



New South Wales

Crimes Legislation Amendment (Coercive Control) Bill 2022

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are to amend—

- (a) the *Crimes Act 1900*, to make it an offence for an adult to engage in repeated or continuous abusive behaviour against a current or former intimate partner (the *coercive control offence*), and
- (b) the *Crimes (Domestic and Personal Violence) Act 2007*, to provide that the coercive control offence, and certain offences in relation to domestic abuse, falls within the definition of domestic violence offence for the purposes of that Act, and
- (c) the *Crimes (Sentencing Procedure) Act 1999*, to extend provisions in that Act in relation to victim impact statements to the coercive control offence, and
- (d) the *Criminal Procedure Act 1986*, to provide the coercive control offence must be dealt with summarily unless the prosecutor or person charged elects to have the offence dealt with on indictment.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Crimes Act 1900 No 40

Schedule 1[1] inserts proposed Part 3, Division 6A relating to the coercive control offence.

Proposed section 54D creates the coercive control offence by making it an offence for an adult to engage in a course of conduct consisting of abusive behaviour against a current or former intimate partner. The coercive control offence applies if the adult intends the course of conduct to coerce or control the other person. The coercive control offence is punishable by a maximum penalty of imprisonment for 7 years.

Proposed section 54E includes a defence to the coercive control offence if the course of conduct was reasonable in all the circumstances. The proposed section also provides for evidentiary and other matters in relation to the defence.

Proposed section 54F defines *abusive behaviour* for the purposes of the proposed Division and provides that abusive behaviour is behaviour that consists of or involves—

- (a) violence or threats against, or intimidation of, a person, or
- (b) coercion or control of the person against whom the behaviour is directed.

Proposed section 54G defines a *course of conduct* for the purposes of the proposed Division. A course of conduct means engaging in behaviour repeatedly or continuously and may include behaviour occurring in NSW only or behaviour occurring in NSW and another jurisdiction.

Proposed section 54H sets out procedural requirements for proceedings for the coercive control offence.

Proposed section 54I provides that the Minister must review the proposed Division and table a report on the outcome of the review in each House of Parliament.

Schedule 1[2] inserts a transitional provision to provide that proposed Part 3, Division 6A applies only in relation to behaviour that occurred, or is alleged to have occurred, on or after the commencement of the proposed Division.

Schedule 2 Amendment of Crimes (Domestic and Personal Violence) Act 2007 No 80

Schedule 2[3]–[5] amend the *Crimes (Domestic and Personal Violence) Act 2007* to provide that the following offences are domestic violence offences for the purposes of that Act—

- (a) the coercive control offence,
- (b) an offence, other than a personal violence offence, in which the conduct that constitutes the offence is domestic abuse.

Schedule 2[2] inserts a definition of *domestic abuse*. **Schedule 2[1]** makes a consequential amendment.

Schedule 2[6] inserts a transitional provision to provide that the amendments made to the *Crimes (Domestic and Personal Violence) Act 2007* by the proposed Act apply only in relation to behaviour or an offence that occurred, or is alleged to have occurred, on or after the commencement of the proposed amendment.

Schedule 3 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92

Schedule 3 amends the *Crimes (Sentencing Procedure) Act 1999* to provide for the application of provisions of that Act in relation to victim impact statements for the coercive control offence.

Schedule 4 Amendment of Criminal Procedure Act 1986 No 209

Schedule 4 amends the *Criminal Procedure Act 1986* to provide that the coercive control offence must be dealt with summarily unless the prosecutor or person charged elects to have the offence dealt with on indictment.