Phone 02 9577 3333
Email enquiries@superconsumers.com.au
Website www.superconsumers.com.au
57 Carrington Road,
Marrickville NSW 2204
ACN 163 636 566 | **ABN** 34 163 636 566

Submission: Review of the New South Wales coercive control laws

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Super Consumers Australia is the people's advocate in the superannuation sector. Super Consumers Australia advances and protects the interests of people on low and middle incomes in Australia's superannuation system. It was founded in 2013 and received funding for the first time in 2018.

Introduction

Super Consumers Australia welcomes the opportunity to comment on the Review of the New South Wales (NSW) coercive control law (the "Review"). NSW led the way as the first state in Australia to implement a specific standalone criminal offence for coercive control, and remains only one of two states to have done so. This Review gives NSW the chance to keep setting the benchmark for other jurisdictions.

Our submission focuses on coercive control as it manifests through financial abuse in superannuation. The significance of this issue was highlighted in the 2024 Parliamentary Joint Committee (PJC) on Corporations and Financial Services Inquiry into Financial Abuse: an insidious form of domestic violence.

Addressing financial abuse and coercive control requires a whole-of-system approach. Criminalising perpetrator behaviour is important, but dismantling the broader system settings that enable coercive control to occur is just as important. This Review should address the gaps that deny many victim-survivors, particularly older people, access to justice. It also needs to capture the significant role of intermediaries – such as accountants, lawyers, financial advisers, etc. – and financial institutions in facilitating or enabling coercive control.

This Review coincides with the recent consultation on the Second National Action Plan, with its focus on addressing coercive control to end violence against women and girls (Super Consumer Australia submission to the Consultation on the Second National Action Plan, July 2026). We welcome a coordinated national approach, but a systems approach is also necessary: one that recognises the full experience of victim-survivors, and the role of financial and taxation systems and related intermediaries in financial abuse and coercive control.

Super Consumers Australia recommends that the Review consider:

1. Amending the NSW Crimes Act to expand the prohibition on coercive control to include domestic relationships, as defined under the current NSW Crimes (Domestic and Personal Violence) Act. This acknowledges the prevalence of elder abuse and coercive control perpetrated by adult children, relatives and carers.
2. Whether 'aiding and abetting' provisions under the NSW Crimes Act are sufficient to deter intermediaries from knowingly or recklessly aiding or facilitating coercive control.
3. Extending the NSW Government's training and education work on coercive control to financial institutions and related intermediaries.
4. Recognising the role of financial institutions in facilitating or enabling coercive control, as part of the legislation's ongoing review and implementation.

Recognising the role institutions and intermediaries play in coercive control, and expanding the law to include domestic relationships would enable safer and more just outcomes for victim-survivors of domestic, family and sexual violence (DFSV) and abuse. It would:

- Ensure that financial institutions and intermediaries are held accountable and play a part in preventing, identifying and responding to financial abuse and coercive control.
- Provide greater access to justice for victim-survivors across a spectrum of abuse and coercive control.
- Support a more coherent and integrated response that recognises the full experience of DFSV and abuse, and that addresses early intervention, immediate safety and long-term recovery.
- Reduce the direct costs of financial abuse and coercive control for victim-survivors and improve long-term wellbeing and financial security.

Background

Super Consumers Australia is the advocate for people on low and middle incomes in Australia's superannuation system. We were founded to fight for an accountable and fair super system that delivers great service and great financial outcomes in retirement. Formed in 2013, we are an independent, not-for-profit organisation and a leading voice for consumers of superannuation products and services.

Super Consumers Australia is a member of the national Economic Abuse Reference Group (EARG), in which we work in partnership with the EARG, its member organisations and other community organisations working in the DFSV and elder abuse sectors. Our advocacy on financial abuse in superannuation aims to:

- Strengthen understanding of the issue across the DFSV sector, superannuation industry and the Government and regulators.
- Improve safeguards and accountability to prevent, identify and address financial abuse in superannuation, including safe, trauma-informed support for people impacted by DFSV and financial abuse.
- Ensure the lived experiences of victim-survivors and the expertise of the DFSV sector inform the design of a safer superannuation system.

This submission draws on the insights gained through these partnerships, our superannuation expertise and issues raised in our recent joint submissions on: Preventing perpetrators of domestic and family violence from receiving the superannuation death benefits of victims (April, 2026); and Combatting financial abuse perpetrated through coerced directorships (December, 2025).

Recommendations

1. Expand the prohibition to other relationships

The current coercive control offence applies only to current and former intimate partners and excludes abuse and coercive control perpetrated by adult children, siblings, other relatives or carers. This narrow approach does not reflect the lived experiences of victim-survivors of DFSV and financial abuse, particularly older people. We recommend expanding the scope of the legislation to include all domestic relationships as defined under the current NSW Crimes (Domestic and Personal Violence) Act.

The 2004 PJC inquiry found that "financial abuse can occur between partners or other family members such as parents and children in circumstances of elder abuse, between relatives, or in other family-like relationships such as with carers or housemates." (PJC report, December 2024, p.7). The PJC inquiry separately recommended legislative clarification that family violence and elder abuse "constitute a serious threat to the life, health and safety of an individual" (Recommendation 7), and that the Australian Government implement minimum operating standards to "mitigate the risk of elder abuse in relation to superannuation" (Recommendation 36).

Elder abuse is a form of family violence driven by coercion, entitlement and dependency dynamics. The Australian Institute of Family Studies' National Elder Abuse Prevalence Study defines financial abuse as one or more specified incidents perpetrated by "family member, professional carer, other professional or other known person" (2021, p.xiv). Financial abuse is the third most common form of elder abuse experienced by older Australians and adult children are the most likely perpetrators specifically of financial abuse (p.2). The NSW Ageing and Disability Commission (ADC) Yearly Data 2025-2026 report also lists paid workers and adult children as the main sources of reports to the ADC about older people (p.10), and that financial abuse was the second most common form of elder abuse (p.11).

Limiting the coercive control offence to intimate partner relationships denies older people access to justice and fails to recognise the lived experiences of older victim-survivors. Older Australians have spent their lives contributing to society, and they have a right to be protected by the criminal justice system.

We also echo the Women's Legal Service NSW's submission on this consultation that legislative reform alone is insufficient in responding to coercive control and DFSV. Legislative change must be accompanied by significant cultural and systems reform, including reforms to address systemic disadvantages experienced by First Nations peoples and culturally and linguistically diverse (CALD) communities. These reforms are essential to the overarching response to coercive control and DFSV, and can occur alongside legislative change. This approach would ensure the expanded legislation is appropriate and relevant for First Nations and CALD communities, where different cultures may have non-traditional family and care structures that constitute domestic relationships.

Recommendations

Recommendation 1: Amend the Crimes Act to expand the prohibition on coercive control to include domestic relationships, as defined under the current NSW Crimes (Domestic and Personal Violence) Act. This acknowledges the prevalence of elder abuse and coercive control perpetrated by adult children, relatives and carers.

2. Address the role of intermediaries who aid or facilitate coercive control and the role of institutions in enabling financial abuse

The justice system and coercive control legislation must take into account the significant role that professional intermediaries (such as lawyers, accountants and financial advisers) and financial institutions can have in facilitating or enabling coercive control. For financial abuse, these roles were explicitly recognised by the 2024 PJC inquiry into financial abuse, with several recommendations to address this gap in the financial services system.

Role of intermediaries in facilitating coercive control

The case study below, from the organisation Each, highlights how intermediaries can aid or facilitate coercive control by a perpetrator. To date, there have been limited individual consequences for these actions. This contrasts with the devastating and life-long impacts experienced by the victim-survivor, who loses all their retirement savings and continues to be controlled by their ex-partner.

Case study 1: Use of financial advisers to facilitate coercive control in superannuation

During their 30-year marriage, Lisa* was forbidden to work or participate in the family or business finances, despite being listed as Director of multiple companies run by her ex-husband Tom*. After separating, Tom threatened to punish Lisa if she pursued a property settlement, promising she'd be better off financially if she didn't.

After being remarried for four years and with a new child, Tom convinced his ex-wife, Lisa, to attend a meeting with a financial adviser who subsequently advised them to establish a self-managed super fund (SMSF). Lisa, who'd had a stroke that slightly affected her cognition, believed she was refinancing her home loan. Tom initially told the adviser they were in the process of selling their home, which they were not. Conditioned throughout her marriage to sign documents without question, she thought she was signing home loan papers to roll over her mortgage.

Tom provided false information to establish the joint SMSF: he listed Lisa as employed by his company, earning $400,000, and left marital status blank. This information was not independently verified by the adviser. The documents that came from the adviser for signing already had this information completed, showing their marital status as married and them living at the same address. Tom had continued to use Lisa's address for any financial liabilities he signed. The statement of advice provided by the adviser only included All stated reasons for establishing the joint SMSF that related solely to Tom's investment goals and an opportunity he had to act on quickly. No reference was made to Lisa's personal and investment objectives, and the adviser had not directly consulted Lisa prior to providing the advice to both Tom and Lisa.

Lisa's entire $280,687 superannuation was rolled into the joint SMSF with Tom's superannuation. Almost immediately, Tom started withdrawing funds as "loans" to himself and his company, reducing the $570,305 account to just $147 in six months.

** Name has been changed.*

Lisa's case highlights the significant role of the financial adviser in enabling Tom's coercive control over her. The adviser's actions likely breached their best interest duty obligations, by not taking the financial needs of both clients into account, as well as professional conduct obligations by failing to verify Lisa's personal information. The recourse available to Lisa is to make a complaint to the Australian Financial Complaints Authority (AFCA) and report the misconduct to the Australian Securities & Investments Commission (ASIC). ASIC may investigate and take regulatory action against the financial adviser, the advice firm or (if applicable) an advice licensee who authorised the adviser and advice firm.

However, these AFCA and ASIC processes may not lead to any personal consequences for the individual adviser. To the extent that there are consequences, they will be employment related - the adviser could be disciplined or terminated by their employer or be banned for a period of years from providing advice. As such, the financial value of the harm caused will exceed the value of the consequences in virtually every case. Providing poor financial advice is not a criminal offence.

The situation is similar for other types of intermediaries, particularly where obligations are derived from self-regulation.

The case study below from the UNSW Tax and Business Advisory Clinic highlights the role of tax agents in enabling coercive control and the limited individual consequences for those actions.

Case study 2: Use of tax agents to facilitate coercive control in superannuation

> Amy* was coerced to sign all financial documents, or her signature was applied to forms electronically using a fake email set up by her ex-husband. This included Amy becoming a trustee of an SMSF that she was unaware of. All income tax returns and transactions were prepared by a tax agent, who she never spoke to, and signed electronically without her knowledge or consent. A director's penalty notice was issued for a company along with penalties for a non-compliant SMSF, which she only found out about after her husband left the family and she started receiving notices. All refunds, Centrelink receipts etc went directly to the ex-husband's bank account, who is now declared bankrupt.

** Name has been changed.*

Holding the tax agent accountable would require Amy to make a complaint to the Tax Practitioners Board (TPB). This involves several procedural and evidentiary requirements, including attempting to resolve the issue directly with the tax agent first. The protections available for clients making complaints to remain anonymous throughout the entire investigation are also unclear. These factors create significant barriers for victim-survivors of financial abuse and coercive control. Where cases have been reported and investigations completed by the TPB, the determinations are largely administrative, with minimal consequences for the agent (UNSW Tax and Business Advisory Clinic, December 2025).

While many intermediaries are subject to some level of ethical obligations under professional standards and/or codes of conduct, they are often enforced through self-regulation or by different regulatory and professional bodies. These are inherently administrative and at most, result in restrictions on the intermediary's ability to engage in the business for some period of time. There are no criminal sanctions associated with facilitating coercive control under these regulatory regimes despite the significant harm and the repugnance of abusing one's position of trust to assist a perpetrator.

This gap in self-regulation of intermediaries was recognised in the 2024 PJC inquiry, with several recommendations for:

- legal, accounting and financial advice bodies review their members' ethical obligations specifically around financial abuse;
- clear penalties for practitioners who knowingly facilitate it; and
- industry bodies to co-design education resources to improve identification and reporting of suspected abuse (Recommendations 13, 37 and 38).

The Review should consider whether 'aiding and abetting' provisions under the NSW Crimes Act are sufficient to deter intermediaries from knowingly or recklessly aiding or facilitating coercive control. While perpetrators are the primary source of coercive control in financial abuse, intermediaries can play a significant role in enabling or deepening that control when they knowingly or recklessly collude with or enable the perpetrator.

Section 351B of the NSW Crimes Act already provides that aiders and abettors are punishable as principals. We are not aware of any charges being laid against an intermediary for aiding or abetting coercive control in NSW and there is no information about this topic in the Consultation discussion paper. In these circumstances, it is difficult for us to assess whether the current legislation is likely to be effective in holding intermediaries accountable for the important role they play in facilitating coercive control.

It may be that information is available to the Review about this topic that is not public. For this reason, we recommend that the Review consider all the information it has available to it about whether the existing laws are sufficient with respect to intermediaries. In particular, we recommend the Review consider whether current laws:

- reflect the range of activities in which an intermediary can facilitate coercive control;
- capture repeated patterns of conduct that amount to facilitation of coercive control rather than requiring any single act to amount to facilitation;
- covers acts that a reasonable person would understand would facilitate coservice control (recklessness) rather than only active intent to support coercive control;
- whether criminal penalties are sufficient to drive deterrence.

If the Review concludes that existing laws are sufficient to deter intermediary facilitation of coercive control, it would be helpful if the Review could report on other barriers to holding intermediaries in NSW accountable, e.g. education, training, resourcing, reporting etc.

Recommendations

Recommendation 2: The Review should consider whether 'aiding and abetting' provisions under the NSW Crimes Act are sufficient to deter intermediaries from knowingly or recklessly aiding or facilitating coercive control.

Role of financial institutions in facilitating coercive control

Addressing systemic abuse and coercive control requires the criminal, justice and financial systems to work together. The Review should consider the significant role financial institutions currently play in either preventing or facilitating coercive control. The Review should also consider what changes to the law itself or the implementation of the law could be made to prevent or reduce the incidence of perpetrators using the products and services of financial institutions for coercive control.

The legislation's ongoing review and implementation must recognise the significant role financial institutions can have in facilitating or enabling abuse and coercive control and that intermediaries involved also understand how to 'work around' the gaps left open by institutions.

Financial abuse features in 52% of coercive control incidents recorded by the NSW Bureau of Crime Statistics and Research (BOSCAR) (Coercive Control Monitoring Report, 2025). Financial institutions can facilitate or enable coercive control by:

- Releasing a customer's funds to the perpetrator, even when they suspect that the customer is being coerced.
- Failing to have adequate anti-scam and fraud protections for customers, making it easier for perpetrators to commit financial abuse through ID fraud and coercion.
- Failing to monitor high-risk or suspicious transactions, and engaging with their customers in a timely manner to prevent harm or losses.

Both institutions and intermediaries have legal obligations under anti-money laundering and counter terrorism financing laws to report any suspicious transactions or customer behaviours that may constitute a criminal offence under Commonwealth, State or Territory laws to AUSTRAC. This includes situations where customers may be coerced or manipulated. However, there is a disconnect between this legal framework and the relevant Commonwealth, State or Territory criminal systems.

The AUSTRAC obligations are not reflected in the relevant Crimes Acts themselves and it is unclear whether these reports are routinely fed back into the relevant Commonwealth, State or Territory justice systems. This information is not routinely available to the public either. As such, we have limited information about the true scale of abuse and coercion facilitated through financial institutions. The lack of data also likely drives a lack of institutional understanding of the nature and prevalence of coercive control.

Given that financial institutions have an obligation to report suspected breaches of the coercive control law, it is important they also receive training and education on coercive control. The NSW Government's training and education program on coercive control, should also target financial institutions and intermediaries.

More broadly, the exact role that financial institutions should play in reducing financial abuse and coercion is unclear. The lack of clear and specific obligations on financial institutions in preventing, identifying and responding to financial abuse and coercive control likely perpetuates the problem. We recommend that the Review consider the role that these institutions currently play in either preventing or facilitating coercive control and what changes to the law itself or the implementation of the law could be made to prevent and reduce the incidence of perpetrators using the products and services of financial institutions for coercive control.

Recommendations

Recommendation 3: Extend the NSW Government's training and education work on coercive control to financial institutions and related intermediaries.

Recommendation 4: Recognise the role of financial institutions in facilitating or enabling coercive control, as part of the legislation's ongoing review and implementation.