



New South Wales

# Crimes (Domestic and Personal Violence) Amendment (Coercive Control—Preethi’s Law) Bill 2020

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Crimes (Domestic and Personal Violence) Act 2007* to create an offence of engaging in conduct that constitutes coercive control in a domestic relationship.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

## Schedule 1      **Amendment of Crimes (Domestic and Personal Violence) Act 2007 No 80**

**Schedule 1** proposes to insert new sections 14A–14D. **Proposed section 14A** creates an offence of engaging in conduct that constitutes the coercive control of another person with whom the person has, or has had, a domestic relationship (*coercive control*). The offence carries a maximum penalty of imprisonment for 5 years or a fine of \$5,500, or both. The provision also sets out conduct that constitutes the coercive control of another person.

**Proposed section 14B** creates an offence of coercive control in circumstances of aggravation. That offence carries a maximum penalty of imprisonment for 10 years or a fine of \$13,200, or both.

**Proposed section 14C** extends the application of proposed sections 14A and 14B to conduct that occurs outside NSW.

**Proposed section 14D** creates a defence of reasonableness.



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# Crimes (Domestic and Personal Violence) Amendment (Coercive Control—Preethi’s Law) Bill 2020

No. \_\_\_\_\_, 2020

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## A Bill for

An Act to amend the *Crimes (Domestic and Personal Violence) Act 2007* to create an offence of engaging in conduct that constitutes coercive control in a domestic relationship.

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**The Legislature of New South Wales enacts—**

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**1 Name of Act**

2

This Act is the *Crimes (Domestic and Personal Violence) Amendment (Coercive Control—Preethi’s Law) Act 2020*.

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**2 Commencement**

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This Act commences on the date of assent to this Act.

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<b>Schedule 1</b>	<b>Amendment of Crimes (Domestic and Personal Violence) Act 2007 No 80</b>	1
		2
<b>Sections 14A–14D</b>		3
Insert after section 14—		4
<b>14A Coercive control</b>		5
(1)	A person must not engage in conduct that constitutes the coercive control of another person with whom the person has, or has had, a domestic relationship. Maximum penalty—Imprisonment for 5 years or 50 penalty units, or both.	6 7 8
(2)	For the purposes of this section and section 14B, conduct that constitutes the coercive control of another person is conduct that has, or is reasonably likely to have, one or more of the following effects—	9 10 11
(a)	making the other person dependent on, or subordinate to, the person,	12
(b)	isolating the other person from friends, relatives or other sources of support,	13 14
(c)	controlling, regulating or monitoring the other person’s day-to-day activities,	15 16
(d)	depriving the other person of, or restricting the other person’s, freedom of action,	17 18
(e)	depriving the other person of, or restricting the other person’s, access to support services, including the services of health practitioners and legal practitioners,	19 20 21
(f)	frightening, humiliating, degrading or punishing the other person.	22
(3)	Conduct may have, or be reasonably likely to have, an effect referred to in subsection (2) on a person even if the conduct is directed at a third person, including a child, relative or friend of the person, or a companion animal owned by or in the possession of the person.	23 24 25 26
(4)	In this section, <i>companion animal</i> has the same meaning as in the <i>Companion Animals Act 1998</i> .	27 28
<b>14B Aggravated coercive control</b>		29
(1)	A person who engages in conduct that constitutes the coercive control of another person with whom the person has, or has had, a domestic relationship in circumstances of aggravation is guilty of an offence. Maximum penalty—Imprisonment for 10 years or 120 penalty units, or both.	30 31 32 33
(2)	A person commits an offence in <i>circumstances of aggravation</i> if—	34
(a)	all or part of the conduct that constitutes the coercive control of another person—	35 36
(i)	is directed at a child of the other person, or	37
(ii)	makes use of a child of the other person in directing the conduct at the other person, or	38 39
(iii)	takes place in the presence or hearing of a child of the other person, and	40 41
(b)	the conduct has, or is reasonably likely to have, a serious adverse effect on the child.	42 43

<b>14C</b>	<b>Geographical application of sections 14A and 14B</b>	1
(1)	A person commits an offence under section 14A or 14B if—	2
(a)	the person engages in conduct outside the State that constitutes the offence, and	3 4
(b)	apart from this section, the conduct would have constituted the offence had it been done within this State, and	5 6
(c)	the offence involves conduct that has, or is reasonably likely to have, one or more of the effects set out in section 14A(2) on a person residing within the State.	7 8 9
(2)	A person who commits an offence by the operation of this section may be dealt with, and is liable to the same punishment, as if the person had committed the offence within the State.	10 11 12
(3)	If an offence under section 14A or 14B involves conduct that has, or is reasonably likely to have, one or more of the effects set out in section 14A(2) on a person residing within the State, a geographical nexus between the State and any other element of the offence is not required.	13 14 15 16
(4)	The other provisions of this Act, the provisions of other Acts and the common law, in so far as these are applicable, apply to an offence to which this section applies as if it had been committed within the State.	17 18 19
(5)	This section is in addition to and does not derogate from any other basis on which the courts of the State may exercise criminal jurisdiction.	20 21
<b>14D</b>	<b>Defence of reasonableness</b>	22
	In criminal proceedings brought against a person for an offence under section 14A or 14B, it is a defence that the conduct was reasonable in the particular circumstances.	23 24 25