# Legal definition of ‘domestic abuse’

## Factsheet for people working with children and young people

## 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.

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| 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.

## Children and young people experience domestic abuse in different ways

Coercive control can have serious impacts on children and young people, whether directed at them or used against their parent or carer. Young people also experience violence, threats, control and fear from parents and caregivers.

When a child’s parent or caregiver is experiencing abuse, the child doesn’t just witness it, they may also experience the violence, threats, control and fear.

Young people are also at risk of experiencing coercive control in their own intimate relationships. Research indicates that young people may be less likely to identify technology facilitated abuse such as harassing through text messages or bullying online, and some types of emotional abuse, than other types of abusive behaviour.

## 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.
* 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.
* Isolating someone from their friends, family and community, for example stopping someone from seeing friends or family
* Pressuring, tricking, threatening, or forcing someone into any type of sexual activity.
* Monitoring or tracking a person’s activities, communications or movements, by physically following them or using technology, or harassing them in any other way. For example texting or calling excessively and demanding the other person reply immediately and/or accessing a person’s emails, text messages and social media to monitor their activities, relationships, behaviour and location.
* Exposing a child to domestic abuse – e.g. belittling, criticising, shaming, humiliating, threatening or hurting a parent or caregiver in front of their child, not allowing a parent or carer to care for a child, or asking a child to monitor or spy on a parent or carer, or participate in abusing them.
* Using a parent or caregiver’s emotional bond with a child to control or intimidate them.
* Making threats, for example threatening to take a child out of the country or sending wife/partner on temporary visa back to her country withholding the child (who is Australian citizen).
* Abusing the parent or caregiver in front of the child so they see, hear and experience the abuse. Other forms of abusive behaviour aimed at the child directly, including threats, humiliation, monitoring, and physical abuse of the child.

## What types of relationships are covered by the definition?

The definition of ‘domestic abuse’ will apply where two people are or have been:

* relatives (i.e. family)
* living in the same household
* dependent in paid or unpaid caring relationships
* in an intimate personal relationship, whether or not the relationship was of a sexual nature, or married or in a de facto relationship
* 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 long-term in the same residential facility
* for Aboriginal or Torres Strait Islander people, extended family or kin.

## Mandatory reporting of suspected child abuse

[Mandatory reporters](https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/about) are required by law to report suspected child abuse and neglect to government authorities. Mandatory reporters include teachers, sports coaches, youth workers, counsellors and psychologists, among other occupations. The definition of ‘domestic abuse’ will not change the legal responsibility to report child abuse or neglect if you are a mandatory reporter.

## Where can I find out more?

You can find out **more about the law** at <https://legislation.nsw.gov.au/> by searching ‘*Crimes (Domestic and Personal Violence) Act 2007’*

You can find out **more about coercive control** at <https://www.nsw.gov.au/family-and-relationships/coercive-control>

## Get help

Contact Kids Helpline on 1800 55 1800 for support for children and young people aged 5 to 25.

Contact Headspace on 1800 650 890 or visit <https://headspace.org.au/> for counselling for young people aged 12 to 25.

Contact Youth Law Australia on 1800 950 570 or visit <https://yla.org.au/> for legal help for young people aged under 25.

Contact 1800RESPECT on 1800 737 732 or visit [1800respect.org.au](https://justicensw-my.sharepoint.com/personal/natasha_greenwood_justice_nsw_gov_au/Documents/Downloads/1800respect.org.au) for support.

Contact Men’s Referral Service on 1300 766 491 for support for men who use violence to change their behaviour.

If you are in immediate danger, call the Police on Triple Zero (000).

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