

Submission to inform the development of the Second Action Plan (National Plan to End Violence against Women and Children 2022–2032)

The Federal Government has a responsibility to act to ensure all people can live free from the threat or experience of domestic, family, and sexual violence, and other forms of abuse.

7 August 2025

Acknowledgement of Country

Community Legal Centres Australia recognises that the land we work, live, and learn on is unceded Aboriginal land. Our office stands on Gadigal Land. We acknowledge Elders, both past and present. We acknowledge the First Nations workers in our sector across a great many Aboriginal lands on this continent and its surrounding islands, and we thank them for their generosity and persistence in supporting our sector to always be on a journey of learning and growth.



About us

Community legal centres help hundreds of thousands of people each year to resolve the legal, social, health, financial and other related problems making their lives harder. Our clients are people experiencing financial hardship, domestic and family violence, and other forms of disadvantage and marginalisation. People trust their community legal centre to support them early, before legal problems snowball to crisis point. We deliver high-quality, rights-based, integrated services. We learn from clients' experiences to understand how laws and legal systems need to be changed and then we advocate for those changes.

Community Legal Centres Australia is the national representative voice for the community legal sector. Our members are the eight state and territory community legal sector peak bodies. Together, we represent over 150 community legal centres (including 13 Women's Legal Services), 11 Family Violence Prevention and Legal Services, and two Aboriginal and Torres Strait Islander Legal Services.

Our Vision for Justice

Community Legal Centres Australia's *Vision for Justice* sets out the common systemic barriers our sector sees preventing the people and communities we work with from accessing justice. Against these barriers, we set out our vision for how things could look if governments and communities worked together to remove them. It will take many years of work to achieve our Vision for Justice: a society in which everyone is treated fairly, and can access justice regardless of income, race, gender, disability, or any other systemic barrier. As a first step, we have identified some *Actions for the 48th Parliament of Australia* that will bring communities closer to achieving this vision.

About this submission

This submission draws on our Vision for Justice and Actions for the 48th Parliament of Australia, as well as targeted consultations with member centres on specific topics. It also draws on a report due for release in the second half of 2026 about our sector's prevention and early intervention work and its work with people who use violence. It focuses on the integral role all community legal centres play in preventing and responding to domestic and family violence.

We endorse submissions made by specialist peaks representing our sector including Women's Legal Services Australia, First Nations Advocates against violence, and Economic Justice Australia. To avoid covering the same ground, this submission largely focusses on the contributions and needs of generalist or place-based community legal centres.

Thank you for taking the time to consider our submission. If you need further information, please contact 

Contents

Acknowledgement of Country	2
About us	2
Contents	3
Executive summary	4
Summary of recommendations	8
1. Community legal centres' work to support justice and safety for victim-survivors of violence	11
1.1 Community legal centres are a cornerstone of Australia's frontline domestic and family violence service system.	11
1.2 Community legal centres prioritise integrated practice and trauma-informed, culturally safe service delivery	12
1.3 The Federal Government's work to fund community legal centres to meet the needs of victim-survivors of violence is not done.	15
Community legal centres turn away thousands of victim survivors each year.	15
Investment in community legal centres delivers system-wide benefits.	17
Funding shortages are most acute in regional and remote communities.	18
2. Prevention and early intervention	20
2.1 Community education and community legal education	21
3. Community legal centres' work with people who use violence	26
4. Children and young people in their own right	30
5. Community legal sector workforce	34
6. Wider reforms to reduce domestic and family violence	37
6.1 Addressing barriers to justice in the Family Court	37
6.2 Additional actions the 48 th Parliament should take to address domestic, family and sexual violence	39
Restorative justice	39
Closing the Gap	42
Social security.....	46

Executive summary

Community legal centres are integral to domestic and family violence prevention and responses.

Legal assistance is critical to domestic and family violence prevention and response. Community legal centres' work in this space is integrated into the broader domestic and family violence service system and exemplifies best practice. Centres are embedded in the communities they serve and develop innovative, tailored, locally appropriate programs that effectively combat the drivers of violence, respond where harm has already occurred, and reduce the risks of future harm.

Community legal centres are experts at supporting victim-survivors to untangle the intersecting legal, financial, health and social problems in their lives that have been caused or made worse by domestic and family violence. Almost half of our sector's frontline work is supporting victim-survivors. This jumps to 75% in rural, remote and very remote communities, where rates of domestic and family violence can be higher, and access to services more limited.

Our integrated service model ensures access for victim-survivors and their families to a range of allied professional supports. In 2023-24, 82% of centres employed allied professionals including social workers, educators, community development and Aboriginal community engagement workers; 41% partnered with a domestic and family violence service, and 26% with a hospital or health service to reach victim-survivors of domestic and family violence early.

Government must build on recent investment to secure and expand legal supports for victim-survivors.

Like much of our sector's work, community legal centres work to prevent and respond to domestic and family violence is under-funded. Chronic under-funding and high and growing unmet legal need, force the sector to turn away hundreds of thousands of people a year. In 2023-24, community legal centres turned away almost 400,000 people. This figure included 3,000 victim-survivors of domestic and family violence each week.

At the same time, the sector's community education and prevention programs rely on piecemeal, short-term funding centres cobbled together from a range of sources. Sometimes funding contracts don't include sufficient funding for independent evaluation. Even where they do, programs are often defunded after an initial pilot phase despite excellent evaluation outcomes.

The government's modest increase in legal assistance funding delivered through the National Access to Justice Partnership Agreement 2025-30 (NAJP) was a welcome first step in improving access to justice for victim-survivors of domestic and family violence and addressing its root causes. However, the uplift has not benefitted the different parts of the community legal sector

equally. Our sector's ability to do effective domestic and family violence work relies on the entire sector – place-based, generalist centres, specialist Women's Legal Services and other specialist centres – working together. Government decisions that pit different centres against one another, or require them to compete for funding, undermine our ability to provide the best possible supports to our communities.

We need long-term investment in community legal centres' primary prevention programs.

Community legal centres' service model and values are grounded in the principle that prevention is better than cure. Community legal education (CLE) has been integral to our services since the first centres emerged over 50 years ago. Our CLE programs aim to empower people and communities to understand their legal rights and remedies, identify and resolve problems early, and prevent them from escalating. They reach over 160,000 people a year. Many focus on laws and legal problems related to domestic and family violence, including family law (parenting and property matters), civil domestic and family violence orders, financial and elder abuse, consent laws and coercive control, and child protection.

Increasingly, community legal centres are delivering community education (CE) programs that go beyond providing legal information and advice and instead aim to challenge the ingrained societal attitudes that enable and excuse violence. Too often, however, the long-term efficacy of these programs is limited by short-term funding contracts, which are not renewed despite promising evaluation findings and the long timeframes required to change deeply ingrained societal attitudes and norms.

Some community legal centres work with people who use violence to reduce future risk and systems abuse.

Trauma-informed services for victim survivors have long been – and will remain – business as usual for community legal centres. However, effectively addressing the crisis in domestic and family violence requires a multi-pronged approach. This includes holistic, trauma-informed legal and allied supports for victim-survivors, and community wide prevention and education programs to shift deep-seated attitudes and behaviours that enable and excuse domestic and family violence. It also includes work to support rehabilitation, accountability and behaviour change for people who have caused harm.

Some community legal centres provide legal or allied professional services to people who have used violence. This includes centres that specialise in working with criminalised women, older people, people with disability, children and young people, and First Nations people, all of whom experience domestic and family violence in unique ways, and require tailored, trauma-informed, culturally appropriate responses.

For some centres, working with people who have used violence looks like providing legal support to respondents to civil domestic and family violence orders to reduce the risk of breaches and systems abuse. For others, it encompasses the development of specialised, targeted programs to reduce people's risk of causing future harm.

Community legal centres who work with people who have used violence are acutely aware of the risks of systems abuse (across legal and other systems) faced by victim-survivors. They do this work with an explicit aim of improving safety for victim-survivors during legal proceedings, and to support accountability and behaviour change for people who have used violence, to reduce the risk of future harm.

Community Legal Centres Australia is currently working on a comprehensive report to document the best practice work community legal centres are doing with people who use violence. The report and recommendations will be available at the end of August 2026.

Children and young people need specialist legal help.

Within the community legal centres movement there are several national and state-based specialist youth legal services. In addition, several place-based, ‘generalist’ services run specialist youth practices, including duty lawyer services, and school lawyer programs. These services and programs work with young victim-survivors, as well as young people who have used violence.

These centres report that children and young people face unique barriers to accessing support, particularly legal support. These barriers often relate to compounding complexities associated with mandatory reporting, parental involvement and family relationships, and limits placed by schools on the kinds of information and services that centres can provide to different age groups. Such barriers contribute to people aged under 18 being an underserved group.

To address these barriers, some community legal centres are partnering with schools, to establish school lawyer programs, and to deliver education programs to young people, particularly relating to healthy relationships and consent. Centres report that young people feel safer disclosing experiences with violence when other supports, like safety planning or ongoing casework, are also available.

Acute workforce challenges risk our sector’s domestic and family violence work.

Community legal centres, particularly those located in regional and remote communities, are facing an acute workforce crisis. Community Legal Centres Australia’s recent National Workforce Demographic Snapshot revealed that our legal workforce is most at risk, with lawyers in our sector most likely to be young, and to leave the sector after a few years due to poor pay and limited career pathways. Centres in regional and remote communities report particular challenges recruiting senior family lawyers capable of taking on complex matters, including those involving domestic family violence, and supervising junior lawyers.

Governments must ensure that funding for community-based legal assistance providers supports equitable wages and conditions across the legal assistance sector. It must also ensure that the national legal assistance strategy currently being drafted under the National Access to Justice Partnership adequately addresses the specific challenges faced by providers operating in regional and remote communities.

Governments must pursue wider reforms to reduce domestic and family violence.

Despite recent, positive law reform, the family law system continues to be too easily weaponised by people who perpetrate domestic and family violence, and to enable ongoing systems abuse of victim-survivors. Chronic under-resourcing of the Federal Circuit and Family Court of Australia continues to cause significant delays and backlogs, and under-investment in training for family law practitioners related to domestic and family violence and trauma-informed practice. These shortcomings enable victims-survivors to become trapped in harmful legal proceedings for years. Community Legal Centres Australia endorses submissions and recommendations for family law reforms to improve safety for victim-survivors made by Women's Legal Services Australia and First Nations Advocates Against Family Violence.

Beyond the family law system, Community Legal Centres Australia's *Vision for Justice* and *Actions for the 48th Parliament* advocate for wider policy reforms, many of which will help to address the root causes and impacts of violence against women and children.

Recommendations include several in relation to access to restorative justice for victim-survivors of sexual violence, Closing the Gap targets, supports for women in and leaving prison, and safety for migrant women experiencing violence. We encourage the Federal Government to consider these recommendations as it develops the second national action plan.

Summary of recommendations

1. Urgently reduce the number of victims-survivors turned away from community legal centres by investing an extra \$95 million per year, from 2026-27. Funding should flow to all community legal centres that support victim-survivors of domestic and family violence.

Community Legal Centres Australia also endorses targeted funding recommendations made by specialist Women's Legal Services, First Nations Advocates Against Family Violence and National Aboriginal and Torres Strait Islander Legal Services.

2. Start work towards a whole-of-government approach to resourcing for legal assistance, including assessing the benefits and cost savings that legal assistance delivers across all portfolio areas.

Begin by requiring the Departments of Health and Social Services to participate in the mid-point review of the National Access to Justice Partnership agreement. Assess department priorities and desired outcomes to identify opportunities where modest targeted investments in community-based legal assistance would deliver significant benefits. Starting with the Department of Social Services, deliver these investments.

3. Use findings from the 2023-24 mid-point review of the National Legal Assistance Partnership agreement to drive supplementary research into the true cost of delivering services in regional and remote communities. Ensure models for funding community legal centres under the next national partnership agreement (to begin in 2030) are informed by this research and are targeted to reduce geographic gaps in access to justice.
4. Increase resourcing for community legal centres to deliver community-based preventative approaches including community legal education on identifying violence and unsafe relationships.
5. Increase resourcing for community legal centres to deliver case management programs for people who use violence, to support rehabilitation and accountability, and to reduce domestic, sexual and family violence.
6. Consider and implement the detailed recommendations included in Community Legal Centres Australia's comprehensive report on community legal centres work to prevent domestic and family violence and with people who use violence, due for publication in the second half of 2026.
7. Invest an extra \$72 million a year from 2027-28 (indexed at 4.6% per year over the forward estimates) to increase the wages of workers at community-based legal assistance providers towards parity with workers in equivalent roles at Legal Aid Commissions.
8. Ensure the workforce strategy developed under the National Access to Justice Partnership responds fully to the needs, experiences and challenges of regional and remote communities and the services that support them.

9. Increase investment in the family law system to improve outcomes for people experiencing domestic family and sexual violence. This should include:
 - Increased resourcing for the Family Court of Australia to address backlogs, implement trauma-informed processes, and improve cultural safety for Aboriginal and Torres Strait Islander people
 - Providing regular training to ensure all family law professionals are family violence and trauma-informed, culturally safe, child-rights focussed, and disability and LGBTIQ+ aware. Training should be delivered, developed, and regularly evaluated by subject-matter and lived experience experts.
10. Provide a targeted investment of \$15.8 million per year through the NAJP to enable community legal centres in regional and remote communities to increase advice and representation services to women involved in Family Court proceedings.
11. Take a leadership role in developing key principles to support the development (or amendment) of legislation in every jurisdiction to provide a strong framework for restorative justice and ensure that people who have experienced sexual violence are not disadvantaged in their experience of accessing justice based on where they live.
12. Ensure all victim-survivors of sexual violence have access to legal assistance to navigate the criminal legal system and other processes such as restorative justice and seeking redress.
13. Provide resourcing to support:
 - Independent expert organisations that are already successfully delivering community-based restorative justice processes to consult and develop national guidelines for restorative justice
 - Community-based restorative justice providers to deliver restorative justice
 - Wrap-around support to ensure equitable, safe access to restorative justice for people who have experienced harm, regardless of income.
 - Mental health, legal, behaviour change and other therapeutic programs for people who have caused harm.
14. Work with state and territory governments and the Aboriginal community-controlled sector to assess and reform all jurisdictions' Working With Children Check, Blue Card or equivalent systems to improve cultural appropriateness and ensure Aboriginal and Torres Strait Islander people aren't unjustly prevented from becoming kinship carers. Develop culturally appropriate frameworks for assessing actual risk to children, which consider the context of any existing or historical criminal records. Incorporate First Nations-determined protective measures to keep children safe from all forms of harm.
15. Set a nationally consistent minimum age of criminal responsibility that is at least 14 years of age.

16. Work with state and territory governments and the Aboriginal and Torres Strait Islander community-controlled sector to develop a national framework to support Aboriginal and Torres Strait Islander women in and leaving prison, which includes:
 - Supporting women to maintain contact with their children while in custody
 - Ensuring support for women ahead of release from prison to access ID, and to arrange income, a safe place to live, and access to health services.
 - Implementing clear and consistent rules of access to prisons for organisations delivering critical services, including legal assistance. This includes facilitating continuity of casework support for people leading up to, and following, release.
17. Increase the base rate of JobSeeker, Youth Allowance, Austudy, Abstudy, Special Benefit and Parenting Payment to at least \$82 per day (\$574 per week).
18. Implement the Robodebt Royal Commission's call for increased resourcing for free legal services by investing an additional \$5 million per year in Department of Social Services funding for specialist social security legal services, starting from 2026-27.

1. Community legal centres' work to support justice and safety for victim-survivors of violence

1.1 Community legal centres are a cornerstone of Australia's frontline domestic and family violence service system.

Community legal centres play a critical role in responding to domestic and family violence by providing frontline legal and wraparound help to victim-survivors. Domestic and family violence services make up the biggest area of work for our sector nationally.

Of the 150+ community legal centres in our membership,¹ 93% provide services to victims-survivors of domestic and family violence for legal problems directly related to their experience of violence like parenting arrangements and property settlements (family law), family violence orders, child protection, and victims of crime compensation. For community legal centres in regional and remote communities, this figure rises to 98%, and for all generalist, place-based community legal centres, to 100%.²

Community legal centres that don't provide direct services for family violence-related legal problems – like specialist tenancy, social security, and credit and debt services – are also crucial parts of the network of supports on which victims-survivors rely. Victims-survivors' legal problems in these areas are often connected to their experiences of abuse, and support to resolve them can be vital for safety and justice.

Sector data shows that nationally, 40-50% of all people community legal centres support disclose that they are impacted by domestic and family violence.³ This is likely to be a significant under-count.⁴ In rural, remote and very remote areas, an average of 75% of community legal centre clients disclose that they are impacted by domestic and family violence.⁵

By the time a victim-survivor seeks assistance, they have already experienced harm. Community legal centres are experts at supporting victim-survivors untangle the various intersecting legal, financial, health and social problems in their lives that have been caused or

¹ This number includes place-based, 'generalist' community legal centres, Women's Legal Services and other specialist centres. It does not include the Family Violence Prevention Legal Services or Aboriginal and Torres Strait Islander Legal Services in our membership. Including these members increases the total proportion of our national membership that provide domestic and family violence services increases to 94%.

² Community Legal Centres Australia 2024, *More Than Legal Services: Preventing Crises, Strengthening Communities*, State of the Sector 2023-24 report: <https://clcs.org.au/sots/>.

³ Data in this paragraph refers to national services data for 2023-24 held in Community Legal Centres Australia's National Data Warehouse.

⁴ This is because the community legal centres' sector's current data collection system results in under-use of the 'family violence indicator' for clients and because some clients choose not to disclose their experience of violence.

⁵ Community legal Centres Australia breaks down location into five categories: metropolitan, regional, rural, remote and very remote. When referring generally to centres outside metropolitan areas, we use the term 'regional and remote'. References, like this one, refer only to the specific named category/ies.

made worse by domestic and family violence. They do this work well, and support tens of thousands of people a year to find justice and safety.

The first time I was ever validated in my experience as a victim of domestic violence was when Caxton Legal Centre believed me. That was the first time I heard someone say “Sam, this is real, and it is wrong. This should not have happened to you. This is serious, and it is important”.

When people come to be involved with the legal system, it’s because their needs haven’t been addressed. Community legal centres help with the immediate legal problem, but they look beyond people’s legal matters and into the future, too, and provide holistic support which improves outcomes for people who are vulnerable, like domestic violence victims.

I was a shell of a person when I made it to Caxton. They believed and validated me, and they gave me all the support I needed over five years.

I never in a million years would have thought this would happen to me. I didn’t think of myself as someone who’d need a community legal centre. But now I don’t think I’m the exception. I know there are thousands and thousands of other people in similar circumstances.

Sam, a former community legal centre client

1.2 Community legal centres prioritise integrated practice and trauma-informed, culturally safe service delivery

Laws and legal systems in Australia are complex to navigate, and systemic barriers and unfairness are commonplace. Many victim-survivors may not identify a problem they are facing as legal, or seek legal help, until the unaddressed issue has snowballed into a mess of complex, intersecting problems that feel impossible to resolve.

Community legal centres recognise that many people’s legal problems are connected to other social and economic problems and that the best supports to keep people safe and heal from violence address all these challenges together. We understand that lawyers are not the solution to everything. Critically, we recognise the impacts of trauma and discrimination on people’s ability to access justice.

For these reasons, community legal centres employ not just lawyers but a range of allied professional workers to prioritise integrated, trauma-informed, culturally safe practice. Together, these workers can help people to untangle the messy and interconnected legal and social problems making their lives harder.

In 2023-24, 82% of centres employed allied professionals, including:

- Social workers (44.6% of centres)
- Education or training workers, including community legal education workers (35.4%)
- Policy, campaigns or communications staff (31.5%)
- Advocates, including tenants' or disability advocates (29.2%)
- Community development or engagement workers (26.9%)
- Identified Aboriginal community engagement or support workers (25.4%).⁶

Community legal centres also partner with a wide range of allied community services to provide holistic support. In 2023-24, 70% of centres delivered integrated services in collaboration with other organisations. This included 41% that partnered with domestic and family violence services, 28% with Aboriginal community-controlled organisations or health services, and 26% with a hospital or health service. Many of these partnerships are designed to reach victim-survivors of domestic and family violence early.

Centre case study 1 – Central Australian Women's Legal Service (CAWLS) supporting women with mental health conditions to access the justice system

As a specialist women's legal service operating a Domestic Violence Unit, Domestic Violence Legal Service and a generalist civil law clinic, the Central Australian Women's Legal Service (CAWLS) was uniquely placed to develop a Mental Health Justice Partnership (MHJP) to address the intersection of access to justice and mental health, which disproportionately and adversely impacts women.

The unique service focuses on supporting women in Central Australia with mental health conditions because of domestic, family or sexual violence who also have a criminal law matter before the court.

Supporting Women with Mental Health Conditions to Access the Justice System brought together specialist domestic violence lawyers (with extensive criminal law experience), financial counsellors, and other allied professionals to provide wrap-around support to women consistent with the existing Health Justice Partnership model at the centre. Critically, it offers expert criminal law services to women with criminal matters before the courts via the Criminal Defence Legal Practice.

During the first reporting period after its establishment, the Criminal Defence Legal Practice provided 350 Services and assisted over 90 clients at both the Alice Springs Local and Supreme Courts. CAWLS' multi-disciplinary services have ensured that Aboriginal women and victim survivors are provided with succinct and relevant legal advice and representation.

⁶ Community Legal Centres Australia 2024, *More Than Legal Services: Preventing Crises, Strengthening Communities*, State of the Sector 2023-24 Report: <https://clcs.org.au/sots/>.

Increasing numbers of centres also partner with schools, including through school lawyer programs, and to deliver education programs to young people, particularly relating to healthy relationships and consent.

Centres rely on these partner services, and in turn other local services rely on community legal centres to provide holistic support to victim-survivors to address the many intersecting physical, social, and legal problems caused by domestic and family violence.

Community legal centres are absolutely vital in supporting women experiencing domestic and family violence, particularly in regional areas. In the last month alone, 17 of our clients have consented to referrals to our local community legal centres for assistance. The community legal centre's support allows women to regain their independence after experiencing domestic violence.

Central West NSW Women's Domestic Violence Court Advocacy Service

Client case study 1 – Johanna* ran into a community lawyer on outreach and received immediate assistance to apply for a family violence intervention

Johanna is a primary carer of three children under ten. She runs a small business but with no financial support from the children's father, she struggles financially. Johanna's ex-partner perpetrated violence many times, including in front of the children. Police were called to her home several times. Family violence, the pressures of running her business, and isolation from her family, severely impacted Johanna's mental health.

Johanna first contacted her local community legal centre for advice with parenting matters. A month after her initial appointment, she ran into the same lawyer while they were on outreach in the community. Johanna was visibly upset and disclosed a recent family violence incident.

The community lawyer immediately assisted Johanna to apply for a family violence intervention order and represented her in her court application for an urgent interim order, to protect Johanna and her kids through the family court proceedings.

Through the community legal centre's Health Justice Partnership, Johanna was referred to further supports for ongoing help. The centre is continuing to assist Johanna with her family violence matter and with parenting arrangement negotiations.

**Not her real name.*

These stories and case studies reflect the work of many community legal centres across the continent. Our services and programs are integrated into the broader domestic and family violence service system and exemplify best practice. Our partnerships and collaborations demonstrate that legal assistance is critical to the broader domestic and family violence response system and not an adjacent system.

1.3 The Federal Government's work to fund community legal centres to meet the needs of victim-survivors of violence is not done.

Community legal centres turn away thousands of victim survivors each year.

Under-funding forces the community legal sector to turn away at least 400 victims-survivors of domestic, sexual and family violence every single day. We estimate our network needs at least an extra \$95 million per year to significantly reduce the number of victims-survivors turned away from community legal centres.

We welcomed the modest increase (\$800,000 over five years for 150+ centres) in community legal centre funding the Federal Government delivered via the NAJP from 2025-26.⁷ Any funding uplift to our member organisations is helpful, however:

- The targeted Women's Legal Services funding uplift fell far short of the amount these centres need to meet demand for specialist services from women and children experiencing gender-based violence
- Most of the other 130+ community legal centres in our membership also play a critical role in domestic and family violence prevention and response. The very limited general uplift for community legal centres delivered via the NAJP means many of these centres have seen a very modest, or indeed no, real increase in funding to support victim-survivors or domestic and family violence.

Community legal centres are independent organisations that together make up the community legal centres movement. The connectedness of the centres in our movement ensures a network of services on which communities can rely. Place based and specialist centres often work together to provide holistic support to people, cross-refer clients, and run programs together. If one part of the sector is in crisis, it impacts service capacity and increases strain on our sector across the board.

⁷ We also welcomed the increase in funding delivered to Family Violence Prevention Legal Services. Community Legal Centres Australia endorses submissions made by First Nations Advocates Against Violence in relation to adequate funding for the FVPLS sector. This submission focusses on the services and funding needs of community legal centres.

Centre case study 2 – Redfern Legal Centre’s Financial Abuse Service working closely with local place-based regional and remote community legal centres

The Financial Abuse Service (FAS), a specialist service of Redfern Legal Centre, provides legal assistance to victim-survivors of family violence across New South Wales.

To deliver an effective statewide service, the FAS builds strong partnerships with place-based services, particularly in regional and remote areas. These partnerships enable the delivery of practical, trauma-informed, multidisciplinary support, and help ensure services are as safe, accessible, and effective as possible regardless of geographical distance. They can occur at any stage of a client’s matter and help ensure clients receive coordinated support to resolve the financial consequences of domestic and family violence.

FAS regularly works alongside community lawyers, financial counsellors and caseworkers to provide holistic assistance. This multidisciplinary approach helps ensure clients understand the full range of available options and are supported to make informed decisions about the legal strategies and services best suited to their circumstances. Through strong relationships across the community, legal, and social service sectors, FAS contributes to a coordinated response that improves outcomes for victim-survivors of financial abuse.

FAS has a particularly strong relationship with Western NSW Community Legal Centre. Through Western NSW Community Legal Centre, victim-survivors of financial abuse can access the specialist support they need from FAS. FAS can rely on the strong community trust Western NSW Community Legal Centre has developed over time to connect with clients they otherwise would not have been able to reach and assist.

To effectively address unmet domestic, family and sexual violence legal need, all parts of the community legal centre sector must be adequately resourced.

Recommendation 1

Urgently reduce the number of victims-survivors turned away from community legal centres by investing an extra \$95 million per year, from 2026-27. Funding should flow to all community legal centres that support victim-survivors of domestic and family violence.

Community Legal Centres Australia also endorses targeted funding recommendations made by specialist Women’s Legal Services, First Nations Advocates Against Family Violence and National Aboriginal and Torres Strait Islander Legal Services.

Investment in community legal centres delivers system-wide benefits.

Underfunding community legal centres harms people who are experiencing or at risk of domestic and family violence. It also doesn't make economic sense for governments.

A properly funded legal assistance sector delivers benefits to government across a range of departments including social services and health. When people can't access legal help, they can end up needing much more intensive 'downstream' support. 'Savings' through underfunding legal assistance are far outweighed by increased downstream costs to governments through the court, health and social services systems. They also come at the incalculable cost of the increased risks to women and children, and others who experience high rates of domestic and family, including older people, people with disability and gender diverse people.

Despite the clear benefits community legal centres deliver to priority outcomes under the National Plan to End Violence Against Women and Children, the Federal Government's approach to legal assistance funding is limited and siloed. Almost all funding for community legal centres comes from the Attorney-General's Department. A very limited amount of targeted funding flows to some centres from other departments like Social Services, Health, and the Office for Women.

As part of its commitment to wellbeing, the Federal Government should assess the benefits and cost-savings that legal assistance already delivers to the Department of Social Services and develop comprehensive proposals for targeted investments in community legal centres from this portfolio. These proposals should be fully developed and ready to implement in the last budget of the 48th Parliament.

Recommendation 2

Start work towards a whole-of-government approach to resourcing for legal assistance, including assessing the benefits and cost savings that legal assistance delivers across all portfolio areas.

Begin by requiring the Departments of Health and Social Services to participate in the mid-point review of the National Access to Justice Partnership agreement. Assess department priorities and desired outcomes to identify opportunities where modest targeted investments in community-based legal assistance would deliver significant benefits. Starting with the Department of Social Services, deliver these investments.

Funding shortages are most acute in regional and remote communities.

As noted above, community legal centres in regional, rural remote and very remote (regional and remote)⁸ areas have a disproportionately high rate of clients who disclose that they are victims-survivors of domestic and family violence. This is consistent with population-wide data, which confirms many regional and remote communities experience high rates of domestic and family violence.⁹

Over time, regional and remote centres have grown and adapted to meet the unique needs of their communities. They have done so through maintaining an on-the-ground presence, delivering face-to-face services (often travelling long distances to do so), establishing innovative ways of meeting people's needs, building strong relationships with other local services, and fostering reputations of trustworthiness and reliability over many years.

Over 90% of regional and remote community legal centres offer outreach services to communities in their catchment areas, including some of the most remote communities on the continent.¹⁰ Many of the people serviced through these outreaches would not otherwise have access to free (or any) legal assistance or other related supports.

Based on data from the most recent Community Legal Centres Australia State of the Sector Survey, the sector travelled a combined estimated 1.26 million kilometres in 2023-24 to provide services to people in regional and remote communities. To put that in perspective, that's far enough to travel between Earth and the moon 3.3 times over, or to cross the entire width of this continent 315 times. The most kilometres travelled by a single centre in 2023-24 to conduct outreach to regional and remote communities was 62,812km, across 41 trips.

Victim-survivors who live in regional and remote communities face unique barriers to accessing justice. Many don't have reliable access to a car, or even a mobile phone. Sometimes, the only way they can access support is when community lawyers and social workers drive hundreds of kilometres to see them face-to-face in their communities.

Many remote Aboriginal and Torres Strait Islander communities experience the intersection of the ongoing impacts of colonisation, deep and persistent socio-economic disadvantage, intergenerational trauma, and government decisions that limit education and employment opportunities, and drive high rates of engagement with child protection and criminal legal systems. These factors drive high levels of complex legal and related need.

Courts and tribunals do not sit in regional and remote communities as regularly as they do in cities (or at all). Often, they do not have safe rooms, forcing victim-survivors to wait in the same

⁸ Throughout this document we use 'regional and remote' to describe all centres operating in regional, rural, remote, and very remote communities. In specific cases, we use different formulation where the data we cite relates to centres in some but not all these locations.

⁹ The Australian Institute of Health and Welfare's 2023-24 Personal Safety Survey found that people in remote and very remote communities were at significantly greater risk than people in urban centres to be hospitalised due to domestic and family violence. Women in very remote places were 41 times more likely to be hospitalised than women living in urban areas. AIHW 2024: <https://www.aihw.gov.au/family-domestic-and-sexual-violence/understanding-fdsv/factors-associated-with-fdsv>.

¹⁰ Community Legal Centres Australia 2024, *More Than Legal Services: Preventing Crises, Strengthening Communities*, State of the Sector 2023-24 Report: <https://clcs.org.au/sots/>.

spaces as people who have perpetrated violence against them, which can be retraumatising. People often travel long distances to attend the nearest court sitting, only for their matter to be adjourned because the court list was so long, they could not be heard.

Despite these unique barriers and high rates of unmet need, smaller populations and low population density result in regional and remote communities having access to fewer services, and to a narrower range of services. This means that community legal centres operating in these areas are left to meet a broad range of needs for victim-survivors who cannot access other supports.

These centres and the communities they support are disadvantaged by government funding models that rely too heavily on population data, don't accurately reflect the true cost of delivering services, and don't aim to provide full geographic service coverage. This leaves centres struggling to meet demand with limited resources.

These ongoing challenges are made worse by economic and environmental shocks, like recent fuel shortages and extreme weather events. Such events can have devastating impacts for victim-survivors in regional and remote communities for whom access to face-to-face help from their community legal centre is their only avenue to safety. Regional and remote community legal centres simply don't have the spare money in the budget to absorb these kinds of shocks, which often contribute to spikes in reports of domestic and family violence. As a result, regional and remote community legal centres have been forced to make impossible decisions about how often and how far they can drive to reach people who need help to stay safe.

Recommendation 3

Use findings from the 2023-24 mid-point review of the National Legal Assistance Partnership agreement to drive supplementary research into the true cost of delivering services in regional and remote communities. Ensure models for funding community legal centres under the next national partnership agreement (to begin in 2030) are informed by this research and are targeted to reduce geographic gaps in access to justice.

2. Prevention and early intervention

Community legal centres' service models and values are grounded in the principle that prevention is better than cure. Prevention, early intervention, and empowering people and communities to avoid legal problems, are hallmarks of community legal centre services. Centres across the country are continuously developing and refining innovative models for service delivery to reach people early, before their legal problems escalate and require intensive support.

Community legal centres are well-placed to identify the drivers of domestic, family and sexual violence in their communities. Some of this knowledge comes from professional training and expertise. Some comes from being embedded in communities in deep and longstanding ways. Centres use this knowledge – and local relationships and partnerships – to tailor innovative primary prevention and early support programs to their communities.

This can look like sending lawyers out to hospitals, women's health clinics, and doctors' offices in health justice partnerships; helping young people with their legal problems in schools; developing bespoke community education programs on consent and healthy relationships; and making sure they have a visible presence at local community events.

This section presents just a few examples of the community legal education and community education programs community legal centres are developing and delivering across the continent to:

- Work with children, young people, and others in the community, to challenge misogyny and other structural drivers of domestic, family and sexual violence, and reduce the risk they will normalise or engage in harmful behaviours
- Identify and support children and young people who are showing early signs they are at risk of using violence in future and provide appropriate supports.

2.1 Community education and community legal education

What we're doing is changing societal views around gender stereotypes and things like that. It's about changing people's perception of what a healthy relationship is, especially boys. People think our program is targeted at girls but it's not – it's for everyone, but it's especially for boys, really.

At the start of the class, we ask the kids to raise their hands if they've heard about consent before and get a count. And then at the end of the program, we'd ask again, "now who understands what consent and respect are?"

But it's impossible to really demonstrate what the long-term outcomes of the program will be right now. That would be like checking back in 5 or 10 years to see how many of the young people are engaging in certain behaviours or engaged with the legal system, but we can't do that right now.

Solicitor at a remote community legal centre

Community Legal Education (CLE) is a core part of community legal centres' service model. It aims to empower people and communities to understand their legal rights and remedies, identify and resolve problems early, and prevent them from escalating. It includes things like creating factsheets or delivering face-to-face education sessions on areas of law like apprehended violence orders.

Community legal centres' community legal education programs reach over 160,000 people a year. Many focus on family law and family violence, including coercive control, family law parenting orders, child protection, financial abuse, elder abuse, civil law family and domestic violence orders, consent laws, and more.

Some community legal centres also deliver community education (CE) programs that go beyond providing information and advice. These programs actively encourage participants or audiences to unpack their own views and behaviours surrounding domestic, family and sexual violence. Many of these programs target children and young people with the aim of changing attitudes and beliefs and providing early support to reduce the risk of future harm.

Some centres, like Peninsula Community Legal Centre (centre case study 3) and Pilbara Community Legal Services (centre case study 4), have developed and delivered bespoke programs that respond to the needs of children and young people in their communities, which they deliver in partnership with local schools.

Kimberly Community Legal Service and the Marninwarntikura Women's Resource Centre have collaborated to produce *Us Without Abuse*, a public education campaign designed to challenge norms and messages surrounding domestic, family and sexual violence. It aims to shift the narrative around abuse from one of despair to one of strength and recognising the vital role that the community plays in making change happen. It's a message of hope, unity and action: that together, we can be the change we need. Resources include a website, brochures,

social media tiles, videos, and posters, which depict many different demographics of people living in the community. The resources also direct people to available channels for interested organisations to collaborate on the project.

Centre case study 3 – Peninsula Community Legal Centre’s interactive youth theatre approach to harm prevention

Half of Peninsula Community Legal Centre’s work is in family law and family violence. Its focus on engaging young people emerged over recent years when it observed some teenagers in the culturally and linguistically diverse communities it works with were already using or experiencing controlling behaviours and family violence.

In response, the centre worked with experts to develop “This Is Not Who I Want To Be,” a pilot youth theatre project for culturally and linguistically diverse high school students.

Through interactive theatre, the project delivered information about their legal rights and responsibilities and how to access legal and other supports. More broadly, it challenged attitudes that downplay or excuse violence by inviting students to connect with the characters in the story, and in doing so create longer-term attitudinal change.

Our model of primary prevention uses theatre as our tool to highlight coercive control and also the role that lawyers play: we are a safe space; we have privilege. It’s been a great journey with some amazing feedback from young people. They provide commentary to us and what we’re getting is that it’s really relevant. They resonate with the performers.

, CEO, Peninsula Community Legal Centre

Since the successful pilot of “This Is Not Who I Want to Be”, Peninsula has received new funding to develop “On The Ropes” in partnership with a professional theatre company. “On The Ropes” is a 1-hour performance about two 16-year-old best friends whose journey lands them in a lawyer’s office. The performance explores family violence, coercive control, sharing of intimate photos and examples of different ways of listening and providing support.

Lawyers attend each performance and return to each school a week later. One of the outcomes of the project is that young people are informed about the ways a lawyer might be able to help them and to provide opportunities for young people to speak to a lawyer about issues they may be experiencing straight away.

The centre consulted with a trauma-informed counsellor throughout the process, and with young people about the content. A magistrate came to watch the premiere and provided useful feedback about how to simplify coercive control to better fit the material into a one-hour play.

Peninsula is now delivering “On The Ropes” to 5,000 students across its catchment and evaluating opportunities to develop school lawyer programs with participating schools.

Centre case study 4 – Pilbara Community Legal Service’s *Love Shouldn’t Hurt* prevention and respectful relationships education program

Pilbara Community Legal Service created the *Love Shouldn’t Hurt* violence prevention and respectful relationships education program for young people aged 13-17 in the Pilbara region in 2024. The program responds to the specific challenges of young people in the region, including the influence of social media, pressure to conform to harmful social norms, the rise in technology-facilitated abuse, and a lack of understanding about consent, boundaries and abuse.

‘Love Shouldn’t Hurt’ is about transformation, not just awareness. This approach empowers young people to develop healthy, respectful and safe relationships.

, CEO, Pilbara Community Legal Service

The centre engaged Orange Story to develop the program in consultation with local educators, youth services, Aboriginal community-controlled organisations, young people, parents, and family violence experts. It is a 14-lesson program with scenario cards for each lesson and various kinds of activities like role-plays.

The program was established as a two-year pilot in 2024 but has not been refunded from 1 July 2026.

Some centres, like South Coast and Country Community Legal Centre (case study 5) tailor and deliver existing programs, like *Love Bites*, a Respectful Relationships Education Program for young people, developed by the National Association for Prevention of Child abuse and Neglect (NAPCAN). NAPCAN trains facilitators from communities across Australia in the *Love Bites* program, who can then deliver the program in schools and community settings. Several community legal centres tailor Love Bites to the needs of their local communities.

Centre case study 5 – South Coast and Country Community Legal Centre

South Coast and Country Community Legal Centre is small place-based centre, that provides general legal assistance service to communities on the south coast of NSW, from the Shoalhaven down to the Victorian border. The centre has delivered *Love Bites* (NAPCAN developed training) at local high schools for many years, including in Bomaderry, Nowra, Shoalhaven, and Ulladulla.

However, this work is not funded by government. One team member is trained in the program and works with the Shoalhaven Coordinator of *Love Bites* to deliver the program to school groups in and around Nowra. Sessions are delivered during work hours, however without dedicated funding to run the program, most of the preparation and coordination work is not adequately accounted for.

South Coast and Country Community Legal Centre also auspices the local domestic and family violence committee, which used to receive a small grant each year for awareness and prevention activities. That funding contributed to some of the training of personnel for *Love Bites* in the local area. However, now all the work is done unfunded.

Recently, NAPCAN updated the content for *Love Bites* and all currently trained facilitators needed to complete updated course (by June 2026) to remain qualified. The course cost is over \$750 per person. As a result, *Love Bites* programs have not been able to run in 2026 in Shoalhaven schools despite demand from the schools, as there are not currently sufficient numbers to staff this great program. South Coast and Country Community Legal Centre is in the process of seeking grants for further training but has not been able to secure these so far this year.

Women's Legal Service Tasmania has run several education and prevention programs targeting pre-school aged children and their families, school-aged children, and adults. These programs aim to challenge gender stereotypes that underpin societal attitudes that can enable and excuse violence, teach young people about consent and respectful relationships and connect families who may need it with specialist legal support.

Centre case study 6 – Women's Legal Service Tasmania delivers many education and prevention programs

All Come Out To Play

Women's Legal Service Tasmania (WLST) delivers the All Come Out To Play program alongside Playgroups Tasmania and the local sexual assault service. The program involves interactive play with children, aged 0-5, in playgroup settings. It includes messaging that challenges gender stereotypes, like "dad's at home caring for the kids, and they go on a trip to the beach while mum's at work as a doctor".

Parents and other caregivers are also present to hear the messaging. If children disclose hearing conflicting messages at home, there can be conversations with parents and caregivers, who might disclose sexual violence, family violence, or family law needs.

In this way, the program has a prevention lens with the children, while also making sure parents and caregivers are hearing the same messaging, and finding avenues for support if they need it.

Bystander Intervention Training – "Where's Your Line?"

This program encourages people to identify the point at which something has crossed the line and provides guidance on how a person can intervene.

Consent and respectful relationships education in schools

For the past two years WLST and Laurel House have delivered consent education in schools in Launceston and smaller communities in the north and north-west. In these

communities, schools often only go up to year 10, so lawyers mostly engage years 9 and 10 in ‘consent and the law’ education. The service has had many questions from this age group about whether you can say no to non-fatal strangulation.

Funding for all these programs has now ended, which means that the centre’s prevention activities will either stall or end.

Community legal centres see the critical need for this kind of primary prevention program in the communities they serve but rarely are funded to deliver it. When centres do receive funding, it is often through an assortment of piecemeal, short-term grants that don’t enable centres to design and run programs over the long-term – even where they are successfully evaluated.

Deep-seated personal and community attitudes, behaviours, and cultural norms take many years to challenge and change. Projects that aim to shift them must be funded and independently evaluated over the long-term. Our sector’s experience, however, is one of short-term funding for preventative programs, which is often not reviewed after 1 or 2 years, even when evaluation demonstrates positive impact.

Often, centres will put in a lot of work to determine, develop and deliver the most effective approach to their community, only to see a fixed-term funding agreement or successful pilot program end with no funding renewal. Staff are laid off, programs wound down, and communities left without the benefits of a promising violence prevention program.

Recommendation 4

Increase resourcing for community legal centres to deliver community-based preventative approaches including community legal education on identifying violence and unsafe relationships.

3. Community legal centres' work with people who use violence

Trauma-informed services for victim survivors have long been – and will remain – business as usual for community legal centres. However, effectively addressing the crisis in domestic and family violence requires a multi-pronged approach. This includes holistic, trauma-informed legal and allied supports for victim-survivors, and community wide prevention and education programs to shift deep-seated attitudes and behaviours that enable and excuse domestic and family violence. It also includes work to support rehabilitation, accountability and behaviour change for people who have perpetrated harm.

Community legal centres are on the frontlines of the domestic and family violence response system and see the devastating impact this violence has on the people and communities they serve every day. Through this work, community legal centres understand that the experience of domestic and family violence can be incredibly complex. This complexity can be extreme for people who experience intersecting forms of disadvantage and marginalisation, including Aboriginal and Torres Strait Islander people, people with disability, young people in the child protection and youth justice systems and older people experiencing elder abuse.

In addition, we recognise that there can be circumstances in which victim-survivors must (or want to) maintain some kind of relationship with the person who has used violence against them but want the violence to end. This can include situations like:

- Separated parents who need to continue some form of relationship through a co-parenting arrangement
- An older person experiencing elder abuse from an adult child who wants to maintain a relationship with their child
- An adult victim-survivor who does not want to leave a marriage or family relationship
- A young person who has experienced domestic and family violence in a family unit that they remain a part of and from which they don't want to be removed
- A victim-survivor who lives in a regional or remote community where they are likely to have contact with a former partner even if the relationship does end.

In circumstances like these, work to support changed behaviour of the person causing harm and prevent future violence will help to improve victim-survivor safety.

Some community legal centres, including those with a specialisation in working with people who use violence, as well as some specialist Women's Legal Services, Family Violence Prevention Legal Services, and disability services, also work with victim-survivors who have been misidentified by police as perpetrators of violence. Most misidentified women are victim-survivors of domestic and family violence or have experienced significant trauma in their lives.

Nationally, about 40 community legal centres provide services to people who have used violence, that are related to their use of violence. Centres do this work to improve safety for victim-survivors during legal proceedings and to support accountability and behaviour change for the person using violence to reduce the risk of future harm.

For those working in this space it is very clear that the purpose is accountability, safety for women and children and families, and reducing risk. For those who aren't working in this space (providing services to men who use harm, legal or otherwise), there isn't a strong understanding for why we would be supporting men – what the purpose comes back to.

Punitive measures alone won't solve things. Accountability will lead to family safety. By providing legal supports we're not only reducing downstream costs, like to child protection, health and policing, we're also keeping people safe.

Principal Solicitor, Caxton Legal Centre

For some place-based, generalist community legal centres, this work includes things like providing legal advice to respondents to AVOs. Other centres have developed specialised, targeted programs for people who have used violence, including men, criminalised women and victim-respondents, young people, and people with disability, that work actively with participants and their families to reduce the risk of future violence. The types of assistance given include phone advice lines, duty lawyer services and representation, case management, and referrals to allied services like counselling and Men's Behaviour Change Programs.

Community legal centres are acutely aware of the risk of systems abuse by people who have used violence against victim-survivors. However, many centres report that that ensuring both parties to a legal dispute where family violence is present have access to free legal assistance, can reduce the risk of systems abuse as well as future harm.

Having worked across private and community legal centres, I view access to community legal assistance for all individuals, regardless of whether they are a user of violence or a victim survivor, as a paramount responsibility of both community legal centres and lawyers, respectively.

A common form of domestic violence witnessed by lawyers who predominately work with victim survivors is "systems abuse". Systems abuse is a form of domestic violence involving a user of violence using legal and government systems, such as health care providers, child protection, and social services, to cause further harm to a victim survivor. In my experience, this form of abuse is most mitigated by offering impartial and free community based legal assistance to users of violence so that they can understand that this behaviour is a form of domestic violence.

Meaningful access to community legal assistance for users of violence is an important part of creating better outcomes for victim survivors and forms a critical role in promoting accountability for users of violence. Early legal intervention and advice can help individuals understand their legal obligations, engage appropriately with the legal system, and support behavioural change while prioritising the safety of victim survivors."

Solicitor, Central Australian Women's Legal Service

Community Legal Centres Australia is currently drafting a comprehensive report documenting community legal centres' work to prevent violence and the sector's programs for people who have used violence. The final report and recommendations will be available in the second half of 2026. The remainder of this section presents some examples of the work community legal centres are doing with people who use violence drawn from the draft report with centres' permission.

Centre case study 7: Caxton Community Legal Centre

Caxton Community Legal Centre (Caxton) is a large place-based community legal centre in Brisbane, which runs several specialist programs providing services to people who use violence to reduce the risk they will engage in future harm.

The Brisbane Magistrate's court has a specialist domestic and family violence court, where Caxton runs a duty lawyer service for respondents. Its clients are usually men, with some women who are mostly misidentified victims. Caxton mainly provides discrete advice on the one day, but there are wraparound services at the court, so a person who has used violence can access legal advice as well as social workers, a men's behaviour change program, and other support services.

At the court, Caxton works alongside Legal Aid Queensland, which provides duty lawyer services for victim-survivors. This collaborative work has opened other relationships between the two providers.

Caxton also provides representation and advice services to men in family law matters involving domestic and violence. The centre is a conflict partner with Legal Aid Queensland providing duty lawyer services at the Brisbane registry of the Federal Circuit and Family Court of Australia. Through the partnership, the Legal Aid Family Dispute Resolution service will warm refer male clients to Caxton where for property settlement small pool mediations where family and domestic violence are present. Legal Aid does so because it knows there will be a better outcome for their victim-survivor client if the male perpetrator also has legal representation.

Caxton also runs Court Plus for Men, which provides social work case management services for men involved in legal proceedings related to domestic and family violence. Despite significant interest from individuals and other services, and a positive evaluation, the project was not re-funded after the one-year pilot. Caxton has decided to self-fund the program until the end of September 2026, but this is not sustainable.

Right now, we're only doing this until June this year. Not because of a lack of need, but because it's been very challenging for that one social worker. One thing that works well is different services being able to refer to one another. A lawyer will pick up a client at DV court, knowing no other service will be able to do ongoing support, and will refer directly to the Court Plus social worker.

Principal Solicitor, Caxton Community Legal Centre

Centre case study 8 – South Coast and Country Community Legal Centre

South Coast and Country Community Legal Centre is a small, place-based, community legal centre covering a very large regional catchment area. Its office is in Nowra, and its catchment covers seven different courts, including Bega and Eden, a 5-and-a-half-hour drive south, and Cooma, a four-and-a-half-hour drive west. The centre has 5.2 full-time-equivalent legal practitioners.

South Coast has longstanding partnerships with services like the local Family Relationships Centre and their auspice, Anglicare Nowra, that runs a Men's Behavioural Change Program. The centre is establishing a health-justice partnership at one of its local outreaches, where solicitor will sit in a Mental Health Hub. The centre receives ongoing requests for training and assistance from Community Corrections and the local Correctional Centre. All programs aim to reduce and prevent domestic and family violence.

In the area, many defendants to apprehended violence orders (AVOs) have no legal representation. Some may see a Legal Aid duty solicitor on the day of court for brief advice, and some can pay for a private lawyer, but otherwise they are self-representing.

Out here in the country, courts are very different and it's very hard for defendants to get advice. Often, people are getting orders with no idea of what they're agreeing to. They can't access Legal Aid, and because they've had a police officer explain it to them, they think that means they've had advice. They accept, but they don't understand the orders and can't comply with them. We see the flow on effects to the women we assist – men will fundamentally misunderstand the orders, and breach them, and everyone is impacted. So, we saw a big gap, and have started to step in, but we're not funded to cope with it.

Principal Solicitor, South Coast & Country Community Legal Centre

Over the past ten years, the centre has seen an increase in options for alternative services that can represent victim-survivors if the centre gets conflicted out. However, there are fewer, or no, options for many defendants to be referred on to if the centre gets conflicted out. At the same time, the centre has seen the harmful impact of unrepresented defendants on the victim-survivors they work with. In response, over the past three and a half years, the centre has increasingly taken on these matters to give advice before and after AVOs.

Recommendation 5

Increase resourcing for community legal centres to deliver case management programs for people who use violence, to support rehabilitation and accountability, and to reduce domestic, sexual and family violence.

4. Children and young people in their own right

Within the community legal sector there are several national and state-based specialist youth legal services. In addition, some place-based, ‘generalist’ services run specialist youth practices, including duty lawyer services, and school lawyer programs. These services and programs work with young victim-survivors, as well as young people who have used violence.

Community legal centres that specialise in providing legal assistance to children and young people report compounding complexities to working with them on domestic and family violence and sexual harm.

- It can be difficult reaching and gaining trust from children and young people. Many children and young people know what mandatory reporters are and can be wary about speaking with adults about domestic and family violence and sexual harm as a result.
- Schools can impose restrictions on the types of education programs centres can deliver, and to which young people. Some centres report schools require programs to be delivered separately to boys and to girls, even where the centre believes the program is most effective when delivered to a mixed group.¹¹ Others report schools can be hesitant to allow programs to reach younger children, despite the fact some specialist services have been contacted by children as young as 8 years old about problems related to domestic and family violence and sexual harm.
- Navigating parental involvement and responses can be challenging, especially where they are a child’s legal guardian but may be perpetrating violence or abuse.
- Many mainstream legal assistance services avoid providing domestic and family violence services to people aged under 18 in their own right because of these complexities.

Due to these complexities, children and young people are a significantly underserved group, and the services that do assist them are overstretched.

Many community legal centre services for children and young people impacted by domestic and family violence or sexual harm focus on prevention and early intervention and are open to both victim-survivors and people who have used violence. As such, they will be more fully explored in our report set to be published later in 2026. The remainder of this section presents some examples of the work community legal centres are doing with children and young people drawn from the draft report with centres’ permission.

Centre case study 9 – Peninsula Community Legal Centre’s school lawyer program

Peninsula Community Legal Centre is a place-based, generalist community legal centre, which services suburban communities in south-east Melbourne. The centre currently runs school lawyer programs with two local schools, and is looking to expand

¹¹ This is not a universal experience: other centres are able to deliver programs to mixed groups, as well as across parent and teacher communities.

into new schools, including alongside its community education program for teenagers, “On The Ropes” (see centre case study 3).

The programs are funded through a mix of contributions from participating schools and the local government, which has provided funding for one year to develop evidence of the outcomes achieved and benefits. Across both programs, the school lawyers have worked hard to become part of the school community by engaging with young people through the school’s welfare team and participating in school events. Initially, most referrals came from the welfare team but now students drop in to see the lawyers without a referral.

Some of the lessons learned so far include:

- Young people disclose experiences of violence to school lawyers because they feel safe to do so, knowing their disclosures are protected by legal professional privilege, and that community lawyers can also help them with safety planning.
- Around 50% of the issues young people raise with school lawyers require ongoing casework. For example, many disclose violence or sexual abuse for the first time.
- Intervention orders generally aren’t the most effective solution to other forms of violence that occurs between young people, despite often being the only available option. It can be more effective to have lawyers on-site to help young people navigate these situations, refer on to allied services, and resolve things early.
- Some schools put up barriers to having lawyers onsite to act as independent advocates for young people. Lawyers seem to have some credibility with young people. Now it’s about convincing governments and schools it’s a viable and effective way to address domestic and family violence and sexual harm for this group.

We receive emails saying, “we want to tell you things, but first you need to confirm you’re not a mandatory reporter”. We reply that we’re not, and that the young people do not need parental permission to receive assistance from us. Then, we’ll immediately receive back, for example, five pages of notes.

Some kids reach out to us telling us that their parents have found out in past that they’re trying to seek help. For example, a 12-year-old who had gone to another, non-legal, service, who had then made a mandatory report. That experience made it difficult for the child to trust our service. We’ve had to make sure the whole service can create that trusted space.

Principal Solicitor at a specialist youth legal service

Centre case study 10 – Central Australian Women’s Legal Service’s school lawyer program

Central Australian Women’s Legal Service established the first school lawyer program in the Northern Territory, with one dedicated school lawyer.

The lawyer is co-located for two days per week at one of the Alice Springs high schools. The school lawyer provides a clinic service to students and to the broader school population, like mums doing pick up – and additionally has an education focus.

The school lawyer also joins school wellbeing meetings once a week with the school counsellor, assistant principal, police and other identified members of the school wellbeing team. They come together to provide a holistic, wraparound approach to high-risk matters of any kind including domestic violence, homelessness, suicidality and more. The CAWLS school lawyer will try to meet the legal need.

CAWLS is a women and nonbinary people only practice, so provides legal support to that cohort and refers on young men in need of legal support to another service. Its education programs, however, are co-ed. Over the course of a year, the school lawyer either facilitates or co-facilitates over 80 educational sessions, ranging from sessions on consent and healthy relationships, to driving and road rules.

Funding for CAWLS School Lawyer program was not extended at the end of the 2025-26 financial year and ceased to operate from 1 July 2026.

Our program is for ages 12 to 13, because that’s the youngest age that the schools would accept it. It was consistent across consultations when we developed our program that people need to learn and engage with this younger – there are kids engaging in sexual activities nowadays that are younger than 12 – so consent needs to be taught at such a younger age.

But the schools just won’t allow you to talk about it at ages younger than that yet. Anything older than that and the kids are already just doing it all. We thought this would be the sweet spot where you can still talk about these issues early and really make a difference. But we do want to bring it to younger ages, too. Seeing the kids, 10-year-olds are so little, but they all have phones and they have access to so much material. They’re being exposed to all of this stuff now, already, so it’s important to speak with them early.

At one of the schools where we delivered the program, it was a very small remote community school with a mix of ages of kids in the one classroom, so there were some younger kids there, too. And the examples were still relevant, because you can talk about healthy relationships in a friendship context, too. Consent as in, “oh, if your friend doesn’t want to play with you, how do you respond when they say no?”.

Solicitor at a remote community legal centre

We will deliver healthy relationships education to all ages. Early is better, but it can be hard to get into the schools. We've delivered community legal education on consent and image-based abuse for kids – but we got into the school just once and then never again.

Solicitor at an Aboriginal community-controlled legal assistance service

Recommendation 6

Consider and implement the detailed recommendations included in Community Legal Centres Australia's comprehensive report on community legal centres work to prevent domestic and family violence and with people who use violence, due for publication in the second half of 2026.

5. Community legal sector workforce

Community legal centres, particularly those located in regional and remote communities, are facing an acute workforce crisis. Community Legal Centres Australia's recent National Workforce Demographic Snapshot revealed that our legal workforce is most at risk, with lawyers in our sector most likely to be young and to leave the sector after a few years due to poor pay and limited career pathways. Centres in regional and remote communities report particular challenges recruiting senior family lawyers capable of taking on complex matters, including those involving domestic family violence, and supervising junior lawyers.

Governments must ensure that funding for community-based legal assistance providers supports equitable wages and conditions across the legal assistance sector. It must also ensure that the national legal assistance strategy currently being drafted under the NAJP adequately addresses the specific challenges faced by providers operating in regional and remote communities.

The community legal sector's workforce is highly skilled, values-driven, and overwhelmingly made up by women. Workers in the community legal sector experience high rates of burnout and vicarious trauma in the face of overwhelming demand for services from people and communities. There is growing legal need in the community, and people are approaching community legal centres with more complex legal and related problems.

Between November 2025 and February 2026, Community Legal Centres Australia conducted its first national survey of workers across the community legal sector. The survey was open to paid workers at community legal centres, Women's Legal Services, Family Violence Prevention Legal Services and Aboriginal and Torres Strait Islander Legal Services that are part of our national membership network in NSW, Victoria, Tasmania, South Australia, the Northern Territory and the Australian Capital Territory. Findings from this survey were combined with findings from similar workforce surveys conducted by Community Legal Centres Queensland and Community Legal Western Australia in their respective jurisdictions, to develop a National Workforce Snapshot. Some of its findings are summarised below.

- Over 80% of our workers are women and nonbinary people. This follows through into leadership: over 80% of leaders in our sector are women and nonbinary people. In comparison, just 42% of partners in large law firms are women, despite women making up 58% of the legal professional nationally.¹² There are positives to a predominantly female workforce. However, it also means that workforce challenges, including low pay,¹³ disproportionately impact women and contribute to the national gender pay gap.
- A little over five per cent of our workforce is made up of Aboriginal, Torres Strait Islander or South Sea Islander people. This rises to above 6% for workers in leadership roles.

¹² Tufvesson, A. (2026), 'Closing the gender leadership gap in law', *Law Society Journal*, 30 March 2026, <https://lsj.com.au/articles/closing-the-gender-leadership-gap-in-law/>

¹³ Mundy, W. (2024), *Independent Review of the National Legal Assistance Partnership 2020-20 – Final Report*, <https://www.ag.gov.au/legal-system/publications/independent-review-national-legal-assistance-partnership-2020-25>

- Over 20% of our workforce is made up of allied professional workers including social workers, education or training workers, advocates (including disability or tenant advocates) and identified Aboriginal community engagement, support and development workers.
- Our workforce is highly educated, with over half holding a graduate level qualification, master's degree, or higher.
- Our workforce is young, particularly our lawyers. Young people in our sector are more likely to hold a practising certificate than older workers, and young lawyers are more likely than workers in other professions and higher age brackets to be looking for another job. There is a visible drop-off in mid-career workers (aged in their thirties and forties) at regional and remote centres.
- Workers are drawn to community legal centres because of their strong sense of justice and desire to help people. Those looking to leave are most commonly looking for better wages and opportunities for career advancement.

The *Independent review of the National Legal Assistance Partnership*¹⁴ found that lawyers at junior levels earn similar amounts across all legal assistance providers, including Legal Aid Commissions, although workers at Aboriginal and Torres Strait Islander Legal Services experience some pay disparity even at this level.

By the time lawyers have 3-5 years' experience, there is substantial pay disparity between the community and public sectors, with lawyers at community legal centres earning on average 7% less than those at Legal Aid Commissions. This increases to a 14% wages gap for community lawyers with 5-7 years' experience and then to 19% for those with 7+ years' experience. Principal Lawyers at community legal centres earn 22% less than Legal Aid lawyers with equivalent levels of experience and seniority.

As older leaders in our sector look towards retirement, and young lawyers move on to better paying roles with more prospects for career progression after a few years, there's a real risk that we'll experience a major skills shortage soon that may be hard to recover from.

Community legal centres' inability to offer competitive rates of pay due to under-resourcing means that centres, especially those in regional and remote areas, are struggling to recruit and retain suitably qualified workers. Staff are left overworked and overwhelmed, and centres are left unable to keep pace with increasing demand. In 2023-24, across all 164 centres in our national membership network, our sector needed (and was ready to employ) an extra 1,582 full-time-equivalent positions to meet the needs of their communities.¹⁵ Many centres, particularly in regional and remote areas, regularly have roles vacant for months at a time due to challenges recruiting workers, in large part due to low rates of pay.

¹⁴ Mundy, W. (2024), *Independent Review of the National Legal Assistance Partnership 2020-20 – Final Report*, <https://www.ag.gov.au/legal-system/publications/independent-review-national-legal-assistance-partnership-2020-25>

¹⁵ Community Legal Centres Australia (2024), *More than legal services: Preventing crises, strengthening communities*, <https://clcs.org.au/wp-content/uploads/2024/11/2024-11-25-More-than-legal-services-2023-24-state-of-the-community-legal-sector.pdf>

The lack of housing and childcare in regional and remote areas, chronic service underfunding, and lack of a strategic response to these challenges mean that our sector's workforce crisis is most acute for centres located in regional and remote communities. Staff shortages leave people and communities without access to the help they need and workers at risk of burnout and vicarious trauma. Regional and remote centres report that attracting and retaining experienced Family Law practitioners, capable of supervising junior lawyers and managing complex cases involving allegations of domestic and family violence is particularly challenging.

The final report from the *Independent Review of the National Legal Assistance Partnership* recommended that the Commonwealth Government provide additional funding beginning in 2024-25 (for the final year of the NLAP, and to be embedded from the start of the NAJP 2025-30) to increase wages of workers at community-based legal assistance providers to equivalent pay to workers at Legal Aid Commissions in the same jurisdiction. The Reviewer costed this at \$66 million for the 2024-25 financial year, and \$69 million for the 2025-26 financial year.

In the 2024-25 and 2025-26 budgets, the Federal Government provided modest injections to bring wages for workers at community legal centres, Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention and Legal Services slightly closer to Legal Aid Commission wages. However, the small uplift fell far short of what was required to deliver pay parity. The wage disparity remains.

Recommendation 7

Invest an additional \$72 million a year (indexed at 4.6% per year over the forward estimates) to increase the wages of workers at community-based legal assistance providers towards parity with workers in equivalent roles at Legal Aid Commissions.

Recommendation 8

Ensure the workforce strategy developed under the National Access to Justice Partnership responds fully to the needs, experiences and challenges of regional and remote communities and the services that support them.

6. Wider reforms to reduce domestic and family violence

6.1 Addressing barriers to justice in the Family Court

The Federal Circuit and Family Court of Australia consistently reports that over 80% of family law matters it deals with involve family violence.¹⁶ The family law system must be properly funded, its processes accessible, and legal professionals trained in family violence and trauma-informed practice to ensure that women and children are protected, and users of violence cannot weaponise the system to continue their abuse.

The family law system is chronically under-resourced. Courts have significant delays and backlogs, which can leave victims-survivors of violence trapped in legal proceedings for years. Women who once had means to hire a private lawyer can quickly run out of money and be left destitute and facing ongoing legal proceedings without help. People who use violence can too easily weaponise the overstretched family law system to drag out proceedings further until a victim-survivor runs out of resources for legal help, and to aggressively pursue property and parenting outcomes that put women and children at risk of poverty, homelessness and further violence.

First Nations people face additional barriers in accessing the family law system. Some First Nations women fear the family law system because of past negative experiences or genuine fears about child removal. Research shows many First Nations women who have experienced family violence are failed by parts of the legal system. First Nations women who have experienced systemic racism, biases and discrimination in the legal system may be less likely to engage with the family law system.

Recommendation 9

Increase investment in the family law system to improve outcomes for people experiencing domestic family and sexual violence. This should include:

- Increased resourcing for the Family Court of Australia to address backlogs, implement trauma-informed processes, and improve cultural safety for Aboriginal and Torres Strait Islander people
- Providing regular training to ensure all family law professionals are family violence and trauma-informed, culturally safe, child-rights focussed, and disability and LGBTIQ+ aware. Training should be delivered, developed, and regularly evaluated by subject-matter and lived experience experts.

¹⁶ Federal Circuit and Family Court of Australia: <https://www.fcfcoa.gov.au/resources/videos/family-violence>

Too many victims-survivors face the family law system without the community legal centre help they need. Family law services made up 31% of community legal centres' total services in 2023-24.¹⁷ Many of the people who receive these services are victims-survivors of domestic and family violence. However, community legal centres that provide free, specialised family law advice and representation services remain significantly under-funded to meet need. Underfunding for and lack of access to family law services is even worse in regional and remote communities.

Improving access to safety and justice for victims-survivors of family violence in family law proceedings in regional and remote communities requires increasing regional and remote centres' family law and family violence service capacity and adequately accounting for the higher cost of delivering family law and family violence services outside metropolitan areas.

On average, enabling regional and remote centres to hire one additional family lawyer and one additional social worker (including on-costs), and providing a 20% regional and remote loading, would cost the Federal Government \$360,000 per centre. In 2024-25, there were 44 community legal centres operating in regional and remote communities. Across 44 centres, the total additional investment needed is \$15.8 million per year.¹⁸

Recommendation 10

Provide a targeted investment of \$15.8 million per year through the NAJP to enable community legal centres in regional and remote communities to increase advice and representation services to women involved in Family Court proceedings.

Community Legal Centres Australia endorses all additional recommendations made by Women's Legal Services Australia in relation to the Family Law system and services.

¹⁷ Community Legal Centres Australia 2024, *More Than Legal Services: Preventing Crises, Strengthening Communities*, State of the Sector 2023-24 Report: <https://clcs.org.au/sots/>.

¹⁸ We are not suggesting that funding should flow to specifically one additional family lawyer and one additional social worker per centre, but that this is the minimum total additional investment that would start to make a real difference for victims-survivors of domestic and family violence in family law proceedings in regional and remote communities.

6.2 Additional actions the 48th Parliament should take to address domestic, family and sexual violence

Beyond the family law system, Community Legal Centres Australia's **Vision for Justice** and **Actions for the 48th Parliament** advocates for wider policy reforms that will help to address the root causes and impacts of violence against women and children. Recommendations relate to restorative justice, Closing the Gap justice and child protection targets, supports for women in and leaving prison, defamation and divorce laws, and systems abuse. We refer the government to these recommendations in full via the links above and summarise several below.

Restorative justice

People who have experienced sexual violence should have access to a range of different pathways to justice. The criminal legal system should better support victim-survivors to seek accountability without being retraumatised. People who don't want to report sexual violence to the police should still have access to alternative pathways to seek accountability, justice and safety.

The Australian Law Reform Commission's (ALRC) 2025 inquiry into justice system responses to sexual assault highlighted that, 'people who have experienced sexual violence have diverse justice needs. They may view access to 'justice' as something different from access to the criminal justice pathway, and that 'having a range of justice pathways that can meet these different needs provides greater opportunity for people who have experienced sexual violence to access justice.'¹⁹

Restorative justice is a trauma-informed and supported process, which prioritises the needs and justice goals of victim-survivors and requires a person who has caused harm to engage deeply with their actions and their consequences. Crucially, the victim-survivor can voice the outcomes they want, and what accountability and repair look like to them. It encourages people who have caused harm to evaluate their own behaviours and motivations, identify ways to make positive changes, and connect with ongoing supports and services.

Restorative justice approaches have been around for decades, but their availability has been extremely limited due to piecemeal funding and strict eligibility requirements. For example, most programs require a criminal conviction first, which excludes victims-survivors who don't want to engage with the police, or for whom the criminal legal process doesn't result in a conviction.

Restorative justice avenues must be far more widely available for victims-survivors of sexual assault. People who have been harmed should have consistent access to restorative justice pathways regardless of where they live, and whether they report the assault to the police. Key

¹⁹ Australian Law Reform Commission 2024, *Justice Responses to Sexual Violence*: <https://www.alrc.gov.au/inquiry/justice-responses-to-sexual-violence/>.

challenges that the Federal Government has a responsibility to help overcome to ensure people who have experienced sexual violence can access restorative justice are:

- Inconsistent access to restorative justice for victims and survivors, including based on where they live, their demographics, their financial situation, and their willingness to engage with the criminal legal system.
- Confusion and lack of awareness in the community, including among legal system and victim support professionals, about restorative justice – that it exists, what it is, for whom it is available, what it offers to people who have been harmed, how it interacts with other justice-making processes, and more.
- Under-investment in restorative justice as a justice-making approach, including under-investment in the additional wrap-around supports that people participating in restorative justice need to participate in the process safely and to get the most benefit.

Legislation to support restorative justice

Each jurisdiction will need to amend its own laws and practices to enshrine restorative justice approaches alongside (or as an alternative to) the criminal legal process for all offences.²⁰ There should be key principles to support the development (or amendment) of legislation in every jurisdiction to provide a strong framework for restorative justice, and to ensure that people who have experienced sexual violence are not disadvantaged in their experience of accessing justice based on where they live.

The Federal Government should take a leadership role in developing these key principles alongside state and territory governments, the Aboriginal community-controlled sector, victims and survivors of sexual violence and the organisations that represent them, and organisations representing groups of people who face additional justice barriers or who are overrepresented in sexual violence statistics.

Recommendation 11

The Federal Government should take a leadership role in developing key principles to support the development (or amendment) of legislation in every jurisdiction to provide a strong framework for restorative justice and ensure that people who have experienced sexual violence are not disadvantaged in their experience of accessing justice based on where they live.

²⁰Restorative justice should be available for all offences, in all jurisdictions. This includes the Commonwealth jurisdiction – the Commonwealth Government should adopt restorative justice legislation for Commonwealth Criminal Code offences. However, the principle that restorative justice should be available for all offences should not delay the implementation of restorative justice for sexual violence. People who have experienced sexual violence should be able to access restorative justice even where governments are not ready to implement it for all offences, which may mean jurisdictions implement standalone legislation for restorative justice for sexual offences.

Resourcing to support community-based, best practice restorative justice

The Federal Government should resource the development of national guidelines for the delivery of restorative justice processes, including training, accreditation and monitoring guidelines for restorative justice facilitators. This is critical to ensuring high quality restorative justice options are available to people who have experienced harm, and that there is consistent, equal access for victim-survivors no matter which jurisdiction they live in. These guidelines can then be used by restorative justice facilitators to design and deliver the restorative justice processes their communities need.

The Federal Government should also contribute to resourcing a network of community-based restorative justice providers across the country, that have built trust with, and that have a strong understanding of, their communities and their unique needs. Resourcing should be sufficient to ensure that restorative justice is freely available to everyone in the community, not just to people who can privately fund legal and other support services for themselves.

People who engage in a restorative justice processes will often need significant support. To become a viable mainstream option, it must be equally available to all in the community. This will require adequate resourcing for free wraparound support services that people need. Some restorative justice options will only allow for participation after the person who has caused harm has obtained independent legal advice. Outcomes commonly sought by victim-survivors include an agreement from the person who harmed them to take practical steps to work towards changed behaviour. Often, this includes through participation in group programs or individual therapy and casework. In these cases, a common barrier is a lack of access to appropriate, affordable programs. There needs to be a diversity of properly funded therapeutic and transformative services available so that people who have experienced harm and want to see rehabilitation of the person who has caused harm as a justice outcome are more likely to have that justice need met.

Recommendation 12

Ensure all victim-survivors of sexual violence have access to legal assistance to navigate the criminal legal system and other processes such as restorative justice and seeking redress.

Recommendation 13

Provide resourcing to support:

- Independent expert organisations that are already successfully delivering community-based restorative justice processes to consult and develop national guidelines for restorative justice delivery.
- Community-based restorative justice providers to deliver restorative justice
- Wrap-around support to ensure equitable, safe access to restorative justice for people who have experienced harm, regardless of income
- Mental health, legal, behaviour change and other therapeutic programs for people who have caused harm.

We have developed a **briefing paper** providing more detailed advice to the Federal Government as to how it can act to ensure restorative justice is available to all victim-survivors.²¹

Closing the Gap

Outcomes are regressing on several Closing the Gap targets, including the number of First Nations children in out-of-home care (10) and rates of First Nations adult incarceration (12). Progress is stalled on other targets, including rates of First Nations child imprisonment (11) and rates of family violence and abuse against First Nations women and children (13).

Stalling or regression on these Closing the Gap justice targets are interconnected. Systemic discrimination and trauma experienced by children taken from their families and placed in care away from their kin and culture drives the out-of-home care to prison pipeline. Over-criminalisation of Aboriginal and Torres Strait Islander people drives high rates of removal of First Nations kids from family, culture and Country.

Working With Children Checks

The 1997 *Bringing Them Home* report concluded that forcible child removal was an act of genocide and that the treatment of Aboriginal and Torres Strait Islander people represented a gross violation of human rights. A February 2025 report by The Healing Foundation, *Are you waiting for us to die? The unfinished business of Bringing Them Home*, found that after almost thirty years, only 5 of the 83 *Bringing Them Home* recommendations have been clearly implemented, and that ‘both the removal of Aboriginal and Torres Strait Islander children into child protection systems, and the mass incarceration of Aboriginal and Torres Strait Islander people, have increased dramatically’.

When an Aboriginal child is removed, it is common for many First Nations family members to put their hands up to take on kinship care of the child but be denied. Every jurisdiction has its own system to determine whether the state deems a person to be an unacceptable risk to children. For the purposes of this document, we refer to all jurisdictions’ checks collectively as a “Working With Children Check” (WWCC).

A person must have a current WWCC to care for children in the out-of-home care system, as must all adult members of their household. Checks look far back into a person’s history, and many things can disqualify a person, including pending and non-conviction charges and other disciplinary records.

WWCC systems are biased, culturally inappropriate, and fail to account for the historic and ongoing systematic injustices perpetrated against Aboriginal and Torres Strait Islander people. At the same time, these systems do not place enough emphasis on the benefits of placing First Nations children with their kin (as required by the Aboriginal and Torres Strait Islander Child

²¹ Community Legal Centres Australia, *Restorative Justice*, briefing paper developed for the Federal Attorney-General’s Department, November 2025, <https://clcs.org.au/wp-content/uploads/2026/07/2025-11-Restorative-Justice-Briefing-Paper.pdf>

Placement Principles). As a result, these systems often unjustly disqualify Aboriginal and Torres Strait Islander people from caring for kids whose families need extra support.

For example, an Aboriginal woman who is a victim of domestic violence but who has been misidentified by police as a perpetrator will often be ineligible for a WWCC. Historic and ongoing targeting of Aboriginal and Torres Strait Islander peoples by the criminal legal system combines with culturally inappropriate systems for assessing eligibility to care for children to allow the state to deem entire kinship networks as not qualified to care for family members' kids.

Case study: Rachael* has a criminal record from her childhood and now isn't allowed to become a kinship carer

Rachael is a member of the Stolen Generations. When she was a child, she ran away to look for her family. Many years later, in adulthood, she found that she had a criminal file as a result. This is now a barrier to getting a Working With Children Check.

**Not her real name.*

One of the common reasons for children to be removed, particularly from First Nations mothers, is because the mother is a victim of domestic and family violence and the state deems that she is not doing enough to keep her children safe from witnessing or experiencing the violence she is facing. In these cases, harm to the children who are removed can then be compounded by separation from kinship networks, if no family member is approved to take on care.

Children's safety is critically important. Aboriginal and Torres Strait Islander children already experience the worst harms caused by broken out-of-home care systems. Outdated and culturally inappropriate WWCCs are putting children with family members who are willing and able to care for them at heightened risk.

Recommendation 14

Work with state and territory governments and the Aboriginal community-controlled sector to assess and reform all jurisdictions' Working With Children Check, Blue Card or equivalent systems to improve cultural appropriateness and ensure Aboriginal and Torres Strait Islander people aren't unjustly prevented from becoming kinship carers. Develop culturally appropriate frameworks for assessing actual risk to children, which consider the context of any existing or historical criminal records. Incorporate First Nations-determined protective measures to keep children safe from all forms of harm.

Age of criminal responsibility

In most jurisdictions, the age of criminal responsibility is just 10 years old (in Victoria and the ACT it is 12). This means kids as young as 10 across most of the continent can be detained, charged, and jailed. According to the Australian Institute of Health and Welfare, in 2023-24:

- Aboriginal and Torres Strait Islander children were 27 times as likely to be imprisoned than non-Indigenous children.
- Two thirds of kids in prison were Aboriginal and Torres Strait Islander kids.
- On average, First Nations kids in prison were younger than non-Indigenous kids, with over 6% of First Nations kids in detention aged 10-13 years old.

Many children engaged in the youth justice system have spent time in the child protection system or have experienced domestic and family violence. Imprisoning them simply compounds trauma and exposes them to further violence. In maintaining a minimum age of criminal responsibility that is so unacceptably low, governments in Australia are causing irreparable harm to children.

Raising the age of criminal responsibility to 14 would result in around 8,000 children being diverted from the criminal legal system. To successfully divert these young people from the criminal legal system, the government would also need to work with communities to design and adequately fund developmentally appropriate and community-based alternative responses.²²

Legal advice released by the National Aboriginal and Torres Strait Islander Legal Service (NATSILS) in September 2024 makes clear that the Commonwealth government has the constitutional power to raise the minimum age of criminal responsibility to 14 nationally and set minimum legislated standards for the treatment of children and young people in state and territory criminal legal systems.²³

Section 51 (xxix) of the Australian Constitution (the external affairs power) empowers the Australian Government to make laws to give effect to international treaty obligations. The Government has such an obligation under the UN Convention on the Rights of the Child, to protect children and young people against harm, including in detention.

The release of this legal advice makes clear that the Commonwealth can no longer ‘hide’ behind the argument that states and territories are solely responsible for criminal legal systems and must take the lead.

Governments’ law-and-order agenda for children and young people is driving adult incarceration. The current approach sees young children kept in cells for many hours a day and denied access to regular schooling, time outside, socialising with other young people, family, community, First Nations support workers and adequate mental healthcare. Children can

²² Centre for Innovative Justice – RMIT University, *Review of age of criminal responsibility Submission to the Council of Attorneys-General*, February 2020, pg 2.

²³ NATSILS, *Explainer: The Commonwealth Government’s constitutional power to protect children*, 16 September 2025, <https://www.natsils.org.au/resources/explainer-the-commonwealth-governments-constitutional-power-to-protect-children/>, (accessed 18 December 2025)

leave prison with immense trauma, which can drive a whole range of problems into adulthood, including increased risk for perpetrating domestic and family violence, or being victimised. The statistics show that the younger a child is the first time they're locked up, the more likely they are to be further criminalised as they get older.

Recommendation 15

Set a nationally consistent minimum age of criminal responsibility that is at least 14 years of age.

Aboriginal and Torres Strait Islander women in prison and at risk of violence

Women, particularly Aboriginal and Torres Strait Islander women, are the fastest-growing group of people in prison. Most women in prison are also victims-survivors of domestic, sexual or family violence. Many First Nations women victims-survivors are misidentified by police as perpetrators and experience both the removal of their children and imprisonment as a consequence.

Two of the most common offences for which First Nations women are imprisoned are burglary and robbery – offences often associated with poverty. Australian Law Reform Commission Report 133 *Pathways to Justice – Inquiry into the incarceration Rate of Aboriginal and Torres Strait Islander Peoples* found that a significantly higher proportion of First Nations people are imprisoned for assaults that did *not* result in injury than is the case for non-Indigenous people.

Imprisoning Aboriginal and Torres Strait Islander women can have very significant impacts on the broader community, by disrupting care relationships and increasing the number of First Nations children in out of home care. Most Aboriginal women in prison are single mothers, and many have caring responsibilities for children other than their own biological children, as well as for older family members.

Most Aboriginal and Torres Strait Islander women in prison have had harmful contact with child removal systems – being removed as children, having their own children removed, or both. Supporting mothers' contact with their kids while in custody reduces recidivism and further adverse contact with the child removal system following release. Despite this, too many women are kept from maintaining contact with their children while in custody.

The process of leaving prison is not supportive. Many people leave prison with no ID, no housing, no employment and no access to social security. If a person has been in prison for some time, the bank might have closed their accounts, so they can't get Centrelink payments. But without a place to live or ID, it can be impossible to open a bank account.

There is often no continuity of casework support for people leaving prison. Some may have casework support in prison, and some may access it following release, but too many fall through the gap between. Without ID, support, or money, everything is harder. People leaving prison are set up to fail and too many end up in an ongoing cycle of release without support, minor reoffending, and re-incarceration.

Without the ability to prepare and secure a safe place to live following release, many women leaving prison are forced into the impossible choice between sleeping rough or returning to a violent home. Reducing rates of adult incarceration and domestic and family violence experienced by Aboriginal and Torres Strait Islander women both require that women leaving prison are given proper supports to be safe.

Recommendation 16

Work with state and territory governments and the Aboriginal and Torres Strait Islander community-controlled sector to develop a national framework to support Aboriginal and Torres Strait Islander women in and leaving prison, which includes:

- Supporting women to maintain contact with their children while in custody
- Ensuring support for women ahead of release from prison to access ID, and to arrange income, a safe place to live, and access to health services.
- Implementing clear and consistent rules of access to prisons for organisations delivering critical services, including legal assistance. This includes facilitating continuity of casework support for people leading up to, and following, release.

Social security

Poverty is a policy choice. The Federal Government sets social security payment rates and is responsible for the systems people must navigate to access payments.

The Federal Government has a responsibility to ensure that people aren't forced to choose between staying in a violent home or living in their car or on the streets; between paying rent or paying for necessary medication; between putting food on the table or clothes on their kids' backs. Temporary increases during the COVID-19 pandemic showed that when social security rates increase, no one loses. Those funds are poured straight back into the economy.

Poverty is a driver of legal need. Poverty can trigger many legal problems while leaving people with fewer resources to address them. Lifting people out of poverty not only improves overall wellbeing, but it also prevents legal problems arising, increases people's capacity to resolve issues quickly, and reduces demand on legal assistance and other support services.

Safe, and timely access to adequate social security payments, including Crisis Payment, and support from specialist staff within Centrelink, can be critical to enabling women and children to escape domestic and family violence. Recent reforms, like the knowingly provisions, have had a positive impact for women and children experiencing domestic and family violence and must be expanded. At the same time, the government must do more to address technology-facilitated abuse through online systems, like myGov. Community Legal Centres Australia endorse recommendations made by Economic Justice Australia in relation to these issues.

Social security payments are both inadequate and inaccessible. Rates of payment are too low, particularly working age payments which have not kept pace with the cost of living. The system is complicated, difficult to navigate, and often unfair. Both issues of rate and access must be

addressed to deliver just outcomes to people who rely on income support. Raising payment rates alone won't solve the problem if the system for accessing payments continues to create high barriers preventing people from getting onto payments. Improving accessibility of payments alone won't solve the problem if payment rates stay so low that they keep people in poverty.

One way to improve the accessibility and transparency of the social security system is to ensure people who have been denied access can get free and independent legal advice. Another is to ensure specialist social security legal services are resourced to carry out expert advocacy to improve systems. The Robodebt Royal Commission recommended additional resourcing for specialist social security legal services. This recommendation has not been met.

Recommendation 17

Increase the base rate of JobSeeker, Youth Allowance, Austudy, Abstudy, Special Benefit and Parenting Payment to at least \$82 per day (\$574 per week).

Recommendation 18

Implement the Robodebt Royal Commission's call for increased resourcing for free legal services by investing an additional \$5 million per year in Department of Social Services funding for specialist social security legal services, starting from 2026-27.

Community Legal Centres Australia also endorses all recommendations related to the social security system, including Centrelink and Services Australia, made by specialist community legal centre peak body Economic Justice Australia.