

Submission regarding the proposed “Family Violence Reforms Bill 2021”

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Overview & background

We are grateful for the opportunity to comment on the proposed *Family Violence Reforms Bill 2021* (the Bill). We commend the government for its commitment to reducing family violence and to improving responses to family violence in our state.

We are members of the University of Tasmania's STOP (Standing Together on Preventing) Violence network. STOP is an interdisciplinary network based at the University of Tasmania. Our network brings together academics with professional and research backgrounds in Social Work, Law, Policing, Social Sciences and Psychology. Our purpose is to contribute our skills, knowledge, time and resources in collective efforts with Tasmanian services, government and communities to do all we can to support all Tasmanians to live a life that is free from violence. Our purpose and goals as a collective group align with those of the government in reducing family violence and improving responses to family violence in Tasmania.

We briefly state our views and suggestions of relevance to the Bill under the following four main headings.

Definitions of family violence

In addition to expanding the range of behaviours considered under the *Family Violence Act* (Tas) s 7, it would be beneficial and in keeping with expanding definitions of family violence in other jurisdictions, to also consider expanding the types of relationships included under the *Family Violence Act* (Tas) s 4. In addition to 'significant' family relationships such as a married or de facto couple who are or were in a relationship, a broad and inclusive definition of a family member may include a range of intimate partner relationships, children, siblings and extended relatives as well as other 'family-like' relationships (e.g. family as recognised by Aboriginal and Torres Strait Islander communities). Those who are experiencing violence within their family may fall through the cracks and be deemed ineligible for services and support where they do not meet the narrow definition of a 'significant' family relationship.

Additional sentencing considerations

We suggest consideration be given to implementation of the recommendations of Tasmania's Sentencing Advisory Council (SAC) in relation to non-fatal strangulation. The three reforms suggested to sentencing law, which would allow for a record of strangulation and suffocation to be created, are as follows:

1. amend the *Sentencing Act 1997* (Tas) to provide that strangulation and suffocation are aggravating circumstances in relation to an offence;
2. amend the *Family Violence Act* (Tas) s 13A to provide for recording of non-fatal strangulation as a particular of a family violence offence on a person's criminal record; and

3. amend the *Sentencing Act 1997* (Tas) to provide for the recording of non-fatal strangulation as a particular of the offence on a person's criminal record in cases other than family violence cases.

These are directly related to the government's goals of reducing family violence and improving responses to family violence in Tasmania. These reforms would likely provide for community education and a strong statement about the seriousness of non-fatal strangulation/suffocation. The reforms may also allow for improved safety planning due to increased awareness of previous non-fatal strangulation offending.

A need for policy informed by local evidence

Despite the global and national policy and research focus on gendered violence towards women and children, localised and evidence-based knowledge of family and sexual violence in Tasmania is underdeveloped. We strongly suggest the government invest in and support localised research to obtain the evidence-base needed to develop robust and targeted policies, which address the unique and local needs of Tasmanians who are experiencing family and sexual violence. Ideally, such research would unpack, for instance:

1. the localised forms and dynamics of family/sexual violence occurring in Tasmanian communities,
2. barriers to seeking help/support in Tasmania, and
3. experiences of engaging with the family violence system of services in Tasmania.

We wish to flag that the University of Tasmania's STOP Violence network are currently planning research in Southern Tasmania along these lines. This research is relevant to both the Bill and to the government's Family and Sexual Violence Action Plan.

We commend the commitment of the government to behaviour change programs for men who use violence and recognise there is a strong need for such programs. However, it is noteworthy that reliable and empirical evaluations of these programs, to ensure they are evidence-based and achieve their objectives, are lacking. The current suite of behaviour change programs needs to be augmented to provide programs for medium-risk offenders. The Relationships Australia program caters for low-risk offenders, and EQUIPS and FVOIP are only available for those already in the criminal justice system. There exists significant opportunity to expand existing programs to provide support for behaviour change to offenders who are neither low nor high risk. We also would suggest the government consider funding specifically for targeted evaluations of programs for family members who use violence including men's behaviour change programs as well as interventions for children behaving violently towards other family members.

A number of other jurisdictions have developed a Harm Index to more effectively target interventions for both the people who use violence in the family context and those who are the recipients of the violence and abuse. We recommend the establishment of a Tasmanian Harm Index in line with current best practice in interventions in family and sexual violence and abuse.

The importance of a system-wide perspective

Finally, we strongly recommend a system wide overview of family violence services in Tasmania. It is widely recognised that legal responses do not occur in a vacuum. The effectiveness of any legal remedies proposed will be undermined by shortfalls in essential services such as suitable accommodation options for victim survivors (including crisis accommodation and affordable ongoing accommodation) and mental health services for victim survivors and perpetrators. Anecdotally at least, there is increasing recognition that such essential services in Tasmania are in short supply.

Concluding comments

We would be pleased to provide further information if requested.