

Family Violence Reforms Bill

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Submission in response to *Family Violence Reforms Bill 2018*

Relationships Australia, Tasmania (RA Tas) welcomes the opportunity to provide feedback in response to the draft Family Violence Reforms Bill 2018 prepared by the Department of Justice and is pleased to see the outlined commitment to reducing family violence in Tasmania and improving the way that our justice system responds to perpetrators of family violence.

This response is informed by the experience and expertise of staff within RA Tas. It seeks to provide comment on the areas that relate to the work conducted by RA Tas.

About RA Tas

RA Tas has been a leading provider of specialist relationship and family support services for nearly 70 years in Tasmania. We are committed to enhancing the lives of communities, families and individuals and supporting positive and respectful relationships.

RA Tas employs 159 staff across Tasmania and works with more than 8,000 clients each year providing a range of services such as men and family relationships programs, counselling, dispute resolution, personal development and education, parenting skills training, early intervention services including suicide prevention and mental health services, child-focused programs and practices, and programs that specifically engage Aboriginal people, families and communities.

RA Tas has established a strong presence in the general Tasmanian community delivering a range of services at a state-wide level. RA Tas has developed strong partnerships with community health centres and other community service sector organisations to ensure that clients of RA Tas are able to access support services in locations that are responsive to their needs and circumstances.

RA Tas is committed to supporting the reduction in family violence in Tasmania through a number of mechanisms. Since 2016, RA Tas has been delivering a men's behaviour change program that aims to help men who are perpetrators of family violence to take responsibility for their actions and apply new respectful ways of interacting in their personal relationships. RA Tas developed and implemented this program through funding from the Department of Justice.

Further, in 2017 RA Tas attained White Ribbon Workplace accreditation and has a number of supports and strategies in place to ensure that all RA Tas staff and clients are supported if they experience family violence.

RA Tas is appreciative of the opportunity to provide comment on the Family Violence Reforms Bill 2018 and welcomes continued engagement in relation to the future of this important piece of work.

Family violence definition

The current definition of family violence as in the *Family Violence Act 2004*, provides protection only for intimate partners and does not offer protection against elder abuse or other violence's in families. RA Tas recognise that this has previously been identified that Tasmanian legislation has the narrowest scope of the states and territories when it comes to recognition of family violence (*Family Violence: Strengthening our Legal Responses, Consultation Paper, Department of Justice, 2016*). If the

term family violence continues to be limited to intimate partner violence then ‘significant relationship’ may be a more accurate term than family relationship.

RA Tas recognises that demographic, health and social changes over the last century have resulted in an ageing Tasmanian population with increased complexity in family structures. This has created an environment for a potential rise in ageing-related family relationship issues. These changes are likely to result in increased numbers of inheritance disputes; a greater need for retirement and end-of-life planning assistance; and the need for carers to provide extended care periods for ageing family members due to their longer, but not necessarily healthier, life expectations. All of these circumstances may contribute to an increased incidence of elder abuse. In response to these changes, RA Tas has purposefully aimed to increase services to ensure the needs of our aging community are embraced. Recognition of elder abuse as a form of family violence would strengthen this work going forward. Both Victoria and Queensland’s domestic violence legislation better reflects the diversity in family relationships.

RA Tas is supportive of further amendment to the act to reflect the different forms of violence that may occur within families.

Forms of family violence

RA Tas was funded by the Department of Justice in 2016, to develop and deliver a men’s behaviour change program for men who have perpetrated violence against women. The program is based on the principle, that men can change their behaviour if given the opportunity to engage with new strategies to address their violent behaviour.

Perpetrators of mild- moderate family violence are referred into the program via a range of entry pathways (referral, self-referral, via the justice system). It is interesting to note that we rarely receive orders concerning non-physical forms of abuse (e.g emotional or financial). This may be indicative of ongoing reliance by police and the judiciary on physical violence notwithstanding the definition of violence being broader than that.

RA Tas would support a model whereby additional training is provided to assist in the identification of the various forms of family violence cases, with the aim of preventing further violence. Furthermore, a public awareness campaign publicising the new law and highlighting the harm caused by emotional abuse, threats and controlling behaviours would build upon this important work. These actions will assist in recognising and responding to cases of family violence and persistent family violence, which are not limited to physical violence.

Persistent family violence

RA Tas is supportive of the addition of the new offence for persistent family violence. This recognises that persistent family violence may be determined when three occasions of offending are determined. This classification of persistent family violence will allow for further prosecution of controlling and coercive abusive behaviour. It is anticipated that not being required to establish a date or the exact circumstances of a family violence offence should remove barriers to establishing an abusive course of conduct.

RA Tas would like to see discussion around the provision of supports for both victims and perpetrators of persistent family violence. RA Tas anticipate that in some instances these

perpetrators may align with the definition of low to moderate offenders for the purpose of entry into the men's behaviour change program.

Victims of non-physical forms of family violence often identify that the impact of a relationship in which emotional family violence such as coercion and control is significant and long lasting. Victim support services are of course pivotal in assisting victims of all forms of family violence.

Victim cross-examination

RA Tas is in agreement of the proposed amendment to Section 8A (cross-examination of victim of certain offenses) which allows for the prevention of perpetrators cross-examining partners when they appear for themselves.

Conclusions

RA Tas commends the Department of Justice for providing opportunity to comment on these important proposed changes to the Criminal Code and looks forward to working with the Department and the broader community sector to continue to progress the family violence agenda in Tasmania.