



*Submission in relation to*

**Strengthening Our Responses to Family Violence in Tasmania  
Family Violence Act 2004 and Related Legislation Discussion Paper**

2 April 2026

*Engender Equality is Tasmania's statewide specialist family violence organisation.*

**WARNING: This submission includes sensitive and distressing material.**

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## **Acknowledgements**

This Discussion Paper was prepared in Lutruwita/Tasmania, on stolen Palawa-Pakana land. Engender Equality acknowledges Tasmanian Aboriginal people as the First Peoples and Traditional Owners of the land, water and air of Lutruwita/Tasmania. Engender Equality acknowledges that Aboriginal sovereignty was never ceded, and the continuing hurt caused by colonisation.

Engender Equality acknowledges the ongoing leadership role of Tasmanian Aboriginal community in addressing and preventing family violence.

Engender Equality acknowledges all people who have experienced family violence, and all forms of gender-based violence. As a specialist family violence service, the contributions in this discussion paper have been informed by the lived and living experiences and expertise of victim-survivors who we work alongside every day.

## **Introduction**

Tasmania can adequately address and ultimately eliminate family violence. Achieving this requires a shared understanding of what family violence is and why it occurs. This must be reflected in legislation and serve as a cornerstone of all prevention, early intervention and response initiatives across government, non-government organisations and communities.

Family violence is a form of gender-based violence, overwhelmingly perpetrated by men against people of all genders, primarily women and gender diverse people. The impacts of family violence are disproportionately felt across population groups and communities because family violence prevalence mirrors broader intersectional structures of inequality, discrimination and marginalisation.

Institutional misogyny and patriarchal norms, deeply connected to homophobia and transphobia, continue to shape how our systems respond to family violence. Victim-survivors continue to report to us experiences of police, legal professionals and others in the justice system misidentifying them as the predominant aggressor, dismissing or minimising their experiences of family violence, redirecting focus from accountability for the person using violence to the victim-survivor's mental health, drug use or parenting, or viewing family violence as isolated incidents or mutually perpetrated. These experiences are gendered, with women and gender diverse people positioned as unbelievable and overly emotional, and those who are Aboriginal, of colour, or experiencing poverty positioned as untrustworthy, angry and violent.

While expanding the legislative definition of family violence may appear, on paper, to offer a more accurate reflection of the behaviours used by perpetrators and their relationships to victim-survivors, doing so without confronting the institutional cultures responsible for applying the law risks amplifying existing institutional risks and harms rather than reducing them.

The criminal justice response to family violence is just one aspect of how Tasmania can address and eliminate family violence. Many victim-survivors chose not to engage with police or the justice system. They turn to friends, family members, colleagues, teachers, GPs or other trusted people in their communities. Victim-survivors will often connect with a community

organisation like Engender, where they are currently waiting unacceptable lengths of time for support.

If specialist family violence services are resourced correctly, they provide an early intervention that can intercept the horrific escalation of violence, the impacts of ongoing and compounding trauma, the associated complexities that come when people are not supported to manage trauma and intergenerational impacts of family violence.

We need to ensure community-based responses are valued, adequately resourced, and given opportunities for ongoing review and refinement, alongside any changes to Tasmania's legislation and criminal justice response to family violence.

### **Recommendations**

1. Explicitly address institutional misogyny, patriarchy and racism within the justice system.
2. Ensure the definition of family violence is aligned with behaviours and risk factors associated with high-risk harm and lethality.
3. Expressly recognise coercive control but create safeguards against systems abuse and systems harms.
4. Address misidentification of victim-survivors as perpetrators.
5. Acknowledge the harm family violence causes to children in their own right.
6. Prioritise victim-survivor safety, choice and dignity over forced police, child safety and justice involvement.
7. Hold people who use violence accountable across all family violence responses, not just through men's behaviour change programs or criminal punishment.
8. Invest in and partner with community-based specialist family violence services.
9. Establish a legislated, independent response to police perpetrated family violence.
10. Mandate specialised safeguards for victim-survivors of police perpetrated family violence.

## **Part 1. Definition of ‘Family Relationship’ under the Family Violence Act**

### **Q1. Does the Family Violence Act serve the needs of vulnerable groups? Why? Why not? If you think improvements are needed, what are they?**

Currently, the Family Violence Act defines family violence as occurring within intimate partner relationships that can be classified as “significant”.

The Act fails to provide protection for the following groups:

- Young people, in particular young women and gender diverse people, who may experience the same dynamics and patterns of intimate partner violence within short-term intimate relationships and dating experiences that may not be considered “significant”.
- Adult women and LGBTIQ+ people experiencing the same dynamics and patterns of intimate partner violence within the context of other relationships that may not be “intimate”, “significant” or “heteronormative”, such as from people who may be one-off dates, acquaintances, colleagues or neighbours.
- Children and young people who had previously been listed on a parent’s family violence order but lose this protection when they turn 18.

The Family Violence Act would be strengthened by ensuring the definition of family violence is aligned with behaviours and risk factors associated with high-risk family violence and lethality.

The definition should not include that a relationship must be “significant” for the victim-survivor to access legal protection if they are experiencing the same patterns and dynamics of violence.

### **Q2. Do you think the Family Violence Act should cover more relationships than it currently does? If so, what other relationships should be included?**

Rather than adding more relationship categories, the Family Violence Act should ensure that the definition of family violence is aligned with behaviours and risk factors associated with high-risk harm and lethality.

This may include expanding the definition to expressly recognise coercive control.

However, if the definition of family violence is expanded to include coercive control, the changes must not increase the risk of criminalisation, misidentification or systems abuse for women and gender diverse victim-survivors. This risk is especially high for Aboriginal and Torres Strait Islander women and communities, women and gender diverse people who have disabilities, live in poverty or use alcohol and other drugs. These groups already experience over-policing, higher rates of child removal and incarceration.

### **Q3. Should children be protected by the Family Violence Act as victim-survivors in their own right? Why? Why not?**

Yes, children should be recognised as victim-survivors in their own right. This is because:

- Children are directly targeted by people using coercive control and family violence.

- People using violence use children as tools for abusing and controlling their partner during and after separation and this has standalone impacts for children.
- Threats to the safety of children are part of risk escalation patterns for the person using violence.
- Manipulation of parenting arrangements can be part of post-separation abuse.
- Exposure to family violence and coercive control has long-term psychological impacts for children.

If children are recognised as victim-survivors in their own right under the Family Violence Act, it is essential that strong safeguards accompany this change. These safeguards must ensure that protective parents and family members are not wrongly identified as perpetrators when seeking support or acting to keep children safe.

Without such protections, there is a heightened risk that the complex dynamics of children's exposure to violence will be misunderstood, leading to inappropriate legal or child safety responses. This can create opportunities for systems abuse, either where systemic harm to parents who are victim-survivors is amplified, or where a person using violence manipulates statutory processes to further harm, isolate or penalise the non-violent caregiver. Ensuring clear safeguards is therefore critical to protecting children while upholding the safety and wellbeing of the protective parent.

**Q4. If the Family Violence Act continues to focus exclusively on intimate partner relationships and affected children, do you suggest any improvements to the restraint order framework? If so, what do you suggest?**

Restraint orders are not equivalent to Family Violence Orders. This is because:

- They do not trigger the integrated Safe at Home response.
- They do not engage coordinated family violence multi-agency risk assessment (as is the case in other states and territories).
- They do not operate within the same pro-intervention framework.

Where family violence is presenting with high-risk and lethality risk factors, restraint orders may not appropriately recognise the behaviour as family violence and trigger access to a criminal justice response.

**Q5. Is there anything else you would like to say about the scope of relationships covered by the Family Violence Act?**

The primary objective of family violence legislation should be to address the urgent issue of men's use of severe and lethal violence, primarily against women and children.

- Established evidence shows that men's use of lethal violence is preceded by coercive control, stalking, obsessive monitoring and possessive entitlement particularly during and soon after separation.
- Lethality risk is determined by behaviour patterns, not by the formal status, duration or cohabitation of a relationship.

- Legislative thresholds based primarily on “significant relationship” definitions may not consistently identify and respond to high-risk family violence.
- Definitions of family violence in the Act should align with recognised lethality indicators to ensure access to the integrated Safe at Home response for victim-survivors and appropriate accountability for people using violence.
- Strengthening this alignment would enhance the Act’s capacity to support criminal justice interventions that prevent escalation of family violence to serious harm and homicide.

## **Part 2. Safety of Victim-Survivors: Family Violence Orders**

### **Q1. Are the rights and interests of victim-survivors adequately protected as required by the Family Violence Act? How could they be better protected?**

The Act provides an important foundation for recognising family violence as a breach of human rights and placing the safety of victim-survivors at the centre of its purpose. However, significant gaps remain between what the Act intends to achieve and how it is implemented in practice by police, courts and other aspects of the criminal justice system.

The rights and interests of victim-survivors are not being adequately protected in the following ways:

- Victim-survivors still carry a heavy burden when trying to prove that they need protection. Many report not being believed when seeking family violence orders and accountability for the person using violence, often feeling like they are on trial.
- Many victim-survivors cannot access their rights under the Act due to the cost or financial risk of legal representation.
- Current criminal justice responses often focus on single incidents rather than on the full pattern of behaviour that constitutes family violence. This means that patterns of non-physical violence and abuse may not be properly identified or understood.
- Misidentification remains a significant issue in policing. This is especially harmful when both parties end up with “keep the peace” or mutual orders, which can hide the true dynamics of the relationship and may place the victim-survivor at greater risk.
- Courts allow people using violence to make vexatious applications for family violence orders against victim-survivors.
- Legally mandated information sharing and reporting of family violence to police by prescribed people under the Act can compromise victim-survivor trust in professionals leading to further isolation and increased family violence risk.
- Legally mandated information sharing and reporting of breaches to family violence orders to police can increase family violence risk and create additional risks of systems abuse and systems harm for victim-survivors.

Better protection could be achieved through:

- Risk assessment frameworks that sit alongside the Act that focus on patterns of behaviour, especially coercive, jealous or possessive actions that signal elevated danger and lethality.

- Risk assessment frameworks that include clear guidelines for information sharing (with the expressed consent of the victim-survivor) and collaboration across the full breadth of responses to family violence, including criminal justice and community responses. This can replace legally mandated information sharing.
- Improved training and accountability mechanisms for police and judicial officers, helping them identify the predominant aggressor and distinguish between genuine perpetration of family violence and actions taken in self-defence or fear.
- Clear practice guidance emphasising the need to use a gendered lens to identify power imbalances and context, ensuring decisions reflect the whole picture and provides protection to the person in need of safety.

**Q2. Can victim-survivors remain safe whilst accessing support services and maintaining relationships? If not, what more could be done to ensure that victim-survivors are sufficiently protected?**

Engender Equality regularly provides specialist support services to people who are in relationships with people using family violence against them. This experience has taught us that:

- Separation does not mean that family violence stops, it often escalates and can continue for many years in a post-separation context.
- Victim-survivors are best placed to make assessments and decisions about whether it is safer for themselves and their children to remain in or leave a relationship with a person using violence.
- Victim-survivors may not want a criminal justice response to their experience of family violence or as accountability for the person using violence.
- Victim-survivors may have assessed that contact with police, or the justice system will increase their family violence risk.
- Victim-survivors who have children have better outcomes if they lead or are involved in any mandatory reporting and have their protective parenting efforts recognised and documented.
- Child safety interventions for children and young people that include a family systems approach that involves working with the protective parent and holding accountability for the parent using violence, have better outcomes for the safety of the whole family.

The safety of victim-survivors who are still in relationships with people using violence can be improved by ensuring:

- Victim-survivors have access to specialist family violence services and do not have to wait prolonged period to meet with a specialist practitioner.
- Victim-survivor self-assessment is part of risk assessment tools and frameworks used by support services.
- Victim-survivors have choice about their engagement with police and the justice system.
- Victim-survivors lead or are collaborated with for any engagement with the criminal justice or child safety systems about their experience of family violence.

- Victim-survivors can access safe, appropriate and secure housing, should they choose to separate from the person using violence.
- Victim-survivors can access safe devices and technology for communicating with support services.
- Victim-survivors can access safe and affordable transport.

**Q3. Do perpetrator behaviour change programs effectively improve perpetrator behaviour and reduce family violence? If not, what could be improved?**

Perpetrator behaviour change programs play an important role within an integrated family violence system. However, evidence consistently shows that programs alone do not guarantee sustained behaviour change or the prevention of serious reoffending, including lethal violence.

The primary purpose of these programs must be to increase the safety of victim-survivors by holding perpetrators accountable for their use of violence, challenging coercive control, and managing risk. Attendance or program completion should not be assumed to equate to accountability or meaningful behavioural change.

Family violence is not solely an individual behavioural issue. It is a gendered social problem shaped by norms, structures and attitudes that legitimise entitlement, control and hierarchy. As such, behaviour change must be understood as both an individual and cultural process.

Programs may be strengthened by:

- Clear accountability mechanisms that link participation to measurable indicators of behavioural change, particularly those relating to coercive control, use of power and ongoing risk to partners and children.
- Participation in men’s behaviour change groups must be accompanied by one-on-one counselling and counselling should be an accessible option even if the person is not accessing a group.
- Accountability mechanisms that include input, feedback or evaluation from partners and families of men participating in behaviour change programs.
- Stronger integration with risk assessment, information sharing and monitoring systems to ensure perpetrators are “kept in view” before, during and after program participation.
- Greater alignment with broader community-level prevention strategies that explicitly address drivers of family violence: gender inequality, men’s control of decision making, attitudes that condone violence and male peer relations.
- Strong, consistent government leadership and public messaging that names family violence as gender-based violence and reinforces expectations of respect, equality and non-violence across the community.

Without these system-level reinforcements, behaviour change programs risk functioning as isolated interventions rather than as part of a coordinated response prioritising victim-survivor safety.

**Q4. Are there enough behaviour change programs available to family violence perpetrators? What about perpetrators that do not identify as male? If not, what additional services are needed?**

The availability and number of programs is not the primary issue.

Behaviour change programs are not suitable for all people using violence, and eligibility and risk assessment must guide program placement rather than assumption of a one-size-fits-all model.

High-risk perpetrators and those with complex needs require tailored, integrated responses that extend beyond group-based programs.

There is a need for interventions that:

- Are delivered by highly trained and appropriately qualified staff operating from an evidence-based, perpetrator accountability and intersectional feminist framework.
- Are embedded within a broader system of criminal justice and community responses that reinforce expectations for behaviour change before and after program participation.
- Are integrated with or work alongside victim-survivor partner or family support.
- Are evaluated by whether the safety of victim-survivors improves.

There is also a need to explore group-based behaviour change interventions for the following groups:

- Aboriginal and Torres Strait Islander men that is specific to the Tasmanian context.
- Men who use violence against trans women and trans femme people.
- Women and gender diverse people who use violence against other women and gender diverse people.
- Women and gender diverse parents who use violence or abuse against their children, particularly LGBTIQ+ children.

Engender currently is the recommended referral pathway for women who are issued FVOs and we do not currently see the need for behaviour change programs for women or gender diverse people who may be perceived as using violence against men.

**Q5. Do you have any other comments regarding perpetrator behaviour change programs?**

Family violence responses that aim to bring accountability to people using violence must extend beyond program attendance.

Systems must be willing and able to clearly name and respond to gendered power imbalances and patterns of coercive control, rather than focusing narrowly on discrete incidents or individual attitudes.

Leadership and institutional signalling play a critical role in shaping community norms and expectations. Behaviour change programs are most effective when reinforced by consistent messaging across justice, service and community systems.

Consideration could also be given to whether the title 'Men's Behaviour Change Program' unintentionally discourages some people using violence from seeking early, voluntary support.

Protecting women and children requires coordinated legal, cultural and community-based responses that address both individual behaviour and the social conditions that enable violence. Behaviour change programs are a necessary component of this response, but they are not sufficient on their own.

### **Part 3. Length of Family Violence Orders**

#### **Q1. In Tasmania, FVOs operate for as long as the court determines they are necessary. Do you consider this approach effective? Why? Why not?**

In practice, this approach is not consistently effective in supporting victim-survivor safety, because:

- Most FVOs appear to be issued for a standard period of 12 months, despite evidence that risk often extends beyond this timeframe.
- Separation and related family law or criminal proceedings commonly exceed 12 months and are recognised periods of heightened risk.
- Requiring victim-survivors to reapply for extensions increases stress, fear and legal fatigue, and may deter continued help-seeking.
- Refusal to extend an order can undermine a victim-survivor's assessment of their own safety and ongoing risk.
- If victim-survivor safety is genuinely prioritised, this must be reflected in consistent decision-making, including greater use of longer initial orders and a presumption in favour of extension where risk persists.

#### **Q2. Some stakeholders suggest that it has been standard practice to make FVOs for 12 months. Is this your experience? If so, was this an effective duration? Why? Why not?**

Yes. It is Engender's experience that initial FVOs are most commonly made for 12 months. In most cases, this duration is insufficient because:

- Family law proceedings frequently remain active beyond 12 months.
- Children continue to be used in post-separation abuse, coercion and control.
- Fear and anxiety often increase as the expiry date approaches, rather than diminish.
- While FVOs can act as a behavioural deterrent for some people using violence, the impending end of an order commonly creates renewed risk and distress for victim-survivors.

#### **Q3. Is there a need to legislate a default period for FVOs whilst still retaining the court's discretion to specify the duration of an order? If yes, how long should the default period be?**

A default approach to longer FVO durations may reduce unnecessary re-engagement with the legal system.

Reapplication processes can be confronting, psychologically distressing and financially damaging for victim-survivors.

Victim-survivors should not be required to repeatedly meet evidentiary thresholds where family violence risk is ongoing or unchanged.

The duration of FVOs should be guided by risk assessment, rather than assumptions about what constitutes a “reasonable” timeframe.

Decisions about a longer standard order length should consider:

- The standard duration of related legal proceedings.
- The time required for parenting arrangements to stabilise following separation.
- The prolonged period of increased risk commonly associated with post-separation violence and coercive control.

**Q4. If there should be legislated default periods for FVOs, should the legislated period be extended where the perpetrator is subjected to a Serial Family Violence Perpetrator declaration? If so, how long should the extension be?**

Where a person has demonstrated repeated patterns of family violence, including escalation, and has participated in perpetrator interventions without evidence of sustained behaviour change, longer FVO durations may be warranted.

In such cases, FVOs should reflect the ongoing and cumulative nature of risk, rather than treating incidents as isolated or time-limited.

FVOs serve both protective and accountability functions, signalling that violent and coercive behaviour has consequences and will remain subject to oversight.

Any framework for extending orders must remain firmly grounded in risk assessment, with victim-survivor safety as the primary consideration.

**Q5. Do you have any other comments on this topic?**

Family Violence Orders are a vital protective and accountability mechanism, not merely a procedural or legal safeguard.

They establish enforceable safety boundaries and clearly signal that violence and coercive control are unacceptable and monitored by the criminal justice system.

FVOs formally recognise harm and validate victim-survivors’ experiences.

Decisions about duration of FVOs must prioritise ongoing safety and stability of victim-survivors including children, not administrative convenience for the criminal justice system.

Unnecessary re-engagement with the legal system places an avoidable burden on victim-survivors and should be avoided or minimised.

**Part 6. Misidentification**

**Q1. In your experience, how frequently are victim-survivors misidentified as the predominant aggressors? In what circumstances has this occurred?**

Current Tasmania Police data on the number of PFVOs issued to women suggests an ongoing problem with misidentification. These figures sit in tension with both the well-established evidence base and Engender's direct service experience, which consistently demonstrate that family violence is a form of gender-based violence overwhelmingly perpetrated by men.

This is not to suggest that women and gender diverse people cannot be genuine perpetrators of family violence. Rather, our experience indicates that such cases occur at a significantly lower rate than is reflected in PFVO statistics.

Based on our practice experience working everyday with victim-survivors who have been misidentified as predominant aggressors, misidentification is occurring due to:

- Incident-based understandings of family violence, and assessments that fail to recognise a broader pattern of power, control and coercion.
- Institutional misogyny and patriarchal norms, deeply connected to homophobia and transphobia, that lead to not believing the experiences of women and gender diverse people, and believing that family violence is mutually perpetrated by men and women.
- Institutional racism and ongoing impacts of colonisation that lead to over-policing of Aboriginal communities and the positioning Aboriginal women and women of colour as untrustworthy and violent.
- A lack of understanding of psychosocial disability and trauma-related presentations, including distress, emotional dysregulation or anger, which may be misinterpreted as aggression.

Other factors and circumstances that influence misidentification:

- Third-party reports (e.g. neighbours) that frame violence as "mutual conflict".
- Victim-survivors presenting as highly emotional, distressed or dysregulated.
- Victim-survivors reacting with anger toward attending officers.
- Substance use affecting the presentation of one or both parties.
- Difficulty for the victim-survivor to articulate their experiences due to trauma, exhaustion, confusion, or fear.
- Victim-survivor minimises abuse due to shame, fear, self-protection, or a desire to keep the peace.
- Victim-survivors being more open about their own behaviour, while the predominant aggressor withholds or manipulates information.
- Perpetrators engaging in systems abuse (e.g. pre-emptively contacting police, making false allegations, or undermining the victim-survivor's credibility).
- Failure of police to distinguish defensive or resistant behaviours from coercive, controlling or intimidating behaviours of a predominant aggressor.
- Inadequate screening for non-fatal strangulation, which can lead to victim-survivors appearing disordered next to the person using violence.

Misidentification is most likely where responses rely on surface behaviours rather than interrogating who holds power, who is afraid, and whose behaviour is controlling whom.

Improving responses to misidentification requires systemic change, including:

- Stronger integration of specialist family violence expertise into frontline responses, including co-response and secondary consultation models.
- Recognition of structural and cultural barriers to justice, particularly for criminalised women, Aboriginal and Torres Strait Islander women and communities, migrants, LGBTIQ+ people and people with disability.
- Clear safeguards and independent oversight where the person using violence has connections to police or the justice system.
- Investment in community-led and specialist responses, acknowledging that increased police involvement alone will not prevent misidentification.

**Q2. Will the changes proposed by the Bill make it easier for PFVOs to be revoked? Why? Why not?**

The proposed changes may make PFVOs easier to revoke. However, this does not address the underlying causes of misidentification or the harm caused by the initial issuing of orders.

Preventing misidentification in the first instance should remain the primary focus.

Revocation processes operate within complex dynamics of fear, power and control. Victim-survivors may experience guilt, self-doubt or pressure following the issuing of an order, and people using violence may actively coerce victim-survivors to seek revocation as a continuation of control.

In this context:

- Simplifying revocation processes may create additional opportunities for coercion or systems abuse.
- It may reduce accountability for the person using violence.
- It may increase risk for victim-survivors who were correctly identified.

Any legislative change in this area requires careful consideration of coercive control dynamics and the potential for legal processes to be used as a tool of systems abuse.

Existing safeguards, including consultation with specialist family violence services should be strengthened and consistently utilised to identify misidentification early and reduce harm.

**Q3. Do you have any other comments on this topic?**

Misidentification is a systemic failure, not an individual one. It arises from how behaviour is interpreted in high-stress incidents, shaped by gender norms, institutional practices and a reliance on incident-based understandings of family violence.

Reducing misidentification requires:

- Confronting institutional cultures in the criminal justice system that uphold the drivers of gender-based violence and lead to systemic harm against women and gender diverse people.
- A shift toward pattern-based assessments of family violence and coercive control.

- Greater authority and resourcing for specialist family violence services in decision-making such as reviewing potential misidentification cases and revocation decisions.
- Training that clearly differentiates defensive behaviour from perpetration, and recognises trauma responses as consequences of violence, not evidence of it.
- A strong and explicit framework for understanding gendered power and control across all intimate partner relationships.

Misidentification causes real and lasting harm. Systems must prioritise getting identification right the first time, rather than relying on revocation processes to correct errors after damage has already been done.

## **Part 7. Systems Abuse**

### **Q1. Is systems abuse accurately identified? If not, how could this be improved?**

Systems abuse is not consistently or accurately identified.

Systems abuse encompasses the following forms:

- Systems abuse by perpetrators: the use of legal and institutional processes to harm and exert coercion and control.
- Systems collusion: where system actors (often unintentionally) reinforce gendered power imbalances or undermine victim-survivor credibility.
- Systems harm: where institutional structures and processes reproduce inequality or create unintended harm.
- Cultural bias: where assumptions relating to gender, mental health, substance use, parenting or morality influence responses and decision-making.

Systems abuse occurs through the cumulative interaction of multiple systems. For victim-survivors this can look like:

- Police treat incidents as isolated disputes rather than patterns of coercive control
- Family law prioritises parental contact without recognising ongoing post-separation abuse and coercive control
- Child safety scrutinises the victim-survivor's parenting rather than accountability for the parent using violence
- Courts issue short-term orders requiring repeated applications and re-appearances
- Services lack consent-led information-sharing or authority to challenge systems abuse and harm

The combined effect of how these systems work can:

- Reinforce the control of the person using violence
- Undermine the victim-survivor's credibility
- Increase surveillance and pressure on the victim-survivor
- Create opportunities for systems abuse by the person using violence (e.g. repeated applications, allegations, complaints about victim-survivor)

This can be improved by:

- Addressing institutional cultures that uphold the drivers of gender-based violence and lead to systemic harm against women and gender diverse people.
- Centring victim-survivor safety and justice in all decision-making about their safety.
- Strengthening workforce capability through ongoing training, reflective practice and supervision.
- Increasing recognition of how systems and processes can be used by people using violence.
- Recruiting and supporting professionals whose practice aligns with evidence-based family violence responses

**Q2. The South Australian Royal Commission recommends a systems audit. Is this needed in Tasmania? What alternate options could be available?**

A systems audit could benefit Tasmania if it does the following:

- Amplify victim-survivor lived-experience expertise, especially those who have been subjects of the service system.
- Increase awareness of systems abuse across other government and non-government sectors that interact with victim-survivors.
- Identify and address processes that contribute to unintended systems harm.
- Improve understanding of how systems interact to further coerce, control and harm victim-survivors.
- Create or strengthen accountability mechanisms for systems and institutions to ensure they are not colluding with people using violence or doing systems harm to victim-survivors.

This process could support reform and improve coordination across government, non-government and community responses to family violence in Tasmania.

Consultation with specialist family violence services is essential to ensure that practitioner expertise informs any review.

Consideration should also be given to establishing an independent oversight mechanism focused on system harm, safety breaches and accountability.

**Q3. Should systems abuse be criminalised in Tasmania? If yes, how? If not, what alternate options could be available?**

Engender does not recommend criminalising systems abuse at this stage.

While systems abuse by perpetrators can involve deliberate patterns of coercion and control through institutions, much of what constitutes systems abuse arises through complex institutional dynamics, including systems collusion, systems harm and cultural bias. These issues cannot be resolved using criminalisation.

Criminalisation has the following risks:

- It may create further opportunities for people using violence to misuse systems against victim-survivors.
- It may increase risks of misidentification.
- It may shift focus towards punishment rather than addressing structural drivers of violence.

Priority should instead be given to:

- Improving system procedures, design and accountability.
- Improving professional understanding of coercive control and systems abuse.
- Embedding specialist expertise in decision-making processes.
- Establishing mechanisms to identify and respond to systemic harm.
- Ensuring that institutional responses consistently centre victim-survivor safety.
- Adequately resourcing specialist family violence services to support victim-survivors who are experiencing systems abuse, systems collusion and systems harm.

Reform should focus on prevention through better system design, rather than introducing additional criminal offences and punishment.

#### **Q4. Do you have any other comments on systems abuse?**

Addressing systems abuse requires sustained commitment and investment from Tasmanian Government leaders and institutions.

Reform will be complex and resource intensive. However, strengthening systems to prevent future harm, improve accountability, and prioritise the safety and dignity of victim-survivors is essential if we are to end family violence in Tasmania.

### **Part 8. Coercive Control**

#### **Q1. How could the current framework be improved to better address patterns of coercive and controlling behaviour?**

The framework would be strengthened by expressly recognising coercive control. This must include the following:

- Coercive control is a pattern of behaviour designed to control another person.
- Coercive control is a form of gender-based violence, overwhelming perpetrated by men against people of all genders, primarily women. Coercive control must be assessed using an intersectional gendered lens.
- A person using coercive control has an attitudinal style towards their partner that is superior, adversarial and entitled.
- Coercive control is frequently non-physical violence and abuse, characterised by possessive, obsessive monitoring and jealousy. The more fixated a person becomes with their target the higher the risk of serious harm and lethality, regardless of whether they have used physical violence.

If the framework is expanded to include coercive control, any changes must not increase the risk of criminalisation, misidentification or systems abuse for victim-survivors.

This risk could be mitigated by addressing the issue of misidentification, as outlined above in this discussion paper.

In addition to this, coercive control is often covert and difficult to evidence. Any changes to include coercive control into the framework must consider the burden of proof placed on victim-survivors and whether the criminal justice system will be able to respond adequately.

**Q2. How difficult is it to prove intent when prosecuting economic abuse? Should the standard be changed from ‘intentional’ to ‘knows or ought to have known’? Why?**

The number of cases successfully prosecuted for economic abuse has been very rare. However, in our experience, economic abuse is a common feature of family violence. This suggests that evidencing and proving intent in economic abuse cases is difficult.

Economic abuse frequently occurs through behaviours that may be framed as ordinary financial decisions, making intent challenging to establish.

Changing the standard to “knows or ought to have known” may:

- Reduce the burden on victim-survivors to prove intent.
- Establish clearer expectations of safe and equitable financial arrangements within relationships.
- Strengthen accountability for people using violence.

**Q3. Tasmania’s economic and emotional abuse provisions operate as summary offences. Should Tasmania introduce an indictable offence of coercive control? What might it look like? Should the summary offences be maintained?**

For the reasons outlined above, caution is warranted before introducing coercive control an indictable offence.

Priority should be given to strengthening system capability to:

- Accurately identify the predominant aggressor.
- Reduce misidentification and systems harm.

However, clearer recognition of coercive control as part of the definition of family violence can support:

- More accurate identification of family violence.
- Improved family violence risk assessment for the risk of serious harm and lethality.

**Q4. Section 9A outlines a 12-month limitation period for economic and emotional abuse. Is this long enough? How long should it be?**

No, a 12-month limitation period is not sufficient.

Economic and emotional abuse often occur over extended periods and may only be recognised once a victim-survivor has achieved safety or distance from the relationship.

Limitation periods can:

- Reduce perpetrator accountability.
- Prevent victim-survivors from seeking validation or justice.
- Reinforce the minimisation of family violence.

Consideration should be given to removing the limitation period or extending it significantly.

Given the complexity and delayed disclosure often associated with emotional abuse, alignment with limitation frameworks applied to sexual offences should be considered.

**Q5. Is there anything else you would like to say about Tasmania’s legislative response to coercive control?**

Any changes to include coercive control must address the risks outlined in this discussion paper.

This will be ongoing work to address institutional cultures, workforce training and accountability mechanisms to ensure coercive control is consistently and accurately recognised in practice.

**Part 9. Stalking and Bullying**

**Q1. Do you think amendments are needed to the stalking and bullying provisions in section 192 of the Criminal Code? What do you suggest?**

Amendments are required to better reflect the full scope of stalking behaviours.

Current provisions appear to assume that victim-survivors have freedom of movement and access to communication. This does not reflect many lived experiences.

Stalking behaviours can also involve the removal or restriction of movement and communication, including:

- Restricting a person’s freedom of movement.
- Monitoring or controlling phone use and communication.
- Preventing access to, or ownership of, a mobile phone or internet.

These behaviours function as forms of surveillance and control and should be recognised as stalking and bullying.

The legislation should also recognise that where stalking behaviours occur as part of a broader pattern of coercive control:

- They may reflect obsessive, possessive and entitled attitudes toward the victim-survivor.
- They should not be assessed in isolation from other abusive behaviours.
- They may indicate an elevated risk of harm.

It is also important to distinguish between:

- Coercive stalking behaviours used by perpetrators, and
- Situations where victim-survivors monitor a perpetrator’s behaviour to assess their own safety.

In some circumstances, victim-survivors describe monitoring a perpetrator’s movements or activities to understand immediate risk. Recognising this context is essential to avoid misidentification and ensure responses remain focused on victim-survivor safety.

**Q2. Do the current provisions adequately deal with conduct that involves covert tracking? Why? Why not?**

Current provisions do not adequately capture the evolving nature of technology-facilitated abuse.

People using violence increasingly use a wide range of technologies to enable covert tracking, including:

- Devices linked to children (e.g. accounts or devices used within the home).
- Wearable technology such as smart watches.
- Internet-connected household devices (e.g. smart appliances), vehicles and dashcams.
- Password managers and shared digital accounts.
- Emerging and changing social media platforms.

Legislation must be sufficiently specific to recognise these behaviours, while also broad enough to remain responsive to ongoing technological change.

There are also significant challenges in evidencing covert tracking behaviours. Incorporating a standard of “knows or ought to have known” may:

- Improve accountability.
- Reduce the burden on victim-survivors to prove intent.

**Part 10. Reviewing the definition of ‘harassing’**

**Q1. Do you think the current definition of ‘harassing’ in the Criminal Code adequately captures harmful behaviour? Why? Why not?**

The current definition does not appear to fully capture the range of behaviours experienced as harassment in the context of family violence.

Consideration should be given to including behaviours such as:

- Loitering outside places regularly attended by an affected child.
- Remaining in, or near, a public place in a way that effectively restricts a victim-survivor’s freedom of movement, even where the victim-survivor is the person who leaves.
- Communications that are not overtly offensive but are intended to intimidate, unsettle or reassert control.
- Covert or subtle references to a victim-survivor or affected child, where the person or someone connected to them could reasonably understand the communication to be about them.

The requirement that communication be “offensive” may be too narrow in family violence contexts, where people using violence often use apparently benign messages to intimidate, monitor or maintain control.

Consideration could also be given to whether harassing behaviours should be more clearly incorporated into emotional abuse provisions, particularly where they form part of a broader pattern of coercive control.

## **Part 11. Third parties facilitating family violence**

### **Q4. Comments relating to third parties engaging in family violence on behalf of the perpetrator:**

Legal consequences may be appropriate where third parties knowingly assist or facilitate family violence.

However, some third parties may be manipulated by the person using violence and may not be aware they are contributing to harm.

In these circumstances:

- An initial warning-based approach should be considered where there is a reasonable belief the third party is unaware of their role.
- Where behaviour continues after a warning, legal consequences should apply, on the basis that the third party knew or ought to have known their actions were contributing to harm.
- Perpetrators should also be clearly held accountable for the indirect use of third parties to exert control.

Additional considerations include:

- Professional responsibility  
Legal practitioners who engage in threatening or coercive communication with unrepresented victim-survivors should be subject to clearer professional consequences. There should be stronger emphasis on ethical obligations to avoid facilitating systems abuse and harm.
- Use of private investigators and surveillance  
The use of private investigators to monitor victim-survivors raises significant safety concerns. Even where surveillance is not confirmed, awareness that a perpetrator has previously used such tactics can create ongoing fear and inhibit help-seeking. This may result in victim-survivors modifying their behaviour and restricting their movements due to fear of being monitored.
- Intersection with systems abuse  
Third-party involvement can reinforce systems abuse, including where information gathered is used to undermine a victim-survivor's credibility (e.g. in relation to parenting, substance use, or mental health).

## **Part 12. Introducing judicial directions for family violence offences**

### **Q3. Comments on this topic**

Judicial directions can play an important role in improving how family and sexual violence is understood within court processes.

Directions should support a broader understanding of the dynamics and impacts of family violence, including:

- The varied and complex ways victim-survivors may respond to violence.
- The absence of a “typical”, “relatable” or “expected” victim response.
- The influence of fear, coercion and control on behaviour and decision-making.

This is particularly important in reducing reliance on “perfect victim” stereotypes and minimising victim-blaming attitudes.

Consideration should also be given to how family violence context is recognised in proceedings where victim-survivors are also before the court for related matters.

Ensuring that judicial directions appropriately reflect the context of family violence may support more informed decision-making and improve outcomes for the person most in need of protection.

### **Part. 13 Image-based abuse**

#### **Q4. Other comments on Tasmania’s legislative responses to image-based abuse**

Legislation should capture the full range of behaviours associated with image-based abuse.

This should include:

- Direct and indirect threats to create or distribute images.
- The creation, alteration, and distribution of images without consent.
- The possession and retention of images without consent.

The definition of consent requires strengthening. Consent should be explicit, specific, and time limited. Consent to the creation of material should not be taken as consent to its distribution or retention. Ongoing or assumed consent should not be recognised.

Any non-consensual:

- creation,
- alteration,
- distribution,
- retention, or
- threat of distribution

should be considered unlawful, including where material was initially created with consent.

Legislation should also explicitly recognise technologically created or altered material, including AI-generated or manipulated imagery.

Using both “created” and “altered” language will better capture the evolving nature of image-based abuse and reduce the risk of minimisation due to the material being artificially generated.

Consideration should also be given to:

- Ensuring responses are informed by victim-survivor reports
- Supporting investigation of emerging forms of technology-facilitated abuse.
- Strengthening community understanding of the harm caused by image-based abuse to improve deterrence.

#### **14. Deepfake pornography**

#### **15. Consideration of the introduction of a summary charge for persistent breaches of family violence orders**

##### **Q1. Should Tasmania introduce a summary offence for persistent breaches of a family violence order? Why? Why not?**

Any introduction of new offences must be approached with caution, particularly in light of the risks of misidentification outlined above.

There is merit in introducing a summary offence to address patterns of repeated breaches that may not meet the threshold for existing persistent family violence charges.

While these breaches may not always involve physical violence, they have significant impacts on victim-survivors, particularly where breaches involve ongoing coercive or controlling behaviours such as repeated messaging or intimidation.

The absence of physical violence should not be interpreted as an absence of risk.

Evidence indicates that homicide risk is not reliably predicted by prior physical violence, and many victim-survivors who are killed have not previously experienced physical assault.

Introducing a summary offence may therefore strengthen responses to patterns of behaviour that cause ongoing psychological harm and signal escalating risk.

#### **16. Serial family violence perpetrator declarations**

##### **Q2. Do you consider any changes that could improve the framework for serial family violence perpetrators? If so, what do you recommend?**

The framework could be strengthened to better reflect patterns of behaviour and ongoing risk.

Consideration should be given to:

- Broadening criteria to include multiple offences against a single partner, as well as multiple partners, recognising that risk is not reduced where violence is directed toward one person or where reporting is limited.
- Ensuring the declaration is not limited to indictable offences, unless an equivalent summary-based pathway is introduced.
- Removing reliance on conviction for the specific offence of persistent family violence, where other convictions demonstrate a pattern of repeated offending.
- Providing clearer and more transparent guidance on how courts determine whether a declaration is “warranted.”
- Placing greater emphasis on patterns of behaviour, rather than focusing heavily on the specific nature or circumstances of individual offences.

- Recognising that repeated offending demonstrates an established risk of future harm, reducing the need for additional threshold tests of likelihood of reoffending.
- Ensuring victim-survivors have the opportunity to provide input or submissions in relation to declarations.
- Establishing consistent and predictable timeframes for declarations to support victim-survivor safety and certainty.

Consideration could also be given to:

- Retaining a record of serial offending beyond the declaration period, so it may be taken into account in future proceedings.
- Recognising that patterns of coercion and control may persist over time, including where perpetrators temporarily cease offending while orders are in place.

## **17. Enhancements to the use of electronic monitoring for people charged with family violence offences**

### **Q1. Should the use of electronic monitoring of persons accused of family violence be expanded? If so, how?**

Electronic monitoring may support victim-survivor safety in some circumstances. Victim-survivors have reported that it can provide an increased sense of security.

However, any expansion must be approached with caution, with careful consideration of risks and unintended consequences.

Key considerations include:

- **Victim-survivor safety and autonomy**  
Victim-survivors should be supported to make informed decisions about the use of electronic monitoring. This requires clear communication, ideally through specialist family violence services, about:
  - the limits of the technology
  - their rights
  - potential risks and unintended consequences
- **Unintended risks and perpetrator adaptation**  
Electronic monitoring may be misused or adapted by perpetrators. For example:
  - Repeated alerts or police contact may enable perpetrators to infer victim-survivor movement patterns.
  - Perpetrators may adapt behaviours to avoid detection (e.g. tampering with devices or allowing batteries to fail).
- **Risk of indirect monitoring**  
There is a need to ensure that monitoring systems do not inadvertently result in victim-survivors being tracked or having their movements indirectly exposed.
- **Resourcing and system capacity**  
Effective use of electronic monitoring requires sufficient resourcing to:
  - monitor breaches in real time
  - respond promptly

- communicate clearly with victim-survivors
- Rural and remote considerations  
Delays in policing responses in rural and remote areas may increase risk if monitoring systems create an expectation of immediate intervention that cannot be met.
- Use in bail and parole decisions  
Electronic monitoring should not be relied upon as a mitigating factor in bail or parole where it may create a false sense of risk reduction.

## **18. Review of the legislated penalties for breaches of family violence orders**

### **Q4. Other comments on this topic**

When considering penalties for breaches, it is important to account for risks associated with misidentification and unintended criminalisation of victim-survivors.

Victim-survivors who have been misidentified and issued FVOs may be coerced or manipulated by the predominant aggressor into breaching orders, particularly in contexts of ongoing coercive control. Criminal penalties in these circumstances can compound harm rather than enhance safety.

The offence of incitement to breach raises particular concern. Victim-survivors may be pressured or manipulated into contact-initiating behaviour and subsequently held responsible for breaches that occur. Without strong safeguards, this offence risks causing further harm to victim-survivors, particularly for women and gender diverse people from marginalised communities that experience over-policing, heightened child safety involvement and incarceration.

Mandatory reporting of all breaches to police by prescribed people under the Act can further increase these risks. It can unintentionally:

- Trigger police responses that do not align with victim-survivor risk assessments or safety needs.
- Undermine victim-survivor trust in professionals and deter victim-survivors from seeking further support.
- Have consequences for child contact and parenting arrangements.

Current penalties for breaching FVO for people using violence may create accountability for some, but not for others.

Where breaches continue despite existing penalties, this may indicate a need to strengthen system responses, including:

- More consistent enforcement of breaches.
- Earlier identification of escalating risk.
- Stronger accountability mechanisms for repeat offending.

Any changes to penalties should be considered alongside system improvements that prioritise victim-survivor safety and reduce the risk of further harm.

## **19. Parole for family violence offenders**

## **20. User-friendly application processes and forms**

### **Q7. Other comments on this topic.**

Current FVO application processes could be improved to better support accessibility and ease of use for victim-survivors.

Processes can be complex, difficult to navigate, and may present barriers for victim-survivors already experiencing stress, trauma, or fear.

Improvement should focus on:

- Simplifying language and forms.
- Reducing administrative burden.
- Ensuring processes are trauma-informed and accessible.

Consideration should also be given to expanding trauma-informed, specialist environments for reporting family violence and applying for protection order.

For example, the Arch model, developed to support victim-survivors of sexual violence, could be adapted for family violence-specific purposes.

This may:

- Support more accurate disclosure of patterns of coercive control.
- Reduce the risk of misidentification.
- Reduce opportunities for people using violence to misuse legal processes as a form of systems abuse.

Victim-survivor advocates should be actively involved in the design and review of application processes to ensure they reflect lived experience and meet the needs of those seeking protection.

## **21. Information sharing between services**

### **Q1. Is information shared efficiently between the different parts of the family violence response system? How could it be improved?**

Information sharing across government agencies may be effective in some areas. However, current approaches insufficiently recognise the critical role of non-government and community responses to family violence.

Many victim-survivors engage primarily, or exclusively, with specialist non-government services, particularly where previous interactions with police, courts or child safety systems have undermined trust or increased risk. Information-sharing frameworks that focus mainly on government-to-government exchanges risk excluding services that hold the most detailed, current understanding of perpetrator behaviour, victim-survivor risk and safety planning.

Concerns also arise in relation to mandatory information sharing with police under the Act. While intended to strengthen responses, mandatory police involvement can deter disclosure and increase fear or risk for some victim-survivors, particularly those from marginalised

communities or those with prior negative experiences of policing. Sharing information without meaningful, informed consent can remove victim-survivors' control over their own information and safety responses.

Information sharing for the purpose of perpetrator mapping processes within government agencies further raise issues of transparency and equity. Mapping and information sharing across government agencies frequently occurs without the knowledge or involvement of victim-survivors, despite their critical insight into patterns of coercion and escalation.

In addition, perpetrator mapping relies on data generated through public systems such as government schools, public health services, police and child protection. This can both increase surveillance of marginalised communities and create significant blind spots for perpetrators who have financial resources and primarily engage with private schooling, private health care and other non-public systems, allowing serious risk to go undetected.

To be effective and safe, information sharing and perpetrator mapping must:

- Better integrate non-government specialist services as core partners
- Value and rely on risk assessment and safeguarding expertise of specialist services
- Improve transparency and victim-survivor participation wherever safe
- Be guided by informed, current and ongoing victim-survivor consent

Any information sharing frameworks must be subject to regular, intentional review to identify unintended harm, systems abuse and inequitable impacts. This must be done to ensure information sharing strengthens, rather than undermines, victim-survivor safety, trust and autonomy.

## **22. Information sharing to improve victim-survivors' sense of safety**

### **Q1. Are victim-survivors given enough information to manage their safety? If not, what other information do victim-survivors need?**

Engender regularly hears from victim-survivors a need for more timely and relevant information to support their safety.

In practice, there is a strong desire to receive updates about a perpetrator's movement through the justice system, particularly incarceration and release. This may include offences not directly connected to the victim-survivor. This is because incarceration and release directly impact family violence risk, and information sharing can support victim-survivors make informed decisions about their safety.

Improved information sharing with victim-survivors should:

- Provide timely updates about key changes in a perpetrator's status as they move through the justice system.
- Support victim-survivors to assess risk and plan for safety.
- Be communicated clearly and transparently to build trust in the system.

Consideration should be given to how privacy rights are balanced with the safety needs of victim-survivors, with a greater emphasis on ensuring victim-survivors have access to information necessary to manage their safety.

### **23. Supporting children experiencing family violence to give evidence**

Please seek the recommendations by organisations who work with children in this context.

### **24. Giving evidence separately to the other party**

#### **Q2. Does the current approach to victim-survivors giving evidence in family violence matters ensure procedural fairness? Why? Why not?**

The current approach does not always ensure procedural fairness for victim-survivors.

Requiring victim-survivors to make a special witness application to give evidence separately can create additional barriers, particularly for those already experiencing trauma, fear, or intimidation.

Under the current system, victim-survivors may be disadvantaged because it:

- Places an administrative and emotional burden on them.
- Requires knowledge of, and ability to navigate, legal processes.
- Disadvantage those without access to legal or organisational support.
- Requires victim-survivors to engage with a health professional to obtain a support letter.

Consideration should be given to:

- Making the option to give evidence separately a standard offering, rather than one that must be applied for.
- Recognising this as part of trauma-informed court processes that allows for equitable participation.

Providing this option as standard may:

- Reduce barriers to engaging with the justice system.
- Support victim-survivors to give clearer and more complete evidence.
- Improve overall safety and participation.

### **25. Protection from liability when reporting suspected family violence**

### **26. Restricting publication of information**

#### **Q2. Other comments on this topic**

Victim-survivor privacy should be the primary consideration in any decisions regarding publication.

Where publication occurs, identifying information about victim-survivors and affected children should be removed or redacted.

This includes any details that could reasonably lead to identification, directly or indirectly.

Prioritising privacy is essential to:

- Protect safety.
- Reduce risk of further harm or retaliation.
- Support victim-survivors to engage with the justice system without fear of exposure.

**27. Whether breaches of family violence orders should be declared ‘serious offences’ under the Forensic Procedures Act**

**28. Reviewing definitions of ‘Family Court orders’ and ‘family violence offences’**

**29. Comment is welcome on other topics**

**Q1. Do you have any other legislative reform suggestions in relation to the Family Violence Act or any other pieces of legislation mentioned in this discussion paper?**

Additional areas for legislative and system reform include:

**Recognition of harm to animals**

Consider expanding the definition of family violence to include causing, or threatening to cause, harm to an animal as a means of coercion, control or intimidation. This should apply regardless of ownership of the animal, where the behaviour is part of a pattern of family violence behaviour.

**Firearms regulation and enforcement**

Strengthening firearm-related responses may improve victim-survivor safety, including:

- Reviewing licensing requirements and eligibility.
- Increasing penalties for improper storage and breaches of firearm conditions.
- Strengthening responses to unregistered, stolen, modified or 3D-printed firearms.
- Working with victim-survivors when they disclose firearm access of the person using violence to ensure systems can respond safely without increasing their risk.

**Housing and system response**

Access to safe and appropriate housing remains critical to victim-survivor safety.

The Rapid Rehousing program should be reviewed to ensure it is:

- Accessible.
- Aligned with victim-survivor needs.
- Effective in practice, not only in policy design

**Police Perpetrated Family Violence in Tasmania**

***Background***

In Tasmania, family violence is treated as a criminal matter under the *Family Violence Act 2004*, with the safety, wellbeing and interests of victim-survivors as the paramount consideration.

Tasmania Police play a central role as first responders and as the gateway to the Safe at Home

whole-of-government service system. This places policing at the core of both immediate crisis response and broader system accountability.

While our current system positions police as critical to responding to family violence, there is increasing recognition internationally that police officers themselves can be perpetrators of family violence. Although Australian research remains limited, studies from comparable jurisdictions such as the United States, United Kingdom and Canada indicate that police officers may be up to four times more likely to perpetrate family violence than the general population.

Police perpetrated family violence presents a unique and complex challenge. As both the employer of the alleged perpetrator and the primary investigative body, policing organisations face an inherent conflict of interest. This dual role raises serious concerns regarding impartiality, accountability and victim safety. It also creates significant barriers for victim-survivors, who may be required to report abuse to the same institution that employs the perpetrator.

Victim-survivors of police perpetrated family violence face heightened risks and additional barriers to reporting. These include:

- Concerns about confidentiality and privacy within a small and interconnected organisation
- Fear of retaliation or escalation of violence
- Lack of confidence in impartial investigation due to relationships between officers
- Economic dependence on the perpetrator and fear of employment consequences
- Reluctance to engage with a system perceived as protective of its own members

Police officers who perpetrate violence may also have access to institutional knowledge, professional networks and investigative processes that can be used to minimise or avoid accountability. This includes the ability to manipulate reporting processes, influence colleagues, and shift blame onto victim-survivors.

Cultural factors within policing organisations further compound these risks. Research identifies that insular and protective workplace cultures, combined with rigid hierarchies and norms that emphasise authority, control and aggression, can enable or obscure abusive behaviour. These cultures may also intersect with the known gendered drivers of violence, including:

- Condoning of sexist attitudes towards women
- Men's control of decision-making
- Rigid gender roles and identities
- Peer dynamics that normalise aggression and disrespect

Additionally, policing as a profession exposes officers to high levels of trauma, stress and risk. Police officers experience elevated rates of post-traumatic stress disorder (PTSD), alcohol misuse and mental health challenges—factors that are associated with an increased risk of perpetrating family violence.

Despite these risks, there are strong expectations from the community that police uphold the highest standards of integrity and accountability. Community confidence in policing is contingent on the belief that police will respond appropriately to family violence—including when it occurs within their own ranks. Failure to do so undermines trust not only in policing, but in the broader service system.

Tasmania Police have existing policies that state incidents involving police officers will be treated the same as those involving members of the public, supported by internal oversight mechanisms and reporting requirements. While these frameworks are important, evidence suggests that equal treatment alone may not be sufficient to address the unique risks, conflicts of interest and barriers inherent in police perpetrated family violence.

This creates a clear opportunity—and responsibility—for Tasmania to lead in developing a more robust, transparent and victim-centred approach. Addressing police perpetrated family violence requires system responses that go beyond minimum standards, including independent oversight, strengthened accountability mechanisms, culturally informed prevention strategies, and tailored supports for both victim-survivors and perpetrators.

A transparent and accountable response not only improves safety outcomes for victim-survivors, but also strengthens community confidence and contributes to the prevention of violence within both policing organisations and the broader community.

### ***Key themes/issues***

- There is extensive research into police perpetrated family violence in the US, UK and Canada but relatively little academic work in Australia
- Tasmania Police have an opportunity to innovate and lead on this emerging critical issue
- Research suggests police officers are up to four times more likely to perpetrate family violence than members of the general population
- Victims of family violence face additional barriers to reporting when the perpetrator is a member of the agency they can report to
- Officers who perpetrate family violence can use insider knowledge and connections to avoid detection, minimise responses and shift blame to the victim
- Insular and protective police cultures assist family violence perpetrators; transparent and accountable police cultures do the opposite
- Police cultures that ignore the gendered drivers of violence assist family violence perpetrators (drivers include condoning of sexist attitudes towards women; men's control of decision-making; rigid gender roles and identities; male peer relations that emphasise aggression and disrespect towards women)
- There are indications that police perpetrated family violence may co-exist with work performance issues
- Police officers are more susceptible than members of the general public to factors that have a strong causal association with family violence, such as alcohol abuse, PTSD and other mental health conditions
- Studies show the training of police officers promotes aggression as it is designed to be authoritarian and physically/psychologically dominating

### **Objectives of addressing police perpetrated family violence in Tasmania**

- Ensuring family violence incidents involving Tasmania Police officers are treated in the same manner as incidents involving members of the general population, i.e. ‘zero tolerance’
- Ensuring Tasmania Police officers effectively respond to family violence regardless of their own status/history of perpetration
- Ensuring the safety and confidentiality of victims who report family violence by a member of Tasmania Police, including reducing the risk of negative personal or professional consequences of reporting for the victim
- Increasing the opportunities for help-seeking for both victims and perpetrators of police perpetrated family violence
- Developing a culture of transparency in Tasmania in relation to police perpetrated family violence, recognising that this promotes:
  - prevention of police perpetrated family violence; AND
  - community confidence in Tasmania Police to deliver rigorous and accountable policing

### **Police perpetrated family violence – considerations by identity/circumstance**

Identity/Circumstance	Considerations
Disclosing victim	<ul style="list-style-type: none"> <li>• High risk</li> <li>• Access to privacy/confidentiality</li> <li>• Right to be believed/protected</li> <li>• Integrity of system response when the investigating officers are the perpetrator’s friends and colleagues</li> </ul>
Hidden victim	<ul style="list-style-type: none"> <li>• Primary prevention and help-seeking messaging</li> <li>• Confidential/anonymous supports e.g. helplines, online forums</li> <li>• Culture change in workplaces and communities – upholding expectations of safety and respect</li> </ul>
Police victim	<ul style="list-style-type: none"> <li>• High risk</li> <li>• Complexity of disclosing within the system that they work within, e.g. reporting to own colleagues and employer</li> <li>• Consequences for career and reputation</li> </ul>
Disclosing perpetrator	<ul style="list-style-type: none"> <li>• Barriers of disclosing to own colleagues and employer</li> <li>• Known causal factors in relation to policing role, e.g. PTSD, drug and alcohol use</li> <li>• Consequences for career and reputation</li> </ul>
Hidden perpetrator	<ul style="list-style-type: none"> <li>• Primary prevention/early intervention messaging</li> <li>• Confidential/anonymous behaviour change supports e.g. helplines, online forums</li> </ul>

	<ul style="list-style-type: none"> <li>• Culture change in workplaces and communities – upholding expectations of safety and respect</li> </ul>
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***Statutory requirement for specialised police arrangements***

The current legislative and policy framework in Tasmania does not adequately recognise or respond to the unique risks, conflicts of interest and systemic barriers inherent in police perpetrated family violence. Treating these matters “the same” as other family violence incidents fails to account for the heightened risk to victim-survivors and the compromised integrity of the investigative process.

To address this gap, there should be a clear statutory requirement within the *Family Violence Act 2004* mandating that specialised arrangements apply where a member of Tasmania Police is alleged to have used family violence.

At a minimum, this legislative requirement should:

- Mandate independent investigation of all allegations of family violence perpetrated by police officers, removing primary responsibility from Tasmania Police as the employer of the alleged perpetrator
- Require immediate risk mitigation measures, including removal of access to weapons, systems and operational duties, and proactive safety planning for victim-survivors
- Guarantee confidentiality protections for victim-survivors, including restricted access to records and safeguards against internal visibility within police systems
- Provide access to independent reporting pathways, ensuring victim-survivors are not required to report abuse through the perpetrator’s workplace
- Establish dedicated, specialist support pathways for victim-survivors of police perpetrated family violence, including externally delivered advocacy and case management
- Ensure transparent oversight and public accountability, including reporting on prevalence, outcomes and system responses
- Enable proactive identification and monitoring, including where patterns of behaviour do not meet criminal thresholds but indicate risk of ongoing harm

Embedding these requirements in legislation would formalise a higher standard of response, reflecting the elevated risk, power imbalance and institutional conflict inherent in these cases.

This approach recognises that equality of process is not equity of outcome. A differentiated, legislated response is necessary to ensure safety, restore trust, and uphold the integrity of Tasmania’s family violence system.

***Optimal approach to police perpetrated family violence in Tasmania***

- Police perpetrated family violence presents a fundamental conflict of interest when the investigating agency is the employer of the alleged perpetrator

- International responses to police perpetrated family violence suggest best practice in relation to establishing safety for the victim and confidentiality for both victim and perpetrator involves engagement of an independent investigating agency
- Consider the Serious Incident Response Team (SIRT) model in Nova Scotia (independently investigates all serious incidents which arise from the actions of police, including family violence)
  - Population of Nova Scotia is approx. 971,000
  - SIRT budget is CAD\$600,000 (AUD\$640,680)
  - Civilian body, independent of government and police
  - Referrals through criminal-justice channels and by members of public
  - Powers to investigate with or without an allegation being made
  - Transparent process of investigation and inquiry
  - Investigation reports made public within 3 months of completion

### **Resources/links**

- SIRT Model in Nova Scotia: <https://sirt.novascotia.ca/>
- Model Policy on Domestic Violence by Police Officers by the International Association of Chiefs of Police: <https://www.theiacp.org/sites/default/files/all/d-e/DomesticViolencebyPolicePolicy.pdf>
- Super-complaint by the UK Centre for Women’s Justice: *Failure to address police perpetrated domestic abuse*: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/913084/Police\\_perpetrated\\_domestic\\_abuse.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/913084/Police_perpetrated_domestic_abuse.pdf)
- Safe and Together Institute OIDV Infographic: [OIDV\\_infographic3242021](https://www.safeandtogether.org/oidv-infographic3242021) ([hubspotusercontent00.net](https://www.hubspotusercontent00.net))