

Coercive control in the Victorian context: Continuing the conversation

February 2026

Acknowledgement of Traditional Owners

Acknowledgement of Aboriginal and Torres Strait Islander peoples

Safe and Equal is based on Wurundjeri Country. We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional and ongoing custodians of the lands on which we live and work, and we pay respects to Elders past and present. We acknowledge that sovereignty has never been ceded and recognise First Nations peoples' rights to self-determination and continuing connections to land, waters and community.

Honouring Victim Survivors

Safe and Equal acknowledges the strength and resilience of adults, children and young people who have experienced family violence and recognises that it is essential that responses to family violence are informed by their expert knowledge and advocacy. We pay respects to those who have not survived and acknowledge the lasting impacts of this preventable violence on families and communities.

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Authors:

Kimberley Hay, Policy Advisor

Ruth Fox, Policy Advisor

Key Contact: Chris Mathieson, Interim CEO

About Safe and Equal

At Safe and Equal, we work towards a world where everyone is safe, respected and thriving, living free from family and gender-based violence.

We are the peak body for Victorian organisations that specialise in family and gender-based violence across the continuum, including primary prevention, early intervention, response and recovery. We are an independent, non-government organisation.

Our work prioritises the safety of all people experiencing, recovering from or at risk of family and gender-based violence. While we know that most family violence is perpetrated by men against women and children, we recognise that family violence impacts people across a diversity of gender identities, social and cultural contexts, and within various intimate, family and other relationships. We apply an intersectional feminist lens in our work to address the gendered drivers of violence, and how these overlap and intersect with additional forms of violence, oppression and inequality.

As a peak, we work with and for our members to prevent and respond to violence, building a better future for adults, children and young people experiencing, at risk of, or recovering from family and gender-based violence.

Contents

| | |
|---|----|
| Acknowledgement of Traditional Owners | 2 |
| Honouring Victim Survivors | 2 |
| About Safe and Equal | 3 |
| Background and context | 5 |
| What is coercive control? | 7 |
| Defining coercive control in the context of family violence | 7 |
| Victim survivor views on the criminalisation of coercive control | 8 |
| Why we do not support criminalising coercive control | 9 |
| Coercive control is already recognised in the Victorian law and justice response to family violence | 9 |
| There is no clear evidence that criminalisation of coercive control supports victim survivor safety and perpetrator accountability | 10 |
| The criminal justice system was not designed to respond to the complexities of family violence and coercive control | 12 |
| There are significant unintended consequences in criminalising coercive control | 13 |
| Victim survivors may be less likely to seek help and report family violence, particularly victim survivors who are already marginalised | 13 |
| The likelihood of victim survivors experiencing secondary victimisation | 14 |
| The potential for systems abuse, including increased risk of a victim survivor being misidentified as the perpetrator of violence | 15 |
| Perceived benefits of the criminalisation of coercive control | 18 |
| Community awareness of coercive control | 18 |
| Access to justice and improvement in police responses | 19 |
| Victim survivor safety and perpetrator accountability | 19 |
| A whole-of-system response is needed | 20 |
| Conclusion | 21 |

Background and context

In May 2021, Safe and Equal published a position paper on coercive control titled '[Responding to Coercive Control in Victoria – Broadening the conversation beyond criminalisation](#)'. The purpose of the paper was to establish Safe and Equal's position on the criminalisation of coercive control in the context of family violence as a standalone offence, within the broader environment of the Victorian system at that time. The paper was in response to growing calls for coercive control in the context of family violence to be criminalised following the introduction of a standalone criminal offence in both England and Wales in 2015, and then Scotland and Ireland in 2018.

At the time of publishing in 2021, we outlined how coercive control in the context of family violence is already addressed in the justice system via the civil law in Victoria and highlighted the significant potential unintended consequences of criminalising coercive control as a standalone offence. We concluded that the most effective response to addressing coercive control in Victoria would be via a 'whole-of-system' response and did not support the introduction of a new standalone offence to criminalise coercive control in the state.

Our intention was for this position to be revisited to ensure it remained grounded within the most contemporary evidence-base. As coercive control in the context of family violence remains a critical and significant issue without an effective systemic response in Victoria, this paper seeks to revisit this position using updated research and evidence. Since the publishing of the original position paper in 2021, there have been several developments, including emerging data from both international and domestic jurisdictions, contemporary coercive control research, and a changing national landscape in legislative responses to coercive control.

NSW introduced coercive control as a standalone criminal offence in July 2024¹, with Queensland doing the same in May 2025.² In September 2025 the South Australian Government introduced legislation for a standalone coercive control offence that will come into effect in two years' time.³ In the same month, the ACT government announced their intention to criminalise coercive control by mid-2026.⁴ In 2023, Western Australia announced a plan to introduce a standalone criminal offence with no official date of commencement announced.⁵

While other states and territories have not introduced a standalone offence, they have implemented alternative legislative responses. The Northern Territory legislated a change which commenced in 2024 to include a definition of coercive control within their Domestic and Family Violence Act, meaning coercive control is now included under the offence of family

¹ NSW Government (2025) *Coercive control and the law*, NSW Government. Accessed 30 June 2025.

<https://www.nsw.gov.au/family-and-relationships/coercive-control/law>.

² Queensland Government (2025) *Coercive control laws*, Queensland Government. Accessed 30 June 2025.

<https://www.qld.gov.au/community/getting-support-health-social-issue/support-victims-abuse/need-to-know/coercive-control/coercive-control-laws>

³ Government of South Australia (2025) *Landmark DFSV reforms pass State Parliament*, SA Attorney-General's Department. Accessed 4 Dec 2025. <https://www.agd.sa.gov.au/news/landmark-dfsv-reforms-pass-state-parliament>

⁴ ACT Government (2025) *Lived Experience to law: ACT to criminalise coercive control in 2026*. Accessed 4 Dec 2025.

<https://www.cmtedd.act.gov.au/open-government/inform/act-government-media-releases/marisa-paterson-mla-media-releases/2025/lived-experience-to-law-act-to-criminalise-coercive-control-in-2026>

⁵ Government of Western Australia (2023) *Justice reforms to target coercive control*. Accessed 4 Dec 2025.

<https://www.wa.gov.au/government/media-statements/Cook%20Labor%20Government/Justice-reforms-to-target-coercive-control-20231128>

violence.⁶ Tasmanian legislation passed in 2005 under the *Family Violence Act 2004* includes two offences that criminalise non-physical forms of family violence such as economic and emotional abuse.⁷ While this has been broadly interpreted as criminalising coercively controlling behaviours, we assert this reflects an inaccurate definition of coercive control (see section ‘Defining coercive control in the context of family violence’).

In addition, the *National Principles to Address Coercive Control in Family and Domestic Violence* published in 2022, were developed to provide a shared understanding of coercive control, alongside guiding considerations to inform effective responses. The National Principles state the decision to create a standalone offence to criminalise coercive control is the responsibility of states and territories.⁸ Finally, most recently as of December 2025 in Victoria, there is now legislation in progress to criminalise coercive control.

To inform this position paper, Safe and Equal consulted with our lived experience program survivor advocates⁹ and member Specialist Family Violence Services (SFVSs) who work directly with victim survivors, including targeted services.¹⁰ We also reviewed key pieces of evidence published since 2021. These have primarily focused on Australian victim survivors’ views on the criminalisation of coercive control, including First Nations voices, emerging quantitative data on outcomes from the criminalisation of coercive control, and reflections from victim survivors and professionals in Scotland, England and Wales on their experience of the coercive control judicial process.

On reviewing the above, our position remains that criminalisation of coercive control in Victoria is not the most effective way to increase victim survivor safety and perpetrator accountability, and that it instead requires a ‘whole-of-system’ response to coercive control within a family violence context.¹¹

This paper describes how Safe and Equal understands coercive control, unpacking some of the definitional differences that have arisen in public discourse within a family violence context. We then outline victim survivors’ views on the criminalisation of coercive control, respecting and recognising the range of victim survivor perspectives. We also outline the reasons why we think coercive control should not be criminalised, including the perceived benefits of criminalisation and why and how these benefits could be better achieved through other means.

⁶ *The Justice Legislation Amendment (Domestic and Family Violence) Act 2023* (NT). Available at: <https://legislation.nt.gov.au/Bills/Justice-Legislation-Amendment-Domestic-and-Family-Violence-Bill-2023-S106?format=assented>

⁷ Commonwealth of Australia (2021) *Inquiry into family, domestic and sexual violence*. House of Representatives Standing Committee on Social Policy and Legal Affairs. https://parlinfo.aph.gov.au/parlInfo/download/committees/reportrep/024577/toc_pdf/Inquiryintofamily,domesticandsexualviolence.pdf

⁸ Commonwealth of Australia (2023) *National Principles to Address Coercive Control in Family and Domestic Violence*, Attorney-General’s Department. Accessed 5 Aug 2025. <https://www.ag.gov.au/system/files/2023-09/national-principles-to-address-coercive-control-family-and-domestic-violence.PDF>

⁹ The Safe and Equal lived experience program, underpinned by the [Family Violence Experts by Experience Framework](#), is a formal mechanism to further embed experiences, perspectives and the expertise of survivor advocates into Safe and Equal, the wider Victorian family violence system and sectors outside of our own. This is part of the ongoing development of specialist family violence practice, which must always be informed by victim survivors’ lived experiences, knowledge and expertise.

¹⁰ Targeted services are specialist family violence services or programs, either at the statewide or local level, that provide support for victim-survivors from specific communities, such as multicultural communities or ethno-specific groups, LGBTIQ communities, older people and people with disability.

¹¹ As the peak body for Specialist Family Violence Services (SFVSs) for victim survivors in Victoria, the analysis in this paper is limited to the Victorian context. We recognise that there are variations in existing family violence legislative and policy frameworks in each State and Territory. Safe and Equal is not seeking to apply our analysis to jurisdictions outside of Victoria.

What is coercive control?

Coercive control in the context of family violence is a complex phenomenon and can be challenging to conceptualise, describe and define. Although the tactics and pattern of behaviours used by each perpetrator and the experience and context for each victim survivor is unique, coercive control is common to all experiences of family violence and significantly impacts on the safety, autonomy, health and wellbeing of all victim survivors, ultimately robbing them of their sense of identity and liberty.

A clear, consistent, and shared understanding of coercive control across systems, services and agencies must be established before conversations about criminalisation can progress in a meaningful way.¹² Whilst definitions of coercive control exist,¹³ public discourse around whether coercive control should be criminalised reveals variation in how the concept is interpreted and understood.¹⁴

Defining coercive control in the context of family violence

Safe and Equal defines coercive control in the context of family violence as a pattern of abusive behaviours and tactics used by a perpetrator of family violence to gain power and control over a victim survivor.¹⁵ This pattern is designed to instil terror and fear, and to remove any sense of liberty, autonomy and freedom,¹⁶ ultimately shutting down any viable options for the victim survivor to escape the abuse.¹⁷

It is difficult to truly capture the impacts of coercive control without the voices of victim survivors themselves. The quote below is taken from a victim survivor's submission to Victoria's Royal Commission into Family Violence, who describes the devastating impact that coercive control has on every aspect of their life:

*"It is the prevalence and the all-encompassing awareness that you are living with something that is dangerous – life threatening. That fact slowly and methodically eats away at your self-awareness and ability to make decisions. All your decisions are about self-preservation and how safe you are from day to day and hour to hour."*¹⁸

As the discourse about criminalising coercive control has gained momentum across Australia, Safe and Equal has raised concerns that coercive control has at times been framed as a

¹² We note that the need for a consistent definition of coercive control and of domestic and family violence across legislative and policy settings Australia-wide was one of the key considerations listed in: Australia's National Research Organisation for Women's Safety. (2021). *Defining and responding to coercive control: Policy brief (ANROWS Insights)*. ANROWS.

¹³ For example, *The National Principles to Address Coercive Control in Domestic and Family Violence* state: "Coercive control is almost always an underpinning dynamic of family and domestic violence. Perpetrators exert power and dominance over victim-survivors using patterns of abusive behaviours over time that create fear and deny liberty and autonomy." Attorney-General's Department. (2024). *The National Principles to Address Coercive Control in Family and Domestic Violence*. Available at: <https://www.ag.gov.au/families-and-marriage/publications/national-principles-address-coercive-control-family-and-domestic-violence>

¹⁴ Walklate, S., Fitz-Gibbon, K., & McCulloch, J. (2017). Is more law the answer? Seeking justice for victims of intimate partner violence through the reform of legal categories. *Criminology & Criminal Justice*, 18(1), 115-131.

¹⁵ Domestic Abuse Intervention Programs. (N.D). *Understanding the Power and Control Wheel*. Accessed 2 June 2025 <https://www.theduluthmodel.org/wheels/understanding-power-control-wheel/>

¹⁶ The concept of coercive control gained traction with the publishing of Evan Stark's book on men's violence against women: Stark, E. (2007). *Coercive control: How men entrap women in personal life*. New York: Oxford University Press..

¹⁷ Tarrant, S., Tolmie, J., & Giudice, G. (2019). *Transforming legal understandings of intimate partner violence*. ANROWS. ANROWS p17; Australia's National Research Organisation for Women's Safety. (2021). *Defining and responding to coercive control: Policy brief (ANROWS Insights, 01/2021)*.

¹⁸ State of Victoria (2014–16) *Royal Commission into Family Violence: Report and recommendations*, Vol I, Parl Paper No 132. P20.

standalone tactic or ‘type’ of family violence. This has resulted in equating the criminalisation of coercive control with the criminalisation of specific tactics, behaviours or types of non-physical family violence (for example, emotional or psychological abuse).

However, coercive control is **inherent to all forms of family violence**. Any other understanding risks minimising the power and control dynamics that are central to identifying and understanding a victim survivor’s complex, unique and enduring experience of family violence.

Victim survivor views on the criminalisation of coercive control

It is crucial to understand the views of victim survivors on the criminalisation of coercive control, and to recognise the range of perspectives from victim survivors of family violence as individuals, rather than a homogenous group. Since 2021, a handful of studies have explored the perspectives of people with lived experience of family violence, including those who have experienced the criminal justice system both domestically and internationally. Safe and Equal also worked closely with our own lived experience survivor advocates to consult and hear their views.

The most notable research of victim survivor views on coercive control criminalisation conducted in Australia was the 2023 Monash University national study of 1,261 victim survivors over the age of 18, which found that 87.5% of those surveyed expressed in-principle support for a standalone coercive control offence.¹⁹ Perceived benefits included increased community awareness of coercive control, access to justice and improvement in police responses, and increased victim survivor safety (further discussed in the ‘perceived benefits’ section).²⁰

In this study, positive views on the criminalisation of coercive control were expressed by a diverse range of victim survivors, including Aboriginal victim survivors, victim survivors with disability and LGBTQIA+ victim survivors. Across all victim survivors’ responses (including for each cohort), community awareness of coercive control was consistently identified as the key benefit of criminalisation. Victim survivor safety was identified as the least likely benefit for all groups, however there was some deviation between the level of agreement, with only 31% of First Nations women responding positively compared to 72% of all surveyed victim survivors.

Among the victim survivors who supported criminalisation of coercive control, there was still recognition of the limits of the law. Many felt that it would not have increased their own safety, but the system would be improved for future victim survivors. Participants, including those who agreed with criminalisation, also raised concerns around the negative impacts of the law,

19 Fitz-Gibbon, K., Reeves, E., Meer, S. & Walklate, S. (2023) *Victim-survivors’ views on and expectations for the criminalisation of coercive control in Australia: Findings from a national survey*. Griffith University. DOI: <https://doi.org/10.26180/22309345>

20 This was further reiterated in follow-up interviews with 130 female victim survivors who responded to the initial survey: Fitz-Gibbon, K., Walklate, S., Meyer, S. & Reeves, E. (2024) *The criminalisation of coercive control: A national study of victim-survivors’ views on the need for, benefits, risks and impacts of criminalisation*. Criminology Research Grants. DOI: <https://doi.org/10.52922/crg77673>

systems abuse and misidentification, particularly for already marginalised communities. The complexity of these views was captured by one victim survivor:

“The benefit of the specific law would be in all the things that come with it including clear definitions, education for police, magistrates and the public. As with all new laws there is the risk of misuse by perpetrators and unintended consequences that could have catastrophic effects for victims, to be taken into consideration.”²¹

Safe and Equal lived experience survivor advocates unanimously and strongly opposed the criminalisation of coercive control in Victoria during consultation in late 2024. The primary reasons included a lack of confidence in the police and justice systems to appropriately respond to coercive control as a criminal issue, increased opportunity for perpetrators to use claims of coercive control to inflict further harm on victim survivors and perpetuate the abuse via ‘systems abuse’, an increased opportunity for misidentification and the resulting long-lasting and significant impacts on victim survivors.

The views of victim survivors on the criminalisation of coercive control are not unanimous. Safe and Equal respects and values the views of all people with lived experience of family violence, whether our ultimate position on the criminalisation of coercive control are aligned.

Why we do not support criminalising coercive control

Whilst it is clear the current response to coercive control needs to be strengthened urgently, caution must be taken to ensure that the sense of urgency does not prevent careful consideration of all options and solutions, including those that lie outside of the criminal justice system. If we do not take a ‘whole-of-system’ perspective, there is a risk that limitations in other parts of the family violence system will be overlooked and we risk losing sight of victim survivors and what will actually make them safer, particularly victim survivors who never engage with the justice system due to a myriad of barriers including fear that the system will not provide a safe response.

Coercive control is already recognised in the Victorian law and justice response to family violence

In Victoria, coercive, controlling and dominating behaviour is enshrined in the definition of family violence within the *Family Violence Protection Act (Vic) 2008* (the FVPA),²² and its *Preamble*, which sets out the principles underpinning the Act include recognising family violence as ‘patterns of abuse’ that occur over time. The definition of family violence in the FVPA guide legal, policy and practice frameworks in Victoria means that if a victim survivor is experiencing coercive and controlling behaviours, they can apply for a Family Violence Intervention Order (FVIO) within the civil court.²³

21 Fitz-Gibbon, K., Walklate, S., Meyer, S. & Reeves, E. (2023) *The criminalization of coercive control: The benefits and risks of criminalization from the vantage of victim-survivors*. in H Douglas, K Fitz-Gibbon, L Goodmark & S Walklate (eds), *The Criminalisation of Violence against Women: Comparative Perspectives*. Interpersonal Violence, Oxford University Press, Oxford UK, pp. 21-42. <https://doi.org/10.1093/oso/9780197651841.003.0002>

22 Family Violence Protection Act 2008 (Vic) s.5.

23 Note: Victoria Police can also apply for a Family Violence Safety Notice (FVSN) if a person needs immediate protection <https://www.police.vic.gov.au/intervention-orders>; Family Violence Intervention Orders are also known as a “domestic violence

The application for a FVIO²⁴ provides clear examples of coercive and controlling behaviours (p2)²⁵, and asks specific questions about whether the perpetrator acts in a manner that in any way controls or dominates the victim survivor and causes them to feel fear for their safety. Importantly, it asks the victim survivor to document if there have been “other incidents or patterns of family violence by the respondent [perpetrator] in the past” (p8). If any of the conditions on the FVIO²⁶ are subsequently breached, it is considered a criminal offence²⁷.

While victim survivor experiences under this process can vary, a 2022 report by the Sentencing Advisory Council found that the number of FVIOs with a breach offence sentenced steadily increased from 2011 to 2019.²⁸ Consulted stakeholders noted this may partially be attributed to police taking ‘coercive control type behaviour’ more seriously – for example, breaches due to texting or calling a victim survivor – indicating how the existing legislation could be better utilised to respond to coercive control.

By including coercive, controlling and dominating behaviours in family violence legislation in Victoria, there is already a pathway to criminalise coercive and controlling behaviour through the issuing of a civil IVO and then issuing a criminal offence if that IVO is breached. Any system failure in Victoria in responding to coercive control then is not a consequence of not having a standalone criminal offence. It is a consequence of the Victorian justice system not effectively applying existing mechanisms to respond to coercive control. We argue that introducing a new offence will not ensure it is applied correctly. Instead, efforts to improve responses to coercive control should focus on correctly and fully applying existing mechanisms to respond. Increases in IVO breach offences being sentenced may indicate this is improving, however there is more work to be done.

There is no clear evidence that criminalisation of coercive control supports victim survivor safety and perpetrator accountability

The aim of any systemic response to family violence is to improve victim survivor safety and to hold perpetrators to account. We note that since coercive control offences have been introduced in Australia and overseas, data has emerged that speaks to the number of charges laid and prosecuted. However, clear evidence is yet to emerge about the impacts and outcomes of introducing coercive control offences on victim survivor safety, and perpetrator accountability. While there are some outcome-focused evaluations, these are all in international contexts and are limited in both scope and scale. There is currently no outcome-focused evidence within Australia.

order (DVO), intervention order, protection order, family violence order (FVO) or a violence restraining order (VRO) in other states and territories.

24 Magistrates Court Victoria (2025) *Application for a family violence intervention order FVIO1*. Accessed on 4 Dec 2025. <https://www.mcv.vic.gov.au/form-finder/application-family-violence-intervention-order-fvio1>

25 Examples under ‘Coercing, controlling, dominating or terrorising behaviors’ include: Intimidating, bullying, frightening; Controlling where someone goes, what they wear or eat, when they sleep, who they can see; Stopping someone from seeing or speaking to others; Withholding mobility aids, disability equipment or medication; Forcing someone to marry without their consent; Using choking, strangulation or suffocation as a form of manipulation to control or influence another person

26 Family Violence Protection Act 2008 (Vic) Division 5. Note: s81(2)(a) prohibits the respondent from committing family violence against the victim-survivor (‘protected person’).

27 Family Violence Protection Act 2008 (Vic) Division 10. Contravention of Family Violence Intervention Order.

28 Note this did include a drop in 2020, which follows the trend of a drop in usual court operations and fewer sentenced cases in 2020: Sentencing Advisory Council (2022) *Sentencing Breaches of Family Violence Intervention Orders and Safety Notices: Third Monitoring Report*. Victorian Government. Accessed 4 Sep 2025.

<https://www.sentencingcouncil.vic.gov.au/publications/sentencing-breaches-of-family-violence-intervention-orders-and-safety-notices>

We note that caution should be taken when applying evidence from international jurisdictions to Australia, due to differences in the justice and system response and the broader societal context, particularly considering the context of colonisation and the devastating ongoing effects on Aboriginal and Torres Strait Islander communities. This caution also applies to evidence from other State and Territories compared to Victoria, particularly due to contextual differences in legislation and the justice and family violence systems.

Recognising that the implementation of coercive control as a criminal offence in NSW occurred recently and there has been limited time for conclusive data, initial figures indicate that from July 2024 to June 2025, there were 297 reports of coercive control. In 38 per cent of cases, coercive control was the only offence recorded. From these reports, nine charges were laid (3 per cent of total reports). Three charges have been finalised in court: two were withdrawn by the prosecution and one conviction was proven with an Intensive Correction Order received by the defendant. The rest remain pending to the court as of 30 June 2025.²⁹

The data from Queensland is also emerging. In a six-month period since the introduction of a standalone offence, 149 reports of coercive control were made, leading to 53 charges. While the number of charges laid is higher comparatively to NSW, the outcomes of these charges are unclear.³⁰ Out of the total 149 reports, 40 were marked as solved, however it is unknown if these resulted in a plea, conviction or dismissal.

Internationally, a review of the implementation of coercive control offences in Scotland, England and Wales found that uptake of prosecutions for coercive control has been slow, with coercive control charges being less than 6% of total domestic and family violence charges laid in Scotland, and less than 6% of coercive control complaints recorded by police in England and Wales result in a charge.³¹

Additionally, while frontline police statistics suggest increasing awareness of the offence of coercive control, prosecution and conviction rates remain low,³² potentially due to the onerousness of evidence collection,³³ the difficulty of evidencing the crime 'beyond a reasonable doubt' (meaning victim survivor testimony is more heavily relied upon), and the efficacy of the law as a response to such complex behaviour.

We note that the number of charges laid and the outcome of those charges is not necessarily an indication of the 'success' of criminalisation, which should be measured based on whether victim survivors who experience the judicial response to coercive control felt they were safe and supported and the perpetrator held to account. It is therefore crucial that, as criminalisation is implemented in various jurisdictions, qualitative research is undertaken to build this evidence base. In the limited number of international qualitative studies conducted with victim

²⁹ NSW Bureau of Crime Statistics and research (2025), *Coercive control monitoring report Quarterly report June 2025*

³⁰ Levy, A. (2025) 'Queensland's new coercive control laws see more than 50 charges in six months', *ABC News*, 28 November. Accessed 3 December 2025: <https://www.abc.net.au/news/2025-11-28/coercive-control-laws-in-queensland-record-more-than-50-charges/106056170>.

³¹ Bettinson, V., Munro, V.E. and Burton, M. (2024). Going for gold: Professionals' perspectives on the design and implementation of transformative coercive control offences in Scotland and England and Wales. *Criminology & Criminal Justice*. doi:<https://doi.org/10.1177/17488958241263458>

³² Fitz-Gibbon, K, Walklate, SL, Meyer, S & Reeves, E (2023) The criminalization of coercive control: The benefits and risks of criminalization from the vantage of victim-survivors. in H Douglas, K Fitz-Gibbon, L Goodmark & S Walklate (eds), *The Criminalisation of Violence against Women: Comparative Perspectives*. Interpersonal Violence, Oxford University Press, Oxford UK, pp. 21-42. <https://doi.org/10.1093/oso/9780197651841.003.0002>

³³ Barlow, C and Walklate, S (2025) Learning Lessons from the Criminalisation of Coercive and Controlling Behaviour Ten Years On: The Implementation Journey in England and Wales. *International Journal for Crime, Justice and Social Democracy*. 14(4) p145-155. doi: 10.5204/ijcsd.3700.

survivors who experienced the criminal justice system following the introduction of the standalone coercive control offence, the findings show inconsistencies in safety throughout, and concern that police responses and sentencing outcomes for perpetrators was not reflective of their experience of family violence

Considering there is limited, if any, evidence demonstrating that introducing a stand-alone criminal offence for coercive control increases victim survivor safety, there should instead be a focus on whole-of-system responses to family violence and perpetrator accountability.

The criminal justice system was not designed to respond to the complexities of family violence and coercive control

The criminal justice system is not currently equipped to deal with the complexity and nuance that coercive control presents. The criminal justice system was never established to deal with the level of complexity posed by family violence, and it remains a challenge for criminal justice professionals to adequately respond to patterns of abuse rather than an incident-based response.³⁴ This is also reflected in international evidence, which, ten years on from the implementation of the coercive control legislation in England and Wales, found that “legislation is always going to be limited by the same constraints any criminal justice system has had, and continues to have, in responding to domestic abuse more broadly.”³⁵

The complex and individualised nature of coercive control means that behaviours which are understood as abusive from the perspective of a victim survivor, might be very difficult for others to identify, evidence and prosecute within the current criminal justice system³⁶. For an individual victim survivor, a look or a deliberately chosen word can instil fear and dread as part of a pattern of coercively controlling behaviour, but it can be difficult to demonstrate how this is family violence to a criminal degree.

Implementation, effective and consistent enforcement, and prosecution of a criminal offence of coercive control would require a significant shift in the criminal justice system, moving it beyond the ‘incident-based’ response that currently dominates the system,³⁷ to one that recognises complex power dynamics and the ongoing pattern of abusive behaviours that are so destructive and harmful to victim survivors. Further, it would require the development of trauma-informed responses across the criminal justice system to ensure that those working in the justice system can distinguish between violence that occurs in response to ongoing abuse and trauma (use of force as a form of self-defence and/or resistance) and violence that is intentionally used to control, intimidate and instil fear in a victim³⁸ (see discussion below regarding misidentification).

³⁴ Goodmark, L. (2018). *Decriminalizing Domestic Violence: A balanced policy approach to intimate partner violence*. California: University of California Press.; Walklate, S. & Fitz-Gibbon, K. (2019). The Criminalisation of Coercive Control: The Power of Law?. *International Journal for Crime, Justice and Social Democracy* 8(4), 94-108.

³⁵ Barlow, C and Walklate, S (2025) Learning Lessons from the Criminalisation of Coercive and Controlling Behaviour Ten Years On: The Implementation Journey in England and Wales. pg. 8 *International Journal for Crime, Justice and Social Democracy*. 14(4) p145-155. doi: 10.5204/ijcjsd.3700

³⁶ Tolmie, J.R. (2018). Coercive control: To criminalise or not to criminalise?. *Criminology and Criminal Justice*, 18(1), 50-66. p51

³⁷ Walklate, S., Fitz-Gibbon, K., & McCulloch, J. (2017). Is more law the answer? Seeking justice for victims of intimate partner violence through the reform of legal categories. *Criminology & Criminal Justice*, 18(1), 115-131.

³⁸ Nancarrow et al (2020) *Accurately identifying the “person most in need of protection” in domestic and family violence law: Key findings and future directions*. Australia’s National Research Organisation for Women’s Safety (Research to policy and practice, 23/2020). Sydney: ANROWS.

With the systemic shortcomings of any justice system's ability to respond to family violence, the focus should be on upskilling professionals to understand the power dynamics of family violence, and how these dynamics shape victim survivors' experiences of coercive and controlling behaviour over time, rather than relying on the justice system to respond to coercive control by creating a criminal offence.

There are significant unintended consequences in criminalising coercive control

There are a range of unintended consequences that could result from criminalising coercive control, and these have been confirmed in contemporary research ascertaining the views of victim survivors.

Victim survivors may be less likely to seek help and report family violence, particularly victim survivors who are already marginalised

Research demonstrates that the introduction of criminal sanctions in response to family violence may lead to victim survivors being less willing to engage in the justice system³⁹. Many victim survivors choose not to report to police, due to fear of the perpetrator, and the understanding that reporting could increase their risk of violence, and the justice system is limited in providing safety. Further, victim survivors may have had negative experiences with the criminal justice system in the past, fear of child protection intervention, or not want the perpetrator to have a criminal record or be incarcerated.⁴⁰ This is particularly the case for communities who are already over-policed and have a well-founded fear of structural and institutional power and authority including victim survivors from Aboriginal and Torres Strait Islander communities and migrant and refugee communities.⁴¹ Due to existing structural and systemic barriers in the justice system, victim survivors from these communities, as well as victim survivors with disabilities and in the LGBTIQ+ community already face additional barriers to accessing criminal justice, including racism and discrimination, language barriers, visa limitations and lack of access to appropriate information and support.⁴² As marginalised communities will have varied experiences, broad consultation with victim survivors and targeted specialist family violence services is needed, to fully explore the potential impacts of a new offence on those communities.

³⁹ Walklate, S & Fitz-Gibbon, K (2019) The Criminalisation of Coercive Control: The Power of Law? *International Journal for Crime, Justice and Society*. 8(4): 94-104. doi: 10.5204/ijcjsd.v8i4.1205

⁴⁰ Douglas, H (2012) Battered Women's Experiences of the Criminal Justice System: Decentering the law. *Feminist Legal Studies*, 20(2): 121-34. Accessed July 2 2025. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2617128; Meyer, S. (2011) Seeking help for intimate partner violence: Victim's Experiences When Approaching the Criminal Justice System for IPV-Related Support and Protection in an Australian Jurisdiction, *Feminist Criminology* 6(4), 268-90. doi: 10.1177/1557085111414860

⁴¹ Maturi, J & Munro, J (2020) *Should Australia criminalise coercive control? Fighting domestic violence and unintended consequences*, Asia and the Pacific Policy Society Policy Forum. Accessed 2 November 2025 <https://www.policyforum.net/should-australia-criminalise-coercive-control/>; Australian Law Reform Commission (2017), Pathways to Justice-Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples: Final Report (ALRC report 133, Australian Law Reform Commission. Accessed 4 June 2025. <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/> Vaughan, C, Davis, E, Murdolo, A, Chen, J, Murray, L, Quiazon, R, Block, K, & Warr, D (2016) *Promoting community-led responses to violence against immigrant and refugee women in metropolitan and regional Australia. The ASPIRE Project: Research report*, Australia's National Research Organisation for Women's Safety (ANROWS). Accessed 17 September 2025. <https://www.anrows.org.au/publication/promoting-community-led-responses-to-violence-against-immigrant-and-refugee-women-in-metropolitan-and-regional-australia-the-aspire-project-final-report/>

⁴² Douglas, H. (2015). Do we need a specific domestic violence offence. 39(434) *Melbourne University Law Review*; Walklate, S. & Fitz-Gibbon, K. (2019). The Criminalisation of Coercive Control: The Power of Law?. *International Journal for Crime, Justice and Social Democracy* 8(4), 94-108.

The likelihood of victim survivors experiencing secondary victimisation⁴³ and re-traumatisation in the courts

In any response to victim survivors of family violence, it is crucial that they are central to the process, they are believed, and that their experience is not questioned or dismissed. This can be extremely impactful to a victim survivor who is already experiencing the ongoing impacts of trauma. Unfortunately, the criminal justice system can be very intimidating for victim survivors, and often causes fear, a sense of disempowerment, re-traumatisation and the potential for victim-blaming to occur.⁴⁴

A 2023 inquiry into victim participation in the criminal justice system in Victoria found it commonly expressed by victims that the ‘justice process was worse than the original victimisation experience’,⁴⁵ with one participant stating:

*“The system is beyond broken... It is not trauma informed at all. Their understanding of family violence is limited and the actions taken are performative at best, dangerous at worst”.*⁴⁶

For people who have experienced trauma, involvement in the adversarial criminal justice system can be a particularly difficult and damaging experience.⁴⁷ The lengthy nature of the criminal justice process means that there are ongoing opportunities for re-traumatisation to occur.

Additionally, the different standards of proof in a criminal compared to civil court have the potential to be more traumatising for victim survivors. In civil cases, the ‘balance of probabilities’ measure or that it is “more likely than not” that family violence is occurring is needed for an FVIO to be granted. Comparatively, the criminal justice system requires proof ‘beyond a reasonable doubt’,⁴⁸ and would apply to a breach of an IVO or a coercive control standalone charge. Due to the highly personal and often invisible tactics of coercive control, the difficulties of collating and providing evidence to prove this in the criminal justice system creates a high likelihood that victim survivors would be subjected to cross-examination in criminal proceedings, where their character and the truthfulness of their evidence may be called into question to a greater extent than for other proceedings related to family violence.

While there is limited evidence regarding experience of the coercive control legislation specifically, a small three-year review of victim survivors’ experiences following the introduced

⁴³ Defined as: “‘further violation’, usually in the form of psychological harm, as a result of participating in the justice system”: Victims of Crime Commissioner (2023) *Silenced and sidelined: Systemic inquiry into victim participation in the justice system*, Victims of Crime Commissioner: Accessed 20 July 2025.

https://victimsofcrimecommissioner.vic.gov.au/media/pufjx5h/silenced-and-sidelined_systemic-inquiry-into-victim-participation.pdf

⁴⁴ Orth, U (2002) *Secondary victimization of crime victims by criminal proceedings*. *Social Justice Research*, 15(4), 313–325. doi:10.1023/A:1021210323461; Laing, L (2017) Secondary Victimization: Domestic Violence Survivors Navigating the Family Law System. *Violence Against Women*, 23(11), 1314-1335. doi: 10.1177/1077801216659942.

⁴⁵ Victims of Crime Commissioner (2023) *Silenced and sidelined: Systemic inquiry into victim participation in the justice system*, Victims of Crime Commissioner: Accessed 20 July 2025.

https://victimsofcrimecommissioner.vic.gov.au/media/pufjx5h/silenced-and-sidelined_systemic-inquiry-into-victim-participation.pdf

⁴⁶ Ibid.

⁴⁷ Victorian Law Reform Commission (2020, p.9), *Committals Report March 2020*, Victorian Law Reform Commission <https://www.lawreform.vic.gov.au/publication/committals/>

⁴⁸ Victoria Legal Aid (2025). *Legal words*, Accessed 3 July 2025: <https://www.legalaid.vic.gov.au/legal-words#b> the ‘balance of probabilities’ level of proof required in civil cases is easier to prove than the ‘beyond reasonable doubt’ level of proof required in criminal cases.

Scottish legislation found participants felt that going to court was ‘distressing, frightening and traumatic’ and that giving evidence in court significantly affected their mental health.⁴⁹

The potential for systems abuse, including increased risk of a victim survivor being misidentified as the perpetrator of violence

The justice system cannot always prevent coercive and controlling behaviour taking place during the legal process.⁵⁰ Criminalisation of coercive control may provide another opportunity for systems abuse to occur as it would provide an additional avenue⁵¹ for perpetrators to manipulate the legal system to harass, threaten and control a victim survivor and continue their pattern of abuse.⁵²

As explained by a member of the Victim Survivor’s Advisory Council⁵³:

“Perpetrators can use the justice system as a weapon to interfere with your present and future”⁵⁴

Participants in a 2022 Scotland study who experienced the legal system two years after the coercive control legislation was introduced reported that perpetrators had taken advantage of aspects of the judicial process to commit further violence against them.⁵⁵

One example of how perpetrators may achieve systems abuse is via misidentification.⁵⁶ Misidentification is where a victim survivor is incorrectly identified as the perpetrator of family violence, and vice versa.⁵⁷ The rate of misidentification in Victoria is difficult to determine due to the absence of accurate data recording mechanisms, but at a minimum, Victoria Police estimates about 10-12% of police reports misidentify the perpetrator.⁵⁸ Data from Women’s Legal Services Victoria estimates that when police identify a female respondent as the

⁴⁹ Houghton, C, Morrison, F, Warrington, C & Tisdall, EKM (2022), *Domestic Abuse Court Experiences Research: the perspectives of victims and witnesses in Scotland*, Scottish Government. Accessed 7 August 2025. <https://www.gov.scot/publications/domestic-abuse-court-experiences-research-perspectives-victims-witnesses-scotland/documents/>

⁵⁰ Douglas, H (2018) Legal systems abuse and coercive control, *Criminology & Criminal Justice*, 18(1), 84-99. doi: 10.1177/1748895817728380

⁵¹ We note that systems abuse can and does currently occur in other areas of the justice system. For example, with reporting of other criminal acts relevant to family violence, during family law proceedings, etc.

⁵² Department of Social Services (2022) *National Plan to End Violence against Women and Children 2022–2032*, Commonwealth of Australia. Accessed 20 December 2024. <https://www.dss.gov.au/national-plan-end-gender-based-violence>; The Australian Institute of Judicial Administration (2019) *National Domestic and Family Violence Bench Book*, The Australian Institute of Judicial Administration <https://dfvbenchbook.aija.org.au/article/1080119>; Reeves, E (2018) *Research Brief: Systems Abuse*, Monash Gender and Family Violence Prevention Centre, Monash University. Accessed 10 July 2025. https://arts.monash.edu/_data/assets/pdf_file/0005/1529852/rb-systems-abuse.pdf

⁵³ “The Victim Survivors’ Advisory Council (VSAC) was created to give people with lived experience of family violence a voice and ensure they are consulted in the family violence reform program.” See: <https://www.vic.gov.au/victim-survivors-advisory-council>

⁵⁴ Victims of Crime Commissioner (2023) *Silenced and sidelined: Systemic inquiry into victim participation in the justice system*, Victims of Crime Commissioner: Accessed 20 July 2025. https://victimsofcrimecommissioner.vic.gov.au/media/1pufix5h/silenced-and-sidelined_systemic-inquiry-into-victim-participation.pdf

⁵⁵ Lombard, N, Proctor, K & Whiting, N (2022) *Domestic Abuse (Scotland) Act 2018 and the Criminal Justice System: Women’s experiences two years in; the emerging findings*. Accessed 12 September 2025. <https://www.sccjr.ac.uk/publication/domestic-abuse-scotland-act-womens-experiences/>

⁵⁶ Reeves, E, Fitz-Gibbon, K, Meyer, S & Walklate, S (2025) Incredible Women: Legal Systems Abuse, Coercive Control, and the Credibility of Victim-Survivors, *Violence Against Women*, 31(3-4) 767-788. doi: 10.1177/10778012231220370

⁵⁷ Victims of Crime Commissioner (2023) *Silenced and sidelined: Systemic inquiry into victim participation in the justice system*, Victims of Crime Commissioner: Accessed 20 July 2025. https://victimsofcrimecommissioner.vic.gov.au/media/1pufix5h/silenced-and-sidelined_systemic-inquiry-into-victim-participation.pdf

⁵⁸ Family Violence Reform Implementation Monitor (2021) *Monitoring Victoria’s family violence reforms: Accurate identification of the predominant aggressor*, Office of the Family Violence Reform Implementation Monitor. Accessed 7 August 2025. <https://archive.fvrim.vic.gov.au/monitoring-victorias-family-violence-reforms-accurate-identification-predominant-aggressor>

primary aggressor, these female respondents are misidentified 58% of the time.⁵⁹ Victorian specialist family violence services who participated in Safe and Equal's Demand and Capacity survey reported in 2024 that 54% of victim survivors expressed concerns about being, or had been, misidentified as the person using violence,⁶⁰ with this dropping slightly to 47% in 2025.⁶¹

This rises for marginalised victim survivors, with InTouch Multicultural Centre Against Family Violence estimating that at least one third of their clients had been misidentified as perpetrators at some point in their engagement with law enforcement and the justice system,⁶² and Djirra noting the "vast majority" of Aboriginal and Torres Strait Islander women listed on FVIOs as respondents had been misidentified.⁶³ This reflects the Family Violence Reform Implementation Monitor report which noted, "Certain cohorts are at greater risk of being misidentified as a perpetrator: in particular, Aboriginal women, migrant and refugee women, women with disabilities, criminalised women and LGBTIQ+ people."⁶⁴

Misidentification often occurs due a misconception of how victim survivors 'should' appear and act due to these biased assumptions, and can be exacerbated due to potential misunderstanding of the effects of trauma on behaviour. Additionally, perpetrators will capitalise on the 'vulnerabilities' of the victim survivor such as fear of child protection involvement, visa status and mental illness (at times caused by the experience of family violence itself) to manipulate the system and portray themselves as the victim.⁶⁵ There are also instances where a victim survivor will use self-defence or 'violent resistance', and rather than their actions being viewed within the complexity of family violence dynamics and that victim survivors may 'use force to gain short-term control over threatening situations',⁶⁶ it is instead incorrectly viewed within an incident-based lens where both parties are considered responsible for the violence.

The impact of misidentification is significant – perpetrators remain invisible and unaccountable, whereas misidentified victim survivors face long-term, devastating consequences – including criminalisation and imprisonment, the inability to access support

⁵⁹ Ulbrick, U and Jago, M (2018) "Officer she's psychotic and I need protection": Police misidentification of the 'primary aggressor' in family violence incidents in Victoria, Melbourne: Women's Legal Service Victoria. Accessed 7 August 2025. <https://www.womenslegal.org.au/wp-content/uploads/2025/02/Police-misidentification-of-the-%E2%80%98primary-aggressor-in-family-violence-incidents-in-Victoria-Updated-5-October-2018.pdf>

⁶⁰ Tassone, J (2024) *Measuring Specialist Family Violence Service Demand and Capacity Report 2024*, Melbourne: Safe and Equal. Accessed 7 August 2025. <https://safeandequal.org.au/policy-and-advocacy/research-reports/>

⁶¹ Tassone, J (forthcoming) *Measuring Specialist Family Violence Service Demand and Capacity Report 2025*, Melbourne: Safe and Equal.

⁶² Stewart, E (2022) *Position Paper: The Causes and Consequences of Misidentification on Women From Migrant and Refugee Communities Experiencing Family Violence*, inTouch - Multicultural Centre Against Family Violence. Accessed 21 July 2025. <https://intouch.org.au/wp-content/uploads/2022/11/inTouch-Position-Paper-Misidentification-February-20221.pdf>

⁶³ Hobbins, R & Breen, G (2024) *What is misidentification? How the legal system fails victims of domestic violence*, ABS News. Accessed 7 August 2025. <https://www.abc.net.au/news/2024-12-14/misidentification-domestic-violence-police-family-violence/104679406>

⁶⁴ State of Victoria (Office of the Family Violence Reform Implementation Monitor) (2021) 'Accurate identification of the predominant aggressor'. Accessed 8 September 2025. <https://archive.fvrim.vic.gov.au/monitoring-victorias-family-violence-reforms-accurate-identification-predominant-aggressor>

⁶⁵ Ibid.

⁶⁶ It is important to note that the motivation of victim survivors using force is 'distinctly different from men's use of violence, which is characterised by a pattern of coercive, controlling and violent behaviour'. Family Safety Victoria (2021): *MARAM Practice Guides, Foundation Knowledge Guide: Guidance for professionals working with child or adult victim survivors, and adults using family violence*, p. 97. <https://www.vic.gov.au/maram-practice-guides-and-resources>

services, increased risk of violence, homelessness, forced child removal,⁶⁷ and ongoing mistrust of police.⁶⁸

Some researchers and advocates argue that introducing a coercive control offence will reduce the possibility of a victim survivor being misidentified as the perpetrator of violence as it would better account for the underlying pattern of behaviour and abuse that a victim survivor has experienced.⁶⁹ Equally, multiple experts have cautioned about the potential to increase the risk of victim survivors being misidentified as perpetrators of family violence.⁷⁰ For example, the Victorian Aboriginal Legal Service asserts that it is unrealistic to expect an introduction of legislation would shift an incident-based approach to policing, particularly when the patterned nature of family violence is already codified in Victorian legislation.⁷¹

Safe and Equal remain concerned that with the current rates of misidentification in Victoria, the complex nature of coercive control and the lack of clarity around the concept of coercive control, introducing a standalone coercive control offence would exacerbate the likelihood of police failing to adequately assess who is in need of protection.

There is also significant work required in Victoria on systems rectification of misidentification, which means implications for misidentified victim survivors can remain long-term. The difficulties in rectifying misidentification was recently recognised by the Legislative Assembly Legal and Social Issues Committee, who recommended the Victorian Government “develop a clear system-wide process to correct misidentification in family violence records by 2027”.⁷²

⁶⁷ This is of particular concern for Aboriginal and Torres Strait Islander people, and fear of misidentification and child removal is a significant barrier for Aboriginal and Torres Strait Islander women reporting to police. Yoorrook Justice Commission, (2025) 'Yoorrook for Transformation: Third Interim report, Volume 4', pg. 158. Accessed 1 November 2025:

<https://www.yoorrook.org.au/reports-and-recommendations/reports>

⁶⁸ Legislative Assembly Legal and Social Issues Committee (2025) *Building the evidence base: Inquiry into capturing data on people who use family violence in Victoria*, Parliament of Victoria. Accessed 7 August 2025.

<https://www.parliament.vic.gov.au/news/justice/family-violence-data/>

⁶⁹ While there is very limited evidence on the impact of coercive control on misidentification, a small research project in a local police force in England asserted across a sample of 58 cases, there were no instances of misidentification, including in five cases where the police were contacted by a male to report a female for abuse (with the female ultimately recorded as the victim survivor). Barlow, C, Walklate, S & Finnegan, E, (2023) 'Who is the victim? Identifying victims and perpetrators in cases of coercive control'. Accessed 7 October 2025. <https://www.n8prp.org.uk/wp-content/uploads/sites/315/2023/09/Who-is-the-Victim-Report.pdf>; Fitz-Gibbon, K, Walklate, S, Meyer, S & Reeves, E (2024) *The criminalisation of coercive control: A national study of victim-survivors' views on the need for, benefits, risks and impacts of criminalisation*, Australian Institute of Criminology. Accessed 7 August 2025. <https://www.aic.gov.au/crg/reports/crg-24-20-21>; Women's Safety New South Wales (2020). *It's time coercive control was made illegal in Australia*. Sydney; p8-9.

⁷⁰ Fitz-Gibbon, K, Walklate, SL, Meyer, S & Reeves, E (2023) 'The criminalization of coercive control: The benefits and risks of criminalization from the vantage of victim-survivors', in Douglas, H, Fitz-Gibbon, K, Goodmark L, & Walklate, S (eds), *The Criminalisation of Violence against Women: Comparative Perspectives*. Interpersonal Violence, Oxford University Press, Oxford, pp. 21-42. doi:10.1093/oso/9780197651841.003.0002; Australia's National Research Organisation for Women's Safety (ANROWS) (2021) *Defining and responding to coercive control: Policy brief*, Sydney: ANROWS. Accessed 31 May 2025.

<https://www.anrows.org.au/publication/defining-and-responding-to-coercive-control/>; State of Queensland (Queensland Law Reform Commission) (2025) 'Review of particular criminal defences: Understanding domestic and family violence and its role in criminal defences. Background paper 3'. Accessed 25 October 2025. Available at:

[https://www.qlrc.qld.gov.au/ data/assets/pdf_file/0017/821105/20250218-qlrc-cdr-bp3-final.pdf](https://www qlrc.qld.gov.au/ data/assets/pdf_file/0017/821105/20250218-qlrc-cdr-bp3-final.pdf).

⁷¹ Victorian Aboriginal Legal Service (VALS) (2022) *Addressing Coercive Control Without Criminalisation Avoiding Blunt Tools that Fail Victim-Survivors 2*, VALS. Accessed 7 August 2025. <https://vals73.wpengine.com/wp-content/uploads/2022/01/Addressing-Coercive-Control-Without-Criminalisation-Avoiding-Blunt-Tools-that-Fail-Victim-Survivors.pdf>

⁷² Legislative Assembly Legal and Social Issues Committee (2025) *Building the evidence base: Inquiry into capturing data on people who use family violence in Victoria*, Parliament of Victoria. Accessed 7 August 2025. <https://www.parliament.vic.gov.au/news/justice/family-violence-data/>

Perceived benefits of the criminalisation of coercive control

Proponents of criminalising coercive control have outlined increased community awareness of coercive control, access to justice and improvement in police responses, and increased victim survivor safety and perpetrator accountability as likely outcomes from a standalone criminal offence. We agree that these outcomes are desirable, however believe they can be achieved via other means that are less likely to produce adverse outcomes than criminalisation.

Community awareness of coercive control

In the 2023 Monash University national survey of victim survivors, of those who had answered 'yes' or were undecided on the criminalisation of coercive control, 93% believed an increase of community awareness would be the most likely benefit.⁷³ Some victim survivors also reflected how introduced laws can be symbolic in nature and set a standard of behaviour that is accepted within society.⁷⁴

However, victim survivors in Scotland who experienced the family violence criminal justice system post criminalisation of coercive control found that awareness of the legislation and what now constitutes criminal behaviour remained misunderstood, with some victim survivors recommending a national publicity campaign.⁷⁵ We note the research period for this study was concluded three years after the introduction of the law, and it is possible that awareness would improve over time.

Since the introduction of the coercive control legislation in NSW, specialist family violence services have reported an increase in victim survivors contacting them to talk about their experiencing of coercive control and potentially reporting to police.⁷⁶ We note the NSW government launched a coercive control public awareness campaign three months prior to implementation of the standalone coercive control offence, with a report finding this increased community awareness and understanding of coercive control.⁷⁷

While we agree that increased community understanding of coercive control could improve safety by encouraging victim survivors to seek support, this could be implemented via other means, including public campaigns. We note that any increased community awareness of

⁷³ Fitz-Gibbon, K, Walklate, SL, Meyer, S & Reeves, E (2023) 'The criminalization of coercive control: The benefits and risks of criminalization from the vantage of victim-survivors', in Douglas, H, Fitz-Gibbon, K, Goodmark L, & Walklate, S (eds), *The Criminalisation of Violence against Women: Comparative Perspectives*. Interpersonal Violence, Oxford University Press, Oxford, pp. 21-42. doi:10.1093/oso/9780197651841.003.0002

⁷⁴ Fitz-Gibbon, K, Walklate, S, Meyer, S & Reeves, E (2024) *The criminalisation of coercive control: A national study of victim-survivors' views on the need for, benefits, risks and impacts of criminalisation*, Australian Institute of Criminology. Accessed 7 August 2025. <https://www.aic.gov.au/crg/reports/crg-24-20-21>

⁷⁵ Houghton, C, Morrison, F, Warrington, C & Tisdall, EKM (2022) *Domestic Abuse Court Experiences Research: the perspectives of victims and witnesses in Scotland*, Scottish Government. Accessed 7 August 2025. <https://www.gov.scot/publications/domestic-abuse-court-experiences-research-perspectives-victims-witnesses-scotland/documents/>

⁷⁶ Kidd, J & Soliman-Marran, R (2025) *DV support services say more women are seeking help for coercive control since new state laws*, ABS news. Accessed 1 October 2025. <https://www.abc.net.au/news/2025-09-19/slow-but-consistent-uptake-of-new-coercive-control-laws-nsw/105795204>

⁷⁷ Minister for the Prevention of Domestic Violence and Sexual Assault (2025) *Understanding of coercive control increases in community*, NSW Government, Accessed 7 August 2025. <https://www.nsw.gov.au/ministerial-releases/understanding-of-coercive-control-increases-community>

coercive control would also need to be accompanied by adequate funding for specialist family violence services in anticipation of more victim survivors seeking support.

Access to justice and improvement in police responses

In an Australian study of 130 victim survivors who had experienced coercive control, several participants felt criminalising coercive control would broaden the ability of the justice system to respond more effectively to their experiences of non-physical violence⁷⁸. While there is limited evidence, international studies to date indicate:

- Continued focus by police on one-off incidents of physical violence rather than ongoing abuse.⁷⁹ (Scotland)
- Of perpetrators who were convicted, victim survivors felt the sentencing outcome was inadequate for the abuse they experienced.⁸⁰ (Scotland)
- Police officers struggled with identifying risks associated with family violence if a physical incident hadn't occurred.⁸¹ (England and Wales)
- While police understanding of coercive control had improved since the introduction of the legislation, police decision-making was still influenced by individual acts of physical violence.⁸² (England and Wales)

The 2023 Monash university study⁸³ highlighted that some victim survivors expected implementation of coercive control legislation would include training for police and other relevant professionals across the system, to improve police and court responses. Institutional cultural and attitudinal change requires long-term investment and capacity building and is not achieved via training and education alone. However Safe and Equal broadly supports family violence training being provided to professionals in the justice system on evidence-based understandings of coercive control as an effective tool. Ideally, this would occur as part of a whole-of-system strategy and response to coercive control, without requiring a standalone coercive control offence.

Victim survivor safety and perpetrator accountability

The introduction of a standalone coercive control offence will not necessarily result in safety for victim survivors or ensure perpetrators are held to account for their behaviour.

A common community assumption is that, if a victim survivor reports abuse to the police the violence will stop, and this will ultimately make the victim survivor safe. However, this is not

⁷⁸ Fitz-Gibbon, K, Walklate, S, Meyer, S & Reeves, E (2024) *The criminalisation of coercive control: A national study of victim-survivors' views on the need for, benefits, risks and impacts of criminalisation*, Australian Institute of Criminology. Accessed 7 August 2025. <https://www.aic.gov.au/crg/reports/crg-24-20-21>

⁷⁹ Houghton, C, Morrison, F, Warrington, C & Tisdall, EKM (2022) *Domestic Abuse Court Experiences Research: the perspectives of victims and witnesses in Scotland*, Scottish Government. Accessed 7 August 2025. <https://www.gov.scot/publications/domestic-abuse-court-experiences-research-perspectives-victims-witnesses-scotland/documents/>

⁸⁰ Ibid.

⁸¹ Myhill, A, Hohl, K, & Johnson, K (2023) The 'officer effect' in risk assessment for domestic abuse: Findings from a mixed methods study in England and Wales. *European Journal of Criminology*, 20(3), 856-877. doi:10.1177/14773708231156331

⁸² Barlow, C & Walklate, S (2025) Learning Lessons from the Criminalisation of Coercive and Controlling Behaviour Ten Years On: The Implementation Journey in England and Wales, *International Journal for Crime, Justice and Social Democracy*, 14(4), 145-155. doi: 10.5204/ijcjsd.3700.

⁸³ Fitz-Gibbon, K, Reeves, E Meyer, S, Walklate, S (2023) *Victim-survivors' views on and expectations for the criminalisation of coercive control in Australia: Findings from a national survey*, Monash University. Accessed 1 November 2025.

https://bridges.monash.edu/articles/report/Victim-survivors_views_on_the_criminalisation_of_coercive_control_in_Australia_Findings_from_a_national_survey/22309345?file=39688033

an assured outcome of reporting. A small study of victim survivors in Scotland who reported coercive control to the police found the majority expected the process of reporting and subsequent judicial system involvement would stop the abuse and keep them safe – however many reported feeling the onus for safety remained with themselves.⁸⁴ Also, reporting coercive and controlling behaviour to the police may lead to a perpetrator escalating their violent behaviour, placing the victim survivor further at risk of harm.

Additionally, according to the emerging coercive control data, there have been few coercive control convictions against perpetrators. Low conviction rates risk empowering perpetrator behaviour and increasing the level of danger posed to victim survivors, both in individual cases and by sending a message to broader society about the impunity of their behaviour⁸⁵. We also know that there is limited evidence showing imprisonment is a deterrent to perpetrators of family violence or in reducing crime,⁸⁶ and assert that this instead relies on consistent system-wide responses to perpetrators.

A whole-of-system response is needed

Coercive control remains a critical and significant issue that needs to be addressed. A ‘whole-of-system’ approach is crucial given that victim survivors enter the family violence system through a myriad of entry points and therefore there is a need to improve understanding of and responses to coercive control across all parts of the system.⁸⁷

Fundamental to responding to coercive control is the need to change the way coercive control is conceptualised and understood, including the need to define coercive control as **inherent to all forms of family violence**. Building a consistent understanding across all systems, services and agencies is a critical lever to effectively responding to coercive control.

We believe it is possible to develop a contemporary understanding of coercive control across the whole family violence response system which would better equip professionals in the criminal justice system to implement and enforce *existing legislation* more effectively, addressing many of the gaps in the current response to coercive control, without introducing a new offence. This requires long-term investment in cultural change, capacity and capability building, alongside family violence training provided to professionals working in the justice system. Additional activities could also be undertaken to raise community awareness about the dynamics and nature of coercive control and should be accompanied by additional, ongoing resourcing for the specialist family violence sector for it to respond to likely long-term increases in demand.

⁸⁴ Houghton, C, Morrison, F, Warrington, C & Tisdall, EKM (2022) *Domestic Abuse Court Experiences Research: the perspectives of victims and witnesses in Scotland*, Scottish Government. Accessed 7 August 2025.

<https://www.gov.scot/publications/domestic-abuse-court-experiences-research-perspectives-victims-witnesses-scotland/documents/>

⁸⁵ Victorian Aboriginal Legal Service (VALS) (2022) *Addressing Coercive Control Without Criminalisation Avoiding Blunt Tools that Fail Victim-Survivors 2*, VALS. Accessed 7 August 2025. <https://vals73.wpengine.com/wp-content/uploads/2022/01/Addressing-Coercive-Control-Without-Criminalisation-Avoiding-Blunt-Tools-that-Fail-Victim-Survivors.pdf>

⁸⁶ State of Victoria (2016) *Royal Commission into Family Violence: Report and recommendations, Vol III, Parl Paper No 132 (2014–16)*, State of Victoria. Accessed 7 August 2025. <http://rcfv.archive.royalcommission.vic.gov.au/Report-Recommendations.html>

⁸⁷ Department of Families, Fairness and Housing (2012) *Family Violence Risk Assessment and Risk Management Framework and Practice Guides 1-3*, Victorian Government. Accessed 7 August 2025. <https://providers.dffh.vic.gov.au/family-violence-risk-assessment-and-risk-management-framework>

Conclusion

After careful consideration of the Victorian context, the available and emerging evidence, and the potential impact of unintended consequences versus the perceived benefits of criminalising coercive control, Safe and Equal remain concerned about the introduction of a standalone coercive control offence.

With the recent announcements from political parties to criminalise coercive control in Victoria, the conversation on coercive control must be broadened beyond criminalisation, to focus on a whole of system strategy and response. This will allow the whole system to effectively understand and manage the risk and harm associated with coercive control and work towards safe outcomes for all victim survivors regardless of where they enter the system and whether they access the justice system or not.

Safe and Equal is committed to continued engagement with victim survivors, our members and government as coercive control continues to evolve, and we remain open to reviewing our position as new evidence and research emerges.