

Department of Justice
Office of the Secretary
GPO Box 825
Hobart TAS 7001

1 June 2025

Family Violence (Miscellaneous Reforms) Bill 2025

The Tasmanian Family and Sexual Violence Alliance (TFSVA) is establishing the peak body for the community-based family and sexual violence sector across the continuum of primary prevention, early intervention, response and healing and recovery. We are focused on addressing the cultural and systemic factors that perpetuate violence and improving outcomes for all victim-survivors.

TFSVA is supportive of the proposed amendments as an interim measure ahead of a full review of the Family Violence Act 2004 including an evaluation of Police Family Violence Orders (PFVOs) to ensure their intended purpose is being achieved. TFSVA additionally recognises the need to strengthen these amendments with systemic wrap-around supports to address any misidentification of the predominant aggressor.

In regard to Section 14 of the Family Violence Act 2004, TFSVA recognises the Tasmanian Government has taken steps to address the issues of misidentification raised in Engender Equality's report on Misidentification of the Predominant Aggressor in Tasmania¹. Whilst recommendations in the report go further to identify training and improved supports to mediate misidentification in the first instance; TFSVA recognises that the proposed amendment aims to enable a less onerous process for review and revocation of PFVOs, particularly in misidentification cases.

Evidence shows that nationally, misidentification - where victim-survivors are wrongly named as perpetrators - is a significant and systemic issue, several contributing factors include:

- Cultural misunderstandings, communication differences, and/or cultural bias – particularly in responding to marginalised cohorts including LGBTIQ+ people, refugee and migrant women, Aboriginal women.^{2 3}
- Manipulation of the PFVO process by the perpetrator, including the use of 'image management' strategies.^{4 5}
- Misunderstanding of disability-specific vulnerabilities, for example, women with autism may respond literally to police questioning, and people experiencing complex and/or intergenerational trauma may respond to distressing situations in different ways.^{6 7}
- Police may inadvertently favour the "calm" person when responding to a family violence call over the distressed victim, particularly when the perpetrator engages in systems abuse.^{8 9}

TFSVA recognises the work already being undertaken by the state government and Tasmanian Police to mitigate and address misidentification in the execution of PFVOs. To further support this work, TFSVA suggests a number of options to operationalise the proposed amendment to Section 14 of the Family Violence Act 2004:

1. Further Training and Support for Police

- Build on current training to further support police in embedding best-practice approaches.
- Identify opportunities to build best-practice approaches in responding to marginalised groups in relation to family violence, including Tasmanian Aboriginal people, people with disabilities and mental health conditions, migrant and refugee women, women in rural and remote locations and LGBTIQ+ people.
- Development of community education programs that build trust between vulnerable populations and police.

2. Independent PFVO Review Pathway

- Create an independent process for challenging PFVOs.
- Consider a review panel involving police, family violence services, and cultural/community representatives, especially for marginalised populations.
- Refer to the Women's Legal Services Tasmanian submission for further detail.

3. Establish Specialist Multidisciplinary Responses

- Trial specialist, multidisciplinary responses to manage complex cases and reduce misidentification risk.
- Consider opportunities to share information across community-based specialist family violence services to reduce misidentification risk.
- Consider the evaluation and scaling of formal and informal models that may already be in operation.

TFSVA, supports further discussion on our submission, and recommends future consultations are open for longer than a two week period. TFSVA also strongly encourages robust and in-depth consultation with victim-survivors and the community FSV sector in the review of the the Family Violence Act 2004 so that the Act is reflective of contemporary understandings and best-practice approaches to family violence in Tasmania. Lastly, it is important to recognise that relying too heavily on the Family Violence Act to address violence is insufficient. While legal measures are essential, they do not tackle the root causes of violence. Meaningful prevention requires a stronger focus on proactive strategies at the individual, community, cultural, and systemic levels to reduce and ultimately eliminate violence before it occurs.

Yours Sincerely,

Bree Klerck

Chief Executive Officer

Tasmanian Family and Sexual Violence Alliance

References

- ¹ 2022 Engender Equality, 'Misidentification of the Predominant Aggressor in Tasmania'. <https://engenderequality.org.au/2023-research-discussion-paper-misidentification-of-the-predominant-aggressor-in-tasmania/>
- ² 2021 Family Violence Reform Implementation Monitor, 'Monitoring Victoria's family violence reforms Accurate identification of the predominant aggressor'. <https://www.fvrim.vic.gov.au/monitoring-victorias-family-violence-reforms-accurate-identification-predominant-aggressor/misidentification-significant-issue-enormous-consequences-victim-survivor>
- ³ 2020 Australia's National Research Organisation for Women's Safety, 'Accurately identifying the "person most in need of protection" in domestic and family violence law'. <https://www.anrows.org.au/project/accurately-identifying-the-person-most-in-need-of-protection-in-domestic-and-family-violence-law/>
- ⁴ ibid
- ⁵ 2019, Reeves E, 'Family violence, protection orders and systems abuse: views of legal practitioners. Current Issues in Criminal Justice 32(1):1-20
- ⁶ 2022 Engender Equality, 'Misidentification of the Predominant Aggressor in Tasmania'. <https://engenderequality.org.au/2023-research-discussion-paper-misidentification-of-the-predominant-aggressor-in-tasmania/>
- ⁷ 2019, Reeves E, 'Family violence, protection orders and systems abuse: views of legal practitioners. Current Issues in Criminal Justice 32(1):1-20
- ⁸ 2021 Family Violence Reform Implementation Monitor, 'Monitoring Victoria's family violence reforms Accurate identification of the predominant aggressor'. <https://www.fvrim.vic.gov.au/monitoring-victorias-family-violence-reforms-accurate-identification-predominant-aggressor/misidentification-significant-issue-enormous-consequences-victim-survivor>
- ⁹ 2020 Australia's National Research Organisation for Women's Safety, 'Accurately identifying the "person most in need of protection" in domestic and family violence law'. <https://www.anrows.org.au/project/accurately-identifying-the-person-most-in-need-of-protection-in-domestic-and-family-violence-law/>