



Submission cover sheet

Inquiry into the Crimes (Coercive Control) Amendment Bill 2026

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The Country Women's Association (CWA) – Canberra Branch

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Submission to the ACT Legislative Assembly

Standing Committee on Justice and Community Safety

Act on the Evidence

Victim survivors have spoken.

A decade of international research has answered.

The ACT coercive control law must be built to work — from day one.

Crimes (Coercive Control) Amendment Bill 2026

Submitted by:

**Zonta Club of Canberra Breakfast (ZCCB);
Seroptimists International Canberra Inc.; and
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All contact details are provided in Appendix B

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Executive Summary

This submission is made jointly by the Zonta Club of Canberra Breakfast, Soroptimists International Canberra, and the Country Women's Association (CWA) – Canberra Branch, three professional women's organisations with a combined 200 years of service to women and children in Canberra. Our work is practical as well as advocacy-based: last year alone, we provided 94 emergency starter kits to women and children rebuilding their lives after fleeing domestic violence. We make this submission grounded in that direct experience, and in the Women's Health Matters 2025 victim survivor consultations documented in *It Starts With Disrespect* and *Too Urgent to Rush*.

The Crimes (Coercive Control) Amendment Bill 2026 is a significant and welcome reform, and this submission supports its passage. Coercive control is the defining feature of domestic abuse in the vast majority of serious and fatal cases. We welcome the Bill's addition of the new offence as a ground of "reportable conduct" under the *Ombudsman Act 1989*, and as an eligible offence under the *Victims of Crime (Financial Assistance) Act 2016* — both positive, practical steps for victim survivors and institutional accountability.

However, gaps remain. As drafted, the Bill risks being technically on the statute book but practically impossible to prosecute. Our central concern is the fault element: intent. Proving what a perpetrator was thinking, over a long period and against a high evidentiary burden, is the highest standard of culpability in criminal law and a poor fit for coercive control, which happens cumulatively and privately, through conduct many perpetrators don't acknowledge as controlling. This burden falls back onto the traumatised victim to supply the evidence.

England and Wales used an intent-based standard and had a decade of low prosecution rates. Scotland adopted an objective standard and reached a 93 per cent prosecution rate within three years. The Government's three justifications for retaining intent alone — interstate consistency, recklessness concerns, and human rights compatibility — are addressed in the Recommendations, none of which justifies departing from an approach already shown to work.

Further issues warrant the Committee's close attention. On the legislation itself: there is no aggravated offence or conviction gradient; no provision for conduct occurring before the two-year-delayed commencement; a family member definition that, while welcome, risks excluding non-family-like carers; confirmed exclusion of teen perpetrated abuse, with elder abuse, multi-perpetrator households and custody-related coercive control also unresolved; and definitions of abuse that don't anticipate evolving and technology-facilitated tactics. On implementation, there is no mandatory training requirement for police and courts before commencement, no coordinated and resourced service system for victim survivors, and a statutory Advisory Committee that is underspecified and would expire before it can inform the Bill's own statutory review.

What We Ask of the Committee

The recommendations contained in this submission set out the conditions under which this law will work: the legal architecture determining what prosecutors can charge, the drafting determining how courts interpret the offence, the implementation requirements determining whether police and courts are ready, and the accountability mechanisms determining whether the law improves over time. Each recommendation is grounded in the evidence set out in this submission and in the research we presented to Minister Paterson in May 2026, drawing on the *Women's Health Matters* victim survivor consultation and over a decade of national and international research on coercive control law and implementation. We exhort the ACT Government to use this window to create Australia's gold standard, evidence-based coercive control law.

No.	Summary of Recommendations for the Legislation	
1	Amend the fault element	Amend s72J(1)(c) to add recklessness alongside intent, or replace it with a modified objective standard, while leaving s72J(1)(d), s72J(3) and s72J(4)–(7) unchanged.
2	Signpost the family definition's full breadth, and close the nonfamily-like carer gap	Cite Family Violence Act 2016 ss 9 and 11 together in the explanatory memorandum, and close the gap for carers who don't have a family like relationship with the person they support.
3	Commission a legal opinion on emerging violence behaviours	Commission advice on how the offence should apply to teen perpetrated abuse (confirmed excluded by the adult-perpetrator requirement), elder abuse, multi-perpetrator households, and custody-related coercive control.
4	Strengthen the offence framework, address retrospective application, and introduce a conviction gradient	Add an aggravated offence and lesser included offences, define a time-frame for 'course of conduct', address whether the offence applies to conduct before commencement, and add extraterritorial reach.
5	Future-proof the definition of abuse	State explicitly that the Bill's definitions of abusive and technology facilitated behaviour are non-exhaustive, and define 'coerce' and 'control'.
No.	Summary of Recommendations for Effective Implementation	
6	Build system readiness before commencement	Mandate accredited training, a specialist court, specialist officers, and court-process reform, alongside an immediate community education campaign.
7	Develop wrap-around services and a coordinated system	Establish a multi-agency coordination framework and tailored, single-entry-point services for victim survivors, First Nations, and intersectional communities.
8	Govern the commencement period with statutory oversight, a public implementation plan and transparent resourcing	Strengthen the Advisory Committee's mandate and membership, fix the s434 sunset clause that expires it before the s72K review can use its work, and require a public implementation plan and stable resourcing.

Getting the Foundations Right

This legislation, as drafted, risks falling short in two connected ways. First, its core offence is built around proving what a perpetrator was thinking — a fault element that does not reflect how coercive control actually operates: cumulatively, privately, and through conduct perpetrators rarely acknowledge as controlling. Second, its architecture does not draw on the substantial body of evidence, now over a decade old, showing what does and doesn't work once a coercive control law is put into practice. Both are fixable, and both have already been solved elsewhere.

Intent as the Fault Element for Coercive Control

Coercive control is not a series of incidents. The pattern of behaviour by a perpetrator systematically removes another's autonomy, independence and sense of safety over time. Evan Stark, whose research framework underpins most contemporary legislative models, describes it as a “liberty crime” where the primary harm is the sustained deprivation of freedom.

This has direct implications for how the law must be designed. Coercive control is cumulative and relational, rarely witnessed by third parties or documented at the time, and often not recognised by the victim as abuse while it is happening. Given the effects of time, trauma and complexity, it is often difficult to recall in sequential detail — precisely when the law demands a high bar of evidence, under the stress of legal proceedings. It is also frequently denied, minimised or reframed by the perpetrator to avoid accountability.

These features mean that an offence built around proving the accused's subjective intent, as the single fault element, will systematically disadvantage prosecutions in the cases where the harm is greatest — those involving calculating, controlling perpetrators who are precisely the people most capable of manipulating the legal process and court perceptions to minimise their culpability.

Johnson's concept of “intimate terrorism” describes this systematic, purposeful and escalating control as the dominant and most dangerous form of coercive control — one capable of driving physical, family and sexual violence, and even homicide.¹ Proving this form of abuse to a subjective intent standard, beyond reasonable doubt, is among the most demanding evidentiary challenges in criminal law — even with a 'reasonable person' test.

What a Decade of Implementation Teaches: Scotland v England and Wales

Scotland enacted the Domestic Abuse (Scotland) Act 2018 following four years of intensive preparation, feminist legal analysis and explicit rejection of several features of the English and Welsh approach to the law that had been in place since 2015. The difference between the two models is instructive for the ACT.

England and Wales enacted their coercive control offence in 2015 requiring proof that the accused knew (or ought to have known) that their course of conduct would have a serious effect on the victim — a high intent threshold, beyond reasonable doubt, with a narrow definition of the parties' connection and high evidential requirements, examined in detail and covering the whole course of conduct. The result, documented extensively in the academic literature and confirmed by the Crown Prosecution Service's own reports, was a decade of low prosecution rates, high rates of case abandonment due to the evidential high bar, arduous and combative court processes and costs,

¹ M. P. Johnson, 'Patriarchal Terrorism and Common Couple Violence: Two Forms of Violence Against Women' (1995) 57(2) Journal of Marriage and the Family 283.

and a systematic failure to bring the most controlling perpetrators — precisely those the law was designed to capture — before the courts to accountability.

This finding is confirmed across the academic literature.²³

Scotland's model was founded on eliminating violence against women and children, and was framed broadly enough to prosecute physical, sexual and psychological abuse together as a single 'Domestic Abuse' crime — capturing the victim's lived experience and reducing the cost, time and re-traumatisation of prosecution through several courts. It focused on the perpetrator, basing proof on whether a reasonable person would consider the behaviour likely to cause physical or psychological harm across a broad spectrum of conduct, and allowed a sustained pattern of individually minor acts to be prosecuted as a single course of conduct — reflecting how victims actually experience this abuse.

Scotland also introduced statutory sentencing aggravation to reflect harm to children, recognising them as victim survivors in their own right; and reformed criminal procedure to stop perpetrators using the court process to evade accountability or re-victimise the victim — safer evidence and testimony arrangements, a sentencing gradient aimed at responsibility and rehabilitation, a non-exhaustive technology-inclusive definition of coercive and controlling behaviour, a ban on self-represented cross-examination by the accused, abolition of victim precognition (a process that still exists in the ACT), and mandated non-harassment orders, pre- and post-court, with aggravated sentencing for breach.

Within three years of Scotland's 2018 Act, 93 per cent of reported coercive control cases were proceeding to court — a direct result of better legal architecture, better evidential provisions, robust community education and mandatory training of all frontline services, police and justice system professionals.⁴ Its approach has since been adapted by England and Wales, with Ireland, Canada, New Zealand, South Australia and several US states drawing on it.

We urge the ACT Government to closely examine these precedents, as the ACT Bill currently replicates several features of the English and Welsh model that Scotland deliberately rejected. This submission asks the Committee to examine whether that is the intended outcome.

² V. Bettinson and J. Robson, 'A New Offence Alone Will Not Improve Criminal Justice Responses' [2020] Criminal Law Review 1.

³ 'Learning Lessons from the Criminalisation of Coercive and Controlling Behaviour Ten Years On' (2024) 14(1) Crime and Justice Journal, available at <https://www.crimejusticejournal.com/article/view/3700/1556>. ⁴COPFS, Solicitor General for Scotland Statement on Coercive Control Prosecutions (2024), available at <https://www.copfs.gov.uk>

RECOMMENDATION 1 — Amend the Fault Element

Recommended Amendment

- Amend s72J(1)(c) to add recklessness alongside intent, or replace it with a modified objective standard, leaving s72J(1)(d), s72J(3) and s72J(4)–(7) unchanged

Current Position

Section 72J(1)(c) requires the prosecution to prove, beyond reasonable doubt, that the accused specifically intended to coerce or control. Intent is the most demanding fault element in criminal law, harder to prove than knowledge, recklessness or negligence. Because it must be inferred from context rather than proven directly, perpetrators can dismiss, normalise or trivialise their conduct — already emerging as a pattern in NSW and Queensland. This mirrors the fault element that produced a decade of low prosecution rates in England and Wales.

What the Bill Already Gets Right

Two provisions should be preserved in any amendment. Section 72J(1)(d) already requires proof of an objective harm element alongside intent, so this is not a pure subjective-intent offence — our concern is narrower, and specific to s72J(1)(c). Section 72J(4)–(7)'s course-of-conduct provisions already solve the evidential problem of proving a pattern from individually minor incidents, the same problem Scotland's Moorov doctrine addresses. They do not solve the separate problem this recommendation targets: proving the accused intended that pattern. The reasonableness defence at s72J(3) is also appropriate in principle, provided courts are given guidance, through the explanatory memorandum, on interpreting “reasonable” in light of coercive control dynamics — conduct such as monitoring a partner's phone may look benign out of context but is precisely what the offence is meant to capture.

Our Reasoning

Intent advantages perpetrators who deny or don't conceptualise their conduct as controlling, and disadvantages victims who cannot supply direct evidence of what was in the perpetrator's mind. Perpetrators rarely acknowledge coercive intent even to themselves — a perpetrator who monitored his partner's phone “for her safety” has not, on his own account, intended to coerce or control, and proving otherwise beyond reasonable doubt is a significant prosecutorial challenge. The evidence available is of conduct, not intent, which shifts the burden onto the prosecution and the victim. Trauma-affected testimony — often ambivalent, fragmented or minimising — sits poorly against an intent-based test. Scotland's 93 per cent prosecution rate was achieved under an objective standard; England and Wales's decade of low prosecution rates was produced under a standard closer to intent.

Responding to the Government's Position

The Government has offered three justifications for retaining intent alone.

1. **Interstate consistency:** NSW (2024) and Queensland (2025) have not operated long enough to provide implementation evidence either way. Consistency is not itself an evidence-based case for a fault element, and the ACT has led rather than followed interstate practice before, including on affirmative consent.
2. **ACT recklessness is subjective:** True, but not determinative. The choice is not binary between current subjective recklessness and intent. Scotland's objective standard is a third option, closer to negligence, and already partly reflected in s72J(1)(d).

3. **Human rights:** The Bill's real risk is failing to convict the guilty, not convicting the innocent. The course-of-conduct requirement, objective harm element, and reasonableness defence already guard against wrongful conviction. An objective knowledge standard is compatible with the Human Rights Act 2004 (ACT); Scotland achieved this under an active human rights framework.

Proposed Wording

The table below sets out the current drafting against two possible objective alternatives, benchmarked against Scotland's own standard.

Bill as Drafted	Recommended Drafting
Bill as Drafted (ACT), s72J(1)(c): “The person intends the course of conduct to coerce or control the family member.” <i>[Subjective intent — most demanding fault element in criminal law]</i>	Recommended (Objective Knowledge Standard): “The person knew, or ought reasonably to have known, that the course of conduct would or would be likely to coerce or control the family member.” <i>[Objective standard — does not import ACT subjective recklessness]</i>
Scotland (Domestic Abuse (Scotland) Act 2018 s 1): “A reasonable person would consider the course of behaviour to be likely to cause [the partner] to suffer physical or psychological harm.” <i>[Pure objective test — no fault element as to accused's subjective state]</i>	Alternative (Awareness Standard): “The person was aware, or a reasonable person in the same circumstances would have been aware, that the course of conduct was likely to coerce or control the family member.” <i>[Modified awareness standard — available within ACT law; s72J(1)(d) would remain as a separate, additional element]</i>

Expected Benefit

This change increases the prospect of prosecuting cases where the pattern of conduct is established but subjective intent cannot be proven, aligns the ACT with the approach shown to work in Scotland, and allows a body of case law to develop the offence rather than constrain it.

RECOMMENDATION 2 — Signpost the Family Definition’s Full Breadth and Close the Non-Family-Like Carer Gap

Recommended Amendment

- Amend the explanatory memorandum to cite Family Violence Act 2016 ss 9 and 11 together, not s 9 alone, and to state expressly that the definition of 'family member' extends to family-like relationships and, for Aboriginal and Torres Strait Islander people, kinship structures recognised under s11(1)(c)(ii).
- Separately, ask the Government to confirm whether coercive control by a carer who does not have a family-like relationship with the person they care for is intended to fall outside the offence — and if not, consider a targeted amendment, either to the Family Violence Act's definition of 'relative' or a carer-specific extension within the coercive control offence itself, to close that gap.

Current Position

We welcome the Bill's definition of 'family member' by reference to the Family Violence Act 2016, section 9. We do not think the definition needs to be reproduced in the Bill's own text, but we recommend the explanatory memorandum cite both s9 and s11, as this is where the substantive breadth — including the Aboriginal and Torres Strait Islander kinship provision — actually lives.

What the Bill Already Gets Right

Family Violence Act 2016 ss9–11 define family member broadly: domestic and intimate partners, relatives (including former relatives and family-like relationships), and — explicitly — Aboriginal and Torres Strait Islander kinship structures, alongside a wide catch-all provision. This is a genuine strength, and one we think is worth the Committee recognising as good practice once it is properly signposted.

Our Reasoning

Section 11(1)(c)(iii)–(iv) both require the relationship to be regarded and treated as family, or to be “family-like.” A purely professional or paid carer — for example, a disability support worker with no personal family-like bond to the person they support — would likely fall outside 'family member' under ss9–11 altogether. Because the coercive control offence in s72J only applies to family violence against a 'family member,' coercive control by such a carer would fall entirely outside this offence, regardless of severity. We recommend the Committee address this gap.

Proposed Wording

Bill as Drafted	Recommended Drafting
Bill as Drafted (ACT), s72I: Defines 'family member' by cross-reference to Family Violence Act 2016 s 9 only. The explanatory memorandum does not cite s 11, where most of the substantive breadth, including the	Recommended: Amend the explanatory memorandum to cite both s 9 and s 11 expressly, and to state that the definition extends to family-like relationships and Aboriginal and Torres Strait Islander kinship structures. Consider whether a person with a caring role, but no family-like relationship under
Bill as Drafted	Recommended Drafting
Aboriginal and Torres Strait Islander kinship provision, is located.	s11(1)(c), should also be brought within scope — either by amendment to the Family Violence Act or by a targeted extension within the Bill itself.
Family Violence Act 2016 (ACT) ss 9–11: Confirmed to define family member broadly: domestic/intimate partners, relatives (including former relatives, family-like relationships, and — explicitly — Aboriginal and Torres Strait Islander kinship structures), and a broad catch-all. Does not extend to a purely professional carer without a family-like bond.	Effect if adopted: The genuine strength of the existing definition becomes visible on the public record, and the one confirmed gap — non-family-like carers — is addressed rather than left as an unstated exclusion from the offence.

Expected Benefit

This delivers public clarity, without amending the Bill's substantive drafting, that the family definition already achieves most of what this recommendation originally sought, including explicit Aboriginal and Torres Strait Islander kinship recognition. It also closes the one confirmed gap — coercive control by a non-family-like carer — that would otherwise sit entirely outside the offence, regardless of severity.

RECOMMENDATION 3 — Commission a Legal Opinion on Emerging Violence Behaviours

Recommended Amendment

- Commission a legal opinion — before the Bill passes, or as a first-priority task of the Advisory Committee/Statutory Authority (Recommendation 8) during the commencement period — on how the coercive control offence should apply to each fact pattern set out below, including specifically whether s72J(1)(a) should be amended to allow prosecution of minors in appropriate cases, with any necessary safeguards for the youth justice system, or whether a separate, tailored offence or diversion pathway for teen-perpetrated coercive control should be developed instead. Where gaps are identified, address them within the coercive control offence itself or refer them for other legislative revision.

Current Position

The offence at s72J(1)(a) is expressly limited to adult perpetrators (“the person is an adult”). This means teen-to-teen and teen-perpetrated abuse is not merely unclear — it is confirmed excluded from the offence as drafted. Several further fact patterns also fall outside the paradigm of adult intimate-partner coercive control the offence is modelled on, and it remains unclear whether or how the offence applies to them:

- Teen-to-teen and teen-to-adult abuse where the perpetrator is a minor — confirmed excluded by the s72J(1)(a) adult-perpetrator requirement, including sexual abuse, coercion and control between minors or from a minor towards an adult
- Children as direct or witnessed victims, including where they are used as a mechanism by the perpetrator, to control an adult partner (withholding access, relaying threats, or as instruments of control) without an appropriate aggravated sentence
- The role of parenting orders and custody arrangements, which can allow perpetrators to continue surveillance, coercion and control through court-ordered contact
- Elder abuse within a family context
- Family members, beyond intimate partners, as perpetrators
- Indigenous and intersectional victims' specific and often more complex circumstances — for example, First Nations extended-family abuse, whole-family perpetration within some cultural groups, and carers as perpetrators of victims with disability
- Oversight of inappropriate press reporting

Our Reasoning

These fact patterns are not hypothetical. Teen-to-teen and teen-perpetrated abuse is a growing area of concern reported by frontline services, and is currently outside the offence entirely, regardless of severity, once s72J(1)(a) is applied. Elder abuse by family members is under-recognised and under-prosecuted, and children are frequently used by perpetrators as instruments of ongoing control without an aggravated response reflecting that harm. Resolving these gaps before the Bill passes, or early in the two-year commencement period, is significantly cheaper and safer than resolving them case by case afterward through ad hoc prosecutorial or judicial interpretation, which risks inconsistent outcomes and costly test-case litigation.

Expected Benefit

This will give police, prosecutors and courts legal clarity before these fact patterns arise in practice and reduce the risk of inconsistent case law. It will provide better protection for teen, elder, child and multi-perpetrator victim survivors who do not fit the primary adult-intimate-partner model the offence was designed around — and confirm whether the current gap for minor perpetrators is intended policy or an oversight.

RECOMMENDATION 4 — Strengthen the Offence Framework, Address the Retrospective Application and Introduce a Conviction Gradient

Recommended Amendment

- Introduce an aggravated offence applying where the conduct involves a child as a direct target or witness, is sustained over twelve months, involves technology-facilitated surveillance or harassment, or the perpetrator holds a position of trust or authority.
- Provide for lesser included offences where the full course-of-conduct element cannot be established, and enable victim survivors to be consulted on sentencing. Define a time-frame or evidential baseline for a 'course of conduct' in s72I and s72J(2), or adopt the Scottish approach of requiring abusive behaviour on at least two occasions, or of two different forms.
- Add a clause expressly addressing whether, and how, the offence applies to a course of conduct that began before commencement but continues after it, and consider a limited retrospective application provision for historic conduct.
- Include extra-territorial and extradition provisions and commission specialist opinion on the needs of Indigenous and intersectional groups within this offence framework. Review the mechanisms to address cases of post-court homicide and victim-survivor suicide

Current Position

The Bill creates a single offence with a single conviction threshold. Coercive control ranges from conduct sustained over decades to conduct over months, from campaigns targeting one person to conduct that engulfs children, family members and all of the victim's relationships, and from calculated, sophisticated patterns of control to less deliberate but equally harmful behaviour. A single charge treats all of these equivalently: courts are poorly equipped to sentence proportionately without a graduated structure, and prosecutors are discouraged from bringing cases where the full offence cannot be made out but significant harmful conduct is established.

The offence framework also leaves three structural questions unresolved. Section 72I's definition of 'course of conduct', and its assessment under s72J(2) by reference to the totality of conduct, sets no defined minimum duration or evidential baseline. The offence provisions, inserted by cl 5 and commencing two years after notification under cl 2(2), contain no clause addressing whether the offence applies to conduct that occurred, or began, before commencement. And there are no extra-territorial or extradition provisions anywhere in the Bill.

Our Reasoning

A conviction gradient. A single offence with a single threshold cannot reflect the range of coercive control in practice. A conviction gradient, with an aggravated offence and lesser but robust included offences, allows courts to sentence proportionately and lets victim survivors be informed and consulted throughout the process, including at bail, sentencing and release. Because coercive control is a severe criminal offence and a major precursor to

serious violence and fatalities, even Scotland's 'lesser' convictions are treated as genuinely serious, not as a soft option for perpetrators.

Balance between responsibility, accountability and rehabilitation can be maintained through measures such as: victim survivor opinion sought and considered throughout the court process, including at bail, sentencing and release; no automatic eligibility for a 'Working with Vulnerable People' card; no weight given to 'good character' references without trauma-informed judicial training and recognition of perpetrator manipulation; aggravation considered for additional perpetrator abuse of children, family members, friends or pets; and proper consideration of Aboriginal self-determination programs and the needs of intersectional groups, with their expertise properly sought.

The Scottish and comparable models offer a full range of graduated responses:

- **Lower-tier responses:** absolute discharge; admonition, restrictions and directives; parenting or behaviour-management course and review
- **Civil and financial measures:** non-harassment orders with detailed conditions (e.g. exclusion zones); compensation orders; deprivation orders (e.g. seizing devices used to share or threaten to share intimate or deepfake images); fines
- **Supervised and rehabilitative orders:** drug testing and treatment orders; community payback orders including behaviour-change programs; restriction-of-liberty orders; supervised release orders; mandated accredited behaviour-change programs (ref. the two-year Caledonian program)
- **Monitoring and safety measures:** victim inclusion on a perpetrator disclosure/'safe house' register for emergency responses; pre- and post-court monitoring
- **Custodial and aggravated responses:** aggravated sentences; severe sentences for breach of a court, family violence or protection order; Offender Register and Domestic Violence Disclosure Scheme for public access (ref. Clare's Law); imprisonment of 6 months to 7 years in the ACT (comparable to 7–14 years interstate and in Scotland), or redirection to other charges (assault, sexual assault, stalking, up to 25 years for murder) where appropriate, all with increased penalties for aggravating factors such as harm to children; and threat-assessment and deterrence models for high-risk and serial perpetrators, in custody and after release

Retrospective application — *a gap, not a limitation-period problem.* Because the offence does not commence until two years after notification, and the Bill contains no clause permitting it to apply to conduct that occurred, or substantially occurred, before that date, a course of conduct that has already ended by commencement almost certainly cannot be prosecuted, no matter how serious, and no matter when the victim survivor comes forward. This would exclude from justice every victim survivor whose coercive control ended before commencement, including those who contributed to this research. We recommend the Bill include a clause confirming whether, and how, a course of conduct that began before commencement but continues after it may be prosecuted, and ask the Committee to consider a limited retrospective application provision for historic conduct.

Course-of-conduct timing. Beyond the retrospective-application gap, the Bill does not define any minimum duration or evidential baseline for a 'course of conduct' at all. Without one, police, prosecutors and courts have no clear threshold for when a pattern of behaviour becomes prosecutable, which risks inconsistent charging decisions and unpredictable outcomes for victim survivors.

Proposed Wording

Bill as Drafted	Recommended Drafting
Bill as Drafted (ACT), s72J: Single offence, single conviction threshold, applied uniformly regardless of duration, severity or whether children are involved. No	Recommended: Aggravated offence for conduct involving children, sustained duration (12+ months), technology-facilitated abuse, or breach of a position of
Bill as Drafted	Recommended Drafting
clause addressing whether the offence applies to conduct occurring, or completed, before the two-year commencement date.	trust; lesser included offences where the full course of conduct element cannot be established; and an express clause addressing retrospective and continuing conduct.
Scotland (Domestic Abuse (Scotland) Act 2018): Statutory sentencing aggravation for harm to children; maximum penalties up to 14 years; mandated non-harassment orders with aggravated sentencing for breach.	Effect of alignment: Courts sentence proportionately across the full range of conduct; prosecutors are not forced into all-or-nothing charging; victim survivors' experience is formally reflected in the verdict; and historic victims are not categorically excluded by the commencement mechanism alone.

Expected Benefit

Courts will be able to respond proportionately to the full range of coercive control conduct, and prosecutors will not be forced into all-or-nothing charging decisions. Historic and continuing victims will not be automatically excluded from justice by the commencement mechanism, and perpetrators will not be able to evade accountability by leaving the territory. Sentencing data will also provide a basis for evaluating the law's reach over time.

RECOMMENDATION 5 — Future-Proof the Definition of Abuse and Coercive Control

Recommended Amendment

- State explicitly in the Bill's definitions that the forms of abuse and technology-facilitated abuse captured by the offence are non-exhaustive and unlimited. This should extend to a non-exhaustive illustrative list of abusive behaviours and harms, expressly stated to be indicative rather than complete. Add definitions, or at minimum non-exhaustive illustrative guidance in the explanatory memorandum, for 'coerce' and 'control' as used in s72J.

Current Position

The Bill's definitions of coercive and controlling behaviour, and of the forms of abuse and technology-facilitated abuse it captures, are not stated to be non-exhaustive. Section 72I defines 'conduct', 'course of conduct', 'family member' and 'harm', but the two words doing the most work in the offence — 'coerce' and 'control' — are themselves left undefined. As drafted, there is a risk both that the definitions that do exist will be read as a closed or fixed list, and that courts will have to develop the meaning of 'coerce' and 'control' from first principles, with no legislative guidance at all.

Our Reasoning

Coercive control tactics evolve constantly, particularly technology-facilitated abuse such as tracking apps, smart home devices, image-based abuse and coordinated online harassment, which changes faster than legislation can be amended. A closed or narrowly interpreted definition creates loopholes: conduct that is obviously coercive or controlling in substance may fall outside the offence merely because it takes a form the drafters did not anticipate. Courts read legislation strictly, and ambiguous definitional boundaries are typically construed in favour of the accused. Leaving 'coerce' and 'control' wholly undefined compounds this risk, since it is precisely the scope of those two words that will determine the practical reach of the offence.

Expected Benefit

This will deliver a definition that remains effective as coercive control tactics evolve, without the delay and difficulty of repeated legislative amendment. It will reduce opportunities for perpetrators to argue that conduct falls outside the offence merely because it takes an unanticipated form, and support greater consistency in how courts interpret the core terms of the offence.

RECOMMENDATION 6 — Build System Readiness Before Commencement

Recommended Amendment

- Include in the Bill, or in related legislation, a requirement that Frontline Services, ACT Policing and ACT Courts undergo mandatory, accredited, trauma-informed coercive control training before the offence commences.
- Establish mandated, well-funded, expert and ongoing training for all police, staff and justice personnel; embed the DASH risk checklist into frontline response; and empower the Coercive Control Advisory Committee/Statutory Authority (Recommendation 8) to assess and publicly report on training compliance.
- Establish a specialist court equivalent to Glasgow's model, along with specialist officers and teams, and reform legal and court processes accordingly.
- Begin community education immediately, targeting 90%+ community awareness.

Current Position

The ACT community requires adequate, broad-scale community and institutional education so that the seriousness of coercive control, which includes murder, is recognised and not trivialised as 'relationship drama'. Professionals require robust, mandated, accredited, trauma-informed training. Although police and court training is referenced in the Government's implementation narrative, it does not appear to be established as a legally enforceable requirement on the face of the legislation. Beyond training, there is no specialist court, no dedicated specialist officers or teams, and no reform of legal and court processes to prevent perpetrators using them to manipulate proceedings.

Our Reasoning

Legislative language alone will not determine whether this law works: it determines who can be charged and who will be prosecuted, but implementation determines whether the system is ready to act on it. England and Wales demonstrated what happens when a coercive control law is technically on the statute book but practically difficult to prosecute; academic review of their implementation documents consistently low prosecution rates, high rates of victim withdrawal, and failure to reach the most serious and calculating perpetrators. Scotland demonstrates what happens when the architecture, and the implementation, is right.

Readiness rests on three pillars, each with a strong international evidence base.

- *Community education.* Changing culture takes time, as seen with seat-belt, smoking, COVID and sun-safe campaigns, and must begin immediately. A one-page campaign licensed from NSW, reported to lift understanding from only 57% to 67%, is inadequate; genuine cultural change needs 90%+ community awareness. The ACT's 2025 'Coercive Control' campaign was brief, intermittent and hard to navigate, requiring four 'clicks' to reach support information that then demanded further navigation across services, an unrealistic burden for a victim under surveillance or threat. Scotland's model, sustained and multiplatform public education from toilet doors to doctors' surgeries, media, webinars and websites,

keeps recognition current, builds bystander action, and demystifies coercive control and technology-facilitated abuse. We recommend the ACT establish a single, confidential contact point, by phone, web and pop-up desk, for information, reporting and referral for victims and perpetrators, to support the education campaign.

- *Professional training.* One-and-done or 'optional' e-training, as currently used for lawyers, is inadequate across criminal, family and civil law, and must be trauma-, victim- and perpetrator-informed. The Scottish model included initial e-training, followed by face-to-face expert training on legislation, abuse dynamics, evidence-gathering and referral pathways, then supported by handbooks, follow-up assessment and specialist training for specialist teams. This (ongoing) rigour produced Scotland's 93 per cent prosecution rate and a well-trained empathetic police force.

Training also needs to be matched with resourcing and structural, cultural change within each organisation; otherwise even good training will not translate into effective policing, prosecution, sentencing or counselling. Training that is funded but not legally required can be defunded, deferred or diluted by subsequent budget decisions; a legal requirement provides a baseline that is not subject to those pressures.

- *A specialist court.* A specialist court with trauma-informed lawyers and judges, for *all* domestic, family, sexual and coercive control violence, following the Glasgow model, delivers trauma-informed training for all personnel; a single court, with referral elsewhere only as required, avoiding the delays and fragmentation of Magistrates and Supreme courts; better information-sharing through co-located support services; streamlined safety considerations across the building, personnel and processes; integrated victim and child advocacy and support as standard; capacity to accommodate children, Indigenous and intersectional victim survivors; and faster processing with higher victim confidence and satisfaction, as seen in Glasgow. Alongside this, specialist officers and teams across all frontline services should be established, and legal and court processes reformed to prevent perpetrator manipulation and secondary system-victimisation.

Expected Benefit

These investments are essential for community attitudes and social norms to shift towards recognition, prevention and support. They provide a legally enforceable floor for training standards, a specialist court and teams equipped to handle these cases well, and accountability for readiness that is publicly visible.

RECOMMENDATION 7 — Develop Wrap-Around Services and a Coordinated System

Recommended Amendment

- Create a multi-agency coordination framework, for example Victoria's MARAM, modelled on Scotland's MARAC, to connect police, frontline services, health, social work, the justice system and third-sector agencies, established and operational before commencement.
- Within that framework: create a single-entry-point service model; develop specific, tailored services for First Nations women and children and intersectional groups, drawing on The Long Yarn and Women's Health Matters research; develop restorative justice and accountable perpetrator behaviour-change programmes; develop programmes to actively engage all men in cultural change; and create consultative groups and specialist teams for oversight of victims and perpetrators in high-risk cases.

Current Position

Currently the sector is siloed. There is no single entry point for victim survivors, no dedicated service pathway, (especially for First Nations and intersectional communities), no rigorous and accountable restorative justice or perpetrator behaviour-change infrastructure, no structured programme to engage men in the cultural change this law depends on, and no consultative or specialist oversight mechanism for high-risk cases.

Our Reasoning

Patchwork provision and siloed services creates difficulties for communication, coordination and collaboration between services, and for a victim survivor creates problems seeking help, navigating fragmented processes, repeating traumatising information, and being left to do the 'work' of keeping safe, often at the worst moment of their lives. A system focused solely on victim response, without parallel investment in restorative justice and perpetrator accountability, addresses only one half of what is needed to reduce this violence over time.

Expected Benefit

A single point of contact for victim survivors avoids duplication, enables appropriate collaboration, oversight and directional wrap-around care, and avoids the need for victim survivors to retell their story to multiple agencies or fall into the gaps between them. It also enables tailored services for First Nations and intersectional communities, and parallel investment in perpetrator accountability and cultural change.

RECOMMENDATION 8 — Govern the Commencement Period with Statutory Oversight, a Public Implementation Plan and Transparent Resourcing

Recommended Amendment

- Amend s433(3) to require that the Committee include a majority of members with direct lived experience of coercive control, and representatives of Aboriginal and Torres Strait Islander, disability and LGBTQI+ communities, rather than leaving composition entirely to Ministerial discretion.
- Amend s433 to add formal public reporting to the Legislative Assembly, a requirement that Government respond to the Committee's recommendations within a specified timeframe, and Committee access to implementation data.
- Critically, amend s434 so that Part 21 does not expire before the s72K review can draw on the Committee's work, either by extending the three-year expiry, by tying expiry to completion of the s72K review rather than a flat period, or by re-establishing the Committee, or an equivalent Statutory Authority, with reporting obligations that extend beyond the s72K review date.
- Task the Committee with an early ACT strategy statement analogous to Scotland's 'Equally Safe'.
- Separately, require Government to produce and publish a two-year coercive control implementation plan within six months of the Bill's passage, with training milestones, service coordination requirements, community education commitments, data collection frameworks and commencement readiness criteria, reported publicly every six months.
- Properly resource services across the sector throughout this period, ending short-term, competitive 'bidding' processes. Use the two years for detailed prevention strategies and the establishment of the specialised police unit and court described in Recommendation 6.

Current Position

The Bill does establish a Coercive Control Advisory Committee, at ss433–434, with a function of advising the responsible Minister on the offence and its implementation (s433(2)) and a membership mechanism of Ministerial appointment based on relevant skills and experience (s433(3)). Part 21 commences the day after notification (cl 2(1)), immediately and ahead of the offence itself, which is a genuine strength, since it means the Committee is intended to operate throughout the two-year lead-in period.

The Committee's early commencement means it can, in principle, provide oversight from the very start of the implementation period, rather than only once the offence itself takes effect. However, three gaps remain.

- First, the Bill does not prescribe the Committee's independence, lived-experience representation, formal public reporting obligations, or access to implementation data; s433(3) leaves membership entirely to the Minister's discretion, with no minimum representation requirements.
- Second, and more seriously, s434 expires Part 21, the Committee itself, three years after it commences, meaning the Committee will cease to exist roughly one year after the offence provisions even come into

force, which commence two years after notification per cl 2(2), while the separate statutory review at s72K does not have to report to the Assembly until as late as three years after the offence commences, that is, up to five years after notification, per s72K(1)–(2). *On this timing, the Advisory Committee could disappear roughly two years before the one review the Bill does require.*

- Third, there is no requirement for the Government to publish a public implementation plan, and no requirement that services be properly and consistently resourced, rather than funded through short-term, competitive 'bidding' processes.

Our Reasoning

England and Wales's decade of poor outcomes was not primarily a drafting failure; it was an implementation failure. An Advisory Committee with a Ministerial-discretion membership model, and no guaranteed lived experience or minority representation, formal reporting obligations, or access to implementation data, is likely to function as a consultation mechanism rather than an accountability mechanism.

More directly, an oversight body that expires, before the review it exists to inform, cannot perform that function at all. Section 434's three-year sunset, measured from Part 21's immediate commencement, expires the Committee before the s72K review, due within one year of being started and itself starts only “as soon as practicable” after three years of the offence operating, can draw on its work. Without a published implementation plan, there is also no public benchmark against which Government's progress can be measured, and no mechanism to catch a preparation failure before the offence commences.

On resourcing, UK experience shows that fully funded, coordinated services, with funds distributed for maximum impact, informed by best practice and tailored to local demographics, *deliver considerable economic benefit alongside immeasurable social and community benefit.*

On the Committee's mandate, Scotland's approach is underpinned by a stated national strategy, Equally Safe, Scotland's strategy to prevent and eradicate violence against women and girls, which gives its institutions a common frame of reference.

The ACT's Advisory Committee could usefully be tasked with producing an equivalent ACT strategy statement as an early deliverable, alongside the statutory strengthening set out above.

Expected Benefit

A Committee that is properly constituted, adequately resourced, and still in existence when the s72K review needs it, will provide genuine accountability rather than a box-ticking consultation exercise. A published implementation plan will give the Committee, the Assembly and the public a clear benchmark for tracking readiness, and consistent resourcing will allow services to plan and deliver rather than compete for short-term funding.

Appendix A: References

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Full Bibliography

A comprehensive bibliography, organised by recommendation, is contained in the Evidence and Resource Handbook (Annex C to this Joint Submission, July 2026).

Research documents, presented to Minister Paterson in May 2026, are also available on request for the Committee's consideration.

Appendix B: About the Submitting Organisations

Zonta Club of Canberra Breakfast (ZCCB)

ZCCB is a Canberra-based service club and member of Zonta International, a global organisation of professionals working together to build a better world for women and girls through service and advocacy. ZCCB’s local program of work includes practical support for women and children affected by domestic and family violence, alongside advocacy on legislative and policy reform.

Soroptimists International Canberra Inc.

Soroptimists International Canberra Inc. is a Canberra-based branch of Soroptimist International, a global volunteer movement for women in professional and management roles, working through service projects and advocacy to advance the human rights and the status of women and girls.

The Country Women’s Association (CWA) – Canberra Branch

The CWA – Canberra Branch is part of the broader Country Women’s Association movement, a longstanding community organisation supporting women, children and families across Australia, particularly in rural and regional communities, through advocacy, welfare support and community service.

Contact Details

Organisation	Contact
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