



Submission in response to Strengthening Our
Response to Family Violence in Tasmania: Family
Violence Act 2004 and Related Legislation
Discussion Paper - November 2025

March 2026

About Us

The Youth Network of Tasmania (YNOT) is the peak body for young people aged 12-25 years and the non-government youth sector in Tasmania. YNOT works to empower young people to share their views, contribute to decisions that impact their lives and actively participate in their communities.

Our Vision

A Tasmania where all young people are valued.

Our Purpose

To amplify the views, rights, and leadership of young people in Tasmania.

For further information

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Introduction

The Youth Network of Tasmania (YNOT) welcomes the opportunity to respond to the Department of Justice's *Strengthening Our Responses to Family Violence in Tasmania: Family Violence Act 2004 and Related Legislation Discussion Paper*.

YNOT is the peak body representing young people aged 12–25 and the non-government youth sector in Tasmania. We work to uphold the rights, safety and wellbeing of children and young people, ensuring their voices meaningfully shape policies, systems and services that affect their lives. Our purpose is to amplify young people's leadership, ensuring they are not only heard but actively influence decisions that shape their futures.

Our response draws on international human rights frameworks, federal and state child-safe policies, and contemporary child and youth centred practice standards. It also reflects on the views of young Tasmanians and our members, who consistently emphasise the importance of being meaningfully involved in decisions that affect them.

This submission focuses on definitions in the *Family Violence Act 2004* (Tas) (Act), and responds to the discussion question: *Should children be protected by the Family Violence Act as victim-survivors in their own right?*

Broadening the Definition of Family Relationships

YNOT recommends broadening the definition of family relationships in the Act to better reflect contemporary family structures and diverse personal relationships. The current definition is narrow, limiting protections to traditional categories such as a 'spouse' or 'person in a significant relationship,' and excluding individuals who experience harm in non-traditional or extended family contexts. Expanding this definition is essential to ensure that all people affected by family violence, regardless of their relational circumstances, have access to timely and enforceable protections.

We acknowledge the complexities of expanding the definition, including potential impacts on service delivery and resource allocation.¹ However, legislative protections must prioritise the safety of individuals over cost considerations. Where expanded recognition increases demand for services, the government must provide adequate funding to strengthen the service system to ensure all those seeking protection and support can access it.

YNOT supports the inclusion of the following categories of intimate relationships, as outlined in the discussion paper²:

- Relationships between people engaged in affairs during marriage (or otherwise)
- Partners who do not live together

¹ Department of Justice, Tasmanian Government (2025) *Strengthening Our Response to Family Violence in Tasmania: Family Violence Act 2004 and Related Legislation Discussion Paper*. Hobart: Department of Justice, Tasmanian Government. P. 22

² Department of Justice, Tasmanian Government, 2025, p.23

- People who keep their relationship secret
- Relationships that occur on an infrequent, casual, or uncommitted basis

Further, the definition of intimate partner violence should be broadened to explicitly recognise and respond to teenage intimate partner violence for young people under the age of 16. Research by Anglicare Tasmania (2022)³ found that over half of participants surveyed experienced domestic violence before the age of 16. Legislative protections must explicitly address teen intimate partner violence to close this critical gap.

Finally, the Act should define who is considered a family member to explicitly recognise violence occurring between any family members, including sibling-to-sibling violence, step-parents and step-children, and other relatives. Family violence affects the entire family unit, and legal protections must respond holistically. Consideration should also be given to extending the definition of family violence to include behaviour that causes a child to hear, witness, or otherwise be exposed to violence, consistent with section 5 of the *Family Violence Protection Act 2008 (Vic)*.

Closing Protection Gaps

The Act should clearly recognise the circumstances of young people in dependent or family based living arrangements. While the legal age of majority is 18⁴, this legal threshold does not always reflect the lived realities of young people who remain dependent on parents or guardians.

Some young people are unable to live independently due to developmental needs, financial or housing dependence, or other vulnerabilities, leaving them exposed to family violence within the home. Without clearer recognition of these circumstances, some individuals over the age of 18 may fall outside existing protection and support mechanisms.

Acknowledging the dependence of young people would help close these protection gaps and ensure they can access appropriate information, enforceable protections, and tailored support services to safeguard their safety, wellbeing and development.

Recognising Children as Victim-Survivors

“Recognising and acknowledging children as victim-survivors of family violence is absolutely necessary and crucial because children also suffer ...the impact of family violence on children can have a profound (and negative) impact on the child both physically and psychologically.”

~ Lived experience advocate

³ Hobbs, C. 2022, *Young in love and in danger: Teen domestic violence and abuse in Tasmania*, Anglicare Tasmania. P.33

⁴ Age of Majority Act 1973 (Tas), s.3.

Children exposed to family violence are not merely witnesses, they are victim-survivors. Children can experience fear, trauma, chronic stress, coercive control and harm as a direct result of family violence, affecting health, education and overall wellbeing. In Australia, domestic and family violence is the leading cause of homelessness among children and young people under 25 years⁵. Exposure is also linked to complex mental health challenges, behavioural difficulties, and adverse long-term social and economic outcomes that often persist into adulthood.⁶ Recognising children as victim-survivors under the Act would affirm their rights, strengthen legal protections and ensure access to age-appropriate, trauma-informed interventions and support.

Upholding Children’s Rights

“What I think could help children and young people learn about their rights and feel supported to get help is firstly, accessing resources that are ‘easy to read’ and understand, including pictures ... Secondly, in terms of supports so that the child or young person feels supported, one avenue to look at maybe is a children and young people advocacy groups.”

~ Lived experience advocate

Children are rights-holders, not extensions of adult victim-survivors. As a signatory to the United Nations Convention on the Rights of the Child (UNCRC)⁷, Australia is obligated to protect every child from all forms of physical and mental violence, abuse, neglect and exploitation, including while in the care of parents or others (Article 19). Importantly, the UNCRC affirms a child’s right to be heard (Article 12). Children capable of forming their own views must be supported to express them freely in all matters affecting them, with those views given due weight according to their age and maturity. Children also have the right to survive and develop healthily and to live a full life (Article 6).

Explicitly recognising children as victim-survivors under the Act would:

- Affirm their individual rights and strengthen legal protections.
- Empower children by acknowledging their views and lived experiences, fostering a sense of agency and inclusion in decisions affecting their safety and wellbeing.
- Signal a cultural shift that recognises children as individuals with rights, consistent with international human rights standards.
- Align Tasmania’s family violence legislation with reforms already implemented in other jurisdictions, such as Victoria.

⁵ Australian Housing and Urban Research Institute (AHURI) (2023) *What are the real costs of the housing crisis for Australia’s young people?*

⁶ Haslam, D., Mathews, B., Pacella, R., Scott, J.G., Finkelhor, D., Higgins, D.J., Meinck, F., Erskine, H.E., Thomas, H.J., Lawrence, D. & Malacova, E., 2023. *The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study: 2023 Brief Report*. Australian Child Maltreatment Study, Queensland University of Technology. P.29

⁷ Australian Human Rights Commission, 2025. *Children and youth rights: Article*. Australian Human Rights Commission, Sydney

This recognition is essential to ensure that children are heard, supported, protected and empowered in all matters relating to family violence.

Strengthening Protections for Children Experiencing Family Violence

“Having experienced family violence as a child growing up, this affected every aspect of my life, including how I saw myself (negatively) ... My ability to freely express how I was feeling about the life at home was difficult.”

~ Lived experience advocate

While the *Children, Young Persons and Their Families Act 1997* (CYPFA) provides the legal framework for child protection, the Act focuses on immediate protection for victim-survivors. Although these frameworks overlap, they serve distinct purposes and operate through different mechanisms, which creates gaps in protection between the two systems.

The primary child safety response delivered by Child Safety Services (CSS), through the Department of Education, Children and Young People (DECYP), does not extend to all children impacted by family violence. Children who do not meet statutory thresholds for child safety often fall through the gaps, leaving them without timely and enforceable safeguards. While CSS plays a critical role in protecting children, it operates within finite capacity and legislative thresholds.

The Act currently allows children and young people to bring their own applications for a Family Violence Order if they are deemed capable of understanding the proceedings (section 15). In practice, however, this rarely occurs. Many children are unaware of their legal rights or do not receive accessible, age-appropriate information about this option. Child-specific supports, including legal assistance and guidance through court processes, are limited. Further, the application of section 14 of the Act is framed such that an affected child cannot request that a Police Family Violence Order is made without support from the affected parent. As a result, the system is structured to support adults to initiate protective action on behalf of children.

These intersecting legal frameworks create gaps, delays and inconsistencies in the safety and support provided to children, leaving them vulnerable at critical times. Explicitly recognising children as victim-survivors under the Act would strengthen accountability, provide immediate, enforceable protections, and ensure all children have access to age-appropriate, trauma-informed support within a coordinated system. All children deserve direct, rights-based protections under the law.

Why Reform Is Necessary

While child abuse is addressed under the CYPFA, reform of the Act is necessary because:

1. Children are still primarily treated as witnesses, rather than recognised as victim-survivors, under family violence law.

2. Immediate, enforceable protections under the Act operate separately from child protection processes, creating gaps in support.
3. Limited capacity and statutory thresholds within CSS mean that not all children exposed to family violence receive timely intervention.
4. Explicit recognition of children as victim-survivors would strengthen accountability and affirm the lived experiences of children and young people.

Legislation should clearly reflect what evidence and practice already demonstrate. Children who live with family violence are victim-survivors and require direct, rights-based protection and support.

“To me, being seen as a victim and not just as a witness of family violence would mean, in a way, be a form of acknowledgement that I too have suffered and have been affected by something so traumatic, that I have been seen and people are listening.”

~ Lived experience advocate

Conclusion and Recommendations

Reforming the Act to explicitly recognise children as victim-survivors is essential to safeguard the safety, wellbeing and rights of all young Tasmanians. Evidence and practice consistently demonstrate that children exposed to family violence experience direct harm, trauma and long-term adverse impacts. Yet current legislative frameworks leave significant protection gaps. Clear and inclusive definitions of ‘family relationships’ and who is considered a family member, alongside explicit recognition of children as victim-survivors, are critical to closing these gaps. Such reforms would strengthen accountability, ensure access to timely, age-appropriate, trauma-informed supports and affirm children lived experiences of family violence.

Key recommendations

1. Expand definitions of family relationships to reflect contemporary family structures and relationships.
2. Explicitly recognise children as victim-survivors under the *Family Violence Act*, affirming their rights and experiences.
3. Define child inclusively to cover young people under 16 and those over 18 in dependent or family-based living arrangements.
4. Include protections for teenage intimate partner violence to address abuse experienced by young people under 16.
5. Ensure sufficient resourcing, training and support to respond to increased demand resulting from expanded protections.