

Victim-survivors of abuse from relatives call for change to recognise that as family violence

By Ashleigh Barraclough

Domestic Violence

Sun 1 Sep 2024 at 8:30am



In short:

Tasmania is the only jurisdiction in Australia limiting the legal definition of family violence to abuse against a spouse or partner.

People who experience abuse by a relative in Tasmania cannot access family violence orders or the state government's family violence response program.

What's next?

Advocates and independent politicians are calling for the Family Violence Act to be reviewed. The Tasmanian government says the legislation has undergone incremental reform since it was enacted two decades ago.

Jane* believes her sons turned out to be abusive after witnessing their father being violent with her.

"I didn't know they knew it, but my kids told me later on, they remember their dad dragging me around the house by my hair," she said.

WARNING: This story contains discussions about elder abuse, family violence and intimidation, which may cause some distress.

Jane, who is in her 80s and whose name has been changed for her safety, is now divorced from that man, but the cycle of abuse has continued.

She said her children have threatened her and coerced her into lending them large sums of money.

"I never saw them unless they wanted money, and I always paid the money out because it meant I could see them," she said.



Jane says she "didn't know other people had that problem, I just thought it was me". (ABC News: Ashleigh Barraclough)

Jane took out a restraining order against one of her sons after he turned up at her place early in the morning, screaming at her for money.

In the eyes of the law in Tasmania, the abuse Jane has experienced from her children is not family violence.

Tasmania is the only Australian jurisdiction limiting the legal definition of family violence to abuse against a spouse or partner.

Advocates say that approach creates barriers to accessing protective orders and support.



Jane says an elder abuse program gave her "more strength and ways and means of coping and learning to say no". (ABC News: Ashleigh Barraclough)

Family violence orders only for intimate partner abuse

Women's Legal Service Tasmania chief executive Yvette Cehtel said the definition of family violence in Tasmania was "very narrow".

"We do need to look at whether that needs to be broadened out to cover other forms of family violence, which might include things like elder abuse and also young people and violence with parents," she said.

When police are called to instances of intimate partner violence in Tasmania, they can immediately issue a family violence order.

But police cannot issue orders for other forms of domestic violence such as elder abuse or violence against children.

Instead, victims need to apply to the court for a restraint order.

"That puts a much higher focus on the actual applicant to go to

Where to get help:

- In an emergency call Triple Zero (000)
- For non-urgent matters, call Tasmania Police on 131 444
- The Family Violence Response and Referral Line (1800 633 937) offers an information and referral service by which callers are able to access the full range of response, counselling, information and other support services
- [1800 Respect National Helpline](#) on 1800 737 732
- [Lifeline](#) on 131 114

the court to get redress," Ms Cehtel said.

- [Men's Referral Service](#) on 1300 766 491
 - [Mensline](#) on 1300 789 978
 - [Full Stop Australia](#) on 1800 385 578
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Yvette Cehtel questions whether the law is adequately protecting everyone. (ABC News: Ashleigh Barraclough)

A parent experiencing violence can add their child to their family violence order, but the child cannot get their own order.

Ms Cehtel said this was problematic.

"Young people need to be able to access legal avenues themselves to ensure that they're protected," she said.

She would like to see the legislation reviewed to establish whether it is fit for purpose.

The Minister for Prevention of Family Violence, Madeleine Ogilvie, said there had been gradual changes to the legislation.

"The Family Violence Act 2004 has undergone incremental reform as an ongoing priority since its commencement to ensure it meets expert and community expectations as to what constitutes family violence, operates as intended, reflects best-practice, and is effective and streamline," she said.

"Further reforms commenced earlier this year allow courts to formally identify serial family violence perpetrators- and make orders for mandatory behaviour change programs."

Legislation drives solutions, advocate says

Lawyer and Independent Member for Clarke Kristie Johnston said she would welcome a review of the legislation.



Kristie Johnston says the most vulnerable deserve proper protection. (ABC News: Maren Preuss)

"This is a clear limitation deficiency of family violence laws in Tasmania, because it neglects to recognise that a number of different people within a family relationship can be perpetrators of family violence and victims of family violence," she said.

"We need to actually review the whole scheme and make sure that it's actually working to protect those most vulnerable."

Independent Member for Nelson Meg Webb agrees.

"A piece of legislation that's been in place for 20 years is overdue for a thorough review," she said.

The Hobart-based MP said she had spoken with Tasmanians facing sibling abuse, elder abuse and abuse from their children.

"At this stage, we have few ways that we can address it legally," she said.



Alina Thomas says more must be done to counter elder abuse. (ABC News: Ashleigh Barraclough)

Engender Equality chief executive Alina Thomas said many people experiencing domestic violence do not want a criminal or police response.

But she said Tasmania must be able to recognise and respond to all forms of domestic abuse through the law.

"Having behaviours articulated in a legislative response does help to set a community standard on what's acceptable and what's not acceptable," she said.

"It can also help us to better inform and better resource community-based responses and other responses that are relevant.

"We do need to do more to recognise the abuse that older people might experience, people with disabilities might experience — all forms of violence that don't typically fit into what we call intimate partner violence."

Fragmented supports and services

Only those experiencing intimate partner violence and their children are eligible for the Tasmanian government's Safe at Home program.

[It offers wide-ranging support to victims](#), including funding to help them leave a violent home or upgrade the security of their house, and gives them access to counselling and court support officers.



Jane says people like her "should be able to have these last few years of our lives at peace and at least some happiness". (ABC News: Ashleigh Barraclough)

For someone like Jane, other support services tailored to elder abuse are available.

Both Legal Aid and the Council of the Ageing Tasmania (COTA) provide free legal support, while Advocacy Tasmania operates an elder abuse hotline funded by the state government.

Jane received support from COTA, which helped her deal with the abuse.

"What the elder abuse program did was give me more strength and ways and means of coping and learning to say no," she said.

'I just thought it was me'

Jane now advocates with Engender Equality for others experiencing abuse and would like to see Tasmania's legislation amended to recognise and respond to elder abuse.

"We should be able to have these last few years of our lives at peace and at least some happiness," she said.



In the eyes of the law in Tasmania, the abuse Jane has experienced from her children is not family violence. (ABC News: Ashleigh Barraclough)

She believes conversations around abuse have come a long way, particularly from when she was young and experiencing violence from her former husband.

"My mother used to tell me, 'You have to kiss him goodbye and you kiss him hello' ... it doesn't matter what goes on in between, even if he bashes the shit out of you and you got a black eye," she said.

"I didn't know other people had that problem, I just thought it was me."

* Name has been changed

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If you need someone to talk to, call:

- [Lifeline](#) on 13 11 14
- [Kids Helpline](#) on 1800 551 800
- [MensLine Australia](#) on 1300 789 978
- [Suicide Call Back Service](#) on 1300 659 467
- [Beyond Blue](#) on 1300 22 46 36
- [Headspace](#) on 1800 650 890
- [QLife](#) on 1800 184 527

Family and domestic violence support:

- [1800 Respect national helpline:](#)
1800 737 732
- [Women's Crisis Line:](#)
1800 811 811
- [Men's Referral Service:](#)
1300 766 491
- [Lifeline](#) (24 hour crisis line):
131 114
- [Relationships Australia:](#)
1300 364 277
- [NSW Domestic Violence Line:](#)
1800 656 463
- [Qld DV Connect Womensline:](#)
1800 811 811
- [Vic Safe Steps crisis response line:](#)
1800 015 188
- [ACT 24/7 Crisis Line:](#)
(02) 6280 0900
- [Tas Family Violence Counselling and Support Service:](#)
1800 608 122
- [SA Domestic Violence Crisis Line:](#)
1800 800 098
- [WA Women's Domestic Violence 24h Helpline:](#)
1800 007 339
- [NT Domestic violence helpline:](#)
1800 737 732