GILSHENAN & LUTON
LEGAL PRACTICE



Coercive control is a criminal offence in Queensland

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The phrase ‘coercive control’ came to the forefront following the tragic deaths of Hannah Clarke and her three children in 2020. In response to the ‘Hear Her Voice’ report by the Women’s Safety and Justice Taskforce (‘the Taskforce’), the Queensland Government passed laws criminalising coercive control. Queensland is one of only a few states in Australia to have such legislation in place.

In this article, we define coercive control and explore Queensland’s legislation in relation to criminal offences and coercive control.

What is ‘coercive control’?

Coercive control includes a pattern of behaviours or a ‘course of conduct’ which is cumulative and designed to exert power and control of another person in a domestic relationship and create an uneven power dynamic.

It doesn’t always involve physical violence, but usually involves manipulation and intimidation. It creates a climate of fear, isolation, dependence by the victim on the person controlling them and humiliation. It is designed to disempower the victim.

The Taskforce suggested it can include the following behaviour:

- Degrading put downs;

- ‘Gaslighting’;
- ‘Micro-managing’ a partner’s life – including what they wear, and when and what they can eat and when they can sleep or leave the house;
- Gradual isolation from family and friends;
- Humiliation and threats;
- Limiting or controlling access to money;
- Monitoring movements, including through electronic devices; and
- Using technology and social media to control and manipulate.

Coercive control is a criminal offence

On 26 May 2025, the coercive control provisions of the *Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill 2023* commenced, and make coercive control a stand-alone criminal offence.

The new laws make it a criminal offence in Queensland where:

- a person is in a domestic relationship with another person;
- the person engages in a course of conduct against the other person that consists of domestic violence occurring on more than one occasions;
- the person intends the course of conduct to coerce or control the other person; and
- the course of conduct would, in all the circumstances, be reasonably likely to cause the other person harm (with ‘harm’ defined to mean any detrimental effect on the person’s physical, emotional, financial, psychological or mental well-being, whether temporary or permanent).

The penalty associated with the offence is a maximum 14 years imprisonment. It is a defence to the charge if the conduct was reasonable in the context of the relationship as a whole. It is a task for the defendant to prove that it was reasonable. Prior to this new legislation, police could not charge someone with coercive control until there was an ‘incident’.

An ‘incident’ includes behaviour, for example, where the perpetrator begins to stalk, physically injure others, and/or damage property. For example, a victim may be assaulted one year after becoming subject to coercive controlling behaviours. Police could only take action regarding the assault, not the controlling behaviour that led up to the assault.

Often coercive controlling conduct is a precursor for stalking or injuring a person and/or damaging property. By criminalising coercive control, the idea is non-physical violence can be recognised and addressed to ensure vulnerable members of the community are properly protected and for society (including police) to become more proactive than reactive (or responsive to incidents).

How is coercive control relevant to domestic violence applications?

Coercive and controlling behaviours are identified in the definition of domestic violence in the *Domestic and Family Violence Protection Act 2012* in Queensland and can be the basis of applications for domestic and family violence protection orders.

Where you can get help

If you have been victim to coercive control or have been accused of coercive control, please contact us. Our lawyers have expertise and experience in this specialised area and can provide representation for either the aggrieved or the respondent.

Contacting a Gilshenan &Luton criminal lawyer

07 3361 0222 (24/7)

gnl@gnl.com.au

Other support resources

If you would like further information about domestic violence or would like to seek support, please contact:

1800RESPECT

24/7 National Sexual Assault, Family &Domestic Violence Counselling Line

1800 737 732

Or visit them online at 1800respect.org.au

LIFELINE

A national number which can help put you in contact with a crisis service

13 11 14

DVCONNECT WOMENSLINE (Queensland Service)

A 24/7 free state wide telephone service that provides confidential counselling and referral to crisis accommodation for women and children affected by domestic or family violence and those who are concerned about a friend or family member.

1800 811 811

DVCONNECT MENSLINE (Queensland Service)

A free state wide telephone service that provides counselling and referral for men for a range of issues especially those who have experienced or use domestic and family violence and those who are concerned about a friend or family member.

1800 600 636

Always call 000 in an emergency

This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.