Acknowledgement of Country

We acknowledge the Traditional Custodians of the various lands on which we work today and the Aboriginal and Torres Strait Islander people participating in this webinar.

We pay our respects to Elders past and present and recognise and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.

Survivor Acknowledgement

We also acknowledge all victim survivors of domestic and family violence, including any attending today, and the variety of ways that victim survivors resist violence in overt and covert ways.

We recognise the lives taken as a result of choices to use violence and the need for systems to make profound changes to uphold the safety and dignity of women and children.

We acknowledge the victim survivors who have led and advocated for the criminalisation of coercive control. We note that some people may have worries about these new laws, and we will have a chance to explore these together.

Effective Interventions & Coercive Control Webinar Series

An initiative of NSW GOVERNMENT

Working with Children & Young People Impacted by Coercive Control

CAROLYN JONES

Principal Solicitor

Harm Practice

Youth Law Australia

Youth Law Australia

ACWA Association of Children's Welfare Agencies

CCWT Centre for Community Welfare Training

Wellbeing

The information presented in this webinar may be upsetting or cause concerns for some people. Please keep yourself safe and reach out for support.

Aboriginal and Torres Strait Islander people should also be aware that this webinar may discuss or refer to Aboriginal people who have died.

An initiative of NSW GOVERNMENT

Please Note:

The information presented in this webinar supplements the digital pack and additional resources attached to this presentation. We strongly encourage you to review all available materials. Due to time constraints, we cannot cover all topics related to children and young people

We also wish to acknowledge the profound impact of coercive control on children and young people, regardless of age or developmental stage. Coercive Control tactics significantly influence their development, behaviour, emotions, and relational well-being. This impact, transcends all cultural, religious, and gender intersections.

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What is Coercive Control?

- Coercive control is when someone repeatedly hurts, scares or isolates another person to control them
- It is domestic abuse, and it can cause serious harm
- It is an ongoing and repeated pattern of behaviours
- It includes physical and non-physical behaviours

The key to understanding coercive control:

- It is an assault on autonomy, liberty and equality
- A person aims to dominate and control another person
- It happens in different types of relationships but is a criminal offence in NSW when it involves abuse by a current or former partner who is 18 or older

See: https://www.nsw.gov.au/family-and-relationships/coercive-control

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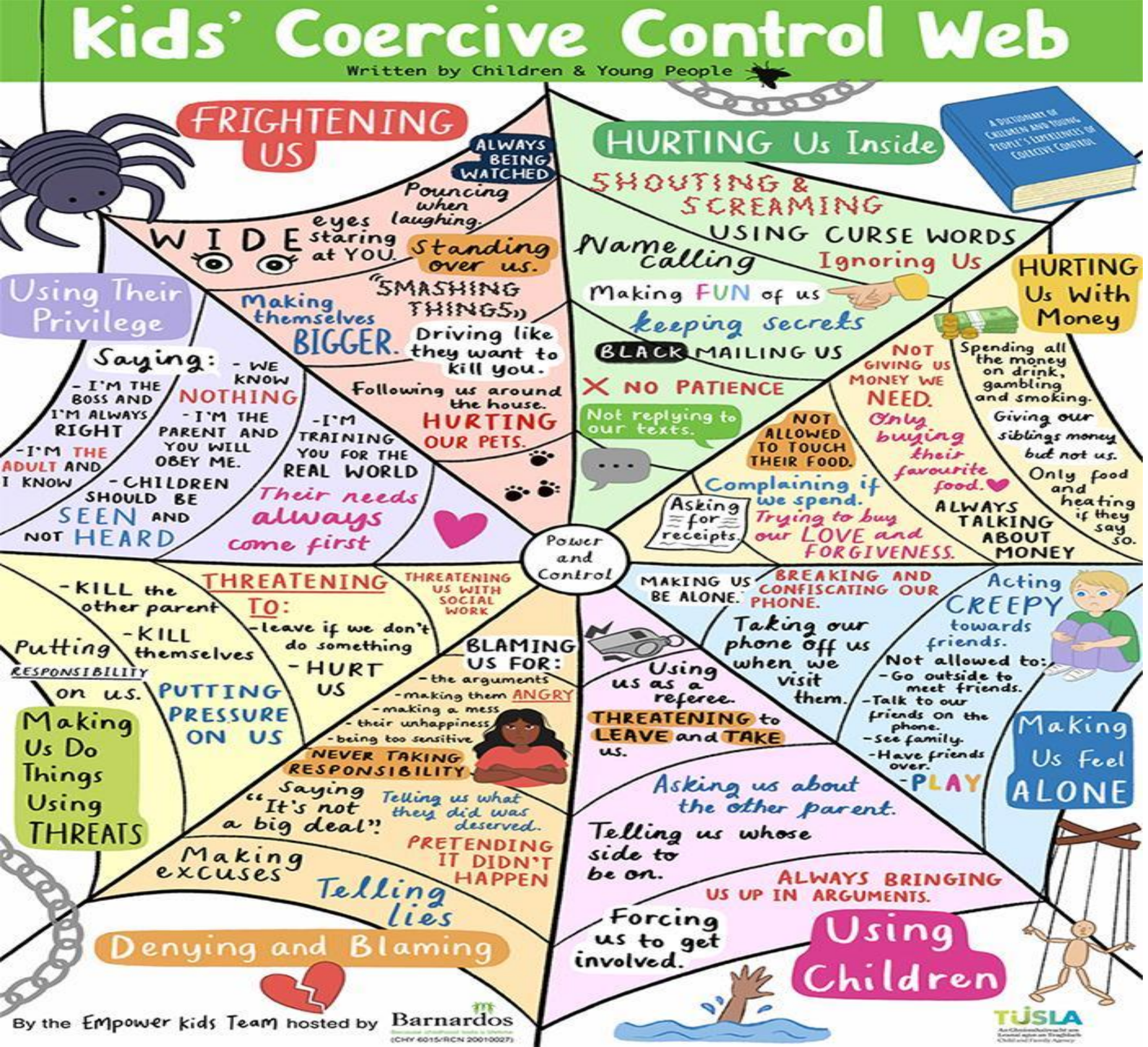

This is an example of the visual material that you are able to access in the resources provided.

This model has been influenced by the Duluth Model and was created by Barnardos. through ”the Empowering Kids Project.

The hope is that all children and young people i(n Ireland) who experience domestic violence and abuse:

- are acknowledged and seen.
- are listened to and have their voices and opinions taken seriously.
- get the help and support they need and can talk about it without feeling embarrassed.
- are asked their opinion on decisions that impact them.

https://changingfutures.ie/news/kids-coercive-control-web

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Children and young people

Are independent and can be victim survivors in their own right. They are impacted by coercive control and need to be heard.

Can be used by perpetrators to extend coercive control e.g. using children to transport tracking devices

May be manipulated and confused to sabotage the mother-child bond e.g. “*mum is so silly don’t listen to her*”

Are at risk of experiencing coercive control in their own intimate relationships

Are less likely to identify technological facilitated abuse and emotional abuse

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Impacts

The impacts of domestic, family and sexual violence on children and young people can be ongoing and lifelong and include ...

- Mental health conditions
- Poor physical health
- Fragmented family relationships
- Increased likelihood of being subjected to or using violence
- Difficulty forming healthy connections with others
- Disrupted ties to faith, community and culture
- Decreased school engagement and educational performance
- Physical injury
- Death caused by a parent (filicide)
- The death of family members through filicide or homicide

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Identifying coercive control in relationships between **young people**

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Lived realities of children and young people

Digital & Social Surveillance

- For many young people, control is exercised through technology. This includes constant monitoring of their location, social media interactions, and private messages, making them feel as though they are under permanent digital supervision

Coercive control in sibling dynamics

- Siblings often experience Coercive Control through various forms of power imbalances, including intimidation, domination, monitoring, or exploitation.
- Unfortunately, these harmful behaviours are frequently normalised or overlooked within the broader family system.

Dual Realities

- There is a critical intersection for children and young people who use violence, as they may also be concurrently experiencing coercive control in their own lives.
- This cycle is often rooted in exposure to adult violence, controlling caregiving environments, or coercion from peers.

Complex dynamics that often fall outside traditional understanding.

- Control often extends into social circles and online spaces that traditional "adult-centric" domestic violence frameworks fail to capture.
- This includes within friendship groups, schools, and gangs. Online spaces are also significant sites for peer-to-peer coercion.

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Voices of Children & Young People

https://youtu.be/Zqo6vonh1Z8?si=8Jx8t6vKbzoo49rU

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Coercive Control Legislation – Crimes Act 1900 Div 6A

Crimes Legislation Amendment (Coercive Control) Act 2022 No.65

From 1 July 2024, coercive control is a criminal offence in NSW when a person uses a course of conduct of abusive behaviours towards a current or former intimate partner with the intention to coerce or control them – Section 54D *Crimes Act 1900 NSW*

The criminal offence captures repeated patterns of physical and non-physical abuse used to hurt, scare, intimidate, threaten or control someone

The law only applies to abusive behaviour that happens after 1 July 2024

Behaviour prior to commencement can be used to provide background and context to a relationship.

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Section 54D: Abusive behaviour towards current or former intimate partners

Section 54D: Abusive behaviour towards current or former intimate partners

(1) An adult commits an offence if—

(a) the adult engages in a course of conduct against another person that consists of abusive behaviour, and

(b) the adult and other person are or were intimate partners, and

(c) the adult intends the course of conduct to coerce or control the other person, and

(d) a reasonable person would consider the course of conduct would be likely, in all the circumstances, to cause any or all of the following, whether or not the fear or impact is in fact caused:

(i) fear that violence will be used against the other person or another person, or

(ii) 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.

Maximum penalty—Imprisonment for 7 years.

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Meaning of 'Abusive Behaviour'

Crimes Act s54F(2) contains a non-exhaustive list of "abusive behaviours". This includes engaging in or threatening to engage in:

- violence or threats against, or intimidation of, a person
- behaviour that shames, degrades or humiliates
- behaviour that causes harm to a child if the person fails to comply with demands
- behaviour that prevents the person from doing any of the following or otherwise isolates the person
  - making or keeping connections with the person's family, friends or culture,
  - participating in cultural or spiritual ceremonies or practice,
  - expressing the person's cultural identity
- behaviour that deprives a person of liberty, restricts a person's liberty or otherwise unreasonably controls or regulates a person's day-to-day activities.

How the new laws impact children and young people

There are various ways that the new laws impact children and young people including:

- Children and young people may experience or use coercive control in many types of relationships e.g. from a parent, carer, relative, partner or peer
- Young people aged 18-25 can be charged with a coercive control offence against a current or former partner of any age
- Young people of all ages can be the victim of a coercive control offence by a current or former partner aged 18 or older
- Children and young people may also be a witness to a coercive control offence against a parent or carer or family member.
- A parent/guardian's use of coercive control against a current or former intimate partner is the main focus of the law. Behaviours used against CYP may be captured as part of the course of conduct'

ADVOs – Links to the Coercive Control Offence

***Crimes (Domestic and Personal Violence) Act 2007* No 80**

- The meaning of 'domestic violence offence' in the CDPV Act includes an offence under section 54D(1)
- Section 16 - Court may make Apprehended Domestic Violence Order allows an ADVO to be obtained if the court is satisfied on the balance of probabilities that a person who has or has had a domestic relationship with another person has reasonable grounds to fear and in fact fears the commission by the other person of a domestic violence offence [s54D coercive control offence] against the person

Additional legislative impacts:

- Police investigative and weapon seizure powers
- Protections for victim survivors giving evidence in court proceedings
- Allowing Victim Impact Statements