

## Episode 70: Summary

**Episode name:** Prevalent and Insidious: the Sin of Coercive Control

**Guest(s):** Andrew Tiedt

**What area(s) of law does this episode consider?**

The new NSW coercive control criminal offence introduced by the *Crimes Legislation Amendment (Coercive Control) Act 2022* (NSW).

**Why is this topic relevant?**

On 16 November 2022, the *Crimes Legislation Amendment (Coercive Control) Bill 2022* was passed into law in NSW. With the passing of the Bill, NSW became the first Australian state to legislate a specific standalone offence of coercive control.

**What legislation is considered in this episode?**

*Crimes Legislation Amendment (Coercive Control) Act 2022* (NSW)

*Crimes (Personal and Domestic Violence) Act 2007* (NSW)

**What are the main points?**

- Domestic violence offences can be difficult to prosecute because victims can sometimes believe it's "*part of the relationship*" and that it's acceptable.
- The new standalone coercive control offence attempts to make repeated abusive behaviour criminal while ensuring that perfectly harmless behaviour remains lawful.
- This has led to the parliament erring on the side of breadth as opposed to specificity to encourage a commonsense approach to interpreting what is considered abusive behaviour.
- The legislation means that if a person engages in abusive behavior towards a person with whom they are or were an intimate partner, and they intend that conduct to coerce or control the other person, then they commit an offence.
- The offence requires a course of conduct, meaning the abusive behaviour must be engaged in repeatedly or continuously.
- A defence is that, in all the circumstances, the actions were reasonable.

**What are the practical takeaways?**

- Due to the nature of the offence there is unlikely to be any physical evidence of what occurred, such as CCTV.
- The offence is very different from other criminal offences. Most other offences refer to one act - an assault, for example - coercive control refers to a pattern of behaviours or acts.

**Show notes**

[Australian Bureau of Statistics, \*Personal Safety Survey, 2016\*](#)

[Australian Institute of Criminology, \*Intimate partner violence during the COVID-19 pandemic: A survey of women in Australia, October 2021\*](#)

[Australian Institute of Criminology, \*Statistical Bulletin 30\*, March 2021](#)

[Joint Select Committee on Coercive Control, \*Report\*, June 2021](#)

[NSW Bureau of Crime Statistics and Research, \*Domestic Violence Statistics for NSW\*, December 2021](#)

[UK Home Office, \*Review of the Controlling or Coercive Behaviour Offence\*, March 2021](#)