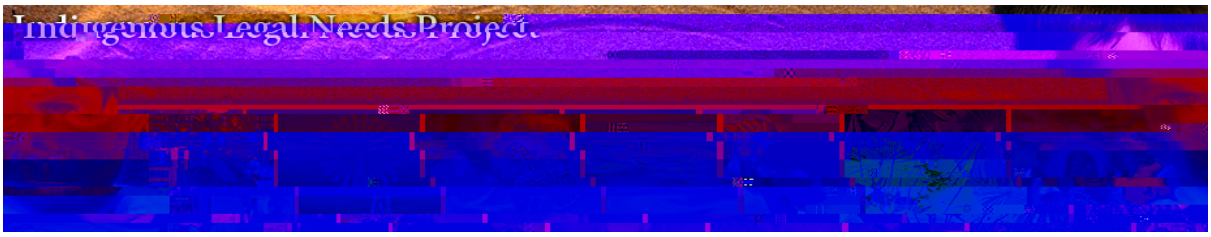

INDIGENOUS LEGAL NEEDS PROJECT:

NT REPORT

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LIST OF ACRONYMS

ABS	Australian Bureau of Statistics
ARIA +	Accessibility/Remoteness Index of Australia Plus
ASIC	Australian Securities and Investment Commission
ATSILS	Aboriginal and Torres Strait Islander Legal Service
CAAFLU	Central Australian Aboriginal Family Law Unit
CAALAS	Central Australian Aboriginal Legal Aid Service
CAWLS	Central Australian Women's Legal Service
CDEP	Community Development Employment Program
CINOP	Children In Need Of Protection
CLAF	Contingency Legal Aid Fund
CLC	Community Legal Centre
CLE	Community Legal Education
CSO	Customer Service Officer
COAG	Council of Australian Governments
DCF	Department of Children and Families
DCLS	Darwin Community Legal Service
DVLS	Domestic Violence Legal Service
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
FVPLS	Family Violence Protection Legal Service
GBM	Government Business Manager
ICC	Indigenous Coordination Centre
ICHO	Indigenous Community Housing Organisation
IFVPLS	Indigenous Family Violence Prevention Legal Service
ILNP	Indigenous Legal Needs Project
JCU	James Cook University
KWILS	Katherine Women's Information Legal Service
MOU	Memorandum of Understanding
NAAFVLS	North Australian Aboriginal Family Violence Legal Service
NAAJA	North Australian Aboriginal Justice Agency
NPARIH	

Figure 3.18 Participants Identifying as Victim of Violent Crime Who Knew About the Victim's compensation Scheme
Figure 3.19 Participants Identifying as a Victim of Violent Crime Who Sought Victim's compensation
Figure 3.20 Participants Identifying as a Member of the Stolen Generations
Figure 3.21 Participants Identifying as Being Entitled to Trust Fund/Stolen Wages Compensation
Figure 3.22 Participants Identifying as a Member of the Stolen Generations/Stolen Wages by Community
Figure 3.23 Participants Identifying an Employment Dispute
Figure 3.24 Participants Identifying Employment Dispute by Community
Figure 3.25 Reason Identified for Employment Dispute
Figure 3.26 Participants Who Sought Legal Advice Regarding Employment Dispute
Figure 3.27 Participants Identifying Receipt of Centrelink Allowance
Figure 3.28 Participants Identifying Centrelink Payments Being Subject to Income Management
Figure 3.29 Participants Identifying a Problem With Centrelink
Figure 3.30 Reasons Identified For Problem With Centrelink
Figure 3.31 Participants Identifying a Child Support, Contact or Residence Issue
Figure 3.32 Participants Identifying Child Removal Issue
Figure 3.33 Type of Family Law Issue Relating to Children
Figure 3.34 Participants Who Sought Legal Advice in Relation to Family Law/Child Protection Issue
Figure 3.35 Participants Identifying Property Dispute Post-Separation or Divorce
Figure 3.36 Participants Who Sought Legal Advice Regarding Property Dispute
Figure 3.37 Percentage of Focus Group Participants Identifying Discrimination Issue
Figure 3.38 Place of Discrimination Nominated by Those Who Identified it as an Issue
Figure 3.39 Participants Identifying Discrimination as an Issue Who Sought Legal Advice
Figure 3.40 Participants Identifying Accident or Injury-Related Issue
Figure 3.41 Participants Identifying Accident or Injury-Related Issue by Community
Figure 3.42

Table 1.3 Alice Springs: Indigenous and non-Indigenous Persons by Sex
Table 1.4 Alice Springs: Selected Medians and Averages
Table 1.5 Alice Springs: Tenure and Landlord Type by Dwelling Structure for Households with Indigenous Persons
Table 1.6 Alpurrurulam: Indigenous and non-Indigenous Persons by Sex
Table 1.7 Alpurrurulam: Selected Medians and Averages
Table 1.8 Alpurrurulam: Tenure and Landlord Type for Households with Indigenous Persons
Table 1.9 Bulman: Indigenous and non-Indigenous Persons by Sex
Table 1.10 Bulman: Selected Medians and Averages
Table 1.11 Bulman: Tenure and Landlord Type for Households with Indigenous Persons
Table 1.12 Darwin: Indigenous and non-Indigenous Persons by Sex
Table 1.13 Darwin: Selected Medians and Averages
Table 1.14 Darwin: Tenure and Landlord Type for Households with Indigenous Persons
Table 1.15 Katherine: Indigenous and non-Indigenous Persons by Sex
Table 1.16 Kath</MCID 10 /P <<2(1)-12( )]TJ 0 T4u12(ne6(u)8(l)-9(-9(at48 0 Td ( )Tj 0w3cD4).09 Tw 2n0.006y(nd

TABLE OF CONTENTS

Acknowledgements 2
List of Acronyms 3
List of Figures 3
List of Tables 4

EXECUTIVE SUMMARY 8

PART 1: CONTEXT 23

1. The ILNP 23

1.1 Introduction and Background
1.2 NT Report Structure
1.3 Methodology
1.4 ILNP Communities in the NT

2. The NT Service Delivery Context 46

2.1 Aboriginal and Torres Strait Islander Legal Services
2.2 Family Violence Protection Legal Services
2.3 NT Legal Aid Commission
2.4 Community Legal Centres

PART 2: LEGAL NEEDS ANALYSIS 57

3. Indigenous Legal Needs 57

3.1 Housing and Tenancy
3.2 Neighbourhood Issues
3.3 Wills and Estates
3.4 Victim's compensation
3.5 Stolen Wages and Stolen Generations
3.6 Employment
3.7 Social Security
3.8 Family Matters
3.9 Discrimination
3.10 Accident and Injury
3.11 Education
3.12 Credit and Debt
3.13 Consumer
3.14 Taxation
3.15 Other civil and family law issues

PART 3: PRIORITY NEEDS AND SERVICE DELIVERY 125

4. Priority Areas 125

4.1 Knowledge of civil law issues
4.2 Community legal education
4.3 Priority areas of legal need
4.4 Unmet Legal Need: Credit and Debt/Consumer issues

4.5 Unmet Legal Need: Wills and Estates
4.6 Unmet Legal Need and Gender Differences
4.7 Housing
4.8 Discrimination
4.9 Social Security
4.10 Family Law

5. Observations on Service Delivery 139

Aboriginal people have little access to the private rental market. It appears in some instances that discrimination may be an issue, but overall the private rental market is competitive and real estate agents are therefore able to pick and choose tenants. Consequently, losing public housing tenancies, including by way of eviction for a range of reasons, may be particularly problematic for Indigenous tenants, given problems with accessing other types of tenancies and housing.

> 15 years and they've still got $10,000 left, and we can dispute this! (Indigenous Legal Service staff).

Problems relating to the ineffectiveness of Centrelink's engagement and communication with Indigenous recipients were also raised:

provision of adequate representation for all parties was also a repeated theme in stakeholder interviews, including access to legal advice to parents before a court date. At times, an inability to provide all parties with adequate levels of legal representation compromises access to justice for some parties.

Experiences of disempowerment in dealing with child protection agencies can lead to a failure to understand or assert legal rights, which can have huge ramifications for families. The importance of adequate legal advice in these situations is clear. It is particularly worrying, therefore, that there is widespread concern among legal service providers about the frequency with which orders are made in the absence of parents:

> A lot of parents are signing temporary protection agreements…you can sign an agreement with the Department that the child go into care for two months and that can be renewed a further three times. So you can end up with a kid in care for 6 months… and they never recommend that people get legal advice. I have never had a parent come to me and say 'the department wants me to sign this, can you explain it to me', but I have had an awful lot of parents at the end of 6 months, when they go to court because the agreement has expired, and I say to them well the kid has been in care for six months and they say 'yeah we signed a temporary protection agreement'. I say 'can you tell me what that means?' 'Nup'. Nothing. That's a huge issue because by then you have had a child in care for 6 months and it is very hard to fight in court (Indigenous Legal Service staff).

There was also a perception among some legal practitioners that there was a movement by the courts towards more significant orders earlier in the care and protection process. In addition there was a sense among focus group participants that the NTER had brought an increase in child removal. This is substantiated by the rapid rise in child protection notifications and substantiated cases between 2007/08 and 2009/10.

Between 6.8% and 12.2% of participants identified family law problems including child protection. The seriousness of the situation in relation to child protection in particular was also widely noted by legal service providers and other stakeholders.

Discrimination

Discrimination has emerged as a major issue during both focus groups and stakeholder interviews conducted in the NT. Overall, nearly a quarter of all focus group participants (22.6%) identified having experienced discrimination, with Indigenous men and women reporting at almost the same rate (22.4% of women and 22.9% of men).

Employment and health care were the most common areas of discrimination identified by participants,

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A staff member from a Statutory Authority identified discrimination against Indigenous people as most likely to arise in dealings with police and in goods and services (including in the form of Indigenous people being (disproportionately) subject to surveillance in shops), and in relation to consumer matters and alcohol consumption:

> People think they can say what they like to Aboriginal people without having any recourse. I have been away a short period and I have come back and it's [like it is] peoples' god forsaken right to do what they feel like to Aboriginal people. It's a bit of a worry (Statutory Authority staff).

Just over a fifth (or 21.4%) of focus group participants who had identified discrimination as an issue also sought legal advice or help. Indigenous women and men were equally likely to have sought assistance.

Levels of discrimination are likely to be under-reported. At play is a level of acceptance or resignation in relation to discrimination, a lack of knowledge about rights, and difficulties in actually 'naming' an incident as discrimination:

> It's that really insidious stuff: you can walk down the street and see it every single day, every single minute. But to be able to point at particular things and say 'that's racial discrimination' that's quite difficult (Indigenous Legal Service staff).

someone attending or themselves attending an educational institution (46.2% of women compared with 34.3% of men).

Some 33.9% of all participants who positively responded to this question also reported having experienced an education-related dispute or problem. Indigenous men were 13.1 percentage points more likely than Indigenous women to have experienced an education-related issue (28.6% of women compared with 41.7% of men). Bullying was the most common issue identified.

Legal services identified a number of issues in relation to education, not all of which are likely to constitute legal issues for which there is a legal remedy. Legal issues that were identified related to direct and indirect discrimination.

Some 20% participants who had identified an issue in this area had sought legal advice or help. Although the numbers are very small, Indigenous women were more likely than Indigenous men to have sought assistance, although Indigenous men were more likely to identify a problem in this area.

Credit and Debt Issues

Overall, 18.4% of focus group participants said that they had had legal action threatened against them in the last two years for failure to pay a bill or repay a loan. Indigenous women were 7.8 percentage points more likely than Indigenous men to have been threatened with legal action for a debt (22.1% of women compared with 14.3% of men).

Stakeholders commented that:

> [A major problem is] unaffordable loans. So, now we have a law that requires responsible lending. In the past we haven't. It's just people that have been locked into huge car loans and

In total, 6.8% of all focus group participants said that they had a problem relating to their credit reference rating or to bankruptcy. This was exclusively identified as an issue by women participants (13%).

Consumer Issues

Focus group participants were asked about the types of problems that they had experienced as consumers in the last couple of years. These included problems accessing or finding superannuation, a dispute with a bank or other financial institution, a dispute over insurance, problems with contracts, commercial scams or other situations where a person paid for goods or services they did not receive.

Some 12% of all focus group participants said that they had experienced a problem accessing or finding superannuation, or that they had had a dispute with a bank or other financial institution over the last couple of years. Men (12.9%) were more likely to identify this issue than women (10.5%).

Some 4.8 % of participants said that they had had a problem with insurance. Although the numbers are small, more than twice the number of men than women identified this as an issue (7.1% compared to 2.6%).

One stakeholder commented that:

> Financial consumer matters like superannuation, insurance, funeral plans, unclaimed monies is becoming a big one too at the moment. …If your banking institution or financial institution are-5(h11ed [(2)-5(t)]TJ 1. T)-9-4(o)-2(r)-4(s)-2( )]TJ 0.002 -33.7 -1nt5(i)](um)1$(r)-150,00(r)-0.([d79

> how we are treated, nothing will be done if we raise it, who do we raise it with? (Statutory Authority staff).

Knowledge of civil law issues and community legal education

A number of community members raised the fundamental issue of the low levels of understanding of what constitutes civil law. Comment about the lack of knowledge of civil law was echoed by legal service providers:

Further, *non-legal* services and agencies in contact with Indigenous people may also need to be more pro-active in ensuring that legal problems they come across with Indigenous clients are dealt with appropriately, including by way of referral to legal assistance. These agencies, though, may not have sufficient legal knowledge or appropriate connections with legal services to enable this to occur.

Client-Practitioner Communication

Indigenous people may not feel sufficiently comfortable in approaching legal services and lawyers for assistance, and this will inhibit access to services. One participant in Alice Springs stated, 'actually there are a lot of people who are terrified of talking to a lawyer, 'cause they don't know what to say' (Alice Springs Women's Focus Group Participant).

Indigenous focus group participants indicated that communication breakdowns between lawyers and Indigenous clients may be due to the complexit-2(m)-15(g)11((no)-15(g)11)-2(Th(r)-4(t)6(l16(t)]8w(m)-158)-5(nd)-2

Agency Policies that Impact on Service Delivery to Indigenous Clients

Legal service provider policies may also impact negatively upon accessibility. Relevant policies might relate to means and merit testing or to t

PART 1 CONTEXT

1. THE ILNP

1.1 Introduction and Background

Over 2011-2013, the ILNP is conducting research in a total of 32 Indigenous communities or ‘focus sites’, located in four jurisdictions; Victoria, NT, Western Australia and Queensland (see further

Section 3 considers, separately, fourteen different areas of civil and family law. It discusses the type and extent of legal needs in the NT in the nominated areas of law and is based upon qualitative data gathered at select NT communities or focus sites, as well as data from focus group questionnaires.

Section 4 explores *priority*

1.3.1 Focus Sites: Identification and Selection

As indicated above, the ILNP qualitative research is centred on 32 focus sites or Indigenous communities, with eight sites selected in each of the four focus jurisdictions. [6] In 2011, the ILNP visited eight Indigenous communities in the NT to gather the data which underpins the analysis

1.3.2 Focus Groups: Location and Composition

At each of the project sites, qualitative data was collected primarily through participation of Indigenous community members in focus groups. [8] These focus groups were fundamental in gathering information about:

- the nature and extent of legal needs;
- levels of satisfaction with and effectiveness of current service delivery models; and
- limitations of the current system.

In each community, two separate focus groups were held - one group for men and one for women.[9] It was envisaged that the focus groups would comprise a minimum of six members, with an optimum attendance of ten people per group.[10] Participants in each group ultimately ranged in numbers from seven to eleven (see Table 1.1), and the sampling method for focus groups was purposive sampling (Sarantakos 2005: 164). Attendees were paid $50 to cover any expenses arising from their participation and refreshments were provided. Focus groups were sound recorded in every instance. Participants contributed anonymously, and throughout the report are only identified in the contributions they made by gender and location (such as *Wadeye Women's Focus Group Participant*).

The men's groups were facilitated by a male interviewer from the ILNP and the women's groups by a female interviewer. Facilitators were assisted in running the focus groups by local, Indigenous focus group coordinators. Most commonly, an Indigenous man and/or woman residing within the relevant community undertook this work for the ILNP, with potential coordinators initially identified by project partners or stakeholder organisations with knowledge of the communities in question.[11]

The researchers corresponded with the coordinators on a number of occasions leading up to the focus groups to provide information about the research, discuss expectations for the focus groups and make practical arrangements. Focus group coordinators were provided, in advance of an ILNP visit, with a letter setting out the work that was required in order to coordinate focus groups and detail relating to tor2(n)2(d)134(s0.00(i)6(lmN)9(o D [(to)5(r)-4(e)9(l)-5(a)9(t)-5(4w)10(it)i)-5(ye[C6-4(a)-2(n -2( )oop P)2(ar)91

addressed.[12] Focus group coordinators were paid for the time spent in organising and attending the groups.[13]

Table 1.1 indicates that upon completion of the fieldwork in the NT, sixteen (16) focus groups had been held, with a total of 149 Indigenous community members participating out of a

1.3.3 Focus Groups: Process

The focus groups were semi-structured to provide participants with an opportunity to raise issues they considered important to them and to allow open discussion to explore new themes as they emerged. This approach allowed people to answer questions on their own terms, but still provided structure for comparability across gender and community (May 2001).

At each focus group, prior to working through the questionnaire, a participant Information Sheet and Consent Form was provided to all participants outlining the purpose of the research, the voluntary nature of participation and the ability to withdraw from the consultation at any time, an assurance of the confidentiality and anonymity of individuals in participating in the research, and the contact details of the researchers for any complaints or questions concerning the conduct of the research.

During each focus group, participants completed a structured questionnaire, asking them to identify whether they had experienced a range of civil or family law issues over the recent years and what legal or other action they had taken, if any, in response to those issues. The issues identified in the questionnaire generally followed those used in other large scale legal needs projects (see for example Coumarelos et al 2006) with additional questions relating to specific Indigenous concerns (for example, stolen generations, stolen wages, Basics Card). Some matters such as police complaints, native title or intellectual property were omitted from the questionnaire for practical reasons, in particular due to the size of the document and the time it takes to complete. Consistent with other civil law needs analyses, family and domestic violence was treated as a criminal matter rather than civil law. The treatment of family and domestic violence as a criminal issue does not reflect a view that this issue is an unimportant legal need et thnin f io(n)2(a)11(t)-3(o)2(cub(t)8(i)-3F3(t)1-3(et)-3(. 0 TdV)-65(o scs)-2( )11(

Through the questionnaires, participants were able to identify how many legal incidents they had experienced and to give a picture of their legal needs. The questionnaires also provided information concerning the nature and frequency of legal assistance that participants were likely to seek and whether they were able to achieve a satisfactory outcome for a legal problem they were experiencing (either through legal assistance provided or otherwise).

During the focus group, the ILNP facilitator and focus group coordinator worked through all the questions on the questionnaires as they were being completed by participants in order to overcome any barriers to completion. It was often necessary to work more closely with individual participants or with participants in groups (kept as small as possible) to ensure that participants had an opportunity to respond effectively to the questions posed. Literacy and language issues, in particular, were evident in all communities, including in more central locations such as Darwin.

on the basis of their direct role in civil and family law service provision (or associated support services) to Indigenous clients, provided either to a particular community or to Indigenous communities on a statewide basis. The majority of stakeholders interviewed were those providing services in the focus sites.

Stakeholder organisations interviewed included:

- legal service providers (family and civil law solicitors, office managers, client service officers, community legal education (CLE) and law/policy reform staff and Indigenous staff), including Community Legal Centres (CLCs), project partner legal services, Aboriginal and Torres Strait Islander Legal Services (ATSILS) and others;
- key community-based Indigenous organisations and groups (working in areas such as housing, family violence, health and family relationships);
- community-based organisations and NGOs working with Indigenous communities in areas related to civil and family law issues (such as family relationship breakdown, tenancy or homelessness, credit and debt (financial counsellors) and family violence);
- local court registrars;
- Shire council and health clinic staff, and Government Business Managers (GBMs) on remote communities; and
- government or quasi-government agencies (such as the Australian Securities and Investment Commission (ASIC), the NT Anti-Discrimination Commission (NTADC), Indigenous Coordination Centres (ICC)).

Stakeholder interviews elicited information in relation to stakeholder perceptlad fe[(g)1als ands8(ndi)-5(ge)-2(( )eeT

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The Demographic Data for Alice Springs[19]

Table 1.3 Alice Springs: Indigenous and non-Indigenous Persons by Sex

Indigenous status	**Male**	**Female**	**Total**
Indigenous persons	2201	2488	4689
Non-Indigenous persons	9178	9232	18410
Indigenous status not stated	1176	911	2087
Total	**12555**	**12631**	**25186**

Table 1.4 Alice Springs: Selected Medians and Averages

Median/Average	**Indigenous persons/ households with Indigenous person(s)**	**Non-Indigenous person(s)/other households**	**Total**
Median age of persons	24	35	33
Median total personal income ($weekly)	347	940	866
Median total household income ($/weekly)	1058	1788	1691
Median rent ($/weekly)	155	320	300
Average number of persons per bedroom[20]	[redacted]	1.1	1.2
Average household size[21]			

Table 1.5 Alice Springs: Tenure and Landlord Type for Households with Indigenous Persons[22]

Tenure/Landlord Type	Total
Owned outright	85
Owned with mortgage	373
Rented:	
ƒ real estate agent	164
ƒ Territory housing authority	464
ƒ from parent/other relative or another person	91
ƒ housing cooperative, community or church group	21
ƒ other landlord[23]	36
ƒ landlord type not stated	19
Total rented	*795*

accessible with some restrictions to accessibility of some goods and services and opportunities for social interaction.

Legal Services

- NTLAC
- DVLS
- DCLS
- NAAJA
- NAAFVLS
- TEWLS

Demographic data: Darwin[28]

Table 1.12 Darwin: Indigenous and non-

Table 1.14

Table 1.16 Katherine: Selected Medians and Averages

Median/Average	Indigenous persons/households with Indigenous person(s)	Non-Indigenous person(s)/other households	Total
Median age of persons	25	33	31
Median total personal income ($/weekly)	301		

Table 1.20 Papunya: Tenure and Landlord Type for Households with Indigenous Persons

Tenure/Landlord Type	Total
Owned outright	0
Owned with mortgage	0
Rented:	
ƒ real estate agent	0
ƒ State or Territory housing authority	38
ƒ from parent/other relative or another person	0
ƒ housing cooperative, community or church group	0
ƒ other landlord	0
ƒ landlord type not stated	0
Total rented	*38*
Other tenure type	0
Landlord type not stated	10
Total	**48**

1.4.7 Tennant Creek[35]

Tennant Creek is a major town in the Barkly Tablelands. It is located approximately 1015kms from Darwin and 507kms north of Alice Springs. It is accessible all year round via the Stuart Highway. Tennant Creek has 3060 residents (as at 2011), of which 1591 are Indigenous (52% of the local population) (**Table 1.21).**[36] Tennant Creek is defined as a very remote community with very little accessibility of goods, services and opportunities for social interaction. Tennant Creek is currently serviced by Barkly Shire Council, a permanent courthouse, police station, and a school.

Legal Services

- CAAFLU
- CAALAS
- NTLAC

Demographic data: Tennant Creek[37]

Table 1.21 Tennant Creek: Indigenous and non-Indigenous Persons by Sex

Indigenous status	Male	Female	Total
Indigenous persons	777	814	1591
Non-Indigenous persons	616	591	1207
Indigenous status not stated	131	131	262
Total	**1524**	**1536**	**3060**

[35] Information relating to Tennant Creek is taken from the NT Government's Bushtel website: http://www.bushtel.nt.gov.au/northern_territory/nt_section?comm_name=Tennant+Creek.
[36] This data includes Tennant Creek's town camps.
[37] ABS (2011), *Census of Population and Housing, Aboriginal and Torres Strait Islander Peoples (Indigenous) Profile: Tennant Creek,* Canberra: ABS, Catalogue No. 2002.0; available at: http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/communityprofile/IARE707005?opendocument&navpos=100.

Table 1.22 Tennant Creek: Selected Medians and Averages

Median/Average	Indigenous persons/households with Indigenous person(s)	Non-Indigenous person(s)/other households	Total
Median age of persons	25	41	32
Median total personal income ($/weekly)	287	940	634
Median total household income ($/weekly)	1086	1577	1403

Wadeye is the sixth most populous town in the NT and the largest Indigenous community. In Wadeye, there are 1927 Indigenous persons out of a total population of 2113 (as at 2011), or 91.1% of the total population (**Table 1.24**). The population is relatively fluid, however, with 29% moving frequently and for periods of time between associated communities and Darwin town camps. During wet season, the Wadeye population increases as people use the community as a centre to access services.

Wadeye is a Territory Growth Town - part of the NT Government's Working Future initiative. [40] Wadeye is defined as a very remote community with very little accessibility of goods, services and opportunities for social interaction. The community is currently serviced by:

- Victoria Daly Shire
- Community store and takeaway
- Police station
- Safe house
- School
- Remote health centre

Legal Services

- NAAJA outreach
- NAAFVLS outreach

Demographic data: Wadeye[41]

Table 1.24 Wadeye: Indigenous and non-Indigenous Persons by Sex

Indigenous status	Male	Female	Total
Indigenous persons	941	986	1927
Non-Indigenous persons	95	80	

Table 1.25 Wadeye: Selected Medians and Averages

Median/Average	Indigenous persons/households with Indigenous person(s)	Non-Indigenous person(s)/other households	Total

2. THE NT SERVICE DELIVERY CONTEXT

The following information on current legal service delivery has been provided, to some extent, directly by the legal services listed below, upon written request and specifically for the purpose of inclusion in this report. All services were invited to provide information on their respective service delivery for this purpose, however not all services responded. Where information was not provided, material was drawn from publicly available sources (legal services' websites), where available. Some of the material is also taken from interviews conducted with legal services as part of the ILNP fieldwork (including in instances where legal services did not respond to the written request for information on service delivery for inclusion in this report). Legal services were also provided with an opportunity to comment on the following information prior to publication in this report.

2.1 Aboriginal and Torres Strait Islander Legal Services (ATSILS)

2.1.1 North Australian Aboriginal Justice Agency (NAAJA)[42]

NAAJA has offices in Darwin, Nhulunbuy and Katherine. In the Civil Law Section there are 12 civil solicitors (Darwin 8, Katherine 3 and Nhulunbuy 1) and 4 welfare rights solicitors (Darwin 3 and Katherine 1). Ashurst Australia[43] funds one of the civil solicitor positions in Katherine as a secondee. One of the welfare rights positions is funded through one-off funding, for one year only.

NAAJA operates legal advice clinics in Darwin, Palmerston, Darwin prison, Katherine and some Katherine town camps, Nhulunbuy and Yirrkala. Civil and welfare rights lawyers hold regular clinics in the remote communities of Wadeye, Wurrumiyanga, Milikapiti, Jabiru, Gunbalunya, Ramingining, Milingimbi, Maningrida, Borroloola, Gapuwiak, Galiwinku, Groote Eylandt, Bulman, Ngukurr, Timber Creek, Yarralin, Beswisk, Barunga Lajamanu and Kalkarindji. The regularity of visits to these

(such as debts and income management) and remote housing (such as priority housing applications, repairs, debts and terminations).[45]

Under the Commonwealth Attorney-General's Department 'Service Delivery Directions' NAAJA is able to provide assistance in family law matters involving children. However, in 2012 this service was suspended. This was due to a combination of factors, including NAAJA having insufficient funding to provide this service effectively, and the significant increase in child protection (CINOP) work NAAJA now undertakes. CINOP matters are identified by NAAJA as being more demanding from a casework perspective due to changes in the Court's management of the matters coming before it and an increase in the number of applications being made.[46]

The Advocacy Section in NAAJA is responsible for CLE. Until recently there have been two CLE workers to service the Top End of the NT. Their focus has been largely around urban projects and some targeted work on five specific communities. NAAJA has recently received funding from the Commonwealth Attorney General's Department for two CLE lawyers and a field worker to work with 'Night Patrol' workers in remote communities. This funding is for one year. In the past, the CLE team has had a criminal law focus (rather than civil and/or family law) but it is hoped that this will change with the increased staff levels. NAAJA's civil section, with its focus on casework, has limited capacity for civil law CLE, but is engaged in capacity building with service providers.

The Welfare Rights team, jointly managed by the Civil (for casework) and Advocacy (for policy and CLE) sections, is funded to do CLE, and is engaged in a number of projects (such as radio scripts in Indigenous languages on Centrelink issues, including reporting your income). However, with its casework, policy work and capacity-building work, there are insufficient resources available for the team to undertake any substantial CLE programs.

In terms of law reform, NAAJA has a focus on both civil and criminal law issues. Recent civil and family law issues about which NAAJA has contributed submissions include ATM fees, a range of remote housing issues, family law, child protection and adult guardianship.

NAAJA does not have any formal arrangements with other service providers (in terms of working with Indigenous clients or in relation to Indigenous legal service delivery), however the service does work collaboratively with NTLAC and in particular its outreach solicitors to ensure that as many communities as possible are provided with an advice service. Further, as NTLAC only provides advice (and very limited casework), referrals for more complex casework in civil law matters are made from NTLAC to NAAJA and/or other agencies. Where possible, both NTLAC and NAAJA act as agents for each other in the communities they visit.

NAAJA meets regularly with NTLAC and other relevant service providers in Darwin and Katherine. NAAJA welfare rights solicitors attend regular legal service provider meetings with FaHCSIA and Territory Housing. NAAJA participates in quarterly, regular meetings of the NT Legal Services Forum to discuss issues of concern and these are then raised again at the NT jurisdictional forum (approximately 2 times a year), which also includes staff from the NT Department of Justice and the Commonwealth AGs. n a66.4469(s)-2(r.)2( )11(i)-5(n 0(i)-5(n 0(0 1 Tf (s)11(su) -0.002 T)04(J]/ T)04(720 TT)0.8

2.1.2 Central Australian Aboriginal Legal Aid Service (CAALAS)[47]

CAALAS has offices located in Alice Springs and Tennant Creek. CAALAS services an area of approximately 90,000 square kilometres from Elliott in the north to the South Australian, Western Australian and Queensland borders.

CAALAS' largest area of legal practice is criminal however the service also provides civil, welfare rights and family law services. CAALAS operates CLE, prisoner parole and youth justice advocacy projects. CAALAS currently employs four and a half civil lawyers, two welfare rights lawyers, two family/care and protection lawyers and a community legal education lawyer.

CAALAS provides ongoing civil law information, advice and casework services in Alice Springs and Tennant Creek in areas which include:

- seized motor vehicles;
- assistance to victims of crime;
- medical negligence;
- housing, landlord/tenant disputes, rent;
- discrimination;
- employment law;
- work health;
- personal injury;
- debt or consumer problems;
- adult guardianship;
- motor vehicle accidents;
- Mental Health Review Tribunal representation;
- police complaints;
- prison complaints and transfers; and
- deaths in custody

CAALAS also provides ongoing information, advice and casework welfare rights legal services in Alice Springs, including assistance with Centrelink and public housing. Further, CAALAS provides ongoing information, advice and casework family law services in Alice Springs, including in relation to residence and contact, and care and protection issues.

CAALAS travels to remote Central Australian communities, including Papunya, to provide community legal education and advice and casework assistance. Outreach trips are usually conducted by welfare rights and community legal education lawyers, who will refer new civil and family matters to appropriate lawyers within the service. Where remote outreach is required to communicate with existing CAALAS clients, family and civil lawyers will conduct the outreach. CAALAS family lawyers travel to Tennant Creek quarterly to provide information, advice and case work services. Similarly, where CAALAS has prisoner parole project clients on parole in remote communities, staff from the project will conduct outreach as required in order to support continuing rehabilitation.

CAALAS conducts outreach trips to various communities based on community requests and interest and client needs in the community. Currently, CAALAS regularly visits (at least once every two

[47] Description drawn from website (

2.2.2 North Australian Aboriginal Family Violence Legal Service (NAAFVLS)[49]

NAAFVLS is based in Darwin and Katherine. The primary focus of the organisation is to provide assistance to Aboriginal and Torres Strait Islander adults and children who are victims of family violence, including sexual abuse. NAAFVLS can assist with restraining orders, emergency housing, and victim's compensation, and provides advice and representation, referrals, and CLE.

NAAFVLS assists in the provision of the following services:

- information, support and referral services;
- community awareness and prevention initiatives;
- referral to mediation services and to perpetrator programs;
- legal advice and casework assistance;
- counseling to victims of family violence and sexual assault;
- assistance and support to victims of family violence and sexual assault; and
- child protection and support.

2.3 Northern Territory Legal Aid Commission (NTLAC)[50]

NTLAC is a Territory wide legal service provider with offices in Alice Springs, Tennant Creek,

NTLAC offices

- Darwin

NTLAC has a small team of 6 Family lawyers (full time equivalent), who are mostly based in the Darwin office. Family law advice clinics are provided from the Darwin office and those solicitors also attend the NTLAC Palmerston office on a weekly basis and provide face-to-face advice there. Ongoing assistance may be provided under a grant of aid where applicants are eligible.

Face to face civil advice sessions of 30 minutes duration are provided from the Darwin office twice a week and from the Palmerston office once a week.

- Katherine

The staffing of the Katherine office consists of a criminal law solicitor and a part time outreach solicitor. A family lawyer currently provides a visiting advice clinic from the Katherine office on a monthly basis. The visiting family lawyer also provides a duty lawyer service to parties to child protection proceedings. Civil advice is provided by telephone from the Darwin or Palmerston offices.

NTLAC established the Katherine Legal Service Providers Meeting, which is attended by legal services in the region on a monthly basis. This enables services to share information at the regional level about service provision gaps and opportunities to work collaboratively.

- Tennant Creek

The Commission has an office at Tennant Creek, which from February 2012 has been permanently staffed by a solicitor. The solicitor undertakes a combination of remote outreach (described above) and office/court based work. Legal assistance is available in civil law and child protection work. Civil law work consists of advice and minor assistance where the client is eligible. Clients requiring family law assistance in these matters are referred to the NTLAC office in Alice Springs.

The presence of a solicitor and Indigenous Community Liaison officer in the Tennant Creek office has increased the level of access to legal assistance available to Indigenous people in the Barkly Region. Further, due to being located in a small regional town, the staff members working in the Tennant Creek office place a high emphasis on inter-agency referral and collaboration with both legal and related services. For example, one successful model utilised involves the Outreach Lawyer, when in remote communities, arranging for clients from remote communities to receive assistance from other services, such as financial counsellors, via Skype.

- Alice Springs

One family lawyer is based in the Alice Springs office and undertakes a mixture of legal advice and representation in family law and child protection matters. Face-to-face and telephone civil advice clinics are available from the Alice Springs office.

- Remote communities identified by this project

NTLAC provides a regular outreach service to Alpurrurulam and has also in the past provided regular outreach services to Bulman and some outreach services to Papunya, all in accordance with the Outreach Project described above. [52]

[52] NTLAC does not currently service Bulman, however may do so if requested to by the community.

Relationship with other legal services

The Commission also has protocols in place with NAAJA and CAALAS relating, primarily, to service provision in ‘bush’ or remote courts.

NTLAC also meets regularly with relevant service providers to discuss how service delivery in the NT can be improved. In the past, this collaboration led to an MOU whereby a family lawyer was partially funded by the Commission to work in the NAAJA Katherine office for a one-year trial period.

In 2011 the Inaugural NT Legal Assistance Forum was created in partnership with NT Legal Services

demand (in term of numbers and complexity of housing complaints) on remote communities. DCLS understands that NAAJA is assisting some remote tenants. It is engaged in policy and CLE projects with other agencies in this area, including NAAJA and NTLAC.

- Credit/debt advice and assistance (not casework) is provided one day per fortnight by phone or in Darwin.
- A Family Relationships Centre (FRC) position provides advice to those using the FRC mediation but there are not many Indigenous people using the mediation service, and thus DCLS does not assist many Indigenous clients in this area.

DCLS has no formal relationship with ATSILS in the NT. DCLS notes that staff turnover makes it especially hard to establish and maintain relationships between services. DCLS does attend relevant network meetings (for instance, the CLE network convened by NTLAC).

2.4.4 Central Australian Women's Legal Service (CAWLS)[57]

CAWLS provides information, advice and representation, law reform advocacy and CLE services. CAWLS assists with domestic violence orders (including as part of a duty lawyer service at the courthouse), family law (property and children-related issues) and [illegible] bion, lEngl CLE,

PART 2 LEGAL NEEDS ANALYSIS

3. INDIGENOUS LEGAL NEEDS

Section 3 of the Report provides analysis of various legal needs which arose through focus group discussions and interviews with stakeholders in the NT. The areas covered here include housing and tenancy, neighbourhood disputes, wills and intestacy, victims' compensation, stolen generations and stolen wages, employment, social security, family matters, discrimination, accident and injury, education, credit and debt, consumer issues and taxation. The order in which civil and family law legal needs are discussed below follows the ordering of the questionnaire which focus group participants were requested to complete. Discussion on the priority areas of legal need can be found in Section 4.

In most cases we have provided graphs showing the proportion of focus group participants identifying various issues, the specific type of problem they had, and whether they sought legal assistance. Reference is made throughout to the relevant Tables in Appendix C.

3.1 Housing and Tenancy

Housing, and in particular tenancy, emerged as *the predominant* legal issue in focus groups and during stakeho w2

Figure 3.1 shows participant responses to the question asking whether they had experienced problems or disputes with a landlord. This graph shows that overall, **54.1%** of all focus group participants identified disputes or problems with landlords. The percentage of Indigenous women identifying such disputes was 6.4 percentage points higher than that of Indigenous men (see **Table 3.1**).

Indigenous communities and some town camps and ‘community living areas’. It promises to deliver over 900 new houses, over 400 ‘rebuilds’ of existing houses and 2500 refurbishments by 2013.[60] The

- *improvised dwellings* (including makeshift dwellings such as humpies, with residents of such dwellings being 'effectively homeless'[65])
- *legacy dwellings* (un-refurbished or rebuilt dwellings, considered habitable); and
- *remote public housing* (SIHIP refurbished, rebuilt or new housing stock, considered compliant with the *Residential Tenancies Act 1999 (NT*)).

According to Territory Housing, improvised dwellings should incur no rent and legacy dwellings should *not* incur, in most cases, higher rents than previously.[66] Residents of these two types of housing do not need to sign tenancy agreements with Territory Housing, but those residing in legacy dwellings must sign an 'occupancy agreement'. According to Territory Housing, neither of these dwellings is subject to the *Residential Tenancies Act*, but a number of legal services do not endorse this view and the issue remains unresolved in law.[67]

Remote public housing tenants are required to sign a tenancy agreement with Territory Housing and are subject to, and covered by, the *Residential Tenancies Act* as well as *Remote Public Housing Tenancy Rules*.[68] Amounts of rent payable for such properties are aligned with rent payable under public housing in urban areas, and represent an increase from rents payable pre-NTER.[69] According to Territory Housing, payment of 'fair rent' is linked with completion of repairs and maintenance and provision of other support services.[70]

Stakeholders provided comments which directly link problems in housing with these policy changes. Some examples follow.

> People weren't wanting specific tenancy advice [on remote communities]. Their issues around housing were so much broader. We can advise people about their rights under the *Residential Tenancies Act* and how to make a small claim and stuff like this. [They] were talking about massive issues around housing that were way bigger than what we have the expertise for… We would do what we could to advise them. But it is much bigger…. On some communities they are still talking about negotiating the land and the leasing agreements that underpin the tenancy agreements that are being put in place and we can't assist with this (Legal Practitioner).
>
> Housing and tenancy is becoming a bigger problem throughout, and that's largely because of the changes following the NTER, so now that we've got actual leases on remote communities and town camps. That's turning into a big change for everybody. For most, it's probably the first time they've had any involvement with leasing (Indigenous Legal Service staff).
>
> There's a transition phase at the moment, there's a rental process happening. So people now have to pay rent out of their Centrelink [benefits] for their housing, whereas they haven't always had that in place (Statutory Authority staff).

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[65] Ibid.
[66] Amounts generally correspond to the previous poll tax; Rosenmann and Clunies-Ross (2011), 13. See Territory Housing Fact Sheet: *Remote Public Housing* Rent, available at http://www.housing.nt.gov.au/__data/assets/pdf_file/0018/138222/rfs37_remote_rent_Jan12.pdf
[67] See further Commonwealth Ombudsman (2012), 16.
[68] The tenancy agreements in question arguably impose conditions upon tenants that surpass those to which public housing tenants might ordinarily be subject to; see Rosenmann and Clunies-Ross (2011), 14.
[69] See http://www.housing.nt.gov.au/remotehousing/information_for_remote_tenants/remote_rent_and_other_charges
[70] See http://www.housing.nt.gov.au/__data/assets/pdf_file/0009/97839/rhnt_fs_rentq_and_a_Jan12.pdf

> Housing and tenancy is a massive issue in the Territory because since the Intervention (which has had a focus on improved housing) there are still a lot of people who live in sheds. So they'll have a corrugated roof, no water, no nothing, and that's called an 'improvised dwelling' under the legislation. And some people are being charged rent for these little shacks [when they shouldn't be] (Legal Aid staff).
>
> [There are] people not understanding the process of signing documents. They don't necessarily understand what they are signing. Not having access to advice, not having access if they are aggrieved with the process…Basically they are being shut out of the process and not having any avenues to get help...not even knowing who the landlord is, perhaps (Indigenous Legal Service staff).
>
> [Re: poll tax]: If there are fifteen people living in the house, then fifteen people pay for it. The payment is not for the house, it's for the occupants within the house. So you have people paying $1000 a week for a tin shed... this is the effect of that. It's a tenancy agreement rather than a lease, so it is outside the *Residential Tenancy Act*.... [which means] fewer rights (Indigenous Legal Service staff).
>
> The problem that Territory Housing has is that they don't write receipts for rent payments. It's not ideal. For a lot of community people, their money operates away from their hands, so you might get your credit card payments made automatically, so you don't really look at your bill. Well it's that much worse for Indigenous people because you know how they have that basics card, they might get their rent taken out of their Centrelink payments, they get their electricity taken out, they get this taken out, they get that taken out. So what they have in the end is a small quantity of money and a Basics Card to buy groceries with and there is no automatic statement that comes to you to show what money has come out. Territory Housing doesn't issue receipts and when you raise it with them and say 'such and such is paying rent on her improvised dwelling', they say to you 'ooh are they? Ooh they shouldn't be doing that. Can you get us something that will show that?' That's a huge thing, being dissociated from your money (Legal Aid staff).[71]

Problems arising in relation to repairs and maintenance are at least to some extent connected with NTER-related policy changes, with a degree of community and stakeholder dissatisfaction expressed with respect to implementation of policy in this area.

Some focus group participants stated that changes to Territory Housing policy means that they now have to pay for any repairs to their houses. They indicated that they did not sign any contracts when these changes took place and had not sought legal advice or assistance regarding these issues. One participant explained that 'it is happening all over the Territory. They've all been having the same problems' (Wadeye Men's Focus Group Participant). Another participant explained that he was experiencing problems with getting repairs done to his house. The participant indicated he was

the major structural concerns relating to it were addressed (Papunya Men's Focus Group Participant).[72]

In the context of the Shires' takeover of the outstations and homelands, one participant indicated that community members have to pay council rates for these areas of land, but that they are not receiving adequate services from the Shire or otherwise (Alice Springs Women's Focus Group Participant).[73]

Tenancy Issues in General

As is clear from the ABS data provided in **Section 1.4**, in all ILNP focus communities in the NT, tenancies are, in the majority of cases, managed by a public or (to a lesser extent) community-based housing authority. Commonly, tenancy disputes or problems identified in stakeholder interviews or focus groups concerned Territory Housing.

Issues that were identified by focus group participants in this context may sometimes be related to how well Territory Housing engaged with their Indigenous clients. At a most basic level, one male focus group participant indicated that he didn't understand how Territory Housing 'worked' (Papunya Men's Focus Group Participant). Another participant explained that they had incurred a debt with Territory Housing, but that they did not understand what the debt was for (Tennant Creek Women's Focus Group Participant).

Repairs and Maintenance and/or Rent

Focus group participants and stakeholders frequently identified both delays in completion or non-completion of repairs and maintenance, as well as their quality, as a significant problem. For instance, one male focus group participant explained that a lot of houses in Wadeye are damaged, and that it can take up to one to two months to get repairs done (Wadeye Men's Focus Group Participant). One Statutory Authority also noted that people are signing leases on properties and *then* complaining of the condition of the house, but that

> It’s an ideal opportunity to have people within the community [in work] – Indigenous residents in the community who are ‘Mr Fix-Its’ – but that doesn’t happen. They get non-Indigenous contractors who charge the earth to do dodgy work (Indigenous Legal Service staff).

Complaints relating to repairs and maintenance also often appear to be directly connected with issues relating to rent, the second most problematic area for focus groups in terms of tenancy. For instance, focus group participants queried why they were required to pay rent when repairs and routine maintenance were not being carried out by their landlord, as well as whether they should be held liable financially for certain repairs.

A male focus group

> The person on the lease can quite often get left with fairly large bills and face evictions due to large family groups coming and staying. So for instance, if you have a couple in a three bedroom house they might have sort of another 12 or 13 people that come to stay for a while, which then potentially runs up large telephone bills, which whoever's name it is in gets lumbered with, large power bills, sometimes damage can happen to the place, a bit of disruption around the neighbourhood and then police get involved. There's certainly big issues there and that comes down to shortages of housing stock… There just hasn't been enough public housing (Indigenous Community Organisation worker).
>
> We've got overcrowding, it's really, really bad. We've got like 20 per 2-3 bedroom house, family members. So that makes it difficult too. That increases and escalates everything to do with family (Statutory Authority staff).
>
> You might have a nuclear family and then you get family members that come in from out of town, they will stay at that residence. They don't pay any rent 'cause they're not used to paying rent… It just escalates. You will see an increase in domestic violence, damage, mess, dogs, deterioration of houses… it's a huge, huge problem here (Indigenous Legal Service staff).

A number of comments were made indicating that Indigenous people frequently find it difficult, if not impossible, to compete for private tenancies, given current housing shortages in the NT. This may be due to a number of factors (including in some instances discrimination, see **Section 3.9**), but overall the private rental market appears to be competitive and real estate agents are able to pick and choose tenants. Consequently, losing public housing tenancies, including by way of eviction for a range of reasons, may be particularly problematic for Indigenous tenants, given problems with accessing other types of private housing.

> Poor education levels, lack of job skills, which affects the capacity to earn decent money, which affects the capacity to be in the market for those types of [private] property. All Aboriginal people can do is put their name down for government housing (Indigenous community organisation worker).

In terms of eviction generally, one stakeholder noted how easy it is to be evicted from public or community-based housing.

> They are making the new houses, so if you move out of your house today, they are putting that house as an alcohol free zone. So you come along to rent the house now, and its alcohol free, if you drink alcohol there now and the police get called out, you could get evicted…. It doesn't make sense, cause you can't drink down the main street, you can only drink in a pub, so if you've got an alcohol ban in a pub, you can't even have a drink at home… They are trying to do that with more of the Department of Housing houses (Statutory Authority staff).
>
> Anti-social behaviour is a huge one, and it's one that we take pretty seriously, because if somebody gets evicted for that reason, it effectively bars them from public housing forever, because the rules say that you can't get back onto the list for two years after you've been evicted for that, and during that time you need to engage in the private property market, which our clients just aren't capable of doing… And the problem with anti-social behaviour is that it's usually other family members coming into the house, but whoever is on the lease is the one who suffers – and they are usually elderly or frail and can't control their family members (Indigenous Legal Service staff).

3.1.2 Legal Advice for Tenancy Issues

Figure 3.3 shows participant responses to the question asking whether legal advice or assistance was sought for a dispute or problem with a landlord. Just over a third (or **34.2%**) of those who had identified a tenancy-related dispute or problem sought legal advice. Indigenous women were 5.4

housing, as well as the impact of a lack of access to legal assistance in this area, was identified by a number of stakeholders and focus group participants.

For example, one focus group participant from Darwin was informed that she would be evicted from her home (a private rental) due to rental arrears. The participant in question paid the rental arrears, and was later informed by the Commissioner (at the Commissioner of Tenancies hearing) that given that the rental arrears had been paid, and that she had not received a notice from the real estate agent informing her to repay the rental arrears, she would not need to return for the next hearing. A week later the participant received a notice of eviction from the real estate agent. The participant returned to court to try to appeal the decision, only to be informed that because the real estate agent had followed correct procedures, nothing further could be done. The participant was forced to vacate the premises (Darwin Women's Focus Group Participant).

Legal service providers also noted as follows:

> We've had a lot of good victories with housing recently, and its forced some systemic change and a more consultative process with us just because of some of the cases we've taken on… and if you pull out of those services, then…and the same with police complaints, we don't have a lot of huge successes there, but at least it is some process of keeping the system on its toes (Indigenous Legal Service staff).

Further, an Indigenous Community Organisation worker stated [illegible]

or boundaries (by 14 participants), animals (by 11 participants) and privacy (by 5 participants) (see also **Table 3.12**).

Figure 3.9 Reasons Identified for Neighbourhood Disputes

Focus group participants provided some examples of disputes or problems arising in this area. One participant had a dispute with her neighbour who had complained about her dog barking (Katherine Women's Focus Group Participant). A participant located in Wadeye explained that kids from another community come through at night and break things and make a lot of noise. There were also a lot of problems with dog fights in this community (Wadeye Men's Focus Group Participant).

3.2.1 Neighbourhood Disputes and Obtaining Legal Advice

Figure 3.10 indicates that **33.3%** of all participants identifying an issue with neighbours had sought legal advice or assistance. The proportion of Indigenous women seeking legal assistance for such disputes was 28.9 percentage points lower than that of Indigenous men (26.7% of women compared with 55.6% of men) (see **Table 3.13**), despite Indigenous women identifying having experienced neighbourhood disputes with significantly greater frequency than Indigenous men.

3.3 Wills and Estates

Participants were asked if they had completed a will and if so, whether they had received legal advice to do so, and who had provided that advice. Participants who had not completed a will were asked if they would like legal advice to do so, and if so, who they would prefer to approach for that advice or assistance.

Participants were also asked if they had ever had to take charge of someone's estate after they had died (that is, acted as executor); or if they had ever been involved in any disputes over a deceased estate.

As the following data indicates, very few participants had completed wills. As one financial counsellor working in an Indigenous, community-based organisation indicated, 'every person I've seen here has died without leaving a will' (Community Organisation worker). **Figure 3.11** shows participant responses to the question asking whether participants had completed a will. This graph shows that overall, only **10.1%**

The majority of participants who had completed a will had done so in collaboration with a lawyer. **Figure 3.12** indicates that of the 15 participants who had completed a will, 12 participants (6 women and 6 men) had received legal advice to do so. This perhaps indicates that improved access to legal advice and assistance in this area may increase the likelihood that Indigenous people will complete a will (see **Table 3.15**).

Figure 3.12 Participants Who Have Received Advice in Completing a Will

As **Figure 3.13** indicates, **61%** of those participants who had *not* completed a will *would like legal advice to do so* (61.8% of Indigenous women and 60% of Indigenous men).

Figure 3.13 Participants Who Would Like Legal Advice to Complete a Will

There is clearly significant unmet legal need in this area. Without further education and increased awareness, as well as access to legal and/or appropriate other help to assist in completion of wills, Indigenous people may not identify their existing legal need, and may not then seek appropriate assistance for completion of a will.[77]

The lack of knowledge in relation to wills is borne out by comments from focus group participants. Some participants indicated that they were not sure whether they needed legal advice in order to complete a will. One participant in Alice Springs stated there was not enough information regarding how to complete wills (Alice Springs Men's Focus Group). Another participant had completed a will obtained from the post office, but she didn't know if it would be legally binding:

77

> I don’t know if you need to have that will done legally, and not one from the post office. Or is it got to be done by a lawyer ... to make it acceptable? (Katherine Women’s Focus Group Participant).

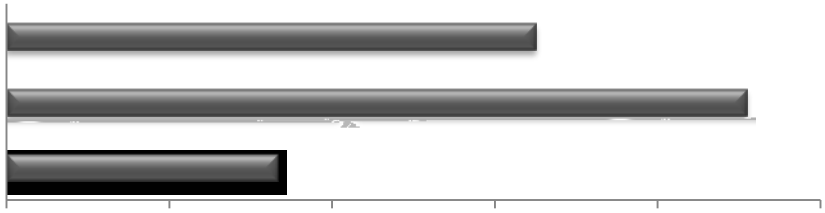
A number of stakeholders suggested that more community education is definitely needed in this area. A staff member from an Indigenous Legal Service states: ‘We don’t get many enquiries at all I imagine it’s just an education thing – that people don’t really think about it.’ Another legal service noted as follows:

> [We are] not currently doing wills, but [there has been] a pilot project ofe d

of the scheme, compared with just over 30% of men **(see Table 3.21).** These findings were confirmed in stakeholder interviews: 'Men are less aware than women...we always get lots of [women]' (Legal Aid staff).

Despite variations by gender and location, generally stakeholders thought there was a good awareness of the scheme: 'Just because of the sheer prevalence of it... if someone from a particular community gets a large payout, the next time you go back to that community 'oh so and so broke my finger' (Indigenous Legal Service staff).

Figure 3.18 Participants Identifying as Victim of Violent Crime Who Knew About the Victim's Compensation Scheme



However, some examples of a lack of knowledge regarding victim's compensation emerged from some stakeholder interviews:

> This lady only came to us for false imprisonment. The police stepped on her foot and broke her foot while they were falsely imprisoning her. So I got her medical record and found all this evidence of just horrific violence from her partner. And she didn't realise that she had the ability to make a victims of crime claim. [She] would never have engaged with us on either matter if it weren't for the crime referral and the coincidence of finding that. So, just a basic lack of knowledge and familiarity with basic rights [can] affect the service (Indigenous Legal Service staff).

Some thought that fear of retribution might also deter victims from taking action. One community-based organisation noted that 'a lot of victims are not getting compensated. They are scared to follow through on this as they think they might be attacked. The Legal Aid Commission must tell them that their rights are covered, and that it is confidential' (Community Organisation worker).

As **Figure 3.19** shows, 55% of victims identifying as a victim of violent crime sought compensation. The percentage was higher for women than men, at 82%, compared to 22% (see **Table 3.22**).

Figure 3.19 Participants Identifying as a Victim of Violent Crime Who Sought Victim's compensation

Stakeholder interviews revealed a range of reasons limiting access to justice in relation to victim's compensation. With a dependency on Indigenous Legal Services, Legal Aid and CLCs, remoteness and conflict of interest emerged as two of the issues restricting access to victim's compensation. In relation to the former, one Katherine Women's Focus Group Participant noted that she was forced to pay for legal representation for her victim's compensation claim. The participant explained that this was because the perpetrator already had legal representation from NAAJA.

In relation to remoteness, the following stakeholder noted:

> Just the fact that they are very remote causes a problem. For example, victims of crimes assistance... you have got to fill out quite a complicated form. I'd have trouble filling it out! Usually you have got to take it to a local police station to get it witnessed, you've got to post it into this victims of crimes mob in the city. If they want to contact you they've really got a problem, you may have a telephone or you may not have telephone. You may have a postal address or you may not have a postal address, you might live on an outstation or something where there is no post. A lot of the language that's used is very unfamiliar…very, very difficult for a remote Aboriginal person to access the Victims of Crimes assistance program. So what happens? Usually, NAJAA will go out [to remote communities] and people would come in and say this and this happened, NAJAA will sit down with them and help them fill out the form and then take carriage of the matter. So the contact point will be the NAAJA office, not the person directly. And the next time NAJAA goes out the community; they will find that person and say I just want to tell you what's going on with your victims of crime application. So those issues of remoteness, capacity to contact people quickly, language barriers, and all those things, mitigate against people actually getting access to the victims of crime assistance program, and they are the same sort of things that mitigate against them accessing civil law generally. So it really is an access to justice issue (Registrar).

Lack of access to specialist services also emerged as a factor limiting access to compensation:

> Let's say an Aboriginal person in a remote community is assaulted and claims a psychological injury because of that. How are you going to get them assessed by a psychologist? With great difficulty I would have thought. There's 2 parts to that. One is getting them from the remote community to the psychologist or getting the psychologist to the remote community. The second is the standard testing that psychologist's use... it has no real bearing or application for Aboriginal people. Now that's not necessarily a fault in the VOC scheme, but it really is one of those issues of complexity, remoteness, communication - all those sorts of things that mitigate against either people applying for it, or maximizing their entitlements under it (Registrar).

Furthermore, proper entitlements to compensation for ongoing injuries or disabilities can be exacerbated by lack of accessibility to specialist services:

> You've got a schedule of injuries and each injury is worth a certain amount. And injuries have to add up to at least $7,500 before you get any money. My goodness that's a difficult concept to explain, so I normally just say, 'they've said you've got a problem but your problem isn't big enough to get money' (Indigenous Legal Service staff).

Finally it was noted that culture, such as the expectations of kinship obligations, may limit access to victim's compensation:

> I've got one [client] who could get a huge payout for a horrific sexual assault but to do that she needs the support of her community. [However] she doesn't want to bring them in. There are avoidance relationships. The people who know can't speak out because it's their brother, so she is probably going to miss out (Indigenous Legal Service staff).

3.5 Stolen Wages and Stolen Generations

Participants were asked whether they were a member of the stolen generations and/or entitled to money held in Aboriginal Trust Funds or as stolen wages. Participants were also asked if they had identified membership or an entitlement, whether they had had any help or advice about making a claim and whether they were pursuing any claim.

Figure 3.20 provides baseline data for participant responses to the question asking whether they identified as a member of the stolen generations. This graph shows that overall, **15.4%** of all participants identified as members of the stolen generations, with Indigenous women identifying as members at 5.2 percentage points higher than Indigenous men (17.9% of women compared with 12.7% of men) (see **Table 3.23**).

Figure 3.20 Participants Identifying as a Member of the Stolen Generations

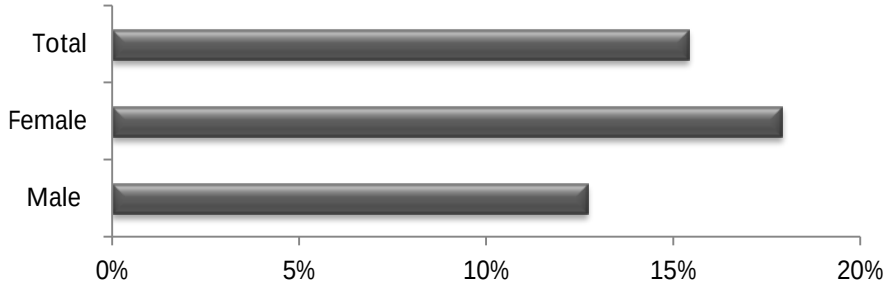


Figure 3.21 shows participant responses to the question asking whether they identified an entitlement to stolen wages. This graph shows that overall, **8.1%** of all participants identified such an entitlement, with the proportion of Indigenous women identifying an entitlement at 2 percentage points higher than that of Indigenous men (9% of women compared with 7% of men) (see **Table 3.25**).

Figure 3.21 Participants Identifying as Being Entitled to Trust Fund/Stolen Wages Compensation

Figure 3.22 shows that membership of stolen generations or entitlement to stolen wages disputes was

some work, and get a bit of like cash money as well. It wasn't… superannuation (Indigenous Community Organisation worker).

A participant who did put a claim in for stolen generations stated that he 'got a lawyer up from Darwin... and of course there is very little communication ... and you're right in the middle of it all, and you don't know what's going on (Alice Springs Men's Focus Group Participant).

3.6 Employment

Focus group participants were asked whether they had experienced disputes or problems in the area of employment in the last couple of years (for instance, in relation to matters such as bullying, working hours, unfair dismissal, or pay) and if so, what the nature of such disputes or problems had been. Participants were also asked whether they had sought legal advice or help in relation to an employment-

3.6.1 Nature of Employment Issues

Figure 3.25 shows participant responses to the question asking them to identify the nature of their employment-related issue. Of 31 responses provided to this question, 13 participants identified pay and 5 participants identified unfair dismissal as the basis of their employment-related issue (see **Table 3.28**).

Figure 3.25 Reason Identified for Employment Dispute

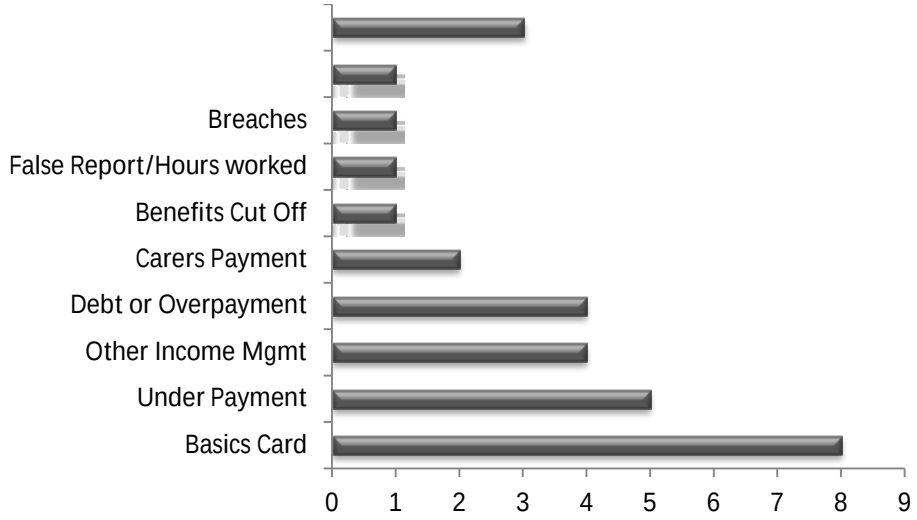
In response to questions asking them to identify predominant legal issues in this area, stakeholders also suggested that they commonly deal with 'some unfair dismissal….some people not paid at all or [in]correctly on outstations' (Indigenous Legal Service staff); and, 'unfair dismissal is the most common… a lot of work health as well' (Indigenous Legal Service staff). comm In(h,9326e)-5.002 7(o i)

working at the time because there just aren't any records. So that is a problem (Indigenous Legal Service staff).

Again, some of the issues identified in this area relate to NT-specific policy changes - including introduction of the Basics Card and the Commonwealth's linking of receipt of welfare benefits with school truancy in the NT. Where relevant, the appropriate policy context is briefly outlined below.

Figure 3.30 shows participant responses to the question asking them to identify the nature of their dispute or problem with Centrelink. The most common issues identified in this area related to the Basics Card and to underpayment/reduced payments. Of the 30 responses provided to this question, 8 participants identified the Basics Card and 5 participants identified underpayments and/or reduced payments as the basis of their dispute or problem (see **Table 3.34**).

Figure 3.30 Reasons Identified For Problem With Centrelink



Centrelink's Engagement with Clients

Problems relating to the ineffectiveness of Centrelink's engagement and communication with Indigenous recipients were raised, as the following comments suggest.

> One [Centrelink] letter read: 'Dear Sir, you have been identified as a disengaged youth'. And I thought, 'well, you've lost him already!' So communication is a difficulty given that people don't speak English all the time and don't necessarily read it even if they speak it well. Centrelink has a little way to go (Legal Aid staff).

> So you can imagine if you've got a language barrier… English is your third or fourth [language] and then you've got to go into Centrelink, and anything to do with Centrelink you've got to get on a phone [including to register for Basics Card]. It's not actually serviced here. Now you imagine trying to explain all that when you're second or third English speaking… So if you have an acquired brain injury or you're an alcoholic or whatever your problem is, where do you go?… Centrelink is a big issue; it's been going on for a number of years, just treatment of Aboriginal people going in there (Statutory Authority staff).

> [One major issue is] following up where Centrelink has made a mistake from not acknowledging information that's already been given to them… so just actually assisting [Indigenous] people to manage the relationship with a really big bureaucracy (Legal Practitioner).

Basics Card

Given that it has been frequently identified as problematic, it is worth briefly outlining key aspects of the Basics Card scheme.

The difficulty is that for a lot of our clients, this is something that ‘happens’ to them – a Centrelink debt ‘happens’ to them, and it’s not something they feel much power or capacity to engage with (Indigenous Legal Service staff).

If a standard white person in town gets a $25,000 debt [from] Centrelink, 9 times out of 10 they’ll know that that might be right or that it might not be right, and they’ll go and seek some advice on it. Whereas our clients, [we] have someone who has been paying off $80/week for 15 ye

> I think the legal services are going to be full on trying to handle it – the duty of care from the education department. Like if parents are sending kids on the school bus, thinking that they are going, and then the kid wags, and then their Centrelink benefit gets played with, whose duty of care is it? The parents are doing their job; they think the kids are going to school, why does it come back to the parents? (Legal Aid staff).

In Wadeye too, the wife of one participant has had her Centrelink payment reduced because the school has reported that their childr

Figure 3.31 Participants Identifying a Child Support, Contact or Residence Issue

Some 12.2% of respondents indicated that this had been the case for them. The frequency of response was roughly equal between men (11.3%) and women (13%) (See **Table 3.36**).

A recurring theme in the discussion of family law issues among legal service providers was a sense of inapplicability of the system to Indigenous clients:

> The family law system doesn't appear to be addressing the needs of community clients and therefore they don't seek assistance from the Family Court. It's all too slow, it's all too far away, and it's just not an Indigenous way of handling things. Having said that, children and family matters are massive, and in my opinion there needs to be much more representation of people in those sorts of matters (Legal Aid staff).

> I don't have many family law clients, basically for the reason that the family law system, I think I realise more and more everyday, just doesn't fit the realities of Aboriginal clients (Indigenous Legal Service staff). e e l(t)-d b(I)18(m)17tne2(a-2(w)-2(w), c)11ul Sno1uediylsnindi se

continue this theme of paucity of legal assistance and lack of understanding of the legal issues.[86] The absence of parties when orders are being made was of particular concern:

> First of all, the Act in the Northern Territory says that a final order cannot be made until all [parties]

Figure 3.33 Type of Family Law Issue Relating to Children

One focus group participant explained that there was a need for more assistance for parents in the community in relation to child care: a lot of parents have their children removed, but there appeared to be no help for parents to prevent this happening (Wadeye Men's Focus Group Participant).

Figure 3.34 shows that of those who identified a family law/child protection issue, women (58.3%) were more likely than men (33.3%) to seek legal advice (see **Table 3.40**).

Figure 3.34 Participants Who Sought Legal Advice in Relation to Family Law/Child Protection Issue

One focus group participant explained that he was helping a couple whose child had been removed. They tried to seek legal advice, but were told they had to wait six months to see a lawyer (Darwin Men's Focus Group Participant). Legal service providers discussed the implications of low levels of staffing in being able to provide adequate levels of service:

> When you have a system that is so badly flawed as our child protection system is, you need to have solicitors who are actually running around sorting stuff. In my opinion, the system that [this legal service] has at the moment is not effective…we don't have the funding for it… We don't know what's going on out in the communities. There was for a long time this practice of DCF where they would say that they have decided that mother X is not doing a good job. So they would go out and say to mother X, 'we don't think you are doing a good job, we think that Aunty Y would do a better job, pop child with Aunty Y or we will go to court and get orders to take the child'. So of course mother X puts the child with Aunty, but there has been n(ha4n)9(m)17(ot)-W2(n)]TJ5(s)-2( )11(t)- levels ounit (m)17(e)-5(t)-5pth74(ou)11en

Some 8.3% of focus group participants indicated that they had had disputes over property following the breakdown of a relationship. Although numbers are very small, double the number of women identified a dispute in this area (see **Table 3.41**).

Figure 3.35 Participants Identifying Property Dispute Post-Separation or Divorce

Of those who identified a property dispute following separation or divorce, half (six out of twelve) sought legal advice as shown in **Figure 3.36**. The same number of men and women sought assistance.

Figure 3.36

Figure 3.37 Percentage of Focus Group Participants Identifying Discrimination Issue

3.9.1 The Nature of Discrimination

Participants were asked to identify the nature of the discrimination experienced. Of the 33 participants who had identified discrimination as an issue, 30 participants named the discrimination as being *racially* based and only one participant defined their experiences as being age-based (see

level would apply to relevant incidents in the NT, significantly, the *Anti-Discrimination Act 1992* (NT) does not cover instances of indirect discrimination.[89] A staff member from one Statutory Authority raised this issue, and the potential that having such provisions in place in the NT might hold for Indigenous people:

> There's a whole heap of issues, and one is that if we have indirect [discrimination], it obviously gives a whole heap of recourse for people, particularly Aboriginal people. But the reality is that our office wouldn't be able to accommodate the complaints [due to staffing issues] (Statutory Authority staff).

Employment and Health Care

Employment was one of the two most frequently identified areas of discrimination, along with health care provision. One focus group participant attended a training course with mostly non-Indigenous people to become a health worker. He felt he was treated unfairly because of his Aboriginality and, as part of this, was accused of stealing one of the staff member's cigarettes, which he denied doing (Bulman Men's Focus Group Participant). Another participant has been working as an Aboriginal health worker for 20 years and reported finding it difficult to challenge discrimination she faces at work. She claims that her non-Indigenous co-

workers abuse him: ‘When they speak, they hurt your feelings... and you [are only] trying to ask them to help’ (Wadeye Men’s Focus Group Participant).

Shops

A number of comments relating to service provision in shops dealt with alcohol and the introduction of laws in the NT which required that identification be sighted prior to sale of alcohol to customers.[91] As one stakeholder suggested, the legislation disproportionately affects Indigenous people because they are less likely to have ID (Statutory Authority staff). Discrimination in this context may potentially constitute both direct and indirect discrimination.

> You know how you have to have ID to buy alcohol in the Territory. Indigenous people would approach the liquor store, and security guards would bar their way and say ‘do you have ID?’ If a white person rocks up, they get let straight through, then you make your selection or not, and when you get to the counter *then* you get asked for ID. Aboriginal people weren’t even allowed into the store, the suggestion being that they might shoplift, or they might not have the intention of buying. With shoes – they have this rule that you have to wear shoes to buy alcohol [but that is selectively enforced along racial grounds]. There is a lot of discrimination that goes on that is just nasty undermining stuff. It’s not huge, but it’s embarrassing to be checked before you have even entered the store (Legal Aid staff).

One stakeholder suggested, in this context, that a major store in the NT ‘had been banned from only ‘ID-ing’ Aboriginal people when they walk in the door’ (Indigenous Legal Service staff).

In another context, a participant approached a store in Wadeye about renting a television. The store had a sign clearly stating that they do rentals, however the store worker informed the participant when she entered to store that this was not the case. The participant explained that she pointed to the sign and said: ‘In other words, you don’t rent things to people of my colour... and she just said ‘Yes’ to me, straight out’ (Katherine Women’s Focus Group Participant).

Another female participant explained that there is a non-Indigenous man who works in a local store in Katherine who frequently yells only at Indigenous children. ‘I said to him, ‘you’re a redneck. I’ve seen a lot of white kids, and all other different colour kids come in here, but you on(ut)6(,)11(15 Td [(s11(bu)1 e p)2

increasing police powers in this jurisdiction, including those introduced by the Commonwealth, have exacerbated existing issues:[92]

> And then you've got the police pulling you up in Katherine or Darwin and checking your bags because they know you live in a quarantined area or a town camp, and they take the grog off you without asking you where you are going. 'What is it? Where do you go to?'... If you have a carton in your car then nobody asks, but if you are walking down the street because you don't have a car, suddenly the cops have a right to hassle you about it. And for a long time, cops would actually take alcohol from people who weren't even drinking it, they were just carrying it off to a place where they *could* drink it, but police would intervene and say, 'no, this is a public place, you can't *have* alcohol' (Legal Aid staff).

Other Areas

Comments relating to other areas where discrimination was experienced include the following.

> There has been speculation about discrimination because [of persons being] denied private rental (Indigenous Legal Service staff).

> I get Aboriginal people who fly here into town to do shopping, and they have already paid for a return flight, but then they turn up and they get told they are too big [that is, their body weight is too much] and they can't fly (Statutory Authority staff).

> There is no social justice to it in regards to appealing [parole decisions], and that disproportionally affects Aboriginal people because the majority of Aboriginal people are in prison. We wrote to them and their comeback was basically, 'it's ok, people on the board are trustworthy.' And so they may be, but that's just not equitable in this country (Statutory Authority staff).

3.9.2 Discrimination and Legal Advice

Figure 3.39 shows that just over a fifth (or **21.4%**) of focus group participants who had identified discrimination as an issue also sought legal help. Indigenous women and men were equally likely to have sought assistance (21.4% of both men and women) (see also **Table 3.48**).

Figure 3.39 Participants Identifying Discrimination as an Issue Who Sought Legal Advice

As suggested by a number of stakeholders and focus group participants, the first significant hurdle to accessing legal advice in this area may be identification of discrimination as a legal issue for which there is a legal remedy. As one stakeholder suggests, whilst discrimination certainly exists in the NT, for Indigenous people it may be 'just a negative, nasty part of life [rather than being considered a legal issue]… The people are just used to it, it's just rife in the Territory' (Legal Aid staff). Other stakeholders and focus group participants also commented on the ubiquity of discrimination. These comments indicate that there is a level of resignation about discrimination, a lack of knowledge about rights, and difficulties in 'naming' an incident as discrimination.

> I find that a lot of Warumungu people (the dominant language group in Tennant Creek), they don't understand the law system properly... When they are being discriminated against, they don't know... It's like two separate worlds here... and it's happening everyday (Tennant Creek Men's Focus Group Participant).

> Growing up in Tennant Creek ... you tend to grow up with those things all around you. Your parents, your grandparents, they grew up with white people standing over them. And kids and young people today... things might have changed a lot... but that feeling's still there. You know if you walk into that bar and the white person talks to you in the wrong way, a lot of Warumungu people, they wouldn't answer them back…We need to get out there and let people know that you can't be spoken to like that... and if you do be treated the wrong way, you can do this and that [seek legal help]. But all of the people in Tennant, they don't know. They end up just putting their hands up and walking away (Tennant Creek Men's Focus Group Participant).

> Definitely with pubs/clubs, although a difficult one to prove. If you've got a client who's gone into a club and caused trouble because they are a bit drunk, it is difficult to argue that they were refused entry because of their race (Indigenous Legal Service staff).

Lawyers may frame discrimination as a different type of legal issue for these reasons.

> Discrimination is an interesting one. We get the occasional complaint of racial discrimination, which are notoriously difficult to establish, but we get it feeding particularly into employment a lot. Although with the employment ones we tend to settle them on other bases, so we might allege discrimination and that is often enough to rattle the chains a bit then we'll settle on basis of other issues that came up [such as unfair dismissal] (Indigenous Legal Service staff).

One significant issue is the capacity of anti-discrimination agencies, in particular the NTADC, to engage with Indigenous communities so as to inform them of their rights in this area, particularly post-NTER. A point was made previously in this context in relation to indirect discrimination: 'There needs to be a real engagement now with Aboriginal people, and there is a huge lack of that' (Statutory Authority staff). This stakeholder continues as follows:

> People don't even know that they have any rights… Aboriginal people getting treated pretty badly, they won't make a complaint because then there is the other drama [of whether an agency will] have time or staff to sit down and assist.

Indigenous people may have little awareness of the existence or work of agencies tasked to administer anti-discrimination law, including the NTADC. In Wadeye, for instance, when participants were asked if they were aware of this agency, only one participant knew what it was. Similarly, the NTADC reports: 'We do our best. I called the Human Rights Commission and said, 'we never see you

guys…most people don’t know who you are’’. The NTADC itself suggests that statistics indicate that further engagement with Indigenous communities is required, but that resources restrict capacity in this regard.

Figure 3.41 Participants Identifying Accident or Injury-Related Issue by Community

3.10.1 Nature and Seriousness of Accident and Injury-Related Issues

Figure 3.42 provides baseline data for participant responses to the question asking them to identify the nature of their accident or injury-

Injury related to medical treatment also arises for Indigenous clients, according to stakeholder legal services, but it may be difficult to base any legal claim upon it, as one legal service suggests, as there may not always be a clear, causal link between medical treatment and injury.

> We get a lot of medical negligence complaints. Not many of them go very far. They are again notoriously difficult to prove… [as] actual negligence. A lot of our clients, you've got a lot of people who go to hospital for some sort of serious medical complaint and then they decide they don't want to be in hospital anymore so they abscond and/or they don't come back for follow up treatment and then when they end up... or something goes awful, [something] has gone wrong that's related to the original condition, then it's really quite reasonable for the doctor to say 'well this was the advice; that condition required this treatment and it wasn't followed up and this is what happened as a result'. We've also got the problem that a lot of our clients have multiple illnesses so they end up being very sick people, they go into hospital and die of some complication and family comes to see us and say well those doctors, it's their fault (Indigenous Legal Service staff).
>
> Amputation is a big one: why did so and so lose their foot, then their leg. And it's related to diabetes and renal failure and all that sort of thing, so it's very difficult to actually pin that down as negligence. We do have some that are very obviously negligence, like bleeds to death on the

Figure 3.44 Participants Who Sought Legal Advice Regarding Compensation &/or Insurance for Accident/Injury-Related Issue

One stakeholder legal service identified that assisting one client with a motor vehicle accident claim may increase community awareness, and hence contact between the legal service and other potential claimants in the community around legal issues of this type:

> If we're successful with a remote client particularly, if we're successful in getting them large compensation for the death of a family member or something like that, then suddenly everyone remembers that so-and-so passed away in a motor car accident a few years ago and they will come and see us (Indigenous Legal Service staff).

On the other hand, *not* having such awareness or access to lawyers who are able to assist in this area may jeopardise relevant legal entitlements:

> Motor accident compensation scheme... I know that when I used to work at [Indigenous Legal Service] we used to come across people who were well out of time for the scheme simply because they knew absolutely nothing about it…Unless someone can find a [Indigenous Legal Service] lawyer to help them fill out the forms and follow the process through, it won't happen (Registrar).

3.11 Education

Education emerged as a priority legal need amongst Indigenous focus group participants. Participants were asked if in the last couple of years they were responsible for a young person attending school, TAFE or university, and/or had attended themselves; and if so, whether they had encountered any

dispute. Bullying was thus the most common issue leading to an education-related dispute or problem (see **Table 3.57**).

Figure 3.48 Type of Education Issue Identified

Legal services identified a number of issues in relation to education, not all of which are likely to constitute a legal problem for which there is a legal remedy. Some issues referred to, however, may constitute direct and/or indirect discrimination:

> Complaints about school, whether it be principals not allowing bilingual education to take place…or a lack of consultation…a real feeling of loss of control over the schools and when you've got such a critical point in education of Indigenous kids and the community trying to come forward and suggest ideas and have a discussion with the school about how they can help get kids to scho-5(g)11(al)-3( )]TJ 0 Tc 0 Tw [(p)8n houg a

rise to a range of legal issues other than just suspension of benefits, one participant commented as follows. These comments highlight the contemporary social context in which carers must try to ensure adequate school attendance, or be penalised.

> We've got children in today's time ... you can't even tell them to get to school. You got grandmother's looking after children today. How can grandmothers force these children to go to school? (Darwin Women's Focus Group Participant).

> A lot of kids don't want to go to school. Parents have little control over truant kids. There are maybe Aboriginal Education Officers, but [they are] not sure what they can do. There's no discipline (Indigenous Community Organisation worker).

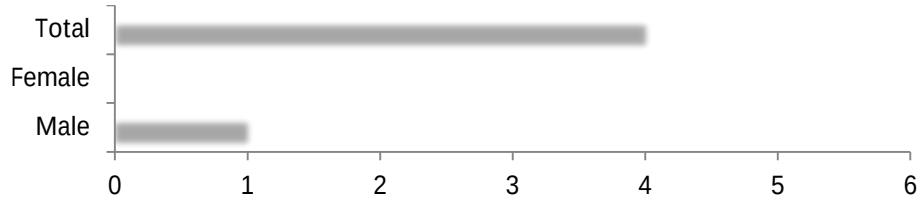
Further, another comment by a legal service provider stakeholder suggests that in the context of the NTER, disciplining children appeared to become more problematic; a point that may also be relevant to the issue of school truancy.

> I think the introduction of (the NTER) meant that community members felt they were prohibited from disciplining children. There was a feeling that any traditional form of authority was being spurned by the law (Indigenous Legal Service staff).

3.11.1 Education and Legal Advice

Figure 3.49 shows participant responses to the question asking whether legal advice or assistance was sought in relation to problems or disputes in education.

Figure 3.49 Participants who Sought Legal Advice for in Relation to Education Issue



Only four of the 20 participants (**20%**) who had identified an issue in this area had sought legal advice or help. Although the numbers are very small, Indigenous women were more likely than Indigenous men to have sought assistance, although Indigenous men were more likely to identify a problem in this area (see **Figure 3.51** above) (see also **Table 3.58**).

3.12 Credit and Debt

When asked about credit and debt issues experienced by Indigenous people in the Northern Territory, one interviewee summarised their views as follows:

> It's too hard for remote Aboriginal people, they just don't have the knowledge of the services that are out there. Perhaps more importantly, the capacity to access the services because they are so remote, because there are such language difficulties and because it is so bloody complex for them to apply (Registrar).

Overall, **18.4%** of focus group participants said that they had had legal action threatened against them in the last two years for failure to pay a bill or repay a loan. Indigenous women were 7.8 percentage

points more likely than Indigenous men to have been threatened with legal action against them (22.1% of women compared with 14.3% of men) (see **Table 3.59**).

Figure 3.50 Participants Identifying a Problem with Paying a Bill or Loan Where Tender Has Threatened Legal Action

Legal practitioners described the range of issues that they deal with that concern credit and debt:

> If we can see real legal problems with the formation of the contract we can deal with that, because of language issues or financial literacy and things like that. A good example is a client who spent most of his life in jail, got out and thought 'where do I get money for a car?' and walked into a bank and they gave him a loan for about $25K. He has very low English and no financial literacy skills. So after a bit of a fight we got that waived (Indigenous Legal Service staff).

> [A main problem is] unaffordable loans. So, now we have a law that requires responsible lending. In the past we haven't. It's just people that have been locked into huge car loans and personal loans and credit card difficulties. People who are being harassed by debt collectors, particularly in relation to Telstra debts at the moment. So we are seeing massive $15,000 Telstra debts that are being clocked up by mobile or internet sort of downloads…. You'd find it very difficult to recover from… A lot of people do have their credit record ruined (Statutory Authority staff).

> Lots of bank loans that people couldn't afford to pay... [one major bank] has effectively acknowledged and written off debts made between certain dates because they understd5oot 537(r)-2(i)-52n7(r)

Figure 3.51 Participants Identifying a Problem Relating to Credit Reference Rating &/or Bankruptcy Problem

Issues of this nature were said to be connected to levels of financial literacy more generally, which in turn are related to access to levels of effective (non-legal) services in this area:

> A fair number of clients have needed financial advice, counselling or just someone to just sit down with and explain what it means to save and budget and that sort of thing and it's been

Table 3A Focus Group Participants Identifying: (a) Debt Problem Where Lender Has Threatened or Taken Legal Action; (b) Problem with Credit Reference Rating, Guarantor for Another's Loan; and/or in Ro3824(ra)-4(n)4(:)-6( )P2(o3824(1(G)9)-8(nt))6(h)4(r)i824(ra)-4(n)4(:)-6( )P2(o38w)-4(s)6(T(:)-6( )P2(o314(n)409u8(i)<.

Focus group participants were asked whether they had sought legal advice in relation to either a credit/debt problem or in relation to their credit reference rating, being a guarantor or in relation to bankruptcy.

Figure 3.53 Participants Identifying: (a) Debt Problem Where Lender Has Threatened or Taken Legal Action; (b) Problem with Credit Reference Rating, Guarantor for Another's Loan; and/or in Relation to Bankruptcy, Who Sought Legal Advice or Help

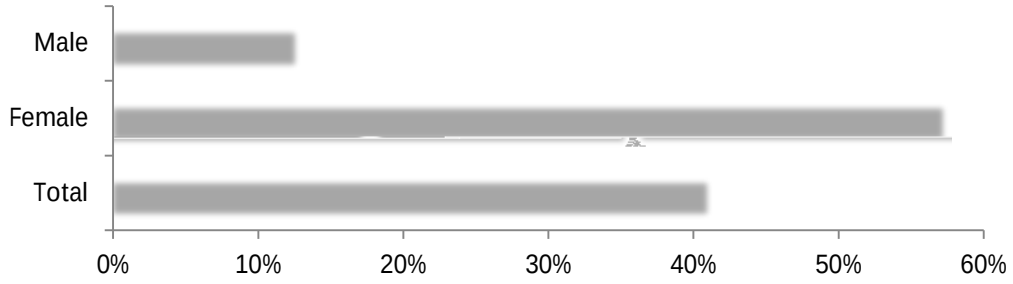


Figure 3.53 shows that 40.9 % of participants who identified a debt problem, credit reference rating problem or bakruptcy issue sought legal advice. Women were much more likely to do so then men (57.1% compared to 12.5%).

Fines were an issue of particular concern, because of the possibility of escalation of non-payment of fines to cancellation of license and ultimately, as a funnel into the criminal justice system.

> In the Territory, if you get a fine, you have to pay it, or else your license gets suspended. So there is a big push for people to pay their fines off (Legal Aid staff).

> A default in payment plans leads to gaol. I think this is a big problem with our legislation, that civil debts are leading to gaol, which doesn't happen in Victoria for example. And also the penalties attached to each fine are monumental because you have a fine and you have a victim's levy and both the levy and the fine attract the enforcement penalty of non-payment at particular times (Indigenous Legal Service staff).

A lack of knowledge about how to deal with fines is a central part of the problem:

> We are seeing fines not just double but triple and quadruple over a period of time. I just think that is an issue of a systemic injustice, there has to be a cap on how much an individual fine can increase, and there have to be meaningful waiver systems as well. There is a real difficulty in terms of converting to community work. In Victoria they have a system with a special circumstances list, where certain court ordered fines can be waived on the basis of homelessness, mental health…here, although there is an exceptional circumstance provision, it is virtually ignored (Indigenous Legal Service staff). [94]

> It's such a big issue, but again the fact that people are so disempowered by the process means they continue to accrue fines; they have no means of actually getting their fines sorted out... When we are in bush courts, we can do some CLE around fines to raise awareness about how you can just get your fines sorted out. Recently the fines recovery unit went to Port Keats on

[94] For some detail on 'special circumstances' as it arises in matters involving fines in Victoria, see http://www.homelesslaw.org.au/page/502/application-for-revocation-if-the-client-has-special-circumstances-

As shown in **Figure 3.55**, 4.8 % of participants said that they had had a problem with insurance. Although the numbers are small, more than twice the number of men than women identified this as an issue (7.1% compared to 2.6%).

Figure 3.55 Participants Identifying a Problem with Insurance

One stakeholder commented as follows.

> Financial consumer matters like superannuation, insurance, funeral plans, unclaimed monies is becoming a big one too at the moment… If your banking institution or financial institution loses contact with you, then that money gets rolled into general revenue. So [there is]… a huge pool of [unclaimed] money [belonging to Aboriginal people and organisations]. The largest amount of lost money in the NT... is $150,000… [This was from] one of the most impoverished communities in the Northern Territory – a huge amount of money… It's just inconceivable that this money has just been sitting there. Letters went unanswered… You go out to these communities, and there's often a council office or something. You can see the mail sitting there, a lot of it….You see a lot of commercial sort of matters, sometimes there's debt collection, sometime11(t)-5(n).inheetiimeion, p oT hF5(f)rti-2(d)11(… rt)-5,(i)-5 oTJ 0om] th thbAbole

car, you have to go to these little crap stores, where it costs a fortune and the food's not great. So a car's a huge thing and people are getting ripped off all the time (Legal Aid staff).

A lot of car yards in town have sold Aboriginal people crap vehicles and deliberately got, deliberately organised credit for them without checking their background but just to stack up the numbers so that their commissions can be warranted. Yes. That's a major issue… With car dealerships, that's been an issue for a long time. That's why when you go to communities and you'll see decent cars that are buggered because something was wrong with them. They've only driven that car back to that community and it dies on them. It's just seen as 'no it doesn't work anymore, we'll just leave it' (Indigenous Community Organisation worker).

L Td(t)-5g 2(t)-5(, w)5(e)-paons cra m m-prs:2(t)-5(a)-2(b)on wort w(c)-2(w)5(i)-5((t)-5(a)-d,l)6(e)-2(r)-4(s)

Lots of issues with motor vehicles: a lot of community people get a big whack of money at one point in time, whether it is for royalties or something else, so you've got the money, you need a motor car, you drive up to Darwin for a short period of time, go to a car yard and withouiss, s cgt woh m itrr of e itbou h2(b)11(i)-5 gey

it because the trader is a nice man. There is no critical thinking, no choice. They are tied up in the relationship. There are some sweeteners along the way. It looks good, but the big picture is actually a shocker (Statutory Authority staff).

3.14 Taxation

Focus group participants were asked to record the year when they last completed a tax return. As

3.15 Other civil and family law issues

support officers. Just today there was a really good example of an urgent family law matter

PART 3 PRIORITY NEEDS AND SERVICE DELIVERY

4.

that: ‘what we need is to run more workshops

4.3 Priority areas of legal need

4.3.1 Determining priority areas

In determining the priority areas for non-criminal law matters for Indigenous people in the NT, we have considered the responses of focus group participants in both questionnaires and discussion and the views of stakeholders and organisations delivering services to the focus sites. As we have noted elsewhere in this Report, we are not assessing whether there is a legal remedy available for the areas of need which have been identified.

Two dynamics that cut across the areas of need are worth specific mention. The first can be understood as a dynamic of escalation; where civil law issues are left unaddressed or unresolved, they can worsen to become criminal matters.[97]

or superannuation. Between 6.8% and 12.2% of participants identified family law problems including child protection. We view child protection in particular as a priority area. We note that some areas of legal need such as child protection have such serious consequences (loss of children) that, although the percentage of participants identifying legal need in this area was comparatively low, the seriousness of the problem and associated consequences also influence our view that this is a priority area. In addition, although focus group respondents may not have nominated family law issues (in particular child protection) as having occurred in their own lives in the last two years, focus group and stakeholder discussion located the area as one of significance.

4.3.2 Differences between Communities

Some focus groups expressed views in discussion about what the priority areas of need were in their communities. It is important to note that priority areas of legal need will vary from one community to another. A participant in the Alice Springs men's focus group, for example, suggested that the main priority areas in relation to civil law matters in that location were discrimination and housing. Another participant expressed the view that housing and family matters were the areas of greatest priority. The women's group in Alice Springs suggested that housing, credit and debt and bullying in education were the most urgent priorities. In the Tennant Creek women's group, there was general agreement that housing was the area of greatest concern, and, in particular, the issue of overcrowding. The high level of need for advice and information in Katherine was evidenced by the number of participants seeking answers to questions regarding a range of legal matters. Most queries pertained to family matters, housing, and credit and debt. There was thus variation in identified need across locations.

4.4 Unmet Legal Need: Credit and Debt/Consumer issues

It is important to note that focus groups responses are only one way of identifying priority legal areas. Identification of issues by focus groups presupposes a recognition of certain events or experiences as having a legal dimension, and particularly in relation to civil law, this is not always readily done. As such, there may be areas of *unrecognised* legal needs which are significant both in the extent of the need, and in the impact that these unmet needs have in community.

Consumer issues were identified by stakeholders in particular as an area of *unmet legal need.* For

not have been identified in these different contexts as ‘consumer-related’ problems.

particularly pronounced in relation to neighbourhood disputes and social security (women were half as likely as men to seek advice in relation to neighbourhood disputes, and four times less likely than men in relation to social security).

In relation to victim's compensation, employment, family law and child protection, and credit and debt, Aboriginal men were less likely than women to seek assistance. The issue was particularly pronounced in relation to victim's compensation and credit and debt (men were four times less likely as women to seek victim's compensation, and nearly five times less likely than women to seek advice in relation to credit and debt).

There are important considerations which arise from these gendered differences when considering how legal service providers respond to particular issues. We have already identified social security and credit and debt /consumer issues as priority legal needs and we discuss these in more detail in later sections. Specifically in relation to gendered differences we note below neighbourhood disputes and victim's compensation.

4.6.1 Neighbourhood disputes

Overall 27% of focus group participants identified problems with neighbourhood disputes. However, Aboriginal women were *three times more likely* than men to identify this area of need (38.5% compared to 14.3%). Interestingly, there was very little discussion among stakeholders concerning problems with neighbourhood disputes, perhaps because it is partially considered within housing problems more generally or it is only seen as an issue when it escalates into a criminal law matter. At one level neighbourhood disputes may be seen as relatively minor, frequent occurrences without effective legal remedy.[100] However, we also note that neighbourhood disputes can have serious causes and consequences including racial discrimination, evictions and criminalisation, and may also reflect other issues including over-crowding and poor quality housing.

For Aboriginal women, housing and problems with neighbours were by far the most frequently identified issue in the focus group questionnaires (57.1% and 38.5% respectively), and in both areas although Aboriginal women identified the problem more often than men, they were far less likely than men to seek advice or assistance. In the case of disputes with neighbours, only one in four Aboriginal women sought assistance compared to one in two Aboriginal men.

In this context we view disputes with neighbours as a priority area. The particular importance of this issue for Aboriginal women should be considered in legal service provider responses.

4.6.2 Victim's compensation

Access to victim's compensation is also an area which showed marked gender differences. Aboriginal men and women were roughly equal in identifying that they had been a victim of a violent crime in the last few years (12.9% of men compared to 15.4% of women). However when those who reported victimisation were asked whether they had pursued a victim of crime compensation claim there were marked differences by gender. Slightly more than four out of every five Aboriginal women who reported victimisation also sought compensation. In contrast, a little over one in every five Aboriginal men who reported victimisation also sought compensation.

Most of the stakeholder discussion in relation to victim's compensation identified various issues concerning access to justice, and these have been canvassed in **Section 3.4**. We note here, however,

[100] NT LAC communication 29/10/12.

that legal service provider approaches to CLE and assistance in relation to victim's compensation may need to consider the differing levels of knowledge about the issue of compensation between Aboriginal men and women.

4.7 Housing

> Housing is an issue. All our clients have a housing issue. Essentially everyone here is homeless so everyone is in crisis and it's getting worse all the time…They've all got debts for non-payment of rent or damage to the houses. It's a crisis. It's a mess. It's a disaster…. like fifteen people in every house… more even (Indigenous Legal Service staff).

54.1% of focus group participants said that they had had a dispute in relation to their housing in the last two years. As shown in **Figure 3.59** disputes involving landlords arose with greatest frequency in

a result of the repairs; that is an issue. Overcrowding is always an issue. You have lots and

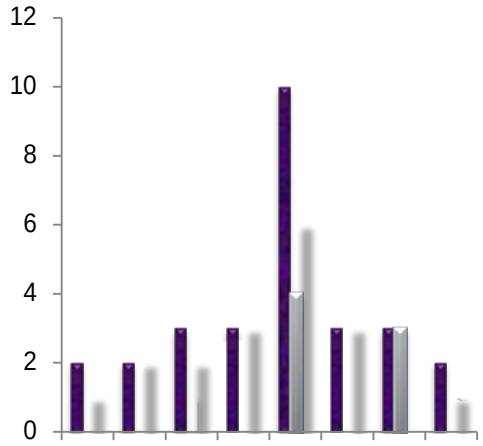
Thus discrimination emerges as a priority area for a host of reasons. It was among the areas of law most often identified by focus group participants as presenting problems for them. Further, taking into account indirect discrimination and more 'insidious' forms of discrimination, the level of legal need is likely to be substantially higher still. In addition, a number of the issues that were identified by focus group participants as problems in employment, consumer concerns, housing and education, were actually complaints of discrimination in an alternative context.

The specific impact of the NTER heightens the need for information, education and advice about discrimination related issues:

The Intervention ga

types of matters in Darwin, where 10 out of 18 participants indicated that they had experienced these types of matters in the last two years.

Figure 3.62 Family Law and Child Protection Matters Relating to Children by Community



Interviewees pointed to the continuing impact of historical factors affe
Aboriginal people and child protection agencies:

> Looking really big picture: you're working with peopl
> generation and who are very distressingly complian
> have often said to me 'oh people just hand their
> you are rocking up there and saying that you
> These are incredibly, incredibly disempow
> social pressures in terms of overcrowd
> kids come under the gaze of DCF (

These factors increase the necessity fo
because the ramifications for contac
particularly worrying, therefore
the frequency with which ord

> So often you do
> caution. They
> affidavits

As noted in S
brought an
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of di

5 OBSERVATION OF LEGAL SERVICE DELIVERY

5.1. General Observation on Servicing Indigenous Clients

Focus

working hard at making their services more available on remote communities and by really trying to demystify the civil law process (Registrar).

5.3 Issues Involving Referral, Conflict and Lack of Assistance

Stakeholders noted that simply referring a client off to another service, without offering further help with this, might well mean that the client will not receive the assistance they need. As the following legal service provider notes, Indigenous clients may not have sufficient familiarity with or 'cultural literacy' in relation to mainstream processes and agencies for a cold referral to be sufficient:

> There is a basic lack of cultural literacy among many of our clients. They don't understand our role in the process, they don't understand the role of government agencies and have difficulty understanding how all those institutions work. And that means we are starting from a much lower base in terms of assisting our clients to engage, and also assisting our clients to effectively take control and responsibility for their own legal needs. So it's much harder to do a simple referral: in other circumstances you might say 'ok, that's a matter you should go and see the ombudsman [about]' and that would be the end of your involvement, whereas I think there is a much greater need for heavily assisted referrals (Indigenous Legal Service staff).

Further, *non-legal* services and agencies in contact with Indigenous people may also need to be more pro-active in ensuring that legal problems they come across with Indigenous clients are dealt with appropriately, including by way of referral to legal assistance. These agencies, though, may not have sufficient (legal) knowledge or appropriate connections with legal services to enable this to occur. [101]

> There are lost opportunities for referrals…I had a poor gentleman who had been totally ripped off by a phone company. You know, money out of his bank account for alleged free goods. Anyway he went to Centrelink and they said to him 'oh, never do that again!' Instead of, let's call up

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One participant said that there needed to be a permanent presence of legal services in Tennant Creek, and that these services need to be more 'inviting ... not some big flash cars and things'.

> An effective service would almost be welcoming, [rather than] 'Tell me what you are here for and I'll help you fill out the form, this is what you've got to do, and then you've got to come back here on a certain date, and you have to be here on time otherwise the whole thing might

> Remoteness is one important aspect. For urban Aboriginal people in Darwin itself the other ones equally apply; the complexity, the forms that have to be filled out, the communication, English as a second language issue and that sort of thing. And by its nature the court process is very rigid…if you miss the bus, or you haven't got money for a taxi or something and you miss an appointment, there can be quite strong sanctions for that here… so it is a very time-rigid system, which culturally Aboriginal people don't always have the capacity to work within, nor see the need for it a lot of the time… so all the other issues are certainly there. The only issue that is not there is remoteness (Registrar).

This same issue may arise within legal service delivery, where clients need to attend for appointments for example, but may fail to do so for any number of reasons. Given this, suggestions were made in relation to the need for legal services seeking to work effectively with Indigenous clients to be 'time-flexible'; or as one lawyer in Alice Springs suggested, legal services should be 'providing flexible service.' This would mean for a service that 'when people just rock up to the door, we try and see them, because otherwise we might not see them again for a long time, and also get as much information from them as we can to make future contact possible' (Indigenous Legal Service staff).

5.7 Interactions between Legal Service Providers

Legal services report working, to the degree that their capacity allows, to ensure that gaps in service de02 Tw 0.002 Tc 0.116 (e)1 ed02 Tw (t)-sa capaca.002 Tc - can02 Tc -0/1n1(t)-b

effect on Aboriginal people but it’s not an NTER specific policy anymore. So whether they will fund it is a very big question (Indigenous Legal Ser

> been able to recruit a civil lawyer with appropriate qualifications out of head office. And that means that that area has been either not serviced or grossly underserviced for a very long time…it means that some of those communities are simply not having their needs met and no one else does it (Indigenous Legal Service staff).

Legal services are predominantly located in centres, such as Alice Springs or Katherine (see **Section 2**). Being able to put resources into a permanent legal service presence on remote communities, therefore, would make a huge difference to service delivery, according to some stakeholders. An Indigenous Legal Service in Katherine noted that Centrelink have agents in Indigenous communities. Similarly, this service suggests 'if legal services providers had CSOs (customer service officers) in selected communities it would provide those communities with access to legal services - a shopfront type thing from a person, 24 hours day.' This cannot occur if funding is not increased, however. 'This is a funding restraint. It would be such a clear assistance to us. I think we rely a lot o-3(y)13t3(y)13tief i afcn-5(nc) usu

Council of Attorney Generals (COAG) (2007) *National Partnership Agreement on Remote Indigenous Housing* (NPARIH)

Commonwealth Ombudsman (2012) *Remote Housing Reforms in the Northern Territory*, Report 03/2012, available at
http://www.ombudsman.gov.au/files/remote_housing_reforms_in_the_nt_report.pdf

Commonwealth Ombudsman (2012) *Review of Income Management Decisions in the Northern Territory*, available at
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Rosenmann and Clunies-Ross (2011) 'The New Tenancy Framework for Remote Aboriginal Communities in the Northern Territory', 7(24) *Indigenous Law Bulletin*, 11

Sarantakos S, (2005) *Social Research*, Palgrave New York

Sutton, J (2008) 'Emergency welfare reforms: a mirror to the past?' 33(1) *Alternative Law Journal* 27

Vines, P (2011) 'Making wills for Aboriginal people in NSW', 49(8) *University of NSW Faculty of Law Research Series 2011*: Working Paper 33, available at http://law.bepress.com/unswwps-flrps11/art33/

2. NEIGHBOURS

Have you had any problems or disputes with neighbours over such things as fences or boundaries, noise, privacy, animals?

YES † NO †

If you answered YES, plQ ra35aTjSte5(s)2th4( )11(a)Tj-l011(a)wiwergUnaedc 0: Tw 9.815 25.22jEMC /P ≮MCID 3 ⋑DC 0

4. VICTIMS COMPENSATION

Over the last couple of years, have you been the victim of a violent crime? YES † NO †

YES † NO †

If you answered YES, please complete the following questions:

9. DISCRIMINATION

Over the last couple of years, have you had any problems with racial discrimination or other types of discrimination (such as because of your age, your marital status, your gender or sexuality, religion, or because of a disability)? By discrimination: we mean being treated less favourably because of your race, etc

YES † NO †

If you answered YES, please complete the following questions:

w(u)5(e29)

12. CREDIT AND DEBT

Over the last couple of years, have you had any problems with paying a bill or loan or other debt where the lender has threatened or taken out legal action against you?

YES † NO †

Have you had any problems or disputes over your Credit Reference Rating or as a guarantor for someone else's loan, or in relation to possible bankruptcy?

YES † NO †

If you answered YES, please complete the following questions:

Briefly, what was the problem? _____

Did you seek legal help for any of these matters? YES † NO †

Who provided the help?

_____

How did you resolve the problem?

_____

13. CONSUMER

Over the last couple of years, have you any problems accessing or finding your superannuation? Or any dispute with a bank or credit union or financial institution (eg over your account balance, bank fees or other matters)?

YES † NO †

Over the last couple of years, have you any problems with insurance (eg a dispute over a claim or premium, or not being able to get insurance in the first place)?

YES † NO †

Over the last couple of years, have you any problems with any types of 'scams' or contracts involving things such as funeral funds, door to door sales, TV or mobile phone plans, used cars?

YES † NO †

Have you had any other type of problem where you paid for something and didn't get what you paid for?

YES † NO †

If you answered YES, please complete the following questions:

13. TAXATION

In what year did you last complete a tax return? _____

APPENDIX B: STAKEHOLDER INTERVIEWS

ILNP STAKEHOLDER INTERVIEWS CONDUCTED IN THE NT

Alice Springs

NT Shelter
Tangentyere Council
Australian Red Cross
Central Land Council
CatholicCare NT
Registrar, Courthouse
Central Australian Aboriginal Legal Aid Service (CAALAS)
Waltja Tjutangku Palyapayi
Central Australian Womens Legal Service (CAWLS)
Relationships Australia
Anglicare
United Voice Union
NPY Women's Council
NT Council of Social Services

Table 3.8 Number and Percentage of Focus Group Participants Identifying Use of Legal Help or Advice for Other Housing Issue

	Focus Group Participants					
Housing	**Male**		**Female**		**Total**	
	No.	**%**	**No.**	**%**	**No.**	**%**
Yes	1	1.4	6	7.7	7	4.7
No	70	98.6	72	92.3	142	95.3
Total	71	100.0	78	100.0	149	100.0

N=149

Table 3.9 Source of Legal Advice/Help Provided to Focus Group Participants for Housing Issue

Provider	No.
Aboriginal Legal Service	2
Catholic Care	1
Council/Shire	10
Other	2
Unknown	1
Employer	1
Family	1
Land Council	1
Legal Aid	1
Local Elder	1
Media	1
Minister	2
NT Housing	3
Politician	2

3.2 NEIGHBOURS

Table 3.10 Number and Percentage of Focus Group Participants Identifying a Dispute or Problem with Neighbours

	Focus Group Participants		
Neighbour Issue	**Male**	**Female**	**Total**
Yes			

Table 3.11 Percentage of Participants Identifying a Dispute or Problem with Neighbours by Geographical Location

Location	Issue with Neighbour	
	Yes	**No**
	%	%
Alice	42.1	57.9
Alpurrurulam	20	80
Bulman	5.9	94.1
Darwin	47.1	52.9
Katherine	31.6	68.4
Papunya	0	100

3.3 WILLS AND INTESTACY

Table 3.14 Number and Percentage of Focus Group Participants Who Have Completed Will

	Focus Group Participants					
Completed Will	**Male**		**Female**		**Total**	
	No.	**%**	**No.**	**%**	**No.**	**%**
Yes	6	8.5	9	11.5	15	10.1
No	65	91.5	69	88.5	134	89.9
Total	71	100.0	78	100.0	149	100.0

N=149

Table 3.15 Number of Focus Group Participants Who Received Advice in Completing Will

	Focus Group Participants					
Advice	**Male**		**Female**		**Total**	
	No.	**%**	**No.**	**%**	**No.**	**%**
Yes	6		6		12	
No	0		2		2	
Total	6	100.0	8	100.0	14	100.0

Excludes 1 missing case; N=14

Table 3.16 Number and Percentage of Focus Group Participants Who Would Like Legal Advice To Complete A Will

	Focus Group Participants					
Seek Legal Advice	**Male**		**Female**		**Total**	
	No.	**%**	**No.**	**%**	**No.**	**%**
Yes	39	60	42	61.8	82	61
No	26	40	25	36.8	51	38.3
Not Sure	0	0	1	1.5	1	0.8
Total	65	100.0	68	100.0	134	100.0

Excludes 1 missing case; N=133

Table 3.17 Number and Percentage of Focus Group Participants Identifying Having to Take Charge of Estate After Death

	Focus Group Participants					
Take Charge of Estate	**Male**		**Female**		**Total**	
	No.	**%**	**No.**	**%**	**No.**	**%**
Yes	12	17.1	3	3.9	15	10.3
No	58	82.9	73	96.1	131	89.7

Table 3.18 Number and Percentage of Focus Group Participants Identifying a Dispute Over Deceased Estate After Death

	Focus Group Participants					
Dispute Over Deceased Estate	**Male**		**Female**		**Total**	
	No.	**%**	**No.**	**%**	**No.**	**%**
Yes	7	10	11	14.5	18	12.3
No	63	90	65	85.5	128	87.7
Total	70	100.0	76	100.0	146	100.0

Excludes 3 missing cases; N=146

3.4 VICTIMS COMPENSATION

Table 3.19 Number and Percentage of Focus Group Participants Identifying as A Victim of Violent Crime

	Focus Group Participants					
Victim of Crime	**Male**		**Female**		**Total**	
	No.	**%**	**No.**	**%**	**No.**	**%**
Yes	9	12.9	12	15.4	21	14.2
No	61	87.1	66	84.6	127	85.8
Total	70	100.0	78	100.0	148	100.0

Excludes 1 missing case; N=148

Table 3.20 Percentage of Participants Identifying As A Victim of Violent Crime by Community

Location	**Victim of Violent Crime**	
	Yes	**No**
	%	%
Alice	21.1	78.9
Alpurrurulam	25	75
Bulman	11.8	88.2
Darwin	23.5	76.5
Katherine	21.1	78.9
Papunya	0	100
Tennant Creek	10	90
Wadeye	0	100

Table 3.25 Number and Percentage of Focus Group Participants Identifying as Being Entitled to Trust Fund/Stolen Wages Compensation

	Focus Group Participants					
Aboriginal Trust Fund	**Male**		**Female**		**Total**	
	No.	**%**	**No.**	**%**	**No**	**%**
Yes	5	7	7	9	12	8.1
No	65	91.5	71	91	136	91.3
Maybe	1	1.4	0	0	1	0.7
Total	71	100.0	78	100.0	149	100.0

N=149

3.6 EMPLOYMENT

Table 3.26 Number and Percentage of Focus Group Participants Identifying An Employment Dispute or Problem

	Focus Group Participants					
Employment	**Male**		**Female**		**Total**	
	No.	**%**	**No.**	**%**	**No.**	**%**
Yes	14	19.7	15	19.5	29	19.6
No	57	80.3	62	80.5	119	80.4
Total	71	100.0	77	100.0	148	100.0

Excludes 1 missing case; N=148

Table 3.27 Percentage of Participants Identifying an Employment Dispute or Problem by Community

Location	**Employment**	
	Yes	**No**
	%	%
Alice	5.3	94.7
Alpurrurulam	10.0	90
Bulman	29.4	70.6
Darwin	33.3	66.7
Katherine	10.5	89.5
Papunya	16.7	83.3
Tennant Creek	21.1	78.9
Wadeye	33.3	66.7
Total	19.6	80.4

Excludes 1 missing case; N=148

Table 3.32 Number and Percentage of Focus Group Participants Identifying a Dispute or Problem With Centrelink in Relation to Payments

	Focus Group Participants
Centrelink	

Table 3.38 Nature of Family Law Issue Relating to Children

Type	No.
Residence/contact issue	9
Child support	

Table 3.41 Number and Percentage of Focus Group Participants Identifying Problem or Dispute in relation to Property, Money or Superannuation Post-Separation or Divorce

	Focus Group Participants					
Property	**Male**		**Female**		**Total**	
	No.	**%**	**No.**	**%**	**No.**	**%**
Yes	4	5.8	8	10.5	12	8.3
No	65	94.2	68	89.5	133	91.7
Total	69	100.0	76	100.0	145	100.0

Excludes 4 missing cases; N=145

Table 3.42 Percentage of Participants Identifying Problem or Dispute in Relation To Property, Money or Superannuation Post- Separation or Divorce

Location	**Property Issue**	
	Yes	**No**
	%	%
Alice	0	100
Alpurrurulam	20	80
Bulman	0	100
Darwin	35.3 1 Tf	

3.9 DISCRIMINATION

Table 3.45 Number and Percentage of Focus Group Participants Identifying Discrimination as an Issue

	Focus Group Participants					
Discrimination	**Male**		**Female**		**Total**	
	No.	**%**	**No.**	**%**	**No.**	**%**
Yes	16	22.9	17	22.4	33	22.6
No	54	77.1	59	77.6	113	77.4
Total	70	100.0	76	100.0	146	100.0

Excludes 3 missing cases; N=146

Table 3.46 Percentage of Participants Identifying Discrimination as an Issue by Community

Location	**Discrimination**	
	Yes	**No**
	%	%
Alice	11.1	88.9

Table 3.48 Number and Percentage of Participants Identifying Discrimination As An Issue Who Sought Legal Advice or Help

	Focus Group Participants					
Legal Advice	**Male**		**Female**		**Total**	
	No.	**%**	**No.**	**%**	**No**	**%**
Yes	3	21.4	3	21.4	6	21.4
No	11	78.6	11	78.6	22	78.6
Total	14	100.0	14	100.0	28	100.0

Excludes 5 missing cases; N=28

3.10 ACCIDENT AND INJURY

Table 3.49 Number and Percentage of Focus Group Participants Identifying Accident or Injury-Related Issue

	Focus Group Participants					
Accident/Injury	**Male**		**Female**		**Total**	
	No.	**%**	**No.**	**%**	**No.**	**%**
Yes	17	24.3	16	20.5	33	22.3
No	53	75.7	62			

Table 3.60 Number and Percentage of Focus Group Participants Identifying a Problem or Dispute in Relation to Credit Reference Rating; as Guarantor for Another's Loan; and/or in Relation to Bankruptcy

	Focus Group Participants					
Credit Reference, Bankruptcy	**Male**		**Female**		**Total**	
	No.	**%**	**No.**	**%**	**No.**	**%**
Yes	0	0	10	13	10	6.8
No	70					

Table 3.63 Focus Group Participants Identifying: (a) Debt Problem Where Lender Has Threatened or Taken Legal Action; (b) Problem with Credit Reference Rating, Guarantor for Another's Loan; and/or in Relation to Bankruptcy, Who Sought Legal Advice or Help .

	Focus Group Participants					
Legal Advice	**Male**		**Female**		**Total**	
	No.	**%**	**No.**	**%**	**No**	**%**
Yes	1	12.5	8	57.1	9	40.9
No	7	87.5	6	42.9	13	59.1
Total	8	100.0	14	100.0	22	100.0

N=22; missing cases=5

3.13 CONSUMER

Table 3.64 Number and Percentage of Focus Group Participants Identifying a Problem Accessing or Finding Superannuation, or a Dispute with Bank or Other Financial Institution

	Focus Group Participants					
Superannuation or Financial Institution	**Male**		**Female**		**Total**	
	No.	**%**	**No.**	**%**	**No.**	**%**
Yes	9	12.9	8	10.5	17	11.6
No	61	87.1	68	89.5	129	88.4
Total	70	100.0	76	100.0	146	100.0

Excludes 3 missing cases; N=146

Table 3.65 Number and Percentage of Focus Group Participants Identifying a Problem with Insurance Fe articipnts

	Focus Group Participants	
Insurance	**Male**	**Female**

Table 3.67 Number and Percentage of Focus Group Participants Identifying Other Problem Where Participants Didn't Get What They Paid For

Didn't Get What Paid For	Focus Group Participants					
	Male		Female		Total	
	No.	%	No.	%	No.	%
Yes	4	5.7	5	6.6	9	6.2
No	66	94.3	71	93.4	137	93.8
Total	70	100.0	76	100.0	146	100.0

Excludes 3 missing cases; N=146

Table 3.68 Consumer Issues by Community

Location	Financial Institution	Insurance	Commercial Scams	Other Consumer Issues	Total
	No	No	No	No	No
Alice	2	1	1	2	6
Alpurrurulam	3		1	1	5
Bulman	2	2	5		9
Darwin	3	1	4	5	8
Katherine	2	1			3
Papunya	3	1			4
Tennant Creek	1			1	1
Wadeye	1	1			2
Total	**17**	**7**	**11**	**9**	**44**

NB This is the total number of consumer issues identified by community – it is not the total number of individuals identifying consumer issues as some individuals may have identified more than one type of issue.

Table 3.69 Reason Identified for Consumer Problem

Type	No.
Superannuation – Access and Entitlements	5
Dispute with Bank (Balance, Fees, Other)	5
Telephone Contract Dispute	4
Insurance (Declined Claim or Policy)	4
Vehicle Repairs/Sales	3
Other Faulty Goods/Goods Undelivered	2
Pay TV Dispute	2
Other	1

3.14 TAX RETURN

Table 3.70 Date of Most Recent Tax Return by Percentage

Date	Percentage
This year	34.4
Last year	10.2
2-5 years	7
5 years or more	13.3
Don’t know or can’t remember	22.7
Never	9.4
Other	3.1