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FAMILY VIOLENCE REFORMS BILL 2026

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FAMILY VIOLENCE REFORMS BILL 2026

(Brought in by the Minister for Justice, Corrections and Rehabilitation, the Honourable Guy Barnett)

A BILL FOR

An Act to amend the *Criminal Code Act 1924*, the *Family Violence Act 2004*, the *Victims of Crime Assistance Act 1976* and the *Victims of Crime Compensation Act 1994*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Family Violence Reforms Act 2026*.

2. Commencement

(1) Part 1 and Part 3 commence on the day on which this Act receives the Royal Assent.

(2) Except as provided under subsection (1), the remaining provisions of this Act commence on a day or days to be proclaimed.

PART 2 – CRIMINAL CODE ACT 1924 AMENDED

3. Principal Act

In this Part, the *Criminal Code Act 1924** is referred to as the Principal Act.

4. Schedule 1 amended (*Criminal Code*)

Schedule 1 to the Principal Act is amended as follows:

(a) by inserting "170B," after "170," in paragraph (a) of the definition of *abuse offence* in section 105A(1);

(b) by omitting from section 371A ", or a crime under section 170A or relating to family violence within the meaning of the *Family Violence Act 2004*,";

(c) by inserting the following sections after section 371A:

371B. Directions in relation to delay in making complaint, or lack of complaint, in trials for family violence offences

(1) In this section –

family violence has the same meaning as in the *Family Violence Act 2004*;

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family violence offence has the same meaning as in the *Family Violence Act 2004*.

(2) A judge presiding over the trial of a person charged with a family violence offence must give the jury the following directions if evidence is given, or if it appears to the judge that evidence is likely to be given, that the complainant delayed in making a complaint or did not make a complaint:

(a) that some people may make a complaint in respect of a family violence offence at the first opportunity, while others may not make a complaint for some time and others may never make a complaint;

(b) that it is not uncommon for complaints of family violence to be delayed;

(c) that the absence of a complaint, or a delay in making a complaint, does not necessarily indicate that the allegation that a

family violence offence was committed is false;

(d) that there may be good reasons why a person may hesitate in making, or may not make, a complaint in respect of a family violence offence.

(3) A direction under subsection (2) may be given at any time during the trial and more than once during the trial.

371C. Directions in trials for family violence offences

(1) In this section –

family violence has the same meaning as in the *Family Violence Act 2004*;

family violence offence has the same meaning as in the *Family Violence Act 2004*.

(2) A judge presiding over the trial of a person charged with a family violence offence may give the jury any one or more of the following directions if the judge is satisfied that it is appropriate in the circumstances for the direction to be given:

(a) that people may react differently to family violence and that there is no typical, proper or normal response to family violence;

(b) that a person subjected to family violence may make decisions about responding to or avoiding the family violence that are influenced by –

(i) the family violence itself; or

(ii) cultural, social, economic or personal factors relevant to the person;

(c) that it is not uncommon for a person subjected to family violence –

(i) to stay in a relationship with the person who is subjecting them to the family violence; or

(ii) to leave the relationship with the person who is

subjecting them to the family violence and then resume the relationship with that person; or

(iii) not to report the family violence to police or seek assistance to stop the family violence.

(3) A direction under subsection (2) may be given –

(a) at the request of either party to the proceedings; or

(b) on the judge's own initiative.

(4) A direction under subsection (2) may be given at any time during the trial and more than once during the trial.

PART 3 – FAMILY VIOLENCE ACT 2004 AMENDED

5. Principal Act

In this Part, the *Family Violence Act 2004** is referred to as the Principal Act.

6. Section 4 amended (Interpretation)

Section 4 of the Principal Act is amended by inserting after the definition of *family violence offence* the following definition:

firearm means a firearm within the meaning of the *Firearms Act 1996*;

*No. 67 of 2004

PART 4 – FAMILY VIOLENCE ACT 2004 FURTHER AMENDED

7. Principal Act

In this Part, the *Family Violence Act 2004** is referred to as the Principal Act.

8. Section 4 amended (Interpretation)

Section 4 of the Principal Act is amended as follows:

(a) by inserting the following definition after the definition of *affected child*:

behaviour includes any act or omission;

(b) by inserting the following definition after the definition of *Chief Clerk of Petty Sessions*:

course of conduct means engaging in behaviour either repeatedly or continuously, or both repeatedly and continuously –

(a) in this State or in this State and in another jurisdiction; and

(b) whether or not the behaviour is engaged in as

*No. 67 of 2004

an unbroken series of incidents or in immediate succession;

(c) by omitting the definitions of *economic abuse* and *emotional abuse or intimidation* and substituting the following definitions:

economic abuse means behaviour that is intimidating, coercive, deceptive or unreasonably controlling and that unreasonably denies, restricts or controls a spouse's or partner's economic autonomy and includes but is not limited to –

(a) coercing the spouse or partner to relinquish control over assets or income; and

(b) disposing of property owned jointly by the parties, owned by the spouse or partner, or owned by an affected child, without consent; and

(c) preventing the spouse or partner from participating in decisions concerning household expenditure or

the disposition of joint property; and

(d) preventing the spouse or partner from accessing joint financial assets for reasonable household expenses; and

(e) withholding, or threatening to withhold, financial support that is reasonably necessary for the maintenance of the spouse or partner or an affected child; and

(f) forcing the spouse or partner to claim, apply for, transfer or surrender social security payments for the benefit of another person; and

(g) preventing the spouse or partner from obtaining or maintaining employment, undertaking education or training, or participating in economic activity; and

(h) coercing the spouse or partner to incur, assume responsibility for or guarantee a financial liability; and

(i) concealing, withholding or restricting the spouse's or partner's access to financial information relating to assets, liabilities or income;

emotional or psychological abuse means behaviour that intimidates, humiliates, harasses, torments or degrades a person and that causes the person to experience fear, mental harm or serious distress;

(d) by omitting the definition of *Family Court order* and substituting the following definition:

Family Court order means –

(a) an order made under Part VII of the *Family Law Act 1975* of the Commonwealth; or

(b) an order made under Part VIII or Part VIIIAB of the *Family Law Act 1975* of the Commonwealth relating to property interests or maintenance; or

(c) an order or injunction made under Part XIV of the *Family Law Act 1975* of the Commonwealth;

9. Section 7 amended (Family violence)

The definition of *family violence* in section 7(1) of the Principal Act is amended as follows:

(a) by inserting the following subparagraph after subparagraph (v) in paragraph (a):

(va) a course of conduct that meets the requirements of section 8(2);

(b) by omitting subparagraph (ii) from paragraph (b) and substituting the following subparagraph:

(ii) emotional or psychological abuse;

(c) by omitting from paragraph (c)(i) "his or her" and substituting "the person's";

(d) by inserting the following subparagraphs after subparagraph (iii) in paragraph (c):

(iv) rented by that person's spouse or partner or an affected child; or

(v) ordinarily occupied by that person's spouse or partner or an affected child; or

(e) by omitting from paragraph (d)(ii) "causes mental harm to, or apprehension or fear in," and substituting "humiliates, harasses, torments, degrades or causes fear, serious distress or mental harm to or in";

(f) by omitting from paragraph (e)(ii) "causes mental harm to, or apprehension or fear in," and substituting "humiliates, harasses, torments, degrades or causes fear, serious distress or mental harm to or in";

(g) by omitting from paragraph (f)(ii) "cause mental harm to, or apprehension or fear in," and substituting "humiliate, harass, torment, degrade or cause fear, serious distress or mental harm to or in".

10. Sections 8, 9 and 9A substituted

Sections 8, 9 and 9A of the Principal Act are repealed and the following sections are substituted:

8. Coercive control

(1) In this section –

harm includes any detrimental effect on a spouse's or partner's physical, sexual, emotional, cultural, psychological or financial wellbeing, whether temporary or permanent.

(2) A person must not engage in a course of conduct against the person's spouse or partner that –

(a) the person knows or ought to have known would be likely to

coerce or control the spouse or partner; and

(b) a reasonable person would consider likely to cause harm, or fear of harm, to the spouse or partner.

Penalty: In the case of –

(a) a first offence – a fine not exceeding 60 penalty units or imprisonment for a term not exceeding 3 years; or

(b) a subsequent offence – a fine not exceeding 100 penalty units or imprisonment for a term not exceeding 5 years.

(3) It is not necessary to prove that the course of conduct caused actual harm to the spouse or partner.

(4) Without limiting subsection (2), a course of conduct may include any combination of behaviour including, but not limited to –

(a) matters referred to in the definition of *family violence* in section 7(1); and

(b) unauthorised or unreasonable surveillance of the spouse or

partner, including through the use of technology; and

(c) harmful use of, or interference with, technology or digital systems; and

(d) isolating the spouse or partner from friends, relatives or other sources of support; and

(e) controlling, regulating or monitoring the spouse's or partner's day-to-day activities; and

(f) deprivation, or restriction, of the spouse's or partner's freedom of action; and

(g) frightening, humiliating, degrading or punishing the spouse or partner; and

(h) threatening the spouse or partner with death or injury to the spouse or partner, an affected child or another person; and

(i) coercing or attempting to coerce the spouse or partner into sexual activity; and

(j) coercing or threatening the spouse or partner in relation to dowry or similar cultural or financial demands; and

(k) making the spouse or partner dependent on, or subordinate to, the person, including by restricting access to medication, physical aids or substances; and

(l) removing or restricting the means by which the spouse or partner is able to undertake an activity or exercise a choice; and

(m) restricting the spouse's or partner's ability to engage in everyday life.

(5) It is a defence to a charge for an offence under this section if the person charged establishes that the course of conduct was reasonable in all of the circumstances.

9. Limitation period for offences under section 8

A complaint for an offence against section 8 must be made against a person within 5 years from the day on which the behaviour, or the last behaviour, that made up the course of conduct to which the matter of complaint relates, occurred.

9A. Transitional provision

(1) In this section –

Amending Act means the *Family Violence Reforms Act 2026*;

commencement means the day on which, in accordance with section 2(2) of the Amending Act, Part 4 of that Act commenced.

(2) Despite the repeal of sections 8, 9 and 9A by Part 4 of the Amending Act, sections 8, 9 and 9A, as in force immediately before commencement, continue to apply in relation to an offence against section 8 or 9 committed before commencement, as if Part 4 of the Amending Act had not commenced.

(3) Section 8, as substituted by Part 4 of the Amending Act, applies only in relation to conduct occurring on or after commencement.

(4) Conduct occurring before commencement must not be taken into account for the purpose of establishing a course of conduct constituting an offence against section 8 as substituted by Part 4 of the Amending Act.

11. Section 29A amended (Court or judge may declare offender to be serial family violence perpetrator)

Section 29A(1) of the Principal Act is amended by inserting "who is not already subject to a serial family violence declaration" after "offender".

12. Section 29C amended (Making of orders if declaration)

Section 29C(1) of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:

(a) is to –

(i) if there is an FVO in force in relation to the offender, determine, having regard to the matters set out in section 18, whether the FVO should be varied or extended and, if satisfied that the FVO should be varied or extended, make an order varying or extending the FVO as the court or judge considers necessary; and

(ii) if there is no FVO in force in relation to the offender, make an FVO if satisfied on the balance of probabilities as to the matters set out in section 16(1); and

13. Section 29D amended (Review of declaration of serial family violence perpetrator)

Section 29D of the Principal Act is amended as follows:

(a) by inserting the following subsections after subsection (6):

(6A) Despite any other provision of this Part, but subject to subsection (7), a court or a judge may, on the court's or judge's own initiative, extend the duration of a declaration of an offender as a serial family violence perpetrator, whether or not the declaration is the subject of a review application under this section, if, after taking into account the matters that would be taken into account by a court or a judge under section 29A(3) when determining whether to make such a declaration, the court or judge is satisfied that the duration of the declaration should be extended.

(6B) A court or a judge may exercise a power under subsection (6A) whether or not the declaration of the offender as a serial family violence perpetrator was made by the same court or judge.

(6C) A court or a judge may exercise the power under subsection (6A) whether or not the declaration of the offender as a serial family violence perpetrator is the subject of more than one proceeding.

(b) by inserting in subsection (7) "or subsection (6A)" after "subsection (6)(b)".

14. Section 34 amended (Costs)

Section 34(2)(a)(i) of the Principal Act is amended by omitting ", or causing mental harm to, or apprehension or fear in," and substituting "or humiliating, harassing, tormenting, degrading or causing fear, serious distress or mental harm to,".

15. Section 35A inserted

After section 35 of the Principal Act, the following section is inserted in Part 5:

35A. Limitation period for offences under section 35

A complaint for an offence against section 35 must be made against a person within 12 months from the day on which the behaviour, to which the matter of complaint relates, occurred.

16. Section 39 amended (Protection from liability for voluntary or mandatory information)

Section 39 of the Principal Act is amended as follows:

(a) by omitting "he or she" first occurring and substituting "the person";

(b) by omitting "involving the use of a weapon, sexual violence or physical violence, or where a child is affected,";

(c) by omitting from paragraph (b) "he or she" and substituting "that person".

PART 5 – VICTIMS OF CRIME ASSISTANCE ACT 1976 AMENDED

17. Principal Act

In this Part, the *Victims of Crime Assistance Act 1976** is referred to as the Principal Act.

18. Section 8 substituted

Section 8 of the Principal Act is repealed and the following section is substituted:

8. Restriction on publicity of proceedings

(1) Proceedings before a Commissioner under this Act must be conducted in private.

(2) Except as permitted by subsection (3), a person must not publish or cause to be published a report of proceedings before a Commissioner under this Act –

(a) in any newspaper or periodical, or in any book publicly exposed or offered for sale; or

(b) in any electronic form; or

(c) in any broadcast by means of television or radio.

Penalty: Fine not exceeding 5 penalty units.

*No. 32 of 1976

(3) Publication of a report of proceedings before a Commissioner under this Act is permitted only if –

(a) the report is published –

(i) with the express written authority of the Attorney-General or a Commissioner; or

(ii) in the form of a judgment or decision authorised for publication by the Supreme Court or the Tasmanian Civil and Administrative Tribunal; and

(b) the publication of the report does not identify and is not likely to identify –

(i) a person who is a party to the proceedings; or

(ii) a person (other than a police officer) who is a witness in the proceedings; or

(iii) a person under the age of 18 years who is involved in the proceedings; and

(c) the publication of the report does not prejudice and is not likely to prejudice –

(i) the investigation of a breach, or possible breach, of the law; or

(ii) the enforcement or proper administration of the law; or

(iii) the fair trial of a person.

PART 6 – VICTIMS OF CRIME COMPENSATION ACT 1994 AMENDED

19. Principal Act

In this Part, the *Victims of Crime Compensation Act 1994** is referred to as the Principal Act.

20. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

(a) by omitting the definition of *compensation levy* and substituting the following definition:

compensation levy means –

(a) a serious offences compensation levy; or

(b) a family violence compensation levy;

(b) by inserting the following definitions after the definition of *Director, MPES*:

family violence compensation levy means a levy that a person convicted of a family violence offence must pay to the Crown pursuant to section 5A;

*No. 89 of 1994

family violence offence means a family violence offence as defined in the *Family Violence Act 2004*, other than an offence under section 35 of that Act;

(c) by omitting "prescribed offence." from paragraph (g) of the definition of *serious offence* and substituting "prescribed offence;";

(d) by inserting the following definition after the definition of *serious offence*:

serious offences compensation levy means a levy that a person convicted of a serious offence must pay to the Crown pursuant to section 5.

21. Section 4 amended (Meaning of *convicted*)

Section 4 of the Principal Act is amended as follows:

(a) by inserting "or a family violence offence" after "a serious offence";

(b) by inserting in paragraph (a) "or the family violence offence" after "offence";

(c) by inserting in paragraph (c) "or the family violence offence" after "offence";

(d) by omitting paragraph (d) and substituting the following paragraph:

(d) the serious offence or the family violence offence has been taken into account by a court in sentencing the person for an offence.

22. Section 5 amended (Liability of convicted persons to pay compensation levy)

Section 5 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) "compensation levy" and substituting "serious offences compensation levy";

(b) by omitting from subsection (3) "compensation levy" and substituting "serious offences compensation levy";

(c) by omitting from subsection (4) "compensation levy" and substituting "serious offences compensation levy";

(d) by omitting from subsection (5) "compensation levy" and substituting "serious offences compensation levy";

(e) by omitting from subsection (6) "compensation levy" and substituting "serious offences compensation levy";

(f) by omitting from subsection (7) "compensation levy" and substituting "serious offences compensation levy".

23. Sections 5A and 5B inserted

After section 5 of the Principal Act, the following sections are inserted:

5A. Liability of convicted persons to pay family violence compensation levy

(1) A person who is convicted of a family violence offence must pay a family violence compensation levy to the Crown.

(2) A person is liable to pay only the family violence compensation levy in respect of an offence that is both a family violence offence and a serious offence.

(3) Subsection (2) does not prevent a person from being liable to pay both a serious offences compensation levy and a family violence compensation levy if each levy is payable in respect of a different offence.

(4) Subsection (1) does not apply if the person is convicted in the Magistrates Court (Youth Justice Division) or is convicted by the Supreme Court of an offence committed before the person attained the age of 18 years.

(5) The amount of the family violence compensation levy is the amount determined under section 5B.

(6) The liability to pay the family violence compensation levy is to be entered in any record of conviction and sentence made by the court.

(7) If a person is convicted at the same time of more than one family violence offence, a family violence compensation levy is payable in respect of each of the convictions.

(8) A family violence compensation levy that is payable in respect of a conviction for a family violence offence is additional to any pecuniary penalty or order for the payment of compensation that may be imposed or made in respect of the same conviction.

(9) The court may order that the family violence compensation levy be reduced or waived if satisfied that –

(a) it is in the interests of justice to do so; or

(b) the reduction or waiver is necessary to protect the safety, wellbeing or interests of an affected person, or an affected child, as defined in the *Family Violence Act 2004*.

5B. Indexation of family violence compensation levy

(1) In this section –

adjustment figure, in respect of a financial year, means the number calculated by dividing the CPI figure for Hobart for the immediately preceding December quarter by the CPI figure for Hobart for the December quarter one year earlier;

CPI figure for Hobart means the Consumer Price Index Number (All Groups) for Hobart published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* of the Commonwealth;

subsequent financial year means a financial year after the financial year ending on 30 June 2027.

(2) The amount of the family violence compensation levy payable under section 5A is –

(a) if the person is sentenced before 1 July 2027, $500; or

(b) if the person is sentenced in a subsequent financial year, the amount calculated under subsection (3) for that subsequent financial year.

(3) The amount of the family violence compensation levy payable in respect of

a subsequent financial year is the greater of the following amounts:

(a) the amount calculated by –

(i) multiplying the amount payable for the financial year immediately preceding the subsequent year by the adjustment figure for the subsequent year; and

(ii) rounding up to the nearest whole dollar amount;

(b) the amount payable for the financial year immediately preceding the subsequent year.

(4) Before the commencement of a subsequent financial year, and for the duration of the subsequent financial year, the Department is to publish, on a website maintained by or on behalf of the Department, the amount of the family violence compensation levy payable under section 5A for that financial year.

(5) For the avoidance of doubt, subsection (3)(b) prevents the amount of the family violence compensation levy from decreasing from one financial year to the next financial year.

(6) A failure to publish an amount under subsection (4) does not affect the validity

of the amount determined under this section.

24. Section 6 amended (Court may grant partial exemption in certain cases)

Section 6 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) "$500" and substituting "$1 000";

(b) by inserting in subsection (2) "or section 5A" after "section 5";

(c) by inserting in subsection (2)(a) "or family violence offence" after "offence".

25. Section 7 amended (When compensation levy is to be paid)

Section 7(1) of the Principal Act is amended by omitting "section 5" and substituting "sections 5 and 5A".

26. Section 8 amended (Payment of compensation levy)

Section 8 of the Principal Act is amended as follows:

(a) by inserting in subsection (2) "or a family violence offence" after "offence";

(b) by inserting in subsection (4) "or a family violence offence" after "offence".

27. Section 9 amended (Enforcement of compensation levy)

Section 9(1) of the Principal Act is amended by inserting "or a family violence offence" after "offence".

PART 7 – REPEAL OF ACT

28. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.