

17 January 2022

Model definition of family violence aims to achieve national consistency

Following the release last week of the draft National Plan to End Violence Against Women and Children 2022-2032, the Law Council of Australia has today released a [Model Definition of Family Violence](#) as a first step towards harmonising the meaning of family violence across the nation.

“As the plan points out, there is a need for clear and consistent national definitions of the different forms of violence so that everyone can work from a consistent understanding. There are significant differences between the definitions of family violence both within federal legislation and across state and territory legislation,” Law Council of Australia President, Mr Tass Liveris said.

“If we can’t agree on something as foundational as what constitutes family violence, we cannot hope to effectively identify and respond to it.”

On 26 May 2021, the Law Council hosted a National Roundtable entitled ‘Family Violence: Awareness, Education and Training’ which brought together experts from across the country. Participants agreed on the urgent need to develop a nationally consistent definition.

“Following the Roundtable, the Law Council worked collaboratively with its Constituent Bodies to draft a model definition which we have now finalised and will be seeking to have adopted within the family law context,” Mr Liveris explained.

“The model definition has a set of ‘core’ elements accompanied by a non-exhaustive list of examples. Importantly, these lists include elements which may not have always been recognised as forms of violence – including coercive control, financial abuse and technology-facilitated abuse – while providing the flexibility to recognise and protect victims from newly emerging forms of family violence which affect specific sections of the community.

“It also widens the meaning of ‘family member’ to take into account other intimate relationships such as between a person with a disability and their carer.

“A model definition has the potential to improve identification of family violence and our ability to prevent violence and protect victims. It will also improve data collection which is key to directing government resources and the development of policies, programs and services to ensure more women and their children can live safely.”

“We have written to the Attorney-General, Senator the Hon Michaelia Cash to offer the Law Council’s assistance in developing a nationally consistent model definition of family violence. We hope the work we have conducted to date helps governments quickly meet the goal outlined in the National Plan to develop national definitions to inform and support program design, public and private sector policies, as well as legislation across jurisdictions to ensure that all Australians have equal access to support and justice.”