

## NSW Government Response to the Standing Committee on Social Issues' Report on the Crimes Legislation Amendment (Coercive Control) Bill 2022

The NSW Government welcomes the recommendation by the Standing Committee on Social Issues that the Crimes Legislation Amendment (Coercive Control) Bill 2022 should proceed to debate in the Legislative Council.

This Bill is the product of extensive consultation over many years. It is no exaggeration to say this reform could mean the difference between life and death. The reform process has appropriately been robust and reflective, not rushed, and the Committee heard evidence about the urgency of these reforms.

This inquiry has been at least the eighth round of consultation in two and half years alone. This has included a public discussion paper, the Joint Select Committee on Coercive Control's extensive parliamentary inquiry, a public exposure draft, three targeted consultations on multiple cabinet in confidence exposure drafts and almost 30 stakeholder roundtables.

Evidence heard by this Committee adds further weight to the already substantial and compelling case for the urgency in acting to criminalise coercive control.

Evidence heard by this Committee also underscores the critical importance of doing so in a way that is specifically adapted to the unique legal and social environment of NSW, including our culturally and linguistically diverse communities and Aboriginal communities.

We thank victim-survivors, frontline services, peak bodies, experts, academics and those in the criminal justice system for their important contributions to this inquiry. We also thank Committee members for their care and diligence in undertaking this work.

This Bill has been carefully planned and delivered to a public schedule. In December 2021, the NSW Government committed to develop, consult on and introduce legislation in the 2022 Spring sitting to criminalise coercive control in intimate partner settings.

In the Bill's detailed Second Reading Speech in October 2022, the Attorney General outlined in depth a series of drafting choices that the NSW Government faced in preparing this Bill and the rationale for the drafting choices taken, in view of stakeholder feedback.

The Committee's inquiry provided an important opportunity for the Parliament to hear firsthand about the Bill from expert witnesses that the NSW Government has engaged with, including from the domestic and family violence sector, Aboriginal Legal Service NSW/ACT and the NSW Bar Association.

This Inquiry also provided an important opportunity to address some misconceptions about the Bill.

For example, the Committee heard evidence confirming that the mental element as drafted is not an impossible bar to reach and will not require a victim to prove anything.

The NSW Bar Association told the Committee that "if you can prove that there's been a course of conduct that involves the clear exercise of control, the inference that it was intended to control is inevitable and will rarely present difficulties for a prosecution ... it won't be for the complainant to establish anything; it will be an inference drawn from the conduct and the course of conduct". This is the case, the Association said, "Even if it's "intending to control" in the view of that person for the best interests of the victim".

The Committee also heard evidence from the Aboriginal Legal Service NSW/ACT that the mental element as drafted is a significant protection against the risk of misidentification of victims and adverse impacts on the over-representation of Aboriginal people in custody.

The NSW Government welcomes debate of this significant reform in the next sitting week. The Bill passed the Legislative Assembly last sitting with support across the Chamber and we invite Members of the Legislative Council to stand with us in making meaningful change now against the scourge that is coercive and controlling behaviour in our community.