



Elder Abuse Action Australia

EAAA RESPONSE TO THE CRIMINALISATION OF COERCIVE CONTROL IN NEW SOUTH WALES

EAAA commends New South Wales on being the first Australian jurisdiction to criminalise coercive control. We would like to take the opportunity however to express our concern over the legislation's limitations, applying only to intimate partner relationships due to a reported need to 'test' its application before considering broader application. The legislation also fails to clearly define 'intimate partner relationships', seemingly relying on a definition applied in Queensland legislation. This ambiguity is troubling in the context of criminal penalties.

Coercive control and various forms of psychological abuse are highly prevalent amongst older adults, with the most frequent perpetrators adult children or grandchildren rather than intimate partners. The omission of these abuses as criminal behaviour within the legislation is not only dismissive of the experiences of older people but may also be actively harmful.

The abuses experienced by older adults in Australia often remain invisible due to factors including intersectional risk, increased likelihood of vulnerability, and a broad societal acceptance of ageism. In excluding the coercive control of older people by their adult children and others from the criminalisation of coercive control, the NSW government is actively contributing to the invisibility of elder abuse and minimising the seriousness of these abuses in comparison to intimate partner abuse.

Coercive control in any relationship stems from power imbalances, which are exacerbated with age and associated increased vulnerabilities. These vulnerabilities may include medical conditions, cognitive decline or dementia, financial instability, digital exclusion, or social isolation.

Older adults who experience coercive control often do not seek help and may be seeking to minimise the problem or protect familial relationships by accepting or excusing the behaviour. EAAA acknowledges NSW's commitment to ending the scourge of elder abuse, particularly through the work of the Ageing and Disability Commission, however, we are concerned that the exclusion of these abuses from criminalisation minimises their severity and impact.

EAAA is committed to continuing to advocate for the criminalisation of coercive control in all jurisdictions. In doing so we urge all Australian states and territories not to ignore the abuses experienced by older adults who face increased vulnerabilities to coercive control and additional complexities in responding to or reducing these behaviours.

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