



Submission cover sheet

Inquiry into the Crimes (Coercive Control) Amendment Bill 2026

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The Committee Secretary
Standing Committee on Legal Affairs
Office of the Legislative Assembly
GPO Box 1020, Canberra ACT 2601

By email: LACommitteeLegal@parliament.act.gov.au

RE: Inquiry into the Crimes (Coercive Control) Amendment Bill 2026

1. The Legal Aid Commission (ACT) welcomes the opportunity to make a submission to the Inquiry into the Crimes (Coercive Control) Amendment Bill 2026 (**'the Inquiry'**).

The Legal Aid Commission (ACT)

2. As you would know, the Legal Aid Commission (ACT) (**'the Commission'**) is an independent statutory authority established under the *Legal Aid Act 1977* (ACT). The Commission's function is to provide legal assistance in the Australian Capital Territory (ACT). Legal assistance includes legal information and advice, duty lawyer services, and grants of financial assistance. The Commission provides these services under the name Legal Aid ACT.
3. The Commission's mission is to promote a just society in the ACT by:
 - a. Ensuring that vulnerable and disadvantaged people receive the legal services they need to assert or defend their rights;
 - b. Developing an improved community understanding of the law; and
 - c. Seeking the reform of laws that adversely affect those we assist.
4. The Commission assists a high number of victim-survivors of family and domestic violence in our community through grants of legal assistance, duty services and outreach services, including the Health Justice Partnership with the North Canberra Hospital and Centenary Hospital for Women and Children. We also assist, through our duty services and grants of legal assistance, perpetrators of domestic and family violence.

5. Given this experience, our solicitors are well placed to offer insights into the suitability of the proposed reforms under the Crimes (Coercive Control) Amendment Bill 2026 (**'the Bill'**), from both the perspectives of victim-survivors and perpetrators of coercive control. This submission outlines these views drawing on the current evidence base regarding coercive control.

The current submission

6. This submission addresses the below points:
 - a. The need to criminalise coercive control;
 - b. The scope of the proposed offence;
 - c. The definition of 'harm';
 - d. The proposed maximum penalty;
 - e. The advisory committee;
 - f. The statutory review; and
 - g. The need to prioritise community education in the introduction and enforcement of the proposed offence.

The need to criminalise coercive control

7. Coercive control is a form of domestic and family violence. It involves ongoing and repetitive behaviours and strategies (both physical and non-physical) which aim to control a person and make them feel inferior to, and dependent on, the perpetrator.¹ Based on previous reviews, patterns of coercive control are highly represented in examples of intimate partner homicide in the ACT: 96% of all perpetrators of family and domestic violence who killed their partners in 2020-2024 used coercive control prior to the victim-survivor's death.²
8. Legal Aid ACT acknowledges the significant, adverse, and long-lasting impacts of coercive control on victims of domestic and family violence. Experiencing coercive control has been shown to impact a victim-survivor's mental health outcomes, decision-making abilities, family health and wellbeing, physical and emotional injuries, and the amount of

¹ Australian Institute of Family Studies, *What The Research Evidence Tells Us About Coercive Control Victimisation* (Policy and Practice Paper, February 2024) 9.

² ACT Domestic and Family Violence Review, *Biennial Report 2025*, page 9, stating that almost all perpetrators used coercive control (24 out of 25) and almost all victims experienced coercive control (12 of 13).

time they take off work.³ These impacts can extend to any children present in the relationship, and disproportionately affects women.⁴

9. Of key importance, coercive control is the most common risk factor in predicting intimate partner homicide.⁵ Identifying, prosecuting and punishing coercive controlling behaviour may therefore support early intervention to prevent such outcomes.
10. In this context, the Commission supports the creation of a standalone offence of coercive control. This offence will recognise that instances of domestic and family violence are often not isolated and may form part of an ongoing pattern of behaviour. Further, it may serve as an important intervention strategy to decrease the occurrence of domestic and family violence in our community.

The scope of the proposed offence

11. Whilst the Commission is supportive of the Bill, we consider that its current scope may need reconsideration. In its current form, we are concerned that the broad scope of proposed s 72J may unintentionally capture conduct that should not be criminalised.
12. The offence currently extends to coercive control of a 'family member', which includes a large range of people: a current or former domestic partner, intimate partner, relative, child of a domestic partner or a parent of a child of the person.⁶
13. In our view, this definition of family member may create the unintended consequence of subjecting ordinary familial disputes to criminal charges. For example, a parent may tell their 24-year-old child that unless they marry a person from a certain denomination, their parents would disinherit them. This may arguably be conduct intending to coerce and control a family member, and therefore be a criminal offence subject to a heavy penalty. We consider that it is unlikely that this sort of conduct was intended to be criminalised.
14. The Commission respectfully notes that such an approach to the scope of the offence is inconsistent with other jurisdictions which have criminalised coercive control. NSW, Queensland and South Australia have each limited the scope to a person which the perpetrator is in a relationship with (whether this be a domestic relationship, an intimate

³ Australian Institute of Family Studies (n 1) 7.

⁴ Ibid 6.

⁵ The NSW Domestic Violence Death Review Team, *Report 2019-2021*, states that 83.9% of intimate partner homicide-suicides (52 out of 62 incidents analysed) identified a history of coercive control.

⁶ *Family Violence Act 2016* (ACT) s 9.

relationship, a marriage or a de facto partnership).⁷ The ACT's proposed approach is not consistent with any other Australian jurisdiction which has criminalised coercive control.

15. In this light, the Commission suggests that the Bill adopt the position of other jurisdictions in limiting the scope of coercive control to conduct perpetrated by intimate or former intimate partners. Should a wider scope become necessary, this should be considered within a statutory review as provided for in draft s 72K of the Bill.

The definition of 'harm'

16. The Commission believes that the definition of 'harm' used within the Bill should be reconsidered.
17. Currently, the Bill relies on the definition of 'harm' in the *Criminal Code 2002* (ACT), which only extends to physical or mental harm. However, we are concerned that this definition does not accurately capture the wide range of harm which can be inflicted by coercive control, especially the non-physical harm which may be utilised more frequently in the early stages of a course of conduct.⁸
18. The Commission notes there is empirical evidence demonstrating the range of behaviours considered to be patterns of coercive control, which would currently fall outside this definition.⁹ These actions more are more common within the early stages of a course of conduct, potentially before violence occurs,¹⁰ and should therefore be included. This includes:
 - a. Emotional abuse, demonstrated by isolation from friends and family, name-calling, lying, gaslighting and withholding affection; and
 - b. Financial abuse, including a perpetrator giving a victim-survivor an allowance, strictly monitoring their spending, and preventing a victim-survivor from working with the result that they become financially dependent on the perpetrator.

⁷ See *Crimes Act 1900* (NSW) s 54C (definition of 'intimate partner'); *Criminal Code Act 1899* (Qld) s 334C(1); and *Criminal Law Consolidation (Coercive Control) Amendment Act 2025* (SA) s 20B(1).

⁸ Zora Simic, 'Seeing the Signs: Thinking Historically About Coercive Control' (2025) *Women's History Review* 1.

⁹ L. Kevin Hamberger, Sadie E Larsen and Amy Lehrner, 'Coercive Control in Intimate Partner Violence' (2017) 37 *Aggression and Violent Behavior* 1.

¹⁰ Australia's National Research Organisation for Women's Safety (ANROWS), *Australian Domestic and Family Violence Death Review Network Data Report – Intimate Partner Violence Homicides 2010-2018* (Report, Second Edition, 2022).

19. These types of coercive control are included in definitions of harm and coercive control used in other jurisdictions, including in particular NSW and Queensland.¹¹ We note that each of these jurisdictions list examples of this conduct within their definitions,¹² which are useful in assisting practitioners and justice actors applying these provisions.
20. In our view, the Bill should adopt the definition of 'harm' used in Queensland's coercive control offence, being 'any detrimental effect on the person's physical, *emotional*, *financial*, psychological or mental wellbeing, whether temporary or permanent' (emphasis added).¹³ This definition, in our view, more accurately captures the type of harm which coercive control can inflict, especially in the early stages of a course of conduct.

The proposed maximum penalty

21. The Bill currently specifies the maximum penalty for this proposed offence as 700 penalty units, imprisonment for 7 years, or both.
22. The Commission notes that such a penalty means that a defendant may elect to have their matters dealt with summarily in the Magistrates Court under s 375 of the *Crimes Act 1900* (ACT). If the defendant does not exercise their election, the matter will be heard on indictment in the Supreme Court – a Court which we note is currently extremely busy and under resourced.
23. However, if a lower penalty of imprisonment for 5 years was adopted, s 374 of the *Crimes Act 1900* (ACT) would allow the DPP (where appropriate) to elect for summary disposal, therefore allowing the matter to be heard and decided in the Magistrates Court. If an election is filed, the Court must not impose a penalty that exceeds a fine of \$5000, imprisonment for two years or both.¹⁴ Whilst this penalty may not be appropriate for all cases, it may be for certain cases and would allow for a more expeditious, efficient, and cost-effective disposal of matters charged pursuant to s 72J(1) of the Bill. Furthermore, it would allow certain prosecutions to remain in the Magistrates Court, which is capable of delivering competent, independent and impartial adjudication necessary for a fair trial.
24. We note that, if the maximum penalty was reduced, serious cases which should incur a higher penalty than what the Magistrates Court can impose within its summary

¹¹ See *Crimes Act 1900* (NSW) s 54F(2) (meaning of 'abusive behaviour'); and *Criminal Code Act 1899* (Qld) s 334A (meaning of 'economic abuse' and 'emotional or psychological abuse').

¹² See, for example, *Crimes Act 1900* (NSW) s 54F(2)(c) and (i), and *Criminal Code Act 1899* (Qld) s 334A(b) (meaning of 'economic abuse' and 'emotional or psychological abuse').

¹³ *Criminal Code 1899* (Qld) s 334A.

¹⁴ *Crimes Act 1900* (ACT) s 373(9).

jurisdiction could still be heard and decided in the Supreme Court where the DPP chooses not to make an election under s 374.

25. Such a proposal would also deliver benefits for victim-survivors. Trials heard within the Supreme Court necessarily take longer to finalise due to existing delays, the procedural complexities of superior courts, and the nature of jury trials and written decisions. This extends the length of time which victim-survivors are required to participate in proceedings, and the longer they need to wait to achieve justice. Reducing the proposed penalty in line with the Commission's proposal would improve the efficiency of coercive control prosecutions, reduce the duration of their healing process, and limit the potential for retraumatisation. This, we believe, is inherently in victim-survivors' interests.

Advisory committee

26. The Commission notes that s 433 of the Bill would create a committee designed to advise the Minister regarding the offence of coercive control, and the implementation of the Bill. We support the creation of this committee which will be essential to ensuring the Bill meets its aims. Considering our experience and likely future involvement with proceedings relating to this offence, the Commission respectfully requests to be appointed a member of it.
27. We consider that, to be successful, the committee must reflect diversity. Members must be knowledgeable and skilled to provide effective advice, and should be or represent people who are of different age groups (generations), different gender identities and cultural backgrounds. This is essential to ensure that various barriers – including those experienced by persons of certain backgrounds – are understood and raised within the committee.
28. The Commission notes that s 434 would serve to disband the committee within 3 years of the Bill's commencement. In our view, there may still be merit to retaining the committee past this timeframe, including to allow committee members to participate in the statutory review of the Bill. For this reason, the Commission considers there should be scope for the advisory committee to continue after 3 years should both the Minister and Committee agree that there remains a need for it.

Statutory review provisions

29. The Commission notes that s 72K(1) provides for a statutory review of the Bill as soon as practicable after the end of 3 years after the commencement of the Bill. The Commission supports the inclusion of a statutory review, especially for a new criminal offence, to

ensure that the offence is appropriately designed and responsive to the community's needs.

30. However, we consider that 2 years may be a more appropriate timeframe for this review to occur in. In our view, 2 years is a sufficient time to see trends to inform a review, and would allow for any issues or unintended consequences of the Bill to be addressed earlier than they would be in a 3 year timeframe.

Community education

31. The Commission considers that Government investment in community engagement and education is necessary for the implementation of this offence to be successfully enforced. Prosecutions rely on victim-survivors being comfortable and confident in disclosing their experiences to police, which is understandably difficult in the context of family and domestic violence matters.
32. These difficulties are especially heightened for members of the Aboriginal and Torres Strait Islander, culturally and linguistically diverse, LGBTQIA+ and disability communities, which have particularly negative or strained relationships with the police.¹⁵ For effective implementation, direct consultation with these communities to reduce the barriers to reporting is necessary.
33. The Commission is also of the view that public awareness campaigns and extensive training for frontline justice staff (e.g. police, lawyers, court staff and judicial officers) as well as community support services should accompany the introduction of this offence.

Thank you for the invitation to make a submission on this important Bill. Should you have any further questions, please do not hesitate to contact me at john.boersig@legalaid.nsw.gov.au

Yours sincerely,



Dr John Boersig

Chief Executive Officer
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¹⁵ See Domestic Violence Prevention Council Advisory Board, Joint Discussion Paper on Criminalising Coercive Control.