



The Hon Ben Wyatt MLA, Minister for Aboriginal Affairs  
Via email to [AboriginalPolicy@dpc.wa.gov.au](mailto:AboriginalPolicy@dpc.wa.gov.au)

**Re: An office for advocacy and accountability in Aboriginal affairs in Western Australia**

7 September 2018

Dear Minister Wyatt,

The AFLS is a well-established legal service which assists Aboriginal community members across six regions of Western Australia to access legal advice and representation for matters associated with domestic, family and sexual violence and family law matters (e.g. care and protection orders). In addition to legal services, AFLS also provides community education, supports early intervention projects, and advocates for law reform.

First and foremost, the AFLS supports an approach to considering this important initiative which provides ample resources and time to engage Aboriginal Western Australians fully about the functions and legislation that will establish the proposed office. We acknowledge the current process and its efforts to hear from as many people as possible. We also note the importance of providing those who are unable to write submissions, with the opportunity to provide their input through processes such as community forums. We draw your attention to a useful document provided by Aboriginal and Torres Strait Islander delegates at a recent conference, the Warawarni-Gu Guma Statement which declared "*Nothing about our mob, without our mob*"...This is the starting point for our relationship". We should be led by the sentiments of the statement in forging new opportunities in the relationship between government and Aboriginal Western Australians. The Statement further describes that "Co-design means taking a "blank page" approach where we set the parameters; we say what's in the foreground; we say what's in the background; and all the complexity within" as an approach to understanding the realities of Aboriginal Western Australians, the issues we face and how they may best be addressed effectively (see the full Warawarni-Gu Guma Statement attached).

*Helping to prevent family violence for a safer community.*

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The AFLS agrees there is a need to strengthen government accountability to Aboriginal Western Australians and gives its support for there to be an advocate for Aboriginal people's interests in government policy and performance. The AFLS also agrees in principle with the proposed new office and its suggested function, business, and structure and powers. We welcome the proposal to create a new entity, rather than simply adapting an old one. This in our view will allow the new office to be created without pre-existing constraints and without a pre-existing history which could undermine the proposed important work.

In an environment where both State and Commonwealth Governments provide considerable resources aimed at improving the lives of Aboriginal Western Australians, the AFLS supports the establishment of a new office that has a focus on accountability for outcomes in our communities. We see this accountability as not only being about accountability for expenditure, but also for the Government's social responsibilities to all citizens of Western Australia including Aboriginal Western Australians.

The AFLS supports establishment of an office that is independent and with statutory powers. It is our view that to effectively discharge its proposed functions, such an office would need to have independence from Government influence and should be safeguarded against Ministerial pressure particularly when a change of government occurs. In other words, the proposed new office, its role and powers must be designed to be able to endure beyond election cycles and changes in Government.

To be effective, the new office should also have the powers to compel Government departments and Non-Government agencies in receipt of taxpayer funds to provide programmes and services to Aboriginal Western Australians, to provide information requested. Associated with these powers should be consequences for non-compliance, without which the efficacy of the new office will be fatally undermined. The new office should also have powers to refer matters that do not comply or breach relevant laws and regulations for further investigation and possible charges/penalties.

The AFLS agrees that the holder of the office should be an Aboriginal person. We would further suggest that the Aboriginal person should be an Aboriginal Western Australian. In relation to the appointment process, Aboriginal

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Western Australians should be involved in developing the role description, identifying critical selection criteria, and participating on the selection panel.

With respect to the name of the office, the AFLS does not have a strong view at present and suggest the need for further consultation with communities in all areas across the State.

AFLS appreciates your office's efforts to work more effectively with Aboriginal people and improve government. Thank you for the opportunity to have input at this initial stage.



**Prof. Victoria Hovane**  
**CHAIRPERSON**  
**ABORIGINAL FAMILY LAW SERVICES**