

# Indigenous Legal Needs Project



## Progress Report 3

May 2013

### ILNP JURISDICTIONAL REPORTS

#### Release of the ILNP NT Report

The Indigenous Legal Needs *NT Report* was launched in Darwin on 6 November 2012 by the Hon Minister John Elferink MLA (Attorney General, Minister for Justice and Minister for Corrective Services), with the Hon Minister Alison Anderson MLA (Minister for Regional Development and Minister for Indigenous Advancement) also in attendance. The launch was attended by a range of service providers and community members.

At the launch, a formal response to the Report was provided by Ministers Anderson and Elferink and by our project partners - NAAJA (North Australian Aboriginal Justice Agency), NAAFVLS (North Australian Aboriginal Family Violence Legal Service) and NTLAC (NT Legal Aid) – as well as Larrakia Nations and NTCOSS (NT Council of Social Services). Thank you to all who assisted with and presented at the launch, particularly our project partners.



Formal presentations: launch of ILNP NT Report

The *NT Report* highlights the prevalence of civil and family law problems in the Indigenous communities visited by the ILNP, and reveals that issues may arise in many areas of Indigenous peoples' lives. As NAAJA suggested during their formal presentation on the day of the launch, 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 ((relevant to) employment rights and rights to social security), they buy goods and services, live with their neighbours, may face discrimination, have accidents..'

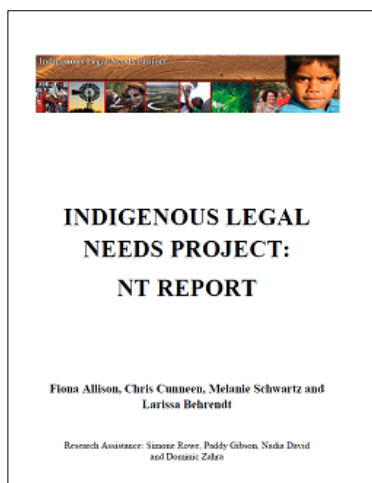
The *NT Report* specifically identified *priority* legal issues for the nominated communities. Overall, **housing**, and in particular **tenancy**, emerged as *the* predominant legal issue during focus groups and stakeholder interviews, with 54.1% of all focus group participants identifying problems in this area. The Report also indicated, however, that only one in three Aboriginal people who identified an issue with housing sought legal advice or assistance. Other priority areas were **discrimination, neighbourhood issues, social security, child protection, credit and debt** and **consumer issues**.

As demonstrated by the above statistics relating to housing, the *NT Report* further suggests that there are significant gaps in Indigenous access to civil and family law justice in the NT. The ILNP research found that in most cases Aboriginal people who report problems have not sought legal

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help. In the areas of discrimination and social security only one in five and one in ten people (respectively) who identified problems sought assistance.



Detail is also provided in the report with respect to how legal needs may vary across different communities and between men and women. In terms of gender difference, women were more likely than men to have problems with social security and neighbourhood disputes, for example, but much less likely than men to seek legal assistance in relation to these issues. Men were less likely than women to seek legal assistance in relation to issues such as victim's compensation and credit and debt.

The report concludes that there is a need for better-targeted community legal education on civil and family law issues and for improvements to service delivery. Resourcing is noted as one significant limitation on the ability to deliver services, particularly to remote communities.

A copy of the full ILNP *NT Report* is available at:

[http://www.jcu.edu.au/ilnp/public/groups/everyone/documents/technical\\_report/jcu\\_113496.pdf](http://www.jcu.edu.au/ilnp/public/groups/everyone/documents/technical_report/jcu_113496.pdf)

The ILNP is also working on releasing the results of the *NT Report* to communities in a format that is more accessible than that of a formal written report (see below **ILNP SOCIAL MEDIA AND WEBSITE**).

### **Jurisdictional reporting in other States**

A jurisdictional report similar to that produced for the NT will be completed for Victoria, Queensland and Western Australia over the life of the ILNP.

Fieldwork has now been completed in Victoria and the compilation of the Victorian ILNP report (*VIC Report*) is underway. The report should be released in coming months and will be formally launched in Victoria. All stakeholders will be notified by email of the release of the Victorian report and of the Victorian launch. The report will be available on both the ILNP website and ILNP blog (see links below).

### **ILNP FIELDWORK**

#### **ILNP Community Visits**

Over the last six months the following fieldwork (both focus groups and stakeholder interviews) has been completed.

- All fieldwork has now been completed in **Victoria** (other than a small number of stakeholder interviews yet to be finalised in Melbourne). Overall, the project has visited eight Victorian communities: **Fitzroy, Heidelberg, Bendigo, Shepparton, Robinvale, Swan Hill, Bairnsdale and Framlingham.**<sup>1</sup>
- In WA, fieldwork has been conducted in **Perth** and **Geraldton**.

<sup>1</sup> Mildura was also visited, where service provision for the Swan Hill region is in some instances located.

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- In Qld, fieldwork has been conducted in **Cairns, Brisbane and Thursday Island**.

ILNP focus communities as at April 2013 are set out in the following Table.<sup>2</sup> There are **10 ILNP communities** where fieldwork has not yet commenced, set out in bold in the Table. We aim to complete all ILNP fieldwork by late 2013. Dates for upcoming visits to these communities will be posted on the ILNP Blog and website.

| Northern Territory  | Western Australia  | Queensland   | Victoria  |
|---|--|--|---|
| Darwin<br>Katherine<br>Tennant Creek<br>Alice Springs<br>Wadeye<br>Bulman<br>Alpurrrululam<br>Papunya | Perth<br>Geraldton<br><b>Narrogin</b><br><b>Roeburne</b><br><b>Balgo</b><br><b>Fitzroy Crossing</b><br><b>Wyndham</b><br><b>Tjuntjuntjarra</b> | Cairns<br>Brisbane<br><b>Pormpuraaw</b><br>Thursday Island<br><b>Charleville</b><br>Mount Isa<br><b>Rockhampton</b><br><b>Roma</b> | Bairnsdale<br>Shepparton<br>Swan Hill<br>Robinvale<br>Heidelberg<br>Fitzroy<br>Framlingham<br>Bendigo |

Lorna O'Shane has now commenced work with us in Cairns to assist with scoping of communities prior to travel. Lorna has assisted with visits conducted from January 2013 until the present. We thank Lorna for her work, and also sincerely thank Simone Rowe, who worked on fieldwork for the project, amongst other tasks and including during her social work placement with us in late 2012. We also thank Paddy Gibson from UTS, who has assisted with our travels in the last six months in Victoria. The value of project partners' continued assistance with fieldwork is also acknowledged.

### Fieldwork

We continue to gather valuable information from both community members (focus groups) and from those working with community (stakeholders) during fieldwork. Thank you sincerely to all who have contributed in this way to the project over recent months.



Consumer protection material provided to the ILNP by Brisbane stakeholder: Financial Counselling Australia

Stakeholder interviews conducted for the ILNP have been generally highly informative. We have interviewed a range of organisations, including mainstream agencies that are looking for ways to engage more effectively with Indigenous communities. A list of ILNP interviews conducted to date is available at:

[http://www.jcu.edu.au/ilnp/progress/JCU\\_083399.html](http://www.jcu.edu.au/ilnp/progress/JCU_083399.html).

Focus groups have also been running well. We have had the pleasure of working with quality Indigenous focus group coordinators in each community visited, ranging from Indigenous family violence shelters and other Indigenous advocacy organisations to Indigenous community members. It often takes some time to find people or organisations who can take on the role of ILNP coordinator, and sometimes things have come together at the last minute. However, those that have undertaken this work for the project to date have done a great job.

<sup>2</sup> There have been two changes in Queensland to focus communities. Charleville has replaced Doomadgee and Thursday Island has replaced Horn Island.





Thursday Island Focus Group Coordinator

Focus group participant feedback also continues to be positive, overall, as participants generally are able to walk away with a little more information about their rights and about what services are available to assist them with civil and family law problems. Part of this information-sharing occurs when participants discuss issues and solutions with each other as a group. Participation in the groups also leads, we have been told, to ongoing discussion in the community of relevant issues after an ILNP visit.

As has occurred in previous ILNP communities, we are also still connecting focus group participants with legal and other services when issues arise during or after focus groups that require some assistance. One elderly lady with serious health issues participating in a WA focus group, for instance, was put in touch with a local government agency dealing with housing and

tenancy after reporting during the group that one side of her house had been gradually sinking into the ground. She indicated that no response to this significant problem had been provided over a considerable period of time by the relevant public housing authority.

### **VIC Fieldwork**

As the Victorian fieldwork is very close to finalisation (other than a small number of interviews to be conducted in Melbourne), it is worth saying a little about fieldwork in this jurisdiction.



Brisbane Men's Focus Group

We now have a total of **161 questionnaires** from Victorian focus group participants and have also conducted interviews with **71 Victorian stakeholder organisations**. Although all the data from Victoria has yet to be analysed and will be discussed in more detail in the *VIC Report*, a few observations about issues commonly arising can be made at this stage. These issues are likely to present themselves in the finalised report.



Framlingham Men's Focus Group

One issue discussed by a number of Victorian communities is the feeling of isolation they experience in terms of accessing services (including government services such as Centrelink and/or legal services), despite the fact that there is not the same degree of geographical remoteness in Victoria that arises in jurisdictions such as the NT.

Further, in terms of areas of priority areas of need in this jurisdiction, some of the problems that appear to be more prevalent in Victoria, or at least that may have been discussed more frequently than others during ILNP fieldwork, include discrimination, child protection, social

security and housing. There are also issues that will be considered in the Report which are particular to Victoria, including the Victorian roll out of income management and compliance with the *Victorian Charter of Human Rights and Responsibilities*.



## ILNP SOCIAL MEDIA AND WEBSITE

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

The ILNP website continues to serve as the ILNP ‘mothership’. It provides information on formal ILNP reports, dates of visits to communities and completed interviews, amongst other material. The site is currently being updated with lists of reference material (literature reviews) relevant to Indigenous civil and family law issues (such as child protection, wills and guardianship and housing). These will be added to over time. Go to: <http://www.jcu.edu.au/ilnp/resources/publications/index.htm>.

**ILNP Blog:** <http://indigenouslegalneedsproject.wordpress.com/>

We continue to post updates on the ILNP Blog in relation to fieldwork and project reporting, in general, although we have also posted material stakeholders have provided us with which they want to share. We encourage interested organisations or persons to sign up to the Blog, particularly if you would like to receive updates about the project and/or have information you would like to share with others relevant to Indigenous civil and family law problems and need.

### Reporting Back to Communities via Social Media

The ILNP is in the process of engaging expertise to assist us with the ILNP social media and website in order to enhance our communication with communities and stakeholders. As discussed previously, it is hoped that the existing website and blog will be linked with an ILNP Facebook page and perhaps with other social media platforms. We believe that Facebook is more likely to be used by Aboriginal and Torres Strait Islander communities than either the website or the blog, as noted in *Progress Report 2*.

We will also produce short video clips for each jurisdiction setting out local ILNP research findings. It is hoped that these video clips will provide information on the ILNP and on priority legal needs, in particular, in a format that is more accessible for community members (compared with more formal, written reporting). The clips will be available through ILNP social media. We are currently scripting a clip for the NT, and hope to release a final product shortly. Stakeholders and communities will be notified of this release.

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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](mailto:fiona.allison@jcu.edu.au) or on (07) 40421886.

Stay tuned for a fourth progress report due out in **November 2013**.



Brisbane Women's Focus Group

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