

Indigenous Legal Needs Project



Progress Report No. 5

- February 2015 -

FINALISING THE ILNP JURISDICTIONAL REPORTS

All ILNP fieldwork has now been completed and two new jurisdictional reports and animated videos published. This brings the ILNP very close to finalisation after four years of work, at least in terms of what it has been funded to do in collaboration with our project partners through the Australian Research Council (ARC).

Our research continues to highlight that civil/family law issues impact upon many Aboriginal and Torres Strait Islander peoples on a daily basis and that the vast majority of these issues are left unaddressed through legal avenues or otherwise. The consequences felt across Indigenous communities of *not* having these issues addressed are often critical, including placement of children into state care, eviction and homelessness, loss of income (through social security or employment), as well as increased offending.

There is little doubt that improving Indigenous access to civil/family law justice will increase the capacity of Aboriginal and Torres Strait Islander peoples to avoid and/or to more adequately respond to these types of legal problems. Our research *also* indicates, however, that unmet Indigenous civil/family law need is directly linked with the continuing marginalisation of Indigenous Australians, evident (for example) in their poorer educational outcomes, unemployment and poverty. Whilst being able to better resolve civil and family law issues is an essential goal in and of itself, the clear connection between not doing so and broader Indigenous social disadvantage provides added impetus for ensuring that Aboriginal and Torres Strait Islander access to justice in these areas is enhanced.



When our ARC funding comes to an end in a few months, the ILNP hopes to continue to research and publicise the vital importance of increasing Aboriginal/Torres Strait Islander access to civil and family law justice. We are exploring potential funding opportunities to further develop the work we have already completed. There's much more to be done.

In the meantime, in coming months and working within the limits of our remaining ARC funding the ILNP intends to publish a summary of key findings on priority civil and family law areas of Indigenous legal need and on Indigenous access to civil/family law justice identified to date across *all five ILNP* jurisdictions (NSW, NT, VIC, WA, QLD). Stakeholders will be notified of release of this material when it becomes available.

<http://www.jcu.edu.au/ilnp/>



JURISDICTIONAL REPORTS AND VIDEOS

Queensland and WA Reports

Our last two jurisdictional reports were finalised in 2014. These reports set out ILNP research findings for WA and for QLD. Thank you to our project partners for their invaluable contributions to the reports and to all other individuals and organisations who have provided input into the research in WA and QLD.

The **Queensland Report** (released September 2014) and **WA Report** (released December 2014) are our fourth and fifth reports, following our earlier reporting on Indigenous legal need in NSW (2008), the Northern Territory (2012) and Victoria (2013). All [reports](#) are available on our website.

The QLD Report was not formally launched upon release. The WA Report is likely to be launched with WA project partners in Perth in early 2015 (date to be confirmed).

Queensland

As has been the case in every jurisdiction to date, the WA and QLD research identifies significant levels of unmet civil and family law need in Aboriginal and Torres Strait Islander communities visited by the ILNP, as well as generally low levels of Indigenous access to civil/family law justice – leaving most relevant issues far from satisfactorily resolved.



Priority legal issues to emerge in QLD are broadly similar to those identified in other jurisdictions. Housing, and in particular tenancy, has again been identified in focus groups and stakeholder interviews as the most prevalent area of Indigenous legal need, with 44.1% of all focus group participants having experienced a problem of this nature. Other priority areas identified in QLD are discrimination (31.6%), neighbourhood issues (34.7%), credit and debt (26.0%) and related consumer issues (16.6%), and child protection (25.5%). Social security, victim's compensation and wills also stood as in terms of level of need.

The Queensland research found significant gaps in Indigenous access to legal or other help around civil and family law issues. For example, about one in six participants experiencing discrimination and around one in ten with a social security-related problem had sought legal or other assistance in response. Suggested strategies to reduce these gaps include an increased focus on and resourcing of civil and family law service delivery to Indigenous communities in all parts of the State, enhanced communication between lawyers and Aboriginal and Torres Strait Islander clients and more effective collaboration between non-legal and legal services.

Western Australia

It is probably fairly clear that in all ILNP jurisdictions the same types of legal problems are arising as priority areas of need. Priority areas in WA are very similar to those in QLD, but with two different or new areas identified: education and Stolen Wages/Stolen Generations.

The major areas of legal need WA were identified as housing/tenancy (60.1%), discrimination (40.9%), neighbourhood disputes (36.8%), credit/debt issues (30.7%) and related consumer issues



(20.6%), and Stolen Wages (26.2%) / Stolen Generations (21.9%). Child protection, social security, education and wills/estates are also identified as priority areas. Nearly two thirds of those engaging in education or responsible for someone (a child) studying reported having had a problem, often as bullying or harassment with a racial element, for example.



Sign on the wall in regional hotel/pub in WA, in what local focus group participants called the (segregated) 'Aboriginal Bar'

As is generally the case, civil and family law problems in WA were in the majority of cases left unaddressed. As one example of this, nearly 90% of those with a credit/debt problem had not accessed legal or other advice, help or information. Most individuals appeared to hope that the issue in question would sort itself out or just go away.

Suggested strategies to increase Indigenous awareness of civil and family law issues and to improve Indigenous access to help and information cross over in most respects with those identified in QLD, with perhaps more extensive discussion in WA of the importance of working effectively in the regions given the vast geographical distances between communities in this State.

Animated films in QLD and WA

The ILNP has produced [two animated films](#) summarising the research findings in our QLD and WA Reports. These films have been produced in collaboration with the very fantastic [Round 3 Creative](#) (Melbourne)! Please feel free to distribute these animations within your respective communities. We continue to hope that they will be used not only to disseminate our research findings, but also to increase awareness within Indigenous communities of civil and family law issues. Our other videos (VIC and the NT) are also on our website, alongside these two latest films.



ILNP FIELDWORK

In February to September 2014 the ILNP travelled to Perth for stakeholder interviews and to Narrogin, Laverton and Roebourne in WA and Roma and Charleville in QLD to conduct interviews and focus groups.



This fieldwork brought to an end our travel to all 32 Aboriginal and Torres Strait Islander communities (or 40 communities overall, including the 8 communities visited for our pilot project in NSW prior to 2009).

Overall, the ILNP has spoken to close to 800 Indigenous focus group participants and around 300 organisations and services in five jurisdictions.

PUBLICATIONS, PRESENTATIONS and OTHER MATERIAL

In 2014, the ILNP had an article published in the *Australian Journal of Social Issues* on access to civil and family law justice for Aboriginal people in the NT.



An article examining Aboriginal and Torres Strait Islander access to racial discrimination law was also published in the *Australian Indigenous Law Review*.

Paddy Gibson from Jumbunna Indigenous House of Learning, University of Technology, has travelled to a number of communities conducting fieldwork for the ILNP. In the context of this work, Paddy had an opinion piece published in *The Guardian* on the Abbott Government's funding cuts to legal services and Aboriginal child removal.

All of these [articles](#) are accessible on our website.

The ILNP also did a brief radio interview on Noongar Radio in Perth in August 2014.

In February 2015, the ILNP travelled to Melbourne to discuss our Victorian Report findings with legal services and how they might best respond to these findings.

The ILNP will also present a keynote address to legal practitioners in Perth at the WA Legal Aid Summer Series (Civil Law) in late February.

ILNP SOCIAL MEDIA AND WEBSITE

We would again like to remind you that we provide updates about the project through our website and Facebook page.

ILNP Website: <http://www.jcu.edu.au/ilnp/>

ILNP Facebook Page: <https://www.facebook.com/IndigenousLegalNeedsProject>

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This will be our final Progress Report for the ARC-funded component of ILNP research. Thanks for reading and for your continued interest in the ILNP. If you have any comments or questions, please contact Fiona Allison at fiona.allison@jcu.edu.au or on (07) 40421886.



Conducting fieldwork in WA with the
Aboriginal Legal Service

