



Submission cover sheet

Inquiry into the Crimes (Coercive Control) Amendment Bill 2026

Submission number: 017

Submitter: ACT Victims of Crime Commissioner

Date authorised for publication: 5 August 2026



Standing Committee on Legal Affairs
Office of the Legislative Assembly
Via lacommitteelegal@act.gov.au

13 July 2026

Dear Standing Committee on Legal Affairs

Inquiry into the Crimes (Coercive Control) Amendment Bill 2026

Thank you for the opportunity to make a submission in relation to the Standing Committee's Inquiry into the Crimes (Coercive Control) Amendment Bill 2026 (the Inquiry).

Please find **enclosed** my submission to the Inquiry.

I request that this submission be published in full.

Yours sincerely

Juliette Ford
Victims of Crime Commissioner
Victim Support ACT
(02) 6205 2222 | 56 Allara Street, Canberra City | GPO Box 158 Canberra ACT 2601
ACT Human Rights Commission | ACT Government | [Home - Victim Support ACT](#)

About Victim Support ACT

1. The Victims of Crime Commissioner (VOCC) is an independent statutory advocate and the head of Victim Support ACT (VSACT). VSACT is situated within the ACT Human Rights Commission. The VOCC's functions are set out in the *Victims of Crime Act 1994*, the *Victims of Crime (Financial Assistance) Act 2016* and the *Victims of Crime Regulation 2000*.
2. The function of the VOCC is to advocate for the interests of victims of crime in the ACT. Particularly relevant to the subject of the Inquiry, the VOCC's responsibilities include:
 - a. advocating for the interests of victims;
 - b. monitoring and promoting compliance with victims' rights; and
 - c. consulting on and promoting reforms to meet the interests of victims.

Introduction

3. The VOCC provides in principle support for the Bill's criminalisation of coercive control and its objective of improving the recognition of and responses to coercive control in the ACT criminal law.
4. The VOCC considers it critical that the Bill's legislated advisory committee, including its expert reference group,¹ be resourced to address the need for further consultation, education, and coordinated implementation of the coercive control offence within the ACT's broader family and domestic violence (FDV) response.
5. In this submission, the VOCC has made several recommendations she thinks will increase the likelihood the Bill will achieve its objective.

Expanding the fault element to include recklessness

6. The VOCC is concerned that an intent-only fault element will be difficult to prove in practice resulting in a reluctance to lay charges and a reduced likelihood of successful prosecutions.
7. 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. In the absence of direct evidence of the accused's intent (such as admissions to police or texts or other communications evidencing intent),

¹ Crimes (Coercive Control) Amendment Bill 2026 s 433.

the fact-finder must infer subjective intent from the surrounding objective evidence. This is likely to be challenging in light of the often non-physical and subtle nature of coercive control, and conclusions as to the accused's state of mind will be more open to contest.²

8. NSW adopted an intent-only fault element as a safeguard in response to community concerns that recklessness could increase the risk of over-criminalisation and misidentification of the primary aggressor. However, the ACT's applicable recklessness test (for post-2003 offences, set out in s 20 of the *Criminal Code 2002*)³ has a significantly higher threshold than the equivalent test in NSW, and the VOCC considers that this, together with other proposed safeguards, for example the objective test of harm and reasonableness defence, provide sufficient protection against inappropriate criminalisation.
9. Reference group advice to the NSW Implementation and Evaluation Taskforce from July 2024 to June 2025 seeks consideration of amendment to the fault element to adopt recklessness and to expand the scope of the offence to include all domestic relationships and non-family relationships.⁴ This advice follows concerns in relation to the practical difficulty of proving intent in coercive control matters and to acknowledge the experiences of coercive control in non-family relationships, including experiences of people with disability. During the first nine months of the NSW offence's operation there were 224 reports to police.⁵ Of these reports, 5 proceeded to prosecution of a coercive control offence and 1 resulted in a successful prosecution (2 withdrawn and 2 pending).⁶
10. In the ACT, expanding the fault element to include recklessness aligns the coercive control offence with comparable offences of similar seriousness and penalty that incorporate recklessness. This includes stalking,⁷ inflicting actual bodily harm,⁸ and assault occasioning actual bodily harm.⁹ Aligning the fault element with these comparable offences will support victim-survivor expectations about the nature and

² Gibbon & Buxton-Naminsnyk, *The new coercive control offence in NSW: (how) will it work?*, 2024, p358.

³ *Criminal Code 2002* (ACT) ss 7 and 8.

⁴ Crimes Legislation Amendment (Coercive Control) Act 2022, *Statutory Report*, 1 July 2025, p27.

⁵ Ibid p20.

⁶ Ibid.

⁷ *Crimes Act 1900* (ACT) s 35 -When aggravated via an FDV context and in circumstances where there is either a breach of a court order (e.g. an FVO) or possession of an offensive weapon.

⁸ Ibid s 23 - When aggravated in a FDV context or via offending against a pregnant person.

⁹ Ibid s 24 - When aggravated in a FDV context or via offending against a pregnant person.

seriousness of the coercive control offence and how such patterns of harm are understood within criminal law.

11. Ultimately, while safeguards are required to limit risks of over-criminalisation and misidentification, the coercive control offence must still be able to be proved. Further, while the educative purpose of criminalisation of coercive control and the options of alternative responses are important, the intent and denunciatory effect of criminalisation is undermined if the offence is non-operational.¹⁰
12. It is important to note, the ACT Domestic and Family Violence Review ('DFVR') (No 1, 2023) found a clear, ongoing pattern of coercive control was present in almost all the cases. In approximately 75% of these cases there was a clear absence of significant physical violence prior to the homicide.¹¹
13. The VOCC therefore recommends that the fault element be expanded to include recklessness.

Maximum Penalty

14. The VOCC supports the maximum penalty being set at 7 years in order to recognise the seriousness of the coercive control offence and enhance the denunciatory effect of criminalisation.
15. However, at the same time the VOCC holds concerns that setting the maximum penalty at greater than 5 years imprisonment removes the DPP's power to elect to have a matter heard summarily in the Magistrates Court.¹² It allows the defendant¹³ to exercise further control over a victim-survivor by permitting the defendant to choose to have their matter dealt with in the often slower jurisdiction of the Supreme Court (albeit at the risk of a higher sentence). The Supreme Court's size and increasingly complex workload¹⁴ mean that it is often unable match the Magistrates Court's rate of finalisation. In the financial year 2024-25, the percentage of cases finalised within 12 months from lodgement against

¹⁰ Gibbon & Buxton-Naminsnyk, The new coercive control offence in NSW: (how) will it work?, 2024, p359.

¹¹ ACT Domestic and Family Violence Review, *Domestic and Family Violence Homicides 2000-2022 Biennial Report* (2023).

¹² *Crimes Act 1900* (ACT) s 374.

¹³ *Ibid* s 375.

¹⁴ ACT Justice and Community Safety Directorate, Annual Report 2024–25, p122.



total finalisations was 59% in the Supreme Court and 85% in the Magistrates Court's Family Violence Court.¹⁵

16. Additionally, matters in the Supreme Court would be heard before a jury, unless the defendant elects to have a judge alone trial. On recent Australian surveys, there are still low levels of public awareness of coercive control.¹⁶ Just as rape myths have the potential to unjustly influence the prosecution of sexual offences, jury trials are also vulnerable to being affected by a poor understanding of coercive control. Broader public awareness campaigns may take longer to affect the attitudes of the potential jurors than targeted training of judicial officers.
17. Accordingly, the VOCC recommends maintaining the maximum penalty of 7 years and expanding the DPP's election power under s 374 of the *Crimes Act 1900* to include the coercive control offence. The VOCC notes in NSW the coercive control offence has a maximum penalty of 7 years imprisonment¹⁷ and the prosecution may elect to deal with their coercive control offence summarily.¹⁸
18. The VOCC also recommends the maximum penalty of 3 years imprisonment for stalking involving family violence (without possession of a weapon or breach of a court order)¹⁹ is raised to 5 years. Raising the maximum penalty to 5 years would complement the denunciatory effect already provided by the criminalisation of coercive control. There is a significant overlap between the conduct already criminalised by stalking involving family violence and the conduct proposed to be criminalised by the coercive control offence. For example, both offences encompass behaviour where on two or more occasions, a family member intended to cause fear of harm in another family member when keeping that family member under surveillance. If the maximum penalty for stalking involving family violence is unchanged, it could result in the unintended consequence that the same conduct can receive a significantly different penalty based on the charging decision.

¹⁵ ACT Justice and Community Safety Directorate, Annual Report 2024–25, p121.

¹⁶ Strange, C., L. Bartels, H. Boxall, K. Fitz-Gibbon, and N. Biddle. 2023. *Public Attitudes Towards Coercive Control: Evidence From a Nationally Representative Population Survey*. Australian National University. <https://csmr.cass.anu.edu.au/sites/default/files/docs/2023/12/CoerciveControl-ANUPoll-Attitudes.pdf>; Del Pizzo, S., S. J. Watson, S. Lagdon, et al. 2026. "Public Awareness in Australia About Coercive Control in the Context of Intimate Partner Relationships." *Australian Journal of Social Issues* 61, no. 1: 15–27. <https://doi.org/10.1002/ajs4.70074>.

¹⁷ *Crimes Act 1900* (NSW) s 54D(1).

¹⁸ *Criminal Procedure Act 1986* (NSW) s 6, Sch 1 Table 1 Pt 1.

¹⁹ *Crimes Act 1900* (ACT) s 35(1)(a)(ii).

Further consultation

19. The DFVR found that legal responses and police interventions do not always align with the needs of people subjected to DFV, particularly victim survivors from Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse (CALD) communities and people with disability. Targeted consultation is needed to ensure that criminalising coercive control does not disproportionately and adversely impact these communities.
20. Targeted consultation should address the dynamics of coercive control, including how to best manage the risks of misidentification and inappropriate criminalisation in different contexts. 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.

Education

21. The DFVR (No 1, 2023) also found that victim survivors and the wider community do not always recognise coercive control as a form of DFV, particularly in the absence of physical violence. It is therefore essential that the legislated facilitates education to community to support the identification of coercive control.
22. Training must also be provided across the justice system, including to ACT Policing and the judiciary to support a shift away from incident based responses and towards an approach that emphasises the identification of patterns of coercion, dominance, and control, as well to clarify how coercive control fits in with the ACT's broader response to FDV and coercion (discussed further below).
23. Any training should be accompanied by agencies engaging in a complimentary review of their operational response to DFV to address and identify risks, such as misidentification.
24. Criminalisation cannot be the sole response to coercive control. The new offence should operate as one element of the ACT's broader DFV response, incorporating both criminal and non-criminal responses, such as civil protection orders and complaints to the Discrimination, Health Services, Disability and Community Services Commissioner in

relation to abuse, neglect, or exploitation of vulnerable people including in DFV and carer-related contexts.

25. The VOCC notes the Discrimination, Health Services, Disability and Community Services Commissioner's experience is that many vulnerable people do not want their complaints to proceed through the criminal justice system and instead seek outcomes focused on stopping the abuse while preserving the relationship with the alleged perpetrator. Safeguards, including the high threshold for recklessness, the objective test of harm, and the availability of a reasonableness defence, operate to confine the scope of the new offence and support the exclusion of conduct not intended to be captured. There is further need however for victim-survivors to be supported to understand and exercise agency in choosing between criminal and non-criminal responses for addressing coercive control in a way that best meet their needs. Education to the community and justice agencies must include information about available non-criminal responses including complaints mechanisms and civil protection orders, as well as education about the criminal offence.
26. There must also be resource for and clear and effective referral pathways between justice and non-justice organisations, including ACT Policing, the Human Rights Commission and DFV specialist support services to support and facilitate victim-survivor choice and agency. In particular, information and adequate resourcing must be provided to specialist DFV services, including Aboriginal community controlled organisations, to support the effective implementation the new offence and to enable appropriate referrals across criminal and non criminal response pathways.
27. Given that the coercive control offence will not operate in isolation there is opportunity for the legislated advisory committee to have oversight of the broader suite of criminal, civil and non-legal responses to DFV rather than being limited to oversight of the coercive control offence alone. This would support a more integrated, victim centred approach by enabling monitoring of how different responses interact in practice and whether the overall framework is operating coherently and as intended.

Need for review of family violence definition

28. The VOCC considers there is a need for consistency in terminology and meaning in relation to DFV responses, and the VOCC supports alignment with the definition of

family violence in s 8 of the *Family Violence Act 2016* subject to a review of the definition in s 8 prior to commencement of the offence.

29. There needs to be consideration in particular of how the s 8 definition could better reflect diversity in cultural, social and systemic contexts, and there is also a need to address circularity, whereby coercive control is defined by reference to a course of conduct comprising FDV behaviours including coercion. Clearer articulation is required to support the interpretation and effective application of the s 8 definition and to ensure the harm experienced in diverse communities can be adequately recognised.
30. The VOCC notes that clause 64 of the Family, Personal and Sexual Violence Legislation Amendment Bill 2025 ('the FPSV Bill') requires the Minister to review the operation and effectiveness of family violence safety notices under the Family Violence Act 2016 two years after their commencement. If the FPSV Bill is passed as proposed this review is expected to occur between March and June 2029. If the FPSV Bill does not pass, the review would be expected to occur earlier, noting that section 156 of the *Family Violence Act 2016* requires the Act to be reviewed three years after the commencement of the relevant provisions, which would have been August 2025 and tabled in November 2026. Subject to timing there may be opportunity for any statutory review of the offence to be aligned with a statutory review of the *Family Violence Act 2016*.

Monitoring and evaluation

31. The VOCC recommends that following commencement of the Bill, the role of the legislated advisory committee, including its expert reference group, should include to monitor and evaluate the operation and effectiveness of the offence, including charge, prosecution and conviction rates.
32. The committee's work should also include ongoing assessment of any unintended consequences, such as misidentification or disproportionate impacts on specific groups within community and if required the consideration and implementation of further reform to address these issues.



33. The Bill currently provides the legislated advisory committee will expire 1 year into the commencement of the offence.²⁰ The VOCC recommends this expiry be amended to ensure the committee continues to operate until at least the finalisation of the statutory review under s 72K(2) of the Bill.

²⁰ Crimes (Coercive Control) Amendment Bill 2026 ss 433, 434.