

**FIRST NATIONS  
ADVOCATES AGAINST  
FAMILY VIOLENCE**

**Submission to the Senate  
Standing Committee on  
Legal and Constitutional  
Affairs Inquiry into  
Australia's youth justice  
and incarceration system**

**Prepared by First Nations Advocates  
Against Family Violence**

Submitted 19 December 2025

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## Acknowledgement of Country

We respectfully acknowledge the Traditional Custodians of the land on which we live and work, and pay our respects to their Elders past, present, and emerging for they hold the memories, traditions, the culture, and hopes for Aboriginal and Torres Strait Islander people. We recognise their enduring connection to land, waters, and community.



# First Nations Advocates Against Family Violence (FNAAFV)

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## Who are we?

First Nations Advocates Against Family Violence (FNAAFV) is the National Peak Aboriginal Community Controlled Organisation (ACCO) for the Family Violence Prevention and Legal Services (FVPLS) sector. The FVPLS sector provides specialised domestic, family and sexual violence (DFSV) supports through delivery of culturally safe, holistic services to First Nations, predominantly women and their children. FNAAFV provides expert advice in areas of national policy, planning and law reform, sector capacity building, supporting innovation and best practice, through our advocacy for safety and justice for First Nations peoples affected by family violence. We collaborate across all sectors with a specialised focus on reducing experiences of all forms of DFSV experienced by First Nations families and households as set out by [Target 13](#) of the [National Agreement on Closing the Gap](#), through implementation of self-determined solutions in line with [United Nations Declaration on the Rights of Indigenous Peoples](#).

## Who are our members?

FNAAFV is the FVPLS sector peak body. The FVPLS sector consist of 16 distinct service organisations, with 14 of those organisations being proud members of FNAAFV (see [Appendix A – Member list](#)). The FVPLS sector is present in all jurisdictions. FVPLSs provide culturally safe and specialist legal and non-legal family and domestic violence assistance to more than 250 Aboriginal and Torres Strait Islander communities.

## What do we do?

FNAAFV provides a unified voice for its FVPLS members in areas of national policy, program and legislative reform, and representation as a member of the [Coalition of Peaks](#). Our work, informed by evidence aims to inform implementation and progression of the National Agreement on Closing the Gap; the [National Access to Justice Partnership](#); the [National Plan to End Violence against Women and Children 2022-2032](#) and associated [Aboriginal and Torres Strait Islander Action Plan 2023-2025](#).



# Executive Summary

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First Nations Advocates Against Family Violence (FNAAFV) welcomes the opportunity to provide this submission to the Senate Standing Committee on Legal and Constitutional Affairs References Committee's Inquiry into Australia's youth justice and incarceration system.

This submission highlights the critical but often overlooked role that exposure to domestic, family and sexual violence (DFSVM) plays in driving the over-representation and over-incarceration of Aboriginal and Torres Strait Islander children and young people. FNAAFV submits that any meaningful reform of Australia's youth justice system must address the structural relationship between family violence, child protection intervention and subsequent youth justice involvement, described in this submission as the *Family Violence, Child Protection to Youth Justice Pipeline*.

Aboriginal and Torres Strait Islander children experience disproportionate contact with child protection systems, out-of-home care and youth justice supervision. Evidence demonstrates that exposure to family violence, particularly emotional abuse, is a key driver of this trajectory. Failure to prevent and respond to DFSVM therefore directly contributes to the mass incarceration of First Nations children.

Aboriginal Community Controlled Organisations (ACCOs), particularly Family Violence Prevention and Legal Services (FVPLSs), play a critical role in disrupting this pipeline by providing culturally safe, holistic and trauma-informed early intervention, prevention and legal supports that prioritise keeping women and children safe, together and connected to culture and community.

This submission calls for targeted investment in early intervention programs, establishment of a nationally consistent Aboriginal and Torres Strait Islander Child Protection Notification and Referral System, the use of the Commonwealth's external affairs powers to uphold international human rights obligations, enforceable national minimum standards for youth justice, and sustained, needs-based funding for FVPLSs and Aboriginal and Torres Strait Islander Legal Services.

FNAAFV urges the Committee to recognise that addressing family violence and strengthening Aboriginal Community Controlled responses are essential to ending the over-incarceration of Aboriginal and Torres Strait Islander children.



# Recommendations

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1. Recognise that failure to prevent and respond to experiences of domestic, family and sexual violence (DFSV) drives the over-incarceration of Aboriginal and Torres Strait Islander children
2. Highlight the *Family Violence, Child Protection to Youth Justice Pipeline*, as a critical undercurrent to all relevant aspects of your inquiry
3. Support investment in early intervention programs that provide wrap-around supports that uphold their rights and prevent child removals (see Case Study: NAAFLS NTIFLSS Pilot Program)
4. Implement a Child Protection Notification and Referral System to better support Aboriginal and Torres Strait Islander women to keep their children with their families, culture and community
5. Support the Commonwealth to use its 'external affairs' powers to make laws that protect children from harm and mass incarceration
6. Co-design and implementation of a national minimum standards for youth justice in partnership with Aboriginal and Torres Strait Islander peoples, people with disability, their families, communities and representative organisations
7. Support increased funding allocations for Family Violence Prevention Legal Services (FVPLS) and Aboriginal and Torres Strait Islander Legal Services (ATSILS)



# Submission to the Inquiry into Australia's youth justice and incarceration system

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## Introduction


FNAAFV welcomes the opportunity to provide a submission to the Senate Standing Committee on Legal and Constitutional Affairs References Committee's (the Committee) Inquiry into Australia's youth justice and incarceration system. This submission is presented to the Committee to highlight the role of exposure to and experience of Domestic, Family and Sexual Violence (DFS) in the lives of Aboriginal and Torres Strait Islander children, youth and their caregivers with regard to the following elements of the inquiry:

- (a) the outcomes and impacts of youth incarceration in jurisdictions across Australia
- (b) the over-incarceration of First Nations children
- (d) the Commonwealth's international obligations in regards to youth justice including the rights of the child, freedom from torture and civil rights
- (e) the benefits and need for enforceable national minimum standards for youth justice consistent with our international obligations; and
- (f) any related matters.

Addressing the disproportionate rates of violence experienced by Aboriginal and Torres Strait Islander women and children is key to addressing the mass incarceration of Aboriginal and Torres Strait Islander children in Australia.

The persistent issues of over-representation of First Nations children in out-of-home care, the high rates of First Nations youth and adult incarceration, and challenges in early childhood





developmental outcomes have all been compounded by a glaring shortfall in the appropriate level and investment and response in specialised Indigenous DFSV prevention and response efforts.

Family violence is not an Aboriginal and Torres Strait Islander community problem. It is not part of our culture. Rather the root cause of the disproportionate rates experienced by Aboriginal and Torres Strait Islander women and children sits at the intersection of race and gender-based discrimination, with many Aboriginal and Torres Strait Islander women and children facing abuse by non-Indigenous partners, parents, family and community members. However, culturally informed and responsive services such as those offered by the Family Violence Prevention and Legal Services (FVPLS sector) ensure that Aboriginal and Torres Strait Islander women and children can remain safe, together and out of both the child protection and youth justice system.


We encourage the Committee to consider the significant role prolonged and ongoing exposure to DFSV has on the disproportionate rate of youth justice interactions for Aboriginal and Torres Strait Islander children and youth as a key pillar of your inquiry and subsequent recommendations.

### **The Family Violence, Child Protection to Youth Justice Pipeline**

When a child is exposed to violence within their family it is considered an experience of family violence, regardless of whether the behaviours were directed against or towards that child. When a child sees, hears or is otherwise affected by violence, that is family violence. In 2023-24 more than half (57 per cent) of children who were the subject of a substantiated child protective services investigations had emotional abuse recorded as the primary type of abuse<sup>1</sup>. Emotional abuse is a

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<sup>1</sup> (2025) Family, domestic and sexual violence – Child Protection, Australian Institute of Health and Welfare (AIHW), retrieved from: <https://www.aihw.gov.au/family-domestic-and-sexual-violence/responses-and-outcomes/child-protection>



form of family violence which can consist of threats, ridicule, humiliation and intimidation that has a profound and long-term impact on victim survivors (which include children and young people).

In 2023-24 Aboriginal and Torres Strait Islander children were 4.9 times more likely than non-Indigenous children to be subject to a child protection notification, 9.8 times more likely to be subject to care and protection orders, and 9.6 times more likely than their non-Indigenous peers to be in out of home care or third party parental responsibility orders<sup>2</sup>. At the same time Aboriginal and Torres Strait Islander young people (aged 10-17) were 20 times more likely than non-Indigenous people to be under youth justice supervision and 4-22 times more likely to be in youth detention (jurisdiction dependent), making up 57 per cent of the national youth detention population<sup>3</sup>.

We know that children who have contact with the child protection system are more likely than other children to be under youth justice supervision and to seek assistance from specialist homelessness services. We also know that children and young people who have faced abuse, neglect, and violence are at greater risk of engaging in criminal activity, having contact with both child protection services and the criminal justice system. In 2023-24, 52 per cent of Aboriginal and Torres Strait Islander children who were the subject of a child protection assessment resulted in findings of substantiated maltreatment, had emotional abuse listed as the primary abuse experienced<sup>4</sup>.

In 2022-23 76 per cent (about 3 in 4) Aboriginal and Torres Strait Islander young peoples under youth justice supervision had an interaction with child protection services in the last 10 years,


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<sup>2</sup> (2025) Family Matters Report 2025, SNAICC, retrieved from: <https://www.snaicc.org.au/wp-content/uploads/2025/12/Family-Matters-Report-2025.pdf>

<sup>3</sup> (2025) Youth justice in Australia 2023-24, Australian Institute of Health and Welfare (AIHW), retrieved from: <https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2023-24/contents/first-nations-young-people-under-supervision/youth-justice-supervision>

<sup>4</sup> (2025) Child protection Australia 2023-24 – Aboriginal and Torres Strait Islander children: Notifications, investigations and substantiations, Australian Institute of Health and Welfare (AIHW), retrieved from: <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2023-24/contents/aboriginal-and-torres-strait-islander-children/notifications-investigations-and-substantiations>





making Aboriginal and Torres Strait Islander youth 26 times as likely as non-Indigenous young people to have had interactions with both systems<sup>5</sup>. With substantiations of emotional abuse being most common for all young people under both community-based and detention orders<sup>6</sup>.

This **data demonstrates a clear trajectory from experiences of family violence to child protection system involvement through to the youth criminal justice system** for Aboriginal and Torres Strait Islander children and young people. We call this the *Family Violence, Child Protection to Youth Justice Pipeline*.

The appropriate recognition of this pattern, alongside investment in tailored, culturally safe, specialist DFSV service delivery is critical to disrupting the mass incarceration of Aboriginal and Torres Strait Islander children and young people.

## **The Importance of Early Intervention Programs**


Investment in early intervention programs that work alongside families to address multiple and complex risk factors is critical to disrupting the *Family Violence, Child Protection to Youth Justice Pipeline*. Early intervention and prevention strategies are a core part of the FVPLS service delivery model, which recognises the need to engage with whole communities and families to improve understandings of safety, healthy relationships and human rights, but as critical to shifting social norm that lead to family violence in community.

The FVPLS sector has championed the implementation of a number of early intervention and prevention initiatives in their communities such as women's support groups, counselling services

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<sup>5</sup> (2024) Young people under youth justice supervision and their interaction with the child protection system 2022-23, Australian Institute of Health and Welfare (AIHW), retrieved from: <https://www.aihw.gov.au/reports/youth-justice/young-people-youth-justice-supervision-2022-23/summary>

<sup>6</sup> Ibid.



and community education programs including women, men and youth support groups, community safety forums and healthy relationship education delivered in community, justice, forensic and education settings. These programs often serve multiple functions as:

- informal safeguards, strengthening community connection and care
- soft entry points for women and children experiencing family violence to seek help for the first time
- outreach locations for more intensive service delivery and formal supports; and,
- the culturally safe and trauma-informed vehicle in which evidence-based education and training is delivered to support community members to build stronger, resilient families that model and promote healthy relationships.


Many of these programs continue to receive short-term project, pilot and ad-hoc funding despite being highly successful, well regarded and effective. With increased resourcing, all FVPLS providers could dedicate full-time resources and strengthen specialist expertise in prevention, enabling the continuation and expansion of proven programs with positive impacts.

A fundamental shift from punitive and law enforcement focused approaches to approaches that prioritise prevention, early intervention and diversion is required by all Australian Governments if any progress is going to be made to reduce Aboriginal and Torres Strait Islander peoples over representation in the child protection, youth and adult criminal justice systems<sup>7</sup>.

The FVPLS sector is deeply embedded in the Aboriginal and Torres Strait Islander communities that they serve. Because of this, they intimately know the barriers that Aboriginal and Torres Strait

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<sup>7</sup> (2024) Recommendation 10: 'Help way earlier!': How Australia can transform child justice to improve safety and wellbeing, Australian Human Rights Commission (AHRC), retrieved from: [https://humanrights.gov.au/\\_data/assets/file/0030/47289/1807\\_help\\_way\\_earlier\\_-\\_accessible.pdf](https://humanrights.gov.au/_data/assets/file/0030/47289/1807_help_way_earlier_-_accessible.pdf)



Islander women, children and families experience when seeking help, interacting with the child 'protection' or criminal justice systems, including increased risk of misidentification, criminalisation, stigma, discrimination, systemic violence and re-traumatisation. These experiences are compounded by the continued delivery of unsafe services by non-specialist service providers which result in disengagement, disconnection and trauma-responses from our community, ultimately restrict Aboriginal and Torres Strait Islander peoples access to justice.

***Case Study: Northern Territory Indigenous Family Legal Support Service (NTIFLSS)***


The NTIFLSS Pilot reimagines how families can be supported through child protection processes. Rather than responding after children are removed, NTIFLSS intervenes when families first encounter protection concerns. The service provides early legal advocacy combined with cultural appropriate family decision-making processes, prioritising families where DFSV is a factor in child protection involvement. Each family is supported by a dedicated lawyer working in partnership with an Aboriginal Family-Led Decision-Making convenor, who facilitates culturally safe planning processes that engage extended family, community members and cultural advisors. This collaborative bi-cultural approach is the first of its kind nationally, creating space for families to exercise genuine self-determination.



**NAAFLS**  
NORTH AUSTRALIAN  
ABORIGINAL FAMILY  
LEGAL SERVICE

Making sure Aboriginal and Torres Strait Islander women and children have support before violence escalates or children are removed is a priority of the FVPLS sector.

The Northern Australian Aboriginal Family Legal Services (NAAFLS) Northern Territory Indigenous Family Legal Support Service (NTIFLSS) Pilot program (see Case Study above) is just one example




of many FVPLS sector-led initiatives that prioritise the rights of Aboriginal and Torres Strait Islander women and children from design, through delivery. The NTIFLSS Pilot supports families at risk of child removal to stay together, including parents who are still young people themselves. Success through the initiative can be clearly seen by all involved for example, one child who was flagged by the Northern Territory Department of Communities and Families for “imminent removal” from their 16 year old mother, due to perceived “refusals” to engage with the ‘required’ processes has since had their case closed, following the intervention of the NAAFLS NTIFLSS program team who facilitated on-country Family-led Decision Making meetings and the development of a detailed Family Safety and Support Plan.

### **Child Protection System Notification and Referral System**

The FVPLS sector has been advocating since 2015 for the establishment of a national Aboriginal and Torres Strait Islander Child Protection Notification and Referral system. A nationally consistent mandatory notification and referral system (akin to the Custody Notification System) should be established to refer Aboriginal and Torres Strait Islander families in contact with the child protection system to culturally appropriate supports and services, especially legal assistance at the earliest possible opportunity, particularly where family violence is a factor in potential child removal. This system would support mothers and families to keep children in their care and connected to culture.

Establishment of a nationally consistent and mandatory system (akin to the Custody Notification System) to flag and refer Aboriginal and Torres Strait Islander families engaged with the child protection system to culturally safe, preventative legal advice and assistance at the earliest possible stage would support families to take proactive action to avoid or minimise child protection matters escalating to the point of litigation and/or out of home care placement. Specifically, the system should provide that, upon a Child Protection Notification concerning an Aboriginal or Torres Strait Islander child progressing to the investigation stage or issuing of Protection Application, whichever




is the earliest, an FVPLS or an Aboriginal and Torres Strait Islander Legal Service (ATSILS), as appropriate, be immediately notified. The primary parent should also be immediately referred to the relevant legal assistance provider and informed of the importance of obtaining independent legal advice at the earliest opportunity.

Such a system would recognise and respond to the magnitude of family violence as one of the leading drivers of Aboriginal and Torres Strait Islander children's forced removal from their families and communities. Our experience tells us that Aboriginal and Torres Strait Islander women often do not recognise child protection as a legal issue until it is 'too late' and clients frequently report being discouraged by child protection workers (either implicitly or overtly) from seeking legal advice. The proposed system would ensure that Aboriginal and Torres Strait Islander women – particularly mothers experiencing or at risk of family violence – receive early, independent and preventative legal advice, rather than wait until a child is apprehended or the matter reaches Court.

Access to independent, culturally safe, preventative legal services at the earliest possible stage would support Aboriginal and Torres Strait Islander women to understand their legal rights and take proactive action to avoid or minimise the risk of Aboriginal and Torres Strait Islander children being removed and placed in out-of-home care. This legal advice also supports women to know their legal rights in relation to family violence and access vital supports, supporting improved access to culturally safe, holistic and wrap-around supports.

The merit of a Child Protection Notification and Referral System has been reflected in its widespread and successive support in a number of community-led and national reports. For example, the Wiyi Yani U Thangani (Women's Voices) Report (2020) called for "*the implementation of mechanisms to keep woman and children safe and families together through the implementation of a Child*



*Protection Notification Referral System, increasing accessibility to legal services and expanding the role of peak bodies to advocate for the safety and protection of women and children*<sup>8</sup>.

## **Use of Commonwealth ‘External Affairs’ Powers**

Australia is a signatory to several international conventions and treaties that outline the rights of children and set standards for their treatment within the criminal justice system. Key among these are the Convention on the Rights of the Child (CRC) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

The FVPLS sector is strongly supportive of calls by the National Aboriginal and Torres Strait Islander Legal Services (NATSILS) for the Commonwealth Government to:

- Raise the minimum age of criminal responsibility to 14 years old across Australia; and
- Set minimum legislated standards for the treatment of children and young people in state and territory criminal legal systems<sup>9</sup>.

We are supportive of the Commonwealth using its ‘external affairs’ powers, to ensure compliance by all jurisdictions to the commitments the Australian Government has made to its people through international treaties such as CRC and CAT. In this regard we are supportive of the Commonwealth using these powers to make laws that will protect our children from disproportionate harm caused by their mass incarceration including:

- Mandating arrest and detention as last resort options, for the shortest period
- Banning the use of spit hoods, and

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<sup>8</sup> (2020) Wiyi Yani U Thangani (Women’s Voices): Securing Our Rights, Securing Our Future – Community Guide, retrieved from: <https://www.wiyiyaniuthangani.com.au/resources/community-guide-2020>

<sup>9</sup> (2025) Calling for Australian Government action to protect children, National Aboriginal and Torres Strait Islander Legal Services (NATSILS), Justice and Equity Centre, retrieved from: <https://www.natsils.org.au/wp-content/uploads/2025/09/Explainer.pdf>



- Complete abolition of solitary confinement use for children and young people.

We also call for the consideration for appropriate use of the Commonwealth's powers to support increased compliance with the Convention on the Rights of Persons with Disabilities (CRPD). In particular, to support the implementation of relevant national standards in criminal justice settings that align with Australia's international obligations as called for by the Royal Commission into the Violence, Abuse, Neglect and Exploitation of People with Disability, Final Report Volume 8 Criminal Justice and people with disability (Recommendations 8.1, 8.3, 8.12, and 8.19)<sup>10</sup>, and Final Report – Volume 9 First Nations people with disability (Recommendations 9.3 and 9.12)<sup>11</sup>.

Additionally, we support and seek to elevate our shared concerns regarding the escalating disproportionate impacts and harms faced by Aboriginal and Torres Strait Islander children and young people as highlighted in the recent Complaint submitted to the United Nations Committee on the Elimination of Racial Discrimination by Professor Hannah McGlade and Professor Megan Davis AC<sup>12</sup>. In this light, we consider it appropriate for the Committee to also consider and recommend use of the 'external affairs' power to uphold Australia's commitment to the Convention on the Elimination of Racial Discrimination as appropriate in the youth justice context.

## **National Minimum Standards for Youth Justice**

The implementation of a National Minimum Standard is supported by our sector. However, it must be designed and implemented through a mechanism that upholds all Australian Government

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<sup>10</sup> (2023) Royal Commission into the Violence, Abuse, Neglect and Exploitation of People with Disability. Final Report – Volume 8, Criminal justice and people with disability, retrieved from:

<https://disability.royalcommission.gov.au/system/files/2023-09/Final%20Report%20-%20Volume%208%2C%20Criminal%20justice%20and%20people%20with%20disability.pdf>

<sup>11</sup> (2023) Royal Commission into the Violence, Abuse, Neglect and Exploitation of People with Disability. Final Report – Volume 9, First Nations people with disability, retrieved from:

<https://disability.royalcommission.gov.au/system/files/2023-09/Final%20Report%20-%20Volume%209%2C%20First%20Nations%20people%20with%20disability.pdf>

<sup>12</sup> (2025) Early Warning and Urgent Action Submission - International Convention on the Elimination of All Forms of Racial Discrimination, retrieved from: [https://www.hrlc.org.au/app/uploads/2025/04/United-Nations-CERD-complaint\\_youth-justice-in-Australia.pdf](https://www.hrlc.org.au/app/uploads/2025/04/United-Nations-CERD-complaint_youth-justice-in-Australia.pdf)




commitments to the National Agreement on Closing the Gap, in particularly Priority Reform One: Partnerships & Shared-Decision Making.

It is critical that the standards are consistent with international best practice, ensure that detention is only used as a last resort and prioritises early intervention, diversionary programs, restorative justice and community-based alternatives. The standards should also incorporate the relevant aspect of successive historic recommendations that have called for many aspects of national consistent approaches including:

- (1991) Royal Commission into Aboriginal Deaths in Custody
  - Recommendation **167 – Review of practices and procedures operating in juvenile detention centres**, 181, 251, **328 – Adopt Standard Guidelines**, 329, and **331 – National Standards Body consider the formulation and adoption of guidelines specifically directed to the needs of Aboriginal prisoners.**
- (1997) Bringing Them Home Report
  - **Recommendation 44 - Establishing a national minimum standard of treatment for Indigenous children (national standards legislation)**, 45 and **53 – application of the national standards (and the proposed rules) in juvenile justice contexts.**
- (2023) Royal Commission into the Violence, Abuse, Neglect and Exploitation of People with Disability
  - Recommendation 8.1, 8.2, 8.3, 8.4, 8.5, 8.11, **8.12 – National Principles Relating to Persons Unfit to Plead or Not Guilty by Reason of Cognitive or Mental Health Impairment**, 8.13, **8.14, – National practice guidelines for screening in custody**, 8.15, 8.16, 8.17, 8.18, 8.20, 9.3 and 9.12.

It should be noted that implementation of such national standards must be undertaken alongside an increase in funding allocation to Aboriginal Community Controlled and mainstream community-



based justice services in order to provide the holistic, wrap-around and diversionary supported needed to address the root cause of children and young peoples interactions with the criminal justice system.

### **Needs-based and sustained funding increase to FVPLS and ATSILS services**

The increasing demand for culturally-informed legal assistance provision continues to put unmet strain on Aboriginal Community Controlled legal assistance providers. Both the FVPLS and Aboriginal and Torres Strait Islander Legal Services (ATSILS) continue to face increasing calls from community for assistance, due to worsening youth justice policies across all jurisdictions. This increase in demand is compounded further for the FVPLS sector and DFSV specialist provides given the ongoing implementation of coercive control measures across the country.

Dedicated, reliable and consistent funding for FVPLS community-controlled organisations is part of all government's commitment under Priority Reform 2 on the National Agreement for Closing the Gap. Additionally, funding for the FVPLS sector remains significantly lower than funding to the other legal assistance services sections such as Legal Aid Commissions, Community Legal Centres and the ATSILS. Increased funding for the FVPLS sector has been recommended by the Productivity Commission in 2014<sup>13</sup>, the Law Council in 2018<sup>14</sup> and multiple provider-led and government-commissioned evaluations.

The Independent Review of the National Legal Assistance Partnership 2020-25 (NLAP Review)<sup>15</sup> undertaken by Dr Warren Mundy and tabled in 2024 highlighted the disproportionate need of Aboriginal and Torres Strait Islander peoples interacting with the criminal justice system, again highlighting the increasing rates at which Aboriginal and Torres Strait Islander young people and

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<sup>13</sup> (2014) Access to Justice Arrangements – Public Inquiry, Productivity Commission, retrieved from: <https://www.pc.gov.au/inquiries-and-research/access-justice/report/>

<sup>14</sup> (2018) The Justice Project – Final Report, Law Council of Australia, retrieved from: <https://lawcouncil.au/justice-project/final-report>

<sup>15</sup> (2024) Independent Review of the National Legal Assistance Partnership 2020-25, retrieved from: [Independent Review of the National Legal Assistance Partnership 2020-25 – Final Report](#)



women face imprisonment alongside the governments failure to adequately reflect and leverage the value and capacities of Aboriginal Community-Controlled Organisations.

Further, recommendation 3 of the NLAP Review calls for increased coverage of FVPLS service delivery, while present in all jurisdictions, there remains significant service gaps for the FVPLS sector both in capacity and coverage, including across urban, regional and remote areas.

In 2023 it was estimated that existing FVPLS services needed an additional \$40million in annual funding to provide essential legal and non-legal services in order to meet current gaps in service delivery. While there was an increase to the baseline service provision funding arrangements under the new National Access to Justice Partnership Agreement (NAJP), this was the first notable increase to the FVPLS sector and does not nearly represent the required increase needed to meet demand, let alone build a safe, highly skilled and sustainable workforce. The DFSV and community legal sectors continue to experience high rates of burnout, difficulty recruiting and retaining staff who are often forced to choose lower pay rates and exposure to increasingly unsafe workloads and psychosocial hazards in order to facilitate access to a fundamental human right for the most marginalized members of our communities. This will remain an ongoing issue, unlikely to be addressed without significant investment under the forthcoming NAJP Workforce Strategy, Closing the Gap DFSV and Justice Sector Strengthening Plans.

FNAAFV is currently leading the development of a DFSV Sector Strengthening Plan in partnership with the Department of Social Services, under the National Agreement on Closing the Gap. The DFSV Sector Strengthening Plan is expected to be published in late 2026. Investment by all Australian Governments to implement the actions agreed to in the Sector Strengthening Plan should be prioritised in the coming years.

We thank the Secretariat and Committee for their consideration of this submission. Please consider receipt of this submission permission for it to be made publicly available.

## Appendix A: FNAAFV Member List



**QIFVLS**

Queensland Indigenous  
Family Violence Legal Service



WOMEN'S RESOURCE CENTRE



**Ngaanyatjarra  
Pitjantjatjara  
Yankunytjatjara  
Women's Council**



**NAAFLS**

**NORTH AUSTRALIAN  
ABORIGINAL FAMILY  
LEGAL SERVICE**



**Family Violence Legal Service  
Aboriginal Corporation (SA)**

**Aboriginal  
Family Violence  
Legal Service**



**Aboriginal  
Family  
LEGAL  
SERVICES**



**MANY RIVERS**

**FAMILY VIOLENCE PREVENTION  
LEGAL SERVICE**

- Aboriginal Family Legal Services Western Australia (Perth Head Office, Broome, Carnarvon, Kununurra, Geraldton, Kalgoorlie, Port Hedland)
- Aboriginal Family Legal Services Queensland (Toowoomba Head Office, Roma, Murgon and Gympie)
- Binaal Billa Family Violence Prevention and Legal Service (Forbes)
- Central Australian Aboriginal Family Legal Unit Aboriginal Corporation (Alice Springs Head Office, Tennant Creek)

- Djirra (statewide service with head office in Melbourne and 8 regional offices in Bairnsdale, Warrnambool, Bendigo, Echuca, Shepparton, Morwell, Melton & Mildura)
- Family Violence Legal Service Aboriginal Corporation (Port Augusta Head Office, Ceduna, Pt Lincoln)
- Many Rivers Family Violence Prevention and Legal Service (Kempsey Head Office, Grafton)
- Marninwarnitkura Family Violence Prevention and Legal Service (Fitzroy Crossing)
- Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Domestic and Family Violence Service (Alice Springs, NPY Tri-state Region)
- Queensland Indigenous Family Violence Legal Service (Cairns Head Office, Townsville, Mackay, Rockhampton, Mount Isa, Bamaga, Thursday Island and Brisbane)
- Thiyama-li Family Violence Service Indigenous Corporation (Moree Head Office, Bourke, Walgett)
- Warra-Warra Family Violence Prevention and Legal Service (Broken Hill)
- North Australian Aboriginal Family Legal Service (Darwin Head Office, Katherine)
- SiSTAS (Hobart Head Office, Tasmania)

