

Directory of support services for Aboriginal and Torres Strait Islander people involved in care and protection proceedings including court-based services and services provided by non-government organisations

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Court based advocacy services available in other jurisdictions

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Note: other states and territories not listed above do not appear to offer any court-based advocacy services.

NEW SOUTH WALES

Children's Court services

Presently, in New South Wales ("NSW") there are no court-based advocacy services available to Aboriginal and Torres Strait people involved in care proceedings. Those seeking assistance can contact the care division of the Aboriginal Legal Service NSW/ACT (ALS) or one of the other relevant non-government organisations listed below

Non-government organisations which provide advocacy in care and protection proceedings

Name: Aboriginal Legal Service NSW/ACT (ALS)

Location: NSW, State-wide (approximately 24 offices across NSW and ACT)

About:

How we help

The ALS Care and Protection team provides culturally safe, expert legal and non-legal assistance.

Who we help

The Care and Protection team helps Aboriginal women, men, parents and grandparents, uncles, aunties and children with child protection issues.

What we do

The team helps clients understand what the Child Protection Agencies are saying and why a particular outcome has occurred. It also helps families understand the court process.

ALS challenges the system so that Aboriginal families can get their children back and so that children's connection to their families and culture can be maintained.

The ALS can be help if:

- A care application has been made

- A child was removed a long time ago
- You want to change an order made by the court
- You need help deciding whether you can fight a matter or not
- Your family needs a support plan now, or into the future

Accessing the service: ALS will provide some ad hoc services but for more complex matters will require proof of Aboriginality.

Legal assistance is provided subject to a means, merit and conflict test, as well as the availability of ALS Care and Protection lawyers.

Link(s) and/or contact information:

[ALS Care and Protection webpage](#)

Ph: 1800 733 233 to speak with ALS Care and Protection practice

[Office Locations](#)

Name: Binaal Billa

Location: NSW, Forbes and surrounds (Parkes, Peak Hill, West Wyalong, Condobolin, Lake Cargelligo and Murrin Bridge)

About: Binaal Billa will provide free legal assistance, in-house case management support for family, domestic violence and sexual assault victims and work with the community and in schools to deliver educational workshops and identify and address deeper problems in the community.

Binaal Billa "provides assistance with Department of Community and Justice to negotiate with the Department, advocacy at Case Plan Meetings, and representation in the children's court in child protection cases."

Accessing the service: Services are available exclusively to Indigenous people, and non-Indigenous people with Indigenous children.

Services are free and not means-tested.

The case does not need to be in court yet for the family to be eligible for free legal advice and advocacy services.

Link(s) and/or contact information:

[Binaal Billa Homepage](#)

[Child Protection Webpage](#)

Name: Grandmothers Against Removal (GMAR)

Location: NSW, Sydney and Lismore

About: Grassroots advocacy group led by Aboriginal grandmothers.

Linking families with services, provide advice for grandmothers, and supporting families who are dealing with DCJ, government advocacy and protesting.

GMAR “co-developed the Guiding Principles for strengthening the participation of local Aboriginal community in the child-protection decision-making... with the New England DCJ District Office and the NSW Ombudsman’s Office.”

Accessing the service: Services are free. Families can access support services at any time, not just when child is already involved in Court proceedings.

Link(s) and/or contact information:

[GMAR Facebook page](#)

[Communities and Justice information webpage](#)

Name: Thiyama-Li “Tee-a-MAH-lee”

Location: NSW, Moree Walgett and Bourke

About: Provides culturally appropriate assistance to Aboriginal and Torres Strait Islander adults and children who are victims of family violence with a range of legal and support services, including in Care and Protection proceedings.

Accessing the service:

Services are available in child protection matters where family violence is involved.

Services are available to Indigenous people and non-Indigenous people with Indigenous children.

Services are free and not means-tested.

Services are available at any stage including before a case gets to court but families usually access the service once they have a case in court.

Link(s) and/or contact information:

[Thiyama-li Webpage](#)

[Thiyama-li, “Child Care and Protection: Information Sheet”](#)

Name: Warra Warra Legal Service: An Aboriginal Family Violence Prevention Unit

Location: NSW, Far West (Broken Hill, Wilcannia, Menindee, Wentworth)

About: Provides legal advice, representation and assistance to Aboriginal and Torres Strait Islander survivors of family violence, including in child protection and care matters.

Accessing the service: Services are available to Indigenous people and non-Indigenous women with Indigenous children.

Services are free, means testing applies.

Services are available at any stage including before a case gets to court.

Solicitors visit community on a regular basis.

Link(s) and/or contact information:

[Warra Warra Legal Service Webpage](#)

[Warra Warra Legal Service Facebook page](#)

Ph: 1800 812 800

(to make an appointment)

Name: Wirringa Baiya Aboriginal Women's Legal Service

Location: Marrickville (drop-in centre); Mudgin Gal Aboriginal Corporation, Chippendale and Emu Plains Correctional Centre (outreach)

About: Offer court support and staff regularly attend Court as a support person to provide assistance to women attending court; and provides advice and casework in Care and Protection and Family Law proceedings

Accessing the service:

Solicitors available to speak to clients over the telephone or face to face during the advice line times listed [here](#).

Outreach at Mugin Gal Aboriginal Corporate first Wednesday of the Month, 10am to 12pm and a monthly outreach at Emu Plains Correctional Centre.

Link(s) and/or contact information:

[Wirringa Baiya Webpage](#)

Resources that may assist in family history research

Useful in circumstances where the agency does not intend to undertake any additional research but the family themselves do and seeking some guidance

AIATIS Family History Kit

<https://aiatsis.gov.au/sites/default/files/2021-02/aiatsis-family-history-kit-feb-2021.pdf>

State Library of NSW Aboriginal Australians Family History Guide

<https://guides.sl.nsw.gov.au/aboriginal-australians>

State Library of NSW Researching your family history guide

<https://www.sl.nsw.gov.au/research-and-collections/using-library/researching-your-family-history>

NSW Government Family history research guide

<https://www.nsw.gov.au/family-and-relationships/family-history-search/research-guide>

State Archives Family History Guide

<https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/family-history-guide>

VICTORIA

Children’s Court services

Marram-Ngala Ganbu (“we are one” in the Woivurrung language), is part of the Family Division of Victorian Children’s Court in Broadmeadows and was developed in response to the over-representation of Aboriginal children and families in the Victorian child protection system. The pilot program was launched in July 2016, and aims to improve outcomes for Koori children and families involved in child protection proceedings.

In 2019, the Children’s Court of Victoria commissioned an independent evaluation ([available here](#)). The evaluation identified sufficient evidence that Marram-Ngala Ganbu is achieving its intended short-to-medium-term outcomes. In 2021, the program was expanded to Shepparton.

Name: Marram-Ngala Ganbu (“MNG”)

Location: Victoria, Children’s Court at Broadmeadows and Shepparton (2 locations)

About: A weekly hearing day at the Family Division of the Children’s Court of Victoria at Broadmeadow aimed to improve outcomes for Indigenous children and families involved in child protection proceedings in north-east Melbourne

- Indigenous staff led the design, implementation and day-to-day function of the program
- Staff in the court have a high level of cultural competence
- Provides referrals to Aboriginal-controlled support services in the region
- Hearings are informal, conducted in more collaborative way, sit at round table

- Families are encouraged to bring Elders and other people from the community to provide support and input to hearings.
- A Koori Services Coordinator and Koori Family Support Worker coordinate the hearing list and assist family members in obtaining legal representation and understand the court process. There is also a Koori Conciliation Conference Convenor

The planned extension of Marram-Ngala Ganbu to the Shepparton Children’s Court in 2020 was delayed due to the pandemic. Is planned to occur in early 2021

Accessing the service: Every family with an Indigenous child that is listed at Broadmeadows Children’s Court is heard in MNG unless they wish to opt out.

Link(s) and/or contact information:

Article of Social Ventures Australia website:
<https://www.socialventures.com.au/work/evaluation-of-marram-ngala-ganbu/>

Report (November, 2019) “Evaluation of Marram-Ngala Ganbu: A Koori Family Hearing Day at the Children’s Court of Victoria in Broadmeadows”:
https://www.socialventures.com.au/assets/Evaluation-of-Marram-Ngala-Ganbu-November_SVA-Consulting.pdf

Information about Shepparton:
<https://www.childrenscourt.vic.gov.au/news/marram-ngala-ganbu-koori-family-hearing-day-opens-shepparton>

WESTERN AUSTRALIA

Children's Court services

In November 2017, the Interim Statutory Review of the *Children and Community Services Act 2004 (WA)* made four recommendations relating to the improvement of the protection and care process. The idea of a therapeutic court was further strengthened in 2018, when the Minister for Child Protection, Women's Interests, Prevention of Family and Domestic Violence and Community Services visited the Koori Court at Broadmeadows Children's Court in Victoria. A pilot program was proposed for a separate list, initially for Indigenous families but then open to all families, which aims to take a more therapeutic response to care and protection proceedings.

In 2019, a Working Group was set up to explore the implementation of a specialist list with therapeutic elements for protection and care.

On 10 July 2020, the Perth Children's Court commenced the pilot.

Name: Pilot Program – separate list for children in need of care and protection

Location: Perth

About: Aims to address the issues that cause families to come before the court in a holistic, therapeutic and culturally informed manner.

Representatives from the Aboriginal community and community-based agencies will be able to attend the court at the same time and can be heard.

Accessing the service: Pilot was originally opened for Indigenous families but now serves families from all backgrounds.

Families can be referred by the magistrate in the protection and care list (Court 5) OR by solicitors if all parties agree to use the pilot.

Link(s) and/or contact information:

[Government of Western Australia, Department of Justice, \(3 February 2020\) "A Therapeutic approach \(Pilot Court\) for Protection and Care in the Children's Court of WA: Discussion Paper"](#)

[Media release](#)

Non-government organisations

Name: Djinda Services (Women's Legal Service WA)

Location: Perth

About: Djinda Service is the specialist Perth Aboriginal Family Violence Prevention Legal Service run in partnership with Relationships Australia WA.

The Service provides free specialist legal and non-legal support to Aboriginal and Torres Strait Islander women in the Perth metropolitan area who have experienced or are experiencing family violence and/or sexual assault.

Legal assistance is provided in the form of legal information and advice, limited court representation, advocacy and assistance, referrals and community legal education in the areas of:

- identifying and responding to family violence;
- family violence restraining orders;
- children's protection and care (DCP matters);
- family law (parenting related matters, some divorce); and

- criminal injuries compensation (where it relates to family violence or sexual assault).

Accessing the service:

In order to access the service, the respondent must be an Aboriginal woman involved in a child protection matter who at some point in their life had been a victim of family or sexual violence.

Women can make an appointment by calling (08) 9200 2202.

Agencies or service providers (such as Legal Aid WA and ALS) wanting to refer a client should complete a Djinda Service Referral Form which can be found on the Webpage.

Legal appointments will usually take place at the Women's Legal Service WA office in Perth.

Link(s) and/or contact information:

[Women's Legal Service WA](#)

[Djinda Service Webpage](#)

SOUTH AUSTRALIA

Children's Court services (Youth Court of South Australia)

The equivalent to the Children's Court of New South Wales is the *Youth Court of South Australia* ("Youth Court of SA").

Name: Youth Aboriginal Justice Officers

Location: Youth Court of SA, Adelaide

About: The Youth Court of SA has two Youth Aboriginal Justice Officers ("YAJOs") situated in the Youth Court Registry. The YAJOs are responsible for the development, delivery, monitoring and review of a culturally sensitive service to Aboriginal youth, families and the Aboriginal Community.

The YAJOs also assist the Court by helping Aboriginal youth and their families to communicate effectively and directly with the presiding judicial officer, to ensure that informed decisions can be made regarding the care and guidance of Aboriginal youth.

Accessing the service: Youth Aboriginal Justice Officer Trevor Raynor can be contacted at youthcourt@courts.sa.gov.au

Link(s) and/or contact information:

[Youth Court Webpage](#)

[Youth Aboriginal Justice Officers Webpage](#)
(can access pamphlet on this page)

Ph: (08) 8204 0331

AUSTRALIAN CAPITAL TERRITORY

Children's Court services

Name: Care and Protection Intensive List (CPIL)

Location: Children's Court Division of the ACT Magistrates Court

About: Alternative process to the usual care and protection proceedings. The CPIL provides court supervised intensive management and therapeutic support of parents, to allow them to address their challenges with alcohol and other drugs, parenting capacity, family violence and other issues which affect their ability to parent their children safely.

The program ensures case finalisation and permanency decisions are made by the sitting CPIL Magistrate to reduce the uncertainty of making permanent care orders, whilst ensuring the process is as least protracted as possible.

Parents will be intensively managed by the court and supporting clinical team throughout a therapeutic program over the period of approximately 12 months. On completion or exit from the program orders will be made in the best interest of the children or young people.

Accessing the service:

Participation is open to any parent who wishes to participate and is approved following a suitability assessment. Eligibility criteria can be found [here](#).

Participation is open to all parents, not just ATSI. The CPIL provides for entry into the process by parents already engaged in Indigenous sentencing processes in the criminal court.

Link(s) and/or contact information:

[Care and Protection Intensive List webpage](#)

Ph: [02 6207 1746](tel:0262071746)

Email: Childrens@courts.act.gov.au