



Submission – Family Violence (Miscellaneous Reforms) Bill 2025

May 2025

30 May 2025

By email: haveyoursay@justice.tas.gov.au

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

To whom it may concern,

**RE: Women's Legal Service Tasmania Submission on the Family Violence
(Miscellaneous Reforms) Bill 2025**

Women's Legal Service Tasmania (WLST) is grateful for the opportunity to provide a submission in relation to the Family Violence (Miscellaneous Reforms) Bill 2025 and note that these amendments build on previous amendments proposed in 2024, to which we provided a previous submission.

We are concerned that WLST, and others, have only been provided with a two week period in which to respond to these proposed reforms through the consultation process. This has not provided us with an adequate opportunity to discuss these amendments with all staff and/or our stakeholders. Accordingly, we would have benefited from a longer period to fully consider the proposals and the positions and perspectives of others in our sector.

As a team of lawyers, social workers, financial counsellors and administrative staff working to support women experiencing gendered violence WLST welcomes the proposed amendments to the *Family Violence Act 2004*.

Who we are

WLST is a statewide community legal service for women and non-binary people living in Tasmania. We have offices in Hobart, Launceston, and Burnie, and deliver outreach across the state. We provide free legal advice and representation, and wrap-around social work and financial counselling services; deliver community legal education; and participate in law reform and advocacy.

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WLST is committed to making the legal system more accessible and responsive to the issues affecting women in Tasmania. We seek to address the structural barriers that prevent women from accessing their legal rights as identified in the Convention on the Elimination of Discrimination Against Women. We strive for gender equality in all its forms.

Our work focuses on the needs of vulnerable women who often have experienced family violence, sexual abuse, child sexual abuse and/ or other forms of gendered violence, discrimination or abuse. More recently, we secured funding to operate a Working Women's Centre which offers employment and discrimination advice applying a gendered lens.

Summary of Submission

1. As recommended in our 2024 submission on the proposed 'Family Violence Amendment Bill 2024', WLST calls on the Tasmanian Government to commit to a full and comprehensive review of the *Family Violence Act 2004 (Tas)* ('the Act'). Now more than 20 years old, the Act is outdated and, based on our direct frontline experience, fails to adequately respond to or ensure the safety of all individuals affected by domestic, family, and sexual violence (DFSV).
2. WLST supports the amendment of s 14 of the Act as an *interim measure*, noting that the extent of the problem of misidentification as explored in the literature surrounding responses to family violence, demonstrates that misidentification is a persistent and systemic issue.
3. WLST supports the extension of the limitation period for prosecuting breaches of PFVOs, FVOs, and IFVOs. This reform is a necessary step toward ensuring perpetrators are held accountable for their conduct, and upholds the safety of victim-survivors. The amendment is an important recognition of the fact that it can take victim-survivors some time to feel safe to report breaches of orders, and that such breaches can be difficult to detect.
4. WLST supports broadening opportunities for publication of material for victim survivors in relation to proceedings under the *Victims of Crime Assistance Act 1976*. However, whilst it is appropriate that material be restricted where they may affect the fair trial of a person, it should be open to a victim survivor to speak candidly and publicly about their experience should they so wish after proceedings have been finalised.
5. In addition to the proposed amendments, in Part B of this submission, WLST has identified further specific areas for review through our ongoing work, but

maintains the position that an urgent and comprehensive review of the Act is required.

Part A – Family Violence (Miscellaneous Reforms) Bill 2025 Amendments

Police Family Violence Orders (PFVO)

6. Whilst ground-breaking at the time of its enactment, the Act's reliance on a community-wide response—particularly the expectation that police will 'fix' the problem of family violence through the use of PFVOs—has had unintended and harmful consequences. Chief among these is the removal of agency from victim-survivors of gendered violence.
7. While PFVOs can be an important short-term measure to ensure immediate safety, their continued use over longer periods should only occur in consultation with the victim-survivor and with appropriate support in place. PFVOs are a blunt instrument—especially when full no-contact orders are imposed without proper engagement with the victim-survivor. This approach can strip individuals of the right to make informed decisions about their own safety and wellbeing.
8. In essence the philosophy and framework that sits behind the existing legislation needs to be revisited and discussed within the specialist and community sectors and more broadly by the community.

Misidentification

9. WLST acknowledges that the *Family Violence (Miscellaneous Reforms) Bill 2025* makes an attempt to address the serious and persistent problem of misidentification by delegating an authorised police officer with the power to revoke or vary PFVOs in circumstances where the predominant aggressor has been incorrectly identified.
10. As a specialist DFSV service, WLST frequently works with women who have been misidentified. The extent of the problem of misidentification has been explored extensively in the literature surrounding responses to family violence, and the amendment is welcomed, albeit as an interim measure, to reduce the unintended consequences of PFVOs being issued against victim-survivors. Misidentification can have long lasting, drastic consequences upon victim-survivors, including impacts on subsequent parenting proceedings, employment, and visa applications.

11. At WLST, we often work with women who have been misidentified as a result of 'systems abuse' - when perpetrators call for police assistance and use this against the victim-survivor. This issue of misidentification is particularly acute where police only have a short interaction or 'snapshot' of the circumstances of the violence, and where victim-survivors might have different presentations of the effects of trauma or their response to the violence does not fit stereotypical expectations as to how victim-survivors should respond.
12. Further, it is WLST's submission that where mutual PFVO's are imposed by police, that these orders are reviewed by an expert panel. WLST suggests that this panel be composed of a senior police officer, a Department of Justice employee, a specialist family violence community service provider and includes representation from First Nations and culturally and linguistically diverse (CALD) communities. WLST submits that this multidisciplinary approach would be best placed to manage complex cases (specifically where mutual orders are in force) by employing contemporary DFSV frameworks to examine the pattern of behaviour, which in turn would assist in a more accurate identification of the predominant perpetrator. WLST's submission is that having a diversity of lens in the review process would strengthen the integrity of decision-making, decrease the errors made and avoid matters requiring judicial review before the courts.

Part B - Additional Proposed Amendments

13. WLST takes this opportunity to identify further areas of the Act requiring reconsideration.

The definition of 'family relationship' should be broadened in line with all other Australian jurisdictions.

14. Under Section 4 of the Family Violence Act 2004 (Tas) 'family relationship' means a **marriage**, or **significant** relationship as defined under the Relationships Act 2003 (Tas). Tasmania is the only jurisdiction in Australia which limits the operation of family violence legislation to parties who are married, or intimate partners who are in a 'significant' relationship.
15. Limiting the scope of the definition of 'family relationship' has serious consequences for victim-survivors of DFSV where the parties are directly, or indirectly related to one another. The Australian Bureau of Statistics 'Personal Safety' Survey found that over the period 2021-2022 approximately 8.1% of

women experienced violence perpetrated by a family member, other than an intimate partner.¹ Limiting the definition of ‘family relationship’ to exclude immediate, and extended family relationships, as well as other communal or extended kinship relationships may disproportionately impact victim-survivors in First Nations communities, and also in cultural and linguistically diverse communities where extended family/kinship relationships are commonplace. In Tasmania, the limitation effectively ‘shuts out’ victim-survivors from accessing critical DFSV protection via a PFVO, and also therapeutic support through the Safe At Home infrastructure.

16. Further, WLST submits that the term ‘**significant**’ inadvertently creates unnecessary confusion (specifically with Tasmania Police) about the nature of the relationship between parties experiencing DFSV. It is not uncommon at WLST to work with women who describe their relationship with a perpetrator of violence as ‘significant’, only to have Tasmania Police deem the relationship not significant, and therefore falling outside the jurisdiction of the Act. As above, this creates barriers to victim-survivors access to immediate safety via a PFVO and limits their access to the Safe at Home infrastructure.

Case Study²

Sonya was in a sexual relationship with Greg* for a number of weeks. Sonya told her friends that Greg was her boyfriend. Sonya and Greg did not have children together, or share finances, but Greg would stay over at Sonya’s house. One night, Greg seriously assaulted Sonya, requiring her to attend hospital and have emergency surgery. Greg was charged by Police. Police declined to make a Police Family Violence Order for Sonya’s protection as a decision was made that the relationship was not significant under s4 of the Family Violence Act 2004 (Tas).*

17. WLST submit that the definition of ‘family relationship’ under s4 of the Family Violence Act 2004 (Tas) be amended to extend the definition of ‘family relationship’ to include immediate, extended, communal and kinship relationships, and further, that the Act be amended to include a definition of ‘intimate partner’ without reference to the Relationships Act 2003 (Tas).

¹ Australian Bureau of Statistics, ‘Personal Safety, Australia’ (released March 2023). Accessed at <https://www.abs.gov.au/statistics/people/crime-and-justice/personal-safety-australia/latest-release>.

² Names have been changed.

Provisions for Economic Abuse under s 8 and Emotional Abuse under s 9 of the Act need to be reconsidered

18. The enactment of the *Family Violence Act 2004* and the integrated Safe at Home Unit was designed as a proactive response to family violence, recognising that serious incidents and deaths are often preceded by patterns of coercive control and that earlier interventions were required. The 'Personal Safety' Survey found that in 2020 - 2021, 23% of women experienced emotional abuse, and 16% of women experienced economic abuse.³ While the number of family violence incidents responded to by Tasmania Police has increased significantly over the years, there have been very few successful prosecutions of economic abuse or emotional abuse offences as stand alone family violence offences.⁴
19. Accordingly, sections 8 and 9 of the Act require reconsideration. One option is to remove the requirement to prove 'intent' in both provisions. The focus must shift to the impact of the perpetrator's behaviour—whether through actions or omissions—rather than their intent. This is essential to ensure that forms of abuse such as economic and emotional abuse are properly understood and addressed within a contemporary framework of domestic, family, and sexual violence (DFSV).

The creation of an Independent PFVO Review pathway (administrative review)

20. As outlined at paragraph 12, WLST would like to see the introduction of an independent PFVO review pathway, constituting a multidisciplinary expert panel, with panellists drawn from Tasmania Police, the Department of Justice, Family Violence community service providers and Cultural/Community representatives.
21. WLST suggests that this panel be responsible for review of all mutual PFVO's, and other complex cases, with the aim to reduce misidentification of the person most in need of protection.

³ Australian Bureau of Statistics (n 1).

⁴ Tasmanian Government, Department of Police, Fire and Emergency Management Annual Report 2023-2024. Accessed at <https://www.police.tas.gov.au/uploads/DPFEM10113-Annual-Report-2023-24-WEB-OP-1.pdf>; Women's Legal Service Tasmania, Submission No 31 to Standing Committee on Social Policy and Legal Affairs, Parliament of Australia, Inquiry into Family, Domestic and Sexual Violence (July 2020).

Specialist training and procedures required for all Magistrates Courts and Judicial officers.

22. Given that approximately one in four reports to police involve family and/or sexual violence, there is a strong argument that all Magistrates and decision-makers must have a contemporary, working understanding of these forms of violence. This includes a clear grasp of the power imbalances and structural inequalities that underpin gendered violence.
23. Furthermore, with estimates suggesting that as many as one in three incidents go unreported, it is critical that all judicial officers receive ongoing, specialised training. This is essential to ensure that the justice system is equipped to recognise and respond effectively to family and sexual violence in all its forms.

Please do not hesitate to reach out if we can provide any further information or comment on this submission or the proposed amendments.

Yours Sincerely



Yvette Cehtel

CEO

Women's Legal Service Tasmania