

## ***Domestic and Family Violence Protection Act 2012*** **Definition of 'Domestic Violence'**

- A significant area of reform contained in the Act is the definition of domestic violence.
- The contemporary understanding of domestic violence is a person being subjected to an ongoing pattern of abusive behaviour by an intimate partner or family member. This behaviour is motivated by a desire to dominate, control or oppress the other person and to cause fear.
- Although any act of aggression in a relationship is unacceptable, domestic violence refers to this particular type of abuse.
- The Australian Law Reform Commission (ALRC), in its 2010 report *Family Violence – A National Legal Response* made some recommendations about the definition of *domestic violence*.
- The definition of *domestic violence* in section 8 of the Act, particularly in relation to its inclusion of economic abuse and emotional or psychological abuse, and in its use of examples, is consistent with the ALRC's recommendations.
- The definition used in the Act also draws upon the recent legislative developments in other jurisdictions, particularly Victoria.
- The new definition will have significant implications for how this type of violence is identified and treated by the police, the courts, support services and the community.
- It includes behaviour that is physically, sexually, emotionally, psychologically or economically abusive; threatening or coercive; or any other way controls or dominates another person causing fear.
- By including this wider definition, the breadth of behaviours used to control and dominate the other person in a relationship will be captured.
- This means that the police, the courts, lawyers and members of the public will be more readily able to identify situations where domestic violence has occurred.