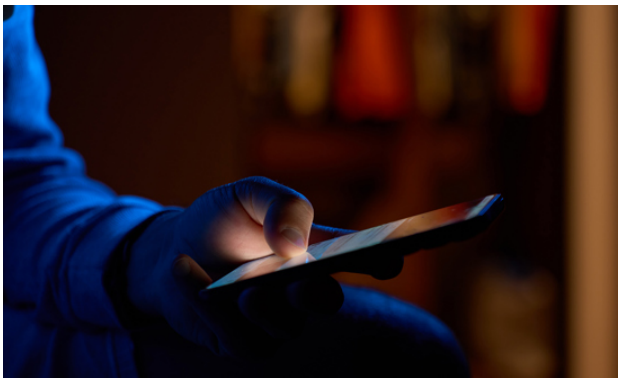

Understanding tech-based domestic violence and Australian family law

Date: Monday July 27, 2026

In the modern era, leaving a relationship does not always mean the connection is easily severed. Smartphones, tracking applications, and smart home devices have created new, pervasive avenues for former partners to maintain control. If your phone feels like a weapon used against you, you are not alone.

Technology-facilitated family violence (sometimes called tech-based domestic violence) is an increasingly common and insidious form of coercive control. The constant ping of notifications or the suspicion of being monitored can leave you in a state of hypervigilance and exhaustion. At Meillon & Bright, we see the profound psychological toll this takes on our clients every day.

However, you do not have to remain trapped by your devices. By understanding how the Australian family law system views digital abuse, you can take practical steps to protect yourself, gather objective evidence, and regain your autonomy.

What Tech-Based Abuse Looks Like

Tech-based abuse generally falls into several objective categories that demonstrate a pattern of coercion and intimidation:

> Incessant communication: Receiving 45 text messages and 15 missed calls between 11:00 pm and 2:00 am demanding immediate replies or arguing about past relationship grievances.

> Location and surveillance tracking: Discovering AirTags hidden in your vehicle, finding spyware installed on your mobile phone, or noticing your former partner consistently turning up at locations unannounced.

Smart home manipulation: A former partner remotely turning off the heating, changing digital door lock codes, or monitoring Wi-Fi-enabled doorbell cameras after separation.

Digital financial sabotage: Being deliberately locked out of MyGov, shared banking applications, or family email accounts to cut off your access to funds and vital information.

Image-based abuse: Threatening to share intimate images online or distributing them without your consent.

How does family law treat tech-based abuse?

The family law provides a broad and robust definition of family violence. It explicitly recognises that violence is not limited to physical harm. The law acknowledges coercive control as a pattern of behaviour designed to dominate, isolate, and intimidate a person.

When the family court assesses parenting arrangements, the paramount consideration is always the best interests of the child. The court has a strict mandate to protect children from physical and psychological harm. This includes the profound psychological harm of witnessing one parent subject the other to relentless digital abuse.

State and territory laws operate alongside the federal family law system. Police and local magistrates can issue intervention orders (such as AVOs or FVROSs) to protect you. These orders frequently include specific conditions prohibiting the other party from contacting you via digital platforms, utilising technology to track your location, or sharing intimate images.

How to document tech-based abuse as evidence

If you are experiencing digital bombardment, your first instinct might be to delete the messages out of sheer distress. While this is understandable, you should consider storing that evidence somewhere on that device or another device that can’t be accessed by your former partner. This is all about taking back control and taking the necessary steps to keep yourself safe in the future.

Some of the steps you might take include:

Taking time-stamped screenshots: Capture the offending message, the date, the time, and the sender's details before deleting anything from your device.

Maintaining a concrete digital diary: Log the factual events objectively in a secure location. Write, "Received 18 missed calls between 8 pm and 9 pm," rather than, "He/She wouldn't leave me alone."

Conducting a professional tech audit: Engage an independent IT professional or a mechanic to sweep your phone,

computer, and vehicle for spyware or tracking hardware.

Securing your passwords immediately: Update your security questions, enable two-factor authentication, and change passwords for banking, MyGov, social media, and Apple/Google IDs.

Reporting image-based abuse: If intimate images are threatened or shared, immediately contact the Police or eSafety Commissioner, a federal agency with the power to compel platforms to remove abusive content.

Reporting threats: you should report matters to the Police if you feel like the coercive control or abuse is starting to escalate, especially if your former partner is starting to threaten to harm you. When you arrive at the Police station, ask to speak with the Family Violence Unit if there's one available.

Getting legal advice: A lawyer may be able to assist you in obtaining a restraining order. This could help prevent future abuse. If Police won't charge your former partner for the abusive conduct itself, they may be able to charge him with breaching the order.

How should I communicate with my ex-partner?

You cannot control your former partner's behaviour, but you have absolute control over your response. Engaging in late-night text wars only fuels the conflict and generates poor evidence that can complicate your own case.

When communicating with a high-conflict individual, treat the exchange as a formal business transaction. Keep your responses brief, informative, firm, and entirely free of emotion.

By maintaining a businesslike tone, you demonstrate to the court that you are a child-focused, reasonable co-parent. Let the other party's hostile communications speak for themselves.

Negotiation vs. Court Intervention

It is always preferred to try and keep your matter out of court by having structured, and safe, negotiations. Family Dispute Resolution (FDR), mediation, and negotiated agreements (such as Binding Financial Agreements or Consent Orders) are cost-effective methods that keep you out of the stressful court system.

We will always pursue these avenues if it is safe to do so. However, mediation requires a baseline of safety, transparency, and good faith. When dealing with severe tech-based coercive control, informal negotiation often fails. Court may be a more appropriate avenue if there are:

Direct safety risks: If digital tracking or online harassment escalates into physical stalking, threats of self-harm, or severe psychological abuse that endangers you or your children.

Constant breaches of orders: When the other party repeatedly violates Family Violence Restraining Orders (FVROs), Apprehended Violence Orders (AVOs) or interim parenting orders via technology, demonstrating a contempt for the rules.

Refusal to provide financial transparency: If digital financial control involves the deliberate hiding of cryptocurrency or the non-disclosure of assets. In these cases, court-ordered subpoenas are required to force full and frank disclosure.

In these scenarios, filing for urgent court orders or injunctions is no longer aggressive; it is a necessary, protective step to secure your safety and your future.

Looking after yourself while dealing with tech-based abuse

Navigating a family law dispute while enduring digital surveillance or harassment is a profoundly draining experience. We strongly advise our clients to reach out to their support networks or engage a mental health professional to help process the emotional toll of coercive control. Organisations like the eSafety Commissioner and local domestic violence support services provide excellent, practical resources for safety planning and securing your digital life.

Some tips on how to manage the emotional toll of coercive control include:

Setting strict boundaries around when you check communications from your former partner.

Turning off push notifications on your devices, and

Designating a single, 15-minute window each day to review messages.

These small steps can significantly reduce your daily anxiety and give you your life back.

How Meillon & Bright can support you

Escaping technology-facilitated abuse requires a highly strategic, legally sound, and pragmatic approach. At Meillon & Bright, our experienced family lawyers understand the complexities of modern coercive control.

We can assist you in securing protective orders, negotiating safely where possible, and building a robust, evidence-based case without escalating the conflict unnecessarily. If your digital life feels compromised by a family law dispute, contact our office to

discuss a secure, confidential pathway forward.

The information contained in this article is of general nature and should not be construed as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.