

YourSay consultation results

Criminal Law Consolidation (Abusive Behaviour) Amendment Bill 2021

The Government received a substantial number of responses to its consultation on the *Criminal Law Consultation (Abusive Behaviour) Amendment Bill 2021*.

Overall response

Respondents – many of whom are survivors of abuse - generally thought the Bill recognises serious abusive behaviours that are not currently covered by the criminal law.

Most people thought criminalisation was a good way to address the issue.

Respondents felt the Bill would be judged on its implementation and supporting measures, noting the difficulty in obtaining evidence of the offending. Supports for victims, so they felt confident in speaking out and reporting matters, was seen as a high priority, which would require programs to help people working in the justice system understand and identify domestic abuse and coercive control, and to understand the effects of trauma. It will also need to be accompanied by community awareness programs and education on coercive control.

Technical issues

There was concern that the definitions were too general, and more precise definitions were needed to cover the broad range of ways in which this abuse may occur.

As a result, the scope of abusive behaviour was expanded to cover a range of behaviours, including harassing

behaviours, online stalking, control of diet, threats to harm animals, and removing access to support services (such as disability support services).

In response to other concerns, amendments were made to the nature and operation of the available defences, including the removal of a defence of consent.

Respondents also noted that victims of abuse may be impacted by abusive behaviour in different ways.

Many were of the view that the offences detailed could be applied in relationships outside the family context, and could be present in other dependent relationships.

A number of submissions also highlighted the importance of protecting children from witnessing or being exposed to this kind of abusive behaviour.