



### SNAPSHOT

- ➔ Under the Tasmanian *Family Violence Act 2004* (s.7), the definition of family is limited to a “person's spouse or partner”.
- ➔ “Family relationship” under the Act means a marriage or a significant relationship 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”.
- ➔ Only those people who are married or are in a “significant relationship” are covered by the Act. Young people under the age of 16 years in a relationship are not covered by the Act. People in casual relationships are not covered by the Act.
- ➔ In assessing whether a relationship is significant, several factors must be considered, including duration of relationship, nature and extent of common residence, whether the relationship is sexual, degree of financial dependence, ownership of shared property, care and support of children, performance of household duties, and public recognition of relationship.
- ➔ Violence used by other family members, or against other family members (such as a child) are not recognised under the Act. Children are not recognised in the *Family Violence Act 2004* as primary victims of family violence, and do not have the right to apply for a family violence order for themselves.
- ➔ Child abuse within the family context is covered by the *Children, Young Persons and Their Families Act 1997*, where family violence is defined as child abuse.
- ➔ The definition of what constitutes family violence has become outdated since the Act was enacted. It does not include, for example, preventing the family member from making or keeping connections with their family, friends, culture or religion, unlawfully depriving the family member of their liberty, harmful use of, or interference with, technology, threatening to self-harm as a way of intimidating or coercing the family member, coercive control, or reproductive violence.
- ➔ Intimate-partner sexual violence is not fully considered in the Act, nor is systems abuse, which is a powerful form of coercive control.

### BACKGROUND

Tasmania is the only Australian state to limit the definition of family to “significant relationships”. In other states, and in other countries, family is defined more broadly, and includes any relative, any person in an informal care relationship, and any person recognised in kinship systems such as those in Aboriginal or Torres Strait Islander communities.

The definition of family in Tasmania has been considered previously and is currently under review. The decision to limit the definition of family violence is due to the impact a change would have on service delivery and “dilute its tailored focus”.

In effect, the definition is limited because current government resourcing and funding of family violence, sexual violence, and child abuse services is constrained. Family violence services are already underfunded and not able to respond to the needs of all victim-survivors of intimate-partner violence. Broadening the definition may put the viability of these services under risk.

The definition of family violence is consistent with other family violence laws, and includes:

- Physical violence, including sexual violence
- Threats, coercion, intimidation
- Stalking and bullying
- Economic abuse
- Emotional abuse
- Property damage
- Animal abuse

It also includes violence used by another person on behalf of the perpetrator (such as other family members, friends, colleagues).

### CRITICAL ISSUES

#### Family violence definition

The Tasmanian *Family Violence Act* was world-leading at the time of its enactment in 2004. However, over time, the definition of family violence has not kept pace with social, legal, and technological developments.

Other Australian states have enhanced the scope of their laws relating to family violence by recognising new ways in which people use violence and acknowledging the significant harms caused by coercive violence. Other laws also



recognise the impact of systems abuse, which is “...a powerful form of coercive control that is often invisible, hidden behind paperwork and court processes” (DV Alert 2025).

The *Family Violence Act* does not explicitly discuss other forms of violence that are included in other family violence laws, such as:

- preventing the family member from making or keeping connections with their family, friends, culture or religion
- unlawfully depriving the family member of their liberty
- harmful use of, or interference with, technology, including use of an electronic device to publish intimate images of a family member, using an electronic messaging system to send abusive or threatening messages, using software to track a family member’s whereabouts and using social media to publish intimate images of a person without the person’s consent
- behaviour that shames, degrades or humiliates
- threatening to self-harm as a way of intimidating or coercing the family member
- attempting or threatening family violence
- coercive control
- driving a vehicle in a dangerous manner while the person is a passenger in the vehicle or the use of a vehicle as a weapon
- giving or sending offensive material to the person
- threatening to withhold the person's medication or prevent the person accessing necessary medical equipment or treatment
- threatening to institutionalise the person
- 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
- substance use coercion
- identity-based abuse, such as threatening to out a LGBTIQ+ partner

In some Australian states, coercive control is addressed through standalone laws, which cover these behaviours in family and non-family contexts.

### Children and young people

While children and young people have the right to seek a restraint order under the *Justices Act 1959*, the types of violence covered by those provisions are not consistent with those in the *Family Violence Act 2004*. This gap leaves some children and young people without protection against the full array of family violence offending. Including children and young people in the *Family Violence Act* as primary victims of family violence is critical to address the gaps between child protection, youth justice and family violence laws.

### Intimate-partner sexual violence

The *Family Violence Act 2004* also fails to fully document the various forms of intimate-partner sexual violence that occur in family violence contexts. In particular, it does not capture harmful sexualised behaviour by, and against, children and young people.

Contrary to rape myths, the ABS (2023) found that the predominant perpetrator of sexual violence was an intimate partner. 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).

Intimate-partner sexual violence is often hidden 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 2025).

Intimate-partner sexual violence includes behaviours that may not meet the standard required under the *Family Violence Act 2004* and *Criminal Code Act 1924*. The *Family Violence Act 2004* currently defines family violence as including sexual violence such as “...sexual assault, indecent assault... rape... [and] penetrative sexual abuse of a child, a young person, or a person with mental impairment”.

Yet, in the development of risk assessment frameworks, sexual violence is defined as including a wider range of sexual violence, such as:

- 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
- Non-fatal strangulation
- Causing injury to the victim-survivor's sexual organs
- Disclosing or threatening to disclose intimate knowledge to generate fear
- Using sex to humiliate or mock another person

If coercive control is added to the *Family Violence Act*, some of these other sexualised behaviours may be considered family violence. However, 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.

### Systems abuse

Systems abuse has been raised constantly in our consultations with Alliance members, stakeholders, and victim-survivors, and represents one of the most critical issues relating to justice seeking for victim-survivors of family violence.

Systems abuse can limit access to justice, increase the harms caused to victim-survivors, and create significant court delays.

System abuse is a practice used by perpetrators that 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. Jillard and Mansour (2014) found that the majority of women listed as primary aggressors in family violence orders were in fact primary victim-survivors who were experiencing systems abuse.

Systems abuse can also occur in the gaps between family violence laws and Family Court matters. Reeves (2018; 2020) argues that systems abuse is most likely to occur in family law matters, and that the Family Law Court deals with more vexatious legal action than in any other courts in Australia.

The abuse of systems designed to support victim-survivors has significant individual and social consequences. Women misidentified as primary aggressors through systems abuse can lose housing, guardianship of their children, and access to the support systems essential to their recovery.

**The TFSVA will continue to work with its members and victim-survivors to advocate for more responsive family violence laws that not only respond, but also prevent, family violence.**

### RESEARCH EVIDENCE

As part of its response to the review of the *Family Violence Act 2004*, the TFSVA surveyed victim-survivors and stakeholders.

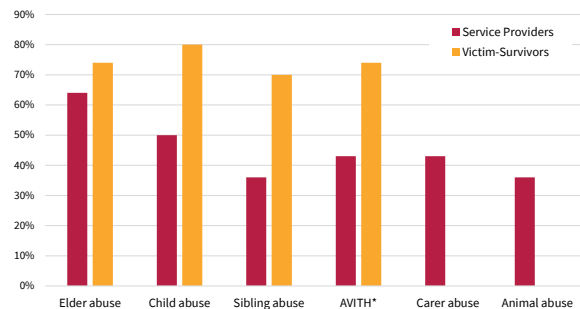


Figure 1: Types of violence that should be included in definition of family violence

Just over 70% of stakeholders and 80% of victim-survivors believe that children should be protected under the *Family Violence Act 2004* in their own right.

*It seems ludicrous that our legislation is called 'family violence' when it only covers intimate partner violence. It is important that we reflect all forms of family violence (Stakeholder 1).*

*Expanding the definition is essential for justice, safety and prevention ... 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 (Victim-survivor 3).*

*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. (Victim-survivor 6).*

57% of stakeholders indicated that coercive control is used in family violence *always*, and 29% *usually*. 85% of victim-survivors had experienced coercive control.

69% of victim-survivors had experienced systems abuse, and 62% of victim-survivors and 83% of stakeholders stated that systems abuse is not accurately identified by police and courts.

\* AVITH = Adolescent violence in the home

### References

- DV Alert (2025) *Understanding systems abuse*.  
 Australian Bureau of Statistics (2023b) *Personal Safety, Australia*.  
 Australian Bureau of Statistics (2024) *Record Crime – Victims*.  
 Office of the eSafety Commissioner (2017) *Image-based Abuse*.  
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 Jillard, A & Mansour, J (2014), Women Victims of Violence Defending Intervention Orders. *Alternative Law Journal*, 39(4), 235-240.  
 Reeves, E. (2018) *Systems Abuse Research Brief*.  
 Reeves, E. (2020). Family violence, protection orders and systems abuse: views of legal practitioners. *Current Issues in Criminal Justice*, 32(1), 91–110.