

Qld Legal Service Plan – Outline for an improved sectoral response in working with vulnerable client groups:

Aboriginal and Torres Strait Islander Women

What are the needs of communities for community legal services in particular geographic regions?

For Aboriginal and Torres Strait Islander women in regional and remote areas of North Queensland there is a very high need for community legal services, taking into consideration the following:

1. Scattered communities, often located in outer suburbs (e.g. outer suburbs of Townsville), poorly serviced regional towns (e.g. Charters Towers, Ayr Bowen, Ingham, Cardwell, Tully and other regional towns), Aboriginal communities (e.g. Jumbun, Yarrabah, Palm Island), poorly serviced remote towns (e.g. Normanton, Doomadgee, Pompuraaw).
2. Lack of accessible services in many regional and remote areas, due to lack of affordable transport.
3. Language barriers. Although most Aboriginal and Torres Strait Islander people in Australia have grown up speaking English (either as a first or second language), non-standard English is spoken in many communities, which poses communication barriers for Aboriginal and Torres Strait Islander women (and men) in communicating with non-indigenous lawyers and others operating within the legal system. The Education department has recognised this and has employed liaison officers to assist regional and remote communities to overcome the language barrier.
4. Historically the legal system, as experienced by many Aboriginal and Torres Strait Islander women (and men), has been a system which has punished and taken away indigenous rights to land, children and freedoms such as freedom of movement and liberty. Although the racially punitive and adverse legislation has been revoked, many Aboriginal and Torres Strait Islander women maintain a mistrust of legal processes, and a fear of being involved in the legal system.
5. People in communities, particularly remote and pockets of isolated suburbs and towns, have built their support networks around family, extended family and respected people in their communities. Many people access mainstream services reluctantly, and experience the services as alien and used only as a last resort, if at all. The preference may be to stay within the familiar territory of family and community structures, even when the structures are detrimental to their own interests and needs.

The needs include:

1. Accessible legal services. Accessible includes cultural appropriateness, privacy in accessing the services and guaranteed confidentiality. Some needs for accessibility include:
 - a. Knowing who to go to for a legal problem;
 - b. Transport or physical accessibility through outreach clinics or phone advice or other electronic communication;
 - c. Who can be trusted with personal information;
 - d. Cultural appropriateness, which creates an environment in which the women will feel empowered, not alienated;
 - e. Where to find out how to access culturally appropriate legal advice or information;
 - f. The right to maintain control over their personal issues (ie make choices about which processes best meet their needs).

2. The need to know basic legal information to identify :
 - a. When a problem is a legal problem;
 - b. When the problem probably has a legal solution;
 - c. Which service can assist and where to go to access the service;
 - d. Consequences and outcomes for each potential legal option.

Areas of law and means of delivery:

1. An accessible service means delivering a culturally appropriate visiting service such as an outreach clinic, or alternatively:
 - A phone service;
 - Working with other community groups and services (e.g. Community Justice group, Women's Centres, the Women's Shelters, Community centres, health services) to deliver services such as CLE, phone access to advice;
 - A Centre within the community where women can get assistance to contact a remote service via phone or other electronic means.

2. Community legal education is essential in order to raise awareness of legal issues, know rights and responsibilities, know legal options to resolve problems.

3. The areas of legal need for women in NQ remote and regional (based on our experience):
 - a. Family law remains a high need, particularly involving children including: Paternity, Developing culturally appropriate and enforceable parenting arrangements, Negotiating the visiting rights or living arrangements for children with extended family, under traditional adoption arrangements and in cases where children live long term with an extended family member.

- b. Protecting women's rights in property settlement disputes, where property is not of sufficient value to retain the services of a solicitor, but where there are items of cultural or personal significance, or where there is property of value, which would be eaten up in legal fees if the matter were litigated.
- c. Anti-Discrimination. Discrimination remains a significant issue for Aboriginal and Torres Strait Islander women entering the workforce, obtaining rental or other housing, applying for work, accessing services and children attending school among other areas where discrimination is experienced.
- d. Child Support. (paternity, private child support agreements, right to child support from parents in the case of non-parent carers).

How can we better coordinate and deliver services based on areas of law?

- 1. Utilise and collaborate with specialist services including government (e.g. ATSIWLSNQ delivered CLE to Jumbun Community in conjunction with ASIC on an issue that included "book up")
- 2. Develop networks that work together to deliver focused services (e.g. ATSIWLSNQ was involved in a workshop on domestic violence and disability which included multiple services and developed awareness and ideas for strategies)

How can we better coordinate and deliver legal services to vulnerable clients?

- 3. Work with grass roots community people and organisations (e.g. women's shelter, Community Justice Groups, Women's groups) to identify issues and co-operate in delivering an engaged and responsive CLE.
- 4. Work with community organisations to develop Outreach clinics and phone referrals.
- 5. Develop networks within the communities to identify legal need and strategize delivery of services.





OUTLINE FOR AN IMPROVED SECTORAL RESPONSE:

What Are The Major Challenges For Working With This Group?

1. Scattered communities, often located in outer suburbs (e.g. outer suburbs of Townsville), poorly serviced regional towns (e.g. Charters Towers, Ayr Bowen, Ingham, Cardwell, Tully and other regional towns), Aboriginal communities (e.g. Jumbun, Yarrabah, Palm Island), poorly serviced remote towns (e.g. Normanton, Doomadgee, Pompuraaw).
2. Lack of accessible services in many regional and remote areas.
3. Lack of affordable (or any) transport.
4. Language barriers. Although most Aboriginal and Torres Strait Islander people in Australia have grown up speaking English (either as a first or second language), non-standard English is spoken in many communities, which poses communication barriers for Aboriginal and Torres Strait Islander women (and men) in communicating with non-indigenous lawyers and others operating within the legal system. The Education department has recognised this and has employed liaison officers to assist regional and remote communities to overcome the language barrier.
5. Fear of the legal system. Historically the legal system, as experienced by many Aboriginal and Torres Strait Islander women (and men), has been a system which has punished and taken away indigenous rights to land, children and freedoms such as freedom of movement and liberty. Although the racially punitive and adverse legislation has been revoked, many Aboriginal and Torres Strait Islander women maintain a mistrust of legal processes, and a fear of being involved in the legal system.
6. Alienation. People in communities, particularly remote and pockets of isolated suburbs and towns, have built their support networks around family, extended family and respected people in their communities. Many people access mainstream services reluctantly, and experience the services as alien and used only as a last resort, if at all. The preference may be to stay within the familiar territory of family and community structures, even when the structures are detrimental to their own interests and needs.
7. Unfamiliarity with legal processes – lack of engagement. In some cases, there is a deeply ingrained perception that the legal process simply involves turning up to court (much like a duty lawyer / criminal law service). It can be difficult working with clients who perceive the legal system as the business of the lawyer, rather than enquiring committed engagement by the client.

8. Lack of knowledge of legal rights. E.g. domestic violence is normalised for some women that we have worked with and some women do not recognise intimidation, abuse, and other behaviours as domestic violence. It is also a challenge for women to perceive that children exposed (by sight or hearing) to domestic violence against a parent, or other family members are experiencing domestic violence.
9. Literacy issues. Many women living in regional and remote areas have not had access to sufficient education to cope with reading or interpreting basic legal information (in addition to the problem of standard English not being a first language). As an example, clients have said they struggled to understand some of the simple legal materials, or they struggle to understand words that are more complex. This is a significant barrier / challenge for written communication and distribution of CLE written materials.
10. Literacy and comprehension – due to the difficulties that some women experience with standard English (spoken) or written communication, some women complain that even when they are able to read the words, they do not understand the meaning.
11. Communication. Many clients do not have stable homes and are transient. Changing addresses and losing phones is a challenge in our experience.

What works in terms of your service delivery to this client group and how can CLC's support it?

-  **Outreach clinics (providing they are well planned and are developed in collaboration with the community).**
-  **Face to face appointments where possible and phone access where not possible (some other forms of electronic communication work for some clients but many clients do not have access to Skype or computers)**
-  **Flexible accessibility – be available for “walk in” appointments where possible; offering “on the spot” legal advice by phone when possible and return calls as soon as possible. When clients phone for legal advice it is often because there is some immediate situation or an imminent problem.**
-  **Informality and cultural appropriateness (workers have had cultural awareness training; workers are respectful and have a good track record of confidentiality; workers communicate easily using terms that the women understand and relate to; workers have developed trust with the community)**

- ✚ **Involvement of an Aboriginal support worker with clients who are not confident dealing with the legal system. Support workers can also work with the solicitor by breaking down complex information for the client.**
- ✚ **Maintaining good community based networks with other community organisations which have gained trust / respect from the community (community centres, CJG's, women's groups)**
- ✚ **Explaining and reinforcing the process and what will happen next in the legal process**
- ✚ **Home visits where appropriate (client with a disability and no access to a transport service, or other significant transport difficulties)**
- ✚ **Client support workers to take phone call from client if a solicitor is not available, since unavailability can lead to loss of trust particularly if there is an immediate issue**
- ✚ **CLE to develop women's understanding of their legal rights and recognising when their rights have been violated (e.g. family violence; sexual harassment in the workplace).**
- ✚ **Collaborate with CJG's and women's groups to identify issues for CLE's and obtain support and appropriate venue and advertise.**
- ✚ **Sufficient legal support to ensure that legal matters can be pursued – knowledge of rights is not enough, there also needs to be the means to provide representation, particularly for vulnerable clients – Employ sufficient solicitors, have access to pro bono support**
- ✚ **Develop networks within the communities to identify legal need and strategize delivery of services (CJG's, Women's Groups, Elders, other services such as Aboriginal and Torres Strait Islander Health services)**
- ✚ **Use and collaborate with other agencies and NGO's and specialist services when delivering CLE (e.g. ATSIWLSNQ collaborated with ASIC to deliver information affecting women's use of credit in a particular community where their rights were being abused)**
- ✚ **Work with grass roots community people and organisations (e.g. women's shelter, Community Justice Groups, Women's groups) to identify issues and co-operate in delivering an engaged and responsive CLE**

- ✚ Develop networks within the communities to identify legal need and strategize delivery of services
- ✚ Use of culturally appropriate legal information
- ✚ Employ Aboriginal / Torres Strait Islander staff wherever possible