



Submission cover sheet

Inquiry into the Crimes (Coercive Control) Amendment Bill 2026

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ACKNOWLEDGEMENT OF COUNTRY

The ACT Government acknowledges the Ngunnawal people as traditional custodians of the ACT and recognises any other people or families with connection to the lands of the ACT and region.

We acknowledge and respect the Aboriginal and Torres Strait Islander people, particularly our Aboriginal and Torres Strait Islander staff, and their continuing culture and the contribution they make to the life of the Canberra city and region.

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GPO Box 158, Canberra City 2601

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CONTENTS

Introduction.....	4
Background.....	4
Objectives of the Bill	5
Elements of the Offence and Safeguards	5
Minor and Technical Amendments.....	12
Conclusion	13

INTRODUCTION

The ACT Government welcomes the opportunity to provide a submission to the Standing Committee on Legal Affairs' (the Standing Committee) Inquiry into the Crimes (Coercive Control) Amendment Bill 2026 (the Bill).

The Bill amends the *Crimes Act 1900* (the Crimes Act) to introduce new Part 3B Coercive Control which establishes a standalone criminal offence for coercive control.

This submission seeks to assist the Committee by providing information on the background and objectives of the Bill, and the safeguards included to mitigate any potential issues that may arise.

This submission is intended to be read with the information presented in the Explanatory Statement to the Bill and the presentation speech of the Minister for the Prevention of Domestic, Family and Sexual Violence, Dr Marisa Paterson MLA.

BACKGROUND

Coercive control is almost always an underpinning dynamic of domestic and family violence (DFV).¹ The biennial report of the ACT Domestic and Family Violence Review, 2023 found that upon review of 12 DFV homicides in the ACT between 2000 and 2022, a clear, ongoing pattern of coercive control was present in almost all cases.² However, victims, family members and the community generally do not recognise coercive control as DFV, particularly in the absence of physical violence.³

On 25 September 2025, in response to the Assembly Resolution of 20 March 2025 regarding coercive control, the Minister for the Prevention of Domestic, Family and Sexual Violence (the Minister) announced the Government's commitment to introducing legislation to establish a standalone criminal offence for coercive control in mid-2026.

In October 2025, the Minister established the Steering Committee on the Criminalisation of Coercive Control to provide advice to Government on the development of the Bill. This brought together government and non-government stakeholders in the domestic, family and sexual violence (DFS), community and legal sectors to consider the elements of the offence and provide advice on the legislative model.

Coercive control is a standalone criminal offence in New South Wales, Queensland, and South Australia.⁴ Tasmania also has standalone criminal offences for economic abuse and emotional abuse

¹ National Principles p. 8.

² ACT Domestic and Family Violence Review, 'Domestic and Family Violence Homicides 2000-2022 Biennial Report' 2023, p. 7.

³ Ibid.

⁴ In NSW, the *Crimes Legislation Amendment (Coercive Control) Act 2022* (NSW) passed in November 2022 and commenced on 1 July 2024. In Queensland, the *Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024* (Qld) passed on 6 March 2024, and Part 3 of the Act commenced on 26 May 2025. In SA the *Criminal Law Consolidation (Coercive Control) Amendment Act 2025* (SA) was passed on 4 September 2025. The amendments will commence 2 years after passage.

or intimidation, which could encompass coercive control.⁵ The Victorian and Western Australian governments have also committed to criminalising coercive control as a standalone offence.⁶

OBJECTIVES OF THE BILL

The policy objective of the Bill is to improve recognition of and responses to coercive control in the ACT criminal law. Coercive control is a pattern of abusive behaviour that aims to dominate and control a person, usually an intimate partner or other family member, to make them subordinate to or dependant on the perpetrator.⁷ This pattern of abuse can involve strategies and tactics specifically targeted to the particular victim-survivor in ways that create fear and deny their liberty and autonomy.⁸

Some behaviours which a perpetrator may use as part of coercive control are already captured by offences currently on the ACT statute book. However, these acts are generally treated as distinct and separate incidents in the criminal law. Coercive and controlling behaviour is also recognised as a form of family violence under the *Family Violence Act 2016* and can form the basis of a Family Violence Order (FVO).⁹ Breaching a FVO is an offence.¹⁰

Criminalising coercive control as a standalone offence and recognising it as course of conduct captures the pattern of abusive behaviour and the cumulative impact for the victim-survivor, rather than solely individual instances of specific types of violence and abuse. This enables ACT's criminal law to better recognise the nature, intent and impact of this behaviour and the harm caused.

ELEMENTS OF THE OFFENCE AND SAFEGUARDS

Under new section 72J(1), the Bill provides that an adult commits a coercive control offence if:

- a) They engage in a course of conduct consisting of family violence against another person
- b) The other person is their family member
- c) They engaged in the course of conduct with intent to coerce or control the family member

⁵ *Family Violence Act 2004* (Tas) ss 8, 9.

⁶ Benita Kolovos, 'Victorian Labor to introduce stand-alone coercive control offence in backflip to match opposition policy' *The Guardian*, 3 December 2025 [Victorian Labor to introduce stand-alone coercive control offence in backflip to match opposition policy | Victorian politics | The Guardian](#); Connor McGoverne, 'We want women to defend their rights in court: Minister defences coercive control law plan' *WA Today*, 23 May 2025 [WA minister gives no date to criminalise coercive control, focus is on community education](#).

⁷ Australia's National Research Organisation for Women's Safety, [Defining and responding to coercive control: Policy brief](#), 2021, (ANROWS Insights, 01/2021) ('ANROWS Policy Brief'); Commonwealth of Australia, Attorney-General's Department, [National Principles to Address Coercive Control in Family and Domestic Violence](#) 2023, p. 1 ('National Principles'). New South Wales Parliament, Joint Select Committee on Coercive Control. [Coercive control in domestic relationships](#) Report 1/57 June 2021, p. 7 ('NSW Joint Select Committee Report').

⁸ National Principles p. 8.

⁹ *Family Violence Act 2016*, s 8(1)(a)(vi)

¹⁰ *Family Violence Act 2016* s 43.

- d) A reasonable person would, in all the circumstances, consider it likely the conduct would cause harm, or fear of harm, in the family member or another person.

The terms ‘family violence’ and ‘family member’ are defined per the *Family Violence Act 2016* sections 8 and 9, respectively.

The maximum penalty for the offence is 7 years imprisonment, 700 penalty units, or both.

It is a defence if the conduct was reasonable in all the circumstances (new section 72J(3)).

The Bill also establishes the Coercive Control Advisory Committee (the Advisory Committee) to provide advice to Government regarding the offence.

The Bill proposes commencement is delayed for 2 years after the notification day, other than the provisions establishing the Advisory Committee, which are to commence the day after notification day.

The following sections detail how these elements of the offence achieve the Bill’s objectives and provide safeguards against the risk of unintended consequences:

- Capturing a course of conduct of family violence
- Applying to a broad scope of familial relationships
- Intent to coerce or control
- Reasonable person test regarding likelihood of harm
- Defence of reasonableness
- Maximum penalty
- Delayed commencement
- Oversight mechanisms

CAPTURING A COURSE OF CONDUCT OF FAMILY VIOLENCE

The Bill provides it is an offence to engage in a course of conduct consisting of family violence against another person, being a family member (new section 72J(1)).

Course of conduct

A course of conduct includes conduct that is repeated, continuous or both (new section 72I). It also includes a series of incidents that do not occur in immediate succession or form an unbroken series (new section 72I).

This is framed to capture a pattern of behaviour consisting of family violence, as opposed to individual instances of family violence considered in isolation. This reflects that coercive control is a pattern of behaviour over time, with a cumulative impact of controlling and manipulating the victim-survivor.¹¹ This is fundamental to the objectives of the offence to capture the holistic pattern of the conduct, rather than individual instances.

¹¹ ANROWS Policy Brief, p. 1.

The offence does not specify a particular number of occasions on which family violence which forms part of the course of conduct must have taken place. This is intended to better capture the persistent and repeated nature of coercive control as a pattern of behaviour, rather than a series of individual discrete incidents.

The Bill also specifies what does and does not need to be proven to demonstrate a course of conduct existed. The prosecution must allege the nature and description of the conduct and the particulars of the period time over which the course of conduct took place (new section 72J(6)(b)). The trier of fact, being the judge or the jury, must be satisfied beyond reasonable doubt that a course of conduct consisting of family violence existed (section 72J(4)). Therefore, it will not be sufficient if the trier of fact is only satisfied that the conduct occurred on one occasion, as this will not make up a course of conduct.

However, the prosecution is not required to allege, and the trier of fact is not required to be satisfied of, the particulars of any specific incident of family violence to the extent necessary if the incident were charged as a separate offence (new sections 72J(5)(a) and 72J(6)). If the trier of fact is a jury, the members of the jury need to agree that a course of conduct existed, but they do not need to agree on the specific incidents of family violence which made up that course of conduct (new section 72J(5)(a)).

This aligns with the holistic consideration of a course of conduct as a totality opposed to the particulars of individual incidents. Criminal law traditionally focuses on discrete and specific incidents, which evidence has demonstrated fails to capture the reality of coercive control.¹² These provisions seek to ensure the offence is appropriately focused on the holistic pattern of conduct alleged, while maintaining the accused's right to a fair trial and providing they are to be given sufficient detail of the case against them.¹³

These provisions also support mitigating the risk of misidentification. Focusing on the course of conduct within the context of the whole relationship is critical to identify the exertion of power and dominance that characterises coercive control.¹⁴ In this context, behaviours such as a complainant's use of retaliatory violence in self-defence, can be properly identified, recognising these behaviours are not coercive control and do not meet the threshold for this offence.¹⁵

This approach is akin to that adopted in all other Australian jurisdictions' coercive control offences to date.¹⁶ This also aligns with the approach for the offence of persistent sexual abuse of child or young

¹² ACT Domestic and Family Violence Review, *Domestic and Family violence Homicides 2020-2022, Biennial Report 2023* ('ACT Domestic and Family Violence Review 2023') p. 8; Women's Health Matters, *'Too Urgent to Rush': Victim Survivor Voice consultation report for improving ACT justice system responses and community awareness of coercive control 2025*, ('Victim Survivor Voices') p. 20; Women's Safety and Justice Taskforce, *Hear Her Voice: Addressing Coercive Control and Domestic and Family Violence in Queensland, Report 1, Volume 3* 2021 ('Women's Safety and Justice Taskforce') p. 744. ANROWS Policy Brief, p. 1-2.

¹³ *Human Rights Act 2004* (ACT) s 21.

¹⁴ National Principles, p. 8.

¹⁵ National Principles, p. 1.

¹⁶ *Crimes Act 1900* (NSW) s 54H; *Criminal Code 1899* (Qld) s 334C(3), (5); *Criminal Law Consolidation (Coercive Control) Amendment Act 2025* (SA) s 20C(4)(c), (e)(ii).

person under special care under section 56 of the Crimes Act.¹⁷ These are similar offences encompassing multiple acts committed by the perpetrator as part of a course of conduct.

Family violence

Per the dictionary of the Crimes Act, family violence is defined under section 8 of the *Family Violence Act 2016*. Family violence is not separately defined in the Bill for the purpose of the offence, because it is already defined in the Crimes Act.

The definition of family violence under section 8 of the *Family Violence Act 2016* encompasses a range of behaviours which broadly reflects recognised types of harmful behaviours which persons using coercive control may employ.¹⁸ This includes physical violence or abuse, sexual violence or abuse, emotional or psychological abuse, economic abuse, threatening behaviour, coercion or any other behaviour that controls or dominates a family member and causes them to feel fear for their safety or wellbeing, behaviour causing a child to be exposed to this behaviour, sexually coercive behaviour, damaging property, harming an animal, stalking, deprivation of liberty, and harmful use of, or interference with, technology.

This means that only conduct which meets the definition of ‘family violence’ will be captured by the offence. Conduct which is not ‘family violence’ such as protective behaviours which are not abusive or controlling, will not be captured the offence. This appropriately limits the scope of the offence, to reduce the risk of overcriminalisation.

This approach also provides for consistency in terminology across the statute book. The term ‘family violence’ is defined across ACT legislation, including in the Crimes Act, with reference to section 8 of the Family Violence Act. While other jurisdictions adopted specific definitions of harmful behaviour for the purposes of this offence, in consultation stakeholders expressed concern this could create confusion and uncertainty in the community about what is considered family violence.

APPLYING TO A BROAD SCOPE OF FAMILIAL RELATIONSHIPS

The offence applies if the course of conduct is committed against a family member. A family member is defined in the *Family Violence Act 2016* to mean a current or former intimate or domestic partner, a relative, a person someone has a family-like relationship with, a child of a domestic partner or former domestic partner, and a parent of one’s child.¹⁹

The broader approach to the scope of relationships recognises that coercive control occurs in an array of family and family-like relationships beyond domestic and intimate partner relationships.²⁰ Feedback from several Steering Committee members and community members reflects that this can particularly impact Aboriginal and Torres Strait Islander and multicultural communities, people with disability, older people and LGBTQIA+ people.

This approach is also largely consistent with the approach taken under Queensland’s coercive control offence, which applies to conduct perpetrated in intimate personal relationships, family

¹⁷ *Crimes Act 1900* (ACT) s 56(4).

¹⁸ National Principles, p. 12.

¹⁹ *Family Violence Act 2016* s 9.

²⁰ National Principles, p.10-11.

relationships or informal care relationships.²¹ The Queensland approach reflects recommendations from the Women's Safety and Justice Taskforce's in its 2021 Report - *Hear her Voice – Report 1 – Addressing coercive control and domestic and family violence in Queensland*, which was informed by the Taskforce's consultation across the Queensland community and relevant sectors.²²

There is also a risk that failing to recognise these relationships within the offence would create an unequal response to the same type and seriousness of conduct. This would mean coercive control in some relationships would be recognised and criminalised, while coercive control in other relationships would remain unrecognised by the standalone offence (although existing criminal law responses would continue to apply). Stakeholders considered this could create confusion for the community about why certain relationships are captured and others are not. This could also disproportionately impact members of the communities identified above, recognising feedback from community members and stakeholders that members of these communities may experience coercive control in familial relationships beyond the intimate partner context.²³

INTENT TO COERCE OR CONTROL

To commit the offence, the accused must have intended that the course of conduct would coerce or control the family member. This is aligned with the approaches of New South Wales, Queensland and South Australia.²⁴

Intention is defined under section 18 of the *Criminal Code 2002*, providing in the case of this offence that a person has intention in relation to a result (coercing or controlling a family member) if they mean to bring it about or are aware it will happen in the ordinary course of events.

Under the offence, the accused's intention is attached to coercing or controlling the family member, rather than causing harm to or fear of harm in the family member, to better reflect the unique nature of coercive control. Academic discourse about the nature of coercive control defines it as a pattern of behaviour aimed at dominating or controlling another to deprive them of their autonomy and freedom.²⁵ This approach is therefore aligned with the policy objective of the Bill to target the use of the specific behaviour of coercive control as a recognised harmful, and potentially lethal, behaviour.

The fault element of intent also appropriately narrows the scope of the offence to reduce the risk of inadvertently capturing behaviour which is not intended to be criminalised. This is particularly relevant for victim-survivors at greater risk of misidentification and over-criminalisation, including people from Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse

²¹ See section 334C, *Criminal Code 1899* (QLD). The Criminal Code (QLD) provides that domestic relationship is defined to include intimate personal relationship, family relationship or informal care relationship (see Part 1, section 1 *Criminal Code 1899* (QLD); section 13 *Domestic and Family Violence Protection 2012* (QLD)).

²² Women's Safety and Justice Taskforce, [Hear her voice – Report 1 – Addressing coercive control and domestic and family violence in Queensland](#) - Volume 3, 2021, p. 743-744.

²³ Department of Social Services '[National Plan to End Violence against Women and Children 2022-2032](#)' 2022, p. 41-46.

²⁴ *Crimes Act 1900* (NSW) s 54D(1)(c), *Criminal Code 1899* (Qld) s 334C(1)(c), *Criminal Law Consolidation (Coercive Control) Amendment Bill 2024* (SA) s 20C(1)(b).

²⁵ ANROWS Policy Brief p. 1; National Principles p.1; New South Wales Parliament, Joint Select Committee on Coercive Control. '[Coercive control in domestic relationships](#)' Report 1/57 June 2021, p. 7.

communities, LGBTQIA+ communities and people with a disability.²⁶ Therefore, the fault element of intent is also important to ensure the offence is compatible with human rights as required under the *Human Rights Act 2004*.

There are also practical and educative benefits to the ACT being consistent with other Australian jurisdictions in this regard. This will enable ACT practitioners to refer to NSW and Queensland case law and practice guidance, which is important in a newly emerging area of law, particularly given the ACT's small size. This will also support national consistency regarding the meaning of coercive control as a criminal offence, which could support community understanding.

It is noted that in other jurisdictions and in consultation with ACT stakeholders, some stakeholders have raised concerns that the fault element of intent may pose a barrier to charging, prosecution and conviction of the offence.²⁷ There is no clear evidence, such as case law or a review of an equivalent offence in another Australian jurisdiction, that the threshold of intent has prevented certain matters from proceeding to charge and/or prosecution in circumstances where they otherwise should have.

Internationally, some jurisdictions have adopted a fault element of recklessness. The definition of recklessness in the criminal law of these jurisdictions, and the models for the coercive control offences, are different to that of the ACT and other Australian states. The context of the ACT in terms of family violence responses and the risks of misidentification and over-criminalisation (which is also shared by other Australian jurisdictions) is also different to overseas jurisdictions. As such, whilst overseas models are informative, the evidence related to the interpretation of the fault element and the impact for the implementation of the offence internationally is not directly comparable to the ACT or other Australian jurisdictions.

Whilst ACT Government intends to continue to monitor this issue, including through the statutory review, the model set out in the Bill reflects an appropriate approach for the ACT .

REASONABLE PERSON TEST REGARDING LIKELIHOOD OF HARM

The offence also provides that a reasonable person must consider the course of conduct likely in all the circumstances to cause harm or fear of harm to the family member or someone else. This is similar to the approach adopted in New South Wales, Queensland, and South Australia.²⁸

This provides an objective standard in relation to the outcome of the course of conduct, applying the community standard in relation to whether the course of conduct would be likely to cause harm or fear of harm. As an objective test, the prosecution is not required to prove the complainant actually suffered harm or fear of harm, so the focus is on the likely outcomes of the alleged perpetrator's behaviour, rather than the impact on the specific complainant.

²⁷ In NSW, this includes Domestic Violence NSW, Reference Groups to the NSW Implementation and Evaluation Taskforce and the Executive Director of BOCSAR.

²⁸ *Crimes Act 1900* (NSW) s 54D(1)(d), *Criminal Code 1899* (Qld) s 334C(1)(d), *Criminal Law Consolidation (Coercive Control) Amendment Bill 2024* (SA) s 20C(1)(d).

There have been some critiques that the ‘reasonable person’ test adopted in law can risk erasing distinctions of gender, race, sexuality and lived experience, and fail to properly capture the unique circumstances and vulnerabilities of the party impacted.²⁹ The test therefore adopts the position of ‘a reasonable person in all the circumstances,’ to enable consideration of the circumstances of the matter, such as the context of the relationship or any particular vulnerabilities of the other person, may in assessing if the course of conduct would be likely to cause harm or fear of harm. Notwithstanding the limitations of the reasonable person test, this approach is preferable to requiring actual proof of harm to the complainant, given the complexity of coercive control, the various unique ways coercive control may impact and harm complainants, and the ways complainants may present differently to respond to or cope with that harm.³⁰

DEFENCE OF REASONABLENESS

The Bill also provides a defence to the offence. Under section 72J(3), the offence does not apply if the course of conduct was reasonable in the circumstances. The accused has an evidential burden in relation to this. This is intended to limit the scope of the offence to ensure conduct that is reasonable is not criminalised. This is an important protection to mitigate the risk of overcriminalisation or misidentification arising from the offence. What is considered reasonable in the circumstances will differ in each individual case based on the facts.

MAXIMUM PENALTY

The maximum penalty of 7 years imprisonment, 700 penalty units or both is appropriately balanced to the seriousness of the conduct captured by the offence. This reflects the relative seriousness of the offence of coercive control as compared to other offences on the ACT statute book, as outlined in the Explanatory Statement for the Bill.

DELAYED COMMENCEMENT OF THE OFFENCE

The commencement of the offence is delayed by two years. This aligns with the delayed commencement periods in NSW, Queensland and South Australia of between 14 months to two years.

The implementation of the offence will require a nuanced and considered approach. This is because firstly, coercive control is complex for communities and services to understand, recognise and respond to safely and secondly, the offence adopts a different approach to that of traditional criminal law in capturing a course of conduct. The two-year commencement period is designed to provide necessary time to support safe and effective implementation of the offence. Over this period, the Advisory Committee will also be established to provide advice to Government regarding preparation for implementation.

During this period, the ACT Government will work with legal, justice and community sector agencies to support implementation of the Bill. Drawing on the experience of other jurisdictions, this is expected to involve a focus on raising community awareness, developing appropriate

²⁹ Jane Wangman, ‘Criminalising Coercive Control in New South Wales: Misunderstandings and Missed Opportunities’ *UNSW Law Journal*, Volume 47, Issue 3, 2024, p. 829-30.

³⁰ Ibid.

governance and oversight mechanisms, and increasing the capability and capacity of key workforces, including through development of training programs.

This work will build on previous investment from the 2024-25 Budget in a coercive control package that supported a public education campaign delivered in 2025, training for ACT Policing and ACT Courts, and updates to incorporate coercive control into the ACT Risk Assessment and Management Framework (ACT RAMF) to ensure consistent definitions and responses to coercive control. Rollout of the updated ACT RAMF will be supported by further investment from the 2026-27 Budget in RAMF training for priority workforces, contributing to an improved understanding of coercive control in the context of DFSV risk assessment and management.

Preparing for implementation of the Bill will enable responding agencies and the community to build awareness and understanding of coercive control across a range of relationships and develop capacity to respond appropriately and safely. Over this period, the Advisory Committee will also be established to provide advice to Government regarding preparation for implementation.

This work also aligns with key actions in the ACT Domestic, Family and Sexual Violence Strategy 2026-2036 First Action Plan which support the effective criminalisation of coercive control.

OVERSIGHT MECHANISMS

In response to strong stakeholder advocacy for embedded monitoring and oversight of the offence, the Bill incorporates safeguards to ensure there are opportunities to identify and address unintended consequences in early implementation and operation of the offence.

The Bill establishes the Advisory Committee to provide advice to the Minister with administrative responsibility for the *Domestic Violence Agencies Act 1986* on the offence and its implementation. The Advisory Committee will be able to monitor implementation of the offence, identify any areas of concern (including emerging risks of unintended consequences), and provide advice to the responsible Minister.

The Bill also provides the Minister with administrative responsibility for the *Domestic Violence Agencies Act 1986* must undertake a statutory review of the offence, to commence as soon as practicable three years after commencement. This will provide a mechanism to review the legislation within an appropriate time from commencement and provide an opportunity to identify the need for further reform if it arises.

Under the current administrative arrangements, the Minister for the Prevention of Domestic, Family and Sexual Violence has administrative responsibility for the *Domestic Violence Agencies Act 1986*.

MINOR AND TECHNICAL AMENDMENTS

The Bill progresses minor and technical amendments to the *Victims of Crime (Financial Assistance) Act 2016* (FAS Act) and the *Ombudsman Act 1989* to include the coercive control offence within the Victims of Crime Financial Assistance Scheme (the FAS) and the reportable conduct scheme, as appropriate. The objectives of these amendments are to provide that the new coercive control offence is recognised within these schemes in the same way as other criminal offences are recognised.

CONCLUSION

This Bill reflects what the ACT Government has heard from victim-survivors, ACT community members, and key stakeholders, as well as evidence from other jurisdictions, to adopt a balanced and appropriate model for a standalone coercive control offence for the ACT. The passage of the Bill is an important further step on the ACT's journey to improve responses to family violence. The introduction and implementation of the coercive control offence would strengthen the ACT Government's response to coercive control and promote the rights of victim-survivors in the ACT, while holding perpetrators of violence accountable for their conduct.

The ACT Government welcomes the Standing Committee's Inquiry into the Bill and looks forward to receiving further views of key groups, including stakeholders, legal professionals, advocates and the community.