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AUSTRALASIAN CENTRE FOR HUMAN RIGHTS AND HEALTH

Information about the Australasian Centre for Human Rights and Health (ACHRH)

ACHRH was launched in September 2012.

ACHRH's vision is to create happy communities. Our mission is to build individual and community resilience through harmony in the home, positive mental health, and mutual cultural respect.

ACHRH primarily works with and provides services to immigrants from the Indian Subcontinent and South Asia. ACHRHR undertakes community research and runs targeted evidence-based programs designed to challenge entrenched cultural biases against women and girls. In addition, to its front-line work, ACHRHR is the only Australian based think tank which focuses on finding solutions to the problem of gender power imbalance, gender inequality, and domestic violence in the Indian and South Asian community. ACHRHR regularly makes submissions to influence government policy.

ACHRH supports migrant settlement into Australia through cultural awareness, understanding. Further the ACHRHR works to ensure that migrant communities have an appreciation of Australian mainstream cultural values. ACHRHR co-produces evidence-based knowledge in the form of interactive workshops, theatre and films to partner with communities to prevent and support early intervention in FV. ACHRHR commenced a campaign against dowry abuse in Australia in 2012. In 2015 ACHRHR made a submission to the Victoria Royal Commission into Family Violence. RCFV recommending that the definition of economic abuse under section 6 of the *Family Violence Protection Act 2008* (Vic) includes dowry related abuse, with inclusion in Victorian FVPA Act 2008 revision 2019. And successfully advocated for inclusion of dowry abuse in Federal Family Law Act.

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Submission to the Consultation on the Second Action Plan

National Plan to End Violence against Women and Children 2022–2032

Consultation focus	Item 5 — System integration and workforce
Submission focus	Closing policing and justice gaps experienced by migrant and refugee women
Submitted by	Australasian Centre for Human Rights and Health (ACHRH)
Date	24 July 2026

Central recommendation

The Second Action Plan should establish enforceable national minimum standards for policing, family-violence proceedings, family-law case management, legal assistance and expert evidence. These standards must recognise systems abuse as a continuation of coercive control and must be designed and measured through an intersectional, culturally safe and trauma- and violence-informed lens.

ACHRH consents to publication of this submission. The individual case materials informing its clinical observations are confidential and are not attached for publication.

Executive summary

Migrant and refugee women experiencing family violence often enter policing and justice systems with multiple, compounding disadvantages: limited English or unfamiliarity with legal processes; insecure visa status or threats about sponsorship; economic dependence and lower earnings; limited local family support; racism and cultural stereotyping; disability or trauma symptoms; and fear of community stigma. These are not peripheral “diversity” issues. They affect whether violence is recognised, whose account is believed, who is identified as the perpetrator, whether evidence is preserved, whether a woman can secure representation, and whether she can maintain safety and a relationship with her children.

ACHRH’s clinical, community and advocacy experience indicates a recurring pathway of secondary harm. A victim-survivor may not have her police account fully or accurately recorded, may not receive a copy or reference number, and may be misidentified as the predominant aggressor when she is distressed or has used defensive or resistive force. A better-resourced perpetrator may then use intervention-order and family-law proceedings strategically, repeatedly contest expert reports, delay disclosure or property settlement, and exploit the gap between state family-violence systems and the federal family-law jurisdiction. Under sustained pressure, trauma reactions may be reframed as evidence of instability or a personality disorder, while the pattern of coercive control and systems abuse is discounted.

These failures are mutually reinforcing. Poor police documentation weakens later court evidence. Weak legal representation leaves errors uncorrected. Delay intensifies financial dependence and mental distress. Separation from children may then be treated as evidence of dysregulation, rather than as a foreseeable consequence of coercive control and litigation. Item 5 of the consultation paper is the appropriate place for a coordinated national response because the problem is not confined to one profession or jurisdiction.

Priority actions at a glance

No	National action	What it must deliver
1	Police evidence standards	Record complete, interpreter-supported accounts and give victim-survivors a copy, receipt and correction pathway.

No	National action	What it must deliver
2	Predominant-aggressor safeguards	Mandate pattern-based assessment, specialist review and rapid correction of misidentification.
3	Independent oversight	Publish police-performance data and establish independent, victim-centred complaints and audit mechanisms.
4	Equal access to representation	Fund culturally safe legal assistance at a level that permits preparation and continuity, not only brief duty-lawyer contact.
5	Stop systems and litigation abuse	Give courts explicit powers, screening tools and case-management duties to identify and restrain abusive proceedings.
6	Prevent economic abuse through delay	Impose early disclosure, interim-property and timetable safeguards where family violence or financial control is alleged. Require courts to identify, disclose and trace gifts and property transferred in connection with a marriage, namely dowry intended for the wife
7	Protect children and maternal relationships	Assess coercive control and child manipulation without relying on unvalidated labels or rewarding unilateral disruption of care.
8	Improve expert evidence	Create accreditation, cultural-safety and trauma-informed standards for family report writers and mental health experts, labels of personality disorder. be viewed cautiously in the context of trauma such as FV.
9	Integrate systems safely	Enable consent-based information sharing, warm referrals and continuity across police, courts, health and specialist services.

No	National action	What it must deliver
10	Measure equity and outcomes	Report disaggregated outcomes, including misidentification, statement quality, legal representation, delay and child-contact disruption.

1. Why intersectionality must shape Item 5

An intersectional approach examines how gender inequality combines with migration status, race, language, class, disability, age, religion and caregiving responsibility. It does not assume that all migrant women have the same experience. It asks how institutions distribute credibility, protection, time and resources—and how seemingly neutral rules can produce unequal outcomes.

For example, a woman who communicates in a second language may appear hesitant or inconsistent during a crisis interview; a highly educated perpetrator may appear calm and credible; a woman without independent funds may attend court unrepresented; and trauma-related anger, panic or fragmented recall may be treated as unreliability. Visa threats, transnational financial arrangements, dowry-related abuse and pressure from extended family may be missed by systems designed around an incident-based, two-party model of violence.

The Second Action Plan should therefore treat cultural safety and intersectional competence as core justice capabilities, not optional awareness training. The test of Item 5 should be whether a victim-survivor receives an accurate, timely and coordinated response regardless of language, income, visa status or cultural background.

2. Gaps in policing and intervention-order responses

Incomplete statements and loss of evidence

Where an initial police account is abbreviated, taken without a qualified interpreter, framed around a single incident, or not provided back to the victim-survivor, later systems inherit an incomplete record. The woman may be unable to check errors, obtain advice or demonstrate a pattern of coercive control. Statements should record the history, context, fear, threats, financial and technology-facilitated abuse, harm to children, strangulation and separation-related escalation—not merely the most recent visible incident.

Misidentification of the victim-survivor

Misidentification can occur when police focus on the incident rather than the course of conduct; equate visible distress with aggression; fail to distinguish self-defence or violent resistance; or give greater credibility to the calmer, more fluent or socially powerful party. ANROWS has recommended tools that identify the person most in need of protection and co-responder models capable of distinguishing the predominant aggressor from a person using resistive violence.[1] Misidentification can trigger an IVO against the victim-survivor, weaken her position in parenting proceedings and deter future help-seeking.

Accountability and transparency

Recent Queensland developments illustrate why independent scrutiny matters. In July 2026, public reporting stated that a victim-survivor advisory report critical of police responses had not been released; the Queensland Government denied that it had blocked the report.[2] Separately, the Queensland Information Commissioner found that police systems and practices disclosed victim-survivors' addresses to perpetrators and that further harm occurred in some cases.[3] Whatever the political account of non-publication, national policy should require publication of systemic-review findings, implementation responses and outcome data, subject only to necessary privacy protections.

3. Inequality in court and legal representation

The formal availability of a court does not create equal access to justice. In family-violence and parenting proceedings, the perpetrator may retain senior counsel while the victim-survivor relies on an overstretched community legal centre, a duty lawyer with limited preparation time, or self-representation. Migrant women may also need advice across family law, migration law, criminal law, child protection and overseas property or dowry issues. Fragmented funding forces women to repeat traumatic histories and leaves no professional responsible for the whole legal strategy.

Intervention-order proceedings may be gamed through cross-applications, tactical adjournments, selective presentation of messages, pressure to consent without admissions, and use of procedural complexity to exhaust the other party. The Australian Government's 2025 response to the parliamentary Inquiry into Family Violence Orders acknowledged the need for reforms to eliminate opportunities for systems abuse across the family-law and state/territory family-violence-order systems.[4] The Second Action Plan should turn that acknowledgement into funded, time-bound implementation.

4. Family-law delay as post-separation coercive control

Post-separation abuse often moves into legal, administrative, financial and parenting systems. Delay in disclosure or property settlement can deny a woman housing, legal representation and the capacity to rebuild. Repeated applications, subpoenas, complaints and demands for new assessments can impose cost and psychological strain even when each step appears procedurally available. Court processes should examine cumulative purpose and effect, not only whether an individual filing is technically permissible.

The Family Law Amendment Act 2024, largely commencing in June 2025, strengthened recognition of economic and financial abuse, including dowry abuse, and clarified the relevance of family violence to property matters.[5] These reforms are important, but implementation must address delay, non-disclosure and litigation conduct. Without early interim relief, firm timetables and effective sanctions, a legal entitlement may arrive too late to protect safety or bargaining equality.

Parenting litigation can also become a vehicle for coercive control. Allegations that a mother is “alienating” children may obscure a child’s fear, a mother’s protective behaviour, the perpetrator’s undermining of the maternal relationship, or the effects of repeated litigation. Conversely, genuine harmful conduct by either parent must be assessed carefully. The required reform is not automatic acceptance of one parent’s narrative; it is a disciplined, evidence-based assessment of patterns, power, safety and the child’s experience.

5. Trauma, coercive control and misapplied mental-health labels

ACHRH’s de-identified clinical experience includes women whose marked distress, anger, suicidal thinking, rapid shifts in affect or desperate communications occurred during prolonged coercive control, financial pressure, repeated litigation and separation from children. In some cases, these state-dependent trauma responses were framed as Borderline Personality Disorder or enduring personality pathology without adequate longitudinal, developmental or cross-situational evidence.

A diagnosis should never be accepted or rejected merely because it helps one party’s legal case. The safeguard is rigorous clinical method. Courts and report writers should require a differential diagnosis that considers PTSD and complex trauma; the timing and context of symptoms; functioning outside the abusive relationship; cultural and language factors; collateral evidence; structured assessment where appropriate; and the possibility that litigation and child separation are maintaining distress. Emotional dysregulation during coercive control is not, by itself, proof of a personality disorder.

Mental-health evidence must also avoid a circular logic in which a mother's distress at losing contact is used to justify further loss of contact. Any restriction on a child's relationship with a parent should be necessary, proportionate, regularly reviewed and based on demonstrated risk. Treatment recommendations should support recovery and parenting capacity, not operate as indefinite gateways controlled by an opposing party.

6. Actions required in the Second Action Plan

1. Adopt national minimum standards for police intake, statements and evidence

Required outcome: Every victim-survivor can give a full, safe and usable account and can verify what police recorded.

- Offer a qualified, independent interpreter proactively; never rely on a partner, child or community member.
- Use a pattern-based statement template covering coercive control, threats, economic abuse, dowry abuse, technology-facilitated abuse, harm to children, immigration abuse and separation-related escalation.
- Provide the victim-survivor promptly with a copy of her statement or an accessible record, an incident/reference number, information about how to correct inaccuracies, and reasons when police decline to take action.
- Create secure processes to prevent disclosure of addresses and other protected information, with automated safeguards and mandatory breach notification.

2. Prevent and rapidly correct perpetrator misidentification

Required outcome: Police and courts identify the predominant aggressor and person most in need of protection by examining the pattern, context and impact of violence.

- Mandate a national predominant-aggressor decision tool and documentation of the reasoning used.
- Require specialist review before naming both parties as respondents or naming a person who reports victimisation as the respondent, wherever operationally possible.
- Create an urgent review and correction pathway so an erroneous designation does not contaminate bail, IVO, child-protection, migration or family-law decisions.
- Audit misidentification by gender, Indigenous status, country of birth, language, disability and visa vulnerability, with safeguards against harmful data use.

3. Create transparent, independent police accountability

Required outcome: Systemic policing failures are visible, investigated independently and followed by measurable reform.

- Establish or strengthen civilian, victim-centred oversight of police complaints concerning family violence.
- Require publication of systemic review reports, government responses, implementation milestones and overdue actions, with only necessary privacy redactions.
- Publish service-quality measures—not only incident volumes—including statement completion, interpreter use, copy provision, predominant-aggressor review, response delay, privacy breaches and victim-survivor satisfaction.
- Include migrant and refugee victim-survivors and specialist services in police governance, training design and audit review.

4. Guarantee culturally safe and adequately resourced legal assistance

Required outcome: A woman's safety and parenting outcomes do not depend on her ability to fund senior private counsel.

- Provide sustainable funding for specialist women's legal services, migrant and refugee women's services and community legal centres, indexed to demand and case complexity.
- Fund continuity of representation, interpreter time, evidence preparation, cross-jurisdictional advice and representation at contested IVO and urgent family-law hearings.
- Develop a national warm-referral pathway across family violence, family law, migration, criminal, child-protection, housing and financial counselling services.
- Create an exceptional-complexity fund where the opposing party's resources or litigation conduct creates substantial inequality of finances

5. Recognise and restrain systems abuse and litigation abuse

Required outcome: Courts identify when legal and administrative processes are being used to continue coercive control.

- Introduce a nationally consistent definition and screening framework for systems abuse, including repeated or strategic applications, cross-applications, subpoenas, complaints, adjournments and non-compliance intended to intimidate, impoverish or maintain contact.

- Require early judicial case management, consolidation of related proceedings where lawful, proportionate limits on repetitive filings, and written reasons when leave is granted for further substantially similar applications.
- Use costs, security-for-costs, conduct orders and referral powers carefully against proven abusive conduct, while preserving genuine access to protection and appeal.
- Train judicial officers, registrars, police, lawyers and report writers to distinguish persistent help-seeking from coercive litigation.

6. Prevent property and financial delay from becoming economic abuse

Required outcome: Victim-survivors have timely access to resources needed for safety, housing, representation and recovery.

- Set early mandatory disclosure and compliance timetables, supported by meaningful consequences for concealment or delay.
- Expand access to urgent interim property, litigation-funding and occupancy orders where violence or financial control creates hardship.
- Require courts to identify, disclose and trace gifts and property transferred in connection with a marriage—including dowry gifts given to the groom, in-laws plus those intended for the wife—and, where the property is legally hers or was intended for her beneficial ownership, order its prompt return or restoration after separation. This would give practical effect to the 2025 family-law reforms recognising dowry abuse as economic or financial abuse and its relevance to property settlement.
- Screen property matters for family violence and systems abuse at commencement and at key case-management points.
- Measure time to disclosure, interim relief and resolution in matters involving family violence, and report disparity by representation status.

7. Protect children from coercive control and relationship sabotage

Required outcome: Parenting decisions examine the child's safety and relationships in the context of the full pattern of family violence.

- Require assessment of coercive control, post-separation abuse, undermining of a parent-child relationship, exposure to extended-family pressure and the child's own experience.
- Do not rely on contested or unvalidated "parental alienation" concepts as a substitute for evidence about violence, toxic parenting behaviour and child safety.

- Pilot and evaluate independent child-advocate or specialist child-development support consistent with the 2024 parliamentary inquiry recommendation.

8. Regulate family-report and mental-health expert evidence

Required outcome: Expert evidence is trauma-informed, culturally safe, methodologically transparent and genuinely independent.

- Establish national accreditation and continuing professional development for family report writers and relevant mental-health experts in coercive control, cultural safety, migration-related abuse, trauma and systems abuse. In particular, the use of labels such as personality disorders in context of family violence be viewed cautiously.
- Require reports to state materials reviewed, time spent with each person, interpreter arrangements, limitations, competing hypotheses and the reasoning linking evidence to conclusions.
- Require robust differential diagnosis before personality-disorder labels influence parenting or credibility assessments.
- Permit a further expert report only where it addresses a material gap or changed circumstance, with active judicial control of duplication, delay and cost.

9. Build safe integration across police, courts, health and specialist services

Required outcome: Victim-survivors do not have to reconstruct their history repeatedly and risk does not disappear at jurisdictional boundaries.

- Create consent-based, privacy-protective referral and information-sharing protocols with clear role accountability.
- Use multidisciplinary co-response and high-risk case coordination, including specialist migrant women's expertise.
- Provide a named navigator for complex cases involving multiple legal systems, children, mental health, housing and migration.
- Ensure information sharing never automatically transfers an unreviewed perpetrator designation or disputed diagnosis across systems.

10. Make equity and implementation measurable

Required outcome: Governments can show whether reforms improve safety and justice for migrant and refugee women.

- Set national indicators and five-year targets for interpreter use, statement copy provision, misidentification review, legal representation, court delay, privacy protection, repeat proceedings and restoration of safe child contact.
- Collect data on country of birth, preferred language, interpreter need, disability and relevant visa vulnerability with informed safeguards and community governance.
- Commission independent mixed-method evaluations, including confidential lived-experience evidence and case-file audits.
- Publish annual jurisdictional progress and require corrective action where inequities persist.

7. Proposed implementation framework

Timeframe	Minimum deliverables
First 12 months	Agree national standards; establish lived-experience and migrant-specialist governance; define indicators; commence police statement and misidentification pilots; fund urgent legal-assistance uplift.
Years 1–2	Implement training, expert accreditation, independent complaints pathways, integrated navigation pilots, early property screening and litigation-abuse case management.
Years 2–3	Publish first disaggregated performance report; evaluate pilots; legislate or amend rules where administrative reform is insufficient.
Years 3–5	Scale effective models nationally; conduct independent outcome evaluation; publish unresolved gaps and commitments for the final phase of the National Plan.

8. Conclusion

The Second Action Plan should not ask migrant and refugee women to become more resilient to fragmented systems. It should require systems to become accurate, accessible, culturally safe and accountable. Police documentation, intervention-order practice, legal assistance, family-law case management, expert evidence, child-safety decision-making and mental-health responses must operate as one protective system rather than as separate sites in which coercive control can be reproduced.

ACHRH recommends that Item 5 include the ten actions above as funded, measurable national commitments. The central test is practical. It asks - after seeking help, is a woman safer, accurately heard, fairly represented in family law cases and able to recover from the trauma and protected from systems abuse by perpetrators —or has the system provided new tools through which abuse can continue?

Further information can be obtained from

[REDACTED]

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- [7] ANROWS. Australian National Research Agenda to End Violence against Women and Children 2023–2028 (workforce competency, justice responses and discrimination). <https://www.anrows.org.au/publication/australian-national-research-agenda-to-end-violence-against-women-and-children/anra-2023-2028/read/>
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