

Tasmanian
**Family and
Sexual Violence**
Alliance

**Submission to the Review of the
Tasmanian Family Violence Act 2004**

April 2026

**Working together for a
Tasmania free from family
and sexual violence**



ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Aboriginal and Torres Strait Islander peoples as the Traditional Custodians and first peoples on the land on which we live, work and play in lutruwita (Tasmania). We pay our respects to the Tasmanian Aboriginal community, to elders past and present and to all those who continue caring for country, sharing stories, and upholding rights. We acknowledge the impacts of colonisation and dispossession, and the contemporary disadvantage experienced by Aboriginal and Torres Strait Islander peoples. We also acknowledge the devastating impacts of family and sexual violence and child removal in Aboriginal communities and recognise the power of truth telling and ongoing leadership by Aboriginal communities in addressing and preventing family and sexual violence.

ACKNOWLEDGEMENT TO VICTIM-SURVIVORS

We acknowledge Tasmania's victim-survivors of family and sexual violence. Victim-survivors hold the insights, knowledge, and expertise to inform primary prevention and systems change, and authentically embedding the lived expertise of victim-survivors is vital in addressing family and sexual violence in Tasmania. We acknowledge children and young people who are victim-survivors also hold expertise that must be valued and respected alongside that of adult victim-survivors. And we recognise the life-long impacts of trauma and acquired disability as a direct result of family and sexual violence.

SAFETY WARNING

This report explores family and sexual violence and may be distressing and traumatic. We advise readers to consider their personal contexts before proceeding and assess whether it is the right time to read about these matters.

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Suggested citation: Tasmanian Family and Sexual Violence Alliance (2026) *Submission to the Review of the Tasmanian Family Violence Act 2004*. Hobart: TFSVA.



RECOGNITION OF CONTRIBUTIONS TO SUBMISSION

In preparing our submission, the Tasmanian Family and Sexual Violence Alliance sought the views of our members, stakeholders, and victim-survivors by way of engagement forums, meetings, and surveys. We acknowledge their contributions here to illustrate the scope of the work undertaken by the Alliance to respond to the government's Discussion Paper. We also acknowledge the assistance provided by Mathew Fagan from Social Justice Communications, who provided a comparative legislative analysis of family violence legislation.

TFSVA ORGANISATIONAL MEMBERS

- ➔ Sexual Assault Support Tasmanian
- ➔ Laurel House
- ➔ Engender Equality
- ➔ Women's Legal Service Tasmania
- ➔ Yemaya
- ➔ Huon Domestic Violence Service
- ➔ Relationships Tasmania

TFSVA STAKEHOLDERS

- | | |
|-------------------------------------|---|
| ➔ Disability Voices Tasmania | ➔ ATDC |
| ➔ TasCOSS | ➔ Social Action Research Centre |
| ➔ Religions for Peace | ➔ ShelterTas |
| ➔ Migrant Resource Centre Tasmania | ➔ Carers Tasmania |
| ➔ Multicultural Council of Tasmania | ➔ RSL Tas |
| ➔ Working It Out | ➔ Volunteering Tasmania |
| ➔ Dr Ron Frey | ➔ Tasmanian Association of State School Organisations |
| ➔ Lifeline | ➔ Create Foundation |
| ➔ COTA Tas | ➔ Centre for Excellence in Child and Family Welfare |

The TFSVA acknowledges and thanks Mathew Fagan from Social Justice Communications for his assistance in undertaking a comparative legislative analysis.



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LIST OF SUGGESTED ACTIONS

- Suggested action 1:** That the Tasmanian Government allocates resources to engage first nations people and organisations in Tasmania in a culturally appropriate and safe manner to ensure any reforms to the *Family Violence Act 2004* meet the needs of Aboriginal Tasmanians
- Suggested action 2:** That the Tasmanian Government allocates resources to engage Tasmanian victim-survivors in ways that ensure meaningful and safe engagement, including:
- in-person and online workshops with victim-survivors
 - easy-read, braille, and Auslan versions of any consultation materials
 - alternative submission formats (such as voice recordings)
 - fair remuneration for their lived expertise
- Suggested action 3:** That before the Tasmanian Government begins drafting of new family violence legislation that a comprehensive and transparent assessment of the rights of children and young people in relation to the Act is conducted
- Suggested action 4:** That the Tasmanian Government, in line with the CYSOF principles, allocates resources to consult directly with children and young people (and their advocates) safely and in a developmentally appropriate way about what their needs are in relation to family violence
- Suggested action 5:** That the Tasmanian Government, in drafting a new *Family Violence Act*, applies the child rights impact assessment tool to each and every aspect of the Act
- Suggested action 6:** That the Tasmanian Government considers the needs and safety of children and young people in all aspects of the Act, especially in relation to:
- the definition of family
 - the definition of family violence
 - the definition of “significant relationship” to amended to ensure it captures relationships between young people’s intimate relationships
 - the remit and scope of PFVOs and FVOs to centre the needs and experiences of children as primary victim-survivors of family violence
 - the obligation to address children and young people’s use of harmful behaviours—including penalties for such behaviour—in a child safe, developmentally-appropriate manner that prioritises diversion from the criminal justice system and therapeutically-informed behaviour change
- Suggested action 7:** That the Tasmanian Government creates a steering committee consisting of representatives of relevant Government departments and agencies, specialist service sector organisations, the Tasmanian law reform institute, the sentencing advisory council, and victim-survivors to consider and evaluate the evidence submitted as part of the current consultation



- Suggested action 8:** That the Tasmanian Government initiates a series of engagement activities linked to each section of the reform agenda, which must start with identifying agreed definitions of family, significant relationship, and family violence
- Suggested action 9:** That once agreed definitions of family, significant relationship, and family violence is achieved, further engagement activities will be required to explore how each of the other sections of the proposed Act dovetail with those agreed definitions
- Suggested action 10:** That the Tasmanian Government work with stakeholders, family violence and sexual violence services, and victim-survivors to draft new preamble, principles and purposes that better reflect the scope of the *Family Violence Act*
- Suggested action 11:** That the Tasmanian Government further engages specialist FSV services to explore the impact and consequences that may arise from expanding the coverage of the Act to other significant family and caring relationships
- Suggested action 12:** That the Tasmanian Government consults more broadly with victim-survivors and the FSV sector to explore the how the definition of “significant relationship” can be amended to better reflect all family and caring relationships
- Suggested action 13:** That the definition of what constitutes a “significant relationship” be explored with victim-survivors, stakeholders, and specialist services to ensure violence in casual intimate relationships, teen intimate relationships, and caring relationships do not fall between the gaps of the *FVA 2004* and other associated legislation
- Suggested action 14:** That the Tasmanian family violence legislation includes direct reference to “patterns of behaviour” and the cumulative impact of family violence in the preamble, principles, and purposes, and in the core definition of family violence
- Suggested action 15:** That the Tasmanian Government ensures that policing systems and practices operate from the perspective of “courses of conduct” and not rely on incident-based policing of family violence
- Suggested action 16:** That the Tasmanian Government consults more broadly with victim-survivors and the FSV sector to explore how the definition of family violence can be amended to capture all forms of violence occurring within families and caring relationships
- Suggested action 17:** That the Tasmanian Government audits and reforms the training provided to, and guiding policies informing, police practices in relation to identifying atypical forms of family violence
- Suggested action 18:** That the definition of family violence is consolidated and includes particularised examples of each form of violence, including more detailed enumeration of the various forms of sexual violence
- Suggested action 19:** That if the current scope of family violence is to be retained, an offence of coercive control is inserted into the criminal code 1924, and that reference to this provision is added to the *FVA 2004*, along with examples of coercive control behaviours



- Suggested action 20:** That if the definition of family violence is broadened to include all forms of family violence, coercive control is added into the *FVA* 2004, along with examples of coercive control behaviours
- Suggested action 21:** That systems abuse is included in the definition of family violence
- Suggested action 22:** That penalties are applied to perpetrators who use systems abuse to perpetrate family violence
- Suggested action 23:** That police prosecutors, magistrates, and judges are sufficiently trained to recognise and respond to the misuse of justice systems by perpetrators perpetrating family violence
- Suggested action 24:** That the Tasmanian Government engages with victim-survivors about the ways in which systems abuse presents in social, education, health, and housing systems
- Suggested action 25:** That intimidation and stalking are included in the Act's interpretations section, and examples are provided for each to enable ease of identification of these behaviours
- Suggested action 26:** That the Tasmanian Government explore with victim-survivors and FSV specialist services whether stalking and bullying—and by extension harassing behaviours or harassment—are consolidated as examples of the substantive offence of coercive control
- Suggested action 27:** That the definition of harassment or harassing behaviours includes specific reference to unwelcome conduct of a sexual nature, including conduct that is sexually explicit, degrading, humiliating or coercive, and that a reasonable person would expect to cause distress, humiliation, degradation, or coercion
- Suggested action 28:** That additional training is provided to frontline police to enable them to identify stalking and bullying behaviours, and the links between these behaviours and coercive control
- Suggested action 29:** That technology-facilitated abuse is added to the definition of family violence, with a non-exhaustive list of behaviours, including:
- sexualised deepfakes
 - non-consensual creation and/or alteration of sexualised images
 - non-consensual distribution and publication of sexualised images
 - threats to create, alter, distribute, or publish sexualised deepfakes and non-consensual sexualised images
- Suggested action 30:** That technology-facilitated abuse is defined in a harms-based way, such as “harmful use of, or interference with, technology”, which includes (but is not limited to) image-based abuse as well covert tracking, online stalking, and non-contact harassment, such as:
- use of an electronic device to publish intimate images of a family member without the member's consent
 - causing a computer system to deny access to a family member who is an authorised user of the system



- using an electronic messaging system to send abusive or threatening messages or images to a family member
- using software to track a family member's whereabouts or computer use
- creating a false social media account to disseminate adverse information about a family member, and
- using social media to publish intimate images of a person without the person's consent

Suggested action 31: That doxing is included as a form of technology-facilitated family violence

Suggested action 32: That family court orders in toto are considered in protecting victim-survivors experiencing family violence, and family violence orders are considered in the adjudication of family court matters

Suggested action 33: That the Tasmanian Government liaises with federal representatives and agencies to promote the need for all FCFCOA practitioners to be adequately trained to understand the practices and impacts of coercive control, power dynamics in family violence, and systems abuse, including the contexts of escalating risk during the adjudication of family court matters

Suggested action 34: That the Tasmanian Government liaises with federal representatives and agencies to increase FCFCOA understanding of the link between FCFCOA adjudication and escalating family violence

Suggested action 35: That the Tasmanian Government liaises with federal representatives and agencies to advocate for a better understanding of the need to report escalating family violence during FCFCOA adjudication, and that this should not be considered systems abuse by the victim-survivors

Suggested action 36: That the recruitment of others to engage in behaviours that are defined as family violence in the Act are criminalised

Suggested action 37: That third-party enabled or facilitated family violence be an offence in its own right

Suggested action 38: That those who engage in third-party enabled or facilitated violence are charged with a summary offence for summary family violence offences, and indictable offence for indictable family violence offences

Suggested action 39: That a charge should be laid whether the primary perpetrator facilitated this violence, engaged professional investigators, or that third parties linked to the perpetrator do so without the knowledge or wishes of the primary perpetrator

Suggested action 40: That robust assessment is made in contexts where children have been coerced into engaging in third-party enabled or facilitated family violence and before any charges are laid

Suggested action 41: That Tasmania Police and DPFEM increase the cultural capability and practice effectiveness of frontline criminal justice and emergency response practitioners to correctly identify the predominant aggressor and person most in need of protection



- Suggested action 42:** That the Tasmanian Government creates specialist family violence court lists that fast track the transition from police family violence orders to family violence orders
- Suggested action 43:** That in the transition from PFVOs to FVOs, police prosecutors, magistrates, and judges are required to explicitly assess family court orders, risk assessments, systems abuses, and the possible misidentification of the predominant aggressor
- Suggested action 44:** That the Tasmanian Government explores with victim-survivors and service providers alternative means to PFVOs in which to provide immediate protection to the primary victim and their children
- Suggested action 45:** That separate but linked (P)FVOs are made to protect children as primary victims, including provisions to ensure their (and their parent's) safety in the context of contact orders by the family court
- Suggested action 46:** That courts are adequately funded to fast track the transition from PFVOs to FVOs
- Suggested action 47:** That in the absence of additional funding for specialist court lists, provisions to enable changes to PFVOs are made to ensure that the person most need of protection is correctly identified and the predominant aggressor is disabled from continuing their violence and harm
- Suggested action 48:** That a mandatory minimum length of orders is legislated in order to reduce the impact of court processes on victim-survivors healing and recovery
- Suggested action 49:** That the inclusion of mandatory minimum length of orders is reinforced by way of the other strategies, including:
- provide that the FVO remains in place unless or until a party applies to the court to remove them because the unacceptable risk no longer exists
 - that prosecutors, magistrates and judges are aware of the possibility of systems abuse if the perpetrator uses this open-ended process to constantly seek to amend or remove FVOs protections
 - have clear explanatory, preamble, principles, and purposes sections in the Act about the intention of the legislation to improve the long-term safety of victim-survivors
 - prescribe risk factors that must be considered by adjudicators in terms establishing the likely duration of the risk and possibility of recovery
 - that immediate action is taken to roll out the TARRA across the sector, which better captures the unique Tasmanian risk factors for continuing violence
 - that prosecutors, magistrates, and judges are made aware of the limitations of the RAST in assessing the complex risk factors that victim-survivors may encounter
 - that prosecutors, magistrates, and judges are provided with additional professional development concerning the nature



and impacts of non-physical family violence, including coercive and controlling behaviours

- Suggested action 50:** That serial and/or persistent offenders of family violence are issued enhanced penalties
- Suggested action 51:** That serial and/or persistent offenders of family violence are mandated to complete a behaviour change program that is pitched to high-risk offending
- Suggested action 52:** That any reforms to the ways in which protection orders are scoped and operationalised must take the extreme case of life-long offending as the default, as any measures put in place to protect the most vulnerable victim-survivors from persistent family violence offending is likely to protect those who experience time-limited victimisation and/or whose perpetrator is more easily diverted from further violence
- Suggested action 53:** That legal aid is automatically awarded to misidentified victim-survivors seeking to amend or retract an existing PFVO
- Suggested action 54:** That extension of an existing FVO does not require court attendance
- Suggested action 55:** That extension of an existing FVO is automatically granted on the request of the victim-survivors, police, or specialist service, unless exceptional circumstances are identified
- Suggested action 56:** That evidence of an escalation of violence is not necessary to extend the duration of an FVO
- Suggested action 57:** That the *FVA* 2004 is amended to increase penalties for (P)FVO breaches
- Suggested action 58:** That Tasmania Police and DPFEM increase their staff capacity to recognise and respond to the risks of increased violence that breaches of (P)FVOs represent
- Suggested action 59:** That a summary charge of persistent breaches of family violence orders is created
- Suggested action 60:** That persistent breaches of family violence orders are consolidated into a single offence
- Suggested action 61:** That the Tasmanian Government work with victim-survivors and specialist services to consider whether an indictable offence for persistent breaches of family violence orders is warranted
- Suggested action 62:** That the Tasmanian Government consider whether persistent breaches of (P)FVOs should be considered a substantive family violence offence and/or that those who engage in this behaviour are charged with the indictable offence of persistent family violence
- Suggested action 63:** That in assessing the penalties for aggravated breaches of family violence orders considerations are made of the harms caused to victim-survivors, the duration and frequency, and whether the perpetrator has a history of family violence and/or has a serial family violence offender declaration in place



- Suggested action 64:** That penalties for aggravated breaches of family violence orders are increased
- Suggested action 65:** That the *Forensic Procedures Act* is amended to declare FVO breaches as a serious offence
- Suggested action 66:** That the Tasmanian Government reinvests in the development of robust and evidence-based early intervention behaviour change programs
- Suggested action 67:** That the Tasmanian Government work with the FSV sector to develop a new behaviour change program for high-risk and/or persistent family violence offenders
- Suggested action 68:** That existing behaviour change programs are audited, and revised to account for: accessibility; efficacy of duration; scope of work undertaken in completing the program; relevance for perpetrators who do not identify as male; relevance of conceptual framework used with LGBTIQ+, disabled, and Aboriginal perpetrators
- Suggested action 69:** That all offenders charged with a second or subsequent family violence offence are mandated to complete a behaviour change program
- Suggested action 70:** That behaviour change program participation is monitored as part of risk assessment frameworks
- Suggested action 71:** That the Tasmanian Government provide additional resources to enable the appointment of more specialist counsellors and psychologists for one-on-one behaviour change
- Suggested action 72:** That the Tasmanian Government allocates additional resources to reduce program waitlists
- Suggested action 73:** That Tasmania Police and DPFEM increase the cultural capability and practice effectiveness of frontline criminal justice and emergency response practitioners to identify the person most in need of protection accurately and consistently, avoid misidentification of predominant aggressor, and to act judicially in issuing PFVOs when needed
- Suggested action 74:** That additional resources are provided to courts to upskill all practitioners—especially police prosecutors, magistrates, and judges—on identifying the person most in need of protection and the predominant aggressor
- Suggested action 75:** That the legal aid is automatically provided to victim-survivors who have been incorrectly identified by police as not the person most in need of protection and/or misidentified as the predominant aggressor
- Suggested action 76:** That the Tasmanian Government undertakes an audit on cross applications to explore the nature of these incidents, and the prevalence and contexts of incorrect identification of the person most in need of protection, and/or misidentification as predominant aggressor
- Suggested action 77:** That Tasmania Police explore the strategy of co-response to family violence matters, and work closely with specialist services to identify how such an approach may reduce misidentification and increase a trauma-informed response to family violence



- Suggested action 78:** That additional resourcing is provided to victim-survivors who have been found to be misidentified as person least in need of protection and/or the predominant aggressor to assist them in:
- removing all system references to their misidentification
 - seeking additional psychological support to address the shame and guilt that comes with misidentification
 - securing employment if misidentification has led to loss of job
 - securing housing if misidentification has led to loss of secure and safe housing
 - seeking to amend erroneous family court orders based on their misidentification
- Suggested action 79:** That all criminal justice practitioners involved in responding to family violence are adequately trained and understand the practices and impacts of coercive control, power dynamics in family violence, and systems abuse
- Suggested action 80:** That the Tasmanian Government establish a specialist court list for all family violence matters that is overseen by specialist magistrates and judges
- Suggested action 81:** That resourcing is provided to integrate existing specialist and support services within court processes to provide additional support to victim-survivors during court matters, and to identify additional needs arising from court matters
- Suggested action 82:** That magistrates and judges are empowered to provide juries with judicial direction on the broader contexts of family violence, including, but not limited to:
- the reasons for under-reporting or delays in reporting
 - why some victim-survivors may choose to give evidence separately from the other party
- Suggested action 83:** That the Tasmanian Government provides resourcing for the purchase of additional electronic monitors
- Suggested action 84:** That the Tasmanian Government provides additional resourcing to Tasmania Police to monitor and respond to breaches of monitoring conditions
- Suggested action 85:** That the Tasmanian Government explores what other technologies may be more suitable for those victim-survivors and perpetrators that live in coverage black spots
- Suggested action 86:** That the Tasmanian Government explore what additional security measures are required to ensure that electronic monitoring of perpetrators or victim-survivors does not inadvertently disclose the location of the victim-survivor
- Suggested action 87:** That the Tasmanian Government consider mandatory participation in a behaviour change program when a perpetrator is electronically monitored



- Suggested action 88:** That the Tasmanian Government consider limiting parole for serial, aggravated, and persistent offenders
- Suggested action 89:** That the Tasmanian Government integrate case management of family violence offenders on parole in the RAMF
- Suggested action 90:** That additional resources are provided to Tasmania Police and community corrections to enable better oversight of family violence offenders on parole
- Suggested action 91:** That parole conditions explicitly reiterate that any provisions aligned with (p)FVOs linked to this offending are in place and will be maintained for the duration of their parole period
- Suggested action 92:** That the Tasmanian court system resource the translation of all forms and information on court processes and practices into alternative communication formats
- Suggested action 93:** That the Tasmanian court system work directly with victim-survivors and their advocates to identify gaps and difficulties in completing the forms
- Suggested action 94:** That the Tasmanian court system resource a family violence information officer to assist victim-survivors completing forms
- Suggested action 95:** That all information about court process and the forms used in family violence matters detail the implications of responding to specific questions
- Suggested action 96:** That the Tasmanian Government resource the court system for the creation of vulnerable witness suites with appropriate staffing and technology in a non-court building to facilitate victim-survivors giving evidence safely
- Suggested action 97:** That judicial direction explicitly states that giving evidence separately should not be perceived by juries as less than giving evidence in person
- Suggested action 98:** That the Tasmanian Government resource a comprehensive court support program in all courts hearing family violence matters to ensure that victim-survivors are supported in giving evidence in person, or separate to the other parties
- Suggested action 99:** That children and young people are recognised under the *Evidence (Children and Special Witnesses) Act* as vulnerable victim-survivors of family violence and are afforded the protection of safeguards in judicial practices such as giving evidence
- Suggested action 100:** That the Tasmanian Government liaise with relevant parties in other Australian jurisdictions to assess the efficacy of similar provisions, and if any adverse effects have resulted from both the inclusion of a definition of “publish” in the *FVA*, and the conditions that may inhibit the use of this provision
- Suggested action 101:** That the Tasmanian Government consults with victim-survivors, perpetrators, and specialist services to evaluate the efficacy of SFVO declarations in monitoring and preventing persistent family violence offending



- Suggested action 102:** That the Tasmania Government considers adding the SFVO declaration process to the RAMF and provide resourcing to ensure those subject to these declarations are better monitored
- Suggested action 103:** That the Tasmanian Government work with service providers and victim-survivors to identify core information that must be shared between different parts of the family violence response system
- Suggested action 104:** That the Tasmanian Government in developing and expanding the use of the RAMF identify what critical information should be shared as part of risk assessment and management
- Suggested action 105:** That the Tasmanian Government consider the establishment of a family violence perpetrator register that enables prospective partners to apply to access information about prior family violence offending
- Suggested action 106:** That in developing better practices in information sharing that provision is made for the permanent retraction of information later found to be incorrect
- Suggested action 107:** That the Tasmanian Government consult with victim-survivors and service providers on the implications of proclaiming section 38, and the reasons why there is so little understanding of section 39



PREAMBLE

The TFSVA welcomes this opportunity to contribute to the Tasmanian Government's once-in-a-generation review of family violence responses. At a time when all Australian—and many international—jurisdictions are reconsidering, and in some cases redesigning, their approach to family violence, this review offers an opportunity for the government and the sector to think creatively about what works in preventing family violence.

In this submission we address the concerns raised by government in the Discussion Paper but also propose that this is an opportunity to be brave in carving out new approaches. When the *Family Violence Act* was enacted in 2004, Tasmania led the country in many aspects of our family violence response. Since then, we have lagged behind other jurisdictions in relation to some key aspects, including the definition of family and significant relationships, and family violence, as well as a more integrated, trauma-informed, and therapeutically effective approaches to the harms caused by family violence.

We look forward to working with the government in the coming months to reimagine an evidence-based, trauma-informed approach to family violence.

ABOUT THE TFSVA

The Tasmanian Family and Sexual Violence Alliance (TFSVA) is the peak body for Family and Sexual Violence and represents the sector across the continuum of primary prevention, early intervention, response, and healing and recovery. We amplify the voices of lived experience and practice knowledge to improve the family violence and sexual violence systems, influence policy, and drive cultural change to end gendered violence.



TERMINOLOGY

Throughout this submission, we use the following terms and acronyms:

- ➔ **Family and sexual violence** (FSV) to denote family violence, sexual violence, and child abuse
- ➔ **Victim-survivor** is used unless citing other sources
- ➔ **Perpetrator** is used to denote suspects, defendants, and offenders. We note, however, that this term can be pathologising, and when applied to victim-survivors who have been misidentified as the person least in need of protection or as the predominant aggressor can deepen the harms caused by systems. Additionally, we note that the use of the term “perpetrator” is not appropriate when responding to harmful (sexualised) behaviours of children and young people. As such, in this submission the phrase “person who uses violence” or “child who uses violence”, or “child who engages in harmful (sexualised) behaviours” has also been used where appropriate.
- ➔ We use the person-first language of **people with disability** but recognise that some people prefer identity-first language, such as disabled people.
- ➔ **LGBTIQA+** is used to denote the sexuality and gender diversity beyond cisgender and heterosexual. The acronym represents lesbian, gay, bisexual, transgender, queer, asexual, and other sexes, sexualities and genders. The plus sign is intended to capture these other identities, including non-binary, gender-queer, aromantic, pansexual, and demisexual (the latter two of which, are often represented in community as Bi+). In some cases, asexual is replaced with Ace+ to represent the various forms of asexuality.
- ➔ **FVA** is an acronym for Tasmanian *Family Violence Act 2004*.

We use these terms and acronyms unless citing the title of this review, or other research, policy, and practice documents.



TERMS OF REFERENCE

- 1) How well current laws respond to family violence in Tasmania
- 2) Where there may be gaps or challenges
- 3) Opportunities to strengthen justice responses and engagement with both victim-survivors and perpetrators

AIMS

- 1) What responses best meet victim-survivor needs?
- 2) How can perpetrator accountability be strengthened?
- 3) How can the system support victim-survivors who face extra barriers to justice?
- 4) Who should be protected under our family violence laws?

OBJECTIVES

- 1) Reviewing existing programs and resources
- 2) Increasing accountability for perpetrators, including through restorative justice models
- 3) Improving justice processes, such as investigation, prosecution, and sentencing, and if necessary
- 4) Law reform



EXECUTIVE SUMMARY

Family violence, sexual violence, and child abuse are some of the most intransigent issues facing Tasmanian communities and families. In 2004, when the *Family Violence Act* was enacted, some Tasmanian strategies for reducing the prevalence of family violence were perceived by other jurisdictions as groundbreaking. The original premise of *Safe at Home* pioneered a new approach to family violence and subverted long-held views and practices about how to ensure victim-survivors—and their children—can be supported to remain at home, safely. Tasmania also led the country in the adoption of electronic monitoring of aggravated, serial, and persistent family violence offenders, and later, offering the same monitoring to victim-survivors.

However, since its legislative zenith, and despite a steady stream of amendments over the last 22 years, the *Family Violence Act (FVA)* is no longer fit-for-purpose. The Act does not align with the research evidence developed since its original enactment, nor the practice innovations adopted in other Australian jurisdictions.

The Tasmanian Family and Sexual Violence Alliance believes that the time is right for a fundamental reimagining of what works in preventing—and not just responding to—family violence.

It is not possible to fully scope in this Executive Summary the matters we have discussed in response to the 114 prompts offered by the government in its *Strengthening Our Responses to Family Violence in Tasmania: Family Violence Act 2004 and Related Legislation Discussion Paper* (Tasmanian Government 2025a). As placeholders for more detailed discussions of each aspect of the *FVA* later in this submission, in this Executive Summary, we highlight some more global matters about:

- ➡ the consultation framework used to initiate this discussion of the *FVA*,
- ➡ the translation of law to policy and practice,
- ➡ the limitations of a criminal justice response,



- ➡ the national policy and practice contexts, and
- ➡ the complexities linked to the broadening of the definition of family violence.

When read in conjunction with our proposal to fundamentally reimagine our actions to prevent family violence that we discuss below, it is our view that the current consultation processes should be paused in favour of a consultation that fully scopes what can be done to return Tasmania to a world-leading family violence strategy.

The scope of the Discussion Paper is so broad that few of the TFSVA stakeholders had the time, capacity, and/or experience to answer the questions posed. This means that neither the TFSVA consultation documented in this submission, nor the consultation currently underway by the Tasmanian Government, are representative of family violence, sexual violence, and child abuse sectors or allied social services, let alone, victim-survivors.

We implore the Tasmanian Government to take the time to fully consider the implications of extending the current, largely criminal justice, response to family violence, and to pause the drafting of new legislation until such time that culturally-appropriate, age and developmentally suitable and child centred, and inclusive consultations can be undertaken with those communities most at-risk when we deepen and expand the criminalisation of family violence.

Similarly, as discussed in detail in the next section on process concerns, despite a commitment by the Tasmanian Government to centre the voices and experiences of victim-survivors (Tasmanian Government 2022), this consultation process has disabled victim-survivors—including children and young people—from contributing to the development of more effective strategies to prevent family violence. Engaging in best practice consultation is essential if we are to understand what works and reimagine how we create and resource an approach that centres these voices and perspectives. Accessible, culturally safe, and age and developmentally appropriate consultation requires that the government engages with all affected people and communities in a manner that enhances their capacity to speak out and speak up.



LAW TO POLICY TO PRACTICE

Good law can be undone by inappropriate and/or the inadequate operationalisation of that law, especially at the front end of justice with police responses. While effective law provides a foundation for action to prevent family violence, unless policy and practice is developed alongside law reform, the Act will continue to be ineffective in dealing with the concerns of victim-survivors and specialist family violence and sexual violence services. Whether it is the standard operating procedures of police (and their training in these SOPs), risk assessment tools used by police and the family violence and sexual violence service sectors, or the development of a robust, accessible, transparent family violence management framework, failure to align law reform with policy and practice innovations will inevitably lead to the same gaps, concerns, and systems harms.

Limitations of a criminal justice response

In addition to the 114 Discussion Paper prompts, the Alliance sought views from stakeholders around training, capability, and bias in criminal justice agencies and/or their practices. This is critical knowledge and should be considered alongside the views of the sector in relation to specific components of the Act.

Stakeholders who responded to our consultation survey **unanimously agreed** that police, lawyers, magistrates, and judges **are inadequately trained** to respond to—let alone, prevent—family violence. They also **unanimously agreed that sexist attitudes and beliefs** continue to inform how police, lawyers, magistrates, and judges respond to family violence. While not representative of the whole sector, these results are sobering. Similar concerns are reflected in the fact that only **58% of victim-survivors who contributed to our submission felt capable, and safe, to report their experiences of family violence to the police.**

Further, as detailed in the submission offered by Laurel House, Australian and international research has found that up to 40% of serving police officers have engaged in family violence (Reeves et al 2025). In their international scoping review,



Anderson et al (2025) found that the rates of police-perpetrated domestic and family violence (PPDFV):

...are higher than in the general population but, due to underreporting and a prevailing “code of silence” within law enforcement organisations, the actual prevalence may be much higher (Roslin, 2016). Partners and other affected family members of police officers may be fearful and/or reluctant to report DFV given that any investigation relies on police.

Whilst Tasmania Police has taken laudable action to respond to this PPDFV and impose limitations on being recruited to a policing career if there is a history of family violence perpetration (see, for example, Tasmania Police’s (2024) *Family and Sexual Violence Involving Police Policy*), it is unsurprising in these contexts that some victim-survivors would be hesitant to report their experiences of family violence to police.

Fear of perpetrator retribution and shame are important reasons why some victim-survivors may not choose to engage with Tasmania Police; however, fear of police and their responses to family violence—including the criminalisation of someone they love and care for—are as important to consider when we reimagine our actions to prevent family violence. As victim-survivors noted:

A serious investigation into police culture of minimisation of harm from family violence needs to be held (V-S6).

The existing system does not give victim-survivors the confidence to always speak out... I have to choose my pain or battle under the current system (V-S47).

As a view shared among my peers in the disability community, we need greater security and safety. We have difficulties overcoming trauma [and]... are invalidated by police and by the wider community... I would like it recorded that I was too intimidated by police and lack of community support to push for FVO or PFVO (V-S33).

Whatever reforms emerge out of this consultation, these views point to the iatrogenic harms of inadequate or misapplied criminal justice policies and practices. These concerns cannot be ignored as key drivers in the failure of the Act to protect all victim-survivors, and why some victim-survivors live with family violence rather than seek the intervention of police.



National and state policy and practice contexts

Across Australia, criminal justice, victim-survivors, and specialist family violence and sexual violence services are working towards meeting the goals enumerated in the *National Plan to End Violence against Women and Children 2022–2032: Ending gender-based violence in one generation* (Commonwealth Government 2022), and in Tasmania, the *Survivors at the Centre: Tasmania’s Third Family and Sexual Violence Action Plan 2022-2027* (Tasmanian Government 2022). Additionally, robust national consultation and engagement across the sector have been undertaken over the last five years to develop a national strategy and risk assessment framework, and in Tasmania, the development of risk assessment tools (e.g., TARRA) and family violence risk assessment management systems (e.g., RAMF). These are in development and the adoption of fully integrated, whole-of-sector, risk management frameworks and systems is yet to be achieved in Tasmania. In these contexts, fast-tracking law reform without comprehensive consultation with affected parties appears premature. Law reform must align—and explicitly integrate in legislation—these policy and practice innovations.

Additionally, siloing family violence law reform from wider social and policy responses to “wicked problems” (Rittel & Webber 1973) adjacent to family violence will weaken the law’s capacity to prevent family violence. As our members and stakeholders identify in their submissions to this consultation, we cannot ensure Safe at Home, when there are no homes (or emergency housing) available. While the original goal of Safe at Home was the prioritisation of victim-survivors and their children remaining safe in the family home, this is not the outcome for many victim-survivors. In this respect, family violence law reform must align with a more effective housing plan that enables victim-survivors to make the right decisions for them about where it is safe to be home. This includes the necessity for supportive, age-appropriate, therapeutically-informed, crisis accommodation for young people out of home due to family violence, and teenage boys and trans boys and girls, who may not be approved to be accommodated with their protective parent in a refuge.



Alongside any family violence law reform, there must also be a commitment to ensuring that the recommendations of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse (2023) are central to this work. Children must be at the centre of our responses to family violence as they are not just an “affected family member”, or secondary victim-survivors who are harmed by *witnessing* intimate-partner violence. And some forms of coercive control and economic abuse experienced by their protective parent has lifelong consequences for children, such as the withholding of child support.

Children and young people who experience family violence, or engage in harmful (sexual) behaviours in the family context, are largely absent from the Discussion Paper. Unless, and until, the siloed responses to intimate partner violence and child abuse are considered in tandem, children and young people will continue to fall between the gaps of existing and proposed legislation. As with older people who experience violence from adult children (elder abuse), families who experience adolescent violence in the home (AVITH), and people with disability who experience violence from carers in environments and relationships that are adjacent to traditional conceptualisations of family, children and young people—especially those in out-of-home care (OOHC)—are absent from the Discussion Paper consultation, and have been excluded by current and proposed approaches to family violence.

Complexity of broadening the definition of family violence

We acknowledge that broadening the definition of family violence will raise serious concerns about the operationalisation of this reform to the *FVA*, and TFSVA members and stakeholders have mixed views about broadening the definition of significant relationship, family, and family violence. Frontline services, including Tasmania Police, are already over-stretched responding to *reported* intimate-partner violence. Based on the experiences of victim-survivors who participated in our consultation survey, these services may be additionally under-resourced, given that 40% of victim-survivor participants do not report to police.



The TFSVA suggests that any innovation in law, policy, and/or practice **will be costly; this should not be the determinant used to assess what strategies and approaches are best for preventing family violence in Tasmania.** There is no escaping the fact that the existing family violence response systems are desperately under-funded, there is significant unmet need, and there are critical workforce development gaps. On this latter point, our members and stakeholders are consistently grappling with recruiting appropriately qualified staff, which cannot be addressed solely by the local workforce. Additional funding is required to incentivise moving from the mainland and/or promoting the FSV sector to current Social Work, Counselling, and Psychology students.

However, a more complex issue to arise from the broadening of the definition of family violence is that the existing gendered model of violence adopted throughout the sector is likely to be insufficient to respond to the drivers of other forms of family violence. As outlined by Laurel House in their submission to this consultation:

...the *FVA* is overly dependent on narrow, adult-centric, ableist, colonial, patriarchal, mononormative and heteronormative understandings of relationship status, rather than the **underlying dynamics of power, coercion and dependency that characterise family violence.** This results in inconsistent and inequitable access to protection for victim-survivors whose relationships fall outside traditional legal categories.

While gendered violence remains a core and critical conceptual framework to prevent violence against women, girls, and non-binary Tasmanians, underlying this and the other forms of family violence are the dynamics of “power, coercion and dependency”. Adopting this broader conceptualisation of the drivers of interpersonal violence enables us to not only respond to all forms of family violence within a single Act or framework, it also acknowledges and responds to the needs of victim-survivors harmed not only by gender inequality and gendered violence, but “dynamics of power” that intersect and alter how gender is perceived and policed by perpetrators.

Whilst the language of the *FVA* is largely gender-neutral, the operationalisation of the *FVA* is highly gendered, such that it fails to account for the unique experiences of male, non-binary, sexuality diverse, CALD, young, OOHC, and disabled victim-survivors. The



gendered model of family violence cannot also fully capture the dynamics of Aboriginal and CALD kinship systems, LGBTIQ+ chosen families, or the OOHC, yet familial-type arrangements, of young people, older people, and people with disability.

In no way are we advocating to replace the gendered model of family violence. Responding to the gendered drivers of violence against women, girls, and non-binary folks is essential. Yet, this approach is also partisan and misses the layered and compounding impact of intersectional experiences of violence, which can present in very different ways to violence experienced in cisgender, heterosexual, abled, and White relationships. This is especially important in understanding children and young people's use of violence, which, if integrated into the new family violence legislation may lead to the criminalisation of behaviours that are a normal part of adolescence, such as the sharing of sexual images between teen intimate-partners. Too often the underlying drivers of children and young people's harmful (sexualised) behaviours is their primary experiences of victimisation in the family context. Capturing the nuances of all forms of family violence is a complex task, but one that the Alliance believes can be achieved through thoughtful, patient, and stepped engagement with all stakeholders, including children and young people.

REIMAGINING RESPONSES TO FAMILY VIOLENCE

After more than 30 years of criminal justice responses to family violence, it is clear that expanding criminalised *responses* to family violence may not be the solution to this seemingly intractable “wicked problem”. Victim-survivors, stakeholders, and TFSVA members are keen to consider an early intervention approach to family violence that reflects the public health innovations created for other “wicked problems” such as alcohol, tobacco, and other drug use, mental health, and cancer.

Moving upstream to the drivers and enablers of attitudes, perceptions, and practices that support family violence is a fiscally sound, and safer investment of limited government resources. While the financial and resourcing implications of being brave and creative may be costly in the short term, the rewards of such approach will be felt by Tasmanians for generations to come. These rewards are not only healthy family



relationships and communities, but a significant reduction in the costs associated with a criminalised response.

In proposing a new approach, we are not advocating for the abolition of criminal justice strategies and practices to reduce family violence. These are still required to address the significant harms generated by aggravated, serial, and persistent family violence offending. Ensuring those who use violence in the home are accountable for their actions, however, may be effected more comprehensively by a combination of community-based early intervention, criminal justice penalties, *and* comprehensive, wraparound support for behaviour change.

In proposing a reimagination of our actions to prevent family violence we are deeply cognisant of the systems harms that are generated by the current criminal justice approach, especially for those who do not—and cannot—fit the stereotypical perception of the “ideal victim” or the unredeemable perpetrator. The current approach—especially as it relates to the misidentification of the person most in need of protection and the predominant aggressor—highlights the inadequacies in our current approaches.

The *FVA* is especially not fit-for-purpose for First Nations victim-survivors not only in terms of failing to account for violence experienced from wider kinship relationships, but also in its failure to acknowledge and respond to the over-criminalisation of Aboriginal people (including Black deaths in custody). It also fails to account for failures to identify the person most of need of protection consistently and correctly. Too many Aboriginal victim-survivors are either criminalised for their defensive behaviours, or in contact with police, are criminalised for other matters that come to police attention as a consequence of seeking their assistance with a family violence matter. Bias in perceptions about the person most of need of protection are most stark when a victim-survivor is Aboriginal and the perpetrator is a (White) settler. Here, White perceptions of violence dominate the system’s attitudes and actions to the significant detriment of First Nations people.



The over-representation of First Nations people in the criminal justice system is an artefact of colonisation, which has caricatured generations of Aboriginal peoples as incapable of meeting White expectations of civility and respectful relationships. This is a deeply harmful, and a largely unspoken, undercurrent of current Australian responses to family violence. Until such time that Aboriginal people in Tasmania—along with victim-survivors—are actually placed at the centre of our work on family violence, any innovations in law, policy and practice will deepen the harms carried by generations of First Nations people since colonisation.

Consistently across our various engagement and consultation strategies, our members, stakeholders and some victim-survivors have stated that the current system for responding to family violence is no longer fit-for-purpose, and that tinkering with legislative provisions over the last 20+ years has done little to change the rates of, and harms generated, by family violence in Tasmania. There is an appetite to think more creatively about how we change the story of family violence—in particular, there is a desire by many stakeholders for alternative (to criminal) justice strategies.

Whilst we have provided extensive responses to each of the prompts provided in the Discussion Paper, we want to preface those responses with a proposal to imagine a new approach to family violence; one that does not wait until victim-survivors are irreparably harmed, and focuses on the long-term gains to be extracted from a primary prevention and early intervention strategy.

As will be seen in our responses to the Discussion Paper prompts, a civil and criminal justice response too often is wholly unsuitable to the contexts of the family violence experienced and does little to change the behaviours that give rise to family violence in the first place. While a strong law-and-order response is politically palatable—and for some victim-survivors experiencing aggravated, persistent family violence this approach is supported—the mounting evidence across the world is that this approach does not change the prevalence of family violence, nor diverts those who use violence in family contexts from engaging in further violence.



We suggest that a new way of thinking about family violence is warranted. It is warranted not only because traditional justice responses have not worked, but also because the current approach creates barriers to reporting family violence and seeking support to stop the violence. **Many victim-survivors do not want the person using violence to be criminalised; they just want the violence to stop.** Relying on a criminal justice response to address the harms of family violence also limits the capacity of those who have a fraught relationship with police and the wider criminal justice system (such as First Nations, disabled, and LGBTIQ+ Tasmanians) to seek support.

Before we rush to enhance penalties and expand the net of the criminal justice system, we first need to address the lacuna between family violence legislation, policy, and practice. Whilst palatable to some victim-survivors, enhanced penalties in a context of high rates of misidentification of the predominant aggressor and person most in need of protection—and significant underfunding of both victim-survivor support and perpetrator behaviour change programs—is going to increase systems harms and create further barriers to seeking help.

Better legislation is not the (only) answer. Investment in early intervention reduces the iatrogenic harms of the criminal justice system for both victim-survivors and perpetrators, intercedes in harmful behaviours before lives are shattered, and facilitates healthy and respectful families and communities.

As such, we implore the Tasmanian Government to be courageous and creative rather than reactive and regressive. What is needed now to realise a safe and cohesive Tasmania for our descendants is:

- ➔ state-wide, community-based, and community controlled early intervention centres,
- ➔ co-responder crisis intervention models and practices,
- ➔ victim-survivor, child, and rights centric models of support, care, and healing,
- ➔ robust, evidence-based healthy relationships, consent, and conflict resolution education and training in schools, workplaces, religious organisations, and recreational and sporting groups



- ➔ diversionary and restorative pathways to justice, and
- ➔ robust, fully-funded, evidence-based behaviour change programs

Which are supported and enhanced by:

- ➔ a fully integrated family violence management system that tracks the lifecycle of family violence and our responses to this violence, and
- ➔ deterrence-led penalties for those who continue to engage in violence

The Tasmanian Family and Sexual Violence Alliance welcomes the opportunity to work with the Tasmanian Government, our members, stakeholders, and victim-survivors to imagine such a vision for a Tasmania free from family violence.

In the following sections, we respond to the Discussion Paper in terms of revising the existing *Family Violence Act 2004*. However, we urge the Tasmanian Government not to be hesitant about thinking beyond what we have always done. Creating a new Act will avoid adding more call-outs, caveats, and ill-structured amendments, and allows the Government to start afresh with the significant evidence and practice wisdom of Tasmanian stakeholders, victim-survivors, and specialist services, and better practice legislation from other jurisdictions as exemplars for a new family violence Act.

Starting afresh also enables the Tasmanian Government to defy conventional—largely, political—wisdom that violence is only ever addressed by police, courts, and prisons. Communities are equally invested in safe families and neighbourhoods, and the social service networks that shape all our lives, know us better and are better placed to respond to our needs, which may include the need for supported engagement with the criminal justice system.

In addition to the perspective of victim-survivors, TFSVA members, and stakeholders presented in the remaining sections of this submission, we strongly support the submissions made by family violence and sexual violence specialist services, including:



- ➔ Laurel House
- ➔ SASS
- ➔ Engender Equality
- ➔ Women's Legal Services Tasmania
- ➔ SiS Tasmania

We also commend the submissions made by community stakeholders and the Children and Young People's Commissioner, including:

- ➔ TasCOSS
- ➔ COTA Tasmania
- ➔ Carers Tasmania
- ➔ YNOT
- ➔ Social Action Research Centre

These submissions are focussed on the operationalisation of the *FVA 2004*, and they need to be prioritised as essential practice wisdom reflecting the lived and living experiences of victim-survivors. Where relevant—and where permission to do so has been granted—we directly cite these other submissions to illustrate our responses to the Discussion Paper prompts.

Before responding to the key prompts provided in the Discussion Paper, we first raise in the next section three concerns about the process undertaken by the Tasmanian Government for this major review of critical legislation.



PROCESS CONCERNS

As noted in the Discussion Paper, and in the government's *Third Family and Sexual Violence Action Plan 2022-2027*, victim-survivors must be at the centre of the work we do in making Tasmania safer. Yet the process undertaken for this once-in-a-generation review of the *Family Violence Act 2004*, is not best practice engagement. We understand that law reform is complex—especially in relation to family violence—and that many victim-survivors will not understand the role of, and/or are not in the position to comprehend, complex legislation. However, we suggest that given victim-survivors' perspectives on family violence are essential, the consultation and engagement strategy should be designed with their needs at the centre, including the three matters we raise below, which we follow with a suggestion for an alternative consultation framework.

Whilst we recognise the intent of the discussion paper to canvas views and input, given that the Tasmanian Government plans to take much of 2026 and 2027 to draft new legislation in response to the current, truncated consultation with stakeholders, we suggest that some of our concerns may be addressed by bespoke consultations in the coming months. In relation to the first point below, we argue that legislative reform should not be undertaken until this additional round of consultations, and that First Nations' victim-survivors and their experiences are central to any reforms.

MIND THE GAPS

In this section we explore three gaps in the Tasmanian Government's consultation process, and in documenting the contexts of violence perpetrated against First Nation, disabled, and child and young victim-survivors. It is beyond the scope of the TFSVA to speak to all gaps arising from the consultation process, and in the Discussion Paper. As such, we urge the Tasmanian Government to closely parse submissions made to this consultation by ACCOs, CALD and LGBTIQ+ community organisations, and organisations representing children, young people, older Tasmanians, along with specialist family violence, sexual violence, and child abuse services. Further, we



implore the Tasmanian Government that they do not rush to drafting legislation without first fully engaging communities left out of consideration in the Discussion Paper, or for whom the Discussion Paper is inaccessible.

First Nations

Goodwill alone does not change behaviours or drive reform, nor does it create accountability (Karl Briscoe, cited in Gibbs et al 2026).

First Nations people in Australia experience higher rates of all forms of intimate and interpersonal violence (family, sexual, and child abuse), and are at increased risk of hospitalisation, suicidal ideation, and suicide as a result of this victimisation.

In the 2026 Close the Gap campaign report, the authors note that:

Closing the Gap was never intended to be a narrow set of targets, nor a technocratic exercise in program delivery. The Aboriginal leaders who designed the original Close the Gap policy intended that it would drive a fundamental shift in the relationship between governments and Aboriginal and Torres Strait Islander peoples — a shift grounded in rights, shared power, and self-determination. This report makes clear that while Australia has formally endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and committed to the National Agreement on Closing the Gap, the structural transformation required to give those commitments real force has not yet occurred... The National Agreement's Priority Reform Areas were designed to translate these rights into practice — through genuine partnership, community-controlled solutions, institutional reform, and shared accountability. Together, they offered a pathway away from symbolic recognition toward systems that embed Indigenous authority and leadership at every level of government. Yet... governments have been slow to relinquish control and rebalance power. Public institutions continue to operate largely as they always have, with decision-making authority concentrated within bureaucracies rather than shared with communities. The consequence is familiar: promising commitments on paper, but limited change in lived experience. Too many socio-economic indicators remain stalled or worsening because the structures responsible for delivering equity have not been transformed (Gibbs et al 2026).

The 2026 *Closing the Gap* report (Commonwealth Government 2026a) documents laudable investment in Aboriginal Community Controlled Organisations (ACCOs) to lead the work in preventing family violence experienced by First Nations communities—including the resourcing of the National Access to Justice Partnerships and ACCO-led and culturally appropriate intervention programs. However, the



capacity of the government to meet its goal of a 50% reduction in family violence experienced by First Nations by 2031 is severely hampered by the government's slow progress towards relinquishing control and rebalancing power (Gibbs et al 2026).

One of the most critical issues is data sovereignty. Currently, family violence data holdings for First Nations people in Australia are scant and few are generated, controlled, and curated by ACCOs. The preeminent Australian source of data on interpersonal violence—the ABS' *Personal Safety Australia* survey—does not seek information on Indigenous status, nor reports comparatively on the experiences of First Nations victim-survivors, which makes it difficult to compare rates of victimisation. In place of these data, we rely on non-comparative data collected by the ABS in their National Aboriginal and Torres Strait Islander Health Survey (NATSIHS) and National Aboriginal and Torres Strait Islander Social Survey (NATSISS) to reform approaches to preventing family violence.

In their 2022 report, *Our Watch* notes that Aboriginal and Torres Strait Islander women experience violence at 3.1 times the rate of non-Indigenous women, and that 3:5 First Nations women experience physical or sexual violence from a male intimate partner. Additionally, First Nations women are 11 times more likely than non-Indigenous women to die due to assault, and 27 times more likely to be hospitalised. AIHW (2025a) reports that 2:3 First Nations people in Australia over the age of 15 years have experienced physical harm in the last 12 months from an intimate partner or family member, and that 72% of hospitalisations for assault were due to family violence. Sixty-five to 82% of all assaults of First Nations people were family violence related, and partners or ex-partners were identified as the perpetrator of 48-64% of all assaults. In 66%-87% of sexual assault incidents reported to police, First Nations victim-survivors knew their perpetrator. Family violence-related sexual assaults against First Nations people (ABS 2023a; inclusive of NSW, QLD, SA, & NT only) range from 91.6 per 100,000 to 255.9 per 100,000, which is significantly higher than those reported by non-Indigenous Australians. As these only relate to *reported* rates, and First Nations people are significantly less likely to report to police, it is expected that these figures are an



under-estimation of the extent of violence experienced by First Nations people in Australia.

First Nations children are also more likely than non-Indigenous children to be exposed to family violence, with two-thirds of Aboriginal and Torres Strait Islander adults who experience violence sharing the household with children, and family violence being the primary reason for the disproportionate numbers of First Nations children being removed from their families (Our Watch 2022). The reasons for First Nations overrepresentation in child protection data are complex, as colonialism and the intergenerational effects of forced removal continue to shape both experiences and responses to child abuse. First Nations children (57 per 1,000) were significantly more likely than non-Indigenous children (4.7 per 1,000) to come in contact with child protection systems (AIHW 2025b).

Where ABS data is available (2023b), the *reported* rates of family violence-related homicide ranges from 1 in 100,000 (NSW) to 10.1 per 100,000 (NT), and in the latest report from the National Homicide Monitoring Program (Australian Institute of Criminology (2026), it was noted that 574 Indigenous women have been killed since 1989, with at least two-thirds of these homicides being committed by an intimate partner.

According to the ABS (2019) and WHO (2014), ‘problems in relationship with spouse or partner’ is the number one psychosocial risk factor for Aboriginal and Torres Strait Islander people identified in coroner-certified suicide deaths in 2017. Yet, the experiences and needs of First Nations people are largely ignored or not reported in the research on the relationship between FDSV and suicide (see for example, Vasil et al 2025).

Exploring FSV in First Nation communities necessitates different approaches to both research and capacity building. Unless ACCOs are funded to do this work in partnership with governments, service providers, and researchers, the situation and our responses to this violence will remain opaque.



Closing the Gap is a fundamental and critical guiding framework to compel government action on preventing family and sexual violence experienced by First Nations in Australia. Target 13 of Closing the Gap requires governments to work towards the reduction of family violence and abuse against Aboriginal and Torres Strait Islander women and children, with the goal of reducing victimisation by 50% by 2031. According to the Productivity Commissions' tracking of this target, there has been no new data collected since baseline data was collected in 2018-19. In the data vacuum, it is difficult to assess how and whether the government has made progress on addressing this gap in justice. As such, it is vital that the Tasmanian Government explicitly engages with First Nations organisations and victim-survivors to fully document the scope of FSV in Tasmania, and consults with them in ways that are culturally appropriate and safe.

We note that since the release of the Discussion Paper, the Commonwealth Government (2026b) has published the *Our Ways – Strong Ways – Our Voices: National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence (Our Ways)*, which they hope will progress Target 13 of Closing the Gap. We highlight that the *Our Ways* Steering Committee included two Palawa women—Rachel Dunn (Jenname Consultancy and Training) and Tess Moodie (Tess Moodie Consulting)—who provided important insights in relation to preventing family violence experienced by First Nations victim-survivors in Tasmania. We also note that the Tasmanian Aboriginal Legal Service and SIS Tasmania provided feedback via the National Aboriginal and Torres Strait Islander Legal Services (NATSILS) and the First Nations Advocates Against Family Violence (FNAAFV) peak bodies. These services, along with the Tasmanian Aboriginal Family Safety Service, are important stakeholders and keepers of critical practice wisdom that is important in operationalising *Our Ways*.

Our Ways is framed by the eight overarching principles of self-determination, truth-telling, lived experience, healing, systemic transformation, intersectionality, accountability, and Indigenous data sovereignty, which are actioned through:

- ➔ Voice, agency, and self-determination



- ➔ Aboriginal and Torres Strait Islander-led solutions that are strengths-based, preventive and healing
- ➔ Reforming the institutions and systems that impact safety
- ➔ Strengthening evidence, research, and data, embedding Indigenous Data Sovereignty
- ➔ Breaking the cycle through strengthened housing and financial security

Each of these actions requires First Nations' voices to be at the centre of the work we do in preventing family and sexual violence.

We suggest that the Tasmanian Government needs to take the 18 months before a draft Bill is proposed to resource community organisations and service providers to undertake a more robust consultation with a variety of victim-survivors, in ways that meet their communication and safety needs. In the spirit of cultural safety, and what ACCOs, the Coalition of Peaks and the new National Aboriginal and Torres Strait Islander peak body (soon to be launched) are advocating for, the consultation with Aboriginal and Torres Strait Islander victim-survivors should be led and conducted by Aboriginal and Torres Strait Islander organisations, not the mainstream DFSV sector. The national peak organisation is currently undergoing recruitment but will have staff on the ground equipped to do that work over the coming months, but more specifically and appropriately, the newly formed Tasmanian Aboriginal Family Safety Service (TAFSS) should take leadership on this engagement in Tasmania.

Leadership by First Nations people and organisations is crucial in reviewing the Tasmanian *Family Violence Act 2004* and we ask that the Tasmania Government invest in a bespoke, extended, and paid consultation with local Aboriginal organisations, leaders, communities, and victim-survivors to ensure that any legislative, policy, and/or practice reform meets the needs of Tasmania's First Nations. The Alliance strongly believes that a family violence response that prioritises the needs of First Nations victim-survivors is likely to address the needs of most victim-survivors. Using universal design principles, we argue that any legislative reform must be first shaped by Aboriginal victim-survivors and their support organisations before consideration by the wider FSV sector and victim-survivors.



Suggested Action 1: That the Tasmanian Government allocates resources to engage First Nations people and organisations in Tasmania in a culturally appropriate and safe manner to ensure any reforms to the *Family Violence Act 2004* meet the needs of Aboriginal Tasmanians

Lived expertise and practice wisdom

The second process concern we wish to raise is in relation to the accessibility of the current consultation. Tasmania has one of the highest rates of disadvantage in Australia, relatively high rates of disablement, low rates of digital literacy and access to technology, and approximately half of all Tasmanians are functionally illiterate. Each of these factors must be foregrounded in any consultative process. Initiating a review of the *Family Violence Act 2004* by way of an 85-page Discussion Paper, written in largely inaccessible language, and via consultation workshops with a virtual room dominated by government representatives (mostly lawyers) is not accessible, and have created barriers to full engagement with victim-survivors. This is especially the case for victim-survivors with disability who have not been offered any alternative communication mechanism for either the Discussion Paper or for making a submission to this consultation.

While the Tasmanian Government's Victim-Survivor Advisory Council provides one mechanism to capture informed views from those with lived expertise of FSV, the nature of this type of engagement is limited and does not allow for broader perspectives to inform the consultation. Single points of consultation from diverse communities is not sufficient and does not represent a culturally capable consultation process that reflects the unique communication and engagement needs of diverse communities including children and young people, victim-survivors with disability, cultural and linguistically diverse communities, and sexual and gender diverse communities.

The TFSVA initiated a victim-survivor survey on behalf of the Tasmanian Government in writing this submission, but this survey was also limited to those with the capacity to read and understand the easy-read translation of the Discussion Paper created by



the TFSVA, and/or those who have access to the internet and/or mobile phone. In the absence of an easy read version of the Discussion Paper and accessible submission formats, the TFSVA felt compelled to redirect funding, staffing, and resources to undertake this initial scoping of victim-survivor perspectives. The TFSVA suggests that this work with victim-survivors should be expanded, and that trauma-informed principles and practices are used in further engaging with victim-survivors.

Suggested Action 2: That the Tasmanian Government allocates resources to engage Tasmanian victim-survivors in ways that ensure meaningful and safe engagement, including:

- **In-person and online workshops with victim-survivors**
- **Easy-read, braille, and Auslan versions of any consultation materials**
- **Alternative submission formats (such as voice recordings)**
- **Fair remuneration for their lived expertise**

Children and young people

The National (Commonwealth Government 2022) and Tasmanian (Tasmanian Government 2022) plans to prevent and respond to family violence both clearly acknowledge children and young people who are impacted by family violence as victim-survivors in their own right. Yet, both governments have also acknowledged that the needs and voices of children as victims of family and domestic violence have not been centred in previous work to prevent family violence. In this section, we scope not only our concerns about the failure to engage with children and young people as part of this consultation but raise our concerns about if and how children and young people should be considered in revising Tasmanian family violence responses.

We note from the outset of this section that the TFSVA is currently not funded to fully represent the views of children and young people experiencing child abuse and that our comments here must be considered in light of the superior practice wisdom offered by our members and stakeholders, such as Laurel House, SASS, TasCOSS, the



Office of the Children’s Commissioner, Carers Tasmania, Social Action Research Centre, the Australian Childhood Foundation, and the Centre for Excellence in Child and Family Welfare. We commend the work done by these stakeholders and implore the Tasmanian Government to closely review their submissions to this consultation to identify the critical issues and gaps in preventing violence against children and young people.

In the Tasmanian Plan (2022), the Government also acknowledges that the plan was developed in the context of the Commission of Inquiry into the Tasmanian Government’s Responses to Child Sexual Abuse (Commission of Inquiry 2023) and that “...the long-term and ongoing impacts of this abuse in the lives of survivors, victims, their families and friends, and the broader community is devastating and inestimable”. Within the Tasmanian context—as with other jurisdictions—there is also the Child and Youth Safe Standards, which include 10 high-level principles, of which, eight directly relate to any development of the *FVA* and the incorporation of the rights of children as primary victims of family violence and/or affected family members. These principles are:

- ➔ Standard 1: Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- ➔ Standard 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
- ➔ Standard 3: Families and communities are informed and involved in promoting child safety and wellbeing.
- ➔ Standard 4: Equity is upheld and diverse needs respected in policy and practice.
- ➔ Standard 5: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- ➔ Standard 6: Processes to respond to complaints and concerns are child focused.
- ➔ Standard 7: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- ➔ Standard 8: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.



Further, the United Nations *Convention on the Rights of the Child* requires member states to explicitly engage with children and young people on matters that directly affect them, including family violence, sexual violence, and child abuse. Linked to Australian Government’s responsibilities under this Convention, the Australian Human Rights Commission created the [Child Rights Impact Assessment tool](#) to assist all parties to explicitly assess the needs of children and young people in matters relevant to them. As implored by the Office of the Children’s Commissioner in their submission, any innovation in law, policy, or practice must have a Child Rights focus.

In this policy and legislative context, then, it appears counterintuitive that the Discussion Paper does not centre the needs of children and young people in its framing of the issues relating the existing *FVA*. The TFSVA suggests that the Tasmanian Government resources a bespoke engagement and consultation strategy with children and young people to ensure that any innovations in law and practice meet their needs. This is especially important in relation to the two critical issues documented below: primary victim status under the *FVA*, and the gap in existing law and the Discussion Paper proposals about violence experienced by young people in their early intimate relationships.

If the definition of significant relationship is to be expanded to include teen intimate partner violence—or that the definition of family violence is expanded to include violence against, and used by children and young people (such as adolescent violence with the home [AVITH])—that alternative, non-criminal, therapeutic responses are developed that dovetail with the *Youth Justice Act 1997*, the *Child and Youth Safe Organisations Act 2023*, *Justices Act 1959*, and the *Children, Young Persons and Their Families Act 1997*. If included in the *FVA*, in the case of children and young people, the core principles should be that:

- ➡ their rights to be recognised as primary victim-survivors of family violence are acknowledged and operationalised in an age- and developmentally appropriate manner, and
- ➡ in cases where children and young people use violence within the family context (including teen intimate partner relationships) that penalties and responses are diversionary, and trauma- and therapeutically-informed, and



- ➡ Police Family Violence Orders should *never* be imposed on children and young people who use violence, and
- ➡ where police, service providers, and/or victim-survivors believe that family violence orders are necessary to respond to children and young people's violence, these must be court ordered and issued only after a Child Rights Impact Assessment has been completed

Children and young people as primary victims of family violence

The TFSVA acknowledges that under the *Children, Young Persons and Their Families Act 1997* (Tas), violence against children and young people in the home (including OOHC) is child abuse, and that bespoke, age- and developmentally-appropriate responses to the harms they experience are essential. However, our members and stakeholders consistently note that between this Act and the *FVA*, children and young people often fall between the gaps, and protection strategies are often misapplied. By this we mean that the remedies for family violence experienced by children and young people are scattered across various Acts, with contradictory definitions and responses contained in each. For example, as noted in the Discussion Paper, child abuse presenting in a family context is regulated by way of provisions in the *Justices Act 1959*. In that Act, children and young people (and their advocates) can seek a restraint order to protect them from further incidents of family violence. Yet, the condition under which restraints orders are issued do not match or reflect the existing—let alone, revised—definition of family violence. There is also a conflict between the *FVA* and s50 of the *Criminal Code Act 1924*, as it relates to “reasonable chastisement”, which in any other circumstance than the relationship between a child or young person and their parent or guardian, would be considered assault, and under the *FVA* constitutes family violence. If we, as adults, cannot model non-coercive conflict resolution without resorting to violence, how can we expect our children and young people to foster healthy relationships.

Most critically, some stakeholders have indicated that existing provisions in the *Justices Act 1959* do not respond well to emotional and economic abuse, or coercive control experienced by children and young people in the family home or OOHC. Unless children and young people are recognised as primary victims of family violence, and



are empowered to apply for a Family Violence Order in their own right, they will continue to fall between the legislative gaps. As noted by one of the respondents to our survey on this consultation process:

As a victim from childhood family abuse I think the system failed me in many ways. I was still allowed to live in the house where the abuse was taking place even though the police were constantly around and when he came to my primary school with an axe in his car the police didn't do anything because he was only in the parking lot (V-S21).

The harms of this gap are further deepened when we consider the gaps between the protections offered under the FVA and family court orders that may mandate contact with a parent who has engaged in family violence against them. Misidentification of the predominant (adult) aggressor or person most in need of protection compounds the problems faced by children and young people as primary victims of family violence, where they may be mistakenly placed with the actual predominant aggressor.

In the case study provided below, the issues with children not being regarded as primary victims of family violence is illustrated by the experiences of a victim-survivor who shared their story in hopes that more attention can be paid to the family violence experiences of children, as well as the issues that arise when the needs of children may lead to the criminalisation of the person most in need of protection. It also highlights how systems abuse, and the manipulation of criminal justice practitioners can lead to devastating outcomes.

This has to do with reproductive, physical, spiritual, financial, emotional and sexual abuse as well as deprivation of basic human rights from 2002 - 2025. When we were living on a block of land, out of a caravan and a constructed shack, we were made to defecate outside like animals, our children were never bathed as we had no clean running water, no power, no toilet, so my daughter's school would bathe her and feed her before school. Child services were called but my ex seemed to be able to talk them away. Nothing was done. Child services were called when we had no power and water and the children were being fed animal grain and I was unable to wash us or the clothes and he talked child services to come back and gave us a particular date and time. All of the issues were hidden. The police were called a number of times over the years from parents that were worried about the condition that my kids were in. My ex always talked with them and they always gave us time or believed whatever he said. I began to think none of my experiences were something that police or child services were interested in, that me being a prisoner



was my lot in life, so I kept quiet. It wasn't until 2025 when he so angry that he scared my kids and me, that I made a post of Facebook about how scared I was. My adult daughter who lives interstate, called my local police telling a little of what she experienced here and that is when the police took notice. I was able ...talk to them in private and an interim FVO was put in place in June 2025. So many things have been overlooked. He was able to convince child services and the police to not look too hard or to come back. My kids and myself were stuck in a situation that we didn't know how to escape from. Since the order was put in, the main officer running the case has transferred out and has said that there just isn't the manpower to keep up with the Domestic Violence issues in the south. Without the manpower or the desire to fix the issues, so many issues, like mine, where our children were isolated through homeschooling and other means, get missed. Our children deserve more (V-S48).

The current framing of family violence in the Act provides inadequate recognition of the harms to children and young people as primary victims of family violence, which may mean that the harms are deepened (and lifelong), and that their involvement in the later stages of court adjudication is even more fraught.

Teen intimate partner violence

The current Act does not capture the experiences of teen intimate-partner violence—that is, violence perpetrated by and against young people under the age of 16 years—and has created a gap between the intent of the *FVA 2004*, and that of the *Youth Justice Act 1997*, *Children, Young Persons and Their Families Act 1997*, and the *Child and Youth Safe Organisations Act 2023*. As identified by Carmel Hobbs in her ground-breaking research on this issue, whilst teen relationships are not considered “significant” relationships under the *Relationships Act 2003*, they are still subject to horrendous and impactful (and sometimes, persistent and aggravated) intimate-partner violence.

Young people experience violence and abuse not only in the context of family violence, but also in their own relationships. In her ground-breaking research on teen intimate partner violence, Hobbs (2022) found that Tasmanian teens (aged 18-19 years) report experiencing violence and abuse in their relationships at rates above the national average (39.6% compared with 28.5%), with girls more likely to report experiencing teen intimate partner violence, and more severe teen intimate partner violence than boys (Hobbs, 2022).



Hobbs argues that given the emerging evidence linking childhood exposure to family violence with increased likelihood of experiencing or using violence and abuse in adolescence and adulthood the imperative to break the intergenerational cycle of family violence has essential in addressing the cycle of violence, but also the increasingly problematic attitudes about women and girls, and their experiences of family violence that are held by Gen Z boys.

In her research, Hobbs (2022) found that almost half of the participants reported multiple experiences of life-threatening physical violence in their relationships, which contributed to over half of the participants attempting suicide in response to the violence and abuse they experienced. She notes that:

the devastating impacts of teen domestic violence and abuse include short- and long-term emotional, psychological, relational, social, physical and developmental harm, disengagement from education and early school leaving, involvement with the youth justice system, and an increased likelihood of victimisation and perpetration in adulthood.

Addressing teen intimate partner violence requires a whole-of-government approach, as children and young people's early intimate relationships—and the violence experienced in these relationships—are not recognised in legislation, which has flow on effects that normalise this violence. Failure to acknowledge and recognise young people's early relationships, and the harms created by teen intimate partner violence, means that young people are not protected by the *FVA*, and have limited access to the protections and support services that are initiated when intimate partner violence is reported.

While some specialist family violence and sexual violence services have resources and staff who are suitable trained in supporter victim-survivors of teen intimate partner violence, this is rare. Additional workforce development and resourcing is required to ensure that the unique contexts of teen intimate partner violence is addressed in an age- and developmentally-appropriate, trauma-informed way that empowers young people to make informed decisions about their safety and wellbeing. A diversionary and therapeutically-informed approach to behaviour change is the most appropriate strategy to address young people's use of violence in their intimate relationships.



In developing better responses to teen intimate partner violence, we suggest that the Tasmanian Government engage Dr Hobbs to conduct a dedicated consultation process with young people who use violence, and young people who experience violence, in their intimate relationships, including how best to empower them to make healthy relationship choices.

Responding to young people's use of violence in intimate and family relationships should be legislated in ways different from those applied to adults; however, the harms created by this violence should not be minimised either. Importantly, victim-survivors, specialist family violence and sexual violence services, and stakeholders all identified concerns about criminalising young people's use of violence, and raised concerns about children and young people being issued PFVOs at all. The sentiment from the sector is that every effort should be made to ensure that an age- and developmentally-appropriate, trauma-informed, diversionary approach should be taken in addressing children and young people's use of violence in intimate and family violence contexts.

- Suggested Action 3:** That before the Tasmanian Government begins drafting of new family violence legislation that a comprehensive and transparent assessment of the rights of children and young people in relation to the Act is conducted
- Suggested Action 4:** That the Tasmanian Government, in line with the CYSOF principles, allocates resources to consult directly with children and young people (and their advocates) safely and in a developmentally appropriate way about what their needs are in relation to family violence
- Suggested Action 5:** That the Tasmanian Government, in drafting a new *Family Violence Act*, applies the Child Rights Impact Assessment tool to each and every aspect of the Act
- Suggested Action 6:** That the Tasmanian Government considers the needs and safety of children and young people in all aspects of the Act, especially in relation to:
- The definition of family
 - The definition of family violence



- **The definition of “significant relationship” to amended to ensure it captures relationships between young people’s intimate relationships**
- **The remit and scope of PFVOs and FVOs to centre the needs and experiences of children as primary victim-survivors of family violence**
- **The obligation to address children and young people’s use of harmful behaviours—including penalties for such behaviour—in a child safe, developmentally-appropriate manner that prioritises diversion from the criminal justice system and therapeutically-informed behaviour change**

AN ALTERNATIVE CONSULTATION PROCESS

Given the significant process concerns raised in this section of our submission, we ask the Tasmanian Government to consider adopting an alternative consultation process and framework to ensure that this once-in-a-generation law reform captures the experiences of all victim-survivors and centres the voices of First Nations Tasmanians, children and young people, and victim-survivors requiring accommodations—especially those with limited capacity to respond to the Discussion Paper used to initiate this consultation.

Suggested Action 7: That the Tasmanian Government creates a Steering Committee consisting of representatives of relevant government departments and agencies, specialist service sector organisations, the Tasmanian Law Reform Institute, the Sentencing Advisory Council, and victim-survivors to consider and evaluate the evidence submitted as part of the current consultation

Suggested Action 8: That the Tasmanian Government initiates a series of engagement activities linked to each section of the reform agenda, which must start with identifying agreed definitions of family, significant relationship, and family violence



Suggested Action 9: That once agreed definitions of family, significant relationship, and family violence is achieved, further engagement activities will be required to explore how each of the other sections of the proposed Act dovetail with those agreed definitions



TFSVA CONSULTATION FRAMEWORK

In preparation for making this submission, the TFSVA undertook multiple steps in scoping the research evidence, comparing legislative responses from other jurisdictions, stakeholder and member engagement workshops, and a survey of TFSVA stakeholders (SH) and victim-survivors (V-S). In this submission, we make a distinction between allied stakeholders (such as TasCOSS) and specialist family violence, sexual violence, and child abuse services and TFSVA members. The remit of stakeholders is not primarily focussed on family violence but their work links to the specialist services provided by TFSVA members. Where appropriate, and where we have been given permission to do so, we have included specific references to specialist services' submissions, and these are cited against the organisation's name.

SURVEY

As noted earlier, we do not believe that the consultation process established by the Tasmanian Government to inform the revitalisation of the *Family Violence Act* was accessible to either victim-survivors, or the many small allied non-government organisations, for whom FSV is not the primary remit of their work. To address this gap in consultation, the TFSVA created two surveys that translated the complex legal concepts and policies contained the Discussion Paper into bite-sized prompts and questions crafted in easy-read language. Even with the extra work to make this review more accessible, the breadth of issues raised, and the 114 prompts provided, in the Discussion Paper means that we have not captured all relevant stakeholder views in this submission.

The two surveys—one for stakeholders not planning to make a formal submission, the other for victim-survivors—were hosted in SurveyMonkey, and available to participants for three weeks (stakeholders) and four weeks (V-S). Despite the extended timeframe provided, many stakeholders noted that they simply do not have enough time or resources to provide robust input into this review. In our submission, we



provide both qualitative and quantitative data extracted from these surveys to evidence our arguments about each of the components noted in the Discussion Paper.

Stakeholders

Fourteen stakeholders initiated a response to our survey, but only six stakeholders completed the survey. The institutional contexts of our stakeholders are provided in Table 1.

Table 1: Institutional contexts of stakeholders who completed the survey

		<i>N</i>	%
Regions Serviced (<i>n</i> =14)	Statewide	6	43
	National	1	7
	Southern Tasmania	3	21
	Northern Tasmania (including Launceston, Burnie, Queenstown)	4	29
Specialisation (<i>n</i> =14)	Specialist DV service	5	42
	Specialist SV service	1	8
	Allied community service	5	42
	Education/training/research	1	8
Type of FV covered (<i>n</i> =14)	Intimate Partner Violence	10	71
	Sexual violence	4	29
	Child abuse	4	29
	Elder abuse	1	7
	Sibling abuse	2	14
	Adolescent violence within the Home	1	7
Expertise (<i>n</i> =14)	Children	4	29
	LGBTIQ+	8	57
	First Nations/Aboriginal Tasmanians	5	36
	People with Disability	3	21
	Cultural and Linguist Diverse	5	36
	Incarcerated women	1	7
Linked to Arch (<i>n</i> =12)		3	25

Victim-Survivors

We received 51 responses from victim-survivors, most of whom chose to answer questions rather than write a statement. Of the latter two written responses, we have integrated their experiences as qualitative comments, along with any open-text



responses provided by those who answered questions. We have parsed this data closely to ensure that only Tasmanian victim-survivors' responses have been included in our analysis.

Table 2: Demographic details of victim-survivors who completed the survey

		N	%
Region (n=51)	Northern Tasmanian	9	18
	North-West Tasmania	6	12
	Southern Tasmania	36	71
Age (n=51)	18-25 years	4	8
	26-35 years	18	35
	36-45 years	17	33
	46-55 years	8	16
	56-65 years	2	4
	Over 65 years	2	4
Gender (n=50)	Female	38	76
	Male	10	20
	Non-binary	2	4
Sexuality (n=48)	Heterosexual	35	73
	LGBTIQA+	13	27
ATSI (n=49)	First Nations/Aboriginal Tasmanians	21	43
	Settler Tasmanians	28	57
Disabled (n=50)		11	22
Experienced FV since 2004 (n=50)		40	80
Experienced FV in last 12 months (n=50)		22	44
Reported any FV to Police (n=50)		29	58

As can be seen in Table 2, the sample of victim-survivors are relatively diverse, and include intersectional experiences of family violence. Most notably is the over-representation of First Nations/Aboriginal Tasmanians. Eighty per cent of victim-survivors had experienced family violence since the *Family Violence Act* was enacted in 2004, with 44% having experienced family violence in the last 12 months. Of these experiences of family violence, **only 58% reported their experiences to police**. This means that nearly half of all victim-survivors are not accessing the justice system and may represent under-resourcing of the sector by nearly 40%.



COMPARATIVE LEGISLATIVE ANALYSIS

In conjunction with Mathew Fagan from Social Justice Communications, the TFSVA compared legislative responses to family violence from the following 27 national and international jurisdictions (see Table 3), with the latter restricted to those jurisdictions with a Westminster system of governance. Throughout our submission we make reference to better practices in these jurisdictions to illustrate how the Tasmanian Government can amend the current Act or propose a new Act.

Table 3: List of legislation and jurisdictions considered in comparative analysis

Ref	Jurisdiction	Legislation
1	Commonwealth of Australia	<i>Family Law Act 1975</i>
2	Australian Capital Territory	<i>Family Violence Act 2016</i>
3	New South Wales	<i>Crimes (Domestic and Personal Violence) Act 2007</i>
4	Northern Territory	<i>Domestic and Family Violence Act 2007</i>
5	Queensland	<i>Domestic and Family Violence Protection Act 2012</i>
6	South Australia	Family violence offences under the <i>Criminal Law Consolidation Act 1935</i> ; <i>Intervention Orders (Prevention of Abuse) Act 2009</i>
7	Tasmania	<i>Family Violence Act 2004</i>
8	Victoria	<i>Family Violence Protection Act 2008</i>
9	Western Australia	<i>Criminal Code 1913</i> ; <i>Restraining Orders Act 1997</i>
10	New Zealand	<i>Family Violence Act 2016</i>
11	England and Wales	<i>Domestic Abuse Act 2021</i>
12	Scotland	<i>Domestic Abuse Act 2018</i> ; <i>Domestic Abuse (Protection) Act 2021</i>
13	Northern Ireland	<i>Domestic Abuse and Civil Proceedings Act 2021</i>
14	Canada Federal	<i>Criminal Code 1985</i>
15	Alberta	<i>Protection Against Family Violence Act</i>
16	British Columbia	<i>Family Law Act</i>
17	Manitoba	<i>Domestic Violence and Stalking Act</i>
18	New Brunswick	<i>Intimate Partner Violence Intervention Act</i>
19	Newfoundland & Labrador	<i>Family Violence Protection Act</i>
20	Northwest Territories	<i>Protection Against Family Violence Act</i>
21	Nova Scotia	<i>Domestic Violence Intervention Act</i>
22	Nunavut	<i>Family Abuse Intervention Act</i>
23	Ontario	<i>Family Law Act (Domestic Violence provisions)</i>
24	Prince Edward Island	<i>Victims of Family Violence Act</i>
25	Quebec	<i>Code of Civil Procedure (Protection Orders)</i>
26	Saskatchewan	<i>Victims of Domestic Violence Act</i>
27	Yukon	<i>Family Violence Prevention Act</i>



In the following sections of our submission, we have restructured the topics presented in the Discussion Paper so that similar components are discussed together. This means that our submission does not strictly follow the order of topics provided in the Discussion Paper. We have offered alternative legislative framing of some topics by way of jurisdictional comparisons and examples, which have been highlighted by way of call out boxes.



BEST PRACTICE LEGISLATION

As noted in the Discussion Paper, in the mid-2000s, Tasmanian family violence legislation and policy was landmark both nationally and internationally. However, in the intervening 20+ years, other Australian jurisdictions have innovated, and responded to community and victim-survivor demands, quicker, which has left the Tasmania *Family Violence Act 2004* desperately in need of reform. The extent of legislative reform required highlights the need not to revise the current Act, but to draft a completely new Act.

BETTER PRACTICE IN LEGISLATIVE FRAMING

While not included in the Discussion Paper as a topic for consideration during this consultation, we want to note that good practice law in other jurisdictions is now framed by two fundamental strategies that make the law more accessible and fit-for-purpose:

- ➔ Prefaces the legislation with robust purposes and principles (see below)
- ➔ Provides examples of key concepts and definitions (illustrated throughout the submission)

At s3 of the Tasmanian *Family Violence Act 2004*, the government notes that the Objects of the Act are simply:

In the administration of this Act, the safety, psychological wellbeing and interests of people affected by family violence are the paramount considerations.

This simplified, broad statement contrasts with the prefatory material offered in the *Family Violence Act 2016* (New Zealand) and Northern Territory's *Domestic and Family Violence Act 2007*, which clearly illustrate the scope, force, and effect of these Acts:



Family Violence Act 2016 (New Zealand)

3 Purpose of this Act

- (1) The purpose of this Act is to stop and prevent family violence by—
 - (a) recognising that family violence, in all its forms, is unacceptable; and
 - (b) stopping and preventing perpetrators from inflicting family violence; and
 - (c) keeping victims, including children, safe from family violence.

Duty to be guided by purpose

- (2) A court that, or a person who, exercises a power conferred by or under this Act must be guided in the exercise of the power by that purpose.

Examples of duty

- (3) For example, a family violence agency or social services practitioner exercising a power conferred by or under Part 2 (information sharing) must be guided in the exercise of the power by that purpose.
- (4) For example, the District Court exercising a power conferred by or under Part 3 (Police safety orders) must be guided in the exercise of the power by that purpose.

4 Principles

The following principles are to guide the achievement of the purpose of this Act:

- (a) family violence, in all its forms, is unacceptable:
- (b) decision makers should, whenever appropriate, recognise that family violence is often behaviour that appears to be minor or trivial when viewed in isolation, but forms part of a pattern of behaviour that causes cumulative harm:
- (c) decision makers should, whenever appropriate, recognise that family violence often is or includes coercive or controlling behaviour:
- (d) decision makers should, whenever appropriate, recognise that children are particularly vulnerable to family violence, including seeing or hearing violence against others:
- (e) decision makers should, whenever appropriate, recognise that children are at particular risk of lasting harm to their current and future well-being:
- (f) decision makers should, whenever appropriate, recognise that other factors (for example, all or any of disability, health condition, and old age) may mean that people are particularly vulnerable to family violence:
- (g) decision makers should, whenever appropriate, recognise that early intervention helps to stop and prevent family violence:
- (h) perpetrators of family violence should face effective responses to, and sanctions for, family violence:
- (i) perpetrators of family violence should have access to, and in some cases be required to engage with, services to help them stop and prevent their family violence:
- (j) victims of family violence should have access to services to help secure their safety from family violence:
- (k) arrangements that support the ongoing safety and well-being of a victim of family violence should whenever practicable be sustained (for example, employment, education, housing, or community involvement):
- (l) responses to family violence should be culturally appropriate and, in particular, responses involving Māori should reflect tikanga Māori (Māori customary values and practices):
- (m) decision makers should consider the views of victims of family violence, and respect those views unless a good reason exists in the particular circumstances for not doing so (for example, because doing so would or may compromise victims' safety):
- (n) decision makers should collaborate, whenever appropriate, to identify, stop, prevent, and otherwise respond to family violence:
- (o) access to the court should be as speedy, inexpensive, and simple as is consistent with



Domestic and Family Violence Act 2007 (Northern Territory)

Preamble

The Legislative Assembly enacts this Act because it recognises that:

- (a) domestic violence is unacceptable behaviour that society does not condone; and
- (b) domestic violence is a fundamental violation of human rights; and
- (c) domestic violence is unacceptable in any form and in any community or culture; and
- (d) non-violence is a fundamental social value that must be promoted; and
- (e) traditional or cultural practices cannot be relied upon to minimise or excuse domestic violence; and
- (f) in responding to domestic violence and promoting the safety of persons who have experienced domestic violence, the justice system should:
 - (i) treat the views of victims of domestic violence with respect and dignity; and
 - (ii) seek to reduce the degree to which victims might be subject to re-traumatisation during court proceedings; and
 - (iii) seek to reduce disruption to the lives of victims as far as possible; and
- (g) domestic violence has the following features:
 - (i) while anyone can be a victim or perpetrator of domestic violence, domestic violence is predominantly committed by men against women, children and other vulnerable persons;
 - (ii) children who experience the effects of domestic violence are particularly vulnerable, which may have a serious impact on a child's current and future physical, psychological and emotional wellbeing;
 - (iii) domestic violence affects the entire community and occurs in all areas of society, regardless of location, socio-economic or health status, age, culture, gender identity, sexual identity, ability or disability, ethnicity or religion;
 - (iv) domestic violence extends beyond physical and sexual violence and involves emotional or psychological abuse, economic abuse and coercive control; and
- (h) coercive control is almost always an underpinning dynamic of domestic violence and involves violent, threatening or intimidating behaviour that has the effect of isolating, controlling, monitoring, frightening, humiliating, degrading, punishing, or restricting the freedom of a person; and
- (i) complex emotional factors arising from coercive control often make it difficult for victims of domestic violence to report the domestic violence or leave a domestic relationship in which domestic violence is being committed; and
- (j) domestic violence may involve overt or subtle exploitation of power imbalances and may consist of isolated or patterns of abuse over a period of time; and
- (k) in circumstances in which there are conflicting allegations of domestic violence or indications that both persons in a relationship are committing domestic violence, including for their own protection, the person who is most in need of protection should be identified; and
- (l) perpetrators of domestic violence might seek to misuse the protections available under this Act (or through other legal processes) to further their domestic violence and that misuse should be prevented; and
- (m) domestic violence has:
 - (i) negative and long-lasting consequences for victims and others who experience it; and
 - (ii) negative consequences for the community, workplaces and the economy.



The Northern Territory Act then goes on to enumerate the Objects of the Act and their achievement. Alternatively, the Tasmanian Government could consider an abridged preamble, such as that included in the Queensland Act, which is also followed by fully enumerated Objects and principles:

Domestic and Family Violence Protection Act 2012 (Queensland)

Preamble

In enacting this Act, the Parliament of Queensland recognises the following:

- 1 Australia is a party to the following instruments:
 - Universal Declaration of Human Rights
 - United Nations Declaration on the Elimination of Violence Against Women
 - United Nations Convention on the Rights of the Child
 - United Nations Principles for Older Persons.
- 2 Living free from violence is a human right and fundamental social value.
- 3 Domestic violence is a violation of human rights that is not acceptable in any community or culture and traditional or cultural practices can not be relied upon to minimise or excuse domestic violence.
- 4 Domestic violence is often an overt or subtle expression of a power imbalance, resulting in one person living in fear of another, and usually involves an ongoing pattern of abuse over a period of time.
- 5 Domestic violence can have serious impacts on people who experience it, including physical, emotional and psychological harm, and can result in death.
- 6 Perpetrators of domestic violence are solely responsible for their use of violence and its impacts on other people.
- 7 Domestic violence is most often perpetrated by men against women with whom they are in an intimate partner relationship and their children; however, anyone can be a victim or perpetrator of domestic violence.
- 8 Domestic violence is a leading cause of homelessness for women and children.
- 9 Children who are exposed to domestic violence can experience serious physical, psychological and emotional harm.
- 10 Behaviour that constitutes domestic violence can also constitute a criminal offence.

Suggested Action 10: That the Tasmanian Government work with stakeholders, family violence and sexual violence services, and victim-survivors to draft new preamble, principles and purposes that better reflect the scope of the Family Violence Act



DEFINITION OF FAMILY

Repeatedly across all forms of consultation undertaken by the TFSVA, the single most prevalent concern raised by members, stakeholders, and victim-survivors was in relation to the abridged definition of family violence currently contained in the *Family Violence Act 2004*.

The current definition of family in the Act is:

Part 4

family relationship means a **marriage or a significant relationship** within the meaning of the *Relationships Act 2003*, and includes a relationship in which one or both of the parties is between the ages of 16 and 18 and would, but for that fact, be a significant relationship within the meaning of that Act;

Part 7(1) In this Act –

family violence means –

- (a) any of the following types of conduct committed by a person, directly or indirectly, against that **person's spouse or partner**:

The associated *Relationships Act 2003* defines a significant relationship as:

Part 1(4)(1) For the purposes of this Act, a **significant relationship** is a relationship between two adult persons –

- (a) who have a relationship as a couple; and
 - (b) who are not married to one another or related by family.
- (2) If a significant relationship is registered under Part 2, proof of registration is proof of the relationship.
- (3) If a significant relationship is not registered under Part 2, in determining whether two persons are in a significant relationship, all the circumstances of the relationship are to be taken into account, including such of the following matters as may be relevant in a particular case:
- (a) the duration of the relationship;
 - (b) the nature and extent of common residence;
 - (c) whether or not a sexual relationship exists;
 - (d) the degree of financial dependence or interdependence, and any arrangements for financial support, between the parties;
 - (e) the ownership, use and acquisition of property;
 - (f) the degree of mutual commitment to a shared life;
 - (g) the care and support of children;



- (h) the performance of household duties;
- (i) the reputation and public aspects of the relationship.

Over 90% of our stakeholder respondents and 98% of victim-survivors believe that the current definition of family violence in the *FVA 2004* is too restrictive.

As can be seen in Figure 1, respondents suggested a range of types of family violence that should be included in the scope of the *FVA 2004*, including kinship relationships fostered by First Nations people and caring relationships enabled for people with disability. * AVITH refers to adolescent violence in the home, which is distinct from adult children using violence against elderly parents (familial elder abuse).

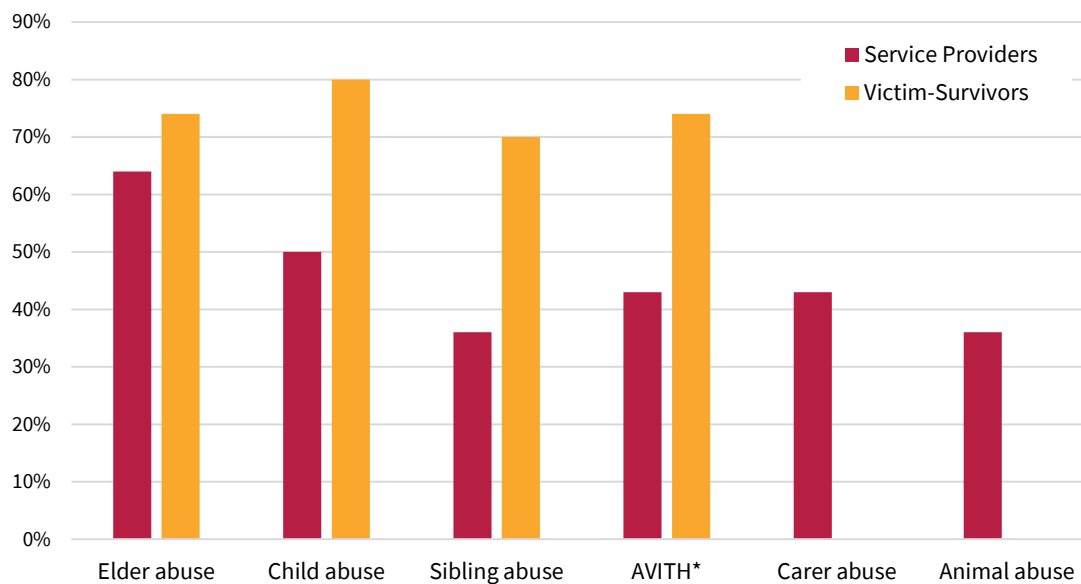


Figure 1: Types of violence that should be included in definition of family violence

Just over 70% of stakeholders and 80% of victim-survivors believe that children should be protected under the *FVA 2004* in their own right, and not as affected family members of the primary victim-survivor.

90% of stakeholders noted that the *FVA 2004* **does not** protect vulnerable groups.



In justifying their views on the broadening of the definition of family, stakeholders and victim-survivors noted:

It seems ludicrous that our legislation is called 'family violence' legislation when it only covers intimate partner violence. It is important that we reflect all forms of family violence (SH1).

Because FV is complex and varied. Often there are various forms of abuse within a relationship eg. partner and child abuse etc. By having a narrow definition, it narrows the likelihood of the whole picture being taken into account and often leads to assumptions/decisions that FV didn't occur because a certain circumstance/event doesn't fit into the current legislative narrative (V-S1)

The definition should reflect all forms of FV and thus enforce much needed change to the systems that have a duty to respond to and support all victim-survivors (SH3).

Currently the Family Violence Act is a Domestic Violence Act. Unless you have had to navigate the system or work within it, Family Violence suggests it is inclusive of all family members, especially children even when the violence is domestic in nature children should be included in the legal proceedings such as PFVOs & FVO etc (V-S2).

In line with progressive legislation in other states (SH4).

Expanding the definition is essential for justice, safety and prevention and aligns law and policy with the realities of how family violence actually occurs. Without this broader understanding many victim-survivors - especially women, children, people with a disability, the elderly and the culturally diverse-remain invisible within the system that is designed to protect them (V-S3).

Sibling abuse can leave long-term emotional scars, and it's not right that it's not considered real family violence (V-S4)

Family violence definitions must be expanded to recognise the systemic and often invisible forms of abuse experienced by LGBTIQ+ communities in Australia. Without a broader and more inclusive definition in the Tasmanian legislation, many incidents of family violence remain unrecognised and unaddressed by services and policy frameworks. Strengthening the definition would enable Tasmanian family violence services and policies to more effectively respond to the full range of abuse currently occurring (SH11).

The definition is far too vague. it does not encompass enough to give all those hurt, enough validation, support, or legal options. it doesn't involve abuse of an older, more vulnerable/in need relative. they are so susceptible to financial and sexual abuse. it does not encompass COCSA. despite the age of consent being 17, at a certain age, 12-13 potentially not for me to decide, a clear understanding of right and wrong develops for MOST. bringing in a sibling dynamic gives even more control and power. similarly, children seeking out to hurt their parents is not okay. only leads to victim-blaming, "it's the way that child was raising", "must be an ipad kid". children are capable to so much pain and that needs to be recognised just as much as abuse in a marriage, or abuse of a toddler does (V-S5).

There are other victims included within family violence, even if they are not the intended victim - children, pets etc (SH12).

The Tasmanian definition is too narrow. If the definition is retained the name of the Act should be changed to Violence against current or former partners. Every other state and territory has legislation that covers full familial relationships (V-S6).



However, as noted by some victim-survivors and stakeholders:

I believe it is necessary to refer to the gendered nature of family violence in the legislation (SH2).

I am concerned about expanding the definition too widely when some other forms of violence probably need their own specific focus of attention, such as child abuse and maybe elder abuse (although both are forms of violence in families). It is very important though to include carers in the definition of family violence, and perhaps other adults who are in positions of informal power (SH1).

I think it should be changed to include any violence perpetrated by one family member against another; however, there is a danger in the definition becoming too wide to be useful or by it sitting above other forms of abuse (an umbrella definition) which I think could be detrimental to being able to respond effectively. In particular Elder and Child abuse, while they should be viewed as forms of family violence, must also sit apart because they are often perpetrated by strangers/family friends/professionals etc (V-S7).

Importantly, as noted by COTA Tas in their submission to this consultation,

... the Discussion Paper refers to elder abuse being addressed through separate frameworks. While specialist responses and tailored supports are important, treating elder abuse as separate from the core family violence framework risks repeating the very problem the reforms seek to solve: fragmented pathways, inconsistent thresholds, and unequal protection depending on the relationship type. Elder abuse commonly occurs within family and dependency relationships and often involves coercive control, financial abuse, psychological abuse, neglect, and exploitation. **These are family violence dynamics.** If the primary family violence legislation does not recognise the relationship contexts in which elder abuse most often occurs, the system response will remain structurally incomplete.

Similarly, Carers Tasmania have identified in their submission to this consultation that the current definition of family in the *FVA* leaves many gaps in support for victim-survivors who are responsible for caring for family members who may not use violence intentionally, yet the impacts of this violence are the same for those already covered by the Act. In particular, Carers Tasmania notes that while some attention has been paid to the violence experienced by someone who requires care—including children and young people, people with disability, and older Tasmanians—almost no support is provided for carers who experience intentional and non-intentional violence from those they care for. Additionally, carers may be subject to coercive control behaviours from, for example, birth parents in cases of informal kinship care arrangements. Again, family violence of this type is not recognised in the *FVA*, and support needs for carers in Tasmania are largely ignored. Similarly, the current definition of family cannot



account for the chosen families created by LGBTIQ+ people when they are exiled from birth families.

Consolidating responses to all forms of family violence will ensure that no victim-survivors falls between the gaps in the relevant legislations. This applies as much to older Tasmanians experiencing violence from family members (including adult children) and carers as it does to other family members currently not included in the Act, such as children and young people.

As illustrated in Table 4 in Appendix A, Tasmania is an Australian outlier in the definition of family violence, which in most other jurisdictions includes the broader family and not just those in a “significant” intimate (ex-)partner relationship. As noted by victim-survivors, “family violence is family violence” (V-S39), and if “...the definition is retained, the name of the Act should be changed to Violence against current or former partners” (V-S6).

Across these Acts, family is defined as including, at least:

- ➔ Intimate partner relationships,
- ➔ Domestic relationships,
- ➔ Family relationships (inclusive of children and step-children), and
- ➔ Informal caring relationships.

In some jurisdictions, the definition also makes an explicit note on cultural relationships of kinship in First Nations communities.

Importantly, however, some specialist FSV services do not support the expansion of the definition of family violence and believe that extending the reach of the law into interpersonal violence could deepen the harms experienced by victim-survivors.

Suggested Action 11: That the Tasmanian Government further engages specialist FSV services to explore the impact and consequences that may arise from expanding the coverage of the Act to other significant family and caring relationships



Suggested Action 12: That the Tasmanian Government consults more broadly with victim-survivors and the FSV sector to explore the how the definition of “significant relationship” can be amended to better reflect all family and caring relationships

Suggested Action 13: That the definition of what constitutes a “significant relationship” be explored with victim-survivors, stakeholders, and specialist services to ensure violence in casual intimate relationships, teen intimate relationships, and caring relationships do not fall between the gaps of the *FVA 2004* and other associated legislation



DEFINITION OF FAMILY VIOLENCE

The definition of what constitutes family violence in the *FVA 2004* is the single most reported concern from victim-survivors and stakeholders. As noted in the Discussion Paper, expanding the definition of family violence is likely to have an impact on service delivery in Tasmania. Already, frontline services, behaviour change programs, and court wait lists are not meeting the needs of victim-survivors. The over-reliance on PFVOs to do the heavy lifting in the contexts of these limitations is concerning (as discussed in more detail in the next section). While we acknowledge the existing limitations, we do not believe that resourcing should be the determining factor in whether the definition of family violence is to be expanded. Preventing family violence must be the determining factor in how the *FVA 2004* is reformed.

COURSE OF CONDUCT

Before exploring the issues raised by TFSVA stakeholders, we note that while the *Family Violence Act 2004* does refer to a ‘course of conduct’ in relation to economic and emotional abuse (sections 8 and 9), it does not centrally define family violence as

Family Violence Act 2016 (NZ)

Section 9

- (3) Violence against a person includes a pattern of behaviour (done, for example, to isolate from family members or friends) that is made up of a number of acts that are all or any of physical abuse, sexual abuse, and psychological abuse, and that may have 1 or both of the following features:
- (a) it is coercive or controlling (because it is done against the person to coerce or control, or with the effect of coercing or controlling, the person):
 - (b) it causes the person, or may cause the person, cumulative harm.

Domestic and Family Violence Protection Act 2012 (Qld)

Refers repeatedly to ‘patterns of behaviour’ and then also provides examples, for example: (such as in section 11 in relation to emotional or psychological abuse):

Section 11 Emotional or psychological abuse

Examples—

- following a person when the person is out in public, including by vehicle or on foot
- remaining outside a person’s residence or place of work

...



constituting a ‘pattern’ of behaviour with ‘cumulative’ impact. Foregrounding the patterns of behaviour that constitute the full ecology of family violence (as is done in the Queensland *Domestic and Family Violence Protection Act 2012* and the New Zealand *Family Violence Act 2016*, for example) not only appropriately captures the extent of family violence, it also signals to frontline police that the current call for support is not the only context to the violence.

Suggested Action 14: That the Tasmanian family violence legislation includes direct reference to “patterns of behaviour” and the cumulative impact of family violence in the preamble, principles, and purposes, and in the core definition of family violence

Suggested Action 15: That the Tasmanian Government ensures that policing systems and practices operate from the perspective of “courses of conduct” and not rely on incident-based policing of family violence

HARMS-BASED DEFINITIONS

More consistent and easy to parse legislation incorporates definitions in a single place, with examples provided of each to guide lay people’s understanding of these behaviours. For example, in the Victorian *Family Violence Protection Act 2008* (see Appendix B) the substantive definition of family violence includes all forms of violence enumerated at the outset of the definition. The Section 1 part of this definition constitutes a harms-based definition as opposed to an incident or offence-based definition and foregrounds the impacts on victim-survivors. The Interpretation section of that Act, then goes on to explain what these types of violence might look like, along with an additional section (Part 2(5)(2)) where offence or incident-based definitions of behaviours is also provided. This approach is replicated in the Queensland *Domestic and Family Violence Protection Act 2012*.

If an offence or incident-based definition is preferred by the Tasmanian Government, the Commonwealth’s *Family Law Act 1975* (s4AB) provides a comprehensive definition based on offences, which fully lists most possible forms of family violence, including some of the gaps in the Tasmanian *FVA 2004*, which are discussed below. While an



offence or incident-based definition is adequate, better practice that aligns with the government's commitment to centre victim-survivors in developing responses to family violence is to adopt a harms-based approach.

Suggested Action 16: That the Tasmanian Government consults more broadly with victim-survivors and the FSV sector to explore how the definition of family violence can be amended to capture all forms of violence occurring within families and caring relationships

Suggested Action 17: That the Tasmanian Government audits and reforms the training provided to, and guiding policies informing, police practices in relation to identifying atypical forms of family violence

Suggested Action 18: That the definition of family violence is consolidated and includes particularised examples of each form of violence, including more detailed enumeration of the various forms of sexual violence

TYPES OF FAMILY VIOLENCE

The Tasmanian *Family Violence Act 2004* defines family violence as:

PART 2(7)(1) In this Act –

family violence means –

- (a) any of the following types of conduct committed by a person, directly or indirectly, against that person's spouse or partner:
 - (i) assault, including (but not limited to) sexual assault, indecent assault and aggravated assault;
 - (ii) threats, coercion, intimidation or verbal abuse;
 - (iii) abduction;
 - (iv) stalking and bullying within the meaning of section 192 of the Criminal Code;
 - (v) rape;
 - (vi) wounding or bodily harm, including grievous bodily harm and committing an unlawful act intended to cause bodily harm;
 - (vii) penetrative sexual abuse of a child, a young person or a person with a mental impairment;
 - (viii) any other conduct that causes personal injury;
 - (ix) attempting or threatening to commit conduct referred to in subparagraph (i), (ii), (iii), (iv), (v), (vi), (vii) or (viii); or
- (b) any of the following:



- (i) economic abuse;
- (ii) emotional abuse or intimidation;
- (iii) contravening an external family violence order, an interim FVO, an FVO or a PFVO; or
- (c) any damage caused by a person, directly or indirectly, to any property –
 - (i) jointly owned by that person and his or her spouse or partner; or
 - (ii) owned by that person's spouse or partner; or
 - (iii) owned by an affected child; or
- (d) any conduct committed by a person that causes the death or neglect of, or injury to, an animal that, directly or indirectly –
 - (i) intimidates, coerces or controls the person's spouse or partner; or
 - (ii) causes mental harm to, or apprehension or fear in, the person's spouse or partner; or
- (e) any threats made by a person regarding the potential death or neglect of, or injury to, an animal that, directly or indirectly –
 - (i) intimidates, coerces or controls the person's spouse or partner; or
 - (ii) causes mental harm to, or apprehension or fear in, the person's spouse or partner; or
- (f) any conduct referred to in paragraph (d) or threats referred to in paragraph (e) by a person that the person knows, or reasonably ought to know, is likely to, directly or indirectly –
 - (i) intimidate, coerce or control the person's spouse or partner; or
 - (ii) cause mental harm to, or apprehension or fear in, the person's spouse or partner.
- (2) For the purposes of subsection (1)(d), (e) or (f), it is irrelevant whether the animal referred to in the relevant paragraph –
 - (a) is owned by a person referred to in the paragraph or another person; or
 - (b) is domesticated or not.

This definition is largely consistent with definitions in other Australian Acts; however, as will be seen in the following sub-sections relating to coercive control, systems abuse, harassing behaviour, stalking and bullying, and image-based abuse, there is a desire from stakeholders and victim-survivors to consolidate and fully enumerate the behaviours that constitute family violence.

The Discussion Paper has also asked the sector to consider additional forms of violence that are either broadly defined in the definition of family violence or are separately defined (such as economic and emotional abuse). Importantly, even those forms of violence defined separately are also contained in broader terms in the existing



definition of family violence. As currently articulated in the *FVA 2004*, other forms of violence appear to be add-ons, and may give the impression to victim-survivors, their advocates, police, and the courts that these additional forms are secondary to the primary family violence offence. For example, in Part 2(7)(1)(a)(ii) and 2(7)(1)(a)(iv), the Act defines family violence as including threats, coercion, intimidation or verbal abuse, and stalking and bullying, which is then also listed at 2(7)(1)(b)(i) and at 2(7)(1)(b)(ii). Some of these behaviours are also defined in Part 2(9) as emotional abuse or intimidation. This may be an artefact of the development and reform of the Act over time, and illustrates again, why it may be more appropriate for the Tasmanian Government to write a new Act rather than amend the current Act.

Some family violence Acts incorporate all forms of violence in the global definition of family violence, including intimidation, stalking, economic abuse, and emotional or psychological abuse (see, for example, *Crimes (Domestic and Personal Violence) Act 2007* (NSW)). Though, most Acts provide separate definitions for family violence, economic abuse, and emotional abuse, and some have standalone definitions of stalking, intimidation, and coercive control. Incorporating all forms of family violence in the definition (as per the examples provided below) means that these forms of violence are considered as substantive family violence offences, rather than secondary offences related to family violence.

There are some forms of family violence included in other Acts that are not *explicitly* enumerated in the Tasmanian *Family Violence Act 2004*, such as:

- preventing the family member from making or keeping connections with his or her family, friends, culture or religion, including making or keeping connections with the person's family, friends, culture or religion, participating in cultural, religious, or spiritual ceremonies or practice, and expressing the person's cultural or religious identity (*Crimes (Domestic and Personal Violence) Act 2007* (NSW); *Family Law Act 1975* (Cth); *Crimes (Domestic and Personal Violence) Act 2007* (NSW); *Restraining Orders Act 1997* (WA))
- unlawfully depriving the family member, or any member of the family member's family, of his or her liberty (*Family Law Act 1975* (Cth); *Family Violence Act 2016* (ACT); *Crimes (Domestic and Personal Violence) Act 2007* (NSW); *Domestic and Family Violence Protection Act 2012* (Qld); *Intervention Orders (Prevention of Abuse) Act 2009* (SA); *Restraining Orders Act 1997* (WA))



- ➔ harmful use of, or interference with, technology, including use of an electronic device to publish intimate images of a family member without the member's consent, causing a computer system to deny access to a family member who is an authorised user of the system, using an electronic messaging system to send abusive or threatening messages or images to a family member, using software to track a family member's whereabouts or computer use, creating a false social media account to disseminate adverse information about a family member, and using social media to publish intimate images of a person without the person's consent (*Family Violence Act 2016* (ACT); *Domestic and Family Violence Act 2007* (NT); *Crimes (Domestic and Personal Violence) Act 2007* (NSW); *Domestic and Family Violence Protection Act 2012* (Qld); *Intervention Orders (Prevention of Abuse) Act 2009* (SA); *Restraining Orders Act 1997* (WA))
- ➔ behaviour that is verbally abusive, including repeated derogatory or racist comments (*Family Violence Act 2016* (ACT); *Family Violence Act 2016* (ACT); *Crimes (Domestic and Personal Violence) Act 2007* (NSW); *Intervention Orders (Prevention of Abuse) Act 2009* (SA); *Restraining Orders Act 1997* (WA))
- ➔ behaviour that shames, degrades or humiliates (*Crimes (Domestic and Personal Violence) Act 2007* (NSW))
- ➔ threatening to self-harm as a way of intimidating or coercing the family member (*Family Violence Act 2016* (ACT); *Domestic and Family Violence Protection Act 2012* (Qld))
- ➔ attempting or threatening to commit conduct defined as family violence (*Domestic and Family Violence Act 2007* (NT))
- ➔ coercive control (*Domestic and Family Violence Protection Act 2012* (Qld); *Domestic and Family Violence Act 2007* (NT); *Crimes (Domestic and Personal Violence) Act 2007* (NSW); *Family Violence Act 2016* (ACT); *Family Law Act 1975* (Cth); *Family Violence Protection Act 2008* (Vic); *Restraining Orders Act 1997* (WA); *Domestic Abuse Act 2018* (Scotland); *Domestic Abuse Act 2021* (England & Wales))
- ➔ driving a vehicle in a reckless or dangerous manner while the person is a passenger in the vehicle (*Intervention Orders (Prevention of Abuse) Act 2009* (SA)). Whilst not present in other legislation, the government may want to also consider adding the use of a vehicle as a weapon
- ➔ giving or sending offensive material to the person, or leaving offensive material where it will be found by, given to or brought to the attention of the person (*Intervention Orders (Prevention of Abuse) Act 2009* (SA))
- ➔ threatening to withhold the person's medication or prevent the person accessing necessary medical equipment or treatment (*Intervention Orders (Prevention of Abuse) Act 2009* (SA))
- ➔ threatening to institutionalise the person (*Intervention Orders (Prevention of Abuse) Act 2009* (SA))
- ➔ forcing the person to marry another person; coercing a person to terminate a pregnancy, coercing a person to not terminate a pregnancy, and dowry-related



violence (*Intervention Orders (Prevention of Abuse) Act 2009 (SA)*; *Family Violence Act 2016 (NZ)*)

Additionally, as noted in the *National Principles to Address Coercive Control in Family and Domestic Violence* (Commonwealth of Australia 2023, p13), it is suggested that under the broad category of coercive control, definitions of family violence should also include:

- ➔ **Substance use coercion**, including creating barriers to “a victim-survivor from meeting treatment and recovery goals or deliberately encouraging or facilitating their dependence on substances...[pressuring] a victim-survivor to take substances... [blocking] access to or sabotage treatment... [preventing] access to harm minimisation or deliberately withhold substances so the person goes into withdrawal, [or degrading or shaming] the victim-survivor for their substance use, or threaten to report substance use to police to exert control”.
- ➔ **Identity-based abuse**, which is commonly perpetrated against LGBTQIA+ people, and includes pressuring “...a victim-survivor to conform to gender norms... [taking or withholding] medications or undergo surgery they do not want... committing ‘corrective’ rape, ...[threatening] to ‘out’ the person’s gender, sexuality, intersex status or HIV status... [leveraging] homophobia, biphobia, transphobia and cisgenderism to exert control”.
- ➔ **Lateral violence**, which is sometimes known “horizontal violence or intra-racial conflict”. Lateral violence is “...a product of a complex mix of historical, cultural, and social dynamics and discriminations... [which can include] a range of behaviours including gossiping, jealousy, bullying, shaming, blaming others, social exclusion, family feuding and physical violence. Perpetrators may pressure or manipulate family members or other parts of a kinship structure to target a victim-survivor. Within Aboriginal and Torres Strait Islander communities, colourism, or questioning a person’s Aboriginal or Torres Strait Islander identity, is a form of lateral violence”.

Some of these types of family violence could be included as examples of more global definitions (for example, coercive control), while others should be explicitly enumerated (such as those relating to technology-facilitated violence). In the Northern Territory legislation at Subdivision 1(5)(4), the Act also includes a note that: “To avoid doubt, conduct does not have to constitute an offence against a law of the Territory for the conduct to be domestic violence” (*Domestic and Family Violence Act 2007 (NT)*). Similar text is included in the Victorian *Family Violence Protection Act 2008*.

Before exploring different forms of family violence that could be included in the definition, it is important to note that despite assurances that children and young



people’s primary experiences of family violence are covered in other legislation—such as the *Children, Young Persons and Their Families Act 1997* (Tas) and the *Youth Justice Act 1997* (Tas)—gaps in safety management have emerged over time. As noted in the Process Concerns section of our submission, whilst children and young people have the right to seek a restraint order under the *Justices Act 1959* (Part XA), the types of violence covered by those provisions are not consistent with those in the *FVA*, which leaves some children and young people without protection against the full array of family violence offending. Including children and young people in the *FVA* as primary victims of family violence is the most appropriate strategy to address the gaps between child protection and youth justice legislation and family violence legislation.

Intimate-partner sexual violence

Additionally, the TFSVA suggests that additional guidance is required in the Act to fully account for the various forms of sexual violence that can occur in family violence contexts, including harmful sexualised behaviour by, and against, children and young people. The prevalence of intimate-partner sexual violence is important in contextualising both family violence and sexual violence. Contrary to rape myths, the ABS (2023b) found that the predominant perpetrator of sexual violence was an intimate partner (11.4%; compared with 6.1% by strangers, 5% by acquaintances or neighbours, 4.9% from friends or housemates, and 2.1% from other family members). Thirty-nine per cent of all sexual assaults reported to the police were family and domestic violence related (ABS 2024). Additionally, the Image-based Abuse National survey found that 13% of this violence is perpetrated by an ex-partner (Office of the eSafety Commissioner 2017).

As noted in the first edition of the Family and Sexual Violence Risk Assessment and Management Framework, the Tasmanian Government acknowledges that sexual violence in relationships is “inherently coercive”, and that “...sexual activity that occurs under duress reflects coercive control, contributing to the cycle of power and dominance in abusive relationships” (Tasmanian Government 2025b). Intimate-partner sexual violence is often opaque to people outside of the relationship due to continuing taboos and shame around disclosing this violence, gendered norms that



may coerce victim-survivors to accept their partner's sexual access, or mislaid hopes that sex will "repair conflicts" (Tasmanian Government 2025b).

Intimate-partner sexual violence includes behaviours that may not meet the standard required under the *FVA 2004* and *Criminal Code Act 1924*. The *FVA 2004* currently defines family violence as including sexual violence such as "...sexual assault, indecent assault... rape... penetrative sexual abuse of a child, a young person, or a person with mental impairment" (PART 2(7)(1)(a) (i, v, vi, vii)). Yet, the risk assessment framework (RAMF) includes a wider range of sexualised behaviours including:

- ➔ Rape (sexual intercourse without consent).
- ➔ Exposure of genitals.
- ➔ Making someone view pornography against their will.
- ➔ Making someone perform unwanted sexual acts.
- ➔ Expecting sex or using sex in any way that is manipulative and self serving.
- ➔ Subjecting them to non-fatal strangulation.
- ➔ Causing injury to the victim-survivor's sexual organs.
- ➔ Disclosing or threatening to disclose intimate knowledge, including sharing private photographs or information about sexual orientation, to generate fear.
- ➔ Using sex to humiliate or mock another person.

While some of these other sexualised behaviours may be captured by the addition of specific coercive control legislation, or the particularised inclusion of coercive control in the *FVA 2004*, without examples and explanatory notes, some victim-survivors (and likely, some frontline police) may not recognise these behaviours as sexualised family violence under the Act.

Coercive Control

An exception to our recommendation that the definition of family violence is consolidated into one section of one Act is that of coercive control. We suggest that coercive control should be included in the *FVA 2004* if a broader definition of family is adopted. If the government chooses not to include a broader definition of family, then any legislation relating to coercive control should be embedded in the *Criminal Code Act 1924* as a substantive offence so that all victim-survivors of family violence—



especially those who experience elder abuse, adolescent violence within the home, sibling abuse, child abuse, and carer abuse—can also be protected against coercive control.

57% of our service provider respondents indicated that coercive control is used in family violence *always*, and 29% noted that it is *usual* for victim-survivors to experience coercive control. 85% of victim-survivors noted that they had experienced coercive control. 86% of stakeholders and 75% of victim-survivors also reported that perpetrators are not consistently charged for their coercive control behaviours.

86% of stakeholders and 68% of victim-survivors believe that economic and emotional abuse should be charged as indictable offences, and similar levels of support was provided by both groups for extending the timeframe when these types of offending can be considered by courts beyond the current 12 months.

As it is currently enacted, stakeholders (67%) believe that economic and emotional abuse is *somewhat to very difficult* to prosecute, and that in cases of economic abuse, 100% of stakeholders stated that the standard should be changed from 'intentional' to 'knows or ought to know'.

Importantly, both victim-survivors and stakeholder respondents to our surveys noted that covert tracking (discussed later in this section) can be conceptualised as both coercive control *and* stalking. In relation to coercive control, victim-survivors noted that:

My belief is it is very difficult to capture evidence of coercive control until after a homicide. If it is done well, the abuse will never be detected (V-S6).

Often Victim Survivors need longer than 12 months to even realise that they were victims of CC and feel safe enough to report (V-S32).

Recognition of the long-term impact of all forms of coercive control is critical, particularly in cases of financial abuse, emotional abuse etc which have lasting impacts on victim-survivors (V-S27).

Coercive control can occur over years, and continued patterns need to be taken into account, especially when it takes victim-survivors a long time to realise the situation they are in. Gaslighting and love bombing are used to keep the cycle going (V-S16).

As most DV victim survivors do NOT disclose their abuse until after having left the relationship, 12 months is not long enough. Even 5 years isn't but something between 5 - 10 years should be the timeframe for economic and emotional abuse in Tasmania (V-S9).

Coercive control can be extremely subtle and messes with people's heads so that they don't even recognise what has happened until much later. The 12-month timeframe means by the time people realise what they have been subjected to, perhaps through time or counselling, then it is out of statute (V-S36).

This can be very subtle, very damaging, and sometimes even the victim does not recognise at the time that it is abuse and comes under the banner of "domestic



violence”. It can occur without obvious threats or intimidation. That is part of the “art” of being a coercer (V-S52).

Similarly, stakeholders noted that:

Until we remove the onus of evidence from the victim-survivor, it is almost impossible to prove coercive control. There is not a victim-survivor in the world who goes into a relationship believing it will be abusive. To prove coercive control... under current legislation, the victim-survivor needs to have documented her abuse from early in a relationship to prove the patterns of behaviour inherent to this form of abuse, which lay at the heart of all forms of family violence (SH1).

There is a significant knowledge and training gap in how services and systems understand or recognise coercive control (SH3).

there are unique factors that occur in LGBTIQ+ relationships only (e.g. using fear/stigma of being outed to family and friends) or are more prevalent (e.g. threatening to disclose partner's HIV status). Recognition of these signs is necessary for effective response (SH11).

Core coercive control behaviours such as economic (s.8) and emotional (s.9) abuse are already included in the *FVA 2004* as separate forms of family violence, which are defined and enumerated separately from the main definition of family violence at s.7(1). We believe that the current definition includes coercion at s.7(1)(ii), and, as such, we suggest that in redefining family violence, this sub-section could be expanded, or alternatively, as per the NSW legislation (see Appendix C) included within the substantive definition of family violence, with examples.

One of the first jurisdictions to enact standalone coercive control legislation—and first to convict under the legislation—the NSW model offers an exemplar for the Tasmanian Government to adopt (See Appendix C). The *Crimes Legislation Amendment (Coercive Control) Act 2022* amends the *Crimes Act 1900* (NSW), along with the *Crimes (Domestic and Personal Violence Act 2007* (NSW), *Crimes (Sentencing Procedure) Act 1999* (NSW), and the *Criminal Procedure Act 1986* (NSW). The *Crimes Legislation Amendment (Coercive Control) Act 2022* is limited to coercive control *in current or former intimate partnerships* and does not include coercive control directed at other family members or in caring relationships. It does, however, link coercive control with intimidation and stalking as is the case in the current definition in the Tasmanian *FVA 2004* (see, Part



2(7)(1)(a)(ii) and 2(7)(1)(a)(iv)). As with the notes above, the NSW coercive control legislation adopts a harms-based definitional approach.

Suggested Action 19: That if the current scope of family violence is to be retained, an offence of coercive control is inserted into the *Criminal Code 1924*, and that reference to this provision is added to the *FVA 2004*, along with examples of coercive control behaviours

Suggested Action 20: That if the definition of family violence is broadened to include all forms of family violence, coercive control is added into the *FVA 2004*, along with examples of coercive control behaviours

Systems Abuse

Systems abuse has been constantly raised in our consultations with Alliance members, stakeholders, and victim-survivors, and represents one of the most intransigent issues relating to justice seeking for victim-survivors of family violence. Systems abuse “is a powerful form of coercive control that is often invisible, hidden behind paperwork and court processes” (DV Alert 2025), and as identified by Douglas (2017), “women’s engagement with the legal system is frequently experienced as an extension of an intimate partner’s coercive control”. Douglas argues that when family violence includes robust definitions of coercive control it is easier to identify when the criminal justice and legal systems are being used to extend the violence.

According to both stakeholders and victim-survivors, system abuse is ubiquitous. 50% of our stakeholder respondents indicated that systems abuse is used in family violence *always*, 33% *usually*, and 17% *sometimes*. 69% of victim-survivors noted that they had experienced systems abuse.

62% of victim-survivors and 83% of stakeholders stated that systems abuse is not accurately identified by police and courts.

86% of stakeholders suggested that perpetrators should be punished for systems abuse, and 100% recommended that a systems audit is conducted to identify the potential for systems abuse and safety breaches.

When asked what more could be done to correctly identify system abuse, victim-survivors consistently noted the need for training of all criminal justice practitioners. One victim-survivor also suggested that systems abuse extends well beyond the



criminal justice and family law systems to include schools and sports clubs. Other comments from victim-survivors on systems abuse includes:

Perpetrators sometimes use the legal and service systems to continue controlling or harassing survivors, for example by making false reports, repeatedly breaching orders, or manipulating court and child contact processes. Police and courts in Tasmania need to recognise these patterns, not just isolated incidents, and respond accordingly. This requires better information sharing across agencies, specialist training to identify system abuse, and listening carefully to survivors' experiences. Repeated attempts to exploit the system should result in stronger legal consequences, stricter monitoring, and faster court responses. Recognising and acting on system abuse is essential to keeping survivors safe and holding perpetrators accountable (V-S3).

Courts need to listen to survivors when we say someone is using the system against us (V-S10)

Courts should consider the impact of repeated legal action on the victim's mental health and safety (V-S11).

Courts should impose penalties or dismiss cases when it is clear the legal process is being abused to intimidate (V-S12).

First, allow proper access to justice for women with disability. I am autistic. I have been completely intimidated by assumptions, wrongful attribution, and the police acceptance of apparent innocence of the calm aggressor. His employed colluded in withholding child maintenance and the police did nothing (V-S33).

When court orders are breached with no reasonable explanation and court finds that the child's interest is not adversely impacted, perpetrators are emboldened (V-S47).

We need firmer laws of how the perpetrator can use the courts as an extension of their abuse (V-S48).

Victim-survivors also noted the need for information sharing between the Family Court and the Tasmanian Magistrates Court, as the gap between the two enables systems abuse to flourish, especially in relation to child support payments and contact order with parents who used violence against their children. As noted by one victim-survivor, “[p]erpetrators will often call the police, take out an FVO, quit their job to avoid paying child support, continue the harassment through every means available” (V-S6). Reeves (2018; 2020) argues that systems abuse is most likely to occur in family law, and that the Family Law Court deals with more vexatious litigation than in any other courts in Australia. In its *Family Violence Best Practice Principles*, the Federal Circuit and Family Court of Australia explicitly includes systems abuse as a sub-section of family violence.

As identified by stakeholder respondents:



It happens to every single victim survivor in my experience (SH12).

This is an insidious form of abuse that sees our systems largely colluding with perpetrators to continue the abuse of their partners. As we all play a part, we all have to play a part in creating spaces and services where perpetrators cannot so easily enact this form of abuse (SH1).

Again, I see where an argument can be made that a person is simply using the legal systems available to them, but I still tend to think abuse of systems should somehow be part of the profile which courts have for understanding a DFV situation and providing a judgement about it (SH2).

System abuse is a practice deployed by perpetrators, which deepens both financial and emotional abuse, and links to issues around misidentification of the primary aggressor and identifying the person most in need of protection. For example, in Jillard and Mansour's (2014) analysis of data relating to women listed as respondents to family violence orders, they found that the majority were in fact primary victim-survivors who were experiencing systems abuse.

The weaponisation of systems designed to support victim-survivors has significant individual and social consequences. Women misidentified as primary aggressors through vexatious systems abuse can lose housing, guardianship of their children, and access to the support systems essential to their recovery (such as victim-survivor financial assistance and access to refuges), along with having their experiences of victimisation delegitimised. Reeves (2018, 2) argues that systems abuse "...like emotional and financial abuse, needs to be properly recognised as a form of family violence as it has the potential for devastating effects on the life of the victim".

Stakeholders suggest that more can be done by police and courts to identify and address systems abuse by:

[Police and courts need to] Be aware of how this is used as a further form of abuse. It must be noted however, that all systems used by perpetrators and victim-survivors are used to enact systems abuse (SH1).

Education, particularly for judges and magistrates would be very helpful. Often these appear in other contexts than family law, so the existence of a specialist court and judge would not necessarily pick it up (SH2).

Look at the evidence that is always available to see how the systems continue to retraumatise or cause additional harm. Be accountable (SH3).

Listen to the victim survivor and take their story seriously (SH12).



If perpetrators are not to be punished for systems abuse, service providers suggest that the following actions could be taken to reduce the extent and harms of systems abuse:

By better awareness and mechanisms across our systems that create barriers for systems abuse occurring... Listening to victim-survivors' stories of systems abuse, to help identify where this occurs across our systems (SH1).

Have children added to the order straight away. Have the victim-survivor the main say in what occurs for the children without needing consent from the perpetrator (SH12).

Given these views of stakeholders and victim-survivors, and the research evidence, systems abuse must be considered in the review of the *FVA 2004*, and that legislative reform and/or development around coercive control account for this specific form of family violence and coercive control.

Importantly, however, as identified by Douglas (2018), including systems abuse in definitions of family violence is not sufficient to address this form of coercive control. She suggests that additional measures are required to prevent system abuse including:

- ➔ Restraining perpetrators from future litigation by way of being assessed as a frivolous or vexatious litigant
- ➔ Justice personnel behaviour change and training, including police training about how to recognise the primary aggressor and the harms generated by seeking orders against both parties and allowing the courts to “work it out”
- ➔ Recognising and legislating against coercive control
- ➔ Strengthening legal ethics regulation and education
- ➔ Information sharing

Suggested Action 21: That systems abuse is included in the definition of family violence

Suggested Action 22: That penalties are applied to perpetrators who use systems abuse to perpetrate family violence

Suggested Action 23: That police prosecutors, magistrates, and judges are sufficiently trained to recognise and respond to the misuse of justice systems by perpetrators perpetrating family violence



Suggested Action 24: That the Tasmanian Government engages with victim-survivors about the ways in which systems abuse presents in social, education, health, and housing systems

Harassing Behaviour or Harassment

The *FVA 2004* currently includes a definition of “harassing” (s.4) for the purposes of refraining behaviour via a family violence order; however, it does not embed harassment within the core statutory definition of family violence in the same way as some other jurisdictions. Other Australian and New Zealand jurisdictions expressly include “harassment” or “harassing” within the definition of domestic or family violence (or within associated definitional components), including:

- ➔ *Domestic and Family Violence Protection Act 2012* (Qld) (s.8)
- ➔ *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (s.6A; within the meaning of domestic abuse and elsewhere)
- ➔ *Family Violence Act 2016* (ACT) (s.8; within emotional or psychological abuse)
- ➔ *Domestic and Family Violence Act 2007* (NT) (s.5A; within emotional or psychological abuse)
- ➔ *Family Violence Act 2018* (NZ) (s.11; within psychological abuse).

Stakeholders and victim-survivors noted that harassing behaviours are:

Too often... ignored in police and court responses, unless a direct threat to safety can be proved. What we know in the FV sector, is that this is an identifiable risk factor to an escalation of more serious risk to safety (ie homicide) and needs to be treated as such (SH1).

Harassment can escalate to more extreme behaviour, it needs to be taken as a risk factor (V-S6).

In the country/rural areas other means of harassment are more personal and shaming because of the nature of rural communities (V-S33).

Needs to explicitly reference behaviours against or using children (V-S26).

The police do not take harassment via constant communication via text and social media messages seriously enough or recognise the harm it causes (V-S16).

'You can't prove it was him' always the perpetrator's interests before the victim-survivor's safety (V-S9).

Using minimisers such as "harassing" leaves scope for misinformed interpretations of abusive behaviours (SH3).



Linked to a separate point on third-party enabled family violence, one victim-survivor noted that harassing behaviours were commonly deployed by wider family members and friends, and as such, any reform to provisions relating to harassing behaviours must account for this vicarious harassment.

84% of victim-survivors have experienced harassing behaviours, and stakeholders noted that harassing behaviours were *usually* (67%) or *always* (33%) present in family violence.

When asked if police or courts take adequate action against perpetrators for their harassing behaviours, stakeholders noted that they *rarely* (67%) or *sometimes* (33%) do so, and 100% of respondents believe that harassing behaviours should be explicitly addressed further in the *FVA 2004*.

83% of stakeholders supported the inclusion of a summary offence of harassing to match the indictable offence of stalking.

Whilst not raised in the Discussion Paper, we also asked respondents about the use of **doxing** as a form of harassing behaviours, and stakeholders noted that doxing is *sometimes* (33%) or *usually* (33%) deployed by perpetrators. 30% of victim-survivors had experienced doxing, while another 27% were unsure whether doxing had occurred.

As harassing behaviours are only included in the Act in the limited context PFVOs (Part 3(14)(3)(d))—but not FVOs—and not considered a family violence offence in its own right, it cannot capture, and make perpetrators accountable, for behaviours that are substantively family violence offences. As such, harassing behaviours should be included in both the Interpretation and definition sections of the Act as a form of family violence and included as a condition for *both* PFVOs and FVOs.

Stalking and Bullying

While stalking and bullying are framed in the *FVA 2004* as distinct forms of family violence, in the *National Principles to Address Coercive Control in Family and Domestic Violence* (Commonwealth of Australia 2023) identifies these behaviours as forms of coercive control, and may be captured more effectively as examples of an overarching definition of coercive control—whether coercive control is incorporated in the *FVA 2004*, as standalone legislation, or integrated into the *Criminal Code Act 1924*.

The existing *FVA 2004* (s.7) includes reference to ‘stalking and bullying’ in its definition of family violence through reference to the *Criminal Code Act 1924* (s. 192). Most jurisdictions make stalking an offence in their criminal codes; however, some



jurisdictions also include explicit references to stalking in their family violence legislation, for example:

- ➔ *Domestic and Family Violence Protection Act 2012* (Qld): s.8(3)(i) includes: “unlawfully stalking or harassing a person”.
- ➔ *Crimes (Domestic and Personal Violence) Act 2007* (NSW); s.6A(2)(g) defines “domestic abuse behaviour” to include “stalking”.
- ➔ *Domestic Violence and Stalking Act 1998* (Manitoba); s.2 and explicitly includes “stalking” in the legislation title. NB: Other Canadian jurisdictions include stalking by reference to s.264 of the *Canadian Federal Criminal Code 1985*.

69% of victim-survivors have experienced stalking and/or bullying, and stakeholders noted that stalking and/or bullying was *usually* (57%) or *always* (33%) present in family violence.

When asked if police or courts take adequate action against perpetrators for their stalking and/or bullying, 71% of stakeholders noted that they *do not*.

While most jurisdictions define family violence to include forms of intimidation that could intersect within the common definition of ‘bullying’, no specific references to ‘bullying’ were found in family violence legislation in other jurisdictions. In s.192 of the *Tasmanian Criminal Code Act 1924*, the definition provided is consistent with a broad definition of intimidation. As such, there may be no need to include specific reference to bullying beyond reference to the *Criminal Code Act 1924* provisions.

As stated by V-S33, “...this type of intimidation is stifling to healing from trauma”, and victim-survivors had a lot to say about the ineffective oversight and responses to stalking and bullying, with some noting that stalking was often facilitated or enabled by third parties. Victim-survivors stated that:

No they [police and courts] did not [adequately respond to stalking]. My abuser has engaged neighbours to continue the harassment of me and my family after he left. As usual all the onus was on me to provide the evidence and although it was reported to the Police, as they (the neighbour) denied any linkage between his stalking me and my abuser, the Police did nothing. Their usual response is 'You can't prove it was him' (V-S9).

The police and courts did little to nothing to help with my family and I being stalked after leaving the abusive situation and just told us to move. He repeatedly kept finding our place even tho we moved 12 times in 12 months (V-S21).



Many victim-survivors respondents noted that the police, especially, did not respond to complaints of stalking and bullying:

I don't think they understood the gravity (V-S15).

It was ongoing but was not reported due to fear of repercussions and escalation (V-S2).

They didn't take me seriously or protect me (V-S34).

Police told me to "just ignore it", which is impossible when someone is stalking you daily (V-S12).

The system moved too slowly, and the delay made me feel more unsafe every day (V-S11).

Their response was slow and unhelpful (V-S23).

They didn't take my complaints seriously at all (V-S24).

They didn't understand how serious the stalking was (V-S42).

They ignored the ongoing pattern of abuse (V-S25).

They said they didn't have the power to investigate such cleverly subtle behaviour (V-S14).

They took it lightly and didn't act quickly enough (V-S22).

They will take a statement and say that there is not enough evidence (V-S13).

The police do not take this seriously enough and so the Courts rarely see it (V-S6).

They did not respond well because there was no follow-up after my report, so the perpetrator felt no pressure to stop (V-S29).

In reviewing the *FVA 2004*, we suggest that intimidation and stalking—and if retained, bullying—are included in the Interpretation section of the *FVA 2004*, so that the Act is more accessible to lay people and there is no need to parse the *Criminal Code Act 1924* for this definition. As suggested previously, these definitions must be included in non-exhaustive examples of each behaviour.

Suggested Action 25: That intimidation and stalking are included in the Act's Interpretations section, and examples are provided for each to enable ease of identification of these behaviours

Suggested Action 26: That the Tasmanian Government explore with victim-survivors and FSV specialist services whether stalking and bullying—and by extension harassing behaviours or harassment—are consolidated as examples of the substantive offence of coercive control



Suggested Action 27: That the definition of harassment or harassing behaviours includes specific reference to unwelcome conduct of a sexual nature, including conduct that is sexually explicit, degrading, humiliating or coercive, and that a reasonable person would expect to cause distress, humiliation, degradation, or coercion

Suggested Action 28: That additional training is provided to frontline police to enable them to identify stalking and bullying behaviours, and the links between these behaviours and coercive control

Covert tracking

As noted in the Discussion Paper, covert tracking is increasingly used by perpetrators, and from the perspective of victim-survivors and stakeholders, covert tracking is a form of coercive control *and* stalking. It is also a form of technology-facilitated violence. As such, where in the definitions of family violence covert tracking is placed, there may need to be cross references between types of violence to capture the various ways that covert tracking can present in family violence.

31% of victim-survivors have experienced covert tracking, and stakeholders noted that covert tracking was *sometimes* (29%) or *usually* (57%) present in family violence.

86% of stakeholders and 68% of victim-survivors believe that there should be a specific offence relating to covert tracking, and that 57% of stakeholders believe this should be an indictable offence.

Importantly, though, 83% of stakeholders suggested that cover tracking should be an offence in the *Criminal Code 1924* but explicitly defined in the *FVA 2004* as it relates to family violence.

Two victim-survivors had suggestions for increasing the capability of Tasmania Police to respond well to incidents and patterns of covert tracking behaviour:

Tasmanian Police need to take these offences and types of stalking more seriously. They should have a separate technological team established to go out and secure and check people's devices, homes and cars etc but they don't so the onus is on victim survivors to find someone who can do this promptly and professionally, and depending where you live, this can take weeks to happen. It's not good enough.

There should be a free service sweeping devices for tracking apps for people who suspect they may be being tracked. Police should also have this as a risk factor if the alleged perpetrator has access to advanced IT knowledge or advice.



In reforming the definition of family violence, it may be appropriate to adopt the approach taken in the *Family Violence Act 2016* (ACT) and include a new definition of “harmful use of, or interference with, technology”, which could include covert tracking, persistent harassment by way of calls, messages and social media, along with image-based abuse and sexualised deepfakes.

Technology-facilitated abuse

Technology-facilitated abuse, including image-based abuse, is increasingly deployed by family violence perpetrators. Similarly to systems abuse, while it is essential that technology-facilitated abuse is included in the definition of family violence—or, at least, as an example of “harmful use of, or interference with, technology” (*Family Violence Act 2016* (ACT), s8(2)(f))—these behaviours are also examples of coercive control, especially when *threats* to publish or distribute intimate images are made by perpetrators as part of a pattern of behaviour. As such, if the decision is to legislate against coercive control by way of the *Criminal Code Act 1924* rather than the *FVA 2004*, then reference to that provision, along with a definition of technology-facilitated abuse, should be included in the *FVA 2004*.

Image-based abuse and sexualised deepfakes

In their landmark study, Henry et al (2019) found that one in four Australians aged 16-49 years have experienced image-based abuse. Tasmania remains an outlier in Australia, in that it does not have specific legislation capturing the full scope of image-based abuse, which Henry et al (2019, 8) define as: “a pattern of behaviours involving the non-consensual creation, distribution, or threats to distribute, nude or sexual images (photographs or videos)”. They note that image-based abuse is also known as “revenge pornography”; however, the use of the term pornography should be avoided as this may imply consent. This includes the phrase “deepfake pornography”, which is better understood as image-based abuse or technology-facilitated abuse.

Importantly, in their analysis of data from the first four years of the implementation of image-based abuse provisions, the Victorian Sentencing Advisory Council (2020, 4-5) found that the most common form of sentenced image-based abuse offences was the



creation of nude or sexual imagery (20%), followed by the distribution of such images (11%). Nine per cent of sentenced cases of image-based abuse related to *threats* to distribute non-consensual sexual images. The Victorian Sentencing Advisory Council (2020, x) notes that whilst *threats* to distribute non-consensual images accrue penalties half that for actual distribution, in their research they found that *threats* to publish or share non-consensual images were more harmful to victims than the actual sharing or publishing of these images. Fifty per cent of Australians reported being very or extremely fearful for their safety from *threats* to distribute, which was higher than their fear of actual distribution or image creation.

The Victoria Sentencing Advisory Council (2020) also found that 54% of cases of image-based abuse related to family violence, and that in 25% of these cases, the perpetrator was also found guilty of a breach of a family violence intervention order. Image-based abuse was three times more likely to be experienced by people aged 18-24 years, and that LGBTIQ+, First Nations, and disabled victim-survivors were more likely to experience this violence. An important finding from this research was that only a quarter of all image-based charges were sentenced. This high attrition rate is critical to any consideration of how the Tasmanian Government responds to image-based abuse.

Henry et al (2019, 14) argue that any definition of image-based abuse must include:

- ➔ images obtained (consensually or otherwise) in an intimate relationship;
- ➔ images digitally altered showing a victim's face superimposed or 'stitched' on a sexualised image (also known as “deepfakes”);
- ➔ images of sexual assault;
- ➔ images obtained from the use of hidden devices to record another person; and
- ➔ images stolen from a person's computer or other device.

And that in considering the harms cause by image-based abuse, the extent and context of nudity are assessed:

- ➔ partially clothed or semi-nude;
- ➔ showering, bathing, or toileting;
- ➔ completely nude;



- ➔ with their genitals visible;
- ➔ engaged in a consensual sex act;
- ➔ experiencing an unwanted or non-consensual sex act;
- ➔ with breasts/chest exposed and nipples visible;
- ➔ ‘downbloused’; and/or
- ➔ ‘upskirted’.

58% of V-S have experienced image-based abuse, and stakeholders noted that image-based abuse was *sometimes* (50%) or *usually* (33%) present in family violence. 67% of stakeholders stated that sexualised “deepfakes” were *sometimes* used in family violence.

100% of stakeholders and V-S believe that there should be a specific offence relating to image-based abuse in the *FVA 2004* **and** the *Police Offences Act*.

Whether artificially generated or altered imagery was created, possessed, published, or threatened, 100% of stakeholders believe that these behaviours should be an offence, whether in *Police Offences Act*, *Criminal Code*, and/or *FVA 2004*.

Victim-survivors noted in response to questions about image-based abuse and sexualised deepfakes that:

Anything shared without consent or forged consent is a form of abuse and should be treated as such... The Tasmanian laws need to come into line with other states and international standards when it comes to pornography, FV and child sexual abuse (V-S9).

Consideration of legal consequences (listing on register etc) for people who knowingly share images as well as the perpetrator (V-S27).

When asked about the terminology used to describe these offences—whether “altered imagery” or “created imagery”—stakeholders noted:

I think both should be included, because you can already see loopholes being made if there isn't a strict clarification between the two... I think this needs to be legislated against more strongly, under a family violence context, but also generally (SH1).

no both terms should be used... I think we need to act urgently as AI is developing so rapidly and likely to continue to do so (SH2).

No difference in legislation. Whether it is altered or created imagery the intent or motivation is the same. To cause harm, fear, remove rights and perpetuate abuse (SH3).

While some provisions in the *Police Offences Act 1935* are available, these provisions are not adequate and do not capture the unique family violence contexts of these



behaviours. As such, we suggest that as per our views on the definition of family violence more generally, that image-based abuse (and sexualised deepfakes) is included as an example of “harmful use of, or interference with, technology” (*Family Violence Act 2016* (ACT)). This approach is replicated in other Australian family violence legislation such as *Domestic and Family Violence Act 2007* (NT); *Crimes (Domestic and Personal Violence) Act 2007* (NSW); *Domestic and Family Violence Protection Act 2012* (Qld); *Intervention Orders (Prevention of Abuse) Act 2009* (SA); *Restraining Orders Act 1997* (WA).

Suggested Action 29: That technology-facilitated abuse is added to the definition of family violence, with a non-exhaustive list of behaviours, including:

- Sexualised deepfakes
- Non-consensual creation and/or alteration of sexualised images
- Non-consensual distribution and publication of sexualised images
- Threats to create, alter, distribute, or publish sexualised deepfakes and non-consensual sexualised images

Suggested Action 30: That technology-facilitated abuse is defined in a harms-based way, such as “harmful use of, or interference with, technology”, which includes (but is not limited to) image-based abuse as well covert tracking, online stalking, and non-contact harassment, such as:

- use of an electronic device to publish intimate images of a family member without the member’s consent
- causing a computer system to deny access to a family member who is an authorised user of the system
- using an electronic messaging system to send abusive or threatening messages or images to a family member
- using software to track a family member’s whereabouts or computer use
- creating a false social media account to disseminate adverse information about a family member, and



- **using social media to publish intimate images of a person without the person’s consent**

Suggested Action 31: That doxing is included as a form of technology-facilitated family violence

DEFINITION OF “FAMILY VIOLENCE OFFENCE”

As noted consistently across this section, there are many ways in which family violence—and criminal justice response to family violence in Tasmania—are embedded in or play out via family court matters, including coercive control, stalking and bullying, harassing behaviours, and systems abuse.

100% of stakeholders believe that the definition of “Family Court Order” must be broadened to include property or maintenance orders—and other matters linked to family violence—made by the FCFCOA, given that disputes over these matters can lead to additional systems abuse, coercive control, stalking, and harassing behaviours.

While in their survey responses, stakeholders did not provide any advice on how this can be achieved, additional and separate consultation currently underway with TFSVA members on family court matters have raised the following additional concerns about the disconnect between family court orders and family violence orders.

- ➔ Due to the limited definition of ‘family violence’ in Tasmania, for a perpetrator to be considered as such by the family court, or for the FCFCOA to recognise that there was family violence occurring, the family violence must have been determined by the Magistrates Court prior to the Family Court case beginning.
- ➔ There is significant risk of violence escalating during the adjudication of family court matters due to the perception of ‘loss of control’, which can result in the transition of violence from the adult victim-survivor to children when the protective parent is no longer in the house.
- ➔ There does not seem to be any acknowledgement by the FCFCOA of the increased risk during the adjudication of family court matters that often leads to an escalation of family violence, which requires victim-survivors to report to police
- ➔ Yet, at the same time, victim-survivors have stated that if they report family violence to the police when a family court case is already underway, the FCFCOA often considers this to be systems abuse by the victim-survivor as a means to manipulate or impact the FCFCOA proceedings.



- ➔ Too often data reported by the FCFCOA on family violence in family court matters is under-reported and does not reflect wider evidence on the connection between family violence and family court matters.
- ➔ There appears to be practice concern about reporting breaches of family court orders and family violence orders, such that victim-survivors are being advised that they cannot notify the FCFCOA (via their support line) when children on FCFCOA-ordered unsupervised visits are sexually abuse by the perpetrator, and are being directed to only report via their lawyers. Not only does this increase the costs of ensuring their families safety, but it also does not account for times when lawyers are unavailable such as weekends and public holidays—which is likely the most common times that unsupervised visits occur.
- ➔ Protective parents are being counselled to consider the short-term risks of sending their children to unsafe environments versus the long-term risks of the FCFCOA perceiving their reporting/protective behaviours as systems abuse aimed at manipulating the proceedings of the court.

Given these additional concerns about the gap between protections offered by family violence orders and FCFCOA orders, further consultation with the sector, and victim-survivors is necessary to identify how the *FVA 2004* can better take into account family court matters.

Suggested Action 32: That family court orders *in toto* are considered in protecting victim-survivors experiencing family violence, and family violence orders are considered in the adjudication of family court matters

Suggested Action 33: That the Tasmanian Government liaises with Federal representatives and agencies to promote the need for all FCFCOA practitioners to be adequately trained to understand the practices and impacts of coercive control, power dynamics in family violence, and systems abuse, including the contexts of escalating risk during the adjudication of family court matters

Suggested Action 34: That the Tasmanian Government liaises with Federal representatives and agencies to increase FCFCOA understanding of the link between FCFCOA adjudication and escalating family violence

Suggested Action 35: That the Tasmanian Government liaises with Federal representatives and agencies to advocate for a better understanding of the need to report escalating family violence during FCFCOA adjudication, and that this should not be considered systems abuse by the victim-survivors



THIRD PARTY FACILITATION OF FAMILY VIOLENCE

Both victim-survivors and stakeholders consistently noted that all types of family violence offending can be, and is often, enabled by third parties. This is a common tactic facilitated by the primary perpetrator, but also a set of behaviours that family, friends, work colleagues, and sport team members deploy independently of the primary perpetrator. This not only deepens the harms caused but also makes victim-survivors think that they are not safe anywhere and from anyone.

Service providers noted that third-party enabled or facilitated family violence occurred *sometimes* (50%), or *usually* (50%), while 77% of victim-survivors had experienced or been aware of third-party enabled or facilitated family violence.

83% of stakeholders noted that the criminal justice system was *not at all effective* in dealing with the use of third parties in facilitating family violence.

Stakeholders noted that third-party professionals are *rarely* (33%) or *sometimes* (33%) employed to facilitate family violence.

100% of stakeholders and 96% of victim-survivors believe that employing a professional to facilitate family violence should be considered an aggravating factor in sentencing.

100% of victim-survivors and stakeholders believe that third-party enabled or facilitated violence should be noted as a condition of FVOs and PFVOs.

83% of stakeholders believe that there should **not** be a requirement to prove that the third party “intended” to aid the perpetrator.

Victim-survivors consistently reported across the survey about how third parties are deployed to deepen the harms of family violence, especially family and friends of the primary perpetrator. They argue that:

I would like to include messages that have been sent through to a third person, for example, messages to friends and family, meant for you, using streaming devices to make contact and a law for using children to relay messages (V-S13).

It should also involve stalking, surveillance, enlisting third parties to harass and monitor, technology abuse such as hacking email accounts, also impersonation and having others and themselves trying to access accounts and information of victim survivors (V-S9).

Lawyers and psychologists should be included as professionals that perpetrators can hire to continue their abuse (V-S7).

Other people should be made aware they are perpetuating abuse on behalf of the perpetrator (such as convincing a victim-survivor not to report that breaches are constantly happening) (V-S16).



People who are engaged or enabled by the perpetrator to continue the harassment and stalking should be found criminally liable as the perp should be. They know what they are doing! (V-S9).

This behaviour is an example of intimidation and stalking and should receive the same penalties. Sometimes the offender can do this kind of thing and it seems helpful and benign, e.g. getting someone leave fruit for the family on the doorstep or phoning the school to ask about children's progress, but it sends a message to the victim that they are not in control of their lives (V-S6).

However, as noted by one victim-survivor, caution needs to be applied when a third party is coerced into enabling family violence, such as that which occurs at times with children.

Suggested Action 36: That the *recruitment* of others to engage in behaviours that are defined as family violence in the Act are criminalised

Suggested Action 37: That third-party enabled or facilitated family violence be an offence in its own right.

Suggested Action 38: That those who engage in third-party enabled or facilitated violence are charged with a summary offence for summary family violence offences, and indictable offence for indictable family violence offences

Suggested Action 39: That a charge should be laid whether the primary perpetrator facilitated this violence, engaged professional investigators, or that third parties linked to the perpetrator do so without the knowledge or wishes of the primary perpetrator

Suggested Action 40: That robust assessment is made in contexts where children have been coerced into engaging in third-party enabled or facilitated family violence and before any charges are laid



FAMILY VIOLENCE ORDERS

Family violence orders—whether FVOs or PFVOs—are the primary mechanism under the *FVA 2004* to ensure the protection of victim-survivors. However, as will be seen in this section, victim-survivors and stakeholders have clearly indicated that the form and operationalisation of FVOs is far from ideal, with many noting that these orders do not protect victim-survivors and their children. Additionally, both stakeholder groups noted that too often family violence is responded to as an incident rather than “course of conduct”, and that responses to breaches of (P)FVOs are inadequate and put victim-survivors at risk.

CONCERNS ABOUT PFVOS

While not a matter raised in the Discussion Paper, we want to preface our response to the Discussion Paper prompts on (P)FVOs by noting that stakeholders, members, and victim-survivors have raised concerns about the ways in which PFVOs are operationalised. As will be explored in more detail below, PFVOs are an important mechanism to address offending behaviour in a context of long court waitlists for FVOs, which in some regions is up to four months. However, these orders are all but impossible to amend and are too often applied *against* the person most in need of protection and in *favour* of the predominant aggressor. As noted by V-S37, “[g]iving police judicial powers is a very slippery slope and frequently ends in disaster for victims”, and that unless police

...patiently gather evidence of a pattern of controlling behaviour in a trauma-informed way and avoid focusing mainly on physical abuse as a conclusive justification for a PFVO to be issued... [the] impact is very deadly and can be linked to suicide and lifelong PTSD (V-S47).

We acknowledge the criticality of having the emergency response to family violence offered by PFVOs and are not proposing in any way that this mechanism for immediate safety should be removed—especially given the court waitlists. However, as we discuss in more detail in later sections on “person most in need of protection” and “misidentification of predominant aggressor”, increased case management and oversight is necessary to ensure that PFVOs do not make risk management and justice



seeking more difficult for victim-survivors. Enabling frontline police to easily scan the “course of conduct” or patterns of behaviour prior to their most recent attendance is essential in resolving some of the issues raised by victim-survivors, stakeholders, and TFSVA members about the misidentification of the predominant aggressor.

If we cannot address the critical issue of misidentification of the predominant aggressor, and/or create more streamlined processes for amending these orders in case of misidentification, then PFVOs are a fraught strategy for victim-survivors and may be a barrier to reporting. As noted in our Executive Summary, our members unanimously agreed that criminal justice practitioners—especially police—are inadequately trained to respond to the complexity of family violence. Without this investment in the operationalisation of the Act, any innovations in legislation will fail to meet the principles and purposes of the Act.

Suggested Action 41: That Tasmania Police and DPFEM increase the cultural capability and practice effectiveness of frontline criminal justice and emergency response practitioners to correctly identify the predominant aggressor and person most in need of protection

Additionally, some stakeholders have noted that given the issue of misidentification of predominant aggressor, there is a desire for PFVOs to be confirmed by the court, or replaced with court orders, within a relatively short timeframe. **This is critical if the definition of family violence is to be extended.** Before police can be socialised to a new definition of family violence—and the new definition is adequately operationalised—there is a concern that misidentification may increase, especially in cases of children and young people’s use of harmful (sexualised) behaviours, and adolescent violence in the home, where children are often misidentified (Fitz-gibbon et al 2022).

In other jurisdictions, the equivalents to Tasmanian PFVOs, are operationalised not only in the context of shorter court wait lists, but also with the added security of specialised family violence courts, prosecutors, magistrates, and judges, and fully integrated risk assessment management frameworks. While Tasmania led the nation in the development of PFVOs, as noted below, several jurisdictions have adopted more



effective approaches. However, it is important to note that these innovations in practice and law come with a significant investment in case management, specialised courts and policing units, and efficient and timely transition from police issued orders to court issued order.

Queensland

Police Protection Notices (PPN) are issued by police under Part 4, and court issued orders are made under Part 3 of the *Domestic and Family Violence Protection Act 2012* (Qld). Protection orders are made by the Magistrates Court and can be temporary or final. A PPN provides immediate protection and operates as:

- ➔ A temporary protection order in effect; and
- ➔ A mechanism that brings the matter before the court.

Victoria

Family Violence Safety Notices issued by police under Part 3, and Family Violence Intervention Orders made by the court under Part 4 of the *Family Violence Protection Act 2008* (Vic). Safety Notices provide:

- ➔ Immediate enforceable conditions
- ➔ A summons mechanism requiring the respondent to attend court
- ➔ Interim protection pending judicial determination.

Northern Territory

Police DVOs (PDVOs) are issued under Part 2.4, and Domestic Violence Orders (DVOs) under Chapter 2 of the *Domestic and Family Violence Act 2007* (NT). The copy of a PDVO given to the respondent is taken to be a summons to the respondent to appear at a Court hearing, at the date and place shown on it, in order to show cause why the police DVO should not be confirmed by the Court.



New Zealand

Police Safety Orders are issued under Part 3, and Protection Orders made by the Family Court under Part 4 of the *Family Violence Act 2018* (NZ). Police Safety Orders operate as an immediate protective tool and are accompanied by broader integrated family violence management systems.

England and Wales

Domestic Abuse Protection Notices (DAPNs) and Domestic Abuse Protection Orders (DAPOs) issued by Police under Part 3 of the *Domestic Abuse Act 2021* (UK). DAPNs are intended as an immediate protective mechanism issued by police pending application for a DAPO. DAPOs are intended to consolidate and strengthen protective capacity across previously separate orders.

Canada (selected provinces)

Canadian provincial statutes typically provide:

- ➔ Court-issued protection orders
- ➔ Emergency protection orders
- ➔ Peace bonds and related protective mechanisms.

In most cases, emergency orders are:

- ➔ Judicially issued (including justices of the peace), but often applied for by police; and
- ➔ Obtainable on an urgent basis, including by telephone or other expedited procedures.

Examples include Alberta (Emergency Protection Orders), Nova Scotia (Emergency Protection Orders through judge or justice of the peace), Yukon, Northwest Territories and Nunavut (rapid emergency orders), and Saskatchewan, Prince Edward Island, New Brunswick and Newfoundland and Labrador (similar emergency judicial models).



Suggested Action 42: That the Tasmanian Government creates specialist family violence court lists that fast track the transition from Police Family Violence Orders to Family Violence Orders

Suggested Action 43: That in the transition from PFVOs to FVOs, police prosecutors, magistrates, and judges are required to explicitly assess Family Court orders, risk assessments, systems abuses, and the possible misidentification of the predominant aggressor

FAMILY VIOLENCE ORDERS AND PROTECTION

Before considering the family violence orders prompts from the Discussion Paper, we want to preface this section with the views of our victim-survivors and stakeholders as to the overall effectiveness of these orders in protecting the person(s) most in need of protection. A critical issue for the Tasmanian Government to consider in the revision of the *FVA 2004* is that from the perspective of victim-survivors (as well as stakeholders) the current approach to protection orders “...don't deter perpetrators anyway” (V-S2). Additionally, as stated by V-S33, some victim-survivors are too scared to even apply for protection orders: “I did not have FVO or PFVO with my perpetrator. I would like it recorded that I was too intimidated by police and lack of community support to push for FVO or PFVO”. Police responses to an initial contact about family violence can also be a barrier to acquiring a protection order. As noted by V-S49:

I was not able to get a restraining order because by the time I reported to the police after a few years of counselling the police told me it was too late and the Tasmanian police told me they didn't have the resources to investigate historical sexual abuse.

47% of victim-survivors who completed our survey had been issued either a FVO or PFVO.

Of these respondents, 50% indicated that they did not believe that the PFVO or FVO protected them from further violence or harm.

Similarly, 67% of stakeholders noted that victim-survivors with (P)FVOs do not make V-S safe whilst accessing support services and maintaining relationships.

Victim survivors noted that there were times when they felt unprotected despite having a (P)FVO, including:



Absolutely, I felt unsafe at times. I still continue to receive phone calls from my abuser, after the FVO was put in place, they just came from other contacts or private numbers. The harassment continued, and I was told by authorities that they couldn't do anything about it.

Even with a PFVO, I felt unsafe. He'd show up at my doctor's appointments, and the order didn't cover that. Adding medical facilities to the order would help.

My abuser continued to use technology to abuse me but the Police failed to act because I could not definitively prove it was him trying to hack into my emails, sign me up to porn, dating and spam sites or would surveil and monitor me through Facebook groups I was a member of.

My step-father at the time would frequently break it and was allowed to flee the state while actively having one and the court system/police did nothing about it and blamed my mother.

No they have to be jailed straight away they just repeat offend they never pay attention to the order

Police misidentify and dismiss victims all the time. They need to investigate the report fully, look for patterns of abuse, then follow the legal protocol and arrest the perpetrator. Especially after a breach, which was never done in my case. The PFVO and FVO are just pieces of paper that aren't getting followed.

there were definitely times i was not protected by this order. I'm unsure of what could have been [done] to protect me, as the majority of these breaches were online or social, talking to me through others, getting other to stalk me, social media, etc.

Yes, even with a PFVO, I was scared every night. He'd wait outside my work, and no one did anything. The order should have clearer rules about where he can't go.

Yes, I felt unsafe even with the FVO. The police didn't check in on me after the order was issued. Regular check-ins would make me feel more protected.

Some of the points raised by victim-survivors about the level of protection afforded to victim-survivors who had been issued orders are discussed below, and in the following sections on the person most in need of protection and misidentification of predominant aggressor.

When asked a similar question, stakeholders noted that:

Following up reported breaches as they occur would be helpful, as currently it seems incredibly difficult to have breaches followed up at all. It would also be helpful to have a framework legislatively that reflected ongoing risk, and the need for continuing orders. Children being included in orders as victim-survivors in their own right is also crucial (SH1).

Renewals should be much easier to access. Any form of breach should be addressed and considered as the warning sign it is and have harsher consequences enforced. Orders should extend to situations where the perpetrator involves other parties to continue forms of abuse and threats to the safety of VS. The address/location of the VS should never be included on an order or in files that are accessed by anyone outside of the FV unit, and/or the VS's legal team. I have supported several clients



who have experienced their perpetrator finding out where they have relocated to due to administrative and ill informed "errors" made by lawyers, banking, education, health and Tas Police personnel (SH3).

active case management and review prior to lapsing to assess risk and extend without burden being on victim-survivor (SH7).

Require LGBTIQ+ cultural competency training and adequate resourcing for all professionals in the family violence response system, including police, courts, and support services (SH11).

Children should automatically be included in family violence orders (SH12)

Based on my practice experience... [the] focus [should be] on making orders more practical, enforceable, and responsive to risk. This includes stronger and more consistent enforcement of breaches, improved monitoring of high-risk offenders, and clearer conditions that address coercive control and technology-facilitated abuse. Greater integration between courts, police, child protection, and specialist family violence services is essential to avoid gaps in safety planning. There should also be stronger safeguards against systems abuse, such as cross-applications used to intimidate victim-survivors. Finally, reforms must prioritise culturally safe, trauma-informed approaches and ensure access to interpreters, legal assistance, housing, and financial support—particularly for migrant and refugee women whose visa status or social isolation may increase vulnerability (SH13).

Stakeholders have identified similar concerns to those raised by victim-survivors, with a consistent themes of difficulty in extending or changing orders (discussed below), the policing of breaches of (P)FVOs (to be discussed more below), and the need for more robust case management and oversight of (P)FVOs.

Suggested Action 44: That the Tasmanian Government explores with victim-survivors and service providers alternative means to PFVOs in which to provide immediate protection to the primary victim and their children

Suggested Action 45: That separate but linked (P)FVOs are made to protect children as primary victims, including provisions to ensure their (and their parent's) safety in the context of contact orders by the Family Court

Suggested Action 46: That courts are adequately funded to fast track the transition from PFVOs to FVOs

Suggested Action 47: That in the absence of additional funding for specialist court lists, provisions to enable changes to PFVOs are made to ensure that the person most need of protection is correctly identified and the predominant aggressor is disabled from continuing their violence and harm



LENGTH OF (POLICE) FAMILY VIOLENCE ORDERS

As noted in the Discussion Paper, a few Australian jurisdictions have longer order lengths, whilst most have a similar reference to the Tasmanian provision that the length of orders being as long as deemed necessary by the courts. However, stakeholders have noted that despite the same phrasing in the Tasmanian Act, courts are defaulting to 12-month FVOs.

As noted throughout this section on family violence orders, our stakeholders have clearly indicated that more needs to be done in upskilling all criminal justice practitioners and socialising them on the impacts and consequences of family violence, as well as the limitations of (P)FVOs to protect victim-survivors from further violence.

92% of victim-survivors stated that they believe PFVOs should be longer than 12 months, most victim-survivors (68%) noting that the minimum duration of PFVOs and FVOs should be two years, with 22% suggesting that they should be issued for five years.

Of these respondents, 50% indicated that they did **not** believe that the PFVO or FVO protected them from further violence or harm.

Similarly, 67% of stakeholders noted that victim-survivors with (P)FVOs are not safe whilst accessing support services and maintaining relationships, and that PFVOs should be imposed for longer than 12 months.

80% of stakeholders stated that courts defaulted to a 12-month FVO, but that this should be a minimum of two years (33%) or five years (50%).

100% of stakeholders believe that a minimum duration for a PFVO should be retained, but this should be increased to two years (50%) or five years (33%).

When asked about whether the current practice of issuing PFVOs for only up to 12 months, and FVOs being issued for as long as court deem necessary, stakeholders noted that this approach is not effective. In particular, they suggest that:

no, [PFVOs are] not long enough, generally risk has not reduced. It should be longer, it needs to be clear for people attending court for the matters that the order extends until the legal matters (magistrates court) are finalised (SH7).

It puts significant pressures, emotionally and financially on the victim survivor to have to manage court and associated requirements (SH10).

It takes more than 12 months for the victim-survivor to feel safe. The order should be able to be extended by the victim-survivor for as long as they feel unsafe without having to go back to court and apply for another FVO (SH12).



Victim-survivors were adamant that the current approach to family violence orders is inadequate. Consistently across their comments on the length of (P)FVOs, victim-survivors stated that “...the PFVO system needs overhaul as it does not seem to meet victim needs” (V-S6), “can leave victims vulnerable after 12 months” (V-S34), and feeling “unsafe the second it ended” (V-S4), with some being terrified in the weeks to it took to be issued another order after the 12-month period lapsed (V-S11). Consistently, victim-survivors stated that while the current approach may be suitable for less severe—or less impactful—cases of family violence, 12-month orders are not appropriate for serious, aggravated, and persistent offending. Further, in consultation with key stakeholders, we have been advised that the limitation of 12 months for orders—and that emotional and economic abuse matters are limited to the last 12 months—is wholly ineffective to protect and support children who have been primary victim-survivors of family violence.

As so eloquently stated by V-S45, “Danger doesn’t follow a 12-month timetable”, and by V-S14, “an offender's abusive behaviour won't always 'magically' disappear after 12 months”. V-S32 highlights that the current approach to protection orders is based on the perception that family violence and its harms are time-limited, and that protection orders are effective in diverting offenders away from engaging in further family violence. As noted by V-S32, some perpetrators have a life-long commitment to engaging in family violence, and victim-survivors “need protection for life” (V-S32). Other victim-survivors noted:

For others it might be okay, but for me, 12 months was not long enough (V-S25).

I can't speak for a PFVO as I did not have one. I would think similar flexibility should be afforded between FVOs and PFVOs, particularly as PFVOs are often sought in instances of repeat or very serious violence. It is important to keep all protections in place for victim survivors for as long as needed (V-S27).

I think a PFVO should be made for as long as the victim requires to feel safe. Some perpetrators just wait for the expiration date to resume the abuse. Victim has to go through the traumatic cycle to seek protection again (V-S47).

I think it works in some cases because courts can provide long-term protection when needed. However, the 12-month limit on PFVOs may not be enough in situations where the risk continues (V-S46).

Police are often slapdash in their inclusion of items and so do not meet the needs of the victim especially if they have no other means of support than their partner (V-S6).



I would like to see PFVO go for 24 months, I believe it places children at risk with lesser time frames (V-S15).

It does not work for survivors of severe family violence in Tasmania. Abuse is long-term, so protection should be too—not just 12 months (V-S29).

It needs to be longer. It seems that the rights the perpetrator always outweigh the safety of victim survivors...until such time that someone is killed of course (V-S9).

It works for some people, but not for me. My trauma and fear last longer than 12 months, so the fixed period leaves me vulnerable (V-S20).

PFVO are often imposed on the victim (wrongly identified perpetrator). In cases where it is correct, 12 months is often not enough time for this to proceed through the courts. FVO & PFVO often don't deter perpetrators anyway (V-S2).

The onus should not be on the victim survivor to continue to provide evidence [about] the pattern of violence, stalking and threats of the perpetrator. If the victim survivor does not feel safe, that alone should be cause to extend the PFVO (V-S9).

Where children are involved, the issuing of a PFVO should prompt a process to support the safety of the victim and children, otherwise its benefit is diluted (V-S26).

In the following case study, V-S3 identifies some of the most critical gaps in protection for victim-survivors, and the failure of different parts of the criminal justice system to provide oversight and guidance in legal processes:

My perpetrator was issued a PFVO. I think they are good as an immediate safety tool, however they do have disadvantages, [including]:

- *12 month order only - insinuating that the risk is reduced over time, which often is not the case - especially coercive control, post separation abuse and repeat offenders.*
- *the expiry is a trigger point for the victim-survivor and renewing it with police can be retraumatising.*
- *some perpetrators simply wait out the order knowing full well that it will lapse until further action is taken.*

After my ex-husband was prosecuted for family violence, the criminal case ended with a hung jury. I made the decision not to go through a retrial because of the emotional and psychological impact.

When the criminal process ended, my FVO also ended and no new order was put in place. This was not because the risk had gone away, but because the system required a separate process that I was not clearly informed about or supported to navigate. My experience shows how victim-survivors (VS) can lose protection due to process.

I believed that if the court recognises family violence, I will stay protected. This makes me feel that the violence I received from my ex-husband wasn't believed or that it wasn't serious.

My personal recommendations

- *Courts should always check safety when a family violence criminal case ends in a hung jury or no retrial*



- *When a FVO or PFVO is in place during criminal proceedings it should continue by default unless a court decides it is no longer necessary. Order should not expire just because a case/trial ends.*
- *Criminal court processes and FVO's should be better connected so VS do not fall through gaps in the system.*
- *VS's should not be expected to start a new legal process to stay safe. Courts or police should be able to extend or apply for orders automatically where there are ongoing safety concerns*
- *VS's should receive clear, written information explaining what will happen to their FVO when a criminal case ends and what options are available to maintain protection.*
- *Choosing not to proceed with a retrial is often a trauma-informed decision. This choice should not result in loss of protection or be treated as a sign that the risk has reduced.*
- *Ongoing protection should be based on assessed risk not whether a criminal case resulted in a conviction*
- *Tasmania should collect data on how often FVO end when criminal cases finish, to better understand and fix system failures.*

However, other victim-survivors noted that:

While the harassment continued for a period after the FVO was placed, it soon after slowed. It has now been three months since the order was concluded, and there has been no initiation of contact (V-S5).

I'm unsure of what to say about others, but for myself it has worked. My PFVO concluded in December of 2025. Despite this, the harassment has not continued, and my perpetrator has not reached out to me. Potentially for more aggravated offenders, this would be a better approach (V-S50).

PFVOs are often issued to victims and then they are impossible to revoke. The usually expire before they can be revoked. Ideally PFVOs should be temporary - short term - and then go to court (V-S37).

The 12 month period worked well in my situation. It was converted to a FVO following the 12 months and is still in place for an indefinite period (V-S18).

As noted by V-S26, sometimes the problem with PFVOs is not their duration but what the issuing of the PFVOs flags to other service delivery. They argue that:

The problem with the PFVOs is that they too often happen in isolation of further service input. For example, if a PFVO is issued in the context of children in the home, the tendency is for agencies (such as child safety) to take the foot off the gas when it comes to doing further work. The problem is the lack of effectiveness in terms of supporting victim and their children when the PFVO is in place.



Serial offenders

Stakeholders and victim-survivors stated that PFVOs and FVOs should be imposed for longer durations on serial, persistent, and/or repeat offenders.

In the case of serial offenders, 98% of victim-survivors stated that protection orders should be longer, and 55% stated this should be five years, with another 28% stating 10 years.

88% of stakeholders similarly thought that protection orders should be longer, with 57% suggesting that these orders should be applied *indefinitely* to serial offenders, 29% believe three years, and 14%, ten years.

However, as noted by victim-survivors and stakeholders:

We know that offenders will usually reoffend before 5 years. A longer time period for repeat offenders will keep victims safer, as long as police respond appropriately to breaches. It is police minimisation of breaches that is the issue (V-S6).

This would also depend on correct identification of the perpetrator and victim and this needs to be established as a pre-requisite to imposing longer-term orders (otherwise victim-survivors could be penalised in the longer-term) (V-S27).

For severe cases of family violence, FVOs should be able to be imposed indefinitely (SH1).

Suggested Action 48: That a mandatory minimum length of orders is legislated in order to reduce the impact of court processes on victim-survivors healing and recovery

Suggested Action 49: That the inclusion of mandatory minimum length of orders is reinforced by way of the other strategies, including:

- **Provide that the FVO remains in place unless or until a party applies to the court to remove them because the unacceptable risk no longer exists**
- **That prosecutors, magistrates and judges are aware of the possibility of systems abuse if the perpetrator uses this open-ended process to constantly seek to amend or remove FVOs protections**
- **Have clear explanatory, preamble, principles, and purposes sections in the Act about the intention of the legislation to improve the long-term safety of victim-survivors**



- **Prescribe risk factors that must be considered by adjudicators in terms establishing the likely duration of the risk and possibility of recovery**
- **That immediate action is taken to roll out the TARRA across the sector, which better captures the unique Tasmanian risk factors for continuing violence**
- **That prosecutors, magistrates, and judges are made aware of the limitations of the RAST in assessing the complex risk factors that victim-survivors may encounter**
- **That prosecutors, magistrates, and judges are provided with additional professional development concerning the nature and impacts of non-physical family violence, including coercive and controlling behaviours**

Suggested Action 50: That serial and/or persistent offenders of family violence are issued enhanced penalties

Suggested Action 51: That serial and/or persistent offenders of family violence are mandated to complete a behaviour change program that is pitched to high-risk offending

Suggested Action 52: That any reforms to the ways in which protection orders are scoped and operationalised must take the extreme case of life-long offending as the default, as any measures put in place to protect the most vulnerable victim-survivors from persistent family violence offending is likely to protect those who experience time-limited victimisation and/or whose perpetrator is more easily diverted from further violence

Extension and changes to Family Violence Orders

As referred to in some of the comments above, both victim-survivors and stakeholders have raised concerns about the duration of protection orders as this relates to the need for many to seek an extension to orders.

21% of victim-survivors applied for an extension of a family violence order, but only two-thirds of these applications were granted.

71% of stakeholders do not believe that the 2025 amendments have enabled easier applications to extend the duration of FVOs, and 43% do not believe that these amendments have made it cheaper or less impactful to seek an extension.



In their comments on this topic, victim-survivors and stakeholders argue that:

... following a PFVO, there should be an option for extension, or for the matter to be referred to courts for a FVO for the longer period of time (SH1).

Most clients and children continue to experience post-separation abuse for years to come. Many have sought renewals that have been denied on the grounds that there is no evidence to support the application. The evidence is abuse is plenty, often in the form of stalking, cyber/digital abuse, systems abuse, weaponisation of children, coercive control and economic however it is not deemed as substantive. Renewals should be much easier to access. Any form of breach should be addressed and considered as the warning sign it is and have harsher consequences enforced. Orders should extend to situations where the perpetrator involves other parties to continue forms of abuse and threats to the safety of VS (SH3).

It would also be helpful to have a framework legislatively that reflected ongoing risk, and the need for continuing orders. Children being included in orders as victim-survivors in their own right is also crucial (V-S1).

Victim-survivors should always receive updated copies of the orders and not just be advised by phone call

active case management and review prior to lapsing to assess risk and extend without burden being on victim-survivor (SH7).

Need to be cautious of misidentification and unintended consequences of extensions impacting those who are misidentified (SH7).

I think FVOs and PFVOs are important for protecting people experiencing family violence. There should be flexibility to extend orders when there is ongoing risk, especially for repeat offenders, while also ensuring regular review to maintain fairness (V-S46).

To enhance the 2025 amendments, stakeholders suggest that:

Automatic legal aid for representation so victim-survivors can seek this with support regardless of their financial status (SH7).

Extensions should be a tick a box option (SH12).

Suggested Action 53: That Legal Aid is automatically awarded to misidentified victim-survivors seeking to amend or retract an existing PFVO

Suggested Action 54: That extension of an existing FVO does not require court attendance

Suggested Action 55: That extension of an existing FVO is automatically granted on the request of the victim-survivors, police, or specialist service, unless exceptional circumstances are identified

Suggested Action 56: That evidence of an escalation of violence is not necessary to extend the duration of an FVO



PENALTIES FOR BREACHES OF FAMILY VIOLENCE ORDERS

Consistently across the survey responses, victim-survivors and stakeholders indicated that the criminal justice system does not respond to breaches of (P)FVOs in ways that protect the victim-survivors and their children. As can be inferred from the comments about the scope and duration of (P)FVOs above, many victim-survivors and stakeholders suggest that the issue with these orders is not the technical components of these (such as duration), but the operationalisation of orders by police and their response to breaches of orders. As stated by V-S5, "... their first [breach] offence isn't really their first offence".

63% of victim-survivors experienced at least one breach of an existing (P)FVO, and in only 43% of those breach cases was the offender charged.

20% of stakeholders stated that FVOs are breached *always*, 60% *usually*, and 20% *sometimes*, and 80% note that PFVOs are *usually*, and 20% *sometimes* breached.

60% of stakeholders indicated that perpetrators are *rarely* charged for breaches of orders, and 40% *sometimes*.

Too often, victim-survivors and specialist services have informed the TFSVA that the policing of breaches of (P)FVOs is haphazard, and that first responders do not appreciate that impact that their inaction on breaches can have. As noted by SH1,

...breaches of FVOs are often a sign of escalating violence, and the perpetrator's lack of respect for the justice system that has imposed them. Maybe if breaches were effectively prosecuted, perpetrators may be held accountable, and it may act as a deterrent for more serious offending and minimise an escalation of risk to safety for the victim-survivor.

Not only can family violence escalate significantly after the issuing of orders (retributive violence in response to the victim-survivors seeking protection), but breaches can also deepen the fear of victim-survivors when these breaches are not charged or prosecuted. (P)FVOs are meant to provide assurance to victim-survivors that their experience of violence is recognised, and they will be protected from further violence. If police do not respond to victim-survivors' pleas for assistance after a breach—or minimise the impact of breaches—victim-survivors will have reduced trust in police, and increased fear about the possibility of escaping the violence.



Victim-survivors and stakeholders noted that:

It doesn't much matter what the penalties are if they aren't prosecuted and at the moment it's so difficult to have matters get to court that it's a moot point (V-S36).

rarely are penalties imposed or enforced (V-S2).

Half the trouble is that breaching the order is not dealt with adequately. People using violence in breach of an order are routinely bailed so the impression they have is that they just got let out and often the offence isn't dealt with until so far down the track that victims are no longer willing (for many reasons) and so they get let go (V-S36).

Following up reported breaches as they occur would be helpful, as currently it seems incredibly difficult to have breaches followed up at all. It would also be helpful to have a framework legislatively that reflected ongoing risk, and the need for continuing orders. Children being included in orders as victim-survivors in their own right is also crucial (SH1).

Any form of breach should be addressed and considered as the warning sign it is and have harsher consequences enforced. Orders should extend to situations where the perpetrator involves other parties to continue forms of abuse and threats to the safety of VS (SH3).

[PFVOs] are an effective "tool". However too short in duration and too hard to get extended even when perpetrators have FV convictions against them. The interpretation that if a perpetrator hasn't breached an order it means the victim is safe, [which] is dangerous and impacts negatively on the victim (V-S1).

The law might be strong on paper but consistency within the system is a real issue (V-S39).

97% of victim-survivors believe that breaches of FVOs and PFVOs should incur an increased maximum penalty, including:

- First offence: 87% in favour of 18-24 months imprisonment
- Additional offences: 45% in favour of 5 years' imprisonment, 21% in favour of 10 years' imprisonment

80% of stakeholders believe that breaches of FVOs and PFVOs should incur an increased maximum penalty, including:

- First offence: 80% in favour of 2-3 years' imprisonment
- Second offence: 80% in favour of 5 years' imprisonment
- Third offence: 80% in favour of 7-10 years' imprisonment
- Fourth and further offences: 80% in favour of 10 years' imprisonment

The consequences for breaching a protection order appear to victim-survivors wholly inadequate, and many note that breaches are either not charged by police, or when



charged, the penalty for doing so does not reflect the harms caused to victim-survivors. As noted by victim-survivors:

I believe that breaches are not taken seriously enough, undermining the trust in the justice system. Increasing penalties, particularly to repeat offenders, can help close this gap. The orders are often the last line of protection, so when breaches are met with minor consequences IT DOES NOT FEEL PROTECTIVE. Stronger penalties, especially for repeat breaches, would reinforce the seriousness of family violence and the need for accountability (V-S3).

In my case, the breaches ended with an arrest and my perpetrator was out and back at the house in the morning. So they were not followed (V-S13).

...a fine of \$220 was my experience [of penalties for breaching orders] (V-S1)

Continuous breaching shows that the offender is not safe to be in the community. Breaching also indicates they have no respect for the system of orders and so incarceration is the only option available at the moment (V-S6).

I've lived it so many times so no just jail them (V-S17).

Breaches are not taken seriously by the magistrates court unless you are seriously injured (V-S1).

We are not seeing these imposed! No one gets jailed for a first offence and even second and third. We are seeing high risk perpetrators, repeat offenders getting bailed very easily [after breaches of orders] (SH32).

One breach jail for 3 months no room to move legally

They need to have harassment put back in! I have had a client with a PFVO in place, receiving hundreds of messages a day stating "I love you" and "I want you back" and she wanted this to stop. He was not able to be breached as it was not abusive.

From the comments in this section of our submission, along with those noted earlier, it is clear that victim-survivors experience not only persistent family violence, but also persistent breaches of family violence orders. Given that both victim-survivors and stakeholders note that 60% of breaches are not charged, this represents a significant failure to adequately respond to the severity of victimisation, and a failure to make perpetrators accountable for their behaviours.

Suggested Action 57: That the FVA 2004 is amended to increase penalties for (P)FVO breaches

Suggested Action 58: That Tasmania Police and DPFEM increase their staff capacity to recognise and respond to the risks of increased violence that breaches of (P)FVOs represent



Summary charge for persistent breaches of family violence orders

As identified by victim-survivors and stakeholders, the widespread access to technologies that enable quick, easy, and persistent non-contact emotional abuse and harassment of victim-survivors is not only burdensome on the criminal justice system, but these behaviours can also be extremely harmful and impactful forms of coercive control. Particularising every single one of possibly hundreds of daily non-contact breaches of family violence orders is unduly burdensome on victim-survivors, slows judicial responses to persistent breaches, and contributes significantly to the long court waitlists. Some respondents have noted that it appears counterintuitive that this type of behaviour does not constitute a substantive charge of emotional abuse, intimidation, or persistent family violence under the *FVA 2004* given it has significant impacts on the emotional and psychological wellbeing of victim-survivors and is persistent.

This may be an artefact of the definition of family violence in the *FVA 2004*, and the way in which emotional abuse is demarcated from the substantive definition of family violence. Constructing these persistent non-contact breaches of orders as “minor” (or summary offences) fundamentally underestimates the impact on victim-survivors perceptions of safety, the intimidatory nature of constant harassment, and the sense that victim-survivors cannot escape this violence unless they give up the use of their phones and social media.

59% of victim-survivors experienced persistent breaches of (P)FVOs by way of unwanted calls, messaging and social media, and stakeholders noted this occurs *always* (33%) or *usually* (67%).

100% of stakeholders and 98% of victim-survivors support the inclusion of a summary offence for persistent breaches of protection orders that mirrors the existing indictable offence of persistent family violence.

In their comments on this topic, respondents noted:

It should also involve stalking, surveillance, enlisting third parties to harass and monitor, technology abuse such as hacking email accounts, also impersonation and having others and themselves trying to access accounts and information of victim survivors (V-S9).



I don't know what non-contact means in the context of emotional impact of family violence. Some perpetrators can be incredibly restrained with contact or physical violence because the emotional/psychological impact of their actions is sufficiently harmful (V-S26).

They should be taken more seriously by police as they are emotional abuse, which is listed in the PFVO FVOs (V-S16).

Persistent non-contact breaches like repeated messaging or online contact can still cause significant fear and distress. Creating a single summary offence could reduce the burden on victim-survivors and make enforcement more practical, while still recognising the ongoing harm caused by this behaviour (V-S46).

Sometimes it is intended to cause fear to the victim. It can make victims relapse in their journey to recovery from experiencing. It could keep victims in a trauma loop (V-S47).

However, and illustrated in a comment by V-S27, there is some appetite for persistent breaches of family orders to be an indictable offence:

I'm in favour of reducing the administrative burden to victim-survivors and avoiding re-traumatisation of having to report every breach (this seems unduly onerous), but I don't believe it is fair to impose lighter sentencing on repeat offenders. That is why I didn't agree above to the idea of summary offences.

Suggested Action 59: That a summary charge of persistent breaches of family violence orders is created

Suggested Action 60: That persistent breaches of family violence orders are consolidated into a single offence

Suggested Action 61: That the Tasmanian Government work with victim-survivors and specialist services to consider whether an indictable offence for persistent breaches of family violence orders is warranted

Suggested Action 62: That the Tasmanian Government consider whether persistent breaches of (P)FVOs should be considered a substantive family violence offence and/or that those who engage in this behaviour are charged with the indictable offence of persistent family violence

Aggravated breach of family violence orders

As identified above, both victim-survivors and stakeholders believe that persistent breaches of family violence orders should be declared an aggravated offence of breaching an order, and that significantly higher penalties should be imposed to reflect the harms of this behaviour. If persistent breaches of FVOs are regarded as



aggravated offences, and the consequences of engaging in this behaviour is increased penalties, perpetrators may be diverted from breaching orders. SH3 below suggests that an aggravated breach of family violence order should (or may already) constitute an aggravated breach.

Yes, breaches that are a direct threat to the victim's safety, and additional offences that are a crime in nature, but also a breach, need to be considered an aggravated breach. It is horrifying that offenders with breaching offences in the 30s, 40s are not remanded, and allowed bail. Often this occurs also in light of additional family violence offences such as assault being enacted alongside the breach/s (SH1).

For the increased safety risk and potential for escalation of FV that breaches of FVOs and PFVOs present to VS, they are not regarded seriously enough by police or criminal justice systems. Aggravated breaches of orders should only be introduced if it does not minimise the seriousness of the offences. I understand that calling/texting multiple times in a day may constitute as an aggravated breach (SH3).

Suggested Action 63: That in assessing the penalties for aggravated breaches of family violence orders considerations are made of the harms caused to victim-survivors, the duration and frequency, and whether the perpetrator has a history of family violence and/or has a Serial Family Violence Offender declaration in place

Suggested Action 64: That penalties for aggravated breaches of family violence orders are increased

FVO breaches declared serious offences under the *Forensic Procedures Act*

Victim-survivors and stakeholders have clearly indicated the serious impact on victim-survivors' wellbeing and safety from breaches of family violence orders, and that these behaviours constitute serious and continuing family violence. It is the belief of the TFSVA—and 100% of stakeholders—that breaches of (P)FVOs should be considered as serious offences under the *Forensic Procedures Act 2000*. As noted by SH1:

[Breaches should be declared serious offences] because breaches of FVOs are often a sign of escalating violence, and the perpetrator's lack of respect for the justice system that has imposed them. Maybe if breaches were effectively prosecuted, perpetrators may be held accountable, and it may act as a deterrent for more serious offending and minimise an escalation of risk to safety for the victim-survivor.



Another service provider offered an example of why breaches should be declared serious offences, and subject to the Forensic Procedures Act. In that case, the victim-survivor was unable to prove that the perpetrator was engaging in persistent breaches:

...a client receiving dozens of letters from her abuser whilst he was remanded in custody. Perhaps an example of aggravated breaches as it was within a couple of months. Letters were not signed by him, did not use his name and yet contained threats of violence, death, harm to animals, friends and family. Last I knew the client was having a lot of difficulty in having the letters considered as evidence without proof they had come from her perpetrator of FV.

Suggested Action 65: That the Forensic Procedures Act is amended to declare FVO breaches as a serious offence

BEHAVIOUR CHANGE PROGRAMS

Across the sector, and in victim-survivor accounts of behaviour change programs in Tasmania, we have been informed that these strategies for changing perpetrators' behaviours are inadequate, insufficient, and rarely have an impact on the violence used. In particular, it has been noted by TFSVA members that the wait list for these programs often exceeds the duration of (P)FVOs and come too late to divert perpetrators from more problematic behaviours, including escalation of violence and lethal violence.

Additionally, our members state that too often participants in these post-violence programs do not complete the full program and have high rates of non-attendance. TFSVA members suggest that the current duration of programs, however, is not long enough to cement changed attitudes and behaviours. Further, current programs are focussed on low-medium risk offenders, which leaves the most high-risk offenders without guidance and support to change behaviours and attitudes. These programs are also not appropriate for young offenders (though, Homebase do conduct programs that may be useful for this cohort) and female and non-binary people who use violence. The existing programs cannot account for the unique characteristics of family violence in LGBTIQ+ relationships, and do not provide the cultural safety required for First Nations people who use violence, and accessibility for disabled people who use violence.



In a recent article published by the ABC, it was noted that the participation in the Family Violence Offender Intervention Program (FVOIP) run by Community Corrections has a waitlist. With over 200 people on the waitlist, and the program running only every 10 weeks with 12 participants, it will take at least three years to clear this backlog of critical interventions in perpetrators' behaviours (Wallen 2026). And as further noted in the article, the last evaluation of this program was over 10 years ago, and that inquiry found that completion of the program resulted in "...a greater acceptance of responsibility and less victim blaming after completing the program, [but] they also endorsed more attitudes that condone family violence".

In the Discussion Paper, the post-violence behaviour change programs available in Tasmania are listed; however, the early intervention and prevention programs are not. These programs provided by HomeBase offer a model for intervening to address problematic behaviours much earlier and should be considered in the government's consultation and review process as exemplars of what could be done.

- ➔ **Reconnect:** Early intervention support for young people (ages 12-18) at risk of leaving home or who have already left. Reconnect strengthens family relationships, improves communication, and supports engagement with education, employment, and community.
- ➔ **Step Up:** Supports young people (ages 11-17) using violence in the home or toward an intimate partner. The program works to reduce harmful behaviours and equip parents and caregivers with safe and effective responses.
- ➔ **Supporting Adolescent Boys Trial:** Individual therapeutic support for adolescent boys and young men (ages 12-18) recovering from family and domestic violence, with a focus on healing, wellbeing, and breaking cycles of violence.
- ➔ **Merge:** Explores gender roles and stereotypes with pre-teen boys, supporting identity development and the building of safe, respectful relationships.
- ➔ **Flow:** A voluntary diversionary program for young people (ages 12-18) whose violent behaviour places them at risk of youth justice involvement or exclusion from education. Flow addresses underlying issues and supports re-engagement with learning, community and culture.



49% of victim-survivors' perpetrators were required to attend a behaviour change program, and 65% of these V-S noted that participation in the program **did not** improve the perpetrator's behaviour.

83% of stakeholders noted that behaviour change programs **do not improve perpetrators' behaviours or reduce family violence.**

100% of stakeholders noted that there is not enough behaviour change programs in Tasmania, and none that address the behaviours of people who do not identify as male.

When asked about the gaps and failures of these programs, victim-survivors stated:

For a short time, they acted calmer, but once they realised the PFVO only lasted 12 months, their abusive behaviour returned immediately (V-S19).

I think behaviour change programs do more harm than good and just allow for abuse to continue without proper punishment for their crimes... He just became more controlling about the people we could interact with and isolating us all from everyone (V-S21).

He used his 'graduation' and attendance [of the behaviour change program] as a weapon in family court and mediation processes as if it was proof he was good boy and certification that he wasn't an abuser (V-S7).

They don't work. If anything they often 'upskill' perpetrators in how to further manipulate and abuse victim survivors and the 'system' (V-S9).

It's rare to change the fundamental character of a perpetrator by attending a short course. Perpetrators can pretend through the program (V-s47).

Unfortunately the court imposed program was not followed up and the perpetrator did not complete the program (V-S18).

Five victim-survivors noted that despite attendance of a behaviour change program, their perpetrator escalated their violence and control by way of non-contact and digital harassment that left them feeling "...trapped and monitored" (V-S10).

When asked about what more can be done to enhance the impact of behaviour change programs, victim-survivors suggested a range of innovations in practice including:

Duration

Extend their length. Best practice suggests working with perpetrators for 2 years, with at least 50 weeks in behaviour change supplemented by counselling and oversight (V-S6).

The programs need to be longer. A few weeks isn't enough to change years of abusive behaviour. Make them at least 6 months long so perpetrators can unlearn bad habits (V-S4).



Scope

A program designed to require the perpetrator to consistently prove self awareness and accountability would achieve the desired outcome (V-S47).

Reduce the emphasis on 'education' until the end of the program. Initial work with perpetrators needs to be trauma based to work through why they are using violence and why this is not working to achieve the relationships they claim to want. Many do not see the relevance of a feminist viewpoint until much later in their behaviour change journey and foisting it upon them in a fast program only frustrates them further and leads to early exits (V-S6).

Thinking about male perpetrators, I think meaningful engagement around men's shame, anger and violence are critical. We need men who can act as leaders and role models in changing attitudes and help understand the drivers of men's choice to use violence. This needs to be considered alongside genuine accountability for perpetrators (V-S27).

Access

Program scheduling also does not work for many who are employed or have difficulty with transport or cognitive functioning. There need to be more options including for people to exit and then re-enter. I have seen men have an epiphany and need space to process it but program scheduling means they lose their place in the group. This is a lost opportunity to work with those who are getting the message (V-S6).

Mandatory

Ensure that when perpetrators are mandated to undertake the program that this is followed through to ensure they actually do (V-S18).

Not many people know of these programs and they should be mandatory after the second arrest, as it is now a continuous pattern of abuse being formed (V-S13).

Perpetrators being required to participate for a start. Linking Centrelink payments, social housing, bail, parole etc. to perpetrator participation in such programs (V-S2).

They should be mandatory for every perpetrator who gets charges with a FV offense (V-S1).

Outcome

Only that they should be viewed as no more than what they are. If someone's behaviour changes, that's fab but I think the assumption should be that completion only means they attended and nothing more (V-S7).

Several victim-survivors noted that group programs are not appropriate for many medium-high risk perpetrators, and one-on-one counselling is required:

Yes -Assess the risk level of the perpetrator - higher the risk, more intensive interventions. -Include personalised targeted therapies for underlying issues such as substance abuse, traumas or mental health problems. -Programs should



challenge denial and minimisation of abusive behaviour. -Help perpetrators understand the real-life consequences of their actions. -Include strategies for impulse control and health relationship behaviours. -Addressing intergenerational cycles of violence. -Incorporate behaviour skills and emotional regulation. - programs should be regularly evaluated for effectiveness (V-S3).

yes, it must include individual counselling in person. regular follow up check helps perpetrator do behave in positive way (V-S31).

They have proven to not work. We need to provide one-on-one interventions to perps so efforts are targeted and discreet (V-S37).

V-S36 scopes the full context of these programs, and what needs to be considered in redeveloping strategies for accountability and behaviour change in Tasmania:

We need to have some. At the moment what we have is so far below adequate as to be essentially non-existent. Most community programs are limited to low-risk offenders which means first offence or very low risk offending which is a fraction of what we see. FVOIP is only available to people serving a sentence for family violence of sufficient length to complete the program and at the moment due to staffing shortages they are not running. Many of our offenders don't get to prison for sufficient time once their time on remand is accounted for. The very few other community programs available that I have come across are inadequate - from what we know group programs need to be 20 session + but I'm seeing 6-8 session programs which are barely scraping the surface. Private counsellors are hit and miss with how skilled they are in this area, and we STILL have a PFVO/FVO exception to allow contact for relationship counselling which is contraindicated for family violence until and unless the person using violence has completed a program addressing their behaviour and has taken steps to acknowledge and change their behaviour. And we only have one program statewide targeting teen family violence and it doesn't reach the North West. The majority of family violence funding is focussed on supporting victim/survivors which is absolutely necessary but does not go any way to addressing the source of the problem.

Similarly, stakeholders noted that the gaps and suggested innovations in these programs include:

Completion of the program does not ensure that the perpetrator has learned how and why they need to change, let alone implement them and not revert to the same violent behaviours... Court ordered or CSS mandated unlikely to engaged with at the level where the perpetrator understands their behaviour as FV and works toward change. It's a tick box outcome that is used in FLC and CSS to "prove" that the perpetrator has "changed". Completion of short group programs, in structured environments where the participant is acutely aware that their behaviour is monitored. Access barriers - waitlists, lack of ongoing support post program (SH3).

Evidence base, and transparency into what the program looks like for specialist FV services to know and consider if referring... and run by specialist FV providers not general services (SH7).

It would be fantastic for Tasmania to follow national trends and explore the higher benefit and higher levels of success in one on one therapeutic interventions for



perpetrators to encourage behaviour change... Having only one provider, and lack of competition, means current services are lacklustre and ineffective (SH1).

Needing confirmation of tailored and high-quality behaviour change programs for gay/bi/queer men in same-sex relationships, lesbian/bi/queer women in same-sex relationships, and programs for other LGBTIQ+ populations as well. We receive comments that their training is inclusive for these populations, but no confirmation they are tailored and evidence based for the targeted cohort (SH11).

There is virtually nothing for adolescent to parent violence (SH2).

There needs to be more of the programs available. Perpetrators need to be willing to engage and be held accountable to their participation in the group, not just attend to tick a box (SH12).

SH2 clearly documents what needs to be done to make these programs more effective.

Importantly, this response dovetails with the points raised above by victim-survivors:

Tasmania has almost no programs for men's behaviour change, and what programs there are often have long waiting lists, extremely narrow selection criteria, and infrequent intake. Treatment is rarely co-ordinated with other intersecting issues such as drug and alcohol, intergenerational trauma, and mental health. parenting programs with a DFV focus are virtually non-existent and there are few if any private counsellors who are able to provide focused DFV assistance. Programs which exist are of insufficient length and rarely articulate into any kind of follow-up. At the moment, I believe the best DFV work in the state is done with sentenced prisoners at Risdon Prison, but it should not be necessary to be sentenced to a lengthy prison sentence to receive adequate assistance. The existing programs, taken together, and even if wholly successful, would assist a fraction of the men in Tasmania who commit IPA (SH2).

- Suggested Action 66: That the Tasmanian Government reinvests in the development of robust and evidence-based early intervention behaviour change programs**
- Suggested Action 67: That the Tasmanian Government work with the FSV sector to develop a new behaviour change program for high-risk and/or persistent family violence offenders**
- Suggested Action 68: That existing behaviour change programs are audited, and revised to account for: accessibility; efficacy of duration; scope of work undertaken in completing the program; relevance for perpetrators who do not identify as male; relevance of conceptual framework used with LGBTIQ+, disabled, and Aboriginal perpetrators**
- Suggested Action 69: That all offenders charged with a second or subsequent family violence offence are mandated to complete a behaviour change program**



- Suggested Action 70:** That behaviour change program participation is monitored as part of risk assessment frameworks
- Suggested Action 71:** That the Tasmanian Government provide additional resources to enable the appointment of more specialist counsellors and psychologists for one-on-one behaviour change
- Suggested Action 72:** That the Tasmanian Government allocates additional resources to reduce program waitlists



CORRECTLY IDENTIFYING VICTIM-SURVIVORS

Correctly identifying the victim-survivor has emerged as one of the most critical issues with the current approach to family violence. Both “person most in need of protection” and the “misidentification of predominant aggressor” are significant contributors to cumulative harms experienced by victim-survivors, especially when a PFVO is issued and cannot be changed. As noted by ANROWS (2020), misidentification of the primary aggressor and person most in need of protection:

... contributed to a profound sense of injustice and distrust of the police and legal system, meaning victims/survivors came to view the legal system as an extension of violence rather than a protective resource. For many women this trauma manifested in a range of poor mental health outcomes and substance use issues ... At a personal level, this also translated to deeply felt impacts of misidentification on their self-worth, with many women expressing shame, humiliation and social isolation.

Identifying the person most in need of protection and the predominant aggressor is important for victim-survivors navigating recovery; however, it is also critical for ensuring violence does not escalate to lethal violence. According to the Federal Department of Social Services (DSS; 2026) in their draft *National Family and Domestic Violence Risk Assessment Framework* report, “...predicting which FDV cases will result in homicide remains statistically challenging”. Trood et al. (2024) found that the most common risk factors for intimate partner homicide occur too frequently in non-lethal cases to assist in accurately predicting fatal outcomes. However, other researchers (Graham et al., 2025; Fitz-Gibbon et al., 2024; Cirone et al., 2021; Cullen et al., 2019) have found that time sensitive risk factors, with sudden contextual changes for the person using violence and the victim-survivor, are linked to lethality. While the number of risk factors, and the duration and prevalence of these, are good indicators of lethality, intimate partner homicide can be triggered by seemingly minor risk factors (DSS 2026).

According to the Office of Family Violence Reform Implementation Monitor (FVRIM; 2021), misidentification of the person most in need of protection and predominant aggressor can occur due to three factors:



- ➔ Perpetrator manipulation of the system (systems abuse)
- ➔ Misinterpretation of victim-survivor's presentation and characteristics (ideal victim)
- ➔ Victim survivor's use of self-defence or violent resistance (defensive violence)

The FVRIM (2020) also notes that misidentification rectification processes are insufficient in reversing the damage done to victim-survivors and restoring their status as victim-survivors deserving of support from specialist services and the criminal justice system.

The FVRIM (2020) found in their analysis of data held by Victoria Police and specialist services that there had been a 27% increase in women and girls being identified as the defendant in family violence matters, and a 44% increase of Aboriginal women and girls being identified as such. Of these female defendants, 58.7% had previously been identified as a victim-survivor, and 79.4% in the cases of violence experienced by Aboriginal women and girls. The FVRIM (2020) found that approximately 12% of women and girls named as the defendant were found to be misidentified. From 2019-20 data, the FVRIM found that 29.4% of finalised family violence orders made against women were either struck out or withdrawn at court, compared with 13.3% of male respondents.

The two issues of incorrect identification of victim-survivors are also strongly linked to systems abuse. As such, operationalising these two mechanisms well in the *FVA 2004* is essential. As noted below, other jurisdictions have innovated in this area well beyond the capacity of the current *FVA 2004* can achieve. In particular, Victoria has an extensive policy response that ensures that there are multiple levels of oversight and review, and an ease of ability to modify any order incorrectly issued against the victim-survivor.

In Victoria, the Multi-Agency Risk Assessment and Management (MARAM) provides high level oversight and practice innovation to assist organisations to identify, assess, and manage the risks of family violence. The use of this framework across by specialist services, allied stakeholders, and the criminal justice system ensures that all parties have the same criteria to respond to family violence. In Tasmania, the conflict between the Tasmanian and Rural Risk Assessment (TARRA) and the Tasmania Police's Risk



Assessment Screening Tool (RAST) means that specialist services and the police are working from very different assessment frameworks, and anecdotal evidence from members indicates that courts privilege the RAST over the TARRA, which too often leads to misidentification of the predominant aggressor.

While there has been some progress in socialising and training services in the use of TARRA, the transfer and integration of this tool in Tasmania Police has not progressed. This delay may be as a consequence of the ongoing development of a national, better practice risk assessment framework, and the need to ensure that TARRA and/or RAST meet those benchmarks. However, it must be noted that lack of resourcing in Tasmania for this work, and for the upskilling of all practitioners, means that the capacity to correctly identify the victim-survivor is significantly abridged. Whatever legislative and/or policy reforms that occur in response to this consultation must be matched with resourcing the sector, including police and courts, to ensure that complementary approaches are operationalised at all stages of justice seeking and recovery from harm.

The draft national framework for risk assessment (DSS 2026) identifies the following *offending* factors in assessing the person most need of protection and the predominant aggressor:

- ➔ History of family and domestic violence
- ➔ Intimate partner sexual violence
- ➔ Non-fatal strangulation
- ➔ Coercive control
- ➔ Stalking the victim-survivor
- ➔ Technology-facilitated abuse
- ➔ Threats to kill
- ➔ Access to, threats to use or use of weapons
- ➔ Escalation (frequency and/ or severity)
- ➔ The intersection of FDV with mental health issues
- ➔ Jealousy
- ➔ Stress



- ➔ Childhood experience of family and domestic violence and childhood maltreatment
- ➔ Belief in outdated gender norms
- ➔ Age
- ➔ Alcohol and other drug use/misuse
- ➔ Combat exposure
- ➔ Education (Lower attainment)
- ➔ Gambling
- ➔ Abuse and cruelty towards animals
- ➔ Suicide threats and attempts
- ➔ Recent release from Incarceration and other prior offending
- ➔ Fire and arson
- ➔ Court orders and parenting proceedings

The draft national framework for risk assessment identifies the following *victim-survivor* factors in assessing the person most need of protection and the predominant aggressor:

- ➔ Pregnancy and new birth
- ➔ Actual or pending separation
- ➔ Children from a previous relationship
- ➔ Self-perception of risk
- ➔ Isolation

And systems risk factors include:

- ➔ A system that causes secondary victimisation
- ➔ A siloed and fragmented service system
- ➔ Family court proceedings being weaponised
- ➔ Weak accountability and poor perpetrator management
- ➔ Systemic racism
- ➔ Equity gaps in system responses
- ➔ Blind spots in adolescent FDV and diverse relationships

While it is not practical for frontline police to assess across all these factors as first responders, it is critical that before a PFVO is issued that police conduct a more



comprehensive assessment of these factors. Further, once a family violence matter is waitlisted by courts, a robust risk assessment should be conducted to ensure that any misidentification of the person most in need of protection and/or predominant aggressor is addressed at the earliest stage possible. A whole-of-practice case management system would assist in ensuring that these matters have comprehensive oversight and response.

As reported by the ABC recently, “Tasmania Police's power to issue final family violence orders is exacerbating the problem of victim misidentification... making it difficult to correct cases where officers have made the wrong call and upending the lives of potentially hundreds of women every year” (Wallen 2026).

PERSON MOST IN NEED OF PROTECTION

Cross-applications for family violence orders are increasingly a problem that has significant consequences for victim-survivors, and puts at risk the precarious trust that victim-survivors have in the criminal justice system and its capacity to respond to family violence. Anecdotal evidence provided to the TFSVA indicates that when faced with a complex family violence call out, some police avoid the necessary risk assessment process in favour of cross applications against both parties. While this may alleviate some of the time pressure on first responders, it appears that responding officers may be either incapable or unwilling to understand the serious consequences of misidentification of the person most in need of protection.

In the absence of a legislative framework for assessing person most in need of protection in the existing *FVA 2004*, practitioners are not guided through the essential processes necessary for the correct identification. In the Queensland *Domestic and Family Violence Protection Act 2012* cross-applications are explicitly addressed in s22A of Division 1A:



Domestic and Family Violence Protection Act 2012 (Qld)

In deciding which person in a relevant relationship is the person most in need of protection, the following matters must be considered—

- (a) the history of the relevant relationship, and of domestic violence, between the persons;
- (b) the nature and severity of the harm caused to each person by the behaviour of the other person;
- (c) the level of fear experienced by each person because of the behaviour of the other person;
- (d) which person has the capacity—
 - (i) to seriously harm the other person; or
 - (ii) to control or dominate the other person and cause the other person to fear for the safety or wellbeing of the first person, a child of the first person, another person or an animal (including a pet);
- (e) whether the persons have characteristics that may make them particularly vulnerable to domestic violence.

Examples of people who may be particularly vulnerable to domestic violence—

- women
- children
- Aboriginal peoples and Torres Strait Islander peoples
- people from a culturally or linguistically diverse background
- people with disability
- people who are lesbian, gay, bisexual, transgender or intersex
- elderly people

Further, identified better practice with cross-applications is to only impose orders on both parties as a last resort when it is clear that both parties have engaged in family violence, and only after an assessment is undertaken such as that noted in the Queensland Act above. However, this is a complex assessment to undertake and not ideally suited to the crisis encounter with first responder police. Avoiding assessments of the wider contexts of the presenting violence is dangerous when cross-applications are being considered by police, and can deepen the harms caused by the predominant aggressor, who may present to police as the rational, calm party.

Developing a co-responder model with social services and family violence practitioners may enable a more robust assessment of the person most in need of protection and avoid the significant consequences for the misapplication of family violence orders. As noted by V-S9:

Police should not be making these calls as they so often get it wrong, particularly in Tasmania. It should involve psychologists and FV workers as well as GPs to look at medical records and for conclusive proof as to whom has been impacted mentally, emotionally and physically. Too often the Tasmanian Police officers side with the male abusers because they are charming and easily manipulated.



26% of victim-survivors noted that they had not been correctly identified as the person most need of protection, and 12% of victim-survivors has been misidentified by police and 4% by courts.

86% of stakeholders indicated that the person most in need of protection was not identified by the police and courts consistently.

As identified by victim-survivors, misidentification of the person most need of protection can occur for multiple reasons, and by multiple criminal justice practitioners:

They fail to see patterns of control, focusing only on single incidents (V-S24).

Courts often mislabel victims as aggressors in complex cases (V-S10).

Courts often prioritize the accused's credibility over the victim's (V-S42).

The court released too much personal information that puts us in danger (V-S17).

They rely too much on visible injuries, missing emotional harm (V-S22).

The impact of not being correctly identified as the person most in need of protection includes:

Horrifying. Some victim blamed me, told me I shouldn't have stayed for as long as i did. Some tried to flip it, ask how I abused her when I had hard evidence to suggest otherwise. I affected my mental health so negatively. I began to think of myself so poorly (V-S50).

I did not experiences any immediate, visible life changes by being labelled this way, losing my job, my scholarship for my studies, my family's support, etc. however the impact on my mental health was immense. over time, the stress and emotional strain intensified, and I was eventually hospitalised (V-S5).

It made me feel guilty, like it was my fault no one believed me. I started questioning if I was overreacting (V-S11).

It made me relive the abuse over and over. Every time I tried to get help, I had to explain what happened, and no one believed me (V-S12).

Shame, guilt, fear (V-S38).

The steps that could have been placed before I experienced homelessness could have been notified early and something could have been done (V-S35).

Trauma and distrust of police (V-S33).

... this as a very powerful weapon for perpetrators to wield during criminal or family court proceedings (V-S7).

I have a close friend who recently experienced the situation you outlined and is now facing criminal charges and is under an FVO despite being a victim-survivor, so I've



witnessed the heavy emotional toll this takes. I think it is critical issue to address in order to acknowledge the truth (V-S27).

Having a child take an FVO out against a parent is too hard on the child; it should be placed by the police. My child was told that he needed to take it out, and he couldn't do that; it was too much to ask, he was told he would have to go to court against his father... Very scary for myself and my child, with a long-lasting impact on my child (V-S15).

In addition to consistent suggestions across victim-survivors' responses that police need additional training, victim-survivors suggested the following strategies for ensuring the person most in need of protection is correctly identified:

At present there is no formal assessment of who is in need of protection, it's purely based on what attending police at the time think based on their own varying levels of training and what they see in the midst of the call (which may be chaotic and time pressured). Safe at home meetings such as ICC may be better placed to establish patterns and gather information from various agencies however there is no way for this to be provided and accepted by other agencies (V-S36).

Better educated police on family violence. Family violence call outs are often the reverse. The perpetrator is calm and collected (seemingly befriending police) and the victim is escalated (crazy)(V-S2).

Police tend to take a narrow view of use of violence and see defensive actions as reciprocal violence. Tasmania has the highest rate of dual arrest in the country, why has someone never asked why? Most of the times the victim is released without charge. A more nuanced approach to the initial investigation would minimise clogging of the system (V-S6).

Police and court ...must have given proper training about diverse culture and beliefs (V-S31).

Should be taught about during school/in the workplace (V-S50).

Silence or compliance must not be taken as evidence of the real victim's role in the conflict. Similarly, "hysteria" must not be taken as evidence of non-co-operation, rather, a sign of response to desperation (V-S33).

The identification process needs to take account of information beyond the specific crime reported. It is perfectly possible that the VS, subjected to significant and ongoing emotional abuse, lashes out and is judged as being the perpetrator. This often happens because wider context of other behaviours is not taken into account (V-S26).

They need thorough, comprehensive training. Judges often don't understand the basic concepts of FV. Misidentification is dangerous and courts and police should be held accountable for misidentification (V-S1).

Too much of this happening due to Police laziness! The idea that Police cannot end their shift without completing FV paperwork is crazy - If you go in and report at the end of an officers shift, You get a very different response to someone at the start of the shift as they have already worked all day and want to go home! (V-S32).

Women are increasingly being recognised as victims of family violence, which is an important and positive step. However, there are also cases where men may be



victims but are assumed to be the perpetrators. This highlights the importance of carefully investigating each situation, looking at patterns of behaviour, and following evidence rather than assumptions. Taking a thorough and unbiased approach helps ensure the true victim is identified and supported appropriately (V-S13).

From the perspective of stakeholders, cross applications should be better managed by way of co-response and/or integrating specialist services into these decisions by way of a more robust RAMF process:

Cross orders should be reviewed by an independent body, preferably a specialist family violence organisation, to determine who is most in need of protection, and that persons order be overturned (SH1).

Each should be independently reviewed by DFV experts who have access to the complete history of the family as it is known and are aware of resistive violence (SH2).

By criminal justice personnel with specialised FV training or at the very least in conjunction with specialised FV services (SH3).

Short term, automatic review, listening to specialist FV services in review as the priority (SH7).

Put a short term (less than a month) order on both parties while perpetrator mapping can be done (SH12).

When asked what more can be done, stakeholders stated that:

This is a crucial issue which MUST be addressed by legislation and all of our FDV frameworks in Tasmania (SH1).

It is really hard to ask a police officer, even with good training, to make a correct decision each time in the middle of a crisis call. Independent and more careful review would allow for the correction of mistakes and lessen the risk for victims/survivors who are discouraged (SH2).

Remove incident-focused policing of FV from those who have the power to enforce misidentification and yet hold limited training of how perpetrators use behaviours and systems to posit themselves as the "real" victim (SH3).

Social Workers with FV specialty attending police call outs. And being consults within the court process (SH7).

Proper training to recognise victim-survivors that might be misidentified by poor LGBTIQ+ cultural competency ...Proper training to better recognise and support LGBTIQ+ people who have experienced family violence. Particularly experiences unique to LGBTIQ+ populations (SH11).

Perpetrator mapping (SH12).

The consistent message across both stakeholders and victim-survivors is that police are inadequately trained to identify person most in need of protection, and that a co-



response to family violence call outs may provide the knowledge and skills of systems abuse and coercive control that can avert misidentification of the person most in need of protection.

MISIDENTIFICATION OF PREDOMINANT AGGRESSOR

As reported by the ABC on 21 March (Wallen 2026), over a quarter of PFVOs were issued against women in Tasmania in the last year. This figure does not match the research evidence on who is in most need of protection, or the rates of women's use of violence in the family. These rates may also point to the increased capacity and willingness of men to use the systems to report family violence, and women's reticence and fear of doing the same. The over-representation of men protected by PFVOs also does not reflect the rates of Family Violence Orders issued to men (11%) by the Magistrate Court, which is much closer to the research evidence. According to reported data on family violence, only 12% of men experience family violence; though we recognise that male victim-survivors still face enormous barriers to reporting.

Family Safety Victoria (2021) notes that at a minimum, the following criteria need to be included in assessing the primary victim-survivor and predominant aggressor:

- ➔ The respective injuries of the parties
- ➔ Whether either party has defensive injuries
- ➔ Whether it is likely one party has acted in self-defence
- ➔ In predicting or anticipating violence, whether it is likely one party acted with violent resistance
- ➔ The likelihood or capacity of each party to inflict further injury
- ➔ Self-assessment of fear and safety of each party, or if not able to be ascertained, which party appears more fearful
- ➔ Patterns of coercion, intimidation and/or violence by either party
- ➔ Prior perpetration/histories of violence (from a range of services, including specialist family violence services, health services etc)
- ➔ Accounts from other household members or witnesses, if available
- ➔ The size, weight and strength of the parties.



However, a more comprehensive assessment may be required using the national benchmarks once the immediate danger to the victim-survivor is addressed.

15% of victim-survivors stated that they had been misidentified as the predominant aggressor, and 22% of these victim-survivors were subject to a PFVO.

83% of stakeholders indicated that victim-survivors are *sometimes* misidentified as the predominant aggressor, and 17% stated that this occurs *usually*.

Over half of stakeholders assessed that the primary reason for misidentification was incident-based policing (as opposed to courses of conduct or patterns of violence), followed by systems abuse and “ideal victim” misconceptions.

80% of stakeholders indicated that recent amendments to the *FVA 2004* to enable the easier retraction of a PFVO in cases of misidentification have **not** had the intended effect.

The circumstances of misidentification as the predominant aggressor include:

I was misidentified during a heated argument where both of us were yelling. The officers arrived and only saw my anger without context (V-S8).

I was misidentified during a heated argument with my partner, where emotions ran high, and misunderstandings escalated. The police arrived and, seeing my partner's emotional state, assumed I was the aggressor (V-S30).

I was woken up at 5am by police officers at my front door. they served me with an FVO containing alleged claims that i was abusive toward my ex partner. the material attached as 'evidence' was an abundance of text messages either taken out of context with parts blurred, or completed fabricated. they were presented as if they were legitimate conversations, however, i was able to prove this was not the case (V-S5).

In narcissistic relationships, the aggressor will turn the situation to gaslight the victim to make it seem like the victim is the aggressor (V-S15).

Again, the police tendency to view the partner taking defensive action, sometimes violently depending on how scared they are, as the primary aggressor. For example, you may take the opportunity to hit your partner with a chair after they have been holding you at knifepoint all day. You are doing this to escape (V-S6).

When I was defending myself against an attacker (V-S13).

When asked about the impact of misidentification, victim-survivors and stakeholders noted that:

Growing up while experiencing family violence I had to watch my mother get held in custody for over 24 hours due to her response to getting abused (V-S21).

Being labelled as the predominant aggressor led to isolation from my friends and family, as they believed the narrative presented to them. It caused significant emotional distress and affected my mental health severely... It's crucial to



understand that misidentification can perpetuate a cycle of violence. The stigma attached to being labelled as the aggressor can further victimize individuals who are actually trying to seek help (V-S30).

The impact was severe; my reputation was damaged, and I felt helpless. I lost access to my children temporarily, which was heart-wrenching (V-S8).

Complete loss of faith in safety (SH12).

Broad, far-reaching and can last for several years. Examples of impacts but not limited to: CSS orders and child removal, current employment and professional opportunities, economic disadvantage, incarcerations, increased risk of AOD misuse, suicidality, removal of access to supports, ruptures to relationships with friends and family, impact on self-worth and ongoing impacts of trauma, systems abuse - lack of trust in the ability to access justice and protection. Fear and apprehension to seek help from police. Re-traumatisation of FV experiences and being subjected to a narrative of "aggressor" and "perpetrator" (SH2).

The victim-survivor may be incorrectly identified, investigated, or prosecuted as the person using violence rather than recognised as the person experiencing harm. Legal responses, including protection orders or criminal charges, may be directed toward the victim-survivor instead of the perpetrator. The perpetrator may avoid accountability, allowing the violence and coercive control to continue or escalate. The victim-survivor and their children may face increased risk of ongoing harm due to the system failing to correctly identify the source of violence. Misidentification can create barriers to accessing specialist family violence services, as some services may restrict access for individuals recorded as using violence. The victim-survivor may feel unable or unwilling to seek support due to the shame and stigma associated with being labelled a perpetrator. The perpetrator may weaponise the misidentification to reinforce systems abuse, including using police reports, protection orders, or records to discredit the victim-survivor. The victim-survivor's credibility may be undermined in interactions with police, courts, child protection, and support services. Child protection responses may become focused on the victim-survivor's perceived behaviour rather than the perpetrator's violence, increasing pressure on the victim-survivor. The victim-survivor may experience increased psychological distress, including feelings of injustice, fear, shame, and loss of trust in systems intended to provide protection. Misidentification can lead to social and practical consequences such as loss of housing, employment impacts, or restrictions on parenting arrangements. The experience can discourage future help-seeking and reduce the likelihood that the victim-survivor will engage with police or services again (SH1).

Heteronormative framing excludes or minimises LGBTIQ+ experiences, fear of exclusion from mainstream services, distrust of police, with over half of Australian LGBTIQ+ survivors feeling unsupported by police (SH11).

Stakeholders and victim-survivors noted that PFVOs applied to them incorrectly by police were difficult to have retracted:

I tried to contest the protective order through legal channels, but it was a complex process. The emotional toll made it hard to focus, and I struggled to gather the necessary evidence (V-S30).



I attempted to have the protective order revoked, but the process was complicated, and I was given limited opportunities to present my case (V-S8).

I did not bother. I had hoped this would be enough for my perpetrator to stop contacting me also (V-S5).

It is almost impossible to have a PFVO altered. Sadly, the police do not often like to admit they have made a mistake. What we also see is the senior police able to alter or overturn an order under new legislation, are often the same officers who hold outdated views of family violence, and are also less likely to admit fault (SH1).

Based on the experiences of clients, applications to the court to have a PFVO altered are rarely granted in favour of the VS who has been misidentified (SH3).

Police [are] not being willing to consider the mistake and revoke, being required to go to court. Stress of doing this and requiring appropriate legal representation [are barriers to amending a PFVO] (SH7).

From my experience, the victim-survivors have just been told 'no' to getting it altered, and nothing more can be done to change it (SH12).

When asked about strategies to reduce the possibility of misidentification of predominant aggressor, victim-survivors suggested that:

Again, it's a Police mistake that happens all too frequently. Police should be required by law to attend DV call outs with FV social workers and experts (V-S9).

Look for patterns (V-S13).

Sometimes [the] victim got accused of wrongdoing if they use self-defence pattern to protect themselves... [have] police carefully assess the history of situation (V-S31).

In stakeholder responses to misidentification of predominant aggressor the focus is on systems accountability:

Greater accountability is needed when police responses result in the misidentification of a victim-survivor. Misidentification is not a minor procedural error; it can have profound and lasting consequences for the person experiencing violence... Despite the severity of these impacts, there are currently limited mechanisms through which police are held accountable when misidentification occurs. Strengthening accountability processes could encourage more careful assessment of the dynamics of family violence and greater attention to the indicators used to identify the person most in need of protection. In most professions, an error that causes harm of this magnitude would prompt formal review and professional scrutiny. It is reasonable to expect the same standard in policing responses to family violence. Without meaningful accountability, there is little systemic incentive to examine why misidentification occurs or to improve practice in ways that ensure victim-survivors are accurately recognised and protected (SH1).

If the system responsible for the misidentification of the predominant aggressor was held accountable and required to compensate the VS, perhaps there would be a focus on reforming the current processes to reduce the prevalence. Misidentification



has the potential to completely destroy a person's life and there is a serious lacking accountability by the systems meant to protect (SH3).

As with the misidentification of the person most in need of protection in cases of cross applications for protection orders, the consistent message from stakeholders and victim-survivors is that police are inadequately trained to undertake the complex assessment required to make the right decision on person most in need of protection and/or predominant aggressor. Further, there is a belief that until Tasmanian Police is made more accountable for the actions of their officers, and victim-survivors are compensated for the systems harms created by misidentification, there will be little change to the approximately 10-15% of victim-survivors who are incorrectly judged by police as the person perceived as having used violence.

Suggested Action 73: That Tasmania Police and DPFEM increase the cultural capability and practice effectiveness of frontline criminal justice and emergency response practitioners to identify the person most in need of protection accurately and consistently, avoid misidentification of predominant aggressor, and to act judicially in issuing PFVOs when needed

Suggested Action 74: That additional resources are provided to courts to upskill all practitioners—especially police prosecutors, magistrates, and judges—on identifying the person most in need of protection and the predominant aggressor

Suggested Action 75: That the Legal Aid is automatically provided to victim-survivors who have been incorrectly identified by police as not the person most in need of protection and/or misidentified as the predominant aggressor

Suggested Action 76: That the Tasmanian Government undertakes an audit on cross applications to explore the nature of these incidents, and the prevalence and contexts of incorrect identification of the person most in need of protection, and/or misidentification as predominant aggressor

Suggested Action 77: That Tasmania Police explore the strategy of co-response to family violence matters, and work closely with specialist services to identify how such an approach may reduce misidentification and increase a trauma-informed response to family violence



Suggested Action 78: That additional resourcing is provided to victim-survivors who have been found to be misidentified as person least in need of protection and/or the predominant aggressor to assist them in:

- **Removing all system references to their misidentification**
- **Seeking additional psychological support to address the shame and guilt that comes with misidentification**
- **Securing employment if misidentification has led to loss of job**
- **Securing housing if misidentification has led to loss of secure and safe housing**
- **Seeking to amend erroneous Family Court Orders based on their misidentification**



COURTS AND SENTENCING

As noted in our Executive Summary, and throughout our submission, victim-survivors and specialist services have raised serious concerns about the ways in which harms are exacerbated when matters are mediated through a judicial system. In addition to the harms of systems abuse that can arise with court processes, many victim-survivors avoid reporting family violence in the first place because they do not want the person who uses violence against them to be criminalised. There are also concerns about whether criminalising family violence achieves any goals in *preventing* family violence and simply offers respite if the perpetrator is imprisoned. Even then, as noted by some victim-survivors, the family violence, harassment, and coercive control can still be perpetrated by third parties and via alternative means such as anonymised written communication from the person detained.

Given these contexts to responding to family violence through the courts, it is critical in the redevelopment of the FVA that alternative justice mechanisms are enabled to provide not only respite from the violence, but wraparound support for victim-survivors and their children (including health, housing, income), accountability for violence and its harms, and ultimately, behaviour change. This kind of early intervention approach will not only capture the family violence experiences not reported to police, but will also offer, in the long-term, a significant cost-saving by way of diversion from costly court processes, and early intervention to address trauma and harms.

At the very minimum, however, we believe that the current process requires specialist legal practitioners—police prosecutors, magistrates, and judges—supported by allied health and support services. As noted by V-S9:

Judicial staff and court staff all need to be professionally trained about DFSV and so they are more empathetic to victim-survivors and their families when they present in court (V-S9).

V-S33 also noted that in their university studies they had just reviewed the evidence of the different “outcomes between male and female magistrates” on family violence



matters. Specialist courts or specialist court lists, in conjunction with increased training of judicial staff, including magistrates and judges, may address some of these concerns about the perceived partisan nature of court processes.

SPECIALIST FV COURTS AND/OR COURT LIST

Some jurisdictions have established specialist family violence or domestic abuse courts, or specialist lists within existing courts. These models are designed to improve victim safety, enhance judicial consistency, strengthen coordination between civil and criminal matters, and integrate support services within the court environment. Tasmania does not currently operate a dedicated specialist family violence court. However, Queensland, Victoria, Western Australia, England and Wales, and Scotland do have this type of arrangement.

Queensland

Queensland operates Specialist Domestic and Family Violence (DFV) Courts under the *Domestic and Family Violence Protection Act 2012* (Qld) framework. Specialist DFV courts currently operate in locations including Southport, Beenleigh, Mount Isa, Townsville (including Palm Island circuit), Brisbane, and Cairns. The specialist DFV court justice response works toward coordination of civil and criminal matters in each location. In coordinated locations, dedicated magistrates hear both civil protection order applications and related criminal matters within the same hearing. Key features of the Queensland specialist DFV court model include:

- ➔ Dedicated magistrates
- ➔ A Department of Justice and Attorney-General DFV court coordinator
- ➔ Specialist DFV registry staff trained to provide support and information
- ➔ Dedicated prosecutors
- ➔ Specialist DFV duty lawyers
- ➔ Specialist DFV court support services
- ➔ Dedicated Queensland Corrective Services officers (in coordinated sites)
- ➔ Cross-agency Operational Working Groups
- ➔ Enhanced infrastructure and security measures



- ➔ On-site triage and referral pathways

The model emphasises structured collaboration between:

- ➔ Queensland Police Service
- ➔ Legal Aid Queensland
- ➔ Queensland Corrective Services
- ➔ Specialist non-government support services

The Queensland approach integrates civil and criminal jurisdiction and embeds specialist expertise within the court environment.

Victoria

Victoria operates Specialist Family Violence Courts (SFVCs) within the Magistrates' Court under the *Family Violence Protection Act 2008* (Vic). As of early 2026, thirteen Victorian Magistrates' Courts operate as Specialist Family Violence Courts, including Melbourne, Ballarat, Bendigo, Geelong and metropolitan locations such as Sunshine, Ringwood, and Frankston. Key features include:

- ➔ Dedicated magistrates
- ➔ Specialist registrars
- ➔ Specialist family violence support workers
- ➔ Enhanced courtroom safety measures
- ➔ Dedicated waiting areas
- ➔ Integrated support services
- ➔ Strong alignment with the MARAM framework

Victoria's model reflects significant systemic reform following the Royal Commission into Family Violence. It embeds family violence expertise institutionally within the Magistrates' Court.

Western Australia

The Magistrates Court of Western Australia operates a Family Violence List within the framework of the *Restraining Orders Act 1997* (WA) and associated criminal



proceedings. The Family Violence List is available at Armadale, Fremantle, Joondalup, Midland, Perth, and Rockingham. The List:

- ➔ Focuses on criminal matters that are family violence related
- ➔ Aims to break the cycle of family violence
- ➔ Provides options for programs addressing violent behaviour
- ➔ Is supported by the Family Violence Service, which provides support and advice to victims.

England and Wales

England and Wales operate Specialist Domestic Abuse Courts (SDACs) within the magistrates' courts system in some locations. These operate alongside the *Domestic Abuse Act 2021* framework and criminal proceedings, including coercive control offences under s76 of the *Serious Crime Act 2015*. Key features include:

- ➔ Trained magistrates and prosecutors
- ➔ Specialised police domestic abuse units
- ➔ Independent Domestic Violence Advisors (IDVAs) present within court
- ➔ Multi-agency coordination
- ➔ Focus on improving prosecution rates and victim safety.

The model is integrated within mainstream magistrates' courts but incorporates specialist staffing and processes.

Scotland

Scotland has established specialist Domestic Abuse Courts dealing with summary-level offending, following a successful pilot in Glasgow in 2004. These operate alongside the criminal offence model under the *Domestic Abuse (Scotland) Act 2018* and protection measures under the *Domestic Abuse (Protection) (Scotland) Act 2021*.

The specialist court approach in Scotland:

- ➔ Focuses on summary domestic abuse offences
- ➔ Seeks to enhance judicial expertise
- ➔ Integrates specialist prosecution approaches



➔ Coordinates with victim advocacy services.

Suggested Action 79: That all criminal justice practitioners involved in responding to family violence are adequately trained and understand the practices and impacts of coercive control, power dynamics in family violence, and systems abuse

Suggested Action 80: That the Tasmanian Government establish a specialist court list for all family violence matters that is overseen by specialist magistrates and judges

Suggested Action 81: That resourcing is provided to integrate existing specialist and support services within court processes to provide additional support to victim-survivors during court matters, and to identify additional needs arising from court matters.

JUDICIAL DIRECTION FOR FAMILY VIOLENCE ORDERS

Judicial direction in family violence matters is essential. Given recent research around changing attitudes to violence against women by Gen Z boys and men, increasingly victim-survivors will be faced with juries that may have a skewed view of the contexts of family violence. As identified in research conducted by Meger and Reynolds (2026), 40% of boys aged 13-17 years believe that women lie about domestic violence. Additionally, research from an international study, found that 31% of Gen Z men believe that a woman should always obey her husband, and that "...33% believe that women should let their husbands have the final word on important decisions" (cited in *The Guardian* 2026). Given this generational attitudinal change, judicial direction should include not only the context for under-reporting and delayed reporting, but that violence in intimate and family relationships is not justifiable.

One-hundred per cent of our stakeholder respondents agreed that judicial directions should be legislated, with one respondent noting:

...a judge holds all the power to make a ruling that in the experiences of clients, does not reflect the severity of the FV they have endured. Anything that helps to provide VS with a greater chance for justice is worth considering when the current systems are evidentially causing more harm and retraumatising VS and their children (SH3).



We note, however, our concerns that this type of judicial discretion is enabled only after magistrates and judges are further upskilled in understanding the contexts of family violence.

Suggested Action 82: That magistrates and judges are empowered to provide juries with judicial direction on the broader contexts of family violence, including, but not limited to:

- **the reasons for under-reporting or delays in reporting**
- **why some victim-survivors may choose to give evidence separately from the other party**

ELECTRONIC MONITORING

Electronic monitoring of perpetrators (and victim-survivors) was one of the innovations in practice where Tasmania was world leading, and other jurisdictions have consistently contacted Tasmanian researchers and practitioners to explore how this approach has worked.

33% of victim-survivors reported that their perpetrator was electronically monitored, and 7 of the 8 victim-survivors that had this protection in place also chose to be electronically monitored.

60% of stakeholders reported that electronic monitoring of perpetrators is *rarely* mandated, with 40% noting this occur *sometimes*. Conversely, 60% of stakeholders reported that electronic monitoring of victim-survivors *sometimes*, and 40% *rarely*, occurs.

88% of these victim-survivors said that electronic monitoring had protected them from further violence, and 75% of stakeholders believe that electronic monitoring of *perpetrators* protects victim-survivors, and 80% believe that electronic monitoring of *victim-survivors* does so.

96% of victim-survivors and 80% of stakeholders noted that **all** victim-survivors should be offered the choice of electronic monitoring.

Despite the positive response to the effectiveness of electronic monitoring from both victim-survivors and stakeholders, in their comments on electronic monitoring, participants noted that this program needs reviewing for critical issues such as mobile coverage in rural areas, limited availability, perpetrators using victim-survivor electronic monitoring to track their movements, and supporting those mandated or



choose to adopt electronic monitoring. Importantly, as noted by SH2 from the anecdotal evidence, that in none of the cases they were managing a family violence case had the perpetrator who was electronically monitored “...violate their parole conditions”.

Victim-survivors and stakeholders noted in relation to electronic monitoring that:

I think it should be mandatory (V-S15).

If this has been around since 2017, then why is this law not being followed and perpetrators allowed freedom to abuse? (V-S13).

It's all well and good if it works and there's no 'black spots' of mobile coverage in the area where the victim survivor lives. I know that this has created issues in the past due to mobile coverage so something else may also [be] need[ed] to be instigated to work in tandem in the event that a black spot is encountered to protect victim survivors (V-S9).

Monitoring alone is not useful, both offenders and victim/survivors need a support system while the device is worn. A specific behaviour change program is needed for EM clients and victims need support and some education about how to navigate relationships (V-S6).

My issue is that the long-term benefits have not been fully assessed, and the monitoring only works for physical presence (V-S26).

Yes but work needs to be done on the process. Currently it is not trauma informed. People have trouble accessing this service even when it is offered to them, requiring them to call around different departments and repeat their story to gain access to the right people. There are faults with the program itself too (V-S2).

It would be great if there was an adequate supply. It is also important that the services ie police, DOJ who administer and track these are funded to continue to explore the ways these are tampered with, and create solutions (SH1).

I was involved with the 2019/2020 review of this and we found it worked better if coupled with men's behaviour change or other forms of counselling and that some perpetrators used the partner's ankle bracelet as a way of tracking the partner - however, most women told us they felt safer with that option (SH2).

I am not opposed to the use of electronic monitoring; however, the experiences of my clients indicate that the perpetrator will engage third parties to continue the use of FV, or they will "make the most of it" and use extreme and violent behaviours in the time they have before the police can respond (SH3).

I have rarely seen this, but where I have it does not seem to deter as the perpetrator isn't afraid of getting caught as they are aware the police are under-resourced to monitor (SH10).

Given victim-survivors' perception that electronic monitoring is effective in preventing additional family violence, further action is required to ensure that it meets the goals of doing so.



Suggested Action 83: That the Tasmanian Government provides resourcing for the purchase of additional electronic monitors

Suggested Action 84: That the Tasmanian Government provides additional resourcing to Tasmania Police to monitor and respond to breaches of monitoring conditions

Suggested Action 85: That the Tasmanian Government explores what other technologies may be more suitable for those victim-survivors and perpetrators that live in coverage black spots

Suggested Action 86: That the Tasmanian Government explore what additional security measures are required to ensure that electronic monitoring of perpetrators or victim-survivors does not inadvertently disclose the location of the victim-survivor

Suggested Action 87: That the Tasmanian Government consider mandatory participation in a behaviour change program when a perpetrator is electronically monitored

PAROLE FOR FAMILY VIOLENCE OFFENDERS

Parole is an important process and offers offenders the opportunity to live in community for the remainder of their sentence, whilst (ideally) being monitored to ensure that they do not engage in further family violence. However, victim-survivors and stakeholders are concerned about the lack of oversight and monitoring that too often occurs when family violence offenders are released on parole, and that too often serious recidivist, aggravated, and persistent offenders are granted parole without sufficient support to change behaviours and disengage from the use of violence.

88% of victim-survivors and 80% of stakeholders reported that they believe that new legislation is required to specifically address parole for family violence offending

60% of stakeholders and 88% of victim-survivors believe that limitations on parole should apply to all family violence perpetrators.

100% of stakeholders and victim-survivors, however, believe that perpetrators subject to a Serial Family Violence Perpetrator declaration should be limited in their ability to apply for, or be granted, parole.

75% of stakeholders believe that limits should be imposed on parole being granted for specific indictable family violence offences



In their responses to our survey, stakeholders and victim-survivors were largely in favour of stronger parole provisions in the FVA, but some were concerned with a blanket approach, as these matters are “...case dependent and hinges on assessing dynamic risk for victim-survivors” (V-S27). Other survey respondents noted:

The safety of the victim-survivor, and impact on their ability to live their life meaningfully and safely should be the paramount consideration when considering parole... It is horrifying that offenders with breaching offences in the 30s, 40s are not remanded, and allowed bail. Often this occurs also in light of additional family violence offences such as assault being enacted alongside the breach/s (SH1).

These people continue to always be a threat to victim-survivors and their families. You just have to look at the number of women and children killed by the DV abuser partner when a PFVO was in place and/or when they were released on bail. THESE PEOPLE WILL NOT STOP ABUSING and will end up killing their targets often times. They should not be granted parole (V-S9).

If the behaviour was serious enough for this system rife with minimisation to have sent someone to prison, the behaviour must be significant. I want to see them in prison for as long as possible... (V-S6).

Individuals applying for parole after repeat offences should be required to complete all mandated offender rehabilitation programs before being considered for parole (V-S13).

The cautionary principle must be applied because the mark of a just society lies in the way it treats its vulnerable/disadvantaged (V-S33).

My understanding is that perpetrators are not applying for parole in order to serve out their sentence and thus be released with no conditions. The issue is what happens AFTER the conditions by conviction/parole lapse (V-S26).

Yet, as SH2 identifies, sometimes parole is a preferred strategy as it has an:

...‘eyes on’ nature and requirement that offenders seek further assistance than simply releasing them into the community without assistance (SH2).

In line with many of our members’ views on the FVA *in toto*, any increase in the punishment of people who use violence in a family context, must only be considered once systems are in place to prevent the misidentification of the person most in need of protection and/or predominant aggressor. Otherwise, we may make the system “more difficult for VS who have been misidentified as the primary aggressor and incarcerated” (SH3).

Suggested Action 88: That the Tasmanian Government consider limiting parole for serial, aggravated, and persistent offenders



Suggested Action 89: That the Tasmanian Government integrate case management of family violence offenders on parole in the RAMF

Suggested Action 90: That additional resources are provided to Tasmania Police and Community Corrections to enable better oversight of family violence offenders on parole

Suggested Action 91: That parole conditions explicitly reiterate that any provisions aligned with (P)FVOs linked to this offending are in place and will be maintained for the duration of their parole period

APPLICATION PROCESSES AND FORMS

Access to justice is often predicated on understanding the forms and processes in place for victim-survivors (and their legal representatives) to submit applications to the courts. As noted from the outset in our early section on Process Concerns, too much of the family violence response systems are predicated on the capacity of Tasmanians to be functionally literate—let alone, legally literate. In a context of 52% of Tasmanians being functionally *illiterate*, this presents a major barrier to justice. As we suggest for this consultation on the FVA, we recommend that the courts resource the development of alternative communication techniques that enable those who are functionally illiterate to fully participate in legal processes, including, but not limited to:

- ➔ Easy read version of all documents and forms
- ➔ Information provided in braille and Auslan
- ➔ Captioned videos for information
- ➔ Forms that are enabled for screen readers
- ➔ Capacity to submit answers to questions via audio recording

In relation to what victim-survivors and stakeholders found most difficult in completing court forms, our participants noted two distinct challenges that are interrelated: the emotional toll of completing the forms, and the complexity of the language used in the forms, which was then a trigger for more anxiety about the implications of not getting it right:

As victims are usually overwhelmed...[they] should be supported as much as possible (V-S15).



Having to accurately recall and describe FV incidents (V-S14).

I found it most difficult to articulate my experiences clearly. The emotions were overwhelming, and I struggled to put my feelings into words (V-S8).

It was stressful to relive trauma while completing them (V-S22).

Need easy-English and advocate support (V-S33).

Some sections were unclear, I didn't know what to write (V-S42).

The forms need to be changed to ensure a victim/survivor can capture the complexities of their experience with family violence (V-S18).

Overwhelming, legal language (SH7).

The wording (V-S28).

Take literacy into account (V-S26).

Often low literacy (SH10).

They were too long and confusing to fill out alone (V-S25).

Trying to access clear factual information and understand complex forms when traumatised and exhausted. Not knowing how the process worked and feeling overwhelmed, fear of repercussions (V-S27).

Understanding the information required when I was going through a difficult time (V-S13).

Not being able to access a FV informed court support officer to help them through the process. Filling the forms can be a retraumatising process for the VS (SH3).

Understanding the legal jargon used in the family violence forms was particularly challenging. Many terms felt confusing and overwhelming, making it hard to comprehend my rights and obligations fully, which only added to my anxiety (V-S30).

Obtaining witnesses and/or documents typically requires additional steps through the court's subpoena process. So if a person is unfamiliar with these procedures it can be procedural and practical uphill work without legal assistance (V-S3).

[there] is a lack of communication for the after the summoning (V-S35).

82% of victim-survivors needed to assistance in completing forms.

75% of stakeholders and 75% of victim-survivors believe that current court forms are difficult to complete without the help of a lawyer.

83% of stakeholders suggested that an easy-read information sheet should be provided to victim-survivors to help guide them through the family violence application forms, and 83% believe that guidance on completing these forms should also be provided in video format.

60% of stakeholders and 40% of victim-survivors reported that the current forms are unable to capture the range of details and complexities of family violence.

60% of stakeholders agree that a specific form should be developed for Special Witness applications.

50% of stakeholders and 25% of victim-survivors noted that the current summons form does **not** enable witnesses and/or documents to be easily obtained.



Victim-survivors and stakeholders suggested that these concerns about the difficulties of engaging with court documents could be resolved by:

Have a DFSV LE [lived experience] group review all the Tasmanian Forms moving forward to make them more victim centric and easier to complete (V-S9).

Engage with FV specialist services to collaborate on the how the forms can accurately reflect the range of complexities (SH3).

I think with extreme trauma there should always be someone around to properly explain the legal system. Forms like those are not made to be understood by people who are freshly dealing with extreme trauma (V-S21).

Maybe using sub-categories which sign post various forms of FV (V-S14).

More tick boxes and a support person to guide them through (V-S15).

Note types of violence and impacts for direct fill in (SH7).

Streamline information where possible, keep language as simple as possible, allow support from others where possible (V-S27).

The process should be explained better when applying so that you are aware of what it going to happen (V-S16).

They should be able to use verbal and/or video recordings (strictly confidential) to assist providing information (V-S26).

Suggested Action 92: That the Tasmanian Court system resource the translation of all forms and information on court processes and practices into alternative communication formats

Suggested Action 93: That the Tasmanian Court system work directly with victim-survivors and their advocates to identify gaps and difficulties in completing the forms

Suggested Action 94: That the Tasmanian Court system resource a family violence information officer to assist victim-survivors completing forms

Suggested Action 95: That all information about court process and the forms used in family violence matters detail the implications of responding to specific questions

GIVING EVIDENCE SEPARATELY TO THE OTHER PARTY

Court processes are distressing for a range of reasons, not least of which, is that for most victim-survivors this is their first encounter with court systems. When the trauma and distress of engaging in a process that judges whether their experiences are valid are layered on top of this lack of experience with court processes, victim-survivors



often feel that the system is not designed for them. Giving evidence separately, and having a specifically designed safe room from which victim-survivors can give evidence safely, are good strategies for resolving these concerns. However, as noted below, some victim-survivors are being advised that they will be disadvantaged in giving evidence separate to the other party, and the majority of victim-survivors who responded to our survey believe that they were disadvantaged in doing so.

65% of victim-survivors presented their evidence separately to the other party, and 77% of these victim-survivors believe that they were disadvantaged by doing so.

60% of stakeholders stated that the current criteria for a special witness are **not** appropriate, and 60% believe that the evidence required to support an application for special witness status is unnecessarily burdensome.

60% of stakeholders believe that victim-survivors are dissatisfied with current arrangement for giving evidence.

96% of victim-survivors and 80% of stakeholders reported that there is a need to establish vulnerable witness suites with appropriate staffing and technology in a non-court building to facilitate victim-survivors giving evidence safely.

When asked about what concerns they have about giving evidence and giving evidence separate to the other party, victim-survivors and stakeholders stated:

Allowing protections for victim-survivors and avoiding re-traumatisation is critical (V-S27).

Fear of having to attend the same court building, seeing the perp before or after (SH7).

I did both [give evidence separately and together] and they are equally distressing in different ways. The two main reasons being regardless of where you are you hear the perps voice and lies. Secondly his legal representation is cruel and relentless in cross examination, focusing on victim blaming. There seems to be one set of rules for the victim and a more lenient set for the perp. Traumatizing all round (V-S1).

I was informed by the DPP that I would be taken more seriously by the jury if I gave evidence in the courtroom (V-S3).

Judicial staff and court staff all need to be professionally trained about DFSV and so they are more empathetic to victim-survivors and their families when they present in court (V-S9).

The perpetrator brought our children to court traumatising myself and the children (V-S18).

There should be a liaison person for the victim (V-S13).

When they are told that their evidence of FV is inadmissible, not regarded as FV, or as a client experienced from the judge "a matter of he said, she said" (SH3).



Suggested Action 96: That the Tasmanian Government resource the court system for the creation of vulnerable witness suites with appropriate staffing and technology in a non-court building to facilitate victim-survivors giving evidence safely

Suggested Action 97: That judicial direction explicitly states that giving evidence separately should not be perceived by juries as less than giving evidence in person

Suggested Action 98: That the Tasmanian Government resource a comprehensive court support program in all courts hearing family violence matters to ensure that victim-survivors are supported in giving evidence in person, or separate to the other parties

Supporting children experience FV give evidence

The majority of stakeholders and victim-survivors believe that the *Evidence (Children and Special Witnesses) Act* should be broadened to include children who are victims of violence by a parent or carer. As noted in the Process Concerns section of our submission, too often children and young people are not fully considered in responses to family violence and feel that they are only “an affected family member” rather than a primary victim of family violence. Too often children and young people experiencing family violence fall between the cracks in the separate systems meant to provide oversight of child safety and family violence.

In their comments on this topic, victim-survivors noted:

Yes. Treating children as victim-survivors in their own right and giving them their own voice is so important. Protections are critical for all children involved (V-S27).

Absolutely yes. Children are nearly always victims of FV whether or not they can articulate the abuse clearly (V-S14).

*Children should *never* have to be in the presence of a perpetrator when giving evidence (V-S38).*

Children who experience violence by a parent or carer face significant fear and trauma, making it very difficult for them to give evidence in court. The Evidence, Children and Special Witnesses Act should be broadened to include these children, so they can give evidence safely through measures such as pre-recorded statements, CCTV, or protective screens. These safeguards help reduce trauma, protect the child from direct contact with the abusive parent, and ensure their testimony is accurate and considered. Expanding the Act would improve both child safety and the fairness and effectiveness of family violence proceedings in Tasmania (V-S3).



Of course it should be! This is absurd as most child sexual abuse is by a family member KNOWN to the child and this can be a parent or a sibling. This is very archaic and must be changed! (V-S9).

Yes, the Act should be broadened because children who experience violence from a parent or carer are especially vulnerable. Providing special witness protections helps reduce trauma, supports children to give accurate evidence, and ensures their safety and rights are prioritised within the justice system (V-S13).

Yes. Children are real people who need appropriate opportunity to voice their views and state their wishes in the justice setting. Flexibility should allow for ways that suit the individual child/ren. I was subject to violence by my father and brother who colluded against me. My mother was powerless. I should have been able to be heard (V-S33).

Yes. Treating children as victim-survivors in their own right and giving them their own voice is so important. Protections are critical for all children involved (V-S27).

Similarly, SH1 argues that:

ABSOLUTELY. Children are victim-survivors in their own right, and the protection of their wellbeing and safety should be safeguarded at all levels, at all times. It seems strange when all community services are required to provide child safeguarding provisions across all practice, that courts would not, and actually provide no protection for children in this context.

As noted earlier, the *Child and Youth Safe Organisations Act 2023* (Tas) and *Children, Young Persons and Their Families Act 1997* (Tas) mandates the protection of children and young people, and as noted by SH1, it is an outlier that these same principles are not also applied to the government own judicial systems.

Suggested Action 99: That children and young people are recognised under the *Evidence (Children and Special Witnesses) Act* as vulnerable victim-survivors of family violence and are afforded the protection of safeguards in judicial practices such as giving evidence

RESTRICTING PUBLICATION OF INFORMATION

Restricting the publication of any material relating to the proceedings before a court is an important—if under-utilised—mechanism to protect the safety and wellbeing of a victim-survivor, and may be a factor in reducing the harms created by the misidentification of the person most in need of protection and/or predominant aggressor.



Too few of our stakeholders provided feedback on this provision, perhaps highlighting the limited knowledge of it and its applicability to family violence matters. However, if the central principle of the safety of victim-survivor is used to frame responses to this matter, then the ability to restrict publication of information should be extended to all matters, especially those that may inadvertently disclose the location of the victim-survivor, including “victim-survivor seeking legal advice, providing information to a child’s school, carer, or a treating professional, or for the purposes of managing risk and safety planning”.

Suggested Action 100: That the Tasmanian Government liaise with relevant parties in other Australian jurisdictions to assess the efficacy of similar provisions, and if any adverse effects have resulted from both the inclusion of a definition of “publish” in the FVA, and the conditions that may inhibit the use of this provision



OTHER MATTERS

In this final section of our submission, we responded briefly to a few other matters raised in the Discussion Paper that are adjacent to some of the responses we have already provided and should be read in the context of these earlier responses.

SERIAL FAMILY VIOLENCE PERPETRATOR DECLARATIONS

An increasing number of jurisdictions have developed structured mechanisms to identify and manage repeat or high-risk family violence perpetrators. These models move beyond individual incident responses and seek to embed escalation recognition, enhanced monitoring, and inter-agency coordination. Tasmania introduced a serial family violence offender regime through Part 4A of the *Family Violence Act 2004* (Tas). However, comparative analysis suggests some jurisdictions have more integrated or systemically embedded models.

Western Australia

A court can declare a person to be a Serial Family Violence Offender (SFVO) under section 124E of the *Sentencing Act 1995* (WA), operating alongside the *Restraining Orders Act 1997* (WA) and *Criminal Code Act Compilation Act 1913* (WA). Section 124E of the *Sentencing Act* provides that the court can make a SFVO declaration if it convicts a person of a ‘category B family violence offence’ and counting this conviction, in total the person then has:

- ➡ at least 3 convictions for a ‘prescribed offence’, OR
- ➡ at least 2 convictions for a ‘prescribed offence’ that is ‘indictable only’.

A category B family violence offence includes a breach of a Family Violence Restraining Order or Violence Restraining Order under s61(1) or (1A) *Restraining Orders Act 1997* (WA). There are direct consequences that automatically flow from being declared a Serial Family Violence Offender which apply while the declaration is in place. They include (unless there are exceptional circumstances that convince the court to apply an exemption):



- ➔ if the person is released to bail, they **must** be made subject to electronic monitoring
- ➔ if the court sentences them to any type of community supervision order it **must** impose electronic monitoring as a requirement of the order
- ➔ if they are released on parole, a re-entry release order or a post-sentence supervision order the Prisoner Review Board **must** impose electronic monitoring on them
- ➔ they are not allowed to hold or obtain a firearms or explosives licence.

New Zealand

New Zealand operates the Integrated Safety Response (ISR) model. While not a ‘serial offender declaration’ regime *per se*, ISR is structured around high-risk case identification and integrated management. ISR is a multi-agency intervention designed to:

- ➔ Ensure immediate safety of victims and children
- ➔ Engage perpetrators to prevent further violence
- ➔ Take a whole-of-family and whānau approach
- ➔ Conduct daily risk assessment and triage
- ➔ Implement intensive case management
- ➔ Utilise electronic case management systems.

The operational delivery is hosted by New Zealand Police as part of broader government family violence reform.

England and Wales

England and Wales do not operate a ‘serial family violence offender’ declaration within domestic abuse legislation, however this jurisdiction has comprehensive offender management through Multi-Agency Public Protection Arrangements (MAPPA). MAPPA operates under separate criminal justice legislation and is used to manage high-risk offenders, including domestic abuse perpetrators, particularly those:

- ➔ Convicted of serious offences;
- ➔ Sentenced to 12 months imprisonment or more;
- ➔ Assessed as presenting ongoing risk.



This captures many offenders convicted of relatively new coercive control offences.

MAPPA enables:

- ➔ Multi-agency risk assessment
- ➔ Information sharing between police, probation and prison services
- ➔ Imposition of exclusion zones and restrictions
- ➔ Disclosure of information to protect victims
- ➔ Monitoring of offenders living with family members
- ➔ Protection planning for children and partners.

It operates alongside MARAC (Multi-Agency Risk Assessment Conferences), which focuses on victim safety.

Canada

Some Canadian provinces have serial offender management programs such as the High Risk Management Initiative (HRMI) in Calgary. HRMI targets extremely high-risk domestic violence cases involving:

- ➔ Long, repetitive and serious criminal histories
- ➔ Enhanced offender monitoring and treatment
- ➔ Intensive victim safety planning
- ➔ Integrated case management.

Like MAPPA and MARAM, HRMI operates through coordinated systems rather than statutory declaration status.

Suggested Action 101: That the Tasmanian Government consults with victim-survivors, perpetrators, and specialist services to evaluate the efficacy of SFVO declarations in monitoring and preventing persistent family violence offending

Suggested Action 102: That the Tasmania Government considers adding the SFVO declaration process to the RAMF and provide resourcing to ensure those subject to these declarations are better monitored.



INFORMATION SHARING

As noted by our members in their submissions to this consultation, any decisions about enhanced information sharing must work from the central principle that personal details that may identify where the victim-survivor may be found should never be shared unless it is critical to do so to ensure the safety and wellbeing of the victim-survivor. While the address or location of the victim-survivor is the most critical detail to withhold, other personal details (for example, the name of the psychologist used by the victim-survivor) could also identify places that a perpetrator could find the victim-survivor.

Any changes to the way in which information is shared between services and to improve victim-survivors' sense of safety must be considered carefully to ensure that doing so does not increase risks and safety concerns. Additionally, any innovation in information sharing practices must be assessed against, and integrated into, risk assessment frameworks. Another critical issue raised by stakeholders was how information already shared and found subsequently to be incorrect—for example, misidentification of the person most in need and/or predominant aggressor—is retracted across the family violence response system.

48% of victim-survivors do **not** believe that information was shared easily between the different parts of the family violence response system, and 52% did not believe that sufficient information is shared with victim-survivors to manage their safety.

80% of stakeholders believe that information is **not** shared efficiently between the different parts of the family violence response system, and 100% of stakeholders believe that not enough information is shared with victim-survivors to manage their safety.

Information sharing between services

As can be seen from the comments from stakeholders below, concerns exist about the limited sharing of information between government agencies and service providers, with several noting that the latter have a more grounded understanding of the needs of victim-survivors, which “could be an asset” (SH1) to all involved in the family violence response.



There is a need for stricter protections of privacy and safety for VS and children... The address/location of the VS should never be included on an order or in files that are accessed by anyone outside of the FV unit, and/or the VS's legal team. I have supported several clients who have experienced their perpetrator finding out where they have relocated to due to administrative and ill informed "errors" made by lawyers, banking, education, health and Tas Police personnel (SH3).

While government departments are able to share information about family violence offences, risk amongst organisations and with victim survivors, the specialist family violence services who hold the expertise in this field, understanding risk and patterns of perpetration are excluded from these conversations and information sharing, where they could be such an asset. They are also the ones doing the ongoing work on the ground, and are trusted by the victim-survivors (which government services often are not), which would allow for the trauma-informed sharing of information with victim survivors (SH1).

This is particularly an issue between NGOs who may be working with a family and know a great deal and government departments which guard information they need (SH2).

Needs to be better sharing with NGOs (SH7).

Information sharing to improve victim-survivors' sense of safety

Victim-survivors access to information to inform their safety management is critical. Not only because this empowers victim-survivors with the information required to make informed decisions about their safety, but also because information gaps can contribute to increased trauma and anxiety. For example, victim-survivors in other sections of the survey talked about not being informed when their perpetrator was being release on parole, or the conditions of that parole. This left some victim-survivors with high levels of apprehension when they found out from third parties about an offender's release on parole.

Unsurprisingly, victim-survivors were adamant that their right to information from government and service providers as to the management of their family violence case should be privileged over the rights of offenders to privacy. However, as noted by V-S33, information is case dependent and that "...flexibility is key to justice here" and that it "...it probably depends on the nature of the relationship and risk" (V-S27). When asked if they should be able to know certain information about the person using violence against them, and if so what types and why, they suggested:

In cases when an ex-partner re-partners and your child is at times in the care of the ex-partner, checks and balances should be able to be obtained on the new partner,



as there is a vulnerability for the child if the new partner has a history of family violence and or child abuse (V-S15).

The victim needs to know prior arrest status, incarceration history and mental health history. Many offenders lie. Some embellish their criminal history to intimidate the victim, others minimise. Some also manipulate the victim with false medical information. The victim needs to know how thoroughly they have been manipulated (V-S6).

Victim-survivors need the truth to stay safe. We should know what risks we're really facing, not be kept in the dark because of their privacy (V-S29).

We have a right to know if they own weapons or have violent tendencies (V-S44).

We need to know if they've broken orders before or reoffended (V-S45).

Where they live. If they have been admitted for mental health issues. Things that can help protect the victim and help with safety planning. Otherwise it feels like the perpetrator is similar to a predator hunting the victim in the dark (V-S1).

Yes, only safety-related info—not unnecessary personal details (V-S25).

YES, particularly where they are located (locally, region, interstate) as this helps with safety planning in the event they turn up again at the front door (V-S9).

Yes, VS should be privy to know certain key information about the person using abuse against them. It should only be targeted safety-relevant information. Types of information: Breach history of FVO, current orders in place, risk or threat level assessments, court dates or legal actions relevant to the VS. Why? - Being informed helps VS feel more in control of their lives and decisions -Access to certain information can help VS participate fully in court proceedings, give evidence and prepare for hearings (V-S3).

An outlier comment on information sharing came from V-S13, who identified the rights of people detained due to family violence offending:

Individuals who are detained and sentenced to imprisonment have the right to receive clear information about their place of detention, the length of their sentence, and their expected release date.

When asked about where the balance should lie between victim-survivors' rights to information to inform their safety planning and the offender's right to privacy, stakeholders stated that:

An offender should lose their right to privacy when they have committed family violence, and the safety of their victim could be at risk (SH1).

Always in favour of the victim/survivor (SH2).

The offenders right to privacy should not override the VS right to safety and protection (SH3).

Offender does not deserve a right to privacy if there is any chance the victim-survivors real or perceived safety can be improved by information sharing (SH7).



Whilst controversial, and with some concerns from victim-survivors and stakeholders about how it may be operationalised, there is some appetite for a family violence offender register. If adopted as a strategy to enhance victim-survivors' access to information that will keep them safe, such a register should not be public. Rather, if adopted, this register should be maintained by Tasmania Police, and victim-survivors or those entering new relationships can apply to be notified if the person has existing or prior family violence offending.

Suggested Action 103: That the Tasmanian Government work with service providers and victim-survivors to identify core information that must be shared between different parts of the family violence response system

Suggested Action 104: That the Tasmanian Government in developing and expanding the use of the RAMF identify what critical information should be shared as part of risk assessment and management

Suggested Action 105: That the Tasmanian Government consider the establishment of a family violence perpetrator register that enables prospective partners to apply to access information about prior family violence offending

Suggested Action 106: That in developing better practices in information sharing that provision is made for the permanent retraction of information later found to be incorrect

PROTECTION FROM LIABILITY

Protection from liability as enacted in the under-utilised sections 38 and 39 are important mechanisms to support the reporting of family violence. However, care must be taken in enabling third party reporting as doing so may remove agency from victim-survivors and contribute to a feeling that they have no control over what happens. Too few of our stakeholders responded to questions about protection from liability to advise as to the general beliefs about sections 38 and 39. Importantly, though, 60% of stakeholders were unaware of the provisions in these sections. This may point to the lack of socialisation of these provisions rather than these provisions not being effective. In responding to this issue, stakeholders had mixed thoughts about general protection from liability:



This I think requires a lot of thought. I would abide by any legislation and would normally notify currently if I thought a client was at risk, but we need to resource this so that we are doing more than swamping the police with notifications they lack the resources to follow up (SH2).

No, police interaction does not necessarily increase safety, this is up to the assessment of the victim-survivor (SH7).

Yes. I am however aware of and responsible for mandatory reporting as part of my profession, so this is something I am already comfortable with (SH10).

Given the limited understanding and application of s39, and that section 38 has not been proclaimed, it is incumbent on the Tasmanian Government to explore this issue in more detail with stakeholders—including victim-survivors. However, we suggest that it seems counterintuitive to include non-physical forms of violence as constituting family violence, but then not provide protection from liability for reporting all forms of family violence.

Suggested Action 107: That the Tasmanian Government consult with victim-survivors and service providers on the implications of proclaiming section 38, and the reasons why there is so little understanding of section 39

APPENDIX A

Table 4: Jurisdictional analysis of the definition of family

Act	Scope	Definition of family
Family Law Act 1975 (Cth)	4AB Definition of family violence etc. (1) For the purposes of this Act, family violence means violent, threatening or other behaviour by a person that coerces or controls a member of the person's family (the family member) , or causes the family member to be fearful.	<p>1(AB) For the purpose of: ...a person (the first person) is a member of the family of another person (the second person) if</p> <ul style="list-style-type: none"> (d) the first person is or has been married to, or in a de facto relationship with, the second person; or (e) the first person is or has been a relative of the second person within the meaning of subsection (1AC) <p>1(AC) For the purposes of paragraph (1AB)(e), a relative of a person is:</p> <ul style="list-style-type: none"> (a) a father, mother, grandfather, grandmother, step-father or step-mother of the person; or (b) a son, daughter, grandson, grand-daughter, step-son or step-daughter of the person; or (c) a brother, sister, half-brother, half-sister, step-brother or step-sister of the person; or (d) an uncle or aunt of the person; or (e) a nephew or niece of the person; or (f) a cousin of the person; or (g) if the person is or was married—in addition to paragraphs (a) to (f), a person who is or was a relative, of the kind described in any of those paragraphs, of the person's spouse; or (h) if the person is or was in a de facto relationship with another person—in addition to paragraphs (a) to (f), a person who would be a relative of a kind described in any of those paragraphs if the persons in that de facto relationship were or had been married to each other. <p>(1AD) For the purposes of paragraph (1AB)(ea), if a person is related to an Aboriginal or Torres Strait Islander child in accordance with the child's Aboriginal or Torres Strait Islander culture (including but not limited to any kinship systems of that culture), the person is a relative of the child.</p>



Act	Scope	Definition of family
Family Violence Act 2016 (ACT)	Division 2.2 (8)(1) In this Act: family violence means— (a) any of the following behaviour by a person in relation to a family member of the person :	Division 2.2 (9) In this Act: family member, of a person, means— (a) a domestic partner or former domestic partner of the person; or (b) an intimate partner or former intimate partner of the person; or (c) a relative of the person; or (d) a child of a domestic partner or former domestic partner of the person; or (e) a parent of a child of the person.
Crimes (Domestic and Personal Violence) Act 2007 (NSW)	Part 1(6)(A)(1) Meaning of “domestic abuse” (1) In this Act, domestic abuse means any of the following behaviours directed by one person (the first person) against another person (the second person) with whom the first person has a domestic relationship —	Part 1(5)(1) For the purposes of this Act, a person has a <i>domestic relationship</i> with another person if the person— (a) is or has been married to the other person, or (b) is or has been a de facto partner of that other person, or (c) has or has had an intimate personal relationship with the other person, whether or not the intimate relationship involves or has involved a relationship of a sexual nature, or (d) is living or has lived in the same household as the other person, or (e) is living or has lived as a long-term resident in the same residential facility as the other person and at the same time as the other person (not being a facility that is a correctional centre within the meaning of the <i>Crimes (Administration of Sentences) Act 1999</i> or a detention centre within the meaning of the <i>Children (Detention Centres) Act 1987</i>), or (f) has or has had a relationship involving his or her dependence on the ongoing paid or unpaid care of the other person (subject to section 5A), or (g) is or has been a relative of the other person, or (h) in the case of an Aboriginal person or a Torres Strait Islander, is or has been part of the extended family or kin of the other person according to the Indigenous kinship system of the person’s culture. Part 1(5A) Special provisions—carers and their dependants (1) A person (a <i>dependant</i>) who has or has had a relationship with another person involving the person’s dependence on the ongoing paid care of the other person (a <i>paid carer</i>) is treated as having a domestic relationship with the paid carer only for the purposes of the protection of the dependant. (2) Accordingly—



Act	Scope	Definition of family
		<p>(a) a paid carer and a dependant are to be treated as having a domestic relationship for the purposes of any offence committed by a paid carer against a dependant, but not for the purposes of an offence committed by a dependant against a paid carer, and</p> <p>(b) an apprehended domestic violence order may be made against a paid carer for the protection of a dependant (or for the protection of two or more persons at least one of whom is a dependant), but not against a dependant for the protection of a paid carer.</p> <p>(3) This section does not limit or otherwise affect the application of this Act to a relationship between a dependant and an unpaid carer, or to a relationship between a dependant and a carer that, disregarding section (5)(1)(f), would be a domestic relationship under section 5.</p> <p>Part 1(6) Meaning of “relative”</p> <p>For the purposes of this Act, a person is a relative of another person (the other person)—</p> <p>(a) if the person is—</p> <ul style="list-style-type: none"> (i) a father, mother, grandfather, grandmother, step-father, step-mother, father-in-law or mother-in-law, or (ii) a son, daughter, grandson, grand-daughter, step-son, step-daughter, son-in-law or daughter-in-law, or (iii) a brother, sister, half-brother, half-sister, step-brother, step-sister, brother-in-law or sister-in-law, or (iv) an uncle, aunt, uncle-in-law or aunt-in-law, or (v) a nephew or niece, or (vi) a cousin, <p>of the other person, or</p> <p>(b) where the person has a de facto partner (the person’s partner)—if the other person is—</p> <ul style="list-style-type: none"> (i) a father, mother, grandfather, grandmother, step-father or step-mother, or (ii) a son, daughter, grandson, grand-daughter, step-son or step-daughter, or (iii) a brother, sister, half-brother, half-sister, step-brother or step-sister, or (iv) an uncle or aunt, or (v) a nephew or niece, or (vi) a cousin, <p>of the person’s partner.</p>



Act	Scope	Definition of family
<p>Domestic and Family Violence Act 2007 (NT)</p>	<p>Division 2(1)(5)(1) Domestic violence is any conduct specified in subsection (2) if committed by a person against another person in the following circumstances:</p> <p>(a) the persons are in a domestic relationship;</p> <p>(b) the person had previously committed a sexual act against (or had sexual contact with) the other person without consent.</p>	<p>Division 2(2)(9) Domestic relationship</p> <p>(1) A person is in a domestic relationship with another person if the person:</p> <p>(a) is or has been in a family relationship with the other person; or</p> <p>(b) has or had the custody or guardianship of, or right of access to, the other person; or</p> <p>(c) is or has been subject to the custody or guardianship of the other person or the other person has or has had a right of access to the person; or</p> <p>(d) ordinarily or regularly lives, or has lived, with:</p> <p>(i) the other person; or</p> <p>(ii) someone else who is or was in a family relationship with the other person; or</p> <p>(e) is or has been in a family relationship with a child of the other person; or</p> <p>(f) is or has been in an intimate personal relationship with the other person; or</p> <p>(fa) is in an intimate personal relationship with a person with whom the other person was in an intimate personal relationship; or</p> <p>(fb) was in an intimate personal relationship with a person with whom the other person is in an intimate relationship; or</p> <p>(fc) is in a family relationship with a person with whom the other person is in an intimate personal relationship; or</p> <p>(fd) is in an intimate personal relationship with a person with whom the other person is in a family relationship; or</p> <p>(g) is or has been in a carers relationship with the other person.</p> <p>Division 2(2)(10) Family relationship</p> <p>(1) A person is in a family relationship with another person if the person:</p> <p>(a) is the spouse or de facto partner of the other person; or</p> <p>(ab) is the spouse or de facto partner of the person's former spouse or de facto partner; or</p> <p>(b) is otherwise a relative of the other person.</p> <p>Examples of relatives for paragraph (b): Stepchild, parent, step-parent, grandparent, aunt, nephew, cousin, half-brother, mother-in-law or aunt-in-law.</p>



Act	Scope	Definition of family
		<p>(2) A relative of a person includes someone who, according to Aboriginal tradition or contemporary social practice, is a relative of the person.</p> <p>Division 2(2)(11) Intimate personal relationship</p> <p>(1) An intimate personal relationship exists between 2 persons if:</p> <ul style="list-style-type: none"> (a) the persons are engaged to be married to each other, including being betrothed under cultural or religious tradition; or (b) the persons have an intimate relationship, whether or not the relationship is a sexual relationship; or (c) the persons engaged in a sexual act or sexual contact. <p>Example for subsection (1)(b): The 2 persons are dating.</p> <p>(3) In deciding whether an intimate personal relationship exists under subsection (1)(b), the following may be taken into account:</p> <ul style="list-style-type: none"> (a) the circumstances of the relationship, including, for example, the level of trust and commitment; (b) the length of time the relationship has existed; (c) the frequency of contact between the persons; (d) the level of intimacy between the persons. <p>(4) An intimate personal relationship may exist whether the 2 persons are the same or the opposite sex.</p> <p>Division 2(2)(12) Carers relationship</p> <p>A carers relationship exists between 2 persons if 1 of them is dependent on the ongoing paid or unpaid care of the other.</p>
<p>Domestic and Family Violence Protection Act 2012 (Qld)</p>	<p>Division 2(8) Domestic violence means behaviour, or a pattern of behaviour, by a person (the "first person") towards another person (the "second person") with whom the first person is in a relevant relationship</p>	<p>Division 3(13) A relevant relationship is—</p> <ul style="list-style-type: none"> (a) an intimate personal relationship; or (b) a family relationship; or (c) an informal care relationship. <p>Division 3(14) An intimate personal relationship is—</p> <ul style="list-style-type: none"> (a) a spousal relationship; or



Act	Scope	Definition of family
	<p>Division 3(9) Associated domestic violence means behaviour mentioned in section 8 (1) by a respondent towards:</p> <p>(a) a child of an aggrieved; or (b) a child who usually lives with an aggrieved; or (c) a relative of an aggrieved; or (d) an associate of an aggrieved.</p>	<p>(b) an engagement relationship; or (c) a couple relationship.</p> <p>Division 3(19) A Family relationship and relative is—</p> <p>(1) A family relationship exists between 2 persons if 1 of them is or was the relative of the other. (2) A relative of a person is someone who is ordinarily understood to be or to have been connected to the person by blood or marriage. (3) For deciding if someone is connected by marriage, any 2 persons who are or were spouses of each other are considered to be or to have been married to each other. (4) A relative of a person (the "first person") is also either of the following persons if it is or was reasonable to regard the person as a relative especially considering that for some people the concept of a relative may be wider than is ordinarily understood—</p> <p style="padding-left: 20px;">(a) a person whom the first person regards or regarded as a relative; (b) a person who regards or regarded himself or herself as a relative of the first person.</p> <p>Division 3(20) An informal care relationship is—</p> <p>(1) An informal care relationship exists between 2 persons if 1 of them is or was dependent on the other person (the "carer") for help in an activity of daily living. (2) An informal care relationship does not exist between a child and a parent of a child. (3) An informal care relationship does not exist between 2 persons if 1 person helps the other person in an activity of daily living under a commercial arrangement. (4) For <i>subsection (3)</i> —</p> <p style="padding-left: 20px;">(a) a commercial arrangement may exist even if a person does not pay a fee for the help provided under the arrangement; and (b) an arrangement is not a commercial arrangement because 1 person receives a pension or allowance, or reimbursement for the purchase price of goods, for the help provided under the arrangement; and (c) an arrangement is not a commercial arrangement if 1 person pays a fee for the help provided under the arrangement because of domestic violence committed by the other person.</p>



Act	Scope	Definition of family
<p>Family Violence Protection Act 2008 (Vic)</p>	<p>Part 2(5)(1) For the purposes of this Act, family violence is—</p> <p>(a) behaviour by a person towards a family member of that person if that behaviour...</p> <p>(b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a).</p>	<p>Part 2(8)</p> <p>(1) For the purposes of this Act, a family member, in relation to a person (a relevant person), means—</p> <ul style="list-style-type: none"> (a) a person who is, or has been, the relevant person's spouse or domestic partner; or (b) a person who has, or has had, an intimate personal relationship with the relevant person; or (c) a person who is, or has been, a relative of the relevant person; or (d) a child who normally or regularly resides with the relevant person or has previously resided with the relevant person on a normal or regular basis; or (e) a child of a person who has, or has had, an intimate personal relationship with the relevant person. <p>(2) For the purposes of subsections (1)(b) and (1)(e), a relationship may be an intimate personal relationship whether or not it is sexual in nature.</p> <p>(3) For the purposes of this Act, a family member of a person (the relevant person) also includes any other person whom the relevant person regards or regarded as being like a family member if it is or was reasonable to regard the other person as being like a family member having regard to the circumstances of the relationship, including the following—</p> <ul style="list-style-type: none"> (a) the nature of the social and emotional ties between the relevant person and the other person; (b) whether the relevant person and the other person live together or relate together in a home environment; (c) the reputation of the relationship as being like family in the relevant person's and the other person's community; (d) the cultural recognition of the relationship as being like family in the relevant person's or other person's community; (e) the duration of the relationship between the relevant person and the other person and the frequency of contact; (f) any financial dependence or interdependence between the relevant person or other person; (g) any other form of dependence or interdependence between the relevant person and the other person; (h) the provision of any responsibility or care, whether paid or unpaid, between the relevant person and the other person; (i) the provision of sustenance or support between the relevant person and the other person.



Act	Scope	Definition of family
		<p>(4) For the purposes of subsection (3), in deciding whether a person is a family member of a relevant person the relationship between the persons must be considered in its entirety.</p> <p>Part 2(10)</p> <p>(1) For the purposes of this Act, a relative of a person—</p> <p>(a) means any of the following, whether of the whole blood or half-blood or by marriage, and whether or not the relationship depends on adoption of the person—</p> <ul style="list-style-type: none"> (i) the person's father, mother, grandfather or grandmother; (ii) the person's son, daughter, grandson or granddaughter; (iii) the person's brother or sister; (iv) the person's uncle or aunt; (v) the person's nephew or niece; (vi) the person's cousin; and <p>(b) for an Aboriginal or Torres Strait Islander person—includes a person who, under Aboriginal or Torres Strait Islander tradition or contemporary social practice, is the person's relative.</p> <p>(2) For domestic partners, a relative includes a person who would be a relative if the domestic partners were married to each other.</p>





APPENDIX B

Family Violence Protection Act 2008 (Vic)

Part 2(5) Meaning of family violence

- (1) For the purposes of this Act, family violence is—
- (a) behaviour by a person towards a family member of that person if that behaviour—
 - (i) is physically or sexually abusive; or
 - (ii) is emotionally or psychologically abusive; or
 - (iii) is economically abusive; or
 - (iv) is threatening; or
 - (v) is coercive; or
 - (vi) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or
 - (b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a).

Examples

- 1 The following behaviour may constitute family violence under paragraph (a)—
- using coercion, threats, physical abuse or emotional or psychological abuse to cause or attempt to cause a person to enter into a marriage;
 - using coercion, threats, physical abuse or emotional or psychological abuse to demand or receive dowry, either before or after a marriage.
- 2 The following behaviour may constitute a child hearing, witnessing or otherwise being exposed to the effects of behaviour referred to in paragraph (a)—
- overhearing threats of physical abuse by one family member towards another family member;
 - seeing or hearing an assault of a family member by another family member;
 - comforting or providing assistance to a family member who has been physically abused by another family member;
 - cleaning up a site after a family member has intentionally damaged another family member's property...
- (2) Without limiting subsection (1), family violence includes the following behaviour—
- (a) assaulting or causing personal injury to a family member or threatening to do so;
 - (b) sexually assaulting a family member or engaging in another form of sexually coercive behaviour or threatening to engage in such behaviour;
 - (ba) choking, strangling or suffocating (within the meaning of section 34AB(1) of the Crimes Act 1958) a family member or threatening to do so;
 - (c) intentionally damaging a family member's property, or threatening to do so;
 - (d) unlawfully depriving a family member of the family member's liberty, or threatening to do so;
 - (e) causing or threatening to cause the death of, or injury to, an animal, whether or not the animal belongs to the family member to whom the behaviour is directed so as to control, dominate or coerce the family member.
- (3) To remove doubt, it is declared that behaviour may constitute family violence even if the behaviour would not constitute a criminal offence.



APPENDIX C

Crimes Legislation Amendment (Coercive Control) Act 2022 (NSW)

54D Abusive behaviour towards current or former intimate partners

- (1) An adult commits an offence if—
 - (a) the adult engages in a course of conduct against another person that consists of abusive behaviour, and
 - (b) the adult and other person are or were intimate partners, and
 - (c) the adult intends the course of conduct to coerce or control the other person, and
 - (d) a reasonable person would consider the course of conduct would be likely, in all the circumstances, to cause any or all of the following, whether or not the fear or impact is in fact caused—
 - (i) fear that violence will be used against the other person or another person, or
 - (ii) a serious adverse impact on the capacity of the other person to engage in some or all of the person's ordinary day-to-day activities. ...

54F Meaning of “abusive behaviour”

- (1) In this Division, abusive behaviour means behaviour that consists of or involves—
 - (a) violence or threats against, or intimidation of, a person, or
 - (b) coercion or control of the person against whom the behaviour is directed.
- (2) Without limiting subsection (1), engaging in, or threatening to engage in, the following behaviour may constitute abusive behaviour—
 - (a) behaviour that causes harm to a child if a person fails to comply with demands made of the person,
 - (b) behaviour that causes harm to the person against whom the behaviour is directed, or another adult, if the person fails to comply with demands made of the person,
 - (c) behaviour that is economically or financially abusiveExamples for paragraph (c)—
 - withholding financial support necessary for meeting the reasonable living expenses of a person, or another person living with or dependent on the person, in circumstances in which the person is dependent on the financial support to meet the person's living expenses...
 - (d) behaviour that shames, degrades or humiliates,
 - (e) behaviour that directly or indirectly harasses a person, or monitors or tracks a person's activities, communications or movements, whether by physically following the person, using technology or in another way,
 - (f) behaviour that causes damage to or destruction of property,
 - (g) behaviour that prevents the person from doing any of the following or otherwise isolates the person—
 - (i) making or keeping connections with the person's family, friends or culture,
 - (ii) participating in cultural or spiritual ceremonies or practice,
 - (iii) expressing the person's cultural identity,
 - (h) behaviour that causes injury or death to an animal, or otherwise makes use of an animal to threaten a person,
 - (i) behaviour that deprives a person of liberty, restricts a person's liberty or otherwise unreasonably controls or regulates a person's day-to-day activities.



REFERENCES

Child and Youth Safe Organisations Act 2023 (Tas)
Children, Young Persons and Their Families Act 1997 (Tas)
Code of Civil Procedure (Protection Orders) 2025 (Quebec)
Crimes Act 1900 (NSW)
Crimes (Domestic and Personal Violence) Act 2007 (NSW)
Crimes Legislation Amendment (Coercive Control) Act 2022
Criminal Procedure Act 1986 (NSW)
Crimes (Sentencing Procedure) Act 1999 (NSW)
Criminal Code 1913 (WA)
Criminal Code 1985 (Canada)
Criminal Code Act 1924 (Tas)
Criminal Code Act Compilation Act 1913 (WA)
Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021
Domestic Abuse (Scotland) Act 2018
Domestic Abuse (Protection) (Scotland) Act 2021
Domestic and Family Violence Act 2007 (NT)
Domestic and Family Violence Protection Act 2012 (Qld)
Domestic Violence and Stalking Act 1998 (Manitoba)
Domestic Violence Intervention Act 2001 (Nova Scotia)
Evidence (Children and Special Witnesses) Act 2001
Family Abuse Intervention Act 2006 (Nunavut)
Family Law Act 1975 (Cth)
Family Law Act 2011 (British Columbia)
Family Law Act 1990 (Ontario)
Family Violence Act 2016 (ACT)
Family Violence Act 2016 (NZ)
Family Violence Act 2004 (Tas)
Family Violence Prevention Act 1997 (Yukon)
Family Violence Protection Act 2005 (Newfoundland and Labrador)
Family Violence Protection Act 2008 (Vic)
Family Violence Offences under the Criminal Law Consolidation Act 1935 (SA)
Intervention Orders (Prevention of Abuse) Act 2009 (SA)
Intimate Partner Violence Intervention Act 2017 (New Brunswick)
Justices Act 1959 (Tas)



Police Offences Act 1935 (Tas)

Protection Against Family Violence Act 2000 (Alberta)

Protection Against Family Violence Act 2005 (Northwest Territories)

Relationships Act 2003 (Tas)

Restraining Orders Act 1997 (WA)

Sentencing Act 1997 (Tas)

Sentencing Act 1995 (WA)

Victims of Domestic Violence Act 1994 (Saskatchewan)

Victims of Family Violence Act 2015 (Prince Edward Island)

Youth Justice Act 1997 (Tas)

Anderson, B., Farmer, C., & Tyson, D. (2025) Police-Perpetrated Domestic and Family Violence: A Scoping Review of Australian and International Scholarship. *International Journal for Crime, Justice and Social Democracy*, 14(4), 45-64.

ANROWS (2020) *Accurately identifying the 'person most in need of protection' in domestic and family violence*. Melbourne: ANROWS. www.anrows.org.au/publication/accurately-identifying-the-person-most-in-need-of-protection-in-domestic-and-family-violence-law.

Australian Bureau of Statistics (2024) *Record Crime – Victims*. ABS: Canberra

Australian Bureau of Statistics (2023a) *Partner Violence*. ABS: Canberra.

Australian Bureau of Statistics (2023b) *Personal Safety, Australia*. ABS: Canberra.

Australian Bureau of Statistics (2019) *Psychosocial risk factors as they relate to coroner-referred deaths in Australia, 2017*. Government of Australia Canberra.

Australian Institute of Criminology (2026) *Homicide in Australia 2024–25*. AIC: Canberra.

Australian Institute of Health and Welfare (2025a, 28 February) *Family, domestic and sexual violence*. Australian Institute of Health and Welfare: Canberra.
<https://www.aihw.gov.au/family-domestic-and-sexual-violence/population-groups/people-with-disability>

Australian Institute of Health and Welfare (2025b, 16 October) *Safety and justice for First Nations people*. Australian Institute of Health and Welfare: Canberra.
<https://www.aihw.gov.au/reports/australias-welfare/indigenous-community-safety>

Cirone, J., Keskey, R., Hampton, D., Slidell, M., Crandall, M., Rattan, R., & Zakrisson, T. L. (2021). Recent release from prison: A novel risk factor for intimate partner homicide. *Journal of Trauma and Acute Care Surgery*, 90(1), 107-112

Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse (2023) *Who was looking after me? Prioritising the safety of Tasmanian children*. Col: Hobart.

Commonwealth Government (2026a) *Closing the Gap: Commonwealth Annual Report 2025, Commonwealth Implementation Plan 2026*. Canberra: Commonwealth of Australia.

Commonwealth Government (2026b) *Our Ways – Strong Ways – Our Voices: National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence*. Canberra: Commonwealth of Australia.



- Commonwealth Government (2023). National Principles to Address Coercive Control in Family and Domestic Violence. Canberra: Commonwealth of Australia, Attorney-General's Department.
- Commonwealth Government (2022) *National Plan to End Violence against Women and Children 2022–2032: Ending gender-based violence in one generation*. Canberra; Commonwealth of Australia.
- Cullen, P., Vaughan, G., Li, Z., Price, J., Yu, D., & Sullivan, E. (2019). Counting Dead Women in Australia: An In-Depth Case Review of Femicide. *Journal of Family Violence*, 34(1), 1-8.
- Department of Social Services (2026) *National Family and Domestic Violence Risk Assessment Framework*. Canberra: Commonwealth of Australia
- Douglas, H. (2018). Legal systems abuse and coercive control. *Criminology & Criminal Justice*, 18(1), 84-99
- DV Alert (2025) *Understanding systems abuse*. <https://www.dvalert.org.au/about/news-blog/>.
- Family Violence Reform Implementation Monitor (2021). *Monitoring Victoria's family violence reforms: Accurate identification of the predominant aggressor*. Melbourne: Office of the Family Violence Reform Implementation Monitor.
- Family Violence Victoria (2021). *MARAM Foundation Knowledge Guide*. Melbourne: FVV.
- Fitz-gibbon, K., Meyer, S., Boxall, H., Maher, J. & Roberts, S. (2022) *Adolescent family violence in Australia: A national study of prevalence, history of childhood victimisation and impacts*. ANROWS: Sydney.
- Fitz-Gibbon, K., Walklate, S., Maher, J., McCulloch, J., & McGowan, J. (2024). Securing women's lives: Examining system interactions and perpetrator risk in intimate femicide sentencing judgments over a decade in Australia. Monash University and University of Liverpool;
- Gibbs, C., Langton, M., Engel-Harrison, P., & Pitt, Z. (2026). *Close the Gap: Community Voices - The Pathway to Justice, Equality and Healing*. Canberra: Close the Gap Campaign Alliance Group for Indigenous Equity
- Graham, L.M., Jun, H., Kim, J., Power, L., Devaney, J., Frederick, J., & Betz, G. (2025). Characteristics of Child Fatalities that Occur in the Context of Current or Past Intimate Partner Violence: a Scoping Review. *Journal of Family Violence*, 40(6), 1211-1228.
- Henry, N., Flynn, A., & Powell, A. (2019) *Responding to 'Revenge Pornography': Prevalence, Nature and Impacts* [Report to the Criminology Research Advisory Council]. Canberra: Australian Institute of Criminology.
- Hobbs, C. (2022) *Young, in love and in danger: Teen domestic violence and abuse in Tasmania*. Hobart: Anglicare Tasmania
- Jillard, A & Mansour, J 2014, Women Victims of Violence Defending Intervention Orders: The Latest Developments in Practice and Policy in NSW. *Alternative Law Journal*, 39(4), 235-240.
- Meger, S. & Reynolds, K. (2026, 6 March) 40% of teenage boys believe women lie about domestic and sexual violence: new research. *The Conversation*. <https://theconversation.com/40-of-teenage-boys-believe-women-lie-about-domestic-and-sexual-violence-new-research-276978>
- Office of the eSafety Commissioner (2017) *Image-based Abuse: National Survey Summary Report*. Office of the e-Safety Commissioner: Canberra.
- Our Watch (2022) *Changing the Picture*. Our Watch: Melbourne.



- Reeves, E. (2018) *Systems Abuse Research Brief*. Melbourne: Monash Gender and Family Violence.
- Reeves, E. (2020). Family violence, protection orders and systems abuse: views of legal practitioners. *Current Issues in Criminal Justice*, 32(1), 91–110.
- Reeves, E., Fitz-Gibbon, K., Meyer, S., & Walklate, S. (2025) “The Fact That He Was a Police Officer Was Probably My Number 1 Challenge”: Victim-Survivor Experiences of Officer-Involved Domestic Violence in Australia. *Violence Against Women*, 32(2-3), 887-909.
- Rittel, H.W., & Webber, M.M. (1973) Dilemmas in a General Theory of Planning. *Policy Sciences*, 4(2), 155-169.
- Tasmania Police (2024) *Family Violence and Sexual Abuse (including Child Sexual Abuse) Policy*. Hobart: DPFEM.
- Tasmanian Government (2025a) *Strengthening Our Responses to Family Violence in Tasmania: Family Violence Act 2004 and Related Legislation Discussion Paper*. Hobart: Tasmanian Government.
- Tasmanian Government (2025b). *Family and Sexual Violence Risk Assessment and Management Framework*. Hobart: Tasmanian Government.
- Tasmanian Government (2022) *Survivors at the Centre: Tasmania’s Third Family and Sexual Violence Action Plan 2022-2027*. Hobart: Government of Tasmania.
- The Guardian (2026, 11 March) Editorial: The Guardian view on gen Z: young men hold startling views about women - inequality may be to blame. *The Guardian*.
<https://www.theguardian.com/commentisfree/2026/mar/10/the-guardian-view-on-gen-z-young-men-hold-startling-views-about-women-inequality-may-be-to-blame>
- Trood, M.D., Spivak, B.L., Ogloff, J.R.P., & McEwan, T.E. (2024) The limits of predicting near-lethal and lethal family and intimate partner violence. *CrimRxiv*.
<https://doi.org/10.21428/cb6ab371.253db452>
- Vasil, S., Fitz-Gibbon, K., & Segrave, M. (2025). *Family violence and women’s deaths by suicide: A Victorian study*. Australian Catholic University, Sequire Consulting and University of Melbourne.
- Victorian Sentencing Advisory Council (2020). *Sentencing Image-Based Sexual Abuse Offences in Victoria*. Melbourne: State of Victoria.
- Wallen, S. (2026, 21 March). Quarter of Tasmanian police family violence orders issued against women, with fears victims are being misidentified. *ABC News Online*.
<https://www.abc.net.au/news/2026-03-21/tas-quarter-of-family-violence-orders-issued-to-women/106477202>
- World Health Organization (2014) *Preventing suicide: a global imperative*. WHO: Geneva.