

Crimes Legislation Amendment (Coercive Control) Act 2022

Statutory Report

1 June 2023

18 May 2023

Hon M Daley
Attorney General
GPO Box 5341
SYDNEY NSW 2001

Dear Attorney General

Report of the Implementation and Evaluation Taskforce for the coercive control reforms

The Implementation and Evaluation Taskforce constituted by section 54I(1) of the *Crimes Act 1900* (**the Crimes Act**), 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) of the Crimes Act.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Michael Tidball".

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**). The Act was passed following the NSW Joint Select Committee on Coercive Control recommending a criminal offence of coercive control, and after detailed and public consultation on an exposure Draft Bill.

The Act prescribes an offence of coercive control 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 (the **coercive control offence**). The Act also provides for a definition of ‘domestic abuse’ for the purposes of the *Crimes (Domestic and Personal Violence) Act 2007*.

The NSW Parliament recognised the complexities of the coercive control offence and the cruciality of its considered implementation. This included the concurrent need for training of criminal justice agencies and broader public education, and system and sector readiness. To address this, the Act first delays commencement of the domestic abuse definition and the coercive control offence until 2024 to allow for training, education and system readiness. Secondly, the Act prescribes that an Implementation and Evaluation Taskforce (the **Taskforce**) be immediately 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 was constituted and first met in December 2022. It has since established a three-stream workplan. It has met five times and constituted 11 sector-specific Reference Groups to consider the workplan and to provide advice on sector readiness and training, and public education more broadly. Of those 11 Reference Groups, only the Lived Expertise Reference Group is yet to meet. This is due to a careful and considered membership process that is soon to be completed.

This report is the first report of the Taskforce. It provides information on the constitution of the Taskforce and Reference Groups. It also outlines the workstreams of the Taskforce, which includes a summary of forward training of NSW justice agencies critical to the implementation of a coercive control offence, including NSW Police Force, the Judicial Commission of NSW, the Office of the Director of Public Prosecutions and Legal Aid NSW. It also provides an outline of the public communications strategy to support the reforms.

Introduction

In October 2020, the NSW Parliament's Joint Select Committee on Coercive Control was established to inquire into and report on coercive control in domestic relationships.¹ The committee reported in June 2021,² recommending the criminalisation of coercive control in domestic relationships and further reforms to respond to coercive control in NSW. Public and targeted consultation on an exposure Draft Bill was undertaken from May 2022.

On 16 November 2022, the NSW Parliament passed the *Crimes Legislation Amendment (Coercive Control) Act 2022 (the Act)*. The Act received assent on 23 November 2022, and:

- creates a standalone offence of coercive control in the *Crimes Act 1900* punishable by up to seven years imprisonment, which 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 (the **coercive control offence**) (to commence 1 February 2024 at the earliest and 1 July 2024 at the latest)
- inserts a statutory definition of domestic abuse in the *Crimes (Domestic and Personal Violence) Act 2007* (to commence by 1 February 2024), and
- establishes a Coercive Control Implementation and Evaluation Taskforce (the **Taskforce**), which commenced on 1 December 2022 under section 54I of the *Crimes Act 1900* (the **Crimes Act**).

The main purposes of the Taskforce are prescribed by section 54I(3). The Taskforce oversees the implementation of the coercive control offence and is to consult with stakeholders about the offence, provide advice about, and monitor, training, education and resourcing in relation to the offence, and provide 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 is required to provide the Attorney General with a report³ in relation to its main purposes:

- 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.⁴

¹ Parliament of NSW, 'Joint Select Committee on Coercive Control' <www.parliament.nsw.gov.au/committees/listofcommittees/Pages/committee-details.aspx?pk=271> (retrieved 6 April 2023).

² NSW Joint Select Committee on Coercive Control, *Coercive Control in Domestic Relationships, Report 1/57* (June 2021).

³ *Crimes Act 1900* (NSW) section 54I(8).

⁴ *Crimes Act 1900* (NSW) section 54I(9).

This report is the first 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	Consulting with stakeholders, including Reference Groups established under this section, about the offence under section 54D (the coercive control offence) and related matters.	Pages 8-9 and 12-14
b	Providing advice about, and monitor, training, education and resourcing in relation to the coercive control offence.	Pages 15-20
c	Providing 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 15 and December 2023 report
d	Evaluate the implementation of the coercive control offence and resourcing in relation to the coercive control offence.	December 2024 report
e	Monitor the operation of this Division, including – <ul style="list-style-type: none"> (i) The practical application of defences to the coercive control offence, and (ii) Resourcing in relation to the operation of the Division. 	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

Implementation and Evaluation Taskforce

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

Section 54I(2) prescribes that the Taskforce:

- is chaired by 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)
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

Table 2: Taskforce Members

Director of Crime, Legal Aid NSW
Executive Director, Regional Liveability, Department of Regional NSW
Executive Director, Health and Stronger Communities, NSW Treasury
Executive Director, Social Policy Branch, Department of Premier and Cabinet

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.⁵ Accordingly, the Secretary is the conduit between the Taskforce and the Board, ensuring that information flows between the two bodies.

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 Chair 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 11 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.

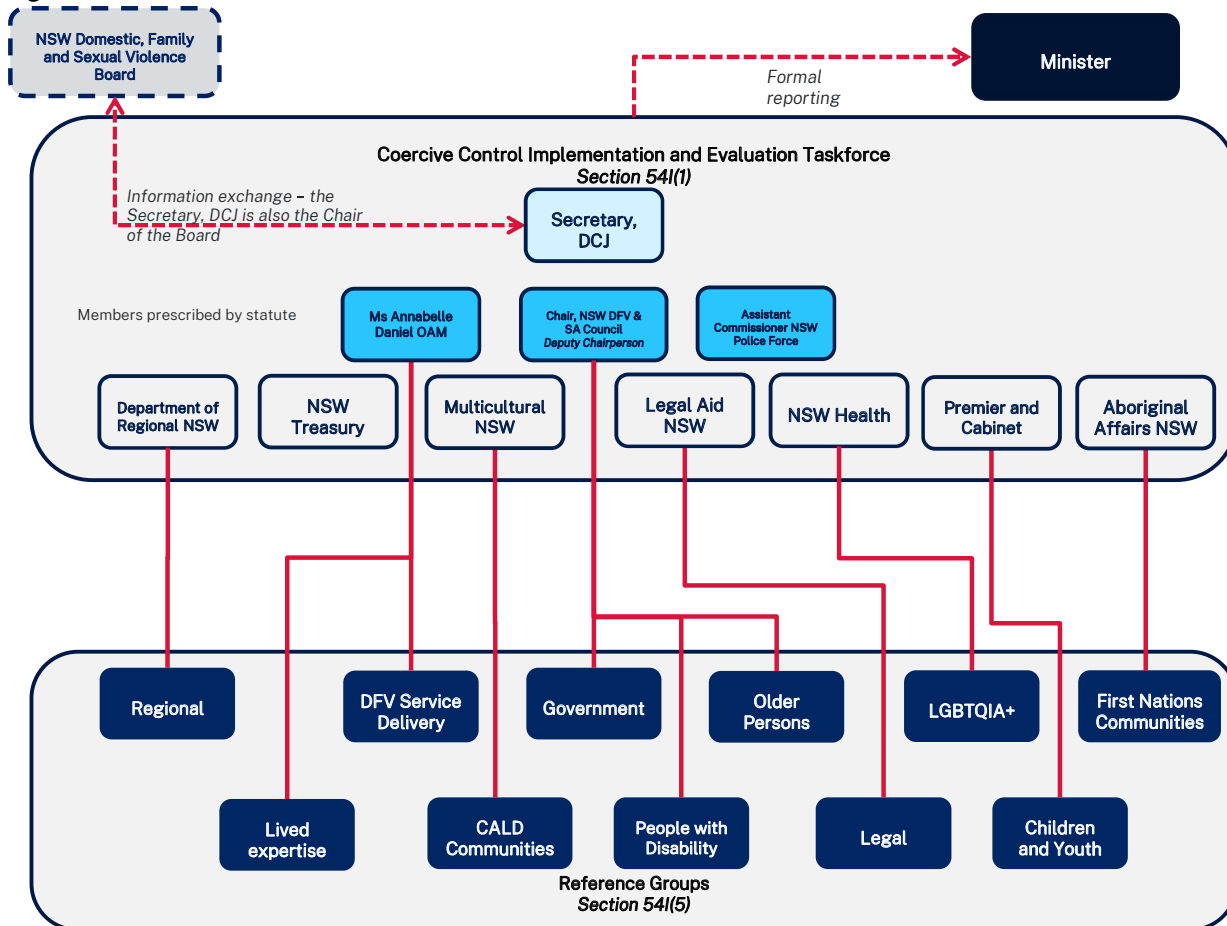
The Taskforce and Reference Groups are supported by a Secretariat in the Department of Communities and Justice.

The Coercive Control Implementation and Evaluation Taskforce governance structure is presented in Figure 1.⁶

⁵ 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. The whole-of-government approach to domestic and family violence is the role of the Domestic, Family and Sexual Violence Board.

⁶ 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 offence.

The workstreams reflect the main purposes of the Taskforce (section 54I(3), see page 6) 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 offence.

Table 3: Workstreams	Key focus	Legislative Reference or Joint Select Committee Report Recommendation
Stream 1: Training and education Lead: Frontline agencies	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 reforms.	Part of recommendations 1, 19, 22 of the Joint Select Committee on Coercive Control report. ⁷
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>
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.	Section 54I(3)(a) and (b) of the <i>Crimes Act 1900</i> Recommendation 9 of the Joint Select Committee on Coercive Control report, ⁸ which was supported by the then NSW Government. ⁹

For further detail on the workstreams, see page 15.

⁷ NSW Joint Select Committee on Coercive Control, *Coercive Control in Domestic Relationships, Report 1/57* (June 2021).

⁸ NSW Joint Select Committee on Coercive Control, *Coercive Control in Domestic Relationships, Report 1/57* (June 2021).

⁹ NSW Government, *NSW Government Response to NSW Joint Select Committee on Coercive Control* (December 2021) 4.

Meetings of the Taskforce

The Taskforce has met five times since constituted:

- **Meeting 1:** 8 December 2022
- **Meeting 2:** 31 January 2023
- **Meeting 3:** 10 March 2023
- **Meeting 4:** 18 April 2023
- **Meeting 5:** 17 May 2023

Meetings scheduled for the remainder of 2023:

- **Meeting 6:** 11 July 2023
- **Meeting 7:** 12 September 2023
- **Meeting 8:** 21 November 2023

Reference Groups

Section 54I(5) of the Crimes Act requires 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 reform.

Section 54I(6) 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.¹⁰

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

Eleven Reference Groups were established from December 2022, as detailed in Table 4. Reference Groups started to meet from February 2023.

Each Reference Group is chaired by a Taskforce member who report back to the Taskforce as a standing 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	Focus areas
First Nations Communities	Deputy Secretary, Aboriginal Affairs NSW	24 March 2023	First Nations communities awareness campaign
		5 June 2023	Justice agencies training and education
			Domestic and family violence sector readiness

¹⁰ Crimes Act 1900 (NSW) s 54I(6).

Table 4: Reference Groups

Culturally and Linguistically Diverse (CALD) Communities	Chief Executive Officer, Multicultural NSW	22 March 2023 24 May 2023	CALD communities awareness campaign Justice agencies training and education
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Domestic Family Violence Service Delivery	Annabelle Daniel OAM, Chief Executive Officer, Women's Community Shelters and Chair, Domestic Violence NSW.	16 February 2023 26 April 2023 June 2023	Justice agencies training and education, including police cultural reform Awareness campaigns
Lived Experience		June 2023	Domestic and family violence sector readiness

Government	Deputy Secretary, Strategy, Policy and Commissioning, DCJ and Chair of the NSW Domestic and Family Violence and Sexual Assault Council	13 March 2023 22 June 2023	Justice agencies training and education Updates to Government operational systems
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Older Persons	Deputy Secretary, Strategy, Policy and Commissioning, DCJ and Chair of the NSW Domestic and Family Violence and Sexual Assault Council	27 April 2023 June 2023	Awareness campaigns
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People with Disability	Deputy Secretary, Strategy, Policy and Commissioning, DCJ and Chair of the NSW Domestic and Family Violence and Sexual Assault Council	17 April 2023 June 2023	Justice agencies training and education Awareness campaigns
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LGBTQIA+	Deputy Secretary, Health System Strategy and Planning, NSW Health	5 May 2023	Awareness campaigns Sector readiness
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Legal	Director of Crime, Legal Aid NSW	20 March 2023 22 June 2023	Justice agencies training and education Updates to Government operational systems
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Regional	Executive Director, Regional Liveability,	31 March 2023	Awareness campaigns
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Table 4: Reference Groups			
	Department of Regional NSW		
Children and Youth	Executive Director, Social Policy Branch, Department of Premier and Cabinet	27 March 2023 June 2023	Awareness campaigns

Member agencies of the Reference Groups are detailed in Appendix 3

Information about the Taskforce and the Reference Groups is published on the Department of Communities and Justice website:

<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>

Workstream Progress

The Act includes fixed dates for staged commencement of the coercive control reforms, 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*
- **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 oversees the critical implementation work via its three workstreams to ensure the readiness of agencies to operationalise the legislation by the fixed commencement dates (see page 10 above).

Agencies implementing the workstreams have advised the Taskforce that the maximum implementation period is needed to implement the reforms effectively. The anticipated implementation date for the coercive control offence to be inserted into the Crimes Act is 1 July 2024.

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 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 will be delivered by the NSW Police Force, the Judicial Commission of NSW and the legal sector.

Table 5: Training and Education by agency		
Agency	Funding Year	Justice officials
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

Table 5: Training and Education by agency

(including the provision of training for practitioners of the Aboriginal Legal Service (NSW/ACT) and Community Legal Centres)

- NSW Community Legal Centres
- Women's Domestic Violence Court Advocacy Service

Office of the Director of Public Prosecutions 2023-24

- Solicitors
- Witness Assistance Services
- Crown Prosecutors

NSW Police Force 2023-24

- General duties officers
- Detectives
- Police prosecutors
- Police Academy cadets, in 2024/25.

Since the passage of legislation, justice agencies have been researching and developing training packages – focusing on the coercive control offence and the definition of domestic abuse.

Judicial Commission of NSW, member of the Government Reference Group

The Judicial Commission of NSW is taking a multi-pronged approach.

Consultation and planning

The Judicial Commission of NSW is a member of the International Organization for Judicial Training (the **IOJT**). The IOJT was established in 2002 to promote the rule of law by supporting the work of judicial education institutions around the world.

Overseas jurisdictions have introduced cognate coercive control offences to NSW. The Judicial Commission of NSW has met member institutions to ascertain what training they have delivered, including the:

- Judicial Council of Ireland
- Judicial College of England and Wales, and
- Judicial Institute for Scotland.

The consultations have informed the approach the Judicial Commission of NSW will take to developing and delivering the training and education materials for judicial officers in NSW.

Delivery plan

The Judicial Commission of NSW will deliver training and education via multiple channels, including:

- The District Court of NSW Annual Conference (April 2023).
- The Supreme Court of NSW Annual Conference (August 2023).

- The Local Court of NSW Annual Conference (August 2023), Metropolitan seminars (November 2023) and Magistrates' Orientation Program (December 2023).
- A cross jurisdictional webinar/seminar on the psychological aspects of coercive control (August 2023).
- The Judicial Officers Bulletin (October 2023), authored by Acting Justice Robert A Hulme.
- The Bench Books, including sections of Criminal Trials Court Bench Book, Sentencing Bench Book and Local Court Bench Book. This will include a new chapter in Criminal Trials Court Bench Book on coercive control including introduction and notes.
- An online resource via the Judicial Information Research System online platform: a comprehensive resource kit of materials available to all judges including a variety of papers, videos, and analysis of the statutory provisions.

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

The NSW Police Force is developing a three-phase training package.

The **first phase** has been implemented and comprises a mandatory online education module for all NSW Police Force staff. The module aims to assist NSW Police to understand:

- why the reforms are needed
- that there will be an offence of Abusive Behaviour (the coercive control offence)
- that there will be a definition of Domestic Abuse in the Apprehended Domestic Violence Order statutory regime
- behaviours relevant to the coercive control offence and domestic abuse, and
- behaviours that may constitute coercive control.

The online module will be completed by all NSW Police Force employees (both police and administrative) as part of the Mandatory Continuing Police Education program for 2022-2023. The module includes a video from the Corporate Spokesperson Deputy Commissioner Lanyon, video from the NSW Parliament explaining the Joint Select Committee report, voice over reading of findings of the coronial inquest into the deaths of Hannah Clarke and her children and excerpts of the Attorney General's second reading speech to parliament.

The **second phase** will comprise face-to-face training to specialist police officers and identified select operational police including domestic violence officers, detectives and investigators and police prosecutors. This training will be developed in collaboration with domestic and family violence specialists and will focus 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 second phase will commence in June 2023 and run for one year.

The third phase combines phases 1 and 2 to form a training package to be delivered in the Constable Development Program. This will commence in June 2024 and run until June 2026. This aims to ensure that all constables entering the NSW Police Force will have received the same level of training on the coercive control reforms as their colleagues already in the NSW Police Force.

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

The Office of the Director of Public Prosecutions will deliver coercive control training to all legal staff and to Witness Assistance Service Officers state-wide, across its 10 offices, which includes regional locations. The training will be a combination of face-to-face seminars and skills training:

- online seminars/distance learning
- online competency training
- guest lectures
- the creation of dedicated online content.

The training will feature sessions delivered at key Office of the Director of Public Prosecutions annual in-person training events for solicitors and Crown Prosecutors, including the end-of-year solicitors' conference in December 2023 and the Crown Prosecutors' Conference in the first half of 2024, as well as in numerous online and in-person sessions outside of those programs.

The training will be delivered by external and internal providers. Refresher courses and training for newly appointed staff will further be offered.

The training package is centred on three key components.

1. Understanding Coercive Control

The first component is to give Office of the Director of Public Prosecutions solicitors, Crown Prosecutors and Witness Assistance Service Officers a greater understanding of the dynamics of coercive control, including offender behaviour and motivation, victimology, and the latest research.

Sessions from recognised experts in victimology from academia and from those with lived experience will be part of this component.

2. Coercive Control Victims

The second training component will build on the first component by ensuring that Office of the Director of Public Prosecutions staff are equipped to obtain the best evidence possible from victims in coercive control matters, utilising a trauma-informed approach.

In this component, the focus will be on victimology, with particular attention given to specific victim groups, such as those with cognitive impairments, First Nations peoples, victims from different ethnic and cultural backgrounds, and those in same-sex relationships.

Sessions from experts and in-house training will be included in this component, as will skills-based training in conferencing victims and eliciting evidence in court.

3. Prosecuting Coercive Control

The third component will focus on the legal aspects of the offence. This will include training in:

- understanding the legislation
- understanding where the evidence sits within existing domestic violence and other related evidence and within the Apprehended Personal Violence Order regime
- proving the elements of the offence, particularly the intent requirement
- evidentiary requirements.

This component will include skill-based training, seminars, and online content. Opportunities will be explored to undertake joint training with NSW Police Force.

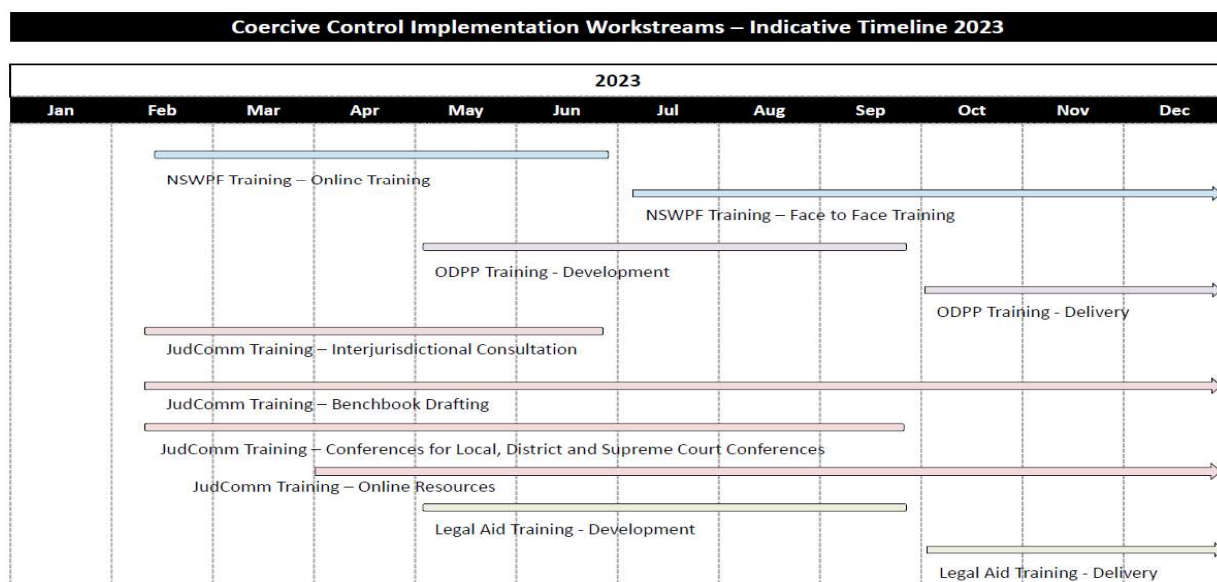
Legal Aid NSW Training Development, Taskforce member, member and chairperson of the Legal Reference Group

Legal Aid NSW has established a Coercive Control Working Group to oversee the scope and rollout of Legal Aid's training. This Working Group is chaired by Taskforce Member Robert Hoyles with representation from the Criminal Law Division, Family Law Domestic Violence Unit, Women's Domestic Violence Court Advocacy Program and Learning and Development Team. The training will be made available to Legal Aid staff, Community Legal Centres, Aboriginal Legal Service lawyers and private practitioners.

The training is expected to cover both an in-depth analysis of the offence created from a criminal law lens, while providing some of the background that would be helpful for lawyers representing clients who are experiencing coercive controlling behaviours.

It is expected that a Project Officer to oversee the program will commence in July 2023 and that training would commence rolling out to lawyers from late in 2023. Consultation will occur through the Legal Reference Group as the materials are developed, noting that Robert Hoyles is a member of the Taskforce and chairperson of the Legal Reference Group

Training and Education Calendar 2023 – development and delivery



Workstream 2: Operational Systems

Future reports will detail activity in this workstream.

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 the domestic abuse definition and the coercive control offence come into effect.

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.¹¹

In 2022, the Department of Communities and Justice commissioned independent quantitative and qualitative market research to inform the approach for a community education campaign about coercive control. This research showed there is an immediate need to provide the NSW public with credible information about coercive control as a matter of priority.

Under this workstream, the Department of Communities and Justice is undertaking a phased approach to community education and awareness about coercive control.

- **Phase one – August 2023:** Dedicated microsite (embedded on the NSW Government website)¹² providing information about coercive control conduct and where to get help. Resources will be expanded overtime.
- **Phase two – February to August 2024:** Multichannel advertising campaign to raise awareness and promote understanding about coercive control and the criminal offence.
- **Phase three – May to August 2024:** Targeted campaigns for priority audiences developed in close consultation with First Nations people and multicultural communities

Development is to occur in consultation with the Taskforce and Reference Groups. The Department of Communities and Justice presented to the Taskforce at Meetings 2, 4 and 5 and has consulted Reference Groups on the development of the microsite.

The Department of Communities and Justice will engage a market research agency to conduct formal research and testing with the target audiences to ensure campaign materials are effective and engaging.

¹¹ NSW Government, [NSW Government Response to NSW Joint Select Committee on Coercive Control](#) (December 2021) 4.

¹² NSW Government, 'NSW Government' www.nsw.gov.au/ (retrieved 6 April 2023).

Consultation approach for Phase one – Microsite

The Department of Communities and Justice has commenced engagement with the Reference Groups on:

- microsite key messages
- animated explainer video script
- animation style frames and characters
- animated explainer video storyboard.

The Department of Communities and Justice will continue to consult the Reference Groups throughout the development process ahead of seeking Taskforce endorsement and Ministerial approval. The microsite will launch from August 2023.

Consultation approach for Phase two and three

The Department of Communities and Justice will then commence engagement with the Reference Groups on Phases two and three of the campaign.

Future Reporting

The second report of the Taskforce is required to be tabled in both Houses of Parliament by 22 December 2023.

The report will outline:

- consultation with Reference Groups and any other stakeholders
- progress against the workplan of the Taskforce, including training and education commenced by justice agencies and community awareness activities
- advice about the commencement dates of the provisions of the *Crimes Legislation Amendment (Coercive Control) Act 2022*, and
- 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

Crimes Act 1900 No 40

Current version for 1 February 2023 to date (accessed 13 March 2023 at 19:28)

[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 54J(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 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 (or have been invited to be members) of the Taskforce:
- 2.2.1. Natasha Luschwitz, Executive Director, Social Policy Group, Department of Premier and Cabinet
 - 2.2.2. Louis Kastoun, Executive Director, Health and Stronger Communities, NSW Treasury
 - 2.2.3. Tara Black, 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. Senior Representative from Aboriginal Affairs NSW
 - 2.2.6. Senior Representative from Legal Aid NSW
 - 2.2.7. Senior Representative from NSW Health
- 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



Communities and Justice

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



Communities and Justice

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. If a member is unable to attend, any decisions will be circulated for confirmation out of session following the meeting.
- 7.3. 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

- 7.4. 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

- 7.5. Items may be managed out-of-session at the agreement of Taskforce members where:
 - 7.5.1. the item is urgent and must be considered before the next scheduled meeting
 - 7.5.2. in circumstances when meetings are not possible to enable business to be progressed.

Confidentiality

- 7.6. 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.
- 7.7. 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

- 7.8. DCJ must provide secretariat support to the Taskforce, including:
 - 7.8.1. organising Taskforce meetings
 - 7.8.2. preparing the agenda for approval by the Chairperson

Terms of Reference

Coercive Control Implementation and Evaluation Taskforce



Communities and Justice

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- 7.8.3. sending invitations, agendas and papers for discussion to members prior to the meeting, allowing appropriate time for internal consultation
- 7.8.4. sending minutes out promptly after the meeting and maintaining meeting records
- 7.8.5. supporting the Taskforce as required, including coordinating consultation with the reference groups and other stakeholders
- 7.8.6. drafting papers, reports, correspondence or advice as required at the request of the Taskforce.

Appendix A

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):

.....

Appendix B

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):

.....

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Coercive Control Implementation and Evaluation - Reference Group memberships



1. Government sector

- Deputy Secretary, Strategy Policy and Commissioning, Department of Communities and Justice and Chair, Domestic and Family Violence and Sexual Assault Council
- Executive Director, Women, Family and Community Safety, Department of Communities and Justice and Women's Safety Commissioner
- Deputy Secretary, Courts, Tribunals and Service Delivery, Department of Communities and Justice
- Executive Director, NSW Bureau of Crime Statistics and Research
- NSW Police Force
- Supreme Court of NSW
- District Court of NSW
- Local Court NSW
- Judicial Commission of NSW

2. Legal sector

- Director of Crime, Legal Aid NSW
- Deputy Secretary, Law Reform and Legal Services, Department of Communities and Justice
- Chair of Criminal Law Committee, Law Society of NSW
- NSW Bar Association
- Principal Solicitor, Care & Protection / Family Law Practice, Aboriginal Legal Service (NSW/ACT)
- Deputy Director, Office of the Director of Public Prosecutions
- Public Defender, Public Defenders

3. DFV Service Delivery sector

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

Coercive Control Implementation and Evaluation - Reference Group memberships



Communities and Justice

- Chief Executive Officer, No To Violence
- Chief Executive Officer, Women's and Girls Emergency Centre

4. First Nations communities

- Aboriginal Affairs NSW
- Deputy Secretary, Transforming Aboriginal Outcomes, Department of Communities and Justice
- Wirringa Baiya Aboriginal Women's Legal Centre
- Senior Community Access Officer, First Nations Women's Legal Program, Women's Legal Service NSW
- Aboriginal Women's Advisory Network
- Member, NSW Coalition of Aboriginal Regional Alliances & Chairperson, Riverina Murray Regional Alliance
- NSW Co-Chair, Coalition of Aboriginal Peak Organisations
- First People's Disability Network
- Aboriginal Legal Service (NSW/ACT)

5. CALD communities

- Chief Executive Officer, Multicultural NSW
- Multicultural Policy and Engagement, Department of Communities and Justice
- Head of Women, Equity and Domestic and Family Violence, Settlement Services International
- Linking Hearts Service Manager, Muslim Women Australia
- Executive Officer, Immigrant Women's Speak Out Association of NSW
- Ethnic Communities Council of NSW
- Senior Solicitor, Immigration and DV practice, Immigration Rights and Advice Centre
- Multicultural Disability Advocacy Association

6. LGBTQIA+

- Manager, LGBTQ+ Health Programs
- Community Health, ACON
- Gender Centre
- Managing Principal Solicitor, Inner City Legal Centre

Coercive Control Implementation and Evaluation - Reference Group memberships



Communities and Justice

- HIV/AIDS Legal Centre
- Deputy Chief Executive Officer, LGBTQI+ Health Australia
- Director of Primary Prevention, Women and Girls Emergency Centre

7. People with Disability

- Executive Director, Housing, Homelessness and Disability, Department of Communities and Justice
- People with Disability Australia
- Director of Operations, NSW Ageing and Disability Commission
- Chief Executive Officer, Carers NSW
- First People's Disability Network
- Multicultural Disability Advocacy Association

8. Older persons

- Strategy, Policy and Commissioning, Department of Communities and Justice
- Director of Operations, NSW Ageing and Disability Commission
- Chief Executive Officer, Older Women's Network NSW
- Chief Executive Officer, Carers NSW
- Chief Executive Officer, Seniors Rights Service
- Chief Executive Officer, Council on the Ageing NSW

9. Youth and children

- Executive Director, Social Policy, Department of Premier and Cabinet
- 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
- Senior Manager, Barnados Australia

Coercive Control Implementation and Evaluation - Reference Group memberships



Communities and Justice

10. Regional

- Executive Director, Regional Liveability, Department of Regional NSW
- Chief Executive Officer , Country Women's Association NSW
- Member, NSW Coalition of Aboriginal Regional Alliances & Chairperson, Riverina Murray Regional Alliance

11. Victim-survivor / lived experience

- Annabelle Daniel OAM, Chief Executive Officer, Women's Community Shelters and Chair, Domestic Violence NSW (Chairperson)