

## Coercive control reform tracker: Australia 2023

Orange shading indicates coercive control consideration and reform since February 2020

The purpose of this table is to capture and track coercive control reforms for intimate partner and family relationships across Australia, emphasising those reforms since the murder of Hannah Clarke and her children in February 2020. In some jurisdictions there are additional laws not included in the table below which may provide protection (for example, Peace and Good Behaviour Act 1982 (Qld)) but the purpose of this table is to capture the more specific domestic and family violence laws.

| Jurisdiction      | Consultation and Recommended Reforms   | Criminalisation   | Civil Protection Regime   |
|-------------------|--|---|---|
| <b>National</b>   | <ul style="list-style-type: none"> <li>14 September 2022, the Australian Government and state and territory Attorney-Generals released a Consultation Draft of the National Principles to Address Coercive Control (<a href="#">Draft National Principles</a>). The Draft National Principles aim to create a shared understanding of coercive control across all jurisdictions and how to respond to it.</li> <li>16 September – 11 November 2022, the consultation process for the Draft National Principles was open and included an online survey and a series of targeted roundtable consultations.</li> <li>29 March 2023, a <a href="#">Consultation Summary</a> was published highlighting key themes and demographics of respondents to the survey. Feedback from the consultation is currently being reviewed and incorporated into the final National Principles, due to be released later 2023.</li> </ul> | <ul style="list-style-type: none"> <li>Draft National Principle 7 leaves it to each jurisdiction to decide whether coercive control should be a specific criminal offence.</li> </ul>                                     | <ul style="list-style-type: none"> <li>Draft National Principle 7 leaves it to each jurisdiction to decide whether to amend existing civil laws that aim to protect victim-survivors from further violence, intimidation or harassment (i.e., protection orders).</li> </ul>  |
| <b>Queensland</b> | <ul style="list-style-type: none"> <li>27 May 2021, Queensland’s Women’s Safety and Justice Taskforce commenced community consultation on how best to legislate against coercive control (<a href="#">Discussion Paper 1</a>).</li> <li>2 December 2021, the Taskforce released <a href="#">Hear her voice Report 1 Addressing coercive control and domestic and family violence in</a></li> </ul>   | <ul style="list-style-type: none"> <li>22 February 2023, the first stage of legislation against coercive control passed Parliament and lays the foundation to create a standalone offence of coercive control.</li> </ul> | <ul style="list-style-type: none"> <li>Protection orders are made for people in ‘relevant relationships’ under the <a href="#">Domestic and Family Violence Protection Act 2012 (Qld)</a>. Relevant relationships include intimate personal relationships, family relationships and informal care relationships (s13).</li> </ul> |



| Jurisdiction           | Consultation and Recommended Reforms  | Criminalisation   | Civil Protection Regime   |
|------------------------|---|---|---|
|                        | <p>Queensland with 89 recommendations for reform.</p> <ul style="list-style-type: none"> <li>10 May 2022, the <a href="#">Queensland Government responded</a> to the Taskforce accepting the 89 recommendations including criminalisation of coercive control.</li> <li>21 November 2022, the Queensland Government appoints the Office of the Independent Implementation Supervisor (OIS) to track, among other things, the progress and adequacy of implementation of the Government's response to the Hear her voice Report 1.</li> <li>21 December 2022, the OIS released its <a href="#">first biannual report</a> noting that 14 recommendations had been delivered, 60 had commenced, and 15 had not yet commenced.</li> <li>August 2023, the OIS released its <a href="#">second biannual report</a> (dated May 2023). The OIS observed a strong and genuine commitment by the Government to implement the Taskforce's recommendations.</li> <li>4 August 2023, the Queensland Government released its first <a href="#">Annual Report for 2022-23</a>. As at May 2023, the Report noted that 24 of the Taskforce's recommendations had been delivered, with a further 56 underway, and 9 not yet scheduled to commence.</li> </ul> | <ul style="list-style-type: none"> <li>The <a href="#">Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022 (Qld)</a> renames the offence of unlawful stalking to '<a href="#">Unlawful stalking, intimidation, harassment or abuse</a>' in the <a href="#">Criminal Code Act 1899 (Qld)</a> (Ch33A). This change came into effect on 1 August 2023.</li> <li><a href="#">Domestic relationship</a> is defined as a 'relevant relationship' under the <a href="#">Domestic and Family Violence Protection Act 2012 (QLD)</a>, which include intimate personal relationships, family relationships and informal care relationships.</li> </ul> | <ul style="list-style-type: none"> <li>22 February 2023, the Queensland Government passed the <a href="#">Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022 (Qld)</a>. These changes came into effect on 1 August 2023.</li> <li>The Bill introduced 'a pattern of behaviour' into the meaning of domestic violence. Behaviours listed include keeping a person in a dependent relationship, and isolating a person from family, friends and other sources of support (<a href="#">s8</a>).</li> <li>The Bill also introduces a requirement for the court to decide the party most in need of protection where there are cross applications with both parties to a relationship alleging violence (<a href="#">s41G</a>).</li> </ul> |
| <b>New South Wales</b> | <ul style="list-style-type: none"> <li>21 October 2020, the Joint Select Committee on Coercive Control was established to inquire into and report on coercive control in domestic relationships.</li> </ul>   | <ul style="list-style-type: none"> <li>23 November 2022, the NSW Government passed the <a href="#">Crimes Legislation Amendment (Coercive Control) Bill 2022 (NSW)</a>.</li> </ul>  | <ul style="list-style-type: none"> <li>Apprehended domestic violence orders are made for people in 'domestic relationships' under the <a href="#">Crimes (Domestic and Personal Violence) Act 2007 (NSW)</a>. Domestic relationships include, among other things, current or former de facto relationships, current or former intimate personal relationships</li> </ul>  |



| Jurisdiction                        | Consultation and Recommended Reforms   | Criminalisation  | Civil Protection Regime   |
|-------------------------------------|--|--|---|
|                                     | <ul style="list-style-type: none"> <li>30 June 2021, the Committee released its <a href="#">Report on Coercive Control in domestic relationships</a> with 23 recommendations.</li> <li>17 December 2021, The <a href="#">NSW Government responded</a> to the Committee's report and either Supported, Supported in principle, Supported with further consideration or Noted the 23 recommendations.</li> </ul>   | <ul style="list-style-type: none"> <li><a href="#">Under the bill, a standalone offence</a> of coercive control <b>between current or former intimate partners only</b> (s54D) <a href="#">will be introduced to the Crimes Act 1900 (NSW)</a>. The offence will carry a maximum penalty of imprisonment for 7 years. The offence will commence on 1 July 2024, or a date appointed by proclamation no earlier than 1 February 2024.</li> <li>The Bill also introduces a Coercive Control Implementation and Evaluation Taskforce (which commenced 12 December 2022).</li> </ul> | <p>(whether or not the relationship is/was of a sexual nature), current or former relatives, and where a person is living or has lived in the same household as the other person (s5).</p> <ul style="list-style-type: none"> <li><a href="#">Crimes Legislation Amendment (Coercive Control) Bill 2022 (NSW)</a> was assented 23 November 2022 to amend <i>Crimes (Domestic and Personal Violence) Act 2007</i> (NSW) and provides for a new definition of 'domestic abuse' that includes behaviour that coerces or controls the second person. The amendment will commence 1 February 2024, or a day appointed by proclamation.</li> </ul>          |
| <b>Australian Capital Territory</b> | <ul style="list-style-type: none"> <li>January 2022, the Domestic Violence Prevention Council Joint Advisory Board published its <a href="#">Discussion Paper on Criminalising Coercive Control</a> with a recommendation for community-led consultation with marginalised communities<sup>1</sup> before legislative reform is considered.</li> <li>The Paper also recommends the ACT Government observe implementation of legislation to criminalise coercive control in other Australian jurisdictions to inform possible approaches in the ACT.</li> </ul> | <ul style="list-style-type: none"> <li>June 2022, in its <a href="#">2022 Annual Safer Families Statement</a> the ACT Government confirmed that it accepted the Advisory Board's advice of further consultation, research and observation of other jurisdictions prior to considering criminalisation.</li> </ul>  | <ul style="list-style-type: none"> <li>Protection orders are made for a 'family member' under the <a href="#">Family Violence Act 2016</a> (ACT). A family member includes current or former domestic partners, current or former intimate partners, relatives, a child of a current or former domestic partner, and a parent of a child (s9).</li> <li>The Act includes in the definition of family violence coercion or any other behaviour that (A) controls or dominates the family member; and (B) causes the family member to feel fear for the safety or wellbeing of the family member or another person (s8). This definition was</li> </ul> |

<sup>1</sup> Including Aboriginal and Torres Strait Islander peoples, CALD communities, LGBTIQ+ and disability communities.



| Jurisdiction           | Consultation and Recommended Reforms  | Criminalisation  | Civil Protection Regime  |
|------------------------|---|--|--|
|                        |   |  | <p>included in the Act when it was first published in 2016 and has remained unchanged.</p> <ul style="list-style-type: none"> <li>Despite the inclusion of 'coercion' in the definition of family violence, the Act provides no explicit definition for what may be considered as coercive behaviour. The 2022 <a href="#">Discussion Paper on Criminalising Coercive Control</a> states that the coercive control provision is rarely used and recommends further exploration as to why a public education drive and increased funding may be beneficial.</li> </ul>  |
| <p><b>Victoria</b></p> | <ul style="list-style-type: none"> <li>2015, the Royal Commission into Family Violence began in Victoria. Its report and 227 recommendations were handed down in 2016.</li> <li><a href="#">November 2021</a>, Members of the Victorian Legislative Council agreed to a motion that recognised the 'prevalence of coercive control in family violence offending' and called on the Government to look into ways to 'enhance the understanding of coercive and controlling behaviour in our community and the justice system'.</li> <li>March 2022, the Victorian Parliament released a research paper, '<a href="#">What is Coercive Control?</a>' which considers criminalisation and notes some stakeholder opposition to criminalisation.</li> <li>28 January 2023, the Victorian Government announced the implementation of the final recommendations of the Royal Commission, implementing <a href="#">all 227 recommendations</a>.</li> </ul> | <ul style="list-style-type: none"> <li>There has been no statement in relation to the introduction of a criminal offence for coercive control in Victoria</li> </ul> | <ul style="list-style-type: none"> <li>Family violence intervention orders are made for a family member under the <a href="#">Family Violence Protection Act 2008 (Vic)</a>. A 'Family member' includes a current or former domestic partner or spouse, a current or former intimate personal relationship, a current or former relative, a child who regularly resides with a relevant person (or has so previously), and a child of a current or former intimate personal relationship (s8).</li> <li>The Act includes in the definition of 'family violence' behaviour that is coercive or in any other way controls or dominates the family member and causes that family member to fear for the safety or wellbeing of that family member or another person (s5). This definition was included when the Act was first introduced in 2008 and has remained unchanged.</li> </ul> |



| Jurisdiction    | Consultation and Recommended Reforms  | Criminalisation   | Civil Protection Regime   |
|-----------------|---|---|---|
| South Australia | <ul style="list-style-type: none"> <li>September and October 2021, a consultation on a proposed South Australian office of coercive control was conducted. There were 173 respondents to the public survey and 31 detailed submissions received to this consultation</li> <li>2 February 2022, <a href="#">the SA Government sought submissions</a> following its release of <a href="#">Discussion Paper: Implementation considerations should coercive control be criminalised in South Australia</a>.</li> <li>May 2022, the SA Government published its <a href="#">Overview of Submissions</a> from the 22 submissions received for the consultation.</li> <li><a href="#">28 September 2022</a>, the SA Government confirmed that consultation with a wide range of groups and other jurisdictions had started. Once the consultations have concluded, the Government will put draft legislation before parliament.</li> <li>12 April 2023, the SA Government launched its <a href="#">public awareness campaign</a> across social media platforms Instagram, Facebook, TikTok, YouTube and Snapchat and on bus shelters around the metropolitan area targeting young people to <a href="#">‘see the signs’</a> of coercive control.</li> </ul> | <ul style="list-style-type: none"> <li>The SA Government have committed to <a href="#">criminalising coercive control</a>.</li> <li>Since 2018 there have been numerous Bills introduced to parliament to criminalise coercive control.<sup>2</sup></li> <li>The most recent Bill introduced in October 2021 (<a href="#">Criminal Law Consolidation (Abusive Behaviour) Amendment Bill 2021 (SA)</a>) has now lapsed. This Bill limited the offence of ‘engaging in abusive behaviour’ to persons who are married, domestic partners or some other form of intimate personal relationship (s20B(10)).</li> <li><a href="#">17 November 2022</a> the Government confirmed that, in line with its election commitments, it will be introducing legislation to criminalise coercive control in 2023 as well as exploring the many aspects of community awareness, training and resourcing that are needed to support the implementation of future legislation.<sup>3</sup></li> </ul> | <ul style="list-style-type: none"> <li>Intervention orders are made for the protection of any person (against whom it is suspected the defendant will commit an act of abuse) under the <a href="#">Intervention Orders (Prevention of Abuse) Act 2009 (SA)</a> (s7).</li> <li>The principles for intervention against abuse include that abuse may involve overt or subtle exploitation of power imbalances and may consist of isolated incidents or patterns of behaviour (s10(1)(b)). It also includes that it is of primary importance to prevent abuse and to prevent children from being exposed to the effects of abuse (s10(1)(c)). These principles were included when the Act was first passed in 2009 and have remained unchanged. The principles do not include the term “coercive control”.</li> <li>Domestic abuse applies where two persons are, (among other things) married, domestic partners, in some other form of intimate personal relationship, one is the child, stepchild or grandchild of the other (regardless of age), and otherwise related to each other by or</li> </ul> |

<sup>2</sup> <https://www.parliament.vic.gov.au/publications/research-papers/download/36-research-papers/14048-what-is-coercive-control>

<sup>3</sup> The SA Government has confirmed it is committed to hearing the voices of victim survivors, at-risk groups, women who live in regional areas, women from diverse cultural backgrounds and Aboriginal women



| Jurisdiction                    | Consultation and Recommended Reforms  | Criminalisation  | Civil Protection Regime  |
|---------------------------------|---|--|--|
|                                 |   |  | <p>through blood, marriage, domestic partnership or adoption (s8).</p> <ul style="list-style-type: none"> <li>Domestic abuse also applies where two people are related according to Aboriginal or Torres Strait Islander kinship rules or are both members of some other culturally recognised family group (s8).</li> </ul>   |
| <p><b>Western Australia</b></p> | <ul style="list-style-type: none"> <li>March 2022, the <a href="#">WA Government community consultation</a> on coercive control commenced. The review will consider whether the Government needs to change laws to better protect victim-survivors or coercive control.</li> <li>11 December 2022, the WA Government released a <a href="#">media statement</a> sharing a <a href="#">consultation snapshot</a> and noting that more than 300 submissions had been received. The Commissioner will present a final report to Government in 2023.</li> </ul> | <ul style="list-style-type: none"> <li>There has been no statement yet in relation to the introduction of a stand-alone offence for coercive control, however the March 2022 community consultation paper considered criminalisation.</li> </ul> | <ul style="list-style-type: none"> <li>Restraining orders are made to protect family members against family violence under the <a href="#">Restraining Orders Act 1997 (WA)</a>.</li> <li>Family members include, among other things, a relationship between two persons who are, or were, married to each other, in a de facto relationship, related to each other and one of whom is, or was, a child whom the other person is a guardian (s4(1)).</li> <li>1 July 2017, family violence was defined in the Act following the <a href="#">Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016 (WA)</a>. Family Violence includes any other behaviour by a person that coerces or controls the family member or causes the member to be fearful (s5A).</li> <li>2020, the <a href="#">Family Violence Legislation Reform Act 2020 (WA)</a> expanded the definition of family violence to include coercing in connection with demanding or receiving dowry, before or after a marriage.</li> </ul> |





| Jurisdiction                     | Consultation and Recommended Reforms  | Criminalisation  | Civil Protection Regime   |
|----------------------------------|---|--|---|
| <p><b>Northern Territory</b></p> | <ul style="list-style-type: none"> <li>• May 2021, the Territory’s Domestic, Family and Sexual Violence Cross Agency Working Group agreed that there was ‘a need to consider changes to the law and policy to effectively address coercive control as an integral part of DFV’.</li> <li>• August 2022, the Department of the Attorney-General and Justice released the <a href="#">Review of Legislation and the Justice Responses to Domestic and Family Violence in the Northern Territory</a> for consultation.</li> <li>• 1 June 2023, the Northern Territory Government released an exposure draft of the <a href="#">Justice Legislation Amendment (Domestic and Family Violence) Bill 2023 (NT)</a> which proposes amendments to the civil protection regime under the <a href="#">Domestic and Family Violence Act 2007 (NT)</a>. The Government is seeking public feedback on the Bill until 22 August 2023.</li> <li>• The proposed amendments include (among others): <ul style="list-style-type: none"> <li>○ expanding the definition of ‘domestic violence’ to include, among other things, coercive control, emotional or psychological abuse and the use of technology to facilitate abuse (s7);</li> <li>○ redefining ‘intimate personal relationship’ to include two persons who have engaged in a sexual act of conduct, whether consensual or not (s11);</li> <li>○ expanding the definition of ‘domestic relationship’ to include, among other things, ex-partners of current partners</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Coercive control has not been criminalised in NT though criminalisation was put forward as an option for consideration in the August 2022 consultation.</li> <li>• 1 June 2023, exposure draft <i>Justice Legislation Amendment (Domestic and Family Violence) Bill 2023 (NT)</i> does not propose a standalone criminal offence for coercive control.</li> </ul> | <ul style="list-style-type: none"> <li>• Domestic Violence Orders are made to protect persons in a domestic relationship against violence under the <a href="#">Domestic and Family Violence Act 2007 (NT)</a>.</li> <li>• A person is in a domestic relationship with another person if the person is, among other things,: <ul style="list-style-type: none"> <li>○ A spouse or de facto partner of the other person;</li> <li>○ Is otherwise a relative of the other person;</li> <li>○ Has or had the custody or guardianship of the other person;</li> <li>○ Is or has been in an intimate personal relationship with the other person; or</li> <li>○ Ordinarily or regularly lives with the other person (s9)(s10).</li> </ul> </li> <li>• Two persons are in an intimate personal relationship if they are engaged to be married to each other or if they date each other, regardless of whether the relationship involves a sexual relationship (s11).</li> <li>• Domestic violence includes intimidation which is defined to include conduct that causes a reasonable apprehension of violence to the person, including sexually coercive behaviour (s6).</li> <li>• Domestic violence also includes economic abuse which is defined to include coercing a person to relinquish control over assets or income (s8).</li> <li>• Both above definitions were included in the Act when it was commenced on 1 July 2008 and have not changed.</li> </ul> |



| Jurisdiction    | Consultation and Recommended Reforms   | Criminalisation  | Civil Protection Regime  |
|-----------------|--|--|--|
|                 | <p>(and vice versa) and family members of current partners (and vice versa) (s9);</p> <ul style="list-style-type: none"> <li>○ allowing a DVO to include an order imposing a party destroy an intimate image of the other party (s18);</li> <li>○ allowing issuing authorities to consider past DVOs (current and expired) when deciding whether to make a new DVO (s16);</li> <li>○ for police issued DVOs where there is concern of misidentification of a protected person, allowing the Court to request the Commissioner of Police file a certificate identifying the protected person if the Court is not satisfied the protected person has been correctly identified (s23).</li> </ul> |  |  |
| <b>Tasmania</b> | <ul style="list-style-type: none"> <li>• August 2003, the Tasmanian Department of Justice and Industrial Relations released an <a href="#">Options Paper</a> proposing a new model for addressing family violence within criminal law. It included recommendations to broaden the definition of family violence to include non-physical forms of abuse.</li> </ul>   | <ul style="list-style-type: none"> <li>• Economic abuse, emotional abuse and intimidation are offences under the <a href="#">Family Violence Act 2004 (TAS)</a> and encompass coercive and controlling behaviours. This offence is punishable by fine not exceeding 40 penalty units or imprisonment for a term not exceeding two years (s8)(s9).</li> <li>• The offences are limited to <b>relationships of spouse or partner</b>.</li> </ul> | <ul style="list-style-type: none"> <li>• Family violence orders can be made under the <a href="#">Family Violence Act 2004 (TAS)</a> to prevent the commission of family violence against an affected person or to protect any other person named in the order (s4, s15, s16).</li> <li>• Family violence includes coercion and intimidation against a person's <b>spouse or partner only</b> (s7).</li> </ul> |

