

14 August 2026

Department of Social Services
GPO Box 9820
Canberra ACT 2601

By email: SecondActionPlan@dss.gov.au

Dear Department of Social Services,

Feedback on the Second Action Plan

We thank you for the opportunity to provide feedback on the Second Action Plan under the *National Plan to End Violence against Women and Children 2022-2032*.

About the Federation

The Federation of Community Legal Centres is the peak body for Victoria's 50 community legal centres (CLCs). Our members are at the forefront of helping those facing economic, cultural or social disadvantage and whose life circumstances are severely affected by their legal problem.

CLCs are essential in the response to family violence in Victoria and across Australia. In the last financial year in Victoria, CLCs provided more than 170,000 legal services with over 40 per cent of people accessing our services either experiencing or at risk of family violence. This is disproportionately high in regional and remote centres where approximately 75 per cent of people accessing CLCs disclosed having been impacted by family violence.

Our members include specialist family violence legal service providers across Victoria which assist specific sections of the community, including women experiencing disadvantage, Aboriginal and Torres Strait Islander women, women from migrant and refugee communities, LGBTQIA+ people, young people and seniors. CLCs also run programs for victim survivors of sexual violence, including long-term partnerships with sexual assault services.

The need for urgent and meaningful reform and investment in proven programs

The Second Action Plan will be critical in comprehensively addressing how Australia will reduce and ultimately end family violence against women and children. As of 6 August 2026, 44 women and 19 children in Australia have been allegedly killed by male violence this year, last year the figures were 79 women and 27 children. In one week alone in June, four women were allegedly killed by male violence. There have been a multitude of inquiries, including *Missing and Murdered First Nations Women and Children*¹ that have largely been ignored. This is a national crisis; we are collectively calling for urgent and meaningful reform and investment in evidence-based programs and supports that address the underlying causes of male violence. These investments need to be

¹ Senate Legal and Constitutional Affairs References Committee, Inquiry into Missing and Murdered First Nations Women and Children, 2024.

age and developmentally appropriate, as well as dedicated funding allocated to self-determined and Aboriginal led programs and models.

Overall, we recommend that the Second Action Plan clearly aligns with and supports the implementation of our *Ways – Strong Ways – Our Voices the National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence 2026-2036*. We know that Aboriginal women and children are disproportionately impacted by family violence and this dedicated plan must be adequately resourced and implemented in full as a priority.

It is important that the Second Action Plan clearly articulates Commonwealth leadership responsibilities and actions and addresses important levers that fall within the Commonwealth's domain, while committing to adequate funding to implement the plan across all levels of government.

We make the following recommendations below for inclusion in the Second Action Plan. These set of reforms are critical to early intervention and holistic support for victim survivors and ensure that children and young people impacted by family violence are front and centre. We can provide detailed information about existing CLC programs which have been evaluated and proven effective to support these recommendations.²

Increasing access to vital legal support

Legal services are a crucial part of the family violence response

It is crucial that victim survivors can access early and holistic support to family violence. There can be devastating consequences where victim survivors are left to navigate high risk situations alone. Legal assistance forms a critical part of the family violence support network. It is only through a whole of system approach, including legal assistance, that the various challenges faced by victim survivors can be addressed. This includes access to safety planning, secure housing, counselling, cultural support, financial help and legal assistance.

Victim survivors require access to legal assistance as early as possible to understand their options, make informed decisions and to protect them from violent and abusive situations. This includes helping to secure family violence intervention orders and family law assistance to resolve parenting disputes to put in place safe arrangements for mothers and children.

It also encompasses a range of related and often compounding legal issues, such as:

- helping families when child protection authorities intervene
- migration assistance for women on temporary visas
- legal representation where criminal charges have been laid, particularly for women who have been wrongly identified as the perpetrator of violence, and
- legal assistance where family violence has caused housing instability or homelessness.

Legal support is also important in restoring victim survivors' financial safety and independence, recognising that victim survivors are often coerced into taking on large debts or face unfair property divisions with ex-partners. This assistance is essential in helping victim survivors to recover from often long periods of economic abuse.

² Please refer to a list of integrated practice evaluations delivered by CLCs for examples of CLC programs, available on our website at [Evaluations of Integrated Services](#).

CLCs are experienced in providing holistic and trauma-informed legal services to victim survivors and have been at the forefront of developing best practice integrated legal models, consisting of lawyers and community service professionals, such as social workers, counsellors, financial counsellors and case managers, within their legal organisation. Aboriginal legal and family violence services, such as the Victorian Aboriginal Legal Service and Djirra, also provide essential support to Aboriginal young people and adults impacted by family violence involving lawyers and Aboriginal community engagement workers.

CLCs operate in partnership with a range of community organisations that assist victim survivors, which helps people to understand and identify their legal need earlier, reach people before their legal issues escalate and provide more wrap-around support. The focus on early intervention has a preventative effect in terms of reducing compounding harms for vulnerable groups and can reduce pressures on the justice system, health system and other parts of the service systems down the track.

We recommend that the Second Action Plan:

- recognises the integral role legal assistance plays in the family violence support system, including in early intervention and as part of a holistic response.
- increases access to trauma-informed legal services for families experiencing family violence by committing to sustainable and ongoing resourcing for the community legal sector, including in regional and remote areas where there are disproportionately high rates of family violence and less access to services.
- scales-up integrated legal service models and health justice partnerships delivered by CLCs which address family violence and are proven effective.
- expands investments in Aboriginal Community Controlled Organisations (**ACCOs**) that provide legal and family violence services recognising the disproportionate impact of family violence on Aboriginal families.

Increasing access to affordable legal assistance in family law

Unresolved family law issues can significantly increase the risk of ongoing family violence post-separation and harm to children that flows from high level conflict about parenting arrangements and property divisions. The prevalence of family violence in family law matters that are in court is high. Eighty-three per cent of court applications for parenting orders involved allegations of family violence.³ The family law system is complex and parties who do not have legal representation are at a significant disadvantage. Legal representation is crucial for families to reach effective, safe and fair outcomes. This is particularly important in the context of family violence where there are unequal power dynamics, coercive control and often systems abuse and much greater scope for unsafe and poor outcomes for victim survivors without legal representation.

³ Federal Circuit and Family Court of Australia, [Media release: The Courts hosted screening of a powerful documentary that elevates the voices of young victims of domestic and family violence.](#) 7 May 2025.

Alongside the legislative reforms that have been introduced to improve the family law system in the past couple of years, it is crucial that families experiencing family violence have access to affordable legal assistance in their family law matters to effectively support these reforms.

We recommend that the Second Action Plan commits to increased investment in CLCs, ACCOs and legal aid commissions to provide assistance in family law matters to families experiencing family violence and disadvantage.

Expanding independent legal representation in criminal trials involving sexual violence

It is well recognised that the justice process can have a devastating impact on victim survivors of sexual violence. This has been the subject of a number of recent inquiries which have recognised the need for victim survivors of sexual violence engaged in the criminal justice process to be properly supported, heard, and to see perpetrators held accountable.⁴ The Victorian Law Reform Commission (VLRC) and the Australian Law Reform Commission (ALRC) have recommended that governments fund independent legal advice and representation for victim survivors of sexual violence at key stages of the criminal justice process to ensure that their rights and interests are protected.⁵ This includes in relation to victim survivors':

- rights and privileges around evidence (e.g., confidential communication privilege, alternative arrangements and special protections, access to intermediaries), and
- rights to privacy around disclosure of personal information (e.g., information about their sexual history, the nature of cross-examination or suppression orders).⁶

It also involves related advice to enable victim survivors to make informed decisions about engaging with the police and the criminal justice process, to ensure their rights are protected as part of these processes and to understand other justice options, such as victims' compensation and restorative justice.

We understand that the Commonwealth Government funded a limited pilot to provide legal assistance to victim survivors of sexual violence who are seeking to protect their confidential communications, such as counselling records, from being subpoenaed during criminal proceedings for sexual violence. In line with multiple inquiries, the role of independent legal advisors should be expanded to other key stages of the criminal justice process (in addition to protecting confidential communications) and legal assistance services comprehensively funded across Australia.

⁴ Victorian Law Reform Commission, [Improving the Justice System Response to Sexual Offences](#), September 2021; Australian Law Reform Commission (ALRC), [Final report - Safe, informed, supported: Reforming justice responses to sexual violence](#), ALRC Report 143, January 2025; Victorian Victims of Crime Commissioner, *Silenced and sidelined: Systemic inquiry into victim participation in the justice system*, 2023, Recommendations 21 and 23, p.29-30.

⁵ Victorian Law Reform Commission, [Improving the Justice System Response to Sexual Offences](#), September 2021, p.265. Australian Law Reform Commission (ALRC), [Final report - Safe, informed, supported: Reforming justice responses to sexual violence](#), ALRC Report 143, January 2025, Recommendation 9, p. 21.

⁶ Victorian Law Reform Commission, [Improving the Justice System Response to Sexual Offences](#), September 2021, Recommendation 46, p.268. Australian Law Reform Commission (ALRC), [Final report - Safe, informed, supported: Reforming justice responses to sexual violence](#), ALRC Report 143, January 2025, Recommendation 9, p. 21.

We recommend that the Second Action Plan commits to funding independent legal representation for victim survivors in criminal proceedings involving sexual violence as recommended by the VLRC and ALRC.

Addressing structural barriers

Structural levers to improve gender equality and mitigate gender-based violence

There are a number of important structural levers within the Commonwealth's domain which could improve gender equality and reduce gender-based violence. It is important that those structural causes of gender inequality which lead to family violence are addressed comprehensively in the Second Action Plan. These are areas where the Commonwealth Government can implement systemic change to reduce the prevalence of family violence and remove barriers that women and children face in accessing support.

We recommend that there should be a focus on systemic drivers of gender inequality in the Second Action Plan which impact on women's economic security and the Commonwealth levers that could address this, such as:

- increasing the social safety net
- addressing the gender pay gap
- introducing superannuation reforms to improve the economic security of women
- reforming taxation to better support women
- continuing to increase paid parental leave for both parents
- increasing access to quality and affordable early childhood education/care.

Expanding access to safe and affordable housing

Family violence is a leading cause of homelessness.⁷ In 2024-25, 40 per cent of all clients assisted by specialist homelessness services had experienced family violence.⁸ Lack of access to safe and affordable housing is a major barrier preventing victim survivors from leaving violent relationships. Where victim survivors are forced to leave their home due to family violence, unstable housing and homelessness places victim survivors and children in precarious and unsafe situations.

Housing affordability has continued to worsen with sharp rises in living costs. People across Australia struggle to secure affordable housing with housing ownership out of reach for many and rent at record highs. Housing is a basic human right. Commonwealth policies on housing must continue to fundamentally change to address significant housing inequality across Australia which has serious flow-on effects for victim survivors forced to leave their home due to family violence. It is essential that safe and affordable housing continues to be a priority for the Commonwealth and all State/Territory Governments in the Second Action Plan.

⁷ Homelessness Australia, [Homelessness and domestic and family violence - state of response report 2024](#), p.1.

⁸ Australian Institute of Health and Welfare - [Housing and family, domestic and sexual violence](#), February 2024.

We recommend that the Second Action Plan set out strong Commonwealth and State/Territory Government commitments to increase investment in safe and affordable housing for victim survivors of family violence, including crisis accommodation, transitional housing and longer-term affordable and social housing.

Addressing misidentification and systems abuse

Misidentification of victim survivors as perpetrators of family violence continues to occur at alarming rates, alongside systems abuse where perpetrators use violence to manipulate legal and administrative systems to exert coercive control.⁹ For example, in Victoria, the police estimated that women who are respondents on family violence reports about intimate partner violence are misidentified approximately 12 per cent of the time.¹⁰ A study conducted by Women's Legal Service Victoria in 2018 revealed that of the 55 women they assisted that were named by police as respondents to FVIOs, 32 (58 per cent) were incorrectly identified.¹¹

Aboriginal women are significantly more likely to be misidentified due to cultural biases and systemic racism. The Yoorrook Justice Commission highlighted that Aboriginal women are frequently misidentified as the perpetrator by police, deepening distrust of police.¹² The risk of misidentification is also disproportionately higher for people from migrant and refugee communities, young people, members of LGBTIQ+ communities and people who live with disabilities.

The flow-on effects for women who have been misidentified can be devastating and long-lasting. Without adequate protection, this places these women at higher risk of ongoing violence and homelessness. It can also lead to other tragic consequences, such as victim survivors being charged with criminal offences and imprisoned, losing access to support services, removal of their children by child protection authorities and visa refusal or cancellation.

We recommend that in the Second Action Plan, all governments commit to setting up robust systems to identify, rectify and prevent misidentification by police and to report on the prevalence of misidentification, coupled with an ongoing focus on addressing systems abuse.

Reforming the migration system

It is critical that the Second Action Plan commits to reforms for women and children on temporary visas who experience family violence. As this falls within the Commonwealth Government's domain, the Second Action Plan is a crucial opportunity to reform the migration system for women

⁹ Kaspiew, Rae, et al, 'Evaluation of the 2012 Family Violence Amendments' (Synthesis Report, Australian Institute of Family Studies, 2015)

¹⁰ Family Violence Reform Implementation Monitor, Monitoring Victoria's family violence reforms: Accurate identification of the predominant aggressor, December 2021, p.11.

¹¹ Women's Legal Service Victoria, Snapshot of police family violence intervention order applications, May 2018

¹² Yoorrook Justice Commission, Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems, 2023, p.262.

and children who experience high levels of risk due to their precarious visa status and lack of access to financial support, healthcare, work rights and safe housing.

The National Advocacy Group on Women on Temporary Visas Experiencing Family Violence (the **NAG**) have published an updated Blueprint for Reform to the migration system to improve the safety for victim survivors of family violence on temporary visas (attached). We urge the Commonwealth and State/Territory Governments to work together to implement the recommendations in the NAG Blueprint for Reform in full.

It is critical that the migration system is improved to ensure that all women and children can access safety and to fix gaps that continue to put these women and children at risk.¹³ This includes:

- introducing a new visa for victim survivors of family violence who do not have access to the existing family violence provisions, with a pathway to permanency.¹⁴
- amending the family violence provisions and improving departmental policies to better respond to family violence, such as, expanding access to the family violence provisions for all family visas (including, child and parent visas).¹⁵
- developing a viable permanent visa pathway for parents of Australian citizen children.¹⁶

There are a number of barriers to women on temporary visas accessing financial support which can have devastating consequences for women experiencing family violence. Many women cannot access Centrelink and are not eligible to access the Special Benefit.¹⁷ Not all women on temporary visas can access Medicare and access to education and childcare differs across Australia.¹⁸

Expanding equal access to financial support, social security, Medicare, work rights, subsidised childcare and education for women and children on temporary visas experiencing family violence is essential to safety.¹⁹ These women and children are also placed in potentially dangerous situations due to unequal access to crisis accommodation and affordable housing schemes, often making it impossible for them to leave a violent relationship or remain living independently.²⁰ It is essential that the Second Action Plan commits to equal access to emergency, refuge and long-term housing regardless of visa status.²¹

Women and children on temporary visas who experience family violence have complex legal and support needs. Lack of legal representation and support for these women and children can place them at risk of significant harm.²² It is essential that the Second Action Plan commits to long-term and sustainable funding for legal and specialist services to support these women and children.²³

We recommend that the Second Action Plan commits to implementing the NAG's Blueprint for reform in full. This includes:

¹³ National Advocacy Group on Women on Temporary Visas Experiencing Family Violence, Blueprint for Reform, August 2026, p.6.

¹⁴ Ibid

¹⁵ Ibid, p.8.

¹⁶ Ibid, p.10.

¹⁷ Ibid, p.15.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid, p.17

²¹ Ibid, p.5.

²² Ibid, p.20.

²³ Ibid, p.5.

- reforms to the migration system so that all women and children on temporary visas who experience family violence have pathways to safety
- ensuring equal access to financial support, healthcare, work rights, crisis accommodation, housing, subsidised childcare and education
- sustainable funding for legal and specialist services that work in this area.

Preventing violence against children

Embedding a children's rights framework across family violence responses

It is essential that children are recognised as victim survivors in their own right and not just as dependents on adults and that this is translated into concrete commitments in the Second Action Plan by all governments.

It is critical that children's views are actively sought and meaningfully considered in family violence intervention order, safety, and family violence service decisions, in line with Article 12 of the UN Convention on the Rights of the Child. Children's rights must be embedded across risk assessment, safety planning, and service responses.

Frequently only the views of adult victim survivors are considered when making decisions in response to family violence by police, courts and other agencies. It is important that the views of all impacted family members are considered, including children. There needs to be robust systems put in place to enable children to have their own views heard separately from parents, caregivers and guardians, where appropriate.

We recommend that the Second Action Plan commits to system change which embeds the rights of children across family violence responses, including meaningful consideration of their views in line with Article 12 of the UN Convention on the Rights of the Child.

Investing in therapeutic and community-based supports and early intervention

To meaningfully place children at the centre and recognise them as victim survivors in their own right, this requires greater investment in specialist community-based services for children impacted by family violence.

Police and court-led responses to family violence are not always safe or appropriate for children. This requires a shift away from police and court-led responses towards specialist community-based support pathways which are widely accessible to children. It is important that this support can be accessed without needing to engage police or the court system as the entry point.

There continues to be significant gaps in dedicated services for children. All governments in the Second Action Plan need to commit to substantial investment in and expansion of child-focused, specialist responses to family violence, including early intervention and therapeutic supports. ACCO-led, culturally safe responses for Aboriginal and Torres Strait Islander children and families need to be prioritised.

These supports must be trauma-informed, promote engagement as early as possible and respond to the holistic needs of children in a family violence context. A number of community service organisations operate existing successful programs that centre around young people's voices and experiences to address family violence.

As part of a holistic response, it is important that children have access to legal assistance. There should be increased investment in integrated legal services delivered by CLCs which provide specialist services to children and young people involving a team of lawyers and youth workers, as well as school lawyer programs run by CLCs.

We recommend that in the Second Action Plan all governments commit to scaling up community-based services for children impacted by family violence, including integrated legal services delivered by CLCs for children (including in school settings).

These supports must be trauma-informed, promote engagement as early as possible and respond to the holistic needs of children and families. ACCO-led responses for Aboriginal and Torres Strait Islander children and families must be prioritised.

Developing tailored approaches for children who use violence in the home

There needs to be more tailored responses to children who use violence in the home which can indicate significant complexity in the children's family. Children who use violence in the home are often victim survivors of family violence themselves and experience high levels of trauma.²⁴ These children require a specialised response tailored to their situation which involves therapeutic support, education and guidance not punitive responses. This support should focus on the drivers of the behaviour as early as possible so these children can be appropriately supported to reduce escalation and contact with the criminal justice system. This also involves ensuring access to holistic supports, including legal assistance alongside supports for mental health and disability.

We recommend that the Second Action Plan invest in coordinated, multi-agency responses to children who use violence in the home with a focus on early intervention and holistic and therapeutic supports.

Making family violence intervention orders against children a last resort

Family violence intervention orders often do not address the underlying issues impacting child respondents and should only be considered as a last resort where other support measures have been meaningfully attempted to address the behaviour. This is essential to prevent harm to children, particularly given most child respondents have experienced family violence themselves. These children need support, not punishment, isolation and criminalisation.

In line with international human rights standards and medical evidence, we support setting a minimum age of at least 14 for child respondents for family violence intervention orders. For

²⁴ The PIPA project: Positive interventions for perpetrators of adolescent violence in the home (AVITH) (Research report) / Campbell et al. Sydney : ANROWS, 2020.

example, Victoria has a minimum age for respondents to family violence intervention orders of 12 years old (which was introduced this year) that should be increased to 14.

We recommend that the Second Action Plan make family violence intervention orders against children a last resort and commit governments to introducing a minimum age of at least 14 for child respondents to these orders.

Yours sincerely,

[Redacted Signature]

[Redacted Name]

CEO
Federation of Community Legal Centres