

Stakeholder Interviews/Focus Groups

- f* key Aboriginal organisations
- f* legal services, non legal services (NGOs, statutory authorities and government agencies)
- f* priority civil and family law needs in their respective communities
- f* 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)

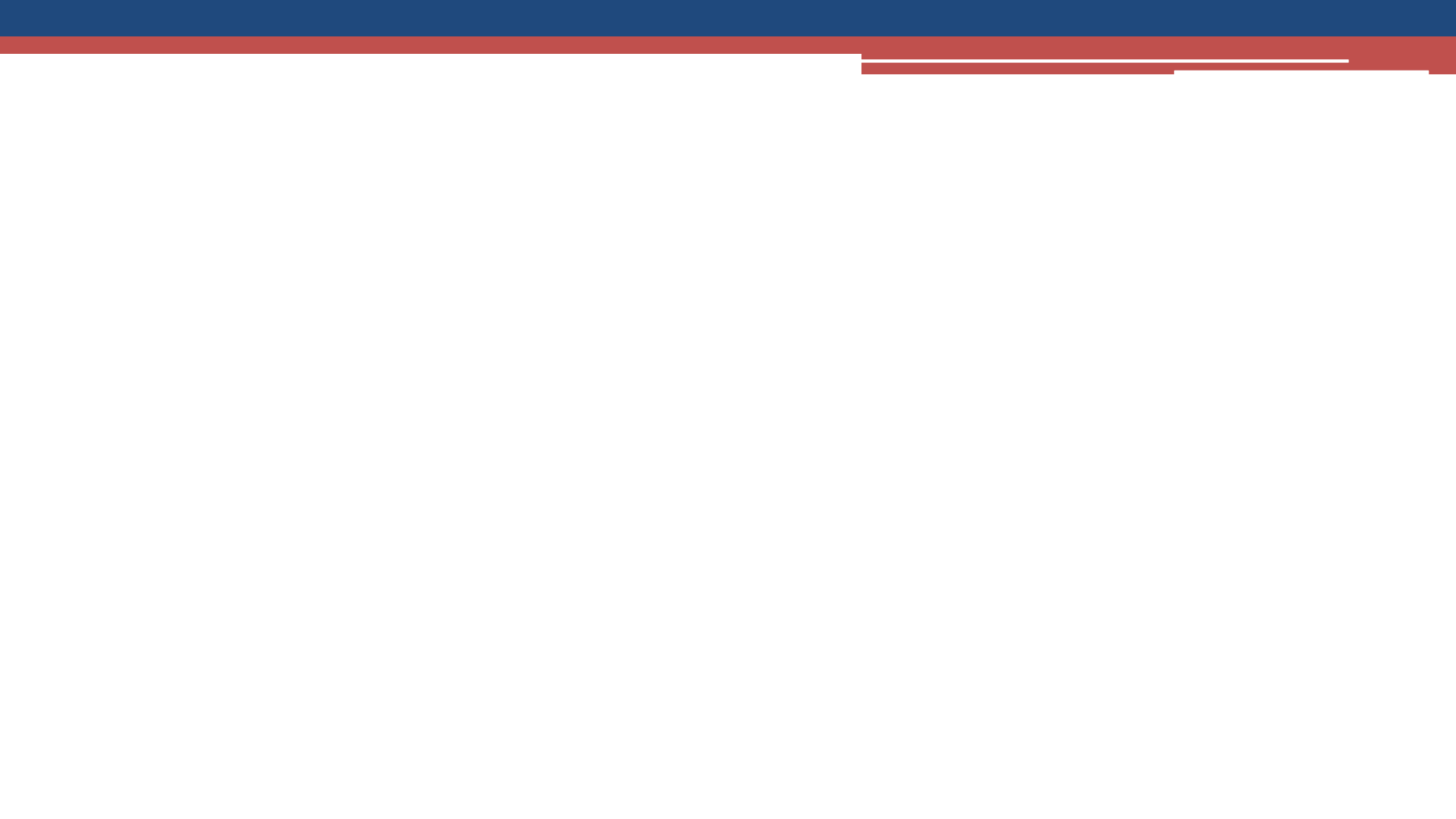
Criminal law focus

(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)

WA Priority Areas: most common issues

Issue	Overall % of participants identifying issue
HOUSING	60.1%
DISCRIMINATION	40.1%
NEIGHBOURS	30.7%



WA: Priority areas (accessing help)



WA: Priority issues by gender

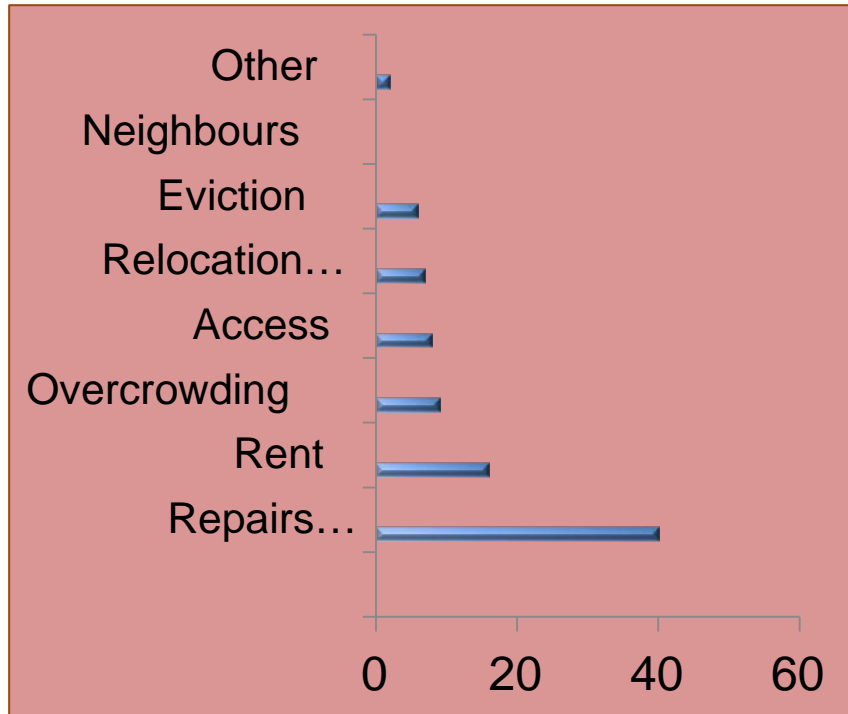
Women

Men

Issue	Women	Men
HOUSING	72.8%	45.8%
EDUCATION	75.0%	51.9%

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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 ~~R~~obody 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 (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

WA: Neighbourhood disputes

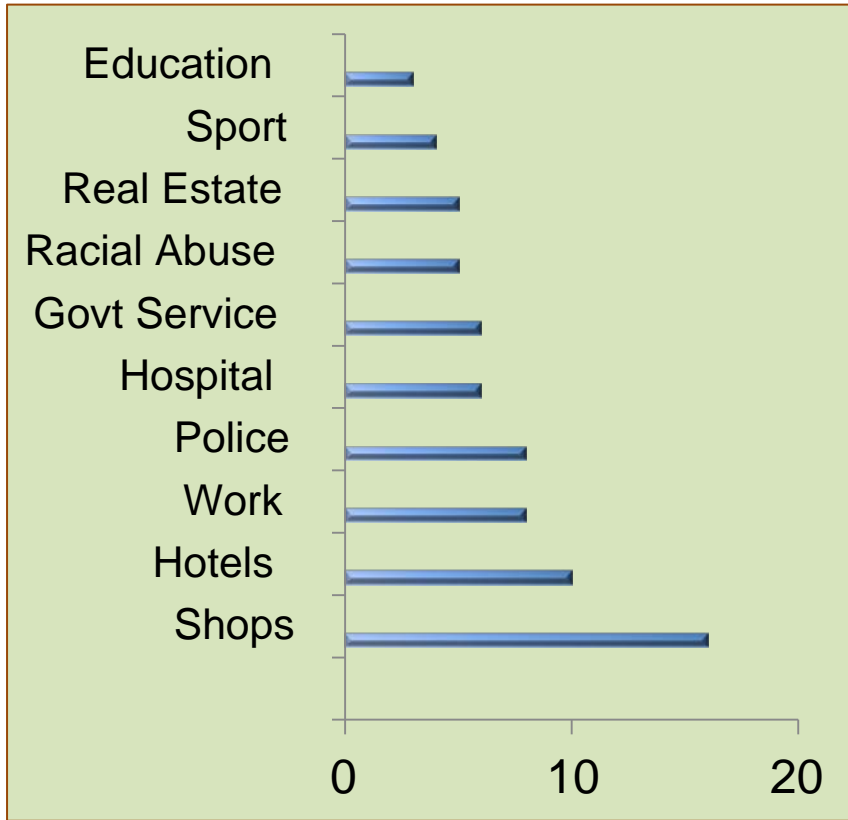
People coming in, people drunk, waking up the neighbours, people crying, family and friends. Neighbours shouting. No respect for people trying to sleep (Laverton WFGP)

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

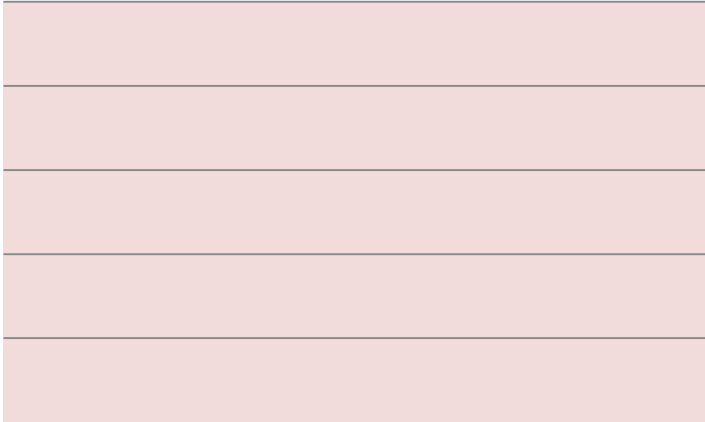
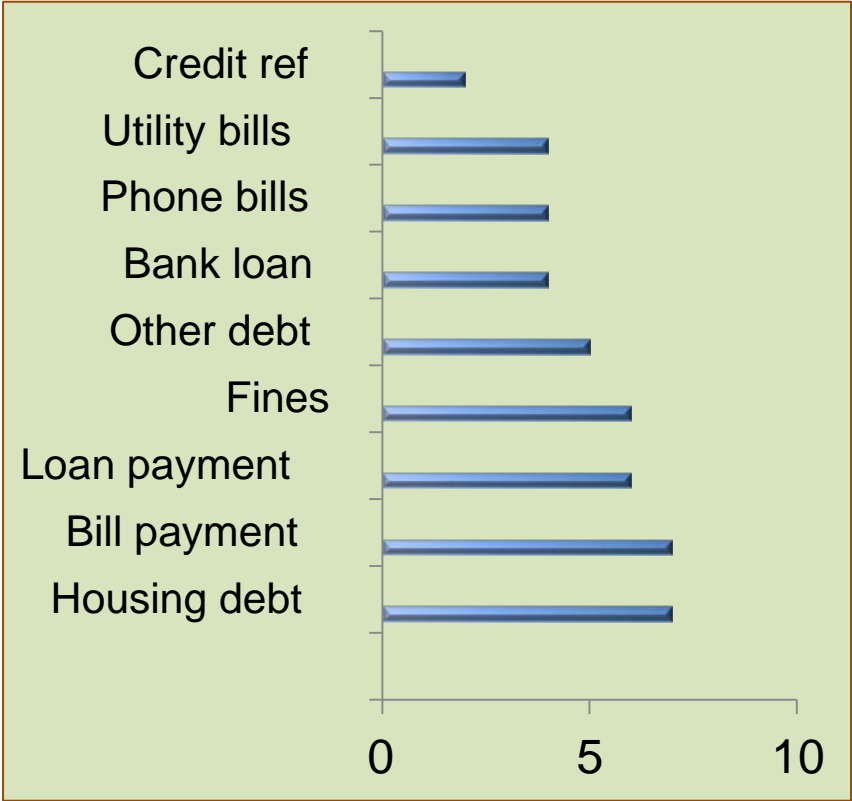


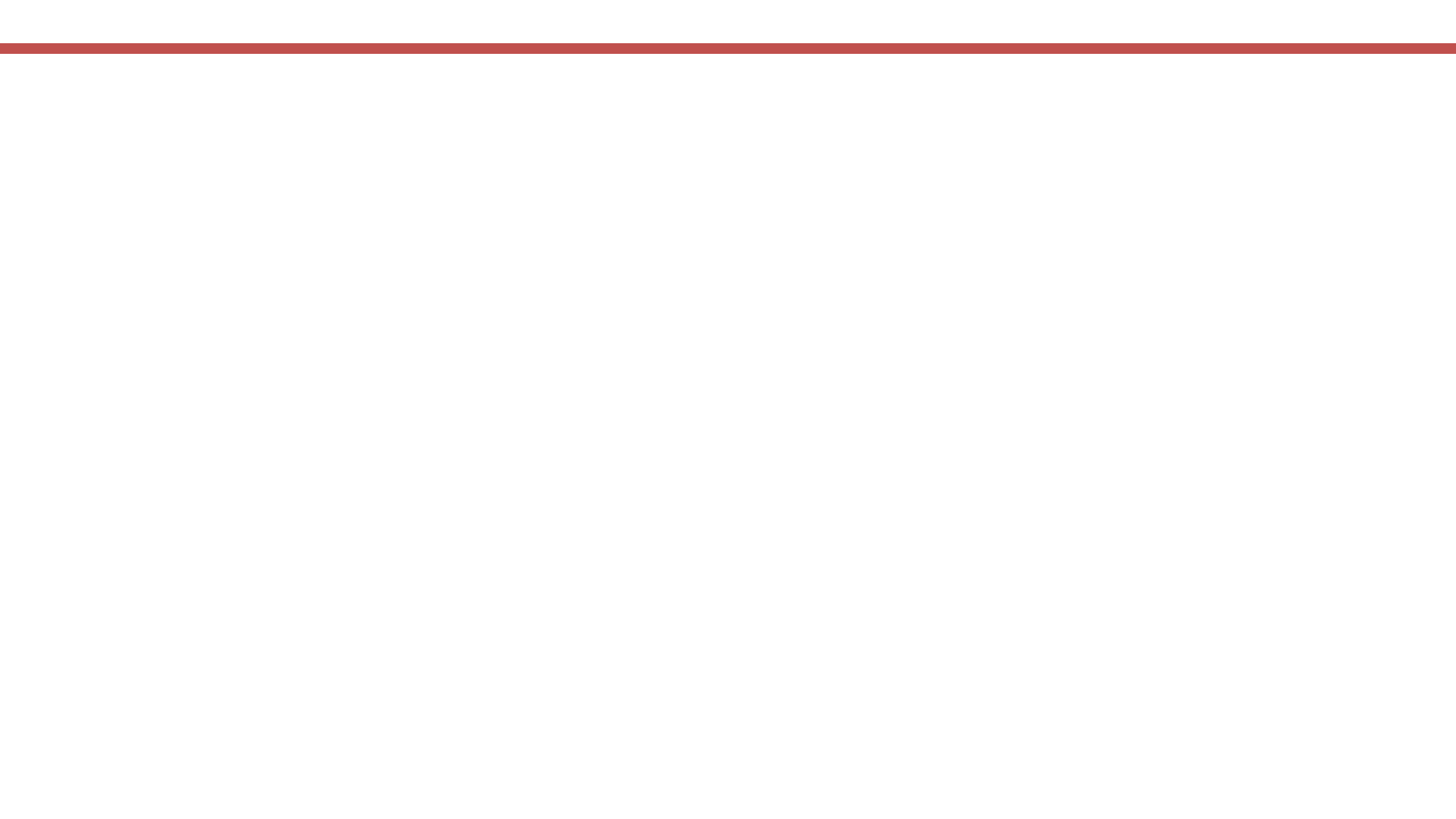
Racial discrimination and human rights in this State absolutely stinks! Whether it's housing, police, private rental, wherever you go. Racial discrimination is bad every day and every night (Perth MFGP)

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

WA: Credit/debt and Consumer





WA: Stolen Wages/Generations

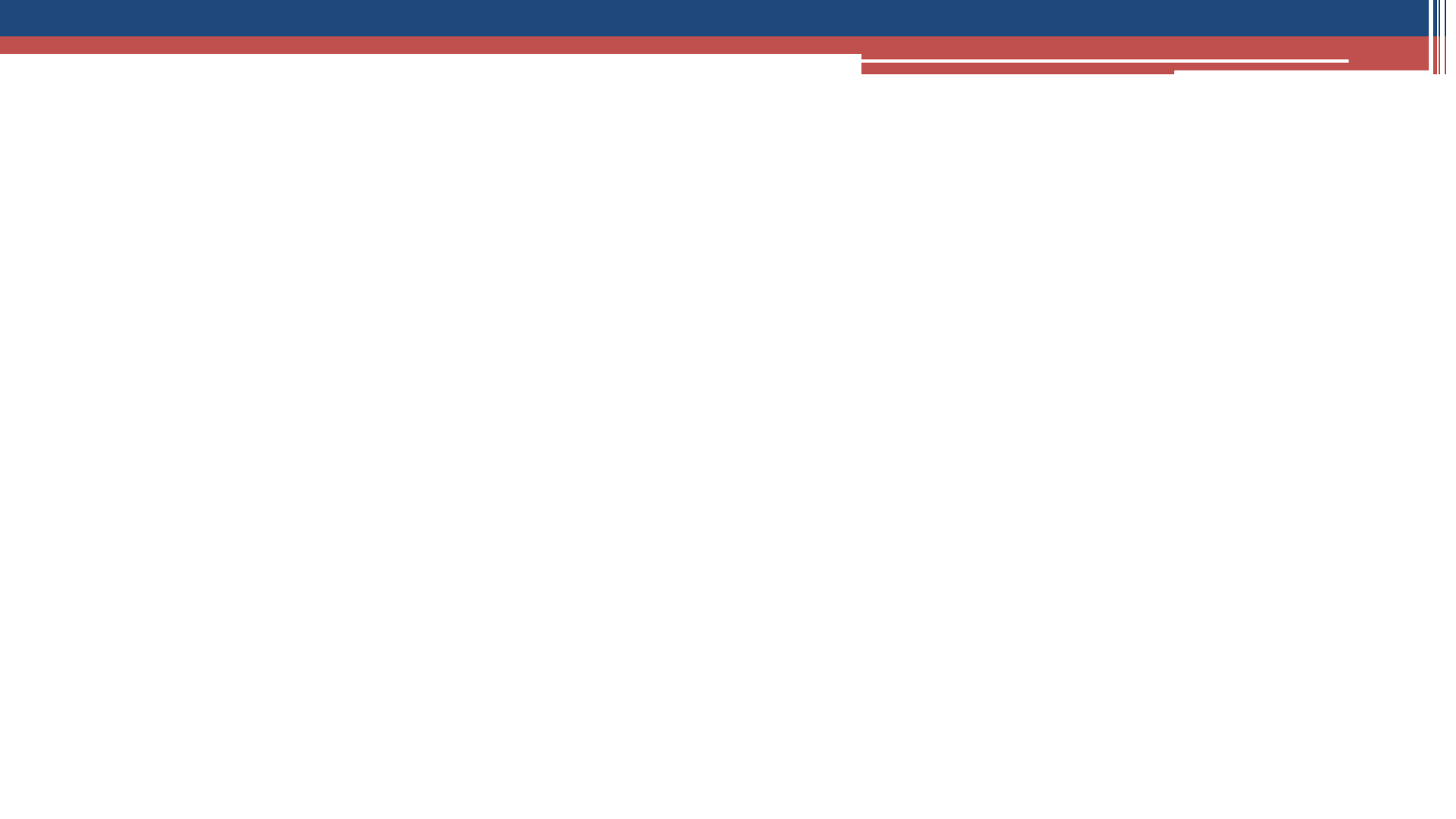
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WA: Social Security

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)



- 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-

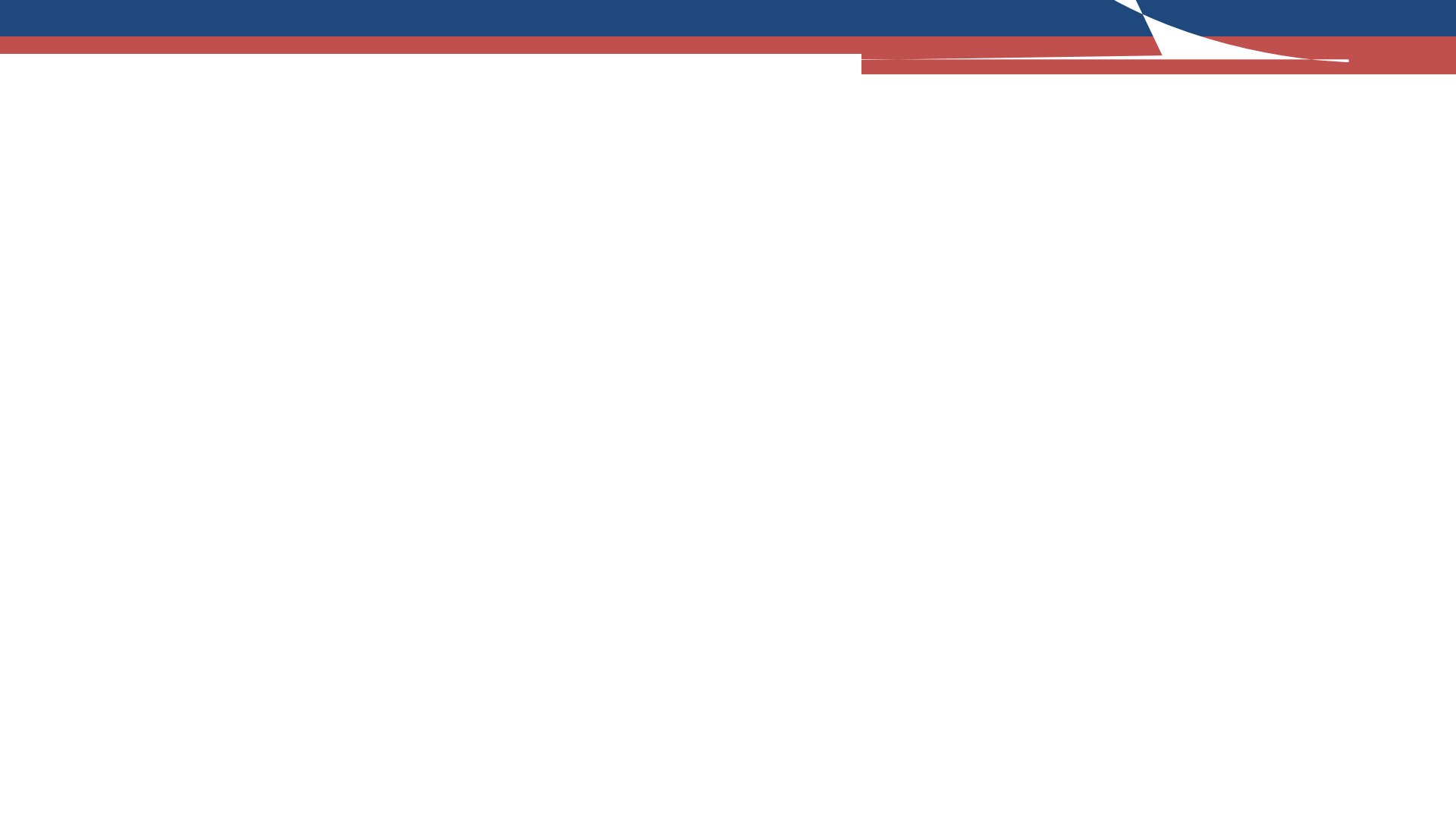
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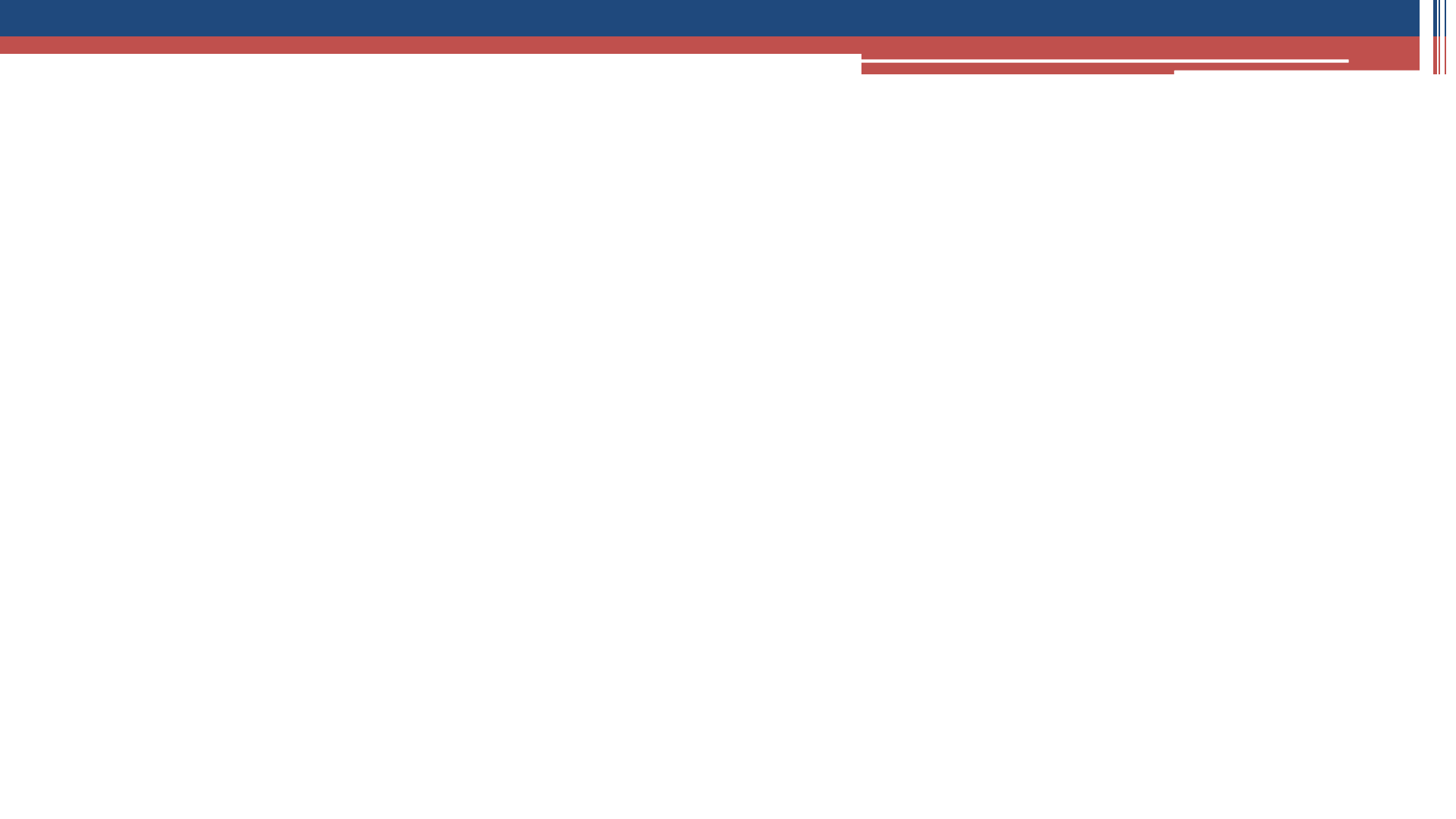
- Feelings of disempowerment leading to disengagement with CPFS > poor outcomes, including due to lack of (early enough) legal assistance

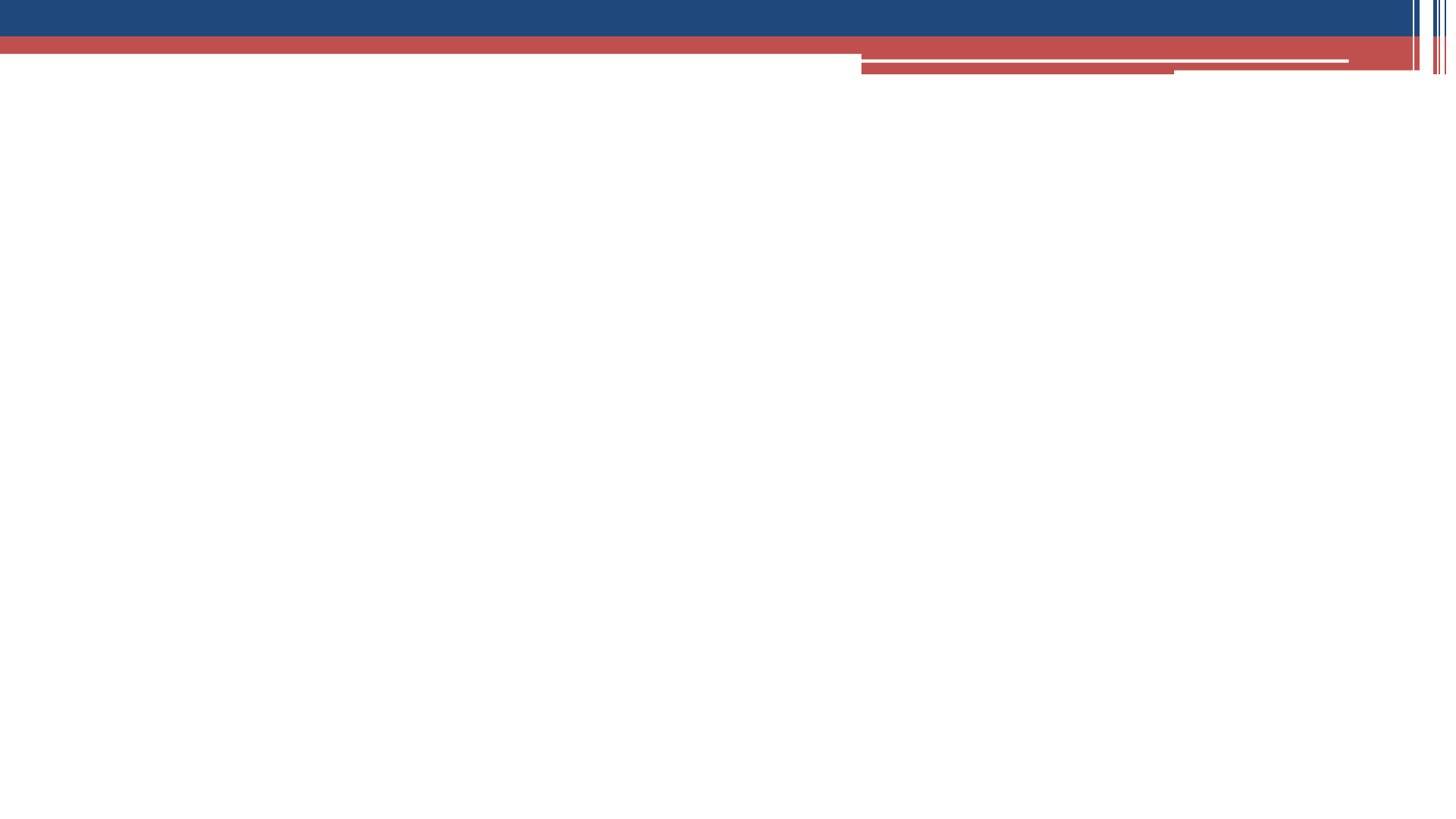
You've got people giving up, because they've tried

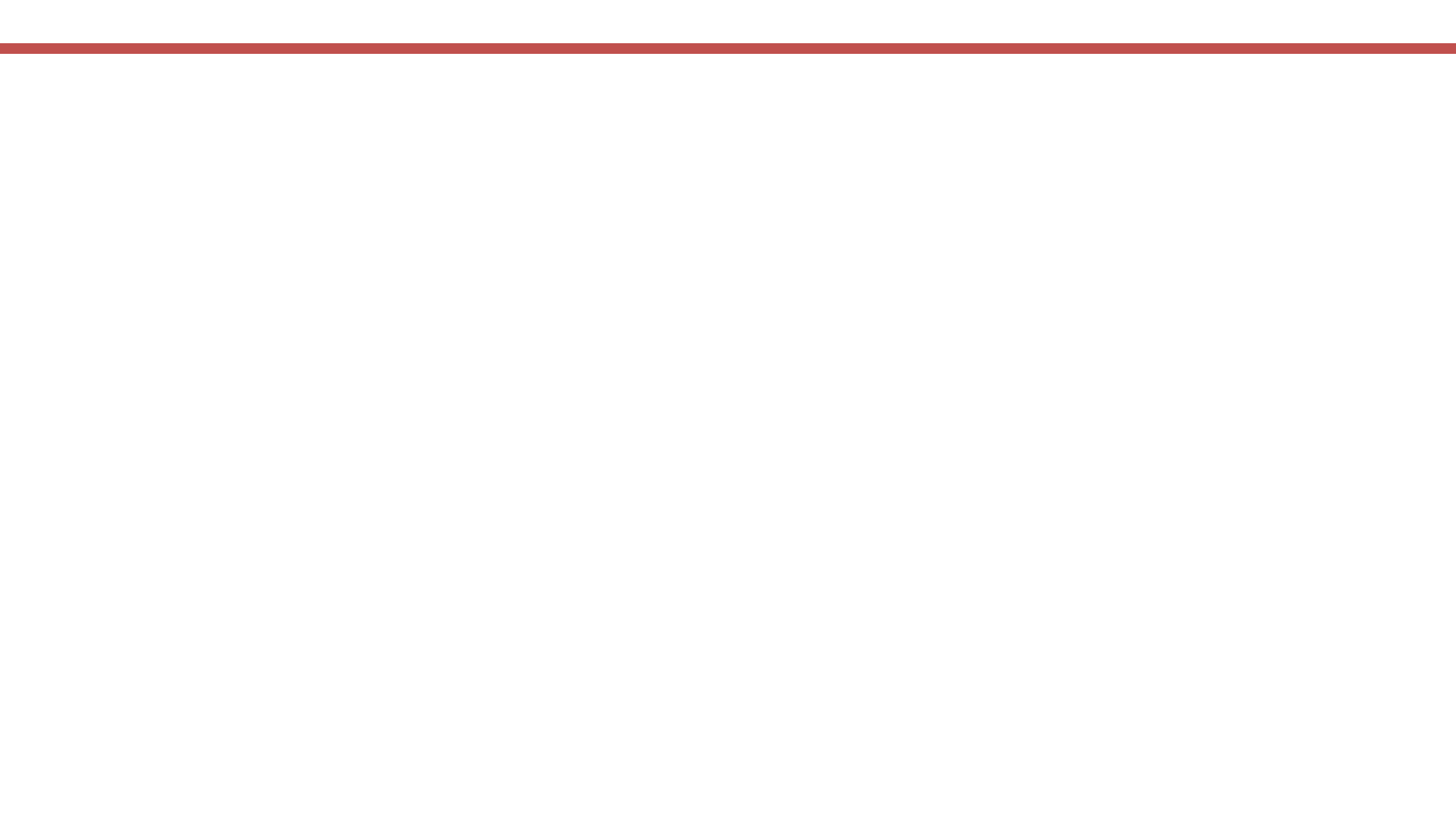
WA: Education

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],









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

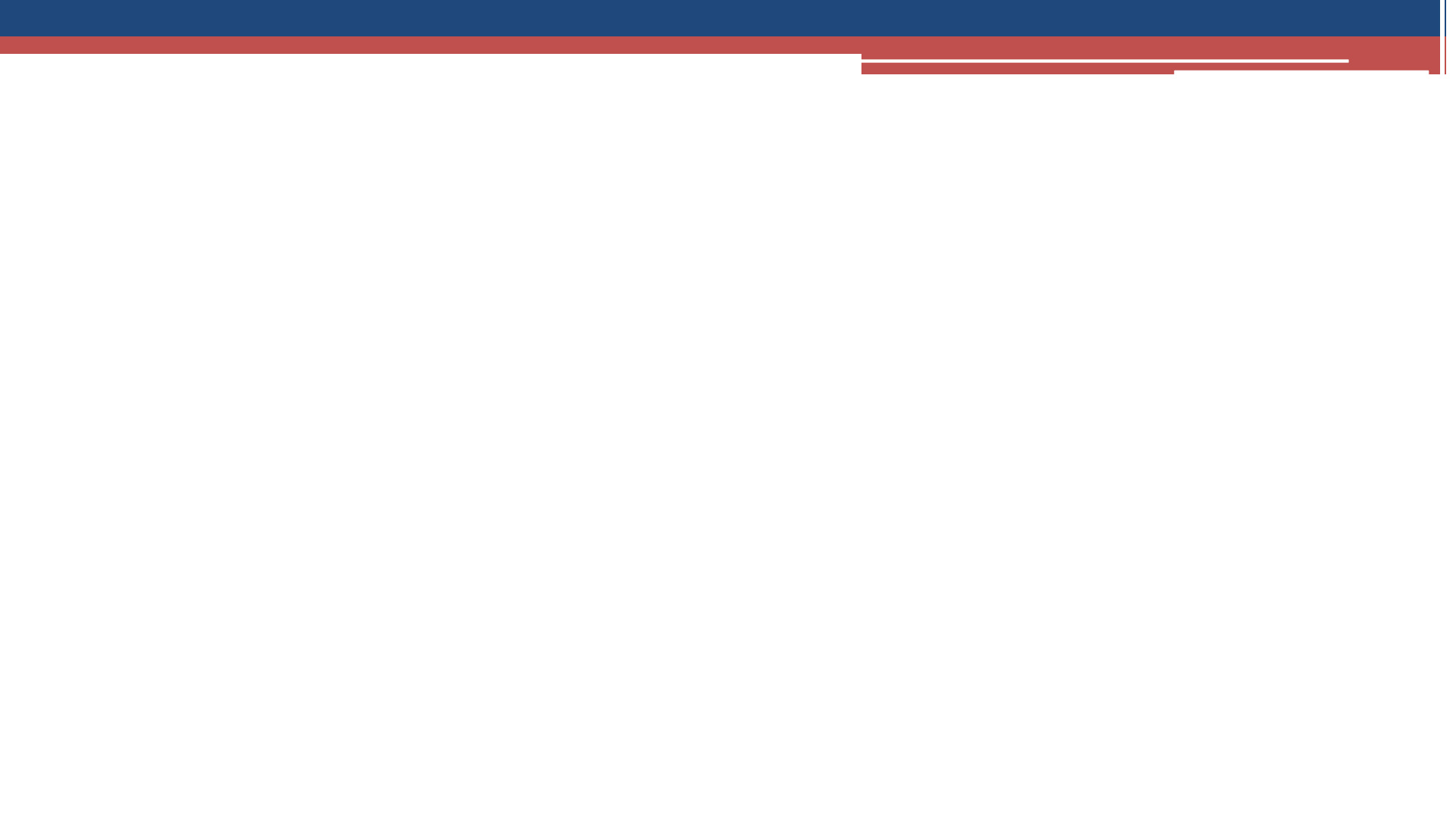
[Commonly, we see people around civil/family law problems] where people just need some intervention, like police complaints, rather than where they are themselves initiating contact with lawyers at an earlier stage for something. They're coming because they're responding to something. They've either 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)



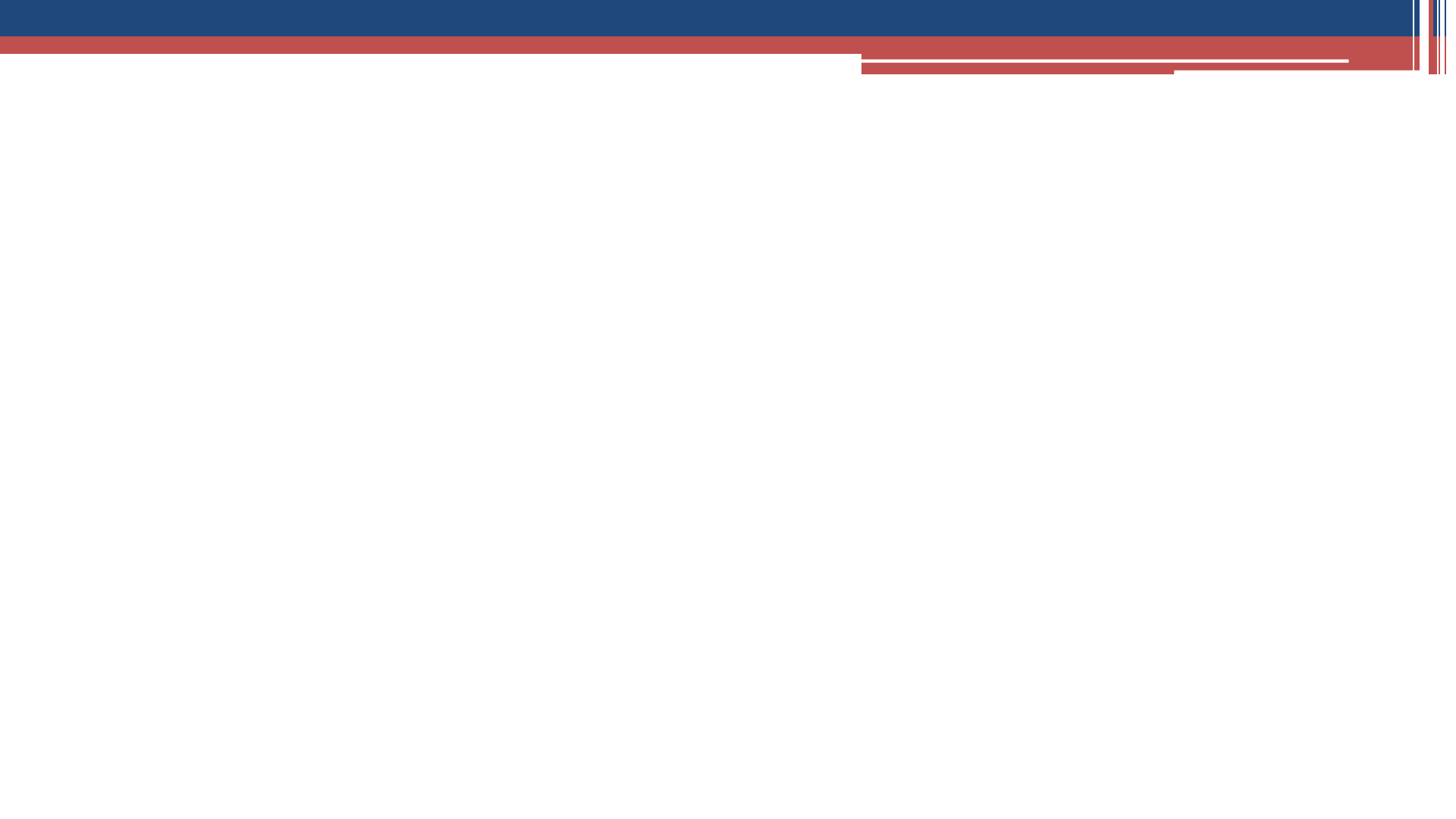
- Language, literacy, culture

5. Engagement with communities

Poor engagement

Mistrust

There are gaps in the services available and then there are gaps -
-



6. Services working together more effectively

What is effective
collaboration?

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

Where to find us

- Website: [http:// www.jcu.edu.au/ ilnp/](http://www.jcu.edu.au/ilnp/)
- Facebook : Indigenous Legal Needs Project