

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

Tasmania Legal Aid

August 2026

Executive Summary

Tasmania Legal Aid (TLA) welcomes the opportunity to provide feedback to inform the development of the Second Action Plan under the National Plan to End Violence Against Women and Children 2022–2032 (Second Action Plan).

TLA recognises the significant work already occurring under the National Plan and First Action Plan. It is TLA's view that the next phase of reform focus on ensuring victim-survivors and children can access timely, specialist legal assistance, and sustainably investing in the services that support safety and access to justice.

TLA endorses the National Legal Aid (NLA) submission and supports its recommendations. In addition, TLA makes the following recommendations:

- Recognise and embed in the Second Action Plan, Legal Aid Commissions as frontline family violence response services and commit to increased and sustainable Commonwealth funding that reflects growing demand.
- Adopt victim-survivor-led responses that recognise victim-survivors' priorities, support needs and circumstances may change over time.
- Promote the consistent implementation of evidence-based family violence risk assessment across police, courts and legal systems.
- Commit to ongoing Commonwealth investment in integrated legal and non-legal service models, including the Family Advocacy and Support Service.
- Recognise Independent Children's Lawyers as a critical child safety safeguard in family law proceedings and commit to sustainable funding to meet growing demand.
- Strengthen responses to perpetrator misidentification.
- Strengthen information sharing across police, courts and legal and support services to improve victim-survivor safety and support informed decision-making.
- Promote greater recognition of systems abuse across legal and service systems and support coordinated responses that enable patterns of behaviour to be identified and addressed

About Tasmania Legal Aid

Tasmania Legal Aid is a body corporate established under the Legal Aid Commission Act 1990 (Tas). Tasmania Legal Aid is a main provider of legal assistance in Tasmania and is the largest government-funded legal assistance service in the State, with offices in Hobart, Launceston, Devonport and Burnie.

TLA is the primary provider of legal services in Tasmania to victim-survivors of family violence through its civil and family law practices and the provision of grants of aid to private practitioners. TLA also provides criminal legal assistance to people charged with family violence-related offences. This unique role provides TLA with insight into the operation of the family violence and family law systems from multiple perspectives.

The TLA Strategic Plan 2023–27 identifies family violence and advocating for system reform as a focus of the organisation with a commitment to representation of victim-survivors of family violence. We are committed to advocating for system and law reform that acknowledges the impacts of family violence.

Priority Area 1: Victim-Survivors

Recommendation: Recognise and embed in the Second Action Plan, Legal Aid Commissions as frontline family violence response services and commit to increased and sustainable Commonwealth funding that reflects growing demand.

Legal Aid Commissions are the premier national providers of intensive frontline legal assistance for women and children experiencing family violence, addressing complex legal needs across family, criminal and civil law. In Tasmania, TLA supports victim-survivors at every stage of the legal journey, from early legal advice, safety planning and risk assessment through to legally assisted family dispute resolution and court representation.

TLA's legally assisted family dispute resolution model includes comprehensive risk assessment to ensure victim-survivors can participate safely and in a trauma-informed way, providing a child-focused alternative to litigation. Where court intervention is required, TLA is the only publicly funded service in Tasmania with the specialist family violence expertise and capacity to provide end-to-end legal representation, ensuring victim-survivors continue to receive skilled legal assistance throughout their matter.

As the only legal service provider with offices in every region of Tasmania, TLA delivers statewide, trauma-informed legal services, including outreach to King Island and Flinders Island. TLA is Tasmania's only provider of legal representation for children, acting as Separate Representatives (SRs) in child safety proceedings and Independent Children's Lawyers (ICLs) in the Federal Circuit and Family Court of Australia (FCFCOA). This statewide presence and multidisciplinary expertise enable TLA to deliver coordinated, wraparound legal assistance that responds to both the legal and non-legal needs of victim-survivors.

Tasmania continues to experience some of the highest rates of domestic, family and sexual violence in Australia, with adult women reporting rates above the national average. At the same time, service providers report increasing demand, growing waitlists and more complex client needs¹. These pressures are particularly acute in North-West Tasmania, which experiences the highest rates of family violence in the State². Despite this level of need, victim-survivors in regional and remote communities face significant barriers to accessing specialist legal assistance. Limited public transport and long travel distances make it difficult to safely access legal advice and attend court. On Tasmania's West Coast, there is only one public transport option available, meaning victim-survivors are required to travel alongside perpetrators. Where proceedings extend over multiple days, clients may also be required to pay for accommodation to remain close to the court, creating additional and severe financial barriers to accessing justice.

Tasmania Legal Aid is already unable to meet demand within its existing National Access to Justice Partnership funding allocation. Current Commonwealth funding levels do not reflect the increased complexity, workload and cost of family law matters following the merger of the Federal Circuit and Family Court of Australia. As a consequence, Tasmania Legal Aid was forced to introduce unprecedented restrictions on frontline family law services from 1 January 2025, including limiting grants of aid for parenting litigation and significantly narrowing eligibility for Independent Children's Lawyer (ICL) appointments. These restrictions were implemented as a measure of last resort to manage demand within available funding and demonstrate that the existing funding allocation is insufficient to meet community need. Additional funding is required not only to address unmet

¹ Domestic, Family and Sexual Violence Commission, *Tasmania Visit Summary Report* (2025), citing ABS *Personal Safety, Australia 2021–22*.

² Anglicare Tasmania, *Unsafe and Unhoused* (2024), citing Tasmania Police Family Violence Management System data. TLA Submission on the Second Action Plan (National Plan to End Violence against Women and Children 2022–2032)

demand, but to restore access to legal assistance services that have already been curtailed due to funding pressures.

Increased and sustainable investment in TLA is essential to ensure victim-survivors across Tasmania continue to receive timely, specialist and trauma-informed legal assistance. Funding must reflect growing demand, the increasing complexity of family violence matters, and TLA's unique role in delivering statewide, end-to-end legal services that improve safety outcomes for victim-survivors.

Recommendation: Adopt victim-survivor-led responses that recognise that victim-survivors' priorities, support needs and circumstances may change over time.

Victim-survivors do not all seek the same outcomes, and their priorities, safety needs and circumstances may change over time. While safety remains paramount, victim-survivors may also prioritise maintaining housing and financial security, supporting children's relationships with parents, preserving family and community connections, or creating opportunities for the person using violence to change.

Family violence responses must recognise that safety is not always achieved through immediate separation. Many victim-survivors seek practical interventions that reduce risk while maintaining family and community connections or supporting children's relationships with parents, and may require ongoing legal and non-legal support as their circumstances evolve. Victim-survivor-led, trauma-informed responses that recognise these changing priorities are critical to maintaining engagement with legal and support services and achieving sustainable safety outcomes.

It is also important to recognise that, for many victim-survivors, separation is not a realistic or immediately available option. Severe shortages of crisis accommodation, social housing and affordable rental housing, combined with financial insecurity and economic dependence, can significantly limit a victim-survivor's ability to leave a violent relationship. The capacity to separate safely is intrinsically linked to access to safe and affordable housing, financial resources and ongoing practical support. Family violence responses must therefore address these structural barriers and avoid assumptions that victim-survivors can simply leave or that separation alone will ensure their safety.

Priority Area 2: Prevention and early intervention

Recommendation: Promote the consistent implementation of evidence-based family violence risk assessment across police, courts and legal systems, ensuring risk assessments recognise coercive control, patterns of behaviour and changing levels of risk.

Family violence risk is not identified, assessed or responded to consistently across police, courts and legal systems. Different agencies may hold different information, apply different understandings of risk and reach different conclusions about the seriousness of a victim-survivor's circumstances. This can result in inconsistent responses and missed opportunities to identify and respond to escalating risk.

Family violence often involves patterns of coercive and controlling behaviour that develop and escalate over time, rather than isolated incidents. However, justice responses continue to focus heavily on individual incidents, meaning broader patterns of behaviour may not be identified or reflected in decision-making. TLA regularly assists victim-survivors experiencing repeated unwanted contact, monitoring, indirect communication and stalking-type behaviours that, while individually appear minor, create significant fear, isolation and ongoing control when considered together.

Family violence risk is dynamic and may change significantly following separation, commencement of legal proceedings, child safety involvement, changes to parenting arrangements or where the person using violence perceives a loss of control. Information that substantially alters an understanding of risk may also emerge over time. Risk assessment processes should therefore support ongoing reassessment and ensure new information is reflected in decision-making across police, courts and legal systems.

Consistent implementation of evidence-based family violence risk assessment would promote a shared understanding of coercive control and patterns of behaviour, improve consistency of decision-making, and ensure responses remain responsive to changing circumstances and emerging information. This would support earlier identification of risk, improve identification of the person most in need of protection, reduce misidentification and enhance victim-survivor safety.

Recommendation: Commit to ongoing funding in integrated legal and non-legal service models, including the Family Advocacy and Support Service.

Integrated legal and non-legal service models enable legal issues to be identified and addressed earlier while supporting people affected by family violence to navigate interconnected legal, social and practical issues. By combining legal assistance with social support, these models reduce barriers to accessing help, improve engagement with services and support earlier intervention before legal issues escalate.

The Family Advocacy and Support Service (FASS) is a key example of an effective integrated service model. Delivered by TLA in partnership with specialist family violence support services, FASS provides integrated legal and non-legal support to people affected by family violence who have matters before the Federal Circuit and Family Court of Australia (FCFCOA). By co-locating duty lawyers and social support workers, FASS provides immediate legal assistance alongside safety planning, court support and referrals to services addressing housing, financial hardship, counselling, parenting support and mental health. This coordinated approach enables legal and non-legal issues to be addressed together, improving safety, reducing barriers to participation in court processes and supporting earlier resolution of family law matters where appropriate.

Continued Commonwealth investment in the Family Advocacy and Support Service (FASS) is critical. Demand for FASS has increased considerably as TLA has been forced to impose restrictions on other Commonwealth-funded family law services due to funding shortfalls and escalating demand. Since January 2025, TLA has had to restrict family law litigation grants and significantly narrow eligibility for Independent Children's Lawyer appointments, reducing access to ongoing representation for many vulnerable families.

As a result, services such as FASS are increasingly the primary point of legal assistance for people experiencing family violence who are unable to access broader legal aid services. FASS plays a critical role in ensuring victim-survivors can still obtain timely legal advice, risk assessment, safety planning, referrals and coordinated support at key stages of family law proceedings. In the absence of adequate funding across the wider family law legal assistance system, pressure on FASS will continue to grow as more people seek help through integrated frontline services. Sustained and enhanced Commonwealth investment is therefore essential not only to maintain the effectiveness of FASS, but also to preserve access to legal aid for vulnerable families who would otherwise be left without support.

The Just Healthy Families (JHF) Health Justice Partnership provides another example of an effective integrated early intervention model in Tasmania. By bringing together legal, health and TLA Submission on the Second Action Plan (National Plan to End Violence against Women and Children 2022–2032)

community services, the partnership enables legal issues associated with family violence to be identified and addressed earlier, while responding to the broader health and social needs of children and families experiencing vulnerability. TLA is a key partner in the JHF model, which is the only Health Justice Partnership operating in Tasmania. Despite its demonstrated success and growing demand, JHF does not receive Commonwealth funding and currently relies on State Government investment and partner contributions to sustain its services. TLA supports the recommendations contained in the Just Healthy Families submission to this consultation, including ongoing Commonwealth investment in the existing partnership and support for its proposed expansion. Commonwealth funding would help secure the sustainability of this proven early intervention model, strengthen service integration, and improve access to legal assistance for vulnerable Tasmanian families who might otherwise not engage with legal services.

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

Recommendation: Recognise Independent Children's Lawyers as a critical child safety safeguard in family law proceedings and commit to sustainable funding to meet growing demand.

Children experiencing family violence are victim-survivors in their own right and require responses that recognise their distinct experiences, safety needs and rights to participate in decisions affecting them. Family violence often continues to affect children well beyond the immediate violence itself, including through ongoing family law proceedings, displacement from home, disruption to schooling, relationships and community connections, and prolonged uncertainty while parenting arrangements are resolved.

Case Study

Audrey and Solomon separated following family violence. Although Audrey and their four-year-old son, Cedric, left the family home for their safety, Solomon remained living in the jointly owned property. Audrey and Cedric moved into a single room at Audrey's parents' home, where they remained for an extended period while family violence and related legal proceedings continued.

As a result, Cedric lost access to his home, his bedroom, his belongings, his friends and his cat. Audrey made repeated attempts to safely collect belongings from the property but continued to experience intimidation and fear. Although interim protection orders were made, they did not resolve the practical consequences of family violence for either Audrey or Cedric, who remained displaced while legal proceedings progressed.

Independent Children's Lawyers (ICLs) play a critical role in ensuring children's views, experiences and safety are effectively placed before the Court. They assist the Court to identify and respond to family violence risk and ensure children's best interests remain central in proceedings involving complex parenting disputes.

As National Legal Aid has identified, family violence is alleged in approximately 86 per cent of parenting matters before the Federal Circuit and Family Court of Australia, with many matters also involving intersecting risks such as mental ill-health, substance misuse and child abuse. These matters require specialist ICLs to ensure children's views, experiences and best interests are effectively considered by the Court.

Tasmania is experiencing growing demand for ICL services at the same time as the sustainability of the ICL program is being undermined by inadequate Commonwealth funding. Like many jurisdictions, TLA faces increasing difficulties recruiting and retaining suitably experienced ICL practitioners, while funding constraints have reduced the capacity to meet demand. As a direct result of funding shortfalls, TLA was forced to introduce restrictions on ICL appointments from 1 January 2025, limiting appointments to the highest-risk matters.

The impact of these restrictions has been significant. ICL appointments fell from 122 in 2023/24 to 88 in 2024/25, a reduction of 34 appointments, or almost 28 per cent. In 2025/26, appointments declined further to 82, a decrease of 6 appointments, or nearly 7 per cent, from the previous year. Overall, appointments have fallen by 40 cases since 2023/24, representing a 33 per cent reduction.

As a result, around one-third of the children who may previously have benefited from an ICL are now missing out on access to an independent representative to ensure their voices, experiences and safety concerns are properly placed before the Court.

Without adequate funding, children exposed to family violence, abuse, neglect, parental conflict, mental illness and other complex risks are increasingly at risk of proceeding through the family law system without the benefit of an independent advocate focused solely on their best interests. This not only diminishes children's participation in decisions that profoundly affect their lives, but also risks poorer safety outcomes, greater trauma, and less informed judicial decision-making.

Sustainable and increased Commonwealth investment is essential to restore access to ICL services, strengthen the specialist workforce and ensure that children are not excluded from representation because of funding limitations. The current level of resourcing is effectively rationing access to one of the family law system's most important child protection mechanisms, leaving vulnerable children without the support Parliament intended them to have in complex family law proceedings.

Priority Area 4: People who use violence

Recommendation: Strengthen responses to perpetrator misidentification.

Victim-survivors are not always consistently identified as the person most in need of protection. Misidentification commonly arises where family violence is assessed through an incident-based lens rather than by considering patterns of coercive and controlling behaviour over time. This can result in victim-survivors being misidentified as the person using violence, particularly where they have engaged in defensive or reactionary behaviour.

The consequences of misidentification can be significant and long-lasting. Victim-survivors may be excluded from their homes, experience barriers to accessing support services and financial assistance, and face ongoing impacts in related legal proceedings, including parenting matters. Misidentification can also undermine confidence in legal systems and discourage future reporting of family violence.

Case Study

Daisy contacted police seeking assistance to safely leave a relationship characterised by psychological abuse. Following allegations made by the other party, Daisy was issued with a Police Family Violence Order and charged with assault, despite later investigations resulting in the other party being charged with emotional abuse offences and an order being made for Daisy's protection. Although the criminal charge against Daisy was ultimately withdrawn, she remained unable to return home, was initially refused access to the Escaping Violence

Payment because an order had been made against her, and experienced ongoing anxiety about the potential impact on her Working with Vulnerable People registration.

This case study demonstrates the significant and ongoing consequences of misidentifying victim-survivors as the person using violence. It highlights the importance of recognising coercive control and patterns of behaviour over isolated incidents, and ensuring that systems can respond appropriately as further information becomes available.

Reducing perpetrator misidentification requires systems that recognise coercive control, patterns of behaviour and reactionary violence, supported by thorough investigation and evidence gathering. It also requires police, courts and legal systems to remain responsive to new information, recognising that early decisions should be capable of being revisited where subsequent evidence indicates that a victim-survivor has been misidentified.

Priority Area 5: System Integration and Workforce

Recommendation: Strengthen information sharing across police, courts and legal and support services to improve victim-survivor safety and support informed decision-making.

Effective information sharing is critical to accurate risk assessment, informed decision-making and victim-survivor safety. Relevant information is often dispersed across police, courts, child safety, legal assistance services, family violence services and corrections, meaning no single agency holds a complete picture of family violence risk.

TLA continues to identify significant gaps in current information-sharing arrangements. Victim-survivors are not always provided with information that directly affects their safety, including bail conditions, changes to those conditions, court dates, sentencing outcomes, or notification of an offender's release from custody. Legal practitioners also experience difficulties obtaining information necessary to provide effective advice and respond to identified risks.

Limited access to information can undermine risk assessment, safety planning and legal assistance. Information about previous family violence offending, breaches of orders, stalking behaviour, violence towards former partners, or recent offending may fundamentally alter the assessment of risk and the actions required to keep victim-survivors safe.

Victim-survivors need timely and accurate information to understand changing levels of risk and implement appropriate safety measures. For example, knowledge that an offender has been remanded in custody, released on bail, breached an order, relapsed into substance abuse, or is approaching a significant court event may require changes to safety planning. Without access to relevant information, victim-survivors may be left either living with unnecessary fear and uncertainty or operating under a false sense of safety.

TLA is also concerned about the reduction in publicly available information that may assist victim-survivors and their legal representatives to understand and respond to risk. For example, Magistrates Court lists previously provided a practical source of information about charges and court appearances. Such information can help identify changing risk factors and enable victim-survivors to make informed decisions about their safety and engagement with the justice system.

Case Study

Geraldine sought assistance from TLA's Safe at Home service shortly after separating from her former partner. After attending the former family home to collect personal belongings, her former partner became verbally abusive, followed her to her mother's home and smashed a window. Geraldine contacted police because she did not feel safe and later made a report of ongoing verbal abuse, threats and assaults that had not previously been reported to police.

When Geraldine attended her first appointment with a Safe at Home lawyer, no information had been provided about police action taken, whether any protection orders had been issued, or whether charges had been laid. Geraldine was distressed and unable to recall important details of her interactions with police. As a result, the lawyer was unable to provide timely and accurate advice about her legal position and safety options, and a further appointment was required while information was obtained.

When the relevant information was eventually received, it became apparent that both parties were subject to Police Family Violence Orders. Geraldine discovered that she had potentially breached the order made against her by sending a message to her former partner about a household bill. As a result, she became too frightened to report the further abusive messages she subsequently received from him.

Geraldine was also unaware that her former partner had been charged and had already appeared before the Court in relation to the incident. As a result, she missed the opportunity to ask Police Prosecution to seek a compensation order for the damage caused to her mother's property. She was subsequently required to make a Right to Information application to understand why an order had been issued against her and what allegations had been made, resulting in further delay, uncertainty and distress.

This case demonstrates the practical consequences that can arise when relevant information is not shared in a timely way. Without access to information about the orders and criminal proceedings, Geraldine was unable to fully understand her legal position, her lawyer was limited in the advice they could provide, and opportunities to respond to further family violence and pursue available legal options were affected.

The Second Action Plan should support stronger information-sharing frameworks across legal and service systems to improve risk assessment, strengthen coordinated responses, and ensure victim-survivors receive the information they need to protect themselves and their children.

At a minimum, improved information-sharing arrangements should support access to:

- protection orders and breaches of those orders;
- bail conditions and changes to bail conditions;
- charges, court listings and court outcomes;
- sentencing decisions;
- relevant family violence risk information held by government agencies; and
- information about an offender's compliance with rehabilitation, behaviour change, supervision or parole requirements where it may affect victim-survivor safety.

Early and effective sharing of information can reduce uncertainty, improve legal and service responses, minimise avoidable delays and adjournments, and strengthen victim-survivors' confidence in the justice system.

Recommendation: The Second Action Plan should promote greater recognition of systems abuse across legal and service systems and support coordinated responses that enable patterns of behaviour to be identified and addressed

Perpetrators may misuse legal, administrative and service systems to continue coercion and control following separation. TLA has observed systems abuse occurring across police and child safety processes, family law proceedings, Centrelink and Child Support, Working with Vulnerable People registrations, complaints mechanisms, workplaces and professional regulatory bodies.

Systems abuse may include making false allegations to police or child safety authorities, commencing unnecessary or prolonged legal proceedings, making vexatious complaints to employers or professional bodies, misusing Centrelink and Child Support processes, or exploiting delays within legal and administrative systems to maintain contact, create financial hardship and continue coercive control.

TLA has also observed perpetrators targeting the professionals who support women and children. This can include lodging complaints against lawyers, psychologists, counsellors, child safety professionals and other practitioners who support victim-survivors, as well as making complaints against Independent Children's Lawyers (ICLs) when they express views or advance positions that are inconsistent with the perpetrator's desired outcome. In some cases, these complaints appear designed not to raise legitimate professional concerns, but to undermine the credibility of support services, disrupt professional relationships, intimidate practitioners and isolate women and children from the assistance they require.

The impact of these behaviours extends beyond the individual complaint. Responding to professional complaints can be highly stressful and time-consuming, often requiring practitioners to dedicate significant personal time to preparing responses, gathering documentation and participating in investigative processes. This burden falls particularly heavily on legal assistance and family violence service workforces, where practitioners are already managing substantial workloads and comparatively low remuneration. For legal aid and ICL practitioners, repeated exposure to vexatious complaints can contribute to burnout, workforce attrition and reluctance to undertake complex family violence matters.

These impacts are particularly concerning in the context of the existing challenges attracting and retaining specialist family lawyers and ICLs. A small number of high-conflict litigants can impose disproportionate demands on practitioners and systems, reducing the capacity of already stretched services to assist other vulnerable clients. Where complaints mechanisms can be repeatedly used as tools of coercive control, they risk becoming another avenue through which perpetrators extend abuse and intimidation beyond separation.

Because many of these actions may appear legitimate when viewed in isolation, systems abuse can be difficult to identify. Recognising patterns of behaviour, rather than isolated incidents, is therefore critical to identifying when legal and administrative processes are being used as a mechanism of family violence.

The Second Action Plan should promote greater recognition of systems abuse across legal and service systems and support coordinated responses that enable patterns of behaviour to be identified and addressed. This should include consideration of legislative, regulatory and procedural safeguards that allow vexatious, abusive or coercive complaints and applications to be identified and managed at an early stage, while protecting the lawyers, ICLs, psychologists and other professionals who support women and children. Strengthening responses to systems abuse is

essential not only for victim safety, but also for maintaining a sustainable specialist workforce capable of responding to family violence and protecting the interests of vulnerable children.