10.6. drafting papers, reports, correspondence or advice as required at the request of the Taskforce.

Taskforce Member's Declaration of Ethical Behaviour and Confidentiality Undertaking Form

Coercive Control Implementation and Evaluation Taskforce

Part A - Declaration of Ethical Behaviour

I accept and acknowledge that as a member of the Coercive Control Implementation and Evaluation Taskforce (the Taskforce):

1. I shall act at all times honestly in good faith and in the best overall interests of the Taskforce.
2. I will not use the powers of my office for an improper purpose or take improper advantage of the position I hold as a Taskforce member.
3. I will not allow personal interests or the interests of any associated person to conflict with the interests of the Taskforce.
4. I have an obligation to acquaint myself with NSW Government policies as they apply to myself or my organisation and to take all reasonable steps to be satisfied as to the soundness of all decisions taken by the Taskforce.
5. I will not engage in conduct likely to bring discredit upon the Taskforce.
6. I endorse the principles of ethical behaviour contained within the NSW Government Boards and Committees Guidelines and I commit myself to show leadership by complying with the Guidelines in so far as applicable to my role and duties as a Taskforce member.
7. I have an obligation, at all times, to comply with the spirit, as well as the letter of the law and with the principles of this declaration.

Part B – Confidentiality Undertaking

I accept and acknowledge that as a member of the Taskforce I have duties in relation to the use, handling and confidentiality of information I obtain in the course of my duties as a Taskforce member. In particular as a member:

1. I recognise that information acquired in the course of the exercise of my functions and duties remains the property of the Taskforce.
2. I will not make improper use of or misuse information acquired in the exercise of my functions and duties. Misuse includes:
 - a) use of information for personal financial or other benefit or for personal financial or other benefit of another person
 - b) speculation in shares or commodities on the basis of confidential; information about the affairs of a business or the NSW Government
 - c) seeking to take advantage for personal reasons of another person.
3. I will not disclose information acquired in the course of the exercise of my functions and duties unless such disclosure is authorised by the Taskforce or otherwise required or

authorised by law.

4. I will take care to maintain the integrity and security of any information acquired by me or provided to me in my role as a Taskforce member.

I also agree I will continue to comply with the confidentiality obligations set out at points 1 to 4 above after the completion of my term on the Taskforce.

Signed this day of 2022

Signature of Taskforce member:

Name of Taskforce member (printed):

.....

Confidentiality Undertaking Form

Coercive Control Implementation and Evaluation Taskforce

I accept and acknowledge that as an observer of the Coercive Control Implementation and Evaluation Taskforce (the Taskforce) I have duties in relation to the use, handling and confidentiality of information I obtain in the course of my engagement with the Taskforce. In particular as an observer:

1. I recognise that information acquired in the course of my engagement with the Taskforce remains the property of the Taskforce.
2. I will not make improper use of or misuse information acquired in the course of my engagement with the Taskforce. Misuse includes:
 - a) use of information for personal financial or other benefit or for personal financial or other benefit of another person
 - b) speculation in shares or commodities on the basis of confidential; information about the affairs of a business or the NSW Government
 - c) seeking to take advantage for personal reasons of another person.
3. I will not disclose information acquired in the course of my engagement with the Taskforce unless such disclosure is authorised by the Taskforce or otherwise required or authorised by law.
4. I will take care to maintain the integrity and security of any information acquired by me or provided to me in the course of my engagement with the Taskforce.

I also agree I will continue to comply with the confidentiality obligations set out at points 1 to 4 above after the completion of my role as an observer of the Taskforce.

Signed this day of 2022

Signature of Observer:

Name of Observer (printed):

.....

.....

1. Government sector

- Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice and Chair, Domestic and Family Violence and Sexual Assault Council
- NSW Women's Safety Commissioner, Department of Communities and Justice
- A/Deputy Secretary, Courts, Tribunals and Service Delivery, Department of Communities and Justice
- Executive Director, NSW Bureau of Crime Statistics and Research
- Detective Inspector and Manager, Domestic and Family Violence Registry, NSW Police Force
- Judge, Supreme Court of NSW
- Judge, District Court of NSW
- Deputy Chief Magistrate, Local Court of NSW
- Managing Lawyer, Research and Sentencing, Judicial Commission of NSW
- Director, Prevention and Response to Violence, Abuse and Neglect Unit, NSW Health

2. Legal sector

- Executive Director, Criminal Law Division, Legal Aid NSW
- Deputy Secretary, Law Reform and Legal Services, Department of Communities and Justice
- Chair, Criminal Law Committee, Law Society of NSW
- NSW Bar Association
- Principal Solicitor, Care & Protection / Family Law Practice, Aboriginal Legal Service (NSW/ACT)
- A/Deputy Director, Office of the Director of Public Prosecutions
- Public Defender, Public Defenders
- Law Reform and Policy Co-ordinator, Women's Legal Service NSW
- Principal Solicitor, Wirringa Baiya Aboriginal Women's Legal Centre

3. DFV service delivery

- Chief Executive Officer, Women's Community Shelters and Chair, Domestic Violence NSW
- Law Reform and Policy Co-ordinator, Women's Legal Service NSW
- Chief Executive Officer, Wirringa Baiya Aboriginal Women's Legal Centre

Appendix 3 Reference Group member agencies



Communities and Justice

- Chief Executive Officer, Full Stop Australia
- Chief Executive Officer, Domestic Violence NSW
- Chief Executive Officer, No to Violence
- Director, Prevention and Response to Violence, Abuse and Neglect Unit, NSW Health
- Chief Executive Officer, Women's and Girls' Emergency Centre

4. First Nations communities

- Deputy Secretary, Aboriginal Affairs NSW, Premier's Department
- A/Deputy Secretary, Transforming Aboriginal Outcomes, Department of Communities and Justice
- Director, Family Violence, Transforming Aboriginal Outcomes, Department of Communities and Justice
- Chief Executive Officer, Wirringa Baiya Aboriginal Women's Legal Centre
- Senior Community Access Officer, First Nations Women's Legal Program, Women's Legal Service NSW
- Program Coordinator, Aboriginal Women's Advisory Network
- Member, NSW Coalition of Aboriginal Regional Alliances & Executive Director, Barang Regional Alliance
- A/Chief Executive Officer, NSW Coalition of Aboriginal Peak Organisations
- Deputy Chief Executive Officer, First Peoples Disability Network
- Manager, Community Partnerships & Programs, Aboriginal Legal Service (NSW/ACT)

5. Culturally and Linguistically Diverse communities

- Chief Executive Officer, Multicultural NSW
- Head of Women, Equity and Domestic and Family Violence, Settlement Services International
- Manager, Linking Hearts Service, Muslim Women Australia
- Executive Officer, Immigrant Women's SpeakOut Association of NSW
- Chief Executive Officer, Ethnic Communities' Council of NSW
- Senior Solicitor, Immigration and Domestic Violence practice, Immigration Advice and Rights Centre
- Systemic Advocate and Policy Officer, Multicultural Disability Advocacy Association
- Settlement Worker, Mosaic Multicultural Connections
- Manager, NSW Health
- Safe Life Project Lead, NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors

6. LGBTQIA+

- Deputy Secretary, Health System Strategy and Patient Experience, NSW Health
- Manager, LGBTQ+ Health Programs, Community Health, ACON
- The Gender Centre
- Managing Principal Solicitor, Inner City Legal Centre
- Principal Solicitor, HIV/AIDS Legal Centre
- Director of Primary Prevention, Women's and Girls' Emergency Centre

7. People with disability

- Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice and Chair, Domestic and Family Violence and Sexual Assault Council
- Executive Director, Housing, Homelessness and Disability, Department of Communities and Justice
- Senior Manager, NSW Policy, People with Disability Australia
- Director, Operations, NSW Ageing and Disability Commission
- Chief Executive Officer, Carers NSW
- Deputy Chief Executive Officer, First Peoples Disability Network
- Interim Commissioner, Mental Health Commission of NSW
- Multicultural Disability Advocacy Association

8. Older persons

- Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice and Chair, Domestic and Family Violence and Sexual Assault Council
- Director, Operations, NSW Ageing and Disability Commission
- Chief Executive Officer, Older Women's Network NSW
- Chief Executive Officer, Carers NSW
- General Manager, Policy and Advocacy, Dementia Australia
- Policy Manager, Country Women's Association of NSW
- Chief Executive Officer, Seniors Rights Service
- Director, Policy and Advocacy, Council on the Ageing NSW

9. Children and youth

- Executive Director, Social Policy, The Cabinet Office
- Advocate for Children and Young People
- Principal Solicitor (Harm Practice), Youth Law Australia
- Chief Executive Officer, Youth Action
- Executive Director, Youth Justice NSW, Department of Communities and Justice
- Centre Manager, Barnados Australia

10. Lived expertise

- Chief Executive Officer, Women's Community Shelters and Chair, Domestic Violence NSW
- The Lived Expertise Reference Group was formed following an expression of interest process.

Appendix 4 Reference Group advice and recommendations to the Taskforce under section 54I(5)¹ and 54I(7)² of the Crimes Act 1900

Section 54I(5) of the *Crimes Act 1900* (**Crimes Act**) requires the Taskforce to establish Reference Groups to advise the Taskforce on the impact of the coercive control legislation on specific communities and on particular elements of the offence.

Taskforce members chair all Reference Groups to act as a conduit between the Taskforce and Reference Groups. The Taskforce receives and considers Reference Group advice from the Groups' Chairpersons as a standing agenda item at Taskforce meetings.

The Taskforce considers Reference Group advice and recommendations, noting the statutory remit of the Taskforce to implement the coercive control legislation as passed by Parliament.

The following table summarises the broad themes of advice and recommendations from Reference Groups to the Taskforce.

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
1.	Cross pollination between Reference Groups	All	Opportunities for Reference Groups to engage with each other to promote cross pollination.	The Taskforce supported this recommendation and tasked the Secretariat with facilitating cross pollination activities which included: <ul style="list-style-type: none"> • Facilitating requests to join Reference Groups • Inviting guests to Reference Groups

¹ s 54I(5): The Taskforce must establish reference groups to consider, and provide advice and recommendations to the taskforce about any of the following matters —

- a) the impact of this Division on specific communities
Examples — Aboriginal persons, the LGBTIQ+ community
- b) particular elements of the Division.

² s 54I(7): In carrying out its purposes, the taskforce must consult with any reference group that is relevant to the particular purpose.

(The purposes are defined by s 54I(3) as to consult reference groups about the coercive control offence and related matters, provide advice about and monitor training, education and resourcing in relation to the coercive control offence, provide advice about commencement dates and the interaction between the 'domestic abuse' definition and the coercive control offence, evaluate the implementation and resourcing of the coercive control offence, monitor the operation of the offence, and provide advice about related matters.

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
				<ul style="list-style-type: none"> • Bringing criminal justice agencies, Taskforce and Reference Group members together at the August 2023 training and education symposium (page 19 of the December statutory report).³ • Bringing Reference Group members together for a workshop on the community awareness campaigns in December 2023 (page 20 of this report). • Bringing criminal justice agencies, Taskforce and Reference Group members together for the May 2024 panel discussion on the coercive control offence (page 22-23 of this report).
2.	Reference Group memberships	Regional (dissolved) CALD communities Children and Youth Older Persons	<ul style="list-style-type: none"> • The Regional Reference Group in consultation with the Department of Regional NSW recommended the group be dissolved and membership of regional communities be increased on other reference groups. 	<ul style="list-style-type: none"> • The Taskforce endorsed this recommendation and asked Reference Group chairpersons to consider representation of regional communities in group memberships and, where needed, facilitate nominations

³ NSW Government, Department of Communities and Justice, [Crimes Legislation Amendment \(Coercive Control\) Act 2022 Statutory Report](#) (December 2023) 19.

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
		People with Disability Legal	<ul style="list-style-type: none"> • Reference Groups made recommendations to the Taskforce to invite additional members to the groups, including: <ul style="list-style-type: none"> ○ CALD Communities: STARTTS and Northern Settlement Services (also known as Mosaic Multicultural Connections) ○ Older Persons and People with Disability: Dementia Australia and Mental Health Commission of NSW. ○ Community Legal Centres in the DFSV Service Delivery Reference Group: members sought to also join the Legal Reference Group. ○ Lived Expertise: A member sought to also join the First Nations Communities Reference Group. ○ Children and Youth: sought to invite young people or other youth organisations to be part of and/or consulted on community awareness campaigns. 	<p>via groups for additional regional members.</p> <ul style="list-style-type: none"> • The recommended members were endorsed by the Taskforce and invited to join Reference Groups by the Taskforce Chairperson. <ul style="list-style-type: none"> • The Terms of Reference for the Reference Groups support groups to invite guests to meetings. • Market testing for community awareness campaigns was

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
			<ul style="list-style-type: none"> ○ LGBTQIA+: <ul style="list-style-type: none"> - consider representation and funding for consulting with Intersex communities which have very limited advocacy services. - Fund other small community-based agencies to consult on the coercive control reform given the significant input sought from reference groups. 	<p>aimed at a range of age groups, including young people.</p> <ul style="list-style-type: none"> • Taskforce member agencies agreed to consider funding for consulting with Intersex communities. Opportunities to consult were facilitated through NSW Health. • The Taskforce will consult with community agency members on their capacity to engage following the commencement of the offence.
3.	Priority populations and lived expertise	DFV Service Delivery First Nations communities Culturally and Linguistically Diverse communities LGBTQIA+	Priority populations and lived expertise to be considered and represented in implementation activity and monitoring and evaluation.	<p>The Taskforce supported this recommendation which is clearly articulated in its statutory remit (s54(5)).</p> <p>Reference Groups and the communities they represent have contributed to, or have been consulted on, or considered in justice agencies training and education programs and community awareness campaigns, including the coercive control website,</p>

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
		People with Disability Older Persons Children and Youth Lived Expertise		<p>broad advertising campaign and tailored campaigns for First Nations and culturally and linguistically diverse communities.</p> <p>For details, please refer to pages 17-23 and 31 to 39 of this report and pages 17-21 and 28 to 34 of the December statutory report.⁴</p> <p>The Taskforce will continue to consider priority populations and lived expertise in monitoring the offence and as part of statutory reviews as defined by section 54J of the Crimes Act.</p>
4.	Justice agencies training and education	DFV Service Delivery First Nations communities Culturally and Linguistically Diverse communities People with Disability	Co-design and co-delivery of training, particularly to support Closing the Gap targets, access to training materials and questions around elements of training.	<p>Criminal justice agencies presented on training and education at the August 2023 symposium and answered questions from reference group members and connected with members to facilitate participation in training sessions (see page 19 of the December statutory report⁵).</p> <p>For details of Reference Group members' contributions to justice</p>

⁴ NSW Government, Department of Communities and Justice, [Crimes Legislation Amendment \(Coercive Control\) Act 2022 Statutory Report](#) (December 2023) 17-21; 28-34.

⁵ Ibid 19.

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
		Older Persons LGBTQIA+ Children and Youth Lived Expertise		<p>agencies training and education, see pages 21-22 and pages 31-39 of this report.</p> <p>Following the symposium, members had further queries in relation to training. NSW Police Force attended each reference group meeting to engage on its training. Legal Aid NSW further attended some reference group meetings.</p>
		DFV Service Delivery LGBTQIA+	Independent evaluation of justice agencies training, and for evaluation results to be published.	<p>The Taskforce is required to evaluate implementation of the coercive control offence and resourcing in relation to the coercive control offence in accordance with section 54I(3)(d) of the Crimes Act and will report on this in future statutory reports as required under section 54I(8) of the Crimes Act.</p> <p>The effectiveness of training is also required to be considered in future statutory reviews in accordance with section 54J of the Crimes Act.</p>
		Older Persons CALD communities	Legal Aid NSW training to be mandatory for all Legal Aid NSW staff.	The Taskforce noted this advice and Legal Aid met with Reference Groups to provide further information about its approach to training. Legal Aid

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
				<p>NSW has noted its training program has been designed for a broad audience, including Legal Aid staff, private legal practitioners, community legal centre staff, and specialist domestic violence workers, with modules specific to lawyers and specialist domestic violence workers.</p> <p>All Legal Aid NSW staff are strongly encouraged to undertake training.</p>
5.	<p>Training on coercive control for community sector organisations</p>	<p>DFV Service Delivery</p> <p>First Nations communities</p> <p>Culturally and Linguistically Diverse communities</p> <p>LGBTQIA+</p> <p>People with Disability</p> <p>Older Persons</p> <p>Children and Youth</p> <p>Lived Expertise</p>	<p>Training to be developed for community sector organisations on coercive control.</p>	<p>The Taskforce noted the recommendation for broader training in relation to coercive control outside the criminal justice system.</p> <p>DCJ's Strategy, Policy and Commissioning division consulted with Reference Groups on training needs for the non-government sector on coercive control, and a proposal was developed with oversight of the DFSV Board.</p> <p>Reference Group member agencies were invited to join an advisory group for that training.</p> <p>Training and education developed by Legal Aid NSW will also form part of that training.</p>

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
6.	Leadership, cultural and systems reform	DFV Service Delivery CALD Communities Children and Youth	<p>Inclusion of leadership, cultural and systems reform as the Taskforce's fourth workstream.</p> <p>This includes addressing systemic discrimination and systemic misidentification of the person most in need of protection, including in the protection order context; the development of a multi-agency risk assessment and management framework and broader work beyond the criminal legal system.</p> <p>Further recommendations were made on the need for action to address longer-term behavioural and cultural changes across the criminal justice system, including in relation to children and young people as victim-survivors of domestic abuse.</p>	<p>The Taskforce noted these recommendations. The Taskforce's statutory role is to implement, monitor and evaluate the coercive control legislation.</p> <p>The Taskforce referred a paper on the proposed workstream for 'leadership, cultural and systems reform' to the Domestic, Family and Sexual Violence Board to consider (page 21 of the December 2023 statutory report).⁶ The Board provides whole-of-government strategic direction on domestic, family and sexual violence reforms and is overseeing the DFV Plan 2022-2027 which commits to focus areas for action across prevention, early intervention, response, recovery and healing from domestic and family violence.⁷</p> <p>The DFV Service Delivery Reference Group has further received briefings from the Women's Safety Commissioner to facilitate engagement on matters outside the statutory purposes of the Taskforce. The Women's Safety Commissioner</p>

⁶ NSW Government, Department of Communities and Justice, [Crimes Legislation Amendment \(Coercive Control\) Act 2022 Statutory Report](#) (December 2023) 21.

⁷ NSW Government, Department of Communities and Justice, [Domestic and Family Violence Plan 2022-2027](#) (December 2022).

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
				<p>has committed to meeting with the CALD Communities Reference Group.</p> <p>The Children and Youth Reference Group has further discussed concerns about system responses to children and young people in domestic abuse cases with DCJ and NSW Police Force.</p>
		DFV Service Delivery	Progress of leadership, cultural and systems reform to be included in the Taskforce's statutory reports, irrespective of where responsibility or oversight for this lies.	The Taskforce notes this recommendation and the requirement under section 54I(8) of the Crimes Act for the Taskforce to report on its main purposes, being to implement, monitor and evaluate the coercive control legislation.
7.	Domestic, Family and Sexual Violence Governance in NSW	DFV Service Delivery	A DFSV governance chart should be provided to Reference Group members.	The Secretariat referred the recommendation to DCJ's Strategy, Policy and Commissioning division and notes the current review of DFSV governance.
		DFV Service Delivery	Regular communication, transparency and information flow between the DFSV Board and the NGO sector and support for NGO experience and opinions being part of the decision-making process of the Board.	<p>The Taskforce noted this recommendation, which is directed to the DFSV Board.</p> <p>The Taskforce further noted the Women's Safety Commissioner has met with the DFV Service Delivery Reference Group.</p>

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
8.	Interaction between the ‘Domestic abuse’ definition, Apprehended Domestic Violence Orders (ADVOs) and the coercive control offence	DFV Service Delivery Legal CALD communities First Nations communities Children and Youth	Members of various Reference Groups sought to better understand the ‘domestic abuse’ definition and its impact before it commenced, including: <ul style="list-style-type: none"> the influence of the definition on police practice and interactions with assessment tools such as the Domestic Violence Safety Assessment Tool. the interactions between the domestic abuse definition and mandatory reporting. interest in amending the non-exhaustive list of behaviour examples at section 6A(2) of the <i>Crimes (Domestic and Personal Violence) Act</i> and understanding how behaviours will be responded to in practice. reducing the incidence of criminal overreach through training and education. managing expectations of victim-survivors, particularly if victim-survivors expect that their experiences of domestic abuse would alone ground an Apprehended Violence Order 	<p>The Taskforce noted the issues raised and that these will continue to be monitored in accordance with section 541(3) of the Crimes Act.</p> <p>The domestic abuse definition commenced on 1 February 2024. As at 8 May 2024, no concerns on its practical operation have been raised by Reference Group members or referred to the Taskforce. All Reference Groups received a briefing on the domestic abuse definition before its commencement.</p> <p>The Taskforce Secretariat, in consultation with Reference Groups, prepared and published factsheets on the ‘domestic abuse’ definition, including a factsheet tailored for people working with children and young people.⁸</p> <p>NSW Police Force engaged with each Reference Group. Each group raised various questions or concerns. Some groups discussed the domestic abuse definition and assessment tools.</p>

⁸ NSW Government, Department of Communities and Justice, ‘Criminalising coercive control in NSW’ (12 April 2024) <<https://dcj.nsw.gov.au/children-and-families/family-domestic-and-sexual-violence/police--legal-help-and-the-law/criminalising-coercive-control-in-nsw.html>> (retrieved 6 May 2024).

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
			<p>and if an Order cannot be granted.</p> <ul style="list-style-type: none"> concerns about the differences between the statutory terms ‘domestic abuse’ and ‘abusive behaviour’ and perceived confusion that could cause, including that ‘abusive behaviour’ was relevant to intimate partner relationships versus ‘domestic abuse’ which could apply to a broader range of relationships. advice about how dowry abuse is addressed by the legislation. <p>Further specific questions were raised on the operation of ADVOs in relation to the ‘domestic abuse’ definition and the coercive control offence in October 2023.</p>	<p>The Taskforce further noted the Secretariat provided advice to the CALD Communities reference group about how the domestic abuse definition applies to ‘dowry abuse’ and that DCJ Communications has and continues to consult members on including an example of the behaviour on the coercive control website.</p> <p>The Taskforce provided advice in November 2023 on specific questions about the ‘domestic abuse’ definition raised by Reference Group members. This advice is at Appendix 5.</p> <p>The Taskforce Secretariat has further facilitated engagement in the Government and Legal Reference Group, both during Reference Group meetings and out-of-session, on members’ queries on the ‘domestic abuse’ definition, ADVOs and the coercive control offence.</p>
9.	Operation of the coercive control offence	First Nations Children and Youth Lived Expertise	Members have expressed interest in understanding how the coercive control offence will operate, from charging to prosecution and potential conviction.	Justice agencies discussed the potential operation of the offence at the panel discussion on 31 May with members provided opportunity to

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
				pose questions (page 22-23 of this report).
10.	Reform monitoring and evaluation	DFV Service Delivery First Nations communities Culturally and Linguistically Diverse communities LGBTQIA+ People with Disability Older Persons Children and Youth Lived Expertise	Monitoring the reform beyond the administrative data monitored by BOCSAR, including: <ul style="list-style-type: none"> • Collection of baseline data as well as data from the time of the commencement of the coercive control offence. • Detailed data collection, in particular on victim-survivor and perpetrator characteristics, beyond what is currently collected. • A qualitative evaluation of coercive control victim-survivors' experience of the criminal justice system. 	<p>The Taskforce had engaged BOCSAR to monitor the offence. BOCSAR consulted the Taskforce and Reference Groups on the development of their monitoring report for the coercive control offence.</p> <p>The Taskforce is considering further options to monitor the reform, noting the prescribed matters which must be considered as part of the statutory reviews under Section 54J of the Crimes Act.</p>
11.	Taskforce workplan, schedule of meetings and consultation opportunities	DFV Service Delivery CALD communities Children and Youth	An overarching workplan with key initiatives, milestones, schedule of meetings for the Taskforce and Reference Groups and points of consultation to be shared with Reference Groups.	<p>The Taskforce noted this recommendation.</p> <p>A schedule of meetings, consultation points and milestones from the Taskforce workplan was endorsed to provide to Reference Groups in July 2023.</p> <p>The Taskforce noted a further recommendation from the DFV</p>

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
				<p>Service Delivery Reference Group for its full workplan to be provided to reference groups and endorsed its circulation in April 2024.</p> <p>The Taskforce further noted its statutory reports are framed around the workplan and outline delivery of implementation work and consultation undertaken as part of that work.</p>
12.	Related legislative reform	DFV Service Delivery	Future legislative reform, including of the <i>Crimes (Domestic and Personal Violence) Act</i> , to be considered alongside project implementation.	<p>The Taskforce noted this recommendation which is outside the statutory remit of the Taskforce to implement the legislation by 1 February at the earliest and 1 July 2024 at the latest.</p> <p>The statutory reviews will consider if changes to coercive control legislation are required.</p>
13.	Funding for DFSV services	CALD DFSV Service Delivery Children and Youth	<p>Funding of DFV frontline service to:</p> <ul style="list-style-type: none"> • equip them to deliver response, recovery and prevention initiatives to victim-survivors. • to ensure community resources and organisations are upskilled to deliver consistent messaging regarding reform. 	<p>The Taskforce noted this recommendation.</p> <p>Funding for DFSV services is determined pursuant to NSW Treasury budget processes. Section 54(3) of the Crimes Act requires the Taskforce to consider resourcing in relation to the coercive control offence and provide advice to the Attorney General.</p>

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
			<ul style="list-style-type: none"> increase support for counselling services following the community awareness campaign. 	<p>The Secretariat provided advice to the Children and Youth Reference Group on consultation with listed support services ahead of the launch of the community awareness campaigns.</p>
14.	Community awareness and education	CALD communities First Nations communities LGBTQIA+	<p>To increase the reach of the community awareness campaigns, consider:</p> <ul style="list-style-type: none"> opportunities to engage with religious leaders to assist in relaying messages to communities in a culturally sensitive manner. engagement with Community Hubs Australia. engagement with GPs. engaging the Multicultural Health Communication Service to serve as a link to culturally diverse communities. opportunities to leverage small businesses in culturally diverse communities. additional languages for tailored campaign materials in future campaigns. collaborating with sporting clubs or codes. tailoring community awareness messages for particular LGBTQIA+ communities. 	<p>The Taskforce noted the strong engagement from reference groups with DCJ Communications in the development of the community awareness campaigns, including the coercive control website, the broad advertising campaign and tailored campaigns for First Nations and CALD communities. The Taskforce noted the recommendations made by Reference Group members and the work of DCJ Communications in promoting the campaigns through unpaid advertising and engagement channels.</p>

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
			<ul style="list-style-type: none"> opportunities to collaborate with the Aboriginal Education Consultative Group and the NSW Coalition of Aboriginal Peak Organisations providing education for First Nations communities to assist in navigating the legislation. 	<p>The Taskforce noted the Aboriginal Legal Service and community legal services will receive training on coercive control and the legislation through Legal Aid NSW.</p>
15.	Measuring behaviour change	CALD Communities Children and Youth	<p>Advice was sought on how the reform's success will be monitored in terms of community behaviour change.</p> <p>Further advice was sought on how the reform will move beyond community awareness to community engagement.</p>	<p>The Taskforce noted the advice sought from reference groups.</p> <p>The Taskforce will monitor the offence's operation in accordance with section 54I(3)(e) of the Crimes Act. The statutory reviews under section 54J of the Crimes Act will consider the impact of the legislation. The Taskforce further notes advice from DCJ that raising awareness and understanding of coercive control were the objectives of the campaign as market research demonstrated an immediate need to raise awareness about coercive control.</p> <p>Further attitude and behaviour change may be considered for potential future campaigns.</p>
16.	Training across other NSW government	CALD communities DFV Service Delivery	Reference Groups have provided advice and recommendations, and made queries about, training across NSW	The Taskforce notes the advice and that broader training, education and capacity building across NSW

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
	services on coercive control	First Nations communities Children and Youth	Government and community-based services on coercive control, noting that most domestic abuse is not reported to police.	Government and non-government services is overseen by the DFSV Board under the DFV Plan 2022-2027, ⁹ however member agencies have contributed advice to the Taskforce discussions on training across government. Advice on training which includes coercive control was provided to Reference Groups for information in April 2024. This included advice on training within the Department of Education, NSW Health, and for child protection caseworkers.
17.	Practice representation on the Taskforce and in criminal justice agency training	CALD communities	Increase representation of the practice side of domestic violence in the training packages and in Taskforce membership	The Taskforce noted this recommendation. See page 21 of December statutory report. ¹⁰ Criminal justice agencies have tailored training packages to workforce needs with input from specialists including domestic violence practice specialists. See pages 31 to 39 of this report.
18.	Victims Support Scheme	DFV Service Delivery	All coercive control victim-survivors, including those who have experienced	The Taskforce noted this recommendation and the separate

⁹ NSW Government, Department of Communities and Justice, [Domestic and Family Violence Plan 2022-2027](#) (December 2022)

¹⁰ NSW Government, Department of Communities and Justice, [Crimes Legislation Amendment \(Coercive Control\) Act 2022 Statutory Report](#) (December 2023) 21.

#	Issue	Reference Group	Reference Group advice and recommendations	Taskforce consideration
			non-physical forms of abuse, to be able to access the Victims Support Scheme.	<p>statutory review of the <i>Victims Rights and Support Act 2013</i>.</p> <p>Coercive control victim-survivors are able to access the Victims Support Scheme if they meet current Scheme criteria.</p>
19.	BOCSAR report on stalking and intimidation	DFV Service Delivery	<p>There should be further First Nations analysis and further deep dive of data, including more analysis of First Nations women as complainants and offenders.</p> <p>The results of this report should be made public.</p>	The Taskforce noted this recommendation, which should be referred by the relevant stakeholders directly to BOCSAR.

Appendix 5

Annabelle Daniel
Chair Domestic and Family Violence Service Delivery Sector Reference Group
11 October 2023 (updated 13 October 2023)

Definition of ‘domestic abuse’ to be incorporated in the *Crimes (Domestic and Personal Violence) Act 2007 (NSW)*

We are writing to provide some feedback and views about the definition of ‘domestic abuse’ to be included in the *Crimes (Domestic and Personal Violence) Act 2007 (NSW)*. We have raised some of these concerns through previous consultation around the Bill and before the Legislative Council inquiry into the Crimes Legislation Amendment (Coercive Control) Bill 2022.

It is clearly important that a definition of domestic and family violence/abuse be included within the *Crimes (Domestic and Personal Violence) Act 2007 (NSW)* (the ‘ADVO legislation’). This has been a significant gap for some time,¹ and its absence places NSW out of step with other Australian jurisdictions who have modernised their civil protection order legislation more recently. The inclusion of a definition was one of the key recommendations arising from the work of the recent Joint Select Committee on Coercive Control. One of the reasons for including a definition of ‘domestic abuse’, and to do so prior to the introduction of the coercive control offence, is to enhance understanding about this harm. We suggest that the way in which the definition has been drafted, the fact that it does almost no work, and its differences to the definition of ‘abusive behaviour’ for the purposes of the coercive control offence undermine this potential benefit being realized and in fact risks adding considerable confusion.

1. Different definitions

We suggest the inclusion of two different definitions – ‘domestic abuse’ for the ADVO legislation, and ‘abusive behaviour’ for the coercive control offence – exacerbates the lack of clarity on the nature of domestic and family violence in NSW. The then Attorney-General explained that this difference was due to the fact that one relates to civil proceedings and the other to criminal proceedings, however, this does not make sense to us. The potential confusion arising from similar, but slightly different, definitions and terminology being used is further exacerbated by the fact that the recent microsite launched by the NSW Government to enhance understanding of coercive control prior to the offence becoming operational states that coercive control is ‘domestic abuse’.²

2. Does almost no work

The new definition of ‘domestic abuse’ does almost no work within the ADVO legislative scheme and as a result is unlikely to be relied on, to any great extent, by any of the key actors in the legal system beyond sentencing submissions where s 11 is raised. This appears to undermine the NSW Joint Select Committee report on the reasons for a clear and accessible definition in the ADVO legislation.³ Why would the police refer to this definition if it has very little role to play in their everyday work in seeking protection orders on behalf of persons in need of protection? How is this technical legal notion of a domestic violence offence useful to enhancing community understanding of domestic abuse?

The only work that the definition is given within the ADVO scheme is as an additional possible offence that is considered a ‘domestic violence offence’. The notion of a ‘domestic violence offence’ is important and has a number of ramifications across different pieces of legislation around sentencing and access to various witness

¹ First raised by the NSW Law Reform Commission (NSWLRC) in 2003 in its report on AVOs; in 2010 this gap was again referred to by the ALRC and the NSWLRC in their joint reference on family violence; with the need for a definition again raised before the Joint Select Committee on Coercive Control in Domestic Relationships in 2021.

² <https://www.nsw.gov.au/family-and-relationships/coercive-control> (accessed 9 October 2023)

³ NSW Joint Select Committee on Coercive Control, *Coercive Control in Domestic Relationships*, Report 1/57 (2021) 25-32.

protections. However, it is unclear what offences sit outside the wide range of enumerated offences nominated as a 'personal violence offence' or an offence that isn't already defined as a personal violence offence but occurs in 'substantially the same circumstances as those from which a personal violence offence has arisen' [see s 11(1)(a)-(b)]. At present we can only think of a small number of offences that are not explicitly nominated here, for example the Commonwealth Criminal Code offences related to the misuse of carriage services to make a threat (474.15), or to 'menace, harass or cause offence' (474.17). Given the frequency with which victims of domestic and family violence experience threats, harassment and intimidation via the telephone, SMS messages and so on, one might suggest that these should be specified within the 'personal violence offence' structure (as is the case for forced marriage, another Commonwealth Criminal Code offence).

In addition the tying of the definition of 'domestic abuse' back to an 'offence' makes it difficult to understand the purpose of including the provision that 'behaviour...may constitute domestic abuse even if the behavior does not constitute a criminal offence'. While a similar clause can be found in the civil protection order legislation in other jurisdictions, for example Victoria,⁴ in that jurisdiction the definition of family violence grounds the making of a civil protection order and therefore has a clear role to play. What will happen if a victim attends the police station in NSW reporting 'domestic abuse' according to the definition but there is no available offence to which to connect this report under the Act?

An examination of the current use of s 11 generally and s 11(1)(c) in particular (noting of course, the different wording and requirement of intention) raises concern about the limited nature of this reform and whether it will have any substantive impact on the seeking and granting of ADVOs. Jane Wangmann conducted a search of a number of legal databases⁵ in order to find where and how the current s 11 and s 11(1)(c) has been relied on; few cases were returned which mentioned this provision and all concerned sentencing for a criminal offence (this is perhaps not surprising given the extent to which the granting of ADVOs are made at the Local Court level and largely unreported). By and large the cases on s 11 are concerned with whether or not an offence should be recorded as a domestic violence offence under s 12(2) of the *Crimes (Domestic and Personal Violence) Act 2007*. Few cases specifically referred to, or relied on, s 11(1)(c).

There were two cases involving an offender who had used violence against their former intimate partner's suspected new partner (see *R v Conway* [2019] NSWDC 891 and *R v Bucca* [2021] NSWDC 394). In these cases the victim and the offender did not have a relationship that satisfied the definition of 'domestic relationship' and as a result the question was whether the offence, being a personal violence offence, should be characterised as a 'domestic violence offence'. While not specifically referred to, the only provision that facilitates this is s 11(1)(c). In *R v Conway* the judge characterised the offence as a 'domestic violence offence' for the purposes of sentencing noting that 'the offender was motivated by a desire to exercise control over' his former partner (at [32]). However, in the other case the judge found that the offending did not fall within a 'domestic violence offence' given that the victim and offender were not in a relationship and that while the woman (the ex partner of the offender) 'was also impacted....by the offending' this did 'not warrant' recording it as a 'domestic violence offence': *R v Bucca* [2021] NSWDC 394 [101]-[105].

There were a further two cases in which s 11(1)(c) was referred to by the judge, however it is unclear why this was necessary given the cases fell within the definition of 'domestic violence offence' given the relationship between the parties and the offence types that were charged: *R v Eslick* [2022] NSWDC 422 and *R v Mattiusi (No 3)* [2022] NSWDC 406.

⁴ *Family Violence Protection Act 2008* (Vic) s 5(3).

⁵ Lexis Advance Pacific; Westlaw AU; AUSTLII; and the NSW Caselaw database.

Given these concerns about this new definition of domestic abuse to be inserted in the *Crimes (Domestic and Personal Violence) Act 2007*, we submit there are a number of questions to be considered by the Implementation Taskforce:

- In the training and education conducted for key personnel to date (particularly the police) is it confusing or challenging to provide content about this definition of 'domestic abuse' at the same time as training and education about 'abusive behaviour' for the purposes of the new offence?
 - Are the differences between these two definitions hampering rather than enhancing understanding?
- In the training and education conducted for the police is it confusing or challenging to provide content about this definition of 'domestic abuse' given that it appears to have little application in their daily work?
 - To what extent do police currently consider s 11 in their daily work responding to reports of domestic violence and seeking ADVOs on behalf of victims?
- What offences does the Department of Communities and Justice consider will be captured by the new s 11(1)(c) that is not already captured by the other subsections of s 11?
- Will community education on coercive control be potentially undermined by education around a slightly different definition of 'domestic abuse' for the purposes of ADVOs (particularly given that 'domestic abuse' will not be grounds for an ADVO but rather an offence committed in that context)?
- To what extent is the proposed community education/fact sheet on the new definition of domestic abuse clear that the definition does not ground an ADVO but that a person still needs to have reasonable fear and in fact fear an offence in that context?
- Misidentification is not only a concern in relation to the new offence of coercive control, but is also a present concern in the implementation of the ADVO scheme as well as other currently available criminal charges – to what extent is education and training on the new definition of 'domestic abuse' also addressing this issue?

It is incredibly important that a definition of domestic and family violence/abuse be included in the ADVO legislation, this has been much needed for a considerable period of time. Our concern is around how this is currently being done which may undermine the need for this definition, and the benefits that are considered to flow from its inclusion. We appreciate that the classification of a 'domestic violence offence' is an important provision that has a flow on effect for a range of other pieces of legislation; however, the centering of the ADVO scheme around this concept is convoluted and confusing to those without detailed knowledge and understanding of the law. While the new definition is set to become operational five months before the new offence, we suggest that this is not really achieving the groundwork of prior implementation and education that was the original intent of the recommendation made by the Joint Select Committee on Coercive Control and might be contrasted with the approach that has been adopted in Queensland with civil protection order reforms introduced well in advance of any criminal offence.

For these reasons we submit that the current approach needs to be reconsidered within a more comprehensive review of the ADVO scheme.

Please do not hesitate to contact Jane Wangmann if you require further information or have any questions arising from this letter.

Yours faithfully

Dr Jane Wangmann
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Liz Snell
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Legal Service

Coercive Control Implementation and Evaluation Taskforce response to questions raised about the definition of domestic abuse by Dr Jane Wangmann (UTS), Liz Snell (Women’s Legal Service NSW) and Christine Robinson and Rachael Martin (Wirringa Baiya Aboriginal Women’s Legal Service).

Endorsed at the Taskforce meeting 21 November 2023.

Question	Taskforce response
<p>1. In the training and education conducted for key personnel to date (particularly the police) is it confusing or challenging to provide content about this definition of ‘domestic abuse’ at the same time as training and education about ‘abusive behaviour’ for the purposes of the new offence?</p> <p>Are the differences between these two definitions hampering rather than enhancing understanding?</p> <p>In the training and education conducted for the police is it confusing or challenging to provide content about this definition of ‘domestic abuse’ given that it appears to have little application in their daily work? To what extent do police currently consider s 11 in their daily work responding to reports of domestic violence and seeking ADVOs on behalf of victims?</p>	<p>NSW Police Force are developing a communications package with an emphasis on using a common language on coercive control. Police are in regular contact with men’s and women’s support organisations and with local Police Area Commands.</p> <p>For the Police expert panel, the Deputy Chief Magistrate and the President of the Children’s Court were invited to provide common themes for the legal definitions.</p> <p>However, it will be necessary for the definitions to commence in operation and for courts to decide cases to get definitive clarity.</p>
<p>2. What offences does the Department of Communities and Justice consider will be captured by the new s 11(1)(c) that is not already captured by the other subsections of s 11?</p>	<p>The Department cannot provide legal advice.</p> <p>The interaction of the definition of domestic abuse and the definition of domestic violence offence is not primarily designed to expand the list of prescribed offences, but rather it is to simplify the current section 11(1)(c), <i>Crimes (Domestic and Personal Violence) Act 2007</i> catchall provision.</p> <ul style="list-style-type: none"> • The current section 11(1)(c) states: <i>an offence (other than a personal violence offence) the commission of which is intended to coerce or control the person against whom it is committed or to cause that person to be intimidated or fearful (or both).</i> • The amended drafting is intended to simplify application of

Question	Taskforce response
	<p>section 11(1)(c) by removing the need to identify the subjective intention behind the commission of the offence. Instead, to meet the definition of domestic violence offence, the relevant test is whether the conduct meets the definition of domestic abuse.</p> <ul style="list-style-type: none"> • In effect, the amendment has the modest impact of shifting this test to focus on the character of the conduct not the subjective mental state of the person committing the offence. <p>The purpose of section 11(1)(c) of the CDPVA under <i>either</i> formulation is designed to provide coverage additional to the prescribed personal violence offences in section 11(1)(a) of the CDPVA. Personal violence offences, as set out in section 4 of the CDPVA, do cover a significant number of ‘classic’ domestic abuse scenarios, including but not limited to physical assault, sexual assault, and property damage. However, this prescribed list is not comprehensive, nor could it be – as evidence shows that domestic abuse behaviours are often tailored to the specifics of a particular relationship.</p> <p>Therefore, as any criminal offence could occur in domestic abuse circumstances, the law requires the flexibility to consider any offence as a domestic violence offence, with the relevant provisions and protections that come with that classification. By way of example, some offences which would rely on section 11(1)(c) to be deemed domestic violence offence include:</p> <ul style="list-style-type: none"> • Section 38A, <i>Crimes Act 1900</i> – spiking drink or food • Part 4AA, <i>Crimes Act 1900</i> – fraud offences • Part 4AB, <i>Crimes Act 1900</i> – identity offences • Part 4B, <i>Crimes Act 1900</i> – blackmail offences • Part 6, <i>Crimes Act 1900</i> – computer offences • Section 529, <i>Crimes Act 1900</i> – criminal defamation

Question	Taskforce response
	<ul style="list-style-type: none"> • Section 530, <i>Crimes Act 1900</i> – serious animal cruelty • Offences under other Acts, such as the <i>Firearms Act 1996</i>, the <i>Prevention of Cruelty to Animals Act 1979</i>, the <i>Surveillance Devices Act 2007</i>, and the <i>Weapons Prohibition Act 1998</i>. • Commonwealth offences, such as offences using a carriage service under Division 474 of the Schedule to the <i>Criminal Code Act 1995</i> (Cth). <p>The simplification to section 11(1)(c) of the CDPVA would apply to that class of offences which is not a prescribed personal violence offence, but which has occurred in the context of domestic abuse.</p>
<p>3. Will community education on coercive control be potentially undermined by education around a slightly different definition of 'domestic abuse' for the purposes of ADVOs (particularly given that 'domestic abuse' will not be grounds for an ADVO but rather an offence committed in that context)?</p>	<p>The community awareness campaign aims to educate the NSW public about coercive control. The campaign focuses on behaviours and does not detail statutory definitions.</p>
<p>4. To what extent is the proposed community education/fact sheet on the new definition of domestic abuse clear that the definition does not ground an ADVO but that a person still needs to have reasonable fear and in fact fear an offence in that context?</p>	<p>Factsheets have been drafted about the definition – including a technical factsheet for legal stakeholders and a plain English factsheet for the community sector and community members. The factsheets are not intended to provide legal advice. They outline the legislation and where to seek further information and support.</p>
<p>5. Misidentification is not only a concern in relation to the new offence of coercive control, but is also a present concern in the implementation of the ADVO scheme as well as other currently available criminal charges – to what extent is education and training on the new definition of 'domestic abuse' also addressing this issue?</p>	<p>Misidentification of the primary aggressor is addressed in each of the training programs being developed by criminal justice agencies. Misidentification is being addressed broadly in the context of criminal justice responses to domestic abuse.</p>

Appendix 6 Government and Legal Reference Group consideration of the interactions between the domestic abuse definition, Apprehended Domestic Violence Orders (ADVOs) and the coercive control offence.

Extract of meeting minutes from 13 March 2024 ¹

Item 6: ADVOs and the Coercive Control Offence

Members sought to better understand how from 1 July ADVO applications grounded on a fear of coercive control may work, and any impediments.

The members noted:

- a. They are mindful that, from 1 July 2024, an ADVO can be made on the basis of fearing the commission of a coercive control offence and may be sought prior to the laying of charges or in circumstances where there is not enough to charge (but enough to order an ADVO). They also recognise that, from 1 July 2024, there will be better recognition of non-physical abuse (eg economic, financial).
- b. They sought to discuss the impact this will have on ADVO applications. For instance:
 - i. Might there be a need to update the AVO application in regulations? How might it be drafted?
 - ii. It may be better for consistency reasons to have some sample orders available from 1 July onwards.
 - iii. How might bail conditions be impacted?

1.2 The Reference Group discussed the following:

- a. Although the coercive control offence will not be retrospective, it appears there is nothing to stop police officers from applying for an ADVO if someone reports coercive control behaviours. It appears from discussions about the offence, if a person is convicted of a related offence before a charge of coercive control is established, an ADVO will likely follow. Further consideration is needed in how the ADVO provisions will deal with financial control issues and the like. These issues will be considered as they enter the system and processes revised accordingly.
- b. Police would be able to rely on a single instance of 'domestic abuse' to apply for an ADVO, and has been able to do so since the introduction of that defined term on 1 February 2024. The 'domestic abuse' definition has broadened the circumstances in which police officers can apply for an AVO. Further, come 1 July 2024, whereas the definition of 'abusive behaviour' for the purpose of the coercive control offence requires a pattern of behaviour, police officers will still be able to rely on a single instance of 'domestic abuse' to obtain an AVO if they fail to establish the pattern of behaviour threshold under the offence.
- c. The meaning of 'domestic violence offence' has been extended to include any offence in which the conduct that constitutes the offence is 'domestic abuse'.
- d. Members discussed AVO conditions for coercive control behaviours such as financial abuse. It was noted that mandatory conditions (1-10) are written in statute and free text options are limited.

¹ Minutes have been summarised and member identities redacted to promote robust discussions in future meetings.

Outcome: The Reference Group agreed to an action item for the Secretariat to liaise with members to obtain a list of key questions and circulate that list to members for further consideration.

Questions for further consideration by the Government and Legal Reference Group

1. Could a subgroup of the Legal Sector and Government Reference Groups be formed to consider the questions below and other questions arising and report back at the next Reference Group meeting on 4 June?
2. How have the changes to the Crimes (Domestic and Personal Violence) Act that took effect from 1 February 2024 affected apprehended domestic violence orders (ADVOs)? How in practice are Police using the new domestic abuse definition when applying for ADVOs for protected persons?
3. What offences may be rendered a DV offence pursuant to section 11(c) of the Crimes (Domestic and Personal Violence) Act? Please provide examples in addition to the examples provided below (*see below previous advice provided by DCJ to DFV Service Delivery Reference Group*).
4. If a person in need of protection has reasonable grounds to fear and in fact fears the commission of the new coercive control offence post 1 July 2024, but the abusive behaviour that forms reasonable grounds occurred before 1 July 2024, is this sufficient to ground an ADVO?
5. Could some sample orders be developed and shared to be available from 1 July 2024, noting the new offence also recognises non-physical forms of coercive control which may not be well captured in existing orders, such as behaviour that is economically or financially abusive (s54F(2)(c)); behaviour that shames, degrades or humiliates (s54F(2)(d)); behaviour that prevents the person from doing any of the following [listed (i) – (iii)] or otherwise isolates the person(s54F(2)(g))? How might these orders be used - eg expanding mandatory orders or drafting other orders?
6. How might bail conditions be impacted?
7. Any other relevant issues.

Responses to questions raised

No responses to the questions were submitted by members of the reference group by the due date.

Previous advice from DCJ to the DFV Service Delivery Reference Group

<p>What offences does the Department of Communities and Justice consider will be captured by the new s 11(1)(c) that is not already captured by the other subsections of s 11?</p>	<p>The Department cannot provide legal advice.</p> <p>The definition of domestic abuse has not directly expanded the list of offences prescribed as a ‘domestic violence offence’. Instead, it has simplified the catchall provision under section 11(1)(c), <i>Crimes (Domestic and Personal Violence) Act 2007 (CDPVA)</i>.</p> <ul style="list-style-type: none">• Previously section 11(1)(c) stated a domestic violence offence included: <i>an offence (other than a personal violence offence) the commission of which is intended to coerce or control the person against whom it is committed or to cause that person to be intimidated or fearful (or both).</i>• The current drafting of section 11(1)(c) has simplified the catchall by removing the need to identify the subjective intention behind the commission of the offence. Instead, to meet the definition of domestic violence offence, the relevant test is whether the conduct which constitutes the offence meets the definition of domestic abuse.• In effect, the amendment has had the modest impact of shifting this catchall to focus on the character of the conduct not the subjective mental state of the person committing the offence. <p>The purpose of section 11(1)(c) of the CDPVA under <i>either</i> formulation is designed to provide coverage additional to the prescribed personal violence offences in section 11(1)(a) of the CDPVA. Personal violence offences, as set out in section 4 of the CDPVA, do cover a significant number of ‘classic’ domestic abuse scenarios, including but not limited to physical assault, sexual assault, and property damage. However, this prescribed list is not comprehensive, nor could it be – as evidence shows that domestic abuse behaviours are often tailored to the specifics of a particular relationship.</p> <p>Therefore, as any criminal offence could occur in domestic abuse circumstances, the law requires the flexibility to consider any offence as a domestic violence offence, with the relevant provisions and protections that come with that classification. By way of example, some offences which would rely on section 11(1)(c) to be deemed a domestic violence offence include:</p> <ul style="list-style-type: none">• Section 38A, <i>Crimes Act 1900</i> – spiking drink or food• Part 4AA, <i>Crimes Act 1900</i> – fraud offences• Part 4AB, <i>Crimes Act 1900</i> – identity offences• Part 4B, <i>Crimes Act 1900</i> – blackmail offences• Part 6, <i>Crimes Act 1900</i> – computer offences• Section 529, <i>Crimes Act 1900</i> – criminal defamation• Section 530, <i>Crimes Act 1900</i> – serious animal cruelty• Offences under other Acts, such as the <i>Firearms Act 1996</i>, the <i>Prevention of Cruelty to Animals Act 1979</i>, the
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Surveillance Devices Act 2007, and the Weapons Prohibition Act 1998.

- **Commonwealth offences, such as offences using a carriage service under Division 474 of the Schedule to the *Criminal Code Act 1995 (Cth)*.**

The simplification to section 11(1)(c) of the CDPVA has applied to that class of offences which is not a prescribed personal violence offence, but which has occurred in the context of domestic abuse.