



Immigration Advice
and Rights Centre

31 August 2022

Mark Follett
Executive Director
Policy Reform and Legislation Branch
Department of Communities and Justice

Dear Mr Follett,

Crimes Legislation Amendment (Coercive Control) Bill 2022

Thank you for the opportunity to provide submissions on the Exposure Draft of the *Crimes Legislation Amendment (Coercive Control) Bill 2022* ("the Draft Bill").

Immigration Advice and Rights Centre (IARC)

The Immigration Advice and Rights Centre (IARC), established in 1986, is a community legal centre in New South Wales specialising in the provision of advice, assistance, education, training and law and policy reform in Australian immigration and citizenship law.

IARC provides free and independent immigration advice and assistance to vulnerable people in New South Wales. We also produce legal resources such as information sheets and conduct legal education and information seminars for members of the public. Our clients are of low or no income and frequently experience other disadvantages including low level English language skills, disability and past experience of torture, trauma and family and domestic violence.

IARC's work has a special focus on the intersection between family violence and immigration law. In 2021/2022, people experiencing family violence represented almost 30% of our clients and 39% of our services delivered.

IARC's submission

IARC endorses the joint letter from NSW Women's Alliance and Domestic Violence NSW (DVNSW) of August 2022. This joint letter calls for a clear, consistent definition of coercive control; inclusion of non-intimate partner violence within the scope of the offence; and the establishment of an independent implementation taskforce.

Further to that joint letter, we wish to add the following considerations and comments.

Omission of non-intimate partner relationships

The Draft Bill currently limits the offence to conduct committed by an intimate partner. This limitation fails to recognise that coercive control can happen in the context of many different familial relationships. In IARC's experience, we have spoken to clients where the perpetrator is an in-law, parent, adult



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child or other relative. Often the perpetrator is in a position of power, due to being the victim-survivor's visa sponsor or the primary holder of a visa on which the victim-survivor is a dependent.

We understand that the rationale behind limiting the offence to intimate partner relationships is due to evidence that coercive control is a common precursor to intimate-partner homicide. However, coercive control in other non-partner relationships also has significant impacts on the victim which must also be recognised. In IARC's experience, we have seen that coercive control can lead to serious health consequences for victims, including to diagnoses of severe anxiety and severe depression, including suicidal ideation and attempts.

We strongly submit that the offence be expanded to cover coercive control in other familial relationships.

Clear recognition of immigration-related abuse required

The Draft Bill sets out the definition of "abusive behaviour" under the proposed s 54F of the *Crimes Act 1900* and includes a non-exhaustive list of examples. The Draft Bill also sets out the definition of "domestic abuse" under the proposed s 6A of the *Crimes (Domestic and Personal Act) 2007*.

IARC submits that it is unclear whether immigration-related abuse would be identified by Police and practitioners to fall within these definitions. Immigration-related abuse is using a person's status as a non-Australian citizen as a tool to coerce or control. Examples include threatening to withdraw sponsorship for a visa, threatening to report a person to the Department of Home Affairs, claiming that a person will be deported and separated from their children.¹ Many clients IARC has assisted over the years have reported types of immigration-related abuse. Unfortunately, response services (e.g. NSW Police, medical practitioners, etc), have not consistently acknowledged that such threats are a form of family violence and cause fears for the victim-survivor's safety and wellbeing.

IARC submits that an example under s 54F should include immigration-related abuse to make clear to the community that it is a recognised example of coercive control. Likewise, IARC submits that there should be clear guidance to practitioners, including NSW Police, that immigration-related abuse is a form of "domestic abuse."

Limited consultation period

While in principle we welcome measures that may deter any form of family violence, we are concerned that limited consultation period has not allowed for proper and considered input from the community. The Draft Bill attempts to criminalise behaviour that was previously not criminalised. This is a significant change for the whole community. As noted in our previous submission to the Joint Select Committee, it is IARC's experience that women from a culturally and linguistically diverse (CALD) background, particularly those on temporary visas, experience additional and complex barriers to escaping or reporting domestic and family violence (DFV). It is well established that CALD women are less likely to report and may find it more difficult to address or escape, domestic and

¹ Segrave, M. Wickes, R, and Keel, C. (2021) *Migrant and Refugee Women in Australia: The Safety and Security Survey*. Monash University.



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family violence.² We submit that to implement the Draft Bill and criminalise coercive control without proper consultation and subsequent major reforms to the current system that prevents and responds to DFV, will not significantly change the considerable barriers to reporting and safety that women on temporary visas experience.

We thank you for your consideration in this matter and we welcome the opportunity to be included in further consultation regarding the Draft Bill.

Yours sincerely,
IMMIGRATION ADVICE AND RIGHTS CENTRE Inc

Ann Emmanuel
Senior Solicitor

² Department of Social Services - Hearing her voice: kitchen table conversations on violence against culturally and linguistically diverse women and their children, 2015, page 8.



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