



# Submission cover sheet

## **Inquiry into the Crimes (Coercive Control) Amendment Bill 2026**

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Submitter: Domestic Violence Crisis Service

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Domestic Violence Crisis Service

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# Submission to Inquiry into Crimes (Coercive Control) Amendment Bill 2026

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Thank you for the opportunity to provide feedback on the Crimes (Coercive Control) Amendment Bill 2026 (the Bill). Domestic Violence Crisis Service (DVCS) commends the ACT Government for its ongoing focus on improving responses to domestic and family violence and holding perpetrators of violence accountable.

Coercive control is a pattern of abusive behaviours and tactics used by a perpetrator of family violence to gain power and control over a victim survivor. The ACT Family Violence Death Review report showed that clear, ongoing patterns of coercive control were present in nearly all of the deaths analysed, demonstrating that high level of coercive control is a clear risk factor for lethality.

Current system responses to coercive control are inadequate. It is DVCS' position that a whole of system response is needed to meaningfully and safely improve system responses to coercive control and family violence, including education that targets the attitudes and beliefs that underly the societal norms which enable violence to go unresponded to, ensuring cultural change within the systems which are supposed to respond to violence in our community, and appropriate resourcing of crisis response, support and legal advocacy services.

This Bill alone is unlikely to generate this level of change, and without this broader system change, it risks causing further harm to victim survivors and enable weaponisation of systems by those using violence.

### Prioritise cultural change across the system

The police, legal and justice systems are not currently equipped to deal with the complexity around coercive control, nor do they recognise or respond consistently using the tools available to them now. The legal and justice system is directed towards individual incidents of violence, not patterns of fear and control. In our work, we see women's experiences of fear, intimidation and control being dismissed or unrecognised by police, statutory child protection systems and the justice system. First Nations women already experience racism, marginalisation and poor system responses when they engage with the justice system and extremely high rates of removal of First Nations children, leading to an understandable fear of engaging with police. Introduction of coercive control risks further criminalisation of First Nations victim-survivors, and acting as a further barrier to reporting and seeking support. Police are also known to dismiss reports of family violence experienced by trans and gender-diverse people and people in same-sex relationships, or to fail to recognise the pattern of violence in LGBTQIA+ relationships both in the context of intimate partner violence and family violence.

Effective response to coercive control will require cultural change across the system, which can only occur if there is change in the context for judicial response and within the judicial system. This transformation will require investment and commitment.

Comprehensive and ongoing training for all key professionals (police, legal professionals, judicial officers, and other professionals working within the criminal legal system) will be required to support the implementation of the Bill. But training on the content of legislative changes is insufficient when this legislation represents an entirely new way of policing and prosecuting, being contextual rather than incident based. Broader cultural and systems reform requires much more than training. It requires, for example:

- training designed and delivered by external experts
- accountability frameworks to effectively respond to systemic racism, sexism and other forms of discrimination;

- accountability frameworks to ensure the accurate identification of the person most in need of protection;
- regular independent auditing of policing of sexual, domestic and family abuse and the publishing of such reports to help promote continuous improvement and build public confidence in policing of sexual, domestic and family abuse;
- an effective rollout and ongoing training and support of multi-agency screening and risk assessment framework and associated tools;
- significant whole workforce development ;
- significant improvements to the criminal legal system;
- whole of systems response.

### Address the risk of misidentification

Misidentification of the predominant or primary aggressor by police, judiciary and statutory child protections services remains a serious issue with harmful consequences for victim survivors. There are several reasons why misidentification occurs, including perpetrator's manipulation and abuse of the system, misinterpretation and judgements about a victim survivor's presentation and characteristics including how a victim survivor "should" behave, and a victim survivor's use of self-defence or resistance, often in the context of extensive coercive control.

First Nations women are at higher risk of being misidentified as perpetrators of violence, which as well as impacting their safety can lead to criminalization, incarceration and removal of children. Women with disability and women from a culturally diverse background can also experience misidentification, especially where communication barriers impact their engagement with police, or perpetrators weaponise their vulnerabilities to manipulate the system. There is a risk criminalisation of coercive control will result in more misidentification. Changes to the system could amplify the risks of persons using violence identifying themselves as the victim and erode systems trust for survivors subjected to their violence.

The Bill does not address the underlying root causes of misidentification. If the root causes of misidentification are not addressed through cultural and systems reform, the issue of misidentification will remain. This is why cultural and systems reform is so important. Additional systems responses like statutory child protection risk the further imbedding of misidentification within a broader system creating ongoing generational harm and systems engagement.

This bill does not resolve the ongoing impact or systems harm for those experiencing domestic and family violence and can create further opportunity for systems harm and as such makes it imperative that the work is done to safeguard against this risk with ongoing evidence based education and training available, independent review mechanisms are in place for individual circumstances and ongoing monitoring and evaluation of those systems are in place.

### Support scope of Bill

DVCS is supportive of the extension of the Bill to coercive control of family members (as defined in the Family Violence Act 2016). This is a broader scope than in several other Australian jurisdictions, reflective of the wide range of family relationship within which coercive control occurs, including from adult child to parent, parent to child, between siblings.

### Clearly articulate role of Advisory Committee

DVCS strongly welcomes the establishment through the legislation of a Coercive

Control Advisory Committee. We do not think it necessary that membership of the Advisory Committee or Expert Reference Group is articulated in the legislation. We do think these forums need representation from victim-survivors, specialist family violence services, police, people with legal expertise and groups likely to be disproportionately impacted, particularly First Nations people and people with disability.

We note the provisions in the NSW legislation are much more detailed about the role and expectations of the Implementation and Evaluation Taskforce, including:

- Consulting with stakeholders
- Providing advice about monitoring, training, education and resourcing
- Evaluate implementation of the coercive control offence and resourcing in relation to it
- Monitoring operation of the legislation.

Without this level of detail, we are concerned the Advisory Committee could be focused only on certain aspects of the bill, and not, for example, be allowed to focus on evaluation and resourcing questions.

### Evaluate impact of intent provisions

We note that the offence will require a mental element of intent. This is consistent with other Australian jurisdictions. Some international jurisdictions, including Scotland and England include a mental element of recklessness, where someone is reckless as to whether the course of conduct coerces or controls the family member.

DVCS is not a legal or drafting expert so our ability to comment on the legal implications of these elements is limited. We refer the committee to expertise of our partners and colleagues at Women's Legal Centre and the Office of the Director of Public Prosecutions.

We understand there might be additional risks in a recklessness threshold, including for vulnerable people already at risk of misidentification and over-criminalisation. We would however suggest that institutional reform and cultural change is appropriate to safeguard from this, not the drafting of bills in a way that seeks to limit damage once misidentification occurs but creates weakening accountability for those who are not misidentified

At minimum we would encourage the Government to make the question of intent, and its impact on matters where charges are brought and eventually convictions handed down, a central question of the evaluation and the Advisory Committee. We can foresee situations where DVCS clients are experiencing high levels of coercive control, including monitoring, limits on movements and association with friends and family, financial control etc, but the intent threshold is unable to be proven.

There is also the approach of using intent as the threshold for the action undertaken by the person using violence and recklessness the outcome of that action. We believe this has been explored in submission from the ODPP and would welcome this as an approach which maintains a level of safeguard for those who may be misidentified as primary aggressor.

### Ensure maximum penalty of 7 years does not delay justice

The maximum penalty of seven years is in line with some other Australian jurisdictions, We are concerned that this means matters could all end up in the Supreme Court, which could delay matters resolving and prolong system demands from victim survivors. We would welcome inclusion in the legislation which enables matters to be resolved in the

Magistrates Court summarily where appropriate.

### Resource across the system

It is likely the criminalisation of coercive control will increase community demand for specialist family violence support. It is overall a positive outcome if more people are reaching out for help or identifying what they are experiencing as coercive control and family violence. However, we are concerned that if the system, including services like DVCS, police, legal assistance services and refuge accommodation are not adequately resourced to respond, people will be left disappointed and let down by the system they hoped would support them. This may make them less trustful of support services, and vulnerable to further harm and control by people using violence. Systems engagement is also an identified point of escalation of risk of lethality. If the system is unable to respond, we are contributing to the conditions of risk while limiting support for safety.

Services across the system will need adequate resourcing to be able to respond adequately and efficiently to community need.

The ultimate hope is that response services are not needed because violence is not occurring in our community. Part of moving towards that goal is ensuring we have the appropriate preventative and educative systems in place. Stopping violence before it occurs must remain a goal system wide and as such implementation must consider community wide prevention education and resourcing as well as being able to respond to the immediacy of increasing demand.

### Consider long implementation

It could take significant time to undertake the training for police, judiciary, statutory child protection and the legal profession, as well as the substantial cultural and system reforms needed. This reform will become nothing more than complex legislation within a complex system unless we use this opportunity to undertake steps across the system to truly reform responses to domestic and family violence. We recommend building in adequate implementation time to ensure this work can be undertaken.

The community is right to call for systems of accountability for those using violence however this Bill is a band aid on a structural and systems breakage. It is critically important that the cultural and systems reform and accountability is undertaken to ensure the existing mechanisms available can support the safety of victim-survivors and accountability of those using violence and so this bill strengthens those systems not enables more harm and distrust.

We welcome the opportunity to work with the Committee and the Legislative Assembly to further strengthen victim-survivor safety, and address family violence in the ACT. If you have any questions, or would like to discuss anything in this submission, please contact

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