

## SUBMISSION TO THE

### *Criminal Law Consolidation (Coercive Control) Amendment Bill 2023*

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COTA SA welcomes the opportunity to provide a submission to the *Criminal Law Consolidation (Coercive Control) Amendment Bill 2023*.

COTA SA is an older people's movement run by, for and with older people. We represent the rights, interests and futures of 700,000 older South Australians. We engage widely with older South Australians across the state, in person, via phone and email. The lived experiences of the diverse community of older South Australians shape our policy and advocacy work.

COTA SA acknowledges the impact of coercive control on all people who experience it and supports in principle the *Amendment Bill*. We would like to see this legislation go further, however, to strengthen the rights and safety of older South Australians. We raise the following issues for consideration.

## Issues

- We are concerned that the *Amendment Bill* only covers current or former spouses, domestic partners or intimate partners, and excludes other perpetrators such as family members. The Australian Institute of Family Studies *National Elder Abuse Prevalence Study*<sup>1</sup> found that 15% of older Australians reported experiencing elder abuse between February and May 2020. The most common form of elder abuse is psychological abuse (12%) which firmly falls within the definition of coercive control. The Aged Care Rights and Advocacy Service (ARAS) report that 40% of cases they provided advocacy support to in 2021-22 were psychological and emotional support.<sup>2</sup> Perpetrators of elder abuse are often intergenerational and familial, with adult children, partners of children and grandchildren

<sup>1</sup> [National Elder Abuse Prevalence Study: Final Report | Australian Institute of Family Studies \(aifs.gov.au\)](#)

<sup>2</sup> [2484\\_aras253\\_aras\\_annual\\_report\\_web.pdf \(agedrights.asn.au\)](#)

accounting for almost a third of perpetrators. ARAS reported that alleged abusers were more likely to be adult daughters. Perpetrators of coercive control toward older people are also likely to be a person of trust, such as a friend, neighbour, carer or support person. Only 10% of elder abuse perpetrators are intimate partners. Coercive control experienced by older South Australians is insidious and deeply harmful, but often overlooked. Ageism is undeniably at its core. The *See the Signs*<sup>3</sup> campaign recognises that coercive control can happen in all kinds of relationships and contexts including immediate family members. We strongly encourage the inclusion of immediate family members and a person of trust in the *Amendment Bill* to recognise the way in which coercive control is experienced by older people and provide an avenue to take legal action against this type of abuse.

- COTA SA welcomes the extensive community consultation that informed the *Amendment Bill*. We are disappointed, however, that there was no targeted consultation with older people and organisations that work with older people. Older people, and especially older women, are often invisible in the domestic violence discussion and rather get picked up in discussions and strategies around elder abuse. The intersectionality of age, gender and domestic violence is often missing from academic literature and research, and therefore policy and services. Consequently, the unique experiences of older people who are experiencing, or have experienced, domestic violence including coercive control are overlooked. We are concerned that without consultation with older people, the unique experiences of coercive control amongst South Australia's older population are not known or reflected in legislation, policies and services.
- With coercive control an often hidden and somewhat subjective behaviour, COTA SA considers the evidence that will need to be gathered to identify and support criminal charges against a perpetrator. We encourage these considerations in the operationalisation of the law, if passed.
- COTA SA supports the *See the Signs* campaign and encourages ongoing awareness building around coercive control across multiple channels, including non-digital channels. For the reasons cited above, COTA SA supports a campaign that highlights the situations in which coercive control is experienced, including in the lives of older people. Many older people and those within their community networks may not recognise they are in a situation of coercive control because their expectations and tolerance are shaped by traditional gender roles that they grew up with. Raising awareness in these population cohorts is vital.

### Acknowledgement of Country

*COTA SA acknowledges and respects Aboriginal people as the traditional custodians of the land of South Australia. We honour Aboriginal peoples' continuing connection to Country and recognise that their sovereignty was never ceded. We pay our respects to First Nations Elders past, present and emerging and extend that respect to all Aboriginal people.*

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<sup>3</sup> [See The Signs](#)