

The new coercive control offence

A tip sheet for domestic and family violence specialist workers

Elements of the new offence

From 1 July 2024, there will be a new offence which aims to make coercive control a crime. The prosecution will need to prove, beyond reasonable doubt, that:

- the accused engaged in a **course of conduct** against the complainant, consisting of **abusive behaviour**, and
- at the time, the accused and the complainant were or had been **intimate partners**, and
- the accused intended the course of conduct to **coerce or control** the complainant, and
- **a reasonable person** would consider the course of conduct would be likely, in all the circumstances, to cause:
 - fear that violence will be used against the complainant or another person (e.g. a child), and/or
 - a serious adverse impact on the capacity of the complainant to engage in some or all of their ordinary day-to-day activities

(but the prosecution **does not** have to prove the fear or impact was actually caused).

Top 10 things to know

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| 1 | It isn't actually called 'coercive control' | The offence is called 'coercive control' for short. The full name is 'abusive behaviour towards current or former intimate partners'. |
| 2 | It only covers intimate partners | A person can only be charged with this offence if the victim is or was an intimate partner. This means a person cannot be charged where the victim is another family member, or someone they might be caring for. |
| 3 | It only applies to adults | A person can only be charged with this offence if they were at least 18 years old at the time of the conduct. There are no age restrictions on the victim. |
| 4 | It only applies from 1 July 2024 | If a person is charged with a coercive control offence, police cannot include any incidents that occurred before 1 July 2024 as part of that charge. The relationship history might still be relevant in other ways. |

Where can I find more information?

Further information is available at: [Coercive control - domestic and family violence specialist workers](#)

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| 5 | The prosecutor needs to prove a course of conduct | The prosecutor does not need to prove any specific incidents. They need to prove the accused engaged in a course of conduct as a whole. They will need to specify the time period and the nature of the behaviours. |
| 6 | Where it happened matters | The course of conduct must involve behaviour in New South Wales, but it can also involve some behaviour from another place. |
| 7 | It has a 7-year maximum penalty | This charge has a maximum penalty of 7 years imprisonment. However, most of the time this charge will be heard in the Local Court, where the maximum sentence the court can give for any single offence is 2 years imprisonment. |
| 8 | There is a defence | It is a defence to the charge if the course of conduct was reasonable in all the circumstances. |
| 9 | The victim may not be entitled to support payments | A victim of coercive control will not automatically be entitled to a support payment under the Victims Support Scheme. Depending on the circumstances, a victim of coercive control may be eligible for certain types of payments only. |
| 10 | Bail laws will change | The NSW Government has recently made changes to bail in serious domestic violence cases, including where there is a coercive control charge. Coercive control is a 'show cause' offence, meaning it can be more difficult for a person charged with this offence to get bail. |

Legal Aid NSW has developed a training package on the new offence. If you are a domestic and family violence worker, you can find more training materials on our website: [Coercive control - domestic and family violence specialist workers](#)

The information contained in this tip sheet was current as at September 2024.

Where can I find more information?

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