



**Hunter CLSD Q3 Meeting, 15 August 10am – 12pm, Sparke Helmore Newcastle**  
**Theme: Coercive Control**

**Present:** Christine Francis (Legal Aid NSW); Amber Bridge (Hunter CLC); Jordan Young and Izzy Hazel (Sparke Helmore Lawyers); Nadine Farrell and Julie Lets (Justice Advocacy Service); Lucy Hutchinson (Hopestreet); Stephanie Hawes (Legal Aid NSW); Sarah Breusch (University of Newcastle Legal Centre); Natalie Cowper (Legal Aid NSW); Winnecke Baker (Legal Aid NSW), Rebecca Hadfield (Aboriginal Legal Service NSW/ACT); Adam Checkley (Aboriginal Legal Service NSW/ACT); Jessica Trappel (Aboriginal Legal Service NSW/ACT); Michael Byrne (Catherine Henry Lawyers); Will Doran (Kurri Kurri Community Services); Kasey Matheson (Legal Aid NSW); Jackie Sales (Legal Aid NSW); Lisa Ronneberg (Hunter DFV Consortium); Jill Green (Aboriginal Legal Service NSW/ACT); Chezarne Cuffe (Moneycare – Salvation Army); Ann Dennis (Belmont Neighbourhood Centre); Laura Bueti (Legal Aid NSW); Jodie Beaver (Legal Aid NSW).

**Apologies:**

Agenda Item	Discussion	Action
Acknowledge country	Nissa acknowledged the meeting took place on Awabakal land and paid her respects	
Purpose of meeting and introductions	<p><b>A. CLSD Program Objective:</b> to work collaboratively to identify and address unmet legal and related non-legal needs of people in the Hunter region. We do this by:</p> <ul style="list-style-type: none"> <li>- making better referrals/ referral pathways</li> <li>- working on projects and devising new services, and</li> <li>- coordinating our efforts.</li> </ul> <p><b>B. Meeting Objective:</b></p> <ul style="list-style-type: none"> <li>● Practice identifying legal issues, amongst a range of issues, to ensure services know about other services' eligibility and referral processes.</li> <li>● Plan collaborative CLSD events</li> <li>● To gain an understanding of the issues being faced by people in the Newcastle and Hunter area and seek ways for more effective support from services.</li> <li>● Relationship building; for people to get to know one another and work towards justice partnerships</li> </ul> <p>Relational exercise (<i>who's first meeting? If you've attended before, what value do you see in CLSD partnerships?</i>)</p> <p>Participants discussed their roles and reasons for participating in the CLSD -to listen and learn about other services.</p>	

**Guest speaker:  
Amber Bridge  
(Hunter Community Legal Centre)**

## **Introduction of the criminal offence of Coercive Control into NSW Law on 1 July 2024**

- Coercive control isn't a new legal concept. Elements of coercive control were already present in NSW legislation, for example, *must not stalk or harass* are compulsory conditions on apprehended domestic violence orders.
- The offence in NSW is based on earlier legislation introduced in Scotland and Ireland. However, the standard of intent in the Scottish offence is lower, stating that the perpetrator either intends or is reckless as to the harm caused, whereas recklessness is not part of the offence in NSW.
- The new legislation only applies to behaviour conducted in NSW. It doesn't cover circumstances where someone flees from a coercive and controlling partner interstate.
- The offence comprises 4 compulsory elements that must be proven:
  1. It must involve a course of conduct that consists of abusive behaviour
  2. It must occur between intimate partners (family violence is not captured)
  3. The perpetrator must *intend* the course of conduct to coerce or control the other person, and
  4. It must be conduct that a reasonable person would consider to cause fear that:
    - violence will be used against the other person or another person, or
    - a serious adverse impact on the capacity of the other person to engage in some or all of the person's ordinary day-to-day activities.
- This must be proven to the criminal standard, beyond reasonable doubt.
- If a perpetrator doesn't understand what coercive control is, it will be difficult to assert that they had intent.
- No charges had been made under the legislation at the time of the meeting.
- The maximum penalty is 7 years imprisonment, but most offences will be dealt with by the Local Courts which can only impose a maximum penalty of 2 years imprisonment.
- Record keeping will be really important because of the need to prove a course of conduct.
- The legislation will be reviewed after 12 months and many organisations, like the Women's Legal Service, are tracking its operation contemporaneously.
- Coercive control is also now grounds for the imposition of an apprehended violence order.
- If a client doesn't want action taken immediately it is best that they have a safe way to keep records, and they could be encouraged to speak to other services like a lawyer or the WDVCAS.

**Questions**

1. *Can people act on their own by applying for an apprehended personal violence order (APVO) if they don't want to speak to police? Police are mandatory reporters and Aboriginal people can be fearful of reporting domestic violence to the police as it will result in a community services report regarding their children.*

- The downside of making a private application is that people need to represent themselves and organise their own evidence. They also risk having being ordered to pay the other party's costs if the court doesn't agree with their application.
- The Legal Assistance for Women program at the Aboriginal Legal Service NSW/ACT can support Aboriginal women impacted by domestic violence. The service has had some success assisting women with private applications.

2. *Do police have to make a report to community services about the safety of children when someone is reporting themselves to be a victim of domestic violence?*

- As mandatory reporters they do. If they hear that a child has been exposed to domestic violence, they are obliged to make a report. The idea is for police not to exercise any discretion here.

#### **Resources**

- E-Learning course on the fundamentals of coercive control and the new legislation [available here](#) (you will need to Register for Legal Aid NSW's Learning Management System [here](#))
- [Webinar](#) on what Domestic Violence Specialist Workers need to know about control
- Legal Aid NSW has a [dedicated web page](#) to coercive control
- [The Commonwealth Attorney General's Department](#) has produced lots of helpful resources on coercive control, including resources for First Nations Communities and migrant communities.

#### **Changes to the Family Law Act**

- The main changes relate to language/terminology used in the legislation, which shouldn't impact the day-to-day experience of the court for clients.
- The concept of shared equal time has been scrapped and what is in the best interests of the child is the paramount concern.
- The legal view is that outcomes from the court will be similar.

#### **Resources**

- There is a great webinar, factsheets and background reading available from the [Women's Legal Service](#)

<p>Legal Issue spotting exercise with Legal Aid NSW</p>	<p><b>Case Study – Coercive Control</b></p> <p>Marlee talks to you about some challenges she has been having. She mentions she has a lot going on at the moment and that her partner is being very controlling but that it’s not a big deal and she does not want to cause trouble with him. You ask her more and she says that he has been accessing her social media accounts and checking her messages and telling her where she can and can’t go. He thinks she is speaking with a male friend online and has told her she is not allowed to speak with him. She also tells you that he recently took her bank card when he went to work and she had no access to money to get food for her or her two children that day. He often uses her car and gets fines and also tells Marlee that she should contact Centrelink to tell them she is single and try to get the single parent payment (even though they are still together). Marlee is clearly very stressed but does not want to make the situation worse. You convince Marlee that she should talk to a solicitor about her situation.</p> <ul style="list-style-type: none"> <li>• <b>What are some of the legal issues you think Marlee has?</b> <ul style="list-style-type: none"> <li>- Domestic Violence</li> <li>- Overdue fines when she was not the driver of the vehicle</li> </ul> </li> <li>• <b>What are the indicators of coercive control?</b> <ul style="list-style-type: none"> <li>- Financial control</li> <li>- Restricting social interactions</li> <li>- Stalking social media</li> <li>- Centrelink threats</li> <li>- Taking the car without asking her permission</li> </ul> </li> <li>• <b>What other legal issues is Marlee facing?</b> <ul style="list-style-type: none"> <li>- Centrelink fraud: social security fraud carries a possible penalty of 10 years imprisonment.</li> <li>- Car fines: Marlee could have her license suspended due to unpaid fines and then may be forced to risk driving unlicensed. Also, failing to nominate someone who is really responsible for the fines is an offence in and of itself! Clients impacted by DV often need to apply for an internal review as that is the only way that they can have the demerit points removed.</li> <li>- Safety of her kids and neglect of the children if they aren’t eating.</li> </ul> </li> <li>• <b>What other issues is Malee facing?</b> <ul style="list-style-type: none"> <li>- That she is afraid of the repercussions of taking any action, which limits her ability to leave, and access supports. She is also isolated when she doesn’t have access to her car or money.</li> </ul> </li> </ul>	

- Risk of homelessness and food insecurity.
- Psychological stress.
- Danger that her partner's behaviours could escalate.
- **Who could you refer her to for support?**
  - ALS NSW/ACT, Hunter Community Legal Centre, Legal Aid NSW
  - Caseworkers from local DV services (Jenny's or Cerrie's place)
  - Hope street for food – have Centrelink on site 4 days a week (2 days Wallsend and 2 at Windale).
  - GP for a counsellor, if she has been subject to violence she will be eligible for free counselling.
  - Jill noted that some daycare centres will provide care at very discounted rates for people impacted by violence.
  - Safety planning with WDVCAS would be really important.
  - Sometimes banks can support people confidentially if a partner is using resources inappropriately.
- **Are there any gaps that you are unable to support her with?**
  - Possibly an AVO if she was comfortable going to police.
  - It can be challenging for domestic violence services to see people who are unable to leave home at home.
  - Not necessarily a gap but an acknowledgement that this is going to be a slow burn.
  - Ideally don't refer people to 12 services in one conversation. Don't want people to repeat their story or become overwhelmed. Build on what you can deal with first.
- **If Marlee identified as Aboriginal or Torres Strait Islander, would this change your plan of support for her?**
  - ALS NSW/ACT Legal Assistance for Women Program and Fines Service
  - Aboriginal Medical Service
  - ACCO referral options
  - Jill noted that it is important to be aware that not all Aboriginal people want to go to Aboriginal services.
  - Amber noted that Hunter CLC can make appointments in different locations for clients.

**Contact details for referrals**

Law Access: **1300 888 529** [Contact us \(nsw.gov.au\)](https://www.nsw.gov.au)

Hunter Community Legal Centre: **(02) 4040 9120** [Hunter Community Legal Centre](https://www.huntercommunitylegalcentre.org.au)

	<p>Aboriginal Legal Service NSW/ACT: <b>1800 765 767</b> <a href="http://alsnswact.org.au">Aboriginal Legal Service (NSW/ACT) Limited (alsnswact.org.au)</a></p> <p><b>Legal Aid NSW Domestic Violence Unit: 1800 979 529</b></p> <p><b>Jennys Place:</b> 4929 6289</p> <p>Free Legal Help <a href="#">guide</a> for the Hunter</p>	
<p>Action Plan Stocktake/Current issues</p>	<p><b>Hunter CLSD Action Plan 2022- 2024 and Regional Profile</b></p> <p>Fines discussion – Christine Francis, Community Engagement Worker WDO Service</p> <ul style="list-style-type: none"> <li>- There are over 3.5 million dollars in overdue fines in the Newcastle area alone.</li> <li>- Top 4 target locations for Christine this financial year are Newcastle, Muswellbrook, Cessnock and Tamworth.</li> <li>- Would like to recruit more sponsors who can offer mentoring and volunteering as these are great activities for young people.</li> </ul>	<p>Christine connect with Will Doran about attending the Youth Interagency to discuss current focus areas and desire to recruit more WDO Providers that can offer mentoring.</p>
<p>Upcoming events</p>	<p><b>CLE about Consent</b></p> <ul style="list-style-type: none"> <li>- Have received requests for community legal education about consent in high school.</li> <li>- Considering as a possible CLSD project.</li> <li>- Legal Aid can book and do workshops assuming that there is interest.</li> <li>- Will noted that getting into schools is tricky. It is important to find the right people who have existing relationships with schools in each area.</li> </ul> <p><b>Raymond Terrace Youth Mental Health Event</b></p> <ul style="list-style-type: none"> <li>- Organised by Hunter CLC and Raymond Terrace Council</li> <li>- The event is still open for more stalls and donations.</li> </ul>	
<p>Next CLSD Hunter meeting</p>	<p>Legal Services only meeting in preparation for the Hunter CLSD Partnership’s regional action plan 2025-2027, more details to be confirmed soon.</p>	