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Attention: Tasmanian Department of Justice

Please accept this letter as Children and Young People with Disability Australia's (CYDA) submission to the Tasmanian *Family Violence Act 2004* and Related Legislation Discussion Paper (Discussion Paper). We appreciate the opportunity to provide comment on this important work.

About CYDA

Children and Young People with Disability Australia (CYDA) is the national representative organisation for children and young people with disability, aged 0–25 years. Our vision is that children and young people with disability fully exercise their rights, realise their aspirations, and thrive in inclusive communities. Our work centres on rights-based advocacy, lived experience, and evidence-informed policy.

CYDA's research project *Safety Beyond Barriers (SBB): Diverse Family Perspectives on Violence and Disability (2025-26)*, brings together lived experience experts and key disability representative and family and domestic violence organisations to conduct co-designed research into the diverse experiences of family violence among children and young people with disability. This research is funded by the National Disability Research Partnership (NDRP) in partnership with the Australian Institute of Family Studies (AIFS).

We draw on the findings of this project in our recommendations to this submission.

General comment

CYDA welcomes the opportunity to provide a submission in response to the Discussion Paper. We view this as a positive development towards strengthening systems for safety, wellbeing, and prevention of family violence.

We propose that Tasmania's family violence framework includes more provision for acknowledging children and young people with disability as victim-survivors, including their specific intersectional needs and experiences, through:

1. Applying an intersectional lens to centre children and young people with disability as victim-survivors.
2. Directly referencing disability in legislation relevant to family violence and dedicate funding towards disability services and inclusive family and domestic violence supports.
3. Implementing a whole-of-system approach to combating family and domestic violence, linking family and domestic violence services to disability, community, education and health systems, and requiring these services to be accessible and inclusive.

Context: Children and young people with disability's experience of Family and Domestic Violence (FDV)

Children and young people with disability experience higher rates of violence compared to those without disability. The following statistics highlight the extent to which intersectional groups of children and young people with disability experience family and domestic violence (FDV):

- Younger people with disability, aged 18 to 35 years experienced physical and/or sexual violence in the past year at almost three times the rate of people with disability aged 36 to 64 years.¹
- Children with disability faced **double the exposure to FDV (8%)** compared to children without disability (4%).²
- Children with disability were **far more likely than children without disability to experience child protection involvement and entry into out-of-home care**, with approximately 32% of children with disability involved in child protection and 36% of children with disability in out-of-home care (however, it is acknowledged that family violence is not the only reason for children to enter these systems)³.

Recommendations

We make the following recommendations based on CYDA's previous advocacy and research about children and young people with disability's experience of FDV.

1. Apply an intersectional lens to centre children and young people with disability as victim-survivors

The consultation discussion paper rightly points to the gendered nature of FDV but does not explicitly examine the intersectional experiences of FDV and their underlying structural drivers. A solely gendered analysis of the nature of FDV is not adequate to ensure safety and services for all those who need it.

In particular, we highlight how factors of age and disability can impact experiences of FDV.

Children are frequently framed as witnesses throughout the discussion paper and are not mentioned in the Family Violence statistics section (p.19-21). Equally children with disability are not explicitly considered or discussed. The assumption that children experience family violence indirectly may limit the type and level of services they can access relating to family violence. Existing research highlights that children and young

people with disability experience higher levels of violence and should be treated by the law and the service environment as victim-survivors, in their own right.

We acknowledge that the current *Children, Young Persons and their Families Act 1997* treats family violence as child abuse, however CYDA recommends explicitly framing children and young people as victim-survivors in the *Family Violence Act 2004* to increase the recognition, protections and services available to them.

Changes to this wording will align the Tasmanian *Family Violence Act 2004* with the *National Plan to End Violence against Women and Children 2022–2032* (National Plan) prevention objective 8, to elevate the voices of children and young people as victim-survivors in their own right⁴. Additionally, CYDA calls for the Act, as well as the processes and programs that flow from it, to enable a more thorough understanding of the experiences of children and young people with disability and the role played by structural ableism in perpetuating family violence. Children and young people with disability have a right to have their views and experiences taken seriously.⁵

Children not only have the right to be protected from violence, abuse, and neglect,⁶ but they should also be afforded the dignity of being treated equally before the law and enjoy equal protection without discrimination, based on their age or disability⁷.

These recommended changes will ensure consistency of framing and approach across service environments – centring the perspective of the child or young person, including those with disability.

In addition, there is a need to tailor intersectional support to diverse groups. The Disability Royal Commission found higher rates of violence were experienced by young people with disability, women with disability, culturally and linguistically diverse people with disability, people with intellectual disability, and gender diverse people with disability⁸. This points to the need to apply an intersectional lens to better understand FDV impacts across different backgrounds, circumstances, and support needs. People with disability—particularly women, First Nations and culturally and linguistically diverse communities—also experience barriers to service accessibility and effectiveness, as well as gaps in coordination between disability and FDV sectors⁹. There is a need for more trusted service provision that is inclusive, accessible, flexible, and person-centred. Services must be reliable and consistent, responsive to intersectional experiences, trauma-informed, and grounded in collaboration and co-design.

2. Directly reference disability in legislation relevant to family violence and dedicate funding towards disability services and inclusive FDV supports

Explicit reference in legislation and dedicated funding towards disability services and inclusive supports are paramount to creating better supports for children and young people experiencing FDV. Methods of reporting, access to justice, and operational aspects of navigating the family violence sector and justice sector must be responsive to the needs and experiences of children and young people with disability. For example, Magistrate Courts Family Violence forms must be in an accessible format, with screen reader friendly, plain language, easy read and Auslan options. While legislative requirements may dictate the content of the forms, access to inclusive and accessible supports to navigate these systems will help to reduce barriers to reporting and support.

The introduction of justice facility dog Zoey in 2024 is a welcome support for children and young people with disability navigating the court system¹⁰. However, more funding and access to disability adjustments and supports must be put in place across all domains; from prevention, early intervention, response, recovery and healing.

Currently, there are no funded programs specifically for the disability community—despite the aim of Family and Sexual Violence Action Plan 2022–27, action 32 ‘Supporting Diverse Communities’—to meet the needs of diverse communities, including those with disability. Changes must include reviewing the availability of and suitability of services designed to support children and young people with disability who are victim-survivors of family violence.

3. Implement a whole-of-system response to family and domestic violence by mandating coordination across family violence, disability, community, education, and health systems, and requiring all services to meet clear accessibility and inclusion standards.

Highlighting that a child or young person with disability is potentially at risk of experiencing FDV and connecting them to supports must be a systematic process. Rather than ‘one point of entry’ through family and domestic violence specific supports, children and young people must have access to ‘multiple points of entry’ to receiving support, which adopt a ‘no wrong door approach’.

Children and young people with disability have a higher level of interaction with services than their peers without disability. This includes interaction with education providers, disability supports such as the NDIS, community and social services and the health system. It is important that children and young people with disability experiencing FDV are provided with services that are responsive to their individual needs. Across these systems, service providers and staff, must be trained to understand the drivers of FDV and how to respond in a safe, trauma-informed, child-focused and accessible way.

The Australia’s National Research Organisation for Women’s Safety (ANROWS), research report highlights the systemic barriers and gaps in services that children and young people with disability who experience FDV face. The study found that support for children with disability often relied on the advocacy of individuals such as caregivers, mainly mothers, and “some individual supportive practitioners, rather than because systems recognised their need and responded systemically or systematically.”¹¹

Children and young people with disability are also victim-survivors of the systemic abuse disproportionately experienced by women with disability. As recognised in the *National Plan to End Violence against Women and Children*¹², this abuse often involves a broader range of perpetrators and occurs over extended periods. It is driven by ableist structures, including harmful stereotypes, the normalisation of violence, restricted decision-making, and the use of segregated settings.

CYDA recommends that a review be conducted to align services for children and young people with disability experiencing, or at risk of experiencing, FDV to ensure sufficient expertise across systems as well as multiple points of entry and referral pathways.

Thank you again for the opportunity to make a submission. If you have any questions about CYDA's submission, please contact CYDA's Policy and Research Manager at lizhudson@cyda.org.au.

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Skye Kakoschke-Moore

CEO, Children and Young People with Disability Australia

Endnotes

¹ Commonwealth of Australia (2023), [Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Final Report](#), Volume 4. pg.10

² Robinson, S. et al. (2022). [Connecting the dots: Understanding the domestic and family violence experiences of children and young people with disability within and across sectors: Final report.](#)

³ Ibid

⁴ Department of Social Services, 2022. [National Plan to End Violence against Women and Children](#) (p. 81)

⁵ United Nations [Convention on the Rights of Persons with Disabilities](#), article 7

⁶ United Nations [Convention on the Rights of the Child](#), article 19

⁷ United Nations [Universal Declaration of Human Rights](#), article 7

⁸ Commonwealth of Australia (2023), [Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Final Report](#)

⁹ Robinson, S. et al. (2022). [Connecting the dots: Understanding the domestic and family violence experiences of children and young people with disability within and across sectors: Final report](#)

¹⁰ Tasmanian Government 2024, [Justice facility dogs program to support vulnerable witnesses giving evidence in court](#)

¹¹ ANROWS 2022, [The nature and extent of domestic and family violence exposure for children and young people with disability](#)

¹² Department of Social Services, 2022. [National Plan to End Violence against Women and Children](#)