

Second Action Plan to End Violence Against Women and Children

Submissions of Youth Law Australia

About Youth Law Australia

Youth Law Australia (YLA) is an accredited national community legal service dedicated to helping children and young people understand their legal rights and find solutions to their legal problems. Any child or young person (or an adult assisting them) can ask us about any legal problem at any time and receive free and confidential legal advice and help.

YLA seeks to be as accessible as possible to children and young people, through facilitating help-seeking through online means. YLA is also dedicated to addressing human rights abuses of children and young people in Australia. We monitor and advocate for their rights and best interests.

Acknowledgment of Country

YLA acknowledges all the Traditional Owners and Elders of the lands on which we work, including the Bedegal People of the Eora Nation, the Wurundjeri Woi-wurrung people of the Eastern Kulin Nation, the Kaurna people of the Adelaide Plains, the Whadjuk Noongar people of Boorloo, and the Palawa people of Lutruwita. We acknowledge their continuing custodianship of these lands, pay our respects to their Elders past and present, and commit ourselves to the ongoing journey of Reconciliation.

Executive Summary

The 2023 Australian Child Maltreatment Study funded by the Australian Government revealed that Australian children experience high rates of physical, sexual, and emotional abuse, neglect, and exposure to domestic violence resulting in severe mental health consequences. Children removed from their families have an even higher prevalence of maltreatment at over 90%.

These statistics demonstrate that Australia's frameworks for protecting Australian children and their right to be free from violence are not effective - they lack adequate monitoring, coordination, data, and accountability.

In responding to child maltreatment or specific forms of it, the Second Action Plan must take a child rights-based approach. This requires an approach that is consistent with the United Nations Convention on the Rights of the Child and the relevant General Comments made by the United Nations Committee on the Rights of the Child pursuant to it. The relevant General Comments are those numbered 7, 12, 13, 14, 18, 20, 24, 25, and the Draft General Comment No. 27. Collectively, these General Comments provide authoritative guidance on implementing the Convention across the entire span of childhood and across all the forms of violence experienced by children.

The rights enumerated by the Convention and ratified by Australia impose obligations on all Australian governments. Regrettably, however, to date Australian leadership and planning in prevention and response to violence against children has largely neglected this authoritative, evidence-based set of obligations and guidance, at great cost to Australia's children past and present. A Second Action Plan that takes a rights-based approach to the prevention of and response to child maltreatment may go a significant way to addressing this neglect of Australia's obligations. Because of their greater capacity to reduce the experience of harm across the population, a Second Action Plan that clarifies and seeks to guide implementation of governments' obligations in relation to prevention and early intervention of child maltreatment would be particularly impactful.

A child rights-based approach also requires that Second Action Plan initiatives be child-centred. This requires that all stakeholders see all children as children first, without discrimination. In this regard, all children must be entitled to the fulfilment of their rights, safety, and wellbeing in relation to every form of maltreatment. This requires that children's rights and dignity be respected whether as victim survivors of harm, as children with harmful behaviours including sexual behaviours, or as children who may be both, as is often the case.

A child rights-based approach must also affirm children's autonomy and right to participate in matters and decisions that affect them, including the right to seek help. In particular, Gillick competent children must have their capacity to consent to the provision of help recognized such that their right to access help, whether it be anonymously or confidentially, and to access independent supports including advocacy, may be facilitated. In Youth Law Australia's (YLA) experience, the exercise of such rights in support of help-seeking is often facilitative of the first disclosure of harm, meaning that a child can be put on the path to recovery and healing sooner.

Recognizing that all children are entitled to effective responses in respect of every form of maltreatment or harmful behaviours necessitates a diversity of approaches by governments. Accordingly, appropriate child rights-based responses are called for:

- across universal and mainstream service sectors,
- within the adult, gender-based violence oriented service sectors, and
- within specialist children's or youth oriented service sectors.

Enhancing and creating new child rights-based capacity and capabilities within the last-mentioned sectors is of particular importance, because the adult, gender-based violence oriented service system presents significant barriers to children generally, and boys, gender diverse children, and children who use harmful behaviours, including sexual behaviours, specifically. The Second Action Plan must therefore seek to ensure that all children, regardless of gender, identity, or role in an incident, can safely access early, therapeutic,

and independent support within an expanded specialist children's or youth oriented service sector operating alongside the existing family, domestic, and sexual violence sector.

This requires that governments implement laws, policies, programs, and services to create that access, and that where governments or others fail in that duty and/ or children's rights are violated, that children have access to independent advocacy in order to amplify their voices, seek to fulfill their rights to safety and wellbeing with urgency, and to hold duty bearers to account where possible.

This submission expands on the above position. Immediately below are recommendations for specific measures for the Second Action Plan that support the implementation of that position. Within the broader document and its conclusion, a range of more general suggestions and recommendations are also discussed.

Australia is in a crucial moment of opportunity to enact changes to address the currently unmet needs of children and families who experience harm, and recommend development and implementation of initiatives to address the underlying factors contributing to child maltreatment. YLA believes there is a demonstrated need for leadership and commitment from all governments, drawing on research into the causes and extent of child maltreatment, to develop evidence-based responses to prevent and respond to child abuse within a nationally coordinated framework informed by children's rights.

Specific measures

- 1. Independent experts in the fields of children's rights, the study of and responses to child maltreatment and children with harmful behaviours, and the preventable costs and consequences of violence against children be convened and funded to report on a proposed national child rights-based approach to the prevention of and early intervention in child maltreatment and children's harmful behaviours during childhood. The report should clarify Australia's relevant obligations under the Convention on the Rights of the Child, general and specific measures of implementation, and the harms, consequences and costs that may be anticipated to be avoided. The report should be informed by the best available national and**

international evidence and guidance and may be used to support the development of a future national plan for children.

2. A national summit must be convened of experts and all relevant government decision-makers nationwide to develop, or decide on and commit to a process to develop, a national plan for all children in all settings, that:
 - establishes clear outcomes and priorities for children's safety, mental health and wellbeing, and unifies existing plans, strategies, and frameworks,
 - comprehensively monitors and protects children's rights,
 - includes a national children's data framework,
 - expressly includes responses to child maltreatment and children with harmful behaviours, during childhood, and
 - invests in primary prevention and early intervention of childhood maltreatment including the funding of evidence-based approaches to the delivery of parenting supports.
3. In support of children's autonomy and right to participate in matters and decisions that affect them, fund and ensure the provision of adequate independent, accessible advocacy assistance for children to address rights violations, particularly in detention, when removed from their family, and for children experiencing maltreatment. The Children's and Youth Advocacy Programme (CYAP) would fund State and Territory-wide independent advocacy services in each jurisdiction, including specialist advocacy services for Aboriginal and Torres Strait Islander children to be provided by Aboriginal Community Controlled Organisations, with a clear mandate to respond to family, domestic and sexual violence, other forms of maltreatment, and other harms experienced by children and young people in each jurisdiction, including those in care and in detention. Each service would support a range of advocacy types - self advocacy, individual non-legal advocacy, individual legal advocacy, systemic advocacy, and advocacy development. These advocacy services would be an essential component in child safeguarding. As part of the CYAP:
 - fund the scaling of YLA's National Maltreatment Legal Practice that responds to all maltreatment types and harmful behaviours, including sexual behaviours, for any Australian child or young person under 25, their supporters or advocates, and acts as a national point of legal and advocacy referral, and
 - fund a pilot health justice partnership between a national mental health counselling service and a children's legal advocacy service to meet children with an experience of maltreatment 'where they are' and at a greater scale.
4. The National Point of Referral (NPR) should be expanded to operate in response to all forms of child maltreatment and should be supported by a technology-enabled

referral and information sharing platform that would support trauma-informed referrals from the NPR to referral partners, and amongst them, via the platform with appropriate consent.

5. Fund capacity building, standards, and outcomes development for areas where the existing service response is inadequate or presents gaps: working with children; responding to all forms of child maltreatment; working with boys and gender diverse children; working with children with harmful behaviours, including harmful sexual behaviours; and responding to online harms.
6. Fund research into children's experiences in help seeking and making disclosures, and their experiences and outcomes following such help seeking and disclosures. Such research should have the aim of generating recommendations that may support enhanced, safer, and more effective help seeking, disclosures, outcomes, and healing.

Introduction

Youth Law Australia welcomes the opportunity to contribute to the development of the Second Action Plan under the National Plan to End Violence against Women and Children 2022–2032.

Children and young people experience domestic, family and sexual violence as victim-survivors in their own right, not merely as extensions of adult victim-survivors. Australian National Research Organisation for Women's Safety (**ANROWS**) research is unequivocal: *"There are no circumstances in which children and young people are living with domestic, family and sexual violence without also being impacted."*¹

Despite this, systems continue to treat children as secondary, invisible, or dependent on adult action. Young people themselves describe being *"overlooked, ignored, or barely included."*²

¹ Gillfeather-Spetere & Watson, In Their Own Right: Actions to Improve Children and Young People's Safety from Domestic, Family and Sexual Violence (ANROWS Insights, 01/2024) page 11.

² *Ibid*, 7.

We are pleased that the Consultation Paper recognises children and young people in their own right as one of five priority areas. As the Consultation Paper notes, *“when children and young people are considered in relation to violence against women and children and other forms of gender-based violence, it is almost always in one of two limiting roles: as secondary victims attached to a protective parent... or as potential future perpetrators in need of preventative education.”*³

YLA’s frontline experience demonstrates the need for effective child safety systems to address all harms experienced by all children, including those who are victim-survivors, those who use harmful sexual behaviours, and those whose experiences fall across both categories. A non-discriminatory, child-rights-based approach ensures that children of all genders and identities receive early, developmentally appropriate and trauma-informed support. Prevention and early intervention must be the central organising principle of any the Second Action Plan, ensuring children can access help before harm escalates and without reliance on parental consent where this would compromise their safety.

We strongly recommend the Second Action Plan embed a child rights-based, autonomy-affirming approach that recognises children as full human and legal rights holders, capable of participating in decisions about their own lives and entitled to early, accessible and independent support. Strengthening child advocacy requires resourcing across the entire range of a child’s engagement with legal and service systems, including (but not limited to) child-focused initiatives intended to prevent child abuse and harm; programs and services to engage with children as early as possible to prevent the escalation of issues and address unmet needs; embedding a child-rights approach to advocacy across individual and systemic advocacy; and developing child-centred ways of working with victim-survivors to promote healing and the rehabilitation of children who have caused harm.

³ Department of Social Services, Evidence to Action: Informing Direction for the Second Action Plan (May 2026) 33.

This submission draws together the evidence on child maltreatment, the systemic barriers that prevent children from accessing help, and the legal principles that require autonomy-affirming responses. It highlights the critical role of independent advocacy and outlines the reforms needed across prevention, early intervention, response and recovery. These recommendations align with the five priority areas identified in the Consultation Paper and reflect the voices, rights and experiences of children and young people.

Australia has committed to implementing the United Nations Convention on the Rights of the Child (**CRC**). In the context of violence and abuse, this requires accessible services, meaningful participation, and systemic reform. It also requires a shift away from the “*adult-centric framework*” that, as the Consultation Paper acknowledges, “*has created a fragmented, inconsistent and crisis-driven response system,*” causing further harm to children.⁴

The Second Action Plan must be consistent with and integrated across the National Framework for Protecting Australia’s Children, the National Agreement on Closing the Gap, and the National Strategy to Prevent and Respond to Child Sexual Abuse. It must also align with Australia’s international human rights obligations, including recommendations accepted at the Universal Periodic Review. Achieving this requires national leadership, a dedicated mechanism for children’s rights, a national children’s data framework, and clear accountability for governments as duty-bearers.

⁴ *Ibid.*

Part 1 – A child rights-based approach to addressing child maltreatment

1.1 Children as Human and Legal Rights Holders

Children and young people experience domestic, family and sexual violence as victim-survivors in their own right. They are not passive observers of adult harm, nor extensions of adult victim-survivors. Their experiences are direct, profound and lifelong. ANROWS research emphasises that *“there are no circumstances in which children and young people are living with domestic, family and sexual violence without also being impacted,”*⁵ and young advocates themselves describe being *“overlooked, ignored, or barely included”*.⁶ The Second Action Plan must embed a child rights-based, autonomy-affirming approach that recognises children as full human and legal rights holders, capable of participating in decisions about their own lives and entitled to early, accessible and independent support.

A nationally consistent and rights-based approach would be further strengthened by the implementation of a national human rights instrument clearly outlining the rights of children and young people. This could include the implementation of national legislation as recommended by key stakeholders,⁷ or legislative mechanisms to embed the Convention of the Rights of the Child into national legislative frameworks.⁸

1.2 Legal Foundations for Children’s Autonomy and Participation

Australia’s obligations under the CRC require that children’s rights to safety, participation, development and recovery be upheld in all systems responding to violence. These obligations include the right to express their views freely in all matters affecting them (**Art 12**), the right to be protected from all forms of violence (**Art 19**), the right to access appropriate support services (**Art 39**), and the right to life, survival and development (**Art 6**).

⁵ Gillfeather-Spetere and Watson, In Their Own Right: Actions to Improve Children and Young People’s Safety from Domestic, Family and Sexual Violence (ANROWS Insights, 01/2024) 11.

⁶ *Ibid* 7.

⁷ For example, see Australian Human Rights Commission (2022) ‘Free and Equal – Position paper: A Human Rights Act for Australia’.

⁸ As is the case in Scotland - see UNCRC (Incorporation) (Scotland) Act 2025.

These rights are not aspirational. They are binding legal obligations that require active implementation.

Domestic law reinforces these principles. The doctrine of *Gillick competence*, originating in *Gillick v West Norfolk and Wisbech Area Health Authority* [1986] AC 112, recognises that children with sufficient maturity and understanding can make autonomous decisions about their own health and welfare. The High Court’s reasoning in *Secretary, Department of Health and Community Services v JWB and SMB (Marion’s Case)* (1992) 175 CLR 218 confirms that parental authority is not absolute and must give way to the child’s evolving capacities, dignity and autonomy. *Marion’s Case* also establishes that decision-making about a child’s welfare must be grounded in respect for the child’s bodily integrity, agency and rights, and that courts must consider the child’s views where they are capable of forming them.⁹

These principles have direct implications for domestic, family and sexual violence responses. They require that children have the opportunity to consent to receiving services where they possess the requisite capability, participate meaningfully in decisions about their safety, and access confidential support without reliance on parental permission. They require that children be recognised as autonomous rights holders, not merely dependants whose access to safety is mediated through adults. They require that systems be designed to uphold children’s dignity, agency and voice.

The Domestic, Family and Sexual Violence (**DFSV**) Commission’s Roundtable report¹⁰ demonstrates how urgently these principles need to be operationalised. Young people described being unable to access services because parental consent was required, even when the parent was the perpetrator. One young advocate explained that she “*was unable to access Centrelink benefits until the age of 22 because of eligibility requirements that she*

⁹ *Secretary, Department of Health and Community Services v JWB and SMB* (1992) 175 CLR 218, 233–239, 270–271.

¹⁰ Domestic, Family and Sexual Violence Commission, *Children and Young People Roundtable Report* (10 December 2025) 1–2.

*was not able to meet without parental income statements.”*¹¹ Another noted that mental health professionals disclosed sensitive information to abusive parents despite explicit requests not to.¹² These examples illustrate how current systems deny children their legal capacity, autonomy and safety.

We recommend the Commonwealth consider a simple legislative clarification to confirm that Gillick-competent children and young people can consent to decisions about their welfare, to ensure a more consistent approach across jurisdictions and reduce barriers to help-seeking for young people.

1.3 Systemic Issues, Gaps and Barriers

1.3.1 Lack of Child-Appropriate Services

The evidence across ANROWS research, the Consultation Paper and the DFSV Commission Roundtable is consistent: children are routinely overlooked, ignored or barely included in systems intended to support their safety. Girls disproportionately experience sexual violence; boys disproportionately experience physical harm; and both experience coercive control, emotional abuse, technology-facilitated abuse, harmful sexual behaviours (**H(S)B**),¹³ and exposure to parental violence.¹⁴ Yet systems continue to treat children as secondary to adult victim-survivors.

ANROWS emphasises that *“policy, programs, practice and research have often assumed that children and young people are not affected by domestic, family and sexual violence directed*

¹¹ *Ibid* 3.

¹² *Ibid*.

¹³ Harmful sexual behaviours (**H(S)B**) refers to sexual behaviours displayed by children or young people that are developmentally inappropriate, harmful, coercive, or violate another child’s rights. The term is used in Australian and international practice to avoid criminalising children, recognising that many children who display H(S)B have experienced maltreatment themselves and are highly responsive to early, therapeutic and relational interventions. See, e.g., Simon Hackett et al, Children and Young People with Harmful Sexual Behaviours: Research Review (NSPCC, 2016); Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Volume 10 — Children with Harmful Sexual Behaviours (2017).

¹⁴ Gillfeather-Spetere and Watson, In Their Own Right: Actions to Improve Children and Young People’s Safety from Domestic, Family and Sexual Violence (ANROWS Insights, 01/2024) 7; Department of Social Services, Evidence to Action: Informing Direction for the Second Action Plan (May 2026) 3; Domestic, Family and Sexual Violence Commission, *Children and Young People Roundtable Report* (10 December 2025) 1, 6.

*towards the adult carers in their lives.”*¹⁵ This adult-centric framing has created fragmented, inconsistent and crisis-driven responses that fail to meet children’s needs. Children who use violence or H(S)B are often treated as perpetrators rather than as children whose behaviours arise from trauma, developmental vulnerability and exposure to violence. Children with disability, LGBTQ+ children, Aboriginal and Torres Strait Islander children, and children in regional and remote areas experience compounded harm due to intersecting forms of discrimination and systemic neglect, oversight or fragmentation.

The consequences of failing to intervene early are severe. The Consultation Paper notes that *“three-quarters (76%) of filicide cases followed a known history of domestic and family violence,”* demonstrating that opportunities for early intervention are routinely missed.¹⁶ Children’s experiences of violence intersect with disability, poverty, intergenerational trauma, parental incarceration, mental health issues and institutional harm, yet systems rarely respond holistically.

1.3.2 Crisis-Driven Responses and Absence of Early Support

Children receive very little early support and are often only engaged once harm escalates to crisis. At that point, they have minimal capacity to influence or control what happens to them. The Consultation Paper states that *“response systems need to be equipped to meet the specific rights and needs of young victim-survivors,”* yet current systems are *“fragmented, inconsistent and crisis-driven.”*¹⁷ Young people at the Roundtable described long waitlists, service gaps for 15–18 year olds, and the difficulty navigating systems that require *“professional knowledge to get the right help.”*¹⁸

This crisis-driven model violates children’s rights under the CRC and contradicts domestic legal principles recognising children’s evolving capacities.¹⁹ It also perpetuates systemic

¹⁵ Gillfeather-Spetere and Watson, *In Their Own Right: Actions to Improve Children and Young People’s Safety from Domestic, Family and Sexual Violence* (ANROWS Insights, 01/2024) 11.

¹⁶ Department of Social Services, *Evidence to Action: Informing Direction for the Second Action Plan* (May 2026) 7.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ *Gillick v West Norfolk and Wisbech Area Health Authority* [1986] AC 112; *Secretary, Department of Health and Community Services v JWB and SMB* (1992) 175 CLR 218, 233–239, 270–271.

harm: the absence of fairness or the violation of any human right is itself a form of harm. When children are denied access to services, denied the ability to seek protection, or denied the ability to participate in decisions about their own safety, they experience systemic harm.

What limited preventative or early intervention initiatives exist in relation to violence and/or maltreatment are often not designed for the needs and experiences of children, further impacting their ability to receive supports.

1.3.3 Lack of consistency across jurisdictions

The lack of nationally consistent frameworks or approaches to support children has been raised as a concern in relation to specific areas relating to child safety and wellbeing, such as youth justice.²⁰ We support national leadership in the area of child safety and wellbeing, and recommend consideration of how national leadership and frameworks can improve consistency of practice across jurisdictions, ideally through the development and funding of co-ordinated place-based approaches tailored to the needs of children, families and communities.

1.4 Legal Barriers to Autonomy and Safety

1.4.1 Embedding a Child Rights-Based Approach

A child-rights-based approach requires that children's autonomy, participation and control be embedded across prevention, early intervention, response and recovery. Children must be recognised as active participants in safety planning and decision-making. Their views must be given due weight in accordance with their age and maturity, consistent with Article 12 of the CRC and the principles of *Gillick* competence. They must be able to consent to receiving services and access confidential, anonymous and independent avenues for disclosure.

²⁰ Australian Human Rights Commission (2024). 'Help way earlier!': How Australia can transform child justice to improve safety and wellbeing. Sydney: Australian Human Rights Commission.

ANROWS emphasises that *“a rights-based approach upholds the dignity of all children and young people”* and that policy and service systems must be rights-focused to avoid causing further harm.²¹ The DFSV Commission Roundtable reinforces this, with young people calling for systems that *“meet us where we are”* and treat them as people with lived experience *“in their own right.”*²²

This approach also requires the removal of legal barriers that prevent children from being recognised as autonomous rights holders. It requires that systems be designed to uphold children’s dignity, agency and voice. It also requires that children be able to access services without parental permission, particularly where the parent is the perpetrator or unsupportive.

Existing service provision could be further strengthened by embedding child-centred ways of working to ensure those children who do disclose harm, or who seek support from a program or organisation, are supported by workers who can meet their needs. Funding for the development of a national capability framework (with specific standards, skills and outcomes) and the delivery of resources to embed this framework across community and government agencies would support consistent and best-practice approaches.

A child-rights-based approach must also be explicitly non-discriminatory. Current gender-based service models create barriers for boys, gender-diverse children, and children who both experience and cause harm. The Second Action Plan must ensure that all children, regardless of gender, identity or role in an incident, can access early, therapeutic and independent support. This requires removing structural barriers that prevent children from being recognised as autonomous rights holders and ensuring that systems uphold children’s dignity, agency and voice across all forms of harm.

²¹ Gillfeather-Spetere and Watson, *In Their Own Right: Actions to Improve Children and Young People’s Safety from Domestic, Family and Sexual Violence* (ANROWS Insights, 01/2024) 5.

²² Domestic, Family and Sexual Violence Commission, *Children and Young People Roundtable Report* (10 December 2025) 6.

1.4.2 Non-criminalising responses to harmful sexual behaviours

Current systems often respond to children with H(S)B through youth justice pathways, despite evidence that these behaviours are frequently rooted in trauma, developmental vulnerability and exposure to violence.²³ ANROWS emphasises that “*the binary of seeing children and young people as either victim-survivors or perpetrators*” is inadequate and harmful. A child rights-based approach requires therapeutic, developmentally informed and culturally safe responses that prioritise safety and wellbeing for every child, rather than criminalisation.

YLA’s practice confirms that children who use H(S)B frequently have overlapping experiences of victimisation. A non-discriminatory, rights-based system must avoid binary categorisations and instead provide early, therapeutic supports that address the full spectrum of harms experienced by children. This includes recognising that children who use H(S)B are children first, and that their behaviours often arise from trauma, developmental vulnerability and exposure to violence. Early intervention must be available to all children, irrespective of gender or the nature of their involvement in an incident.

A child-rights approach also requires shifting away from a youth justice or violence-against-women framing and asking instead: what helps children and families to thrive? It requires recognising that children who use violence or H(S)B are children first, and that problem behaviours arise from trauma, developmental vulnerability and exposure to violence. It requires responses that prioritise healing, safety and wellbeing, as well as promoting healthy attitudes towards sex and relationships as a protective mechanism which can safeguard against future engagement in harmful behaviours. It also requires sustained investment in resourcing initiatives and services to prevent harm, which includes (but is not limited to) expanded education and child-friendly materials about issues such as healthy relationships, sex and consent.

²³ Gillfeather-Spetere and Watson, *In Their Own Right: Actions to Improve Children and Young People’s Safety from Domestic, Family and Sexual Violence* (ANROWS Insights, 01/2024) 7.

1.4.3 A Non-Discriminatory, All-Children Approach to Safety and Support

A non-discriminatory approach is fundamental to ensuring that all children can access safety, support and early intervention. Current gender-based service systems create barriers for boys, gender-diverse children, and children who both experience and cause harm. These barriers are not merely administrative; they reflect deeper structural assumptions that children's experiences can be neatly categorised into "*victim*" or "*perpetrator*," or that certain forms of harm are gender-specific. The evidence demonstrates that these assumptions are inaccurate and harmful, consistent with ANROWS findings that "*policy, programs, practice and research have often assumed that children and young people are not affected by domestic, family and sexual violence directed towards the adult carers in their lives*," and that the binary framing of children as either victim-survivors or perpetrators is inadequate and damaging.²⁴

YLA's practice shows that children's experiences of victimisation and harmful behaviours frequently intersect. Many children who use H(S)B have themselves experienced maltreatment, trauma, coercive control or exposure to domestic violence. Similarly, girls, boys and gender-diverse children experience different patterns of harm, but all require early, therapeutic and developmentally appropriate responses. A system that distinguishes children's access to support based on gender or on their role in an incident risks entrenching inequity, denying children their rights, and reinforcing stigma.²⁵

A non-discriminatory, all-children approach ensures that every child can access early intervention before harm escalates. It recognises that children's safety needs are shaped by their developmental stage, lived experience and evolving capacities, not by gendered assumptions or adult-centric frameworks. It also ensures that children who use harmful

²⁴ Gillfeather-Spetere & Watson, *In Their Own Right: Actions to Improve Children and Young People's Safety from Domestic, Family and Sexual Violence* (ANROWS Insights, 01/2024) 11.

²⁵ An overview of YLA's specialist Harm Practice, a service supporting children who experience and cause harm, can be found at Appendix A.

sexual behaviours receive therapeutic support that addresses underlying trauma and vulnerability, rather than punitive or criminalising responses that compound harm.

Addressing all harms for all children enables systems to respond holistically, uphold children's rights, and prevent the escalation of harm. It aligns with Australia's obligations under the CRC, the principles of Gillick competence and Marion's Case, and the evidence from ANROWS, the DFSV Commission and the Australian Child Maltreatment Study (**ACMS**). Embedding this approach within the Second Action Plan will ensure that children of all genders, identities and experiences can access timely, independent and rights-affirming support.

1.5 Independent Child Advocacy

Independent advocacy is essential to ensuring that children's rights are upheld, as well as for promoting children's right to be heard and meaningfully participate in formal processes. Advocates who work alongside children can also play a vital role in shifting cultural norms and attitudes towards children's capacity, through recognising, promoting and safeguarding the agency of children in relation to decisions which impact them.

Services such as YLA provide confidential, independent legal advice and representation for children experiencing rights violations, including those in detention, out-of-home care or maltreatment contexts. This ensures children can navigate complex systems, assert their rights and access safety. Our lawyers are also trained to assess a child's capacity to understand and participate in decision-making processes, as well as supporting their meaningful engagement in legal proceedings (for example, through the provision of child-friendly advice in relation to their legal options and potential consequences) and working wherever possible from a child-focused lens which prioritises their needs and interests.

The DFSV Commission Roundtable highlighted that *"we need advocates in court,"* reflecting widespread concerns about children's exclusion from justice processes.²⁶ Independent

²⁶ Domestic, Family and Sexual Violence Commission, *Children and Young People Roundtable Report* (10 December 2025) 7.

advocacy ensures that children's are heard, their rights are upheld, and their safety is prioritised. The Second Action Plan should commit to national funding for independent child advocacy, ensure that advocacy is available to children without parental permission, and embed advocacy within all domestic, family and sexual violence responses.

Although access to child-centred lawyering within courts and statutory settings is important, access to free, confidential and independent advice is crucial for children to understand options and risks, support children in decision-making, and ensure children's voices are heard throughout formal approaches. There are many ways to promote independent advocacy for children both within and outside of court settings:

- Access to information and resources which can prevent harm to children, such as offering children to receive free, confidential, non-judgemental advice and information on issues like sexting in language that children can understand;
- Supporting children to engage in evidence-based early intervention programs designed for children at risk of engaging in or experiencing harm, including child-centred evaluation of programs to ensure they are meeting needs and expectations;
- Engaging in robust advocacy to ensure the rights of children who have caused and/or experienced harm are upheld within any formal or statutory processes, including supports to; and
- Supporting children's access to effective, therapeutic, and trauma-informed responses to promote healing and rehabilitation.

There is also scope for strengthening child-centred approaches across all services working with children and families, across the statutory and non-government sector, to ensure consistent approaches which recognise the autonomy and inherent rights of children, including their rights to have their views taken seriously and be supported to engage meaningfully in decisions impacting their lives. This could include the development of a nationwide framework for the prevention of violence against children, as well as a national outcomes framework, to ensure consistent practice across jurisdictions and embed a focus towards preventing harm (or the escalation of harm).

Part 2 – Children’s Experiences of Harm, Disclosure, and Help-Seeking

2.1 Prevalence and Nature of Child Maltreatment

Children’s experiences of harm are diverse, intersecting and often hidden. Understanding the nature of maltreatment, how children disclose harm, and what supports are effective is essential to designing systems that uphold children’s rights and safety.

Sexual and family violence is a preventable issue, and a more robust understanding of the cause and extent of harm should support our work to identify and address current and emerging safety issues.

The ACMS provided the first national prevalence data on five forms of child maltreatment in Australia: physical, sexual and emotional abuse, neglect, and exposure to domestic violence.²⁷ Professor Ben Mathews and colleagues have outlined the high-level findings of this study as follows:²⁸

- **Child maltreatment is endemic**, with sample prevalence rates for each type of abuse ranging from between around 9 – 39%. Exposure to domestic violence is the highest at 39.6%.
- **Multi-type maltreatment is common**, 39.4% of participants experienced two or more types of child maltreatment, and 23.3% experienced three to five types.
- **Contemporary youth are suffering**, with higher rates of some maltreatment types including exposure to domestic violence, than older cohorts.

²⁷ Mathews, B., et al., “The prevalence of child maltreatment in Australia” (2023) 218(S6) *Medical Journal of Australia* S13–S18.

²⁸ Mathews, B., et al., *The Australian Child Maltreatment Study: Summary of Findings* (2023).

- **A national gender disparity exists**, young women are significantly more likely to experience sexual abuse, emotional abuse and neglect, and multi-type childhood maltreatment.
- **Child maltreatment is associated with a massive mental health burden**, with people who have experienced child maltreatment significantly more likely to experience mental health disorders.²⁹
- **Child maltreatment produces substantial health risk behaviours**, including self-harm, suicide attempts, and drug dependency.³⁰
- **Adolescence is a deeply painful stage of life for many**, with mental health disorders and health risk behaviours associated with child maltreatment crystallising in those aged 16-24 years.
- **Maltreatment has enduring effects through life, and sexual and emotional abuse are especially harmful.**
- **People who have experienced multiple forms of child maltreatment are more likely to use health services and do so more often.**

The ACMS points to the importance of policies, plans and services that can assist young people with multiple and intersecting forms of violence or maltreatment. It also suggests that the experiences of young men and young women tend to differ in terms of their exposure to sexual and emotional abuse, but is comparable for physical abuse and exposure to domestic violence. This data should similarly influence planning and service provision.

The ACMS also highlights the significant number of children experiencing violence from peers. This underlines the importance that services cater to both victims and those alleged

²⁹ See also Scott, J.G., et al., “The association between child maltreatment and mental disorders in the Australian Child Maltreatment Study” (2023) 218(S6) *Medical Journal of Australia* S26–S33.

³⁰ See also Grummit, L., et al., “Burden of Mental Disorders and Suicide Attributable to Childhood Maltreatment” (2024) 81(8) *JAMA Psychiatry* 782–788.

to have engaged in harmful behaviours, noting that young people may fall into both categories on different occasions.

2.2 Disclosure of Harm and Barriers to Help-Seeking

Evidence of children's disclosure of abuse or other forms of maltreatment consistently points to high rates of late or non-disclosure, particularly of child sexual abuse.³¹ There is also limited research on the factors that influence early disclosure, and particularly on factors that can inform service and system design, and this is a critical research gap.³²

A recent meta-analysis has highlighted the potential impact of children's understanding of abuse on disclosure rates, emphasising the importance for children of having someone to speak to as a crucial factor in being able to identify and respond to harm.³³ The Royal Commission into Institutional Responses to Child Sexual Abuse also highlighted the need for children to be able to access responsive services over time to develop ongoing trust, emphasising disclosure "*is rarely a one-off event*" and is more often "*a process*".³⁴

Our experience working with child victim-survivors of family and sexual violence also identifies two key risks:

- **Mandatory reporting requirements**, which are intended to protect children from harm, but can complicate a child's disclosure due to fears about the impact of potential police or child protection involvement, as well as a lack of understanding about how these services are likely to respond; and
- **The need for parental/guardian consent to engage in services**, which can exclude children from seeking support or assistance in relation to violence they may be experiencing within the home or their family unit, or where they do not view their parent/guardian as a safe person to facilitate help-seeking.

³¹ See for example Ben Mathews et al, 'Disclosure and non-disclosure of childhood sexual abuse in Australia: Results from a national survey' (2025) 160 Child Abuse & Neglect 107183.

³² See for example Mahirah Abdul Latiff, 'A systemic review of factors associated with disclosure of child sexual abuse' (2024) 147 Child Abuse & Neglect 106564.

³³ Emma Brennan and Rosaleen McElvaney, 'What helps children tell? A Qualitative Meta-Analysis of Child Sexual Abuse Disclosure' (2020) 29(2) Child Abuse Review 97-113.

³⁴ Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report*, Volume 4, page 9.

Client-lawyer relationships, grounded in the assurance that the child can speak freely, sidestep this risk. This is extremely important for early intervention – children must be supported to examine behaviours they are experiencing or perpetrating, in a secure and judgement-free space.

For children using harmful behaviours, and particularly harmful sexual behaviours, the stigma can mean even confidentiality is not enough of an assurance for them to identify themselves while seeking legal advice. In these cases, skilful use of ‘information only’ or limited advices can ensure space for a young person to reflect and seek support at early stages, without feeling exposed.

In our experience, opportunities to engage anonymously to seek information or disclose concerns can facilitate disclosure. A 2023 evaluation of our service, for example, found:

*“Anonymity is a key factor that contributes to a child or young person’s willingness to seek help. The chat interface used by YLA is identified by many clients as their preferred way to communicate. This is because of the opportunity for the anonymity it provides in making disclosures about serious harm, or enquiring about topics they might perceive as stressful, embarrassing, or implicating. YLA clients often seek to clarify laws around grooming or sexting, so the anonymous aspect is “reassuring and preventative”.*³⁵

While lawyers can maintain confidentiality and recognise the autonomy of their clients, the legal frameworks they operate within do not necessarily do the same. This requires a careful balance of legal advice and information which equally:

- Recognises and validates children’s perspectives
- Ensures they are aware of how the law *may* apply, and the realities of taking a legal response to their concern (both the benefits and risks of legal pathways);
- Provides alternative options where the legal pathways will not support a child towards a practical/desired outcome.

³⁵ Urbis, ‘Evaluation Of The Enhancement And Expansion Of Legal Assistance Services For Victims And Survivors Of Child Sexual Abuse’, Final Report, 2023.

This style of practice requires a flexibility of thinking, and holistic approach, often focussed on building up the child's community supports. Relevantly, in the six month period between 1 January and 30 June 2026, the HP made nearly 5000 referrals, with the two most frequent external referrals being to Kids Helpline and Headspace.³

The planned National Point of Referral (NPR) is intended to create a no-wrong-door approach for victim-survivors of child sexual abuse, providing access to information, advice and supports to navigate systems. YLA recommends expanding the NPR to include the full spectrum of child maltreatment, including domestic and family violence, and ensuring that referral pathways are accessible to children in their own right. This should include technology-enabled referral and information-sharing platforms that allow children to seek help independently, confidentially and safely. We also note that similar models already exist in Australia, demonstrating the feasibility and value of child-centred, single-entry-point referral systems, and recommend that the NPR draw on these examples in its design.

YLA's frontline experience provides unique insights into children's disclosure patterns, including the importance of anonymity, independence and non-judgmental early support. Children seek help most effectively when systems recognise their autonomy and provide confidential pathways that do not rely on parental involvement. These insights demonstrate the need for service models that meet children where they are, respond to their lived experience in their own right, and provide early, accessible and independent avenues for disclosure.

2.3 Effective Prevention and Early Intervention Approaches

Recent Australian research highlights the need for population-wide preventative mechanisms which use a public health approach to promote and protect child-safety.³⁶ These recommendations are aligned with evidence-based frameworks on child wellbeing

³⁶ Mathews, B., Thomas, H.J. and Scott, J.G., "A new era in child maltreatment prevention: call to action" (2023) 218(S6) *Medical Journal of Australia* S47–S51. <https://doi.org/10.5694/mja2.51872>.

which recognise the importance of ensuring children are supported and protected throughout their early years.³⁷

Alongside universal measures, there is also a need for targeted interventions to provide support for children and families who are most at risk of experiencing harm, including, but not limited to, Aboriginal children, children in out-of-home care, and children with disability. Recent inquiries have highlighted the effectiveness of place-based approaches based on First Nations principles and ways of working to strengthen the safety and wellbeing of children as well as safeguarding against harm,³⁸ particularly harm relating to structural disadvantage.

Evidence-based supports for children engaging in, or at risk of engaging in, harmful behaviours, including H(S)B, should be available as early as possible and accessible to children who are not yet engaged with statutory systems.³⁹

For those children who are involved in the criminal legal system, there is a need for robust, independent and child-rights focused information, advice and advocacy. True access to justice for children in conflict with the law requires:

- Ensuring children have early access to legal information, including universal education on their rights when interacting with police.
- Providing advice at critical points of intervention, such as before a police interview or arrest, and offer pre-court information and guidance that can divert children away from the criminal legal system wherever possible.
- Guaranteeing effective, rights-based advocacy for children throughout all stages of the criminal legal process.

³⁷ Moore, T.G., Arefadib, N., Deery, A., Keyes, M. & West, S. (2017). The First Thousand Days: An Evidence Paper – Summary. Parkville, Victoria: Centre for Community Child Health, Murdoch Children’s Research Institute.

³⁸ For example, see Yoorrook Justice Commission, Yoorrook for Justice: Report into Victoria’s Child Protection and Criminal Justice Systems (2023).

³⁹ An analysis of programs with findings in support of Multisystemic Therapy was completed as part of the Royal Commission into Institutional Responses to Child Sexual Abuse – see Shlonsky, A., Albers, B., Tolliday, D., Wilson, S., Norvell, J., Kissinger, L. (2017). Rapid evidence assessment: Current best evidence in the therapeutic treatment of children with problem or harmful sexual behaviours, and children who have sexually offended. Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney.

- Strengthening safeguards for children in institutional settings, including custodial environments, to ensure their safety, rights and wellbeing are protected.

We strongly recommend that the Second Action Plan prioritise primary prevention and early intervention initiatives that strengthen child and family safety and wellbeing, alongside measures that build and sustain community-based supports. Examples of initiatives to consider include the following:

- Fund further research into the ways in which children respond to and disclose harm, to identify strategies to strengthen existing systems and services and better meet their needs.
- Expand community-based parenting and family supports during the first 1000 days of a child's life.⁴⁰
- Embed violence prevention education within early education settings and community-based organisations working with children across a wide range of ages.
- Introduce non-statutory early-intervention mechanisms, such as community conferencing, to engage families at the earliest point of emerging child-safety concerns.⁴¹
- Develop and fund a national program/service to provide child and family advocacy to address family, domestic and sexual violence, other forms of maltreatment, and other harms experienced by children and young people in that jurisdiction, by supporting self-advocacy, providing individual legal and non-legal advocacy, and engaging in systemic advocacy.

⁴⁰ Moore, T.G., Arefadib, N., Deery, A., Keyes, M. & West, S. (2017). The First Thousand Days: An Evidence Paper – Summary. Parkville, Victoria: Centre for Community Child Health, Murdoch Children's Research Institute.

⁴¹ Examples of non-statutory conferencing for children and families can be found internationally - for example, in relation to child-safety concerns, families on the island of Oahu in Hawai'i can access community-led restorative conferencing to explore and address concerns – for more information, see <https://www.epicohana.org/ohana-conference>, or Permanency Planning for Children Department, National Council of Juvenile and Family Court Judges (2003) Empowering Families in Child Protection Cases: An Implementation Evaluation of Hawai'i's 'Ohana Conferencing Program, accessed at <https://www.ncjfcj.org/wp-content/uploads/2025/12/OhanaConferencingFullDoc.pdf>.

- Funding the scaling of YLA’s Harm Practice (which already supports children who experience, cause or are at risk of harm) to meet the level of demand identified in recent research.
- Strengthen universal health and social supports, particularly in areas identified by recent research as closely associated with child maltreatment.⁴²
- Increase funding for services already supporting children who require protection and assistance, including legal advocacy and housing supports.
- Reallocate funding away from services that are not meeting the needs of children and families, and reinvest in initiatives that provide additional supports across the spectrum of statutory engagement. This should include:
 - case-management supports for early engagement with child protection and/or the criminal legal system;⁴³
 - expanded diversionary options for children in conflict with the law;⁴⁴ and
 - alternative responses to children who cause harm that centre the rights and interests of all children involved — including those who experience harm and those who cause it.⁴⁵

⁴² Mathews, B., Thomas, H.J. and Scott, J.G. (2023), A new era in child maltreatment prevention: call to action. *Med J Aust*, 218: S47-S51. <https://doi.org/10.5694/mja2.51872>

⁴³ An example of case-management supports for early intervention can be found in the recently-established Therapeutic Support Panel in the Australian Capital Territory (the most recent report can be accessed online: https://www.act.gov.au/_data/assets/pdf_file/0011/2975438/Therapeutic-Support-Panel-Report-2025.pdf); an international example is the Kotahi Te Whakaaro program in Aotearoa/New Zealand, an early-intervention multi-agency initiative providing rapid, wraparound support to children in conflict with the law prior to formal police or agency intervention - for an overview of the program and evaluation of its effectiveness, see Malatest International (2024) ‘Fast-Track – Formative and process evaluation’, accessed at <https://www.orangatamariki.govt.nz/assets/Uploads/About-us/Research/Latest-research/Fast-track/Fast-Track-formative-and-process-evaluation.pdf>.

⁴⁴ Australian Human Rights Commission (2024). ‘Help way earlier!’: How Australia can transform child justice to improve safety and wellbeing. Sydney: Australian Human Rights Commission.

⁴⁵ Expansion of initiatives such as restorative conferencing offer opportunities for children who have experienced harm, as well as those who have caused harm, to engage in a problem-solving and therapeutic way of responding to problem behaviour. Recent research has highlighted the comparative effectiveness of restorative processes involving those who have been impacted/harmed - for example, see Jane Bolitho (2015) Putting justice needs first: a case study of best practice in restorative justice, *Restorative Justice*, 3:2, 256-281, DOI: 10.1080/20504721.2015.1069531.

To ensure approaches and initiatives are best placed to meet the needs of families and communities, we strongly recommend the above are developed through co-design with First Nations organisations already supporting children and families (such as Aboriginal health and legal services), and that Aboriginal Community Controlled organisations are adequately resourced to continue and strengthen engagement with those most at risk of experiencing or causing harm. Initiatives across prevention, early intervention, formal processes and rehabilitation should reflect Aboriginal ways of working and be culturally informed and responsive.

Given the research establishing a connection between experiences of child maltreatment, and mental health and risk-taking behaviour, it is critical that health services are joined up with other services and policy initiatives.⁴⁶ Health-justice partnerships are one example of joined-up initiatives that can improve health and wellbeing, and address multiple and intersecting legal problems.⁴⁷ Consideration should be given to developing and funding health-justice and other partnerships, involving collaborative and multidisciplinary advocacy from a range of legal and other professionals to develop responsive services tailored to the specific needs of children.

2.4 Legal and Rights Issues Arising from Children’s Experiences of Harm

Children’s experiences of child maltreatment, whether as a victim/survivor, or as someone who has engaged in harmful behaviours, raise a range of legal issues across civil, criminal and family law areas. These can include issues around *Gillick* competence and rights to make independent decisions in different contexts and enter into contracts. They can include issues around engaging with police and court processes, or simply understanding what the law says about behaviour they have experienced or engaged in. It can also include issues with civil remedies or options, such as applying for or responding to apprehended violence orders, or applying for victims’ services or other forms of compensation or redress.

⁴⁶ See Scott, J.G., et al., “The association between child maltreatment and mental disorders in the Australian Child Maltreatment Study” (2023) 218(S6) *Medical Journal of Australia* S26–S33.

⁴⁷ See for example Margaret Camilleri and Alison Ollerenshaw, ‘Examining the impact of a health justice partnership service on the health and wellbeing of regional young people’ (2025) 25(1) *Rural and Remote Health* 1-6.

While we strongly support a focus on prevention and early intervention to protect children and promote their rights, there is also a need to carefully consider how best to respond after instances or allegations of harm. Children who have been exposed to harm should be supported to engage with rehabilitation or recovery, which may include support with legal or police processes. Many jurisdictions now have protocols in place to recognise the rights of victims within the criminal legal system,⁴⁸ and targeted initiatives may be needed to ensure child victims can also understand and meaningfully participate in processes impacting them.

Recent inquiries have also highlighted the significant number of children and young people who have experienced institutional harm, particularly those children from groups who are already disadvantaged within mainstream systems, such as First Nations children.⁴⁹

Although Governments are responsible for the safety and wellbeing of children in their care, for example, children who are in out-of-home care or custodial settings, these children face higher risks of experiencing harm. Some Australian jurisdictions are progressing reforms which acknowledge the need to provide additional protections for children in state care and are intended to strengthen the protections and support provided to children subject to statutory intervention.⁵⁰ Ongoing safety concerns relating to prisons or other institutional settings highlight the need for increased oversight to promote accountability and prevent/respond to abuse,⁵¹ and those children who have already experienced harm whilst

⁴⁸ For example, state-based charters of victim rights - see NSW Government, Charter of Victims' Rights: <https://www.nsw.gov.au/departments-and-agencies/victims-services/forms-and-publications/charter-of-victims-rights>; Queensland Government, Charter of Victims' Rights: <https://www.victimsscommissioner.qld.gov.au/Charter-of-Victims-Rights> or Tasmanian Government, Charter of Rights for Victims of Crime: <https://www.justice.tas.gov.au/victims/victims-rights/charter-of-victims-rights>.

⁴⁹ For example, see Yoorrook Justice Commission, Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems (2023).

⁵⁰ This includes the passing of the Children, Youth and Families Amendment (Supporting Stable and Strong Families) Bill 2025 which amends the Children, Youth and Families Act 2005 (Vic) to formalise obligations owed by the State in relation to the safety and wellbeing of care experienced children, including the development of case management plans and responsibility for wellbeing until a young person turns 25. The provisions of this Bill are influenced by 'corporate parenting'. An explainer of this concept can be found on the website of the Centre for Excellence in Child and Family Welfare: <https://cfecfw.org.au/app/uploads/2025/05/December-2025-Corporate-Parenting-Explainer-CFECFW.pdf>.

⁵¹ The Senate, Legal and Constitutional Affairs References Committee (2025) Australia's youth justice and incarceration system, Chapter 2: Outcomes and Impacts of Youth Detention.

in the care of the State are also entitled to receive timely and comprehensive advice about their potential legal rights and should be supported to understand and engage in the legal process.⁵²

YLA staff regularly support children with questions about their own safety, as well as the safety of their peers or family members. Offering children the opportunity to receive free, comprehensive and confidential advice and information on a wide range of issues, including topics which could be related to sexual harm and/or family violence, ensures children can develop an understanding of their legal rights and offers the opportunity for children to engage in additional supports as needed, effectively preventing the occurrence or escalation of legal issues.

Part 3 – Specific Institutional and Online Contexts

3.1 Peer-to-Peer Violence and Safety in School Settings

3.1.1 Nature and Prevalence of School-Based Harm

All Australian children have the right to education, and sustained engagement in school is strongly associated with improved wellbeing across the lifespan and protection against future harm. However, many Australian children struggle to attend or remain engaged in education, with safety concerns at school frequently identified as a barrier to attendance and participation.⁵³

YLA regularly supports children and families experiencing harm within educational settings. This includes responding to institutional failures to protect students from peer-to-peer violence, addressing prolonged inaction by schools, and assisting children who feel unsafe

⁵² See *Bennett v Minister of Community Welfare* (1992) 107 ALR 617.

⁵³ Australian Government, Department of Education (2025) Final Report of the Anti-Bullying Rapid Review, p33; Australian Institute of health and Welfare (2022) Australia's children, Bullying – Australian Institute of Health and Welfare; Australian Research Alliance for Children and Youth (2024) Young and Wise: A review of what Australian children and young people say they need to thrive.

or unsupported at school. Our work often involves helping families navigate complex school processes, escalate concerns, and secure appropriate safety measures for their children.

Recent research highlights persistent safety issues within Australian schools, including high rates of physical and cyber-bullying⁵⁴ and prevalent H(S)B. These findings reflect broader, nationally recognised concerns about school-based safety, where children often struggle to access timely, appropriate responses and face inconsistent or inadequate protective measures. Families frequently report difficulty navigating complex school processes and securing effective interventions when safety concerns arise.⁵⁵

3.1.2 Barriers to Safety and Engagement in Education

Children's ability to participate meaningfully in education is significantly affected by school responses to harm. Many children report feeling unsafe, unsupported, or excluded, particularly when navigating complex disciplinary processes. A lack of independent advocacy, limited transparency in decision-making, and inconsistent procedural fairness can compound harm and disengagement. These barriers disproportionately affect children already experiencing disadvantage, including those with disability, those in out-of-home care, and those experiencing family violence.

3.1.3 Strengthening School-Based Responses

School-based initiatives that prevent and respond to harmful behaviour, alongside measures that strengthen access to justice, are essential to protecting and promoting child-safety and wellbeing. We recommend consideration of the following:

- Increase access to independent supports for children navigating complex disciplinary processes, including advocacy during suspension or exclusion proceedings.

⁵⁴ Australian Government, Department of Education (2025) Final Report of the Anti-Bullying Rapid Review, p32.

⁵⁵ See Gillfeather-Spetere and Watson, *In Their Own Right* (ANROWS Insights, 01/2024); Domestic, Family and Sexual Violence Commission, *Children and Young People's Voices: Roundtable Summary Report* (2024).

- Expand preventative education across primary and secondary schools on topics that reduce engagement in harmful or problematic behaviours.
- Embed restorative practices as an evidence-based response to conflict and harm within school communities.
- Strengthen oversight of school decision-making to ensure transparency, accountability and procedural fairness.
- Implement strategies that empower students to self-advocate and support their peers, fostering safer and more inclusive school environments.

3.2 Online Harms and Children's Rights in the Digital Environment

3.2.1 Overview of Online Harms

Children increasingly experience harm in digital environments, including sexual abuse, grooming, coercive control, harassment, H(S)B, violations of privacy, and exposure to violence. These harms constitute violations of children's rights to safety, privacy, participation, information and effective remedies. A child-rights approach requires that digital environments be regulated and designed in ways that uphold children's dignity, autonomy and evolving capacities.

3.2.2 Legal and Regulatory Obligations in Digital Environments

3.2.2.1 Implementing General Comment No 25

The Australian Government should fully implement the Committee on the Rights of the Child, General Comment No 25 (2021) on Children's Rights in Relation to the Digital Environment, UN Doc CRC/C/GC/25 (2 March 2021). General Comment No 25 affirms that children's rights apply online as they do offline, including rights to privacy, protection from violence, access to information, participation and remedy. Implementation should be embedded across both the Child Sexual Abuse (**CSA**) Action Plan and the Domestic, Family and Sexual Violence (**FDSV**) Action Plan, recognising that online harms intersect with all forms of maltreatment, including sexual abuse, emotional abuse, exposure to domestic violence and child-to-child harms.

3.2.2.2 A Justiciable Digital Duty of Care

Australia should establish a Digital Duty of Care requiring technology companies to take reasonable steps to prevent foreseeable harm to children. This duty should be justiciable by individuals and classes, enabling children and their representatives to bring actions, including class actions, where technology companies fail to protect children from online abuse, exploitation, algorithmic amplification of harmful content or breaches of privacy. A justiciable duty is necessary to ensure accountability and to give practical effect to children's rights in digital environments.

3.2.2.3 Children's Online Privacy Code

A Children's Online Privacy Code (**Code**) should be developed for technology companies, grounded in children's rights to privacy, autonomy and data protection. The Code must not create additional barriers to online help-seeking from government-funded, child-safe organisations. Children must be able to access confidential, anonymous support online without surveillance, data-tracking or algorithmic profiling that deters disclosure or compromises safety. Privacy protections should enhance, not restrict, children's access to independent advocacy, therapeutic services and gender-based violence responses.

The Code should also prohibit the commercial exploitation of children's data, including behavioural advertising, profiling and data-driven manipulation. General Comment No 25 requires States to protect children from economic exploitation and commercial practices that undermine their rights.

3.2.2.4 Safe, Non-Intrusive Age Assurance

Any age-assurance or age-appropriate design measures must be privacy-preserving, proportionate and non-intrusive, and must not deter children from accessing confidential, child-safe online services. General Comment No 25 cautions against verification systems that compromise children's rights to privacy, participation and help-seeking.⁵⁶ Age

⁵⁶ Committee on the Rights of the Child, General Comment No 25 (2021) on Children's Rights in Relation to the Digital Environment, UN Doc CRC/C/GC/25 (2 March 2021) [41]–[43], [48].

assurance should be designed to protect children from harm without creating surveillance or barriers to support.

3.2.3 Systemic Issues and Emerging Risks

3.2.3.1 Algorithmic Accountability and Transparency

Consistent with General Comment No 25, the Australian Government should require technology companies to ensure transparency, accountability and child-rights impact assessments for algorithmic systems, including recommender systems, profiling, automated moderation and content amplification. Algorithmic processes must not expose children to harmful content, discrimination, manipulation or exploitation. Technology companies should be required to assess and mitigate risks to children's rights arising from automated systems.

3.2.3.2 Commercial Exploitation of Children's Data

Children are uniquely vulnerable to commercial exploitation online. Data-driven manipulation, behavioural advertising and profiling undermine children's autonomy, distort their online experiences and expose them to harm. Regulation must prohibit commercial practices that exploit children's data or compromise their rights.

3.2.3.3 Barriers to Confidential Help-Seeking

Children often seek help online before they disclose offline. Privacy-intrusive systems, surveillance-based age assurance, or data-tracking can deter children from accessing support. Digital policy must ensure that children can obtain confidential, anonymous and independent help without parental permission, particularly where the parent is the perpetrator or unsupportive. Children should also have access to child-friendly reporting mechanisms and effective remedies for online harms, including confidential complaints pathways, independent advocacy and access to justice.

Digital responses must be trauma-informed, culturally safe and child-centred. Children's experiences of online harm intersect with disability, poverty, intergenerational trauma,

mental health issues and exposure to violence. Systems must “*meet children where they are*” and avoid replicating adult-centric or punitive approaches.⁵⁷

3.2.4 Independent Advocacy in Digital Contexts

Independent advocacy is essential to ensure children’s rights are upheld online. Advocacy enables children to navigate complex systems, assert their rights and access safety. Children consistently describe needing “*someone to stand up for them*” when seeking help online.⁵⁸ Advocacy must be available without parental permission, particularly where the parent is the perpetrator or unable to support help-seeking.

Part 4 – Government Accountability as Duty Bearers

4.1 The Need for National Leadership and a Co-ordinated Strategy

Australia requires a coherent, national strategy to address all forms of child maltreatment and uphold the safety, wellbeing and rights of every child. At present, efforts are dispersed across multiple national frameworks, including the National Framework for Protecting Australia’s Children, the National Agreement on Closing the Gap, and the National Strategy to Prevent and Respond to Child Sexual Abuse. Each operates with different priorities, governance structures and accountability mechanisms, resulting in fragmented responses and gaps in protection for children whose experiences intersect across systems.

A unified national approach must be grounded in Australia’s obligations under the CRC. Governments are duty bearers responsible for ensuring children’s rights to safety, development, participation and remedy. National leadership is essential to ensure these obligations are implemented consistently across jurisdictions and embedded in all policy, legislative and service responses. Without a coordinated strategy, children continue to

⁵⁷ Domestic, Family and Sexual Violence Commission, *Children and Young People Roundtable Report* (10 December 2025) 12.

⁵⁸ *Ibid.*

experience uneven access to protection and support depending on where they live and which systems they encounter.

4.2 Consolidating Fragmented Responsibilities Across Systems

Child maltreatment rarely occurs in isolation. Children's experiences often intersect with multiple systems, child protection, youth justice, education, early childhood services, disability supports, health, mental health, housing and social security. Yet governance of these systems remains siloed, with responsibilities divided across agencies that operate independently and often with conflicting mandates. This fragmentation undermines children's safety and wellbeing, and creates barriers to early intervention, coordinated case management and holistic support.

A national strategy must therefore include mechanisms to better align responsibilities across these systems. This may involve strengthened intergovernmental agreements, shared accountability frameworks, cross-portfolio leadership structures, and integrated service design. Bringing together responsibilities that are currently dispersed would support more coherent policy development, reduce duplication, and ensure that children's rights are upheld consistently across all areas of government. It would also enable more effective responses to children with complex needs, including those experiencing disability, trauma, intergenerational disadvantage or multiple forms of maltreatment.

4.3 Accountability and Access to Justice for Children

Governments, as duty bearers under the CRC, must ensure that children have access to justice and effective remedies when their rights are violated. Accountability mechanisms must therefore include pathways for individual children to raise concerns, challenge decisions and seek redress. This aligns with the UN Committee on the Rights of the Child's *Draft General Comment No. 27 on Children's Rights in Relation to the Digital Environment* (2024), which affirms that children have a right to access justice and to an effective remedy in digital contexts. It emphasises that children must be able to pursue complaints through child-friendly, accessible and independent processes that recognise their status as rights holders and ensure meaningful participation in decisions affecting them.

Access to justice requires more than the existence of formal complaint pathways. Children must be able to understand their rights, identify when those rights have been breached, and engage with processes that are designed around their evolving capacities. This includes the ability to challenge decisions made by government agencies or institutions, report rights violations such as maltreatment or discrimination, and obtain remedies such as compensation, review of decisions or protective measures. Independent advocacy and legal assistance are essential to ensuring children can participate meaningfully in these processes, particularly where parental permission is unavailable or unsafe.

Accountability also requires transparent reporting on government performance, independent oversight bodies with powers to investigate systemic failures, and mechanisms for children's voices to inform policy and system reform. These elements are critical to ensuring governments meet their obligations as duty bearers and that children's rights are not merely aspirational but enforceable.

4.4 National Children's Data Framework and Oversight

Effective oversight depends on high-quality, accessible and nationally consistent data. Currently, data relating to child maltreatment, child protection involvement, youth justice, education, health, disability and family violence is fragmented across jurisdictions and agencies, collected using different definitions, and often inaccessible for policy development or system improvement. This limits Australia's ability to understand the prevalence, nature and impacts of child maltreatment, identify gaps in service provision, and monitor progress against national goals.

A national children's data framework should consolidate data across systems and jurisdictions, ensure consistent definitions and reporting standards, and enable longitudinal tracking of children's experiences and outcomes. Such a framework would support evidence-based policy and service design, identify emerging risks and unmet needs, and provide transparent public reporting to strengthen accountability. It would also allow Australia to monitor its progress against commitments under the CRC and ensure that reforms are responsive to the realities of children's lives.

Strong privacy protections and child-rights impact assessments must underpin this framework, ensuring that data is used ethically and in ways that promote children’s safety and wellbeing. High-quality data is essential to driving continuous improvement, enabling early intervention, and ensuring that governments meet their obligations as duty bearers.

Conclusion

The Second Action Plan presents a critical opportunity to deliver a nationally consistent, rights-based system that sees, hears and responds to children as full human and legal rights holders. To achieve this, governments must embed children’s rights across all policy, practice and service design; strengthen early intervention; ensure independent pathways to safety and justice; and address both longstanding and emerging forms of harm, including those occurring in digital environments.

A nationally consistent, non-discriminatory and prevention-focused system is essential to ensuring that all children, victim-survivors, children who use H(S)B, and children of all genders, can access early, independent and rights-affirming support.

Online safety is inseparable from children’s broader rights to autonomy, dignity and protection from violence, and must be embedded across all prevention, early intervention and response systems.

We make the following further recommendations to ensure the Second Action Plan protects and promotes the rights of all children.

Recommendations

Embed a child-rights-based framework across all DFSV policy, practice, and service design, recognising children as autonomous rights holders with evolving capacities.	Addressed at pp5-7 and 9-10
Enact changes to Commonwealth legislation to confirm Gillick-competent children and young people can consent to decisions	Pp6-7

about their welfare, where those decisions align with their rights and best interests.	
Build a non-discriminatory child safety system that addresses barriers created by gender-based service models, ensuring equal access for children of all genders, including those who both experience and cause harm.	Pp8, 11-12
Guarantee early, developmentally appropriate, community-based and trauma-informed intervention, including specialist responses for H(S)B grounded in evidence rather than youth justice pathways.	Pp 10-11
Prioritise prevention and early intervention across all DFSV responses, ensuring children receive developmentally appropriate support before harm escalates and without reliance on parental consent where this would compromise their safety.	Pp17-20
Ensure independent pathways to safety and support, including mechanisms that do not rely on parental consent where the parent is the perpetrator or is unable or unwilling to support a young person's help-seeking.	Pp20-21
Create child-specific justice and advocacy supports, including access to independent advocates, legal assistance, and participation rights in all relevant proceedings.	P12-13
Build a nationally consistent system that eliminates service gaps for 15–18-year-olds, reduces waitlists, and ensures children can access help without requiring <i>“professional knowledge to get the right help.”</i>	P8
Embed children's voices in governance, including ongoing consultation with child and youth advisory groups, ensuring their lived experience shapes policy, evaluation, and reform.	Pp9-10, 12-13, 27-28
Increase awareness of the causes and extent of child maltreatment to better target and address issues of concern.	Pp14-15
Expand services and invest in initiatives that address areas where children are most at risk, including institutional settings such as schools.	Pp22-23
Address existing and emerging risks of harm in online environments by	Pp23-26

• Fully implementing General Comment No 25 (2021) on children's rights in the digital environment across both the CSA and FDSV Action Plans. • Establishing a justiciable Digital Duty of Care enforceable by individuals and classes of children, enabling litigation where technology companies fail to prevent foreseeable harm. • Developing a Children's Online Privacy Code that strengthens privacy protections while ensuring no additional barriers to online help-seeking from child-safe organisations. • Funding and indemnifying strategic test-case litigation against technology companies for online abuse and exploitation of children. • Ensuring all digital policy and regulatory reform is co-designed with children and grounded in trauma-informed, culturally safe, and child-centred principles. • Integrating online harms into national leadership mechanisms, including the proposed National Plan to End and Intervene Early in Harms Against and by Children and a national children's data framework. • Ensuring independent advocacy is available in digital contexts, recognising children's need for privacy, autonomy, and someone to stand up for them when seeking help online.	
Enact policy and legislative change at a national level, consistent with best-practice frameworks and recommendations from expert stakeholders such as the National Children's Commissioner.	Pp26-29

[REDACTED]

[REDACTED]

[REDACTED]

14 August 2026

Appendix

Specialist Support: YLA's National Maltreatment Legal Practice (Harm Practice – 'HP') and Service Delivery

In 2023, evaluations noted YLA's practice addressed the need for specialised legal support for young people experiencing harm, as identified in the Royal Commission into Institutional Responses to Child Sexual Abuse.¹ But since that time, the HP has continued to develop and grow. The below is an overview of key features of the HP's service delivery approach.

Multiple entry points for children and their advocates:

The HP is grounded in enabling children to seek legal support on their own terms, including by removing barriers to their engagement.² Currently, the HP offers four main avenues for children to access legal advice and information:

- **Email and webforms**, where children can disclose whatever they are comfortable sharing in written form, to receive written advice. This is key for children who need space to decide how and when they will engage, or who need advice but want to minimise interactions. This method also reduces any sense of pressure on a child that they must act after receiving advice. Children can, and often do, retain their advice so they can engage on their own timeline.
- **Chat**, which allows children to engage directly with a solicitor via their web browser, without needing to provide personal details. This form of engagement is low pressure and anonymous, yet does compromise the service a child receives. This is key for children seeking sensitive advice, or testing to see whether they want to engage further. Chat can be a gateway to further interactions, but is also a useful one-off tool. It has been acknowledged as having national reach, including potentially for diverse client groups.³
- Where children do not feel ready to engage directly with a professional, they are still able to access specific, child-friendly legal information via **the YLA Website**.
- Although not funded to do so, HP solicitors also provide **phone advice** to clients who contact YLA via the helpline. This is a less common engagement option for

young people (usually favoured by their advocates) but is still frequently utilised.

Between January and June 2026, 14% of harm advices were provided by phone. This range of options means children can access legal support independently, safely, and privately. It also allows them to control the pace and depth of their interaction with YLA. Children rarely have this degree of autonomy when engaging with systems or service providers. Children take full advantage of this range of options, and many clients will engage across multiple platforms at different stages of their work with YLA.

Specialist lawyers

The HP is comprised of solicitors with a highly specific and unique skillset,⁴ across three main facets of training and experience:

- **Legal experience:** HP solicitors work across multiple jurisdictions and areas of law, with a common thread: they relate to the experience of harm. Solicitors are familiar with matters relating to harassment, child sexual abuse, family violence, and bullying; as well as the myriad of legal issues which intersect with these, like family law, compensation, and housing (discussed further below). This provides practitioners a strong grounding in how the law responds to young people.
- **Youth Lens:** like all YLA solicitors, harm solicitors bring a youth-specific lens to their work, meaning they understand how these laws and sectors apply *particularly* to children and young people. This involves an awareness of the limited avenues for advocacy, and the complexity of navigating parental input or authority over a child's circumstances. This is extremely important when working in the areas of child sexual abuse and family violence, where the authority of a legal guardian may be a threat rather than a protective factor.
- **Trauma-informed:** children who engage with the HP are making a brave choice to trust a service provider with their stories. Solicitors are trained to receive this trust in a compassionate, and trauma-informed way. This approach is underpinned by YLA's overarching organisational structures, which support the delivery of trauma-informed services. HP staff's capacity to delivery rights-based, trauma-informed, and culturally safe service delivery was acknowledged in the 2023 evaluation.⁵

Importantly, HP Solicitors have experience providing legal services through the specific methods of engagement YLA offers – including communicating complex concepts in a clear, child-friendly manner (potentially using slang or other accessible language). This was acknowledged in the 2023 evaluation.⁶ Although there are commonalities across this area of practice, it is broad and diverse. Therefore, HP solicitors are encouraged to engage in training and continuing professional development across jurisdictions. This includes support to engage with non-legal stakeholder training and resources, including via AIFS and other organisations.

Holistic support

Children experiencing harm often face intersecting legal issues. For example, children experiencing sexual abuse may need support to leave home; change their name or gender; obtain housing; transfer school enrolments; obtain and understand the effect of a restraining order; or make an application for victim support.

As the HP is just one facet of YLA's service, clients can be supported these (and other) presenting issues simultaneously. This has the effect of:

- streamlining clients' avenues of support, reducing risk of disengagement or overwhelm;
- reducing re- traumatisation, by ensuring service providers are conscious of needs and histories of their clients;
- allowing children to identify multiple legal issues for future consideration.

Conversely, the breadth of YLA's practice means children may seek support for an unrelated legal issue (for example, underpayments) but in the course of their engagement disclose past or ongoing abuse. As a result, YLA often has a birds-eye view of the ripple effect abuse can have on a child's life, and the way in which the intersection of different services and systems can alienate them from seeking support, which informs our submissions.

Underpinning each of these approaches is a dedication to innovation and improvement – this was acknowledged in the 2023 Evaluation in relation to the chat service,⁷ but extends beyond to all YLA's approaches towards supporting our clients.