

WHAT IS COERCIVE CONTROL?

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Coercive control is a pattern of behaviour within family or intimate partner violence, where perpetrators seek to make a person dependent by isolating them from support, exploiting them, depriving them of independence and regulating their everyday behaviour.

Within the criminal law, the offence is seen as a form of “liberty crime” perpetrated to strip a victim of their autonomy.

Coercive control is a course of conduct offence, that is, it isn’t proven by a singular act but a **pattern of behaviour**.

Changes to definitions

A definition of *domestic abuse* was included, as NSW did not have a statutory definition. This commenced 1 February 2024.

Domestic abuse means any of the following behaviours directed by one person against another person

- violent or threatening behaviour,
- behaviour that coerces or controls the second person,
- behaviour that causes the second person to fear for the person’s safety or wellbeing or the safety and wellbeing of others,

Many of the behaviours described under the meaning of *domestic abuse* fall in the category of *coercive control*.

What can *coercive control* include?

Some examples of coercive control can include:

- Intimidation
- Derogatory taunts
- Isolation from friends and relatives and support services i.e. health practitioners, legal practitioners, counsellors
- Denying financial autonomy / withholding financial support
- Using technology to monitor or track a persons’ communications or movements
- Deciding where, when, who they can see

Coercive Control Law in NSW

The Crimes Legislation Amendment (Coercive Control) Bill 2022 (NSW) created a new criminal offence for *Coercive Control*. The offence commenced on 1 July 2024. This can be found in section 64D Crimes Act 1900 NSW.

The offence creates a crime for a current or former intimate partner exerting coercive control (repeated abusive behaviours) over a current or former intimate partner.

This offence encompasses the pattern of psychological, sexual, spiritual, financial, and other forms of abuse that effects many Australians, however, was previously not included in domestic violence legislation.

The new offence of coercive control will only apply to an adult who uses abusive behaviour repeatedly or continuously against a current or former intimate partner.

The offence will not apply to abusive behaviour against siblings, parents or elders, other relatives or friends. Existing criminal offences will continue to apply to that conduct.

A review of the offence will be conducted after 3 years to determine, among other things, whether the scope of relationships should be expanded.

Effect on ADVOs

The new offence will be deemed a ‘domestic violence offence’ which includes protections for victims that apply only to ‘domestic violence offences’.

For example:

- ADVOs can be sought imposing restrictions/prohibitions against offenders
- Special search, entry and seizure powers for police
- Suspension of firearms licenses and special weapons permits
- Access to support for victims