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Legal services for all victim-survivors must be core to Australia's plan to end violence against women

National peak for Women's Legal Services says ending violence against women and children is possible, but requires honesty, ambition and resourcing.

Women's Legal Services Australia (WLSA) has called on all Australian governments to recognise specialist legal assistance as a core frontline service in the Second Action Plan under the National Plan to End Violence against Women and Children 2022–2032.

In its submission to the Second Action Plan, WLSA has warned that women and children continue to be harmed and killed while the services they turn to for help are at capacity. Women's Legal Services alone estimate that they turn away around 1,000 women every week for capacity and other reasons. The story is similar across community, legal aid and First Nations legal services.

At the same time, women and children are being traumatised and going into poverty navigating the multiple legal systems that stand between them and safety. Users of violence are weaponising gaps and inconsistencies across federal, state and territory laws to continue their abuse, especially when women are not legally represented and face other forms of systemic marginalisation.

Chair of the peak body for Women's Legal Services, Elena Rosenman said legal services were too often treated as adjacent to the national effort to end gender-based violence, when in reality they are central to it.

"Legal services are prevention. Every safe parenting order, every intervention order, every woman supported to leave a violent relationship safely is violence prevented from escalating, a child kept safe, and crisis costs avoided downstream," Rosenman said.

"Ending violence against women and children is achievable. But it requires the Second Action Plan to be honest about where systems are failing, ambitious about reform, and unwavering in making sure help is there when women reach for it."

"We thank the Government for the depth of its consultation on the Second Action Plan, including the direct engagement of ministers and departmental officials with our sector. That engagement reflects a genuine, shared commitment to ending violence against women and children within a generation, and our submission seeks to build on it with practical, workable action."

WLSA's submission draws on the frontline experience of its members, who everyday support women and non-binary people to negotiate overlapping and inconsistent legal processes: family law, protection orders, child protection, migration, child support and criminal law, frequently all at once.

The submission highlights priorities for the Second Action Plan, including:

Making the family law system safe and shutting down systems abuse. With 86 per cent of parenting matters before the Federal Circuit and Family Court involving allegations of family violence,

WLSA is calling for the Commonwealth's audit of systems abuse to prioritise the family law system. It also calls for the Government to work with key stakeholders on new practice models and procedural reforms that truly centre the rights of children and safety of victim-survivors.

Centering the rights of Aboriginal and Torres Strait Islander victim-survivors to self-determination, family, culture and safety. WLSA recommends long-term, sustainable investment in Aboriginal Community Controlled Organisations and self-determined programs for women and children's safety including guaranteed access to independent, culturally safe legal assistance for women as soon as safety concerns about a child are raised.

Addressing the unique needs of victim-survivors of sexual violence. WLSA is calling for long-term funding for specialist sexual violence legal services, noting that the Sexual Assault Legal Services funding — only recently extended nationally — expires in December 2027. Full implementation of the Australian Law Reform Commission's Justice Responses to Sexual Violence recommendations is also critical, including independent legal representation for victim-survivors.

Preventing women on temporary visas from being trapped in violent relationships. With one in three refugee and migrant women having experienced domestic and family violence, WLSA is calling for a new substantive family violence visa, with access to social supports, drawing on models in New Zealand and Canada, so that no woman is forced to choose between violence and deportation.

Getting ahead of AI and tech-facilitated abuse in legal systems. Systems abuse is evolving fast, with perpetrators increasingly weaponising new technologies, including artificial intelligence, to manipulate evidence, generate harassing correspondence and monitor and intimidate victim-survivors. WLSA is calling on the Australian Government to task a body like the eSafety Commissioner to work with legal stakeholders to get ahead of AI and tech-facilitated abuse in domestic, family and sexual violence-related legal processes.

WLSA Executive Director Adrienne Walters said technology is evolving faster than our legal systems can respond, and perpetrators are exploiting that gap.

"We know from the work of Women's Legal Services, that perpetrators will exploit every tool available to them, and AI is no exception," Walters said.

"We have an opportunity to build safeguards into our legal systems now, rather than waiting for the harm to compound. Victim-survivors shouldn't have to face a new frontier of abuse alone."

"When a woman finds the courage to reach out for help, the door she walks through must be open, resourced and safe. She should not be forced to negotiate her safety, or that of her children, with her abuser alone in court. Nor should she feel like Australia's legal systems are preventing her from living free from violence."

WLSA's full submission is available on request.

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