



Aboriginal Family Legal Services submission on a new approach to programs for families and children

Aboriginal Family Legal Services WA*

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Trading as Aboriginal Family Legal Services;

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1 Introduction

The Western Australian Family Violence Prevention Legal Service Aboriginal Corporation, trading as Aboriginal Family Legal Services (WA) (**AFLS**), provides integrated legal assistance, social supports and community education to Aboriginal and Torres Strait Islander people across WA who have been affected by family, domestic and sexual violence.

AFLS is an Aboriginal Community Controlled Organisation, registered with the Office of the Registrar of Indigenous Corporations and funded primarily through the Commonwealth and State National Access to Justice Partnership (NAJP) administered through the WA Department of Justice. As the largest Family Violence Prevention Legal Service (**FVPLS**) in Western Australia, we are also members of First Nations Advocates Against Family Violence (**FNAAFV**).

AFLS services are delivered in seven regions across the state, covering the East and West Kimberley, Pilbara, Gascoyne, Midwest, Goldfields and the Perth Metropolitan Region (including Peel). Our offices are located in Kununurra, Broome, Derby, Port Hedland, Carnarvon, Geraldton, Kalgoorlie, Perth and Pinjarra. From these locations our outreach services are delivered to over 30 remote townships and Aboriginal communities.

AFLS has extensive experience in delivering Aboriginal led solutions to family violence issues affecting Aboriginal people. Our organisation is committed to providing effective and culturally safe legal and support services to families, young people and children. Our core work includes strong advocacy for any initiatives that will improve their wellbeing and reduce the number of Aboriginal children in out-of-home care.

AFLS employs a range of skilled professionals to provide wrap around legal assistance and non-legal support services for clients, including:

- Legal assistance in Care and Protection, Family Law, Family Violence Restraining Orders and Criminal Injuries Compensation applications.
- Redress services.
- Support for victim-survivors of sexual violence (through the Sexual Assault Legal Service WA partnership).
- Court support and advocacy.
- Tenancy advice and financial counselling.
- Counselling and social supports.
- Intensive Case Management.

In addition to providing services where issues already exist, AFLS adopts an early intervention approach that aims to empower families and individuals through the provision of extensive education about legal rights, safety, preventative measures and practical solutions. This includes protective behaviours education in schools.

As part of our integrated service delivery, AFLS also enters partnerships where opportunities arise for effective holistic service delivery. We interact with a wide range of stakeholders who are allied to or supportive of our core business. This includes other legal services, health, education, community services and housing. Our stakeholder engagement includes government, private sector, non-government organisations and, importantly, a wide range of ACCO's.

AFLS supports any Government objective with the potential to improve support for Aboriginal families to raise children who are confident, resilient and fulfilled and particularly through Aboriginal voices and organisations.

2 Response to Discussion Paper

Vision and Outcomes

Are the two main outcomes what we should be working towards for children and families? Why/why not?

Outcome 1: Parents and caregivers are empowered to raise healthy, resilient children.

Outcome 2: Children are supported to grow into healthy, resilient adults.

AFLS broadly supports the vision. However, the outcomes need to recognise the particular trauma for Aboriginal families have faced historically through colonisation and institutional racism, which still echoes through current practises such as the over-representation of removal of Aboriginal children into out of home care.

We agree with the view of FNAAFV in their submission that current outcomes lack emphasis on a need for culturally safe outcomes for Aboriginal families and children. Given the objectives to improve outcomes for Aboriginal communities, families and children, the vision should make specific reference to this also.

For parents to be empowered to raise healthy children, they themselves need to be safe and have a home to be able to raise their children, home is safety.

Program structure

Will a single national programme provide more flexibility for your organisation?

The proposed single national programme potentially does away with rigid, one size fits all operational and reporting requirements whilst maintaining systems under particular activity streams, thus avoiding inflexibility. This objective is supported.

Within those streams it is important that measures and programs that will assist Aboriginal families and children, particularly victim-survivors of family and domestic violence, have sub-streams or programs that are tailored to specific needs. If programs become lost within generalisations, this will defeat the object, inhibiting the ability to address specific, pertinent issues and thus to improve outcomes for Aboriginal children in line with objectives within the program and according to Closing the Gap targets.

Does the service or activity you deliver fit within one of the three funding streams? Do these streams reflect what children and families in your community need now - and what they might need in the future?

The work of AFLS fits across all three streams:

Stream 1 – National Programs and Information Services

AFLS contributes to the development of national programmes and Information Services through our membership of FNAAV and also the national peak for Community Legal Centres, Community Legal Australia. We engage with a wide range of Commonwealth stakeholders, participating in many forums and events for this purpose.

We also frequently advise ministers and senior public servants at both Commonwealth and state level, about family violence issues that affect Aboriginal people throughout Western Australia. Our direct experience with local demographics and politics often proves of considerable value to persons who lack specific knowledge in this respect and would be unable to gather it themselves.

Our recognised annual Ochre Ribbon event is a powerful statewide and nationally recognised initiative focused on eliminating family violence against Aboriginal women and children. Our 10-year anniversary in 2025 represented a decade of dedicated advocacy community awareness and proactive cultural action in all regions of WA and also elsewhere in Australia.

Stream 2 – Prevention and early intervention

AFLS provides an integrated service that has at its core the provision of legal information and advice that can assist clients to recognise their human and legal rights and make decisions about how they should proceed legally and otherwise.

As an FVPLS, AFLS prioritises early intervention work that includes delivery of community legal education and community education. We deliver a variety of programs that have been in development since the inception of AFLS which include:

- Community Legal Education about core areas of law that educates stakeholders or community members about legal and human rights and provides information about how they may use these as a preventative tool.
- Community education activities that support Aboriginal women to get together, share experiences and explore options to keep themselves safe and their families together.
- Extensive attendance at events and other opportunities that allow for collaboration and development of preventative activities with other stakeholders.
- other educational tools that include safety planning, protective behaviours for children, young people and women, and e-safety.

We are constantly developing all of our resources in collaboration with stakeholders and community, and with a continuous improvement objective.

Stream 3 – Intensive Family Supports

Family violence matters are highly complex, and we know that early legal assistance is critical, legal services alone cannot resolve all challenges. The legal services provided to every AFLS client are therefore backed up by a range of intensive social supports provided by qualified support staff this includes support with tenancy, financial counselling, mental health needs.

The majority of our clients are Aboriginal women with families whom those women frequently support. We also commonly support grandparents and other family members who may also be family carers. For every client we recognise the value of their family relationships and the need to understand and strengthen relationships of value.

Whilst AFLS as a legal organisation must be mindful of conflicts and may not be able to provide legal advice to other individual family members, we encourage family members who wish to support clients and have client consent to do so. Our advice and support always take into consideration the family relationship and value of strong, cohesive families. We effectively support whole families, recognising that this is crucial to successful outcomes for clients.

We further provide extensive support to families within the community through our community education programs, constant presence in communities by our locally employed Community Engagement Workers and Court Advocates and knowledge of local family dynamics.

Are there any other changes we could make to the programme to help your organisation or community overcome current challenges?

With such a large footprint that includes many regional and remote towns and communities, we (along with other organisations) often struggle to engage staff to deliver program and services because of the challenges of remote environments and particularly the current crisis in affordable

housing. Program design must consider staffing needs and adequate remuneration for staff working in regional and remote areas, including their accommodation.

Engagement, training and retention of local Aboriginal staff should also be an essential component of programs.

Prioritising investment

Do you agree that the four priorities listed on page 4 are the right areas for investment to improve outcomes for families and children?

1. Invest early to improve family well-being break cycles of disadvantage and reduce the need for later interventions - like child protection.
2. Prioritise connected, co-located, and integrated services that work together to meet family needs.
3. Ensure services are informed by and respond to community needs.
4. Improve outcomes for First Nations children and families by increasing the number of Aboriginal and Torres Strait Islander community-controlled organisations that deliver supports in locations with high First Nations populations.

We acknowledge that the evidence summary shows strong support for early investment in integrated services responsive design and the expansion of Aboriginal community-controlled service delivery. These priorities are consistent with the needs of Aboriginal families, women and children, and consistent with the way in which AFLS operates as an FVPLS.

Are there any other priorities or issues you think the department should be focusing on?

It is widely acknowledged that Aboriginal women and children are more likely to be victims of family violence than any other cohort. We agree with FNAAV that provision must be made for particular investment in the prevention of family violence and sexual violence and assistance to victim-survivors, as such assistance is key to improving the wellbeing of families and reducing the number of Aboriginal children currently in care.

In recognising the above, the department must prioritise a recognition of historical factors – colonisation, subjugation, genocide and institutionalised racism - and that poor outcomes continue to be linked to this history. Programs in all streams must address these factors and the need for measures that are culturally secure and Aboriginal-led.

It is important that investment recognises specialist family violence services such as AFLS as understanding the above and embedding solutions around healing, recovery and trauma management and the contributions that we already make to keeping families safe and assisting them in the integrated manner described.

We further suggest that the significance of legal assistance, well beyond the reach of many victim survivors and their families of engaging a private lawyer needs to remain in the minds of decision makers also. Current services offered by Legal Aid WA and Community Legal Services fall far short of meeting demand. High level interagency design of integrated models should consider this.

Improving family wellbeing

Do the proposed focus areas - like supporting families at risk of child protection involvement in the young parents - match the needs or priorities of your service?

We agree with the proposed focus areas.

Are there other groups in your community, or different approaches, that you think the department should consider to better support family wellbeing?

Harm from removal versus harm from non-removal of Aboriginal children from families

With reference to the large numbers of Aboriginal children in care, we believe that the harm suffered by removal from families can outweigh the benefits of removal from 'risk' situations. This is not always understood, or that it particularly applies to Aboriginal children for whom the effects of separation from culture and community can be catastrophic and lead to long term and intergenerational damage. There tends to be a view that existence in foster care *must* be better than in a "harmful family environment" and therefore much resourcing goes into bringing this about and assisting foster carers.

This is not to say that some family environments do not become harmful, but we would like to see far more emphasis on reducing the harm in those environments and in so doing, *keeping families together*. Misunderstanding of this concept is in our view part responsible for the considerable overrepresentation of Aboriginal children in care. We would like to see a focus on this aspect as part of specifically tailored program streams, with far greater support to families that will enable children to stay with family members. We note the return on investment approach specified on page 3 of the Evidence paper and strongly believe that this is an area where there can be substantial returns both economically and socially.

Since family violence is primarily responsible for the current fragmentation of families through placing children in care, the above focus should be on support to victim-survivor parents and other carer family members with measures that will keep families together.

Intergenerational cycles of children in out of home care.

Over the last decade we have experienced a growing incidence of parents whose children are taken into care who were foster children themselves. Many of these parents are very young, with placements starting very early in life that sometimes can be as many as 60 to 70 placements before they turn 18. Contact with the criminal justice system sadly is usual, as are various mental health and substance abuse issues.

If young people who have been in care themselves are not supported whilst in care and immediately following that period, they risk being swept into the same cycle themselves. It is crucial that this be recognised in any initiative to support young parents and reduce the risk of their own children being taken into care and then becoming relinquishing parents themselves later down the track.

The risk increases for Aboriginal children because of the inherent separation from country culture and community in foster care when so many children are not placed with Aboriginal carers. There needs therefore to be a particular focus on teenagers in care and young people recently leaving care, as a means of reduce the above cycle of events.

Connected, Co located and integrated services

What other effective ways, beyond co-location, have you seen work well to connect and coordinate services for families?

Co-location can be useful. Indeed, in our regions, in small towns and communities it is often an inevitability if there is a small population and service providers of necessity all located close to each other. The same situation cannot generally be said for larger communities. Of importance in all circumstances is that sufficient mechanisms exist for organisations to regularly communicate

about the needs of people in the community and to agree and assess programs or methodologies for combined service delivery that are of value.

With regards to the needs of Aboriginal families and children, we have found that inter-organisational or interagency groups set up specifically to address those needs can be very effective at both the general community policy and case management level, *provided they are designed and led by Aboriginal people*. Having groups led by well-respected elders are more likely to result in practices that are supported by the community. They also provide a means to ensure that non-Aboriginal organisations maintain the necessary level of cultural education and security to effectively assist Aboriginal people, who then have confidence in attending other services if they know that their elders have been involved in discussing the nature of service provision.

Connection is, we have found, further enhanced by efforts to employ staff or engage persons with lived experience of social hardships. Whilst such persons are vulnerable and must receive particular care and consideration accordingly, they can prove valuable when exploring what works best and with whom.

We have found also that staff positions specifically designated for local Aboriginal people are highly effective in connecting and coordinating services. Local staff have knowledge of local conditions and politics that can enhance or inhibit collaboration and coordination. Sharing this knowledge in a respectful manner can prevent situations where people do not engage, with the result that those who are not in the community can't understand why. Sometimes, sadly, this has led to a conclusion that such bodies are "not viable" when this is far from true.

[What would you highlight in a grant application to demonstrate services connected to the community they serve? What should applicants be assessed on?](#)

AFLS suggests that organisations/ACCO's would need to show:

- Strong Governance
- Board membership that includes or represent relevant community members.
- Employment of people from the community served.
- A direct community connection through demonstrated delivery of community programs and meeting the needs of individual community members (through particular services), with positive feedback; and
- Strong networks with other organisations that have close connections to the community, and with whom there are collaborative arrangements.

Strong governance with Boards built and membership drawn from statewide and local communities are already strongly representative of the communities they serve, particularly in the case of ACCO's where the Board may be made up predominantly of respected elders or otherwise highly qualified individuals.

ACCO's are generally organisations with strong networks with other Aboriginal organisations, training institutions and public institutions such as the police and community services. AFLS particularly has extensive links in regions throughout WA. Such pre-existing networking would save having to initiate the formation of networks and community groups by funding agencies.

Beyond locational disadvantage, what other factors should the department consider to make sure funding reflects the needs of communities?

In the case of Aboriginal communities and nations, each has its own unique politics, social systems, cultural and law practices. Despite a greater availability of resources and cultural training in this respect there still exists a mindset in the general population that one community is much like another and therefore has similar needs. This is not only extremely disrespectful, but if carried into the service environment can result in a lack of engagement, or disillusionment. Suggesting that a person from the Kimberley, for instance, should run a group in Perth simply because they are “Aboriginal” is one example of such counter-productivity.

The department needs to consider this, and make sure that funding reflects community need by directing that funding goes to organisations that fully understand this and are able to provide services in a manner that is appropriate and well adapted to particular communities.

In addition, funders must engage organisations trusted by Aboriginal people as acknowledging the injustices of the past that were caused by colonial invasion, recognising the legacy of genocide and suppression and the severe intergenerational trauma and inequity that this has caused. Organisations already known to promote the human rights of their communities will have a built-in advantage to best utilise any new funding.

It will be helpful also to funders for applicant organisations to demonstrate an existing ability to initiate, facilitate and attend working groups or reference groups that can provide a multi-level approach to tackling local or wider issues. One issue that arises often is that interagency groups are underfunded or not funded at all and must be driven by local organisations, who do not always have the capacity.

Otherwise, those cohorts at particular risk may need special consideration. This includes victim-survivors of family violence. It also includes children in out of home care, and those at risk of having greatest contact with the criminal justice system or having mental health/substance abuse issues. Young adults that were foster children themselves have already been described as a cohort of special need and are a good example.

What's the best way for organisations to show in grant applications that their service is genuinely meeting the needs of the community?

AFLS would recommend:

- A history and continuance of strong governance with boards and membership strongly represented by the community.
- Demonstrated trauma informed and culturally safe practices.
- Engagement and relationships with Aboriginal people, particularly at a local level. This includes employment.
- Services that recognise the unique properties of particular regions and can demonstrate that they have adapted resources and services to meet those needs.
- Extensive experience and proven track record in proposed program focus areas within communities.
- Wide ranging networks, stakeholder engagements and participation in community events.
- Engagement with government and community leaders, partnerships with other ACCO's or organisations.

- Demonstrated models of integrated service delivery and collaboration that include legal, social and emotional wellbeing.
- A track record of trust evidenced through recommendations and client experiences.
- Existing reporting tools that can demonstrate successful outcomes.

Improving outcomes for Aboriginal and Torres Strait Islander Children and Families

How could the process be designed to support and increase the number of ACCO's delivering services to families and children?

We agree with FNAAFV that prioritising ACCO providers is essential, with overall programme design contemplating that a certain number of service providers must be ACCO's. This must apply particularly to places where a large percentage of the population is Aboriginal, or where current data demonstrates that there are a very large number of children being taken into care who are Aboriginal. Other areas to consider are those where a large number of children are going to non-Aboriginal carers and where a large portion are parents are under the age of 25.

This means adequately supporting the needs of the ACCOs themselves in terms of staffing and resources. It is a well-known fact that currently the housing crisis and cost of living is making it extraordinarily difficult for many organisations to recruit and retain staff in the regions. It is therefore not possible to contemplate increased support for ACCOs without funders addressing these issues.

What else could be built into the programme designed to help improve outcomes for Aboriginal and Torres Strait Islander children and families?

We would list the following:

- Co-design of program and components with Aboriginal leaders.
- Making sure that there exist in all organisations, Aboriginal and otherwise, mandatory Aboriginal positions under s.52D of the *Aboriginal Affairs Planning Act (WA)* (or equivalents in other jurisdictions). These should comprise both senior and junior staff positions.
- Staff in non-ACCO service providers should regularly undergo cultural training and competence assessment by qualified aboriginal leaders and should be guided by leaders.
- Regular training should also be provided not only to non-government funded organisations but also to institutions such as the police the department of communities and prison services. There is no point in organisations providing excellent cultural support when this is still lacking in core institutions.
- The above has been recognised and progress made in recent years. There would be benefit from some evaluation and further steps being taken. Well informed staff are essential for inclusion in networks and services.
- As before recommended, specific programs for Aboriginal victim-survivors of family violence.

Measuring outcomes

What types of data would help your organisation better understand its impact and continually improve its services?

Merely providing statistics will not be sufficient to show a genuine meeting of needs, with data needing to be qualitative as well as quantitative. It is acknowledged, however, that a certain number of stats will always be useful in demonstrating various trends and informing progress. Useful data can also be obtained from a number of turnaways versus people actually receiving a service.

AFLS would favour tools that allow data entry of a more narrative nature that can demonstrate the value of integrated service delivery and each service within that context. We have found that client feedback is an important means of gauging whether services within our organisation are meeting client needs. Feedback could be obtained for individual client satisfaction, improved levels of wellbeing, reduced symptoms of trauma, feeling safer and being better informed about their rights are all measures of programme effectiveness that have been used in other Commonwealth programmes.

This is not, however, necessarily undertaken via formal surveys which can be intimidating for Aboriginal clients and also impractical in remote locations. AFLS has found that utilising local Community Engagement Workers (local Aboriginal people with connections to the communities served) to report on client views can be an effective and valuable means of feedback. Methods such as this should be built into funding arrangements.

[What kinds of data or information would be most valuable for you to share, to show how your services positively impacting children and families?](#)

Providing useful information to the department (and others) could include case studies that demonstrate successful outcomes. AFLS in providing these in other situations have found that showing a successful legal outcome that can be attributed to both lawyer skills and to the integrated service environment is of value. Such studies can also demonstrate the strategic priorities and underpinning values that we have already described.

Similarly, client journey mapping can be of great value in demonstrating an ongoing relationship with an organisation, especially where multiple services have been provided or referrals to other collaborating services made. Mapping could extend from attendance at community education sessions right through to final outcomes, as many of our clients first find out about our organisation through attending community events and interacting with our local community engagement workers. Journey mapping is also valuable for demonstrating to other organisations that perhaps are not ACCO's the vital importance of using culturally appropriate and safe methodology at every step.

Regular program evaluation by government departments that comprises both informal and formal discourse can also be used as a support tool that is of value to both parties.

We do emphasise the importance of adequate resources to address the outcomes in the manner described, particularly in the regional environment.

[If your organisation currently reports in the data exchange \(DEX\) what score circumstances domain is most relevant to the service you deliver?](#)

We do not currently report via DEX for our family violence funding, however, we report on DEX for our Redress Program under the National Redress Scheme.

[What kinds of templates or guidance would help you prepare strong case studies that show the impact of your service](#)

We have a number of templates for each of our services. For instance, good court outcomes as part of our legal service, with effective counselling, housing outcomes and financial guidance being shown to have been of value and of importance in the overall outcome.

Some templates that would allow demonstration of community and individual response to Community Legal Education and community education programmes could also be developed between an ACCO and the department. We suggest that this would be a more effective tool than

simply entering details of sessions on the database with little information. It would also help shape these programmes on a continuous improvement basis.

We do stress the need for Aboriginal leadership in the development of reporting tools, especially where local knowledge is of crucial importance and especially where the confidentiality and sensitivity of Aboriginal victims all family violence is at stake. Structured staff training in eliciting information and effective reporting could also be of value.

To assist AFLS with our client needs we have Risk Assessment templates and Safety Planning for our clients which is a way discovering how best to work with the client.

Working together

[What does a relational contracting approach mean to you in practise? What criteria would you like to see in a relational contract?](#)

As an FVPLS, AFLS already favours relational contracts that emphasise long-term relationships between funders and our organisation, rather than focusing solely on terms and conditions. Contracts that are based on flexibility allow for variation in geographical and demographic situations and changing situations. Trust, collaboration, and the establishment of shared goals/objectives can manage uncertainty and adapt over time. The advantages are stated in the Evidence Summary.

Such a contractual relationship between Government and AFLS would deploy the Strategic Priorities outlined in AFLS Strategic Plan 2023 to 2025¹, which are to deliver high quality legal and support services across the regions that we service, build up corporate capacity and workforce, deliver excellent client services with organisational sustainability through targeted collaboration and strengthening our governance.

The strategic priorities would in turn be underpinned by our organisational values of cultural security, respect, agility, courageous leadership, collaboration and integrity.

[What's the best way for the department to decide which organisation should be offered a relational contract?](#)

Previous experience in similar funding relationships/environments should be considered, even if these have not been strictly defined as relational contracts. Innovative approaches should be seen as of value. ACCO's already demonstrating strong governance and leadership, sound staffing structures, effective integrated service delivery, cultural safety and adaptability to geographical and demographical community needs should be favoured for any contracts.

[Is your organisation interested in a relational contracting approach?](#)

Yes, see above.

Other

[Is there anything else you think the department should understand or consider about this proposed approach](#)

The department should consider that working with Aboriginal people is complex and should not be classed as one, as there are many cultures and languages, which need to be taken into consideration as well as voices of lived experience.

¹ AFLS Annual Report 2024-25 at page 5

The department must also consider the current housing shortage and its impact, particularly on victim-survivors of family violence. Victim-survivors are often required to take out a Family Violence Restraining Order (FVRO), both for their own protection and if they wish to avoid their children being taken into care. A successful outcome in obtaining an FVRO is useless if the victim-survivor then has nowhere to live.

Housing is an essential human right. Whilst the current crisis affects many families and children who will potentially benefit from arrangements under the new program, it must be noted with respect to Aboriginal people that:

- there is a shortfall of housing that meets their needs;
- they are far less likely to own their own home;
- there are non-income and non-demographic barriers to renting in the private market, including racial discrimination;
- there are very long wait lists for social housing, including emergency social housing (and may be no availability);
- rental stress is common;
- a large number experience homelessness;
- there is a greater likelihood of living in an overcrowded situation than with the non-Aboriginal population.

Noting that the above are well documented at Chapter 6 of the National Housing Supply and Affordability Council Report: [State of the Housing System 2025](#) and that the Commission also recognised a need for Aboriginal led decision making in this space.

There is an urgent need for all government departments to explore creative solutions in to address this severe barrier to progress.