

Amendments to the *Crimes (Domestic and Personal Violence) Act 2007*

Tip sheet for lawyers

In November 2022, the NSW Parliament passed the [Crimes Legislation Amendment \(Coercive Control\) Act 2022](#) (the Act). The Act will create a new offence of “abusive behaviour towards intimate partners”, which aims to criminalise coercive control.

The Act makes changes to the *Crimes (Domestic and Personal Violence) Act*, most of which commenced on 1 February 2024. Amendments to the *Crimes Act* and the creation of the new coercive control offence will come later, to commence by 1 July 2024.

Definition of “domestic abuse”

From 1 February 2024, the Act inserts a new section 6A which creates a definition of “domestic abuse”. According to section 6A(1), domestic abuse is behaviour by one person towards another in a domestic relationship¹ which is:

- violent or threatening,
- coercive or controlling, or
- causes the person to fear for their safety or for the safety of others.

Domestic abuse can be a single act or a combination of acts over time. It also extends to behaviour that a child might hear, witness or otherwise be exposed to the effects of.

Section 6A(2) sets out a non-exhaustive list of behaviours which, if engaged in or threatened, may constitute domestic abuse. It includes:

- physical abuse or violence
- sexual abuse, coercion or violence
- economic or financial abuse
- verbal abuse
- shaming, degrading or humiliating a person
- intimidation
- stalking, harassing, monitoring or tracking a person
- damaging or destroying property
- harm to animals
- spiritual abuse
- deprivation or restriction of liberty or unreasonable regulation of a person’s day-to-day activities.

Be aware that this definition is similar but not identical to the definition of “abusive behaviour” which will eventually form part of the new coercive control offence. Despite their similarities, the two definitions operate distinctly from one another.

¹ Note “domestic relationship” is already defined at s 5.

Changes to the meaning of “domestic violence offence”

The Act replaces section 11(1)(c) so that, from 1 February 2024, “domestic violence offence” includes an offence, other than a personal violence offence, in which the conduct that constitutes the offence is **domestic abuse**.

For example, use carriage service to menace/harass/offend contrary to section 474.17(1) of the *Criminal Code* (Cth) or install/use tracking device contrary to section 9 of the *Surveillance Devices Act 2007* may be considered domestic violence offences where the relevant conduct meets the definition of domestic abuse under the new section 6A.

When the new coercive control offence starts, it will also be included within the definition of domestic violence offence.

Interaction with other laws

Where an offence is a domestic violence offence it has consequences for the application of other laws, such as:

- The making of Apprehended Domestic Violence Orders;
- Police powers under Part 6 of the *Law Enforcement (Powers and Responsibilities) Act 2002* to investigate domestic violence offences;
- Protections for complainants in court;
- Sentencing presumptions for domestic violence offences; and
- The requirement to suspend a firearms licence or prohibited weapons permit.

Eligibility for a grant of aid

Legal aid may be available to applicants and defendants in Apprehended Domestic Violence Order (ADVO) proceedings. [Read our ADVO policy.](#)

Legal Aid training

Legal Aid NSW is developing a legal training package on the reforms for lawyers and domestic and family violence specialist workers. This training will be available from May 2024. More information will be available soon.

In the meantime, you can [read about the background to the reforms.](#)