



Creating Exceptional Outcomes


# Elder abuse and coercive control in Australia

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Our pro bono impact icons were created by Yaegl artist, Frances Belle Parker, and represent HopgoodGanim Lawyers three pro bono priority areas of working with First Nations peoples, mitigating the impact of environmental disasters and reducing domestic and family violence.

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## Introduction

### Purpose of this report

The purpose of this report is to:

(1) examine where elder abuse<sup>1</sup> sits within broader recent discussions in Australia about coercive control law and policy reform; and

(2) encourage key stakeholders, including national and state and territory governments, to continue to include elder abuse in these important reforms.

### Why does this matter?

It is important for elder abuse to continue to be included in broader discussions about coercive control reform because:

#### (1) High prevalence and set to increase

In the twelve months to July 2021, almost 600,000 Australians were affected by elder abuse.<sup>2</sup> As our population ages, we can expect the prevalence of elder abuse to increase.<sup>3</sup>

#### (2) Nature of the abuse and abuser

Psychological abuse (which necessarily includes coercion and control) is by far the most common subtype of elder abuse in Australia<sup>4</sup> and elder abuse is most commonly committed by adult children.<sup>5</sup>

#### (3) Serious, yet reluctance to report

Most people who experience abuse described it as serious.<sup>6</sup> Yet, seeking help is not the majority response for older people who experience abuse. A systemic review concluded that 'some victims only seek help when the abuse is perceived as unbearable, or they fear for their safety'.<sup>7</sup> This reluctance may be a result of strong familial ties, fear of repercussions, guilt and sense of parenting failure, concern about grandchildren, dependency for care or reporting barriers, such as mobility, a hearing impairment, poor health or frailty.<sup>8</sup>

#### (4) Lack of awareness

Some adults with impaired decision-making capacity may not be aware that the coercive control or elder abuse they are experiencing is wrong and are unable to access information on their rights.<sup>9</sup>

#### (5) Lack of perpetrator accountability

As a result of a lack of awareness, perpetrators are rarely brought to account, and that there are often no repercussions or consequences for perpetrators of elder abuse.<sup>10</sup>

Despite the above, or perhaps because of it, older women and older persons in general have been given far less attention as victims of coercive control<sup>11</sup> and this type of violence is not always recognised or captured by legislative and policy frameworks as constituting family or domestic violence, given it occurs beyond the typical intimate partner relationship.<sup>12</sup> This is demonstrated through our analysis below.

Key stakeholders acknowledge and it is important to remember that criminalisation is only one part of the broader approach to addressing coercive control. For the reasons identified above, irrespective of whether state and territory governments choose to criminalise coercive control and irrespective of the scope of the offence, elder abuse must be included in broader coercive control reform, in particular education and awareness raising campaigns.

*The purpose of this report is to examine where elder abuse<sup>1</sup> sits within broader recent discussions in Australia about coercive control law and policy reform; and encourage key stakeholders, including national and state and territory governments, to continue to include elder abuse in these important reforms.*

## What is coercive control?

Coercive control is a pattern of behaviour that typically results in perpetrators controlling the victims' daily activities, restricting their financial means and isolating them from family and friends.<sup>13</sup> Coercive control is a dangerous form of domestic and family violence used to instil fear in victims. Fundamentally it is about power and control and perpetrators use tactics such as isolating a person from their friends and family, tracking their movements, controlling access to money, where a person goes and even what they wear.<sup>14</sup>

Coercive control is particularly prevalent in relationships that suffer from an imbalance of power. In situations where one party is reliant on the other for basic needs, such as food, finances and basic care, one party can leverage these needs into a level of control that becomes abusive.<sup>15</sup>

## What is elder abuse?

Elder abuse is defined as a single or repeated act or failure to act, including threats that result in harm or distress to an older person. These occur where there is an expectation of trust and/or where there is a power imbalance between the party responsible and the older person.<sup>16</sup>

Elder abuse has gained significant attention in Australia in recent years as a serious problem requiring increased policy focus. Five abuse subtypes are commonly recognised within elder abuse: financial abuse, physical abuse, sexual abuse, psychological abuse (otherwise known as emotional abuse), and neglect.<sup>17</sup>

According to the Australian Government's July 2021 *National Elder Abuse Prevalence Study* (Prevalence Study), the estimate for the prevalence of elder abuse among community dwelling people aged 65 and older in Australia is 14.8%. This estimate is based on experiences reported in the year to July 2021. The most common form of abuse by far is psychological abuse. Neglect is the next most common abuse subtype.<sup>18</sup>

Elder abuse is mostly committed by family members, with adult children being the most common perpetrators, followed by intimate partners, then partners of adult children, and grandchildren to a much lesser extent.<sup>19</sup> Older people are also at risk of abuse from friends, neighbours, and acquaintances outside of their direct family – particularly in the context of sexual abuse where friends and neighbours were the largest perpetrator groups.<sup>20</sup> Of these perpetrator groups:

- adult children are most likely to commit financial, physical, and psychological abuse;
- intimate partners featured commonly as perpetrators of physical, psychological, and sexual abuse of older people; and
- adult children are on par with intimate partners as perpetrators of neglect.

## Elder abuse within the context of coercive control reform in Australia

Since the murder of Hannah Clarke and her three children in Queensland in February 2020, there has been much focus on coercive control in Australia and debate about the best laws and policies required to address it. All Australian states and territories are looking closely at coercive control reform for their own jurisdictions and, in September 2022 the Attorney-Generals for the Australian Government, and state and territory governments, released a consultation draft of the National Principles to Address Coercive Control.<sup>21</sup>

Schedule 1 contains a table summarising the status of coercive control reforms in Australia as at April 2023. [A live version of this table is online.](#)

Queensland, New South Wales, the Australian Capital Territory, South Australia, Western Australia and the Northern Territory have all held recent public consultations on coercive control reform.

These consultations have considered a range of reforms including education and awareness campaigns, amendments to the civil protection regimes, and criminalisation.

Reform commitments have included amendments to the civil protection regimes to broaden the definition of violence to include a 'pattern of behaviour' (such as in Queensland) and explaining definitions of behaviour to behaviour that 'coerces' and 'controls' (such as in New South Wales).

To date, Queensland, New South Wales and South Australia have committed to criminalising coercive control with New South Wales introducing a standalone offence of coercive control<sup>22</sup> through the *Crimes Legislation Amendment (Coercive Control) Bill 2022* on 23 November 2022.

Only Queensland though has indicated that the offence will extend beyond intimate partner relationships to include wider family relationships and informal care relationships.<sup>23</sup> New South Wales has expressly limited their coercive control offence to intimate partner relationships and the existing Tasmanian offences of economic abuse, emotional abuse and intimidation under the *Family Violence Act 2004* (TAS), are also limited to intimate relationships.

The consultation draft for the Attorney-General's National Principles to Address Coercive Control also emphasises intimate partner relationships, and the gendered nature of coercive control.

We examine the Queensland and New South Wales coercive control consultations and reforms in more detail below, as well as the draft Attorney-General's draft National Principles to Address Coercive Control.

# Queensland: Coercive control reform and elder abuse

## 6.1 Discussion Paper 1 questions

On 27 May 2021, the Women’s Safety and Justice Taskforce (**the Taskforce**) released [Discussion Paper 1](#) which provided 72 optional questions on how to best legislate against coercive control. The questions allowed submitters to be flexible with their submissions and recommendations but provided guidance to encourage commentary that would be useful to the Taskforce.<sup>24</sup>

Throughout Discussion Paper 1 there is no mention of ‘older people’ and only one mention of ‘elder abuse’.

The Discussion Paper does make mention of other marginalised groups though with 23 references to First Nations peoples or Aboriginal and Torres Strait Islander peoples; six references to the LGBTIQA+ community; five references to people with disabilities and seven references to culturally and linguistically diverse peoples.

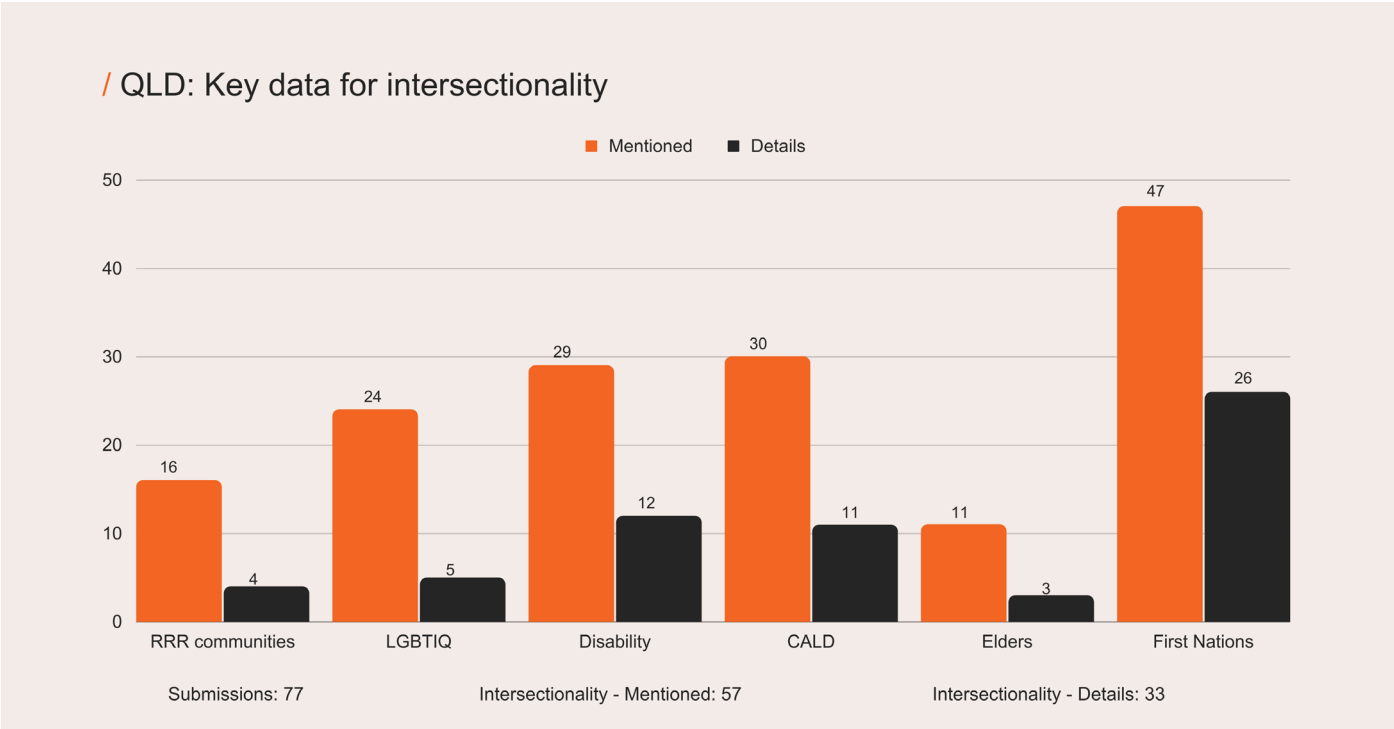
Of the 72 optional questions, none are focused on older people or elder abuse. A total of 13 questions are specific to victim-survivors and of these, nine reference either women or women and children specifically.

## 6.2 Submissions to Discussion Paper 1

Perhaps unsurprisingly when we analysed the 77 publicly available submissions to Discussion Paper 1<sup>25</sup> (Queensland Public Submissions Analysis), we identified that only 14% mentioned abuse of older people or elder abuse and only 5% of the 77 submissions provided detail about this topic (see columns 9 and 10 below). This is considerably lower than other marginalised groups as identified in the table below.

Despite this low number, the submissions that do mention the abuse of older people, do offer valuable insight into elder abuse in the context of coercive control reform.

Caxton Legal Centre (**Caxton**) in their submission to the Taskforce submitted that circumstances of vulnerability and dependence can create particularly apt conditions under which coercive control may be perpetrated.<sup>26</sup> Caxton reported that many of their older clients are victims of the patterns of controlling behaviour and emotional abuse that characterise coercive control within family relationships, in particular relationships with their adult children (intergenerational violence). These patterns of coercive control take a variety of forms, including making someone believe they have cognitive decline when they do not; deliberately not providing medications; threatening neglect; threatening placement in aged care; threatening grandchild alienation; deliberately making an older person feel they are a burden and social isolation from friends and family.<sup>27</sup>



Graph 1: Shows the number of submissions in Queensland out of a total 77 that mention or provide detail about the relevant marginalised group and intersectionality generally



*Caxton reported that many of their older clients are victims of the patterns of controlling behaviour and emotional abuse that characterise coercive control within family relationships, in particular relationships with their adult children (intergenerational violence).*

Caxton further noted that coercive control within the context of elder abuse and family relationships shares the same pattern of controlling behaviour as is present in intimate partner violence. Many of their clients are victims of years of coercive control by their adult children, often without any issues of physical violence and often concurrent with issues of financial or economic abuse. For several of their older clients, many years of coercive control eventually culminate in an act of physical violence committed by a young, physically fit adult, against an older, physically frail person.<sup>28</sup>

Queensland Law Society (QLS) agreed that victims of elder abuse are often vulnerable to coercive control due to cognitive impairments, care needs, or the 'digital divide', which may have initially created the need to rely on another person. QLS noted that while the offender may be a partner, they may also be an adult child, grandchild, or carer, who has become the primary carer, often residing in the older person's home, and who, over time, has become indispensable.<sup>29</sup>

QLS raised that there may be scope for a legislative response to coercive control to extend to any relationship where there is a pattern of behaviour which intends to control, establish power, or cause fear, by one person in an intimate, family or carer relationship against another, however, cautioned that care would need to be taken to ensure that the particular experiences of older people are addressed.<sup>30</sup>

Aged and Disability Advocacy Australia (ADAA) raised concerns about awareness of service systems (such as DVConnect and the Elder Abuse Helpline), particularly amongst older people and people with disability. ADA noted that people with disability are significantly more vulnerable to isolation, either in an institutional setting such as an aged care home or disability

accommodation services, as well as persons in community or home settings. As a result, even where an individual is aware of these services, a person experiencing coercive control may be actively or passively restricted from accessing them.<sup>31</sup>

The ADAA submission identified that ageism often leads to older women who report violence (for example to police, healthcare practitioners or staff in a residential aged care facility) not being believed, and not receiving any meaningful support.<sup>32</sup>

### **6.3 Taskforce response to Discussion Paper 1**

On 2 December 2021, the Taskforce completed its report titled [\*Hear Her Voice Report 1\*](#) on the first part of its work (Discussion Paper 1) which involved examining and reviewing coercive control, and the need for a specific offence of 'commit domestic violence' (**Taskforce Response**).<sup>33</sup>

The Taskforce Response (under Part 2) notes the experiences of older women as domestic violence victims are sometimes lost due to structural inequalities or 'cohort exclusion' regarding data collection and analysis. Cohort exclusion refers to the exclusion of older women, for example, in surveys examining personal violence.<sup>34</sup>

The Taskforce noted older women can experience abuse (such as physical, sexual, verbal) at the hands of an intimate partner and within the broader family context. Abuse committed by adult children shares many similarities with abuse in intimate relationships. For people with intersectional diversity (e.g., Aboriginal and Torres Strait Islander, women with disability, culturally and linguistically diverse (CALD), people who identify as LGBTIQ+, older women with disability), the impacts of this abuse can be further compounded by societal pressures and stigmas.<sup>35</sup>



*On criminalisation of coercive control, the Taskforce Response recommends legislating a new coercive control offence to be included in the Criminal Code.*

## 6.4 Taskforce recommendations in relation to elder abuse

The Taskforce Response (under Part 3) provides 89 detailed recommendations to address coercive control in Queensland.<sup>36</sup>

These recommendations include a recommendation for a package of legislative reforms against coercive control (Recommendation 4) but importantly prioritise prevention, education, perpetrator intervention and increasing the capacity of services provided by DFV workers, police, the legal profession, and courts before the new legislation is introduced.

The Taskforce Response frequently mentions and acknowledges the LGBTIQ+ community, Aboriginal and Torres Strait Islander peoples, CALD communities and people with a disability. Many of the 89 recommendations include targeted plans, campaigns and behavioural change programs, as well as better police responses for these groups.<sup>37</sup>

Recommendations specifically in relation to older people and elder abuse, include:

- **Recommendation 13:** The Queensland Government develop a five-year whole of government DFV service system strategic investment plan encompassing services delivered and funded by Queensland Government agencies. The strategic investment plan will guide investment decision making over the next five years in relation to services that are better tailored to meet the needs of people from CALD backgrounds, people with disability and LGBTIQ+ people, young people, *older people*, and other services.<sup>38</sup>
- **Recommendation 16:** All services will better meet the needs of Aboriginal and Torres Strait Islander peoples, peoples from CALD backgrounds, people with disability, LGBTIQ+ people, young people *and older people*. This will include embedding a common approach to respond to intersectional issues so that services and supports are more accessible and responsive to the needs of victims with multiple and complex needs.<sup>39</sup>
- **Recommendation 24:** The Queensland Government develop, implement, and adequately fund consistent evidence-based and trauma-informed ongoing training, education and effective change management strategies within all relevant agencies that deliver and fund services to victims and perpetrators of DFV and coercive control. This includes, as a priority, agencies that are responsible for: seniors, disability services, among others.<sup>40</sup>

On criminalisation of coercive control, the Taskforce Response recommends legislating a new coercive control offence to be included in the Criminal Code. The Taskforce makes it clear that the coercive control legislation should stipulate that the offence applies to a 'relevant relationship' as defined by the *Domestic and Family Violence Protection Act 2012*.<sup>41</sup> If adopted, this means the offence will apply to intimate relationships (past and present), wider family relationships and informal care relationships.<sup>42</sup> The offence would therefore apply to intergenerational elder abuse within families who are impacted by coercive control.

## 6.5 Queensland Government response to Taskforce recommendations

On 10 May 2022 the [Queensland Government confirmed its support](#) or support in principle for all the Taskforce's 89 recommendations.

In relation to the creation of a new offence to criminalise coercive control (Recommendation 78), the Queensland Government said that it 'supports the criminalisation of coercive control and will progress amendments in accordance with the stated approach to reform recommended by the Taskforce'.<sup>43</sup>

Though we are yet to see a draft Bill to establish a criminal offence of coercive control, the Queensland Government is well underway with its first round of legislative reforms introduced into Parliament on 14 October 2022. In December 2022, the first [Independent Progress Report](#) was released noting that 74 of the 84 recommendations contained in the first Taskforce report were either underway or delivered.

The Queensland Government has indicated we can expect to see a draft Bill for the offence before the end of 2023.

## New South Wales: Coercive control reform and elder abuse

### 7.1 New South Wales Discussion Paper and questions

In October 2020 the New South Wales Government released its Discussion Paper on Coercive Control (NSW Discussion Paper). The opening foreword to the NSW Discussion Paper makes it clear that the focus of the paper is on intimate partner violence. The first line of the NSW Discussion Paper reads *'On average, one woman every nine days, and one man every 29 days, in Australia is killed by a current or former partner'*.

The 75-page NSW Discussion Paper makes no reference of older people and the only references to 'elder abuse' are in the context of citing a 2000 journal article by Cynthia Thomas<sup>44</sup> and the Scottish position of expressly limiting the offence of coercive control to abuse of a partner or ex-partner.

The NSW Discussion Paper does raise the scope of domestic relationships to be covered (page 28) noting that Scotland, Ireland and Tasmania have all limited their criminal offences to intimate partner violence, while England and Wales have extended the scope of offences to family members. The Discussion Paper references the original work of Professor Evan Stark, who originated the concept of coercive control (in an intimate partner setting) and notes that Scotland limited the scope of relationships covered by its offence to intimate partners on the basis that 'abuse of partners and ex-partners has a distinct dynamic that differs from other forms of abuse within families.'<sup>45</sup>

In terms of other marginalised groups and those at the intersections, the Discussion Paper makes five references to Aboriginal and Torres Strait Islander peoples and/or Indigenous peoples, but only in the context of citing other legislative provisions, and no reference to the LGBTIQ+ community, people with disabilities, nor the CALD community.

None of the fifteen discussion questions reference older people or elder abuse, or the other marginalised groups identified above.

### 7.2 Joint Select Committee Terms of Reference

The Joint Select Committee on Coercive Control (**the Committee**) was established to (among other things) 'inquire and report on coercive control on domestic relationships.' Domestic relationships is not defined in the terms of reference, presumably however, we can rely on the definition of domestic relationships in the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) which extends beyond intimate partner relationships and includes relatives of a person.<sup>46</sup>

The Committee issued a media release on 12 November 2020 and wrote to key stakeholders inviting them to make a submission on the inquiry.

7.3 Submissions to the Inquiry

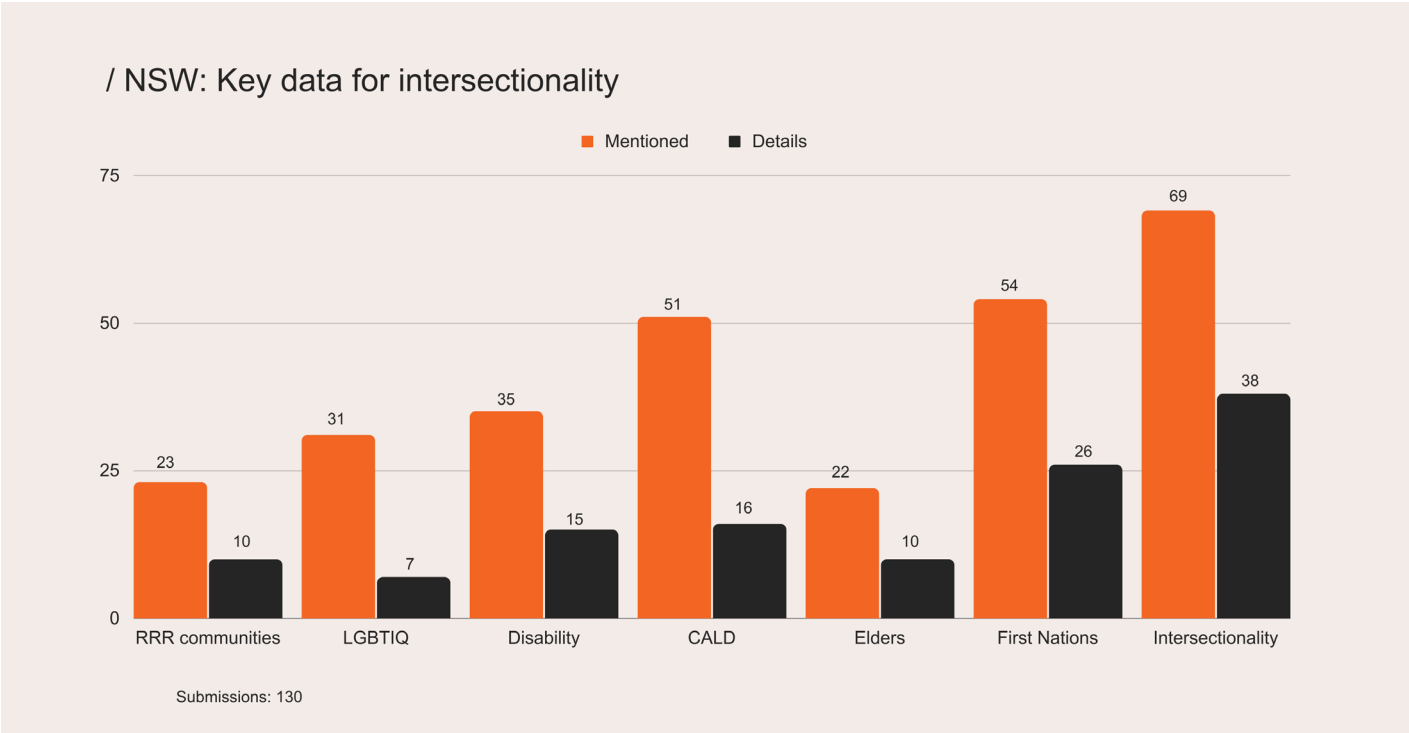
The Committee was responsible for reviewing the 156 submissions made by Academics, Individual (Professional), Organisations and the General Public in response to the Discussion Paper.<sup>47</sup> The Committee published 130 submissions with the authors' permission.

We reviewed the 130 public submissions and looked for submissions that both made mention of and provided detail about coercive control for marginalised members of the community, including elder abuse and the abuse of older people (Public Submissions Analysis).

We identified that of the total 130 submissions we reviewed, 17% mentioned abuse of older people or elder abuse and 8% provided detail about this topic (see columns 9 and 10). Except for RRR<sup>48</sup> communities, this is considerably lower than other marginalised groups.

Despite this, like with the Queensland consultation, those submissions that do reference elder abuse provide valuable insight and information in relation to elder abuse in the context of coercive control.

Senior Rights Services (SRS) identified in their submission that the intersectional factor of being older can significantly increase a person's vulnerability to abuse and exploitation. SRS advocated for the offence of coercive control to include a range of relationships beyond intimate partner relationships. SRS noted the significant barriers for older people to disclose abuse by an adult child or grandchild and that they require considerable psychological and practical support to do so and to take steps. SRS felt that criminalising coercive control could send a strong warning to family member perpetrators to protect older people from abuse.<sup>49</sup>



Graph 2: Shows the number of submissions in New South Wales out of a total 130 that mention or provide detail about the relevant marginalised group and intersectionality generally

In terms of the abusive and controlling behaviours family members can inflict on older people, SRS noted the following:

1. Isolating the older person from family, friends and services by:
  - denying access to medical care or home care services;
  - denying access to telephones or monitoring calls;
  - denying access to their money;
  - characterising them to friends and family as having severe cognitive decline and thus being unable to speak, receive visits or receive letters.
2. Intimidating and harassment such as:
  - ongoing verbal abuse;
  - standing over an older person;
  - staying in the older person's home without contributing financially or refusing to leave when asked;
  - threatening to place the older person in an aged care facility;
  - emotional blackmail such as threats of self-harm;
  - 'Gaslighting' with comments such as 'You are losing it' (playing upon the older person's fears of cognitive decline) and make them reluctant to call the abuser to account for failure to meet an obligation ('But I did do that, don't you remember? Your memory is so bad nowadays.') or challenge their behaviour ('That never happened. You're just imagining things. Old people get like that.').
3. Neglect and withdrawal of care, including:
  - not helping with bathing, dressing or other personal care,
  - withholding access to glasses, hearing aids or walking aids,
  - withholding suitable clothing, leaving only nightclothes,
  - withholding food, drink or medications.<sup>50</sup>

Centre for Women's Economic Safety<sup>51</sup> agreed that any new criminal offence of coercive control should extend to broader 'domestic relationships' and 'relatives', consistent with the existing *Crimes (Domestic and Personal Violence) Act 2007* (NSW). Similarly, No to Violence recommended that the offence or response to coercive control should include intimate partners and other close and familial relationships, not necessarily restricted to people who are cohabiting.<sup>52</sup>

The Royal Australian and New Zealand College of Psychiatrists (**RANZCP**)<sup>53</sup> favoured the definition of coercive control including behaviour that isolates a person from family and friends, deprives them of their basic needs, takes control of where a person can go, repeatedly puts them down, enforces rules designed to degrade or dehumanise, deprives them of money, forces them to have sex, and threatens to hurt or kill them. The victim and perpetrator must be 'personally connected' at the time the behaviour takes place, and cover behaviour in an intimate, family or household relationship including ex-partner.<sup>54</sup>

The Office of the Director of Public Prosecutions (**ODPP**) identified that the offence needs to be carefully framed. The use of the existing definition of a "domestic relationship" in the *Crimes (Domestic and Personal Violence) Act 2007* would ensure consistency between domestic violence legislation (including ADVOs) and avoid piecemeal amendments that would later require further amendment.<sup>55</sup>

## 7.4 Joint Select Committee response

On 30 June 2021 the Committee released its 191-page report on '[Coercive Control in domestic relationships](#)' (the NSW Report).

Though the Discussion Paper made minimal reference to marginalised groups, the NSW Report does frequently mention and acknowledge the LGBTIQ+ community, Aboriginal and Torres Strait Islander peoples, CALD communities and people with a disability. The NSW Report does acknowledge the need for targeted campaigns, targeted behavioural change programs and better police responses for these groups.<sup>56</sup>

Older people as a specific cohort are however, not identified as a marginalised group in the NSW Report recommendations. The only significant reference to elder abuse and the unique needs of older people in the context of coercive control is the discussion in Chapter Five on the relationships to be included in the offence.<sup>57</sup>

The Committee noted opposing views on whether the offence should be limited to intimate partner relationships or apply to all 'domestic' relationships captured in the *Crimes (Domestic and Personal Violence) Act 2007* and acknowledged the need for further consideration of this issue. The Committee noted the following comments of the New South Wales Ageing and Disability Commission:

*'[I]t should not be that if you are subject to coercive control by an intimate partner ... that is recognised as being an offence and you have access to protections. But if you are subject to those exact same behaviours in your home by a family member or other party you do not.'*<sup>58</sup>

## 7.5 Government response - criminal offence limited to intimate partner violence

On 17 December 2021 the [New South Wales Government responded](#) to the Committee's report and either supported, supported in principle, supported with further consideration or noted the 23 recommendations. Importantly, the New South Wales Government supported:

- Recommendation 9 for the New South Wales Government to run awareness campaigns about coercive control whether or not a specific coercive control offence is legislated; and
- Recommendation 21 that the New South Wales Government release an exposure draft of legislation for coercive control offence as a priority.

On 16 November 2022, the New South Wales Government became the first Australian state/ territory to create a standalone offence for coercive control, with the [Crimes Legislation Amendment \(Coercive Control\) Bill 2022 \(the Bill\)](#) passing Parliament.

The Bill proposed the following amendments (to now be inserted into the *Crimes Act 1900* (NSW)):

- **Section 54D** creates the coercive control offence by making it an offence for an adult to engage in a course of conduct consisting of abusive behaviour against **a current or former intimate partner**. The coercive control offence applies if the adult intends the course of conduct to coerce or control the other person. The coercive control offence is punishable by a maximum penalty of imprisonment for seven years.
- **Section 54E** includes a defence to the coercive control offence if the course of conduct was reasonable in all the circumstances. The proposed section also provides for evidentiary and other matters in relation to the defence.

Amendments will also be made to the Crimes ([Domestic and Personal Violence Act 2007 \(NSW\)](#)) protection regime.

The standalone offence of coercive control is limited to intimate partner relationships and does not extend to other relationships.

The Hon Mark Speakman SC MP, the Attorney General of New South Wales, explained the reasoning behind this in the Second Reading Speech of the Bill:

*'Since we responded in December 2021 to the committee's report, we have been clear from that time about the scope of reforms. We announced last December that as part of our response to those reforms, we would be "building on the committee's work by developing and consulting on drafting a standalone offence to address coercive control in current and former intimate partner settings" only. That is the approach we originally adopted. We remain committed to that approach because, as submitters like Legal Aid NSW and the Shoalcoast Community Legal Centre highlighted, the evidence base around coercive control and particularly its escalation into homicide is strongest in the intimate partner context. That was reflected in the exposure draft bill and has not changed in the bill now before Parliament.'*

Additionally, the Second Reading Speech explains that restricting the scope of the offence to intimate partners is supported by several stakeholders as an important safeguard against the risk of misidentification of victims as perpetrators. This, it is said, is particularly important in the context of the complex familial and kinship arrangements that exist in CALD and Aboriginal communities in New South Wales.

The Second Reading Speech again references the work and advice of Professor Evan Stark who recommended that an offence of coercive control is better limited to intimate partner relationships at this time, and 'should not be treated at law as the same as elder abuse, or sibling on sibling, because the nature of the offending is very different. The dynamics of coercive and controlling behaviour as they manifest in intimate partner settings are innately different from how similar behaviours manifest in other relationships.'

Despite this, the Attorney-General has indicated that the Government is open to considering whether, in the future, the scope of the offence requires expansion beyond intimate partner settings to other types of relationships.<sup>59</sup>

## Draft National Principles: Coercive control reform

### 8.1 Consultation draft

In September 2022, the Australian Government and state and territory government Attorney-Generals released a Consultation Draft of the National Principles to Address Coercive Control (Draft National Principles).<sup>60</sup> The purpose of the Draft National Principles is to help create a shared national understanding of coercive control across the Australian Government and the state and territory governments about coercive control and how to respond to it.<sup>61</sup>

It is proposed that the Draft National Principles will be used by policy makers and service providers across government and non-government sectors. They will provide flexibility to allow the Australian Government, state and territory governments, civil society and businesses to design their own tailored approaches to preventing and responding to coercive control.

The Draft National Principles are also intended as a tool to support wider awareness of coercive control by members of the broader community as well as legal professionals, police, health providers and other service providers who work with victim-survivors and perpetrators.

Despite the terminology disclaimer on page two that 'no exclusion or harm of people is intended in the terms used in the document', the language used in the Draft National Principles appears more focused on intimate partner violence than violence or abuse in other relationships. For example:

(a) **National Principle 1** describes coercive control as 'most often identified in the context of intimate partner relationships' and notes that 'family and domestic violence, including coercive control is driven by gender inequality within society' and;

(b) **National Principle 2** provides that 'escalation of patterns of coercive control is a significant factor in intimate partner homicide cases' and that, 'in an intimate partnership context, coercive control does not always end when a relationship is ended'.

On criminalisation of coercive control, National Principle 7 provides that:

**National Principle 7:** Whether coercive control should be a criminal offence, and the form this may take, is a matter for the individual state and territory governments to determine. State and territory governments agree that the development and implementation of any specific coercive control offence would involve consideration of the National Principles to Address Coercive Control. It is also only one part of the broader approach to addressing coercive control.

## Where to next?

Older people are victims of coercive control and the abuse inflicted on them is most commonly at the hands of an adult child. Yet for a multitude of reasons, the abuse is not reported.

The purpose of this paper is not to weigh into the debate on whether coercive control should be criminalised or if it is, that the scope of the offence should extend beyond intimate partners. Criminalisation is, as the Draft National Principles state, only one aspect of coercive control reform.

Other aspects of reform, including common law and policy reforms, are equally as (if not more so) important as criminalisation in responding to coercive controlling behaviour inflicted on older people.

Education and awareness are arguably our most powerful tool for prevention, like with coercive control in the context of intimate partner settings, the more we educate people, and the more people are made aware of coercive control of older people, the better we are armed to prevent it and respond to it.

Respectfully, the Draft National Principles should be broader in scope to ensure that victim-survivors and perpetrators of intergenerational abuse are not inadvertently excluded from broader discussions, around Australia, on coercive control reform. Minor amendments to the language used in the Draft National Principles could achieve a more inclusive set of National Principles.

Equally, each state and territory government should ensure that elder abuse is included as part of their broader package of coercive control reform, in particular, in their funding and comprehensive education and awareness raising campaigns.



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# Schedule 1 - Coercive control reform tracker: Australia 2023

Orange shading indicates coercive control consideration and reform from February 2020

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

Jurisdiction	Consultation	Criminalisation	Civil Protection Regime
National	<ul style="list-style-type: none"> <li>14 September 2022, the Australian Government and state and territory Attorney-Generals released a Consultation Draft of the National Principles to Address Coercive Control (<a href="#">Draft National Principles</a>). The Draft National Principles create a shared understanding of coercive control across all jurisdictions and how to respond to it.</li> </ul>	<ul style="list-style-type: none"> <li>Draft National Principle 7 leaves it to each jurisdiction to decide whether coercive control should be a specific criminal offence.</li> </ul>	<ul style="list-style-type: none"> <li>Draft National Principle 7 leaves it to each jurisdiction to decide whether to amend existing civil laws that aim to protect victim-survivors from further violence, intimidation or harassment (i.e., protection orders).</li> </ul>
Queensland	<ul style="list-style-type: none"> <li>27 May 2021, the Queensland Taskforce commenced community consultation on how best to legislate against coercive control (<a href="#">Discussion Paper 1</a>).</li> <li>2 December 2021, the Taskforce released <a href="#">Hear her voice Report 1 Addressing coercive control and domestic and family violence in Queensland</a> with 89 recommendations for reform.</li> <li>10 May 2022, the <a href="#">Queensland Government responded</a> to the Taskforce accepting the 89 recommendations including criminalisation of coercive control.</li> </ul>	<ul style="list-style-type: none"> <li>22 February 2023, the first stage of legislation against coercive control passed Parliament and lays the foundation to create a standalone offence of coercive control. The <a href="#">Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022 (QLD)</a> renames the offence of unlawful stalking to '<a href="#">Unlawful stalking, intimidation, harassment or abuse</a>' <a href="#">Criminal Code Act 1899 (QLD)</a> (Ch33A). The change will commence on a day yet to be fixed by proclamation. The offence will carry a maximum penalty of seven years imprisonment if a domestic relationship exists between the offender and the stalked person.</li> <li><a href="#">Domestic relationship</a> is defined as a 'relevant relationship' under the <a href="#">Domestic and Family Violence Protection Act 2012 (QLD)</a>, which include intimate personal relationships, family relationships and informal care relationships.</li> </ul>	<ul style="list-style-type: none"> <li>Protection orders are made for people in 'relevant relationships' under the <a href="#">Domestic and Family Violence Protection Act 2012 (QLD)</a> (Part 3). Relevant relationships include intimate personal relationships, family relationships and informal care relationships (s13).</li> <li>22 February 2023, the Queensland Government passed the <a href="#">Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022 (QLD)</a>.</li> <li>The Bill introduced 'a pattern of behaviour' into the meaning of domestic violence. Behaviours listed include, keeping a person in a dependent relationship, and isolating a person from family, friends and other sources of support.</li> </ul>

# Schedule 1 - Coercive control reform tracker: Australia 2023

Orange shading indicates coercive control consideration and reform from February 2020

Jurisdiction	Consultation	Criminalisation	Civil Protection Regime
New South Wales	<ul style="list-style-type: none"> <li>21 October 2020, the Joint Select Committee on Coercive Control was established to inquire into, and report on coercive control in domestic relationships.</li> <li>30 June 2021 the Committee released its <a href="#">Report on Coercive Control in domestic relationships</a> with 23 recommendations.</li> <li>17 December 2021 The <a href="#">NSW Government responded</a> to the Committee's report and either Supported, Supported in principle, Supported with further consideration or Noted the 23 recommendations.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">23 November 2022, the NSW Government passed the Crimes Legislation Amendment (Coercive Control) Bill 2022 (NSW).</a></li> <li><a href="#">Under the bill, a standalone offence</a> of coercive control <b>between current or former intimate partners only</b> (s54D) will be introduced to the <a href="#">Crimes Act 1900 (NSW)</a>. The offence will carry a maximum penalty of imprisonment for 7 years. The offence will commence on 1 July 2024, or a date appointed by proclamation no earlier than 1 February 2024.</li> <li>The Bill also introduces a Coercive Control Implementation and Evaluation Taskforce (which commenced 12 December 2022).</li> </ul>	<ul style="list-style-type: none"> <li>Apprehended domestic violence orders are made for people in 'domestic relationships' under the <a href="#">Crimes (Domestic and Personal Violence) Act 2007 (NSW)</a>. Domestic relationships include, among other things, current or former de facto relationships, current or former intimate personal relationships (whether or not the relationship is/was of a sexual nature), current or former relatives, and where a person is living or has lived in the same household as the other person (s5).</li> <li><a href="#">Crimes Legislation Amendment (Coercive Control) Bill 2022 (NSW)</a> was assented 23 November 2022 to amend <i>Crimes (Domestic and Personal Violence) Act 2007 (NSW)</i> and provides for a new definition of 'domestic abuse' that includes behaviour that coerces or controls the second person. The amendment will commence 1 February 2024, or a day appointed by proclamation.</li> </ul>
Australian Capital Territory	<ul style="list-style-type: none"> <li>January 2022 the Domestic Violence Prevention Council Joint Advisory Board published its <a href="#">Discussion Paper on Criminalising Coercive Control</a> with a recommendation for community-led consultation with marginalised communities<sup>1</sup> before legislative reform is considered.</li> <li>The Paper also recommends the ACT Government observe implementation of legislation to criminalise coercive control in other Australian jurisdictions to inform possible approaches in the ACT.</li> </ul>	<ul style="list-style-type: none"> <li>In its June <a href="#">2022 Annual Safer Families Statement</a> the ACT Government confirmed that it accepted the Advisory Board's advice of further consultation, research and observation of other jurisdictions prior to considering criminalisation.</li> </ul>	<ul style="list-style-type: none"> <li>Protection orders are made for a 'family member' under the <a href="#">Family Violence Act 2016 (ACT)</a>. A family member includes current or former domestic partners, current or former intimate partners, relatives, a child of a current or former domestic partner, and a parent of a child (s9).</li> <li>The Act includes in the definition of family violence coercion or any other behaviour that (A) controls or dominates the family member; and (B) causes the family member to feel fear for the safety or wellbeing of the family member or another person (s8). This definition was</li> </ul>

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

# Schedule 1 - Coercive control reform tracker: Australia 2023

Orange shading indicates coercive control consideration and reform from February 2020

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

# Schedule 1 - Coercive control reform tracker: Australia 2023

Orange shading indicates coercive control consideration and reform from February 2020

Jurisdiction	Consultation	Criminalisation	Civil Protection Regime
South Australia	<ul style="list-style-type: none"> <li>September and October 2021 a consultation on a proposed South Australian office of coercive control was conducted. There were 173 respondents to the public survey and 31 detailed submissions received to this consultation.</li> <li>2 February 2022 <a href="#">the SA Government sought submissions</a> following its release of <a href="#">Discussion Paper: Implementation considerations should coercive control be criminalised in South Australia</a>.</li> <li>May 2022 the SA Government published its <a href="#">Overview of Submissions</a> from the 22 submissions received for the consultation.</li> <li><a href="#">28 Sep 2022</a> the SA Government confirmed that consultation with a wide range of groups and other jurisdictions had started. Once the consultations have concluded, the Government will put draft legislation before parliament.</li> <li>12 April 2023 the SA Government launched its <a href="#">public awareness campaign</a> across social media platforms Instagram, Facebook, TikTok, YouTube and Snapchat and on bus shelters around the metropolitan area targeting young people to '<a href="#">see the signs</a>' of coercive control.</li> </ul>	<ul style="list-style-type: none"> <li>The SA Government have committed to <a href="#">criminalising coercive control</a>.</li> <li>Since 2018 there have been numerous Bills introduced to parliament to criminalise coercive control.<sup>2</sup></li> <li>The most recent Bill introduced in October 2021 (<a href="#">Criminal Law Consolidation (Abusive Behaviour) Amendment Bill 2021 (SA)</a>) has now lapsed. This Bill limited the offence of 'engaging in abusive behaviour' to persons who are married, domestic partners or some other form of intimate personal relationship (s20B(10)).</li> <li><a href="#">17 Nov 2022</a> the Government confirmed that, in line with its election commitments, it will be introducing legislation to criminalise coercive control in 2023 as well as exploring the many aspects of community awareness, training and resourcing that are needed to support the implementation of future legislation<sup>3</sup>.</li> </ul>	<ul style="list-style-type: none"> <li>Intervention orders are made for the protection of any person (against whom it is suspected the defendant will commit an act of abuse) under the <a href="#">Intervention Orders (Prevention of Abuse) Act 2009 (SA)</a> (s7).</li> <li>The principles for intervention against abuse include that abuse may involve overt or subtle exploitation of power imbalances and may consist of isolated incidents or patterns of behaviour (s10(1)(b)). It also includes that it is of primary importance to prevent abuse and to prevent children from being exposed to the effects of abuse (s10(1)(c)). These principles were included when the Act was first passed in 2009 and have remained unchanged. The principles do not include the term "coercive control".</li> <li>Domestic abuse applies where two persons are, (among other things) married, domestic partners, in some other form of intimate personal relationship, one is the child, stepchild or grandchild of the other (regardless of age), and otherwise related to each other by or through blood, marriage, domestic partnership or adoption (s8).</li> <li>Domestic abuse also applies where two people are related according to Aboriginal or Torres Strait Islander kinship rules or are both members of some other culturally recognised family group (s8(j)).</li> </ul>

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

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

# Schedule 1 - Coercive control reform tracker: Australia 2023

Orange shading indicates coercive control consideration and reform from February 2020

Jurisdiction	Consultation	Criminalisation	Civil Protection Regime
Western Australia	<ul style="list-style-type: none"> <li>March 2022, the <a href="#">WA Government community consultation</a> on coercive control commenced. The review will consider whether the Government needs to change laws to better protect victim-survivors or coercive control.</li> <li>11 December 2022 the WA Government released a <a href="#">media statement</a> sharing a <a href="#">consultation snapshot</a> and noting that more than 300 submissions had been received. The Commissioner will present a final report to Government in 2023.</li> </ul>	<ul style="list-style-type: none"> <li>There has been no statement yet in relation to the introduction of a stand-alone offence for coercive control, however the March 2022 community consultation paper considered criminalisation.</li> </ul>	<ul style="list-style-type: none"> <li>Restraining orders are made to protect family members against family violence under the <a href="#">Restraining Orders Act 1997 (WA)</a>.</li> <li>Family members include a relationship between two persons who are, or were, married to each other; in a de facto relationship; related to each other and one of whom is, or was, a child whom the other person is a guardian (s4(1)).</li> <li>Family violence was defined in the Act on 1 July 2017, following the <a href="#">Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016 (WA)</a>. Family Violence includes any other behaviour by a person that coerces or controls the family member or causes the member to be fearful (s5A).</li> <li>This definition was expanded in 2020 through the <a href="#">Family Violence Legislation Reform Act 2020 (WA)</a>. Family violence now includes coercing in connection with demanding or receiving dowry, before or after a marriage.</li> </ul>
Northern Territory	<ul style="list-style-type: none"> <li>May 2021, the Territory's Domestic, Family and Sexual Violence Cross Agency Working Group agreed that there was 'a need to consider changes to the law and policy to effectively address coercive control as an integral part of DFV'. The Working Group stated that this could be through criminalisation, as well as amending the definition of domestic and family violence in the Act to better address coercive control, among other measures.</li> <li>August 2022, the Department of the Attorney-General and Justice released the</li> </ul>	<ul style="list-style-type: none"> <li>Coercive control has not been criminalised yet in NT though criminalisation was put forward as an option for consideration in the August 2022 consultation.</li> </ul>	<ul style="list-style-type: none"> <li>Domestic Violence Orders are made to protect persons in a domestic relationship against violence under the <a href="#">Domestic and Family Violence Act 2007 (NT)</a>.</li> <li>A person is in a domestic relationship with another person if the person includes among other things: a spouse or de facto partner; otherwise a relative of the other person; a person who has or had custody or guardianship of the other person; is or has been in an intimate personal relationship with the other person; or ordinarily or regularly lives with the other person (s9)(s10).</li> </ul>

# Schedule 1 - Coercive control reform tracker: Australia 2023

Orange shading indicates coercive control consideration and reform from February 2020

Jurisdiction	Consultation	Criminalisation	Civil Protection Regime
	<p><a href="#">Review of Legislation and the Justice Responses to Domestic and Family Violence in the Northern Territory</a> for consultation.</p> <ul style="list-style-type: none"> <li>Further targeted consultation meetings will be held by invitation.</li> </ul>		<ul style="list-style-type: none"> <li>Domestic violence includes stalking and intimidation. Intimidation is defined to include conduct that causes a reasonable apprehension of violence to the person, including sexually coercive behaviour (s6). This definition was included in the Act when it commenced on 1 July 2008.</li> </ul>
Tasmania	<ul style="list-style-type: none"> <li>In August 2003, the Tasmanian Department of Justice and Industrial Relations released an <a href="#">Options Paper</a> proposing a new model for addressing family violence within criminal law. It included recommendations to broaden the definition of family violence to include non-physical forms of abuse.</li> </ul>	<ul style="list-style-type: none"> <li>Economic abuse, emotional abuse and intimidation are offences under the <a href="#">Family Violence Act 2004 (TAS)</a> and encompass coercive and controlling behaviours. This offence is punishable by fine not exceeding 40 penalty units or imprisonment for a term not exceeding two years (s8 &amp; s9).</li> <li>The offences are limited to <b>relationships of spouse or partner</b>.</li> </ul>	<ul style="list-style-type: none"> <li>Family violence orders can be made under the <a href="#">Family Violence Act 2004 (TAS)</a> to prevent the commission of family violence against an affected person or to protect any other person named in the order (s4, s15, s16).</li> <li>Family violence includes coercion and intimidation against a person's <b>spouse or partner only</b> (s7).</li> </ul>

## Schedule 2 - References

### Discussion Papers

- **QLD:** Women's Safety and Justice Taskforce, '*Discussion Paper 1*' (Discussion Paper, 2022) <https://www.womenstaskforce.QLD.gov.au/submissions/discussion-paper-1>
- **NSW:** Joint Select Committee on Coercive Control, '*Discussion paper*' (Discussion Paper 2020) <https://www.crimeprevention.nsw.gov.au/domesticviolence/Documents/domestic-violence/discussion-paper-coercive-control.pdf>
- **WA:** Office of the Commissioner for Victims and Crime, '*Legislative Responses to Coercive Control in Western Australia*' (2022) <https://www.wa.gov.au/system/files/2022-03/Coercive-Control-Discussion-Paper.pdf>

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# Endnotes

1. We define 'elder abuse' in part 4 below. We have chosen to use the phrase 'elder abuse' for simplicity and consistency with several resources we reference. We do note, however, that the phrase 'abuse of older people' is preferred by some communities; in particular, First Nations communities.
2. Australian Government, *National Elder Abuse Prevalence Study: Final Report* (Report, December 2021) 30 <<https://aifs.gov.au/research/research-reports/national-elder-abuse-prevalence-study-final-report>>.
3. Queensland Law Society, 'Elder Abuse' (Joint Issues Paper, Office of the Public Advocate, February 2022) 9 <[https://www.justice.qld.gov.au/\\_\\_data/assets/pdf\\_file/0006/707973/elder-abuse-joint-issues-paper-20220209.pdf](https://www.justice.qld.gov.au/__data/assets/pdf_file/0006/707973/elder-abuse-joint-issues-paper-20220209.pdf)>; Western Australia, Parliamentary Debates, Legislative Council, 13 September 2017, 12 <[https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/1fef4910836cd2bf4825819c002fc8b1/\\$FILE/C40%20S1%2020170913%20p3863g-3878a.pdf](https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/1fef4910836cd2bf4825819c002fc8b1/$FILE/C40%20S1%2020170913%20p3863g-3878a.pdf)> (Mr Matthew Swinbourn); Victorian Government, 'Data collection standards - Older people', *VIC Government* (Web Page, 10 January 2022) <<https://www.vic.gov.au/victorian-family-violence-data-collection-framework/data-collection-standards-older-people>>.
4. Australian Government (n 2) 30.
5. Ibid 2.
6. It should be noted that the 'seriousness' of something is a subjective metric, and the older person used their own understanding of the term; Ibid 3.
7. Ibid 1.
8. Caxton Legal Centre, Submission to Women's Safety and Justice Taskforce, *Options for legislating against coercive control and the creation of a standalone domestic violence offence* (July 2021) 5 <[https://www.womenstaskforce.qld.gov.au/\\_\\_data/assets/pdf\\_file/0007/691252/wsjt-submission-caxton-legal-centre.pdf](https://www.womenstaskforce.qld.gov.au/__data/assets/pdf_file/0007/691252/wsjt-submission-caxton-legal-centre.pdf)>.
9. Office of the Public Guardian, Submission to Women's Safety and Justice Taskforce, *Options for legislating against coercive control and domestic violence* (July 2021) 6 <[https://www.womenstaskforce.qld.gov.au/\\_\\_data/assets/pdf\\_file/0007/691711/wsjt-submission-qld-gov-office-of-the-public-guardian.pdf](https://www.womenstaskforce.qld.gov.au/__data/assets/pdf_file/0007/691711/wsjt-submission-qld-gov-office-of-the-public-guardian.pdf)>.
10. Uniting Church in Australia QLD Synod, Submission to Women's Safety and Justice Taskforce, *Options for legislating against coercive control and the creation of a standalone domestic violence offence* (July, 2021) 8 <[https://www.womenstaskforce.qld.gov.au/\\_\\_data/assets/pdf\\_file/0003/691311/wsjt-submission-uniting-church-of-aus-qld-synod.pdf](https://www.womenstaskforce.qld.gov.au/__data/assets/pdf_file/0003/691311/wsjt-submission-uniting-church-of-aus-qld-synod.pdf)>.
11. Caxton Legal Centre (n 8) 3.
12. QLD Law Society, Submission to Women's Safety and Justice Taskforce, *Options for legislating against coercive control and the creation of a standalone domestic violence offence* (15 July 2021) 16 <[https://www.womenstaskforce.qld.gov.au/\\_\\_data/assets/pdf\\_file/0007/692341/wsjt-submission-queensland-law-society.pdf](https://www.womenstaskforce.qld.gov.au/__data/assets/pdf_file/0007/692341/wsjt-submission-queensland-law-society.pdf)>.

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13. Justice François Kunc, 'Current Issues: The Rule of Law' (2021) 95(5) *Australian Law Journal* 311, 315.
14. QLD Government, 'QLD Government response to the report of the QLD Women's Safety and Justice Taskforce, Hear Her Voice – Report One – Addressing coercive control and domestic and family violence in QLD' (2022) 3 <<https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/84bb739b-4922-4098-8d70-a5a483d2f019/qg-response-wsjtaskforce-report1.pdf?ETag=adb9f2f7ba3ce907ae98eb5b81539100>>.
15. Australian Government (n 2).
16. Ibid 17.
17. Ibid 1.
18. Ibid 2.
19. Ibid.
20. Ibid.
21. Australian Government, *Consultation Draft – National Principles to Address Coercive Control* (Consultation Draft, September 2022) 1 <[https://consultations.ag.gov.au/families-and-marriage/coercive-control/user\\_uploads/coercive-control-consultation-draft-14-september-2022.pdf](https://consultations.ag.gov.au/families-and-marriage/coercive-control/user_uploads/coercive-control-consultation-draft-14-september-2022.pdf)>.
22. Tasmania already criminalises economic abuse, emotional abuse and intimidation under the *Family Violence Act 2004* (TAS).
23. QLD Government (n 14) 4.
24. Women's Safety and Justice Taskforce, *Options for legislating against coercive control and the creation of a standalone domestic violence offence* (Discussion Paper 1, 27 May 2021) 10 <<https://www.womenstaskforce.qld.gov.au/submissions/discussion-paper-1>>.
25. There were 82 total submissions made to Women's Safety and Justice Taskforce, *Options for legislating against coercive control and the creation of a standalone domestic violence offence* (Discussion Paper 1, 27 May 2021) <<https://www.womenstaskforce.qld.gov.au/submissions/discussion-paper-1>>. Our analysis is limited to the 77 publicly available submissions.
26. Caxton Legal Centre (n 8) 5.
27. Ibid 4.
28. Ibid.
29. QLD Law Society (n 12) 16.
30. Ibid.
31. ADA Australia, Submission to Women's Safety and Justice Taskforce, *Options for legislating against coercive control and the creation of a standalone domestic violence offence* (16 July 2021) 3 <[https://www.womenstaskforce.qld.gov.au/\\_\\_data/assets/pdf\\_file/0003/692643/wsjt-submission-ada-australia.pdf](https://www.womenstaskforce.qld.gov.au/__data/assets/pdf_file/0003/692643/wsjt-submission-ada-australia.pdf)>.
32. Ibid 4.

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33. Women's Safety and Justice Taskforce, *Hear her voice – Volume 1* (Report No 1, December 2021) 8 <[https://www.womenstaskforce.qld.gov.au/\\_\\_data/assets/pdf\\_file/0013/700600/volume-1-exectutive-summary-and-introduction.pdf](https://www.womenstaskforce.qld.gov.au/__data/assets/pdf_file/0013/700600/volume-1-exectutive-summary-and-introduction.pdf)>.
34. Women's Safety and Justice Taskforce, *Hear her voice – Volume 2* (Report No 1, December 2021) 52 <[https://www.womenstaskforce.qld.gov.au/\\_\\_data/assets/pdf\\_file/0014/700601/volume-2-the-mountains-we-must-climb.pdf](https://www.womenstaskforce.qld.gov.au/__data/assets/pdf_file/0014/700601/volume-2-the-mountains-we-must-climb.pdf)>.
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36. Women's Safety and Justice Taskforce, *Hear her voice – Volume 3* (Report No 1, December 2021) 3 <[https://www.womenstaskforce.qld.gov.au/\\_\\_data/assets/pdf\\_file/0015/700602/volume-3-the-journey-we-must-go-on-as-a-community.pdf](https://www.womenstaskforce.qld.gov.au/__data/assets/pdf_file/0015/700602/volume-3-the-journey-we-must-go-on-as-a-community.pdf)>.
37. Ibid.
38. Ibid 42.
39. Ibid 53.
40. Ibid 80.
41. Ibid 80.
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44. Cynthia Thomas, 'First national study of elder abuse and neglect: Contrast with results from other studies' (2000) 12(1) *Journal of Elder Abuse and Neglect* 1.
45. NSW Government, *Coercive Control* (Discussion Paper, October 2020) <<https://apo.org.au/sites/default/files/resource-files/2020-10/apo-nid309001.pdf>>.
46. *Crimes (Domestic and Personal Violence) Act 2007* s 5.
47. NSW Government (n 45).
48. Ibid.
49. Seniors Rights Services, *Coercive Control in Domestic Relationships* (Submission No 127, 12 February 2021) <<https://www.parliament.nsw.gov.au/ladocs/submissions/70614/Submission%20-%20127.pdf>>.
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51. Centre for Women's Economic Safety, *Coercive Control in Domestic Relationships* (Submission No 92, 29 January 2021) <<https://www.parliament.nsw.gov.au/ladocs/submissions/70480/Submission%20-%2092.pdf>>.
52. No to Violence, *Coercive Control in Domestic Relationships* (Submission 126, 11 February 2021) <<https://www.parliament.nsw.gov.au/ladocs/submissions/70613/Submission%20-%20126.pdf>>.
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54. Ibid.

55. Office of the Director of Public Prosecutions, *Submission by the Office of the Director of Public Prosecutions* (Submission No 89, January 2021) 12-13 <<https://www.parliament.nsw.gov.au/ladocs/submissions/70476/Submission%20-%2089.pdf>>.

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59. New South Wales, *Parliamentary Debates*, Legislative Assembly, 12 October 2022, (Mr Mark Speakman).

60. Australian Government (n 21) 1.

61. Ibid.

62. Including Aboriginal and Torres Strait Islander peoples, CALD communities, LGBTIQA+ and disability communities.

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

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

65. Instead legal recourse would need to be sought under, for example the Justices Act 1959 (Tas), the *Criminal Code Act 1924* (Tas), *Justices (Restraint Orders) Rules 2013* (Tas). [https://www.safeathome.tas.gov.au/\\_\\_data/assets/pdf\\_file/0011/567335/Responding-to-Family-Violence-WCAG.PDF](https://www.safeathome.tas.gov.au/__data/assets/pdf_file/0011/567335/Responding-to-Family-Violence-WCAG.PDF) page 8.

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