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**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**ELEVENTH ASSEMBLY**

**CRIMES (COERCIVE CONTROL) AMENDMENT BILL 2026**

**EXPLANATORY STATEMENT  
and  
HUMAN RIGHTS COMPATIBILITY STATEMENT  
(*Human Rights Act 2004, s 37*)**

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## Chapter 1 CRIMES (COERCIVE CONTROL) AMENDMENT BILL 2026

The Bill is a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

### OVERVIEW OF THE BILL

The Crimes (Coercive Control) Amendment Bill 2026 amends the *Crimes Act 1900* (Crimes Act) to introduce new Part 3B Coercive Control which establishes a standalone criminal offence of coercive control.

The policy objective of this Bill is to improve recognition of and responses to coercive control in the ACT criminal law. Coercive control is 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.<sup>1</sup> This pattern of abuse can involve strategies and tactics specifically targeted to the particular victim-survivor in ways that create fear and deny their liberty and autonomy.<sup>2</sup>

While some acts which may make up a course of conduct of coercive control may already be captured by offences on the statute book, they are generally treated as individual and separate incidents. The establishment of a standalone offence which captures a course of conduct reflects that coercive control is a pattern of behaviour and the nature, intent and impact of this behaviour can only be appreciated and responded to when considered holistically and in context.

This aligns with legislative developments in other jurisdictions. To date, New South Wales, Queensland and South Australia have established standalone criminal offences of coercive control.<sup>3</sup> This follows the establishment of standalone coercive control offences internationally, including in England, Wales, Scotland, the Republic of Ireland and Northern Ireland.<sup>4</sup> Tasmania also has standalone criminal offences for economic abuse and emotional abuse or intimidation, which could encompass coercive control.<sup>5</sup>

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<sup>1</sup> Australia's National Research Organisation for Women's Safety, *Defining and responding to coercive control: Policy brief*, 2021, (ANROWS Insights, 01/2021) ('ANROWS Policy Brief'); Commonwealth of Australia, Attorney-General's Department, '[National Principles to Address Coercive Control in Family and Domestic Violence](#)' 2023, p. 1 ('National Principles').

<sup>2</sup> National Principles p. 8.

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

<sup>4</sup> Ronagh J A McQuigg, 'Criminalizing Coercive Control: Cross-Jurisdictional Lessons,' *Statute Law Review*, Volume 46, Issue 1, April 2025.

<sup>5</sup> *Family Violence Act 2004* (Tas) ss 8, 9.

The Bill also makes several consequential amendments to align with the introduction of the offence.

In certain sections where appropriate, this Explanatory Statement uses the terms “victim” and “victim-survivor”, which maintains consistency with the language of the *Listen. Take Action to Prevent, Believe and Heal* Report (the SAPR Report) published in December 2021. This terminology also aligns with the Charter of Rights for Victims of Crime in part 3A of the *Victims of Crime Act 1994*. As per equivalent mechanisms in all Australian states and territories, the ACT Charter conceptualises individuals as victims of crime – and confers rights to individuals on that basis – at each stage of their engagement with justice agencies, including prior to the laying of charges and/or the commencement of criminal proceedings.

The use of the terms “victim” and “victim-survivor” is consistent with the aim of the Bill. 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.

## **CONSULTATION ON THE PROPOSED APPROACH**

In October 2025, the Minister for the Prevention of Domestic, Family and Sexual Violence established the Steering Committee on the Criminalisation of Coercive Control (the Committee). The Committee met from October 2025 to May 2026 to consider and provide advice on the development of the Bill. Members of the Committee included:

- 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
- Women With Disabilities ACT
- Victim Support ACT
- YWCA Canberra

In addition, the Justice and Community Safety Directorate also consulted with the following stakeholders to inform development of the Bill:

- 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
- Yhurwun Bullan

## **CLIMATE IMPACT**

The Bill does not have any emissions and adaptation impacts.

## **CONSISTENCY WITH HUMAN RIGHTS**

During the development of this Bill due regard was given to its compatibility with human rights as set out in the *Human Rights Act 2004* (the HR Act).

Due consideration was given to ensuring the offence of coercive control introduced in this Bill is appropriately targeted to capture coercive control, while minimising the risks of unintended consequences. This includes risks of capturing legitimate protective behaviours and risks of exacerbating the consequences of victim-survivors being misidentified as the primary aggressor of coercive control. The discussion below provides further detail on how the offence has been formulated to address these risks and ensure the approach is the least rights restrictive approach reasonably available to achieve the legitimate purpose of the offence.

## **Rights engaged**

The Bill balances the human rights of a person affected by changes in the law and the public interest in protecting an individual's right to safety within their home and in the community.

## ***Rights Promoted***

Broadly, the Bill engages and promotes the following HR Act rights:

- Section 8 – Right to recognition and equality before the law.
- Section 9 – Right to life.
- Section 11 – Right to protection of the family and children.
- Section 18 – Right to security of person.

### ***Right to recognition and equality before the law – section 8 HR Act***

The right to recognition and equality before the law (s 8 of the HR Act) provides that everyone is equal before the law, everyone has the right to enjoy their human rights without distinction or discrimination, and everyone is entitled to equal protection of the law without discrimination. One of the protected attributes under the *Discrimination Act 1991* is subjection to domestic or family violence.

The establishment of the offence of coercive control promotes this right by improving the criminal law's recognition of, and response to, coercive control as an underpinning dynamic of family violence. This promotes the right of persons experiencing or at risk of coercive control to equal protection of the law, without discrimination based on their experience of family violence.

### ***Right to life – section 9 HR Act***

Under s 9 of the HR Act, everyone has a right to life and no one may be arbitrarily deprived of life.

Coercive control has been found to be a significant risk factor for intimate partner homicide.<sup>6</sup> The 2023 biennial report of the ACT Domestic and Family Violence Review (the Review) found a clear and ongoing pattern of coercive control was present in almost all the cases of family violence homicides reviewed.<sup>7</sup> In 75% of cases, this was in the absence of significant physical violence prior to the homicide.<sup>8</sup> However, the Review found that family members and the community generally did not recognise coercive control as domestic and family violence (DFV), particularly in the absence of physical violence.<sup>9</sup> Similarly, in examining female victims killed by a former intimate partner between 2000 and 2019, the NSW Death Review Team found that coercive and controlling behaviour preceded a significant number of

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<sup>6</sup> National Principles p. 16; ANROWS Policy Brief p. 1; ACT Domestic and Family Violence Review, *Domestic and Family violence Homicides 2020-2022, Biennial Report 2023* ('ACT Domestic and Family Violence Review 2023').

<sup>7</sup> ACT Domestic and Family Violence Review, 2023 p. 7.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

homicides.<sup>10</sup> However, some victims did not identify their experience as domestic violence, considering they were experiencing normal relationships dynamics.<sup>11</sup>

Criminalising coercive control as a standalone offence is intended to improve recognition of and responses to coercive control in the criminal law. This may support preventing coercive control and the escalation towards serious harm and potential lethality, thereby promoting the right to life of persons at risk of or experiencing coercive control.

### Right to protection of the family and children – section 11 HR Act

The right to protection of the family and children (s 11 of the HR Act) recognises that the family is entitled to be protected by society and provides that every child has special rights given their particular vulnerabilities as a child, without distinction or discrimination. Government is required to support parents to exercise their responsibility for protecting their children, or to intervene when the parent is unable or unwilling to meet these responsibilities.

Coercive control is almost always an underpinning dynamic of family violence.<sup>12</sup> Coercive control can also be perpetrated in broader family relationships, such as domestic and intimate partnerships, against children or young people by parents or relatives, against parents or elders by adult children or grandchildren, or between siblings.<sup>13</sup> In this context, coercive control can cause significant and pervasive harms within the family for the individuals targeted and the broader family unit. As the Women’s Safety and Justice Taskforce found, “the physical, psychological and financial impacts of coercive control can limit the rights of victims, their children, and their friends and families.”<sup>14</sup> To address this, the offence adopts a broad scope of relationships, encompassing coercive control which may occur in relation to family members as defined under section 9 of the *Family Violence Act 2016*. A family member means a current or former domestic or intimate partner, a relative, a child of a current or former domestic partner, or a parent of the person’s child. This responds to strong advocacy from a range of stakeholders, that coercive control occurs in a range of family relationships, not limited to intimate and domestic partnerships. By taking this approach, the offence intends to improve responses to family violence and thereby promote the right to protection of the family under section 11 of the HR Act.

The Australian Childhood Maltreatment Study identified that children and young people are disproportionately impacted by domestic, family and sexual violence.

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<sup>10</sup> NSW Domestic Violence Death Review Team, [Report 2017-19](#), 2020 (‘NSW Domestic Violence Death Review Team 2020’) p. 68.

<sup>11</sup> Ibid p. 69.

<sup>12</sup> National Principles p. 8.

<sup>13</sup> National Principles p. 2.

<sup>14</sup> Women’s Safety and Justice Taskforce, *Hear Her Voice: Addressing Coercive Control and Domestic and Family Violence in Queensland, Report 1, Volume 3* 2021 (‘Women’s Safety and Justice Taskforce’) p. 755.

According to the Study, 28.5% of Australians had experienced sexual abuse, 32% had experienced physical abuse, and 30.3% had experienced emotional abuse before the age of 18 years old.<sup>15</sup> These behaviours can all form part of a course of conduct of coercive control. As well as applying to a broader scope of relationships under the definition of a family member, the offence applies to persons experiencing or at risk of coercive control regardless of their age. This better responds to coercive control which may be experienced by children and young people, thereby promoting their rights under section 11 of the HR Act.

### *The right to security of a person – section 18 HR Act*

The right to security of a person (s 18 of the HR Act) protects individuals against intentional infliction of bodily or mental injury, regardless of whether the victim is detained. This includes a requirement for government to respond appropriately to patterns of violence against categories of victims such as those of sexual violence and family violence.

Coercive control may involve a range of behaviours designed to exert power and dominance over the victim-survivor, which can cause significant and pervasive harm.<sup>16</sup> This includes the infliction of mental and physical harm. Criminalising coercive control will enable the criminal law to better recognise and respond to this form of abuse. This will promote victims' rights to security of the person under section 18 of the HR Act.

### ***Rights Limited***

Broadly, the Bill engages and limits the following HR Act rights:

- Section 17 – Right to take part in public life
- Section 18 – Right to liberty
- Section 21 – Right to a fair trial
- Section 22 – Rights in criminal proceedings

The preamble to the HR Act notes that few rights are absolute and that they may be subject only to the reasonable limits in law that can be demonstrably justified in a free and democratic society. Section 28 (2) of the HR Act contains the framework that is used to determine the acceptable limitations that may be placed on human rights.

The limitations on human rights in the Bill are proportionate and justified in the circumstances because they are the least restrictive means available to achieve the

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<sup>15</sup> Divna Haslam et al, *The Prevalence and Impact of Child Maltreatment in Australia: Findings from the Australian Child Maltreatment Study*, Queensland University of Technology, 2023.

<sup>16</sup> National Principles p. 1, 2.

purpose of protecting persons experiencing or at risk of coercive control and holding persons using coercive control to account.

## **Detailed human rights discussion**

### *Right to liberty – section 18 of the HR Act*

#### **1. Nature of the right and the limitation (s 28 (2) (a) and (c))**

Section 18 of the HR Act provides everyone has the right to liberty and no one may be arbitrarily arrested or detained. Further, no one may be deprived of liberty, except on grounds and in accordance with procedures established by law. Arrest or detention may be ‘arbitrary’ if it is unreasonable, unjust, inappropriate or disproportionate in all the circumstances, or is not in accordance with due process. Initially lawful detention may also become arbitrary if it continues for an unreasonable time or in unjustified circumstances.

The right to liberty may be engaged and limited by the introduction of the offence and the maximum penalty of 7 years imprisonment, 700 penalty units, or both.

#### **2. Legitimate purpose (s 28 (2) (b))**

The legitimate purpose of establishing the offence of coercive control with a maximum penalty of 7 years imprisonment, 700 penalty units, or both, is to improve recognition of and responses to coercive control as a pattern of behaviour in the ACT criminal law and legal system. This intends to improve the safety of persons experiencing or at risk of coercive control and hold persons using coercive control to account.

Coercive control is 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.<sup>17</sup> This pattern of abuse can involve strategies and tactics specifically targeted to the particular victim-survivor in ways that create fear and deny their liberty and autonomy.<sup>18</sup>

Coercive control is almost always an underpinning dynamic of family violence.<sup>19</sup> There is significant evidence that coercive control can have significant and pervasive impacts on victim-survivors, causing physical, emotional, psychological, cultural and financial harm.<sup>20</sup> As noted, coercive control has also been shown to be a risk factor in intimate partner homicide, even in the absence of physical violence.<sup>21</sup>

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<sup>17</sup> ANROWS Policy Brief p. 1; National Principles p. 1.

<sup>18</sup> National Principles p. 8.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid p. 2.

<sup>21</sup> ACT Domestic and Family Violence Review 2023, p.8; NSW Domestic Violence Death Review Team 2020, p.68

In light of this evidence, it is important the ACT criminal law adequately recognises and responds to this specific form of abuse through a standalone criminal offence. The penalty, including potential imprisonment, is also necessary and supported by the extensive evidence of the serious risk of harm resulting from coercive control.

### **3. Rational connection between the limitation and the purpose (s 28 (2) (d))**

There is a rational connection between the legitimate purpose and the limitation on the right to liberty created through the offence and the penalty.

It is important that the maximum penalty for the offence reflects and is balanced with the seriousness of the conduct captured. As discussed, coercive control is a serious offence causing pervasive harm for victim-survivors. The criminal law must reflect this through the maximum penalty. The proposed penalty also aligns with comparable offences in the ACT statute book (discussed further below in the proportionality section). This reflects that this offence is comparable in terms of the gravity of the behaviour and the seriousness of the harm caused.

It is also important that the maximum penalty is appropriately framed to support effective responses to coercive control in individual matters, in ways that support the safety of the complainant and accountability of the accused. This includes ensuring the maximum penalty can support the purposes of sentencing outlined at section 7(1) of the *Crimes (Sentencing) Act 2005*. This includes ensuring the offender is adequately punished in a way that is just and appropriate, general and specific deterrence, protecting the community, promoting the offenders' rehabilitation, making the offender accountable, denouncing the offender's conduct, and recognising the harm to the victim and the community. The maximum penalty must be appropriately scoped to enable achievement of these purposes. In achieving these purposes, the sentencing outcome may limit the accused's right to liberty. However, this is rationally connected to achieving the legitimate purpose of the offence outlined above.

### **4. Proportionality - Any less restrictive means reasonably available to achieve the purpose (s 28 (2) (e))**

There are several safeguards in the offence to ensure the limitations to the right to liberty are proportionate. These safeguards are also intended to reduce the risk of misidentification and criminalisation of legitimate protective behaviour, in response to stakeholder concerns about the potential for these unintended consequences, particularly for communities disproportionately impacted by these issues.

#### ***Course of conduct offence***

The nature of the offence as a course of conduct offence ensures the limitations to the right to liberty are reasonable and proportionate. As a course of conduct offence,

under section 72J(4), the trier of fact must be satisfied beyond reasonable doubt that there was a course of conduct consisting of family violence for a person to be found guilty of the offence. A course of conduct is defined at section 72I to include conduct that is repeated, continuous, or both, and a series of incidents of conduct that do not occur in immediate succession or form an unbroken series. The offence does not specify a particular number of occasions on which family violence which forms part of the course of conduct must have taken place. This is intended to better capture the persistent and repeated nature of coercive control as a pattern of behaviour, rather than a series of individual discrete incidents. Importantly however, it will not be sufficient to satisfy the requirements under section 72J(4) if the trier of fact is only satisfied that the conduct occurred on one singular occasion, as this will not make up a course of conduct. As well as better capturing the nature of coercive control, this also ensures the offence does not capture individual, discrete incidents which do not meet the threshold of this offence in isolation.

This is also intended to reduce the risk of misidentification of the primary aggressor. Focusing on the course of conduct within the context of the relationship as a whole, rather than individual incidents, is critical to identify the exertion of power and dominance that characterises coercive control.<sup>22</sup> In this context, behaviours such as a complainant's use of retaliatory violence in self-defence, can be properly identified as not amounting to coercive control.<sup>23</sup> This is particularly critical to reduce the risk of the offence having unintended consequences for complainants at greater risk of misidentification, including people from Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, LGBTQIA+ communities and people with a disability.<sup>24</sup> The Jumbunna Review specifically raised concern about the misidentification of First Nations victim-survivors as perpetrators and the significant harms this causes, and ACT stakeholders also raised similar concerns that the establishment of the offence could compound this.<sup>25</sup>

Framing the offence as a course of conduct limits the scope of the offence to ensure it is appropriately targeted and to reduce the risk of misidentification. This safeguard ensures the limitation to the right to liberty is reasonable and proportionate.

### *Definition of family violence*

The use of the term 'family violence' in the offence also limits the scope of the offence to ensure it is reasonable and proportionate. The Bill provides that a person commits an offence if they engage in a course of conduct that consists of family violence against a family member (section 72J(1)(b)). The term family violence is

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<sup>22</sup> National Principles, p. 8.

<sup>23</sup> Ibid p. 1.

<sup>24</sup> Ibid p. 3.

<sup>25</sup> Chris Cunneen, Fiona Allison, James Beaufils, Tatiana Corrales, Ayse Selcuk, *Independent Review into the Over-Representation of First Nations People in the ACT Criminal Justice System: Final Report Jumbunna* Institute for Indigenous Education and Research, University of Technology, Sydney, 2025 ('Jumbunna Review') p 238-240.

defined under section 8 of the *Family Violence Act 2016*. This encompasses a range of behaviours including physical or sexual violence or abuse, emotional or psychological abuse, economic abuse, threatening behaviour, coercion or any other behaviour that control or dominates and causes a family member to fear for their safety or wellbeing, sexually coercive behaviour, damaging property, harming an animal, stalking, deprivation of liberty, and harmful use of, or interference with, technology. This broadly reflects recognised types of harmful behaviours which persons using coercive control may employ.<sup>26</sup> The scope of the offence is therefore targeted to specific conduct that is considered to be family violence, rather than any type of conduct. This limits the scope of the offence, meaning only conduct which is already considered to be family violence can be captured as part of the course of conduct.

While this definition is adopted in the *Family Violence Act 2016* for the civil scheme of Family Violence Orders, it is also used across the statute book, including in the Crimes Act in relation to family violence offences and offences aggravated by family violence. Under section 48C of the Crimes Act, the offences listed at section 48C(1) are aggravated if the offence involves family violence. The definition is therefore already adopted in the criminal law.

A potentially less rights restricting approach could have been to confine the behaviours which may constitute a course of conduct to existing criminal offences. However, this would not accurately or holistically capture the type of conduct which may make up a course of conduct of coercive control. This would limit the impact of the offence and would not achieve the legitimate purpose of the offence.

#### *Fault element of intent to coerce or control*

The offence also requires under section 72J(1)(c) that the person intends the course of conduct to coerce or control the family member. This approach ensures the scope of the offence is appropriately targeted.

This is particularly important given the offence adopts a broad approach to the scope of relationships, encompassing family members under section 72J(1)(b). In consultation with ACT stakeholders, although stakeholders strongly supported the offence encompassing coercive control occurring in the broader scope of familial and family like relationships, stakeholders also raised concerns this broader approach could heighten risks of over-criminalisation or misidentification by potentially capturing behaviours which are intended to be protective, rather than harmful. Particular concerns were raised that the offence could inadvertently criminalise caring behaviours exhibited in relationships of dependence, such as by parents to children or carers to persons with disability, which do not meet the definition of coercive control as a course of conduct aiming to dominate or exert power, and should not be criminalised. The fault element of intent to coerce or control

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<sup>26</sup> National Principles, p. 12.

appropriately limits the offence from applying to legitimate protective behaviours. This thereby ensures limitations on the right to liberty are reasonable.

### *Defence of reasonableness*

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

### *Maximum penalty*

The maximum penalty of 7 years imprisonment, 700 penalty units or both is appropriately balanced to the seriousness of the conduct captured by the offence. This reflects the relative seriousness of the offence of coercive control as compared to other offences on the ACT statute book. For example, the maximum penalty for similar offences under the Crimes Act aggravated by family violence is as follows:

- 3 years imprisonment for common assault and stalking (if the offence did not involve contravention of an injunction or court order or the offender did not possess an offensive weapon);
- 4 years imprisonment for threat to capture/distribute intimate images and non-consensual distribution of intimate images;
- 7 years imprisonment for acts endangering health, wounding, inflicting actual bodily harm, threat to inflict grievous bodily harm, and stalking (if the offence involved contravention of an injunction or court order or the offender possessed an offensive weapon);
- 13 years imprisonment for threat to kill, acts endangering life, and demands accompanied by threats to kill or inflict grievous bodily harm

The coercive control offence could capture conduct which makes up several of these offences, if it falls within the definition of family violence. Importantly, except for the offence of stalking, these offences generally capture single incidents of conduct, rather than a course of conduct. Given the coercive control offence captures a course of conduct, it is appropriate the penalty be in the mid-range of these offences.

This also aligns with the maximum penalty of 7 years imprisonment adopted by New South Wales and South Australia, and is lower than the maximum penalty of 14 years imprisonment adopted by Queensland.<sup>27</sup> This was informed by a comparison

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<sup>27</sup> *Crimes Act 1900* (NSW) s 54; *Criminal Code 1899* (Qld) s 334C; *Criminal Law Consolidation (Coercive Control) Amendment Act 2025* (SA) s 20C.

of the penalties for similar offences captured in the ACT criminal law, as discussed above.

A potentially less rights restrictive approach would be to adopt a lower penalty for the offence. However, this would not reflect the seriousness of the conduct and the harm captured by the offence. This concern was particularly reflected by stakeholders in the ACT representing the domestic, family and sexual violence sector. This would therefore fail to achieve the legitimate purpose outlined above.

### *Other safeguards*

Nothing in the Bill is intended to alter the current law in relation to double jeopardy.

The offence does not have retrospective operation. This means a person cannot be charged, prosecuted or convicted for conduct under this offence which occurred prior to the commencement of the offence.

Given the penalty is lower than 10 years imprisonment, the accused can also consent for a proceeding for the offence to be heard summarily.<sup>28</sup> If the accused makes such an election, the maximum penalty which can be imposed is 5 years imprisonment or a fine of \$15,000.<sup>29</sup> This may lessen the impact of the offence on the right to liberty.

Finally, section 72K provides the Minister administering the *Domestic Violence Agencies Act 1986* must undertake a review of the amending provisions as soon as practicable three years after commencement and present a report of the review in the Legislative Assembly 12 months after the beginning of the review. This provides an embedded opportunity to review the impact of the offence to ensure it is operating as intended without unduly restricting rights.

### *Right to a fair trial – section 21 HR Act*

#### ***1. Nature of the right and the limitation (s 28 (2) (a) and (c))***

The right to a fair trial (s 21 of the HR Act) ensures that everyone has a right to have their criminal or civil rights determined after a fair hearing. The right to a fair hearing is concerned with procedural fairness so that each party has a reasonable opportunity to present their case.

One element of a fair trial is that the accused is given sufficient information to know the case against them.<sup>30</sup> As a result, a charge must identify the essential factual

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<sup>28</sup> *Crimes Act 1900* (ACT) s 375(1)(b)(ii).

<sup>29</sup> *Ibid* s 375(13).

<sup>30</sup> *Johnson v Miller* (1937) 59 CLR 467, 489 (Dixon J).

ingredients of the offence,<sup>31</sup> which will usually include the time, place and manner of the accused's alleged acts or omissions.<sup>32</sup>

The establishment of the coercive control offence may limit the right to a fair trial by specifying certain matters that the prosecution is not required to prove and that the trier of fact is not required to be satisfied of, through sections 72J(5), (6) and (7).

These sections provide that:

- Section 72J(5)(a): the trier of fact is not required to be satisfied of the particulars of any specific incident of family violence alleged to form part of the course of conduct of which it would have to be satisfied if the incident were charged as a separate offence;
- Section 72J(5)(b): if the trier of fact is a jury—the members of the jury are not required to be satisfied about the same incidents of family violence alleged to form part of the course of conduct;
- Section 72J(6): the prosecution is not required to allege the particulars for any specific incident of family violence to the extent necessary if the incident were charged as a separate offence;
- Section 72J(7): the prosecution is not required to prove that the person intended each incident of family violence to coerce or control the person's family member.

## **2. Legitimate purpose (s 28 (2) (b))**

The legitimate purpose of establishing the offence of coercive control is to improve responses to coercive control as a pattern of behaviour in the ACT criminal law. This intends to improve the safety of persons experiencing or at risk of coercive control and hold persons using coercive control to account.

As noted, coercive control is characterised by repeated and ongoing behaviour aimed at dominating and controlling another person, to make them subordinate to or dependent on the perpetrator.<sup>33</sup> It can have significant and traumatic psychological impacts for the victim-survivor, which can impact their recall and confidence in their own memory.<sup>34</sup>

Criminalising coercive control as a standalone offence which makes up a course of conduct reflects that coercive control is a pattern of behaviour which should be considered holistically and in context. This also explicitly recognises other forms of abuse which may be used as part of a course of conduct, such as emotional and psychological abuse, economic abuse, technology-facilitated abuse. This reflects that coercive control can, and often does, encompass types of abuse that are not physical

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<sup>31</sup> *Ragg v Magistrates' Court of Victoria and Corcoris* [2008] VSC 1 (24 January 2008) (Bell J)

<sup>32</sup> *Johnson v Miller* (1937) 59 CLR 467, 489 (Dixon J).

<sup>33</sup> ANROWS Policy Brief p. 1; National Principles p. 1.

<sup>34</sup> Lillian Darke, Helen Paterson, Celine van Golde, 'Gaslighting and memory: the effects of partner-led challenges on recall and self-perception' *Memory* (2025) Vol 3, No 7, 828-844, 828, 839.

or sexual.<sup>35</sup> Indeed, coercive control has been shown to be a risk factor in intimate partner homicide, even in the absence of physical violence.<sup>36</sup>

### **3. Rational connection between the limitation and the purpose (s 28 (2) (d))**

The potential limitation on the right to fair trial is balanced and rationally connected to the purpose of the offence to improve legal responses to coercive control as a pattern of behaviour, rather than an incident-based approach. This is necessary to support the safety of persons experiencing or at risk of coercive control.

It is often difficult for people who have experienced coercive control to particularise specific incidents making up the course of conduct because:

- coercive control involves persistent abusive behaviour over time, and in many circumstances, conduct may have occurred repeatedly in similar circumstances over the course of the relationship. The complainant may therefore be unable to describe specific or distinct occasions of family violence.<sup>37</sup>
- coercive control can become normalised or difficult to recognise within the relationship, particularly where the perpetrator manipulates and gaslights the victim-survivor to minimise their conduct.<sup>38</sup>
- coercive control can cause psychological harm and trauma for complainants, which can contribute to complainants questioning their memories or having difficulty recalling specific occasions with detail.<sup>39</sup>

Furthermore, while some behaviours which may make up a course of conduct of coercive control may already be captured by offences on the ACT statute book,<sup>40</sup> these offences do not necessarily consider the ongoing and repeated nature of the behaviour or cumulative impact of harm.<sup>41</sup>

There is significant evidence of the limitations of an incident-based approach to coercive control. The ACT Domestic and Family Violence Review found that

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<sup>35</sup> ACT Domestic and Family Violence Review 2023, p.8; National Principles p. 8.

<sup>36</sup> ACT Domestic and Family Violence Review 2023, p.8; NSW Domestic Violence Death Review Team 2020, p.68

<sup>37</sup> Women's Safety and Justice Taskforce p. 745.

<sup>38</sup> ACT Domestic and Family Violence Review, 2023 p. 7; National Principles p.4; Lillian Darke, Helen Paterson, Celine van Golde, 'Gaslighting and memory: the effects of partner-led challenges on recall and self-perception' *Memory* (2025) Vol 3, No 7, 828-844, 828

<sup>39</sup> National Principles p. 14; Women's Safety and Justice Taskforce p. 698; Lillian Darke, Helen Paterson, Celine van Golde, 'Gaslighting and memory: the effects of partner-led challenges on recall and self-perception' *Memory* (2025) Vol 3, No 7, 828-844, 828, 839.

<sup>40</sup> See, for example, *Crimes Act 1900* (ACT), ss 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, Part 3.

<sup>41</sup> ACT Domestic and Family Violence Review 2023, p.46; Women's Health Matters, '*Too Urgent to Rush*': *Victim Survivor Voice consultation report for improving ACT justice system responses and community awareness of coercive control 2025*, ('Victim Survivor Voices') p. 21.

agencies responding to domestic and family violence generally took an incident-based approach and were more responsive to physical violence than other forms of violence.<sup>42</sup> However, the Review found a clear and ongoing pattern of coercive control was present in almost all the cases of family violence homicides review, and that in 75% of cases, this was in the absence of significant physical violence prior to the homicide.<sup>43</sup> In 2025, the Victim Survivor Voices Report also found that victim-survivors in the ACT reported police responses to coercive control to be incident based, and did not adequately respond to the pattern based nature of coercive control.<sup>44</sup> This incident-based approach to family violence has also been observed and critiqued in other jurisdictions.<sup>45</sup>

To address this, in making recommendations to the Queensland Government about the introduction of a standalone offence of coercive control, the Women's Safety and Justice Taskforce recommended the offence be a course of conduct offence to "appropriately reflect the nature of the conduct, which comprises of acts that demonstrate persistent domestic and family violence committed by the perpetrator on the victim/s."<sup>46</sup> This is also intended to enable prosecution of repeated but potentially indistinguishable acts of family violence forming part of an overall course of conduct of coercive control.<sup>47</sup>

The Taskforce therefore recommended consideration be given to provisions which limit the particulars the prosecution must allege and the jury must be satisfied of, recognising the victim may describe acts to prove the course of conduct that may not be able to be sufficiently particularised to be charged as separate criminal offences.<sup>48</sup>

The Bill adopts this approach through sections 72J (5), (6) and (7). The limitations on the right to fair trial are therefore evidence based and rationally connected with the legitimate purpose of improving the criminal law to adequately recognise the patterns of behaviour which make up coercive control. The Bill takes a balanced approach to ensure these limitations are not overly restrictive by including a range of safeguards, as set out below.

#### ***4. Proportionality - Any less restrictive means reasonably available to achieve the purpose (s 28 (2) (e))***

There are no other less restrictive means reasonably available to achieve the purpose of this offence. Providing that the prosecution is required to allege more specific particulars or that the trier of fact is required to be satisfied of the particulars

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<sup>42</sup> ACT Domestic and Family Violence Review 2023, p.8.

<sup>43</sup> Ibid.

<sup>44</sup> Victim Survivor Voices, p. 20.

<sup>45</sup> ANROWS Policy Brief, p. 1-2.

<sup>46</sup> Women's Safety and Justice Taskforce, p. 744.

<sup>47</sup> Ibid p. 745.

<sup>48</sup> Ibid p 744.

of a specific incident alleged would undermine the purpose of this offence and the focus on capturing a course of conduct of coercive control, not individual incidents.

This approach is akin to that adopted in all other Australian jurisdictions' coercive control offences to date.<sup>49</sup> This also aligns with the approach for the offence of persistent sexual abuse of child or young person under special care under section 56 of the Crimes Act.<sup>50</sup> These are similar offences encompassing multiple acts committed by the perpetrator as part of a course of conduct against a victim.

There are a range of safeguards in the Bill to ensure the limitation on the right to fair trial is proportionate and reasonable.

As well as providing the trier of fact must be satisfied beyond reasonable doubt that a course of conduct consisting of family violence existed (section 72J(4)), the offence specifies what the prosecution is required to allege, to provide clarity for the parties about the specific allegations of the offence. Section 72J(6)(b) specifies that the prosecution is required to allege the nature and description of the conduct and the particulars of the period of time over which the course of conduct took place. The sufficiency of particulars is decided by the court on a case-by-case basis.<sup>51</sup> This is similar to the approach to the offence of persistent sexual abuse of child or young person under special care under section 56 of the Crimes Act.<sup>52</sup>

Existing checks and balances within the criminal justice process also continue to apply to this offence. The Director of Public Prosecutions has a continuing obligation of full disclosure that requires the accused to be provided with all relevant evidence in a case, including the evidence that would be led by the prosecution to establish a course of conduct consisting of family violence. The amendments also do not abrogate this responsibility of the court to ensure that the accused receives adequate particulars to receive a fair trial. The court's jurisdiction and power to stay proceedings is preserved, which also provides an effective safeguard to ensure that the right to a fair trial is not unduly limited.

The safeguards discussed above in relation to the nature of the offence as a course of conduct offence, the threshold of intent as the fault element, the definition of family violence, and the defence of reasonableness also apply to ensure the scope of the offence is appropriately targeted and limitations to the right to fair trial are reasonable and proportionate.

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<sup>49</sup> *Crimes Act 1900* (NSW) s 54H; *Criminal Code 1899* (Qld) s 334C(3), (5); *Criminal Law Consolidation (Coercive Control) Amendment Act 2025* (SA) s 20C(4)(c), (e)(ii).

<sup>50</sup> *Crimes Act 1900* (ACT) s 56(4).

<sup>51</sup> See, for example, *Veysey v R* [2011] VSCA 309; (2011) 33 VR 277.

<sup>52</sup> *Crimes Act 1900* (ACT) s 56(5)(a).

## Rights in criminal proceedings – section 22 of the HR Act

### **1. Nature of the right and the limitation (s 28 (2) (a) and (c))**

Section 22 of the HR Act provides rights in criminal proceedings. This includes that everyone charged with a criminal offence has the right to be presumed innocent.

The defence to the offence provided at section 72J(3) provides that the accused has the evidential burden in relation to the defence. This reverse burden may limit the accused person's right to the presumption of innocence.

### **2. Legitimate purpose (s 28 (2) (b))**

The legitimate purpose of establishing the offence of coercive control is to improve recognition of and responses to coercive control as a pattern of behaviour in the ACT criminal law and legal system. This intends to improve the safety of persons experiencing or at risk of coercive control and hold persons using coercive control to account.

The purpose of placing the evidential burden in relation to the offence on the accused is to ensure that the offence can operate effectively, in that the prosecution is not required to prove matters they do not, and in many cases cannot, have sufficient information about. This is connected to the purpose of establishing the offence and ensuring it is formulated in such a way to be operable and implementable.

### **3. Rational connection between the limitation and the purpose (s 28 (2) (d))**

The limitation on the accused's rights in criminal proceedings is rationally connected to the legitimate purpose of the offence. The formulation of the offence is carefully targeted to capture a course of conduct consisting of family violence. The defence at section 72J(3) is provided to ensure the accused has the opportunity to raise other matters that should be considered to demonstrate why their conduct was reasonable. This is important to achieve the legitimate purpose of improving responses to coercive control, as this also involves ensuring these responses do not result in over-criminalisation.

It is necessary for the evidential burden for the defence to lie with the accused, as whether the course of conduct may be considered to be reasonable in all the circumstances is a matter that is likely to be uniquely within the knowledge of the accused. It would also be unreasonable for the prosecution to be required to establish that the course of conduct was not reasonable in all the circumstances, as this would require providing a negative. It is therefore necessary for the defence to be drafted in this way to enable the functioning of the offence.

The limitation on the rights in criminal proceedings is therefore justifiable and rationally connected to the legitimate purpose of the offence.

#### **4. Proportionality - Any less restrictive means reasonably available to achieve the purpose (s 28 (2) (e))**

The limitations to the rights in criminal proceedings are reasonable and justified to achieve the legitimate purpose. Importantly, the burden placed on the accused is an evidential burden, not a legal burden. This means the accused has the burden of presenting or pointing to evidence that suggests a reasonable possibility that the course of conduct was reasonable in all the circumstances. If the accused can meet this threshold, the burden shifts to the prosecution to disprove this beyond a reasonable doubt. The legal burden therefore remains on the prosecution.

The safeguards discussed above in relation to the nature of the offence as a course of conduct offence, the threshold of intent as the fault element, the definition of family violence, and the defence of reasonableness also apply to ensure the scope of the offence is appropriately targeted and limitations to the rights in criminal proceedings are reasonable and proportionate.

#### **Right to take part in public life – section 17 of the HR Act**

##### **1. Nature of the right and the limitation (s 28 (2) (a) and (c))**

Section 17 of the HR Act provides that everyone has a right to take part in public life.

The Bill introduces Part 21 of the Crimes Act to establish the Coercive Control Advisory Committee (Advisory Committee). Section 433(3) specifies the advisory committee is made up of members appointed by the responsible Minister, who the Minister considers have relevant skills and experience. A note in section 433 also identifies that Part 19.3 of the *Legislation Act 2001* contains laws that apply to appointments. These laws apply to appointments under Part 21.

This may limit the right to take part in public life, by confining who may participate in the Advisory Committee.

##### **2. Legitimate purpose (s 28 (2) (b))**

The legitimate purpose of establishing the Advisory Committee is to provide for a mechanism for the responsible Minister to receive advice about the offence, including its implementation. This is important to provide embedded oversight and monitoring of the offence, particularly given the offence is complex and novel.

The Advisory Committee will be able to monitor implementation of the offence, identify any areas of concern (including emerging risks of unintended consequences), and provide advice to the responsible Minister. This responds to advocacy from several ACT stakeholders about the importance of a legislative oversight body to monitor the offence.

The membership of the Advisory Committee is intended to bring together key stakeholders with appropriate experience, expertise and skills to achieve this.

### **3. Rational connection between the limitation and the purpose (s 28 (2) (d))**

The limitation is rationally connected to the legitimate purpose of establishing the Advisory Committee.

Section 433(3) ensures members have appropriate positions, skills, and experience relevant to the function of the Advisory Committee, being to provide the Minister with advice about the offence, including the implementation of the offence. This is necessary to ensure the Advisory Committee is appropriately equipped to exercise its functions effectively in providing advice to the Minister.

### **4. Proportionality - Any less restrictive means reasonably available to achieve the purpose (s 28 (2) (e))**

The approach for selecting members of the Advisory Committee provides for an effective and proportionate way to ensure required expertise is reflected in the composition of the Advisory Committee. Without this restriction, there is the risk membership of the Advisory Committee may consist of people without the required knowledge and skills to advise the Minister appropriately and effectively per the Advisory Committee's functions.

The Advisory Committee can establish an expert reference group to assist in the exercise of their functions, under section 433(4). This will enable the Advisory Committee to consider the views of representatives who may not be represented on the Committee, as relevant and appropriate. This provides a mechanism for individuals who are not members of the Advisory Committee to potentially exercise their right to take part in public life. This provides a safeguard to the limitation on the right to take part in public life.

CRIMES (COERCIVE CONTROL) AMENDMENT BILL 2026

*Human Rights Act 2004 - Compatibility Statement*

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **Crimes (Coercive Control) Amendment Bill 2026**. In my opinion, having regard to the Bill and the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly **is** consistent with the *Human Rights Act 2004*.

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Tara Cheyne MLA  
Attorney-General

## CLAUSE NOTES

### Clause 1 Name of Act

This clause provides that the name of this Act is the Crimes (Coercive Control) Amendment Act 2026.

### Clause 2 Commencement

This clause provides the Act commences 2 years after its notification day, other than clauses 6, 7 and 10 which are to commence on the day after notification day. These sections establish or are in relation to the Coercive Control Advisory Committee.

### Clause 3 Legislation amended

This clause provides that the Act amends the *Crimes Act 1900* (the Crimes Act) and the legislation mentioned in schedule 1.

### Clause 4 Offences against Act – application of Criminal Code etc

#### Section 7A, not 1, new dot point

This clause inserts section 72J in section 7A of the Crimes Act to provide that the *Criminal Code 2002* chapter 2 is to apply to the offence.

### Clause 5 New part 3B

This clause inserts new Part 3B Coercive Control into the Crimes Act. This establishes a standalone offence of coercive control.

Section 72I sets out definitions for Part 3B. This includes the terms conduct, course of conduct, family member, and harm.

A course of conduct is defined to include conduct that is repeated, continuous or both. This captures the persistent and ongoing nature of the course of conduct over time. By implication therefore, the course of conduct is made up of more than one incident of conduct. However, the Act does not specify any number of occasions of conduct making up the overall course of conduct that must be particularised. This is intended to focus consideration on the existence of the overall course of conduct, rather than the discrete individual instances making up the course of conduct

A course of conduct also includes a series of incidents of conduct that do not occur in immediate succession or form an unbroken series. This means an accused's conduct could still be considered a 'course of conduct' for the purposes of this offence, notwithstanding that there was a delay or break in the individual incidents that made up the course of conduct (provided the other elements of the offence are satisfied). This reflects that coercive control is often highly dynamic and specific to the relationship context and should be considered as a pattern of behaviour over time.

Section 72J sets out the offence of coercive control of a family member.

Per section 72J(1)(a) only an adult, being a person aged over 18 years old, can be charged, prosecuted or convicted of this offence.

Section 72J(1)(b) provides that a person commits an offence if they engage in a course of conduct consisting of family violence against a family member. This is the actus reus of the offence.

A course of conduct is defined at section 72I, discussed above.

Per the dictionary of the Crimes Act, family violence is defined at section 8 of the *Family Violence Act 2016*. Whether a course of conduct consisting of family violence exists is to be determined by reference to the behaviours included in this definition of family violence.

This clause also means that the coercive control offence is a family violence offence. This term is used across the statute book in relation to offences where the conduct making up the offence is family violence (see, for example, *Crimes (Restorative Justice) Act 2004*, *Evidence (Miscellaneous Provisions) Act 2011*, *Firearms Act 2011*, *Bail Act 1992*, *Crimes (Sentencing) Act 2004*). The provisions relating to family violence offences in these and other Acts therefore also apply to the coercive control offence, as relevant.

Sections 72J(2)(a) and (b) provide further clarity about the scope and meaning of a course of conduct of family violence. Subsection (a) provides that a course of conduct may consist of family violence if it consists of any combination of incidents of family violence. For example, the course of conduct may consist of multiple incidents of one particular type of family violence defined under section 8 of the *Family Violence Act 2016* such as emotional or psychological abuse. By way of an alternative example, the course of conduct may be comprised of incidents of different types of family violence defined under section 8 of the *Family Violence Act 2016*, such as technology-facilitated abuse, threatening conduct, or economic abuse.

Subsection (b) further provides that whether a course of conduct consisting of family violence exists must be assessed by considering the totality of the conduct. Incidents should not be considered in isolation or separate from the broader conduct. This again directs the focus of the offence to the holistic circumstances and the totality of the behaviour in the context of the relationship.

A family member of a person is defined under section 9 of the *Family Violence Act 2016*, per section 72I.

Section 72J(1)(c) sets out the fault element for the offence, being that the person intended the course of conduct to coerce or control the family member. The terms 'coerce or control' are not defined and are therefore to be given their ordinary dictionary meaning. Per the *Criminal Code 2002* section 18(2), 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.

The intent is in relation to the course of conduct as a whole, not the particular incidents of conduct. Section 72J(7) provides that in a proceeding, the prosecution is not required to prove that the person intended each incident of family violence to coerce or control their family member. Rather, the intention must be demonstrated in relation to the broader course of conduct, and it is not necessary for the prosecution to prove specific intent as to each act of conduct.

This fault element reflects contemporary understandings of coercive control as a pattern of behaviour by which the primary aggressor aims to dominate and control the other person.<sup>53</sup>

Section 72J(1)(d) further provides that a reasonable person would, in all the circumstances, consider the course of conduct likely to result in harm to or fear of harm in the person's family member or someone else. This is an objective test, applying the standard of a reasonable person in all the circumstances. Therefore, the prosecution does not need to prove that the course of conduct actually resulted in harm to or fear of harm in the family member or someone else. This is intended to focus the offence on the behaviour of the accused, rather than the specific impact on the complainant.

Harm is defined per the dictionary of the Criminal Code to mean both physical harm to a person and harm to a person's mental health, including psychological harm.

The specification of a reasonable person in all the circumstances is intended to enable some consideration of the subjective factors of the parties and their relationship. This recognises coercive control is often highly specific and individual to the dynamics of the relationship, and that specific types and patterns of behaviour may be more likely to result in harm or fear of harm when considered in the circumstances.

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

While not explicitly provided in the Bill, none of the provisions in the Bill are intended to alter the current law in relation to double jeopardy.

Section 72J(3) provides a defence to the offence. Specifically, the offence does not apply if the course of conduct was reasonable in all the circumstances. The accused has the evidential burden to prove this. This means the accused has the burden of presenting or pointing to evidence that suggests a reasonable possibility that the course of conduct was reasonable in all the circumstances.

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<sup>53</sup> ANROWS Policy Brief p. 1.

Sections 72J (4), (5), (6) and (7) set out the procedural and evidentiary matters in relation to the offence that the prosecution must prove and the trier of fact must be satisfied of beyond reasonable doubt. This is similar to provisions adopted for the offence of persistent sexual abuse of child or young person under special care under section 56 of the Crimes Act and for the coercive control offences in New South Wales, Queensland and South Australia.<sup>54</sup> These provisions reflect that this offence criminalises a course of conduct, rather than specific individual instances of behaviour.

Section 72J(4) provides that for a person to be found guilty of the offence, the trier of fact must be satisfied beyond reasonable doubt that there was a course of conduct consisting of family violence. This is intended to clarify that the prosecution must prove the existence of the course of conduct of family violence, not the individual acts of family violence, beyond reasonable doubt.

Section 72J(5)(a) provides that the trier of fact is not required to be satisfied of the particulars of any specific incident of family violence to the extent that it would have to be satisfied if the incident were charged as a separate offence.

This section is intended to clarify that engaging in the course of conduct of family violence, rather than the individual acts of family violence, constitutes the actus reus of the offence.

Section 72J(5)(b) further provides that in a jury trial, although each juror must be satisfied of the existence of a course of conduct consisting of family violence beyond reasonable doubt, the individual members are not required to be satisfied about the same incidents of family violence alleged to form part of the course of conduct.

Section 72J(6) provides that the prosecution must allege the nature and description of the conduct alleged to form part of the course of conduct and the particulars of the period of time when the course of conduct took place. However the prosecution is not required to allege the particulars for any specific incident of family violence to the extent required if the incident were being charged as a separate offence.

The section requires the prosecution to provide the particulars necessary to allow the accused to receive a fair trial, while maintaining the focus of the offence on the course of conduct as a whole.

Section 72J(7) clarifies the prosecution is not required to prove the person intended each incident of family violence to coerce or control.

This section is intended to clarify that the intent for the course of conduct to coerce or control the family member, rather than the intent for individual acts of family

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<sup>54</sup> *Crimes Act 1900* (ACT) s 56(3), (4), (5)(a); *Crimes Act 1900* (NSW) s 54H; *Criminal Code 1899* (Qld) s 334C(3), (5); *Criminal Law Consolidation (Coercive Control) Amendment Act 2025* (SA) s 20C(4)(c), (e)(ii).

violence to coerce or control the family member, constitutes the mens rea of the offence.

Section 72K provides the Minister administering the *Domestic Violence Agencies Act 1986* must review the operation of these amendments as soon as practicable after the end of three years after this section commences and present a report of the review to the Legislative Assembly within one year after the day the review started. This identifies the Minister responsible for the *Domestic Violence Agencies Act 1986* rather than the Attorney-General (who administers the Crimes Act) to better enable the review to consider the broader impacts of the offence, beyond the legal and justice sector.

#### **Clause 6     New part 21**

This clause inserts new Part 21 into the Crimes Act. This establishes the Coercive Control Advisory Committee.

Section 433(1) provides the Coercive Control Advisory Committee is established.

Section 433(2) provides the function of the advisory committee, being to advise the responsible Minister about the coercive control offence, including its implementation.

Section 433(3) provides that the advisory committee is made up of members appointed by the responsible Minister, who the Minister considers have relevant skills and experience. This is accompanied by a note indicating that Part 19.3 of the *Legislation Act 2001* provides laws about appointments which apply to appointments made under this provision.

Section 433(4) provides the advisory committee may establish an expert reference group to assist in the exercise of its functions. While this is worded in the singular, under section 145(b) of the *Legislation Act 2001*, words in the singular number include the plural. This means the Advisory Committee may establish more than one expert reference group under this section.

Section 433(5) sets out the definition of responsible Minister for Part 21. Responsible Minister means the Minister administering the *Domestic Violence Agencies Act 1986*. This is the responsible Minister, rather than the Attorney-General (who administers the Crimes Act) to better enable the Advisory Committee to consider the broader impacts of the offence, beyond the legal and justice sector.

Section 434 provides that Part 21 is to expire three years after the day the section commences. This means the advisory committee is to cease at this time.

#### **Clause 7     Dictionary, definition of *conduct***

This clause substitutes the definition of conduct in the dictionary of the Crimes Act to include reference to the term as used in Part 3B.

## **Clause 8 Dictionary, new definitions**

This clause inserts new definitions into the Crimes Act, as used in Part 3B. This includes the definitions of course of conduct, family member, and harm.

## **Schedule 1 Consequential amendments**

### **Part 1.1 Ombudsman Act 1989**

This clause inserts the offence of coercive control within the definition of reportable conduct in section 17E(1) of the *Ombudsman Act 1989*. This amends the definition of reportable conduct to provide that reportable conduct includes conduct that results in the coercive control offence for which the child is either present or a victim at the time of the conduct, regardless of the child's consent.

This aligns the recognition of the coercive control offence within the definition of reportable conduct with the offences under Parts 2, 3, 4 and 5 of the Crimes Act.

### **Part 1.2 Victims of Crime (Financial Assistance) Act 2016**

This clause inserts the offence of coercive control at section 72J of the Crimes Act in Schedule 1, Division 1.2.2 of the *Victims of Crime (Financial Assistance) Act 2016* as a family violence offence. This means victims of the coercive control offence are eligible to make a claim to the Financial Assistance Scheme established under the *Victims of Crime (Financial Assistance) Act 2016*, per the eligibility criteria and requirements set out under that Act.

The offences against Parts 2, 3, 4 and 5 of the Crimes Act are included in the scope of the Financial Assistance Scheme and defined as general offences under Schedule 1, Division 1.2.1. The offence of coercive control is defined as a family violence offence for the purposes of the *Victims of Crime (Financial Assistance) Act 2016* given the conduct comprising the offence is family violence.