

2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Leanne Castley)

Crimes (Coercive Control) Amendment Bill 2024

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(Leanne Castley)

Crimes (Coercive Control) Amendment Bill 2024

A Bill for

An Act to amend the *Crimes Act 1900*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Crimes (Coercive Control) Amendment Act 2024*.

3 **2 Commencement**

4 This Act commences 12 months after its notification day.

5 *Note* The naming and commencement provisions automatically commence on
6 the notification day (see [Legislation Act](#), s 75 (1)).

7 **3 Legislation amended**

8 This Act amends the *Crimes Act 1900*.

9 *Note* This Act also amends the following legislation (see sch 1):

- 10 • [Bail Act 1992](#)
- 11 • [Working with Vulnerable People \(Background Checking\) Act 2011](#).

12 **4 Offences against Act—application of Criminal Code etc**
13 **Section 7A, note 1, new dot point**

14 *insert*

- 15 • s 35AAA (Coercive control of partner or former partner)

16 **5 New sections 35AAA and 35AAB**

17 *after section 35, insert*

18 **35AAA Coercive control of partner or former partner**

19 (1) A person commits an offence if—

20 (a) the person engages in a course of conduct consisting of abusive
21 conduct against the person’s partner or former partner; and

22 (b) the person intends the course of conduct to coerce or control the
23 partner or former partner; and

- 1 (c) a reasonable person would consider the course of conduct likely
2 to result in—
- 3 (i) fear that violence will be used against the partner or former
4 partner or another person; or
- 5 (ii) a serious adverse effect on the capacity of the partner or
6 former partner to engage in some or all of their ordinary
7 day-to-day activities.
- 8 Maximum penalty: imprisonment for 7 years.
- 9 (2) Strict liability applies to subsection (1) (c).
- 10 (3) Subsection (1) does not apply if the course of conduct was reasonable
11 in all the circumstances.
- 12 *Note* The defendant has an evidential burden in relation to the matters
13 mentioned in s (3) (see [Criminal Code](#), s 58).
- 14 (4) For subsection (1) (a)—
- 15 (a) a course of conduct may consist of abusive conduct if it consists
16 of any combination of incidents of conduct, each of which is
17 abusive conduct; and
- 18 (b) whether a course of conduct consists of abusive conduct must
19 be assessed by considering the totality of the conduct.
- 20 (5) For a person to be found guilty of an offence against subsection (1),
21 the trier of fact must be satisfied beyond reasonable doubt that the
22 evidence establishes a course of conduct that consists of abusive
23 conduct.
- 24 (6) However—
- 25 (a) the prosecution is not required to allege the particulars for any
26 specific incident of abusive conduct to the extent necessary if
27 the incident were charged as a separate offence; and

- 1 (b) the trier of fact is not required to be satisfied of the particulars
2 of any specific incident of conduct alleged to form part of the
3 course of conduct of which it would have to be satisfied if the
4 incident were charged as a separate offence; and
- 5 (c) if the trier of fact is a jury—the members of the jury are not
6 required to be satisfied about the same incidents of conduct
7 alleged to form part of the course of conduct.
- 8 (7) In a charge for an offence against subsection (1), the prosecution is
9 required to allege—
- 10 (a) the nature of the conduct that amount to the course of conduct;
11 and
- 12 (b) particulars of the period of time over which the course of
13 conduct took place.
- 14 (8) In a prosecution for an offence against subsection (1), it is not
15 necessary to prove—
- 16 (a) that the person intended each incident of abusive conduct in the
17 course of conduct to coerce or control the person’s partner or
18 former partner; or
- 19 (b) that a result mentioned in subsection (1) (c) actually occurred.
- 20 (9) In this section:
- 21 ***abusive conduct*** means actual or threatened conduct, against a
22 person, of any of the following kinds:
- 23 (a) physical violence or abuse;
- 24 (b) coercion to engage in sexual activity;
- 25 (c) reproductive coercion;
- 26 (d) economic abuse of the person;
- 27 (e) verbal abuse;
- 28 (f) conduct that shames, degrades or humiliates the person;

- 1 (g) harm to a child or anyone else if the person does not comply
2 with a demand;
- 3 (h) harm to an animal if the person does not comply with a demand;
- 4 (i) self-harm or suicide, for the purpose of tormenting, intimidating
5 or frightening the person;
- 6 (j) damaging property;
- 7 (k) isolating the person from their family or friends;
- 8 (l) preventing the person from engaging in their cultural or
9 religious practices, or isolating the person from their cultural or
10 religious identity;
- 11 (m) restricting or depriving the person of their liberty or
12 unreasonably controlling or regulating their activities;
- 13 (n) stalking;
- 14 (o) harassment;
- 15 (p) unauthorised or unreasonable surveillance, monitoring or
16 tracking of the person's activities, communications or
17 movements (whether by following the person, using technology
18 or in any other way);
- 19 (q) unreasonable disclosure of personal information about, or an
20 image or recording of, the person;
- 21 (r) making false claims to harm the person's reputation;
- 22 (s) any other family violence against the person.
- 23 **conduct** means an act or an omission to do an act.
- 24 **course of conduct** includes any of the following:
- 25 (a) repeated conduct, or continuous conduct, or both;
- 26 (b) a series of incidents of conduct occurring over time that do not
27 occur in immediate succession.

1 *economic abuse*—see the *Family Violence Act 2016*, section 8 (3).

2 *intimate partner*—see the *Family Violence Act 2016*, section 10.

3 *partner or former partner*, of a person, means—

4 (a) the person’s domestic partner or former domestic partner; or

5 (b) the person’s intimate partner or former intimate partner.

6 **35AAB Review—coercive control**

7 (1) The Minister must—

8 (a) review the operation and effectiveness of section 35AAA as
9 soon as practicable after the end of 2 years after this section
10 commences; and

11 (b) present a report of the review to the Legislative Assembly before
12 the end of 3 years after this section commences.

13 (2) This section expires 4 years after it commences.

Schedule 1 Consequential amendments

(see s 3)

Part 1.1 Bail Act 1992

[1.1] Schedule 1, part 1.1, new item 4A

insert

4A	35AAA (1)	coercive control of partner or former partner
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Part 1.2 Working with Vulnerable People (Background Checking) Act 2011

[1.2] Schedule 3, part 3.2, new item 37A and heading

insert

Coercive control			
37A	Crimes Act , s 35AAA (1)	coercive control of partner or former partner	offence against vulnerable person

[1.3] Schedule 3, part 3.3, new item 39A and heading

insert

Coercive control			
39A	Crimes Act , s 35AAA (1)	coercive control of partner or former partner	offence other than against vulnerable person

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 25 June 2024.

2 Notification

Notified under the [Legislation Act](#) on 2024.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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