

30 July 2026

CSL# AKB:DLF:1921088

REF#

Cheney
Suthers

www.cheney-suthers.com.au

Cheney Suthers Lawyers

First Floor, 173 Lords Place, Orange
NSW 2800

34 Bank Street, Molong NSW 2866

PO Box 318 Orange NSW 2800

ABN 83 627 280 344

BY EMAIL ONLY

Department of Social Services

GPO Box 9820

SYDNEY NSW 2000

Dear Consultation Team

Consultation on the Second Action Plan (National Plan to End Violence against Women and Children 2022–2032)

We welcome the opportunity to contribute to the Second Action Plan under the National Plan to End Violence against Women and Children 2022–2032 (**National Plan**). In particular, we want to address a specific and urgent access-to-justice issue that sits squarely within the National Plan's justice-system pillar: the funding of Independent Children's Lawyers (**ICLs**) under the *Family Law Act 1975* (Cth) (the **Act**) in Commonwealth family law matters, and the compounding impact of Legal Aid NSW's withdrawal of funding for ICL matters from 1 January 2027.¹

Introduction to us

1. We are directors of Cheney Suthers Lawyers, a law firm in regional New South Wales, and have been appointed as Independent Children's Lawyers since 2020. We see, first-hand, the practical consequences when the child's independent voice in proceedings is under-resourced.

What is an Independent Children's Lawyer?

2. An ICL is appointed under section 68L of the Act and represents the best interests of the child/children in proceedings in the Federal Circuit and Family Court of Australia. The role of the ICL is provided at section 68LA of the Act. Since 2020, we have acted for children in matters involving allegations of family violence, child abuse and neglect, high conflict parenting disputes and cases involving serious mental illness and substance misuse. In the

¹ Legal Aid NSW, "Legal Aid NSW reduces family law services amid budget pressure" Media Release, 13 May 2026, <https://www.legalaid.nsw.gov.au/about-us/news/media-releases/2026-05-13-budget-and-family-law-changes-media-release>

period from 1 January 2020 to date, our firm alone has completed in excess of 2,670 hours of Legal Aid NSW funded work in this capacity. Had that work been completed on a private basis, the fees invoiced would be in excess of \$1.2 million across our firm. Instead, we have recovered costs of around \$223,000 from grants of aid from Legal Aid NSW.

OUR SUBMISSION

A. Why Independent Children's Lawyers matter to the National Plan

3. The Consultation Paper rightly identifies children and young people as victim-survivors in their own right (Priority Area 3) and highlights the need for response systems that are equipped to meet the specific rights and needs of young victim-survivors rather than treating children as secondary to a protective parent. In our experience, the ICL is one of the few mechanisms in the family law system built specifically to give effect to that principle.
4. An ICL is appointed by the Federal Circuit and Family Court of Australia under s 68L of the Act, most commonly where there are allegations of abuse, neglect or family violence, a high level of parental conflict, or complex issues affecting a child's welfare. On the Law Council of Australia's figures², more than 80 per cent of family law proceedings before the Court now involve an allegation of risk of family violence. In these matters, an ICL is frequently the only participant in the proceeding whose sole function is to represent the child's best interests, independently of either parent's position.
5. This work sits squarely within the evidence gaps the Consultation Paper itself identifies. The Paper notes that children's actions and distress can be misread as behavioural or mental health problems rather than as responses to violence, that rigid 'victim' or 'perpetrator' frameworks fail children exposed to coercive control, and that an adult-centric response system can be fragmented, inconsistent and crisis-driven. A properly resourced ICL is one of **the practical mechanisms available now**, within the existing legal architecture, to reduce those risks. ICLs form a view based on expert evidence (for example child experts such as psychologists, psychiatrists and paediatricians) and having liaised with schools, treating clinicians and ensure a child's views are put before the Court.

Family violence minimisation in the Courtroom in 2026

6. Our concern that funding is being cut is not just a theoretical one. In a matter observed by one of our practitioners last week (week beginning of 20 July 2026), in which both parties

² Law Council of Australia, "Inquiry into family violence orders" House of Representatives Standing Committee on Social Policy and Legal Affairs, 6 August 2024, page 11, <https://lawcouncil.au/publicassets/2da4c09d-965a-ef11-94a7-005056be13b5/4576%20-%20S%20-%20Inquiry%20into%20family%20violence%20orders.pdf>

were legally represented by private practitioners and an ICL appeared for the child, Counsel for the father submitted to the Court that a fifteen-year history of family violence should properly be characterised as "*marital disharmony*" rather than family violence. In stark contrast, in the expert evidence as well as the ICL's oral submission to the Court, the children shared with the expert and importantly, their ICL, their lived experience of the family violence and their anxiety and fear of the father.

7. That submission made by the father's Counsel is not supported by the settled authority of the Full Court of the Family Court of Australia or the Federal Circuit and Family Court of Australia. The Full Court has, over three decades, consistently rejected attempts to reframe sustained abusive conduct as ordinary relationship conflict, and has required Courts to engage seriously and specifically with allegations of family violence rather than discount them as background acrimony. The following authorities are directly relevant:
 - *Sedgley & Sedgley* [1995] FamCA 154
 - *Re Andrew* [1996] FamCA 43
 - *Hendy & Penningh* [2018] FamCAFC 257 at [13]
 - *Friseal & Friseal* [2025] FedCFamC1A 102
 - *Bustillo & Bustillo* [2024] FedCFamC1F 556 at [44]
 - *Lainhart & Ellinson* [2023] FedCFamC1A 200; (2023) FLC 94-166 at [29]
 8. The persistence of submissions of this kind, notwithstanding this line of authority, illustrates precisely why an independently funded, well-resourced ICL matters. An ICL who has the time and funding to properly review fifteen years of evidence, brief appropriate experts and make robust submissions grounded in the authorities above is one of the few safeguards against a Court being invited, however unsuccessfully, to minimise a sustained pattern of family violence. Where ICL funding is withdrawn, that safeguard is weakened at the exact moment the system can least afford it.
- A flawed assumption behind the Legal Aid NSW eligibility criteria*
9. There is a further problem with the design of the Legal Aid NSW funding cut, distinct from its overall inadequacy. Legal Aid NSW's ICL funding will remain available, from 1 January 2027, only where at least one party is self-represented; where both parties are legally represented, whether privately or otherwise, the ICL will not be funded.
 10. That criterion assumes, in substance, that where both parents can afford private representation, their children are correspondingly less likely to be exposed to family violence, neglect, substance misuse, or parental mental illness. **That assumption is not supported by the evidence and is contradicted by our own practice experience.**

11. The Australian Institute of Health and Welfare's³ research on family, domestic and sexual violence records that it **occurs across all socioeconomic and demographic groups, not only among households reliant on legal aid**. The same is true of the other risk factors an ICL is appointed to investigate: substance misuse, mental illness, and neglect are not confined to any income bracket. **A parent's or a child's capacity to fund legal representation is a measure of financial means. It is not a measure of a child's safety, and the two should not be conflated in setting eligibility for a child's independent representation.**

³ Australian Institute of Health and Welfare, *Family, Domestic and Sexual Violence Summary* (Web Page, last updated 23 April 2026) <https://www.aihw.gov.au/family-domestic-and-sexual-violence/resources/fdsv-summary>

Our case study: Claire's story

Ms Byrnes acted as the ICL in a matter involving a client the Sydney Morning Herald has since referred to, with her consent and under a pseudonym, as "Claire." The article can be found [here](#).

Claire's parents separated before her tenth birthday and she and her sister spent years in the middle of a protracted parenting dispute. Speaking to the Sydney Morning Herald in May 2026, now aged 19, Claire said that having an ICL "*literally changed the game*" for her and her sister. She described the early stages of the proceedings, before an ICL was appointed, as difficult for a child to navigate, and credited the ICL with helping her and her sister be heard by the court. As ICL, Ms Byrnes advocated successfully for parenting orders that reflected the outcome Claire and her sister wanted, bringing the litigation to an end.

We raise Claire's matter because it is, in our respectful submission, a representative rather than an exceptional example of the difference an ICL makes. The same article records prominent former family law judges warning that withdrawing ICLs from Final Hearings is a false economy that will add time and cost to cases and make it harder for the Court to hear the voice of the child. The article notes that the proportion of parenting cases before the Federal Circuit and Family Court involving allegations of family violence has risen from 80 per cent to 86 per cent over the past four years.

Claire's case shows what is at stake.

A child who, on her own account, would likely still be caught in litigation without independent representation. Under the changes Legal Aid NSW has now announced, a child in Claire's position reaching a Final Hearing after December 2026 would have no ICL unless a parent were self-represented (which actually means more work for the ICL to ensure the case is ready for the Court).

Source: Sydney Morning Herald, "*Claire had a 'voice' in her parents' court fight. Many kids will miss out*" Michaela Whitbourn, 22 May 2026, https://www.smh.com.au/national/nsw/claire-had-a-voice-in-her-parents-court-fight-many-kids-will-miss-out-20260518-p5zy2n.html?utm_source=smh-web&utm_medium=share_article&utm_campaign=national&utm_content=subscriber+webbasic&utm_term=product_feature

B. The funding crisis leaving NSW children defenceless

12. We are concerned that the Consultation Paper, while addressing workforce and system integration in general terms, does not engage with a funding crisis in the ICL program that is unfolding as this consultation takes place.
13. On 13 May 2026, following the Federal Budget, Legal Aid NSW announced significant reductions to the family law services it funds, citing unsustainable demand growth (family law advice services have grown by an estimated 30 per cent over three years) and inadequate funding under the National Access to Justice Partnership (**NAJP**). Relevantly to this submission:
- 13.1. From 1 July 2026, Legal Aid NSW funding for parenting and property proceedings is restricted to victim-survivors of domestic and family violence and Aboriginal and Torres Strait Islander people, narrowing eligibility for many other vulnerable families.
- 13.2. By 31 December 2026, Legal Aid NSW grants will no longer fund an ICL to appear at a Final Hearing unless at least one parent is self-represented, and ICLs will not appear in appeals, removing funded ICL involvement from a significant proportion of the matters in which ICLs are currently appointed, including cases where both parents have private representation.
14. These changes follow years of underfunding already documented by the profession.
15. The Mundy Review⁴, an independent, government-commissioned review of ICL and legal assistance funding, has found that **more than \$80 million per annum in additional Commonwealth funding is required simply to make the existing ICL program sustainable**, before accounting for the further cuts now being implemented by Legal Aid NSW. We refer to Recommendation 19 in the Mundy Review.
16. This is not a jurisdiction-specific or administrative issue. Legal Aid Commissions deliver the ICL Program nationally and NSW is the largest jurisdiction in the country. Reduced ICL funding in NSW will be felt directly by the children the Second Action Plan is designed to protect. The children whose safety is already in dispute before the Court and who will now be less likely to have an independent advocate present at the hearing that determines their care arrangements.

⁴ Australian Government, Attorney-General's Department, "Independent Review of the National Legal Assistance Partnership 2020-2025," 28 May 2024, Dr Warren Mundy, <https://www.ag.gov.au/legal-system/publications/independent-review-national-legal-assistance-partnership-2020-25>

Redirect funding from 102NA scheme to a Commonwealth ICL program

17. We submit the Commonwealth should reconsider its ongoing funding of the Family Violence and Cross-Examination of Parties Scheme, which gives effect to section 102NA of the Act and redirect that funding to the ICL program.
18. Section 102NA prohibits personal cross-examination by a party where there are allegations of family violence and requires cross-examination to instead be conducted by a legal practitioner. The Commonwealth funds legal representation for this purpose through state and territory Legal Aid commissions and grants under the scheme are not subject to the ordinary means or merits tests that apply to other legal aid funding. The protection is engaged by an allegation of family violence, not a finding, and it applies equally to the alleged perpetrator as the examining party and to the alleged victim as the witness party.
19. We recognise the protective purpose behind section 102NA. Our concern is with the current funding model, not the underlying safeguard. In practice, the scheme also provides fully funded legal representation, regardless of means, to a party alleged to have perpetrated family violence, at the point where that party is seeking to test the evidence of the person alleging the violence.
20. Family law commentators have separately observed that the scheme can extend legal assistance to parties who would not otherwise qualify for legal aid, including in circumstances where the protected status of the examining party makes it more difficult for a court to draw adverse conclusions from their evidence.
21. Sydney family law barrister Esther Lawson has publicly illustrated the imbalance this creates because the section 102NA scheme is not means-tested, a financially comfortable, self-represented father accused of family violence can trigger Commonwealth-funded legal representation to conduct his cross-examination, while, under the same budget settings, his own children may have no ICL at all to advocate for their interests at final hearing. We agree this outcome is difficult to justify and should inform the Commonwealth's reconsideration of the scheme.
22. In our respectful submission, Commonwealth funding is better directed toward the independent representation of children, **who have no capacity to retain their own lawyer and no alternative source of representation**, than toward funding a party who is the subject of family violence allegations. We recommend the Commonwealth wind back funding under the Commonwealth 102NA scheme, restrict any continuing funding to cases where a means test is satisfied, and reallocate the savings to the ICL program.

Strengthen Legal Aid NSW's cost recovery and debt collection focus and capability

23. A further, complementary source of funding is available within Legal Aid NSW's existing recovery mechanisms.
24. We submit these should be more rigorously applied before any further reduction in services is contemplated. Legal Aid NSW already has the statutory tools to recover a meaningful proportion of what it spends through a statutory charge and contribution determination under sections 45 and 46 of the *Legal Aid Commission Act 1979* (NSW), power to secure a charge over real property under section 34B, and the ability to direct a client to assign to Legal Aid NSW the right to recover costs where a costs order is made in that client's favour.
25. Legal Aid NSW should be thinking like a commercial law firm with cost recoveries as a primary focus.
26. In our experience, recovery under these provisions is not always pursued as consistently or as promptly as it could and should be.
27. Initial contributions in family law matters have not been reviewed in line with the real cost of running a modern family law matter, particularly given the significant volume of material now generated in electronic Court books and the increased length of contested Final Hearings.
28. We submit that better resourcing of costs recovery and a review of contribution levels, could meaningfully increase the funds available to Legal Aid NSW without any additional call on the Commonwealth.
29. We recommend Legal Aid NSW be resourced to pursue costs order recovery and statutory charge recovery more rigorously and consistently across all panel and in-house matters, that initial and ongoing contribution levels be reviewed and increased where they no longer reflect the real cost of legal services and that any additional funds recovered as a result be directed to the ICL program in the first instance.
30. We also note, from our own practice, that this funding pressure is not new. ICL grants typically cover a fixed and limited number of hours at rates well below private practice (in some cases resulting in an effective hourly return below the minimum wage once practice overheads are taken into account).

31. The 2024 reforms require that ICLs meet with children (which we were already doing in any event) without a corresponding increase in funding. The further restrictions now announced by Legal Aid NSW compound a position that many ICL practitioners already regarded as unsustainable.

Create a structured hybrid scheme for privately funded ICLs to take pressure off the publicly funded ICL scheme

32. Courts already have power to treat an ICL as unfunded and to order the parties to contribute to the ICL's costs, and in practice already do so in some matters where Legal Aid declines or only partly funds the appointment.

33. With Legal Aid NSW ceasing to fund ICL matters from 1 January 2027, that ad hoc, case-by-case practice will need to become the default response in a far greater number of matters.

34. We submits that, rather than leaving this to be resolved afresh in each case, the Commonwealth should work with the states and territories to establish a structured, rules-based scheme for privately funded ICLs, so that private funding does not compromise, or appear to compromise, the ICL's independence.

35. We propose the following core design elements:

35.1. The Court retains sole control over selection and appointment of the ICL from an accredited panel. Parties have no role in choosing or instructing the ICL, consistent with the ICL's existing duty to act independently of both parties.

35.2. A fixed, published fee scale applies to privately funded ICL matters, set by reference to the existing Legal Aid ICL fee scale. No party may pay an ICL above that scale, so that a financially stronger party cannot obtain, or be perceived to obtain, greater access to or favour with the ICL.

35.3. Funds are paid in advance into a solicitor's trust account administered independently of both parties, from which the ICL draws down as work is performed and invoiced, so the ICL is never chasing payment directly from a parent during the currency of the matter.

35.4. The Court orders the contribution split by reference to the parties' comparative financial capacity (as demonstrated in sealed Financial Statements filed with the Court), rather than an automatic equal split, consistent with the approach Courts already take when assessing hardship in ICL costs applications.

- 35.5. An ICL appointed under the scheme cannot be discharged or removed at the request of a paying party without leave of the Court and remains bound by the National Legal Aid Guidelines for Independent Children's Lawyers regardless of funding source.
36. Finally, the scheme needs a safety net for the party, commonly a victim of family violence, who cannot pay their share without hardship. Rather than that share being written off or the ICL's overall resourcing being reduced, we submit it should be met from a Commonwealth-funded ICL guarantee mechanism, resourced from the redirected section 102NA savings and improved Legal Aid NSW cost recovery addressed above, with that party's share recoverable later through a statutory charge against any property settlement, consistent with the existing Legal Aid statutory charge model. This ensures the fund is progressively replenished and that the burden of funding an ICL does not fall disproportionately on a parent who has experienced family violence (we submit the 102NA scheme does this unfairly).
37. Formalising private ICL funding in this way would preserve independent representation for children in matters that Legal Aid NSW will no longer fund, protect the ICL's actual and perceived independence from either party and ensure the cost of that protection does not fall unfairly on the parent least able to bear it.
38. It is also worth recording what the realistic alternative costs are. Former Family Court Judge Garry Foster, who sat in Parramatta for eight years, has observed that without an ICL, courts fall back on court-ordered family reports, which he described as often fairly perfunctory, or on single expert reports from clinical psychologists or psychiatrists, which he noted can cost between \$10,000 and \$25,000 and take six to twelve months to prepare. A properly funded ICL, whether through Legal Aid or the structured private scheme proposed above, compares favourably with that alternative on both cost and timeliness.

C. Answered questions by the NSW Attorney-General, Michael Daley

39. On 23 June 2026, our State Member, Phil Donato asked our questions in NSW Parliament to the NSW Attorney-General, Michael Daley raising the following questions concerning the funding and sustainability of the ICL Program. Answers were published on 28 July 2026⁵:

Question:

⁵Parliament of New South Wales, Parliamentary Business, Questions and Answers Paper No. 171, <https://www.parliament.nsw.gov.au/parliamentary-business/questions-answers-tracking-details?id=108640&ref=20109>

- (1) Does the NSW Government recognise the loss of children's independent representation as a child safety issue, not merely a funding issue?
- (a) If so, will the government provide the funding needed to maintain Independent Children Lawyers (ICL) involvement throughout family law proceedings, rather than leaving children without an independent voice in high-risk matters while awaiting additional Commonwealth funding?

Answer:

I am advised:

The Federal Government holds responsibility for funding Legal Aid NSW services in Commonwealth family law matters, through the National Access to Justice Partnership 2025-30 (NAJP). Funding services in the Commonwealth jurisdiction is a Commonwealth responsibility.

Question:

Legal Aid NSW has confirmed that Independent Children's Lawyers (ICLs) will no longer be funded for final hearings where both parents have private legal representation and given the findings of the Mundy Review.

- (1) Will the Government provide urgent state funding to ensure children retain independent representation at all stages of family law proceedings, including final hearings, where Commonwealth funding has fallen short?

Answer:

I am advised:

The Federal Government holds responsibility for funding Legal Aid NSW services in Commonwealth family law matters, through the National Access to Justice Partnership 2025-30 (NAJP). The NSW Government is not responsible for funding services in the Commonwealth jurisdiction.

Question:

- (1) Has Legal Aid NSW reduced funding for Independent Children's Lawyers (ICLs) in final hearings where both parents have private representation,

(a) If so, how will the Government ensure vulnerable children retain an independent voice when critical parenting and safety orders are being determined?

(2) Has Commonwealth funding changes reduced ICL participation and threatening the sustainability of the ICL panel, particularly in regional New South Wales?

(a) If so, what is the Government doing to increase remuneration for solicitors and barristers to adequately fund them to undertake critically important ICL work?

Answer:

I am advised:

From 1 January 2027, Legal Aid NSW will implement new funding restrictions for Independent Children's Lawyers (ICLs). Funding of ICLs for final hearings will be available to cases where at least one party is self-represented, and funding will no longer be provided for appeal proceedings. Legal Aid NSW advises that these measures are necessary due to unprecedented demand for family law services.

The Federal Government is responsible for funding Legal Aid NSW services in Commonwealth family law matters, including ICL representation, through the NAJP. The NSW Government is not responsible for funding Legal Aid services in the Commonwealth jurisdiction.

40. We raise these answered questions in this submission because they go directly to the priority areas on which the Second Action Plan is now consulting, in particular Priority Area 3 (Children and young people in their own right) and Priority Area 5 (System Integration and Workforce).

41. We respectfully submit that this pattern of response, three near-identical answers confined to jurisdictional demarcation, is inadequate to the seriousness of the issue, and reflects precisely the kind of intergovernmental buck-passing this Second Action Plan should be designed to prevent. A State government that will not say whether it regards children being left without independent representation in family violence matters as a child safety issue has, in our respectful submission, answered the question by declining to answer it.

D. Response to the Consultation Paper's priority areas

42. We set out below our response to some of the specific questions posed for consultation under each of the five priority areas.

Priority Area 1: Victim-survivors

What service or system responses would make the biggest difference to victim-survivors' safety, wellbeing, healing and recovery?

43. For the many children who are victim-survivors in family law proceedings, a properly funded and consistently available ICL is one of the most direct system responses available. The ICL is often the only participant whose role is to ensure the child's safety information reaches the court, to coordinate with family violence and treating services, and to advocate for protective parenting orders. Preserving that role throughout proceedings, not only up to a certain procedural stage, would make a material and immediate difference to safety, wellbeing and recovery outcomes for these children.

What helps people access support earlier, and what barriers prevent people from seeking help or engaging with systems and services?

44. In our experience, the relationship a child builds with their ICL is frequently the first relationship in the proceedings built on trust and independence from either parent and it can open the door to earlier engagement with counselling, school-based supports and family violence services.

45. The principal barriers we see are delays in ICL appointment and increasingly, uncertainty about whether an ICL will remain funded to the end of a matter at all. This affects the quality and continuity of the relationship a child can rely on.

What current or emerging issues should the Second Action Plan address, including in relation to coercive control and technology-facilitated abuse?

46. We are increasingly seeing coercive control and technology-facilitated abuse arise as issues directly affecting children in our matters. For example, covert monitoring of a child's devices (smart watches, iPads, iTags on schoolbags) and the use of litigation itself as a tool of ongoing control. Identifying and evidencing this behaviour on behalf of a child requires time, specialist training and at times, expert or forensic evidence that is not contemplated by current ICL grant funding.

What gaps remain in addressing the needs of diverse communities, including Aboriginal and Torres Strait Islander people?

47. Shrinking ICL panels and the reduced remuneration now on offer, fall hardest on regional and remote communities, where fewer practitioners are willing or able to absorb the cost of the work. This disproportionately affects Aboriginal and Torres Strait Islander families and other regional communities, who already face the system failures the Consultation Paper documents elsewhere in relation to policing and justice responses.
48. Sustaining a viable, adequately remunerated regional ICL panel, the subject of one of the inadequately answered questions we put to the NSW Attorney-General, is a necessary, practical step toward closing this gap.

Priority Area 2: Prevention and early intervention

What would make the biggest difference in preventing and ultimately ending violence?

49. Within the family law system specifically, early and well-resourced legal intervention at the point a family dispute escalates can prevent further harm to children. In our experience, an ICL engaged early in a matter can identify risk before it escalates and as former judges have observed publicly, can broker settlement outcomes that reduce a child's prolonged exposure to conflict and litigation.

What prevention and early intervention approaches appear most promising or effective, and what is needed to strengthen or expand them?

50. ICL-facilitated negotiation, informed by the child's views and independent assessment of their best interests, is one of the more promising early intervention approaches within the current system but it depends on the ICL being funded and available well before a final hearing and being funded to do that work properly.

What emerging issues should the Second Action Plan address in relation to primary prevention and early intervention?

51. We are concerned that removing ICLs from final hearings, as Legal Aid NSW now proposes, removes the professional most likely to broker early or negotiated resolution and is therefore likely to work against prevention and early intervention goals by prolonging, rather than shortening, children's exposure to conflict.

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

What would make the biggest difference to improving safety, recovery and wellbeing outcomes for children and young people affected by this violence?

52. Guaranteed, funded ICL representation throughout a family law matter, not contingent on whether a parent happens to be self-represented, would make a direct and measurable

difference. Claire's story illustrates what that representation can achieve for a child's safety and recovery and what is put at risk when it is withdrawn.

How can children and young people be meaningfully involved in shaping the policies, programs and services that affect them?

53. The ICL model itself demonstrates the value of giving a child a dedicated, independent advocate whose only role is to ensure their voice is heard. Claire's willingness to speak publicly, with appropriate anonymity, about her own experience is an example of a young person directly shaping public understanding of this system. We recommend the Second Action Plan support formal, consent-based mechanisms for young people with experience of the family law and ICL systems to inform policy design, building on examples such as this.

Priority Area 4: People who use violence

What would make the biggest difference in preventing and responding earlier to the use of violence?

54. ICLs are frequently among the first professionals to identify an escalating pattern of risk in a family law matter, including patterns not yet apparent to either parent's own lawyers. Ensuring ICLs are funded and available early in a matter allows that risk to trigger an earlier court and referral response, rather than only becoming apparent at a final hearing that may now, under the Legal Aid NSW changes, occur without an ICL present at all.

Priority Area 5: System Integration and Workforce

What would make the biggest difference in creating a more coordinated and connected system response for people affected by violence against women and children and other forms of gender-based violence and people using violence? What workforce capabilities, supports, or conditions are most needed to strengthen prevention, early intervention, response and recovery?

55. Adequate remuneration and a sustainable, adequately sized ICL panel are the workforce conditions most urgently needed. Without these, experienced practitioners will continue to leave ICL work, as we have already seen among colleagues in regional New South Wales.

E. Summary of our Recommendations for the Second Action Plan

56. We have detailed our recommendations in this submission. Our recommendations are summarised as follows:

- 56.1. Redirect funding from 102NA scheme to a Commonwealth ICL program;
- 56.2. Strengthen Legal Aid NSW's cost recovery and debt collection focus and capability;

56.3. Create a structured hybrid scheme for privately funded ICLs to take pressure off the publicly funded ICL scheme.

F. Conclusion

57. We support a Second Action Plan that treats the family law justice system and the Independent Children's Lawyer program specifically, as integral to ending violence against women and children, not as a discretionary line item.

58. We welcome the opportunity to provide further detail or to appear at a public hearing or webinar to expand on this submission.

Yours faithfully,

[Redacted signature block]

[Redacted signature block]