

Submission: Family Violence Reforms Bill 2026

1. Overview

COTA Tasmania supports the Tasmanian Government's continued reform of the *Family Violence Act 2004* and welcomes a number of measures contained in the current *Family Violence Reforms Bill 2026*.

In particular, COTA Tasmania supports the intent of reforms to strengthen recognition of coercive and controlling behaviour, economic and psychological abuse, strangulation and the circumstances that may affect how victim-survivors respond to and report family violence.

However, we remain concerned that the reform program has not yet addressed the threshold issue of who and what Tasmania's legislation recognises as family violence.

Tasmania's legislative framework remains substantially narrower than the broader understanding of family violence adopted nationally and in other Australian jurisdictions.

The National Plan expressly distinguishes intimate partner violence from the broader concept of family violence, which includes violence between other family members, elder abuse and violence by children or young people against parents, guardians or siblings. It also calls for nationally consistent definitions to inform legislation so people have equitable access to support and justice.ⁱ

Until that foundation is addressed, improvements to offences, risk assessment, court processes and service responses will continue to operate within a framework that excludes significant forms of family violence - including elder abuse occurring within family relationships.

COTA Tasmania therefore urges the Government to align Tasmania's definition and scope of family violence with the National Plan and contemporary Australian practice; and treat that alignment as a foundational priority within the current reform program.

The current consultation provides an opportunity not simply to improve individual provisions, but to ensure Tasmania's family violence framework is coherent, contemporary and equitable.

2. About COTA Tasmania

COTA Tasmania is the peak body representing the interests of older Tasmanians. Our mission is to challenge ageism and promote the rights, interests and value of all Tasmanians as they age.

COTA Tasmania works across policy, advocacy, community engagement and service navigation to ensure the experiences and perspectives of older people inform government policy, legislation and service design.

Our work is informed by direct engagement with older Tasmanians across the State, including people living in regional and rural communities, people ageing with disability, carers, people experiencing financial or housing insecurity, and those navigating health, aged care and community service systems.

Preventing elder abuse and ensuring older people have access to appropriate protection, support and justice are longstanding priorities for COTA Tasmania. We undertake community education and prevention work through our Lifelong Respect program and contribute to policy and legislative reform relating to elder abuse, family violence, ageism, human rights and access to justice.

Our interest in the *Family Violence Reforms Bill 2026* therefore extends beyond the technical operation of the legislation.

It reflects a broader concern that older Tasmanians should receive equal recognition, protection and access to support when violence or abuse occurs within family relationships, regardless of whether the person causing harm is an intimate partner, adult child, grandchild, sibling, carer or another person in a relationship of trust or dependency.

3. Why this matters for older Tasmanians

The *National Plan to End Violence against Women and Children 2022–2032* distinguishes intimate partner violence from the broader concept of family violence.

Family violence is explicitly recognised as extending beyond intimate partnerships to violence occurring between other family members and in family-like settings, including elder abuse.ⁱⁱ

Tasmania's current legislative framework remains largely centred on violence occurring within current or former spouse or significant intimate partner relationships.

This is not simply a question of terminology.

The definition determines who the law recognises, who can access family-violence-specific protections and pathways, what risks are identified, what incidents are counted, and how services and systems are designed and funded.

Tasmania's current definition creates an artificial distinction between forms of violence based on the relationship between victim-survivor and person causing harm, rather than the nature and impact of the violence itself.

The consequences are particularly apparent in relation to elder abuse.

The Tasmania Law Reform Institute's *Safeguarding Against the Abuse of Older Tasmanians* found that the *Family Violence Act 2004* has a "specific (and narrow)" relationship definition that does not cover violence against older Tasmanians perpetrated by children, grandchildren, siblings or carers, despite these being common contexts in which abuse of older people occurs.ⁱⁱⁱ

The TLRI also found that psychological abuse or coercively controlling behaviour almost always features in abusive behaviour towards older people, either alone or in combination with other forms of abuse.

Yet the existing Family Violence Act provisions addressing such behaviour apply only where the person causing harm is a current or former significant intimate partner.

There is no clear policy justification for an older Tasmanian experiencing coercive control, financial abuse, psychological abuse, or physical violence from a spouse to receive recognition within the family violence system, while an older Tasmanian experiencing materially similar conduct from an adult child or grandchild may not.

National elder-abuse research reinforces this concern. Adult children are the largest single identified perpetrator group in elder abuse, with intimate partners representing a substantially smaller proportion.^{iv}

For older Tasmanians, the current legislative gateway therefore risks excluding precisely the relationships in which abuse frequently occurs.

4. Recommendations

COTA Tasmania recommends that the Tasmanian Government:

Recommendation 1 - Commit to national alignment

Make a clear public commitment to align the definition and scope of family violence in Tasmania's *Family Violence Act 2004* with the broader approach adopted in the *National Plan to End Violence against Women and Children 2022–2032* and contemporary Australian practice.

Recommendation 2 - Make definition and scope a foundational reform priority

Treat reform of the relationship gateway as a foundational element of the current reform program, rather than leaving it until after successive narrower amendments have been completed.

Recommendation 3 - Recognise intergenerational and wider family violence

Ensure the Act recognises violence and abuse occurring within:

- adult child-to-parent relationships;
- grandparent/grandchild relationships;
- sibling and extended family relationships;
- kinship relationships; and
- relevant care and dependency relationships.

Recommendation 4 - Ensure elder abuse is recognised within the primary family violence framework

Ensure that elder abuse occurring within family and family-like relationships is not relegated solely to separate legal or service systems.

Specialist elder-abuse responses should complement, not replace, access to family-violence protections.

Recommendation 5 - Publish a reform roadmap

Publish an indicative roadmap for remaining Family Violence Act reforms, including:

- the sequencing and timing of future tranches;

- when and how definitional reform will be addressed;
- how Tasmania will align with national risk-assessment approaches; and
- how previously identified sector concerns will be incorporated.

Recommendation 6 - Resource implementation

Provide sufficient funding for service redesign and expansion, workforce development, police and judicial training, risk assessment, older-person-informed safety planning, specialist referral pathways and accessible information.

Recommendation 7 - Improve data collection

Develop more comprehensive disaggregated family violence data, including where possible age, sex/gender, region, relationship between victim-survivor and person causing harm, repeat involvement, type of violence or abuse and service and justice outcomes.

Recommendation 8 - Monitor outcomes for older Tasmanians

Establish specific indicators to determine whether older Tasmanians are being identified appropriately, accessing protection and support, receiving appropriate referrals and experiencing improved safety outcomes.

Recommendation 9 - Ensure current reforms apply equitably

Ensure reforms addressing coercive control, economic and psychological abuse, physical violence and victim-survivor behaviour are accompanied by definitional reform so that people experiencing comparable forms of violence have comparable access to recognition and protection regardless of the family relationship involved.

5. COTA Tasmania's response to specific provisions in the Bill

5.1 Coercive control, economic abuse and psychological abuse

COTA Tasmania supports stronger recognition of coercive control and the proposed amendments relating to economic and emotional or psychological abuse.

These reforms are highly relevant to elder abuse.

Abuse of older people may involve patterns of:

- control over money, assets or access to banking;
- misuse of powers of attorney or other decision-making arrangements;
- restriction of communication or social contact;
- control over transport or access to health care;
- threats involving accommodation or withdrawal of care;
- intimidation or humiliation;
- interference with disability or communication supports; and
- exploitation of dependency for everyday care or assistance.

TLRI found that psychological abuse or coercively controlling behaviour almost always features in abuse of older people, while also observing that the current Family Violence Act provisions apply only where the person causing harm is a current or former significant intimate partner.^v

The proposed reforms therefore expose the central inconsistency in the current legislative framework.

An older person subjected to coercive financial or psychological control by a spouse may benefit from the strengthened provisions. An older person subjected to the same conduct by an adult child, grandchild, sibling, or carer may not. The law should not treat the same coercive behaviour differently simply because the person exercising that control is not an intimate partner.

COTA Tasmania also urges caution where conduct is assessed by reference to what may be considered “reasonable” in the context of a relationship.

In relationships involving ageing, disability or care dependency, controlling behaviour can too easily be rationalised as necessary care, protection or assistance. Caregiving must not provide justification for unnecessarily restricting an older person’s autonomy, communication, movement, finances, relationships or decision-making.

The Tasmanian Family and Sexual Violence Alliance (TFSVA) has similarly raised concern about the proposed “reasonable person” test and the risk that decision-makers who have not experienced coercive control may underestimate the harms involved.

COTA Tasmania therefore supports the proposed strengthening of coercive-control, economic-abuse and psychological-abuse provisions, but considers that their effectiveness for older Tasmanians is inherently limited while the existing relationship gateway remains unchanged.

5.2 Strangulation

COTA Tasmania supports strengthening the legislative response to non-fatal strangulation and recognises the seriousness of this form of violence.

The TFSVA notes that every act of strangulation can have serious and potentially lifelong consequences and should be recognised accordingly.

For older people, serious physical violence may interact with frailty, disability, cognitive impairment and existing health conditions, potentially increasing both immediate and longer-term consequences.

Again, however, the effectiveness of stronger provisions depends upon who falls within the Act.

An older person subjected to strangulation or other serious physical violence by an adult child, grandchild, or other relative should not receive lesser recognition within Tasmania’s family violence system simply because the person causing harm is not an intimate partner. Stronger protection against a form of violence is incomplete if substantial groups of people experiencing that violence remain outside the legislative gateway.

COTA Tasmania leaves the more detailed technical questions concerning the proposed strangulation offences to specialist legal and family violence organisations.

5.3 Jury directions and understanding victim-survivor behaviour

COTA Tasmania supports the proposed recognition that there is no single or “typical” way in which a victim-survivor responds to family violence, including the proposed directions concerning delayed reporting.

COTA Tasmanian supports the argument put forward by the TFSVA that this principle should be applied more broadly.

The TFSVA has identified a range of circumstances that juries may misunderstand, including remaining with or returning to a person causing harm, maintaining contact, changing or withdrawing statements, absence of visible injuries and decision-making influenced by trauma, coercion, financial dependence or disability.

These considerations are particularly important for older victim-survivors.

An older person may:

- delay or never disclose abuse;
- remain in contact with the person causing harm;
- continue providing accommodation or financial assistance to an adult child;
- be reluctant to pursue criminal proceedings against a child or other family member;
- fear losing essential care, accommodation or support;
- experience dependency because of disability, ill-health, transport or housing circumstances;
- experience shame, loyalty or concern about consequences for the family member causing harm; or
- experience cognitive, communication or evidentiary barriers.

None of these circumstances means that abuse has not occurred or is not serious.

TLRI identified reluctance to report because of concern about consequences for the older person or the person causing harm, cognitive and communication barriers, evidentiary difficulties and insufficient witness supports as particular issues in responding to abuse of older people.^{vi}

COTA Tasmania therefore supports jury directions and wider judicial education that recognise the diverse circumstances affecting victim-survivor behaviour, including age, disability, financial and housing dependency, caring relationships and intergenerational family dynamics.

5.4 A common limitation across the proposed reforms

The proposed amendments demonstrate that Government recognises the need to modernise how Tasmania identifies forms and patterns of family violence.

COTA Tasmania supports that direction.

However, the same modernisation must now be applied to the relationships in which family violence is recognised.

Strengthening the law on coercive control, economic abuse, psychological abuse, strangulation and the way victim-survivor behaviour is understood will improve protections for people already within the Act.

Without definitional reform, older Tasmanians experiencing materially similar conduct from adult children, grandchildren and other family members may continue to be excluded.

That is the central inconsistency this reform program must resolve.

6. Evidence and context

6.1 Elder abuse should not sit outside the core family violence framework

COTA Tasmania recognises that elder abuse requires specialist responses and that older people's circumstances may differ from those of victim-survivors experiencing intimate partner violence.

That does not mean elder abuse occurring within family relationships should be treated as something separate from family violence.

Elder abuse may involve physical violence, coercive and controlling behaviour, psychological abuse, financial abuse and exploitation, threats, neglect, social isolation and misuse of care, dependency or decision-making arrangements.

These are family violence dynamics when they occur within family or family-like relationships.

Treating elder abuse as a separate issue risks fragmented pathways, inconsistent thresholds and unequal access to protections depending simply on the victim-survivor's relationship to the person causing harm.

COTA Tasmania's Lifelong Respect work also brings direct lived-experience evidence to this issue. COTA has heard from an older Tasmanian experiencing physical, psychological and coercive violence from adult children who could not access Family Violence Act protections and whose available legal safeguard was instead a restraint order under the *Justices Act 1959*.

Older people do not cease experiencing family violence when they reach a particular age, nor does violence become fundamentally different merely because the person causing harm is an adult child instead of a spouse.

6.2 Tasmanian data raises important questions

COTA Tasmania's *2025 State of the Older Nation* analysis provides context for why older victim-survivors require explicit recognition.^{vii}

Among Tasmanian respondents, significant proportions experienced disability, poverty, housing insecurity, isolation and difficulties accessing services - circumstances which can compound dependency and barriers to help-seeking.

Recent data provided directly to COTA Tasmania by the Safe at Home Coordination Unit identified 2,827 individuals aged 26 years and over involved in family violence statewide between 1 July 2025 and 30 June 2026. Of these, 182 were aged 65 and over, representing around 6.4% of the individuals in the age groups supplied. The Northern regional data showed an almost identical age profile, with people aged 65+ comprising approximately 6.5%.^{viii}

COTA Tasmania cautions strongly against interpreting this apparent under-representation as evidence that older Tasmanians experience less family violence.

Safe at Home operates within Tasmania's existing legislative definition. Violence or abuse by adult children, grandchildren, siblings and other relatives may therefore never enter this dataset as family violence.

The figures may consequently reveal as much about what Tasmania's system currently identifies and records as they do about underlying prevalence.

Unless violence within wider family relationships is recognised within the family violence framework, Tasmania cannot reliably measure its scale, characteristics, pathways or outcomes.

6.3 Recent cases illustrate why relationship scope matters

Recent interstate cases demonstrate why the relationship gateway cannot be treated as a technical issue.

In September 2026, three women aged 23, 70 and 90 died in separate domestic violence-related incidents in New South Wales within 24 hours. Only one was publicly identified as involving an intimate partner. In another case, a 90-year-old woman was allegedly killed by her grandson.^{ix}

COTA Tasmania makes no comment on matters before the courts. These incidents illustrate only that serious family violence can occur across a much broader range of relationships than intimate partnerships alone.

6.4 Contemporary family structures reinforce the need for reform

Changing family and household arrangements provide further reason to modernise Tasmania's definition.

Longer and more complex intergenerational household relationships, including adult children remaining in or returning to parental homes, reinforce the need for legislation capable of recognising violence outside intimate partnerships.

Co-residence does not cause violence. But legislation must reflect the relationships that exist in contemporary family life.

7. What needs to happen next

7.1 Align Tasmania's definition with the National Plan

The strongest reform pathway is not simply to "broaden" Tasmania's definition but to align Tasmania's statutory approach with the National Plan and contemporary national practice. The National Plan is the overarching national framework and expressly recognises family violence as broader than intimate partner violence.

Tasmania's legislation remains out of step with that approach.

7.2 Align family violence reform with older-person safeguarding frameworks

Family violence reform should also be consistent with the Government's existing commitments to safeguard older Tasmanians against abuse.

Tasmania's *Older Tasmanians Action Plan 2025–2029*^x and the *National Plan to End the Abuse and Mistreatment of Older People 2026–2036*^{xi} both emphasise strengthening safeguards and responses to abuse.

These frameworks should not operate in parallel with family violence reform. They should reinforce one another.

Recognition of elder abuse within family relationships under the *Family Violence Act* would provide a more coherent safeguarding system and help translate broader policy commitments into equitable legal protection.

7.3 Bring Tasmania into line with other jurisdictions

Tasmania remains the national outlier in the breadth of its primary family violence definition.

Other Australian jurisdictions already recognise broader familial relationships while continuing to refine and strengthen their family violence responses.

Tasmania should therefore aim not merely to narrow the gap, but to ensure its legislative framework provides recognition and protection comparable in scope with that available elsewhere in Australia.

7.4 Set out a clear reform pathway

COTA Tasmania shares TFSVA's concern about the sequencing of the reform program.

TFSVA notes that stakeholders are being asked to assess individual tranches without visibility of the full reform package, its sequencing or the overall framework it is intended to create.

COTA Tasmania does not suggest worthwhile current reforms should be unnecessarily delayed.

However, definition and scope are foundational.

A published roadmap should identify the intended sequence and indicative timing of remaining reforms, including when the definition and scope of family violence will be addressed.

7.5 Resource implementation properly

Expanding or aligning the definition will have implications for Safe at Home, Tasmania Police, courts, risk assessment, specialist family violence services, ageing and elder-abuse services, disability and carer services, workforce capability and data systems.

These implications are real.

They do not justify maintaining an inadequate definition.

Legislative recognition without corresponding service capacity would be inadequate. But service and resourcing challenges cannot justify continuing to exclude people from recognition under the law. The two must be addressed together.

8. Conclusion

COTA Tasmania supports the Government's continued work to strengthen Tasmania's family violence laws. However, the effectiveness of that work will ultimately depend upon whether the legislation reflects the reality of family violence as it is now understood nationally and across other Australian jurisdictions.

The evidence from the Tasmania Law Reform Institute, national elder-abuse research, Safe at Home data, lived experience and contemporary national frameworks points in the same direction: family violence occurs across a much broader range of relationships than intimate partnerships alone.

For older Tasmanians in particular, adult children, grandchildren and other family members are significant perpetrator groups. Yet these are precisely the relationships that Tasmania's current legislative gateway may fail to recognise.

The present Bill contains worthwhile reforms. COTA Tasmania supports stronger recognition of coercive control, economic and psychological abuse, serious physical violence and the diverse ways victim-survivors may respond to abuse.

But modernising what conduct the law recognises while failing to modernise whose relationships the law recognises leaves a fundamental gap.

Tasmania is lagging behind every other Australian jurisdiction in the breadth of its primary family violence definition. That position is increasingly difficult to reconcile with the National Plan, contemporary evidence, Tasmania's own commitments to safeguard older people, and the expectations Tasmanians are entitled to have of a modern family violence system.

The issue is therefore not simply whether another category should be added to an existing definition. It is whether Tasmania's legal framework recognises family violence in the forms and relationships in which it actually occurs.

COTA Tasmania urges the Government to use the current reform program to align Tasmania's definition with the National Plan, establish a clear pathway for implementation and ensure all victim-survivors -including older Tasmanians - have equitable access to recognition, protection and support.

Tasmanians have the right to expect a family violence framework that reflects contemporary evidence, meets national standards and provides equitable recognition and protection regardless of the family relationship in which violence occurs. Tasmania now has the opportunity to bring its laws into line with the rest of Australia -and should take it.

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- i *National Plan to End Violence against Women and Children 2022–2032*
 - ii *National Plan to End Violence against Women and Children 2022–2032*
 - iii *Safeguarding Against the Abuse of Older Tasmanians, TLRI*
 - iv *National Elder Abuse Prevalence Study: Final Report, Australian Institute of Family Studies*
 - v *Safeguarding Against the Abuse of Older Tasmanians, TLRI*
 - vi *Safeguarding Against the Abuse of Older Tasmanians, TLRI*
 - vii *2025 State of the Older Nation – Tasmania, COTA Tasmania*
 - viii *Safe at Home Coordination Unit, Department of Justice Tasmania, September 2026*
 - ix *“Is domestic violence now a national crisis?”, ABC, 7.30, 21 September 2026*
 - x *A Respectful, Age-Friendly Island: Older Tasmanians Action Plan 2025–2029*
 - xi *National Plan to End the Abuse and Mistreatment of Older People 2026–2036*

References

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Australian Government, Department of Social Services, [National Family and Domestic Violence Risk Assessment Framework](#), 2026.

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Australian Institute of Family Studies, Qu, L., Kaspiew, R., Carson, R., Roopani, D., De Maio, J., Harvey, J. & Horsfall, B., [National Elder Abuse Prevalence Study: Final Report](#), 2021.

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COTA Tasmania, *2025 State of the Older Nation – Tasmania: Briefing Paper* (2026), especially section 4.9. Note - the Tasmanian sample was relatively small and the survey was conducted online; COTA Tasmania therefore uses these findings indicatively rather than as definitive prevalence estimates.

Davis, M. and Pengilley, V., “Grandmother, 90, among three women dead in domestic violence-related incidents across NSW”, ABC [News](#), 20 September 2026.

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Tasmanian Family and Sexual Violence Alliance, [Concerns about the Family Violence Act Reform Process](#), 2026.

Tasmanian Government, Department of Premier and Cabinet, [A Respectful, Age-Friendly Island: Older Tasmanians Action Plan 2025–2029](#), 2025

Willan, F., “Is domestic violence now a national crisis?”, [ABC](#), 7.30, 21 September 2026. Includes interview commentary from Professor Heather Douglas, Melbourne Law School.