

COMMUNITY LEGAL CENTRES TASMANIA

9 October 2026

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

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

To the Department of Justice,
Re: *Family Violence Reforms Bill 2026*

Community Legal Centres Tasmania (CLC Tas) welcomes the opportunity to provide comment on the *Family Violence Reforms Bill 2026* ('the Bill').¹

Definition of Family Violence

We are surprised that the definition of 'family violence' in the Bill is not intended to be amended to include broad definitions of relatives and family like relationships as well as including the Aboriginal and Torres Strait Islander concept of kinship. Tasmania currently has the narrowest definition of family violence of any jurisdiction in Australia and our understanding is that there was widespread support amongst organisations working in the family and sexual violence sector for a broader definition to be adopted. Finally, a broader definition of family violence was recommended in the 2023 *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*² and the 2025 Commonwealth Parliament's Inquiry into Family Violence Orders.³

Economic abuse

We strongly support the proposed definition of 'economic abuse' including the withholding or threatening to withhold financial support "reasonably necessary to meet the reasonable living expenses of the spouse or partner or an affected child".⁴ The under- and non-reporting of child support was recently noted by a Commonwealth Parliamentary Joint Committee which found that "child support can be used as a tool to perpetrate

¹ CLC Tas would like to acknowledge those persons and organisations who gave freely of their time in assisting with our submission.

² Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report: Volume 8 – Criminal Justice and People with Disability* (Report, 29 September 2023), recommendation 8.24 <https://disability.royalcommission.gov.au/publications/final-report>

³ House of Representatives Standing Committee on Social Policy and Legal Affairs, 'Inquiry into Family Violence Orders' (Web Page, Parliament of Australia), recommendation 3 https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/FamilyViolenceOrders

⁴ Clause 4(a)

financial abuse and in some instances the non-payment of child support is a form of family violence”.⁵

Emotional or psychological abuse

We support the definition of ‘emotional or psychological abuse’ set out in the Bill including “behaviour that intimidates, humiliates, torments, degrades or causes serious distress, fear or mental harm’. However, we recommend that the definition be made consistent with the issuing of a Police Family Violence Order which also includes ‘harass’ as one of the proscribed courses of conduct.⁶ We also note that harassing conduct is included in the Queensland definition of ‘emotional or psychological abuse’.⁷

Coercive control

We strongly believe that the facilitation of conduct by third parties to perpetrate family violence should be included within the definition of coercive control. In our experience, some perpetrators of family violence will encourage family members and friends to intimidate, harass or abuse victim-survivors. A model that should be considered is found in Queensland:⁸

179A Engaging in domestic violence or associated domestic violence to aid respondent

(1) A person who is an adult commits an offence if, without reasonable excuse—

- (a) *the person engages in domestic violence behaviour against another person who is the aggrieved or a named person in a domestic violence order, police protection direction, police protection notice or release conditions; and*
- (b) *the domestic violence behaviour is engaged in with the intent of aiding the respondent to the order, direction, notice or conditions; and*
- (c) *the person knew, or ought reasonably to have known, the other person was the aggrieved or a named person in the order, direction, notice or conditions.*

Maximum penalty—120 penalty units or 3 years imprisonment.

Relevantly, the Queensland model imposes a harsher sanction where facilitation is committed by a third party such as a private investigator who ‘derives a benefit’:⁹

- (2) *However, if the person derives a benefit from engaging in the domestic violence behaviour, the person is guilty of a crime and is liable to a fine of 240 penalty units or imprisonment for 5 years.*

Example of a person who may derive a benefit from engaging in domestic violence behaviour—

a private investigator under the Security Providers Act 1993

⁵ Parliamentary Joint Committee on Corporations and Financial Services, *Financial Abuse: An Insidious Form of Domestic Violence* (Report, Parliament of Australia, November 2024) ch 5, ‘Role of Government’ https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Corporations_and_Financial_Services/FinancialAbuse/Report/Chapter_5_-_Role_of_government

⁶ Section 11(3)(d) of the *Family Violence Act 2004* (Tas).

⁷ Section 11 of the *Domestic and Family Violence Protection Act 2012* (Qld).

⁸ Section 179(1) of the *Domestic and Family Violence Protection Act 2012* (Qld).

⁹ Section 179(2) of the *Domestic and Family Violence Protection Act 2012* (Qld).

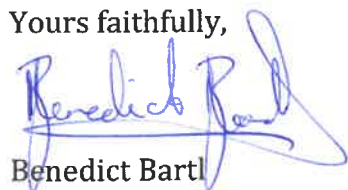
Breaches of Family Violence Order (FVO) or Police Family Violence Order (PFVO)

In our submission to the *Strengthening our Responses to Family Violence in Tasmania Family Violence Act 2004 and Related Legislation Discussion Paper* ('the Discussion Paper') we highlighted the high number of both PFVO and FVO breaches in Tasmania with the number of FVO breaches equivalent to two-thirds (67 per cent) of all FVOs issued and the equivalent of around half (49 per cent) of all PFVOs. With more than half of family violence orders issued by the police (55 per cent), we noted that some breaches may be perpetrated by individuals who inadvertently breach the conditions set out in the order due to not fully understanding the conditions imposed. We recommended the Queensland and South Australian hybrid model in which the issuing of a PFVO must be heard by the Magistrates Court within 8-14 days of the issuing of a PFVO. In our opinion, this hybrid model would provide Magistrates with an opportunity to clarify orders which in turn would result in reduced misidentification and better compliance. We remain hopeful that this hybrid model will be considered as part of the second tranche of amendments to the Act.

The Bill proposes to extend the limitation period for breaches of FVOs and PFVOs from 6 months¹⁰ to 12 months.¹¹ Whilst we support an extension of time, we believe it should be two years given that some victim-survivors are involved in other legal proceedings, such as family court proceedings. Requiring victim-survivors to have to navigate Magistrates Court proceedings at the same time as family court proceedings is challenging and may jeopardise the chances of a mutually beneficial family court outcome.

If we can be of any further assistance, please do not hesitate to contact us.

Yours faithfully,



Benedict Bartl
Policy Officer

Community Legal Centres Tasmania

¹⁰ Section 26(1) of the *Justices Act 1959* (Tas).

¹¹ Clause 12 of Bill.

