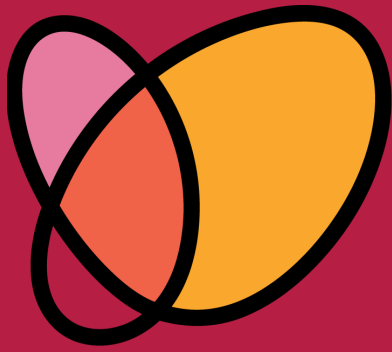




Tasmanian
**Family and
Sexual Violence**
Alliance

REVIEW OF BACKLOGS IN THE TASMANIAN COURT SYSTEM

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.



PREAMBLE

We welcome the opportunity to contribute to the third-party review of backlogs in the Tasmanian Court System. As identified by our members and victim-survivors, court backlogs are a significant contributor to the ongoing harm experienced by victim-survivors and the current review is well timed given the review of the *Family Violence Act 2004*.

Due to the large number of reviews and submissions we have been required to respond to in the last three months, in this submission we provide a top-level advice as to the issues of court backlogs as they directly relate to family and sexual violence. We strongly recommend that our comments on court backlogs are read in conjunction with submissions from our members, who have the practice wisdom to discuss how this matter impacts on service delivery to victim-survivors.

In this submission, we draw on data collected by the TFSVA in March 2026 to inform our response to the current inquiry into the operation of the *Family Violence Act 2004*.

About the TFSVA

The Tasmanian Family and Sexual Violence Alliance is the newly formed peak body for family violence and sexual violence, including child sexual abuse, 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 systems, influence policy, and drive cultural change to end gendered violence.

Terminology

Throughout this submission, we use the term “family and sexual violence” (FSV) to denote family violence, sexual violence, and child abuse. We use this term and acronym unless citing other research, policy, and practice documents. We also abbreviate victim-survivor to VS in citing their views, and similarly, stakeholders to SH.



TERMS OF REFERENCE

The Review will consider matters such as:

- ➔ delays and barriers that affect the smooth progression of cases;
- ➔ practical strategies that may improve timeliness and efficiency; and
- ➔ how improvement could be measured over time.

Views are sought on matters including

- ➔ What kinds of issues or recurring situations seem to slow matters down?
- ➔ Are there particular processes, practices or procedures that create unnecessary delay?
- ➔ Is there one process change or legislative change that you think would make the biggest difference?
- ➔ Are there features of Tasmania's justice system, geography, population, service availability or court structure that should be taken into account?
- ➔ Are there approaches from other jurisdictions that should be considered?



RESPONSE TO TORs

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 or does it simply offer 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. Additionally, as reported by our members and victim-survivors in north and north-west Tasmania, some victim-survivors are not able to access legal aid in navigating the court system and in the absence of this support, court delays are to be expected.

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 VS9:

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).



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.

Issues that slow matters down and create unnecessary delays

Consistently our members and victim-survivors note the significant harms that are generated by court waitlists and backlogs. Speedy resolution of family and sexual violence (FSV) matters is critical for victim-survivors' healing and recovery, and for safety planning. Court appearances on FSV matters create significant stress for victim-survivors, which is deepened by long wait times to hear matters, and matters being adjourned.

In practice, too many victim-survivors are relying on Police Family Violence Orders (PFVOs) over long periods of time, and in some cases, these lapse before their matters can be heard in court and a Family Violence Order is applied. While for some victim-survivors this is sufficient to divert offenders from ongoing violence, for many, PFVOs are inadequate and incorrectly applied.

Correcting a PFVO currently requires too much of victim-survivors who have been misidentified as the predominant aggressor, or are not considered the person most in need of protection. As noted by VS1:

Judges often don't understand the basic concepts of FV. Misidentification is dangerous and courts and police should be held accountable for misidentification (VS1).

Too many victim-survivors misidentified as the predominant aggressor or person most in need of protection just live with the ignominy of being regarded by the justice systems as perpetrators. This has critical implications for victim-survivors, as being regarded as the predominant aggressor or not the person most in need of protection means:

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 (SH1).

PFVOs are meant to serve as an emergency intervention in violence, to be resolved for the long-term by the application of a Family Violence Order (FVO).

However, in some regions of Tasmania, waitlists for FVO hearings can be as long as five months. Additionally, as SH12 notes, PFVOs are limited to 12 months, which even when they are achieving the right outcomes of diverting violence, means that victim-survivors are required to engage with court processes to have this extended, or to have a long-term FVO applied if the violence extends beyond 12 months:

It takes more than 12 months for the victim-survivor to feel safe. The [PFV] 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).

Speedy justice is critical in these matters, as uncertainty about family violence matters can also create a context where the perpetrator can just wait until the PFVO lapses to re-engage in violence.

These concerns with the delay in transitioning from PFVOs to FVOs mirror the impact of a lack of immediate action on breaches of these orders. According to VS36:

It doesn't much matter what... 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 (VS36).

Consistently across our stakeholders in their responses to our FVA review survey, they noted that police do not act on breaches, and when they do, delays in court



procedures, means the victim-survivor is left to navigate their own safety. As noted by VS47:

When there are allegations of FV, there is a presumption of power imbalance which continues even after court orders are made. Therefore the court can assist victims by creating a specialist service that will allow victim-survivors to file a simplified online report of the perpetrator's breaches of court orders for investigation to be carried out by the police and reported to the court for determination of the consequence leaving the onus on the perpetrator to show cause why he should not be punished. This protects the victim-survivor from running a traumatic lap through the court system which has been staged by the perpetrator whose sole intent is to wear the victim out through system abuse. This way the court does not become an involuntary accomplice of systems abuse (VS47).

As identified in some of the evidence provided by stakeholders and reported above, the other critical issue slowing down court processes is the deployment of systems abuse by the predominant aggressor. When surveyed about their view on the *Family Violence Act 2004* review, victim-survivors and stakeholders identified that systems abuse was the primary harm created by inefficient resolution of family violence matters. Systems abuse occurs when the perpetrator uses systems—such as the justice system—to extend the original family and sexual violence. This can present as non-attendance in court matters, delays in providing evidential materials, and cross-order applications. As SH2 and VS27 identifies:

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).

Understanding the different ways in which systems abuse presents is so important to protect victim-survivors from "second abuse" whether through court or during informal legal negotiations. I have generally found that there is poor recognition of what systems abuse is and how it presents, and no appetite to protect victim-survivors or prosecute perpetrators [for it] (VS27).

Systems abuse also contributes to delays in justice when there are separate judicial processes happening in tandem in the FCFCOA and the magistrates court. Victim-survivors have been informed that they may be perceived as engaging in systems abuse by the FCFCOA if they seek a (P)FVO, whilst a family court matter is being adjudicated. In this context, a lack of safe, secure, and trauma-informed information sharing can add to delays in justice.



Additionally, as noted by VS3, courts need to be able to act expeditiously when systems abuse is used by perpetrators, which requires a court system that is culturally competent to recognise systems abuse:

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 (VS3).

From our perspective, the delayed transition from PFVOs to FVOs, delayed court responses to breaches of these orders, and the misuse of court processes and procedures to enact system abuse are the three most critical issues contributing to court backlogs in Tasmania.

Change that would make the biggest difference

In our submission to the FVA review, we propose that Tasmania creates bespoke FSV courts and/or court waitlists, and that these matters are addressed by specialist court staff (including judges and magistrates) that are aware of the issues with systems abuse and misidentification of the predominant aggressor. Many victim-survivors noted that judges and magistrates too often misidentified the predominant aggressor, underestimated the harms of non-physical violence, and viewed evidence given remotely for the safety of victim-survivor as a means to manipulate the court system. Cultural and practice capability in FSV matters is essential if court backlogs are to be addressed. Inadequate and inappropriate court decisions can deepen the harms, and extend the timelines on healing and recovery. Having specialist court staff—and a specifically designed safe room from which victim-survivors can give evidence safely—are critical to better outcomes and reducing the impact of court backlogs.

Under the Family Violence Act 2004, victim-survivors could be better protected by ensuring faster access to interim orders, stronger enforcement of breaches, and consistent risk assessments at every stage. Greater integration between police,



courts, and specialist support services would improve safety planning and reduce re-traumatisation. Protection could also be strengthened through culturally safe, trauma-informed approaches—particularly for migrant and refugee women—along with safeguards to prevent perpetrators from misusing court processes to continue coercive control (SH13).

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 by some victim-survivors in response to our FVA review survey, they 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 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.

Court processes and practices are foreign to most victim-survivors, and they report high levels of apprehension about what will occur. This is especially impactful for those victim-survivors who are not represented. As a means to resolve these concerns, in our submission to the FVA review, we proposed a dispersed model of early intervention to divert matters from courts, and prevent the violence before court involvement is necessary.

Similarly, a dispersed model of justice is an important change that would increase the trust and efficiency of the justice system. This includes, for example, as SH3 and VS3 identified:



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).

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 (VS3).

Responding to victim-survivors where they are at—rather than requiring them to navigate transport to engage in processes that are trauma-inducing—is the hallmark of a responsive system. To enable such a response to FSV requires that the government further invests in legal aid and legal assistance to victim-survivors, especially for those living outside of the Hobart area. That investment in legal advocacy will assist in reducing the backlogs, empower victim-survivors, and reduce the opportunities for systems abuse.

Features of Tasmania's justice system that should be considered

Justice outside of Hobart is limited. Our highly dispersed population means that FSV is often hidden from view and bystander intervention, that the only available response is a criminal justice response (which many victim-survivors do not want), and that justice seeking—let alone, healing and recovery—is delayed, or not even engaged with given the difficulties in accessing services outside of Hobart, Launceston, or Burnie.

In the context of such a dispersed population, greater use of remote hearings—in person or online—is warranted. Requiring a victim-survivor with significant trauma in, for example Strahan, to do the five-hour return journey to Burnie for what should be a perfunctory extension of a FVO is not best practice, and contributes to ongoing harms and trauma. The capacity for dispersed justice is all the more important in a context of costs of living and pressures on victim-survivors to find resources to travel outside of their hometown to access justice.



Approaches from other jurisdictions that should be considered

Family Violence Orders

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. In these contexts—and the Tasmanian Government's current financial situation—it may be time for Tasmania to consider a response model that aims to address the issues upstream before costly policing and court processes are required.

The examples of better practices from other Australian jurisdictions below clearly indicates that PFVOs are a stop-gap, emergency measure to prevent further violence and to summons the perpetrator to court for a full consideration of the matter. They are not the answer to ongoing victim-survivor safety and wellbeing, and given the prejudicial response some victim-survivors experience with police—especially First Nations, LGBTIQ+, and disabled victim-survivors—court issued orders are preferred by all stakeholders. This is because court issued orders enable the full context and needs of victim-survivors to be assessed outside of the situated crisis that PFVOs are often issued—and too often issued as cross-orders that significantly deepen the harms to victim-survivors. While victim-survivors are hesitant to engage in court processes, they consistently report more trust in courts than in police.

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.

Specialist Courts

As noted above, victim-survivors and specialist services have raised concerns about the ways in which harms are exacerbated when family and sexual violence through the court systems. Given these contexts to responding to family violence through the courts, it is critical that alternative justice mechanisms are considered. Early intervention approaches are best practice as victim-survivors may not want to report their victimisation to police, and cost savings can be extracted by diverting victim-survivors and offenders away from costly court processes. 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.

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, and Western Australia 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.

Robust evaluation of any FSV strategy to reduce court backlogs is essential to identify gaps and address emerging issues. However, it is rare for any FSV service or program to be funded to undertake this evaluation work. Significant re-investment in legal aid must be matched with increased funding to all stakeholders responding to family and sexual violence to undertake both quantitative and qualitative evaluation of any innovation in legal and judicial practice.