Tabled, ~~by leave~~,

Ms. Ward

Clerk of the Parliaments

8 / 11 / 22

NSW GOVERNMENT

CRIMES LEGISATION AMENDMENT (COERCIVE CONTROL) BILL 2022

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The NSW Government's Crimes Legislation Amendment (Coercive Control) Bill 2022 (Bill) will amend the *Crimes Act 1900* to criminalise coercive control in current and former intimate partner settings, with a maximum sentence of 7 years imprisonment. It will also amend the *Crimes (Domestic and Personal Violence) Act 2007* to insert a definition of domestic abuse.

Coercive control is a form of domestic abuse that involves patterns of behaviour, which has the cumulative effect of denying victim-survivors their autonomy and independence. This abuse can include physical, sexual, psychological or financial abuse.

Coercive control is a proven red flag for domestic violence homicide.

The Bill delivers on the NSW Government's commitment to develop, publicly consult on and introduce a stand-alone offence of coercive control in the 2022 spring session of Parliament. This was a key part of the NSW Government's response in December 2021 to the unanimous recommendations by the Parliamentary Joint Select Committee on Coercive Control (Joint Select Committee).

The Bill is the product of extensive consideration and unprecedented consultation, and is based on a sound evidence basis.

On 21 October 2020, the Joint Select Committee was established on the motion of the Attorney General to inquire into and report on coercive control in domestic relationships.

The Joint Select Committee received 156 written submissions, held five days of public hearings, and conducted a regional visit to Narrandera to meet with victim-survivors, First Nations organisations, frontline services and charities. This extensive stakeholder consultation informed the Joint Select Committee's report, Coercive Control in Domestic Relationships, which made 23 recommendations for legislative and non-legislative reform, including:

- Introducing a specific criminal offence of coercive control (recommendation 1) and associated legislative amendments (recommendation 23). The Joint Select Committee found that it is the government's responsibility to intervene where criminal behaviour exists and is known to be a factor in potentially preventable domestic violence homicides (finding 2).
- Adopting a legislative definition of 'domestic abuse', which includes coercive and controlling behaviour (recommendation 2). The Joint Select Committee noted that NSW was an outlier among all other states and territories as it did not have a statutory definition of domestic abuse.

The NSW Government Response to the Joint Select Committee's report, tabled on 17 December 2021, committed to support, or support in principle, 17 of the Joint Select Committee's 23 recommendations. The Crimes Legislation Amendment (Coercive Control) Bill 2022 contains the legislative reforms supported, or supported in principle, by the NSW Government to:

- develop a criminal offence of coercive control, and

- insert a definition of domestic abuse into the *Crimes (Domestic and Personal Violence) Act 2007.*

The NSW Government has built on the Joint Select Committee's work by developing, consulting on and introducing this Bill for a new offence to address coercive control in current and former intimate partner settings, and amend other existing laws.

Objectives: What is the policy's objective couched in terms of the public interest?

The objects of the Bill are to amend:

- the *Crimes Act 1900*, to make it an offence for an adult to engage in repeated or continuous abusive behaviour against a current or former intimate partner if certain circumstances are satisfied (the coercive control offence);
- the *Crimes (Domestic and Personal Violence) Act 2007*, to provide that the coercive control offence, and certain offences in relation to 'domestic abuse', fall within the definition of 'domestic violence offence' in that Act;
- the *Crimes (Sentencing Procedure) Act 1999*, to extend provisions in that Act in relation to victim impact statements to the coercive control offence; and
- the *Criminal Procedure Act 1986*, to provide that the coercive control offence must be dealt with summarily unless the prosecutor or person charged elects to have the offence dealt with on indictment.

The Bill will create a bespoke stand-alone criminal offence of coercive control with key safeguards. This in the public interest because it will ensure NSW law better recognises the criminality of serious coercive control and supports the justice system to better respond to non-physical forms of domestic abuse and to protect victims from that abuse.

The offence consists of five elements to be proved beyond reasonable doubt:

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

It will be a defence if the course of conduct was reasonable in all the circumstances.

The Bill provides for a statutory review of the offence and mandates that that review will include consideration of whether the mental element should be extended to recklessness, the scope of relationships captured should be expanded, impacts on Aboriginal people, misidentification of victim-survivors, and whether the penalty should be increased.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The Joint Select Committee identified that current laws do not capture coercive and controlling behaviour, as they focus on incidents of physical violence. This means that police and the courts cannot address this type of abuse and victim-survivors are not adequately protected (finding 3). This gap in the current criminal law in relation to recognising and penalising coercive control can only be remedied through legislative amendment.

Reform of the *Crimes Act 1900* can only be achieved through legislative amendment.

The Attorney General's Second Reading Speech outlined in detail the drafting choices that the NSW Government considered in developing the Bill.

The NSW Government has approached this legislative reform with great care and caution to ensure that the offence is calibrated appropriately to capture only conduct of the very serious standard and deserving of criminal sanction, avoiding over-reach.

Analysis: What were the pros/cons and benefits/costs of each option considered?

As identified by the Joint Select Committee, criminalising coercive control will have a range of educative and practical benefits, including preventing intimate partner homicides, educating the public about coercive control, making it easier for victims to get help and access legal protections, and improving the enforcement and prosecution of domestic abuse.

Careful drafting decisions have been made to seek to minimise the risk of unintended consequences, such as the risk of victims being misidentified as perpetrators or disproportionately impacting Aboriginal people.

The offence will commence after a long lead in time to enable implementation activities such as training, education and public awareness-raising to take place. Further, the Bill provides for a statutory review of the offence once in operation, including to specifically consider the impact on Aboriginal people and whether victims of the offence may be misidentified as perpetrators.

The Bill's Second Reading Speech canvassed in detail the key drafting choices and rationale for the NSW Government's drafting considerations. These are summarised below.

Reasonable minds can differ in terms of the best drafting approach. That is evident from the divergent laws across jurisdictions. It was also reinforced in evidence heard by the Joint Select Committee and feedback the NSW Government has received across seven rounds of consultation.

Even within sectors and some representative bodies, there are differing views of particular aspects of drafting. This Bill represents a bespoke offence that the Government considers, after extensive consultation and having regard to all the alternatives, is the best initial model for NSW and our unique community.

The first key drafting choice was the scope of relationships covered by the offence.

The NSW Government has taken the decision to limit the offence to current and former intimate partners at this time. The Joint Select Committee heard evidence both in favour of and opposed to expanding coercive control beyond intimate partner settings and did not reach a concluded position on this drafting question. In its final report, the Joint Select Committee described the conflicting evidence on this point. It said:

> Some inquiry participants suggested that a coercive control offence should only apply to current and former intimate personal relationships – similar to the Scottish offence. While acknowledging that abuse also occurs in other relationships, Shoalcoast Community Legal Centre noted that 'the escalation to more serious harm (such as murder-suicide) generally occurs in the context of intimate partners'.
>
> Others argued that the offence should be broader, and apply to all 'domestic relationships' ...

The Joint Select Committee further stated:

> The Inquiry heard evidence that, to avoid the risks of over-criminalisation, the offence should be limited to intimate partner relationships. However, other participants expressed opposing views. This issue requires further consideration.

Since the NSW Government responded in December 2021 to the Joint Select Committee's report, it has been clear from that time about the scope of the Government's proposed reforms.

The NSW Government announced last December that as part of its response to those reforms, it would be "building on the committee's work by developing and consulting on drafting a stand-alone offence to address coercive control in current and former intimate partner settings" only.

The NSW Government remains committed to this approach because, as submitters like Legal Aid NSW and the Shoalcoast Community Legal Centre highlighted, the evidence base around coercive control and particularly its escalation into homicide is strongest in the intimate partner context. That was reflected in the exposure draft bill and has not changed in the bill now before Parliament.

Restricting the scope of the offence to intimate partners is supported by a number of stakeholders as an important safeguard against the risk of misidentification of victims as perpetrators, and that is a risk acknowledged by many stakeholders. It is an approach consistent with that in Scotland.

Some stakeholders have raised concern in submissions that the diverse make-up of communities in NSW raises further unique considerations for criminalising coercive control due to the complex familial and kinship arrangements that exist in culturally and linguistically diverse and Aboriginal communities. For those reasons the NSW Government remains committed to enacting the offence in the context of intimate partner relationships.

In the meantime, existing criminal offences will continue to be available to address coercive or controlling behaviour in other relationship contexts such as family relationships.

Importantly, the Government has adopted the suggestion made to the Joint Select Committee by a number of submitters that while the offence is limited to intimate partner relationships, it should recognise that children and pets may be weaponised to coerce or control victims.

Professor Evan Stark agreed that this offence of coercive control is better limited to intimate partner relationships at this time and should not be treated at law as the same as elder abuse, or sibling on sibling, because the nature of the offending is very different. The dynamics of coercive and controlling behaviour as they manifest in intimate partner settings are innately different from how similar behaviours manifest in other relationships. There is a very strong evidence base of intimate partner domestic violence homicides being almost always linked with coercive control, and that evidence base at the moment does not exist for other relationships.

The NSW Government will actively review the legislation once it comes into force to ensure that it is operating as intended in practice.

Another drafting choice was whether the mental element for the offence should be intention, recklessness or both.

The mental element this Bill proposes is an intention to coerce or control the other person.

No community is directly comparable to the unique and culturally diverse circumstances in NSW or the challenges this poses for correctly identifying victim-survivors in a variety of cultural settings.

Changing the mental element from the exposure draft bill to the current drafting was recommended by stakeholders including the legal profession and, in particular, is strongly

supported by the NSW Bar Association, the Aboriginal Legal Service (NSW/ACT) and Legal Aid NSW, among others.

It is an important protection against the risks that the reforms may disproportionately impact on Aboriginal community members.

The NSW Bar Association has said:

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

The mental element in this Bill strikes an appropriate balance and speaks to the heart of what coercive control is all about. Although the ultimate effect of coercive control is often physical or mental harm, the intention behind the pattern of conduct for coercive control is to dominate and control another person in order to deprive them of their sense of autonomy and freedom.

It is critical that a charge of coercive control be founded on the criminality of the specific intent to control, rather than on a concept of recklessness or even on an intent to cause physical or mental harm.

The Joint Select Committee made clear that it did not support interference in ordinary consensual relationships. While the NSW Government believes that this is an appropriate balance with the mental element, a requirement has been included that the statutory review of the offence consider whether the mental element should be expanded to include recklessness.

The third key drafting choice was whether there should be a minimum number of incidents that must be identified to constitute a course of conduct.

The NSW Government made a deliberate drafting choice not to set an arbitrary number of incidents. That is the approach that is taken in England and Wales, where the relevant terms are similarly not defined, but they take their ordinary, plain-English meaning.

Another key drafting choice was whether a statutory definition of the words "coerce" and "control" should be included.

The NSW Government does not consider that a statutory definition is required. The words are not unclear and they have been used in comparable legislation in Australia and other common law countries, typically without express definition. For example, in section 4AB(1) of the *Family Law Act 1975* (Cth), the expression "coerce" or "control" appears undefined in the definition of "family violence".

In Tasmania the term "coercing" appears undefined in section 8 of the *Family Violence Act 2004*. The words "coercive" and "controlling" are used without definition in England, Wales and the Republic of Ireland in their provisions that criminalise coercive control.

The words "coerce" and "control" already appear in NSW law. They have already existed in the *Crimes (Domestic and Personal Violence) Act 2007* in section 11(1)(c) without definition since 2016 and are well understood by stakeholders. Adding a definition now would create unnecessary uncertainty, including for existing offences and processes such as ADVOs and the new offence. When interpreting those words in those contexts, courts have done that consistently with their ordinary meaning.

For example, in the case of *R v Chilvers* [2022] 1 WLR 1089; [2022] EWCA Crim 1311 (CA), the trial judge described "controlling behaviours" as being "a part of ordinary language" that "requires no additional definition", and gave a definition of "coercive behaviour" which closely mirrors the dictionary definition of "coerce".

In the context of family law proceedings, the concept of "controlling" and "coercive" behaviour was considered by the High Court (Family Court) of England and Wales in *F v M* [2021] EWFC 4. Justice Hayden relevantly said that the expression "coercive and controlling behaviour" required "no legal definition", stating: "The nature of the allegations included in support of the application can succinctly and accurately be summarised as involving complaints of "coercive and controlling behaviour" on F's part. In the Family Court, that expression is given no legal definition. In my judgement, it requires none. The term is unambiguous and needs no embellishment."

A further drafting consideration was how to best reflect the impacts of coercive control on children, not merely as pawns or witnesses to this behaviour, but as victims in their own right.

Professor Stark emphasised the importance of providing adequate recognition of and support to children. Careful consideration has been given to how this could best be given effect to in the context of NSW.

At this time a provision in like terms to Scotland's "aggravation in relation to a child" has not been included in the proposed coercive control offence itself.

That is because existing sentencing laws in NSW will work together with the new coercive control offence to achieve a similar impact without the need for reform.

Aggravating factors to be taken into account by a NSW sentencing court already include, under section 21A (2) of the *Crimes (Sentencing Procedure) Act 1999*, that the offence was committed in the presence of a child under 18 years of age and the offence was committed in the home of the victim or any other person.

The definition of "abusive behaviour" in proposed new section 54F in the Bill includes at subsection (2) (a) reference to "behaviour that causes harm against a child if a person fails to comply with demands made of the person". That is intended to capture the types of horrific coercive and controlling behaviours identified in the Queensland inquest into the murder of Hannah Clarke and her three children.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The Bill will commence on a day or days to be appointed by proclamation and section 2 sets out clear timing parameters within which respective sections must commence.

The NSW Government has committed to ensure careful consideration is given to implementation, including under the stewardship of a multidisciplinary implementation task force. The taskforce has an important role to play, as outlined in the NSW Government's response to the Joint Select Committee's Report. The Secretary of the Department of Communities and Justice has been tasked with operationalising this implementation task force, and that work is already underway. In line with the recommendations of the Joint Select Committee, in implementing the offence, the task force will consult with stakeholders including NSW Police, victim survivors, the domestic abuse sector, disability advocacy organisations, and representatives of culturally and linguistically diverse, Aboriginal and Torres Strait Islander and LGBTQ communities.

The Bill will be backed by $5.6 million in initial funding for coercive control training for police, in multiple awareness campaigns and in educational resources.

These are landmark reforms that are crucial to ensuring that NSW recognises in law a pattern of behaviour that is identified as an almost invariable precursor to domestic violence homicide.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The NSW Government has undertaken more than seven rounds of consultation in the last 2.5 years alone, including a discussion paper, parliamentary inquiry and exposure draft bill.

In 2016, under the stewardship of the then Attorney General, the Hon Gabrielle Upton, the *Crimes (Domestic and Personal Violence) Act 2007* was amended to include the words "coerce or control" in the Act.

In March 2020 the then Attorney General Mark Speakman indicated that the Government would consult on laws to address coercive and controlling behaviour. At least seven stages of consultation followed.

First, the Government released a discussion paper on coercive control in October 2020, creating the opportunity to raise public awareness. The discussion paper was the Government's first step in facilitating discussion between legal, domestic and family violence and Government stakeholders and the community in relation to how to best address harmful coercive controlling behaviour. The discussion paper included detail and specific questions on drafting choices, such as:

> If an offence of coercive control were introduced in NSW, how should the scope of the offence be defined, what behaviours should it include and what other factors should be taken into account?

Second, in October 2020 the Attorney General moved to establish the Joint Select Committee. In conducting its inquiry, under the Hon Natalie Ward, the Committee considered an answer to the questions posed in the discussion paper. It received more than 150 written submissions in response to its terms of reference, which included the discussion paper. This was, for example, twice as many submissions as Scotland received in its initial consultation process on whether its existing laws were enough and a new specific offence should be created.

Third, over a nine-month inquiry the Joint Select Committee heard from more than 70 stakeholders over six days of hearings and regional meetings. That committee represented a wide spectrum of this Parliament; Liberal, National, Labor, the Greens and One Nation, and it unanimously recommended criminalising coercive control. Building on the Joint Select Committee's work, in December 2021 the Government committed to criminalise coercive control in intimate partner relationships as a stand-alone offence and to release a public exposure draft bill for consultation.

The fourth consultation stage occurred in May 2022 when the Attorney General released a Cabinet-in-confidence exposure draft bill to around 20 restricted legal and government stakeholders to identify any technical legal matters prior to public release. These included the Aboriginal Legal Service (NSW/ACT). Stakeholders' feedback was taken into account in settling a draft bill for public comment.

The fifth stage of consultation occurred in July 2022 when the Government publicly released an exposure draft bill on the Have Your Say website for six weeks between 20 July and 31 August. The Joint Select Committee had recommended the release of an exposure draft to create a stand-alone offence "as a priority".

Almost 200 submissions were received in response to the exposure draft bill—more than three times as many submissions as Scotland received on its own consultation draft bill. Of the submissions received, 71 were from sector advocates, legal organisations, academics and government agencies; and 125 were received from members of the general public, 43 cent of

whom were victim-survivors. Many of those submissions relayed lived personal experience of coercive control. Of the submissions from the general public; 48 supported the reform, 17 opposed the reform, and the remaining 60 did not provide an express position.

That is why a sixth round of consultation was undertaken, which involved 27 stakeholder roundtables and targeted consultations held in August and September. These explored the exposure draft bill in depth with specialised stakeholders at dedicated sessions, including but not limited to the domestic and family violence sector, people with lived experience of domestic and family violence, victim-survivor advocates, Aboriginal communities, Aboriginal-led organisations, culturally and linguistically diverse communities, the disability sector, older persons and LGBTQIA+ community organisations and representatives. A dedicated consultation was held with victim-survivors and those with lived experience of domestic and family violence. Three regional consultations were held in Kempsey and Dubbo with First Nations women, Aboriginal community stakeholders and legal organisations.

As part of the seventh consultation stage, Minister Ward and the Attorney General subsequently met with Domestic Violence NSW—the peak body for the domestic and family violence sector, and representatives of the NSW Women's Alliance from Women's Legal Service NSW, Wirringa Baiya Aboriginal Women's Legal Centre and Full Stop Australia to discuss their submissions and the exposure draft bill. The Attorney General also met with the Aboriginal Legal Service (NSW/ACT).

Several key drafting changes were made to the Bill to reflect feedback received and to ensure appropriate protections against the risk of overreach, especially in Aboriginal communities and the misidentification of victim-survivors as perpetrators.

The seventh round of consultation also involved a penultimate Cabinet-in-confidence draft bill reflecting these changes being provided in September to targeted legal and domestic and family violence stakeholders seeking any final comments.

The proposed offence in this Bill is unique because communities in NSW are unique. Differences of drafting opinion are no justification for further delay. The extensive consultation process has crystalised the key drafting choices and the views of stakeholders, as divergent as they are, with respect to those choices.

The NSW Government considers the best way forward is to start with the huge leap of dealing with core intentional offending, and to actively review and reflect once that offence has been in operation. That is the approach that was taken in England, Wales and Scotland. Now is the time to act.

The NSW Government greatly values the domestic and family violence sector's insights and has been very appreciative of their extensive engagement with our coercive control reforms over the last two and a half years.

We appreciated feedback from DVNSW's and NSW Women's Alliance members' feedback, including:

a. responses to the NSW Government's Discussion Paper released in October 2020;
b. oral submissions to hearings conducted by the Joint Select Committee on Coercive Control in 2021;
c. submissions on the NSW Government's public exposure draft bill;
d. attendance at stakeholder roundtables, including the DFV sector roundtable on 15 August 2022, LGBTQIA+ sector roundtable on 17 August 2022, Older Persons roundtable on 23 August 2022 and Aboriginal organisations roundtable on 26 August 2022;
e. meetings with the Attorney General and Minister Ward in September; and
f. feedback on the third exposure draft bill, received in September 2022.

We acknowledge that the sector does not speak with one voice on this policy issue, as constituent members hold different and divergent views on this important matter.

The NSW Government's policy reform has been the product of many years of careful consideration, including at least seven rounds of stakeholder consultation in varying forms.

The NSW Government's landmark reforms are crucial to ensuring that NSW recognises in law a pattern of behaviour which is identified as a precursor to domestic violence deaths.

Creating a stand-alone offence will strengthen our criminal justice system's responses to abuse providing further protections for victim-survivors of domestic and family violence.

The NSW Government has made several key drafting choices and changes to accommodate and reflect input and feedback shared with us by the domestic and family violence sector.

First, the NSW Government has listened carefully to, and taken on board, comments by DVNSW and Women's Alliance members. That is why extending the mental element to include recklessness has been included in the statutory review as a specific mandatory element of the review, in proposed section 54I(2)(a).

The NSW Government invited DVNSW and NSW Women's Alliance input specifically on changing the mental element in September 2022, in response to recommendations by stakeholders including the Aboriginal Legal Service NSW/ACT and NSW Bar Association, among others.

The rationale for this drafting choice was outlined in detail in the Bill's Second Reading Speech by the Attorney General. In summary, the appropriate mental element has been the subject of lengthy discussion and consideration.

The mental element – which in the Bill is that the accused intends the course of conduct to coerce or control the other person – is a critical drafting choice to make sure that this offence is appropriately calibrated to capture this heinous behaviour, while not overreaching or misidentifying victims as perpetrators.

Critically, as the Attorney General emphasised in the Second Reading Speech, the victim need not have actually suffered the fear or serious impact for the offence to apply. This drafting keeps the focus on the perpetrator's actions and accountability for their behaviour, rather than focusing on the victim having to prove the effects on them.

Second, the NSW Government has listened carefully to, and taken on board, comments by DVNSW and the NSW Women's Alliance - that is why the question of whether the scope of the offence should be broadened to include relationships other than current and former intimate partner relationships has been included in the statutory review as a specific mandatory element of the review, in proposed section 54I(2)(b).

The Joint Select Committee did not recommend expanding the scope of relationships captured by a coercive control offence to relationships beyond intimate partners.

Rather, the Joint Select Committee expressly referred to strong and conflicting submissions about the risks of doing so, as outlined in the Second Reading Speech.

The NSW Government has been clear about the scope of this reform from the outset. The Exposure Draft Bill reflected the NSW Government's commitment in December 2021, as part of its response to the Joint Select Committee on Coercive Control to "building on the Committee's work by developing and consulting on drafting for a stand-alone offence to address coercive control in current and former intimate partner settings".

The NSW Government originally adopted and remains committed to this approach because the evidence-base around coercive control and particularly its escalation into homicide is

strongest in the intimate partner context. It reflects the approach taken in Scotland, which members of the NSW Women's Alliance have referred to repeatedly as the 'gold standard' of coercive control law.

The Domestic Violence Death Review Team noted that in 111 of the 112 (99%) intimate partner domestic violence homicides that occurred in NSW between 10 March 2008 and 30 June 2016 that it reviewed, the relationship was characterised by the abuser's use of coercive and controlling behaviours toward the victim.

Importantly, restricting the scope of the offence to intimate partners at this time is supported by a number of stakeholders as an important safeguard against the misidentification of victims.

Professor Evan Stark, widely recognised as the world leading expert on coercive control, agreed that the Bill is better limited to intimate partner relationships at this time and should not be treated at law as the same as elder abuse, or sibling on sibling, because the nature of the offending is very different.

For these reasons, the NSW Government remains committed to enacting the offence in the context of intimate partner relationships to begin with.

In the meantime, existing criminal offences will of course continue to be available to address coercive or controlling behaviour in other relationship contexts, such as family relationships.

Third, the NSW Government has listened carefully to, and taken on board, comments by DVNSW and the NSW Women's Alliance - that is why the commencement provisions in section 2 of the Bill have been drafted with the flexibility to allow a staged or staggered commencement timeline from the domestic abuse offence and the coercive control offence.

Fourth, the NSW Government has listened carefully to, and taken on board, comments by DVNSW and the NSW Women's Alliance - that is why significant changes have been made to better align these provisions, as compared with the exposure draft bill the Government publicly released in July 2022.

Stakeholders emphasised the importance of drafting the examples in new section 6A(2) to reflect, as closely as is possible and appropriate, the examples of what might constitute abusive behaviour for the purposes of new section 54F(2). Since the exposure draft bill the NSW Government has redrafted to align these provisions as closely as possible. Where there are departures in the drafting between new section 54F and new section 6A, these have been deliberate because the legislative examples serve different purposes. The Attorney General provided some helpful examples of deliberate differences and the rationale behind these in the Second Reading Speech.

Fifth, the NSW Government has listened carefully to, and taken on board, comments by DVNSW and the NSW Women's Alliance. That is why the Implementation Taskforce is being operationalised now, led by the Secretary of the Department of Communities and Justice, and an Implementation period has been secured in the Bill itself.

The coercive control offence will not commence before 1 February 2024, and the NSW Government has announced an initial commitment of $5.6 million in funding to support police training, education for lawyers and judicial officers, and community awareness-raising campaigns.

Like the Queensland's Women Safety and Justice Taskforce's model, the NSW offence that criminalises coercive control will not commence under the Bill before 2024, despite the fact that reform work commenced in NSW more than twelve months earlier than the Queensland Taskforce's implementation plan envisages.

The Queensland Taskforce did not recommend a four year implementation timeline.

Rather, it recommended, in its December 2021 *Report – Hear her voice part 1*, a four phase implementation plan spanning from December 2021 to 2024 - a three year timeframe at most.

Recommendation 4 of its Recommendations for systemic reform provided on page xlvi that:

> the Queensland Government develop and execute a four-phase implementation plan, as outlined in chapter 2.3 of the Taskforce's report, to support the delivery of the Taskforce's recommendations, including the package of legislative reforms against coercive control. The plan will incorporate:
> - Phase 1 (2021–2022): Setting the foundations for reform
> - Phase 2 (2022–2023): First-stage legislative and systemic reforms against coercive control
> - Phase 3 (2023–2024): Preparing for the criminalisation of coercive control
> - Phase 4 (2024 and ongoing): Criminalising coercive control and monitoring impacts and outcomes.

Importantly, the Queensland Taskforce's recommendation included in its four phase model steps that the NSW Government has already undertaken, such as to prepare legislative reforms and consult on draft legislation (part of Phase 2 2022-2023).

Work on this body of reform in NSW began more than a year earlier than the Queensland Taskforce's timeframe, with the release of a Discussion Paper and establishment of a NSW Parliamentary Inquiry in October 2020.

Despite this reform work commencing earlier, under the Bill the offence cannot commence earlier than 1 February 2024.

Sixth, the NSW Government has listened carefully to, and taken on board, comments by DVNSW and the NSW Women's Alliance - that is why the Bill expressly mandates a comprehensive statutory review after commencement, to ensure the offence is operating as intended.

Lastly, the NSW Government has listened carefully to, and taken on board, comments by DVNSW and the NSW Women's Alliance - that is why work had already begun, before the legislation was introduced on 12 October 2022, to operationalise the Implementation Taskforce.

As outlined in the Second Reading Speech, the Taskforce will be a multi-agency taskforce led by the Secretary of the Department of Communities and Justice.

In line with the recommendations of the Joint Select Committee, in implementing the offence, the taskforce will consult with stakeholders including NSW Police, victim survivors, the domestic abuse sector, disability advocacy organisations, and representatives of culturally and linguistically diverse, Aboriginal and Torres Strait Islander and LGBTQ communities.

Importantly, the Bill is backed by $5.6 million in initial funding for coercive control training for police, in multiple awareness campaigns and in educational resources.