Sisters in Spirit
Aboriginal Corporation

women's health matters!

Inquiry into the Crimes (Coercive Control) Amendment Bill 2026

Joint Submission between Sisters in Spirit Aboriginal Corporation and Women's Health Matters

July 2026

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Introduction

Acknowledgement of Country

Sisters in Spirit Aboriginal Corporation and Women's Health Matters acknowledge the Ngunnawal people, who are the traditional custodians of the land on which we live, meet and work. We pay our respects to Elders, past and present.

We recognise the vital role Aboriginal women and girls play as the backbone of our families and communities, nurturing, protecting, teaching, advocating and leading, often while carrying immense responsibility and strength. We acknowledge the labour, seen and unseen, that Aboriginal women contribute every day to keeping our communities connected, safe and strong.

We also acknowledge the young Aboriginal girls growing in their power and identity, and the generations of Aboriginal women who walk beside them, guiding them with love, resilience and cultural knowledge.

May we continue to create spaces where the voices, leadership and lived experiences of women and girls are respected, centred and uplifted. And may we remember, Sovereignty was never ceded, and this land always was, and always will be, Aboriginal land.

Acknowledgement of Lived and Living Experience

We extend our heartfelt thanks to everyone who courageously shared their experiences to help develop this submission. Your generous contributions, perspectives and knowledge have shaped every aspect of this work.

Those who spoke with us did so with remarkable openness, care and courage, and were driven by a commitment to help others who might face these forms of violence in the future. We sincerely hope this submission honours the expertise and trust you have shared with us.

About Sisters in Spirit Aboriginal Corporation

Sisters in Spirit Aboriginal Corporation is an Aboriginal Community Controlled Organisation that provides culturally safe and trauma informed support for Aboriginal and Torres Strait Islander women and girls in and around the Canberra region who have been impacted by family, domestic and sexual violence.

We work to uphold and affirm the human rights of Aboriginal and Torres Strait Islander women and girls through advocacy, case coordination, and holistic support for healing. SISAC also maintains a strong and consistent presence across high-level sector forums, advisory groups and reform processes, to improve the visibility of Aboriginal women's experiences. Continuing our efforts to strengthen safety, voice and self-determination for our community, we embrace our cultural responsibilities to advocate for changes in law, policy and systems that affect our women and girls.

About Women's Health Matters

Women's Health Matters is an independent, non-partisan organisation that works to improve the health and wellbeing of all women (cis and trans inclusive) and gender diverse people in the Australian Capital Territory ('ACT') and surrounding region. Our vision is that women experience improved health outcomes, have positive experiences when accessing health and social services and can fully participate in all aspects of our community.

We work with the community, government and service providers to address social determinants of health and wellbeing and create better outcomes for women. We do this through health promotion and by providing evidence-based social research, policy development and advocacy services to governments, the corporate sector, policy makers, service providers and peak bodies. Our guidance supports ACT women to make informed health and wellbeing choices and to understand how to access appropriate gender-sensitive services and information in the ACT.

AI declaration

AI-assisted tools were used in this submission solely to improve grammar, readability, and document structure. The content, analysis and recommendations contained in the submission were developed by SISAC and WHM staff.

Executive Summary

Sisters in Spirit Aboriginal Corporation ('SISAC') and Women's Health Matters ('WHM') welcome the opportunity to provide a joint submission to the Standing Committee on Legal Affairs on the Inquiry into the Crimes (Coercive Control) Amendment Bill 2026 ('the Bill').

In this submission, WHM and SISAC do not take a position for or against the criminalisation of coercive control. Rather, our intention is to platform the diverse lived expertise of Aboriginal and Torres Strait Islander people with lived and living experience of domestic, family and sexual violence in relation to this important topic. This submission does not, and cannot, represent the full breadth of expertise and experience within Aboriginal and Torres Strait Islander communities on this issue, and should be read as one contribution among many.

This submission is the product of a partnership between SISAC and WHM as part of the Victim Survivor Voices pilot program. In addition to drawing on the existing body of publicly available data and evidence, this submission is directly informed by our consultation with Aboriginal and Torres Strait Islander people with Lived and Living Experience of domestic, family and sexual violence ('DFSV'), and workers from ACT based Aboriginal Community Controlled Organisations ('ACCO') in May and June 2026 ('the consultation').

The Victim Survivor Voices pilot is a discussion-based community listening program peer-led by WHM that engages people with Lived and Living Experience of DFSV in the ACT to capture their perspectives and expertise. The program is a critical step towards centring the voices of victim survivors in ACT public policy, recognising that better outcomes are achieved when those most affected directly shape the programs and reforms that affect them. The pilot is supported by funding from the ACT Government.

SISAC and WHM acknowledge the considerable body of work undertaken by the ACT Government to inform the Bill. We support the intent of the proposed coercive control offence and recognise the importance of acknowledging patterns of domestic, family and sexual violence ('DFSV') that occur beyond physical violence. We acknowledge the ACT Government's objectives to recognise the experiences of victim survivors, strengthen legal protections, send a clear message that coercive and controlling behaviours are unacceptable, and improve accountability for people who use coercive control.

While this submission is focused on the experiences of Aboriginal and Torres Strait Islander victim survivors, we believe that centring these voices and addressing the specific barriers they highlight will have flow-on benefits for victim survivors across all intersecting identities, communities and backgrounds. Reforms designed to meet the needs of those most impacted by systemic inequity tend to build stronger, more responsive systems for everyone. In this sense, doing right by Aboriginal and Torres Strait Islander victim survivors is not a narrow or separate goal, but a foundation for a justice and support system that works better for all victim survivors.

Our position is that increased criminalisation does not automatically equate to increased safety. We believe that safety for First Nations women and children must remain the primary measure of success for this reform.

We note our concerns that criminalisation without significant systemic reform may increase harm for Aboriginal and Torres Strait Islander people and may not improve safety for victim survivors in the ACT community. While we recognise the devastating impact coercive control has on Aboriginal and Torres Strait Islander women, children and families, and all victim survivors, we maintain that legislation alone will not deliver safety.

We believe the success of this reform depends on whether it appropriately safeguards against the misidentification of victim survivors as perpetrators, strengthens access to culturally safe and Aboriginal-led support services, improves trust in the justice system and reduces DFSV over time. 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.

We are particularly concerned about the potential for misidentification, the over-criminalisation of Aboriginal and Torres Strait Islander people, the evidentiary burden placed on victim survivors to prove patterns of coercive control, and the chronic under-resourcing of culturally safe services. Without addressing the issues, the people the legislation seeks to protect may continue to experience barriers to safety, justice and support.

The implementation of this reform must be guided by the principle that increased criminalisation does not automatically equate to increased safety. Accountability for people

who use coercive control must be accompanied by investment in prevention, early intervention, housing, legal assistance, victim support, workforce capability, and ACCOs. The ultimate measure of success should not be the number of charges, prosecutions or convictions, but whether Aboriginal and Torres Strait Islander women and children impacted by DFSV are safer, better supported, and more confident in seeking help when they need it.

We acknowledge the recently published *ACT Domestic, Family and Sexual Violence Strategy 2026-2036* ('the ACT Strategy'), and particularly commend Outcome 2 which states that 'Aboriginal and Torres Strait Islander communities are empowered to determine and deliver the best responses and are a core part of the governance and decision making'[1]. This Inquiry presents a key opportunity to embed this principle in the development and implementation of the Bill.

Key recommendations for consideration are listed below, with further details provided on the following pages. These recommendations have been drawn by WHM and SISAC and informed by the evidence outlined in this submission.

Recommendation 1: Amend the Bill to include 'family member' within the scope of relationship, adopt 'recklessness' as the fault element, provide for a three-year delayed commencement period, and use language that is community owned and appropriate to support accurate interpretation.

Recommendation 2: Build and invest in the systems and capabilities required to support culturally responsive implementation including increased investment in services, culturally informed public education and learning and behaviour change initiatives.

Recommendation 3: Develop specific training to increase recognition of how coercive control can operate through cultural and kinship dynamics.

Recommendation 4: Build investigative capacity so the evidence burden does not fall entirely on victim survivors.

Recommendation 5: Measure the Bill's success by whether Aboriginal and Torres Strait Islander women and children are safer, not by charge, prosecution or conviction rates.

[1] ACT Domestic, Family and Sexual Violence Strategy 2026-2036

Background

Accurate, community-led representation of Aboriginal and Torres Strait Islander perspectives and experiences is crucial to an inquiry into the Crimes (Coercive Control) Amendment Bill 2026, as Aboriginal and Torres Strait Islander people and communities will be disproportionately affected by the proposed legislative changes.

Research indicates Aboriginal and Torres Strait Islander people are significantly more likely than non-Indigenous people to experience domestic and family violence (DFV). Aboriginal and Torres Strait Islander women are up to seven times more likely to be homicide victims than all women, with almost three quarters of victims killed by a current or former intimate partner and are 27 times more likely to be hospitalised for family violence than non-Indigenous women [2] [3]. To contextualise the prevalence of Aboriginal and Torres Strait Islander women's experiences of violence, these figures should be considered alongside 2021 Census data showing that Aboriginal and Torres Strait Islander peoples comprise 2.0% of the Australian Capital Territory (ACT) population.[4]

Further, there is shameful over-representation of Aboriginal and Torres Strait Islander people in the ACT justice system, in part due to systemic racism and racial profiling by police[5]. In 2024–25, the Aboriginal and Torres Strait Islander 'offender rate' in the ACT was 5,218 per 100,000, against 522 per 100,000 for non-Indigenous people. Offences closest to family violence in the available data ('acts intended to cause injury') grew fastest among Aboriginal and Torres Strait Islander offenders over the past decade, now representing 43% of all Aboriginal and Torres Strait Islander offending in the ACT, up from 29% a decade ago[6].

This research and data demonstrate that Aboriginal and Torres Strait Islander peoples in the ACT experience a dual disproportionate burden. Aboriginal and Torres Strait Islander communities are disproportionately affected by DFSV, while also experiencing profound overrepresentation within the criminal justice system. The Committee should ensure that any legislative response to coercive control is informed by Aboriginal and Torres Strait Islander perspectives and carefully considers whether the proposed amendments may unintentionally deepen existing patterns of criminalisation and incarceration, rather than improve safety for victim survivors. It is vital that the voices of Aboriginal and Torres Strait Islander peoples are heard and incorporated in the development of the Crimes (Coercive Control) Amendment Bill 2026 and ensure reform is implemented in a way that supports the safety, wellbeing and self-determination of Aboriginal and Torres Strait Islander women, children and communities.

WHM's Victim Survivor Voices 2025 consultation on criminalising coercive control (*Too Urgent to Rush*) did not include Aboriginal and Torres Strait Islander representation. In 2026, WHM and SISAC partnered to address this gap, co-delivering consultation with Aboriginal and Torres Strait Islander people with Lived and Living Experience of DFSV and workers

[2] Homicide of Aboriginal and Torres Strait Islander women.
[3] Aboriginal and Torres Strait Islander people - Australian Institute of Health and Welfare
[4] Australian Bureau of Statistics, *Australian Capital Territory: Aboriginal and Torres Strait Islander Population Summary* (Web Page, 1 July 2022).
[5] Review into over-representation of First Nations people in the ACT justice system.
[6] Australian Bureau of Statistics. (2026). *Recorded crime – offenders, 2024–25 financial year*. https://www.abs.gov.au/statistics/people/crime-and-justice/recorded-crime-offenders/latest-release.

from ACT based ACCOs, across two forums held on 26 May and 30 June 2026 [7]**.** This submission draws on the thematic analysis of both forums, alongside the existing evidence base referenced throughout.

The findings reflect the experiences of a specific, small cohort and will not capture all victim survivor voices or perspectives. We recommend the ACT Government continue supporting SISAC, WHM and the Victim Survivor Voices program to ensure the breadth and depth of lived expertise remain central to ongoing work in this area.

Research review

The ACT Domestic Violence Prevention Council (DVPC), while no longer an existing advisory body, had previously taken a cautious position on criminalising coercive control. While recognising coercive control as a central feature of most DFV, the DVPC remained unconvinced that criminalisation is the most effective response, and recommended any legislative reform be preceded by extensive community-led consultation, particularly with Aboriginal and Torres Strait Islander communities, alongside improved police training, increased investment in specialist services, and comprehensive community education[8]. Concerningly, it does not appear that these recommendations have been carried out in full prior to the legislation being introduced.

Hobson et al's paper examining and amplifying 'The contribution of First Nations voices to the Australian public debate over the criminalisation of coercive control' found limited support for a criminal justice response, with most First Nations contributors raising concerns about the potential harms of criminalisation.[9] For many Aboriginal and Torres Strait Islander women, responses to DFSV have historically resulted in further victimisation through misidentification as perpetrators, over-policing, family separation and child protection intervention- a 'dual effect' of state intervention, whereby legal measures may offer the possibility of short-term protection from violent partners while also risking the reproduction of systemic harms by fracturing families and communities[10]. These findings reflect broader concerns about the limitations of carceral solutions, particularly where racism and structural inequality remain embedded in policing and court processes.

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[7] Consultation consisted of two forums with a total of 22 participants (ACCO forum had 9 participants and the lived experience forum had 13 participants). A survey received a further four responses to consultation questions.

[8] Domestic Violence Prevention Council Advisory Board, Joint Discussion Paper on Criminalising Coercive Control (Discussion Paper, Domestic Violence Prevention Council, 2023) DOMESTIC VIOLENCE PREVENTION COUNCIL ADVISORY board.

[9] Courtney Hobson, Michael Salter and Jennifer Stephenson, 'The Contributions of First Nations Voices to the Australian Public Debate over the Criminalisation of Coercive Control' (2023) 53 British Journal of Social Work, 3773.

[10] Domestic Violence Prevention Council Advisory Board, Joint Discussion Paper on Criminalising Coercive Control (Discussion Paper, Domestic Violence Prevention Council, 2023) DOMESTIC VIOLENCE PREVENTION COUNCIL ADVISORY board.

Additional research[11][12] indicates that the criminalisation of coercive control is likely to disproportionately impact Aboriginal and Torres Strait Islander people, including women who may be wrongly identified as perpetrators. Evidence suggests that many First Nations people are reluctant to engage with police due to experiences of systemic racism, inadequate cultural competence within policing institutions and a broader distrust of the criminal justice system.

Critically, many concerns have also been raised about the relationship between police and child protection systems, including perceptions that victim survivors may be penalised for allegedly 'failing to protect' their children.

We note with concern that the ACT has the highest rate of Aboriginal and Torres Strait Islander child removal in the country. 63.2 Aboriginal and Torres Strait Islander children per 1,000 are removed in the ACT, compared to a national average of 57.2 per 1,000 and 5.5 per 1,000 non-Indigenous children in the ACT[13]. For a small jurisdiction that could demonstrate national leadership in child protection matters, this should be considered a national shame. Any extension of police powers and criminalisation increases the risk of child removals of Aboriginal and Torres Strait Islander children from their families by further entrenching links between police intervention and child protection responses.

These concerns are echoed in the Jumbunna Report, which documents the ongoing over-representation of Aboriginal and Torres Strait Islander people in the ACT criminal justice system and persistent issues in police responses to DFSV[14]. Accordingly, the impact the Crimes (Coercive Control) Amendment Bill (2026) will have on Aboriginal and Torres Strait Islander families must be acknowledged and safeguarded against.

Consultation findings

Throughout our 2026 consultation, fear of the consequences of the criminalisation of coercive control emerged as the most dominant and recurring theme. Participants repeatedly expressed concerns that are consistent with the research outlined above and reported multiple fears associated with engaging with support and justice systems, including being misidentified as perpetrators and losing custody of their children.

"I worry also, how this legislation will be weaponised against our women… the police can use this to make reports, and then children get removed because the kids aren't safe."

[11] Chris Cunneen et al, Independent Review into the Over-Representation of First Nations People in the ACT Criminal Justice System: Final Report (Report, Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney, July 2023) Final-Report-Independent-Review-into-the-Over-Representation-of-First-Nations-People-in-the-ACT-Criminal-Justice-System.pdf.
[12] Andriunas, H. (2021). Evaluating the consequences of criminalising coercive control in the Australian Capital Territory. Canberra Law Review, 18(2), 172–201. Canberra Law Review Vol 18, No.2, 2022.
[13] ANTaR ACT, 'Briefing: Reduce Child Removals in the ACT' (Briefing Paper, July 2024); Australian Institute of Health and Welfare, *Child Protection Australia 2023–24* (AIHW, 2025).
[14] Chris Cunneen et al, Independent Review into the Over-Representation of First Nations People in the ACT Criminal Justice System: Final Report (Report, Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney, July 2023) Final-Report-Independent-Review-into-the-Over-Representation-of-First-Nations-People-in-the-ACT-Criminal-Justice-System.pdf

“A lot of people are scared like to go into the police and child safety, because once [you say] domestic violence is involved, it’s straight to boom, like, you know, ‘your kids are unsafe’. So, yeah, no, ‘we’re the problem’.”

Another prominent theme included the fear of experiencing retaliation or an escalation of violence after reporting coercive control, being labelled vexatious and fear about what will happen to their partners. Many also feared that their experiences would be dismissed or disbelieved.

“A lot of women share the fear of, like, what the system will do to their partners as well… when a woman comes forward to report violence, and then she’ll retract the statement…”

“I don’t use a lot of services in Canberra, because there’s just, you feel like you’re just not being heard … It’s just ‘deal with it, move on’.”

“They don’t take it serious. Judged before you’ve even walked in the door.”

Participants also raised concerns about losing autonomy once authorities become involved. Repeatedly raised was that the legislation as designed does not preserve women's choice once a report is made and called for non-criminal pathways to be developed alongside the legislation. Participants identified a need for perpetrator accountability programs to be funded concurrently and for women's autonomy to be centred at every stage of the process.

“If the law is saying that you need to report to police, and you report to police, your autonomy is gone… it takes the autonomy away from her.”

“you need to understand this is, like, real, to this person’s life, I know it’s just a law book for you, but it’s someone’s life… the criminal legal system doesn’t offer choice to anyone, but particularly Aboriginal women.

One of the most distinctive findings to emerge from the consultations was the perception of the system itself as a perpetrator of coercive control. Participants described experiences with institutions, including police, child protection agencies and CYF, courts, correctional services, and funding bodies, that mirrored many of the dynamics they encountered in abusive relationships. Multiple speakers described these institutions as operating in ways that remove people’s autonomy, punishing them when they attempted to get their needs met, isolated them from support and threatened their family relationships and parenting roles.

Participants reported that institutional responses often replicate the very patterns that legislation identifies as coercive control: controlling decision-making, limiting autonomy, disregarding lived experience, and disbelieving or dismissing disclosures. In this way, coercive control was understood not only as an interpersonal experience, but also as something that can be enacted through systems and structures. For Aboriginal and Torres Strait Islander victim survivors, this cannot be divorced from the ongoing legacies of colonisation, the very concept of which is to establish control over territory and its peoples.

“They [Aboriginal and Torres Strait Islander Women]’ve never had autonomy, you know, they’ve always been controlled in some form. What’s another form of control?”

“These systems are just not designed for us.”

These accounts raise important questions about the effectiveness of criminalisation as a standalone response. Participants suggested that, without addressing the institutional practices that reproduce coercive and controlling dynamics, criminalising coercive control may do little to reduce the harms experienced by women in this community. For some, the introduction of additional legal and statutory interventions risks adding another layer of control rather than enhancing safety and access to justice.

"We're walking in knowing that there's a power imbalance and knowing that we have none of that, we have none of the power, we have none of the control, we have none of the autonomy."

From the consultations, as well as the research outlined above, WHM and SISAC have identified the following risks relating to the introduction of the Crimes (Coercive Control) Amendment Bill 2026 that we recommend the Committee address.

First, criminalisation may deepen existing mistrust of police and increase the risk of victim misidentification. Aboriginal and Torres Strait Islander women and children often experience a dual injustice whereby they are over-policed as potential offenders while under-protected as victim survivors. As identified in identified in Hobson et al's paper, Aboriginal legal services, First Nations-authored scholarship and related research highlight how trauma responses and reluctance to engage with police are frequently misinterpreted as non-cooperation, contributing to the wrongful identification of victim survivors as perpetrators.[15] Given longstanding concerns regarding systemic racism, limited cultural competence and inadequate understanding of coercive control within policing, the introduction of a new criminal offence may exacerbate, rather than address, existing harms. Participants in our consultations describe the consequences of this dismissal directly:

"This one woman who was murdered by her partner had called police 47 times, and they said that she was being vexatious."

Second, criminalisation may further discourage reporting of violence. Our consultation, research and advocacy organisations have highlighted that many Aboriginal and Torres Strait Islander women are reluctant to involve police because of concerns about the incarceration of partners, family separation and the broader impacts of state intervention on communities already affected by over-policing and deaths in custody. Participants described fear not only for themselves, but for what a report would set in motion for their children, partners and families, including women retracting statements once the process began:

"A lot of women share the fear of, like, what the system will do to their partners as well… when a woman comes forward to report violence, and then she'll retract the statement… the criminal legal system doesn't offer choice to anyone, but particularly Aboriginal women."

As a result, a criminal justice response may create additional barriers to disclosure and help-seeking for some victim survivors.

Third, criminalisation may intensify child protection involvement and other forms of state intervention. Evidence suggests that concerns about child removal and involvement

[15] Courtney Hobson, Michael Salter and Jennifer Stephenson, 'The Contributions of First Nations Voices to the Australian Public Debate over the Criminalisation of Coercive Control' (2023) 53 British Journal of Social Work, 3773.

of child protection agencies already influence reporting decisions among Aboriginal and Torres Strait Islander women experiencing violence. Experiences of police and child protection authorities combining to penalise mothers for allegedly 'failing to protect' their children can deter engagement with support services. Participants described a no-win dynamic in which the circumstances created by violence become grounds for intervention rather than the violence itself. An example shared in consultation was that a woman sleeping in a car with children after leaving a violent partner could trigger child protection involvement, while remaining with the perpetrator could do the same.

"The report that will go in, because she's sleeping in the car with her kids, but the report that would go in if she stayed…"

Similarly, participants raised concern that a woman reporting violence by more than one partner over time could be taken as grounds to blame her, rather than as evidence of repeated victimisation. There are concerns that a coercive control offence could strengthen these linkages, increase the risk of child removal, and further entrench punitive responses to victimisation.

Fourth, the evidentiary requirements of the proposed offence may be unsafe and unrealistic to meet. Participants described what the offence would ask of a woman in practice: recognising behaviour that may only be visible from outside the relationship, documenting coercive control while still living with the person perpetrating it, and keeping that evidence somewhere the perpetrator cannot find it. Also identified during consultation was the real risk of danger someone documenting their experiences of coercive control could face if this documentation was discovered by the person using violence. Participants' views suggest that evidence requirements may make the offence unusable, particularly if the threshold for criminality is set at 'intent' rather than 'recklessness', since it may be impossible for a victim survivor to document an intent to exercise coercive control over them.

Fifth, contact with the criminal justice process may itself trigger escalation, and the offence could be turned back on the woman it is meant to protect. Participants in both forums raised concern that criminal justice involvement, including reporting, charge and bail, could provoke retaliation rather than reduce risk. A recurring observation and topic of discussion was that offence risks being weaponised against victim survivors, including Aboriginal women who may already be misidentified as perpetrators under existing family violence law.

Sixth, confidentiality risk in a small, connected community may deter women from seeking support at all. Participants described confidentiality breaches, such as files being accessed by multiple staff and personal details that are left visible to other clients as a reason some women avoid ACCO and mainstream services alike. But participants also described a separate, structural risk that exists even without any breach: in a small, connected community such as the ACT Aboriginal and Torres Strait Islander community, the person staffing a service may already know you, your family, or your partner. This creates a trade-off between the cultural safety (which draws Aboriginal and Torres Strait Islander women to ACCOs) and the reduced privacy that comes from being known in a small community, regardless of how carefully confidentiality is handled.

Based on our consultations, the risk of these consequences was a palpable and significant source of fear among participants. These concerns are broadly reflected in a further four survey responses received alongside the two consultation forums.

While most participants recognised the importance of responding to non-physical forms of domestic and family violence, overall there was almost no support for criminalisation per se. Taken together, the findings of the consultation suggest that criminalising coercive control without addressing the institutional dynamics described above may do little to reduce the harms experienced by women in this community and for some, risks adding another layer of control rather than enhancing safety and access to justice. The introduction of coercive control legislation is likely to exacerbate existing systemic issues in the ACT context, and these findings highlight the need for coordinated, trauma-informed and culturally safe responses to DFSV, alongside meaningful engagement with Aboriginal and Torres Strait Islander communities. Policymakers should prioritise broader systemic reforms and safeguards and avoid deepening existing structural inequalities.

Recommendations

These recommendations are made by SISAC and WHM staff, drawn from analysis of the consultation data, as well as the existing research and evidence. While we do not take a position for or against the criminalisation of coercive control in the submission, we recognise the considerable body of work undertaken by the ACT Government to amend the Bill and present these recommendations on the basis that the Bill proceeds.

We recommend that the effectiveness of the new legislation is contingent upon comprehensive, meaningful consultation with Aboriginal and Torres Strait Islander women and communities at the centre of the implementation process. As noted in research, there is mutual agreement between advocates and opponents of criminalisation that a law reform approach alone is inadequate[16].

Recommendation 1: Amend the Bill to include 'family member' within the scope of relationship, adopt 'recklessness' as the fault element, provide for a three-year delayed commencement period, and use language that is community owned and appropriate to support accurate interpretation.

Rationale

Due to the highly technical nature of legislative drafting, targeted consultation on these specific elements of the Bill was not possible within the timeframe of this process.

We recognise that concerns about the misidentification of victim survivors as perpetrators are a live and important issue in this area of law. However, we suggest that the fault element and the scope of relationship are not appropriate mechanisms to address this risk. Misidentification will not be resolved by limiting the scope of relationship to intimate partners or by raising the fault element to intent.

A fault element set at intent creates an unnecessarily high evidentiary bar. It risks extending an invitation to victim survivors to engage with the justice system, itself a site of harm for many, only to revoke access to justice at the final hurdle when a case cannot meet the required standard. Failing to draft legislation that appropriately captures the lived reality of domestic, family and sexual violence raises the bar for everyone, including those correctly identified as perpetrators, and compounds the access to justice concerns set out above.

A three-year delayed commencement period is instead the more appropriate mechanism to manage the risks the Committee is seeking to address through the fault element and relationship scope. This period would allow adequate time for the workforce training, specialist consultation and embedded advisory arrangements recommended elsewhere in this submission to be in place before the offence takes effect, rather than narrowing the offence itself in ways that would undermine access to justice for genuine victim survivors.

Similarly, ensuring the Bill's language is community owned and appropriate supports accurate identification of predominant aggressors and victim survivors in practice, reducing

[16] Courtney Hobson, Michael Salter and Jennifer Stephenson, 'The Contributions of First Nations Voices to the Australian Public Debate over the Criminalisation of Coercive Control' (2023) 53 British Journal of Social Work, 3773.

the risk of misidentification through clearer, better-understood drafting rather than through a narrower legal test.

We urge the Committee to weigh this risk not only against the interests of those prosecuting the offence, but also against the experience of those who may accept the invitation to come forward.

Proposed actions

- Include 'family member' within the scope of relationship captured by the offence, rather than limiting it to intimate partners.
- Adopt 'recklessness' as the fault element, rather than intent.
- Provide for a three-year delayed commencement period, to allow adequate time for workforce training, system readiness and community education before the offence takes effect.
- Ensure the drafting uses language that is community owned and appropriate, to support accurate interpretation by police, courts and the community.

Recommendation 2: Build and invest in the systems and capabilities required to support culturally responsive implementation; including increased investment in services, culturally informed public education and behaviour change initiatives.

Rationale

The time preceding the commencement of the Bill provides a critical window to build the systems and capabilities required to support culturally appropriate and trauma-informed implementation. This includes ensuring adequate investment in services, developing First Nations specific practice guidelines, implementing mandatory cultural capability training and inclusion of Aboriginal and Torres Strait Islander lived expertise throughout. Cultural forms of coercive control must also be recognised, and training and guidance should be developed that explicitly recognise how coercive control can target cultural identity and connection. It is also vital that implementation should minimise the expectation that victim survivors must document, prove and repeatedly recount their experiences of coercive control.

The offence should not commence until the minimum service and workforce readiness requirements detailed above are met.

The ACT legislation already proposes a delayed commencement period, recognising implementation must be accompanied by broader system reform. Creating a criminal offence without adequately resourced supports risks increasing disclosures without increasing safety, but we recognise that this will take time to do properly.

Criminalising coercive control without simultaneously strengthening culturally safe and community-led support services risks further harming Aboriginal and Torres Strait Islander women. Justice responses which operate in isolation from broader social, economic, and cultural supports are likely to reproduce systemic inequalities rather than address them[17]. While the ACT Government's $30.5 million investment in frontline services, including funding

[17] Victorian Aboriginal Legal Service (VALS), Addressing Coercive Control Without Criminalisation: Avoiding Blunt Tools that Fail Victim survivors (Policy Paper, VALS, January 2022) Addressing-Coercive-Control-Without-Criminalisation-Avoiding-Blunt-Tools-that-Fail-Victim-Survivors.pdf

for ACCOs, represents a promising start, these measures must be sustained in the long term. Funding must be secure, ongoing and directed towards Aboriginal-led programs that embed cultural knowledge and trauma-informed care in their operation.

There is a critical need for accessible, culturally safe support services that extend beyond formal justice interventions and provide support for those who are unwilling or unable to engage with police, ensuring ongoing assistance for both victim survivors and perpetrators. DFSV does not occur in isolation, but is shaped by a range of social, economic and structural factors that can increase vulnerability and create barriers to seeking help. Issues such as housing insecurity, financial stress, geographic isolation and limited access to culturally appropriate services can reduce the visibility of violence and hinder pathways to safety and support[18]. This reinforces the importance of community-led responses that address the broader conditions in which violence occurs, while strengthening opportunities for healing, accountability and long-term wellbeing.

Broad, sustained, and culturally informed public education preceding any legislative implementation of a coercive control offence is imperative. Evidence from our consultation and other ACCOs highlight that some forms of DFSV, including both physical violence and patterns of coercive control, may not always be recognised as abuse, emphasising the need for ongoing and culturally responsive awareness-raising initiatives [19]. Participants in our consultation recognised the importance of non-physical violence and the need for better community understanding of this. However, they did not believe that the concept of coercive control (or its criminalisation) would improve understanding. Without accessible, culturally appropriate information and education our communities may be placed at even greater risk of harm, with individuals navigating complex legal changes without the knowledge or support needed to protect themselves.

Effective public education must extend beyond short-term awareness campaigns and encompass comprehensive, lifelong learning through schools, tertiary education, health services, parenting programs and behaviour change initiatives, supported by sustained engagement across traditional and social media. Importantly, these efforts must be tailored to the needs of diverse communities and be designed and delivered in partnership with Aboriginal leaders and educators. Public awareness campaigns, such as the ACT's coercive control campaign, are an important starting point, but lasting change requires long-term, multi-layered and community-led education efforts[20].

While the ACT Government has invested in an initial scoping project for a primary prevention model tailored to the ACT community, it is important that this work progresses to the development and implementation phase. Doing so will enable a coordinated approach to preventing DFSV and support efforts to reduce DFSV over time. It is recommended that this work should be carried out collaboratively with ACCOs.

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[18] Courtney Hobson, Michael Salter and Jennifer Stephenson, 'The Contributions of First Nations Voices to the Australian Public Debate over the Criminalisation of Coercive Control' (2023) 53 British Journal of Social Work, 3774 citing We Say No More [Television], National Indigenous Television (NITV). NITV, Australia.

[19] Wirringa Baiya Aboriginal Women's Legal Centre Inc, Submission on the Crimes Legislation Amendment (Coercive Control) Bill 2022 (NSW) GetArtifact

[20] ibid

Proposed actions

- Guaranteed growth funding for ACCOs supporting people experiencing, at risk of or impacted by FDSV.
- Expansion of culturally safe family violence services to ensure that Aboriginal women and families can access support in environments that respect their cultural identity, values, and experiences. These services help improve trust, increase service accessibility and deliver more effective responses to family violence within Aboriginal and Torres Strait Islander communities.
- Support ACCOs and mainstream services to strengthen confidentiality practice, including staffing, systems, and physical site design- recognising that in a small, connected community, privacy can be compromised even without any breach of protocol.
- Increased legal assistance funding. Additional funding for legal assistance services helps ensure that individuals experiencing family violence can access timely legal advice, representation, and advocacy. This support is critical in helping victim survivors navigate complex legal systems, secure protection orders, and achieve safer long-term outcomes. Increased funding should also be invested in legal services with the scope to assist victim-survivor witnesses to navigate legal processes and court proceedings once the people who have perpetrated FDSV against them are charged with criminal offences.
- Increase dedicated housing options for victim survivors leaving coercively controlling relationships.
- Expand workforce targets to increase the number of qualified professionals available to deliver family violence, legal, housing, and community support services across the sector including ACCOs.
- Include a focus on workforce sustainability within these workforce targets.
- Culturally informed public education delivered to the Aboriginal and Torres Strait Islander community relating to coercive control.
- Develop comprehensive, lifelong learning and behaviour change initiatives through such avenues as schools, tertiary education, health services and parenting programs.
- Continue to provide dedicated funding for the development, implementation and evaluation of a DFSV primary prevention model tailored to the ACT.

Recommendation 3: Develop specific training to increase recognition of how coercive control can operate through cultural and kinship dynamics.

Rationale

Guidance and training developed and delivered prior to the implementation of the Bill should explicitly recognise how coercive control can target cultural identity and connection, including through efforts to isolate individuals from their culture, language, family, community and

cultural practices. Training should support the identification of these forms of abuse and promote culturally safe and appropriate responses for victim survivors.

We note that the ACT Government already acknowledges coercive control can involve the use of culture, spirituality, religion and identity as mechanisms of control.[21] 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.

Proposed actions

- The ACT Government to co-design with Aboriginal and Torres Strait Islanders First Nations-specific practice guidelines relating to coercive control.
- Develop and implement mandatory cultural capability training for police, courts and child protection and ensure that this training has the inclusion of Aboriginal and Torres Strait Islander lived experience.
- Recognise cultural identity erasure (for example, a partner denying, minimising or disputing a woman's Aboriginal or Torres Strait Islander identity) as a form of coercive control within training, education and evidence guidance.

Recommendation 4: Build investigative capacity so the evidence burden does not fall entirely on victim survivors

Rationale

It is important that implementation of the Bill should minimise the expectation that victim survivors must document, prove and repeatedly recount their experiences of coercive control.

Coercive control often occurs in private, over long periods. Many Aboriginal women already face barriers engaging with police and courts due to intergenerational trauma, past negative experiences and fear of consequences for children and family members. Without proper safeguards, the practical burden of proving coercive control may fall on the victim survivor.

Proposed Actions

- Establish specialist teams with expertise in identifying and investigating patterns of coercive control. This would improve evidence collection.
- Ensure all investigations are conducted using trauma-informed approaches that recognise the impacts of trauma on victim survivors.
- Recognise the value of evidence from family, community members, support workers, and cultural organisations in demonstrating patterns of coercive control. Such evidence can provide important context that may not be captured through traditional forms of evidence.
- Provide sustainable funding for specialist legal advocacy services to support victim survivors throughout investigations.

[21] Coercive control - ACT Government

- Implement measures to reduce unnecessary re-interviewing of victim survivors wherever possible. Limiting repeated recounting of abuse can minimise re-traumatisation and support better outcomes for victim survivors.

Recommendation 5: Measure the Bill's success by whether Aboriginal and Torres Strait Islander women and children are safer, not by charge, prosecution or conviction rates.

Rationale

The implementation and review framework for the Bill must be legislatively required to assess whether it makes Aboriginal and Torres Strait Islander women and children safer, rather than relying on charge, prosecution or conviction rates as proxies for success. This oversight must be independent, led by Aboriginal and Torres Strait Islander researchers and organisations, and paired with structural safeguards against misidentification and with a defined, ongoing decision-making role for ACCOs throughout implementation.

Many Aboriginal and Torres Strait Islander women have raised concerns that criminalisation alone does not address the barriers they face in seeking protection, including racism, distrust of systems, housing insecurity, child protection involvement and a lack of culturally safe support. These concerns are compounded by the well-documented risk that Aboriginal and Torres Strait Islander victim survivors are misidentified as perpetrators in family violence matters, particularly where they use force in self-defence, present as traumatised, or where police fail to correctly identify the predominant aggressor, including in matters that involve child protection contact or risk of removal. A coercive control offence may heighten this risk, since it requires police to assess patterns of behaviour over time rather than isolated incidents.

Robust monitoring is also made harder by a significant data gap. There is currently no reliable ACT-specific estimate of the number of Aboriginal and Torres Strait Islander family violence victim survivors engaged with the justice system. The Australian Bureau of Statistics (ABS) dataset reporting DFV victims by Indigenous status is only published for New South Wales, Queensland, South Australia and the Northern Territory. The ACT, along with Victoria, Western Australia and Tasmania, is excluded because the ABS's data quality assessment found that the recording of Indigenous status in these jurisdictions is not of sufficient standard for national reporting. Reliable, ACT-specific data must be collected before policy, program or system decisions affecting Aboriginal and Torres Strait Islander communities can be considered evidence-based or appropriately targeted.

Aboriginal and Torres Strait Islander representation on the Advisory Committee is essential to ensure community voices are embedded in the governance and implementation of the legislation on an ongoing basis, rather than sought through one-off consultation and then set aside. The Bill currently provides for the Advisory Committee to expire three years after commencement. Given the Bill itself will not commence until two years after notification, a three-year term would see the Committee conclude well before the legislation's impacts can be identified and evaluated. There is also a strong case for expanding the Committee's functions and membership to include primary prevention expertise, to support the ACT's future primary prevention approaches to family and sexual violence.

Proposed actions

Early monitoring

- Develop Aboriginal and Torres Strait Islander-specific outcome measures, in addition and distinct to general justice-system metrics.
- Commission an independent 12-month monitoring review, led by Aboriginal and Torres Strait Islander researchers, tracking early indicators such as uptake of protection orders, misidentification incidents, and access to support services, to allow early correction if problems emerge before the statutory review.
- Publicly report on whether Aboriginal and Torres Strait Islander women are safer, accessing support earlier, and experiencing improved justice outcomes.
- Invest in building reliable, ACT-specific data on Aboriginal and Torres Strait Islander engagement with the family violence and justice systems, addressing the current gap in national reporting.

Safeguards against misidentification

- Require predominant aggressor assessments as standard practice.
- Require specialist Aboriginal and Torres Strait Islander DFSV consultation before charges are laid in identified high-risk matters.
- Embed Aboriginal and Torres Strait Islander DFSV advisers within ACT Policing and prosecution services.
- Independently review all cases where Aboriginal and Torres Strait Islander women are charged with coercive control.
- Collect and publish misidentification data.

Aboriginal and Torres Strait Islander-led implementation

- Establish a permanent Aboriginal and Torres Strait Islander Advisory Committee with a defined decision-making role (e.g. sign-off on Aboriginal and Torres Strait Islander-specific outcome measures and evaluation design, and a guaranteed seat on the statutory review committee).
- Extend the Advisory Committee's term to a minimum of five years from commencement, rather than the three years currently provided for, to ensure continuity of oversight through implementation, emerging outcomes and evaluation.
- Expand the Advisory Committee's functions and membership to include primary prevention expertise, to support the ACT's future primary prevention agenda.
- Resource ACCOs to lead community education.
- Co-design all implementation materials with ACCOs.
- Include Aboriginal and Torres Strait Islander representatives on any statutory review committee.

Legislated statutory review

- Require a dedicated Aboriginal and Torres Strait Islander impact stream within the legislated statutory review, building on the findings of the 12-month monitoring review above, so the two mechanisms are sequential rather than duplicative.
- Ensure the review examines misidentification rates, rates of Aboriginal and Torres Strait Islander women reporting violence, charging patterns, custody and child removal outcomes, access to support services, and unintended consequences.
- Require this stream of the review to be led by Aboriginal and Torres Strait Islander researchers and organisations.

Conclusion

Criminalising coercive control without genuine Aboriginal and Torres Strait Islander leadership, consultation and oversight risks entrenching the very harms the legislation seeks to address. In the ACT, where over-policing, systemic racism and the misidentification of Aboriginal and Torres Strait Islander women are very real concerns, legislative reform must be designed to prevent further injustice. This submission is grounded in direct consultation with Aboriginal and Torres Strait Islander people with lived and living experience of DFSV, and with ACCO workers, across two forums held in 2026, voices that must remain central as this legislation is designed and implemented. SISAC and WHM recognise the serious harm caused by coercive control and support stronger responses to DFSV. However, any reform must be shaped by Aboriginal and Torres Strait Islander women, community leaders and Aboriginal Community Controlled Organisations, and accompanied by culturally safe systems, strong accountability and oversight mechanisms and sustained investment in community-led solutions.

The ACT Government's financial commitments, including the $30.5 million investment in frontline services- with $6 million directed to ACCOs, provides an important foundation. However, investment alone is not enough. Legislative change must form part of a broader, community-driven approach that centres prevention, healing, self-determination and cultural safety while addressing the structural drivers that contribute to violence and inequity.

Our organisations do not see the two-year implementation window as a delay, but rather an opportunity to ensure amended legislation supports, rather than harms victim survivors.

We look forward to contributing further to the development of systemic responses to DFSV. Please get in touch if you would like us to expand on any aspect of this submission, we are happy to provide further information at a public hearing.

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