



Communities  
& Justice

# Exposure Draft Bill

Coercive control

Law Enforcement and Crime Team  
September 2022

# Coercive control – Exposure Draft Bill

- **Joint Select Committee (JSC)** on coercive control (2021) released report – 23 recommendations
- **NSW Government response** supported 17 recommendations and committed to criminalising coercive control in current and former intimate partner relationships in 2022

# Coercive control – Exposure Draft Bill

- NSW Government released an Exposure Draft Bill 20 July 2022
- Bill drew from the findings of the JSC, cognate law in England and Wales and Scotland
- Early consultation undertaken with criminal law specialists prior to release

# Coercive control – Exposure Draft Bill

- Bill proposes five elements for the offence
  1. Adult undertakes **course of conduct**
  2. Abusive **behaviour**
  3. Against current or former **intimate partner**
  4. Adult intends or is reckless as to causing **physical or mental harm**
  5. A reasonable person would consider the course of conduct likely to cause **fear of violence or have a serious impact** on day to day activities
- Defence of reasonable in all of the circumstances
- Bill proposes a definition of domestic abuse for the purposes of the ADVO regime

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- Consultation period - 6 weeks
- NSW DCJ held 27 roundtables/targeted meetings with:
  - DVF, disability, older persons, LGBTQIA+ sectors;
  - Victim-survivors (pending)
  - Aboriginal and Torres Strait Islander women and organisations, including regional (Kempsey and Dubbo)

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- NSW Government received **123** written submissions from members of the public, of which **54 (44%)** from victim/survivor of coercive control – majority supported the Bill
- NSW Government received **70** submissions from stakeholder organisations – mixed support.

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- Main concerns:
  - Timing for consultation insufficient
  - Suggest independent oversight required
  - Limit to intimate partners
  - Misidentification of primary aggressor
  - Concurrent need for police training and culture-change

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- Next steps:
  - NSW Government considers all feedback
  - Introduction of Bill to Parliament (Oct/Nov)
  - Delayed commencement of likely more than 12 months



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Thank you to **all** stakeholders and community members who contributed to the consultation process.