



**Legislative Assembly for the
Australian Capital Territory**

Standing Committee on Legal Affairs

Inquiry into the Crimes (Coercive Control) Amendment Bill 2026

Legislative Assembly for the Australian Capital Territory
Standing Committee on Legal Affairs

Approved for publication

Report 11
11th Assembly
September 2026

About the committee

Establishing resolution

The Assembly established the Standing Committee on Legal Affairs on 3 December 2024.

The Committee is responsible for the following areas:

- Emergency management and the Emergency Services Agency
- Policing and ACT Policing
- Corrective Services
- Attorney-General
- Consumer Affairs
- Human Rights
- Victims of Crime
- Access to justice and restorative practice
- Public Trustee and Guardian

You can read the full establishing resolution [on our website](#).

Committee members

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Mr Taimus Werner-Gibbins MLA, Deputy Chair

Ms Rebecca Vassarotti MLA

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Ms Kate Mickelson, Assistant Secretary

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About this inquiry

The Crimes (Coercive Control) Amendment Bill 2026 was presented in the Assembly on 28 May 2026 and referred to the Standing Committee on Legal Affairs. Standing order 174 refers all bills presented to the Assembly to the relevant standing committee for inquiry. A Committee has three weeks from the date of presentation, or one week after the tabling of the relevant scrutiny report, whichever is later, to advise the Speaker on whether it will undertake an inquiry.

If the Committee does decide to undertake an inquiry, it must report within three months from the date of presentation of the bill, with the exception of bills presented in the last sitting period of a calendar year, in which case the Committee has four months to inquire and report.

The Committee decided to inquire into the bill on 3 June 2026.

Committees may seek an extension from the Assembly to the reporting date of a Bill inquiry. The Committee sought and was granted an extension for this inquiry on 11 June 2026, with the new reporting date being 11 September 2026.¹

Acknowledgement of lived and living experience

The Committee would like to express its sincere gratitude to everyone who contributed to this inquiry. In particular, the Committee acknowledges the strength and courage of victim-survivors in coming forward and sharing their stories with the Committee. Their openness, courage and deep understanding of the impact of coercive control have informed the Committee's report.

¹ ACT Legislative Assembly, *Minutes of Proceedings No 63*, 11 June 2026, p 1072.

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Acronyms & Abbreviations

Acronym or Abbreviation	Long form
ACT	Australian Capital Territory
The Advisory Committee	Coercive Control Advisory Committee
AMAN	Australian Multicultural Action Network
AMC	Alexander Maconochie Centre
ATSIEB	Aboriginal and Torres Strait Islander Elected Body
The Bill	<i>Crimes (Coercive Control) Amendment Bill 2026</i>
CRCC	Canberra Rape Crisis Centre
CWA	The Country Women's Association
DFV	Domestic and Family Violence
DVCS	Domestic Violence Crisis Service
HCSD	Health and Community Services Directorate
JACS	Justice and Community Safety Directorate
NSW	New South Wales
QLD	Queensland
QON	Question on Notice
QTON	Question Taken on Notice
SIC	Soroptimists International Canberra Inc
SIC	Soroptimists International Canberra Inc
The Society	ACT Law Society
Scrutiny Committee	Standing Committee on Legal Affairs (Legislative Scrutiny Role)
VOC Commissioner	Victims of Crime Commissioner
WLC	Women's Legal Centre ACT
ZCCB	Zonta Club of Canberra Breakfast

Legislation Terminology

A bill contains clauses, subclauses, paragraphs, and subparagraphs. In footnotes, these are abbreviated to 'cl', 'subcl', 'para', and 'subpara'. Upon enactment, clauses and subclauses become sections and subsections. In footnotes, these are abbreviated to 's' and 'subs'.

Recommendations

Recommendation 1

The Committee recommends that the ACT Government observe long-established legal principles and terminology designed to safeguard the right to a fair trial.

Recommendation 2

The Committee recommends that the ACT Government actively consider recklessness as the fault element including consideration of a tiered or graduated offence model in which intent and recklessness may be applied to different tiers based on the seriousness of the offending.

Recommendation 3

The Committee recommends that the ACT Government amend the Bill or provide statutory guidance to clearly define the scope of the reasonableness defence. The guidance should include specific criteria or examples of what constitutes 'reasonable in all the circumstances', noting the Committee's concern that coercive control can present with a superficial semblance of reasonableness.

Recommendation 4

The Committee recommends that the ACT Government seriously consider commentary provided in the scrutiny report with regard to the reversal of the burden of proof when the reasonableness defence is engaged.

Recommendation 5

The Committee recommends that the ACT Government include a definition of family violence, whether by reference to section 8 of the Family Violence Act 2016 or otherwise, to create legal certainty.

Recommendation 6

The Committee recommends that the ACT Government consider the definitions of family member and family violence and whether they comprehensively cover the broad range of behaviours and relationships which should be captured by the offence.

Recommendation 7

The Committee recommends that the ACT Government consider whether the proposed definition of harm adequately encompasses the multifaceted and nuanced ways in which harm can materialise through coercive control, and ensure that adequate guidance is provided to assess the adaptive ways in which it can be exerted over an extended period of time.

Recommendation 8

The Committee recommends that the ACT Government explore the proposal put forward by the Victims of Crime Commissioner with regard to extending the Director of Public Prosecution's power to elect to have a coercive control matter dealt with summarily in the Magistrates Court.

Recommendation 9

The Committee recommends that the ACT Government provide a comprehensive, detailed and structured implementation plan prior to the legislation coming into force and consider how it should be appropriately funded.

Recommendation 10

The Committee recommends that the ACT Government consult widely, prior to the implementation of the Bill, on the suitability of the proposed offence provision for vulnerable and diverse cohorts who are typically disproportionately impacted, including Aboriginal and Torres Strait Islander peoples, people with disabilities and neurodevelopmental disorders, conditions, culturally and linguistically diverse communities, LGBTQIA+ people, and women.

Recommendation 11

The Committee recommends the ACT Government strengthen the proposed Coercive Control Advisory Committee by incorporating the following provisions in the Bill:

- outline the groups, skills, knowledge, and/or experience to be represented in its membership to ensure a multisectoral approach;
- extend the tenure of the advisory committee so that it will expire after the statutory review period; and
- outline the specific role of the advisory committee with regard to implementation, evaluation and the statutory review of the offence.

Recommendation 12

The Committee recommends that the ACT Government, as part of the statutory review, monitor and publicly report data on the operation of coercive control offences, including charges, prosecutions, discontinuances, co-occurring offences, convictions, time to finalisation, and sentencing outcomes.

Recommendation 13

The Committee recommends that the ACT Government publish an evaluation framework prior to the commencement of the offence which incorporates public reporting on measurable outcomes that assess whether the legislation is effective, improves safety, and improves access to justice.

Recommendation 14

The Committee recommends that the ACT Government acknowledge the broader context of the criminalisation of coercive control and consider primary prevention measures for settings including schools, workplaces, and anywhere significant power imbalances exist in the community.

Recommendation 15

The Committee recommends that the Assembly pass the bill, subject to the amendments proposed in this report.

1. Introduction

Conduct of the inquiry

- 1.1. The Committee called for submissions from 3 June 2026, with a closing date of 10 July 2026. The Committee received 31 submissions, including 3 confidential submissions, which are listed at **Appendix A**.
- 1.2. The Committee held a public hearing on 20 August 2026 and heard from witnesses representing advocacy and domestic violence support groups, legal groups, the ACT Human Rights Commission, the Minister for the Prevention of Domestic, Family and Sexual Violence and the Minister for Police, Fire and Emergency Services. Witnesses are listed at **Appendix B**.
- 1.3. During the hearing, there was one question taken on notice (QTON). There were no questions on notice (QON). Details of the QTON are at **Appendix C**.
- 1.4. Committees began collecting information on the gender of witnesses in April 2023, in response to an audit by the Commonwealth Parliamentary Association. The aim is to determine whether committee inquiries are meeting the needs, and allowing the participation, of a range of genders in the community. Participation is voluntary and there are no set responses. A table showing responses is available at **Appendix D**.

Bill summary

- 1.5. The Crimes (Coercive Control) Amendment Bill 2026 (the bill) would amend the *Crimes Act 1900* (the Act) to insert a new Part 3B which would establish a standalone criminal offence of coercive control.²
- 1.6. According to the explanatory statement, the policy objective of the bill is to ‘improve recognition of and responses to coercive control in the ACT criminal law.’³
- 1.7. The explanatory statement defines coercive control as ‘a course of conduct aimed at dominating and controlling another person, usually an intimate partner or other family member, to make them subordinate to or dependent on the perpetrator.’⁴
- 1.8. The bill would also insert a new Part 21 into the Act to establish a Coercive Control Advisory Committee to advise the Minister about the offence relating to coercive control. The members of the Advisory Committee would be appointed by the Minister. The Advisory Committee may establish an expert reference group to assist in its functions.⁵
- 1.9. Part 21 expires three years after the date it commences.⁶

² Crimes (Coercive Control) Amendment Bill 2026, cl 5 (New part 3B).

³ Crimes (Coercive Control) Amendment Bill 2026, *Explanatory Statement*, p 1.

⁴ Crimes (Coercive Control) Amendment Bill 2026, *Explanatory Statement*, p 1.

⁵ Crimes (Coercive Control) Amendment Bill 2026, cl 6 (New part 21).

⁶ Crimes (Coercive Control) Amendment Bill 2026, cl 6 (New part 21).

- 1.10. The bill would also make consequential amendments to the *Ombudsman Act 1989* and the *Victims of Crime (Financial Assistance) Act 2016*.⁷

Background

- 1.11. The ACT Government in its submission to this inquiry noted that the biennial report of the ACT Domestic and Family Violence Review, 2023, found that after reviewing 12 Domestic and Family Violence (DFV) homicides in the ACT between 2000 and 2022, ‘a clear ongoing pattern of coercive control was present in almost all cases’. The ACT Government submission went on to state that victims, family members and the community generally did not recognise coercive control as a form of DFV.⁸
- 1.12. On 20 March 2025, the Legislative Assembly passed a resolution calling for on the ACT Government to:
- (a) consult with the Domestic Violence Prevention Council in relation to best practice responses to coercive control;
 - (b) continue to develop the ACT’s Domestic, Family and Sexual Violence Strategy with specialist ACT agencies to ensure a coordinated response to domestic, family and sexual violence;
 - (c) conduct a review of legislation relating to the criminalisation of coercive control nationally to assess implementation, effectiveness and identify any gaps, assess the ACT’s current legislative framework in so far as it captures coercive control, and introduce legislation informed by the review;
 - (d) enhance support and resources for people experiencing coercive control and improve awareness of, and responses to, coercive control in the ACT community;
 - (e) increase the capacity of frontline domestic, family and sexual violence services to respond to coercive control;
 - (f) improve the provision of training and education to police and other justice agencies, including the judiciary, in relation to coercive control; and
 - (g) report back to the Assembly within six months on progress in relation to these activities, including in relation to a timeline for legislation.⁹
- 1.13. On 25 September 2025, the then Minister for the Prevention of Domestic, Family and Sexual Violence in response to the Assembly resolution announced the government’s commitment to introducing a bill to establish a standalone criminal offence for coercive control in 2026.¹⁰

⁷ Crimes (Coercive Control) Amendment Bill 2026, Sch 1 (Consequential Amendments).

⁸ ACT Government, *Submission 4*, p 4.

⁹ ACT Legislative Assembly, *Minutes of Proceedings, No 13*, pp 171–174.

¹⁰ ACT Legislative Assembly, *Minutes of Proceedings, No 34*, pp 466–467.

- 1.14. According to the ACT Government submission, 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.¹¹
- 1.15. The explanatory statement and the ACT Government submission both observe that standalone offences for coercive control have been passed in New South Wales, Queensland and South Australia, and that this followed similar moves overseas in England, Wales, Scotland, the Republic of Ireland and Northern Ireland.¹²
- 1.16. Tasmania also has standalone criminal offences for economic abuse and emotional abuse or intimidation, which the explanatory statement and government submission observe could encompass coercive control.¹³
- 1.17. According to the explanatory statement and ACT Government submission, both the Victorian and Western Australian governments have also committed to criminalising coercive control as a standalone offence.¹⁴

Consultation

- 1.18. The following entities and organisations were consulted on the bill's development as part of the Steering Committee on the Criminalisation of Coercive Control, which met from October 2025 to May 2026:
- ACT Director of Public Prosecutions;
 - ACT Policing;
 - A Gender Agenda;
 - Canberra Rape Crisis Centre;
 - Domestic, Family and Sexual Violence Office (HCSD);
 - Domestic Violence Crisis Service;
 - Domestic Violence Prevention Council Aboriginal and Torres Strait Islander Expert Reference Group;
 - Everyman;
 - Legal Aid ACT;
 - Multicultural Hub;
 - Sisters in Spirit Aboriginal Corporation;
 - Women's Legal Centre;
 - Women's Health Matters;

¹¹ ACT Government, *Submission 4*, p 4.

¹² Crimes (Coercive Control) Amendment Bill 2026, *Explanatory Statement*, p 1; ACT Government, *Submission 4*, pp 4–5.

¹³ Crimes (Coercive Control) Amendment Bill 2026, *Explanatory Statement*, p 1; ACT Government, *Submission 4*, pp 4–5.

¹⁴ ACT Government, *Submission 4*, pp 4–5.

- Women With Disabilities ACT;
- Victim Support ACT; and
- YWCA Canberra.¹⁵

1.19. The Justice and Community Safety Directorate (JACS) also consulted with the following stakeholders to inform the bill's development:

- Aboriginal Legal Service ACT/NSW;
- Aboriginal and Torres Strait Islander Elected Body;
- ACT Disability Caucus;
- ACT Law Society;
- ACT Bar Association;
- ACT Courts and Tribunal;
- ACT Human Rights Commission;
- ACT Ombudsman's Office;
- Human Rights and Social Policy Team (JACS);
- Members of the ACT culturally and linguistically diverse community;
- Strategic Policy (HCSD);
- Victims of Crime Commission; and
- Yhurwun Bullan.¹⁶

Language in the bill

1.20. The explanatory statement to the bill noted that in places, where appropriate, the bill and the statement use the terms 'victim' and 'victim-survivor'. These terms are used consistently with the language of the December 2021 *Listen. Take Action to Prevent, Believe and Heal* Report, and to align with the Charter of Rights for Victims of Crime in part 3A of the *Victims of Crime Act 1994*.¹⁷

1.21. The explanatory statement explained that the use of these terms within the bill and the explanatory statement does not displace the presumption of innocence or reverse the onus of proof.¹⁸

Committee comment

1.22. While recognising that the ACT Government does not intend to displace the presumption of innocence, as noted in its explanatory statement, by adopting the language of 'victim' and 'victim-survivor' prior to an accused person being found guilty, the Committee is of the

¹⁵ Crimes (Coercive Control) Amendment Bill 2026, *Explanatory Statement*, p 2.

¹⁶ Crimes (Coercive Control) Amendment Bill 2026, *Explanatory Statement*, p 3.

¹⁷ Crimes (Coercive Control) Amendment Bill 2026, *Explanatory Statement*, p 2.

¹⁸ Crimes (Coercive Control) Amendment Bill 2026, *Explanatory Statement*, p 2.

view that the ACT Government should adopt language which is consistent with long standing legal principles to protect the right to a fair trial.

Recommendation 1

The Committee recommends that the ACT Government observe long-established legal principles and terminology designed to safeguard the right to a fair trial.

Scrutiny report

- 1.23. The Standing Committee on Legal Affairs (Legislative Scrutiny Role) (Scrutiny Committee), in reviewing the bill, made comments in relation to the explanatory statement, as well as the limitations the bill places on the right to liberty, the right to a fair trial, rights in criminal proceedings, and the right to take part in public life.¹⁹

Explanatory statement

- 1.24. The Scrutiny Committee found that the explanatory statement contained inconsistencies between the commencement provisions and some clauses and clause notes and raised concerns about the proposed operating and reporting timeline for the coercive control advisory committee established by the bill. It requested these matters be corrected prior to the bill being debated.²⁰

Human rights

- 1.25. The Scrutiny Committee noted the discussion on proportionality on the limitations the bill places on the right to liberty. It found that the explanatory statement did not clearly explain two of the proposed safeguards – specifically the seven-year limit on terms of imprisonment and requirement for a review after three years of operation. The Scrutiny Committee was unable to determine how these connected to the limitations on the right to liberty for individuals.²¹
- 1.26. Additionally, noting that the lack of retrospectivity was asserted as a safeguard in the explanatory statement, the Scrutiny Committee noted that this is a ‘fundamental tenet of the rule of law’ and should be considered the assumed position, rather than as a ‘positive explanation for a limitation of a human right’.²²
- 1.27. In terms of the right to a fair trial, the Scrutiny Committee requested that the explanatory statement be amended to provide a practical example of how a pattern of behaviour can be established without a need to prove that the incidents that inform the pattern. It noted that providing this would assist in the evaluation of whether the safeguards highlighted in

¹⁹ Standing Committee on Legal Affairs (Legislative Scrutiny Role), *Scrutiny Report 20*, June 2026, pp 1–7.

²⁰ Standing Committee on Legal Affairs (Legislative Scrutiny Role), *Scrutiny Report 20*, June 2026, p 2.

²¹ Standing Committee on Legal Affairs (Legislative Scrutiny Role), *Scrutiny Report 20*, June 2026, p 4.

²² Standing Committee on Legal Affairs (Legislative Scrutiny Role), *Scrutiny Report 20*, June 2026, p 4.

the explanatory statement are sufficient, particularly in light of the ‘significant level of discretion’ the bill allows courts in prosecuting offences.²³

- 1.28. The Scrutiny Committee noted the reversal of the burden of proof in relation to the accused proving that their conduct was reasonable as a defence, arguing that this affects the right to a presumption of innocence in criminal proceedings. Specifically, it was unclear what safeguards are referred to in the explanatory statement, however the Committee did not request a response from the Minister.²⁴
- 1.29. More generally, the Scrutiny Committee requested that the Minister clarify whether the expansion of family violence offences to include coercive control holds implications for human rights.²⁵

²³ Standing Committee on Legal Affairs (Legislative Scrutiny Role), *Scrutiny Report 20*, June 2026, p 5.

²⁴ Standing Committee on Legal Affairs (Legislative Scrutiny Role), *Scrutiny Report 20*, June 2026, p 6.

²⁵ Standing Committee on Legal Affairs (Legislative Scrutiny Role), *Scrutiny Report 20*, June 2026, p 7.

2. Issues raised in evidence

Support for and against the bill

Support for

- 2.1. The bill received broad support from submitters, many praising it as a long-overdue reform that recognises that family violence is not necessarily physical, but can also manifest through other non-physical forms of domination, intimidation, control and isolation that slowly erode a person's autonomy.²⁶
- 2.2. Submissions also praised the bill's recognition of coercive control as a 'course of conduct', observing that coercive control is cumulative and pattern-based rather than based on discrete or isolated incidents.²⁷
- 2.3. The Committee in particular notes the support that the bill received from victim-survivors of coercive control, who saw it as an important step in recognising coercive control as a form of abuse, but considered that more than legislation is needed to address coercive control as an issue.²⁸
- 2.4. The Australian Multicultural Action Network (AMAN) highlighted that many multicultural communities experience forms of coercive control which are culturally specific, such as threats of deportation, preventing participation in cultural activities and threatening forced marriage.²⁹
- 2.5. Legal Aid ACT saw the bill's creation of an offence of coercive control as serving as an 'important intervention strategy to decrease the occurrence of domestic and family violence in our community'.³⁰
- 2.6. ACT Policing saw the bill as strengthening the legal protections available to victim-survivors and recognising the evolving understanding of domestic, family and sexual violence which now includes coercive control.³¹ ACT Policing also stated in its submission that the approach outlined in the bill is aligned with the approaches in other jurisdictions in

²⁶ AMAN, *Submission 1*, p 1; Elisabeth Yar, *Submission 2*, p 1; Legal Aid ACT, *Submission 3*, p 3; ACT Policing, *Submission 6*, p 2; YWCA Canberra, *Submission 7*, p 3; Canberra rape Crisis Centre, *Submission 9*, p 2; Carers ACT, *Submission 11*, p 4; Mental Health Community Coalition ACT, *Submission 12*, p 4; ANU Centre for Social Policy Research, *Submission 13*, p 2; ANU Law Students for Gender Equity, *Submission 15*, p 1; ACT Victims of Crime Commissioner, *Submission 17*, p 2; Victims of Crime Assistance League, *Submission 18*, p 1; Zonta Club of Canberra Breakfast, Soroptimists International Canberra Inc, and The Country Women's Association (CWA) – Canberra Branch (ZCCB, SIC, SWA), *Submission 18*, p 3; Women's Legal Centre ACT, *Submission 23*, p 1; Name withheld, *Submission 27*, p 1; Name withheld, *Submission 28*, p 16; Name withheld, *Submission 30*, p 4.

²⁷ AMAN, *Submission 1*, pp 1–2; Legal Aid ACT, *Submission 3*, p 3; Aboriginal and Torres Strait Islander Elected Body, *Submission 4*, p 1; ACT Policing, *Submission 6*, p 2; Mental Health Community Coalition ACT, *Submission 12*, p 4; Victims of Crime Assistance League, *Submission 18*, p 1;

²⁸ Elisabeth Yar, *Submission 2*, p 1.

²⁹ AMAN, *Submission 1*, p 3.

³⁰ Legal Aid ACT, *Submission 3*, p 3.

³¹ ACT Policing, *Submission 6*, p 2.

Australia which have either already introduced, or committed to introducing, a standalone offence for coercive control.³²

- 2.7. YWCA Canberra supported the bill's inclusion of family in its scope, noting that its Domestic Violence Support Service client cohort has increased since 2019, and that staff had observed a rise in family violence where adult children and in-laws are 'perpetrating violence against ageing family members'.³³
- 2.8. The Domestic Violence Crisis Service (DVCS) was supportive of the bill in-principle, particularly inclusion of family members, which it noted was broader than several other Australian jurisdictions. The DVCS was, however, of the view that without a whole-of-system response, the bill risked further harm to victim survivors, calling it a 'band-aid on a structural and systems breakage'.³⁴ Our Watch similarly expressed concerns that there is a risk of exacerbating harm to women if the Bill is not accompanied by primary prevention efforts and alignment of the bill to the *ACT Domestic, Family and Sexual Violence Strategy 2026–2036*.³⁵
- 2.9. Carers ACT saw legislative recognition of coercive control as a 'positive step towards strengthening protections for victim-survivors of domestic, family, and sexual violence' and as having the 'potential to improve perpetrator accountability, supports earlier intervention, and better reflect the lived experience of victim-survivors'.³⁶
- 2.10. The ACT Ombudsman, while observing that elements of behaviour amounting to coercive control are likely already captured within the definition of reportable conduct under the reportable conduct scheme, welcomed the bill as a 'strong signal reinforcing the unacceptability of coercive control'.³⁷

Neutral

- 2.11. The Centre for Excellence in Child and Family Welfare was neutral on whether coercive control should be criminalised, instead using its submission to focus on the implications of coercive control for children and young people.³⁸
- 2.12. Sisters in Spirit Aboriginal Corporation and Women's Health Matters were also neutral on the criminalisation of coercive control but indicated support for the intent of the proposed coercive control offence and recognised the importance of acknowledging patterns of domestic, family and sexual violence that are beyond physical violence.³⁹ It also noted that increased criminalisation does not automatically result in increased safety, expressing concern that criminalisation without accompanying system reform to prevent

³² ACT Policing, *Submission 6*, p 2.

³³ YWCA Canberra, *Submission 7*, p 3.

³⁴ DVCS, *Submission 10*, pp 2–3.

³⁵ Our Watch, *Submission 16*, pp 8, 10–11.

³⁶ Carers ACT, *Submission 11*, p 4.

³⁷ ACT Ombudsman, *Submission 15*, p 2.

³⁸ Centre for Excellence in Child and Family Welfare, *Submission 8*, p 1.

³⁹ Sisters in Spirit Aboriginal Corporation and Women's Health Matters, *Submission 22*, pp 3–4.

misidentification and culturally safe and Aboriginal led-support services may only increase harm to Aboriginal and Torres Strait Islander victim-survivors.⁴⁰

Against the bill

- 2.13. The ACT Law Society in its submission reiterated its historical opposition to criminalising coercive control, arguing that it would ‘produce significant strain on the criminal justice system’, leading to outcomes such as:
- exacerbating delays in an already resource-strained jurisdiction;
 - relationship-wide evidentiary disputes in which extensive examination of the broader dynamics of the relationship would be required to establish context and consent; and
 - substantial resourcing demands on police, prosecutors, courts and defence practitioners due to ‘large and intrusive’ briefs of evidence’.⁴¹
- 2.14. Notwithstanding its opposition to the criminalisation of coercive control, the Law Society was supportive of the bill’s use of intent as the relevant evidentiary bar rather than recklessness and the two-year delayed commencement provision. It also supported the bill’s more measured approach over the strict liability offence proposed by Ms Leanne Castley MLA in the Crimes (Coercive Control) Amendment Bill 2024. To that end, the Law Society noted that courts have consistently held that the use of strict liability for offences which attract a term of imprisonment risks breaching fundamental principles of criminal justice.⁴²
- 2.15. Women with Disabilities ACT, while seeing the bill as an important means to improve legal recognition of coercive control and strengthen accountability for perpetrators, did not support the bill proceeding in its current state, calling for ‘meaningful investment, disability-inclusive implementation and strong accountability mechanisms’.⁴³
- 2.16. The Aboriginal Legal Service NSW/ACT, while supportive of efforts to reduce domestic, family and sexual violence, opposed the creation of a new standalone offence of coercive control, expressing concern that in the absence of measures to address systemic racism within the criminal legal system, criminalisation would have a disproportionate impact on Aboriginal and Torres Strait Islander victim-survivors.⁴⁴ They urged the government to delay the creation of a standalone offence so that the outcomes of the New South Wales statutory review (due July 2027) of their coercive control standalone offence can be considered.⁴⁵

⁴⁰ Sisters in Spirit Aboriginal Corporation and Women’s Health Matters, *Submission 22*, p 4.

⁴¹ ACT Law Society, *Submission 20*, pp 1–2.

⁴² ACT Law Society, *Submission 20*, pp 2–3.

⁴³ Women with Disabilities ACT, *Submission 21*, p 3.

⁴⁴ Aboriginal Legal Service NSW/ACT, *Submission 24*, p 1.

⁴⁵ Aboriginal Legal Service NSW/ACT, *Submission 24*, p 1.

Matters considered

Fault element

- 2.17. Several submissions raised concern about the fault element of the offence.
- 2.18. The fault element in proposed section 71J(1)(c) hinges on whether the person intended the course of conduct to coerce or control the family member.⁴⁶
- 2.19. The explanatory statement highlights that under section 18(2) of the *Criminal Code 2002* (ACT), ‘a person has intention in relation to a result if they mean to bring it about or are aware it will happen in the ordinary course of events.’⁴⁷ The explanatory statement goes on to explain that the ‘intent is in relation to the course of conduct as a whole, not the particular incidents of conduct’, with proposed section 72J(7) providing that the prosecution is not required to prove that the person intended each incident of family violence to coerce or control their family.⁴⁸
- 2.20. The explanatory statement states that the fault element of intent ‘reflects contemporary understandings of coercive control as a pattern of behaviour by which the primary aggressor aims to dominate and control the other person’.⁴⁹
- 2.21. The ACT Government in its submission explained that the fault element of intent assists in narrowing the scope of the offence to reduce the risk of inadvertently capturing behaviour which is not intended to be criminalised.⁵⁰ The government argued that this was relevant for victim-survivors at greater risk of misidentification and over-criminalisation, such as people from Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, the LGBTQIA+ community, and people with disabilities.⁵¹ The government also argued that the fault element of intent ensures that the offence is compatible with human rights as required under the *Human Rights Act 2004*.⁵²
- 2.22. In its submission, the ACT Government observed that there are benefits in the ACT adopting a fault element consistent with other jurisdictions, as it would enable ACT practitioners to refer to case law in New South Wales and Queensland, which it argued is important for a newly emerging area of law. It would also support community understanding of coercive control as a criminal offence.⁵³

Stakeholder views in support of the proposed fault element

- 2.23. ACT Policing supported the inclusion of intent, arguing that it ‘appropriately targets deliberate and sustained patterns of coercive and controlling behaviour, while reducing the risk of over criminalisation and misidentification, particularly given the proposed scope of

⁴⁶ Crimes (Coercive Control) Amendment Bill 2026, cl 5 (new part 3B); Crimes (Coercive Control) Amendment Bill 2026, *Explanatory Statement*, p 22.

⁴⁷ Crimes (Coercive Control) Amendment Bill 2026, *Explanatory Statement*, pp 22–23.

⁴⁸ Crimes (Coercive Control) Amendment Bill 2026, *Explanatory Statement*, p 23.

⁴⁹ Crimes (Coercive Control) Amendment Bill 2026, *Explanatory Statement*, p 23.

⁵⁰ ACT Government, *Submission 4*, p 9.

⁵¹ ACT Government, *Submission 4*, pp 9–10.

⁵² ACT Government, *Submission 4*, p 10.

⁵³ ACT Government, *Submission 4*, p 10.

relationships’.⁵⁴ It supported having a fault element consistent with other jurisdictions, voicing concern that having different fault elements across jurisdictions may result in confusion and undermine victim-survivors ability to seek protection from domestic abuse in cross-border communities.⁵⁵

- 2.24. ACT Policing noted in its submission that recklessness as a fault element is an emerging area for evaluation across multiple jurisdictions, in particular NSW, in which the Implementation and Evaluation taskforce is reviewing the threshold of intent and whether it is too high as part of the statutory review required of the *Crimes Legislation Amendment (Coercive Control) Act 2022 (NSW)*.⁵⁶
- 2.25. The ACT Law Society supported the proposed fault element of intent, arguing that it ‘better reflects the conceptual core of coercive control as a deliberate patterns of domination and control, rather than unintended harm arising from negligent or careless conduct’.⁵⁷ It expressed concern that incorporating recklessness could capture arguments or tensions that arise in family relationships such as sibling disputes over transitioning a parent into aged care.⁵⁸
- 2.26. The Law Society also supported it on the basis that it would mitigate against misidentification of victim-survivors and overcriminalisation, particularly for Aboriginal and Torres Strait Islander people.⁵⁹
- 2.27. The Law Society was of the view that intent is ‘not an unusually high bar’, adding that proceedings for coercive control offences would likely involve fairly clear evidence:
- It is likely to include things that will be fairly obvious, one way or the other, about things like phone records, emails between partners, social media messaging apps between partners or family members, letters, recorded phone calls, recorded mobile phone videos or audio recordings. These sorts of things very commonly come up in family violence offences, in my experience. There can be little doubt in the right cases, where the evidence is there, that intention can be established, particularly when there is basic corroboration of what a complainant would say.⁶⁰
- 2.28. It went on to argue that the bill’s provision that the Director of Public Prosecutions (DPP) does not have to prove specific incidents that underpin the offence is a significant departure from most criminal offences and is a lower bar than other offences.⁶¹
- 2.29. In the public hearing Legal Aid made similar arguments that the fault element of intent struck the right balance, and that the course of conduct offence would be easy to prove

⁵⁴ ACT Policing, *Submission 6*, p 7.

⁵⁵ ACT Policing, *Submission 6*, p 7.

⁵⁶ ACT Policing, *Submission 6*, p 7.

⁵⁷ ACT law Society, *Submission 20*, p 2.

⁵⁸ Mr Adrian McKenna, ACT Law Society, *Proof Committee Hansard*, 20 August 2026, pp 47–48.

⁵⁹ ACT law Society, *Submission 20*, p 2.

⁶⁰ Mr Adrian McKenna, ACT Law Society, *Proof Committee Hansard*, 20 August 2026, p 47.

⁶¹ Mr Adrian McKenna, ACT Law Society, *Proof Committee Hansard*, 20 August 2026, p 47.

because it would rely on conduct that occurred over a period of time and that conduct will allow the judge or jury to draw inferences from the conduct.⁶²

Stakeholder concerns with the proposed fault element

- 2.30. Concern that intent as the fault element was too high an evidentiary threshold was expressed by several submissions. These submissions suggested that the fault element be amended to either be replaced by recklessness⁶³ or to additionally include recklessness as a way to ensure that victim-survivors are not left unprotected and to ensure that the bill does not become dead letter law on the statute book due to difficulty in achieving successful prosecution and conviction.⁶⁴
- 2.31. Submissions highlighted that an example of the latter model exists in Scotland under the *Domestic Abuse (Scotland) Act 2018* (the Scottish Act).⁶⁵ Section 1 of the Act provides that:
- (1) A person commits an offence if—
 - (a) the person (“A”) engages in a course of behaviour which is abusive of A’s partner or ex-partner (“B”), and
 - (b) both of the further conditions are met.
 - (2) The further conditions are—
 - (a) that a reasonable person would consider the course of behaviour to be likely to cause B to suffer physical or psychological harm,
 - (b) that either—
 - (i) A intends by the course of behaviour to cause B to suffer physical or psychological harm, or
 - (ii) A is reckless as to whether the course of behaviour causes B to suffer physical or psychological harm.
 - (3) In the further conditions, the references to psychological harm include fear, alarm and distress.⁶⁶
- 2.32. Zonta Club of Canberra Breakfast, Soroptimists International Canberra and The Country Women’s Association – Canberra Branch highlighted the different impact that the Scottish Act has had in comparison to the approach taken in England and Wales, which had the higher threshold of proof that the accused knew or ought reasonably to have known that

⁶² Mr Jan de Bruin, ACT Law Society, *Proof Committee Hansard*, 20 August 2026, p 38.

⁶³ YWCA Canberra, *Submission 7*, p 4.

⁶⁴ Canberra Rape Crisis Centre, *Submission 9*, p 3; Victims of Crime Commissioner, *Submission 17*, pp 1–2; Zonta Club of Canberra Breakfast, Soroptimists International Canberra and The Country Women’s Association – Canberra Branch, *Submission 19*, pp 3–6; Sisters in Spirit Aboriginal Corporation and Women’s Health Matters, *Submission 22*, pp 5, 11; Women’s Legal Centre ACT, *Submission 23*, p 4; Name withheld, *Submission 28*, pp 4–5.

⁶⁵ Canberra Rape Crisis Centre, *Submission 9*, p 3; Domestic Violence Crisis Service, *Submission 10*, p 4; Zonta Club of Canberra Breakfast, Soroptimists International Canberra and The Country Women’s Association – Canberra Branch, *Submission 19*, pp 5–6; Women’s Legal Centre ACT, *Submission 23*, pp 4–5.

⁶⁶ *Domestic Abuse (Scotland) Act 2018* (Scotland), s1.

their course of conduct would have a serious effect on the victim. In England and Wales there was a low prosecution rate and high rates of case abandonment due to the high evidentiary threshold, and a systematic failure to bring the most controlling perpetrators before the courts.⁶⁷ These submitters expressed concerns that the bill replicates a number of features of the English and Welsh model.⁶⁸

- 2.33. By comparison the Scottish Act, which was founded on eliminating violence against women and children and deliberately framed broad enough to prosecute physical, sexual and psychological abuse together as a single ‘Domestic Abuse’ crime, saw 93 percent of reported coercive control cases proceeding to trial. This approach has since been adopted by England and Wales, Ireland, Canada, New Zealand, South Australia and several states in the United States of America.⁶⁹
- 2.34. YWCA Canberra argued that a fault element of intent requires a mental state where the perpetrator engages in the conduct while knowing the risk of harm, whereas ‘recklessness’ means that a person foresaw the possibility of harm occurring and proceeded anyway with the conduct.⁷⁰
- 2.35. YWCA Canberra considered that police may face difficulty in making an initial assessment of the fault elements and whether harm was intended, noting that perpetrators will often seek to reduce their own culpability by claiming harm was not intended. It considered this was particularly relevant in instances where violence does not ‘overwhelmingly manifest as physical violence’.⁷¹
- 2.36. The Women’s Legal Centre similarly highlighted that coercive control is characterised by behaviours which are often disguised as legitimate expressions of care, concern or responsibility, and that requiring the prosecution to establish that the accused subjectively intended to coerce or control ‘allows perpetrators to rely on self-serving explanations for their conduct, creating an evidentiary hurdle that may prove insurmountable in many cases’.⁷²
- 2.37. The ACT Victims of Crime Commissioner expressed similar concerns in their submission, writing that ‘if the accused denies intent, evidence from the complainant that the accused’s conduct in fact coerced or controlled them may not of itself be sufficient to establish that the accused intended to bring about that result’. Both the Women’s Legal Centre and Victims of Crime Commissioner argued that without direct evidence of intent such as an admission or written communications, intent must be inferred from the

⁶⁷ Zonta Club of Canberra Breakfast, Soroptimists International Canberra and The Country Women’s Association – Canberra Branch, *Submission 19*, pp 5–6.

⁶⁸ Zonta Club of Canberra Breakfast, Soroptimists International Canberra and The Country Women’s Association – Canberra Branch, *Submission 19*, pp 5–6.

⁶⁹ Zonta Club of Canberra Breakfast, Soroptimists International Canberra and The Country Women’s Association – Canberra Branch, *Submission 19*, p 6.

⁷⁰ YWCA Canberra, *Submission 7*, pp 3–4.

⁷¹ YWCA Canberra, *Submission 7*, p 4

⁷² Women’s Legal Centre, *Submission 23*, p 4.

surrounding objective evidence, which may be difficult given the often non-physical and subtle nature of coercive control.⁷³

- 2.38. These concerns were shared by the Zonta Club of Canberra Breakfast, Soroptimists International Canberra and The Country Women's Association – Canberra Branch:

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.⁷⁴

- 2.39. These groups argued that intent as the fault element advantages perpetrators who deny or who don't see their conduct as controlling, and disadvantages victims by placing the burden on them to provide direct evidence of what was in the perpetrator's mind.⁷⁵
- 2.40. Sisters in Spirit Aboriginal Corporation and Women's Health Matters added that this burden places the victim at further risk of harm, particularly if they live with the perpetrator, as they will need to document, keep and hide evidence of the coercive control, and especially if that evidence is discovered by a perpetrator who is physically violent.⁷⁶
- 2.41. The Victims of Crime Commissioner also considered that while it was important to safeguard against misidentification and overcriminalisation, the coercive control offence must still be proved, and highlighted that 'intent and denunciatory effect of criminalisation is undermined if the offence is non-operational'.⁷⁷
- 2.42. YWCA Canberra highlighted that in the July 2025 statutory report, the NSW Coercive Control Implementation and Evaluation Taskforce's advice indicated that there is a 'strong perception that the fault element of intent was hurdle preventing police from laying charges for coercive and controlling behaviour, and recommended that the requirement to prove intent be dropped in favour of 'recklessness'.⁷⁸
- 2.43. Both YWCA Canberra and Canberra Rape Crisis Centre expressed concern that the low number of coercive control convictions in NSW indicated that the intent threshold was too high, noting that between 1 July 2024 and 31 December 2025 NSW Police reported 473 incidents of coercive control but only laid 22 charges, four of which were withdrawn.⁷⁹ The Victims of Crime Commissioner similarly observed that during the first nine months of the

⁷³ Victims of Crime Commissioner, *Submission 17*, pp 1–2; Ms Tori Harrington, Women's Legal centre, *Proof Committee Hansard*, 20 August 2026, pp 36–37.

⁷⁴ Zonta Club of Canberra Breakfast, Soroptimists International Canberra and The Country Women's Association – Canberra Branch, *Submission 19*, p 7.

⁷⁵ Zonta Club of Canberra Breakfast, Soroptimists International Canberra and The Country Women's Association – Canberra Branch, *Submission 19*, p 7

⁷⁶ Sisters in Spirit Aboriginal Corporation and Women's Health Matters, *Submission 22*, p 11.

⁷⁷ Victims of Crime Commissioner, *Submission 17*, p 3.

⁷⁸ YWCA Canberra, *Submission 7*, p 4

⁷⁹ YWCA Canberra, *Submission 7*, p 4; Canberra Rape Crisis Centre, *Submission 9*, p 3.

NSW offence there were 224 reports to police, with only five proceeding to prosecution and only one resulting in a successful prosecution.⁸⁰

- 2.44. Canberra Rape Crisis Centre also argued that the high evidentiary barrier cannot be viewed in isolation from the significant under-reporting of sexual violence.⁸¹
- 2.45. The Victims of Crime Commissioner pointed out that NSW adopted an intent-only fault element as a way to safeguard against misidentification and overcriminalisation. The Victims of Crime Commissioner argued that similar concerns in the ACT about misidentification and criminalisation could be safely dealt with if recklessness was adopted as the evidentiary threshold as the ACT's recklessness test for post-2003 offences has a 'significantly higher threshold than the equivalent test in NSW', and together with other safeguards, such as the objective test of harm and reasonableness offence, 'provide sufficient protection against inappropriate criminalisation'.⁸²
- 2.46. Zonta Club of Canberra Breakfast, Soroptimists International Canberra and The Country Women's Association – Canberra Branch similarly highlighted that the bill's course of conduct requirement, objective harm element and reasonableness defence also reduce the risk of wrongful conviction.⁸³
- 2.47. The Domestic Violence Crisis Service (DVCS) recognised that there may be risks in adopting a recklessness threshold, such as for vulnerable cohorts at risk of misidentification and over-criminalisation. However, it considered that 'institutional reform and cultural change is appropriate to safeguard from this, not the drafting of bills in a way that seeks to limit damage once misidentification occurs but creates weakening accountability for those who are not misidentified'.⁸⁴
- 2.48. DVCS encouraged the ACT Government to make the issue of the evidentiary threshold a matter for the evaluation and advisory Committee, arguing that it 'can foresee situations where DVCS clients are experiencing high levels of coercive control...but the intent threshold is unable to be proven'.⁸⁵
- 2.49. Aboriginal Legal Service NSW/ACT argued against the inclusion of recklessness or 'ought to have known' fault elements, being of the view that any 'offence must criminalise the intentional assault on autonomy, not merely behaviour that causes harm. Without a strict intent element, the risk of capturing reactive, defensive or trauma-driven conduct, particularly by Aboriginal women, increases significantly'.⁸⁶
- 2.50. Victim-survivor Dr Elisabeth Yar expressed reservations in the public hearing about expanding the fault element to include recklessness, acknowledging both benefits and risks in doing so:

⁸⁰ Victims of Crime Commissioner, *Submission 17*, p 2.

⁸¹ Canberra Rape Crisis Centre, *Submission 9*, p 3.

⁸² Victims of Crime Commissioner, *Submission 17*, p 2.

⁸³ Zonta Club of Canberra Breakfast, Soroptimists International Canberra and The Country Women's Association – Canberra Branch, *Submission 19*, p 8.

⁸⁴ Domestic Violence Crisis Service, *Submission 10*, p 4.

⁸⁵ Domestic Violence Crisis Service, *Submission 10*, p 4.

⁸⁶ Aboriginal Legal Service NSW/ACT, *Submission 24*, p 6.

So I think there are risks in expanding it, but I still think that there could be benefit in doing so. I think that there would be people who may be better placed in terms of teasing that out. I would just say that I have mixed feelings about how that could play out. I would hate for us to have a really great piece of legislation that is trying to do really good work that actually ends up benefiting women like myself who are white and educated and then doing harm to the same women that are so often harmed by the legal system that I am kind of aware of in other ways as well. I can see that there are risks with expanding it to “recklessness”.⁸⁷

Government response to concerns

- 2.51. In its submission, the ACT Government noted stakeholder concerns that the fault element of intent would be a barrier to charging, prosecution and conviction of the offence. The ACT Government similarly noted that it received a ‘rich amount of feedback’ on the fault element as part of consultation on the bill.⁸⁸
- 2.52. In response the ACT Government was of the view that ‘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’.⁸⁹
- 2.53. The ACT Government also highlighted that while some international jurisdictions have adopted a fault element of recklessness, their criminal law definitions of recklessness, and the models for the coercive control offences, are different to that of the ACT and other Australian jurisdictions. They also considered that the context of the ACT in terms of family violence responses and the risks of misidentification and over-criminalisation is also different to overseas jurisdictions.⁹⁰
- 2.54. As a result, they considered overseas model comparisons as informative but not directly comparable to the ACT or other Australian jurisdictions.⁹¹
- 2.55. The ACT Government also considered that aligning the fault provisions with other Australian jurisdictions would have benefits in the sharing of education materials and learnings from other jurisdictions.⁹²
- 2.56. While the ACT Government indicated that it would monitor this issue, such as through the bill’s proposed statutory review, it reaffirmed its view that the bill’s proposed model ‘reflects an appropriate approach for the ACT’.⁹³

⁸⁷ Dr Elisabeth Yar, *Proof Committee Hansard*, 20 August 2026, p 3

⁸⁸ ACT Government, *Submission 14*, p 10; Mr Daniel Ng, Executive Group Manager, Legislation Policy and Programs, Justice and Community Safety Directorate, *Proof Committee Hansard*, 20 August 2026, p 28.

⁸⁹ ACT Government, *Submission 4*, p 10.

⁹⁰ ACT Government, *Submission 4*, p 10.

⁹¹ ACT Government, *Submission 4*, p 10.

⁹² Mr Daniel Ng, Executive Group Manager, Legislation Policy and Programs, Justice and Community Safety Directorate, *Proof Committee Hansard*, 20 August 2026, p 28.

⁹³ ACT Government, *Submission 4*, p 10.

- 2.57. The Minister for Police, Fire and Emergency Services in the public hearing also sought to address concerns arising from NSW data about few charges being laid, highlighting more recent data from NSW:

There had been some concern raised by stakeholders in New South Wales in particular around the fact that there were very few charges being laid, and that this was because the threshold was too high. However, the recent data from New South Wales shows that, in the first 18 months, there were 22 charges laid, but in the last six months alone, there has been a doubling of that—41 charges. With what we are starting to see from New South Wales now, given the length of time and that this is an offence that is demonstrating a pattern of behaviour, they are starting to see a pick-up of charges being laid and reports coming in.⁹⁴

Committee comment

- 2.58. While the Committee understands the reasons for the ACT Government taking the approach that it has to the fault element in the bill, the Committee is concerned, based on evidence from the operation of the NSW coercive control standalone offence, that the fault element of subjective intent will become a barrier to successful prosecution and conviction.
- 2.59. This is particularly in cases of coercive control in which physical violence is not necessarily a feature and the offending may be subtle in nature and more easily excused by the perpetrator as well intended behaviour. The Committee ultimately considers that it is no good enacting a law – especially one as important as outlawing coercive control – only for it to sit on the statute book as a dead letter.
- 2.60. The Committee considers that a mixed-fault element which includes both intent and recklessness may mitigate against this by providing a lower evidentiary threshold for prosecution and conviction of instances of coercive control which where it is clear that coercive control exists, but clear evidence of subjective intent is difficult to establish or the level of coercive control is less serious.

Recommendation 2

The Committee recommends that the ACT Government actively consider recklessness as the fault element including consideration of a tiered or graduated offence model in which intent and recklessness may be applied to different tiers based on the seriousness of the offending.

⁹⁴ Dr Marisa Paterson MLA, Minister for Police, Fire and Emergency Services, *Proof Committee Hansard*, 20 August 2026, p 29.

Reasonableness defence

- 2.61. The ACT Government submission discusses the defence of reasonableness noting that ‘under section 72J(3), the offence does not apply if the course of conduct was reasonable in the circumstances.’⁹⁵ The Government states that:

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.⁹⁶

- 2.62. ACT Policing supported the availability of the reasonableness defence, describing it as an ‘important safeguard to ensure that the offence targets deliberate and abusive patterns of coercive or controlling behaviour, rather than conduct undertaken for legitimate purposes’⁹⁷.

- 2.63. Dr Elisabeth Yar argued that clear statutory guidance is needed on the reasonableness defence to ensure that it is considered in the context of ‘cumulative patterns of behaviour, the victim-survivor’s context and the risk that apparently ordinary acts may form part of a broader course of abuse’⁹⁸. Dr Yar noted that coercive control can appear reasonable when individual incidents are viewed in isolation:

The nature of coercive control means that it is often hidden, uniquely expressed within the relationship in which it is enacted, and may appear ‘reasonable’ to outsiders when viewed as individual acts.⁹⁹

- 2.64. In its submission, Carers ACT are supportive of the inclusion of the safeguard but express concern that it ‘may not provide sufficient protection for carers in practice’¹⁰⁰. It put forward the position that ‘carers are time-poor, and the burden of demonstrating that their actions were reasonable may disrupt essential caring responsibilities, create support gaps, and increase the risk of neglect where alternative supports are not in place.’¹⁰¹ Carers ACT recommended ‘clear carer-informed safeguards and assessment frameworks... including practical examples of legitimate caring conduct, to reduce the risk of carer misidentification’¹⁰².

- 2.65. This position is further supported by the ANU Law Students for Gender Equality who advocate for clear guidance on what may constitute a standard for reasonableness. It suggest that:

⁹⁵ ACT Government, *Submission 4*, p 11

⁹⁶ ACT Government, *Submission 4*, p. 11

⁹⁷ ACT Policing, *Submission 6*, p 8

⁹⁸ Dr Elisabeth Yar, *Submission 2*, p 2

⁹⁹ Dr Elisabeth Yar, *Submission 2*, p 2

¹⁰⁰ Carers ACT, *Submission 11*, p. 7

¹⁰¹ Carers ACT, *Submission 11*, p. 7

¹⁰² Carers ACT, *Submission 11*, p 7

The Bill include a non-exhaustive list of factors relevant to the reasonableness assessment, addressing, at minimum: the cumulative pattern of conduct rather than any single act in isolation; the relative power and dependency between the parties; whether the conduct served a truly protective purpose as distinct from control; and whether the conduct occurred during or after separation, a period consistently identified in Australian domestic violence research as carrying the highest risk of escalation and lethal violence.¹⁰³

Recommendation 3

The Committee recommends that the ACT Government amend the Bill or provide statutory guidance to clearly define the scope of the reasonableness defence. The guidance should include specific criteria or examples of what constitutes ‘reasonable in all the circumstances’, noting the Committee’s concern that coercive control can present with a superficial semblance of reasonableness.

Recommendation 4

The Committee recommends that the ACT Government seriously consider commentary provided in the scrutiny report with regard to the reversal of the burden of proof when the reasonableness defence is engaged.

Key definitions in the Bill

Definition of family violence

- 2.66. The ACT Government noted in its submission that the Bill does not include a standalone definition of ‘family violence’ as ‘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*.’¹⁰⁴
- 2.67. The ACT Law Society argued that greater clarity is required regarding the meaning of family violence. It submitted that an overly broad or vague definition risks capturing unhealthy or mutual relationship conflict rather than abuse, while also creating ambiguity for police and courts when assessing intent, harm and reasonableness.¹⁰⁵
- 2.68. The Society recommended adopting, or expressly incorporating, the definition of family violence in section 8(1)(a) of the *Family Violence Act 2016*, noting that this would ‘promote consistency across civil and criminal jurisdictions, support coherent police and judicial practice, and reduce confusion for victim-survivors navigating multiple systems.’¹⁰⁶

¹⁰³ ANU Law Students for Gender Equality, *Submission 14*, pp. 4-5

¹⁰⁴ ACT Government, *Submission 4*, p 8.

¹⁰⁵ ACT Law Society, *Submission 20*, pp 5–6.

¹⁰⁶ ACT Law Society, *Submission 20*, pp 5–6.

- 2.69. During the public hearing, the ACT Law Society elaborated on this preference on tying family violence to the definition under section 8 of the *Family Violence Act*, stating:

That sets out a broad range of tests. I do not see how at all it would undermine the intent of the offence provision. It would clearly be easier for police to determine what is and is not family violence and properly exercise the charging threshold. We all might agree on what family violence is, but does your average person think that that means physical violence only and not threatening behaviour? And if there is no definition of family violence, aren't they entitled to think, if they have read this current charge provision, that it only extends to physical violence? That is an uncertainty and it is a problem.¹⁰⁷

- 2.70. The Women's Legal Centre ACT supported aligning the offence with the definition of family violence in the *Family Violence Act 2016*, but cautioned that this would not necessarily resolve all concerns regarding the scope of behaviours captured by the offence:

While the Centre has and is strongly supportive of aligning the elements of this offence with the Family Violence Act, we also have concerns about the definition of family violence in the Family Violence Act, and particularly that there are a large number of tactics that we see clients subjected to on a very regular basis that wouldn't be captured by the definition in the Family Violence Act.¹⁰⁸

- 2.71. Drawing on its own stakeholder consultations and its experience assisting clients, Women's Legal Centre ACT identified a range of coercive and controlling behaviours that may not be adequately reflected in the current definition, including systems abuse, race-based abuse experienced by First Nations women, misuse of information relating to a person's identity, and forms of coercion experienced by women with disability. Although the Centre considered alignment with the *Family Violence Act 2016* to be the preferred approach, it argued that this should not prevent future review of the definition to ensure it reflects the diverse experiences of victim-survivors and evolving understandings of coercive control.¹⁰⁹

Committee comment

- 2.72. The Committee agrees that the bill should contain a definition of 'family violence', whether by direct inclusion or by reference to section 8 of the *Family Violence Act 2016*. The Committee considers that a clear definition would assist the police, legal practitioners and the broader community to understand the conduct captured by the offence and promote legal certainty.

¹⁰⁷ Mr Adrian McKenna, Co-Chair, Criminal Law Advisory Committee, ACT Law Society, *Proof Committee Hansard*, 20 August 2026, p 49.

¹⁰⁸ Ms Elena Rosenman, Chief Executive Officer, Women's Legal Centre ACT, *Proof Committee Hansard*, 20 August 2026, pp 35–36.

¹⁰⁹ Ms Rosenman CEO WLC, 20 August 2026, *Proof Committee Hansard*, 20 August 2026, p 36.

Recommendation 5

The Committee recommends that the ACT Government include a definition of family violence, whether by reference to section 8 of the *Family Violence Act 2016* or otherwise, to create legal certainty.

Definition of family member

- 2.73. The bill adopts the existing definition of family member in section 9 of the *Family Violence Act 2016*. The ACT Government noted that this definition extends beyond current and former intimate partners to include relatives, people in family-like relationships, children of a domestic partner or former domestic partner, and a parent of a person's child. The ACT Government submitted that this broader approach recognises that coercive control occurs in a range of family and family-like relationships beyond intimate partner relationships.¹¹⁰
- 2.74. The ACT Government also noted that this approach is broadly consistent with Queensland's coercive control offence, which applies to conduct occurring in intimate personal relationships, family relationships and informal care relationships.¹¹¹
- 2.75. However, the scope of relationships covered by coercive control offences varies across Australian jurisdictions. Unlike the ACT and Queensland approaches, the offences in New South Wales and South Australia are limited to former or current intimate partner relationships.¹¹²
- 2.76. The ACT Law Society expressed concern regarding the breadth of relationships captured by the offence, stating:
- New South Wales is not yet at the stage where they are confident enough to expand the definition to all family members. There is uncertainty in going first in new uncharted waters, in children and elderly parents, and even very conflict-driven siblings that may be of roughly the same age. This offence could still arise, perhaps inappropriately in some scenarios.¹¹³
- 2.77. Women's Legal Centre ACT supported the broad definition of family member, arguing that coercive control frequently occurs through extended family and kinship networks and that a narrower approach would fail to reflect the experiences of many victim-survivors.¹¹⁴ The Centre placed particular emphasis on the importance of recognising First Nations family and kinship structures, stating:

For First Nations communities, the definition provides some coverage of an intimate partner's extended family and so ensures the Bill reflects an understanding of family relationships shaped by cultural traditions and kinship structures. Without recognising

¹¹⁰ ACT Government, *Submission 4*, pp 8–9.

¹¹¹ ACT Government, *Submission 4*, pp 8–9.

¹¹² ACT Policing, *Submission 6*, p 4.

¹¹³ Mr Adrian McKenna, Co-Chair, Criminal Law Advisory Committee, ACT Law Society, *Proof Committee Hansard*, 20 August 2026, p 49.

¹¹⁴ Women's Legal Centre ACT, *Submission 23*, pp 8–9.

the collective nature of First Nations communities, the Bill may not achieve its aims in a culturally appropriate and accessible way.

First Nations women are highly reluctant to report abuse, fearing police mistreatment, racial discrimination, and the prospect that reporting might lead to Aboriginal men being incarcerated or dying in custody. A definition that recognises the unique culture of First Nations peoples would help to signal a systemic commitment to cultural accessibility. However, it also highlights the need for culturally informed policing and decision-making that recognises and respects First Nations perspectives on family and kinship.¹¹⁵

Committee comment

- 2.78. The Committee considers that the definitions of family member and family violence should be revisited to determine whether they comprehensively capture the relationships and behaviours where coercive control can manifest and be repeatedly exerted – and which therefore should be covered by the offence.
- 2.79. Evidence received throughout the inquiry raised questions regarding both the breadth of relationships captured by the offence and whether the existing definition of family violence adequately reflects the range of coercive and controlling behaviours experienced by victim-survivors.
- 2.80. The Committee recognises that some views on the scope of the definitions, for example as raised by Women with Disabilities, are not captured by the Bill.
- 2.81. Given the significance of these definitions to the operation of the proposed offence, the ACT Government should review whether they reflect the diverse contexts in which coercive control may occur.

Recommendation 6

The Committee recommends that the ACT Government consider the definitions of family member and family violence and whether they comprehensively cover the broad range of behaviours and relationships which should be captured by the offence.

Definition of harm

- 2.82. The definition of 'harm' was also raised during the inquiry. ACT Government officials submitted that the Bill adopts existing legislative definitions and is intended to operate alongside other components of the ACT's statutory framework:

The bill seeks to engage with and leverage off existing infrastructure in the ACT's criminal law, so various definitions: for example, [with] respect to... family violence, [the definition is] out of the Family Violence Act, the definition of "family member". The definition of "harm" is one that is taken from the Criminal Code, and so that definition includes psychological harm, which relates to emotional abuse...When one looks at the legislation on its face, it doesn't necessarily reflect in its fullest terms all the different

¹¹⁵ Women's Legal Centre ACT, *Submission 23*, pp 2–3.

complementary pieces of legislation which sit across the ACT statute book and will support the implementation of the events itself.¹¹⁶

2.83. Legal Aid ACT raised concerns that a reliance on the definition of ‘harm’ in the *Criminal Code 2002* (ACT), only extends to physical or mental harm, and therefore does not adequately capture the multifaceted ways in which harm may arise through coercive control.¹¹⁷ The ACT Government officials submitted that the concept of harm must be understood in conjunction with the broader legislative framework supporting the offence, such as financial, reputational and spiritual harm addressed through section 8 of the *Family Violence Act 2016* (ACT).¹¹⁸ However, Legal Aid ACT notes that in other jurisdictions, in particular NSW and Queensland, the various types of coercive control are included in definitions of harm and coercive control, along with a list of examples of this conduct within their definitions.¹¹⁹

2.84. Similarly, Women's Legal Centre drew attention to types of harm that could potentially be overlooked. As discussed in relation to the definition of ‘family violence’, Women's Legal Centre ACT supported aligning the elements of the offence with the *Family Violence Act 2016* (ACT). However:

...in terms of the spiritual harm, obviously, that is very linked to the types of tactics we see used against First Nations women, and certainly the First Nations colleagues that we work with at the centre often can see the destructive nature of removing or imperilling either a woman's connection to her own culture, and particularly her children, and her ability to pass on culture and protect her children's connection with that culture as well.¹²⁰

2.85. Similar concerns were raised by Sisters in Spirit Aboriginal Corporation:

We note that the ACT Government already acknowledges coercive control can involve the use of culture, spirituality, religion and identity as mechanisms of control. For First Nations women this may include preventing connection to Country, restricting participation in cultural obligations, controlling access to family and kinship networks, threatening child removal and using community status or cultural authority as a means of abuse.¹²¹

2.86. YWCA Canberra expressed similar concerns, submitting that existing definitions do not adequately reflect contemporary understandings of harm:

...also the definition of harm, which I know is also not in the Family Violence Act, but the coercive control bill refers to the definition. And I do not believe that that definition of

¹¹⁶ Mr Daniel Ng, Executive Group Manager, Legislation Policy and Programs, Justice and Community Safety Directorate, Justice and Community Services Directorate, *Proof Committee Hansard*, 20 August 2026, pp 25–26.

¹¹⁷ Legal Aid ACT, *Submission 3*, p 4–5.

¹¹⁸ Ms Kathryn Haigh, Deputy Director-General, Justice, Justice and Community Safety Directorate, *Proof Committee Hansard*, 20 August 2026, p 63.

¹¹⁹ Legal Aid ACT, *Submission 3*, pp 4–5.

¹²⁰ Ms Elena Rosenman, Chief Executive Officer, Women's Legal Centre ACT, *Proof Committee Hansard*, 20 August 2026, p 36.

¹²¹ Sisters in Spirit Aboriginal Corporation, *Submission 22*, p 17.

harm is suitable because it really only discusses physical forms of harm and psychological forms of harm.

So there is no discussion there about what is—like, reputational forms of harm that might come out of coercive-controlling relationships, or financial harm that might arise as well. So I think there is actually a broad suite of reviews that could happen.¹²²

- 2.87. Drawing on their lived experience of coercive control, one submitter argued that the concept of harm should recognise the practical consequences that arise where victim-survivors alter their behaviour in response to threats or risks created by coercive conduct:

Relevant harm should therefore include serious impairment of employment, education, relationships, social participation, access to assistance, decision-making and practical agency where those consequences arise because the victim has reasonably altered their conduct to protect themselves against a threat or risk created by the coercive conduct, whether that risk was created intentionally or recklessly.¹²³

- 2.88. The submission noted that this may include declining employment or professional opportunities, restricting disclosure or help-seeking, withdrawing from relationships, or making significant life decisions because of an ongoing or unresolved risk created by the coercive conduct. It was further submitted that:

The legislation should make clear that a loss may still be caused by coercive conduct where it results from the victim-survivor reasonably altering their behaviour to avoid a risk created by that conduct.¹²⁴

Committee comment

- 2.89. Coercive control may result in a board range of harms that extend beyond traditional understandings of physical and psychological harm. The Committee acknowledges the concerns that harms such as but not limited to financial, reputational, cultural and spiritual may not always be readily recognised within existing legislative frameworks. Given the complex and adaptive nature of coercive control, consideration must be given to whether the bill sufficiently captures the full spectrum of harm that may be experienced by victim-survivors and whether additional guidance is required to support its application.

Recommendation 7

The Committee recommends that the ACT Government consider whether the proposed definition of harm adequately encompasses the multifaceted and nuanced ways in which harm can materialise through coercive control, and ensure that adequate guidance is provided to assess the adaptive ways in which it can be exerted over an extended period of time.

¹²² Ms Leah Dwyer, Director of Policy and Advocacy, YWCA Canberra, *Proof Committee Hansard*, 20 August 2026, p 78.

¹²³ Name Withheld, *Submission 28*, pp 5–6.

¹²⁴ Name Withheld, *Submission 28*, p 6.

Maximum penalty

- 2.90. Under the bill, the proposed maximum penalty for the offence is 700 penalty units or imprisonment of seven years, or both.¹²⁵
- 2.91. The ACT Government in its submission and the bill's explanatory statement argued that this is appropriately balanced to the seriousness of the conduct captured by the offence and 'reflects the seriousness of the offence of coercive control as compared to other offences on the ACT statute book'.¹²⁶
- 2.92. The explanatory statement also states that seven years is consistent with NSW and South Australia and is lower than the maximum penalty of 13 years in Queensland.¹²⁷
- 2.93. The explanatory statement goes on to explain that while a less rights restrictive approach would be to adopt a lower penalty, this would fail to reflect the seriousness of the conduct and the harm captured by the offence, and was a specific concern expressed to the ACT Government by stakeholders from the domestic, family and sexual violence sector.¹²⁸
- 2.94. ACT Policing expressed support for the maximum penalty, re-stating the ACT Government's argument around reflecting the seriousness of the offence and ensuring alignment with other jurisdictions. ACT Policing highlighted that the penalty would have operational benefits by enabling police to apply for a broader range of investigative tools, such as live interception over stored communications, which are generally not available for lower maximum penalties, such as two to five years.¹²⁹
- 2.95. The Victims of Crime Commissioner, YWCA Canberra, ANU Law Students for Gender Equity, Women's Legal Centre ACT and Legal Aid ACT highlighted that with the proposed seven-year penalty, cases would be heard in the busy and under-resourced Supreme Court on indictment unless the defendant consents under section 375 of the *Crimes Act 1900* to having their matter dealt with summarily in the Magistrates Court.¹³⁰
- 2.96. The Victims of Crime Commissioner and the ACT Law Society further pointed out that the seven-year imprisonment term also removes the DPP's power to elect to have coercive control matters heard summarily in the Magistrates Court, which is only for offences which carry a maximum penalty of five years or less.¹³¹
- 2.97. The Victims of Crime Commissioner, YWCA Canberra, Canberra Rape Crisis Centre and Women's Legal Centre were of the view that the requirement of defendant consent for summary disposal allows the defendant to exercise further control over a victim-survivor

¹²⁵ Crimes (Coercive Control) Amendment Bill 2026, cl 3 (new part 3B).

¹²⁶ ACT Government, *Submission 4*, p 11; Crimes (Coercive Control) Amendment Bill 2026, *Explanatory Statement*, p 8.

¹²⁷ ACT Government, *Submission 4*, p 11; Crimes (Coercive Control) Amendment Bill 2026, *Explanatory Statement*, p 11.

¹²⁸ ACT Government, *Submission 4*, p 11; Crimes (Coercive Control) Amendment Bill 2026, *Explanatory Statement*, p 12.

¹²⁹ ACT Policing, *Submission 6*, p 8.

¹³⁰ ANU Law Students for Gender Equity, *Submission 14*, p 7; Victims of Crime Commissioner, *Submission 17*, p 3; YWCA Canberra, *Submission 7*, p 5; Women's Legal Centre ACT, *Submission 23*, p 6; Legal Aid ACT, *Submission 3*, p 5;

¹³¹ Victims of Crime Commissioner, *Submission 17*, p 3; ACT Law Society, *Submission 20*, p 5.

by permitting the defendant to choose to have their matter dealt with in the Supreme Court, which is often slower due to its size and increasingly complex workload.¹³²

- 2.98. These concerns were echoed by Dr Elisabeth Yar in the public hearing, who observed that perpetrators of control will use whatever means at their disposal to stay in touch with the victim:

It is kind of the point of coercive control that you stay involved in someone's life however you can achieve that, whether it is by drawing out legal processes, involvement with children or whatever you can do to stay involved, because it is only when you have contact with the person in some way that you continue to assert that control.¹³³

- 2.99. The Law Society and DVCS similarly expressed concern that having matters heard in the Supreme Court could see matters delayed and prolonged, with the Law Society suggesting that it could result in proceedings being used tactically by one party against the other.¹³⁴
- 2.100. The Victims of Crime Commissioner in her submission highlighted that in the 2024-25 financial year, the percentage of cases finalised within 12 months from lodgement against total finalisations was 59 percent in the Supreme Court compared to 85 percent in the Magistrates Court's Family Violence Court.¹³⁵
- 2.101. YWCA pointed to the same data, highlighting that 91 percent of cases within the Magistrates Court were finalised within 12 months from lodgement.¹³⁶
- 2.102. YWCA was also sceptical that the triaging of proceedings at the Supreme Court based on objective seriousness would result in the prioritisation of coercive control offending.¹³⁷
- 2.103. The Victims of Crime Commissioner, YWCA Canberra, Canberra Rape Crisis Centre, Domestic Violence Crisis Service and Women's Legal Centre ACT were supportive of the seven-year maximum penalty and proposed that the DPP's election power under s 374 of the *Crimes Act 1900* be expanded to include the coercive control offence. This would permit the matter to be heard in the Magistrates Court without requiring the consent of the accused. The Victims of Crime Commissioner observed that in NSW the coercive control offence has a maximum penalty of seven-years imprisonment and the prosecution may elect to deal with their coercive control offence summarily.¹³⁸
- 2.104. Women with Disabilities ACT (WWD) similarly called on the ACT Government to review the proposed maximum penalty and 'associated court pathway' to see if matters could be

¹³² Victims of Crime Commissioner, *Submission 17*, p 3; YWCA Canberra, *Submission 14*, p 5; Canberra Rape Crisis Centre, *Submission 9*, p 4; Women's Legal Centre ACT, *Submission 23*, p 6.

¹³³ Dr Elisabeth Yar, *Proof Committee Hansard*, 20 August 2026, p 5.

¹³⁴ ACT Law Society, *Submission 20*, p 5; Domestic Violence Crisis Service, *Submission 10*, p 4.

¹³⁵ Victims of Crime Commissioner, *Submission 17*, p 3-4.

¹³⁶ YWCA Canberra, *Submission 14*, p 5.

¹³⁷ YWCA Canberra, *Submission 14*, p 5.

¹³⁸ Victims of Crime Commissioner, *Submission 17*, p 3; YWCA Canberra, *Submission 14*, p 5; Canberra Rape Crisis Centre, *Submission 9*, p 4; Domestic Violence Crisis Service, *Submission 10*, pp 4-5; Women's Legal Centre ACT, *Submission 23*, pp 5-7.

heard in the Magistrates Court without undermining the seriousness of the coercive control offence. Specifically, WWD asked the government to consider the following factors:

- accessibility for people with disabilities;
- timeliness of proceedings;
- victim-survivor participation and retention throughout the justice process;
- impacts of court delays on safety and wellbeing;
- access to communication supports and reasonable adjustments; and
- the effectiveness of different court pathways in achieving accountability and justice outcomes.¹³⁹

- 2.105. WWD went on to argue that the success of the offence should not simply be measured by the severity of the available penalty, but in terms of whether victim-survivors can access the justice system safely, effectively and meaningfully.¹⁴⁰
- 2.106. Both ANU Law Students for Gender Equity and Legal Aid ACT proposed reducing the maximum imprisonment penalty to five years given that a five-year maximum penalty would permit the DPP to elect to have the case dealt with summarily in the Magistrates Court under section 374 of the *Crimes Act 1900*.¹⁴¹
- 2.107. This, Legal Aid argued, would have various benefits for victim-survivors such as improving the efficiency of coercive control prosecutions, reducing the length of their healing process, and reduce the risk of re-traumatisation.¹⁴²
- 2.108. Likewise, this would come with the drawback that if an election is made, the court must not impose a penalty which exceeds a fine of \$5,000, imprisonment for two years, or both. ANU Law Students for Gender Equity conceded this ‘may not be appropriate for all cases and may risk undermining the seriousness of the offence’. Legal Aid ACT also acknowledged this, but added that the lower penalties may be appropriate in some cases and would permit quicker, efficient and cost-effective disposal of matters. More serious cases would also still be heard by the Supreme Court as the DPP can choose not to make an election.¹⁴³
- 2.109. The ANU Law Students for Gender Equity were also of the view that the seven-year imprisonment penalty risks exacerbating capacity issues at the Alexander Maconochie Centre (AMC), and would reduce the likelihood of longer custodial sentences being imposed at a time when the AMC’s capacity is already under pressure.¹⁴⁴

¹³⁹ Women with Disabilities ACT, *Submission 21*, p 10.

¹⁴⁰ Women with Disabilities ACT, *Submission 21*, p 10.

¹⁴¹ ANU Law Students for Gender Equity, *Submission 14*, p 7.

¹⁴² Legal Aid ACT, *Submission 3*, p 6.

¹⁴³ ANU Law Students for Gender Equity, *Submission 14*, p 7; Legal Aid ACT, *Submission 3*, p 5.

¹⁴⁴ ANU Law Students for Gender Equity, *Submission 14*, p 8.

Committee comment

- 2.110. The Committee is of the view that there is merit in exploring the proposal submitted by the Victim of Crime Commissioner and others that a carve out be created in the *Crimes Act 1900* to enable the DPP to elect to have a coercive control matter dealt with summarily by the Magistrates Court.
- 2.111. While not appropriate in every instance of coercive control, the Committee believes it may be beneficial in the interests of some victim-survivors for their case to be heard summarily to mitigate the negative impacts of prolonged proceedings in the Supreme Court and to prevent the weaponisation of lengthy proceedings by some perpetrators.

Recommendation 8

The Committee recommends that the ACT Government explore the proposal put forward by the Victims of Crime Commissioner with regard to extending the Director of Public Prosecution's power to elect to have a coercive control matter dealt with summarily in the Magistrates Court.

Implementation

- 2.112. The Committee heard from a number of stakeholders about the importance of implementation planning, including resourcing to support the commencement of the coercive control offence. The bill proposes a two-year delay before the offence will come into force in line with the delayed commencement period in other Australian jurisdictions where coercive control has been criminalised.
- 2.113. The ACT Government's submission highlighted this approach and the importance of implementation:

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.¹⁴⁵

- 2.114. ACT Policing also highlighted the importance of the two-year delayed commencement for implementation of the offence:

noting we have the two-year implementation, which we think will be particularly important around ensuring that we have the capability, the training uplift and the processes that are in place prior to implementation, but given the complexity of the standalone offence, the two-year implementation time frame is important in our view to provide that timing.¹⁴⁶

¹⁴⁵ ACT Government, *Submission 4*, p 11

¹⁴⁶ Mr Scott Lee, Chief Police Officer, *Proof Committee Hansard*, 20 August 2026, p 26

- 2.115. The Women’s Legal Centre made their position on implementation quite clear during the public hearing stating that ‘the success of this bill is absolutely reliant on implementation and resourcing’¹⁴⁷ and further noting that ‘despite the preparatory work on the bill and the very strong focus on pushing this through, [there has been] no preparatory allocations of funding to actually support the implementation’.¹⁴⁸
- 2.116. The Women’s Legal Centre elaborated on the need for further consultation, planning and the allocation of resources to implement the offence:
- My expectation is that with the resources currently available within the government that there would be a strongly considered implementation plan that actually was developed in consultation with the people working on the ground and that then there was a collaborative process around making sure that there was adequate resources. We're obviously very focused on legal assistance and community services, but I would also say obviously there are very real implications for both policing and other judicial—justice agencies. It would be my expectation that government, as part of as part of making this proposal, would also be considering how it would support its implementation.¹⁴⁹
- 2.117. In their submission Sisters in Spirit Aboriginal Corporation and Women’s Health Matters make this point with reference to the impact of criminalisation of coercive control in Aboriginal and Torres Strait Islander communities. They stated that without ‘appropriate safeguards, resources and genuine Aboriginal-led implementation, there is a risk that the legislation could increase criminal justice involvement without significantly improving safety outcomes for First Nations women and children’.¹⁵⁰
- 2.118. The ACT Aboriginal and Torres Strait Islander Elected Body supported this position in the public hearing stating that ‘success will depend on implementation that is culturally safe, trauma-informed and guided by self-determination’.¹⁵¹
- 2.119. In terms of the success of implementation of the offence and what may be required the ACT Law Society summarises that comparative experience demonstrates that successful implementation depends on extensive training, resourcing, and ongoing monitoring’.¹⁵²
- 2.120. The ANU Centre for Social Policy Research brought an outcomes focus to their comments on implementation, planning and resourcing noting that research on victim-survivors’ views ‘has found that victim-survivor safety was consistently identified as the least likely benefit of criminalisation’. With support for criminalisation often based on a belief that it will improve community awareness and improve the system for future victim-survivors.¹⁵³

¹⁴⁷ Ms Elena Rosenman, Women’s Legal Centre, *Proof Committee Hansard*, 20 August 2026, p 44

¹⁴⁸ Ms Elena Rosenman, Women’s Legal Centre, *Proof Committee Hansard*, 20 August 2026, p 44

¹⁴⁹ Ms Elena Rosenman, Women’s Legal Centre, *Proof Committee Hansard*, 20 August 2026, p 44

¹⁵⁰ Sisters in Spirit Aboriginal Corporation and Women’s Health Matters, *Submission 22*, p 4

¹⁵¹ Mr Maurice Walker, Chair, ACT Aboriginal and Torres Strait Islander Elected Body, *Proof Committee Hansard*, 20 August 2026, p 12

¹⁵² Mr Adrian McKenna, ACT Law Society, co-Chair, Criminal Law Advisory Committee, *Proof Committee Hansard*, 20 August 2026, p 46

¹⁵³ ANU Centre for Social Policy Research, *Submission 13*, p 4

If this is to be achieved, planning for education across the entire system and capability and capacity building in services that support victim survivors will be essential.

- 2.121. DVCS further drew on this outcomes focus, calling out the need for the government to commit to working with stakeholders and resourcing the implementation appropriately:

This is not just about whether or not we put a successful rung into legislative reform. It is actually about people's lives. We think that the timeline really is subject to what the government's commitment is to resourcing that activity effectively. If it was a wholehearted, all-in, "Let's co-design what that looks like. Let's resource it effectively," then potentially a two-year delay is manageable to do that work. But depending on Treasury and budget cycles, it is probably more likely, you know, anywhere from three to five.¹⁵⁴

Committee comment

- 2.122. The ACT Government should heed the advice of the varied stakeholders who have highlighted the importance of implementation planning to the effectiveness of the introduction of the coercive control offence. The government should ensure a comprehensive, staged implementation plan is developed prior to the legislation coming into force that:
- a) Provides adequate resourcing, that is provided well before the Act is enlivened;
 - b) Works with the Advisory Committee;
 - c) Specifically addresses training for police, judicial, and legal services, as well as other services likely to be approached with disclosures, recognising this should be designed with lived experience and experts in the field;
 - d) Works with Aboriginal services and the community to ensure that training and education is culturally informed and accessible; and
 - e) Ensures that this is located in strong primary prevention framework, and looks at education and awareness raising in a range of settings including schools, workplaces and the community.

Recommendation 9

The Committee recommends that the ACT Government provide a comprehensive, detailed and structured implementation plan prior to the legislation coming into force and consider how it should be appropriately funded.

Diverse and vulnerable cohorts

- 2.123. A number of submissions highlighted the potential for some cohorts in the ACT community which tend to be disproportionately impacted by similar laws to also be disproportionately effected by the proposed offence provisions within the bill. Specifically, concerns were

¹⁵⁴ Ms Sue Webeck, Chief Executive Officer, Domestic Violence Crisis Service, *Proof Committee Hansard*, p 76

expressed in relation to Aboriginal and Torres Strait Islander peoples, people living with disability, neurodivergent people, culturally and linguistically diverse communities, LGBTQIA+ people, and women.

- 2.124. The Centre for Excellence in Child and Family Welfare argued that Aboriginal and Torres Strait Islander women, migrant and refugee women, and women with disability are ‘at heightened risk of misidentification’ as a perpetrator. It noted that:

A new criminal offence, applied without a clear evidence-informed framework for identifying the person most in need of protection, creates a further avenue through which a perpetrator can manipulate the system. This dynamic has already been documented in Scotland following the introduction of its own coercive control offence.¹⁵⁵

- 2.125. The Aboriginal and Torres Strait Islander Elected Body (ATSIEB) noted that Aboriginal and Torres Strait Islander women ‘experience significantly higher rates of family and domestic violence’, and the potential for the Bill to impose further harm.¹⁵⁶
- 2.126. ATSIEB argued that introduction of a standalone criminal offence may have unintended consequences which lead to ‘increased police contact and surveillance in Aboriginal and Torres Strait Islander communities’, the criminalisation of victim-survivors ‘particularly in complex family contexts’, and the ‘escalation of involvement with the child protection system’.¹⁵⁷
- 2.127. The Women’s Legal Centre echoed the concerns about ‘serious concerns for unintended consequences for women, trans, and gender-diverse people’, including women ‘already subject to systemic racism within the justice system’ and ‘over-policing’. It noted the significant risk for such women being misidentified at the primary aggressor.¹⁵⁸
- 2.128. The Aboriginal Legal Service (ALS) went further, noting that in its view creating a standalone offence of coercive control ‘without addressing the entrenched systemic racism within the criminal legal system’ risks ‘disproportionate and harmful impacts on Aboriginal victim-survivors, particularly women’. It argued for ‘system-wide reform’ addressing ‘entrenched systemic racism’, improved cultural safety, and ‘ongoing training for police, prosecutors, judges and all those working in the [justice] sector, particularly regarding misidentification of victim-survivors’.¹⁵⁹
- 2.129. According to the ACT Government, requiring ‘holistic consideration of a course of conduct as a totality’, rather than focusing on individual incidents, mitigates the risk of misidentification. It stated that:

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

¹⁵⁵ Centre for Excellence in Child and Family Welfare, *Submission 8*, p 2.

¹⁵⁶ Aboriginal and Torres Strait Islander Elected Body, *Submission 5*, p 1. See also: Aboriginal Legal Service, *Submission 24*, p 1.

¹⁵⁷ Aboriginal and Torres Strait Islander Elected Body, *Submission 5*, p 1.

¹⁵⁸ Women’s Legal Centre, *Submission 23*, p 1.

¹⁵⁹ Aboriginal Legal Service, *Submission 24*, p 1–3.

coercive control. 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.¹⁶⁰

- 2.130. ATSIEB disagreed, stating that the existing legislative safeguards are insufficient without strong operational guidance, workforce capability development and accountability mechanisms. It called for a culturally informed approach that ensures 'children are kept safe without unnecessary removal' and responses which support 'family healing and stability, rather than compounding trauma'.¹⁶¹
- 2.131. Sisters in Spirit Aboriginal Corporation and Women's Health Matters noted that its own consultation with Aboriginal and Torres Strait Islander communities suggest 'that criminalising coercive control without addressing the institutional dynamics' may not 'reduce the harms experienced by women' and even risk 'adding another layer of control rather than enhancing safety and access to justice'.¹⁶²
- 2.132. In its view, 'meaningful consultation with Aboriginal and Torres Strait Islander women and communities' must be at the 'centre of the implementation process' if the bill's intent is to be realised.¹⁶³
- 2.133. Misidentification of victim-survivors was also raised in the context of disability and gender diversity. In addition to Aboriginal and Torres Strait Islander women, WWD noted the heightened risk of misidentification as a perpetrator for women and gender-diverse people with disabilities, people with psychosocial disability, people with intellectual or cognitive disability and people using alternative or supported communication.¹⁶⁴
- 2.134. According to WWD:
- Evidence consistently shows that victim-survivors can be incorrectly identified as perpetrators, particularly where systems fail to understand the dynamics of coercive control, trauma responses, disability, communication differences or intersecting forms of discrimination.¹⁶⁵
- 2.135. WWD argued that a 'disability-inclusive implementation framework' was required for the intent of the bill to be realised. This included seeking specialist guidance on disability-related coercive control' and 'ongoing consultation with people with disability throughout implementation, evaluation and legislative review'.¹⁶⁶
- 2.136. Legal Aid ACT told the Committee that community engagement and education are needed for successful enforcement, especially for sections of the community 'which have particularly negative or strained relationships with police'. As such, Legal Aid ACT argued

¹⁶⁰ ACT Government, *Submission 4*, p 7.

¹⁶¹ Aboriginal and Torres Strait Islander Elected Body, *Submission 5*, p 2.

¹⁶² Sisters in Spirit Aboriginal Corporation and Women's Health Matters, *Submission 22*, p 12.

¹⁶³ Sisters in Spirit Aboriginal Corporation and Women's Health Matters, *Submission 22*, p 13.

¹⁶⁴ Women with Disabilities ACT, *Submission 21*, p 8.

¹⁶⁵ Women with Disabilities ACT, *Submission 21*, p 8.

¹⁶⁶ Women with Disabilities ACT, *Submission 21*, p 8.

for direct consultation with the Aboriginal and Torres Strait Islander, culturally and linguistically diverse, LGBTQIA+ and disability community.¹⁶⁷

- 2.137. The Victims of Crime Commissioner noted the need for ‘targeted consultation’ with vulnerable communities to address the ‘dynamics of coercive control, including how to best manage the risks of misidentification and inappropriate criminalisation in different context’. According to the Commissioner:

This will assist in clarifying how the objective test of a reasonable person’s assessment that conduct will likely result in harm or the fear of harm can appropriately take cultural or other factors into account. For example, this may be consideration of how relevant cultural or social context is reflected “in all the circumstances” to the extent that it bears on the foreseeability or recognition of harm that may otherwise be minimised or misunderstood.¹⁶⁸

Committee comment

- 2.138. While cognisant of the wide-ranging consultation already undertaken on coercive control and legislative measures to address it, the Committee notes that significant concern still exists in the community. Much of this concern is centred on the potential for unintended consequences that could have a disproportionate impact on vulnerable cohorts within the ACT community.
- 2.139. As such, there is a clear need for ongoing consultation with vulnerable communities.

Recommendation 10

The Committee recommends that the ACT Government consult widely, prior to the implementation of the Bill, on the suitability of the proposed offence provision for vulnerable and diverse cohorts who are typically disproportionately impacted, including Aboriginal and Torres Strait Islander peoples, people with disabilities and neurodevelopmental disorders, conditions, culturally and linguistically diverse communities, LGBTQIA+ people, and women.

Advisory Committee

Role and function

- 2.140. Section 433 of the Bill establishes a Coercive Control Advisory Committee (the Advisory Committee) to provide advice to the Minister responsible for the *Domestic Violence Agencies Act 1986* on the operation and implementation of the coercive control offence.¹⁶⁹
- 2.141. Under the Bill, the Advisory Committee will be responsible for:
- monitoring implementation of the offence;

¹⁶⁷ Legal Aid ACT, *Submission 3*, p 7.

¹⁶⁸ Victims of Crime Commissioner, *Submission 17*, p 5.

¹⁶⁹ ACT Government, *Submission 4*, p 6.

- identifying areas of concern, including any unintended consequences; and
 - providing advice to the Minister.¹⁷⁰
- 2.142. The bill also requires a statutory review of the offence to commence as soon as practicable three years after commencement, providing an opportunity to assess the effectiveness of the legislation and identify any need for further reform.¹⁷¹
- 2.143. During the public hearing, the ACT Government described the Advisory Committee as a key mechanism for overseeing implementation of the offence, with the capacity to establish expert reference groups to support its functions:
- Clause 6 of the bill which contains section 433 and subsection (4) of that provision enables the advisory committee to establish an expert reference group to assist the committee in the exercise of its functions. There is a bit of agency there for the committee to consider whether it is useful or desirable, and some of that goes to the intent and focus of the advisory committee on what the core issues are at the particular stages of implementation. There is a space for the committee to operate prior to the commencement of the offence itself, and then there is a further opportunity for the committee to provide support to the minister after the offence has commenced.¹⁷²
- 2.144. Women's Legal Centre ACT recommended that the Bill be more 'explicit about its functions along the lines of what we saw in New South Wales'.¹⁷³ The Committee notes that section 541 of the *Crimes Act 1900 (NSW)* establishes a Coercive Control Implementation and Evaluation Taskforce with functions that include:
- consulting with stakeholders regarding the coercive control offence and related matters;
 - providing advice on, and monitoring, training, education and resourcing;
 - evaluating implementation of the coercive control offence and associated resourcing; and
 - monitoring the operation of the legislation.¹⁷⁴
- 2.145. DVCS also questioned whether the bill provides sufficient detail regarding the functions of the Advisory Committee. Referring to the NSW model, DVCS expressed concern that, without a similar level of detail, the Advisory Committee may be limited in its role and functions.¹⁷⁵

¹⁷⁰ ACT Government, *Submission 4*, p 12.

¹⁷¹ ACT Government, *Submission 4*, p 12.

¹⁷² Mr Daniel Ng, Executive Group Manager, Legislation Policy and Programs, Justice and Community Safety Directorate, Justice and Community Services Directorate, *Proof Committee Hansard*, 20 August 2026, p 61.

¹⁷³ Ms Elena Rosenman, Chief Executive Officer, Women's Legal Centre ACT, *Proof Committee Hansard*, 20 August 2026, p 45.

¹⁷⁴ *Crimes Act 1900 (NSW)*, s 541.

¹⁷⁵ Domestic Violence Crisis Service (DVCS), *Submission 10*, pp 3–4.

Composition

- 2.146. The ACT Government explained that the bill does not prescribe membership of the Advisory Committee in order to retain sufficient flexibility to respond to emerging issues and ensure membership remains reflective of relevant stakeholders.¹⁷⁶ However, officials also acknowledged the importance of broad and diverse representation on the Advisory Committee:

Stakeholders talked about the need for diverse representation on the advisory committee, which is accepted... that there would be wide representation, for example, from people perhaps with lived experience or their advocates, the DFSV sector, the legal sector, Aboriginal and Torres Strait Islander community, the multicultural community, LGBTIQ+ community and others.¹⁷⁷

- 2.147. There was broad agreement regarding the importance of diverse representation on the Advisory Committee. Submitters emphasised that the Advisory Committee's effectiveness will depend on its ability to draw on a broad range of expertise, lived experience and community perspectives to identify emerging issues and monitor the operation of the legislation.¹⁷⁸

- 2.148. Legal Aid ACT submitted that the Advisory Committee's success would depend on its diversity, stating:

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.¹⁷⁹

- 2.149. Submitters emphasised the need for representation from victim-survivors, specialist domestic and family violence services, legal and justice stakeholders, police, Aboriginal and Torres Strait Islander organisations, people with disability and other groups likely to experience disproportionate impacts from the offence. The Committee also heard support for the inclusion of carers and other community representatives whose experiences may assist in identifying unintended consequences and informing implementation.¹⁸⁰

¹⁷⁶ Ms Kathryn Haigh, Deputy Director-General, Justice, Justice and Community Safety Directorate, *Proof Committee Hansard*, 20 August 2026, p 61.

¹⁷⁷ Ms Kirsty Windeyer, Deputy Director General, Community Services, Health and Community Services Directorate, *Proof Committee Hansard*, 20 August 2026, p 61.

¹⁷⁸ Elisabeth Yar, *Proof Committee Hansard*, 20 August 2026, pp 3–5; YWCA Canberra, *Submission 7*, p 6; Canberra Rape Crisis Centre, *Submission 9*, p 3; Domestic Violence Crisis Service (DVCS), *Submission 10*, pp 3–4; Carer's ACT, *Submission 11*, p 4.

¹⁷⁹ Legal Aid ACT, *Submission 3*, p 6.

¹⁸⁰ Domestic Violence Crisis Service (DVCS), *Submission 10*, pp 3–4; Carer's ACT, *Submission 11*, p 4; ACT Law Society *Submission 20*, p 6; Our Watch, *Submission 16*, p 10.

Duration of the Committee

- 2.150. Section 434 of the bill provides that the Advisory Committee will cease three years after its establishment.¹⁸¹
- 2.151. Submitters raised concerns that this would result in the Advisory Committee operating for only one year after commencement of the offence.¹⁸²
- 2.152. The Minister for Women explained that the proposed three-year timeframe was intended to preserve flexibility regarding future governance and oversight arrangements. While noting that the Advisory Committee would cease after three years, the Minister stated that ‘that is not to say that the committee itself will not be what continues or there will be nothing’.¹⁸³ The Minister also described the Advisory Committee as having a ‘really critical role’ in the implementation of the offence, including ‘understanding where best to target the implementation work’.¹⁸⁴
- 2.153. A number of submitters questioned whether the proposed timeframe was consistent with the Advisory Committee's intended functions, particularly its role in supporting implementation and informing the statutory review of the offence. One submission observed that ‘an oversight body that expires, before the review it exists to inform, cannot perform that function at all’, noting that the Advisory Committee would cease before the review process could draw upon its work.¹⁸⁵
- 2.154. Similarly, the Victims of Crime Commissioner recommended that the Advisory Committee continue to operate until at least completion of the statutory review, noting its role in monitoring the effectiveness of the offence and identifying unintended consequences.¹⁸⁶
- 2.155. Our Watch proposed expanding the Advisory Committee's functions to include the development of mechanisms for external and ongoing evaluation, monitoring and accountability. It submitted that these mechanisms should be established before the Advisory Committee's expiry and could include advice on implementation of the offence, evaluation of its effectiveness, identification and analysis of unintended consequences, and recommendations for future reform.¹⁸⁷
- 2.156. Other submitters raised broader concerns about the loss of an independent oversight mechanism following the Advisory Committee's expiry. YWCA ACT stated:

My fear would be that in lieu of a robust advisory committee and oversight mechanism, that the general observation or monitoring of progress would rely on perhaps a statement to the Assembly, which is how the Family Violence Act is. You know, the minister gives an annual statement to the Assembly about the operation of the act and

¹⁸¹ ACT Government, *Submission 4*, p 6.

¹⁸² Ms Elena Rosenman, Chief Executive Officer, Women’s Legal Centre ACT, *Proof Committee Hansard*, 20 August 2026, pp 44–45; Ms Juliette Ford, ACT Victims of Crime Commissioner, *Proof Committee Hansard*, 20 August 2026, p 67; Ms Leah Dwyer, Director of Policy and Advocacy, YWCA Canberra, *Proof Committee Hansard*, 20 August 2026, p 79.

¹⁸³ Ms Caitlin Tough MLA, Minister for Women, *Proof Committee Hansard*, 20 August 2026, p 64.

¹⁸⁴ Ms Caitlin Tough MLA, Minister for Women, *Proof Committee Hansard*, 20 August 2026, p 64.

¹⁸⁵ Zonta Club of Canberra Breakfast, *Submission 19*, p 21.

¹⁸⁶ Victims of Crime Commissioner, *Submission 17*, pp 7–8.

¹⁸⁷ Our Watch, *Submission 16*, p 10.

what they are doing. And to be perfectly honest, it often just reads like marketing, that the government is doing X program and X program, but it does not necessarily reflect the reality on the ground. And my fear, which I did express at the steering committee, was that without an actual advisory committee, I do not want to see this important law reform be reduced to one statement once a year at the Assembly that is written by public servants that just is about programs and how they might be working in the community.¹⁸⁸

Committee comment

- 2.157. The Committee notes the strong support for a multisectoral Advisory Committee that draws on diverse expertise, lived experience and community perspectives. The Committee considers that the inclusion of people with lived experience will be critical to ensuring the Advisory Committee is informed by the realities of coercive control and the experiences of those directly affected by the offence. The Committee also considers that appropriate remuneration should be provided to support meaningful participation by members contributing lived experience and/or specialist expertise.
- 2.158. The Committee accepts that flexibility in governance arrangements may be desirable, however, it is not persuaded that the proposed three-year lifespan provides sufficient time for the Advisory Committee to fulfil its intended functions. Given the delayed commencement of the offence, the Committee considers there is a significant risk that the Advisory Committee would cease before it can meaningfully inform the statutory review or provide ongoing oversight of the offence's implementation.

Recommendation 11

The Committee recommends the ACT Government strengthen the proposed Coercive Control Advisory Committee by incorporating the following provisions in the Bill:

- outline the groups, skills, knowledge, and/or experience to be represented in its membership to ensure a multisectoral approach;
- extend the tenure of the advisory committee so that it will expire after the statutory review period; and
- outline the specific role of the advisory committee with regard to implementation, evaluation and the statutory review of the offence.

Evaluation and Statutory Review

- 2.159. While section 72K of the Bill requires the Minister responsible for the *Domestic Violence Agencies Act 1986* to undertake a statutory review of the offence as soon as practicable three years after commencement,¹⁸⁹ evidence before the Committee also addressed whether additional evaluation mechanisms should be established.

¹⁸⁸ Ms Leah Dwyer, Director of Policy and Advocacy, YWCA Canberra, *Proof Committee Hansard*, 20 August 2026, pp 80–81.

¹⁸⁹ *Crimes (Coercive Control) Amendment Bill 2026*.

- 2.160. Dr Elisabeth Yar, drawing on her lived experience, raised the importance of establishing clear evaluation arrangements from the outset, including the role of lived experience in assessing whether the legislation is operating as intended. Dr Yar recommended that:

The three-year review under section 72K should be strengthened by requiring an evaluation framework before commencement, annual public reporting and measurable outcomes that assess whether the legislation improves safety, access to justice and system responses for victim-survivors.¹⁹⁰

- 2.161. In evidence to the Committee, Dr Yar explained why such arrangements were necessary, stating:

I think that if some of those views and experiences can be drawn into sort of evaluation frameworks and so on, that would be extremely helpful for the legislation and for making sure that the implementation of it...we will know how good the legislation is partly through the implementation and how the implementation works and whether it does what it is set out to achieve, and I think hearing from people that it impacts directly will be incredibly useful.¹⁹¹

- 2.162. Consistent with Dr Yar's recommendation for an evaluation framework prior to commencement, the Victims of Crime Commissioner emphasised the importance of ongoing monitoring and evaluation of the offence. The Commissioner recommended that the Advisory Committee, including any expert reference groups, monitor and evaluate the operation and effectiveness of the offence, including charge, prosecution and conviction rates.¹⁹²
- 2.163. Returning to New South Wales and its Coercive Control Implementation and Evaluation Taskforce for comparison, Section 54I(8) of the *Crimes Act 1900* (NSW) requires the Taskforce to provide reports to the Minister at least every six months before commencement of the offence and at least annually thereafter.¹⁹³ In addition, s 54I(5) requires the Taskforce to establish reference groups to provide advice and recommendations on the impact of the legislation on specific communities and particular elements of the reform.¹⁹⁴

Committee comment

- 2.164. The Committee notes that the bill provides for statutory review of the offence. The Committee believes that this review should be formulated and undertaken in the context of an evaluation framework. The statutory review should provide specific data and analysis on the functionality and effectiveness of the offence as legislated, and be delivered within the evaluation framework.

¹⁹⁰ Ms Elisabeth Yar, *Submission 2*, p 4.

¹⁹¹ Ms Elisabeth Yar, *Proof Committee Hansard*, 20 August 2026, p 4.

¹⁹² Victims of Crime Commissioner, *Submission 17*, p 7.

¹⁹³ *Crimes Act 1900* (NSW), s 54I(8).

¹⁹⁴ *Crimes Act 1900* (NSW), s 54I(5).

Recommendation 12

The Committee recommends that the ACT Government, as part of the statutory review, monitor and publicly report data on the operation of coercive control offences, including charges, prosecutions, discontinuances, co-occurring offences, convictions, time to finalisation, and sentencing outcomes.

Committee comment

- 2.165. The Committee notes that the Bill already provides mechanisms for monitoring and review of the offence through the Advisory Committee and the statutory review process.
- 2.166. However, the Committee notes evidence supporting a more structured approach to evaluation, including an evaluation framework established prior to commencement, measurable outcomes and public reporting. The Committee considers that these additional measures would strengthen assessment of whether the offence is effective, improves safety and improves access to justice.
- 2.167. The Committee also observes that section 54I of the *Crimes Act 1900* (NSW) provides for ongoing implementation, evaluation and reporting through the Coercive Control Implementation and Evaluation Taskforce, and draws the ACT Government's attention to those arrangements as an effective possible mechanism for evaluation.

Recommendation 13

The Committee recommends that the ACT Government publish an evaluation framework prior to the commencement of the offence which incorporates public reporting on measurable outcomes that assess whether the legislation is effective, improves safety, and improves access to justice.

Community contexts and primary prevention

- 2.168. The criminal justice response of creating the offence of coercive control is one avenue to address the issue and alone may have limited impact on improving safety for women and other victim survivors.¹⁹⁵
- 2.169. The ACT Government's submission to the inquiry acknowledges that 'victims, family members, and the community generally do not recognise coercive control as DFV [domestic and family violence], particularly in the absence of physical violence'.¹⁹⁶
- 2.170. The Victims of Crime Commissioner has made the point that criminalisation of coercive control in itself is an important measure in raising awareness of coercive control in the community. The Commissioner expressed support for the denunciatory effect of criminalisation of coercive control noting that 'if we are committed to a community that is going to lower and/or prevent [domestic, family and sexual violence], both by way of

¹⁹⁵ Our Watch, *Submission 16*, p 6.

¹⁹⁶ ACT Government, *Submission 4*, p 4.

primary prevention and response, then we have to have an offence on the books that sends a message to community that this behaviour will not be tolerated'.¹⁹⁷

- 2.171. A number of submissions suggest that community education to raise awareness and understanding of coercive control, and primary prevention measures must accompany the introduction of the offence in order for it to have any impact on improving safety.
- 2.172. Our Watch provided a helpful overview of the context and importance of primary prevention:

Primary prevention aims to stop violence before it starts by addressing the structural causes and underlying drivers of violence. Primary prevention requires changing social conditions that give rise to violence, reforming the institutions and systems that excuse, justify, or promote such violence, and shifting the power imbalances and social norms, structures and practices that drive and normalise it.¹⁹⁸

- 2.173. DVCS also reflect on this broader community context and the community level outcome which the Bill is aimed at contributing to achieve. They state that:

The ultimate hope is that response services are not needed because violence is not occurring in our community. Part of moving towards that goal is ensuring we have the appropriate preventative and educative systems in place. Stopping violence before it occurs must remain a goal system wide and as such implementation must consider community wide prevention education and resourcing...¹⁹⁹

- 2.174. AMAN also make this point in their submission, suggesting that “rather than focusing solely on criminal justice responses, the ACT should develop a whole-of-government prevention framework.”²⁰⁰ Their suggestion is that this should incorporate elements of education, housing, health, justice, community services, schools, and workplaces.²⁰¹

Recommendation 14

The Committee recommends that the ACT Government acknowledge the broader context of the criminalisation of coercive control and consider primary prevention measures for settings including schools, workplaces, and anywhere significant power imbalances exist in the community.

3. Conclusion

- 3.1. The development of a standalone offence for coercive control is an important milestone for the ACT in the criminal law space and reflects a contemporary understanding of family

¹⁹⁷ Ms Juliette Ford, ACT Victims of Crime Commissioner, *Proof Committee Hansard*, 20 August 2026, p 69.

¹⁹⁸ Our Watch, *Submission 16*, p 5.

¹⁹⁹ Domestic Violence Crisis Service, *Submission 10*, p 5.

²⁰⁰ Australian Multicultural Action Network, *Submission 1*, p 5.

²⁰¹ Australian Multicultural Action Network, *Submission 1*, p5-6.

and domestic violence. The Committee acknowledges the considerable work undertaken by the ACT Government and relevant stakeholders to date in developing and progressing this important legislative reform. The Committee especially acknowledges the varying and sometimes competing views the ACT Government has sought to balance and accommodate in drafting this bill.

- 3.2. The Committee would like to thank all those who submitted to this inquiry and appeared at the public hearing. The Committee would particularly like to express its thanks to those victim-survivors who submitted to the inquiry and Dr Elisabeth Yar who appeared at the hearing. The Committee applauds their courage to come forward and share their experiences in the hope that it results in a bill that will appropriately reflect the lived experiences of victim-survivors and ultimately provide current and future victim-survivors of coercive control with a means to address their situation.
- 3.3. The Committee notes that while the bill is to be appreciated for many of its features, such as a reasonableness defence and the scope of relationships covered, there is room for constructive improvement in several areas.
- 3.4. In particular, the Committee considers that the fault element is a significant area where consideration is required by the ACT Government to ensure that the bill does not become a dead letter law.
- 3.5. The Committee recognises the valuable and insightful contributions provided by victim-survivors who made submissions to this inquiry. These submissions enriched the Committee's deliberations and recommendations.
- 3.6. The Committee makes 15 recommendations, including the recommendation below:

Recommendation 15

The Committee recommends that the Assembly pass the bill, subject to the amendments proposed in this report.

Ms Chiaka Barry
Chair
10 September 2026

Appendix A: Submissions

No.	Submission by	Received	Published
1	AMAN	15/06/2026	01/07/2026
2	Elisabeth Yar	23/06/2026	01/07/2026
3	Legal Aid ACT	26/06/2026	01/07/2026
4	ACT Government	02/07/2026	15/07/2026
5	ATSIEB	07/07/2026	15/07/2026
6	ACT Policing	08/07/2026	15/07/2026
7	YWCA Canberra	09/07/2026	15/07/2026
8	CFECFW	10/07/2026	05/08/2026
9	CRCC	10/07/2026	05/08/2026
10	DVCS	10/07/2026	05/08/2026
11	Carers ACT	10/07/2026	05/08/2026
12	MHCC	10/07/2026	05/08/2026
13	ANU	10/07/2026	05/08/2026
14	LSGE	13/07/2026	05/08/2026
15	ACT Ombudsman	09/07/2026	05/08/2026
16	Our Watch	13/07/2026	05/08/2026
17	VOCC	13/07/2026	05/08/2026
18	VOCAL ACT	22/07/2026	05/08/2026
19	ZCCB-SC-CWA	23/07/2026	05/08/2026
20	ACT Law Society	24/02/2026	05/08/2026
21	WWD ACT	24/07/2026	05/08/2026
22	SISAC and WHM	24/07/2026	05/08/2026
23	WLC ACT	06/08/2026	13/08/2026
24	Aboriginal Legal Service	25/08/2026	03/09/2026
25	Name Withheld	27/08/2026	03/09/2026
26	Confidential	26/08/2026	03/09/2026
27	Name Withheld	28/08/2026	03/09/2026
28	Name Withheld	01/09/2026	03/09/2026
29	Confidential	01/09/2026	03/09/2026

30	Name Withheld	01/09/2026	09/09/2026
31	Name Withheld	02/09/2026	09/09/2026

Appendix B: Witnesses

Thursday, 20 August 2026

- **Dr Elizabeth Yar**, Individual
- **Ms Ursula De Ruyter**, Acting Co-Chief Executive Officer, Women's Health Matters ACT
- **Ms Rachelle Kelly-Church**, Executive Director, Sisters in Spirit Aboriginal Corporation
- **Mr Maurice Walker, Chair**, ACT Aboriginal and Torres Strait Islander Elected Body
- **Dr Romy Listo, Manager**, Prevention Strategy and Policy Development, Our Watch
- **Dr Hayley Boxall**, Senior Research Fellow, ANU Centre for Social Policy Research

ACT Government

- **Dr Marisa Paterson MLA**, Minister for Police, Fire and Emergency Services

Justice and Community Safety Directorate officials:

- **Ms Kathryn Haigh**, Deputy Director-General, Justice
- **Mr Daniel Ng**, Executive Group Manager – Legislation Policy and Programs

ACT Policing officials:

- **Mr Scott Lee**, Deputy Commissioner, Chief Police Officer for the ACT
- **Ms Kylie Lawson**, Superintendent, Family and Sexual Violence

Women's Legal Centre ACT:

- **Ms Elena Rosenman**, Chief Executive Officer
- **Ms Tori Harrington**, Director of Legal Services

Legal Aid ACT:

- **Mr Jan de Bruin**, Head of Practice, Criminal Legal Practice
- **Ms Kate Bills**, Head of Practice, Early Intervention Legal Practice

ACT Law Society:

- **Mr Adrian McKenna**, Co-Chair of the Criminal Law Advisory Committee

ACT Government

- **Ms Caitlin Tough MLA**, Minister for Prevention of Domestic, Family and Sexual Violence

Justice and Community Safety Directorate officials:

- **Ms Kathryn Haigh**, Deputy Director-General, Justice
- **Mr Daniel Ng**, Executive Group Manager – Legislation Policy and Programs
- **Ms Claire Buxton**, Executive Branch Manager – Legislation Policy and Programs

Health and Community Services Directorate Officials:

- **Ms Kirsty Windeyer**, Deputy Director General, Community Services
- **Ms Gerry Banks**, Acting Executive Branch Manager, Domestic, Family and Sexual Violence Office
- **Ms Juliette Ford**, ACT Victims of Crime Commissioner, ACT Human Rights Commission
- **Ms Sue Webeck**, Chief Executive Officer, Domestic Violence Crisis Service
- **Ms Leah Dwyer**, Director of Policy and Advocacy, YWCA ACT
- **Ms Tiffany Karlsson**, Chief Executive Officer, Canberra Rape Crisis Centre

Appendix C: Questions Taken on Notice

Questions Taken on Notice

No.	Date	Asked of	Subject	Response received
1	20/08/2026	ACT Law Society	Contributing authors to submission not engaged in criminal law	Not received

Appendix D: Gender distribution of witnesses

Beginning in April 2023, in response to an audit by the Commonwealth Parliamentary Association, Committees are collecting information on the gender of witnesses. The aim is to determine whether committee inquiries are meeting the needs, and allowing the participation of, a range of genders in the community. Participation is voluntary and there are no set responses.

Gender indication	Total
Female	12
Male	7
Non-binary	1
Gender neutral	4
No data	