

NLS LAW

Submission to the Department of Social Services

Second Action Plan to the National Plan to End Violence against Women and Children 2022–32

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1. About NLS Law and the Author

NLS Law is a children's and family law practice based in New South Wales. The practice's Solicitor Director, [REDACTED], is an Accredited Specialist in Children's Law and practises as an Independent Children's Lawyer ('ICL') in the Federal Circuit and Family Court of Australia ('FCFCOA'), the Children's Court of NSW as well as various other courts in NSW. She is a co-author of Domestic and Family Violence Law in Australia published by LexisNexis (2025).

This submission is prepared from direct professional practice representing children in family law and children's care and protection and criminal proceedings and is informed by academic and empirical research across family law, care and protection, and children's criminal proceedings.

2. Executive Summary

1. NLS Law welcomes the opportunity to contribute to the consultation on the Second Action Plan to the National Plan to End Violence Against Women and Children 2022–2032 (the 'Second Action Plan').
2. This submission's central position is that the Second Action Plan can be strengthened by more fully reflecting the perspective of the child. This submission builds on that foundation by focusing on the legal mechanism through which a child's voice, safety and interests are heard and protected in family violence proceedings for the child as an individual rights-holder and through independent legal representation.
3. It is submitted that one of the highest-impact reforms available to the Second Action Plan is a national, properly funded and consistently applied system of independent legal representation for children affected by family violence in the family law system. This

submission refers to this reform as the national approach, particularly in relation to Independent Children's Lawyers ('ICLs').

4. The recommendations in this submission are organised around five pillars:
 - a. guaranteed Commonwealth funding for ICL representation under the National Legal Assistance Partnership, at the level identified in the Independent Review of the National Legal Assistance Partnership (the 'Mundy Review')¹;
 - b. a consistent national standard ensuring that every child in a family violence-affected parenting matter is represented by an ICL at all stages of the legal proceedings in family law;
 - c. a consistent national standard ensuring that every child has a child lawyer/advocate in matters involving child abuse or violence at parenting mediations where there are no legal proceedings to ensure that their voice is heard and appropriate parenting plans and Orders are made;
 - d. the establishment of a national network of Child Advocacy Services through which children can access legal advice and safety planning in relation to family violence support independently of any formal proceeding; and
 - e. the enactment of a National Charter of Children's Rights, to give these commitments a durable legislative foundation.
5. It is submitted that the Second Action Plan presents an opportunity to more fully integrate the family law system and the State and Territory Children's Courts into the national violence response architecture.²
6. This submission is supported throughout by national statistical evidence, including data from the Australian Institute of Health and Welfare ('AIHW'), the Australian Bureau of Statistics ('ABS'), the Australian Institute of Criminology, and the Australian Child Maltreatment Study, together with case law, statutory provisions, and comparative international material.

3. The Child Lens: Why This Submission Is Necessary

7. A child living in a home affected by family violence often does not experience conversation, disclosure or truth-telling as neutral acts. A child's willingness to speak is frequently shaped by fear: fear of triggering further violence or from being hurt, fear of consequences for a protective parent, fear of saying the wrong thing to the wrong adult, and fear of the possible outcomes of disclosure, including removal from a non-offending parent or placement in out-of-home care. Many children internalise, over years of exposure, an account of events shaped by the person using violence, in which that violence is minimised or attributed to the protective parent. This is not a failing on the part of the child. It is a well-documented consequence of coercive control.
8. The scale of this experience in Australia is substantial. The Australian Child Maltreatment Study found that exposure to family violence is the most common form of child maltreatment nationally, and that it rarely occurs in isolation from other forms of harm.³

¹Warren Mundy, Independent Review of the National Legal Assistance Partnership (Report, Australian Government, 2025) ('Mundy Review') rec 19

²National Legal Aid, 'Legal Assistance Data Highlights Critical Role of Legal Aid in Providing Family Law Services' (Media Release, 8 May 2025) ('National Legal Aid').

³David Haslam et al, 'The Prevalence and Impact of Child Maltreatment in Australia: Findings from the Australian Child Maltreatment Study' (Brief Report, Queensland University of Technology, 2023).

9. For many children affected by these dynamics, meeting an ICL is unlike any earlier conversation with an adult. It is not conditioned by coercion or control; the child does not need to have every view stated in order to be heard. Part of the ICLs role is to ensure the child can participate meaningfully in a process that will shape decisions affecting their life, in a manner appropriate to their safety and developmental stage.
10. Research on children's participation in legal decision-making consistently finds that the experience of being genuinely heard by a professional whose role is to represent the child's interests is itself protective, and is associated with improved psychological outcomes and stronger engagement with subsequent orders and services⁴.
11. A national plan concerning violence against women and children is strengthened where it engages directly with the practical mechanisms through which children's voices are heard in legal proceedings.
12. The consultation paper's evidence review under Priority Area 3 does not refer to the United Nations Convention on the Rights of the Child ('CRC') or to representation of children such as ICLs, and this submission suggests that the Second Action Plan is an opportunity to address that gap, particularly at a time when funding pressures within the legal assistance sector mean that ICL representation is not consistently available in family law matters across Australia, including at final hearing in some matters.

4. The Legal and Normative Framework for Child Voice

13. Australia ratified the CRC on 17 December 1990, thereby undertaking a commitment under international law to respect, protect and fulfil the rights it guarantees, and to bring domestic law and policy into conformity with its terms. Three provisions are of particular relevance to this submission.
14. Article 3 of the CRC provides that in all actions concerning children, the best interests of the child shall be a primary consideration. A national plan concerning family violence against children is an action concerning children, and Article 3 supports treating children's best interests as a primary consideration in the design of the Second Action Plan itself, and not only in individual case outcomes.
15. Article 6 of the CRC requires States parties to ensure, to the maximum extent possible, the survival and development of the child.
16. Article 12 of the CRC is the provision most directly engaged by this submission. Article 12(1) provides that a child capable of forming views has the right to express those views freely in all matters affecting them, and Article 12(2) of the CRC provides that the child should be given the opportunity to be heard in judicial proceedings affecting them, directly or through a representative. The UN Committee on the Rights of the Child, in General Comment No 12, has observed that this right is best given effect through meaningful participation, facilitated by a trusted intermediary capable of accurately conveying the child's views.
17. It is submitted that the ICL is the primary mechanism through which Article 12 is given practical effect in family law proceedings, and that consistent national funding for this role would strengthen Australia's ability to meet this obligation.

⁴Judith Cashmore, Rita Kong and Michael McLaine, 'Children's Participation in Family Law Decision-Making' (Research Report, University of Sydney, 2022) ('Cashmore, Kong and McLaine') 51–52.

18. The FCFCOA's Children's Charter, launched on 21 October 2025, publicly commits the Court to placing children at the centre of all decision-making, aligned with the CRC⁵. It is submitted that the ICL is the operative mechanism for the Children's Charter's participation commitments, and that consistent, adequately resourced ICL representation across all jurisdictions would support the Court's own stated institutional commitments.
19. Funding, national coordination and consistent availability of ICLs should be treated within the Second Action Plan as a child safety priority. The following section sets out the basis for that submission, organised around five specific reforms.

5. A National Approach to ICLs

5.1 Guaranteed national funding under the National Legal Assistance Partnership

20. The ICL is appointed under section 68L of the Family Law Act 1975 (Cth) in parenting proceedings where the child's best interests are a relevant consideration. Section 68LA imposes statutory duties on the ICL: to form an independent view of the child's best interests; to ensure that any views expressed by the child are put before the court; to analyse the evidence to identify matters most significant to the child's best interests; to minimise, so far as possible, the trauma associated with the proceedings; and to meet with the child unless exceptional circumstances apply.
21. The ICL role is integral to the family law system's ability to achieve the Act's own objects in matters where independent representation is genuinely required.
22. National demand for ICL representation has grown materially. The Law Council of Australia has reported that demand for ICLs has increased bringing more children into personal contact with their ICL, and that Dr Warren Mundy identified a funding shortfall of more than \$80 million annually for ICL services.⁶ More than 86 per cent of legally aided family law matters involve allegations of family violence, meaning the great majority of ICL appointments occur in matters where a child's safety is directly in issue.⁷ It is submitted that implementing this recommendation in full would materially strengthen the consistency of ICL availability nationally and assist in achieving better outcomes for children who have experienced violence.
23. It is submitted that ICL funding would benefit from being guaranteed as a discrete funding stream under the National Legal Assistance Partnership (or its successor agreement)⁸. It is further submitted that Legal Aid Commissions be supported to report nationally, on a standardised basis, on ICL grant rates and coverage, so that funding adequacy can be monitored and addressed proactively as demand evolves.

5.2 Every child with an experienced advocate

24. Funding is a necessary but not sufficient condition. It is submitted that the Second Action Plan could usefully support a national standard requiring that every child whose parenting proceedings involve an allegation of family violence be represented by an ICL.
25. This is among the most significant reforms identified in this submission. The final hearing is the point in family law proceedings at which the court makes binding orders determining where a child lives, with whom they spend time, and what protective conditions attach to any ongoing contact with a parent found or alleged to have used

⁵Federal Circuit and Family Court of Australia, *Children's Charter* (launched 21 October 2025) <www.fcfoa.gov.au/fl/pubs/childrens-charter>.

⁶Law Council of Australia, 'Children's Voices at Risk as Family Law Safety Net Frays' (Media Release, 7 May 2026).

⁷National Legal Aid (n 2).

⁸Mundy Review (n 1) recs 19, 21.

family violence. It is the point at which the full evidentiary picture is before the court, and at which the consequences of the orders made are most significant and least readily revisited.

26. It is submitted that party representation, while valuable, performs a different function from ICL representation, for several reasons. First, the ICLs mandate is distinct from party advocacy. The ICL exercises 'an independent judgment quite out of character with the position ordinarily occupied by an advocate', reflecting that a party's lawyer owes their duty to their client rather than to the child. Second, coercive control dynamics can affect the reliability of evidence about a child's wishes in ways that are not always addressed through cross-examination alone, and an ICL is well placed to assess whether a child's expressed preferences may reflect the ongoing influence of a person who has used violence. Third, the ICL is well placed to identify the therapeutic, cultural, educational and disability-specific services a child may need for final orders to operate safely in practice. Fourth, it is often the ICL who explains the final orders to the child in age-appropriate terms, drawing on the professional relationship built with the child over the course of the matter.
27. It is submitted that the Second Action Plan could support a national standard under which an ICL is engaged for the duration of any parenting proceeding involving a family violence allegation or finding, including at final hearing, irrespective of the jurisdiction in which the matter is heard, recognising that funding constraints affecting the legal assistance sector make this standard difficult to sustain in every jurisdiction without additional national investment.

5.3 Access to a children's lawyer outside formal proceedings

28. It is submitted that a national approach to not only ICLs during proceedings but also would be effective where it extends beyond matters already before a court. Children would benefit from a pathway to independent legal advice before litigation commences and after proceedings conclude — a pathway that does not depend on a parent's consent or the existence of a live court file.
29. It is submitted that the Second Action Plan could fund a national network of Child Advocacy Services in relation to family violence: confidential, free and staffed by children's lawyers and trained child advocates in family violence, directly accessible by children, including digitally for children in regional and remote communities if they could not be in person services.
30. This model draws on the international Children's Advocacy Centre approach, now operating in other countries, which coordinates legal, medical and therapeutic responses around the child rather than requiring repeated disclosure to multiple professionals. It is submitted that these services should be designed on the premise that children are capable participants in their own safety planning. It is submitted that a national Child Advocacy Service network would give practical effect to these established legal principles for children affected by family violence. Such a service would enable children affected by family violence to have an opportunity for a lawyer who could take a coordinated approach in advocacy.

5.4 A National Charter of Children's Rights

31. It is submitted that the reforms proposed above would benefit from a durable legislative foundation that supports their consistent application over time. The CRC has been ratified but not directly incorporated into Australian domestic law; children's rights protections exist in the human rights charters of Victoria, the ACT and Queensland, but not in New South Wales, Western Australia, South Australia, Tasmania or the Northern Territory; and the National Children's Commissioner, established under the Australian Human Rights Commission Act 1986 (Cth), has functions to promote and report on children's rights but does not have power to confer enforceable rights on individual children.⁹
32. It is submitted that the Second Action Plan could commit to a national consultation, led by the National Children's Commissioner, on a Charter of Children's Rights within 12 months. A National Charter would complement, rather than replace, the reforms proposed above, by giving them a more durable and consistent legislative foundation.

6. Priority Area 1: Victim-Survivors

33. It is submitted that Priority Area 1, as framed in the Consultation Paper, addresses victim-survivors primarily as adults, and that this could be strengthened by a more explicit focus on children as victim-survivors in their own right. Children living with family violence are two to three times more likely than their peers to experience anxiety, depression and post-traumatic stress disorder; ABS data indicate that approximately 59 per cent of homicide and related offences involving victims under 18 were committed by family members or intimate partners; and the Personal Safety Survey recorded 377,000 adults living with intimate partner or cohabiting partner violence who had children living in the household¹⁰. National data confirm that a parent is among the most commonly recorded perpetrators of family and domestic violence-related injury among hospitalised children.¹¹
34. On how specialist and universal services can better meet the needs of victim-survivors: it is submitted that universal services — schools, health services, and general legal services — are often well placed to identify children affected by family violence, but may benefit from clearer training and referral pathways to recognise the child as a victim-survivor in their own right, in addition to supporting the family as a whole¹². It is further submitted that the ICL and the proposed Child Advocacy Service network are designed to provide the resourced, child-specific engagement that complements this universal service response.
35. On barriers to help-seeking: children cannot disclose independently without engaging adult-controlled systems, cannot initiate legal proceedings, and depend on adult intermediaries who may have competing interests or limited training. Research by Cashmore, Kong and McLaine found that children in both family law and care and protection proceedings often describe feeling unheard¹³. It is submitted that the Child Advocacy Service model addresses this barrier by providing a point of independent access that does not depend on adult facilitation.

⁹*Australian Human Rights Commission Act 1986* (Cth) ss 46MB(1)(b)–(d), (3), (3A), (6)(b)(v).

¹⁰Australian Bureau of Statistics, *Recorded Crime — Victims, 2023* (ABS Catalogue No 4510.0, 2023); ANROWS, Consultation Paper (n 1) 35. Australian Institute of Health and Welfare, *Health of Children* (Web Report, 2026).

¹²Cashmore, Kong and McLaine (n 4) 51–55.

¹³Cashmore, Kong and McLaine (n 4) 53–55.

7. Priority Area 2: Prevention and Early Intervention

36. This submission endorses the observation, recorded in the Consultation Paper's own evidence base, of a young victim-survivor who noted that a prevention framework which does not also strengthen supports for parents risks implicitly placing responsibility for managing family violence back onto the children experiencing it. It is submitted that the Second Action Plan could make explicit, as a design principle, that responsibility for prevention rests with adults, institutions and systems.
37. It is submitted that independent legal representation and child advocacy are properly understood as preventative, as well as responsive, measures. A child who is genuinely heard, whose safety needs are independently assessed, and who is connected to appropriate services at the point of legal intervention is more likely to have their trajectory towards further harm interrupted. It is further submitted that the Second Action Plan could fund specialist children's lawyers trained to represent children's interests in mediation and family dispute resolution, with particular skill in identifying how coercive control can shape a child's expressed views.
38. Where mediation is considered appropriate, child-inclusive mediation, properly conducted, is capable of reducing future conflict and producing arrangements more responsive to a child's needs. It is submitted that any mediation involving family violence should be child-inclusive, and that this approach is most effective where it is supported by independent child advocacy, so as to ensure that any resulting parenting plans or orders are in the child's best interests and safe for the child. It is further submitted that any mediated outcome affecting a child in a family violence context should be assessed against the unacceptable risk standard before being formalised into consent orders or a parenting plan.
39. It is submitted that the Child Advocacy Service network proposed in these submissions should be understood, in this Priority Area, as prevention infrastructure: it provides children with a point of access to advice and safety planning before a crisis necessitates court intervention or child protection involvement or a parenting plan or orders that a child has to live with which affects the child's wellbeing, safety, relationships and experiences.

8. Priority Area 3: Children and Young People in Their Own Right

40. The response to the question of what would make the greatest difference to safety, recovery and wellbeing outcomes for children affected by family violence is the national approach to ICLs set out above: consistent appointment of experienced ICLs in family violence-affected parenting matters; consistent presence at mediation and final hearing; and a Child Advocacy Service network providing access to advice outside formal proceedings. It is submitted that consistent, resourced legal representation for children can support earlier identification of risk and more effective use of the intervention opportunities this data suggests exist.
41. On how governments, services, education settings, families and communities can better recognise and respond to children experiencing violence: recognition depends on training — so that teachers, health professionals and community workers are equipped to identify indicators of family violence exposure — and on a clear, trusted referral pathway once a child is identified.

42. It is submitted that the Child Advocacy Service network is designed to be that referral destination, giving schools, health services and family members a single point at which to direct a child for independent legal information, advice and safety planning.
43. In practice, the ICLs/Child Lawyer's functions extend beyond conveying a child's stated preference to the court. The ICL/Child Lawyer is trained to consider whether a child's expressed views may reflect fear, guilt, loyalty conflict or other pressures, as well as the child's authentic interests. The ICL/Child Lawyer analyses the evidence to identify matters most significant to the child's safety, tests proposed arrangements, seeks appropriate protective conditions on spend-time arrangements, and identifies services a child may need for orders to operate safely in practice.
44. On children who use violence or display harmful sexual behaviours: it is submitted that these behaviours are best understood, in the first instance, through the lens of the child's own exposure to family violence. Trauma commonly manifests as externalising behaviour — hyperactivity, impulsivity, aggression — that risks being addressed as a behavioural or criminal matter rather than as a trauma response requiring a therapeutic pathway. Early exposure to violence is associated with measurable effects on brain development in regions governing memory, attention and executive function¹⁴. It is submitted that early identification through child advocacy infrastructure, paired with funded, trauma-informed behavioural intervention, would support better outcomes for this cohort.
45. On emerging harms: technology is increasingly used to extend surveillance and control into a child's life following separation. It is submitted that ICLs and child advocates would benefit from specific training and resourcing to identify technology-facilitated harm as it emerges in a child's account of their circumstances, and that parents and children alike require greater access to training and resources on safe technology practices and on identifying coercive control by perpetrators who use these methods.
46. On meaningful involvement of children in policy design: this question is, in practice, most often answered by adults on children's behalf. It is recommended that the Second Action Plan commission a direct, independently facilitated, trauma-informed consultation with children and young people as part of its own design and evaluation cycle, and fund national, age-appropriate resources explaining children's legal rights and how to access a Child Advocacy Service in relation to family violence.

9. Priority Area 4: People Who Use Violence

47. It is submitted that contact with children should be determined by reference to the child's safety, applying the unacceptable risk standard, rather than being framed as an incentive for a person's behavioural change. It is further submitted that the Second Action Plan should ensure that behaviour-change programming operates alongside, and does not substitute for, independent assessment of a child's safety.
48. It is submitted that the Second Action Plan is an opportunity to name and respond to the pattern whereby a person using violence deploys AVO applications, child protection reports and family law proceedings across multiple systems in a way that can consume a protective parent's legal resources and shape the legal record in their favour.

¹⁴Ioana Mueller and Ed Tronick, 'Early Life Exposure to Violence: Developmental Consequences on Brain and Behavior' (2019) 13(156) *Frontiers in Behavioural Neuroscience* 1.

49. Addressing this pattern would benefit from: training for key stakeholders in identifying multi-system litigation patterns; mechanisms to flag where an individual is simultaneously an applicant, respondent or subject across multiple concurrent proceedings; and consistent legal advocacy for the child in every proceeding in which they appear.
50. It is submitted that children exposed to family violence face an elevated risk of impaired cognitive functioning and behavioural difficulties that are sometimes addressed through criminal justice responses rather than as trauma responses. Family violence exposure in childhood is also associated with poorer mental health, educational and housing outcomes over the life course. It is submitted that properly resourcing children's independent legal representation at the point of first family violence exposure is a genuine early intervention measure with the potential to improve these outcomes.

10. Priority Area 5: System Integration and Workforce

51. It is submitted that Priority Area 5 could more explicitly identify the family law system and the State and Territory Children's Courts as systems for integration into the national family violence response, noting that these courts make some of the most consequential decisions affecting children's safety.
52. It is submitted that a valuable structural reform in this Priority Area would be the expansion of information-sharing protocols between the FCFCOA, State and Territory Children's Courts (both care and crime), and child protection departments; a national register of active family violence-related proceedings affecting a given child, accessible to that child's legal representative across jurisdictions; a cross-system case management framework for children subject to more than one concurrent proceeding; and nationally consistent practice standards for children's legal representatives across family law, child protection and criminal justice in family violence matters.
53. On workforce capability: professionals with direct contact with children in family violence contexts benefit from training to distinguish a child's expressed preference from their underlying interests, to communicate in developmentally appropriate and non-leading ways, and to recognise trauma responses as distinct from behavioural difficulties requiring a disciplinary response. The FCFCOA's Children's Charter affirms that professionals in direct contact with children should have the skills and expertise to fulfil that role; it is submitted this commitment could be supported by dedicated funding for training across relevant professions nationally and in all areas that children are subject to legal proceedings.
54. On evidence gaps: the Personal Safety Survey, Australia's primary national source on family violence prevalence, asks adults aged 18 and over to recall exposure to parental violence before age 15, meaning Australia currently has limited data on children's current exposure to family violence¹⁵. It is submitted that the Second Action Plan could commission a dedicated, real-time national data collection mechanism on children's current exposure to family violence, disaggregated by age, disability, cultural background and Aboriginal and Torres Strait Islander status, and that engaging directly with children as a source of this evidence would strengthen its reliability.

¹⁵Australian Bureau of Statistics, *Personal Safety, Australia, 2021–22* (ABS Catalogue No 4906.0, 2023).

11. Response to the Formal Submission Survey and Other Areas of Action

55. In addition to this narrative submission, the Department of Social Services has published an online formal submission survey inviting responses to each of the five Priority Areas, together with a further question on other areas of action¹⁶. For completeness and ease of cross-reference, the position on each of the specific consultation questions, from the child's perspective, is set out below, tracking the wording of the published survey questions.

Priority Area 1: Victim-survivors

56. *What service or system responses would make the biggest difference to victim-survivors' safety, wellbeing, healing and recovery?* It is submitted that consistent provision of an experienced ICL or child advocate to every child affected by family violence — including at final hearing in family law proceedings, and through a Child Advocacy Service accessible outside any court process — is among the most effective supports available, and that recovery for a child is supported by orders and parenting plans that include a funded package of therapeutic, cultural, educational and disability-specific services matched to the child's individual needs.
57. *What helps people access support earlier, and what barriers prevent people from seeking help or engaging with systems and services?* It is submitted that, for children specifically, early access is currently limited by the absence of a pathway to advice that does not depend on an adult's consent or an existing legal proceeding, and that this gap is addressed by the national network of Child Advocacy Services proposed in this submission. Funding independent legal representation and advocacy for children at the earliest point of family violence exposure also supports earlier identification of risk and earlier engagement of appropriate services.
58. *How can specialist and universal services meet the needs of victim-survivors?* It is submitted that services can be strengthened by treating a child's needs as distinct from, though connected to, the needs of their protective parent, including through the direct, child-specific point of contact provided by the Child Advocacy Service network proposed in this submission, and by ensuring universal services such as schools and health services have clear training and referral pathways to recognise the child as a victim-survivor in their own right.
59. *What current or emerging issues should the Second Action Plan address, including in relation to coercive control and technology-facilitated abuse?* It is submitted that coercive control can affect a child's expressed views, requiring an independent professional to assess a child's circumstances, and that technology is increasingly used to extend surveillance and control into a child's life following separation, requiring specific training and resourcing for all professionals who work with children.
60. *What gaps remain in addressing the needs of diverse communities, including Aboriginal and Torres Strait Islander people?* Continued investment in the Aboriginal and Torres Strait Islander Child Placement Principle and First Nations-led, community-controlled legal and advocacy pathways. Continued training is required for State child protection authorities on family violence to reduce children being removed from victim survivors.

¹⁶Department of Social Services, *Formal Submission Survey* (Second Action Plan Consultation, 2026).

Priority Area 2: Prevention and early intervention

61. *What would make the biggest difference in preventing and ultimately ending violence?* It is submitted that funding independent legal representation and advocacy for children at the earliest point of family violence exposure supports earlier identification of risk and earlier engagement of appropriate services, and that responsibility for prevention should be made explicit as resting with adults, institutions and systems rather than with children.
62. *How can existing efforts to prevent violence be strengthened or built upon, and how can governments, communities, schools, workplaces and others better support recognition of and response to harmful attitudes and behaviours?* It is submitted that independent child advocacy, and specialist training for professionals in identifying coercive control's effect on children and ways to best support children in these circumstances
63. *What prevention and early intervention approaches appear most promising, and what emerging issues should the Second Action Plan address?* It is submitted that the proposed Child Advocacy Service network functions as prevention infrastructure, providing children with a point of access to advice and safety planning before a crisis necessitates court intervention or child protection involvement.

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

64. *What would make the biggest difference to improving safety, recovery and wellbeing outcomes for children and young people affected by this violence?* In relation to family law proceedings response a national approach to ensuring ICLs are appointed in all family violence matters and also a Child Advocacy Service network providing access to advice outside formal proceeding for children.
65. *How can governments, services, education settings, families and communities better recognise and respond to children and young people experiencing violence or harm?* It is submitted that recognition depends on training so that teachers, health professionals and community workers can identify indicators of family violence exposure, and on a clear, trusted referral pathway for children and the establishment of proposed Child Advocacy Service network.
66. *What approaches are most effective in supporting children and young people who are using violence or displaying harmful sexual behaviours to take accountability, change behaviours and reduce harm?* It is submitted that these behaviours are best understood, in the first instance, as trauma responses to the child's own exposure to family violence, and that early identification is needed paired with funded trauma-informed behavioural intervention, supports better outcomes.
67. *How can children and young people be meaningfully involved in shaping the policies, programs and services that affect them?* It is recommended that the Second Action Plan commission a direct, independently facilitated, trauma-informed consultation with children and young people as part of its own design and evaluation cycle, and fund national, age-appropriate resources explaining children's legal rights and how to access a Child Advocacy Service.

Priority Area 4: People who use violence

68. *What would make the biggest difference in preventing and responding earlier to the use of violence, and what more can be done to strengthen accountability?* It is submitted that accountability mechanisms are strengthened by training and flagging systems that can identify a pattern in which a person uses the family violence, child protection and criminal

justice systems to exert continued control over a protective parent and child. Ensuring that children have access to consistent representation.

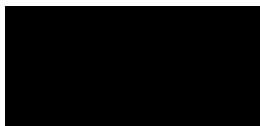
69. *How can services, families, communities and institutions better recognise and respond safely to people using or at risk of using violence, while focusing on victim-survivor safety?* It is submitted that contact with children should be determined by reference to the child's safety, applying the unacceptable risk standard, and that behaviour-change programming should operate alongside, and never substitute for, independent assessment of a child's safety.

Priority Area 5: System Integration and Workforce

70. *What evidence, workforce or system gaps should the Second Action Plan prioritise?* It is submitted that the Second Action Plan should commission a dedicated, real-time national data collection mechanism on children's current exposure to family violence, given that the Personal Safety Survey currently measures only adult recall of childhood exposure before age 15.

12. Other areas of action

71. *Are there any other actions that should be a priority to stop family, domestic and sexual violence?* Funding pressures within the legal assistance sector currently affect the consistent availability of ICL representation at final hearing in some jurisdictions¹⁷. It is submitted that this issue is best addressed through the Commonwealth funding guarantee proposed in these submissions above, supported by a review of the impact of current funding settings on children's access to representation. It is reiterated that the Second Action Plan should commit to a national consultation on a Charter of Children's Rights within 12 months, led by the National Children's Commissioner, with a view to tabling draft legislation within the current parliamentary term.



Solicitor Director, NLS Law

Accredited Specialist Children's Law | Independent Children's Lawyer

¹⁷Legal Aid NSW, 'Legal Aid NSW Reduces Family Law Services Amid Budget Pressure' (Media Release, 13 May 2026); Legal Aid NSW, 'Independent Children's Lawyer Resources and Tools: Upcoming Policy Changes for ICL Grants' (Web Page, 2026).