



- WA Legal Aid Summer Series, 27 Feb 2015 -

The Civil and Family Law Needs of Aboriginal and Torres Strait Islander People in Australia: The Indigenous Legal Needs Project

The ILNP Background

The Family and Civil Law Needs of Aboriginal People In New South Wales (2008) (NSW Legal Aid)

- Analysis of the civil and family law needs of Aboriginal people in New South Wales.
- Based on legal needs analysis, exploration of how Legal Aid NSW could improve service delivery for Aboriginal clients in the areas of civil and family law.

The Assessment of the Civil and Family law Needs of Indigenous People in Australia (2011– 2015) (Indigenous Legal Needs Project - ILNP)

- ARC Linkage project, working with joint Indigenous and non-Indigenous industry partners, including legal services
- Focus on four jurisdictions: VIC, WA, NT and Qld. With NSW, project includes jurisdictions where 85% of Indigenous people reside

ILNP: Reporting Findings

Reports and animated films for each jurisdiction:

- (1) Indigenous legal needs assessment: priority civil and family law issues
- (2) Barriers to accessing civil and family law legal assistance and justice and ways to address them

Reports based on information gathered during fieldwork (**32** communities, **8** in each jurisdiction).

NT	WA	QLD	VIC
Darwin Katherine Tennant Creek Alice Springs Wadeye Bulman Alpurrurulam Papunya	Perth Geraldton Narrogin Laverton Fitzroy Crossing Balgo Wyndham Roebourne	Cairns Brisbane Pormpuraaw Thursday Island Charleville Mount Isa Rockhampton Roma	Bairnsdale Shepparton Swan Hill Robinvale Heidelberg Fitzroy Framlingham Bendigo

Stakeholder Interviews/Focus Groups



- key Aboriginal organisations
- legal services, non legal services (NGOs, statutory authorities and government agencies)
- priority civil and family law needs in their respective communities
- what works and what doesn't work in addressing these needs

- 10 men, 10 women (160 in each jurisdiction)
- organised by a local Indigenous person or organisation
- complete a questionnaire identifying problems and help accessed
- group discussion of legal needs and of access to help and advice

Why the ILNP?

Significant civil/family law need and poor levels of access to justice

It would be really good to be able to undertake regular, strictly civil outreach work... There is a good service being provided but it's the tip of the iceberg.. It's still a big unknown exactly how much work is out there (Indigenous Legal Service)

Not every Aboriginal person is brought before the criminal justice system, but every Aboriginal person has to live somewhere, they have to get an income... they buy goods and services, live with their neighbours, may face discrimination, have accidents... (Indigenous Legal Service)

Criminal law focus

(For) legal aid services, the emphasis is always on the criminal work because that's the most time pressure, people tend to go to jail.... So understandably, a lot of priority and resources are put into criminal law... and not a lot into civil law... (Registrar)

They think the only thing those (legal) services are there for are the courts, for fighting, or when you are in trouble with the police.. They don't know there's other stuff out there you can see (them) about. (Tennant Creek MFGP)

They need support out here with legal advice. People do have the right to fix their lives up [through] legal advice
(Community org)

Because they're having tenancy problems and they lose their house, they're homeless. Leads to drinking, police surveillance. Then people get themselves into trouble, because they're angry. You know, it's that balance at home and then what's happened there, I think, what affects us.... I think there is [a connection between all these things]
(Indigenous community org)

It's a very complex system. It's intimidating in many respects... (M)ost Aboriginal people, they wouldn't attempt it without the assistance of a lawyer. The instances of self-represented Aboriginal people getting involved in the civil law jurisdiction is just nothing... (Without a lawyer)... the walls are just too thick and too high (Registrar)

Access to justice for Aboriginal people is dramatically underfunded... [T]here are a lot of vulnerable people out there who don't have their legal needs addressed. Those legal needs not being addressed spiral into serious costs for the government (Indigenous Legal Service)

Why the ILNP?

- Right to adequate access to justice to resolve legal problems
- Unmet civil/family law need only feeds into offending and leads to continuing social exclusion of Indigenous people
- Properly funding civil/family law services ultimately saves government money

WA Priority Areas: most common issues

Issue	Overall % of participants identifying issue
HOUSING	60.1%
DISCRIMINATION	40.1%
NEIGHBOURS	30.7%
CREDIT/DEBT & CONSUMER	36.8% 20.6%
STOLEN WAGES & STOLEN GENS	26.2% 21.9%

WA Priority areas: other issues

Issue	Overall % of participants identifying issue
SOCIAL SECURITY	22.6% *of those receiving benefits (=76.3% of all participants)
EDUCATION	65.7% * of those engaging with educational institution (=44.4% of all participants)
CHILD REMOVAL	12.7%

Issue	-	-	-
WILLS/E STATES	Completed Will	Want to complete will	Dispute
	10.3%	56.5%	25.5%

WA: Priority areas (accessing help)



WA: Priority issues by gender

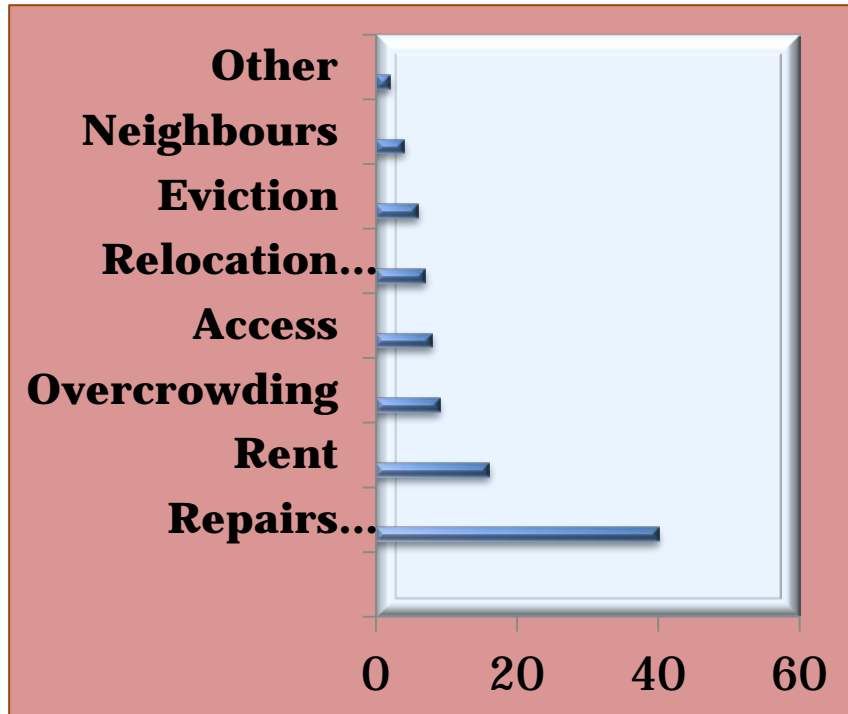
Women

Issue	Women	Men
HOUSING	72.8%	45.8%
EDUCATION	75.0%	51.9%
NEIGHBOURS	48.8%	23.3%
STOLEN WAGES	31.8%	21.5%

Men

Issue	Women	Men
CONSUMER insurance	0.0%	11.1%
CONSUMER paid for goods/services, not received	2.5%	14.1%

WA: Tenancy issue by type



Nearly everybody has had a problem with housing (Wyndham WFGP)

Housing was her issue. The reason why she had no money was [because] her house had burnt down. She was staying with relatives and every man and his dog was coming in and taking the food... So once we got her housing we were able to do a budget. Her children were still in her care but were at risk of being taken away. [Now] she's working part time and her children were never taken away (Indigenous community org)

WA: Tenancy - Repairs and Maintenance

I've had tenants with 20 or 30 holes with asbestos. No air conditioner, so the fans are all blowing it around and you've got maybe eight kids in the house. Might have been for three or four years like that...So when we report these things to Housing, we get enormous delays (Legal practitioner)

A lot of the maintenance is done to "Oh well, we'll fix it up as cheaply as we can." Then it breaks again. So the houses are constantly being repaired and then falling into disrepair again (Legal practitioner)

Window was broken, door was broken, everything was broken and I was sitting down there like an animal... Never been help me to fix that tap and those toilet things... When I opened the door, I seen the house wasn't renovated, nothing. They should be renovating first... (Laverton WFGP 1)

When she say window's broken or tap's leaking nobody come round to fix that thing. They just left it like that right through, until... [s]he had to get out cause it was crumbling down. And she got hit with that big bill [\$3000] saying it was wear and tear from her. But the landlord's supposed to be sending someone round to fix it (Laverton WFGP 2)

WA: Tenancy - Rent

They get us to pay rent but they aren't up for renovating (Wyndham WFGP)

Rents are sky high. Housing is so limited (Indigenous community org)

This gentleman here... he's got some people that are staying there, freeloaders that are going to get on the rental subsidy.... There'll be four of them in there all paying \$66.60. That's the issue with the homelessness thing, with people moving in. So our tenants declare it, because they're doing the right thing. Their rent goes up, but these [other] people don't put in.... It quite easily falls into arrears (Legal practitioner)

In Kununurra and Wyndham... those tenants are already under the RTA. They pay rent based on their Centrelink income or their earnings. I think it's about 25% of household income. [Under the new HMAs, tenants]... will eventually be paying the same rent as a public housing tenant would in Kununurra or Wyndham... [T]hat was a big shock factor to our mob out there (Legal practitioner)

WA - Tenancy: Eviction

[T]here's been an increase [in evictions] since Department of Housing has changed their management policies. So there's been a lot of breach notices to evictions to court hearings..... Roughly, 30, 50 people so far over the last three months..... People are very stressed, afraid to lose their homes.... It's just a big impact (Indigenous community org)

Well, tenancy takes up pretty much my entire file load at the moment and in particular because the Housing Department's been sort of doing bulk evictions... All the eviction applications are on the basis of non-payment of rent or repairs or water, whatever it is. I think it's just been mismanaged for a number of years and they've got an astronomical debt or so they say, comparative to other regions (Legal practitioner)

We have had a few clients where their rent was actually paid and [the Department]... couldn't find their money.... They were actually in front, but they'd sent out notices saying they were behind.... You'd have to say Department of Housing WA is a travesty (Legal practitioner)

And that's kind of hit hardest for Aboriginal people because of their levels of poverty and lack of education and ability to budget. They tend to get into very bad debt situations, which are very hard for them to dig their way out of (Legal practitioner)

WA Tenancy: Eviction (Three Strikes)

[The] Acting Assistant Commissioner, will speak publicly about how this policy of three strikes is increasing homelessness and...Aboriginal families interaction with police, increasing pressure on prisons and... on Department of Child Protection. It's not just the community sector saying this. Even the police are saying it (Legal practitioner)

How many Aboriginal people get private rentals? Very few. They're going to be the ones to get the strikes (Indigenous community org)

Those sorts of things are being labelled as disruptive behaviour. But it's not. It's just everyday living that we encounter... In particular, our Aboriginal people in the community, we rely wholly and solely on our family, because that's just the way we are. If we have like 10 people at our house, so what? I mean that's our right (Legal practitioner)

Very blurred around what's considered a strike. There's no real definition about what a strike is. Housing has so much power to do what they want (Legal practitioner)

WA: Tenancy - Access to Housing and Overcrowding

My son.... they put in for their house 10 years ago. Their kids gone to school now, they are still waiting (Wyndham WFGP)

[There is homelessness here]. Yes, definitely. You see the amount of overcrowding in the houses.... So people aren't necessarily homeless, but you've got 10 people living in two bedroom houses and that sort of thing (Legal practitioner)

That person, that family's been evicted. So then they move in with mum or dad, aunty or uncle and then they've got 20 people, putting that tenancy at risk and the kids at risk as well. Then they'll be evicted. It just goes on and on. It is a vicious cycle (Indigenous community org)

And then if you've got a lot of people in your house and then they damage your house, then you've got to wear that bill if you don't report them to the police. [It also gives rise to child protection matters] including with people not being able to find stable accommodation and that being a reason why they can't [keep kids].... Even like the houses not being fixed too, damage to properties or wear and tear of properties [can happen with overcrowding] (Indigenous Legal Service)

WA: Neighbourhood disputes

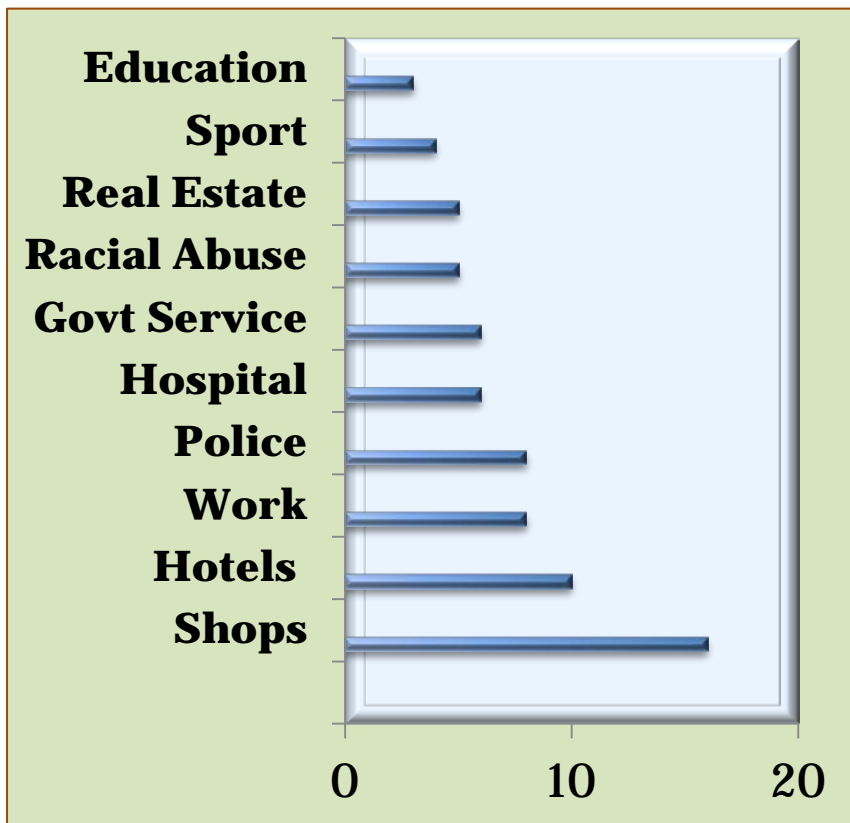
People coming in, people drunk, waking up the neighbours, people crying, family and friends. Neighbours shouting. No respect for people trying to sleep (Laverton WFGP)

I've got a case ... it's actually on the Department file that this woman complained as soon as an Aboriginal family was placed next door to her and then just lodged complaint after complaint after complaint until they brought proceedings against them (Indigenous community org)

Whole lot could be said about family feuding in Narrogin and about dispute resolution as a means of de-escalating the problem. There's a lot of family feuding happening here (Narrogin WFGP)

Homeswest...weren't taking family groups into consideration at all [in allocations]. So all these family groups were saying from the outset, "We do not want to be close to each other. We're feuding." They were being placed very closely in areas. Next door. So all these things were blowing up (Community org)

WA: Discrimination



Racial discrimination and human rights in this State absolutely stinks! Whether it's housing, police, private rental, wherever you go. Racial discrimination is bad every day and every night (Perth MFGP)

We've just come back from the Pilbara and one Aboriginal woman [spoke of] where they had taken the seats... out of the shopping centre in the hope that Aboriginal people wouldn't sit there (Statutory Authority)

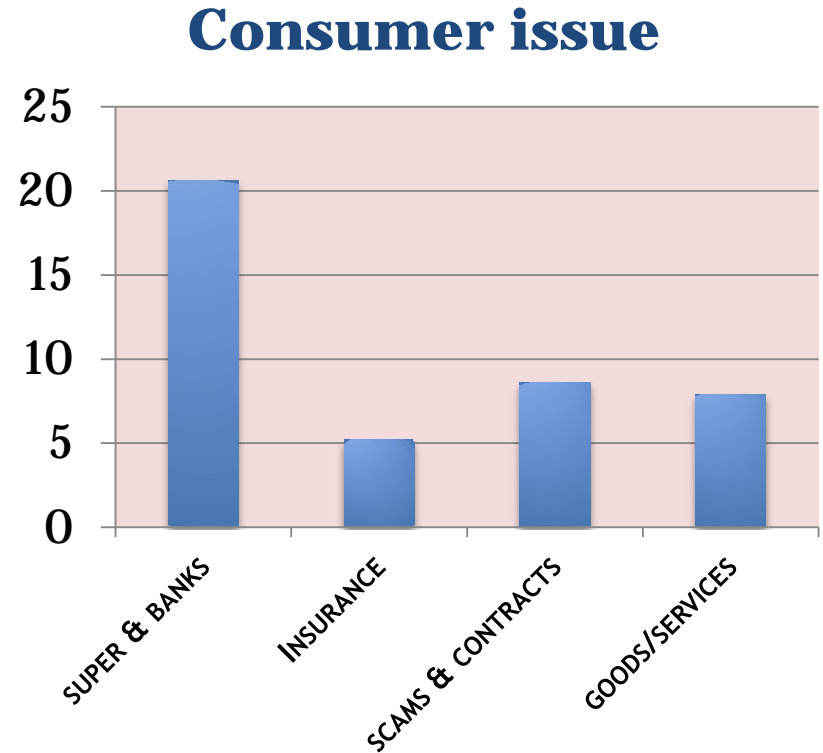
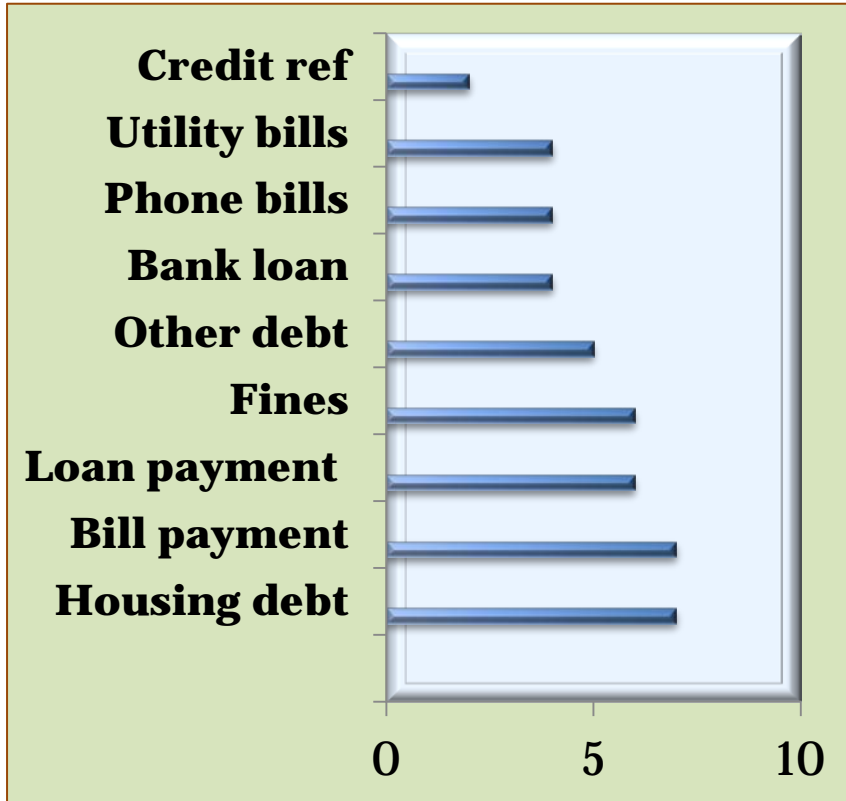
[T]here's a lot of rednecks on those sites who are mainly fly-in fly-out. They make the problem worse because they just don't...care, don't want to learn even though every company does do cultural awareness training. They go and sit there and don't...want to hear and still walk out with a racist attitude (Indigenous community org)

When you are going for a rental, they see a blackfella coming and it's like they give you a funny feeling. They look at you like what are you doing? And you think I'm not going to bother putting in for it (Perth MFGP)

Discrimination is a problem with Homeswest. It takes them fucking months to do anything (Roebourne MFGP)

We've probably got endemic discrimination in [housing]. But we haven't had the capacity to take it on as discrimination. Some of our clients actually feel that they're not being looked after... [I]t's obviously not going to work as a 'take one client and [complain]... It's like a whole lot of clients together because of the potential [for victimisation] (Legal practitioner)

WA: Credit/debt and Consumer



They have you over a barrel with those [phone bills]. You sign an agreement and... you get this 'you beaut' phone that will do everything but cook your breakfast [and] \$50 will cover it... Then of course it comes to the end of the month and you get a bill for \$300, \$400 or something. It's to do with people not understanding (Community org)

Probably one of the biggest areas is family portraits. So, people love photos of their family, they love the photos of their kids. It's like a thing across the Kimberley. Everybody has these photos in their house but people are committing to \$9000 contracts for photos (Statutory Authority)

A lot of people think you get a credit card and you don't have to pay it back.. They've got to realise that [you do] (Indigenous community org)

Occasionally, you'll get car loans and bank loans but not so much. It doesn't seem – I think it's probably more difficult for people up here to access credit (Legal practitioner)

Our countrymen can't afford to go out and buy a \$1,300 TV straight out. This [option] looks really attractive, that they can pay \$5 a week to own a TV over three years. That's where they get caught... Some clients can pay a majority of their whole income just for the rental goods alone. You know, the next pay ... they're coming in looking for food assistance (Legal practitioner)

WA: Stolen Wages/Generations

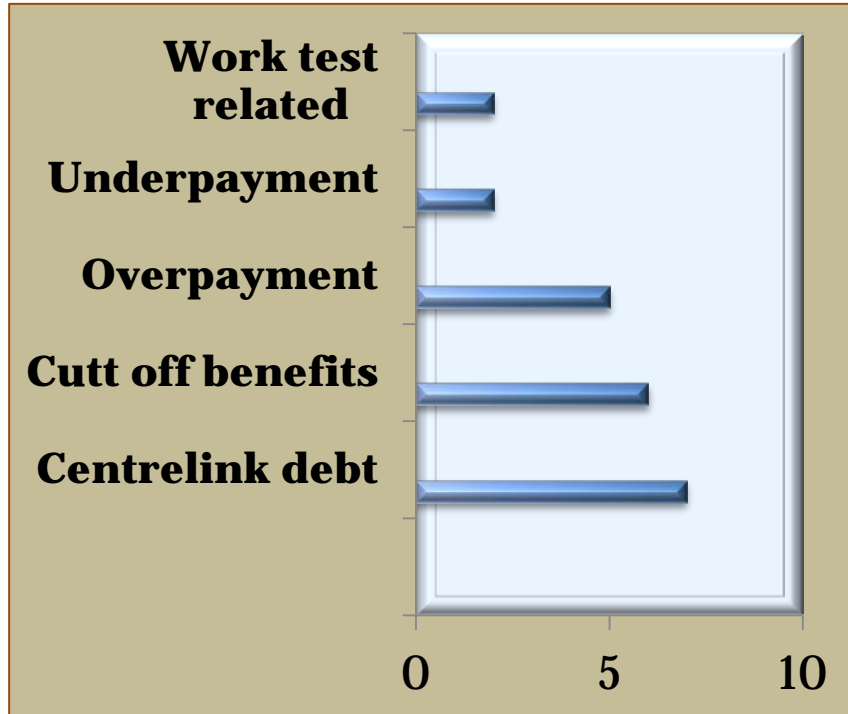
I got \$2000 but I made a complaint that it wasn't enough for what I went through. We worked for 5 years from six to six (Wyndham MFGP)

As a scheme, it's a poor scheme; \$2,000 for however many years work... You have to have worked in a native welfare settlement [which is an arbitrary distinction]... so there's the money, there's the restrictions [on eligibility], and there's their own terrible clumsiness of the system. The requirements for proof of birth - a lot of people don't have birth certificates (Legal practitioner)

You know with that Stolen Wages thing, well a lot of people were working on sheep stations, cattle stations..... They work right through and then when the payday come, instead of getting money they get pair of boots and trousers (Laverton Women's Focus Group Participant)

There wasn't a great deal of effort made to make sure that everybody in the Kimberley who might be eligible would know about it. Things run from Perth tend to be as in touch with the Kimberley as if it was run from Canberra... It's [represents] a colossal failure to reach the people who were eligible (Legal practitioner)

WA: Social Security



A behemoth. A huge bureaucratic nightmare... Centrelink Canberra says, "This is our policy." How does that happen in bloody Roebourne or Hedland or Tom Price? (Indigenous community org)

[T]here's no one to help anyone. I mean there's a phone there and some computers and things. There are older people coming in that didn't know anything about a computer (Indigenous community org)

People would be in there for like three hours on the phone... Then people just get the phone and they would smash it. Then the police would get called. Just sheer frustration (Indigenous community org)

The 8 weeks exclusion periods, where they've been sick or they've gone up north or down south for a funeral and they haven't been able to get back. [They don't know they have to attend an appointment as they don't read their mail]. A lot of our clients don't function in that way. So... it often happens through something done unintentionally. They have not deliberately not gone to meetings (Indigenous community org)

If they don't attend certain things they lose their funds. What normally happens is it's Nan or Mum that has to pick up the pieces and provide the food for [those] that have lost their income. Centrelink is a major issue. Almost every one of our clients, there'd be some issue (Indigenous community org)

I've had that much debts from when I was a teenager (>\$15,000) ..But, I didn't... know who to ask for advice so I just paid it back because it's Centrelink, you know. If you start questioning them they'll start cutting your money down or start being really... nasty with you (Geraldton WFGP)

That Basics Card is for food only. This shop put up a sign, "No basics card. Cash only". Since this Basics Card came out, the only big supermarket shop in this town got a big sign saying cash only. So they're stuffed (Laverton WFGP)

WA: Child removal

- Links with past: Stolen Generations

This is what I hate, that fricken mentality of the welfare days, where we're just taken away... We had four years ago...Kevin Rudd apologise to the country for all this stuff that had happened. And what... we're still doing it. It's ridiculous (Legal practitioner)

- Not sufficient support to maintain and strengthen families

I'd just like to see people and families actually given support and assistance prior to removal and after...Sometimes they are legitimate issues, but people should be given help to change (Indigenous Legal Service)

- CPFS not fulfilling statutory requirements (ICPP)

There should be a special taskforce set up in Noongar country here so that we can start working on getting our Noongar kids back into their homes with their families where they belong. And if we can't get them back with their immediate mother and father, get them back with their families at least (Perth WFGP)

They've got foster carers everywhere. They take them to Kalgoorlie or Geraldton or whatever, including Perth. Yes, they've put them on the plane mate and someone will be at the other end to meet them. It's frightening (Community org)

- CPFS obtaining consent orders without genuine consent

I've had quite a few clients whose English is a second or third language and they're being asked to sign [consent orders]. I had one where the CPFS case-worker rang me up... "I've got Joe here, I've got the order in front of me... Can you just give him some advice for 5 or 10 minutes?" ... I had a bad feeling about it from the start but as soon as I spoke to him I realised.. he [couldn't read]... couldn't know what was going on.... And that's just one that did come onto my radar that I know about, imagine how many don't, that we never hear about (Indigenous Legal Service)

- CPFS not referring families for advice

When they do take children from families, it should be something that they should do, to give family members [advice]. "Well, we're going to do this, so it's best for you to go and get this legal advice." Because I've known from a lot of family members [whose] children have been removed ... they've taken the kid from the front of the office... down the back... out the back door and the parent's sitting out the front crying because they don't know what to do. CPFS don't pass nothing on (Legal practitioner)

- Feelings of disempowerment leading to disengagement with CPFS > poor outcomes, including due to lack of (early enough) legal assistance

You've got people giving up, because they've tried their best. Yes, CPFS has decided to take their children off them... They're thinking to themselves, what's the point when, you know, my children have been taken? CPFS is controlling our lives here. Does that give CPFS the right to do that? No, it doesn't (Indigenous community org)

I don't know how the whole [legal system] works, it's too complicating. The white people are making it harder for these little kids to come home to their parents (Perth WFGP)

Some of the communities...they reckon nobody had challenged the Department of Child Protection for 10 years. I think people don't identify it as a legal issue. They don't think of it as something you go to court about. CPFS just come and take the kids. They just take your kids and that's it (Legal practitioner)

One of the biggest problems that we face in providing services is getting to people early enough to make a difference. That's a really big issue. When people are involved with the Department often for very good reasons they're scared that the children will be taken away, and their first instinct is to slam the door or throw your papers in the bin (Indigenous legal service staff)

WA: Education

We need to start...the kids from early age not just learn[ing] 'one, two, three, ABC' and all that sort of stuff. But able to understand, you know, from an early age, who they belong [to], where they belong and all that sort of stuff, from a mark of respect. The cultural element's got to be brought back into the curriculum (Legal practitioner)

I believe that a lot of the teachers that come up here ... have already got their own morals and belief systems and things like that, in regards to Aboriginal people and things... I do think kids do get discriminated against (Indigenous community org)

They blamed my son and wanted to expel him and send him home. I went off my rocket and went up there and said, 'There's got to be two sides of the story instead of one.'... Cause it's usually the way, one side all the time. They didn't see what the white kids did to the Noongar kids (Narrogin WFGP)

Just the other day, I know, a boy was suspended because his bike was stolen and he went and reported [it] ... He swore, because he was angry, and he got suspended. He wasn't swearing at anyone. But they are a problem, being quick at suspending children (Legal practitioner)

WA: Wills and Estates

- Limited awareness of wills

Nobody been come talk about this, nobody. You're the first to come and talk about this (Laverton WFGP)

Everything used to go to the Public Trustee if someone didn't have a will. That's not the case anymore... Now the Public Trustee's not going to be there, so things will stand still really until people are aware of their legal rights and executors and those [things] that most people just don't know about (Legal Aid)

- Wills often only associated with property ownership

None of us done that, we've got nothing to give (Narrogin WFGP)

- Around **one in four** had been involved in a dispute around deceased estate

A lot of Aboriginal people don't do wills. They have a verbal agreement that can be misinterpreted within their immediate families and there's still the cultural side to it where they have connection to country and they don't want the deceased persons buried in a particular spot because they weren't from there. Or a de facto has come into it and they all have their vested position in it (Statutory Authority staff)

Right now I'm fighting for my son's stuff. He didn't leave a will... He died at an early age... passed away with cancer... I'll talk to the lawyers... I've got all the letters and everything (Wyndham WFGP)

Access to justice issues: WA

- ① Under-servicing of non-criminal legal need
- ② Working in the regions
- ③ Increasing access to information about civil and family law
- ① Complexity of need: implications for service delivery
- ① Better engagement with communities
- ② Services working together more effectively

1. Funding legal services to better meet civil/family law need

- Significant levels of civil/family law need + little satisfactory resolution of issues, including because of insufficient access to legal services
- To a large extent, gaps in service delivery due to under-resourcing of legal services
- Some comments about too much focus on criminal law by legal services
- Policy issues sometimes impacting on access to legal services (eg. conflict of interest)
- Increased funding important, especially for Aboriginal legal services and without decreasing funding for criminal law work

I don't think you can say that anyone's satisfied, there's just not enough [servicing]. There's just so much out there, there's so much that could and should be done but you just don't have the resources (Indigenous Legal Service)

If you can't go to the [legal service] as a Noongar mother with all her kids where are you going to go? ... I've been there with this discrimination thing. With housing, I've got holes in my kids' roofs, been there since last winter, they're still there... They're all about criminal so if you want help with that they'll help you (Perth WFGP)

[ALS steps in] quite often when there's been a failure of a state-based institution to provide the service that it's promised to provide, effectively (Indigenous Legal Service)

2. Working in the regions

Location presents as significant barrier to accessing justice

- Vast areas under-serviced
- Civil/family law work largely undertaken in/from Perth
- Civil/family law solicitors located in regions still have huge areas to cover

Effective outreach includes:

- Regular visits
- Not just tied to criminal court circuit
- Links with local services

Any civil or family law matter [generally] gets referred to the city because we don't have civil or family law practitioners out there... It generally all happens from Perth and it's about budgetary constraints (Indigenous Legal Service)

Well, the level of access is clearly insufficient. In terms of service providers usually, particularly in a remote area, there's some kind of CLC within, say, a 500km radius of where people are. [The distance is] not necessarily avoidable because... some of these communities are so remote (Indigenous Legal Service)

Even when they do come, I don't know they're here. We either have to hear it through the grapevine or.... we don't and then it's too late (Wyndham WFGP)

3. Increased access to information

- Poor awareness of civil/family law processes, rights/obligations and of where to access help a major barrier
- Civil/family law requires proactivity to challenge or defend

[Commonly, we see people around civil/family law problems] where people just need some intervention, like police complaints, rather than where they are themselves initiating contact with lawyers at an earlier stage for something. They're coming because they're responding to something. They've either been charged or CPFS comes knocking and says, "We want to take the kids off you" (Legal practitioner)

- More CLE and more *effective* CLE is urgently required

We often think of education as going in and educating one by one. Giving.. people that hold the power the information... You are empowering [them].. to [then] give out the information (Legal practitioner)

Usually [CLE's done] through those local organisations... I'll go to already established groups and do a presentation.. I try to go to things that are already there, I work around rather than try and get a separate time (Statutory Authority)

[We] design a little survey to give to various people in the community... To find out exactly what [they want CLE about] (Legal Aid)

4. Complexity of need: implications for service delivery

- Interconnection legal and non-legal issues AND between different legal issues

*With civil, you'll have a number of [issues].. rolled in to one. So they might have Centrelink... and housing problems and employment and discrimination
(Legal Aid)*

*Domestic violence and tenancy matters – I see a lot of those intertwined. Mostly more maintenance-wise when damage's been caused by domestic violence and having [to]... appeal liability charges
(Legal practitioner)*

Intellectual disability, mental health and family violence are the causes of most of the evictions (Legal Aid)

If they're addicted to substances ...or have mental health issues... that would prevent them from engaging with a legal service (Indigenous Legal Service)

You provide a bit of a safety net because if you don't provide that little bit extra, sometimes they just drop off the radar (Indigenous Legal Service)

- Language, literacy, culture

When they start throwing hard words at us, we need help to break it down and understand it (Wyndham WFGP)

When you're going into the remote communities... most of them will speak English as a second or third language. Their ability – not saying that they're – they might be western illiterate with numeracy and literacy... So their ability to read a contract and to actually understand that contract is questionable (Statutory Authority)

There are no interpreters available really to communicate with people, so you've just got to do the best that you can (Indigenous Legal Service)

[Y]arning is just a universal word. You have to sit down and talk. You can't go in and say, "Right, let's talk about housing." You might start talking about something totally different, and then it comes up (Community org)

5. Engagement with communities

Poor engagement

There are gaps in the services available and then there are gaps - even if a service is available, it's not necessarily accessed by Indigenous people because it's not culturally appropriate or they don't feel comfortable there

(Indigenous Legal Service)

We are still regularly referred to... as white fella legal aid (Legal Aid)

Mistrust

We're still part of, essentially, a foreign system imposed on an Indigenous people. So it doesn't matter how culturally appropriate I am, I'm still part of 'the other'... That other has been oppressive for 240 years (Indigenous Legal Service)

[T]he courts are seen as a one way street... It's when you're accused of doing something wrong, that's where you'll end up... [It's] seen from a negative way as opposed to a place where you can get your rights acknowledged (Statutory Authority)

- Indigenous staffing

Aboriginal people still have to get past the gate. Most people on the gate are white. So they're walking into like white organisations. It must be terrifying for some people (Community org)

You need someone from the local community there who will know and who you can trust (Perth WFGP)

A third of our staff members are Aboriginal, which we're really really proud of... So the people that are coming through our door, nine times out of ten, they're going to hit an Aboriginal person (Legal practitioner)

6. Services working together more effectively

What is effective collaboration?

- Referral processes
- Effective collaborative relationships in *all* areas, not just for referrals
- Includes *non-legal and* legal services

Where there are really strong connections, we pick up and take referrals [effectively].... If everybody is healthy, you've got healthy referral relationships. It's as good as helping the client. But that can only happen if each of the services are really strong and are clear about what matters they can take on and what they can't (Indigenous Legal Service)

We have an East Kimberley Legal Services Network... We meet regularly. We discuss what the legal needs are in the community,.. concerns about the court... It's so important (Legal Aid)

There's cooperation on an individual level between practitioners and people at the lower levels but organisationally there can be a problem.... I could be wrong but you don't have Legal Aid and ALS and AFLS and all the CLCs and all get together and say, "Let's coordinate how family law referrals are going to work"
(Indigenous Legal Service)

I don't think you can look at the legal needs without looking at the non-legal needs (Legal Aid)

And you do the extra mile, you assist with their non-legal aspects as well, just so you can get things resolved (Indigenous Legal Service)

We often are involved in educating financial counsellors so that they can pick up [legal issues]. And it's about them recognising they're out of their depth and need to get help (Legal practitioner)

Generally I'd do an income and expenditure statement ...and then refer them to Legal Aid (Indigenous community org)

Productivity Commission ATSI Recommendations (2014)

- 1** Commonwealth and State Governments should implement cost-effective strategies to proactively engage with at-risk Indigenous people to reduce their likelihood of needing legal assistance to resolve disputes with government agencies (eg. child protection, housing, social security)
- 1** Commonwealth Government should (i) explore the cost-benefits of developing culturally tailored ADR services and then, depending on the outcome of this analysis, fully fund these services AND (ii) encourage all current providers of mainstream ADR services to adapt their services so that they are culturally appropriate and provide appropriate funding to support this initiative

- 3 Commonwealth and State Governments should explore the possibilities of establishment of National Indigenous Interpreter Services. Governments should (in addition) initially focus on improving availability of Indigenous interpreter services in high need areas (courts and in rural and remote communities)**
- 4 Given that the policies of State and Territory Governments have a significant impact on the demand for Indigenous legal services (especially in relation to criminal matters), State and Territory Governments should contribute to funding of these services as part of any future legal assistance funding agreement with the Commonwealth Government**

Where to find us

- **Website:** <http://www.jcu.edu.au/ilnp/>
- **Facebook:** Indigenous Legal Needs Project

