

Domestic violence

Rushed NSW coercive control laws could discriminate against minorities, experts say

Domestic violence advocates warn drafted laws could be discriminatory if pushed through by government

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Domestic violence and legal experts say coercive control is a complex issue and draft laws need months of consultation, not weeks. Photograph: chameleonseye/Getty Images/iStockphoto

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Fri 22 Jul 2022 03.30 AEST

Domestic violence and legal experts say the New South Wales government's attempt to push through new coercive control laws before the end of the year could result in flawed legislation that unwittingly discriminates against migrant and First Nations communities.

The state's attorney general, Mark Speakman, released a draft of the new laws on Wednesday with consultation open for six weeks.

The [proposed changes](#) would create a standalone offence for repeated abusive behaviours against current or former intimate partners, with offenders facing up to seven years behind bars.

Coercive control involves patterns of behaviour which deny victims autonomy and independence, and can include physical, sexual, psychological and financial abuse.

"Coercive control is complex, is insidious and causes untold harm for its victims," Speakman said.

While broadly supporting the initiative, Domestic Violence NSW interim chief executive, Elise Phillips, said six weeks was insufficient time to consider complex, new legislation.

"Six [months] would be better, particularly if we want to engage with migrant [and] refugee communities and First Nations communities," Phillips said.

"This legislation could possibly contribute to an increase in discrimination or marginalisation of those communities."

Phillips has also questioned why the laws would cover only coercive control between intimate partners, rather than also including family members.

The chief executive of the [Wurringa Baiya Aboriginal Women's Legal Centre](#), Christine Robinson, said the draft bill's relatively narrow definition of relationships did not take into account the experience in some Indigenous communities.

“With Aboriginal people, it’s that kinship group - there are more people that become involved in a practice of violence,” Robinson said.

“It extends further than just the intimate partner relationship because you’ve got other gatekeepers or other people that are monitoring that behaviour, and that may report back to him.

“If this legislation is going to be worded the way it is, it does not allow for the practices that may happen in Aboriginal communities.”

Robinson also wanted to see six months’ consultation to ensure a range of Indigenous experiences were being taken into account.

“We need to be part of understanding or determining or contributing to what that might look like,” she said.

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The draft law was presented after a parliamentary inquiry that heard evidence of the practice and how it was affecting women and families across the state.

The NSW coroner’s court review into domestic violence deaths found the practice was present in 99% of relationships preceding domestic homicides.

The [parents of Queensland mother Hannah Clarke](#) have been advocating for coercive control laws since the death of their daughter and grandchildren at the hands of her estranged husband in 2020, and Queensland has also announced plans to legislate.

Dr Jane Wangmann, associate law professor at the University of Technology Sydney, said the proposed laws seemed to address some of the current system’s shortcomings but they would be hard to analyse in just six weeks.

“The government should be looking at a consultation until the end of the year, to really make sure that they’re tapping into those that are most affected,” she said.

“We don’t want the law just to work for those people that are already works for. We should be doing more for victims of domestic violence.”

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