Law Council
OF AUSTRALIA

Evidence to action: informing direction for the Second Action Plan

Department of Social Services

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Acknowledgements

The Law Council of Australia thanks its Family Law Section, the Queensland Law Society, the Law Institute of Victoria, and the Law Council's Access to Justice Committee and Indigenous Legal Issues Committee for their contribution to the preparation of this submission. This submission also draws upon several established positions of the Law Council, including in its 2025 *Call to Parties* and related submissions. The Law Council is grateful to its constituent bodies more broadly for their contributions in developing these positions.

Executive Summary

The Second Action Plan is an important opportunity to translate the commitments of the National Plan to End Violence Against Women and Children into sustained, coordinated and measurable improvements in safety, justice and recovery.

The central premiss of this submission is that the ambitions of the National Plan cannot be realised without properly funded legal assistance. Timely, safe and continuing access to legal assistance is not incidental to a victim-survivor's safety and recovery—it is fundamental to it, underpinning a person's capacity to make informed choices, hold perpetrators to account, and participate meaningfully in the justice system.

Access to legal assistance, particularly representation, is currently uneven and, in critical respects, deteriorating. In particular, Independent Children's Lawyers (**ICL**), whose role in safeguarding children's safety and voice in family law proceedings is well established, are operating in a program at crisis point: demand continues to outstrip funded supply, private practitioners are declining grants of aid that have never covered the cost of the work, and Legal Aid Commissions are being forced to further restrict eligibility leading to children going unrepresented and matters being delayed.

Comparable pressures affect other existing programs to support victim-survivors such as the Family Violence and Cross-examination of Parties Scheme, the Federal Circuit and Family Court of Australia's Lighthouse risk-screening program, and the legal assistance sector more broadly, where funding under the National Access to Justice Partnership (**NAJP**) falls well short of legal need and demand—and short of the levels identified as necessary by the Independent Review of the National Legal Assistance Partnership.

This submission further recognises that these challenges are magnified for people in regional, rural and remote (**RRR**) communities, and for First Nations women and children, for whom access to safe, culturally appropriate legal assistance too often depends on where a person lives rather than what they need: a "postcode lottery" that the Second Action Plan has the opportunity to address.

This submission emphasises that existing and new initiatives can only deliver their full benefit if they are properly funded on an ongoing basis, implemented consistently across jurisdictions and locations, and evaluated against clear measures of safety, access to justice and system performance. It primarily calls for:

- sustainable legal-assistance funding, including representation, across the sector;
- urgent stabilisation of the ICL and Cross-Examination of Parties Schemes;
- ongoing funding and broader access to established effective family law safety measures; and
- equitable access to safety measures for RRR, and disproportionately affected communities.

Recommendations

Recommendation 1

The Australian Government should provide immediate, and ongoing, dedicated additional funding of at least $88 million per annum (indexed annually from 2025–26) to Legal Aid Commissions specifically for the ICL Program. Funding should support sustainable rates and appropriate workloads for in-house ICL work and court-scale rates for private ICL work, and necessary disbursements, including expert and family reports, and travel.

Recommendation 2

The Australian Government should provide ongoing, sufficient and sustainable funding for the Family Violence and Cross-examination of Parties Scheme, while considering reforms that preserve its protective purpose, guard against systems abuse and maintain procedural fairness.

Recommendation 3

The FCFCOA Lighthouse Program and Evatt List should be funded on an ongoing and sufficient basis and expanded to all regional registries and circuit locations.

The FCFCOA Lighthouse Program should be expanded to enable access to screening and referral pathways at identified high risk points throughout proceedings. Implementation should be informed by evaluation and the Australian Research Council research, *Family Violence Triage in Family Courts: Safety, Efficacy and Benefit*, due to conclude in December 2026.

Recommendation 4

The Australian Government should provide increased and ongoing funding to expand Indigenous Family Liaison Officer (IFLO) coverage, including to RRR locations, and integrate IFLOs into culturally safe referral and case-management pathways.

Recommendation 5

The Australian Government should provide sufficient ongoing funding for the delivery of Family Advocacy and Support Services (FASS) at all permanent family law registries and appropriate circuit locations, including sufficient in-person duty-lawyer and social-support availability.

Recommendation 6

Federal, State and Territory governments should provide a significant and ongoing increase in legal assistance funding to give effect to Recommendations 5 (Civil law) and 18 (Rates of grants of legal aid) of the Independent Review of the National Legal Assistance Partnership, including aligning payments to private practitioners under grants of legal aid with applicable court scales. Funding commitments should identify the responsible level of government, the base year and indexation for demand and cost growth.

Recommendation 7

Federal, State and Territory governments under the Second Action Plan should introduce a National Justice Interpreter Scheme including minimum competency and trauma-informed practice standards for interpreters, including increased funding to support timely access to interpreters across courts, police, legal assistance services and relevant administrative processes.

Recommendation 8

Federal, State and Territory governments should support disaggregated national data collection and research with respect to missing First Nations women and children to address critical gaps.

Federal, State and Territory governments should commit to improvements across the justice system to ensure that First Nations women and children experiencing violence are empowered to access justice and, in turn, realise their rights to safety and to an effective remedy, including:

- **targeted, culturally safe legal information and education;**
- **culturally safe legal assistance services to meet gaps in family violence and civil legal need, including in RRR locations;**
- **a National Justice Interpreter scheme that addresses the diverse communication needs of First Nations people;**
- **identified best practice measures to increase the cultural competence and safety of courtrooms and tribunals;**
- **measures to support greater cultural diversity across all arms of the justice system, including an emphasis on supporting the participation of First Nations women;**
- **access to underlying critical support services, including family support, disability support, education and housing to underpin preventative, early intervention, and therapeutic jurisprudence outcomes; and**
- **reviewing police practices to ensure that the law is enforced fairly, equally and without discrimination with respect to First Nations women and children experiencing violence.**

Recommendation 9

Federal, State and Territory governments should fund direct, age-appropriate and independent legal, therapeutic, health and social supports for children and young people affected by violence; embed their meaningful participation and co-design; and provide developmentally appropriate responses to young people who use violence or display harmful sexual behaviours.

Recommendation 10

Federal, State and Territory governments should resource and evaluate information sharing, co-location, warm referrals and coordinated case management across family law, family violence, child protection, legal assistance and specialist support services.

Recommendation 11

Funding for the Family Law Pathway Networks (FLPN) should be restored and maintained as a separate stream of funding under the Family Relationships Services Program with additional ongoing funding for a full-time National FLPN Coordinator.

Recommendation 12

The Australian Government should establish a Higher Education Loan Program (HELP) debt-relief scheme for legal practitioners who live and work in eligible RRR areas.

Introduction

1. The Law Council of Australia welcomes the opportunity to provide a submission to the Department of Social Services (**DSS**) in response to the Consultation Paper on the Second Action Plan under the *National Plan to End Violence against Women and Children 2022–2032* (**Second Action Plan**).

2. The Law Council commends the commitments and actions of the Australian and State and Territory Governments under the National Plan and First Action Plan, and their ambition to end violence against women and children in one generation. The Law Council further acknowledges the sustained efforts of the Australian Government to reform Australia's family law system to progress meaningful change for the benefit of Australian families, including victim-survivors.

3. The Law Council has consistently advocated for strengthening legislative and system protections for victim-survivors of family, domestic and sexual violence and increasing resourcing for the institutions, frontline service-providers, legal assistance services and community organisations that play critical roles in supporting them.[1] In advancing those objectives, the Law Council remains committed to laws and legal institutions that uphold the rule of law, procedural fairness and effective access to justice for all participants.

4. We observe that a significant number of inquiries and reviews have examined family, domestic and sexual violence (and the operation of the family law system),[2] producing considered findings and recommendations that remain partly or wholly unimplemented. The Law Council encourages governments to draw on this body of work when drafting the Second Action Plan and to identify clearly how outstanding recommendations can be progressed. The Law Council further calls on the Australian Government to formally respond to reports relevant to the development of the Second Action Plan.[3]

5. As acknowledged in the Consultation Paper, significant progress has been made under the National Plan and First Action Plan. The Second Action Plan should prioritise the proper implementation and full funding of measures that have

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1 See e.g. Law Council of Australia, *Issues Paper: Justice responses to sexual violence* (Submission, 4 July 2024); Law Council of Australia, *Inquiry into family violence orders* (Submission, 6 August 2024); Law Council of Australia, *Exposure Draft: Family Law Amendment Bill (No. 2) 2023* (Submission, 24 November 2023); Law Council of Australia, *National Plan to End Violence against Women and Children 2022-32* (Submission, 28 February 2022); Law Council of Australia, *National Principles to Address Coercive Control* (Submission, 5 December 2022) Law Council of Australia, *Developing the next National Plan to reduce violence against women and their children* (Submission, 13 August 2021).

2 See e.g. Australian Law Reform Commission (**ALRC**), *Safe, informed Supported: Justice Responses to Sexual Violence* (Final Report 143, January 2025); Family Law Council, *Protecting victims of family violence, including children, in the family law system* (Report 1a and 1b, 2024); ALRC, *Family Law for the Future – An Inquiry into the Family Law System* (Final Report 135, March 2019); reports of the Joint Select Committee on Australia's Family Law System; House of Representatives Standing Committee on Social Policy and Legal Affairs, *A better family law system to support and protect those affected by family violence* (Report, December 2017).

3 This includes, but is not limited to: ALRC, *Safe, informed Supported: Justice Responses to Sexual Violence* (Final Report 143, January 2025); Family Law Council, *Protecting victims of family violence, including children, in the family law system* (Report 1a and 1b, 2024); Family Law Council, *Support for children and young people and strengthening their voices* (Report, 2024); Warren Mundy *Independent Review of the National Legal Assistance Partnership* (Final Report, March 2024).

contributed to that progress. Short-term and inadequate funding compromises the capacity of governments (and service providers) to fully realise the benefits of existing programs. New initiatives should be accompanied by appropriate resourcing and should not exacerbate existing funding pressures.

6. As the peak national representative body of the Australian legal profession, this submission invariably focuses on issues relevant to the legal system. It responds principally to Priority Areas 1, 3 and 5 and addresses selected family law initiatives that cut across those priorities; it does not separately address Priority Areas 2 and 4. However, the Law Council recognises that effective support for victim-survivors (including victim-survivor children) also requires a holistic response including significant investment in health, trauma support, specialist crisis services, housing and other non-legal supports.

Family law and family violence

7. Violence against women and children is a problem of "epidemic proportions in Australia",[4] with one in three women experiencing physical violence since the age of 15, and one in five experiencing sexual violence.[5] The Australian Child Maltreatment Study surveyed Australians aged 16 and over about their experiences as a child and found that: 39.6 per cent had been exposed to domestic violence between parents; 32 per cent had experienced physical abuse; 28.5 per cent had experienced sexual abuse, 30.9 per cent had experienced emotional abuse and 8.9 per cent had experienced neglect.[6]

8. The prevalence of violence is acutely evident in family law matters with 86 per cent of parenting or parenting and property matters in the Federal Circuit and Family Court of Australia (**FCFCOA**) involving one or more parties alleging family violence and 77 per cent involving allegations of child abuse.[7] In the Family Court of Western Australia (**FCWA**) in 2025, risk of family and domestic violence was identified in 77 per cent of matters referred to case assessment conferences for child-related proceedings.[8]

9. A number of measures to better support women and children who are experiencing, or have experienced, family and domestic violence have been introduced in the FCFCOA and FCWA over time. These measures need to be sufficiently funded on an ongoing basis to ensure the progress that is being made is sustained.

10. Where family violence is contested in family law proceedings, the resulting complexity can require substantially more preparation, evidence and hearing time. This increases demands on court resources and the cost of legal assistance, in addition to the cost of specialist family violence programs within the courts.[9] It is vital

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4 Department of Social Services (Cth), *National Plan to End Violence Against Women and Children 2022–2032* (2022) 14.
5 Australian Bureau of Statistics, 'Personal Safety, Australia, 2021-22' (Web page, 15 March 2023).
6 Australian Child Maltreatment Study 'Prevalence of child maltreatment' Main findings (Web page).
7 Federal Circuit and Family Court of Australia *Annual Reports 2024-2025 FCFCOA (Division 1) FCFCOA (Division 2)* (Report, 2025) 38, Table 2.5(a) allegations of risk factors in parenting or parenting and property matters, 2023–24 and 2024–25.
8 Family Court of Western Australia, *Annual Review 2025* (Report, 2025) 11.
9 See also Law Council of Australia, *Family Law Amendment Bill 2024* (Submission, 9 October 2024).

that governments consciously factor these downstream impacts into the design and funding of new policies addressing family, domestic and sexual violence.

11. To assist decision makers across Australia's various parliaments and governments to consider the downstream impacts of proposed legislative or regulatory change on the justice system, the Law Council has recently released a Justice Impact Assessment Framework.[10] The introduction of new legislation, shifts in policy, and changes to programs can increase legal need and place additional demands on the justice system (including courts and tribunals) and significant pressures for participants in the justice system (including publicly funded legal assistance services and their clients). Failing to consider these consequences impedes the effective administration of justice and causes people stress and delay. We encourage application of the Justice Impact Assessment Framework in the development of the Second Action Plan.

Independent Children's Lawyers

12. Children and young people's safe participation in family law proceedings where there are significant allegations of family, domestic and sexual violence is facilitated through ICLs. An ICL occupies a unique position in proceedings given their obligation to act in the best interests of the child independently of the parties. ICLs also provide an opportunity for the views of children to be appropriately heard and considered in family law proceedings consistent with Australia's obligations under Article 12 of the *United Nations Convention on the Rights of the Child.*[11]

13. ICLs assist the court by ensuring that relevant evidence concerning a child's circumstances, safety and views is identified and properly considered, and by helping to keep proceedings focused on the child's best interests. In complex matters involving family violence or child abuse, this independent role can improve the quality of information before the court, facilitate appropriate resolution and reduce the risk that the child's interests are obscured by parental conflict.

14. ICLs may be in-house lawyers employed by a Legal Aid Commission, or private practitioners funded under grants of legal aid. According to data released by the Australian Bureau of Statistics in April 2026, in the 2024–25 financial year, more than 7,400 ICL representations were provided.[12] The "mixed model" of legal aid funded services being delivered by in-house practitioners and private practitioners under a grant of aid helps to deliver services broadly, and is particularly important in regional areas and where conflicts of interest, specialist expertise, or lack of Legal Aid Commission presence would otherwise prevent allocation to an in-house lawyer.[13]

15. Under subsection 68L(2) of the *Family Law Act 1975* (Cth) a court may order that a child's interests be independently represented by a lawyer where it appears that this ought to occur. Guidelines as to the type of matters in which an ICL may be

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[10] Law Council of Australia, Justice Impact Assessment Framework (13 August 2026).

[11] Convention on the Rights of the Child, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990).

[12] Australian Bureau of Statistics, 'Legal Assistance (2024-25)' (Web page, 23 April 2026).

[13] The benefits of the mixed model were recognised by the Productivity Commission in *Access to justice arrangements* (Inquiry Report No 72, 3 December 2014) 703. In 2022-2023, NLA reported 72% of legal aid matters were assigned to private practitioners as cited in Warren Mundy *Independent review of the National Legal Assistance Partnership* (Final Report, March 2024) 25.

appointed were developed through the decision of *Re K* (1994) 117 FLR 63 which identified 13 different circumstances such as where there are allegations of family violence, child abuse or neglect. Following a court order that a child's interests be independently represented, the practical availability of an ICL for a particular matter will be contingent on the funding guidelines of the relevant Legal Aid Commission and the availability of funding and suitably qualified practitioners.

16. As acknowledged by the Family Law Council, legal aid funding has never been sufficient to enable the appointment of an ICL in many of the cases meeting the *Re K* criteria.[14] The Independent Review of the National Legal Assistance Partnership, similarly identified that demand for ICLs exceeded supply,[15] and recommended that the Australian Government should provide an additional $84 million in 2024–25 and $88 million in 2025–26 for ICLs. Recommendation 19 further recommended that the rates for grants of aid for ICLs (including disbursements for expert reports) should be increased to be funded at the relevant level of the court scales.[16]

17. The *Family Law Amendment Act 2023* (Cth) increased the responsibilities of ICLs, including additional obligations to meet with children, which has contributed to increased demand and cost of the program. In October 2024, Legal Aid NSW reported increased demand for ICLs of almost 50 per cent, while simultaneously, a growing number of private practitioners were no longer accepting legal aid work because the rates of grants were substantially below market rates and do not reflect the expertise and time required to undertake such complex work.[17] The Law Council is consistently hearing from individual ICLs, often working in very small legal practices, that their businesses are no longer able to sustain this work while keeping their doors open.

18. The limited availability of ICLs **nationally**, alongside increased demand, means that the ICL Program is reaching crisis point and there can be extensive delays in ICLs being allocated to children.[18] These delays may be putting children at unnecessary risk and prolonging the distress that can be caused in family law proceedings.

19. These concerns are further illustrated by service restrictions announced by Legal Aid Commissions in response to funding limitations. From 1 July 2026, Legal Aid NSW limited eligibility for legal assistance in family law cases to victim-survivors of family and domestic violence, or First Nations Australians. [19] Legal Aid NSW further announced that from 31 December 2026, ICLs would only be funded to appear at final hearings in matters where one or both parties are self-represented, and the

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[14] Family Law Council, Support for children and young people and strengthening their voices (Report, 2024) 54.

[15] Warren Mundy *Independent Review of the National Legal Assistance Partnership* (Final Report, March 2024) 140.

[16] Ibid 145, Recommendation 19.

[17] See National Legal Aid, 'Independent Children's Lawyer Program at Crisis Point' (Web page, 29 October 2024); Warren Mundy *Independent Review of the National Legal Assistance Partnership* (Final Report, March 2024) 136–139. More broadly, the 2024 National Legal Aid Private Practitioner Census found that across legal aid practice areas, 85% of private practitioners reported performing unremunerated work, see National Legal Aid 'NLA Private Practitioner Census 2024 Report' (Webpage, 26 February 2025).

[18] Ibid. Delays of up to three months for an ICL to be allocated for a child in Western Australia were already being reported in October 2024.

[19] National Legal Aid, 'Families missing out as Legal Aid Services end' (Web page, 7 July 2026).

funding for ICL appearances in appeals would cease.[20] National Legal Aid has also reported a 38 per cent reduction in ICL appointments in Tasmania and reductions of approximately 30 per cent in family law grants in Tasmania and the Australian Capital Territory.[21] These examples further underline the national nature of this problem.

20. We discuss below why the Australian Government's recent National Access to Justice Partnership (**NAJP**) funding, while welcome, has not addressed this issue.

21. The ICL Program is directly relevant to Priority Areas 1 and 3 identified in the Consultation Paper. In light of the vital role undertaken by ICLs in safeguarding children's safety wellbeing and participation, it is imperative that the Australian Government take urgent action to address the growing crisis in the program.

22. The Family Law Council has also supported additional funding for ICLs and consideration of HELP debt relief to encourage lawyers to work as in-house ICLs. While such workforce incentives may assist to relieve some of the pressures on the ICL Program, they are not a substitute for sustainable base funding and professional rates.[22]

Recommendation 1

The Australian Government should provide immediate, and ongoing, dedicated additional funding of at least $88 million per annum (indexed annually from 2025–26) to Legal Aid Commissions specifically for the ICL Program. Funding should support sustainable rates and appropriate workloads for in-house ICL work and court-scale rates for private ICL work, and necessary disbursements, including expert and family reports, and travel.

Family Law Cross-Examination Scheme

23. Another measure aimed at protecting vulnerable parties in family law proceedings is the prohibition on direct cross-examination in final family law hearings by alleged perpetrators of family violence. Australian research, inquiries and practitioner evidence have consistently identified that personal cross-examination by an alleged perpetrator of family violence can:

- cause significant distress, fear and trauma to victim-survivors;
- retraumatise victim-survivors during court proceedings;
- discourage victim-survivors from continuing litigation; and
- inhibit their ability to give clear, complete and cogent evidence, thereby compromising the quality of the evidence available to the court.[23]

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[20] Ibid.
[21] Ibid.
[22] Family Law Council, *Support for children and young people and strengthening their voices* (Report, 2024) Recommendation 10.
[23] See e.g. Rachel Carson et al, *Direct Cross Examination in family law matters,* Australian institute of Family Studies (Report, 2018); Jane Wangmann et al, 'Addressing the Problem of Direct Cross-Examination in Australian Family Law Proceedings' (2022) University of New South Wales Law Journal 45(4) 1415.

24. Reforms to the Family Law Act in 2019 imposed a mandatory prohibition on direct-cross examination in specified circumstances[24] in addition to giving the Court discretion to prohibit direct cross-examination in other circumstances.[25] Where the prohibition applies, cross-examination must be conducted by a legal practitioner acting on behalf of the examining party.[26] Where it does not apply, the Court must ensure that appropriate protections are provided for a party who is an alleged victim of family violence.[27]

25. Where a ban on cross-examination applies, and a party in a final hearing does not have a legal representative, the Family Violence and Cross-examination of Parties Scheme (the **Scheme**) provides Commonwealth funding to State and Territory Legal Aid Commissions to ensure the unrepresented parties can obtain legal representation for the hearing where direct cross-examination of the witness has been banned. Because of the protective purpose of the policy, the usual means and merits tests for eligibility for a grant of legal aid does not apply.

26. The Scheme is intended to protect victim-survivors from intimidation and re-traumatisation during court hearings by preventing direct cross-examination of, and by, the alleged perpetrator, while still enabling disputed evidence to be tested and preserving procedural fairness for both parties.

27. However, the Law Council acknowledges that various practical challenges and unintended consequences have emerged in the operation of the Scheme, including unsustainable growth in demand, and the risk the Scheme may be misused to perpetrate systems abuse.[28] Amendments made by the *Family Law Amendment Act 2024* (Cth) are likely to place further pressure on the Scheme.

28. Nevertheless, without adequate and ongoing funding for the Scheme, an unrepresented party who cannot afford private legal representation and is ineligible for a standard grant of legal aid, would be unable to test disputed evidence through means of cross-examination, which may undermine their capacity to participate effectively in the final hearing.

29. This can complicate the court's assessment of contested evidence and potentially compromise procedural fairness. It may also increase the potential for delay if matters are adjourned pending appointment of a legal practitioner.

30. To support the continued and effective operation of the Scheme, in addition to adequate funding, the Law Council supports the development of appropriate training and best practice guidance materials to support judicial officers in responding to potential misuse of the scheme. The Law Council further supports the use of alternative safeguards in appropriate matters to protect vulnerable participants while maintaining procedural fairness.

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[24] *Family Law Act 1975* (Cth) s 102NA(1)(c)(i)–(iii).
[25] Ibid s 102NA(1)(c)(iv).
[26] Ibid s 102NA(2)(b).
[27] Ibid s 102NB.
[28] Other challenges include lack of clarity over the scope of services to be provided by legal practitioners under the Scheme; a lack of practitioners willing to accept work under the Scheme; the undermining of victim-survivor agency where they dispute imposition of mandatory order; and, disproportionate responses to difference risk levels.

31. Finally, cross-examination plays a vital role to test and verify evidence to promote a fair and just judicial system. As such, any reform to cross-examination processes must ensure that these arrangements continue to advance the administration of justice.

Recommendation 2

The Australian Government should provide ongoing, sufficient and sustainable funding for the Family Violence and Cross-examination of Parties Scheme, while considering reforms that preserve its protective purpose, guard against systems abuse and maintain procedural fairness.

Other initiatives

Lighthouse Program

32. The FCFCOA delivers the Lighthouse Program, an innovative approach to screening for, and managing, family violence and other safety risks across fifteen FCFCOA registries, with high-risk cases allocated to the Evatt List for more intensive case management and resources.[29] We understand that $33.8 million over two years from 2026–27 was provided for continuation of the Lighthouse Project and culturally responsive support for First Nations Australians in the 2025–26 Mid-Year Economic and Fiscal Outlook.[30]

33. We observe the comments of the Chief Executive Officer and Principal Registrar of the FCFCOA, Mr David Pringle, at Senate Estimates on 9 February 2026, who described the Lighthouse Program as the "backbone" of the FCFCOA's family violence measures. While grateful for the additional funding, which was otherwise due to expire on 30 June 2026, Mr Pringle commented that the extension was short-term and slightly lower than the previous funding level.[31]

34. Mr Pringle further acknowledged that Lighthouse does not extend to rural, regional and remote (**RRR**) registries or circuit locations.[32] This kind of postcode justice should not occur. The limitation is particularly significant given the greater prevalence of serious family violence-related harm in regional and remote communities. In 2023–24, the rate of family and domestic violence hospitalisations for people living in very remote areas was 841 per 100,000, compared with 21 per 100,000 in major cities.[33]

35. The Law Council strongly supports the Lighthouse risk screening processes. However, family violence and safety risks may first emerge, be disclosed, or materially change after an Initiating Application or Response has been filed. The absence of routine, formal re-screening at later high-risk points may leave changed or newly disclosed risks to be identified through less consistent pathways. There

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29 See Federal Circuit and Family Court of Australia, 'Evatt List' (Web page).
30 Australian Government, Mid-Year Economic and Fiscal Outlook 2025-26 (Report, 2025) 214.
31 Legal and Constitutional Affairs Legislation Committee, *Senate Estimates*, 9 February 2026, 100.
32 Ibid.
33 Australian Institute of Health and Welfare, *Rural and remote health* (Web page, 20 November 2025).

should be structured opportunities for re-screening and an accessible means for parties to request reassessment when circumstances change. Opportunities for similar risk screen initiatives to be introduced or expanded within the FCWA should also be explored.

Recommendation 3

The FCFCOA Lighthouse Program and Evatt List should be funded on ongoing and sufficient basis and expanded to all regional registries and circuit locations.

The FCFCOA Lighthouse Program should be expanded to enable access to screening and referral pathways at identified high risk points throughout proceedings. Implementation should be informed by evaluation and the Australian Research Council research, *Family Violence Triage in Family Courts: Safety, Efficacy and Benefit*, due to conclude in December 2026.

Indigenous Family Liaison Officers

36. Indigenous Family Liaison Officers (**IFLO**s) help First Nations families understand and engage with family law processes in the FCFCOA and connect with relevant services, including family violence supports. IFLOs are not available at every registry or circuit location of the FCFCOA and FCWA.

Recommendation 4

The Australian Government should provide increased and ongoing funding to expand Indigenous Family Liaison Officer (IFLO) coverage, including to RRR locations, and integrate IFLOs into culturally safe referral and case-management pathways.

Family Advocacy and Support Service

37. The Family Advocacy and Support Service (**FASS**) provides an important integrated response by combining family law duty-lawyer assistance with social support and referral for people affected by family violence.

38. The FASS model can reduce the need for victim-survivors to navigate disconnected legal and non-legal services, but its effectiveness depends on reliable in-person availability, specialist capability and strong local referral relationships. While core funding for the FASS program is now part of the NAJP, additional funding is required to maintain sufficient service levels across both permanent and circuit locations to meet existing and growing demand.

Recommendation 5

The Australian Government should provide sufficient ongoing funding for the delivery of Family Advocacy and Support Services at all permanent family law registries and appropriate circuit locations, including sufficient in-person duty-lawyer and social-support availability.

Priority Property Pool

39. For victim-survivors with modest asset pools, delay and disproportionate legal costs can exacerbate financial insecurity, housing instability and dependence on a former partner, with consequential impacts on the safety and wellbeing of their children. The Priority Property Pool (**PPP Cases**) model provides a simplified and proportionate pathway for resolving smaller property disputes (up to $550,000 excluding superannuation), with an emphasis on minimising risk and legal costs and preserving the parties' assets, with discretion to include matters above that amount, including where vulnerability or family violence is present.[34]

40. The Second Action Plan should recognise timely resolution of post-separation financial matters as an important component of safety and recovery, and support sustainable and ongoing nationally consistent access to the PPP Cases model, including practical access in RRR areas. This should be accompanied by adequate legal assistance and safeguards concerning risk screening, financial disclosure and safe dispute resolution, particularly where coercive control or other family violence is alleged.

Priority Area 1: Victim-survivors

Access to Justice

Legal Assistance Funding

41. The Consultation Paper notes that the Second Action Plan is an opportunity to "build on progress towards whole of system support to ensure victim-survivors are empowered to make informed choices, access support that meets their need over their life course and receive improved outcomes".[35]

42. The capacity of victim-survivors to be empowered to make informed choices is contingent on properly funded legal assistance services that can be accessed safely and promptly. The need is not limited to information or one-off advice: depending on the matter, a victim-survivor may require continuing casework, dispute resolution, duty assistance or representation. While not constrained only to victim-survivors of family, domestic and sexual violence, the Victorian Victims of Crime Commissioner

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[34] Federal Circuit and Family Court of Australia, *Priority Property Pool Cases (PPP Cases)* (Web page).
[35] ANROWS *Evidence to action: informing direction for the Second Action Plan* (Consultation Paper, May 2026) 44.

reported 58 per cent of victims of crime surveyed wanted their own lawyer to advocate for their rights.[36]

43. Legal assistance should not be confined to the immediate incident of violence. Victim-survivors often require legal assistance and representation on a wide range of issues including criminal justice processes, family violence protection orders, family law, child protection, housing and tenancy, credit and debt, migration, and compensation options.[37]

44. In a 2019 report, the Law and Justice Foundation of New South Wales found that respondents to the LAW Survey who had experienced domestic and family violence reported an average of 20.0 legal problems, compared to only 2.4 legal problems for other survey respondents.[38] It further found that in addition to multiple instances of family and domestic violence, the number of legal problems experienced by victim-survivors comprised a very high number of other legal problem types (15.6 on average) and that the severity of the legal problem had a more substantial impact on the respondent.[39]

45. High levels of unmet legal need have been widely reported in relation to civil law matters,[40] including those arising from or compounded by experiences of family, domestic and sexual violence. The interaction between family and domestic violence and civil legal needs, such as housing insecurity, is illustrated by statistics from specialist homelessness services in the Northern Territory. In 2024–25, one in 25 people received homelessness assistance in the Northern Territory, with 50% seeking assistance due to family and domestic violence.[41]

46. Despite this, increases in legal-assistance funding have tended to focus on family law and family violence-specific services,[42] and do not necessarily encompass the broader civil legal issues, including those experienced by victim-survivors. Nor are they available for court representation: only 2 per cent of approved legal aid grants were for civil law matters in 2022–23.[43]

47. Furthermore, for victim-survivors who do not yet recognise or disclose their experiences as family, domestic or sexual violence, access to early civil legal assistance may provide an important opportunity for an appropriately trained

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36 The Victims of Crime Commissioner (Vic) *Silenced and sidelined, systemic inquiry into victim participation in the justice system* (Final Report, November 2023) 162.

37 See e.g. NSW Law and Justice Foundation, 'Quantifying the legal and broader life impacts of domestic and family violence' Justice Issues (Report, June 2019) Paper 32.

38 NSW Law and Justice Foundation, 'Quantifying the legal and broader life impacts of domestic and family violence' Justice Issues (Report, June 2019) Paper 32, 8–9.

39 Ibid 10–12.

40 Warren Mundy *Independent review of the National Legal Assistance Partnership* (Final Report, March 2024) 51 who also noted that "civil legal problems […] tend to cluster with family law matters.".

41 Australian Institute of Health and Welfare, *Specialist homelessness services 2024–25: Northern Territory* (Factsheet) 1. This statistic also contrasts significantly with the national rate of clients seeking homelessness assistance of one in 94, with 38% seeking assistance due to family and domestic violence.

42 Ibid.

43 National Legal Aid, *Submission to the Independent Review of the National Legal Assistance Partnership* (Submission, October 2023) 22.

practitioner to identify the violence as the cause or context of the presenting legal problem and facilitate access to specialist support.[44]

48. Legal assistance assists victim-survivors to navigate these legal issues across fragmented and interconnected systems, which may themselves be weaponised. Early and continuing legal assistance supports safer exit strategies, informed decision-making, and contributes to just outcomes.

49. Furthermore, legal assistance, particularly representation in court matters, can support the administration of justice by more efficiently narrowing disputed issues, ensuring compliance with court procedures, presenting relevant evidence and formulating workable orders. This has the potential to reduce hearing times, adjournments, repeated applications and enforcement proceedings, while limiting the additional assistance otherwise required from judicial officers and court staff. Adequate investment in legal assistance can therefore reduce downstream costs to courts and governments, as well as improving safety and procedural fairness.

50. While delivered in the context of victim-survivors specifically of sexual violence, the importance of access to early legal advice was acknowledged by the Australian Law Reform Commission (**ALRC**) in its final report on justice responses to sexual violence.[45] The Law Council considers that access to early legal assistance should be more widely and frequently available than as drafted in recommendation 1a for victim-survivors of sexual violence, as well as for victim-survivors of family and domestic violence more broadly.

51. The ALRC further recommended funding independent legal advisers to provide advice during the criminal justice process[46] and representation for complainants where applications are made to subpoena or inspect materials containing personal, sensitive, or confidential information including sexual assault counselling communications.[47]

52. The Law Council supports independent legal advice, and legal representation at appropriate stages of the criminal justice process, such as proceedings concerning subpoenas, access to protected communications and other sensitive material.[48] Comparable access should be available in civil and administrative processes, such as protection-order proceedings, for victim-survivors of all forms of family and domestic violence. Timely access to independent legal advice and, where necessary, representation promotes agency and informed decision-making, supports meaningful participation in the justice system, may reduce further trauma and may improve the prospects of just outcomes.

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44 See e.g. Community Legal Centres Australia, *More thank Legal Services: Preventing crises, strengthening communities* (Report, November 2024) 8, which found on average 45.4% of clients assisted in 2023–24 disclosed they were impacted by family and domestic violence, including where they had sought help for a different legal problem (such as tenancy); Women's Legal Services Australia, *Response to Discussion Paper: Continuing Professional Development for Legal Practitioners on Coercive Control* (Submission: 21 July 2023) 5.

45 Australian Law Reform Commission, *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence* (Report 143, January 2025).

46 Ibid Recommendation 9a.

47 Ibid Recommendation 9b.

48 See Law Council of Australia, *Issues Paper: Justice responses to sexual violence* (Submission, 4 July 2024) 15 [42]–[44].

53. Victim-survivors' experience of the justice system may also be improved by ensuring people who use violence can obtain appropriate legal advice to understand and comply with their obligations, including under protection orders, and to reality-test expectations, including in matters such as family law proceedings.

54. The Law Council acknowledges that the **NAJP**, announced in the context of National Cabinet's broader response to gender-based violence,[49] provided $3.9 billion over five years from 2025–26 for frontline legal assistance, which included $800 million over five years described as additional funding.[50] A significant component of the additional funding being directed to indexation and pay parity, leaving approximately $500 million over five years, or $100 million per annum, to expand service delivery across all five kinds of legal assistance services and eight jurisdictions.[51]

55. The additional and ongoing funding under the NAJP is welcome, but remains materially below the level required to address longstanding shortfalls and current sector pressures. The Independent Review of the National Legal Assistance Partnership found significant unmet legal need and identified acute sustainability problems in the legal assistance sector.[52] It was also observed that Legal Aid Commissions were increasingly relying upon private practitioners to deliver legal services under grants of aid, but that the pool of practitioners available to do the work was declining due to the low rates being paid under the grants of aid becoming more disproportionate to the increasing complexity of the work.[53]

56. We refer to National Legal Aid's recent Budget submission, highlighting that following the funding shortfall created as a result of the 2021 FCFCOA reforms, its analysis indicates that the NAJP funding allocation represents only a minor increase to funding for the majority of Legal Aids and a deficit amount for four (in Queensland, Victoria, NSW and South Australia).[54]

57. To address the persistent gaps in civil law assistance, Recommendation 5 of the Independent Review recommended that governments provide additional funding for civil and family law legal assistance, which was estimated as $459 million in 2025--26.[55] This appears to be in stark contrast to the additional $500 million over five years for frontline services provided under the NAJP, indicating that the NAJP uplift was not sufficient to meet the Independent Review's estimate of annual need.

58. Recommendation 5 was separate from Recommendation 19 concerning ICLs (detailed earlier in this submission) and from Recommendation 18, which proposed that the rate of grants of legal aid paid to private practitioners be increased to align

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[49] See Department of Prime Minister and Cabinet, *National Access to Justice Partnership* (Media Release, 6 September 2024).

[50] See Attorney-General's Department, *Commencement of the new National Access to Justice Partnership* (Media Release, 1 July 2025).

[51] National Cabinet, The Heads of Agreement for the National Access to Justice Partnership (Web Page, 12 September 2024).

[52] Warren Mundy *Independent Review of the National Legal Assistance Partnership* (Final Report, March 2024) 136–139.

[53] Ibid.

[54] National Legal Aid, 2026-2027 Pre-Budget Submission to Treasury, January 2026, 1-2.

[55] Warren Mundy *Independent Review of the National Legal Assistance Partnership* (Final Report, March 2024) Recommendation 5, which was broadly in accordance with the Productivity Commission, *Access to justice arrangements* (Inquiry Report No 72, 3 December 2014) Recommendation 21.4.

with applicable court scales. For 2025–26, Recommendation 18 indicated that the Commonwealth should provide additional funding of $46 million and State and Territory governments provide an additional $337 million to meet these costs. These were base-year estimates requiring subsequent indexation.

59. The NAJP does not adopt recommendation 18's proposed court-scale funding model for private practitioners. Legal aid rates remain materially below the cost of providing the service, contributing to private practitioners reducing or ceasing legally aided work. This transfers additional demand to already constrained Legal Aid Commissions, Community Legal Centres, Aboriginal and Torres Strait Legal Service, and Family Violence Prevention Legal Services, and places the availability of representation, particularly in rural, regional and remote areas at risk of market failure.[56]

60. The Second Action Plan is an opportunity for governments to recognise and fund the full range of legal assistance services required by victim-survivors: legal information, advice, discrete assistance, duty services, family dispute resolution, continuing casework and representation. While the NAJP permits these service types, constrained funding means that in practice legal assistance providers are unable to routinely offer continuing casework or representation to all eligible people who need it. A significant cohort of victim-survivors therefore remain unable to obtain sustained legal assistance in family law, family violence, and related proceedings, may appear before courts unrepresented.

61. Constituent Body feedback indicates a growing number of self-represented litigants in family law matters over the past 12 months, reflecting the widening gap between people who qualify for legal aid and those who can afford private representation. Lack of legal representation for a woman experiencing violence makes it more difficult for her and her children to obtain effective and safe parenting orders. Lack of legal services for perpetrators of violence prior to a Final Hearing and the application of the Scheme is also problematic for the courts and parties. Legal advice or representation from practitioners with appropriate understanding of family violence provided to those using or alleged to be using violence can reduce systems abuse, lead to appropriate concessions, accountability and otherwise mitigate risks posed by a self-represented perpetrator who lacks sufficient insight into their own behaviour.

62. Courts are a foundational institution of Australia's democracy, providing the primary forum through which individuals can assert their rights, seek protection, and hold parties to account. Matters requiring representation, particularly in the family violence context, are frequently legally and factually complex and demand sustained casework rather than one-off advice. Where funding does not extend to this level of assistance, victim-survivors are left to navigate the justice system's most consequential stage without support, at precisely the point where the outcomes are most significant. While Artificial Intelligence and technology-based solutions have an important potential role in making the justice system more efficient, provided that it is used appropriately and with safeguards, it cannot step in to represent victim-survivors at this most critical and complex juncture of their lives.

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[56] See e.g. Amber Wilson 'From court delays to AI "rubbish": Lawyer shortages are drowning Tasmania's legal safety net' *The Daily Telegraph* (Web page, 5 August 2026).

63. Meaningful participation in legal proceedings is fundamental to the fair and proper administration of justice and the proper functioning of the justice system. It is an essential component of an effective justice response to violence against women and children. A Government commitment to ending violence against women and children cannot be fully realised without a corresponding commitment to sufficient funding of legal assistance and the justice system.

Recommendation 6

Federal, State and Territory governments should provide a significant and ongoing increase in legal assistance funding to give effect to Recommendations 5 (Civil Law) and 18 (Rates of grants of legal aid) of the Independent Review of the National Legal Assistance Partnership, including aligning payments to private practitioners under grants of legal aid with applicable court scales. Funding commitments should identify the responsible level of government, the base year and indexation for demand and cost growth.

Legal processes

64. The Consultation Paper indicates that more work is required to "*simplify legal processes and reduce adversarial practices that can result in victim-blaming, re-traumatisation, and disengagement from the justice system*".[57]

65. The Law Council acknowledges that victim-survivors of violence, particularly sexual violence, may be re-traumatised through criminal justice processes.[58] This affects access to justice and may contribute to under-reporting where victim-survivors do not engage with the justice system because they feel unsafe in doing so. The Law Council strongly supports evidence-based, trauma-informed measures to support victim-survivor engagement such as early access to independent legal advice, specialist judicial case management, communication assistance, limits on improper questioning, safe facilities and remote evidence options, and clear information about process and rights.

66. Further, restorative justice processes in suitable cases as a supplement to the criminal justice process have the potential to enhance the agency of victim-survivors; the accountability of perpetrators; may lead to higher levels of participation; and has the potential to improve positive therapeutic outcomes. Accordingly, in the development of the Second Action Plan, there should be consideration of implementation of Recommendations 58–64 of the ALRC inquiry into justice responses to sexual violence, and potential further consideration as to whether restorative justice may be an appropriate option for other forms of family and domestic violence.

67. Importantly, reforms intended to address re-traumatisation, should be designed consistently with the presumption of innocence, the right to silence, the right to trial

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[57] ANROWS, *Evidence to action: informing direction for the Second Action Plan* (Consultation Paper, May 2026) 30

[58] See Law Council of Australia, *Issues Paper: Justice responses to sexual violence* (Submission, 4 July 2024) 5 [2].

by jury (where applicable), the prosecution's burden of proof and the criminal standard of proof. Reforms should be evidence-based, developed with victim-survivors and justice-system participants, and evaluated for their effects on safety, participation, fact-finding, procedural fairness and fair-trial rights. It is important that any reforms affecting the fundamental safeguards that underpin our justice system should be supported by compelling evidence and carefully assessed for unintended consequences.[59]

Interpreters

68. The capacity of victim-survivors to engage with legal systems is severely hampered by limited access to high quality, culturally appropriate and trauma-informed interpreting and communication services.[60] This includes qualified interpreters in First Nations languages, interpreters of Aboriginal English, Auslan interpreters and other communication supports.[61] Interpreter access is not an ancillary service: it is necessary for informed instructions, reliable evidence, procedural fairness and effective access to protection and remedies.

69. The importance of accessible, appropriately qualified interpreters is illustrated by the linguistic diversity of the Northern Territory, where over half (58.5%) of First Nations Australians in the Territory used a First Nations language at home and a third (33.4%) used only English at home.[62] A shortage of appropriately qualified interpreters in the Northern Territory was reported by ABC Radio National's Law Report in 2023.[63]

70. The Law Council has previously recommended a National Justice Interpreter Scheme be implemented, to ensure that professional, appropriate, and skilled interpreters are readily available in legal matters.[64] The ALRC recommended the development of a strategy to address the national shortage of interpreters to assist complainants of sexual violence in the criminal justice system.[65] To further support communication, the ALRC also made recommendations regarding the use of intermediaries in sexual violence matters for child complainants and complaints with communication needs.[66]

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59 Similar sentiments were expressed by the Victorian Law Reform Commission when considering changes to the jury system - Victorian Law Reform Commission, *Improving Justice System Response to Victims of Sexual Violence* (Report, September 2021) 432 [20.15].

60 See also Warren Mundy *Independent Review of the National Legal Assistance Partnership* (Final Report, March 2024) Recommendation 13.

61 Law Council of Australia, 'Aboriginal and Torres Strait Islander People', Justice Project (Final Report, Part 1, August 2018), 45 – 46.

62 Australian Bureau of Statistics, 'Northern Territory: Aboriginal and Torres Strait Islander population summary' (Web page, 1 July 2022).

63 See Kristina Kukolja, 'Chronic shortage of Indigenous interpreters in Australia's legal system risks violating human rights', *ABC Radio National* (Web page, 11 August 2023); Kristina Kukolja, 'Justice, but not in my language: Aboriginal interpreter shortage in NT courts' (Podcast, 9 January 2024).

64 Law Council of Australia, *Issues Paper: Justice responses to sexual violence* (Submission, 4 July 2024) 30–31 [104]–[106].

65 Australian Law Reform Commission, *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence* (Report 143, January 2025) Recommendation 33.

66 Ibid Recommendation 31.

Recommendation 7

Federal, State and Territory governments under the Second Action Plan should introduce a National Justice Interpreter Scheme including minimum competency and trauma-informed practice standards for interpreters, including increased funding to support timely access to interpreters across courts, police, legal assistance services and relevant administrative processes.

Court infrastructure

71. Improving victim-survivors' experiences of the justice system also requires investment in courts and court services, particularly in RRR areas. Priorities include sufficient judicial and registry staffing; safe and separate entrances; fit-for-purpose hearing, interview and waiting rooms; modern technology and digital infrastructure; and secure remote facilities. These measures would benefit all court users, but timely hearings and safe facilities are particularly important for victim-survivors of family, domestic and sexual violence.[67] Appropriate matters involving First Nations people should also be capable of being heard on Country where community consultation supports that approach.

Consistency in national definitions of family violence

72. The Law Council considers that clear and nationally consistent core definitions of family violence remain important to accessible protection, cross-jurisdictional information sharing, data collection and the efficient operation of family law and State and Territory systems. The Law Council acknowledges that consistency should not require identical drafting in every statute or prevent jurisdictions from adopting broader protections.

Intersectional and disproportionately affected communities

73. Intersectionality should inform every action under the Second Action Plan. Disability, age, migration status, geographic location, socioeconomic disadvantage, sexuality, gender identity, First Nations status and contact with the criminal justice system may interact to produce distinct barriers to safety and justice. Actions should be co-designed with affected communities and evaluated using appropriately disaggregated data and measures of practical access to legal protection, support and recovery.

First Nations Women and Children

74. First Nations women and children experience disproportionately high rates of violence [68] as well as encountering serious barriers to culturally safe support and justice. This is particularly acute in the Northern Territory, where the family violence assault hospitalisation rate for First Nations women was more than five times the

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[67] See also comments of Mr David Pringle, CEO and Principal Registrar, FCFCOA at Legal and Constitutional Affairs Legislation Committee, Senate Estimates, 9 February 2026, 100.

[68] ANROWS, Evidence to action: informing direction for the Second Action Plan (Consultation Paper, May 2026) 26.

corresponding national rate in 2023–24.[69] First Nations Australians are also overrepresented as both victim-survivors and perpetrators of family and domestic violence.[70]

75. Patterns of violence and contact with justice and child-protection systems must be understood in the context of colonisation, intergenerational trauma, structural inequality and systemic racism, including misidentification of victim-survivors, over-policing, institutional failures and inadequate access to culturally safe services. The Second Action Plan should address those structural and systemic drivers and avoid responses that compound criminalisation, child removal or disengagement from services.

76. In our submission to the inquiry into missing and murdered First Nations women and children, the Law Council advocated that the principle of self-determination should underpin responses to violence experienced by First Nations women and children.[71] This requires long-term investment in First Nations community-controlled organisations and services empowered to self-design strategies for the safety of their communities. The Law Council in particular acknowledges the development of the *Our Ways—Strong Ways—Our Voices: National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence 2026–2036.* Measures under the Second Action Plan should align with that Plan and be designed, implemented and evaluated in partnership with First Nations communities and respect Indigenous Data Sovereignty and Data Governance principles.

77. We further take this opportunity to reiterate our recommendations to the inquiry into missing and murdered First Nations women and children which still remain relevant for the purposes of developing the Second Action Plan. The recommendations focus on measures to improve institutional responses to violence, particularly within the justice system.

Recommendation 8

Federal, State and Territory governments should support disaggregated national data collection and research with respect to missing First Nations women and children to address critical gaps.

Federal, State and Territory governments should commit to improvements across the justice system to ensure that First Nations women and children experiencing violence are empowered to access justice and, in turn, realise their rights to safety and to an effective remedy, including:

- **targeted, culturally safe legal information and education;**

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69 Australian Institute of Health and Welfare, 'Hospitalisations of First Nations women' (Webpage, 18 November 2025). In 2023–24, there were 783 hospitalisations of First Nations females (aged 15 and over) per 100,000 in Australia, in the Northern Territory, this figure rises to 4,041.8 per 100,000.

70 Ibid citing Cripps K, Australian Institute of Health and Welfare *Indigenous domestic and family violence, mental health and suicide* (Report, 26 May 2023) and Bricknell, S & Miles, H, Australian Institute of Criminology *Homicide in Australia 2024–25* (Statistical Report 58, 2026) and further noting that significant levels of violence are perpetrated against First Nations women from men who are not First Nations.

71 Law Council of Australia, *Inquiry into missing and murdered First Nations women and children* (Submission, 11 January 2023) 5 [3].

- **culturally safe legal assistance services to meet gaps in family violence and civil legal need, including in RRR locations;**
- **a National Justice Interpreter scheme that addresses the diverse communication needs of First Nations people;**
- **identified best practice measures to increase the cultural competence and safety of courtrooms and tribunals;**
- **measures to support greater cultural diversity across all arms of the justice system, including an emphasis on supporting the participation of First Nations women;**
- **access to underlying critical support services, including family support, disability support, education and housing to underpin preventative, early intervention, and therapeutic jurisprudence outcomes; and**
- **reviewing police practices to ensure that the law is enforced fairly, equally and without discrimination with respect to First Nations women and children experiencing violence.**[72]

78. These themes were also considered at a roundtable considering Australia's response to missing and murdered First Nations women and children on 11 June 2026 hosted by Her Excellency the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia. Relevantly to the Second Action Plan, the calls to action arising from the roundtable included that:

    - murdered and missing First Nations women and children should be addressed as a key priority across government;
    - there should be improved national data collection on violence against First Nations women and children and commit to greater government transparency on this issue; and
    - mechanisms of remembrance and recognition should be established.

79. These calls to action should also be considered in respect of the Second Action Plan.

LGBTIQA+

80. The Law Council recognises that LGBTIQA+ people who experience family, domestic and sexual violence face additional barriers to accessing safe and appropriate support including limited specialist services and risks of discrimination or further trauma in mainstream systems. Governments should fund both specialist LGBTIQA+ services and capability-building in mainstream services, designed with affected communities. There should also be improved disaggregated data collection to address evidence gaps while protecting privacy, safety and confidentiality, particularly where small cohorts create a risk of re-identification.

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[72] Law Council of Australia, *Inquiry into missing and murdered First Nations women and children* (Submission, 11 January 2023) 5–6 [4].

Migrant and refugee women

81. Women on temporary or dependent visas may be prevented from leaving violence by threats concerning sponsorship, visa cancellation or deportation, as well as exclusion from social security, housing and other essential supports. Migrant and refugee women may also face language barriers, limited access to qualified interpreters, unfamiliarity with Australian law, social isolation and a lack of culturally safe services. The Second Action Plan should ensure that safety does not depend on visa subclass by extending appropriate family violence protections, legal assistance and essential supports to all temporary visa holders experiencing violence. Further responses should be co-designed with migrant and refugee communities.

Older women

82. Older women may experience intimate-partner violence or abuse by adult children, relatives or carers, including financial abuse, misuse of enduring powers of attorney and coercion concerning property, care or accommodation. Ageism, dependence and fragmented responses between family violence and elder-abuse systems can impede access to protection. Implementation of the Second Action Plan should therefore be coordinated with the National Plan to End the Abuse and Mistreatment of Older People 2026–2036.

Women and girls with disability

83. Women and girls with disability experience disproportionately high rates of violence and may face disability-specific abuse, including the withholding of medication, care, mobility aids or communication supports. Dependence on perpetrators, carers or service providers, inaccessible courts and services, communication barriers and assumptions about credibility can impede disclosure and access to justice. The Second Action Plan should include disability-specific actions co-designed with women with disability, including accessible legal services, procedural adjustments and coordination between justice, disability and family violence systems.

Priority Area 3: Children and young people in their own right

84. The Law Council supports the Consultation Paper's recognition that children and young people are victim-survivors of violence in their own right.[73] They should not be treated merely as witnesses to violence against a parent, or principally as potential future perpetrators. The Second Action Plan should recognise their distinct experiences, rights and support needs across prevention, early intervention, response, and recovery and healing.

85. As noted earlier, ICLs provide an important mechanism through which children's interests and views can be put before a family law court. However, ICLs are not appointed in every family law matter, and many legal issues affecting children arise outside family law proceedings. Children and young people need direct access to age-appropriate legal, health, therapeutic and social supports, independently of a parent or carer, particularly where relying on that person is unsafe, inappropriate or

[73] ANROWS *Evidence to action: informing direction for the Second Action Plan* (Consultation Paper, May 2026) 34.

impracticable. Assistance should be culturally safe, trauma-informed, disability-accessible and provided in a form the child or young person can understand. The Law Council therefore supports specific funding for child- and youth-specific legal assistance services and other supports, in addition to sustainable funding for ICLs.

86. Children should also have safe and age-appropriate opportunities to participate when parenting arrangements are developed outside court. The Second Action Plan should support child-inclusive family dispute resolution where it is safe and appropriate, with effective family-violence screening, suitably trained practitioners and clear referral pathways where participation would create or increase risk. Furthermore, there should be consideration of establishing a standing and properly supported mechanism through which children and young people can advise on family law (and family violence) policy and service design, consistent with the Family Law Council's advice concerning a Children and Young People's Advisory Board.[74]

87. Responses to young people who use violence or display harmful sexual behaviours should be distinct from adult perpetrator interventions. They should prioritise the safety and support needs of the person harmed, while recognising the young person's age, development, family circumstances and possible experience of violence, abuse, neglect or trauma. The response should combine accountability with evidence-based early intervention and therapeutic support, and avoid unnecessary criminalisation. In appropriate cases, restorative justice options should be considered.

88. Technology-facilitated, peer and dating violence require coordinated responses, including clear and proportionate laws, effective platform reporting and removal mechanisms, accessible legal and therapeutic support, and education about consent, privacy and digital safety. Protective measures should be developed consistently with children's best interests and their rights to privacy, expression, association and access to information, and children and young people should be consulted about measures that directly affect them.

Recommendation 9

Federal, State and Territory governments should fund direct, age-appropriate and independent legal, therapeutic, health and social supports for children and young people affected by violence; embed their meaningful participation and co-design; and provide developmentally appropriate responses to young people who use violence or display harmful sexual behaviours.

Priority Area 5: System Integration and Workforce

89. The Consultation Paper categorises family law and legal assistance services as part of the non-specialist workforce but does not acknowledge the existence of a specialist legal workforce. That characterisation should be revised in the Second Action Plan. While some legal practitioners are generalists, many practitioners—

[74] Family Law Council, *Support for children and young people and strengthening their voices* (Report, 2024) Recommendation 11.

particularly in the legal assistance sector, but also in specialist private practice—have substantial expertise in advising and representing victim-survivors and people who use violence. The Second Action Plan should recognise this specialist legal workforce and ensure that workforce planning, funding, training and referral frameworks reflect its distinct functions and expertise.

Information sharing, coordination and referral

90. Victim-survivors frequently need to navigate multiple legal issues across different courts and jurisdictions simultaneously. Fragmentation creates safety risks, duplicated processes, inconsistent orders and repeated disclosure of traumatic experiences. Accordingly, the Law Council has consistently supported appropriately safeguarded information sharing between the family-law, family-violence and child-protection systems where it improves risk assessment and the safety of families, while maintaining procedural fairness.[75]

91. The *Family Law Amendment (Information Sharing) Act 2023* (Cth) commenced on 6 May 2024 and introduced the current statutory information-sharing provisions, supported by the National Strategic Framework for Information Sharing between the Family Law and Family Violence and Child Protection Systems. The operation of the provisions should be monitored and evaluated for uptake, timeliness, accuracy, privacy, procedural fairness and outcomes for victim-survivors.

92. Section 67ZBL of the Family Law Act required the first review to commence by 6 May 2025 and requires a second review as soon as practicable after 6 May 2027. The Second Action Plan should publish the status and findings of the first review and provide for implementation of accepted recommendations.

93. The Second Action Plan should also support co-location, warm referrals and coordinated case-management arrangements across courts, legal assistance services and specialist family-violence services. These measures should reduce the number of times a victim-survivor must repeat their experience, while preserving informed consent and allowing information to be withheld where disclosure would create additional risk.

Recommendation 10

Federal, State and Territory governments should resource and evaluate information sharing, co-location, warm referrals and coordinated case management across family law, family violence, child protection, legal assistance and specialist support services.

Family Law Pathway Networks

94. The family law system is complex and often requires families in crisis to navigate a labyrinth of legal and non-legal services, often without knowing which services exist, what they do, or how to reach them. Until recently Family Law Pathway Networks

[75] See Law Council of Australia, *Inquiry into family violence orders* (Submission, 6 August 2024) 15–17; Law Council of Australia, *Family Law Amendment (Information Sharing) Bill 2023* (Submission, 2 June 2023).

(**FLPNs**) sought to address this through the exchange of information about current initiatives, service availability, waiting times, and emerging pressures and challenges, improving targeted cross-sector referrals of clients.

95. The benefit of this coordination extended beyond participating professionals, to the families they assisted, and to the courts (who also benefited from being informed about how quickly a family could access a particular service). In this way a modest program of professional meetings translated directly into improved access to justice for separating families and demonstrated the value of system and workforce integration and collaboration. That same collaboration reduced duplication of effort and inappropriate referrals, so that scarce services were directed to where they were most needed.[76]

96. FLPN also provided education and training to participating professionals that was highly regarded[77] and particularly valuable for practitioners in the legal assistance sector and smaller, regional practices. The Law Council understands that Australian Government funding for FLPNs ceased on 30 June 2026, notwithstanding the Independent Review recommendations that a separate funding stream be maintained.[78]

Recommendation 11

Funding for the Family Law Pathway Networks should be restored and maintained as a separate stream of funding under the Family Relationships Services Program with additional ongoing funding for a full-time National FLPN Coordinator.[79]

Access to intervention services

97. Effective referral (and accountability) depend on timely access to appropriate, evidence-based interventions for people who use violence. Constituent Body feedback indicates access to face-to-face men's behaviour change programs, and other suitable interventions, are limited in some jurisdictions, particularly outside metropolitan areas. The Second Action Plan should support national service mapping, appropriate quality standards and independent evaluation of intervention services for people who use violence in addition to sufficient funding to ensure timely access to programs.

Workforce Planning

98. Under the NAJP, governments agreed to develop a National Legal Assistance Workforce Strategy (**the Strategy**) by 30 June 2027 in consultation with the legal assistance sector.[80] Of particular relevance to Priority Area 5, the Strategy is to

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76 Andrew Metcalfe AO, *Support for Separating Families: Review of the Family Relationships Services Program* (Report, June 2024) 40.

77 See Family Law Council, *Families with Complex Need and the Intersection of the Family Law and Child Protection Systems,* (Final Report, June 2016) 71–72 citing Encompass Family and Community Pty Ltd, *Independent Review of the Family Law Pathways Network* (Report, August 2012) 9–14.

78 Andrew Metcalfe AO, above n 72, Key Finding 10, Recommendation 10.

79 Ibid.

80 *National Access to Justice Partnership 2025–2030* 25 [89].

consider distribution of an appropriately skilled and supported legal assistance workforce and provision of intersectional, high-quality inclusive and culturally safe services.[81]

99. Accordingly, the Law Council recommends that the work already underway in the development of the Strategy be taken into account when examining opportunities under Priority Area 5. This will help to align objectives, streamline efforts and mitigate stakeholder consultation fatigue.

100. However, the Law Council takes this opportunity to re-emphasise the importance of the sustainability of the delivery of legal aid services as part of this process. A workforce crisis is building as private legal practitioners find it increasingly difficult to operate viable businesses while undertaking legally aided work, which in turn places a greater burden on legal assistance services, such as Community Legal Centres. The withdrawal of private lawyers from delivering services under grants of legal aid places publicly funded legal assistance at serious risk and further reduces access to legal support, particularly in RRR communities and should be addressed as a priority by government.

Recruitment and Retention

101. Recruitment and retention of professionals in RRR areas is an additional barrier to victim-survivors of family, domestic and sexual violence from accessing appropriate assistance. The Law Council is particularly concerned about the challenges of recruiting and retaining legal practitioners, but acknowledges these concerns may also extend to other professions delivering support to victim-survivors.

102. The Law Council has developed the HELP debt relief policy to incentivise lawyers to live and practice in eligible RRR areas. The Law Council invites the Government to implement this policy, or other initiatives to ensure the availability of an appropriately skilled workforce in RRR communities to deliver vital legal services, including those to victim-survivors.

103. We note the shortage of qualified legal professionals in RRR areas was also acknowledged in the Independent Review of the NLAP. Recommendation 26 proposed a HECS-HELP forgiveness scheme directed to RRR community sector lawyers and those in private practice doing substantial legal assistance work.[82]

Recommendation 12

The Australian Government should establish a Higher Education Loan Program (HELP) debt-relief scheme for legal practitioners who live and work in eligible RRR areas.

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[81] Ibid [89(d)].

[82] Warren Mundy *Independent Review of the National Legal Assistance Partnership* (Final Report, March 2024) Recommendation 26.

Training

104. Consideration should be given to implementing relevant recommendations from the ALRC inquiry into justice responses to sexual violence relevant to the issue of training.[83]

105. As previously indicated, the Law Council strongly supports the need for lawyers to build their competency in this area. Women and children experiencing or escaping family or sexual violence are highly likely to come into contact with members of the legal profession, who should be well-placed to respond in a trauma-informed manner. We recognise that it is not just family and criminal lawyers who may be in a position to recognise and respond to instances of family violence experienced by their clients (and even colleagues), but many others throughout the wider profession. Accordingly, the Law Council's position is that, while we are not in favour of a mandatory requirement, we strongly encourage all members of the legal profession to undertake CPD in relation to family violence and sexual violence.

106. Training should address trauma-informed practice, risk screening, coercive control, systems and economic abuse, misidentification, vicarious trauma, children's rights and participation, disability and communication access, cultural safety and the distinct needs of First Nations, migrant and refugee, LGBTIQA+ and RRR communities.

107. Training should also support professionals who engage with people using, or suspected of using, violence without colluding. Non-collusive practice training can assist professionals to identify manipulative behaviours, reality-test expectations, make appropriate referrals and reduce the risk that professional services are inadvertently used to facilitate systems or financial abuse.

108. Education alone cannot overcome structural barriers created by chronic underfunding, excessive workloads, service gaps or unsafe infrastructure. Training must form part of sustained investment in the institutions, services and workforce required to deliver a trauma-informed, culturally safe and accessible justice system.

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[83] ALRC, *Safe, informed Supported: Justice Responses to Sexual Violence* (Final Report 143, January 2025) See e.g. Recommendation 11–16.

About the Law Council of Australia

The Law Council of Australia represents the legal profession at the national level; speaks on behalf of its constituent bodies on federal, national, and international issues; promotes and defends the rule of law; and promotes the administration of justice, access to justice, and general improvement of the law.

The Law Council advises governments, courts, and federal agencies on ways in which the law and the justice system can be improved for the benefit of the community. The Law Council also represents the Australian legal profession overseas, and maintains close relationships with legal professional bodies throughout the world. The Law Council was established in 1933, and represents its constituent bodies:

- the Australian Capital Territory Bar Association;
- the Law Society of the Australian Capital Territory;
- the New South Wales Bar Association;
- the Law Society of New South Wales;
- the Northern Territory Bar Association;
- the Law Society Northern Territory;
- the Bar Association of Queensland;
- the Queensland Law Society
- the South Australian Bar Association;
- the Law Society of South Australia;
- the Tasmanian Bar;
- the Law Society of Tasmania;
- the Victorian Bar Incorporated;
- the Law Institute of Victoria;
- the Western Australian Bar Association;
- the Law Society of Western Australia; and
- Law Firms Australia.

Through these bodies, the Law Council represents more than 110,000 Australian lawyers.

The Law Council is governed by a board of 23 Directors: one from each of the constituent bodies, and six Executive members elected by Directors. The Directors meet quarterly to set objectives, policy, and priorities for the Law Council. Between Directors' meetings, responsibility for the policies and governance of the Law Council is exercised by the Executive members, led by the President. In 2026, the Law Council Executive comprises:

- Ms Tania Wolff, President
- Ms Elizabeth Shearer, President-elect
- Mr Lachlan Molesworth, Treasurer
- Ms Jennifer Ball, Executive Member
- Mr Justin Stewart-Rattray, Executive Member
- Mr Ante Golem, Executive Member

The Chief Executive Officer of the Law Council is Dr James Popple.

The Law Council's Secretariat is based in Canberra. Its website is www.lawcouncil.au.