



Submission:

Full Stop Australia

Submission to the Statutory Review of the Crimes Legislation
Amendment (Coercive Control) Act 2022

August 2026

Department of Communities and Justice

Policy, Reform and Legislation

Locked Bag 5000, Parramatta NSW 2124

Re: Submission to the Statutory Review of the Crimes Legislation Amendment (Coercive Control) Act 2022

Dear Review Team,

Full Stop Australia thanks the Department of Communities and Justice for the opportunity to make a submission to the statutory review of the Crimes Legislation Amendment (Coercive Control) Act 2022.

We support the objectives of the coercive control offence.

We would welcome the opportunity to discuss any aspect of this submission further.

Yours sincerely

A handwritten signature in black ink that reads "Karen Bevan".

Karen Bevan

Chief Executive Officer

Full Stop Australia

Executive Summary

Full Stop Australia has been working in the field of sexual, domestic and family violence since 1974. We provide specialist sexual assault counselling and support services nationally, including a 24/7 helpline, trauma-informed casework and community outreach. Our frontline experience with victim-survivors of sexual violence directly informs this submission.

Full Stop Australia supports the original policy objectives of the coercive control reform: to strengthen the criminal justice response to non-physical forms of domestic abuse, recognise domestic abuse as a pattern of behaviour, and protect victim-survivors from that abuse. These goals remain valid and appropriate. This submission focuses on where the current legislation requires strengthening, particularly in its treatment of sexual violence.

This submission addresses four priority areas and makes five recommendations.

Priority 1: Sexual Violence and Sexual Coercion in the NSW Legislation

Sexual violence and sexual coercion are significantly underreported within the NSW coercive control framework and the legislation does not provide sufficient clarity to address this. Victim-survivors experiencing sexual coercion often do not see their experience reflected in the current legislation. For those who do not want to pursue sexual assault charges, there is no clear pathway for their experience to be recognised within the coercive control offence. There has been limited community education or public discussion regarding sexual coercion in this context.

NSW is an outlier compared to other Australian jurisdictions with coercive control legislation. Sexual violence should be explicitly named as a listed behaviour under section 54F of the Crimes Act 1900 and in the domestic abuse definition under section 6A of the Crimes (Domestic and Personal Violence) Act 2007.

Recommendation 1: Explicitly name sexual violence, sexual abuse and/or sexual coercion as a listed behaviour under section 54F(2) of the Crimes Act 1900, reflecting the language used in AVO legislation and the preferences of different communities.

Recommendation 2: Align the domestic abuse definition under section 6A of the Crimes (Domestic and Personal Violence) Act 2007 with section 54F to ensure sexual violence is explicitly recognised in both frameworks.

Recommendation 3: Ensure any inclusion of sexual violence within the coercive control framework provides an additional prosecution option and does not replace or downgrade existing sexual offences.

Priority 2: The Intent Threshold

From our clinical experience, coercive control builds through a pattern of behaviour, through micro-aggressions and well thought out conduct. It is a concern to us that the current intent threshold is restricting access to the offence for victim-survivors whose experiences clearly meet the spirit of what the legislation was designed to capture. This is not a gap unique to NSW: Queensland, South Australia and the ACT's proposed offence all share the same intent-based structure, and no Australian jurisdiction has yet moved to a lower threshold. Overseas, Scotland has already built recklessness into its equivalent offence, England and Wales apply a lower threshold again, and Canada's Bill C-16 includes recklessness as an alternative to intent.

Overall, while recklessness often more accurately reflects the experiences of our clients, the implementation of the more restricted standard of intent still requires significant attention and improvement. The question of the mental element should be a focus of the next statutory review once the legislation has been more fully implemented and evidence for the way forward is better established through research and evaluation.

Recommendation 4: Consider whether the mental element of the offence should be extended to include recklessness, consistent with international models such as Scotland's Domestic Abuse (Scotland) Act 2018, with appropriate safeguards to minimise the risk of misidentification of the primary aggressor.

Priority 3: Scope of Relationships

Full Stop Australia sees coercive control operating beyond intimate partner relationships in contexts the current legislation does not capture. Full Stop Australia supports the review examining the evidence on whether the offence should be extended, with appropriate safeguards. While it may be appropriate for the legislation to address an expanded scope of relationships, Full Stop Australia considers this a longer term focus for legislative change.

Recommendation 5: Examine research evidence and implementation experience to inform considerations of expansion of coercive control beyond intimate partner relationships and consider whether careful extension of the scope would better protect victim-survivors without increasing the risk of misidentification or criminalisation.

About Full Stop Australia

Full Stop Australia is a nationally focused not-for-profit organisation which has been working in the field of sexual, domestic and family violence since 1974. Our work includes:

- expert and confidential telephone, online and face-to-face counselling to people of all genders across Australia who have experienced sexual, domestic or family violence, and specialist help for their supporters
- best practice training and professional services to support frontline workers, government, and the corporate and not-for-profit sectors
- advocacy to governments and in the public conversation for laws, policy and resourcing that better respond to, and ultimately prevent, gender-based violence.

Our advocacy draws on the expertise of our trauma-specialist counsellors and the lived expertise of our clients and survivor-advocates. We are committed to centring the voices of victim-survivors in our work.

Full Stop Australia provides specialist sexual assault counselling and support services nationally, including a 24/7 helpline, trauma-informed casework and community outreach.

Sexual Violence and Sexual Coercion in the NSW Legislation

The Definition Gap

Coercive control is often invisible, particularly its psychological dimensions. The lasting trauma impacts of sustained coercive and controlling behaviour, including technology-facilitated abuse, the omnipresence of surveillance and monitoring, and the internalised belief that one cannot safely say no, are well understood through our frontline work. Sexual violence is woven through this experience.

Victim-survivors experiencing sexual coercion often do not see their experience reflected in the current legislation. For those who do not want to pursue sexual assault charges, there is no clear pathway for their experience of sexual coercion to be understood within the coercive control offence.

The NSW coercive control offence (section 54D, Crimes Act 1900) references sexual matters only through section 54F(2)(i), behaviour that makes unreasonable demands about a person's sexual autonomy. Sexual violence, sexual abuse and sexual coercion are not explicitly named as forms of abusive behaviour.

There is also a misalignment between the two key definitions. Section 54C defines domestic abuse for the coercive control offence but does not name sexual violence. Section 6A(2) of the Crimes (Domestic and Personal Violence) Act 2007, which applies to the civil framework, does include sexual abuse. It would be appropriate to align these definitions. Full Stop Australia's position is that the definition of abusive behaviour should include 'sexual violence, sexual abuse or sexual coercion', reflecting the language used in AVO legislation and the preferences of different communities.

Any inclusion of sexual violence within the coercive control framework should provide an additional prosecution option and should not replace or downgrade existing sexual offences. Victim-survivors must maintain agency over reporting in sexual violence matters.

There has been limited community education or public discussion regarding sexual coercion in the context of the coercive control offence. The NSW Government's public information about the review does not reference sexual abuse as a form of abusive behaviour.

Recommendation 1: Explicitly name sexual violence, sexual abuse and/or sexual coercion as a listed behaviour under section 54F(2) of the Crimes Act 1900, reflecting the language used in AVO legislation and the preferences of different communities.

Recommendation 2: Align the domestic abuse definition under section 6A of the Crimes (Domestic and Personal Violence) Act 2007 with section 54F to ensure sexual violence is explicitly recognised in both frameworks.

Recommendation 3: Ensure any inclusion of sexual violence within the coercive control framework provides an additional prosecution option and does not replace or downgrade existing sexual offences.

Evidence

Defining sexual coercion. There is no agreed legal definition of sexual coercion in Australia. The World Health Organisation defines sexual violence as any sexual act directed against a person using coercion, regardless of physical force. In research and practice, sexual coercion sits on a spectrum from unwanted sexual activity obtained through pressure or manipulation, through to sexual assault. The AIFS Coercive Control Literature Review (2023) identifies sexual violence as one of the tactics used within a broader pattern of coercive control, rather than a separate or distinct harm.

Prevalence and disclosure barriers. The Queensland Coroners Court Intimate Partner Sexual Violence Case Review (2024) found sexual violence is a common feature of coercive and controlling relationships but vastly underrepresented in legal proceedings. Between 30 and 75 per cent of women experiencing intimate partner violence also experience sexual victimisation. While the evidence base is largely focused on women, intimate partner sexual violence affects people of all genders. Non-reporting of sexual violence in intimate partner contexts is consistently high across Australian and international research, with shame, fear of not being believed and uncertainty about whether the experience constitutes a crime among the most common reasons. Smith, Bailey and Cascio (2024) found sexual coercion is associated with an increased risk of fatal strangulation among women experiencing intimate partner violence. Sexual coercion is a serious safety issue.

NSW specific evidence. The NSW Domestic Violence Death Review Team found that 97 per cent of intimate partner homicides in NSW between 2000 and 2018 were preceded by coercive control, with sexual violence frequently part of the pattern. BOCSAR's Coercive Control Monitoring Report (September 2025) records sexual violence as a behaviour in 17 per cent of coercive control incidents between July 2024 and September 2025, consistent with broader under-reporting patterns. Under-reporting is most pronounced among Aboriginal and Torres Strait Islander women, LGBTQIA+ people including trans and gender diverse people, sex workers, CALD communities and people with disability.

Case Study

A client contacted the Sexual Violence Helpline seeking support to understand and describe her experience of sexual violence within a long-term relationship that ended two years ago. Despite the relationship ending, she is only now in a position to report to police, reflecting the lasting impact of coercive and controlling behaviour on a victim-survivor's capacity to engage with the justice system. There is a current AVO with no-contact conditions in place due to physical violence, which is regularly breached.

The client described a clear pattern of coercive control around sexual activity throughout the relationship. On one occasion, she fell asleep and was woken by her partner throwing objects and screaming at her. She offered sex to de-escalate the situation and reduce the risk of further harm. On another occasion, after communicating an unwillingness to continue with sexual activity, he repeatedly punched a wall before leaving. She described repeated similar incidents throughout the relationship.

These behaviours communicated a clear expectation: that his sexual needs took priority and that there would be consequences if she refused. The client had not identified this pattern as coercive control or as something she could report to police. The Sexual Violence Helpline supported the client to contact the Domestic Violence Liaison Officer at her local police station to begin the process of reporting her experience of coercive control.

This case illustrates the gap in the current legislation directly. The client's experience of sexual coercion was central to the pattern of coercive and controlling behaviour, yet she had no framework to understand it as such, and no clear legal pathway to have it addressed within the coercive control offence.

How Other Jurisdictions Address Sexual Violence in Coercive Control Legislation

Jurisdiction	How sexual violence is treated	Implementation
Canada	Bill C-16 (Protecting Victims Act) explicitly names 'sexual coercion or attempted sexual coercion' as a form of coercive conduct. The clearest available legislative model. The same Act elevates murders involving sexual violence to first-degree murder.	Royal Assent 2026; commencement 2028
Scotland	Physical and sexual violence explicitly included within the same offence (Domestic Abuse (Scotland) Act 2018). Both can be prosecuted as a single course of conduct with no separate charges needed. Widely regarded as the gold standard.	2019
Queensland	Hannah's Law (2024) names sexual coercion alongside emotional, psychological and financial abuse. Affirmative consent reforms were introduced in the same Act, treating the link between coercive control and sexual consent as integral.	2025
ACT	The Crimes (Coercive Control) Amendment Bill 2026 lists 'coercion to engage in sexual activity' as a form of abusive conduct captured by the offence, alongside reproductive coercion.	Bill before Parliament
South Australia	Passed 4 September 2025; stakeholder consultation with courts, police and support services underway ahead of commencement. The South Australian model addresses the double jeopardy issue, allowing	Passed 2025; Not yet commenced.

Jurisdiction	How sexual violence is treated	Implementation
	conduct amounting to a standalone sexual offence to also be included in a coercive control prosecution.	
NSW	Not explicitly named. Section 54F(2)(i) references unreasonable demands about a person's sexual autonomy, the only indirect reference. NSW is an outlier compared to other Australian jurisdictions with coercive control legislation.	2024

The Intent Threshold

It is a concern to us that the current intent threshold may restrict access to the offence for victim-survivors whose experiences clearly meet the spirit of what the legislation was designed to capture. From our clinical experience, coercive control builds through a pattern of behaviour, through micro-aggressions and well thought out conduct. When a full history is taken with a client, that pattern is clear and deliberate. A perpetrator who says 'that was not my intention' is able to use the current threshold to minimise what victim-survivors have experienced as sustained, coercive and controlling behaviour.

This is not unique to NSW: Queensland, South Australia and the ACT's proposed offence all share the same intent-based structure, and no Australian jurisdiction has yet moved to a recklessness threshold. Overseas, Scotland has already built recklessness into its equivalent offence, England and Wales apply a lower threshold again, and Canada's Bill C-16 includes recklessness as an alternative to intent. It would be appropriate to consider whether a recklessness standard better reflects what victim-survivors experience, with appropriate safeguards to prevent misidentification.

Where sexual violence is part of the pattern of coercive control, establishing intent may be particularly difficult. Recklessness in relation to causing mental and physical harm most closely reflects what our clients experience in this context.

However, at this stage of implementation of the offence, there is still much to do to support effective implementation of the current threshold of intent and expansion of the offence may be unrealistic. The question of the mental element should be a focus once the legislation has been more fully implemented and evidence for the way forward is better established through research and evaluation.

Recommendation 4: Consider whether the mental element of the offence should be extended to include recklessness, consistent with international models such as Scotland's Domestic Abuse (Scotland) Act 2018, with appropriate safeguards to minimise the risk of misidentification of the primary aggressor.

Scope of Relationships

Through the trauma specialist counselling provided by our clinical team in our Helplines and face to face counselling services, Full Stop Australia sees coercive control operating beyond intimate partner relationships in contexts the current legislation does not capture, including:

- Aged care settings, where older people are controlled by carers or family members
- Disability contexts, where abuse is carried out by family members.
- LGBTQIA+ communities, where coercive control occurs in relationships that do not meet the intimate partner definition
- Multicultural communities, where extended family coercion, including in the context of temporary visa holders, is not captured by the current framework
- Post-separation contexts, where coercive control continues beyond the intimate partner relationship

Any expansion of the offence would need to be approached carefully. The evidence base beyond intimate partner relationships is less developed and extending the offence carries the risk of unintended consequences such as criminalisation and misidentification of some communities.

While it may be appropriate for coercive control legislation to address an expanded scope of relationships, Full Stop Australia considers this a longer term area of work, to be informed by research and implementation experience.

Recommendation 5: Examine research evidence and implementation experience to inform considerations of expansion of coercive control beyond intimate partner relationships and consider whether careful extension of the scope would better protect victim-survivors without increasing the risk of misidentification or criminalisation.

Penalties

Full Stop Australia recommends the review examine the evidence base for any penalty recommendations, including consideration of minimum sentencing alignment and consideration of recommendations made by Women's Legal NSW.

It is a concern to us that coercive control matters are heard in the Local Court with a maximum penalty of two years, while sexual assault matters are heard in the District Court. Where sexual violence is included in a coercive control offence, matters may be required to proceed in the District Court, causing significant delays for victim-survivors but more closely reflecting the seriousness of the offence.

We note that South Australia's coercive control legislation, passed but not yet commenced, addresses the issue of double jeopardy in coercive control matters directly. It allows conduct that could constitute a standalone sexual offence to be included in a coercive control prosecution. It would be appropriate for the review to consider this approach in determining next steps regarding penalties.

References

Australian Institute of Family Studies, Coercive Control Literature Review (2023) <https://aifs.gov.au/all-research/research-reports/coercive-control-literature-review> .

NSW Bureau of Crime Statistics and Research, Coercive Control Monitoring Report, September 2025 quarter (2025) <<https://bocsar.nsw.gov.au/topic-areas/domestic-violence.html>>.

NSW Government, 'It's not love, it's coercive control' (2024), citing NSW Domestic Violence Death Review Team analysis of intimate partner homicides in NSW, 2000-2018 <https://www.nsw.gov.au/media-releases/its-not-love-its-coercive-control> .

Queensland Coroners Court, Intimate Partner Sexual Violence Case Review (2024) <<https://coroners.qld.gov.au>>.

Smith, Bailey and Cascio, 'Sexual Coercion, Intimate Partner Violence, and Homicide: A Scoping Literature Review', Trauma, Violence, & Abuse 25(1) (2024) 341.

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Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024 (Qld).

Crimes Legislation Amendment (Coercive Control) Act 2022 (NSW).

Department of Communities and Justice, Statutory Review of Coercive Control Reform: Discussion Paper (July 2026).

Crimes (Coercive Control) Amendment Bill 2026 (ACT).

Criminal Law Consolidation (Coercive Control) Amendment Act 2025 (SA) (passed 4 September 2025, not yet commenced).