

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

Tip sheet for domestic and family violence specialist workers

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

As part of these reforms there have been changes to the *Crimes (Domestic and Personal Violence) Act*, most of which started on 1 February 2024. Changes to the *Crimes Act* and the creation of the new coercive control offence will come later, to start by 1 July 2024.

Definition of “domestic abuse” – section 6A

From 1 February 2024, there is a new definition of “domestic abuse”. It defines domestic abuse as behaviour by one person towards another in a domestic relationship, 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 includes behaviour that a child might hear, see or otherwise be exposed to the effects of.

The definition includes a list of behaviours which, if engaged in or threatened, can be 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 property
- harm to animals
- spiritual abuse
- deprivation or restriction of liberty or unreasonable regulation of a person’s 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. The abusive behaviour definition will only apply in the context of the criminal offence.

Changes to the meaning of “domestic violence offence” – section 11

There have been changes to the meaning of “domestic violence offence”. Where an offence is a domestic violence offence it has consequences for the application of other laws, including the making of an Apprehended Domestic Violence Order (ADVO).

From 1 February 2024, domestic violence offence includes an offence, other than a personal violence offence (such as assault or stalking/intimidation), in which the conduct that makes up the offence falls within **the new definition of domestic abuse**. This is a small category of offences, but an example might be using a carriage service to menace/harass/offend.

When the new coercive control offence starts, it will also be included within the definition of domestic violence offence. From that point, a final ADVO can be made where the court is satisfied that the person in need of protection has reasonable grounds to fear and in fact fears a coercive control offence will be committed against them.

If an offence is a domestic violence offence it will also trigger:

- 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.

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](#).