

**Submission  
No 117**

## **COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS**

**Organisation:** NSW Office of the Children's Guardian

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The Hon Natalie Ward MLC  
Chair, Joint Select Committee on Coercive Control  
Parliament of NSW

By email: [coercivecontrol@parliament.nsw.gov.au](mailto:coercivecontrol@parliament.nsw.gov.au)

Dear Ms Ward

### **Inquiry into coercive control**

Thank you for providing the Office of the Children's Guardian (OCG) the opportunity to provide a submission to the Joint Select Committee on Coercive Control (the Committee). The OCG acknowledges the complexity associated with criminalising coercive control and the different aspects of a possible offence under consideration.

### **Impact of domestic and family violence on children**

The OCG acknowledges the growing body of research into domestic and family violence (DFV) and its impacts on children and young people, which may be relevant when considering the design of a criminal offence on coercive control.

Australian statistics indicate that approximately one in four women experience domestic violence.<sup>i</sup> Of those women who experience DFV, more than 50% have children in their care.<sup>ii</sup> Children can experience family violence as a witness or victim. Exposure to intimate partner violence is considered a form of child maltreatment.<sup>iii</sup> Research suggests that in households where domestic and family violence is present there is often a co-occurrence of child maltreatment and an increased likelihood of a child becoming a victim of other types of harm such as physical and sexual abuse.<sup>iv</sup>

Exposure to family violence can lead to adverse life outcomes including depression, anxiety, post-traumatic stress disorder, aggression, antisocial behaviour, mood problems, peer and school difficulties and increased likelihood of substance abuse.<sup>v</sup> Furthermore, children within the family, particularly individuals who routinely witness abuse, sometimes exhibit similar behavioural and psychological disturbances as children who are themselves abused.<sup>vi</sup>

Perpetrators of coercive control may utilise children as a tool to control the victim within the relationship. This is a common occurrence following relationship breakdown.

### **Relevance of domestic and family violence to the OCG**

The OCG aims to promote and protect the rights and interests of children and young people through the regulation of individuals who work with children through the Working With Children Check (WWCC). Workers engaged in child-related work, that is work that involves direct contact with children that is a usual part of their role and more than incidental, must have a WWCC.

For an applicant to successfully gain a WWCC they must satisfy legislative requirements under the *Child Protection (Working with Children) Act 2012* (WWC Act). Under that Act, an applicant may be cleared, barred or subject to a risk assessment, whereby a determination must be made as to whether the applicant poses a risk to the safety of children.



Offences listed in Schedule 1 of the WWC Act that are domestic violence offences (when they occur in the context of a 'domestic relationship') can trigger a risk assessment. DFV can also trigger risk assessment under clause 1(6) if a person has been convicted of, or proceedings have been commenced against a person for, offending involving violence or sexual misconduct sufficient to indicate a pattern of behaviour that warrants investigation as to whether it may cause a risk to the safety of children. Section 15(3) of the WWC Act provides the Children's Guardian with a broad discretion to risk assess an applicant or clearance holder. This provision may be used to conduct a risk assess an applicant with no trigger offences or pattern triggers in circumstances where there is information to suggest a risk assessment is warranted.

The escalating nature and variety of behaviours that may place children at risk of harm in a domestic context can be of concern to the OCG. Risks can be present through both direct and indirect behaviours toward children that are present within a domestic relationship. Forms of coercive control in an intimate partner relationship may impact the risk assessment process and decisions about whether a WWCC applicant represents a real and appreciable risk to children. This is because it may be associated with lack of respect for women and a lack of insight into how their behaviours impact other people. In some cases, DFV behaviours may be serious enough to establish a real and appreciable risk to child safety. However, WWCC applicants that have a DFV history of coercive and controlling behaviour may not be captured by the risk assessment process, unless referred under section 15(3).

Operationally, having a criminal offence on coercive control could assist the OCG identify DFV that may require risk assessment. This would be in keeping with the recommendation from the Statutory Review of the WWC Act that patterns of behaviours in relation to DFV should trigger a risk assessment.<sup>vii</sup> It would also enhance the OCG's ability to consider coercive controlling behaviours as part of WWCC risk assessment and decision-making processes.

If you would like to discuss any aspect of this submission further, please call Louise Coe, Director, Child Safe Organisations on [REDACTED] or email [REDACTED]

Yours sincerely

[REDACTED]

**Janet Schorer PSM**  
**Children's Guardian**

8 February 2021

## Endnotes

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- <sup>i</sup> Cox, P (2015), 'Violence against women in Australia: Additional analysis of the Australian Bureau of Statistics' Personal Safety Survey, 2012', Australia's National Research Organisation for Women's Safety, Communities and Justice (2019), 'The effects of domestic and family violence on children and young people'.
- <sup>ii</sup> Artz, S, Jackson, M, Rossiter, K, Nijdam-Jones, A , Geczy, I & Porteous, S (2014), p 'A comprehensive review of the literature in the impact of exposure to intimate partner violence for children and youth', *International Journal of Child, Youth and Family' Studies*, Vol 5 No 4, 2014.
- <sup>iii</sup> UNICEF(2006), 'Behind closed doors: The impact of domestic violence on children' p7; Artz, S, Jackson, M, Rossiter, K, Nijdam-Jones, A , Geczy, I & Porteous, S (2014), 'A comprehensive review of the literature in the impact of exposure to intimate partner violence for children and youth', *International Journal of Child, Youth and Family' Studies*, Vol 5 No 4, 2014.
- <sup>iv</sup> Noble-Carr, D, Moore, T & McArthur, M (2019) The Nature and Extent of Qualitative Research Conducted with Children About Their Experiences of Domestic Violence: Findings from a Meta-Synthesis, Trauma, Violence and Abuse, p.1.
- <sup>v</sup> UNICEF (2006), 'Behind closed doors: The impact of domestic violence on children', p3; Krug. E.G., Dahlberg, L.L Mercy, J.A Zwi, A.B & Loranzo, R. (eds) The world report on violence and health, Geneva, World Health Organisation, 2002.
- <sup>vi</sup> The Office of the Children Guardian (2017), 'Statutory Review of the Child Protection (with Children) Act 2012'.
- <sup>vii</sup>