YWCA CANBERRA

Inquiry into Crimes (Coercive Control) Amendment Bill 2026

YWCA Canberra

Acknowledgement of Country

YWCA Canberra proudly recognises the rights of Aboriginal and Torres Strait Islander peoples to own and control their cultures and pays our respect to these rights. YWCA Canberra acknowledges the need to respect and encourage the diversity of Indigenous cultures and to respect Indigenous worldviews, lifestyles and customary laws. We extend our respect to the Aboriginal and Torres Strait Islander women who for thousands of years have preserved the culture and practices of their communities on country. This land was never surrendered, and we acknowledge that it always was and will continue to always be Aboriginal land.

About YWCA Canberra

YWCA Canberra is a feminist not-for-profit organisation that has provided community services and represented women's issues in Canberra since 1929. Our mission is 'We strengthen communities by supporting girls and women through our services and advocacy' and our vision is 'Girls and women thriving'.

We provide essential, quality services for women, girls and families in the ACT and surrounding regions. We work in the areas of children's services, community development, homelessness and affordable housing, youth services, personal and professional training, women's leadership and advocacy.

We are externally accredited against the Quality Improvement Council (QIC) Health and Community Service Standards (7th Edition). Accreditation against the QIC standards support us to improve client and community engagement, diversity and cultural appropriateness, management systems, governance and service delivery, while committing to a cycle of continuous quality improvement. In addition to the QIC standards, we are accredited against the following external client-related service standards for our key areas of work:

- Australian Charities and Not for Profit Commission
- National Quality Standard for Early Childhood Education and Care and School Aged Care
- National Regulatory System for Community Housing
- Registered Training Organisations Standards

Through our national Affiliate Association with YWCA Australia, we are part of the World YWCA network, which connects 120 countries across the globe.

Introduction

YWCA Canberra supports The Crimes (Coercive Control) Amendment Bill 2026 to introduce a standalone offence for coercive control. YWCA Canberra have been longstanding advocates for reform that adopts and prepares for criminalisation reflecting our enduring interest in system responsiveness and meeting the needs of vulnerable individuals and families. We have closely followed the process towards criminalisation in both New South Wales and Queensland and continue to take an interest in the effectiveness of the legislation in practice. As such, YWCA Canberra has participated in the Minister for the Prevention of Domestic, Family and Sexual Violence's Steering Committee on the Criminalisation of Coercive Control from October 2025 to May 2026.

YWCA Canberra supports the decision to enhance the scope of the bill to include family violence. Our Domestic Violence Support Service has operated since 2019, and in this time the client cohort serviced by our team has increased. Our service now has four case workers who manage a growing client profile, with a range of complexities. In the period since 2024, we have seen a 58% increase in the number of referrals received by our service between the months of January and June. We have also expanded the service to include specialist child workers. As our service has expanded, staff have noted a rise in family violence where adult children and in-laws are perpetrating violence against ageing family members. This is a hidden form of violence that uniquely targets older women who face compounding forms of violence, including displacement within the home and, in some cases, forced homelessness.

While we support the bill in principle, we use this submission to draw attention to outstanding issues regarding the selected fault element, the role of the Coercive Control Advisory Committee and summary disposal.

Through this submission, we discuss the following key items:

- **Fault element**
- **Summary Disposal of Coercive Control proceedings**
- **Coercive Control Advisory Committee Oversight**

Fault Element

We recognise that the bill's inclusion of intent as the fault element at 72J(c) reflects the enhanced scope of relationships captured under the proposal and efforts to minimise potential misidentification. A fault element of intent requires a mental state where the

perpetrator engages in the conduct while knowing the risk of harm. 'Recklessness' is a lower threshold and means that a person foresaw the possibility of harm occurring and proceeded anyway.

The first point of formally reporting a domestic violence offence is often a police officer who must make an initial assessment of the fault elements at play and whether the harm was intended, often while also addressing counterclaims that the conduct and consequences were not intended. Those with experience in responding to domestic violence or managing the safety of claimants understand that perpetrators will endeavour to reduce their own culpability by claiming harmful outcomes were not intentional. This can be particularly relevant where the violence in question does not overwhelmingly manifest as physical violence.

In the last statutory report from July 2025, the NSW Coercive Control Implementation and Evaluation Taskforce advice received indicated there is a strong perception that the fault element of intent was a hurdle preventing police from laying charges for coercive and controlling behaviour.[1] Additionally, the report explicitly advised to "remove the requirement to prove intent and adopt the 'recklessness' element of earlier drafts." YWCA Canberra proposes that the fault element at 72J(c) be amended to one based on recklessness.

YWCA Canberra is concerned that the low number of coercive control convictions in NSW indicates that an intent threshold is too high to achieve justice for victim-survivors. The NSW Bureau of Crime Statistics and Research's *Coercive Control Quarterly Monitoring Report: December 2025* outlined that between 1 July 2024 and 31 December 2025, NSW Police recorded 473 incidents of coercive control but laid only 22 charges of which four were also eventually withdrawn.[2] While multiple factors influence charge and conviction rates, the significant disparity between recorded incidents and charges laid suggests that the current intent threshold may be inhibiting effective prosecution of coercive control offences.

[1] Coercive control taskforce statutory report July 2025

[2] Coercive Control Quarterly Monitoring Report: December 2025

Summary Disposal of Coercive Control proceedings

YWCA Canberra reiterates concerns raised by the ACT Director of Public Prosecutions during meetings of the Steering Committee that without ancillary amendment to the *Crimes Act 1900,* perpetrators of coercive control will exploit proceedings to prolong and amplify pressure on victim-survivors.

Section 374 of the *Crimes Act 1900* provides that the prosecution can unitarily elect summary jurisdiction for any offence punishable by imprisonment for longer than 2 years but not longer than 5 years. We recognise the proposed maximum penalty of 7 years imprisonment reflects the seriousness of coercive control. Given the proposed penalty does not exceed 10 years' imprisonment, however, the consent of the defendant is also required for the matter to be disposed of summarily. While we agree with the proposed sentencing penalty, the requirement for consent by the defendant for summary disposal introduces a variable that may be weaponised by perpetrators.

Based on data from the Justice and Community Safety Directorate 2024–25 Annual Report, across the total finalisation of cases within the Magistrates Court, 91% were finalised within 12 months from lodgement, compared to only 59% in the Supreme Court.[3] Triaging of proceedings at the Supreme Court, based on objective seriousness, will likely not prioritise coercive control offending, potentially resulting in extended delays. Perpetrators of domestic and family violence are often adept at manipulating systems to extend their control. Where consent is required for summary disposal, there is a real risk that individuals accused of coercive control will elect the Supreme Court where longer wait times will prolong proceedings and extend the period during which victim-survivors remain exposed to ongoing harm.

Carve outs requiring consent by the prosecution for summary disposal exist in the *Crimes Act 1990* s 374 for certain offences that do not meet the sentencing threshold. This allows the prosecution to elect for summary disposal of certain indictable offences and have the matter heard in the Magistrates Court without requiring the consent of the accused. YWCA Canberra recommends that coercive control be added to those offences requiring the prosecutor to agree to summary disposal, and that limiting forum selection would ensure proceedings are not unnecessarily delayed.

[3] Justice and Community Safety Directorate 2024–25 Annual Report

Coercive Control Advisory Committee Oversight

YWCA Canberra supports inserting Part 21 (ss 433 - 434) into the Crimes Act, establishing a Coercive Control Advisory Committee "to provide embedded oversight and monitoring of the offence." This function will be critical given the strong focus of the Steering Committee on the necessary implementation work prior to operationalisation. Membership of this oversight committee must include frontline service providers rather than drawing on existing ministerial advisory committees that are focused on gender equality or broader violence prevention. We also support the inclusion of ACT Policing and the ACT DPP on the advisory committee.

YWCA Canberra has had a longstanding policy focus on the quality of publicly available crime data published by ACT Policing. We note there is a distinct lack of information and analysis available on the demographics of perpetrators and victim-survivors, the relationships between parties and the presence of aggravating factors such as active protection orders, or substance abuse. Similar gaps in data are evident in ACT Policing contribution to the Australian Institute of Criminology's *2023-2024 Sexual Offending* report, where key demographic information is unavailable despite comparatively sized jurisdictions providing this information.[4] To support a robust evaluation of the offence, the quality and scope of data available must be enhanced and seen as a priority for improvement. To this end, the Advisory Committee has an important role to play in pursuing improved monitoring of domestic and family violence offending which will be critical when the coercive control legislation becomes operational. Without this, there is a risk that the impact on uniquely vulnerable cohorts, including the risk of misidentification will be unmeasurable.

Recommendations:

1. **Amend the fault element at section 72J(c) to include recklessness as to the harm caused.**
2. **Amend the Crimes Act 1900 to allow coercive control offences to be summarily disposed of in the Magistrates Court without requiring the defendant's consent.**

[4] 2023-2024 Sexual Offending report,

3. **Establish the Coercive Control Advisory Committee with representation from frontline service providers and key justice agencies and include in its remit a focus on improving the quality and scope of domestic and family violence data collection and analysis in the ACT.**

Contact:

Leah Dwyer

Director Policy & Advocacy

leah.dwyer@ywca-canberra.org.au