



FAMILY COURT ACCOUNTABILITY NETWORK

Submission to the Second Action Plan

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

2026

About this submission

The Family Court Accountability Network is a survivor-led national collective. Our members are women and children who went through the family law system and were harmed by it.

We have structured this submission to the five priority areas of the consultation. Each section answers the questions asked and sets out what we think would make the difference. Our full reform blueprint sits behind this submission and is available on request.

We have written this in the terms the National Plan uses. Where we say person using violence, protective parent and person most in need of protection, we are using the language of the Plan.

We have followed the National Plan's approach to gender. The evidence is unambiguous that domestic, family and sexual violence is overwhelmingly perpetrated by men against women and children, and where we set out evidence we say so, because a system that will not name the pattern cannot respond to it. FCAN supports the National Plan's recognition of this reality. When we describe what the system should do, however, we use the Plan's operational terms—such as person using violence, protective parent and person most in need of protection—because the reforms we propose strengthen protection for every victim-survivor while ensuring every person using violence is held accountable.

Summary

The family law system is not a service for ordinary separations. It deals overwhelmingly with families affected by domestic, family and sexual violence, and it was not designed for that.

Most separating parents never see a courtroom. The families who reach a final hearing are the small proportion in which one parent will not stop, and the contest itself is the point. Coercive control does not end at separation, it changes instrument, and the children, the proceedings and the orders become the means by which it continues.

The court's own data confirms this. Across the Lighthouse expansion period, 34,318 parties completed the family safety risk screen and 20,625 of them, around sixty per cent, were assessed as high risk. More than half of those presented with three or more high-risk factors.

The family law system is built on an assumption that the two people in front of it are equally placed. In these matters they are not, and they never were. A system built on that assumption is a fundamentally different thing from a system built to identify and respond to violence. That is the design failure this submission addresses, and it cannot be fixed by training the people inside it.

Four principles

Everything in this submission follows from four principles, and every recommendation we make can be traced to one of them.

1. Keep the protective parent and the child together. Separating a child from the parent protecting them is itself a serious intervention and requires the highest justification. At present it is treated as a routine case management step.

2. Hold the person using violence accountable. The person using violence is the focus. Assessment should involve perpetrator mapping to correctly identify who is using violence, including the forms of abuse only recently recognised, such as coercive control and post-separation abuse.

An understanding must exist that domestic, family and sexual violence directed at one parent fundamentally affects the entire family, and that a parent who uses violence continues to be abusive towards their children long after final separation. Where a person has been correctly identified, through specialist domestic, family and sexual violence assessment, as using violence that presents an ongoing risk to a child or protective parent, parenting arrangements should prioritise safety. Unsupervised time should not occur unless subsequent specialist assessment demonstrates that the risk has been addressed.

Accountability is prevention. Where a person using violence has already been identified and nothing follows, the next incident is not prevented. It is scheduled.

3. Build one integrated system. One doorway, one story told once, one coordinated response, with domestic, family and sexual violence added to police, fire and ambulance as a fourth emergency service on 000 as its front door.

4. Build it with the people it is for. Survivors in the room where the system is designed and evaluated, not consulted at the end. This is what twenty-five years of inquiries lacked, which is why they reached the right conclusions and changed nothing.

What we would ask for first

If only three things were possible under this Plan, these are the three, and each serves one of the principles above.

Commission an independent multidisciplinary review of parenting orders that changed children's care arrangements in high-risk matters involving allegations or findings of domestic, family and sexual violence, coercive control or child abuse, using the integrated panel model proposed in this submission. This can be commissioned now and does not require legislation to begin. Principle 1.

Establish a specialist Safety Panel to identify who is using violence at the point of first contact, and act on it. Principle 2.

Commit to building the integrated system, with domestic, family and sexual violence as a fourth emergency service on 000 as its front door. Principle 3.

Principle 4 is not a fourth ask. It is the condition on which the other three are built, and it is set out at the end of this submission.

Priority area 1. Victim-survivors

Principles 1 and 2.

What would make the biggest difference to safety, healing and recovery. What helps people get support earlier. What barriers stop people accessing services.

What would make the biggest difference

Being believed, and being correctly identified.

Nothing else a victim-survivor needs is available to her if the system has identified the wrong person as the danger. Misidentification is not a processing error. It determines where her children live, whether she keeps her home, whether she is prosecuted for breaching an order she is complying with, and whether she is treated as a victim or as a problem for the rest of the proceedings.

Australian research analysing 521 published Family Court judgments containing child sexual abuse allegations found that in twenty-five per cent of fully contested cases a

restraining order or warning was imposed on the protective parent. The most common such order prohibited that parent from taking the child to sexual abuse counselling.

So the first thing that would make a difference is that the identification of who is using violence is made by people trained to read coercive control, at the point of first contact, and is not re-litigated afterwards by people who are not.

We ask for a Safety Panel of no fewer than three specialist domestic, family and sexual violence practitioners to triage every matter in which family violence, coercive control or child abuse is alleged. The Panel works from what the state has already found, including protection orders, child protection substantiations, police records and the professionals already involved with the family. It applies the Safe and Together model, which is already established practice in Australian child protection.

What helps people get support earlier

A single point of entry, and one file.

At present a victim-survivor tells her story to police, to child protection, to a lawyer, to a report writer, to a refuge worker and to a court, and each of them holds a fragment. She is required to re-establish her credibility every time, and the cost of doing so is measured in years.

The retelling is not neutral. Each account is given to someone who has not read the last one, who may respond with disbelief, and who has the power to make it worse. Survivors describe this as its own injury, distinct from the violence, and it is a substantial part of why people stop seeking help.

We ask for one doorway. One integrated entry point, one case worker and one file allocated at the first contact, so the account travels with her rather than starting again at every agency.

Barriers that stop people accessing services

Cost. Safety is currently something a woman buys. The parent who can fund years of litigation, forensic accounting and expert reports has a chance. The parent who cannot is left to represent herself against the person who controlled the money.

The proceedings themselves. Supervision fees, assessment costs, being ordered to pay the other party's legal costs, and the use of cost threats as leverage are a continuation of economic abuse by other means, and they are currently invisible to the system that orders them.

Not being able to speak. Family law publication restrictions can expose a survivor to criminal liability if she publishes material identifying a party or child in her proceedings. In practice this severely limits how she can describe what was done to her and her children, including when seeking support.

We ask for family justice that is free at the point of access, on the same principle as Medicare, for financial abuse conducted through proceedings to be recognised as ongoing economic abuse, and for the publication restrictions to be reformed.

Emerging issues, including coercive control

Coercive control is not an emerging issue in the family law system. It is the primary presenting issue, and the system is structurally unable to see it, because it assesses incidents rather than patterns and because the legal test asks about imminent risk rather than sustained control.

We ask that the interpretation of unacceptable risk be reviewed so that a pattern of coercive control and cumulative indicators of harm are sufficient to meet the threshold, and so that violence is not discounted because the incidents relied on occurred months or years earlier. The absence of a recent incident is not evidence that risk has ceased, because coercive control is sustained precisely through periods in which no single identifiable incident occurs.

Gaps for diverse communities

Misidentification does not fall evenly. It falls overwhelmingly on women, and on Aboriginal and Torres Strait Islander women in particular. Any measure adopted under this Plan that does not address that pattern directly will widen it.

Priority area 2. Prevention and early intervention

Principles 2 and 3.

What would make the biggest difference to preventing violence. How prevention efforts can be strengthened.

Correct identification is prevention

Prevention is usually understood as work done before violence begins, and that work is essential. FCAN's contribution is at a different point on the same continuum.

Where a person using violence has already been identified and nothing happens, the next incident is not prevented. It is scheduled. Early identification of the person using violence, followed by an actual consequence, is the most direct form of prevention available to a system that already has the person in front of it.

In one member's case, eleven reported breaches of a protection order preceded any charge, and the charge was then dropped. The absence of a response was read by that family and that community as proof there was nothing to respond to, and the violence escalated accordingly.

What would make the biggest difference

A fourth emergency service. Add domestic, family and sexual violence to police, fire and ambulance as a fourth option when a person calls 000. The infrastructure exists. DVConnect has run a statewide crisis line in Queensland since 1980, specialist practitioners are already embedded in police stations, and a co-responder model already operates. What frontline services lack is the power to act on what they can see. Police attend alongside them to exercise the powers the service does not hold, acting on the service's risk assessment rather than substituting their own.

The current approach places general duties police in the lead, with specialist domestic, family and sexual violence services providing advice only if they are involved. This arrangement means sustained patterns of coercive control are often recorded as a verbal domestic, with no offence disclosed. Instead, practitioners with specialist expertise in identifying coercive control should lead the assessment, while police exercise their statutory powers based on that specialist assessment.

Behaviour change that is assessed, not assumed. Where a person has been identified as using family violence, there should be no contact with a child until the person using violence has acknowledged the violence and undertaken behaviour change intervention. Completion of a program is not proof of change and should never be treated as sufficient on its own. Whether behaviour has actually changed is a matter for specialist assessment, drawing on the accounts of the people around the family.

Wellbeing checks in schools, conducted by independent specialists as part of the system rather than as a referral, so the burden of seeking help does not fall on the child.

How prevention efforts can be strengthened

By resourcing the sector that already does this work. Frontline domestic, family and sexual violence services currently operate on short-cycle grants and fixed-term contracts, with waiting lists. Recurrent funding for that sector is not a separate reform. It is the precondition for every other one in this submission.

Priority area 3. Children and young people

Principle 1.

What would most improve children's safety, wellbeing and recovery. How children can have a genuine voice.

What would most improve safety

Stop placing children with the parent they have disclosed against.

FCAN reviewed twenty published final judgments from the Magellan List, the court's own specialist pathway for child sexual abuse and serious physical abuse. Seventy per cent of fathers were granted sole parental responsibility. Eighty per cent of child sexual abuse allegations produced no protective order. Seventy-five per cent of children's disclosures were dismissed or minimised. Protective mothers had their time reduced, supervised or suspended in sixty-five per cent of cases.

This is the court's specialist child abuse pathway. An Independent Children's Lawyer is appointed in every case. If any part of the system should identify and respond appropriately to child abuse allegations, it is this one.

In answers tabled for the 2026–27 Budget Estimates, the Attorney-General's Department confirmed it has never reviewed the Magellan List, the only evaluation dating from 2007, and the court confirmed it does not hold data on how many Magellan matters involve child sexual abuse allegations or what orders those matters produced.

Commission an independent multidisciplinary review of changes in children's care arrangements in high-risk cases

We ask for an immediate independent multidisciplinary review of parenting orders, including consent orders where there is evidence or concern that genuine consent may have been compromised by coercion, litigation abuse, economic abuse or other forms of domestic, family and sexual violence, that changed a child's primary residence, substantially altered their care arrangements, or disrupted their primary attachment relationship in matters involving allegations or findings of domestic, family and sexual violence, coercive control or child abuse.

The review should be undertaken by independent multidisciplinary panels comprising specialist domestic, family and sexual violence practitioners with expertise in coercive control, child development and attachment experts, child protection practitioners, and other relevant professionals, consistent with the integrated panel model proposed in this submission.

The review should determine whether:

- the person using violence and the protective parent were correctly identified;
- decisions to change a child's residence or care arrangements appropriately reflected the evidence of risk and safety;
- the child's primary attachment relationship was appropriately recognised and protected, and whether unnecessary disruption or relationship rupture occurred between the child and their protective parent;
- parenting orders promoted the child's safety, wellbeing and long-term recovery;
- the child's current circumstances, safety and relationships demonstrate that the existing parenting arrangements remain in the child's best interests, having regard to subsequent evidence and events.

Where the review identifies that the person using violence was misidentified, that children

remain at ongoing risk, that children have been unnecessarily separated from their protective parent or primary attachment relationship, or that the current arrangements are no longer in the child's best interests, it should recommend immediate reconsideration of parenting arrangements, including returning children to their protective parent where appropriate, and any other protective action required, including retaliation risk assessment informed by perpetrator mapping.

Keep the protective parent and the child together

Separating a child from the parent protecting them is itself a serious intervention, and it is currently treated as a routine case management step.

We ask that no order, interim or final, change a child's primary residence away from a parent the state has identified as the protective parent. Where a child genuinely needs to be removed from a parent for their safety, that should occur through child protection, which holds the statutory function, the training and the investigative powers, and not through a family law order.

We ask for a moratorium on interim changes of residence. Interim orders are made on untested evidence, often within weeks of filing, and a child moved on an interim order is frequently not moved back even where the final hearing resolves the other way. The interim order becomes the outcome and the hearing becomes a formality.

We ask that the disruption itself be recognised as harm, including the loss of a child's school, community, friendships, siblings' proximity and established way of learning. A transfer of residence that removes all of these at once is a serious intervention, not a change of address.

A genuine voice for children

Children are currently interviewed repeatedly, by people not trained to speak with them, in settings not built for them, and their accounts are then characterised by adults who did not hear them.

We ask that the court not interview children at all. Where a child needs to be spoken with, it should happen once, with a practitioner accredited in child trauma and coercive control, in a Barnahus-style setting, recorded, with that single recording serving every process that follows. Where the state has already spoken with the child through child protection or a frontline service, that account should be used rather than repeated.

We ask that a child's stated wishes be weighed together with the circumstances in which they were expressed, including who asked, where, whether the person they were speaking about was present or nearby, and what the child understood about who would be told what they said.

This matters because a child living under coercive control can be coerced into saying the opposite of what they want, agreeing with the person controlling them because agreement is how they stay safe. Distinguishing a child's own view from one produced by fear is a specialist skill.

Recovery

Children who have been through this system carry two injuries, the abuse and the response to it. Australian research published in 2026, in which three young women described their experience as children in the Family Court, found that the court process constituted a second trauma, and that in one case the abuse continued during the proceedings.

We ask for fully funded long-term health and mental health care for survivors and their children, modelled on the lifetime health care card provided to veterans, so that a family is not means-tested or session-capped for injuries the system caused.

Priority area 4. People who use violence

Principle 2.

What would improve early identification and response. What approaches best support accountability and behaviour change while prioritising victim-survivor safety.

Early identification

The identification exists. It is simply not acted on.

By the time a matter reaches the family court there is very often a protection order, a specialist risk assessment, a child protection notification and a police history. The knowledge is held by the people who see this every day and are trained to recognise coercive control, and it then goes nowhere, because those services hold no power to act and the court is not required to adopt their assessment.

We ask that the identification of the person using violence be made once, at the point of first contact, by specialist frontline domestic, family and sexual violence practitioners, and that it travel with the family rather than being re-decided by each subsequent forum.

Accountability

Scrutiny should follow the behaviour of the person using violence rather than the protective parent's response to it. The Safe and Together model, already in use across Australian child protection, maps the pattern of behaviour of the person using violence, its full effect on the child, and their conduct as a parent, and it maps the protective parent's strengths and the steps they have already taken, rather than treating those steps as evidence of a problem.

A protective parent's fear, distress, reporting of abuse or refusal to hand a child over is not evidence against them, and at present it is routinely treated as such.

We ask that Safe and Together be embedded across family law, child protection and policing.

Litigation abuse should be recognised as coercive control. Repeated applications, non-disclosure, cost threats and procedural harassment are a continuation of control by other means. Courts should have express power to act on that pattern without requiring the affected party to bring a separate application, which is itself another cost they cannot meet.

Behaviour change

We support behaviour change intervention and we do not accept program completion as evidence that it worked. The evidence base for these programs is weak and courts currently treat a certificate of completion as proof of change.

We ask that contact resume only where specialist assessment finds that behaviour has actually changed, in stages, and with the child's own view weighed.

Prioritising victim-survivor safety

Every measure in this section is designed to sit alongside the safety measures in priority area 3 rather than in tension with them. Accountability for the person using violence does not require the protective parent to negotiate with them, to attend anything jointly with them, or to prove that they are safe.

Priority area 5. System integration and workforce

Principle 3.

What would create a more coordinated and connected system. What workforce skills and supports are needed.

What would create a coordinated system

One system, not better coordination between eight.

The Australian Law Reform Commission concluded in 2019 that the problem could only be resolved by a single system able to deal with family law, child protection and family violence together, and recommended transferring family law jurisdiction to the states and territories with the first-instance federal family courts eventually abolished. In 2003 a House of Representatives committee proposed a multidisciplinary Families Tribunal in place of an adversarial court. Neither was built.

There is a constitutional reason this direction matters. Following *Re Wakim*, a federal court cannot be given state powers, and child protection is a state power. A federal court therefore cannot hear the whole of a family's situation no matter how much information sharing is added to it. Western Australia already runs family law as a state court.

We ask for a government commitment to build an integrated system, in which family law, child protection, police, family violence, housing, health, finance, education and social security work from one shared view of risk, with one door for one family and one story told once.

We ask that the decision-making body be a multidisciplinary panel rather than a single judicial officer, comprising a specialist domestic, family and sexual violence practitioner, a child development expert, child protection, police and a legal member, with the family's own peer support worker present. On the single question of identifying who is using violence, the specialist practitioner leads, because reading a sustained pattern of coercive control is the skill that question turns on.

The panel is not the existing professionals under a new name. We want to be explicit about this, because it is the most likely way for a reform of this kind to be captured.

No family report writer, Independent Children's Lawyer, court-appointed psychiatrist or family therapist currently operating in the family law system holds a seat on the panel by virtue of that role. The child development member is not a report writer. The legal member is not an Independent Children's Lawyer. The panel does not commission assessments from the pool of professionals whose practice this submission criticises.

Accreditation for panel membership is granted by an independent body, is not granted on the basis of existing family law experience, and expressly excludes any practitioner whose training or practice relies on parental alienation, its rebrands or resist-refuse framings. A practitioner who has given evidence characterising family violence allegations as alienation is not eligible.

The professionals whose practice this submission criticises are the professionals most likely to seek appointment to a body that replaces them. Many hold the credentials that would appear, on paper, to qualify them. A panel staffed from the existing pool would concentrate their influence rather than dilute it, and would give the same framework a statutory foundation it does not currently have.

We ask for a Domestic, Family and Sexual Violence Commission in every state and territory, working to one national framework coordinated by the existing federal Commission, so that identification, risk assessment, information sharing, response and accountability operate the same way in every jurisdiction. A woman who crosses a border should not cross into a different standard of protection.

Oversight

Give the existing Commission statutory powers. The federal Domestic, Family and Sexual Violence Commission already exists. What it lacks is statutory authority. The Commissioner asked for this in the 2025 Yearly Report to Parliament. It has not been given.

Establish one independent oversight body covering every decision-maker and appointed professional in the system, with a distinct judicial arm and narrowed statutory immunity for acts amounting to gross negligence, discrimination or misconduct.

Count the harm. Commission a national count of children harmed or killed in the context of court-ordered contact, and establish an independent harm review board so that every professional decision in such a matter is reviewed and published.

Workforce

Specialist competency should be required by law, not encouraged. Every decision-maker should be trained in family violence, child development and trauma, independently accredited and externally audited. Trauma training counts in its own right, because trauma is what explains why a child freezes or recants, why a disclosure emerges in fragments, and why a victim-survivor may present as hostile, flat or disorganised.

Draw evidence from the professionals who already know the family. Treating doctors, psychologists, school staff, child protection workers and family violence practitioners have observed a family over months or years, are registered and regulated, and in most cases already carry mandatory reporting obligations. That knowledge is more reliable than an assessment produced by a stranger over one or two meetings for the purposes of litigation.

Evidence from a professional should not be discounted because one parent engaged them, and where a protective parent has been prevented from engaging a professional, including where the other parent withheld consent, the system should commission the assessment itself rather than reading the absence against her.

Neuroaffirming practice as part of specialist training. Autistic women are statistically more likely to be partnered with an abusive man, and autism is heritable, so an autistic mother and an autistic child frequently appear in these proceedings together. Under sustained stress, neither is likely to present in the way an assessor expects, and that is categorically misidentified as evasiveness, hostility, coaching or poor parenting.

Autistic presentation also fluctuates. A person may be articulate one day and non-verbal the next, which a single assessment cannot capture and which is routinely read as inconsistency. Specialist accreditation should therefore include neuroaffirming practice, and assessment should account for disability that varies rather than treating a single presentation as the person.

Fund the frontline. The specialist domestic, family and sexual violence workforce this submission relies on currently operates on short-cycle grants and fixed-term contracts. A peer workforce should be paid and trained, not volunteer, and survivors should not be used as unpaid credibility.

Other priorities

Redress

Where the state causes harm through its own systems, the state repairs it. That principle is already established in the Robodebt scheme and in institutional child abuse redress.

We ask for a national redress scheme compensating the psychological, emotional, financial and physical toll of parenting orders that wrongly changed children's care arrangements or unnecessarily separated children from their protective parent or primary attachment relationship, the harm to the bond between a child and their protective parent, and the loss of homes and assets. It should adopt the machinery already proven in the veterans' compensation system, meaning a no-fault liability model, presumptive causation, and payment without requiring the injured person to litigate against the state.

A redress payment must not create a Centrelink debt or reduce a survivor's current or future payments. A scheme that compensates a woman and then claws it back through the social security system has not compensated her.

Children harmed under orders should be recognised as victims in their own right, with standing to seek redress independently of a parent.

A Royal Commission

Twenty-five years of inquiries have identified the same faults without anyone being answerable for them. A Royal Commission has the powers those inquiries lacked, including the power to compel evidence, and its purpose would be to establish what was done, who decided it, and who must be held accountable, so that redress begins from findings rather than from assumption.

Survivor-led design

Principle 4.

This is the priority we would place above all others in terms of how the Plan is delivered.

Every consultation, including this one, involves a small number of people deciding who is consulted. Agencies and advocates nominate names, which is still a selection. What comes back is the voice of the people who were asked, not of everyone the system touches. By the time something becomes policy it has passed through several rooms. The woman whose children were transferred to the man she had reported was in none of them.

The victim-survivor lived experience advisory panel operating through the Commission established the right principle. What it cannot do, by design, is reach beyond the small number appointed to it.

We ask for an independent national survivor network, run by survivors and resourced but not directed by government, built through deliberative regional gatherings in every state and territory, with delegates chosen by their own regions rather than appointed. The

gatherings would produce a consensus statement of what survivors require, and that statement would set the direction rather than answer questions someone else has written.

This extends the existing panel rather than replacing it. It is what that panel would look like if everyone had access to it.

An opportunity for Australia

The failures set out in this submission are not unique to Australia. The same pattern has been documented in the United Kingdom, the United States and Canada, and researchers in each of those jurisdictions have reached the same conclusions from their own courts' judgments.

No country has yet rebuilt its family law system around the safety of children. England and Wales is further advanced on oversight, with the Domestic Abuse Commissioner proposing a family court review and reporting mechanism in October 2025, but no jurisdiction has done what this submission asks.

Australia has led before on measures other countries then adopted. There is a genuine opportunity to be the first country to redesign this system around children's safety rather than around the resolution of a contest, and to be the jurisdiction others look to rather than the one that waited.

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