

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

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](#)

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 will be a 'show cause' offence. Where bail is granted, the accused will ordinarily be subject to electronic monitoring. We do not know yet when these changes to bail will start.

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 June 2024.

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