

6 February 2026

Ms. Michèle Briggs
Director, Criminal Law Policy
Department of Justice and Community Safety
Via email: family.violence@justice.vic.gov.au

Dear Michèle,

RE: Djirra submission to the DJCS Consultation on criminalising coercive control

Thank you for the opportunity to provide feedback on the proposal to criminalise coercive control as a standalone offence, building on the joint statement signed by Djirra and other family violence organisations in December.¹

Djirra notes that the extremely tight timelines for this consultation have limited our ability to contribute meaningfully. This is particularly concerning given the significant and disproportionate risks this reform poses for Aboriginal women and children.

Djirra is aware that the Family Violence Working Group of the Federation of Community Legal Centres is providing a sector response to this consultation. Djirra shares the sector's concerns regarding the introduction of a new offence to criminalisation of coercive control.

Djirra make this separate submission drawing on our two decades of frontline experience to outline our specific concerns about the disproportionate and foreseeable harms the proposal and draft legislation pose for Aboriginal women.

About Djirra

As the only specialist Aboriginal Family Violence Prevention and Legal Service (FVPLS) in Victoria, Djirra provides holistic, culturally safe legal, case management and wellbeing support to Aboriginal women and children experiencing, or at risk of experiencing family violence.

Established in 2002, Djirra has played a leading role in family violence legislative and policy reform in Victoria and nationally, including through active membership of First Nations Advocates Against Family Violence, the national FVPLS peak body. Djirra works across family violence, policing, courts, child protection and incarceration systems, with a focus on system-wide change to improve access to justice and eliminate systemic violence. This places Djirra in a strong position to assess how criminal justice reforms operate in practice for Aboriginal women and children.

Djirra's position

Djirra does not support the criminalisation of coercive control in Victoria. This position is grounded in longstanding evidence that criminal justice responses to family violence routinely fail Aboriginal women and frequently cause further harm. While Djirra recognises the seriousness of coercive control, we do not consider that creating a standalone criminal offence will increase

¹ For more information, please see [Joint statement: coercive control reform must prioritise safety, not speed.](#)



safety for Aboriginal women. Instead, it is likely to entrench existing harms and have disproportionate and devastating impacts on Aboriginal women and children.

This submission outlines the foreseeable and preventable harms of the criminalisation of coercive control and identifies more effective alternatives.

1. Failures in current justice system responses to coercive control

Victoria already recognises coercive and controlling behaviour within the definition of family violence in the *Family Violence Protection Act 2008*, and breaches of Family Violence Intervention Orders (FVIOs) already constitute criminal offences. The core issue is not the absence of legal mechanisms, but systemic failures in how existing laws are enforced.

Djirra’s frontline experience shows persistent investigation and enforcement failures that would significantly undermine any standalone coercive control offence. Police regularly refuse to take statements or properly investigate family violence or FVIO breaches, including conduct involving coercive control, contrary to the Code of Practice for the Investigation of Family Violence. Women are frequently told matters are “not a breach”, “just a family law issue”, or “too late” to pursue, even where order conditions are clearly breached.

These failures are shaped by racial bias and discriminatory assumptions about disability, drug use, mental ill health or so-called “lifestyle factors”, resulting in Aboriginal women being disbelieved, evidence being missed, and women being misidentified. Police have limited understanding of the power dynamics shaping violence against Aboriginal women, particularly where intersecting sexism and racism compound harm. This is a significant gap, given that most of Djirra’s clients experience violence from non-Aboriginal men. Responses remain incident-based and lack capacity to identify pattern-based abuse, including coercive control, or to investigate family violence in trauma-informed and culturally safe ways. In contrast, Djirra works with women over time to build trust, support disclosure and identify patterns of control. Police lack the specialist skills to engage in this way, allowing violence to continue and compounding harm.

Case story

Djirra represented an Aboriginal mother in an FVIO proceeding. An FVIO was made to protect her from her ex-partner, the father of her child, and restricted communication to parenting matters only, providing the communication did not constitute family violence.

Following the order, the father sent relentless text messages, including more than 60 in one day, most unrelated to parenting and intended to cause emotional harm and exert coercive control. The woman could not block his number due to existing parenting orders.

She reported the messages to police, describing her distress and fear for her and her child’s safety, and provided screenshots as evidence. The officer barely reviewed the material, refused to take her statement, and told her it was a family law matter and there was nothing police could do. Despite support from a Djirra Paralegal Support Worker and an explanation that the ex-partner was exploiting the FVIO exception, police refused to act.

These systemic failures undermine the identification and effective prosecution of family violence, including coercive control, within existing legal frameworks, allowing violence to continue and compounding trauma for Aboriginal women.²

² Change the Record & National Family Violence Prevention Legal Services Forum (2021), *Pathways to safety*.



Rather than introducing a new criminal offence, **Djirra strongly supports** the following measures to improve safety and accountability within existing justice system responses to coercive control:

- **Improved application of existing legal mechanisms**, including proper investigation of reports of coercive control and use of the current FVIO system.
- **Strengthened enforcement through police and court responses to FVIO breaches**, supported by education and system reforms to improve recognition, response and prevention of coercive control.
- **Building police capability** to identify and respond to nuanced, pattern-based family violence, including coercive control, through trauma-informed and culturally safe practice, rather than expanding police powers.
- **Addressing racial bias and discrimination** within police and justice system responses.

2. How coercive control presents for Aboriginal women

Coercive control is common in the lives of the Aboriginal women Djirra supports. In 2025, perpetrators used controlling behaviour in over 74 per cent of Family Violence Multi-Agency Risk Assessment (MARAM) assessments completed by Djirra's Individual Support Service. Common behaviours include threats of suicide or self-harm, stalking, threats to kill, harm to animals, isolation from culture or community, and cultural abuse such as racist taunts or denying a woman's or child's Aboriginality.

Women also report covert and difficult-to-prove behaviours, including anonymous calls, fake social media accounts, tracking devices and repeated surveillance. Other conduct may appear innocuous in isolation but is controlling, harassing or intimidating, such as sending items to a woman's home or attending her workplace or home unannounced. While much of this behaviour already breaches FVIO conditions, police often refuse to act citing insufficient evidence when it is reported by women. These barriers would persist under a standalone coercive control offence.

While Djirra strongly opposes criminalisation, we also note that the proposed offence is poorly drafted to capture the nuanced forms of coercive control Aboriginal women experience, including cultural abuse, systems abuse, surveillance and harm to animals. If legislation aims to assist police and the justice system to identify coercive control, the drafting will fail to do so.

3. Criminalisation unlikely to increase reporting or successful prosecutions

Criminalisation assumes Aboriginal women will feel safe reporting coercive control to police. For many, this is unsafe and unrealistic. Aboriginal women report fears of being disbelieved or blamed, escalation of violence, child protection involvement, misidentification, and deep mistrust rooted in histories of over-policing and state violence.³ Djirra's frontline experience reflects this reality, with many women avoiding police even in cases of serious physical violence.

Research by Fitz-Gibbon et al. (2023) supports this experience. While 72 per cent of victim-survivors overall believed criminalisation might improve safety, this fell to 31 per cent among First Nations participants. Many participants, including those who supported criminalisation in principle, expressed reluctance to report to police or give evidence and feared further harm.⁴ Changing the law does not address these barriers. For coercive control, reporting is further complicated by the difficulty many women face in identifying and naming this form of abuse without specialist support. Evidence from other jurisdictions also shows that standalone coercive control offences do not reduce harm or lead to more successful prosecutions. In New South Wales

³ Australian Human Rights Commission and Oscar, J. et al, 'Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report, Australian Human Rights Commission (2020), [p.157].

⁴ Fitz-Gibbon, K., Reeves, E., Meyer, S. & Walklate, S. (2023), Victim-survivors' views on and expectations for the criminalisation of coercive control in Australia: Findings from a national survey.



between July 2024 and September 2025, there were 386 recorded incidents of coercive control but only 18 charges (4.66%) and one proven charge (0.25%), with a median time of 146 days from incident to charge.⁵ In contrast, family violence orders were far more responsive and effective.⁶

4. Misidentification and criminalisation of Aboriginal women

Misidentification of Aboriginal women experiencing family violence as the predominant aggressor is a persistent systemic failure in Victoria's justice system. A 2023 Djirra casework review found that at least 24 per cent of Aboriginal women were wrongly identified as perpetrators in family violence incidents. Introducing a standalone coercive control offence would significantly heighten this risk of misidentification.

Coercive control is complex, contextual and subtle, requiring assessment of power, intent, pattern and history. However, misidentification in police and justice responses can arise from systemic failures, including inadequate investigation, reliance on incident-based policing that obscures patterns of coercive control, perpetrators making false reports and misinterpretation of women's self-defence, resistance or trauma responses as aggression.⁷ For Aboriginal women, who most often experience violence from non-Aboriginal perpetrators, these risks are compounded by racism, racial profiling, power imbalances and systemic bias.

Research by Fitz-Gibbon et al. (2023) supports this, with participants expressing concern about the heightened risk of misidentification under a coercive control offence, particularly where police lack understanding of non-physical abuse or where perpetrators engage in systems abuse.⁸ Misidentification exposes Aboriginal women to cascading harms, including criminalisation, exclusion from victim support services, housing instability, child removal, legal stress, isolation, deteriorating mental health and increased suicide risk.⁹

The current draft of the offence further increases these risks. In particular, the inclusion of a "reckless" fault element fails to account for cultural context, trauma and systemic disadvantage, and risks criminalising hypervigilant or defensive behaviours shaped by survival, fear or disability, including Acquired Brain Injury. This is especially concerning given Aboriginal women are 69 times more likely to experience head injury from assault, which can affect perception, impulse control and responses to threat.¹⁰

Case story

Emma's ex-partner, James, subjected her to financial, emotional and technological abuse, including threats to kill her and her pet. After leaving the relationship, Emma attended James' home to retrieve her stolen keys, carrying a cricket bat for protection. James lunged at her, seized the bat and assaulted her, stomping on her face. Emma fled, causing minor damage to James' car.

While Emma was treated in an ambulance, police issued a Family Violence Safety Notice against her, relying solely on James' account, which minimised his violence and focused on the car damage. No statement was taken from Emma.

⁵ NSW Bureau of Crime Statistics and Research, Coercive Control Monitoring Report (September 2025).

⁶ NSW Bureau of Crime Statistics Research showed 57.7% of people who experienced coercive control were protected by an FVIO after the coercive control event, while 22.8% were already protected by an FVIO at the time of the coercive control event.

⁷ Family Violence Reform Implementation Monitor (2021), *Monitoring Victoria's Family Violence Reforms: Accurate identification of the predominant aggressor*. Safe & Equal (c2024), [Working with Misidentified Victim Survivors](#).

⁸ Fitz-Gibbon, K., Reeves, E., Meyer, S. & Walklate, S. (2023), Victim-survivors' views on and expectations for the criminalisation of coercive control in Australia: Findings from a national survey.

⁹ ANROWS (2020), Accurately Identifying the "Person most in need to protection" in domestic and family violence law [p.86].

¹⁰ Jamieson, Harrison & Berry (2008), [Hospitalisation for head injury due to assault among Indigenous and non-Indigenous Australians, July 1999 – June 2005](#).



Djirra is not confident that statutory safeguards can mitigate the risk of misidentification and further criminalisation of Aboriginal women in a standalone coercive control offence. Rather than reforms that heighten this risk, **the priority must be to reduce misidentification within existing family violence responses.**

5. The critical role of early intervention and legal advocacy to support Aboriginal women

For Aboriginal women who have experienced family violence, including women who have been wrongly identified as perpetrators, early access to specialist legal and non-legal support is essential. Aboriginal women experiencing family violence often face interconnected legal and non-legal issues, including child protection, family law, housing, debt, victims of crime compensation, substance use, mental health, and cultural needs. We often see police, family violence services, and child protection collude in child removal. Specialist family violence support assists women to identify coercive control, engage with police safely, address and correct misidentification, and navigate complex criminal, family law and child protection systems. Early legal support is also critical to ensuring women are believed, evidence is properly recorded, patterns of coercive control are identified and Aboriginal women and children are kept together.

Djirra is Victoria's only statewide Aboriginal FVPLS providing wrap-around, culturally safe legal and non-legal support to Aboriginal women who have experienced family violence. Djirra provides legal advice and representation, risk assessment, safety planning and paralegal advocacy, including support workers who accompany women to police stations and advocate for statements to be taken. Djirra is uniquely placed to support Aboriginal women, Aboriginal mothers, and non-Aboriginal mothers of Aboriginal children, including women who have been misidentified as perpetrators.

L17 Family Violence Risk Assessments are a critical early intervention and support point, yet most L17 referrals currently go to mainstream, non-legal services such as The Orange Door. In 2024–25, Djirra's Legal Service received only 42 referrals statewide from The Orange Door, and in 2025 Djirra received no referrals from police to either its legal or non-legal services. This represents a significant missed opportunity for early legal and non-legal intervention and family violence and cultural support for Aboriginal women and children.

Djirra strongly recommends introducing mandatory referrals to Djirra for all Aboriginal women named in L17 assessments to ensure women are connected with specialist legal and non-legal services. Early access to legal advice and advocacy will support Aboriginal women to navigate a hostile justice system, prevent ongoing violence, address trauma, and reduce the risk of misidentification and criminalisation. Although Djirra strongly opposes criminalisation of coercive control as a standalone offence, we highlight that should the government proceed with criminalisation without first strengthening early referral pathways and adequate resourcing of specialist Aboriginal services, Aboriginal women will be left inadequately supported to navigate the foreseeable negative impacts of criminalisation of coercive control, which will further compromise their safety.

Djirra strongly recommends:

- **Urgent, sustained investment in Djirra's services** to support early identification of coercive control, address misidentification, prevent criminalisation and child removal, and ensure Aboriginal women can access justice, safety and healing through specialist legal and non-legal services.
- **Establish a mandatory referral pathway direct to Djirra** so that every Aboriginal woman who is named or affected by an L17 report is offered a referral to Djirra's specialist family violence legal and non-legal services.



6. Systems abuse and weaponisation by perpetrators

Systems abuse, where perpetrators manipulate police, courts and child protection systems to maintain power and control, is a common tactic in family violence, including coercive control. Criminalising coercive control risks giving perpetrators another tool to weaponise the justice system against Aboriginal women, within systems already marked by bias, misidentification and inconsistent police practice.

Perpetrators who use coercive control often present as calm and credible, make counter-allegations, reframe women's resistance or self-protection as aggression, and exploit legal processes to extend control, particularly following separation. These dynamics are well documented in FVIO, family law and child protection contexts.

A standalone offence risks intensifying these patterns by enabling retaliatory or pre-emptive complaints, reframing women's protective actions as coercive conduct, escalating legal conflict, and increasing surveillance and control through criminal justice processes. Where perpetrators engage in systems abuse, including attempts to have women misidentified as the primary aggressor, police may fail to recognise this behaviour as part of a pattern of coercive control.¹¹

Perpetrators are likely to exploit ambiguities in the proposed offence and existing policing failures to pursue wrongful charges against Aboriginal women. Harm occurs immediately, regardless of whether charges are later withdrawn, increasing exposure to further violence, child removal, housing instability, legal stress and incarceration. Djirra is not satisfied these risks can be mitigated through legislative safeguards. Instead, the priority must be to strengthen existing family violence responses, reduce misidentification, and limit perpetrators' ability to weaponise legal processes.

7. Impacts for Aboriginal children and young people

Djirra strongly opposes the application of a coercive control offence to children and young people under 18. Relationships involving young people are distinct from adult relationships, and a new and untested offence risks criminalising behaviour that is better addressed through education, early intervention and support. This is particularly concerning given Aboriginal children and young people are already significantly over-represented in the youth justice system,¹² and the introduction of a new offence risks further criminalising vulnerable Aboriginal children and compounding intergenerational trauma.

Investment should instead prioritise education and prevention to support young people to understand coercive control and respectful relationships. Djirra's Early Intervention and Prevention Program, YoungLuv, works with Aboriginal teenagers to build the skills, language and confidence to recognise controlling behaviour, challenge unhealthy relationships and practise safe, respectful behaviours. Investment in education is more cost-effective than youth justice, which already costs \$1.7 billion nationally and would increase if this offence applied to children.

Criminalisation also carries significant flow-on impacts for children through increased criminalisation of Aboriginal women. Misidentification and systems abuse heighten the risk of women being charged, remanded or incarcerated, even briefly, triggering child protection involvement and child removal and entrenching cycles of system contact and intergenerational

¹¹ Fitz-Gibbon, K., Reeves, E., Meyer, S. & Walklate, S. (2023), Victim-survivors' views on and expectations for the criminalisation of coercive control in Australia: Findings from a national survey.

¹² Commission for Children and Young People (2021), [Our youth, our way: inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system](#).



harm.¹³ These outcomes are inconsistent with Closing the Gap commitments and Victoria's obligations to reduce Aboriginal over-representation in child protection and justice systems.

Djirra strongly supports:

- **Aboriginal-led, culturally safe education initiatives for Aboriginal children and young people** that build understanding of coercive control, support early identification of controlling behaviour, and enable access to trusted, culturally safe support. This includes resourcing Djirra's Early Intervention and Prevention Program, *YoungLuv*.
- **Investment in prevention initiatives for Aboriginal children and young people** that address the gendered and racialised drivers of coercive control and family violence, and promote respectful, equitable relationships from an early age.

7. Alternatives to criminalisation: education, prevention and system reform

Rather than expanding criminal law, Djirra calls on government to prioritise and resource education, prevention and early intervention measures that increase understanding of coercive control, strengthen responses and prevent harm across the lifespan. Evidence shows that people with lived experience who expressed support for criminalisation did so because they believed it would raise awareness, validate their experiences and ensure coercive control is taken seriously.¹⁴ These outcomes do not require criminalisation.

Whole-of-community education is needed to build shared understanding of coercive control and its impacts. This includes a sustained statewide public education campaign delivered in ways that reflect diverse communities and experiences, alongside long-term investment in early intervention and prevention to address the gendered and racialised drivers of family violence and promote equitable, respectful relationships.

Targeted, Aboriginal-led education is critical to building Aboriginal women's understanding of coercive control and awareness of available supports. Culturally safe education enables women to identify coercive control and build confidence to seek help through trusted pathways. As Victoria's only statewide Aboriginal FVPLS specialising in the provision of legal and non-legal support for Aboriginal women who have experienced family violence, Djirra is uniquely placed to deliver this work. We call for urgent investment in Djirra's Aboriginal-led education and awareness initiatives, including the development of targeted, culturally safe education on coercive control for Aboriginal women.

Police and justice system capability must be strengthened to ensure existing laws are used effectively and safely. Current legislation can support stronger responses if it is applied consistently and supported by adequate resourcing, training and coordination. Police, magistrates and other professionals require a strong understanding of coercive control and violence against women, existing legal tools and their use, the risks of misidentification and systems abuse, and their role in promoting victim survivor safety and perpetrator accountability. This must include mandatory, ongoing cultural safety and family violence training aligned with MARAM, delivered with Aboriginal Community Controlled Organisation (ACCO) leadership and focused on trauma-informed practice and addressing racial and gender bias.

Perpetrator accountability and engagement with men and boys is essential to preventing violence. Family violence is a gendered issue, not an Aboriginal community issue. Djirra's data shows that most people using violence against Aboriginal women are non-Aboriginal men.

¹³ The Sentencing Advisory Council found 1 in 2 children involved with youth justice had 5+ child protection placements.

¹⁴ Fitz-Gibbon, K., Reeves, E., Meyer, S. & Walklate, S. (2023), *Victim-survivors' views on and expectations for the criminalisation of coercive control in Australia: Findings from a national survey*.



Responses must therefore include well-resourced mainstream interventions for men that address gender inequality and racism, alongside long-term behaviour change and accountability programs. At the same time, culturally safe, community-led services for Aboriginal men who use violence must be adequately funded. Broader engagement with men and boys, Aboriginal and non-Aboriginal, on respectful relationships, healthy masculinities, coercive control and violence prevention is essential to long-term change and the creation of safe families.

Djirra strongly supports investment in:

- **A sustained statewide public education campaign** on coercive control.
- **Aboriginal-led education and early intervention**, including resourcing Djirra to deliver culturally safe programs that support Aboriginal women to identify coercive control and seek help early.
- **Primary prevention** to address the gendered and racialised drivers of family violence.
- **Mandatory, ongoing cultural safety and family violence training** for police and justice professionals, focused on identifying coercive control, preventing misidentification and ensuring trauma-informed practice.

Conclusion

Djirra **does not** support the criminalisation of coercive control in Victoria. For Aboriginal women, this reform carries clear and foreseeable risks, including increased misidentification, reduced reporting, greater opportunities for systems abuse, and deeper entrenchment of child removal and criminalisation of women and young people.

The evidence does not support claims that criminalisation will improve safety for Aboriginal women. Instead, it would expand systems that have repeatedly failed them. Djirra urges the Victorian Government to pause, listen to Aboriginal women and ACCOs, and invest in education, prevention and genuine system reform that prioritises safety and does no harm.

Should you wish to discuss our submission, please contact Director Legal Services, Anne Lenton, at alenton.afvls@djirra.org.au.

Yours sincerely,

Antoinette Braybrook AM
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