

Statutory review of the coercive control reform

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Communities and Justice
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ANROWS

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Overall comments

Australia's National Research Organisation for Women's Safety (ANROWS) welcomes the opportunity to make a submission to the NSW Government Review of the NSW Coercive Control Law.

We welcome the transparent and consultative way the reform has been implemented and monitored. The quarterly and twice-yearly monitoring reports, designed with the Taskforce and its Reference Groups, have produced one of the richest publicly available datasets on a coercive control offence in any jurisdiction. This submission responds to three of the consultation questions: whether the policy objectives remain valid (Question 1); whether adverse impacts on Aboriginal and Torres Strait Islander people, culturally and linguistically diverse (CALD) people and LGBTIQ+ people are being missed by current monitoring (Question 2); and the section 6A definition of domestic abuse (Question 10).

ANROWS welcomes the opportunity to support this work by sharing and translating evidence to inform best practice.

Recommendations:

1. Maintain the current elements of the offence until further evaluation clearly separates the effects of the offence's design from how it's implemented. Low charge numbers alone provide insufficient evidence for change.
2. Strengthen monitoring and evaluation across the entire justice process, including community-governed approaches and assessment of how the broader domestic abuse framework is being applied.
3. Strengthen monitoring of misidentification by using a broader range of evidence, including existing BOCSAR indicators, relationship histories and qualitative case review.
4. Measure misidentification coercive control cases, including cases where police take legal action against both partners over the same event and where both partners receive ADVOs against each other.
5. Ensure future monitoring assesses the full pattern and cumulative impact of coercive control, including social isolation, technology-facilitated monitoring and abuse, and financial abuse.
6. Invest in safeguards and alternatives alongside law reform, including community-led services, co-designed community education and training designed and delivered with Aboriginal Community Controlled Organisations.
7. Ensure Aboriginal and Torres Strait Islander peoples lead and govern monitoring of the law's impacts on their communities. Aboriginal women and Aboriginal community-controlled organisations should design, interpret and oversee this work.
8. Strengthen the detection of CALD and migrant women who are wrongly identified as perpetrators. Monitoring needs to report relevant indicators and recognise the increased risks created by language and migration-related barriers.
9. Improve monitoring of coercive control affecting LGBTIQ+ people, including identity-based coercion and misidentification, by developing measures that go beyond the current same-sex relationship indicators.
10. Retain section 6A's broad definition of domestic abuse, which recognises both single acts and patterns of behaviour over time. Prioritise evaluating how the definition is applied across policing, courts and frontline services, and whether it should play a stronger role within the broader legal framework.

Question 1: Are the policy objectives of the reform still valid?

The reform's four policy objectives remain sound:

- Recognising coercive control as a pattern of behaviour
- Limiting criminalisation to serious conduct
- Reducing the risk of victim-survivor misidentification and
- Improving public understanding of coercive control.

The legislation was introduced to address the limits of incident-based criminal law, which often failed to recognise domestic abuse as a cumulative pattern of control rather than a series of isolated incidents. As the offence becomes embedded in practice, strong safeguards against overreach and misidentification remain essential.

1.1 Maintain the offence in its current form until sufficient evidence is available to justify amendments.

Recommendation 1: Maintain the current elements of the offence until further evaluation clearly separates the effects of the offence's design from how it's implemented. Low charge numbers alone provide insufficient evidence for change.

As of 17 June 2026, only 41 charges had been laid and four matters sentenced, all by guilty plea, with the first trials not yet finalised (Implementation and Evaluation Taskforce, 2026). There has therefore been little opportunity for the courts to test how the offence operates in practice. Because it is heard summarily unless a trial on indictment is elected, this is likely to remain so for some time (Gibbon & Buxton-Namisnyk, 2025). Low charge numbers cannot, by themselves, show whether the constraint lies in the design of the offence or how it operates in practice.

This review needs to assess whether the justice system recognises coercive control as an ongoing pattern of behaviour or continues to respond to abuse as isolated incidents. In its first 18 months to December 2025, NSW Police recorded 473 coercive control incidents but laid only 22 charges, and 59 per cent of recorded incidents were accompanied by another offence type, most often intimidation or stalking (35%) or domestic assault (34%) (NSW Department of Communities and Justice, 2026).

Several factors may explain this: the time needed to establish a pattern of abuse, difficulties proving non-physical abuse, police and prosecution decisions, and the offence's specific legal requirements. Parts of the Domestic and Family Violence (DFV) sector have expressed concern that the intention element may be an "insurmountable hurdle," although there is not yet enough judicial consideration to test that view (NSW Department of Communities and Justice, 2026). Similarly, international experience indicates that uptake of pattern-based offences is often gradual and heavily dependent on the capacity of police and prosecutors to investigate patterns of abuse, gather evidence and prosecute cases. Elsewhere, changing police response from incident-focused approaches towards recognising patterns of abuse has taken years (Wangmann, 2021, 2024).

These factors together reinforce that current charge numbers reflect a mix of implementation and offence-design factors and are not enough to suggest changes to the offence without further monitoring and review.

1.2 Strengthen monitoring and evaluation

Recommendation 2: Strengthen monitoring and evaluation across the entire justice process, including community-governed approaches and assessment of how the broader domestic abuse framework is being applied

It is too early to draw firm conclusions about the offence's outcomes. Data collection began when the offence commenced on 1 July 2024. Two years is a short time period to fully assess outcomes, but it has provided an opportunity to evaluate implementation and to identify monitoring gaps. The Taskforce reports that most of its Reference Groups could not yet assess how the offence operates in practice because so few have progressed through the justice system (Implementation and Evaluation Taskforce, 2026).

ANROWS therefore recommends investment in further review with a focus across the whole journey. This should consider:

- Reasons matters do not proceed to a coercive control charge, and the reasons alternative charges are selected;
- Evidence types relied on, and the attrition between report, investigation, charge and prosecution;
- Use of guilty pleas and charge negotiations, and the time to charge and finalisation;
- Regional and demographic variation, and whether pattern evidence is retained where incident-based charges are laid;

ANROWS recognises the substantial investment already made in coercive control training for police, prosecutors, judicial officers and frontline DFV workers (Implementation and Evaluation Taskforce, 2026). Evidence on effective DFV police training suggests that practical components, including simulated interviews, hypothetical cases and role-played callouts, can help practitioners develop the skills needed to respond to complex and unfamiliar patterns of abuse (Dowling, 2024). To date, there has been no independent evaluation of this training. Independent evaluation is both feasible and instructive: a rigorous evaluation of a force-wide police training programme in England and Wales found it produced a measurable increase in the use of coercive control powers, but the effect was not sustained beyond several months without accompanying organisational change (Brennan et al., 2021). This reinforces the case for training that is sustained beyond initial rollout. Continued investment should therefore extend beyond initial implementation, with practical, sustained training developed and delivered in partnership with relevant specialist and community-controlled organisations.

Question 2: Are adverse impacts being missed by current monitoring?

Section 54J(2)(d) requires the review to consider whether victims of the offence may be misidentified as perpetrators. Current monitoring cannot estimate the incidence of misidentification or establish whether particular communities are experiencing under-protection, misidentification or disproportionate criminalisation, highlighting a critical gap in the measures used to identify these patterns.

2.1 Strengthen accuracy to identify and address the prevalence of misidentification

Recommendation 3: Strengthen monitoring of misidentification by using a broader range of evidence, including existing BOCSAR indicators, relationship histories and qualitative case review.

Recommendation 4: Measure misidentification coercive control cases, including cases where police take legal action against both partners over the same event and where both partners receive ADVOs against each other.

Misidentification is one of the most consistently documented unintended consequences of criminalising coercive control, disproportionately affecting First Nations women, migrant and refugee women, LGBTIQ+ people, women with disability and other marginalised groups who face intersectional discrimination (Nancarrow et al., 2020). The *Unlocking the Prevention Potential* review recognises that perpetrators may manipulate and weaponise government systems to control victim-survivors and extend DFV, including through prolonged legal proceedings, threats to cancel

immigration visas, and false allegations and complaints. It specifically identifies Aboriginal and Torres Strait Islander and migrant and refugee victim-survivors as being at risk of systems abuse (Department of the Prime Minister and Cabinet, 2024). For people with disability, current monitoring records no demographic breakdown at all, a gap Reference Groups have themselves identified (Implementation and Evaluation Taskforce, 2026). These risks reinforce the need for monitoring that can identify whether the offence is being used against the people it was intended to protect (Australian Government Department of Social Services, 2026).

Misidentification also carries consequences well beyond the initial charge. Research with legal practitioners finds that misidentified victim-survivors can be pushed toward erroneous or forced guilty pleas, with plea negotiation relied on to correct errors the system should not have made (Moffa, Flynn & Hutton Burns, 2025).

The current monitoring includes a measure to signal possible misidentification, but it is limited in what it captures and in the conclusions that can be drawn from it. The monitoring assesses possible misidentification largely by the proportion of coercive control persons of interest (POIs) who are female (5%), compared with higher female proportions among Apprehended Domestic Violence Order (ADVO) defendants (23%) and other DFV legal actions (NSW Bureau of Crime Statistics and Research, 2025).

The gender composition of persons of interest is not a measure of whether the predominant aggressor was correctly identified. A low proportion of female POIs does not show whether victim-survivors have been correctly identified, nor whether misidentification is concentrated among particular groups. It also fails to capture misidentification of victim-survivors (Nancarrow et al., 2020). In the national study of victim-survivors' views, male participants described fearing the offence could be used against them as a form of legal systems abuse, and the researchers specifically called for monitoring capable of detecting systems abuse and misidentification, including for male victim-survivors (Fitz-Gibbon, Walklate, et al., 2025).

BOCSAR's research clearly acknowledges this limitation in its measure of misidentification. In its bulletin on gender bias in police responses to intimate partner violence, the Bureau acknowledges that its analysis cannot determine whether police are correctly identifying the person using violence and the person needing protection. The bulletin also found no evidence that police required less evidence to charge women than men with intimate partner violence assault. However, assessing whether there was enough evidence to charge someone after police identified them as the offender does not show whether they identified the predominant aggressor correctly. Monitoring isolated incidents misses the broader pattern and context needed to assess misidentification.

In its Bureau Brief on cross-intimate partner violence (IPV) (Wang & Klauzner, 2025), BOCSAR applied two measures: cross-IPV events, where both partners are subject to police legal action over the same event, and cross-ADVOs, where both partners are granted orders against each other. Reciprocal legal action of this kind can signal that the system has not distinguished the predominant aggressor from the person most in need of protection. BOCSAR supplemented these with a thematic review of police narratives, which found a prior history of DFV between the parties in 67 per cent of cross-IPV cases, and a gendered asymmetry in that history: men more often had the greater record of prior DV court appearances (18.2% compared with 11.6%), while women more often had the greater record of prior victimisation (35.2% compared with 11.8%). Even this asymmetry does not capture who was in fear during the incidents in question, the factor most central to distinguishing the predominant aggressor from the person most in need of protection, and one the review did not address.

2.2 Identify forms of control that may be missed

Recommendation 5: Ensure future monitoring assesses the full pattern and cumulative impact of coercive control, including social isolation, technology-facilitated monitoring and abuse, and financial abuse.

Beyond misidentification, the monitoring depends on the behaviours police record. A review of NSW DFV police narratives from 2009 to 2020 found very low rates of financial abuse and social/isolating abuse (Karystianis et al., 2024). Current monitoring records financial abuse more often in coercive control incidents, but the datasets are not directly comparable. A further reason for caution is that, over much of the review period, there was no definition of domestic abuse in the ADVO legislation, and behaviours such as financial abuse and social isolation did not constitute offences. Behaviours that were neither defined nor separately criminalised were unlikely to be consistently identified or recorded by police. The low recorded rates may reflect what the legal and recording framework captured at the time, rather than the true prevalence of these behaviours. This difference alone does not show that police are better at recognising non-physical control. Monitoring should assess whether police actively ask about and record social isolation and other non-physical forms of control. The same concern applies to technology-facilitated abuse, which a justice response focused on physical harm tends to overlook (Flynn, Hindes & Powell, 2022). We recommend that future monitoring explicitly assess the elicitation and recording of social, isolating and technology-facilitated control, not only financial and other incident-like behaviours.

2.3 Prioritise assessing and addressing impacts on Aboriginal and Torres Strait Islander people

Recommendation 6: Invest in safeguards and alternatives alongside law reform, including community-led services, co-designed community education and training designed and delivered with Aboriginal Community Controlled Organisations.

Recommendation 7: Ensure Aboriginal and Torres Strait Islander peoples lead and govern monitoring of the law's impacts on their communities. Aboriginal women and Aboriginal community-controlled organisations should design, interpret and oversee this work.

During the development of the reform, Aboriginal and Torres Strait Islander women and First Nations-led organisations warned that criminalisation could increase the over-policing, misidentification and criminalisation of First Nations women. These serious concerns reflect longstanding distrust of police and fears of child removal (Watego et al., 2021). Aboriginal and Torres Strait Islander women both experience DFV at higher rates and are over-represented among those criminalised in response to it

(Nancarrow et al., 2020). This is the area where ANROWS most strongly counsels against reading the current data at face value and emphasises the need for First Nations oversight and governance of any review and monitoring of this reform.

The current monitoring records Aboriginal and Torres Strait Islander people as around 8 per cent of coercive control victims, against 18 per cent for other DFV offences (NSW Department of Communities and Justice, 2026). This should not be read as reassurance. In the police data on which the monitoring draws, Aboriginality reflects whether a person identified as Aboriginal or Torres Strait Islander to police at the point of contact, and BOCSAR's Closing the Gap reporting notes that recorded Aboriginal counts have risen as police recording has improved since 2022. These figures are likely to undercount Aboriginal and Torres Strait Islander people in the relevant cohorts and should be interpreted as measures of recorded identification rather than the true prevalence or how impacts differ between groups.

A low count of Aboriginal and Torres Strait Islander victim-survivors is just as likely to reflect their under-recognition and under-protection as a genuine absence of harm (NSW Department of Communities and Justice, 2026). Too few people have been proceeded against to draw any reliable conclusion about whether Aboriginal and Torres Strait Islander people are being disproportionately criminalised. The data can neither exclude nor establish either possibility.

Part of this gap may lie in identification itself. Whether coercive control is recognised at the point of police contact can depend on community awareness of the offence and on whether its language is understood, and whether police apply a stereotyped expectation of how a 'genuine' victim presents,

which for Aboriginal and Torres Strait Islander women intersects with racialised assumptions (Nancarrow et al., 2020).

These questions cannot be resolved by administrative data alone but will require both better data and complementary approaches. What is needed is monitoring and interpretation that is Aboriginal-led and governed, with Aboriginal and Torres Strait Islander women and community-controlled organisations central to its design, interpretation and oversight. This is consistent with the principles of Indigenous Data Sovereignty articulated by the Maïam nayri Wingara Indigenous Data Sovereignty Collective (2018), and with the self-determination priorities of the *National Agreement on Closing the Gap* (Coalition of Aboriginal and Torres Strait Islander Peak Organisations & Australian Governments, 2020) and *Our Ways – Strong Ways – Our Voices* (Department of Social Services, 2026).

Among First Nations respondents to the national study of victim-survivors' views, 85 per cent supported criminalising coercive control, but only around a third believed a new offence would improve victim safety (Fitz-Gibbon et al., 2024; Hobson et al., 2023). In the wider public debate, a majority of First Nations organisations and advocates either opposed or supported it only with strong safeguards. They cited mistrust of police and the risk that enforcement would harm First Nations women, families and communities (Hobson et al., 2023). Nevertheless, there is consistent agreement that law reform alone is insufficient, and must be accompanied by alternatives and safeguards, including police training designed and delivered by Aboriginal Community Controlled Organisations, community-led services, and co-designed community awareness (Hobson et al., 2023).

Future monitoring should therefore involve First Nations people in the co-design, interpretation and oversight of the review, rather than relying solely on administrative data to assess impacts. This would support culturally informed interpretation of the data and ensure that monitoring can identify harms or gaps in protection that may not be visible through administrative measures alone.

2.4 Address misidentification risks for CALD, migrant and refugee women

Recommendation 8: Strengthen the detection of CALD and migrant women who are wrongly identified as perpetrators. Monitoring needs to report relevant indicators and recognise the increased risks created by language and migration-related barriers.

Misidentification cannot be understood in isolation from the coercive control offence. Because the offence is used rarely and narrowly drafted, victim-survivors are far more likely to be misidentified as offenders through traditional criminal charges and the ADVO scheme than through the offence itself. Monitoring confined to the coercive control offence will therefore miss where misidentification is actually occurring. The review should consider misidentification across the full range of DFV responses rather than treating it as a feature of the coercive control offence alone.

Migrant and refugee communities are not a single group, and temporary migrants, refugees, international students and people with limited English proficiency in particular face additional risks that current monitoring may miss. When a person's visa or residency status depends on their partner, the partners may use this dependence to control them by threatening deportation or the confiscation of passports (Sullivan et al., 2026).

Language barriers create a distinctive risk. Police need to identify when a person needs language support and provide a qualified interpreter. Otherwise, a perpetrator with stronger English skills may control the account given to police, increasing the risk that police misidentify the victim-survivor as the aggressor (Jones & Anyieth, 2025). Help-seeking barriers compound this risk. The same research documents CALD, migrant and refugee women faced pressure to keep family violence private and protect their family's reputation, "save face". Experiences in countries where it was unsafe to approach police also contributed to deep mistrust of police (Boxall et al., 2022). These barriers to help-seeking mean that police-recorded data cannot capture the full range of experiences within these communities. The Taskforce's CALD Communities Reference Group has advised recorded

reporting to police is low, while coercive control is anecdotally more prevalent within these communities, and the group has sought better demographic data and closer attention to intersectionality (Implementation and Evaluation Taskforce, 2026).

BOCSAR's monitoring fails to capture ethnicity directly and relies on an interpreter or translator flag; around 1 per cent of coercive control victims were recorded as requesting one (NSW Department of Communities and Justice, 2026). The indicator that someone uses an interpreter is a poor proxy for CALD identity: many CALD people do not require an interpreter, and some who do may not be offered one or recorded as using one. Interpreter-mediated interactions may also affect whether victim-survivors are safely identified and able to disclose violence. This risk may be particularly acute in smaller language communities, where limited interpreter availability can mean that interpreters know the victim-survivor or perpetrator. Australian research has identified concerns about conflicts of interest, confidentiality, inadequate training and inaccurate or altered interpretation in family violence settings, all of which can undermine safe disclosure and access to support (Sullivan et al., 2023).

For future monitoring, ANROWS recommends, first, that the NSW Police Force improve recording of whether an interpreter was needed, offered, accepted and used, rather than only the existing request flag. Second, that in further review of this legislation the misidentification indicators above be examined for matters involving someone from a CALD background; drawing on qualitative transcript review and established Australian research on temporary migration and family violence, to understand risks the administrative data cannot show.

These changes are necessary if the review is to detect misidentification and adverse impacts for CALD and migrant women, rather than assuming their absence from the data means an absence of harm.

2.5 Develop inclusive measures of coercive control and misidentification in LGBTIQ+ people

Recommendation 9: Improve monitoring of coercive control affecting LGBTIQ+ people, including identity-based coercion and potential misidentification, beyond the current measure of same-sex relationships. Improve monitoring of coercive control affecting LGBTIQ+ people, including identity-based coercion and misidentification, by developing measures that go beyond the current same-sex relationship indicators.

Over the offence's first 18 months (1 July 2024 to 31 December 2025), BOCSAR's same-sex relationship indicator for coercive control recorded same-sex relationships as 5.2 per cent of coercive control reports, against 4.4 per cent of other intimate-partner DFV offences (NSW Department of Communities and Justice, 2026). Same-sex relationship data captures only part of LGBTIQ+ people's experiences. It overlooks many identities and relationship contexts, which can hide how the offence affects these communities. Misidentification is one such harm. Cisnormative assumptions can lead police to misread who is using violence and who needs protection, and perpetrators can weaponise a person's gender or sexuality to have them misidentified as the aggressor (Lusby et al., 2022). LGBTIQ+ victim-survivors are also less likely to report coercive control to police, so administrative monitoring will under-represent their experiences regardless of how the indicator is defined (Reeves, McGowan & Scott, 2025). A same-sex relationship indicator cannot detect any of this. We therefore recommend describing the existing measure as a same-sex relationship indicator and developing more appropriate measures of LGBTIQ+ impacts, including misidentification and identity-based threats where this can be done safely and meaningfully.

Question 10: The section 6A definition of domestic abuse

Recommendation 10: Retain section 6A's broad definition of domestic abuse, which recognises both single act and patterns of behaviour over time. Prioritise evaluating how the definition is applied across policing, courts and frontline services, and whether it should play a stronger role within the broader legal framework.

Section 6A defines “domestic abuse” more broadly than the coercive control offence. It covers violent or threatening behaviour, coercive or controlling behaviour, and behaviour causing fear, and it already recognises, in section 6A(4), that domestic abuse may consist of a single act, omission or circumstance, or a combination of acts, omissions or circumstances over time. That dual recognition is a strength and should be retained. The national approach likewise recognises domestic and family violence as encompassing both physical and non-physical abuse and understands coercive control as a pattern of behaviour used to establish power and control over time (Department of Social Services, 2022). Section 6A now underpins a broader set of legal contexts than when first introduced. The definition now expands well beyond its original coercive-control context and now underpins ADVO classification (section 11 CDPVA), the 2024 bail reforms (including show-case requirements and stay-pending-appeal provisions), and the 2025 Residential Tenancies Act reforms.

3.1 Preserve single incident coverage

Section 6A applies beyond the coercive control offence, so any change to the definition would have wider consequences. Requiring domestic abuse to involve a pattern over time could exclude a single serious physical or sexual assault. ANROWS therefore supports retaining both single-incident and pattern-based abuse within the definition.

3.2 Evaluate how the definition is applied

It is too early to assess section 6A’s impact in isolation. The definition was introduced as part of the broader coercive control package, alongside the offence, training and community awareness activities, making their effects difficult to entangle at this stage. Section 54J(2)(j) requires this review to consider whether section 6A has increased community understanding of domestic abuse and improved police responses. Early indicators are encouraging, including positive reference group feedback and the reach of community education initiatives (Implementation and Evaluation Taskforce, 2026). Review reference groups have raised questions about the clarity of, and interaction between the domestic abuse framework and the offence (NSW Department of Communities and Justice, 2026) ANROWS recommends the review examine how the definition is interpreted and applied across policing, courts and frontline services as practice develops.

Section 6A recognises a range of abusive behaviours and importantly allows serious single incidents to be captured. However, it does not require behaviours to be understood in context, including whom is using coercive control against whom. As discussed in Part 2, this may contribute to misidentification, particularly where a victim-survivor uses violence in response to their own victimisation. This is increasingly important as section 6A now operates across ADVO, bail and tenancy law.

The definition also has a limited direct role in the ADVO scheme. An ADVO is not made simply because domestic abuse under section 6A has occurred. The definition is not aligned with the way abusive behaviour is framed in the coercive control offense which may create confusion and weaken the coherence of the reforms.

Contextual grounding may reduce misidentification, but it should not exclude serious single incident. ANROWS recommends that a later review examine how section 6A is interpreted and applied, and whether its contextual and operative role can be strengthened whilst preserving single-incident coverage. The review should also consider whether greater alignment with the coercive control offence is needed. A change should retain the express recognition of sexual abuse and strengthen protection rather than narrow it. This raises a separate question about whether the ADVO scheme’s continuing focus on domestic violence offenses remains fit for purpose. This sits beyond the scope of the current review but warrants future consideration.

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Australia's National Research Organisation for Women's Safety Limited (ANROWS) is the country's independent, trusted voice for reliable and informed evidence on domestic, family and sexual violence.

ANROWS was established by the Commonwealth, state and territory governments under Australia's first National Plan to Reduce Violence against Women and their Children (2010–2022). As an ongoing partner to the National Plan, ANROWS continues to build, strengthen and translate the evidence base that informs the current National Plan to End Violence against Women and Children 2022–2032.

Our work is underpinned by a commitment to producing high-quality, policy-relevant evidence to inform and influence practice, service delivery, and systems reform. Since our establishment, ANROWS has led, contributed to, or commissioned more than 150 research projects. We undertake targeted research both internally and in collaboration with academic institutions and sector partners.

Every aspect of our work is motivated by the right of women and children to live free from violence and in safe, equitable communities. We engage closely with victim-survivors, communities, service providers, governments and policymakers to ensure our work reflects the diversity of lived experiences and supports collective responses.

We are committed to reconciliation with Aboriginal and Torres Strait Islander peoples, and work to recognise and amplify the strength and knowledge that exists in First Nations communities.

ANROWS is a not-for-profit organisation jointly funded by the Commonwealth and all state and territory governments. We are also commissioned from time to time by individual jurisdictions, and competitively tender for research and evaluation work.

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