

Legal definition of ‘domestic abuse’

Factsheet

What changes are being made to the law?

The NSW Government is introducing a legal definition of ‘domestic abuse’ from 1 February 2024.

The law will state ‘domestic abuse’ is any behaviour (including actions) in a domestic relationship that:

- is violent
- is threatening
- is coercive or controlling
- makes a person fear for their own safety or the safety of others.

The definition will be inserted into the *Crimes (Domestic and Personal Violence) Act 2007*.

Why is a legal definition being introduced?

The definition will help people understand what behaviour is domestic abuse and support people to identify domestic abuse. It will clarify that domestic abuse is more than physical violence.

The definition will also work with existing laws that respond to domestic and family violence. When a behaviour involved in a criminal offence is also domestic abuse, it will be a ‘domestic violence offence.’

There are legal protections and powers available to respond to domestic violence offences, including Apprehended Domestic Violence Orders (ADVOs), Police investigative powers, procedural protections for complainants and sentencing presumptions.

For an Apprehended Domestic Violence Order to be made, it must be shown that there is fear of a domestic violence offence on reasonable grounds.

The definition of domestic abuse does not change this requirement.

The definition of domestic abuse operates separately from the coercive control offence, which will come into effect in July 2024. The definition of domestic abuse aims to assist the community or a police officer to identify conduct that may be a domestic violence offence for the purposes of seeking a domestic violence order against someone.

What behaviours will be covered under the definition?

The legal definition of domestic abuse will cover many different types of behaviour. It can involve a single behaviour, or repeated behaviours. Some examples include:

- Deliberately harming a person’s mental health or emotional wellbeing e.g., constantly insulting and criticising someone.

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- Shaming, humiliating or belittling someone e.g., sharing private information about them or making jokes that harm their self-esteem and dignity.
- Using violence to hurt, control or intimidate someone e.g., physically hurting a person in any way, throwing or breaking things, or driving recklessly to make someone feel unsafe.
- Making threats e.g., threatening to withdraw visa sponsorship, **threatening to take a child out of the country.**
- Isolating someone from their friends, family and community e.g., taking away their phone so they can't contact family and friends.
- Limiting someone's freedom and independence or controlling their day-to-day choices e.g., making rules about what they can wear or preventing the person from leaving the house or going out alone.
- Controlling or limiting someone's access to money or their ability to make money e.g., not allowing them to work outside the home to earn money.

What types of relationships are covered by the definition?

The legal definition of domestic abuse will apply where people are or have been:

- in an intimate personal relationship (including being married or in a de facto relationship), whether or not the relationship was of a sexual nature
- in an intimate relationship, marriage or de facto relationship with the same person (for example, a person's ex-partner and current partner would have a domestic relationship with each other at law, even if they had never met)
- living in the same household
- living in long-term residential facilities such as aged care homes
- dependent in paid or unpaid caring relationships
- relatives (i.e. are family)
- for Aboriginal and Torres Strait Islander people, extended family or kin according to the Indigenous kinship system of the person's culture.

Where can I find more information?

Learn about the law at <https://legislation.nsw.gov.au/view/html/inforce/current/act-2007-080>

Learn about coercive control at www.nsw.gov.au/coercive-control

Get help

If you are in immediate danger, call the Police on [Triple Zero \(000\)](tel:000).

If you're experiencing domestic abuse, contact 1800RESPECT on 1800 737 732 or visit 1800respect.org.au for support.

If you're worried about your behaviour, contact Men's Referral Service on 1300 766 491 or visit www.ntv.org.au/mrs for support.

Learn more about how to get help at <https://www.nsw.gov.au/family-and-relationships/coercive-control/get-help>.