FIRST NATIONS
ADVOCATES AGAINST
FAMILY VIOLENCE

Submission to the Productivity Commission's Review of Closing the Gap Agreement

Prepared by First Nations Advocates Against Family Violence

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First Nations Advocates Against Family Violence (FNAAFV)

Who we are

First Nations Advocates Against Family Violence (FNAAFV) is the national peak body for specialist Family Violence Prevention and Legal Services (FVPLS) and the only Aboriginal and Torres Strait Islander Community Controlled Organisation (ACCO) dedicated to representing this sector at a national level.

FVPLSs deliver specialist legal and non-legal responses to domestic, family and sexual violence through culturally safe and responsive, holistic service models for Aboriginal and Torres Strait Islander peoples, predominantly women and their children.

FNAAFV provides national leadership across policy, planning and law reform; strengthens frontline sector capacity; supports innovation and best practice; and advocates for safety, justice and self- determination for Aboriginal and Torres Strait Islander peoples experiencing violence.

We work in partnership across the ACCO sector, government and non-government organisations, and mainstream services to advance culturally safe, community-controlled responses. Our work is informed by the principles of self-determination and aligns with the United Nations Declaration on the Rights of Indigenous Peoples[i].

Our members

FNAAFV represents 14 member FVPLSs (from a broader network of 16 services nationally), operating across more than 30 locations in metropolitan, regional and remote communities across Australia.

FVPLSs provide culturally safe and responsive, specialist family and domestic violence services to more than 250 Aboriginal and Torres Strait Islander communities. These services are often the only accessible and trusted supports

available to Aboriginal and Torres Strait Islander women and children experiencing violence.

A full list of FNAAFV members is provided at Appendix A.

What we do

FNAAFV works with its members, communities, governments and partners to prevent, disrupt and respond to family, domestic and sexual violence affecting Aboriginal and Torres Strait Islander peoples. We provide a unified national voice for the FVPLS sector, advocating for culturally safe and responsive, holistic legal and non-legal services and support, and drive reform across legal, policy, systems and service delivery.

FNAAFV contributes to national decision-making processes, including as a member of the Coalition of Peaks, and works to ensure that Aboriginal and Torres Strait Islander family, domestic and sexual violence legal and non-legal expertise shape policy, strategy and implementation.

FNAAFVs work is informed by the lived expertise of Aboriginal and Torres Strait Islander women, children, families and communities, alongside more than 25 years of specialist FVPLS sector expertise across family, domestic and sexual violence, child protection and legal systems.

We align our strategic and policy work with key national frameworks, including:

- the National Agreement on Closing the Gap[ii] and its Priority Reforms
- the National Plan to End Violence against Women and Children 2022–2032[iii]
- the Aboriginal and Torres Strait Islander Action Plan 2023–2025[iv]
- the National Access to Justice Partnership Agreement 2025-2030[v]
- the Our Ways - Strong Ways - Our Voices: National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence 2026–2036[vi]

Terminology

FNAAFV respectfully uses the terms “Aboriginal”, “Aboriginal and Torres Strait Islander”, and “Indigenous” throughout this submission. These terms are used intentionally and contextually, including reflecting:

- the preference of communities and organisations,
- the language used within legislation, policy and national frameworks, and
- direct references to existing reports, agreements and source materials.

Submission to the Productivity Commission's Review of Closing the Gap Agreement

Executive Summary

This submission is about the safety of Aboriginal and Torres Strait Islander women and children. They are rights holders first, and the National Agreement exists in part to give effect to their rights to safety, culture, participation and self-determination. It should be judged by whether it does.

On that test, family safety is where the Agreement has delivered least. Target 13, the only target directed at family safety, still cannot be assessed six years in. The targets closest to it, children's development, child protection, youth detention, adult imprisonment and suicide, are worsening or static. Family violence sits upstream of all of them, so the Agreement will not move those targets while it leaves this one unmeasured and under-resourced.

Four changes would make the most difference. First, Target 13 should be measured against its own terms, through a framework Aboriginal and Torres Strait Islander women design, rather than the single narrow indicator used now. Second, funding to the community-controlled sector under clause 55 should be made testable, and moved to longer and properly costed terms, so services can be sustained rather than held in annual uncertainty. Third, family safety should carry a substantive voice in the Agreement's governance, and the Sector Strengthening Plan should be resourced and made accountable action by action. Fourth, mainstream police, courts and child protection should stop treating Aboriginal women who report violence as offenders, or as risks to their children.

Members are equally clear on two points that run underneath all of this. Progress on family safety depends on the fundamentals of housing, poverty and employment, which no family safety service can deliver on its own. And accountability has to run both ways: governments that do not meet their commitments should face

consequences and public explanation, in the same concrete terms that funded services are already held to.

Our position

Governance of the National Agreement

Effective relationships

The governance bodies appear to work reasonably well for the sectors with a seat at them, and less well for sectors without one. Joint Council and the Partnership Working Group are structured around Coalition of Peaks membership and the five policy partnerships. Our members' experience is that family safety is raised inside other partnerships as a cross-cutting issue, where it competes for time against that partnership's own agenda and where responsibility for following it through is not clearly held.

Where relationships do work, the common factors our members identify are continuity of the government officials involved, decision-making authority sitting with the people in the room, and secretariat support that is resourced rather than volunteered. Where they fail, the causes are turnover in departmental representatives, officials attending without a mandate, and papers arriving too late for genuine consideration.

Trust also tends to be asymmetric. Aboriginal and Torres Strait Islander parties carry reputational risk with their communities for participating in processes they do not control. Governments do not carry an equivalent risk. Our members' view is that shared responsibility will remain difficult to establish while the consequences of non-delivery fall on only one side.

FNAAFV is a member of the Coalition of Peaks and values that membership. National membership does not, however, carry through into representation within each jurisdiction. The Agreement's jurisdictional structures rest in some states on a small number of representative bodies, and in Tasmania on a single organisation. Our Tasmanian member, SIS Tasmania, is operated by the Tasmanian Aboriginal Legal Service (TALS). Together they are the only FVPLS and the only Aboriginal and

Torres Strait Islander Legal Service in the state. TALS is not a member of the Coalition of Peaks and has no direct pathway into the jurisdictional partnership arrangements under the Agreement. Its contribution to Closing the Gap therefore depends on data shared by other FNAAFV members, in Tasmania or elsewhere, and on processes outside the Agreement's own architecture that happen to invite it, such as this review.

Our members have raised with us whether arrangements of this kind in small jurisdictions capture the full range of community perspectives, and whether they close off sector expertise from the decisions that affect it. We raise this not as a criticism of any organisation. We raise it because the Commission has asked how diverse Aboriginal and Torres Strait Islander voices are included in decision-making, and because the answer in family safety is that the organisations holding the casework evidence are, in at least one jurisdiction, outside the room.

A related concern is how community that sits outside the Coalition of Peaks architecture has input into the Priority Reforms, and how that input is weighed. Some Aboriginal and Torres Strait Islander organisations do not see themselves as represented by the formal structures and deliberately position themselves outside them. Their experience of the Agreement is still evidence about whether it is working. We would encourage the Commission to consider whether the Agreement's governance has a way of hearing from them, and if not, whether it should and how. Our point is about the design of the Agreement's governance, not about any organisation within it. A structure that gives a jurisdiction a single seat will always leave expertise outside the room, whoever holds the seat, and that is a limitation of the Agreement rather than of the organisation. It leads to a broader question we return to at the end of this submission. The shortfalls the Commission has documented are usually described as failures of implementation. Our members' experience in Tasmania suggests some of them are failures of design, and that the Agreement itself, not only its delivery, needs to be open to review and change.

Shared decision-making in Agreement governance

Whilst Joint Council can agree that something matters, it has no mechanism to move money towards it. Because the Agreement involves no funding transfers and is resourced through jurisdictional budgets, a Joint Council decision reaches a state

budget process only as advice. Aboriginal and Torres Strait Islander representatives are therefore asked to share decisions about everything except a key aspect of delivery (i.e. funding).

Disagreements are commonly resolved by deferral. An item upon which consensus cannot be reached is referred back to the Partnership Working Group or to officials for further work. Our concern is that this can operate asymmetrically, because governments are able to continue existing practice while an item sits unresolved. In addition, accountability for commitments made through governance processes could be strengthened since there is no public register of what Joint Council agreed, who was responsible, by when, and whether it happened. The Implementation Tracker records some of this, but it is compiled by the parties being tracked.

Two changes would help. First, the Agreement provides for decision-making by consensus but does not specify which decisions require it. It should state plainly that joint decision-making extends to funding allocation and implementation choices, not only to strategy, because those are the decisions that determine outcomes. Second, where consensus cannot be reached, there should be an independent dispute resolution or escalation process, so that a failure to agree no longer defaults to government simply continuing as it was.

What would strengthen shared authority is a published Joint Council decision register that goes further than the current communiqués and the Implementation Tracker, by recording for each decision who is responsible, by when, and whether it was delivered, with delivery verified independently rather than self-reported; requiring a jurisdiction that does not deliver to explain why, in public, to Joint Council; and giving Aboriginal and Torres Strait Islander parties a formal mechanism to escalate a non-delivery, not just to note it.

We would also note that, as far as we are aware, no Commonwealth funding to states and territories is now conditional on performance against the Agreement. Under the earlier National Indigenous Reform Agreement, some National Partnership payments carried performance components tied to agreed indicators. Whether some form of funding consequence should be reintroduced, tied to Priority Reform implementation rather than to the targets alone, is a question we would encourage the Commission to examine. Any such consequence must attach to

government performance and never to communities. It must not reduce essential services or penalise a community for a government's failure. Public explanation of non-delivery, independent scrutiny, required corrective action and enforceable implementation obligations are the right starting points; withholding service funding is not.

Accountability to communities

For many women in many communities, the Agreement has limited visibility. Decisions are communicated back through peak bodies, which is appropriate but not sufficient on its own. Peaks are not a broadcast network, and an expectation that they will translate national governance outcomes into community-level communication amounts to an unfunded transfer of work.

What would strengthen accountability to community-level priorities is fund communication; reporting against community-defined measures alongside the national targets; giving the formal place-based partnerships established under clause 39 a channel to put an item on the Joint Council agenda; and opening Joint Council itself to community, for example by publishing papers in advance and live-streaming or recording the parts of meetings that are not confidential, so that communities can see what is decided in their name without relying on a peak body to relay it.

Embedding the Agreement

The Priority Reforms bind only through the Agreement itself, which means they wash out whenever another instrument takes over. The National Plan to End Violence against Women and Children, its Aboriginal and Torres Strait Islander action plans, and the associated funding agreements are the clearest example in our sector. Commitments made there are not tested against clause 55, and progress under them does not flow back to Joint Council.

Legislation is the sharpest example. A government can commit to Target 13 and, in the same period, legislate in ways that work against it, and nothing in the Agreement's architecture connects the two. Tasmania illustrates this. The Tasmanian Government is a party to the Agreement. Over the same years it has been engaged in a prolonged program of family violence legislative reform, most recently the draft Family Violence Reforms Bill 2026, released for consultation on 24 August 2026, which includes a standalone coercive control offence, a new summary

strangulation offence, an expanded failure to report offence and a $500 family violence offender levy.[1] The Family Violence Miscellaneous Reforms Bill 2025 before it expanded the use of police family violence orders.

Our Tasmanian member's assessment is that several of these provisions carry a serious risk for Aboriginal women, and the Tasmanian Aboriginal Legal Service made the same point in its submission on the 2025 Bill, noting that Aboriginal women are already too often wrongly identified as primary aggressors. Expanded police discretion without judicial oversight increases that risk. New offences policed in the same way as existing ones will be policed against the same women. Failure to report offences fall most heavily on mothers. A fixed levy falls on the women who have been misidentified as well as on the men who use violence. None of this was tested against Target 13. The Closing the Gap commitment and the legislation were developed by the same government, in parallel, with no point at which one was required to answer to the other. SIS Tasmania and TALS have set out their position on the draft Family Violence Reforms Bill 2026 in a separate paper, which we would be glad to provide to the Commission. In summary, Tasmania is seeing a succession of punitive legislative proposals that will disproportionately affect Aboriginal people. That is difficult to reconcile with the State's obligations as a signatory to the Agreement, not only under Target 13 but across the justice targets it also affects, Targets 10 and 11.

This is not unique to Tasmania. It is simply where our members see it most clearly, because the state is small enough that the same people are in both conversations. The pattern is that governments measure their Closing the Gap performance by what they do under the Agreement, while the decisions that most affect Aboriginal women's safety are made elsewhere and never counted.

Three practical changes would help. First, make partnership, shared decision-making and ACCO funding obligations standard clauses in every new national agreement and federation funding agreement. Second, require Closing the Gap impact analysis in Commonwealth and state cabinet and budget processes, with the analysis published. Third, require every government department to report on its

[1] Tasmanian Government, draft Family Violence Reforms Bill 2026, consultation opened 24 August 2026, premier.tas.gov.au and the Department of Justice community consultation hub.

Closing the Gap actions in its annual report, as the Commission recommended in 2024, and make that reporting auditable rather than narrative.

A fourth follows from the Tasmanian example. Any bill or regulation with a foreseeable effect on Aboriginal and Torres Strait Islander people should carry a published statement of its consistency with the Priority Reforms and the relevant targets, prepared with the relevant ACCOs, before it is introduced. Where a government proceeds despite an inconsistency, it should say so and say why. That would not prevent a government from legislating as it chooses. It would end the position in which a government can sign a target and legislate against it without anyone having to notice. The statement should go further than self-assessment: where an ACCO identifies an inconsistency, the government should be required to respond to it publicly before proceeding, so that the compatibility check carries consequences rather than merely recording a view.

A further point goes to who holds the lever. Where a state or territory departs from the Agreement, we consider the Commonwealth as the only party with the power to act. However, we do not see it acting. In Queensland, state departments declined to appear before an inquiry into racism despite a Commonwealth request. In the Northern Territory, members report that the government declined substantial Commonwealth funding for crisis accommodation rather than involve an Aboriginal service, has shown a preference for large mainstream and faith-based providers that cannot deliver culturally safe services, including for women in custody, and has departed from the Aboriginal and Torres Strait Islander Child Placement Principle, while the Commonwealth, which has greater constitutional reach into the Territory, has not intervened. We would ask the Commission to consider what powers and funding conditions would let the Commonwealth require compliance where a jurisdiction will not deliver, rather than leaving the sector to absorb the consequences.

Priority Reform 1: shared decision-making through formal partnerships

The gap: family safety has no standing voice in the Agreement's governance

Clause 38 required Joint Council to establish a joined-up approach to five policy priority areas.[2] Five policy partnerships were established: Justice (2021), Social and Emotional Wellbeing and Early Childhood Care and Development (2022), and Languages and Housing (2022 to 2023).[3] Domestic, family and sexual violence is not among them.

This matters because the policy partnerships are where the Agreement's shared decision-making actually operates on substance. They set sector priorities, they interface with Commonwealth and state portfolios, and they generate the reporting Joint Council sees.

The practical consequence is that family violence is handled as a fragment inside other partnerships. Children's exposure to family violence is discussed in the Early Childhood Care and Development Policy Partnership. Family violence as a driver of incarceration is discussed in the Justice Policy Partnership. Trauma and healing are discussed in the Social and Emotional Wellbeing Policy Partnership. Housing insecurity for women leaving violence is discussed in the Housing Policy Partnership. No body holds the whole DFSV picture, or is accountable for it.

We do not propose a sixth policy partnership on family safety. The governance structure now being established under Our Ways, Strong Ways, Our Voices will carry much of that function, and a separate partnership under the Agreement would duplicate it and divide the sector's limited capacity between two forums. What we ask is narrower and, in our view, more important. FNAAFV, as the peak for FVPLSs, should be included in every high-level governance arrangement under the Agreement where national peaks convene, including the Partnership Working Group, the policy partnerships whose work bears on family safety, and the processes that

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[2] National Agreement on Closing the Gap (July 2020), at closingthegap.gov.au/national-agreement. Clause references throughout this submission are to the National Agreement.

[3] Policy partnerships established under clause 38: Justice (2021); Social and Emotional Wellbeing and Early Childhood Care and Development (2022); Languages and Housing (2023). See closingthegap.gov.au and Victorian Government Aboriginal Affairs Report 2024.

prepare matters for Joint Council. Without that, the voice of our sector, and with it access to justice for Aboriginal and Torres Strait Islander women and children, is absent from the rooms where decisions affecting them are made. National representation is only worth having if it is connected to regional and local Aboriginal and Torres Strait Islander decision-making.

Building successful partnerships

On genuine power-sharing, our members' assessment is that the partnerships share agenda-setting more readily than they share authority. One test would be whether the Aboriginal and Torres Strait Islander parties to a partnership can prevent a government decision they consider harmful. In our sector we are not aware of a case where this has occurred. The NT amendments to the Care and Protection of Children Act, which would subordinate the Aboriginal and Torres Strait Islander Child Placement Principle, proceeded notwithstanding clear opposition from Aboriginal and Torres Strait Islander organisations.

The same jurisdiction has tested the limits of partnership in other ways. Members report that at the Northern Territory Justice Policy Partnership the government presented a position as the sector's own, and it was corrected only because NAAJA identified the misrepresentation in time. Members also told us they would rather not take part in some high-level forums where territory government representatives are present, because those forums are not safe places to speak openly about the government's conduct. A partnership that is unsafe to speak in is not delivering shared decision-making, whatever its membership.

Where partnership arrangements fall short, three patterns recur. Partnerships are consulted after a policy direction has been set. Partnerships are given a say over program design but no say over how the broad allocation for their sector is apportioned between priorities. And partnerships are asked to endorse decisions under timeframes that make genuine community consultation impossible.

Our members describe a fourth pattern, which is the use of co-design and capacity building language to relocate responsibility. A government can speak to co-design with community while retaining decision-making power and resourcing, and then, when implementation falls short, describe the shortfall as a capacity gap in the ACCO or community that was asked to deliver. Responsibility is transferred without

the provisions and funding to carry it, across sectors that are underfunded, under-resourced or not funded at all.

We raise this with some care, because sector strengthening is capacity building and FNAAFV co-chairs that work. The distinction is who holds the obligation. Sector strengthening under Priority Reform 2 is a commitment by governments to invest in the community-controlled sector. It becomes something else when it is used to explain why a government commitment was not delivered.

Where trust has been built, it has usually rested on an individual: a government official who stayed long enough to be known, was open about constraints including budget constraints, and was willing to accept outcomes the department did not prefer. That is also the weakness. Government representatives change regularly, and when they go the relationship goes with them. What is needed is a system that does not depend on the person. That cannot be done by binding individual officials to a role; people move, are promoted, leave the public service, and are entitled to. It can be done by building continuity into the agency rather than the person. Four things would help: designating partnership roles as standing positions in the agency, with a briefed alternate who attends alongside the principal so that a change of person is not a change of relationship; a written decision record and a formal handover whenever a representative changes, so the partnership's memory sits in the record rather than in an individual; a mandate to agree matters in the room written into the position rather than negotiated each time; and resourcing for Aboriginal and Torres Strait Islander parties to obtain their own advice rather than relying on departmental analysis. Beyond that, two things would strengthen partnerships to support self-determination: Aboriginal and Torres Strait Islander determination of how a broad allocation for the sector is apportioned across priorities, within agreed accountability arrangements and with the ability to move resources between priorities as needs change; and an agreed process for disagreement that does not default to government preference.

Priority Reform 2: prioritising funding and supporting service transition

The core problem: clause 55 compliance cannot be tested

The terms of reference ask the Commission to assess whether commitments on prioritising and reporting funding to community-controlled sectors are being met, and whether new and existing funding, dedicated and mainstream, is being effectively mobilised. In domestic, family and sexual violence, that assessment cannot currently be made from public information.

No jurisdiction publishes the proportion of its family violence funding that goes to Aboriginal and Torres Strait Islander community-controlled organisations. Funding is spread across justice, health, child protection, housing and women's safety portfolios, and is reported in ways that do not separate ACCO from mainstream recipients. Clause 55b requires a meaningful proportion of new funding for population-wide initiatives to go to ACCOs, and no party reports against that clause in a form that would allow anyone to verify it.

We suggest the Commission request this breakdown from each jurisdiction directly, by portfolio, for the period since 2020, and publish both what it receives and what it does not. Where a party is unable to provide it, that in itself would be a useful finding on whether clause 55 is operating as intended.

The breakdown should distinguish funding that reaches Aboriginal and Torres Strait Islander community-controlled DFSV service delivery from funding administered through mainstream lead providers, consortia or government agencies under an Aboriginal and Torres Strait Islander label. What was allocated and what arrived at the frontline are different figures, and our members' experience is that the gap between them is large. The Commission is in a position to find out how large.

What strengthens or undermines reciprocity and trust

We note the establishment of the ACCO Transitions Working Group (ATWG) in 2026 which is co-chaired by the Coalition of Peaks and ACOSS to advance the priorities and leadership of the Aboriginal and Torres Strait Islander community-controlled sector, consistent with its commitments to self-determination, community governance

and strengthening outcomes for Aboriginal and Torres Strait Islander peoples. The aim of the ATWG is to mobilise community sector organisations to more actively progress the effective transfer of decision-making power, funding and services, transforming the sector over time.

In line with this objective, it's important that ACCO-led models of service delivery are fully supported by funding bodies when transitioning from mainstream (including government-operated) services – they shouldn't have to justify their service delivery models where it has already been proven to meet the needs of their communities. In the true spirit of self-determination, those models will differ from one community to the next, and that variation is a strength rather than a compliance risk. ACCOs across the FVPLS network can already point to models that work, and the transition process should draw on them rather than require each service to re-prove its approach. ACCO services often have a very different staffing mix and provide a broader range of services and programs than their mainstream counterparts. It's also important that where ACCOs are taking on a site or premises from a mainstream provider, that it is fit for purpose and doesn't pose an adverse financial impact on the ACCO, especially where capital works and fit-out is required. This approach is entirely consistent with that set out section 7.2 of the Independent Review of the National Legal Assistance Partnership (the NLAP Review). [vii] Ensuring that a fully transparent and fair transitioning process is universally applied will strengthen partnerships and build trust between ACCOs, NGOs and government agencies.

An ongoing commitment from government to ensure that ACCOs are adequately resourced for their unique service delivery models and complexity of the issues they address remains a high priority for our sector. Members consistently identify the following features of funding arrangements as corrosive.

Two points from members sharpen this. First, funding should be for the whole organisation, not only the service line, because the governance, finance and operational costs of running an ACCO are real and are currently unfunded. Second, where funding is inadequate, ACCOs subsidise government services from their own resources. One member reported providing more than $200,000 in in-kind support in a single year to keep a government-funded remote shelter running, which is not sustainable and diverts resources from the service's own work.

1. Short contract terms. When DFSV ACCOs are funded through grants of 12 to 24 months, or through one-off project and pilot programs, this undermines capacity and creates instability. Contract renewal often arrives late in the agreement term, so services carry uncertainty, reduce staff hours or suspend activities while they wait. Nobody can hire a specialist, build a therapeutic program or hold a lease on that basis.
2. No core operational funding. ACCOs are expected to meet the same governance, finance, IT and compliance standards as large NGOs without funding for any of those functions. Frontline practitioners absorb operational work on top of caseloads.
3. Indexation below real cost. Family violence work is labour intensive and carries high supervision and debriefing costs. Indexation set at a general rate, or absent, erodes capacity annually.
4. Competing against mainstream providers on criteria that do not value cultural safety. Tender criteria rarely weight cultural safety as a core measure of quality, treating it as an optional addition. Mainstream NGOs are often funded as lead providers with ACCOs subcontracted, receiving limited funding and limited decision-making power. There is also a perception that ACCOs are treated as higher-risk applicants.
5. Workforce poaching. Larger NGOs and other sectors offer better pay and security, and recruit the workforce ACCOs train. ACCO staff earn less and face more insecurity than mainstream peers.
6. Cultural load treated as free. Aboriginal and Torres Strait Islander workers carry informal cultural support, advocacy, education and community obligations alongside formal duties, generally without recognition or remuneration.
7. Administrative burden scaled to funder count. Different jurisdictions and departments impose a variety of grant requirements, so a service with six grants reports six ways, often with duplicated effort, acquittal and reporting requirements, which can displace service delivery.
8. Portfolio gaps. Programs spanning DFSV, housing and child protection fall between departments with no single owner, leaving ACCOs to stitch together funding streams and carry hidden costs such as ad hoc client supports such as emergency supplies, accommodation bookings and transport vouchers.

9. Narrow program scopes. Cultural healing, on-Country activities and intersectional needs frequently fall outside funding eligibility.
10. Funding tied to carceral outcome metrics. Downstream prison-based programs and engagement with the criminal justice system are counted as successful interventions, which directs investment away from upstream solutions, such prevention, early education and healing programs.

Again, the NLAP Review identified many of these issues and saw them as a basis for a fundamental rebasing of FVPLS funding.

What strengthens trust is the inverse: minimum five-year contract terms, core operational funding, indexation reflecting actual delivery cost, funding that reflects the full cost of remote delivery, including travel, interpreting, clinical and cultural supervision, workforce housing, vehicles, technology and infrastructure maintenance, flexibility within agreements to redirect funding to meet emerging need, one report to one lead funder (or used for all funders), cultural safety weighted as a threshold requirement in tenders, and outcome measures the ACCO helped design.

These findings come from the Needs and Maturity Assessment conducted for the First Nations DFSV Sector Strengthening Plan and from sense-testing with the DFSV ACCO sector. They are not impressions. They are what the sector said when asked systematically.

Family Violence Prevention and Legal Services

FVPLSs are, in our view, the clearest test of Priority Reform 2 in family safety. They are Aboriginal and Torres Strait Islander community-controlled, established specifically because mainstream legal services were not reaching Aboriginal and Torres Strait Islander women experiencing family and sexual violence, and demand consistently exceeds capacity in every jurisdiction. The NLAP Review found that there are large parts of Australia, metropolitan and non-metropolitan that have no FVPLS presence at all, which means Aboriginal and Torres Strait Islander women in those places have no culturally safe legal assistance available to them when they need a protection order, when child protection becomes involved, or when they are themselves charged.

The structural problem is that FVPLS funding has sat in the Commonwealth legal assistance stream, and from 1 July 2025 sits within the National Access to Justice

Partnership, while most of the demand on FVPLSs is generated by state and territory decisions about policing, child protection and housing. No party has a direct incentive to fund the service that absorbs the consequences of another party's system. Recommendation 22 of the NLAP review addresses this issue directly.

To be clear, FNAAFV is not seeking to shift FVPLS funding from the Commonwealth to the states and territories, or to have the sector funded by any one department. Our members' consistent preference, which the NLAP Review recorded, is for a single primary funding relationship with consolidated reporting, rather than the multiple streams, departments and acquittal regimes they currently manage. The structural point is about who bears the cost of demand generated by state and territory systems, not about which department holds the contract.

The portfolio gaps described earlier point to a specific ask. Women arrive at an FVPLS with legal, housing, financial and therapeutic needs together, not in sequence, and the FVPLS model exists because mainstream services split them apart. Members in remote regions see this most acutely. We would ask the Commission to recommend joint commissioning across the legal assistance, family violence, housing, health, justice and child protection portfolios, with the coordination function funded rather than assumed. That commissioning should be structured to sustain specialist FVPLSs and their combined legal and non-legal work, not to absorb them into generic integrated services. Within any integrated model, legal independence, client confidentiality and legal professional privilege must be protected, including through appropriate information barriers between the legal practice and other services.

The NLAP Review examined related questions about the adequacy and structure of legal assistance funding and recommended that 'levels of funding for each community sector provider be reset to reflect the true costs of operating sustainable organisations, done on trilateral basis between the Commonwealth, state or territory governments and service providers' (NLAP Review, p.xvi). Further the Review advised that government should 'ensure legal assistance ACCOs have adequate funding to develop their organisations and people to enhance the scope, scale, quality and cultural appropriateness of their services' (NLAP Review, p.83).

This is the joined-up problem the National Access to Justice Partnership Agreement was designed to address, and we do not consider it has been addressed. It also bears on the Commission's terms of reference question about whether new and existing funding, dedicated and mainstream, is being effectively mobilised. A funding stream that cannot respond to demand created in another jurisdiction's portfolio is not being effectively mobilised, however adequate it may be judged in its own terms.

The needs assessment identified several features of FVPLS operating conditions that bear on this. Aboriginal and Torres Strait Islander legal practitioners and support workers have historically been paid less than mainstream equivalents and continue to be recruited away from the FVPLS sector by better-resourced services. Solicitors and paralegal staff in FVPLSs carry caseloads alongside outreach, court support and community legal education, often across large geographic areas. In some smaller services, the principal solicitor also carries management responsibilities alongside a caseload. In smaller communities, staff are personally known to clients and to people using violence, which raises safety and confidentiality issues that mainstream legal services do not face in the same way.

The Commonwealth has acted on remuneration. The National Access to Justice Partnership 2025-30 commits $3.9 billion over five years from 1 July 2025, includes pay parity adjustments and indexation at Wage Cost Index 1, and brings FVPLS funding within a national agreement for the first time.[4] Our members welcome that, and Chapter 8 of the NLAP Review documents the scale of the remuneration gap the adjustments were designed to close. The questions that remain for the Commission are whether the adjustments have closed the gap in practice, whether they reach the non-legal workforce of caseworkers, counsellors and community engagement staff who make up most of an FVPLS, and whether they are sustained as mainstream wages continue to move

[4] National Access to Justice Partnership 2025-30, ag.gov.au; Heads of Agreement for the National Access to Justice Partnership (12 September 2024), federation.gov.au, which states the $3.9 billion commitment, pay parity adjustments and Wage Cost Index 1 indexation.

The First Nations DFSV Sector Strengthening Plan

Where the plan stands

Joint Council endorsed the development of a First Nations domestic, family and sexual violence Sector Strengthening Plan on 24 November 2023. The plan is being developed by a working group with balanced government and Aboriginal and Torres Strait Islander sector membership from every jurisdiction, co-chaired by FNAAFV and the Department of Social Services. A separate ACCO-only working group also operates. The plan is expected to be finalised in 2027, after the Commission's submissions close and before its draft report.

As scoping for the plan, FNAAFV convened a Needs Assessment Working Group which carried out a Needs and Maturity Assessment of the DFSV ACCO sector. That work drew on submissions to federal, state and territory inquiries and royal commissions, contributions to the National Plan to End Violence against Women and Children 2022 to 2032 and to Closing the Gap processes, findings from Our Ways, Strong Ways, Our Voices: National Aboriginal and Torres Strait Islander Family Safety Plan and from Wiyi Yani U Thangani, a review of the earlier sector strengthening plans, and academic literature. The resulting themes were sense-tested with the DFSV ACCO sector, which validated and expanded them.

The plan is being built around five elements: Workforce, Consistent Funding Model, Capital Infrastructure, Governance, and Service Delivery. Clause 51 of the National Agreement requires plans to cover four streams, being workforce, infrastructure, service delivery and governance. The DFSV plan adds a fifth stream - funding model, reflecting the sector's view that the other four are difficult to deliver under current funding arrangements. We would welcome the Commission noting that addition and considering whether it should apply more broadly.

Integration with Our Ways

The working group is considering integrating SSP actions into the Our Ways, Strong Ways, Our Voices action plan rather than producing a standalone SSP document. This is consistent with how other sector strengthening plans are being developed alongside broader policy products, and it avoids asking communities and organisations to engage with two parallel documents covering much of the same

ground. The emerging Our Ways structure can accommodate SSP actions either through a program logic or hierarchy of change, or through a systems and services structure, with SSP actions mapped into the relevant areas. Our Ways has indicated support for explicitly acknowledging the work already undertaken through the SSP, including actions already agreed, rather than having it absorbed.

Integration does raise a question of visibility, which the working group is working through. DSS has been clear that a distinct SSP output remains necessary, so that SSP actions are explicitly identifiable for acquittal and reporting purposes and remain clearly visible within the Our Ways plan. There is agreement in the working group that integration needs to retain clear accountability for each SSP action, covering the expected change, its timing, the responsible party, and how progress will be measured and reported.

We raise this because it bears on something within the Commission's scope. Where sector strengthening actions sit inside a broader plan, the Commission's ability to assess progress against clauses 47 and 51 of the National Agreement depends on those actions remaining separately identifiable. We suggest the Commission may wish to recommend that, wherever sector strengthening actions are integrated into a broader policy product, they remain individually traceable in reporting.

We make this submission as co-chair of the SSP working group, and our purpose is not to pre-empt the plan or to speak for the other parties to it. It is to identify what the Commission might usefully recommend about the conditions the plan will be delivered into.

What the needs assessment found

The assessment identified challenges under each of the five elements. Summarised at the level relevant to this review:

1. **Workforce**. Aboriginal and Torres Strait Islander practitioners make up around 4.9% of the DFSV workforce nationally (Cortis et al. 2018).[5] Cultural authority, language and lived experience are not recognised in qualifications or pay. Aboriginal and Torres Strait Islander men are underrepresented, which

[5] Cortis, N. et al. (2018), as cited in the DFSV Sector Strengthening Plan Needs and Maturity Assessment.

directly limits the sector's capacity to deliver behaviour change and healing programs for people who use violence. There is no national First Nations DFSV workforce strategy.

2. **Consistent funding model**. Grants of 12 to 24 months, no core operational funding, no indexation for real cost, compliance requirements that differ by jurisdiction and department, and tender criteria that treat cultural safety as an optional addition rather than a requirement.
3. **Capital infrastructure.** Capital has been excluded from sector building. ACCOs lack purpose-built counselling space, crisis accommodation, on-Country healing facilities and secure digital systems. There is no sector-wide infrastructure mapping, so unmet demand cannot be demonstrated.
4. **Governance**. Governance and compliance costs are absorbed from program budgets. Elders and lived experience representatives are treated as volunteers rather than paid governance expertise. Reliance on a small number of individuals creates succession risk.
5. **Service delivery.** Demand exceeds capacity and true demand is hidden, because fear of child removal deters disclosure. Without 24/7 capacity, ACCOs must rely on police as default first responders. Funding silos separate victim services from work with people who use violence, against community calls for family-centred healing.

Housing runs through both the infrastructure and service delivery elements and deserves a recommendation of its own. Safe accommodation determines whether a woman has anywhere to go. Staff housing determines whether a funded position in a remote community can be filled at all. Both are family safety infrastructure. Capital and recurrent investment should be planned together, and housing agencies, state and Commonwealth, should carry an accountable share of the plan rather than being consulted on it.

Members gave concrete form to both sides of this. On the service side, overcrowding and homelessness push families into instability, and women will not relocate away from Country and kin, so safe housing has to exist in their own communities to be of any use to them. On the workforce side, one member reported being unable to recruit to vacancies at a remote shelter

because there is no staff accommodation, which leaves the service relying on casual staff who take the full-time roles that come with housing elsewhere. A 24/7 service that cannot be staffed is a safety gap, not only a funding one.

What would make the plan work

The Commission is well placed to consider this, having reviewed the first four sector strengthening plans (Health, Early Childhood Care and Development, Housing and Disability) in 2024:

1. Resourcing identified at the point of agreement. The first four plans were agreed in principle and implementation was then left to each jurisdiction's own budget processes. The Commission may wish to recommend that parties publish what they will commit to implementating at the time the plan is endorsed, rather than afterwards.
2. Named responsibility and dates for each action. Clause 51 requires clear and resourced actions. This is already the working group's position, and it would be strengthened by the Commission recommending it as the standard across all sector strengthening plans.
3. Traceability after integration. If SSP actions are carried within the Our Ways plan, each action should remain separately identifiable in implementation plans and annual reports, so that clause 47 reporting can be assessed.
4. A defined period between agreement and implementation approaches. Twelve months from finalisation would give parties time to plan and would prevent the drift that followed the earlier plans.
5. Reporting that can be audited. Clause 47 commits governments to report on sector strengthening actions through Closing the Gap Implementation Plans and Annual Reports. Current reporting is largely narrative. A common format across all plans, with non-delivery explained rather than omitted, would make progress assessable.
6. Connection to clause 55. Sector strengthening and funding transition are currently separate workstreams, although one enables the other. The plan would be stronger if it identified which services might transition to ACCOs and on what timetable, with clause 55 reporting tracking it.

7. Evaluation commissioned by the sector. Evaluation of the plan would carry more weight with communities if it were commissioned by and accountable to the sector rather than to the funding department.
   We would add one further condition, drawn from member consultation. The plan should state plainly that sector strengthening is an obligation on governments and not a transfer of responsibility to the sector. Our members' concern is that a plan which sets out what a strong ACCO sector looks like, without the resourcing to build it, becomes a standard against which ACCOs are judged rather than a commitment against which governments are. The first four plans drifted in that direction. The DFSV plan should be drafted so that it cannot.

Priority Reform 3: transforming government organisations

Cultural safety and institutional racism

The Commission's 2024 Review of the National Agreement on Closing the Gap, and the Aboriginal and Torres Strait Islander-led review that followed it, both identified institutional racism as a major barrier. In family safety, our members describe a specific expression of it. An Aboriginal and Torres Strait Islander woman who reports family violence faces a material risk that the system will respond to her as an offender, or as a parenting risk, rather than as a victim.

FVPLS casework is where this becomes visible. Our members describe four mechanisms.

1. Misidentification as the predominant aggressor. Police attending an incident may identify the Aboriginal and Torres Strait Islander woman as the person using violence, commonly because she used force in self-defence, because she presented as angry rather than distressed, or because the man called police first. FVPLS practitioners then act for women who are respondents to orders sought against them, or defendants in criminal proceedings, when the underlying facts are that they were being assaulted. The consequences compound into housing loss, child protection notification, and a criminal record that follows her.

2. Family violence recorded as a parenting failure. In child protection proceedings, our members repeatedly act for mothers whose victimisation has been recorded as a failure to protect. The practical effect is that reporting violence raises the risk of losing her children, which makes not reporting a rational decision.

   Members described how this plays out where child protection has turned punitive. In the Northern Territory, one member reported that a mother was required to move with her children to accommodation 100 kilometres from town, and was told that if she did not go she risked having her children removed. The move was presented as protection. In practice it destabilised the family and increased, rather than reduced, its contact with child protection. This is the pattern the Aboriginal and Torres Strait Islander Child Placement Principle was meant to prevent, and members report the Northern Territory departing from it.
3. Systems abuse. Men who use violence apply for cross-orders, initiate family law proceedings, make child protection reports, and use court processes to maintain contact and control. FVPLSs see this pattern directly, because they are in the court when it happens, and it is almost entirely absent from administrative data.
4. Processes that assume disclosure. Legal and court processes are built around a victim who discloses fully, consistently and early. Aboriginal and Torres Strait Islander women often have well-founded reasons to distrust police and courts, and inconsistent disclosure is then treated as a credibility problem rather than as a predictable response to that history.

In Victoria, Djirra's data indicates a majority of the Aboriginal and Torres Strait Islander women they support experience violence from non-Aboriginal and Torres Strait Islander men. Behaviour change and accountability systems must be resourced to respond to non-Indigenous men who use violence against Aboriginal and Torres Strait Islander women, and prevention directed at the wider community must take an intersectional approach that addresses racism alongside the gendered drivers of violence.

These are not inferences from prevalence data. They are patterns our members observe across thousands of matters, and they are the kind of evidence the

Commission has asked for and cannot obtain from government reporting, because the systems producing the harm are the systems doing the reporting.

Djirra - Melinda's Story

* *Any identifying client details have been changed to protect privacy.*

Melinda*, an Aboriginal woman with three children, endured a series of violent assaults by her former partner over five years.

During one incident, Police attended and questioned Melinda and her former partner separately. Based on this very short assessment, Melinda was arrested, denied bail and remanded to Dame Phyllis Frost Centre. Melinda's children remained in the care of Melinda's former partner, their father.

Djirra's Prison Support Program met with Melinda at Dame Phyllis Frost Centre and quickly ascertained that she had been misidentified by Police as the person using violence. The Prison Support Lawyer provided Melinda with initial legal advice and the Prison Support Paralegal Support Worker assisted with making warm referrals for other supports. Melinda was released from prison shortly afterwards.

Melinda was traumatised by the violence and her interactions with police, and so the Prison Support Lawyer linked Melinda in with Djirra's Case Management team and the Koori Women's Place (KWP). A counselling appointment was immediately made available for Melinda, and KWP staff provided wraparound cultural contact that is crucial to the safety and wellbeing of our women.

The Prison Support Lawyer assisted Melinda to urgently file proceedings for the return of her children, to apply for a family violence intervention order (FVIO) to protect herself and her children from her former partner, and to apply for victims compensation.

Over the next few months, the Prison Support Lawyer represented Melinda in the Family Court, Magistrates' Court and Victims of Crime Assistance Tribunal, and Melinda's children were returned to her care, a long-term FVIO was granted, and victims compensation was awarded.

Melinda is still engaged with Djirra's services and is feeling safe, supported, strong in culture and positive about her future.

We would encourage the Commission to recommend a single national review of the misidentification of Aboriginal and Torres Strait Islander women as predominant aggressors, rather than separate reviews in each jurisdiction. A national review would allow practice that is working in one place to be identified and compared with practice elsewhere, which jurisdiction-by-jurisdiction reviews would not. Misidentification is at its core a legal problem, arising from how police powers, protection order regimes and evidentiary practice operate, and the Australian Law Reform Commission is the appropriate body to conduct it, with Aboriginal and Torres Strait Islander leadership built into its terms of reference. The proportion of Aboriginal and Torres Strait Islander women recorded as respondents to family violence orders should then be reported annually to the Commission, through the Report on Government Services or the Closing the Gap reporting processes. FVPLSs are well placed to contribute, and in some jurisdictions have already documented the pattern.

What cultural safety actually requires

Our members' view is that cultural safety training for mainstream staff, while worthwhile, has in practice often substituted for structural change rather than led to it. Training can change what people say. On its own it does not change who decides, what gets funded, or what a system is rewarded for.

The transformation elements under clause 59 would be better tested by asking four questions of any mainstream agency. Does an Aboriginal and Torres Strait Islander organisation have the power to change how this agency operates, or only to advise it? Does the agency's funding of ACCOs reflect clause 55, and can it show that? Are Aboriginal and Torres Strait Islander staff in decision-making roles, or in engagement roles? Does the agency publish what communities told it and what it did in response, including where it declined?

On Aboriginal and Torres Strait Islander involvement in defining what culturally safe services look like, the current pattern is consultation on a definition already drafted. Definition should sit with communities and organisations, and mainstream agencies should be assessed against it by someone other than themselves.

Priority Reform 4: shared access to data and information

Access and use of data

The clearest data problem in the Agreement is that Target 13 is not measured against its own terms. The target commits parties to reducing all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children by at least 50% by 2031, as progress towards zero.[6] The indicator published in the July 2026 dashboard reports the proportion of females experiencing physical or threatened physical harm, at 8.4%, with no assessment available. An indicator narrower than its target cannot show whether the target is being met, and it cannot show it in a particular direction: forms of abuse the indicator excludes could worsen without registering at all.

The reasons are structural rather than technical. Prevalence is measured through general population surveys not designed for Aboriginal and Torres Strait Islander respondents or sample sizes. Administrative data from police, courts and child protection measures system contact rather than prevalence, and system contact for Aboriginal and Torres Strait Islander women is shaped by over-policing and over-surveillance.

In smaller jurisdictions the problem is more basic: the data does not exist. Our Tasmanian member reports that in preparing submissions it routinely cannot find Tasmanian data on Aboriginal women's experience of family violence, and is left either relying on national figures, which obscure anything specific to Tasmania, or assembling partial sources of uncertain reliability. The Australian Bureau of Statistics said as much in its submission to the Commission's 2024 review, noting that high-quality estimates cannot be produced for jurisdictions where the Aboriginal and Torres Strait Islander population is relatively small, and that some measures are not calculated for Tasmania at all.[7]

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[6] National Agreement on Closing the Gap, Outcome and Target 13 (families and households are safe).

[7] Australian Bureau of Statistics, Submission 1 to the Productivity Commission Review of the National Agreement on Closing the Gap (2024), assets.pc.gov.au.

The consequence is worth stating plainly. If national prevalence data is inadequate for Target 13 and jurisdictional data is absent, then in Tasmania no one can say whether Aboriginal women are safer than they were in 2020, and no one can be held to account for it. We would ask the Commission to treat jurisdictional data gaps as an accountability failure rather than a technical limitation, and to recommend that each party identify the targets for which it cannot report at jurisdictional level, and what it will do about that, by a fixed date.

We recommend the Commission use its terms of reference power to recommend changes to targets and indicators, and specifically that Target 13 be rebuilt.

A co-designed framework would need to measure what Aboriginal and Torres Strait Islander women and children actually experience. In our members' view that means covering coercive control and non-physical abuse; sexual violence, which is almost absent from current reporting; children as victim survivors in their own right rather than as witnesses, given that Target 13 names children explicitly; family violence understood in First Nations terms, including violence by extended family and kin, rather than only intimate partner violence; help seeking and what happened when a woman sought help; systems abuse, meaning the use of legal, child protection and other systems against her; technology-facilitated abuse, which the sector identifies as an emerging concern particularly for young Aboriginal and Torres Strait Islander women; and safety over time rather than incidence at a point.

Misidentification also needs to be addressed within the framework. Where Aboriginal and Torres Strait Islander women are wrongly recorded as people who use violence, the administrative evidence base understates their victimisation and overstates their offending in the same movement. Any measurement built on that data will carry the error forward.

We would also note that Aboriginal and Torres Strait Islander women should be developing this framework, not advising on one drafted elsewhere. The same applies to interpreting what it produces.

The framework should be developed by Aboriginal and Torres Strait Islander women, with a published timetable for closing each data gap, and with the framework itself treated as an Agreement commitment rather than a technical annex.

Collection and governance of data

On determining what is collected, the current position is that governments decide and then consult. Indigenous Data Sovereignty requires the reverse. The Data Policy Partnership established in 2025 is the right vehicle, and a national independent data body remains the right destination.

Three specific changes matter in our sector.

1. Client-level data reported to funders should be governed under Indigenous Data Governance, not exempted from reporting. Unit-level reporting is already a condition of funding under the National Access to Justice Partnership, and we do not seek to remove it. We recommend instead that, for family violence services, such data be reported at the coarsest geography consistent with its purpose, be governed across its lifecycle by the communities it describes, and that the existing safety provision in the National Legal Assistance Data Standards, which allows demographic fields to be left blank where collection would be inappropriate or could alienate a client, be the default rather than the exception. A single record combining a family violence indicator, Aboriginal and Torres Strait Islander status and a woman's service location can identify where she is, and in small communities that risk is acute.
2. Indigenous Data Governance should apply across the full lifecycle: what is collected, how it is collected, who holds it, who may link it, who may analyse it, who may publish, and how it is disposed of. Current practice applies it, at best, at the access stage.
3. Community data projects under clause 74 should include at least one project focused on family safety, with the community holding the data and setting the questions.

We support the recommendation from the Commission's 2024 Review that Indigenous data sovereignty be explicitly recognised in the Agreement, and note Joint Council's agreement to amend the Agreement accordingly. The test will be whether the amendment changes funding agreements and data-sharing instruments, or only the text of the Agreement.

Two practical additions. First, data governance has to be resourced. That means funded data roles within ACCOs, secure systems, the capacity to analyse data

locally, and the return of findings to the communities the data came from, alongside common definitions across funders and an end to duplicated reporting. Second, the protection of identifiable client information should distinguish routine funder reporting, which should never require client-level data, from the narrow category of necessary, lawful and tightly governed information sharing for safety purposes. Where the latter applies, legal professional privilege, client consent and the safety of the woman concerned should be addressed explicitly in the governing instrument, not left to practice.

Developing and delivering policy with Aboriginal and Torres Strait Islander people

Engaging and sharing decisions across the policy cycle

The Commission's use of the eight-stage policy cycle is useful because it shows where Aboriginal and Torres Strait Islander women are brought into decisions about their own safety. In our members' experience, engagement clusters at consultation and occasionally at implementation, and is largely absent at the three stages that shape outcomes.

1. Issue identification. By the time an Aboriginal and Torres Strait Islander organisation is consulted, the problem has usually been defined and defined in terms drawn from a non-Indigenous evidence base. Family violence framed as an incident between two intimate partners does not describe what Aboriginal and Torres Strait Islander women report, which involves extended family, kinship obligation, community visibility and the ongoing effects of dispossession and removal. That framing then determines what gets funded.
2. Policy instruments. The choice between legislation, policing, funding and service delivery is made inside government. This is where criminalisation tends to be chosen over healing, and where Aboriginal and Torres Strait Islander women's organisations have the least input. The needs assessment for the Sector Strengthening Plan found funding tied to carceral responses, with prison-based programs and criminal justice contact counted as successful outcomes.

3. Evaluation. Evaluation is commissioned by the funder, designed by the funder, and answers the funder's question. ACCOs supply the data and receive the findings. Community-defined outcomes, including whether a woman and her children stayed together safely, are rarely what is assessed.

On what would help, we would suggest requiring evidence of Aboriginal and Torres Strait Islander involvement at issue identification in any cabinet submission affecting family safety, treated as a completeness test rather than a narrative field; funding Aboriginal and Torres Strait Islander women's organisations to participate as a specific line item rather than expecting it; setting minimum consultation periods that survive political timetables; and shifting evaluation commissioning for Aboriginal and Torres Strait Islander-specific DFSV programs to Aboriginal and Torres Strait Islander-controlled governance.

Where our members have seen genuine engagement, the features are consistent. Aboriginal and Torres Strait Islander women set the question. A government decision-maker attended personally rather than sending a representative. The process ran to community timeframes, which in DFSV work means allowing for the fact that women may take a long time to speak and may not speak at all in the first meeting. And government was prepared to act on an answer it had not expected.

Case Study - Member service - Interagency communication

An early childhood service raised concerns about a very young child and notified the child protection department, which contacted police. While inquiries were made, the parents were prevented from contacting their child, were given no clear information about the process, their rights or where they stood, and were not referred to legal advice. No police report or charges resulted, and the family was kept in the dark throughout. The matter fell outside the FVPLS's funded scope, but the service did not turn the family away and worked to connect them with the right supports. The example shows how interagency processes can exclude the very families they concern, and why early notification, clear communication and referral to culturally safe legal assistance must be built into child protection responses.

Building capability to deliver the Agreement

Capability in the public service is often treated as a training problem. Our members' view is that it is substantially an incentive problem. Officials are rewarded for delivering on time, within budget and without ministerial difficulty. Partnership is slower, less predictable and more likely to produce an outcome the minister did not choose. An official working in genuine partnership may therefore be carrying a personal career risk, and training alone does not alter that.

Our members also observe that partnership timeframes are commonly set by budget and election cycles rather than by the work itself, so that consultation is compressed to fit an announcement.

Four changes would shift it.

1. Making Priority Reform performance a component of senior executive performance agreements, assessed with input from Aboriginal and Torres Strait Islander partners.
2. Building continuity into the structure rather than the person. Turnover is the most consistent complaint our members raise, and it cannot be fixed by constraining individual officials' careers. It can be reduced by standing partnership positions with a briefed alternate, handover obligations, and a partnership record that outlasts the people in the room. Turnover is particularly damaging in family safety, where officials need to understand why a woman may not disclose and why a community may not speak freely in a government-run forum.
3. Giving officials in partnerships a standing mandate to agree matters in the room.
4. Funding joint capability building in which ACCO and departmental staff learn together and the ACCO is paid for its contribution, rather than one-way cultural awareness training delivered to departments.

We would add that the capability deficit runs less evenly than is often assumed. Aboriginal and Torres Strait Islander community-controlled organisations generally understand government processes well, because they have had to. Governments less often understand ACCO governance, community accountability, kinship obligation, or why an Aboriginal and Torres Strait Islander woman may weigh the risk

of child removal more heavily than the risk of further violence. Joint capability building would be more useful if it started from that asymmetry.

Community-led efforts to close the gap

Place-based partnerships

The six place-based partnerships committed under clause 39 have been, in the Commission's earlier assessment, promising but slow and in some cases under-resourced. As far as we are aware no FVPLS sits within a place-based partnership, so our members' direct experience of them is limited. On the Commission's own assessment, the model has shown promise and has not been resourced long enough to test it at scale. One member, Marninwarntikura Women's Resource Centre in Fitzroy Crossing, is leading the development of a Fitzroy Valley economic inclusion case study that brings housing, early childhood, family safety, workforce and economic participation together under Aboriginal governance. It is work in development rather than an established clause 39 partnership, and we do not present it as evidence of outcomes. It does show what a locally governed, integrated approach looks like from the family safety side, and we would be glad to brief the Commission on it as an emerging example.

Where they have strengthened local authority, the mechanism is that decisions are made by people who live with the consequences. In family safety, local knowledge is not simply an advantage. It is a precondition for keeping a woman safe. Safety planning for an Aboriginal and Torres Strait Islander woman depends on knowledge that is local and relational: who is related to whom, which house is safe, which worker she will speak to, and whether she can be seen entering a service without the person using violence knowing. The needs assessment found that visibility in small communities deters women from seeking help at all. No singular centralised service design can hold that knowledge.

Our members associate limited progress with four factors. Partnerships have been given the authority to convene but no role in determining how the funding allocated to their region is apportioned. Government participants have attended without a mandate to agree anything. The scope of the partnership has been set by

government rather than by the community. And set-up funding has run out before the partnership had the chance to show results.

On resourcing and system supports needed to sustain five things are required:

1. Long-term operational funding, not project grants, including for the backbone coordination function that no single program funds.
2. Data access at the community level, including from police, child protection and health, with the community holding and governing the data.
3. Administrative flexibility to pool and reallocate funds across program lines in response to local priorities.
4. Technical capability employed by the partnership rather than seconded from a department.
5. Authority to say no to a program the community does not want, and to have that decision stand.

Community authority

Community influence over policies and services will remain limited while funding decisions are made at jurisdictional level against jurisdiction-wide criteria. The most direct change is to give self-determined service designs and place-based partnerships a defined allocation within which they determine priorities and can move resources as needs change, accountable for outcomes and for the proper use of public funds rather than for line-by-line adherence to program guidelines set elsewhere.

On how accountability should operate between communities, governments and partners, our position is that it should be reciprocal and explicit. Communities are extensively accountable to government. Government is not accountable to communities in any enforceable way. Any partnership should be able to record that a government party failed to deliver, and that record should at a minimum go to Joint Council.

Local governance

We raise local government narrowly, because in regional and remote areas it controls several of the conditions that determine whether an Aboriginal and Torres Strait Islander woman can leave violence safely. Councils hold responsibility for

housing in some places, and for roads, street lighting, public transport access and community facilities in most. The needs assessment identified poor transport access, inadequate street lighting and unsafe community environments as barriers to reaching services, particularly for women travelling with children. Overcrowding and the absence of safe housing were identified as factors that escalate conflict and limit a woman's options for leaving.

The Australian Local Government Association sits on Joint Council and the Partnership Working Group, but individual councils are generally not bound by the Agreement's obligations, and many smaller councils have no Aboriginal and Torres Strait Islander employment or engagement function.

We would suggest the Commission consider whether Closing the Gap reporting should be a condition of Commonwealth and State grants to Local government above a threshold, and whether councils should be brought into Government and community place-based partnerships as parties with obligations rather than as observers. We do not press this as strongly as our other points, but the physical infrastructure of a town bears directly on Target 13 and is currently accounted for nowhere.

Socio-economic outcomes and targets

The targets that concern us most

The Commission’s dashboard, published in July 2026, records across the 19 targets one met, eight improving (three on track and five improving but not on track), two unchanged, four worsening and four with no assessment available.[8] The reference year for each indicator is earlier than the publication date and varies between indicators, and the figures below should be read with that in mind. The targets bearing most directly on family safety are among the worst performing.

[8] Productivity Commission, Closing the Gap Annual Data Compilation Report, July 2026, pc.gov.au.

Target	July 2026 position	Status
13. Family safety (females experiencing physical or threatened physical harm)	8.4%	No assessment available
12. Child protection (children in out-of-home care)	52.2 per 1,000	Worsening
4. Children developmentally on track	33.9%	Worsening
11. Youth justice (young people in detention)	25.7 per 10,000	No change from baseline
10. Criminal justice (adults in prison)	2,500.2 per 100,000	Worsening
14. Social and emotional wellbeing (suicide)	33.9 per 100,000	Worsening

These are not six separate problems. Family violence is a driver of child protection involvement; out-of-home care is a pathway into youth detention; youth detention is a pathway into adult prison; and each of these is associated with elevated suicide risk. Treating them as six portfolios with six strategies is, in our view, part of why so few of them are improving.

Our members put the same point more bluntly, and from the other direction. The drivers of family violence in their communities are housing, poverty and employment, and services say they are being measured on a gap whose causes sit outside their control. As one member put it, the system treats the symptom and not the cause, and then treats the failure to close the gap as the service's fault. Target 13 will not move while the fundamentals go unfunded, and the Priority Reforms that depend on community-led delivery cannot be delivered from an unstable base. Investing in

Aboriginal and Torres Strait Islander-led solutions is what enables progress on the targets, not a separate matter from them. We would ask the Commission to treat housing, poverty and employment, including Target 9, as preconditions for progress on family safety rather than as adjacent concerns.

The role of the Agreement

Our reading is that partnership and sector strengthening initiatives are contributing to improved outcomes in the sectors where they have been in place longest. Health and early childhood care and development have both a policy partnership and a sector strengthening plan, and a developing evidence base to go with them.

Family safety has a sector strengthening plan in development and no standing seat for the national DFSV in the Agreement's governance, and Target 13 remains unassessable. We would not draw from this that the Agreement's instruments do not work. The more likely reading is that they contribute where they have been applied longest, and that family safety has had access to fewer of them and only recently. We note that the evaluation evidence needed to attribute outcomes to the Agreement's instruments is thin, and the Commission is better placed than we are to test that reading. The DFSV plan is a significant step. Whether it produces change will depend substantially on the conditions set out earlier in this submission.

We would also say something about the ACCOs that sit outside the Agreement's architecture altogether. A large part of the family violence work in Aboriginal and Torres Strait Islander communities is done by organisations that are not members of the Coalition of Peaks, are not parties to any partnership, and in some cases have chosen not to engage with the Agreement at all. They are fundamental to outcomes and invisible to the Agreement's reporting. Any assessment of whether the Agreement is contributing to improved outcomes needs to account for them, both because their work is part of the result and because their absence from the architecture is itself a finding about how well the Agreement is working.

From reform to outcomes

On whether the socio-economic outcomes and targets are appropriately defined and measured, our answer for Target 13 is no, for the reasons set out under Priority Reform 4. We also question Target 12 as currently framed. A target expressed as the rate of children in out-of-home care can be met by changing placement practice

without any change in family safety, and can move for reasons that have nothing to do with the wellbeing of children. A companion measure of family preservation and reunification, with Aboriginal and Torres Strait Islander Child Placement Principle compliance reported alongside it, would be harder to game.

On whether Aboriginal and Torres Strait Islander organisations can determine how outcomes are pursued, the answer at present is only where they hold the funding. Influence without funding control has not proven sufficient.

On accountability mechanisms, our assessment is that current mechanisms report progress more effectively than they create consequences. Annual reporting, the Implementation Tracker and Joint Council updates each describe activity, and each has value for that purpose. None of them changes what follows when a party does not deliver. We suggest that until non-delivery carries some consequence, accountability mechanisms will continue to document the gap more reliably than they close it.

Members also pressed the asymmetry of it. Services carry a heavy acquittal and reporting burden for the funding they receive, while there is no equivalent public account of what governments themselves are doing to meet their own commitments. In members' view the annual Closing the Gap statement repeats that governments must do better without showing what they are doing differently. We would ask the Commission to recommend that governments report against their own obligations in the same concrete terms they require of funded services, so that accountability runs both ways.

Our members also raised a concern about how progress is being framed. Reporting under the Agreement has come to focus on implementation: whether an action was taken, a plan published, a body established. Implementation is being treated as the measure of success. It is a proxy, and an unreliable one, because an action can be implemented in full while the outcome it was meant to change moves in the wrong direction. That is what the data on Targets 12, 11 and 10 shows. The end number becomes the organising concept, and the governance and partnership arrangements beneath it, which are what the Priority Reforms were meant to change, receive less attention than the number. The Commission's framing of this review, which asks how

reforms are translating into outcomes, is the right one, and we would encourage the Commission to hold parties to it.

Finally, we would put to the Commission a concern about the review cycle itself. The Commission's 2024 Review identified serious shortcomings. The questions in this review, though framed differently, cover much the same ground, and the targets that bear most directly on family safety have not improved. Our members are concerned that a three-yearly review which documents the same failures each time, without consequence, risks normalising them. The question they ask is whether governments are listening, and whether anyone is revisiting the Agreement itself to ask what is working and what is not. Our members' view is that the Agreement should be open to change on the evidence of its own reviews, and that the Commission's final report is the right place to say whether it needs to be. We would welcome the Commission addressing that question directly in its final report, including whether the Agreement's own review and accountability provisions are adequate to the task.

End notes

For any further information, please contact FNAAFV on ceo@fnaafv.org.au.

Appendix A: FNAAFV Member List

QIFVLS
Queensland Indigenous Family Violence Legal Service

Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council

NAAFLS
NORTH AUSTRALIAN ABORIGINAL FAMILY LEGAL SERVICE

Central Australian Aboriginal Family Legal Unit Aboriginal Corporation
CAAFLU
1800 088 884

Family Violence Legal Service
Aboriginal Corporation (SA)

SiS
Support Information + Strength

AFLSQ
Aboriginal Family Legal Services Queensland (Maruma-li-mari)

Aboriginal Family Violence Legal Service

Djirra
Sharing stories, finding solutions

Binaal Billa
Family Violence Prevention Legal Service

MARNINWARNTIKURA
WOMEN'S RESOURCE CENTRE

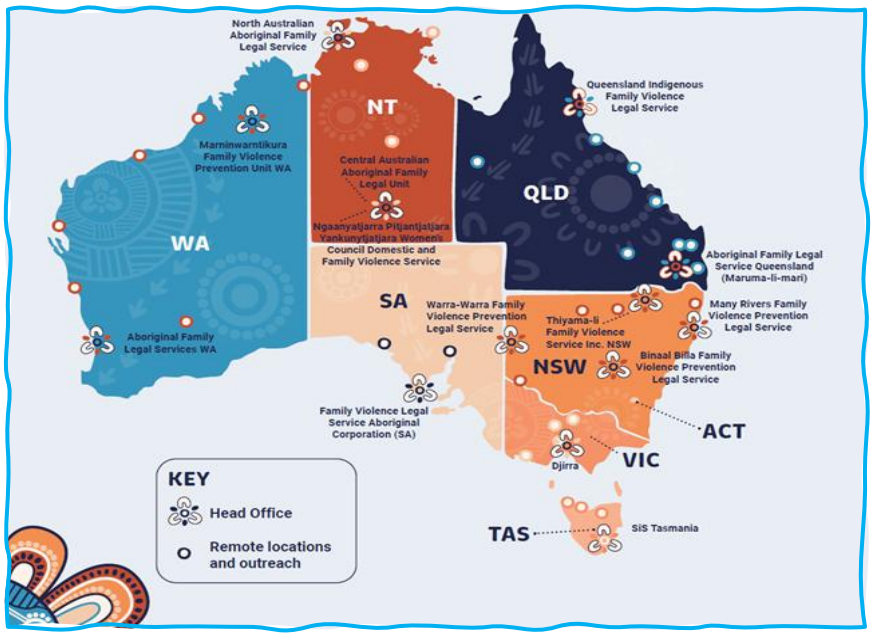
Warra Warra
Legal Service

Aboriginal Family LEGAL SERVICES

Thiyama-li
Family Violence Service
Indigenous Corporation.

MANY RIVERS
FAMILY VIOLENCE PREVENTION LEGAL SERVICE

- Aboriginal and Torres Strait Islander Family Legal Services Western Australia (Perth Head Office, Broome, Carnarvon, Halls Creek, Kalumburu, Kununurra, Geraldton, Kalgoorlie and Port Hedland)
- Aboriginal and Torres Strait Islander Family Legal Services Queensland (Toowoomba Head Office, Roma, Murgon and Gympie)
- Binaal Billa Family Violence Prevention Legal Service (Forbes)
- Central Australian Aboriginal and Torres Strait Islander Family Legal Unit Aboriginal and Torres Strait Islander 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 and Mildura)
- Family Violence Legal Service Aboriginal and Torres Strait Islander Corporation (Port Augusta Head Office, Adelaide, Ceduna, Pt Lincoln)
- Many Rivers Family Violence Prevention Legal Service (Kempsey Head Office, Grafton)
- Marninwarntikura Family Violence Prevention 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 Inc. NSW (Moree Head Office, Bourke, Walgett)
- Warra-Warra Family Violence Prevention Legal Service (Broken Hill)
- North Australian Aboriginal and Torres Strait Islander Family Legal Service (Darwin, Katherine and Nhulunbuy)
- SIS Tasmania (Hobart Head Office, Tasmania)



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