



First Peoples
Disability Network

First Peoples Disability Network Australia

Coercive Control Statutory Review Consultation

Submission to the NSW Department of Communities and Justice, September 2026

About First Peoples Disability Network Australia

First Peoples Disability Network Australia (FPDN) is the national peak organisation representing Aboriginal and Torres Strait Islander people with disability, their families and communities. FPDN's work is based on the principles of self-determination and "nothing about us, without us". It is also guided by the:

- UN Convention on the Rights of Persons with Disabilities (CRPD)
- UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- UN Declaration on the Rights of Indigenous Peoples (UNDRIP)
- Australia's Disability Strategy 2021-2031
- National Agreement on Closing the Gap

FPDN advocates for the rights, inclusion and wellbeing of First Nations people with disability across all areas of life, including health, justice, education, housing and social security. We believe and follow our framework for a Cultural Model of Inclusion which emphasises ensuring the cultural, social and emotional wellbeing of First Nations people with disability to move past the rigid and culturally unsafe medical and social models of disability.

Review of the NSW coercive control law

First Peoples Disability Network Australia (FPDN) welcomes the opportunity to contribute to the statutory review.

FPDN supports the objectives of the coercive control reforms, including recognising patterns of non-physical abuse, protecting victim-survivors and preventing their misidentification as perpetrators. However, the review must consider how the law operates at the intersection of racism, ableism and gender inequality.

Aboriginal and Torres Strait Islander people with disabilities experience disproportionately high rates of family and domestic violence, while also facing significant barriers to reporting abuse and accessing justice. These include institutional distrust, inaccessible processes, communication



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barriers, fear of child removal, inadequate culturally safe services and the risk of being misidentified or criminalised¹.

FPDN raises the following concerns and recommendations.

Expand the offence beyond intimate partner relationships

FPDN strongly supports expanding the coercive control offence beyond current and former intimate partners.

People with disabilities may experience coercive control from disability support workers, family members and others on whom they depend for essential support².

The law should apply to paid and unpaid support people and to other relationships in which people with disabilities experience coercive control. This is consistent with the Disability Royal Commission's recommendation that domestic and family violence laws recognise all relationships in which people with disabilities experience violence, including carer and support-worker relationships³.

Recognise disability-specific coercive control

Coercive control can take disability-specific forms where a person's disability, support needs or reliance on others is deliberately exploited to control them. These forms of abuse must be explicitly recognised in the law and its implementation⁴.

This should include:

¹ First Peoples Disability Network Australia, *Position Statement: Family and Domestic Violence* (2026), pp 1–3, available at: <https://fpdn.org.au/wp-content/uploads/2026/03/FPDN-Position-Statement-Family-and-Domestic-Violence2-1.pdf>; Jones et al, *Wangkiny Yirra "Speaking Up": First Nations Women and Children with Disability and Their Experiences of Family and Domestic Violence* (2023), available at:

<https://disability.royalcommission.gov.au/publications/wangkiny-yirra-speaking-project-first-nations-women-and-children-disability-and-their-experiences-family-and-domestic-violence>

² Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report*, vol 8: *Criminal Justice and People with Disability* (2023), ch 10, pp 327–345, particularly Recommendation 8.24 at p 345, available at: <https://disability.royalcommission.gov.au/publications/final-report-volume-8-criminal-justice-and-people-disability>

³ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report*, vol 8: *Criminal Justice and People with Disability* (2023), ch 10, pp 327–345, particularly Recommendation 8.24 at p 345, available at: <https://disability.royalcommission.gov.au/publications/final-report-volume-8-criminal-justice-and-people-disability>

⁴ Disability Royal Commission, *Final Report*, vol 8: *Criminal Justice and People with Disability* (2023), ch 10, particularly pp 329–331, available at: <https://disability.royalcommission.gov.au/publications/final-report-volume-8-criminal-justice-and-people-disability>; First Peoples Disability Network Australia, *Position Statement: Family and Domestic Violence* (2026), pp 1–3, available at: <https://fpdn.org.au/wp-content/uploads/2026/03/FPDN-Position-Statement-Family-and-Domestic-Violence2-1.pdf>



- withholding, damaging or controlling medication, mobility aids, communication devices or other assistive technology;
- denying or threatening to withdraw personal care, food, transport, healthcare or disability support;
- controlling access to NDIS funding, plans, providers or support workers;
- using restrictive practices, isolation or threats of institutionalisation;
- preventing a person from communicating privately or making their own decisions;
- using a person's disability, diagnosis or communication needs to discredit them or prevent them from reporting abuse; and
- restricting connection to family, kin, community, culture or Country.

Making these behaviours visible in the legislation would assist victim-survivors, police, courts and the broader community to recognise coercive control experienced by people with disabilities.

Prevent misidentification and the criminalisation of Aboriginal people

FPDN remains concerned that Aboriginal and Torres Strait Islander victim-survivors may be misidentified as perpetrators⁵.

Racism and ableism can affect how police interpret communication, behaviour, trauma responses and defensive actions. Disability may be undiagnosed or not disclosed. Police may focus on a single incident without properly examining the broader pattern of control, including whether a person was responding to sustained violence and abuse.

Early charge data should not be treated as proof that misidentification is uncommon. It cannot capture people who did not report because they feared police, incidents that did not result in charges, undiagnosed disability, or the intersection of Aboriginality, disability, and gender.

The risk of discriminatory implementation is not a reason to delay expanding the offence. It is a reason to strengthen police practice, accessible communication, independent support, monitoring, and accountability.

For some people, self-reporting may be impossible or unsafe because the person using coercive control also controls their communication, movement, finances, supports or contact with others. The NSW Government must ensure reporting pathways are confidential, culturally safe and accessible and do not rely solely on self-reporting. These pathways should include communication assistance, independent advocacy and appropriate ways for trusted people, advocates and relevant professionals to raise concerns or assist a person to report, while protecting the victim-

⁵ Disability Royal Commission, Public Hearing 17, *The Experience of Women and Girls with Disability*, Transcript, Part 1, Day 1 (13 October 2021), available at: <https://disability.royalcommission.gov.au/publications/public-hearing-17-experience-women-and-girls-disability-virtual-part-1-day-1>



survivor's safety and respecting their will, preferences and right to participate in decisions affecting them.

Training for police, prosecutors and judicial officers must address:

- disability-specific forms of coercive control
- racism, ableism and their combined effects
- communication and cognitive disability
- identifying the predominant aggressor by examining the full pattern and context of abuse and
- the distinct experiences of Aboriginal and Torres Strait Islander women with disabilities.

Training and community education should be designed and delivered with Aboriginal and Torres Strait Islander people with disabilities and properly funded Aboriginal community-controlled and specialist disability organisations.

Collect meaningful intersectional data

The review cannot determine whether the law is protecting or criminalising Aboriginal and Torres Strait Islander people with disabilities without appropriate data.

Data must be disaggregated across Aboriginal and Torres Strait Islander status, disability, gender, relationship type and geographic location. It should record reports, police responses, charges, prosecutions, outcomes, and whether a person was initially or subsequently identified as a victim or perpetrator. This data must be governed consistently with Indigenous Data Sovereignty and Closing the Gap Priority Reform Four⁶.

Reporting Aboriginality, disability and gender separately will not reveal what is happening to Aboriginal and Torres Strait Islander women with disabilities.

There is also a wider and longstanding evidence gap. Research published in 2015 remains a key source concerning Aboriginal women with mental and cognitive disabilities in the criminal justice system, and no national statistic captures the intersection of Aboriginal women, cognitive disability

⁶*National Agreement on Closing the Gap*, Priority Reform Four, clauses 70–73, available at: <https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap/6-priority-reform-areas/four>; First Peoples Disability Network Australia, *Policy Position Statement: First Nations Women and Girls with Disability* (2026), pp 4–5, available at: https://fpdn.org.au/wp-content/uploads/2026/06/FPDN-Position-Statement-Women-and-Girls-with-Disability_1.pdf

and incarceration⁷. That research predates the full national rollout of the NDIS and cannot show how the contemporary disability and criminal justice systems interact.

The NSW Government should commission contemporary, Aboriginal disability-led research into the prevalence, experiences and pathways of Aboriginal and Torres Strait Islander people with disabilities in NSW prisons and across the criminal justice system. This should include the interaction between disability, gender, family and domestic violence, misidentification, police contact, remand and access to the NDIS and other disability supports.

Recommendations

FPDN recommends that the NSW Government:

1. expand the coercive control offence beyond intimate partner relationships, including to paid and unpaid support people;
2. expressly include disability-specific forms of coercive control in the law and its implementation;
3. establish confidential, culturally safe and accessible reporting pathways that do not rely solely on self-reporting and respect victim-survivors' will, preferences and safety;
4. implement safeguards, training and independent monitoring to prevent the misidentification and criminalisation of Aboriginal and Torres Strait Islander victim-survivors;
5. collect and publicly report intersectional data governed consistently with Indigenous Data Sovereignty; and
6. commission contemporary, Aboriginal and Torres Strait Islander disability-led research into Aboriginal and Torres Strait Islander people with disabilities in NSW prisons and across the criminal justice system.

Aboriginal and Torres Strait Islander people with disabilities must receive equal protection from coercive control, regardless of their relationship with the perpetrator. That protection must be implemented in a way that confronts, rather than reproduces the racism, ableism and criminalisation already experienced within the justice system.

Accessibility Statement

If you encounter difficulties or need this document in an alternative format, please contact media@fpdn.org.au or by calling (02) 9267 4195.

⁷ Baldry, E, McCausland, R, Dowse, L and McEntyre, E, *A Predictable and Preventable Path: Aboriginal People with Mental and Cognitive Disabilities in the Criminal Justice System* (UNSW, 2015), available at: <https://www.indigenousjustice.gov.au/resources/a-predictable-and-preventable-path-aboriginal-people-with-mental-and-cognitive-disabilities-in-the-criminal-justice-system/>; First Peoples Disability Network Australia, *Policy Position Statement: First Nations Women and Girls with Disability* (2026), pp 3–5 https://fpdn.org.au/wp-content/uploads/2026/06/FPDN-Position-Statement-Women-and-Girls-with-Disability_1.pdf



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Information on this Statement

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Policy contact: policy@fpdn.org.au

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