

Criminal Law Consolidation (Coercive Control) Amendment Bill 2023



**Government of
South Australia**

Presented by Legislative Services, Attorney-General's Department
and the Office for Women, Department of Human Services

Support services

If you or someone you know is experiencing coercive control or domestic violence, there is confidential support available.

**South Australian Domestic
Violence Crisis Line**
1800 800 098 (24 hours)

1800RESPECT
1800 737 732 (24 hours)

The Government is committed to making
coercive control a crime and has
prepared the **Criminal Law
Consolidation (Coercive Control)
Amendment Bill 2023** for community
consultation.

About the Bill

- The Bill creates a new crime of coercive control in intimate partner relationships, which will be punishable by up to 7 years imprisonment.
- The offence will be placed in South Australia's major criminal statute, the *Criminal Law Consolidation Act 1935*.
- The Bill is a draft version and is subject to potential changes based on the feedback given by the community.

Language

- In this presentation:
 - **Perpetrator** = the person inflicting or allegedly inflicting coercive control
 - **Victim** = the person subject to or allegedly subject to coercive control

What is Coercive Control?

Coercive control is a type of abuse that involves **deliberately trying to control another person's behaviour through fear, intimidation or manipulation.**

Facts about Coercive Control

- Not all abusive relationships involve coercive control, but many do, and it is a very serious and often undetected type of abuse
- Coercive control can happen to anyone regardless of gender, sexual orientation or cultural background.
- Coercive control is never the victim's fault.

Building a crime

Every crime is made up of '**elements**' – things the Government must prove before a person can be convicted of that crime.



Action

What the perpetrator did



Intent

The perpetrator's state of mind at the time of the action

Example: Murder

Action – The perpetrator did something that caused the death of the victim

Intent – The perpetrator intended the victim to die

How does the Bill define coercive control?

- **The action:** the perpetrator engaged in a course of behaviour that had a controlling impact on another person.
- **The intent:** The perpetrator did the behaviour because they wanted to control the victim, or because they wanted to cause the victim serious apprehension or fear.
- **The effect:** the controlling impact is serious.
- **The relationship:** The victim is a current or former spouse, domestic partner, or intimate partner of the perpetrator.

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The action – behaviour with a controlling impact

A controlling impact is when the behaviour directly or indirectly restricts the victim's:

- freedom of movement
- freedom of action
- ability to engage in social, political, religious, cultural or economic activities.

The action – behaviour with a controlling impact

A controlling impact is when the behaviour directly or indirectly restricts the victim's:

- ability to make choices with respect to their body, including:
 - choices in relation to their reproductive options
 - medical treatment
 - sexual activity.

The action – behaviour with a controlling impact

A controlling impact is when the behaviour directly or indirectly restricts the victim's:

- ability to access—
 - basic necessities (including water, sleep, food or hygiene)
 - support services (including services provided by registered health practitioners or legal practitioners)
 - their place of residence or any property they own.

What behaviours can have a controlling impact?

- The Bill does not limit the kind of behaviours that might be found to have a controlling impact.
- Whether a course of behaviour has a controlling impact must be determined by considering **the impact of the behaviours as a whole**.
- Many different kinds of behaviour can work together to have a controlling impact.

Examples - behaviours with controlling impact

- Threats
- Frightening or punishing behaviours (including against children)
- Anger and blame
- Verbal abuse and shaming
- Manipulation
- Taking or damaging property
- Monitoring



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Defence – Reasonable behaviour

- A charge of coercive control can be defended by proving that the behaviour was **reasonable** in the circumstances.
- This might be needed if someone restricted their partner's behaviour in order to:
 - Keep themselves or someone else safe; or
 - Protect their financial security.

Special protections for victims in court

- Giving evidence via videolink
- Having a screen placed between them and the alleged perpetrator
- Being accompanied by a support person
- Extra breaks while giving evidence
- Ban on direct cross-examination by alleged perpetrator

Next steps



How to get involved



Provide written feedback **via email** to:
LLPSubmissions@sa.gov.au

yourSAy

Take the **survey** through YourSAy:
www.yoursay.sa.gov.au/coercive-control

Consultation ends on **10 October 2023**

What happens after consultation?



Consideration
of consultation
feedback

Changes to
Bill (if
required)

Introduction
to
Parliament

After passing the Bill

- Once the Bill is passed, the Government will set a date for it to start operating
- The Government intends to review the coercive control offence after it has been operating for **three years**

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Questions?



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Take our survey



yourSAy

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