



Submission cover sheet

Inquiry into the Crimes (Coercive Control) Amendment Bill 2026

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Inquiry into the Crimes (Coercive Control) Amendment Bill 2026

Aboriginal and Torres Strait Islander Elected Body (ATSIEB)

Introduction

The Aboriginal and Torres Strait Islander Elected Body (ATSIEB) welcomes the opportunity to provide input into the Inquiry into the *Crimes (Coercive Control) Amendment Bill 2026*.

ATSIEB supports efforts to strengthen responses to family and domestic violence, including recognising coercive control as a serious and harmful pattern of behaviour. The Bill seeks to address coercive control as a course of conduct involving family violence, rather than isolated incidents, reflecting contemporary understandings of abuse.

However, it is critical that any legislative response recognises and responds appropriately to the specific experiences, vulnerabilities and strengths of Aboriginal and Torres Strait Islander people, Particularly women and children.

The implementation of this Bill should also be considered alongside the ACT Aboriginal and Torres Strait Islander Agreement and the ACT Closing the Gap Phase 3 Action Plan. These frameworks commit the ACT Government to shared decision-making, Aboriginal and Torres Strait Islander self-determination, culturally safe services, reducing over-representation in justice systems, and strengthening Aboriginal community-controlled organisations. The implementation of the Bill should contribute to these existing commitments rather than operate in isolation.

Disproportionate Impact on Aboriginal and Torres Strait Islander Women

Aboriginal and Torres Strait Islander women experience significantly higher rates of family and domestic violence and are disproportionately impacted by its effects.

Any legislative response to coercive control must:

- Recognise these disproportionate impacts; and
- Ensure that the operation of the offence enhances safety, rather than contributing to further harm or system involvement.

There is a significant risk that, without careful design and implementation, the Bill may:

- Result in misidentification of Aboriginal and Torres Strait Islander women as perpetrators rather than victim-survivors; and
- Contribute to further criminalisation, consistent with existing patterns identified in justice systems.

ATSIEB emphasises that these risks must be actively mitigated.

Risk of Over-Policing and System Harm

ATSIEB is concerned that the introduction of a standalone criminal offence may unintentionally lead to:

- Increased police contact and surveillance in Aboriginal and Torres Strait Islander communities;
 - Heightened criminalisation of victim-survivors, particularly in complex family contexts; and
 - Escalation of involvement with the child protection system, including removal of children.
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These risks are compounded by:

- Existing systemic bias;
- Over-representation of Aboriginal and Torres Strait Islander peoples in policing and incarceration; and
- Historical and ongoing trauma associated with state intervention.

The Bill's enforcement must not reproduce these harms.

Cultural Context and Community Dynamics

ATSIEB stresses that coercive control must be understood within the context of Aboriginal and Torres Strait Islander:

- Ways of knowing, being and doing;
- Kinship systems and extended family structures; and
- Community dynamics and obligations.

While the Bill adopts a broad definition of “family member”, this also increases the risk that:

- Cultural or kinship-based practices may be misinterpreted or criminalised; and
- State responses may fail to recognise the collective nature of family and community life.

Legislative and operational responses must therefore be culturally informed and responsive, and not based solely on Western constructs of family and relationships.

Trust, Trauma and Engagement with Justice Systems

There is an ongoing lack of trust in justice systems among Aboriginal and Torres Strait Islander communities due to:

- Historical and ongoing experiences of colonisation, removal and discrimination; and
- Continued over-representation in policing, child protection and custodial systems.

Without trust:

- Victim-survivors may be reluctant to report coercive control; and
- The effectiveness of the legislation in improving safety will be undermined.

ATSIEB emphasises the importance of:

- Trauma-informed, healing-focused responses;
- Culturally safe service delivery; and
- Investing in community-led solutions.

Risks of Criminalising Victim-Survivors and Impacts on Children

ATSIEB is particularly concerned about:

- The risk of criminalising women who are victim-survivors, including where they use defensive or protective behaviours; and
- The potential for increased child removals arising from police involvement or findings of coercive control.

While the Bill includes safeguards such as considering the totality of conduct and intent, ATSIEB considers that legislative safeguards alone are insufficient without:

- Strong operational guidance;
- Workforce capability; and
- Accountability mechanisms.

A culturally informed approach to child protection is essential to ensure:

- Children are kept safe without unnecessary removal from family, culture and community; and
- Responses support family healing and stability, rather than compounding trauma.

Importance of Aboriginal and Torres Strait Islander Leadership

ATSIEB strongly emphasises that effective responses to coercive control must be:

- Designed, led and delivered by Aboriginal and Torres Strait Islander peoples; and
- Grounded in community knowledge and lived experience.

While the Bill establishes an Advisory Committee, ATSIEB recommends that:

- Aboriginal and Torres Strait Islander representation is embedded and decision-making, not advisory only; and
- Dedicated structures or mechanisms are established to ensure ongoing Aboriginal and Torres Strait Islander oversight

Alignment with Existing ACT Commitments

ATSIEB considers that implementation of the Crimes (Coercive Control) Amendment Bill should be explicitly aligned with the ACT Aboriginal and Torres Strait Islander Agreement and the ACT Closing the Gap Phase 3 Action Plan. In particular, implementation should support existing commitments to:

- genuine partnership and shared decision-making with Aboriginal and Torres Strait Islander people;
- culturally safe justice, policing and family violence responses;
- reducing the over-representation of Aboriginal and Torres Strait Islander people in the justice system;
- reducing the over-representation of Aboriginal children in out-of-home care;
- strengthening Aboriginal community-controlled organisations to lead prevention and early intervention responses; and
- embedding accountability across government for Closing the Gap outcomes.

Aligning implementation with these existing commitments will ensure the legislation contributes to broader reform rather than creating parallel approaches.

Recommendations

ATSIEB recommends that the ACT Government:

1. Explicitly recognise the disproportionate impact of family and domestic violence on Aboriginal and Torres Strait Islander women in the legislation and implementation framework.
2. Embed safeguards against misidentification, including mandatory culturally informed assessment frameworks and training for police and justice actors.
3. Prevent over-criminalisation by investing in non-criminal, community-led responses alongside the offence.
4. Ensure all implementation is:
 - Trauma-informed
 - Culturally safe
 - Healing-focused
5. Strengthen child protection responses to:
 - Reduce unnecessary removal of Aboriginal and Torres Strait Islander children; and
 - Support family preservation and reunification.
6. Embed Aboriginal and Torres Strait Islander leadership, including:
 - Co-design of implementation;
 - Ongoing monitoring; and
 - Decision-making roles within oversight structures.
7. Require the implementation framework for the Bill to demonstrate alignment with the ACT Aboriginal and Torres Strait Islander Agreement and the ACT Closing the Gap Phase 3 Action

Plans, including regular reporting on how implementation contributes to agreed Closing the Gap outcomes.

8. Provide sustained investment in Aboriginal and Torres Strait Islander community-controlled organisations to lead responses to coercive control and family violence.

Conclusion

The successful implementation of the Crimes (Coercive Control) Amendment Bill 2026 should be guided by the commitments contained in the ACT Aboriginal and Torres Strait Islander Agreement 2019–2028, particularly the principles of self-determination, cultural integrity, community leadership and equitable access to justice. ATSIEB emphasises that responses to coercive control must strengthen Aboriginal and Torres Strait Islander leadership, support children and families to remain connected to culture and community, and promote culturally safe justice outcomes that contribute to healing rather than further system involvement

The implementation of this legislation provides an opportunity for the ACT Government to demonstrate its commitment to the ACT Aboriginal and Torres Strait Islander Agreement and the Closing the Gap Phase 3 Action Plan by ensuring responses are Aboriginal-led, culturally safe and accountable for improving outcomes for Aboriginal and Torres Strait Islander women, children and families.