Tasmanian
Family and
Sexual Violence
Alliance

Submission to the Family Violence Amendment Bill (Tranche 1)

October 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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PREAMBLE

The Tasmanian Family and Sexual Violence Alliance welcomes this opportunity to respond to the Tasmanian Government's Family Violence Amendment Bill (Tranche 1). While we acknowledge the importance of some of these amendments to the existing *Family Violence Act 2004*, we again raise our serious concerns about the reform agenda.

Over the last 12 months, the family and sexual violence sector in Tasmania has engaged with Tasmanian and federal governments on the legislative and policy contexts of ending family and sexual violence (FSV). The FSV sector have engaged sincerely and frankly in these processes and have committed significant unfunded resources—including victim-survivor consultations—to fully document our concerns and propose innovations in law and practice. Consistently across these consultations, our members have identified the key priorities, including:

- The outlier definition of family violence in Tasmania, including scope of violence covered, and gaps in responding to and preventing coercive control and tech-facilitated abuse, and the failure to recognise children and young people as primary victim-survivors
- Systems abuse
- Misidentification of predominant aggressor, especially the heightened misidentification of First Nations' victim-survivors
- Reporting hesitancy and the need for alternative justice and healing processes
- Crisis and medium-term housing and the limitations of Safe at Home in providing "stay at home, leave violence" options for all victim-survivors

These issues are linked to not only the legislative framework of the *FVA* but also to the funding of services to support victim-survivors, information sharing across the sector, and shared risk assessment and case management frameworks.

At the time of the *FVA* review in early 2026, some members raised concerns about the timeline for reforms and advocated for a staged rollout to address the most critical issues as matters of urgency. It is disappointing, therefore, that the government has chosen not to address the most critical issues—apart from specific provisions for coercive control—in its first tranche.

The sector is currently being asked to engage with individual components of a broader reform package without yet having visibility of the full set of proposed changes, the sequencing of those changes, or the overall framework they are intended to create and fund. This makes it difficult to assess the implications of individual tranches in the context of the *FVA* as a whole.

A clearer roadmap setting out how the proposed reforms relate to one another, the rationale for their sequencing, and how they connect to the priorities identified by the sector would support more effective engagement and implementation.

In our work with stakeholders on the mainland, we are constantly needing to address the elephant in the room: our *Family Violence Act* does not recognise or respond to—let alone, prevent—family violence unless the conduct occurs in a "significant" intimate partner relationship. If the intent of the government is *not* to expand the definition of family violence, we suggest that the Act should be renamed as the *Intimate Partner Violence Act* in line with the definition reflected in the *National Plan to End Violence against Women and Children*.

We also note that in recent weeks both the NSW and Victorian governments have proposed further amendments to their family violence legislation, specifically relating to the definition and offences applied in some family violence and sexual violence offending. As noted in our response to the Tasmanian Bill below, NSW has introduced amendments to their criminal code to include directions to juries in sexual violence matters; not just family violence matters. Additionally, the Victorian Government has indicated that they will be introducing amendments including:

- a new form of manslaughter for perpetrators whose abuse contributes to a victim's suicide
- an offence relating to abandoning a family violence victim in need of urgent medical assistance
- increased maximum penalties for sexual offences and killing a current or former intimate partner
- changes to allow courts to consider patterns of sexual abuse by an accused as evidence at trial

If the Tasmanian *Family Violence Act 2004*—and the *Criminal Code 1924* as it relates to sexual offences—is to keep pace with innovations in law elsewhere in Australia, the Alliance believes that these matters should be considered in future tranches of amendments.

We acknowledge that governments are required to make hard financial decisions. Yet, at a time when the Tasmanian Government has committed significant resources across a range of non-critical developments, it is sending a dangerous message to the public (including perpetrators), victim-survivors and the FSV sector that adequately funding the critical issues of family and sexual violence prevention are not a priority. The Tasmanian Government must recommit to the terms of the *National Plan to End Violence against Women and Children, National Plan to Prevent Child Sexual Abuse*, and *Our Ways – Strong Ways – Our Voices*, to the safety of victim-survivors, and to ensure perpetrator accountability as core priorities.

ABOUT THE TFSVA

The Tasmanian Family and Sexual Violence Alliance (herein, "the Alliance") is the peak body for family and sexual violence in Tasmania 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.

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INTRODUCTION

Throughout the last 12 months, the Tasmanian Family and Sexual Violence Alliance ("the Alliance") along with our members in the specialist family violence, sexual violence, and child sexual abuse sector have advocated consistently about the gaps in our existing *Family Violence Act 2004*. Unlike every other jurisdiction in Australia—including the Federal jurisdiction—the definition of what constitutes family violence in Tasmania, along with the definition of a "significant" intimate partner relationship, are outliers and not aligned with the *National Plan to End Violence against Women and Children*, *National Plan to Prevent Child Sexual Abuse*, or *Our Ways – Strong Ways – Out Voices National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence*.

We are particularly concerned that Aboriginal Control Community Organisations, including our member, TAFSS, were not consulted initially to ensure that the amendments align with commitments made to *Our Ways,* and to carefully consider how these amendments are likely to have a disproportionately negative impact on First Nations victim-survivors, their families, and communities.

It is in this context that the Alliance provides our response to the first tranche of amendments to the *Family Violence Act 2004*. Our advice as to these amendments is necessarily partial given that we have not been informed whether the definition of family violence will be expanded—especially in relation to children and young people as primary victim-survivors of family violence—and therefore, have no insights about the efficacy of the first tranche of amendments to adequately address all forms of family violence.

The Alliance has heard that the Department of Education, Children and Young People has no plans—and no funding—to fully scope the Youth Justice Strategy as it relates to children and young people who are victim-survivors. If this is correct, in this context, the inclusion of children and young people as victim-survivors in the *Family Violence Act 2004* is essential. However, we note, that while reforms to the *FVA* to include children and young people are essential, the possible absence of children and young people as victim-survivors in the Youth Justice Strategy fails to meet the needs of all

victim-survivors. The Alliance believes that in addition to including children and young people as primary victim-survivors in the *FVA*, DECYP and the government must pause the development of the Youth Justice Strategy until such time that victim-survivors who are children are integrated into the justice framework. Their absence from it sends a message that the only justice on offer to children and young people is that meted out to those children and young people who engage in behaviour that is criminalised.

We ask that any future *FVA* tranches are not tabled for consultation until and unless the FSV sector are provided with a framework for these amendments and a clear statement of intent from the government about who will have the privilege to access the necessary crisis, early intervention, and response systems that has been built around formal reporting of family violence to the police, including Safe at Home provisions and supports.

We have attached to our submission on tranche 1 of the amendments our initial submission to the *FVA* review and our submission to the Second National Action Plan consultation, both of which respond to some of the issues raised in this tranche of amendments. We refer members to those submissions for detailed exploration of these matters. In this submission, we respond only to those matters we have not previously discussed in our submissions, or where the Bill deviates significantly from our earlier advice on these matters.

SUGGESTED ACTIONS SUMMARY

Suggested Action 1:	That associated policy and practice guidelines are developed to inform first responders of the necessity for a medical assessment of the non-apparent harms of non-fatal strangulation	11
Suggested Action 2:	That tasmania police officers are fully trained in recognising and understanding the harms of non-fatal strangulation	11
Suggested Action 3:	That the word choking is removed from all provisions in the *criminal code 1924* and *police offences act 1935*	12
Suggested Action 4:	If the government's intent to also cover gagging conduct that could lead to choking that s170b(2) includes explicit examples of gagging conduct that constitutes choking	12
Suggested Action 5:	That clarifying text is added to s170b to account for the co-occurrence of strangulation with other family and sexual violence offences, and whether these will be charged separately	12
Suggested Action 6:	That s4 of the *family violence act 2004* is further amended to include definitions of choking, suffocating, and strangulation	13
Suggested Action 7:	That clarifying text is added to s170b to account for repeated acts of strangulation and whether offenders are charged for each and every incident of strangulation	13
Suggested Action 8:	That all references to "may" in s371b be replaced with "shall"	15
Suggested Action 9:	That s371b(1) is amended to include directions to juries in matters relating to sexual violence offences, including that which occurs within a family violence context and explicitly references child sexual abuse within the family context	15
Suggested Action 10:	That s371b(4)(c) is amended to include directions to juries as to the broader contexts of why victim-survivors may not act in ways that the general public consider appropriate in the context of family violence and sexual violence	16
Suggested Action 11:	That the tasmanian government advocates for, and endorses, a national model jury directions bill	16
Suggested Action 12:	That s371b(5) is amended to replace "may" with "shall"	17

Suggested Action 13:	That s371b(5) is amended to include direction to juries at the outset of all trials relating to family violence *and* sexual violence	17
Suggested Action 14:	That s371b(5) is amended to compel guidance as to the reasons why a victim-survivor may delay a complaint or act in ways that do not align with myths, misconceptions, and mis- and disinformation about victim-survivors' actions in relation to family violence *and* sexual violence	17
Suggested Action 15:	That proposed amendments to s4(a) of the *family violence act* replaces "includes" with "includes but is not limited to"	17
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Suggested Action 19:	That the tasmanian government liaise with their federal counterparts to explore the extension of s68r of the *family court act 1975* to enable tasmanian magistrates to override family court orders as they relate to right to access the family home in cases of family violence orders that proscribe access to shared property	20
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Suggested Action 21:	That reference to firearms in the *family violence act 2004* are further amended to include the display and deliver of ammunition, and that such courses of conduct are explicitly referenced in the proposed substituted s8 (coercive control) as a form of coercive control	21
Suggested Action 22:	That the proposed amendments to s7 are accompanied by amendments to s4 to clearly define "ordinarily occupied" in the context of family violence, "unbroken series" as it relates to conduct that is coercive or controlling, and "context of the relationship" as it relates to the definition of family violence and coercive control	22
Suggested Action 23:	That the proposed changes to s7(4)(a)(i) and s7(4)(a)(ii) are reconsidered and redrafted for clarity and clarifying text and/or definitions are provided as to what constitutes "immediate succession" and "unbroken series"	22
Suggested Action 24:	That s7(g)(3) is amended by inserting "(including by third parties)" "after directly or indirectly"	22
Suggested Action 25:	That further consideration is given to the gap that has been created in the delayed commencement of the new proposed s8, and how victim-survivors are safeguarded and enabled to reference courses of conduct that occur prior to commencement of that provision	24
Suggested Action 26:	That the proposed s8 substitutions include a provision that a course of coercive and controlling conduct occurring prior to the commencement of the amendment can be offered as context to the matter before the court	24
Suggested Action 27:	That consideration is given to applying a harms-based test to s8(2) rather than the "reasonable person"	25
Suggested Action 28:	That s8(1) is further amended by inserting "(including by third parties)" after "directly or indirectly"	25
Suggested Action 29:	That s8(1) and s8(6) are further amended to make explicit reference to the behaviours that inhibit aboriginal victim-survivors maintaining connection to country and community, undermines self-identification as aboriginal, and racist behaviours	27
Suggested Action 30:	That s8(1) and s8(6) further amended to include threats of deportation or threats to report victim-survivors on temporary visas to australian customs and biosecurity or australian border force	27

Suggested Action 31:	That s8(1)(c), s8(1)(e), s8(1)(i) and 8(6) explicitly includes controlling access to disability aids and communication devices as barriers to make choices in relation to the person's body, access to basic necessities, and ability to engage in ordinary day-to-day activities	27
Suggested Action 32:	That s8(1) and s8(6) are further amended to include specific reference to threats of non-consensual conversion practices directed at the primary victim-survivor and affected child as a form of coercive control	27
Suggested Action 33:	That s8(1) and s8(6) are further amended to include specific reference to the lgbtiqa+ specific forms of coercive control, such as threats of outing a victim-survivor in order to compel compliance, undermine victim-survivor's self-worth, and enhancing internalised stigma and shame	28
Suggested Action 34:	That clarifying text is added to s8 to ensure that s8(1)(h) cannot be used by perpetrators in circumstances where there is a conflict between family violence order provisions and family court orders as to access to property	28
Suggested Action 35:	That the proposed changes to s8(5)(a) and s8(5)(b) are reconsidered and redrafted for clarity and that clarifying text or definitions are provided as to what constitutes "immediate succession" and "unbroken series"	29
Suggested Action 36:	That the proposed changes to s8(6) include explicit reference to existing technologies used to facilitate family and sexual violence, including coercive control, as a non-exhaustive list	30
Suggested Action 37:	That s8(6)(h) is amended to include "threatening the spouse of partner with death or injury… an affected child, another person, or a wild, domestic, or farm animal"	30
Suggested Action 38:	That s8(7) is amended to clarify (a) what is meant by "in the context of the relationship", and (b) that clarifying text is added to ensure that victim-survivors' vulnerability or the nature of the patterns of controlling and coercive conduct normalised within a relationship are not used in defence of controlling and coercive conduct	31

Suggested Action 39:	That the bill is amended to include provision for a statutory review of the coercive control offences and defences within two years of commencement to explore how these provisions may have created unintended consequences	31
Suggested Action 40:	That s9 of the proposed amendments limiting coercive control conduct to the last two years is extended to, at least, five years	32
Suggested Action 41:	That part 4a (declaration of serial family violence perpetrator) is reconsidered as a whole, with the intent to increases the consequences of such a declaration, including the application of an indefinite fvo	34
Suggested Action 42:	That consideration is given as to serial family violence perpetrators being subject to a disclosure scheme to enable secondary prevention of this conduct occurring in new relationships in which the new partner(s) is unaware of the existence of the declaration	34
Suggested Action 43:	That serial family violence perpetrator declarations can be applied in circumstances where a perpetrator has plead or been sentenced and no conviction is recorded	34
Suggested Action 44:	That the proposed s35a is amended to allow for a two-year limitation period for breaches of family violence orders	35
Suggested Action 45:	That if the limitation period is not extended to two years That further amendments are made to enable the consideration of these matters in exceptional circumstances	35
Suggested Action 46:	That s39 is further clarified to ensure that reporting child abuse occurring within the context of family violence is also covered by protection from liability	35
Suggested Action 47:	That the government reconsiders the purposes of inserting s35aa into the *police offences act 1935*	40
Suggested Action 48:	That the bill is amended to remove the proposed s35aa and instead adds strangulation as an aggravating factor to s35(6) of the *police offences act 1935*	40
Suggested Action 49:	That if s35aa is retained, that further amendments are included that explicitly enables the courts to make a finding as to guilt of assault in the alternative	40
Suggested Action 50:	That if s35aa is retained, the bill is amended to require medical assessment before a decision is made as to a summary or indictable offence	40

Suggested Action 51:	That this provision is reviewed after one year based on available data as to how and when this offence is charged, against whom, and the outcomes of charges laid	40
Suggested Action 52:	That the tasmanian government establish a reporting mechanism to track compliance with Suggested Action 50, and the reported diagnosis and prognosis of victim-survivors who are strangled	40
Suggested Action 53:	That the proposed amendment to s8(3) of the *victims of crime assistance act 1976* is amended to provide a clause that a victim-survivor of family or sexual violence (including child sexual abuse) can veto the publication of their matter	41
Suggested Action 54:	That informed consent is received from fsv victim-survivors who receive a victims of crime package before any matter is published	41
Suggested Action 55:	That fsv victim-survivors who agree to publication are provided with specialist advice before and after publication as to the implications of such publication, and to ensure safety planning is in place before publication	41
Suggested Action 56:	That the government provide dedicated funding to victims of crime and specialist family violence and sexual violence services to support victim-survivors to assess the implications of publication and to provide safety planning and support if the victim-survivor consents to publication	42
Suggested Action 57:	That s4 of the *victims of crime compensation act 1994* is amended to include a new sub-section relating to those offenders who are charged, plead guilty, and a conviction is not recorded	42

THE CONTEXT OF FAMILY & SEXUAL VIOLENCE IN TASMANIA

FAMILY VIOLENCE
- Highest rate of IPV (31% v 27%)
- Highest rate of cohabiting partner emotional abuse (28% v 23%)
- Highest rate of cohabiting partner economic abuse (20% v 16%)
- Highest rate of stalking (21% v 20%)

SEXUAL VIOLENCE
- Second highest rate of SV (26% v 22%)
- 81% of Tasmanians know someone who has experienced CSA
- Highest rate of SV perpetrated by someone known (>90% v 65%)
- Highest rate of SV occurring in residential locations (78% v 65%)

CHILDREN & YOUNG PEOPLE
- Highest rate of teen IPV (40% v 29%)
- Highest rate of child maltreatment notifications
- Highest rates of disadvantage
- First Nations CYP 5.6 x more likely to be removed from parents

WORKFORCE
- Tasmanian workers earn $11K less per year than mainland peers
- Lowest full-time weekly earning ($1,570 v $1,770)
- Lowest childcare availability
- 50% of Tasmanian organisations had difficulties recruiting

ECONOMIC
- Lowest GSP per capita; 25% below national average
- Tasmanians pay $3,500 less per head in personal income tax
- Highest state debt
- Second lowest % of FSV appropriations (0.9% v 2.5% nationally)

POVERTY
- Highest rate of poverty (1:6 v 1:7)
- Highest welfare dependency rate
- Tasmanians receive $2,000 more per head in government benefits
- 1:4 Tasmanian children experience social exclusion

HEALTH & DISABILITY
- Highest rate of ageing & oldest median age (41.8yrs v 38.5yrs)
- 50% of Tasmanians have one or more chronic health conditions
- Second highest rate of suicide
- Highest rate of disability (31% v 21%)

LITERACY & EDUCATION
- Highest rate of illiteracy (>50%)
- Lowest rate of Year 12 completion (53% v 75%)
- Lowest rate of post-secondary education
- Highest rate of people reading at Level 2 or below

HOUSING & RURALITY
- Most decentralised population, with 30% living remotely
- No affordable low-income rentals; 0.6% vacancy rate
- Average wait time for social housing of 89 weeks
- Second highest rate of youth homelessness

POLICING & JUSTICE
- Second highest rate of sworn officers per capita
- Highest rate of pending court caseload
- Lowest ratio of solicitors per capita (1:642 v 1:154)
- Lowest crime rate apart from FV/IPV/SV

Note: Evidence supporting these statistics are provided in the TFSVA submission to the *Second National Action Plan to End Violence against Women and Children*

PART 1: PRELIMINARY

COMMENCEMENT

We note that Parts 1 and 4 are to commence on the day on which the Act receives the Royal Assent, but that the substantive amendments in Parts 2, 3, 5, 6, and 7 are to commence at some time in the future. We seek clarification as to when the government intends on proclaiming these other parts given that timeframes on some provisions are linked to commencement and our specialist services members need to be able to advise victim-survivors in the intervening time. This timing is especially important in relation to amendments that scope coercive control, and the time limits placed on evidencing coercive control.

PART 2: *CRIMINAL CODE ACT 1925* AMENDED

SCHEDULE 1 (CRIMINAL CODE)

s170B Strangulation, &c.

The Alliance supports the inclusion of S170B into the *Criminal Code 1924*, and its enumeration in s105A. We are concerned—and fully explore in detail in relation to Part 5 amendments—that police are may not be able to assess either the lack of consent, or the long-term harms of strangulation in first response. Advice provided by medical associations, researchers, and medical practitioners is that any strangulation can lead to life-changing harms that cannot be assessed by visible injuries alone, and as such, requires all victim-survivors who have been strangled to be assessed by a trauma physician.[1]

[1] Victoire, A., *et al*. 2022, 'I thought I was about to die': Management of non-fatal strangulation in general practice. *Australian Journal of General Practice*, 51(11), 871-876; De Boos, J. 2019, Non-fatal strangulation: Hidden injuries, hidden risks. *Emergency Medicine Australasia*, 31(3), 302-208; Bichard, H., *et al*. 2022, The neuropsychological outcomes of non-fatal strangulation in domestic and sexual violence: A systematic review. *Neuropsychological Rehabilitation*, 32(6), 1164–1192; Messing, J.T. , *et al*. 2018, Differentiating among Attempted, Completed, and Multiple Nonfatal Strangulation in Women Experiencing Intimate Partner Violence. *Women's Health issues*, 28(1), 104-111; Stansfield, R., & Williams, K. R. (2021). Coercive Control Between Intimate Partners: An Application to Nonfatal Strangulation. *Journal of Interpersonal Violence*, 36(9-10), NP5105-NP5124; Monahan, K., *et al*.2019, Neurological Implications of Nonfatal Strangulation and Intimate Partner Violence. *Future Neurology*, 14(3). https://doi.org/10.2217/fnl-2018-

As noted by Reckdenwald *et al*.[2]:

> Results reflect the seriousness of NFS [non-fatal strangulation] with multiple strangulation attacks in the current incident recorded in 52% of the reports, loss of consciousness recorded in 13.1% of the reports, and a history of strangulation in the relationship recorded in 60% of the reports. It is argued that a forensic exam is essential to identify and mitigate serious symptoms and injuries, as well as to collect valuable evidence that can be used during legal proceedings.

As such, any amendments to s170B of the *Criminal Code 1924* should have policy, practice, and training requirements for all involved in responding to family and sexual violence involving non-fatal strangulation, including guidance to police as to the transport of victim-survivors to hospital for an assessment of harms caused by this conduct.

Suggested Action 1: That associated policy and practice guidelines are developed to inform first responders of the necessity for a medical assessment of the non-apparent harms of non-fatal strangulation

Suggested Action 2: That Tasmania Police officers are fully trained in recognising and understanding the harms of non-fatal strangulation

While we recognise that choking is commonly understood to be the same as strangulation, it is not. As noted by Glenn,[3] language matters, and conflating the two in legislation is problematic given that choking is not external pressure causing the constriction of blood and airways. While colloquially—and in pornography—choking has become synonymous with strangulation, it is not. Rather, choking is an internal constriction arising from something getting lodged in the throat. If a perpetrator has their hands in a victim-survivor's mouth or have gagged them, they are choking them, not strangling them. If, however, the intent is to include behaviours such as gagging a

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0031; Messing, J.T., *et al*., Accounting for Multiple Nonfatal Strangulation in Intimate Partner Violence Risk Assessment. *Journal of Interpersonal Violence*, 37(11-12), NP8430-NP8453; Jordan, K.S., *et al*. 2020, A Case of Nonfatal Strangulation Associated With Intimate Partner Violence. *Advanced Emergency Nursing Journal*, 42(3), 186–195. Zilken, R.R., *et al*. 2016, Non-fatal strangulation in sexual assault: A study of clinical and assault characteristics highlighting the role of intimate partner violence. *Journal of Forensic and Legal Medicine*, 43, 1-7; McKee, G.N., *et al*. 2020, New Perspectives on Risk Factors for Non-fatal Strangulation and Post-assault Imaging. *Journal of Interpersonal Violence*, 37(9-10), NP8226-NP8236.

2 Reckdenwald A, Powell K, Martins T. 2022, Forensic documentation of non-fatal strangulation. *Journal of Forensic Sciences,* 67, 588–595.

3 Glenn, K.M. 2020 (20 October), *Choking vs. strangulation: Why verbiage matters in domestic violence cases*. *Criminal Justice Know How*. https://criminaljusticeknowhow.com/choking-vs-strangulation-why-verbiage-matters-in-domestic-violence-cases/

victim-survivor by inserting an object into the mouth/throat to cause choking, then it is appropriate to include choking in this and other provisions relating to strangulation.

Suggested Action 3: That the word choking is removed from all provisions in the *Criminal Code 1924* and *Police Offences Act 1935*

Suggested Action 4: If the government's intent to also cover gagging conduct that could lead to choking that s170B(2) includes explicit examples of gagging conduct that constitutes choking

We seek further clarification as to the co-occurrence of strangulation with other family and sexual violence offences, and whether these will be charged as two (or more) separate offences. This is implied in the Act but greater clarity that, for example, if a perpetrator strangles a child in the course of sexually abusing them, would that give rise to two (or more) charges? An explicit provision in relation to co-occurrence would assist police in charging offenders, and in fully recognising the additional harms created by strangulation in a course of conduct.

Suggested Action 5: That clarifying text is added to s170B to account for the co-occurrence of strangulation with other family and sexual violence offences, and whether these will be charged separately

Similarly, it is unclear whether a perpetrator will be charged with multiple offences of strangulation if this conduct was used repeatedly. While not as critical here in the *Criminal Code 1924* amendments, the Part 5 amendments to the *Police Offences Act 1935* provide for penalties for first and second or subsequent offences. It is therefore critical that clarity is provided as to whether the repeated use of strangulation—in a single incident of family or sexual violence or over a period of time as part of a course of conduct—would be charged separately. Would three acts of strangulation in a single incident constitute second and subsequent offences, or would there be a requirement that there be a temporally-separate act of strangulation for the provision for second and subsequent offences to be considered?

According to the Tasmanian *DPP Guidelines* (at 12.18 Strangulation), this type of conduct is to "be regarded as grave criminal conduct", yet as they note in that section, the terms chokes, suffocates, and strangles (or strangulation) are not defined in the

Criminal Code 1924.[4] Further, the *DPP Guidelines* also note that prosecutors should consider obtaining expert medical evidence, which we note in Part 5 should be mandatory at both response and adjudication. Police and courts are not sufficiently trained to recognise the non-apparent harms of this conduct and should not be empowered to assess these harms in the absence of expert medical assessment and expert medical evidence if/when the matter is considered in court.

Further, the DPP Family Violence Guidelines[5] notes that:

> It is not uncommon for an accused person to be charged with an indictable crime and a number of related summary offences. **Where possible, all charges should be included on the one complaint.**
>
> Police Prosecution Services should be directed that at the time of a plea being entered to any indictable matter all other associated charges are to be adjourned sine die to avoid separation of conduct.
>
> Provision of this information is necessary to enable the Office to consider whether there is any tendency or relationship evidence and, where there is a course of conduct, **that all matters (where possible) are dealt with in the one trial** and/or hearing to avoid the complainant having to give evidence on multiple occasions.

While we acknowledge the intent to reduce the burden on victim-survivors in court processes, this DPP guidance may need to be amended to ensure that subsequent acts of strangulation are charged separately, especially if a summary offence is to be created and applied.

Suggested Action 6: That s4 of the *Family Violence Act 2004* is further amended to include definitions of choking, suffocating, and strangulation

Suggested Action 7: That clarifying text is added to s170B to account for repeated acts of strangulation and whether offenders are charged for each and every incident of strangulation

We explore the issue of non-fatal strangulation in more detail in relation to Part 5 to evidence our concerns about the proposed summary offence of strangulation. However, we note here that any act of strangulation can have lifelong consequences and, in the non-consensual context of family violence, is highly predictive of lethality

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4 Tasmanian Director of Public Prosecutions 2026, *Prosecution Policy and Guidelines*. Hobart: Tasmanian Government, at 12.18.

5 *ibid*., at 11.3

in family and sexual violence.[6] Requiring multiple, temporally-separate incidents of strangulation before it is considered a second or subsequent act raises concerns about preventing this type of family violence and sexual violence, and the associated, significant harms that come with strangulation (such as hypoxic-ischemic brain injury or an anoxic brain injury). Each and every act of non-consensual strangulation should be considered life threatening.

s371B Directions in relation to family violence offences

The Alliance supports the amendment to include details as to advice able to be given by presiding judges to juries about the reasons why a complaint may be delayed and to clarify to juries that there is not a typical response to family violence. We note that in recent weeks, the New South Wales government has indicated that it plans to bring amendments to similar directions provisions for sexual violence.[7] Myths, mis- and disinformation about why a sexual violence victim-survivor does not immediately report to police are complementary to those informing the actions of family violence victim-survivors. It is a missed opportunity to not also include directions to juries for sexual violence, especially given that family violence can include sexual violence.

We are concerned that the proposed amendment only requires that this advice ***may*** be provided based on the presiding judge's initiative or a request by prosecution. This contrast with the language in s371A, where judges ***shall*** provide directions. Too many victim-survivors report adverse and adversarial leadership by prosecution and judicial staff on these matters and relying on either party to raise the need for jury directions is concerning in this context.

For consistency in s371, we suggest that "shall" should replace "may", but we further suggest that in the context of family violence and sexual violence (including child

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6 Glass, N., Laughon, K., Campbell, J., Block, C.R., Hanson, G., Sharps, P.W., & Taliaiferro, E. 2009, Non-fatal strangulation is an important risk factor for homicide of women. *Journal of Emergency Medicine*, 35(3), 329-335.

7 Gilmore, J. 2026 (23 September), Rape myths shape how we respond to sexual violence. What are they and what impact do they have? *The Conversation*; NSW Attorney-General, Minister for Women, and Minister for the Prevention of Domestic Violence and Sexual Assault 2026 (22 September) *Minns Labor Government introducing significant reforms to sexual assault prosecutions*. https://www.nsw.gov.au/ministerial-releases/minns-labor-government-introducing-significant-reforms-to-sexual-assault-prosecutions

sexual abuse) that more ideally this provision should frame directions to juries as mandatory, and "will" should replace "shall".

Suggested Action 8: That all references to "may" in s371B be replaced with "shall"

Further, whilst we recognise that the existing s371A includes offences under chapters XIV (Sexual Crimes) or XX (Rape: Abduction: Stalking and Bullying), we question why the government has not taken this opportunity to further expand the proposed s371B to sexual violence and child sexual abuse, where similar reasons for delayed action could arise.

Suggested Action 9: That s371B(1) is amended to include directions to juries in matters relating to sexual violence offences, including that which occurs within a family violence context and explicitly references child sexual abuse within the family context

Similarly, we question why the government has not taken this opportunity to expand jury guidance on other factors influencing victim-survivors' decisions about making a complaint. In the context of recent research about boys and young men's attitudes and beliefs about violence against women,[8] jury directions must address the disinformation and misinformation about false reports of family violence and sexual violence by victim-survivors. If children and young people are to be included in the definition of family violence, we also suggest that jury directions must include guidance on the widespread mis- and disinformation about false reporting of sexual abuse by children and young people, including that 22% of Tasmanians would not believe a child's disclosure of child sexual abuse.[9]

In its recommendations, the Australian Law Reform Commission[10] has advised that a Model Jury Directions Bill is required nationally to bring all Australian jurisdictions under the same approach, and that state legislation should be amended to "make

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8 Hewson, G. 2026 (25 August), Misogynistic views are biggest red flag for violent extremism, report finds. *ABC News Online*; Meger, S. 2026, *Misogyny, Online Radicalisation, and Youth Extremism in Australia*. Melbourne: The University of Melbourne; Buxton, E. 2026 (20 January), How to involve men and boys in tackling misogyny? Start by treating them not just as perpetrators. *The Conversation*.

9 National Centre for Action on Child Sexual Abuse 2024, *The Australian Child Sexual Abuse Attitudes, Knowledge and Response Study: Tasmania*. Melbourne: NCACSA.

10 Australian Law Reform Commission 2025, *Safe, informed, supported: Reforming justice responses to sexual violence*. Canberra: ALRC.

admissible expert evidence about the impact of sexual violence on child and adult complainants".

In addition to the proposed amendments, the Alliance believes that jury directions must also include guidance on why a victim-survivor may:

- remain with or return to a perpetrator;
- maintain contact after separation;
- withdraw or change a statement;
- appear calm, angry, or inconsistent;
- resist or use defensive force;
- not have reported earlier incidents;
- maintain a child's access to a perpetrator;
- not have visible injuries; and
- be influenced in their decision-making due to the effects of trauma, coercive control, financial dependence, ableism, racism, and fear of child removal.

Suggested Action 10: That s371B(4)(c) is amended to include directions to juries as to the broader contexts of why victim-survivors may not act in ways that the general public consider appropriate in the context of family violence and sexual violence

Suggested Action 11: That the Tasmanian Government advocates for, and endorses, a National Model Jury Directions Bill

When directions to juries are provided is critical to trial outcomes. The Alliance believes that unless juries are provided with guidance at the outset of the trial, they will consider all evidence presented until such guidance is provided through their own biases and prejudices, and possibly limited understanding of family violence and sexual violence. In all cases of family violence and sexual violence, we believe that directions should be provided:

- at the outset of the trial,
- when matters relating to delayed reporting—or other matters noted in Suggested Action 10 above—are raised by the prosecution or defence
- at the end of the trial and before jury deliberation of the matter

Suggested Action 12: That s371B(5) is amended to replace "may" with "shall"

Suggested Action 13: That s371B(5) is amended to include direction to juries at the outset of all trials relating to family violence *and* sexual violence

Suggested Action 14: That s371B(5) is amended to compel guidance as to the reasons why a victim-survivor may delay a complaint or act in ways that do not align with myths, misconceptions, and mis- and disinformation about victim-survivors' actions in relation to family violence ***and*** sexual violence

PART 3: *FAMILY VIOLENCE ACT 2004* AMENDED

SECTION 4 AMENDED (INTERPRETATION)

s4 Economic abuse

The Alliance welcomes the expanded definition of economic abuse. As we note below, however, we have concerns about the framing and gaps in the enumerated list of forms of economic abuse. As with our members, we suggest that this definition must also include explicit text about the role of economic abuse in sexual and reproductive coercion, such as withholding monies that would enable the victim-survivor to, for example, purchase contraception and reproductive health care. We also raise again the need for careful consideration of the course of conduct that constitute economic abuse in light of children and young people being recognised as primary victim-survivors of family and sexual violence.

While the new provision for economic abuse captures various conduct that impacts on adult victim-survivors' financial autonomy these are enumerated as an exhaustive list of behaviours and demarcates specific conduct that is covered by this provision.

Suggested Action 15: That proposed amendments to s4(a) of the *Family Violence Act* replaces "includes" with "includes but is not limited to"

If the definition of family violence is to be extended to include children and young people as primary victim-survivors, further amendments to this section will be required to capture the unique forms of financial abuse directed at children and young people. For example, economic abuse would need to be redefined to include

provisions for withholding or controlling wages earned by young people under 18 years and forced un-renumerated family vlogging and "kidfluencing".

Suggested Action 16: That proposed amendments to s4(a) of the *Family Violence Act* are further amended to include specific examples of the economic abuse that can be associated with forced or un-renumerated involvement in family vlogging and/or "kidfluencing", and the withholding of children and young people wages or income

Additionally, whilst child support or maintenance payments are paid to a parent, the payment is in fact for the child(ren) and its impact is primarily on children and young people, including capacity of the protective parent to cover costs associated with their reasonable household expenses (such as clothing etc) but also their social participation (such as playing sport, attending paid social activities). As such, explicit references to this form of economic abuse is necessary to capture the harms to the primary caregiver, but also the child. Similar concerns arise in relation to the manipulation of reportable income by the perpetrator that in turn impact on victim-survivors' payments from Centrelink, and lead to erroneous assessments by Centrelink that the victim-survivor has been overpaid once the perpetrator's tax return has been submitted.

Suggested Action 17: That proposed amendments to s4(a) of the *Family Violence Act* include explicit reference to withholding child support or maintenance payments as a form of economic abuse that disproportionately impacts on children and young people

Finally, the Alliance raises concerns about the use of the phrases "reasonable household expenses" and "reasonably necessary to meet the reasonable living expenses of the spouse or partner or an affected child". What is a reasonable household expense? What is a reasonable household expense in the context of family violence? Conventional advice is that reasonable household expenses are considered in terms of proportions, with 50% allocated to needs, 30% to wants, and 20% to savings. However, in the context of cost-of-living pressures, and the additional costs involved in seeking justice and escaping violence—from legal costs, sourcing documents, associated medical costs such as counsellors, through to the costs of attending appointments—it is unclear how this provision is to be judged.

Further, this phrasing raises concerns when considered in light of the context of disabled victim-survivors, whose "reasonable household expenses" would vary considerably from those of abled victim-survivors, and that economic abuse can be facilitated by augmentative and alternative communication (AAC) by the spousal carer. This point is also critical to consider in light of the defence against coercive control charges (discussed below), which considers whether the conduct is objectively reasonable in the "context of the relationship", which could include controlling behaviours due to the disability of the victim-survivor.

s4 Emotional or psychological abuse

The Alliance supports the redefinition of emotional or psychological abuse, and welcomes the inclusion of behaviour that humiliates, torments, or degrades. However, as has been included in the Queensland *Domestic and Family Violence Protection Act 2012*, we recommend the inclusion of "harasses" given the intimidation, fear and harm that adheres to this conduct.

Suggested Action 18: That the proposed amendments to s4(a) of the *Family Violence Act* include "harasses" in the definition of emotional or psychological abuse

s4 Family Court order

The Alliance supports the expansion of the Family Court order definition in the *FVA* to include provisions in the *Family Law Act 1975* that cover property and maintenance orders under Parts VIII and VIIIAB. However, in doing so, the amendments do not account for the issue that arises when there is a conflict between those Federal property and maintenance orders and the Tasmanian conditions of a Family Violence Order. In particular, whilst s68R of the *Family Law Act* enables Tasmanian magistrates to amend or vary family court orders in specific circumstances, largely relating to parenting, recovery and access orders, there is no corresponding power for Tasmanian magistrates to do so in relation to property and maintenance orders.

This creates a gap in legislation where a FVO is created or amended that bars the person using violence from the home whilst the Family Court order grants a right of

occupancy to that same party. This is also the case with Family Court orders that allow access to the property in limited circumstances, like preparing it for sale. Under our federated system, the Federal court order would prevail, which would leave victim-survivors in the unenviable position of leaving the shared property to be safe, or continuing to live in a context of family violence to comply with the Family Court order.

Before this gap becomes a critical issue in family violence matters, the Tasmanian Government needs to liaise with the Federal Government to ensure amendments are made to the *Family Court Act 1975* to enable Tasmanian FVO property and maintenance conditions to prevail.

Suggested Action 19: That the Tasmanian Government liaise with their Federal counterparts to explore the extension of s68R of the *Family Court Act 1975* to enable Tasmanian magistrates to override family court orders as they relate to right to access the family home in cases of Family Violence Orders that proscribe access to shared property

Suggested Action 20: That clarification is provided as to what will occur in cases where a Tasmanian FVO condition is inconsistent with an existing Family Court order in relation to property and maintenance if the Federal Government is unprepared to amend the *Family Court Act* to enable the Tasmania FVO to prevail

s4 Firearm[11]

The Alliance supports the inclusion of the definition of firearms in the Interpretation section of the *FVA*, with reference to the *Firearms Act 1996*. We note, however, that in the context of coercive control—and more broadly, family violence—it is not just the firearm that creates fear and apprehension. As noted by one of our victim-survivor members, the use of ammunition to threaten a victim-survivor is a proxy for the use of a firearm to threaten violence.

While provisions as to firearms in the *FVA* are firmly focussed on s10 (Power of police to enter certain premises), and that the possession of firearms must be considered in applying Police Family Violence Orders(s14) and Family Violence Orders (s16), with the addition of the proposed new s8 relating to coercive control, the Alliance believes that

[11] Enumerated separately in the Bill as Part 4: *Family Violence Act 2004* Further Amended

the display (i.e., leaving ammunition in plain sight) or delivery (i.e., leaving ammunition in a letterbox) should be explicitly enumerated as forms of coercive control.

Suggested Action 21: That reference to firearms in the *Family Violence Act 2004* are further amended to include the display and deliver of ammunition, and that such courses of conduct are explicitly referenced in the proposed substituted s8 (Coercive control) as a form of coercive control

SECTION 7 AMENDED (FAMILY VIOLENCE)

The Alliance supports, for the most part, the proposed amendments to the definition of family violence contained in s7. However, we wish to raise concerns about three matters in this suite of changes: "ordinarily occupied", "unbroken series", and "cumulative effect of the course of the conduct, considered in its context". The latter two of these concerns also arise in relation to the amendments to fundamentally redraft s8, s9 and s9A, which are discussed below.

"Ordinarily occupied" is a fraught concept in the context of family violence, where a victim-survivor and their children may need to relocate to temporary accommodation, such as hotels and couch-surfing, in order to be safe. We ask for clarification as to how this provision will be interpretated in contexts where "ordinarily occupied" is unclear due to the need to escape the home that is ordinarily occupied by the victim-survivor and their children.

This provision becomes even more complex with the addition of an "affected child" in s7(c)(v), who may be placed in out-of-home care as a consequence of child removal due to the protective parent not able to prevent the child being exposed to family violence. Where are those children "ordinarily occupied"? Or are children and young people excluded from those provisions relating to coercive and controlling behaviours in the definitions of family violence, despite reference to where they are ordinarily housed?

The Alliance is particularly concerned with s7(4)(a)(i) and s7(4)(a)(ii), which brackets the prevalence and sequence of coercive control between needing not to occur in immediate succession, but also not forming an "unbroken series" of conduct. In the

context of coercive control, what will constitute "immediate succession"? Is this a series of controlling behaviours that are broken by time or place, for example, at home over breakfast and later in the day at school pick up? Or does it require that the course of conduct be broken by a day, a week, a month? And if so, how does this align with the provision for these acts not to form an unbroken series? The text in this provisions is complex to parse, confusing as to its intent, and lacks definitional parameters. The double negative in s7(4)(a)(ii) adds further unnecessary complexity.

Suggested Action 22:	That the proposed amendments to s7 are accompanied by amendments to s4 to clearly define "ordinarily occupied" in the context of family violence, "unbroken series" as it relates to conduct that is coercive or controlling, and "context of the relationship" as it relates to the definition of family violence and coercive control
Suggested Action 23:	That the proposed changes to s7(4)(a)(i) and s7(4)(a)(ii) are reconsidered and redrafted for clarity and clarifying text and/or definitions are provided as to what constitutes "immediate succession" and "unbroken series"
Suggested Action 24:	That s7(g)(3) is amended by inserting "(including by third parties)" "after directly or indirectly"

SECTIONS 8, 9 & 9A SUBSTITUTED

s8 Coercive Control

The Alliance welcomes the amendments that fully consider coercive control as an umbrella family violence and sexual violence crime that includes some conduct already redefined in these amendments, such as financial and emotional or psychological abuse.

Our members have advised that they are deeply concerned about the weaponisation of coercive control measures against victim-survivors and persons most in need of protection. As we note below in relation to "in the context of the relationship", conduct by victim-survivors could easily be framed by perpetrators as coercive control, and these provisions could provide yet more opportunities for systems abuse by perpetrators. Our member, TAFSS, is also concerned that these provisions have not been considered in terms of the significant over-representation of Aboriginal and Torres Strait Islander women as misidentified predominant aggressors, and that this

misidentification continues to occur despite claims of increasing police and judicial capability.

While the Alliance is aware that Tasmania Police are already preparing its staff for recognising, recording, and evidencing coercive control, we understand that none of this training is being provided by specialist FSV services. The broader social and psychological contexts of coercive control are critical in understanding how this course of conduct should be policed and is essential in avoiding the misidentification of the predominant aggressor or person most in need of protection. Some of our members are, in fact, opposed to legislating against coercive control given existing concerns about how emotional or psychological abuse have been policed in the past, including the failure of first responders to appreciate the harm, distress, and intimidation that underpins these experiences of family and sexual violence.

These fears are not unfounded. In the first 18 months of the NSW provisions for coercive control, police have not been able to reliably identify courses of conduct, under-charge coercive control in favour of traditional family violence offences, and that evidencing the charge of coercive control is taking officers up to 187 days.[12] The FSV sector in NSW are concerned that victim-survivor expectations of swift action on coercive control are not being met. The sector believes that the lag between the law and policing practices has increased the risks to victims-survivors. As such, the issue of preparing police for recognising, recording, and investigating coercive control are critical to the success or otherwise of the s8 amendments to the *FVA*.

In this section, we have identified a few concerns as to the framing and phrasing of these provisions but wish to note from the outset that proposed amendments to s9A (transitional provision) raise serious concerns about the gap between the old and new provisions. In that section, conduct occurring before the commencement of these provisions—of which there is no indication as to when these coercive control

[12] Gleeson, H. 2026 (27 October), 'I was relieved, I felt validated': How coercive control laws are changing lives. *ABC News Online*

provisions will commence—"must not be taken into account for the purpose of establishing a course of conduct".

It is unclear how this amendment (mis)aligns with provisions relating to "immediate succession" and "unbroken series" at s8(5)(a) and s8(5)(b). We can see that some victim-survivors will be caught between these two provisions and not meet the conditions of the old provisions at s8, s9, and s9A, and not being able to demonstrate a "course of conduct" that is not in "immediate succession" or an "unbroken series" without including conduct that occurs prior to the commencement of the new proposed s8. To evidence the course of conduct victim-survivors may need to remain in unsafe conditions and record and report additional courses of coercive and controlling conduct in order to meet the requirement of the proposed s8 substitution, in the context of transitional arrangements.

Suggested Action 25: That further consideration is given to the gap that has been created in the delayed commencement of the new proposed s8, and how victim-survivors are safeguarded and enabled to reference courses of conduct that occur prior to commencement of that provision

Suggested Action 26: That the proposed s8 substitutions include a provision that a course of coercive and controlling conduct occurring prior to the commencement of the amendment can be offered as context to the matter before the court

A second concern as to the framing of the coercive control provisions is the use of the "reasonable person" test. We have raised this point repeatedly, given that the "reasonable person" is unlikely to have been subject to family or sexual violence, and as such, has limited understanding of the impact and harms of coercive control. The reasonable person drawn upon by courts consistently demonstrates that reasonableness is a problematic measure of harm. We note that in relation to hate crime and hate speech that a "harms"-based approach has been adopted by most Australian jurisdictions, which takes the experiences of the targeted group, not the reasonable person, as a measure of harm. We similarly believe that such an approach must be taken given that many who are empowered to make decisions about the "reasonable person" do not have lived experience and are unlikely to fully appreciate the harms caused by coercive control.

Suggested Action 27: That consideration is given to applying a harms-based test to s8(2) rather than the "reasonable person"

We also raise a point about the use of third-parties (such as friends and family) to facilitate coercive control. Third-party courses of conduct are not explicitly considered at all in these provisions.

Suggested Action 28: That s8(1) is further amended by inserting "(including by third parties)" after "directly or indirectly"

The Alliance supports the enumeration of course of conduct in s8(1) and s8(6) but suggest that these could be strengthened in a few ways. In addition to ensuring that police are comprehensively trained on the characteristics of coercive control, police also need to be aware of how these practices may differ for some victim-survivors, especially those who are Aboriginal, disabled, on temporary visas, and/or LGBTIQA+. Coercive control against Aboriginal victim-survivors may include threats to connection to Country and community, undermining self-identification as Aboriginal, racist conduct, and using wider community networks to deepen the coercive and controlling behaviours.[13] These must be explicitly enumerated if the Act is to provide appropriate and culturally safe guidance to police. However, the greatest risk in not fully considering the implications of this amendment for First Nations victim-survivors is the significant risk of Aboriginal victim-survivors being misidentified as the predominant aggressor,[14] and as such, the desire of many FSV ACCOs and Aboriginal victim-survivors to find alternative justice responses to coercive control.[15]

Similar concerns arise in relation to culturally and linguistically diverse victim-survivors and controlling behaviours that impact on their ability to speak their primary language, engage with their CALD community, participate in cultural and religious activities, and the use of racist conduct. The provisions in s8(1) and s8(6) ***may*** capture these unique experiences; however, there is a significant gap in both sections as it

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13 Commonwealth Attorney-General's Department 2024, *Understanding how coercive control can harm First Nations peoples*. Canberra: Commonwealth of Australia.

14 Buxton-Namisnyk, E., Gibson, A., & MacGillivray, P. 2022 (26 August), Unintended, but not unanticipated: coercive control laws will disadvantage First Nations women. *The Conversation.*

15 Hobson, C., Salter, M., & Stephenson, J. 2023, The Contributions of First Nations Voices to the Australian Public Debate over the Criminalisation of Coercive Control. *The British Journal of Social Work*, 53(8), 3761-3779.

relates to unique coercive and controlling behaviours used against victim-survivors on temporary visa, including hiding or damaging someone's passport or visa documentation, threatening to cancel their visa sponsorship, threats of deportation if they do not comply, and what is termed, visa abuse.[16]

While the framing in s8(1) and s8(6) ***may*** be expansive enough to capture some of the coercive and controlling behaviours that Aboriginal victim-survivors and victim-survivors on temporary visas can experience, it is largely silent of the specific forms of this conduct for disabled and LGBTIQA+ victim-survivors. We especially note the need for Tasmania Police to ensure that training provided to their officers on coercive control does not reinscribe a heteronormative and cisnormative framing of family and sexual violence, including that the person most in need of protection is the person in the relationship that most closely conforms to gender expectations, such as assuming the partner who police perceive as the most effeminate is the victim-survivor.[17] We believe that the current s8(1) and s8(6) are not expansive enough to capture the coercive and controlling behaviours that some LGBTIQA+ victim-survivors experience, such as threats of "outing"—i.e., non-consensual disclose of a victim-survivors sexuality and/or gender identity. With an abridged definition of family violence, the Alliance notes that intrafamilial hate crime experienced by LGBTIQA+ is not covered despite the familial nature of this violence.[18] We refer members to the submission made by Working It Out for more detail about how these provisions will need be to more inclusive to capture the unique experiences of LGBTIQA+ Tasmanians.

As to victim-survivors with disability, there are concerns from stakeholders that unless explicitly enumerated, coercive and controlling behaviours used against disabled victim-survivors will be framed paternalistically, as normal "caregiving", and that the

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16 Segrave M (2021) Temporary migration and family violence: How perpetrators weaponise borders. *International Journal for Crime, Justice and Social Democracy*. 10(4), 26-38; Respect Victoria 2026, Visa abuse. https://www.respectvictoria.vic.gov.au/prevention/recognise-violence/coercive-control-non-physical-violence/visa-abuse

17 Hilton, Z.N., Ham, E., Radatz, D.L., Smith, C.M., Snow, N., Wintermute, J., Jennings-Fitz-Gerald, E., Lee, J., & Patterson, S. 2024, Coercive Control in 2SLGBTQQIA+ Relationships: A Scoping Review. *Trauma, violence & abuse*, 25(5), 3713–3728; Sylvian, A. 2024, The Impact of Coercive Control Legislation for Transgender People in Australia. *Psychology of Women & Equalities Review*, *7*(1), 6.

18 Asquith, N.L. & Fox, C.A. 2016, No Place Like Home: Honour, Heteronormativity and Hate Crimes, in A. Dwyer *et al.* (eds), *Queering Criminology* (pp.163-182). London: Palgrave.

benefit of doubt is applied to the perpetrator who uses coercive and controlling behaviours "in the best interests" of the victim-survivor.[19] This is especially critical when considered alongside the points below in relation to "in the context of the relationship". We further note that coercive and controlling behaviours from carers and support workers are not included in these provisions given this amendment is placed in the *Family Violence Act*—i.e. not standalone breach of the criminal code—which does not recognise many forms of intimate coercive control experienced by people with disability. A further issue to consider in relation to disability and coercive control is the necessary additional guardrails and supports required for defendants who have a neurodevelopmental or cognitive disability, and the difficulties of navigating the complexity of what constitutes coercive control and regulating their own behaviours.[20]

Suggested Action 29: That s8(1) and s8(6) are further amended to make explicit reference to the behaviours that inhibit Aboriginal victim-survivors maintaining connection to Country and community, undermines self-identification as Aboriginal, and racist behaviours

Suggested Action 30: That s8(1) and s8(6) further amended to include threats of deportation or threats to report victim-survivors on temporary visas to Australian Customs and Biosecurity or Australian Border Force

Suggested Action 31: That s8(1)(c), s8(1)(e), s8(1)(i) and 8(6) explicitly includes controlling access to disability aids and communication devices as barriers to make choices in relation to the person's body, access to basic necessities, and ability to engage in ordinary day-to-day activities

Suggested Action 32: That s8(1) and s8(6) are further amended to include specific reference to threats of non-consensual conversion practices directed at the primary victim-survivor and affected child as a form of coercive control

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19 Lord, J.E. & Stein, M.A. Contingent participation and coercive care: feminist and communitarian theories of disability and legal capacity. In McSherry, B & Freckleton, I. (eds), *Coercive Care: Rights, Law and Policy*(pp. 31-47). London: Routledge; Spivakovsky, C. The impossibilities of "bearing witness" to the violence of coercive interventions in the disability sector. In Spivakovsky, C. & Seear, K. & Carter, A. (eds), *Critical Perspective on Coercive Interventions: Law, Medicine, and Society*. London & New York: Routledge.

20 Cowey, E., Bartels, L., & Boxall, H. 2025, The criminalisation of coercive control: Implications for defendants with neurodevelopmental and cognitive disorders. *Alternative Law Journal*, 50(1), 52-60.

Suggested Action 33: That s8(1) and s8(6) are further amended to include specific reference to the LGBTIQA+ specific forms of coercive control, such as threats of outing a victim-survivor in order to compel compliance, undermine victim-survivor's self-worth, and enhancing internalised stigma and shame

The Alliance is concerned that s8(1)(h) may be weaponised by perpetrators in the context of the gap between Tasmanian FVOs and Family court orders, when the former may require the perpetrator not to have access to their place of residence, while the latter allows occupation or access until the family property is sold. In this context, the repeated refusal to access the family home could be framed by the perpetrator or predominant aggressor as coercive control despite the FVO.

Suggested Action 34: That clarifying text is added to s8 to ensure that s8(1)(h) cannot be used by perpetrators in circumstances where there is a conflict between Family Violence Order provisions and Family Court orders as to access to property

As we have noted above in relation to the proposed s7(4)(a)(i) and s7(4)(a)(ii) amendments, the Alliance again raises our concerns as to the framing of s8(5)(a) and s8(5)(b) as it relates to "immediate succession" and "unbroken series", including removing the double negative in s8(5)(b). Once a pattern of controlling behaviours is established in a relationship, the perpetrator may not need to reinforce these behaviours consistently to ensure compliance from a victim-survivor. A victim-survivor may know all too well what will happen if they do not self-censor their behaviour. The power of coercive control is in its capacity for victim-survivors (and their children) to modify or control their own behaviour, and "walk on eggshells", in fear of what will happen if they do not.

We note that the penalties applied to first and subsequent courses of coercive and controlling conduct are significantly lower than those applied (or proposed) in other Australian jurisdictions. At s8(2)(c)(a), the proposed amendments note a penalty of 60 units or imprisonment for a term not exceeding three years for first offence, while subsequent offences attract a fine of up to 100 units or imprisonment for a term not exceeding five years. Similar provisions in other Australian jurisdictions do not provide for first and subsequent offences, and attract much higher penalties, including seven

years in NSW[21] and South Australia,[22] ten years in Victoria,[23] and 14 years in Queensland.[24] As with much of our response to family violence, Tasmania is again the outlier nationally.

These amendments become even more complex in the context of a relationship that starts and stops or has breaks in contact (such as when a perpetrator is detained for family violence offences). The text of the NSW *Crimes Act 1900* provides an alternative framing of immediate succession and unbroken series—that is framed also without double negatives—which makes clear that gaps in controlling and coercive conduct do not prevent them from being included as part of a course of conduct.

Suggested Action 35: That the proposed changes to s8(5)(a) and s8(5)(b) are reconsidered and redrafted for clarity and that clarifying text or definitions are provided as to what constitutes "immediate succession" and "unbroken series"

While the Alliance welcomes the much-needed inclusion of some forms of technology-facilitated abuse at s8(6), we hope that in future amendments to the Act that these forms of family and sexual violence are more fully scoped and operationalised in s7 as to the definition of family violence.

New provisions for technology-facilitated abuse are essential; however, the courses of conduct are not sufficiently enumerated in these amendments to ensure that all forms of technology-facilitated abuse are recognised. We acknowledge that any legislation covering technology-facilitated abuse needs to be sufficiently broad to be inclusive of emerging and future technologies, but we also feel this is a missed opportunity to, at least, enumerate existing technologies of concern, such as deepfakes, AI-generated sexual images, "smart" or perv glasses, "smart" cars, tracking devices, and tracking apps. Nor do these provisions capture the use of social media in tracking and

21 s54D(1) *Crimes Act 1900* (NSW)
22 s20C(1) *Criminal Law Consolidation Act 1935* (South Australia)
23 Justice Legislation Amendment (Family Violence, Coercive Control, Good Character, Risk Assessment and Other Matters) Bill 2026, s34AR(2)
24 s334C(1) *Criminal Code 1899* (QLD)

surveilling victim-survivors, or the use of social media to enhance coercive control. It is also silent on the use of dating apps to facilitate coercive control.[25]

Suggested Action 36: That the proposed changes to s8(6) include explicit reference to existing technologies used to facilitate family and sexual violence, including coercive control, as a non-exhaustive list

The Alliance, as with our member Huon DV, has concerns that the new provisions for coercive control do not include any reference to the use of violence towards or threats of violence towards wild, domestic, and farm animals. While violence directed at domestic and farms animals are enumerated in s7—and s8 substitution refers back to s7 for definitional guidance— it is remiss that this is not included as a form of coercive control given that decisions to report coercive control and escape violence are often predicated on the available options for securing the safety of animals, and that threats of violence to animals is a coercive and controlling behaviour.[26]

Suggested Action 37: That s8(6)(h) is amended to include "threatening the spouse of partner with death or injury… an affected child, another person, **or a wild, domestic, or farm animal**"

As noted above, the Alliance also has serious concerns about the defence provision at s8(7), irrespective of the caveat provided at s8(8) as to the difference between "believed" and established. This provision could lead to the weaponisation of vulnerability, especially any vulnerability linked to criminalised behaviours (such as drug use) or addictions. Without clear guardrails as to how this provision is to be considered in light of coercive control, a range of victim-survivors' behaviours and needs could be constructed as evidence that controlling behaviours are "reasonably objective" and necessary. For example, emotional dysregulation often accompanying neurodivergence, brain injury, and mental health could also be used to establish evidence that the controlling behaviours were necessary. Similarly, gambling

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25 Behavioural Insights Team and Minderoo Foundation 2026, *Understanding tech-based abuse of women on dating platforms*. Sydney: BIT.

26 Hardesty, J.L., Khaw, L., Ridgway, M.D., Weber, C., & Miles, T. 2013, Coercive Control and Abused Women's Decisions About Their Pets When Seeking Shelter. *Journal of Interpersonal Violence*, 28(13), 2617-2639; Australian Institute of Family Studies 2024, Violence against family animals in the context of intimate partner violence. Canberra: AIFS; Taylor, N. & Sutton, Z. 2026 (27 July), Protecting pets in domestic violence cases will take more than a law change. *The Conversation*.

addiction could give rise to a defence of controlling behaviours such as financial abuse.

Irrespective of the nature of victim-survivors' vulnerability—including engagement in criminal behaviour—the right to autonomy is essential in understanding the harms caused by coercive control. Curtailing a victim-survivors' autonomy should never be grounds for establishing that a course of controlling and coercive conduct is objectively reasonable. This provision appears to undermine the intent of s8 and the regulation of coercive control, which by its very nature normalises patterns of power, dependency, and restricted autonomy, which could be read through this provision as grounds for defence of the charge of coercive control.

Paternalistic "protection" should not be grounds for a defence to the charge of coercive control. We acknowledge that this is a fine line to navigate as coercive control necessarily must consider the contexts in which this violence occurs, but "context should reveal power, dependency, vulnerability and the cumulative effect of conduct, not operate to normalise or excuse that conduct".[27]

Suggested Action 38: That s8(7) is amended to clarify (a) what is meant by "in the context of the relationship", and (b) that clarifying text is added to ensure that victim-survivors' vulnerability or the nature of the patterns of controlling and coercive conduct normalised within a relationship are not used in defence of controlling and coercive conduct

Suggested Action 39: That the Bill is amended to include provision for a statutory review of the coercive control offences and defences within two years of commencement to explore how these provisions may have created unintended consequences

s9 Limitation period for offences under section 8

Recognising a course of conduct as coercive control and feeling safe enough to report this conduct to police can take a victim-survivor years to do. Delays in reporting coercive control can be driven by multiple factors, including the gradual onset of this conduct, self-doubt and manipulation, isolation, fear of retaliation, and lack of tangible evidence. Limiting the ability to make a complaint to within two years from

[27] Laurel House 2026, *Submission to the Family Violence Reform Bill 2026*. Launceston: Laurel House.

the day on which the action or last action occurred fundamentally contrasts with the research evidence on the slow-burn of this conduct and its delayed recognition by victim-survivors.[28]

This amendment is welcomed in so far as it doubles the available time to report assigned previously to financial and emotional or psychological abuse; however, we do not believe that this amendment pays due attention to how long it takes to report coercive control. Some of our members believe that as with serious sexual offences, there should be no time limitation placed on reporting and evidencing coercive control.

In effect, adjudicators will be hampered from considering controlling and coercive conduct that may have been present in the relationship for much longer and weighs the harms of short-term coercive control similarly to the same conduct over decades. We are especially concerned about this provision as it intersects with the proposed amendment to s9A as to the transitional arrangements we note above. If a time limit is to be retained at s9, the Alliance proposes increasing that time limitation to five years, which will enable courts to consider the full context of coercive and controlling behaviours, while remaining cognisant that some coercive control conduct, at the time, may appear to be unremarkable and therefore recollection of days, times, events may be less reliable after five years.

Suggested Action 40: That s9 of the proposed amendments limiting coercive control conduct to the last two years is extended to, at least, five years

SECTION 29C AMENDED

s29C(1) Making of orders if declaration

The Alliance supports the amendments to s29C(1) to enable courts and judicial staff to vary or extend existing Serial Family Violence Perpetrator declarations. In our survey of victim-survivors conducted in preparation for our initial submission on the *FVA* review, our members indicated that these declarations are largely ineffective in

[28] Australian Institute of Health and Welfare 2026, *Coercive control*. Canberra: AIHW; see also, the story of Samantha Bouffler reported by *op. cit*. Gleeson

protecting them over the long-term. We also suggest that unless these declarations are published, a perpetrator under such a declaration can initiate a new relationship and engage in similar conduct, without the new partner knowing that a declaration is in place. In this respect, it has failed at both tertiary and secondary prevention.

We welcome the Attorney-General and Minister Palmer's[29] indication that the government will seek to adopt such a strategy and ask the drafters of these amendments to carefully consider the evaluation findings of the NSW disclosure scheme.[30] We note, however, that the preference from the FSV sector is that this disclosure scheme is not coordinated by police, and that a trauma-informed lens is applied to all applications, including legal and psychological support to assist victim-survivors in assessing whether it is safe to apply and receive information about a possible perpetrator.

The capacity to vary or extend these declarations is welcomed as it addresses concerns from victim-survivors that they are responsible for ensuring that these declarations are retained in contexts where a perpetrator continues to engage in family and sexual violence. Victim-survivors should not have to provide oversight on these declarations, and this amendment rightly places that responsibility on courts and police.

However, as we noted in our *FVA* review submission—and as did some of our members—we believe that these declarations should have stronger consequences and be imposed for longer periods of time. The Alliance endorses Laurel House's recommendation that these declaration should be imposed indefinitely, or until such time that the perpetrator has refrained from engaging in family and sexual violence for at least ten years after the last conviction for family violence (including coercive control), and after completing a comprehensive behaviour change program.

We understand that the government intends on further amending the provisions relating to Serial Family Violence Perpetrator declarations in future tranches of

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29 Premier of Tasmania 2026 (20 August), Nation-leading laws to target serial family violence perpetrators. https://www.premier.tas.gov.au/latest-news/2026/august/nation-leading-laws-to-target-serial-family-violence-perpetrators

30 NSW Family & Community Services n.d., *Domestic Violence Disclosure Scheme (CVCS) evaluation and Crisis Assistance Service (CAS) review summary*. Sydney: NSW Government.

amendments, including raising the number of convictions for indictable and summary offences required for such declarations to be made. Increasing the length of these declarations, as such, is essential if higher levels of offending are required to evidence the need for such as declaration.

Further, we argue that requiring that a conviction be recorded is too high a hurdle in some circumstances, especially when a perpetrator has been charged and sentenced but that no formal conviction is recorded. We suggest that this section is amended to expand the reach of these declarations to include those who are found guilty, irrespective of whether a conviction is recorded.

Suggested Action 41:	That Part 4A (declaration of serial family violence perpetrator) is reconsidered as a whole, with the intent to increases the consequences of such a declaration, including the application of an indefinite FVO
Suggested Action 42:	That consideration is given as to serial family violence perpetrators being subject to a disclosure scheme to enable secondary prevention of this conduct occurring in new relationships in which the new partner(s) is unaware of the existence of the declaration
Suggested Action 43:	That serial family violence perpetrator declarations can be applied in circumstances where a perpetrator has plead or been sentenced and no conviction is recorded

SECTION 35A INSERTED

s35A Limitation period for offences under section 35

While the Alliance supports the extension of periods of time available to bring a complaint for breaches of family violence orders, it does not support limiting this to 12 months. In addition to other criminal justice matters that may adhere to this behaviour that victim-survivors must navigate, victim-survivors may also be traversing Family Court processes simultaneously.

Requiring victim-survivors to additionally act on breaches of family violence orders within 12 months is too much to expect in some circumstances. As breaches of family violence orders may also constitute a form of coercive control and that a two-year limit has been imposed on this conduct—noting the Alliance does not support the two-year

limit—it is inconsistent that the same limitation period is not also applied to reporting breaches of family violence orders.

Suggested Action 44: That the proposed s35A is amended to allow for a two-year limitation period for breaches of family violence orders

Suggested Action 45: That if the limitation period is not extended to two years that further amendments are made to enable the consideration of these matters in exceptional circumstances

s39 Protection from liability for reporting family violence

The Alliance welcomes the extension of protection from liability; however, as noted by our member, Laurel House, the current framing of this amendment leaves a gap in protection for those reporting abuse of a child to the police. Gaps between the *Children, Young Persons and Their Families Act 1997*, *Criminal Code Act 1924*, and the *FVA*, could lead to a situation where no protection from liability is available in cases of child abuse occurring within the context of family violence. As children and young people are not recognised as primary victim-survivors under the *FVA*, depending on the reporting pathway taken by reporters (Advice and Referral Line, Tasmania Police), they may not be protected from liability.

Suggested Action 46: That s39 is further clarified to ensure that reporting child abuse occurring within the context of family violence is also covered by protection from liability

PART 5: *POLICE OFFENCES ACT 1935* AMENDED

SECTION 35AA INSERTED

s35AA Strangulation, &c.

As the Alliance has noted above at Part 2, we have serious concerns with the construction of "less serious" strangulation as a summary offence. There are no "less serious" forms of strangulation. The difference between discomfort, bruising, hypoxic-ischemic brain injury, or an anoxic brain injury, and (delayed) death are so subtle that they are impossible to fully assess without the intervention of a trauma physician.

In all our consultations with members and stakeholders, participants have expressed concern with the framing of these amendments as addressing "less serious" strangulation. No person consulted by the Alliance considers that strangulation can ever be "less serious" and warranting a summary offence given the very significant consequences stemming from this behaviour. Our members also raised very serious concerns they have in relation to this amendment in a context of the normalisation and mainstreaming of strangulation by children and young people as a consequence of the widespread use of extreme and kink pornography by younger people.[31]

We have been advised by the Department that this amendment has been proposed for two separate purposes: 1. Greater oversight and reporting on strangulation as a distinct form of violence, and 2. To enable swifter justice for victim-survivors of strangulation. In the first, this could be as easily operationalised by requiring Tasmania Police to record and report on strangulation offences than it is by way of a legislative response that may muddy the waters in terms of harms caused by these acts of violence. Enabling swifter justice for victim-survivors is a laudable aim, but again, is a matter of policy/practice—and funding of courts—rather than legislation that may have outcomes that are counterproductive.

The Alliance believes that adequately funding the DPP for their caseload is the easiest way to resolve the issue of delays in justice for victim-survivors, without requiring amendments to the *Police Offences Act 1935* to include an offence of "less serious" strangulation. We propose that due to the recognised and significant backlogs in Tasmanian Courts,[32] that the government establish a specialist family and sexual

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31 Conte, I., Sharman, L.S., & Douglas, H. 2025, Choking/Strangulation During Sex: Understanding and Negotiating "Safety" Among 18-35 Year Old Australians. *Archives of Sexual Behavior*, 54(2), 483-494; Sharman, L.S., Fitzgerald, R., & Douglas, H. 2025, Prevalence of Sexual Strangulation/Choking Among Australian 18-35 Year-Olds. *Archives of Sexual Behavior*, 54(2), 465-480; Woodley, G. & Jaunzems, K. 2024, Minimising the risk: Teen perspectives on sexual choking in pornography. *M/C Journal*, 27(4); Shor, E. & Liu, X. 2025, The Rise of Spanking, Hitting, and Strangulation: A Longitudinal Evaluation of Aggression in Pornography. *The Journal of Sex Research*, 63(4), 596-608; Sharpe, M. & Mead, D. 2021, Problematic Pornography Use: Legal and Health Policy Considerations. *Sex & Addiction*, 8, 556-567; Lemma, A. 2024, Brief report: private pleasures and the damage done: asking the unasked question about consumption of online pornography. *Psychoanalytic Psychotherapy*, 38(2), 121–131.

32 Babb, L. 2026, *Third Party Review of Backlogs in the Tasmanian Court System.* https://www.justice.tas.gov.au/__data/assets/pdf_file/0006/925692/Report-and-Recommendations-from-the-Third-Party-Review-of-Backlogs-in-the-Tasmanian-Court-System.PDF

violence unit within the DPP, who have the capacity and flexibility to respond urgently in matters involving an indicatable offence of strangulation.

Minimising the harms caused by strangulation in family violence should not be the outcome of "reforms" that aim to strengthen the *Family Violence Act 2004*.

In this Bill, the amendment to insert s35AA references the definition of strangulation to that noted in s170B of the *Criminal Code Act 1924*, where it is classified as a Part XVII - Crimes Endangering Life or Health offence. As a sub section of s35 of the *Police Offences Act 1935*, this proposed new offence is listed alongside tattooing, body piercing and body modification of those under the age of 18 years. If nothing else, this sends a message that "less serious" strangulation is an equivalent to these offences, which it is not. The Alliance also notes that in relation to the penalty for the proposed summary offence of strangulation in the first instance is equivalent to that of a common assault (though the fine is 60 penalty units rather than 50). It is only in second or subsequent instances that there is an increased penalty that exceeds that applied to common assault; however, while the penalty unit is complementary to *aggravated* common assault, the term of imprisonment is higher (five v three years).

Strangulation, as such, is not a "less serious" assault; it can be life changing and, in 15% of cases, fatal even if responding officers cannot see the endangerment of "less serious" acts of strangulation (see Appendix A for a list of the possible harms created by strangulation). Whilst estimates of the prevalence of non-fatal strangulation in family and sexual violence vary considerably—from the 10% reported by Synapse to 68% identified by Glass *et al*[33]—research by Wilbur *et al*. found that 46% of victim-survivors had experienced between three and 20 incidents of non-fatal strangulation.[34]

Non-fatal strangulation is also one of the strongest predictors of homicide in a family context,[35] and should warrant especial actions, risk management, and referral

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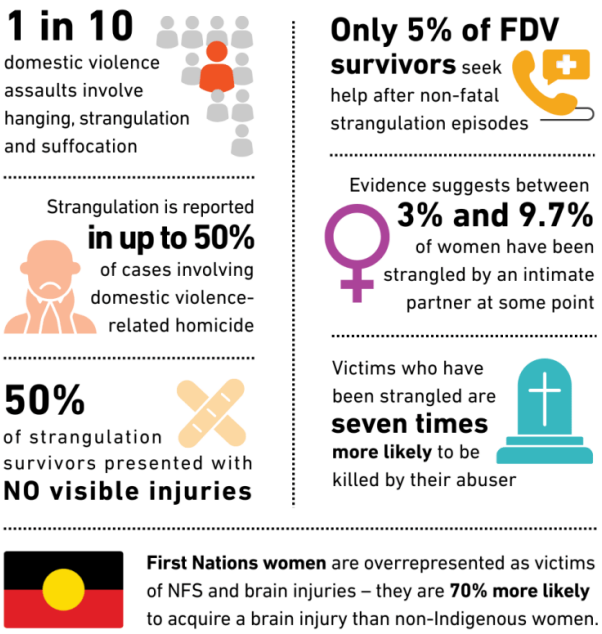
33 o*p. cit.,* Glass *et al*.; Synapse 2026, Non-fatal strangulation and its link to brain injury. https://synapse.org.au/news/non-fatal-strangulation-and-its-link-to-brain-injury/

34 Lowik, V., Lovatt, H., & Cheyne, N. 2022, *Non-fatal strangulation: A highly lethal form of gendered violence.* Brisbane: Queensland Centre for Domestic and Family Violence Research.

35 *op. cit*. Glass *et al*.

pathways for police.[36] As documented by Synapse[37] (national peak body of brain injury associations in Australia):



Synapse[38] advises that all victim-survivors of strangulation must be assessed for non-apparent harms and long-term consequences. They also note that symptoms of strangulation may not be immediately obvious to first responders, but that they may later experience:

- Memory problems
- Difficulty concentrating
- Fatigue
- Mood swings or emotional instability
- Persistent headaches
- Loss of coordination

Some of these symptoms, ironically, could also give rise to questions about the veracity of victim-survivors' claims, undermine their standing with both police and courts, and could in fact lead to the misidentification of the predominant aggressor and/or person most in need of protection. As such, the default response to all claims of strangulation must be to assume the highest risk of harm, and that immediate

36 *op. cit.*, Glass *et al*.
37 *op. cit.*, Synapse.
38 *ibid.*

medical assessments are conducted. In this context, enabling a summary offence of strangulation is deeply concerning.

We again raise the issue with the term "choking", which is different from strangulation, and advise as per our Suggested Action 3 and 4 above that reference to choking is removed unless the government's intention is also to include conduct that leads to choking, such as gagging.

Given police are not trained in or qualified to assess the possible fatal consequences of strangulation—and that in 50% of cases of non-fatal strangulation there is no visible evidence of the harms caused[39]— the Alliance is concerned that in efforts to act swiftly, they may apply a summary charge to an act of violence that should be indictable. At the very minimum, we suggest that in incidents where strangulation is used in family and sexual violence (as with any violence) that police must, with the consent of the victim-survivor, transport them to an emergency department for a thorough assessment of the physical trauma and possible non-apparent harms caused (such as brain injury).[40] Only after this medical assessment should police be empowered to lay charges at the summary level or seek DPP approval to charge as an indictable offence. Additionally, all risk and threat assessment tools used by Tasmania Police must account for the strong correlation between non-fatal strangulation and domestic homicide.[41]

As recommended by Synapse,[42] the evidence base for preventing the harms of non-fatal strangulation should include:

1) **Implement routine screening**: Incorporating a brain injury screen into all domestic and family violence assessments, especially when strangulation is reported or suspected.
2) **Training professionals**: Educating medical professionals, police, social workers, and legal professionals to recognise the signs of a brain injury.

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39 *op. cit.*, Victoire *et al*.
40 *op. cit.*, Glass *et al*.
41 *op. cit.*, Sharpe & Mead
42 *op. cit.*, Synapse

3) **Providing targeted support**: Ensuring survivors have access to medical assessments, rehabilitation, and trauma-informed care.

4) **Men's behaviour change programs for offenders**: Include a brain injury screen in behaviour change programs to reduce recidivism and support positive rehabilitation outcomes.

Unless the government intends on aligning these amendments to the *Police Offences Act 1935* with these policy and practice developments, there is a considerable risk that non-fatal strangulation will be minimised by its classification as a "less serious" summary offence.

Suggested Action 47:	That the government reconsiders the purposes of inserting s35AA into the *Police Offences Act 1935*
Suggested Action 48:	That the Bill is amended to remove the proposed s35AA and instead adds strangulation as an aggravating factor to s35(6) of the *Police Offences Act 1935*
Suggested Action 49:	That if s35AA is retained, that further amendments are included that explicitly enables the courts to make a finding as to guilt of assault in the alternative
Suggested Action 50:	That if s35AA is retained, the Bill is amended to require medical assessment before a decision is made as to a summary or indictable offence
Suggested Action 51:	That this provision is reviewed after one year based on available data as to how and when this offence is charged, against whom, and the outcomes of charges laid
Suggested Action 52:	That the Tasmanian Government establish a reporting mechanism to track compliance with Suggested Action 50, and the reported diagnosis and prognosis of victim-survivors who are strangled

PART 6: *VICTIMS OF CRIME ASSISTANCE ACT 1976* AMENDED

SECTION 8 SUBSTITUTED

s8 Restriction on publicity of proceedings

Increased transparency as to the decisions about victims of crime assistance packages is important not only to ensure oversight of public spending, but also to provide insight for other victim-survivors as to what to expect if they apply for compensation.

However, we are of the belief that publication of decisions in relation to family violence and sexual violence should have a default provision that victim-survivors can veto the publication of their matters. While de-identifying names and addresses are important measures to ensure confidentiality, in a highly networked community such as Tasmania, there are other details that could easily identify a recipient of a victim of crime package.

Suggested Action 53: That the proposed amendment to s8(3) of the *Victims of Crime Assistance Act 1976* is amended to provide a clause that a victim-survivor of family or sexual violence (including child sexual abuse) can veto the publication of their matter

Suggested Action 54: That informed consent is received from FSV victim-survivors who receive a Victims of Crime package before any matter is published

Suggested Action 55: That FSV victim-survivors who agree to publication are provided with specialist advice before and after publication as to the implications of such publication, and to ensure safety planning is in place before publication

PART 7: *VICTIMS OF CRIME COMPENSATION ACT 1994* AMENDED

SECTIONS 3 & 4 AMENDED

The Alliance supports the amendments that would demarcate between a serious offence and family violence offence and to create the family violence compensation levy. However, the Alliance has some concerns as to how this levy will be operationalised and the unintended consequences that may arise in applying this levy.

Applying a family violence offence levy to a perpetrator in the context of an ongoing relationship (or after separation) that continues to be shaped by, at least, coercive control, could increase the risks of retaliatory violence against the victim-survivor and could be used as a reason to engage in financial abuse to "recoup" the costs from the victim-survivor.

Without adequate safety planning and support services for the victim-survivor, and increased police safeguarding after the levy is imposed, the Alliance believes that this levy may lead to an escalation of violence.

Suggested Action 56: That the government provide dedicated funding to Victims of Crime and specialist family violence and sexual violence services to support victim-survivors to assess the implications of publication and to provide safety planning and support if the victim-survivor consents to publication

s4 Amended (Meaning of "convicted")

As with our note above in relation s29C(1). Making of orders if declaration, we are concerned that the new levy will only be applied in cases where a perpetrator is charged and convicted. If a perpetrator pleads guilty after charging and the court does not record a conviction, the amendment does not appear to empower courts to apply the proposed family violence offence levy. In effect, this would send a message that compensation for engaging in family violence can be paid for by way of a guilty plea. The Alliance believes this is a gap in the proposed amendments that needs to be addressed.

Suggested Action 57: That s4 of the *Victims of Crime Compensation Act 1994* is amended to include a new sub-section relating to those offenders who are charged, plead guilty, and a conviction is not recorded

SECTIONS 5A & 5B INSERTED

s5A Liability of convicted persons to pay compensation levy for family violence offences

The Alliance welcomes the carve out in the proposed s5A for young people convicted of family violence offences to be exempt from the family violence compensation levy. As with our response above to s4, we again raise the issue with perpetrators who are charged, plead guilty, and courts do not record a conviction. S5A (and 5B) would need to be amended to include not only those convicted but also those who plead guilty and where the court chooses not to record a conviction.

APPENDIX A—HARMS OF STRANGULATION

Physical	Neurological	Cognitive	Psychological
Sore throat or neck	Dizziness or light-headedness	Problems with memory	Anxiety
Voice changes	Vision changes	Executive dysfunction	Depression
Redness, bruises or abrasions	Slurred speech	Problems with attention and processing speed	Suicide ideation
Swallowing changes	Issues with hearing	Impacts on judgement and reasoning	Insomnia
Breathing changes	Loss of sensation	Confusion or disorientation	Nightmares
Tiny spots of bleeding under the skin	Weakness or tremors		Hypervigilance
Miscarriage	Imbalance		Hyperarousal
Swelling of the neck or face	Headaches		PTSD
Cardiac arrest	Eyelid or facial drooping		
Stroke	Sleep disturbances		
Structural damage to the neck	Fatigue		
Thyroid storm	Incontinence		
Respiratory occlusion	Loss of consciousness		
Loss of physical strength	Seizures		
Redness or bleeding in the eyes	Paralysis		
	Brain injury		
	Dementia		

Figure 1: Impacts of non-fatal strangulation (Source: Synapse 2026)