

**Submission to Productivity Commission Inquiry: Access to Justice
Arrangements**

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1. THE INDIGENOUS LEGAL NEEDS PROJECT (ILNP)

The Indigenous Legal Needs Project (ILNP) is the first comprehensive, national study of Indigenous civil and family law needs conducted in Australia.¹ It seeks to identify priority non-criminal Indigenous legal needs and to improve Indigenous access to civil and family law justice. The ILNP was preceded by a project on Indigenous civil and family law need in New South Wales (NSW) funded by Legal Aid NSW.² The current project is funded by an Australian Research Council linkage grant, commencing in 2011 and ending in 2014. It is being undertaken with the assistance of ILNP project partners – Aboriginal and Torres Strait Islander Legal Services (ATSILS), Legal Aid Commissions (LACs) and Indigenous Family Violence Prevention and Legal Services in the Northern Territory (NT).

The ILNP is travelling to 32 remote, regional and urban Indigenous communities located in the NT, Victoria (VIC), Queensland (Qld) and Western Australia (WA). At each of these communities, focus groups are held with local Indigenous community members, who are asked to identify whether they have experienced a range of civil or family law issues and to discuss relevant legal and access to justice issues. Interviews are also conducted with relevant stakeholder services and organisations (legal services, key Indigenous organisations, etc.). The ILNP is reporting on findings in each jurisdiction upon completion of the collection and analysis of qualitative and quantitative data in each State/Territory. Reports are now available for the NT and Victoria,³ and Qld and WA reports will be released in 2014.

2. INDIGENOUS CIVIL LAW NEED

The Inquiry is considering how to define and prioritise civil law needs and to measure and improve access to justice, whether certain groups are particularly disadvantaged in terms of civil law need and capacity to access civil justice and the social and economic impacts of poor access to justice.

¹ For further information on the Indigenous Legal Needs Project visit our website:
<http://www.jcu.edu.au/ilnp/>

² The NSW report, Cunneen, C and Schwartz, M (2008) *The Family and Civil Law Needs of Aboriginal People in New South Wales*, UNSW, is available at:
http://www.jcu.edu.au/ilnp/public/groups/everyone/documents/technical_report/jcu_083446.pdf

³ The Indigenous Legal Needs Project's *NT Report* (2012) is available online at:
http://www.jcu.edu.au/ilnp/public/groups/everyone/documents/technical_report/jcu_113496.pdf. The Victorian Report will be released on 29 November 2013, and will be provided to the Inquiry as a separate submission shortly, with the Victorian Aboriginal Legal Service (VALS).

Through its research, the ILNP has identified *substantial levels of Indigenous civil and family law need* in the ILNP focus communities and *significant problems for Indigenous people in accessing justice*.

The high level of unmet Indigenous civil and family law need should be of major concern and is worthy of particular note in the Inquiry presently being conducted. It compromises Indigenous peoples' capacity to realise their full legal entitlements. These entitlements are important in their own right, but are also essential to combating Indigenous social disadvantage, evident in a range of areas; including, for example, in access to quality housing, Indigenous rates of employment and incarceration rates and their educational outcomes. Our research indicates that Indigenous social disadvantage makes Indigenous people much more vulnerable to experiencing legal problems. It also impacts on their capacity to then access justice on an equal footing with the majority of others in the community. Without improved access to justice, the social exclusion of and disadvantage suffered by Indigenous people cannot be adequately addressed. The link between unaddressed civil law need and criminalisation are particularly significant, and has been a 'stand-out' issue emerging in ILNP research. Improving Indigenous capacity to access civil and family law justice is likely to build resilience in individuals and communities, to reduce offending and to contribute to increased levels of Indigenous social inclusion.

Following is a brief summary of the research findings. Further material is contained in existing ILNP material.

3. SIGNIFICANT LEVELS OF INDIGENOUS LEGAL NEED

The ILNP research has identified high levels of Indigenous civil and family law need in the nominated ILNP communities. This need is evidenced by qualitative and quantitative ILNP data.

3.1 Levels of need in Indigenous communities

Across the three jurisdictions where analysis of ILNP data has been completed - NT, NSW, VIC - specific legal issues have been prioritised by the ILNP where identified as giving rise to significant legal need.

The prioritisation of these issues has been based on a number of criteria, including where a legal problem appears to affect a substantial number of people and/or where the problem in question has a major impact, regardless of the percentage of individuals who have identified having experienced it. Of note, a number of these priority issues relate to government interaction with Indigenous people.

Tenancy,⁴ (racial) discrimination,⁵ neighbourhood disputes, credit and debt (encompassing **consumer law** issues), and **social security** have been prioritised in

⁴ Problems in relation to tenancy, for instance, were identified by 41.2%, 54.1% and 41.8% of Indigenous focus group participants in NSW, the NT and Victoria, respectively. Only 30%, 34.2% and 21.9% (again, in NSW, NT and Victoria, respectively) of those experiencing this type of problem had sought any help in relation to it.

NSW, VIC and the NT, including because they are identified by communities as having been experienced frequently, largely without satisfactory resolution. Tenancy, for instance, was in some communities identified as a legal problem by three quarters of ILNP community participants; and it is consistently identified as a legal issue for which Indigenous people need more help across *all* communities.

Some of these areas of law - **tenancy**, **discrimination** and **social security** - are also prioritised because relevant matters arising have serious, wide-ranging consequences, and/or because the nominated communities have categorised them as a priority in terms of need, apart from the statistical frequency with which they are identified as occurring. **Child protection** is a further example of this type of priority issue in the ILNP. Child protection was identified as a problem and help was accessed in response to it at varying rates in different jurisdictions. It is prioritised because communities identified child removal as having enormous impact upon Aboriginal and Torres Strait Islander individuals, families and communities.

A further category of potentially significant legal need has emerged in the ILNP research; that is, where there is substantial *unrecognised* legal need. In these areas, the lack of identification of need (and responses to it within a legal framework) speaks more of the absence of knowledge of the law and of legal rights than of an absence of need. **Victims' compensation** and **wills** are the two major areas of unrecognised need prioritised to date by the ILNP in VIC, NT and NSW.

Another important way of mapping legal need is to consider *gender* differences. Indigenous men and women do not always experience and/or respond to legal problems in the same way. This is more pronounced in some jurisdictions and for some issues than it is for others. Aboriginal women were more likely than Aboriginal men to have a problem in relation to neighbours. In the NT, Aboriginal women were also much less likely than Aboriginal men to seek advice or help in relation to this type of problem. **Neighbourhood** disputes, therefore, are prioritised as a legal issue for Indigenous *women* in NSW, VIC and the NT.

3.2 Complexity of Indigenous need

It is also apparent from the ILNP research that levels of Indigenous civil and family law need are significant because of the *complexity* of that need. Complexity arises because of a range of social and cultural factors, which for the most part appear to have particular relevance for Indigenous communities.

The ILNP research has found that legal problems in civil, family and criminal law areas interact so as to intensify Indigenous legal need through a form of 'snowballing'. Indigenous people may therefore be facing multiple legal issues, simultaneously, compounding need. This occurs in a number of ways.

- Certain legal issues appear to run through or lead to many other civil law issues, with racial discrimination being a prime example of this phenomenon

⁵ Participants in VIC, NSW and the NT almost unanimously identified *direct racial* discrimination as the predominant form of unequal treatment suffered, rather than discrimination on any other ground (gender, disability etc.).

(relating to problems in education (bullying at school), employment (denial of a job) and housing (denial of private tenancy application), for instance).

- One legal problem, particularly where unresolved, also leads to others. In relation to tenancy, for instance, disproportionate rates of eviction of Indigenous people from public housing (potentially based on biased housing provider policy) and their subsequent homelessness leads to overcrowding in other Indigenous homes. This may then lead to credit and debt-related and further tenancy problems, for example (large utility bills and subsequent debt, non-payment of rent, eviction).
- In terms of the interplay between criminal and civil/family law, (disproportionate numbers of) Indigenous people are incarcerated on the basis of criminal law problems, which gives rise to civil and family law matters and legal need related to incarceration, as well as making it difficult to resolve civil and family law issues unrelated to incarceration (due to prisoners' reduced access to legal and other assistance). Unresolved civil law issues can also escalate to offending and criminal law problems. Examples have been provided in the ILNP research in the context of consumer, social security, neighbourhood and discrimination-related disputes, *inter alia*.⁶ Even where they do not lead directly to offending, unresolved civil and family law matters contribute to Indigenous social disadvantage, which is a crucial contributing factor leading to Indigenous offending and over-representation.
- *Non-legal* 'problems' disproportionately impacting upon Indigenous people are relevant to Indigenous civil and family law need. They lead both to a higher likelihood that legal problems will be experienced by Indigenous people *and* to reduced capacity of both Indigenous people and legal and other services assisting to respond to such legal issues. Relevant problems include drug and alcohol issues, low levels of education and high levels of illiteracy, poverty, effects of child removal and higher rates of disability, for instance. Literacy, for instance, may make it difficult for an Indigenous person to understand legal obligations imposed on them by Centrelink and communicated to them in writing; and also to then engage with the legal system in responding to any decision by Centrelink to cut their benefits when they breach these obligations.
- Legal issues increase in complexity and become more difficult to resolve (with legal need therefore amplified) where Indigenous people do not resolve relevant issues at an early stage, which appears to occur with relative frequency in Indigenous communities. Some of the reasons why Indigenous people might not try to resolve issues earlier include the fact that complexity and multiplication of issues actually leads to levels of exhaustion and resignation or acceptance; because there is a lack of community knowledge of the law or of how to respond appropriately to problems (see 4.2 below); *and* a mistrust of the legal system (including lawyers) because of negative

⁶ See discussion in Schwartz, M and Cunneen, C (2009) 'From Crisis to Crime: the escalation of civil and family law issues to criminal matters in Aboriginal communities in NSW', 7(15) *Indigenous Law Bulletin* 18

interactions between Indigenous people and the law in the past (criminal law or child protection related interactions, for example). Indigenous persons might also feel that they need to prioritise one issue, legal and/or non-legal, over another where there are numerous problems to deal with, depending on perceptions of a hierarchy of urgency. This leads to escalation and proliferation of problems – and therefore to increased levels of legal need.⁷

4. KEY ACCESS TO JUSTICE ISSUES

4.1 Availability of legal and other assistance

Indigenous people are, in the vast majority of cases, primarily reliant on legal assistance services rather than other legal practitioners for access to justice, including due to the cost of private practitioners. Based on information provided by ILNP communities, the ILNP has however identified considerable gaps in the help that civil and family law legal assistance services are currently able to provide to Indigenous people.

4.1.1 Indigenous-specific legal service delivery

Presently, ATSILS have a predominant focus on Indigenous *criminal law* need, responding (in part) to high rates of Indigenous over-representation in the criminal justice system and the emphasis on criminal law service delivery within existing funding and service agreements. ATSILS have the significant levels of Indigenous need in *non-criminal* areas, but indicate that they do not have capacity to both get a better understanding of need in these areas *and* to take on additional work. With some exceptions, the current approach is vastly inadequate, and inevitably means that Indigenous civil and family law need is largely left unaddressed by ATSILS. This is highly problematic, given that ATSILS are the primary provider of culturally responsive legal services to Indigenous communities.

Indigenous Family Violence Prevention and Legal Services (FVPLS), whilst engaging very effectively with Indigenous communities around civil and family law issues, have a specific focus on working, primarily, with Indigenous women and children around family violence and related legal issues – again leading to gaps in service delivery to Indigenous communities.

Indigenous men, women and children reliant on legal assistance services need to be able to access culturally appropriate legal services for a *range* of legal problems. There is an urgent need for ATSILS and FVPLS to be provided with increased funding to enable expansion of the work they do in relation to civil and family law matters. Whilst funding criminal law work is essential, better meeting Indigenous civil and family law needs is an important objective in and of itself, given levels of demand, and will also help to decrease offending and hence criminal law need. Simply shifting priorities but retaining current levels of funding is not a solution, as Indigenous criminal law need still needs to be addressed. Additional funding needs to

⁷ For discussion of some of these issues in the context of racial discrimination, see Allison, F, Cunneen, C and Schwartz, M (2013), ‘That’s Discrimination! Indigenous Peoples’ Experiences of Discrimination in the Territory’ 8(5) *Indigenous Law Bulletin* 8

be sufficient and stable enough to ensure that relevant initiatives designed to address civil and family law need are not set out to fail and to enable the employment and retention of well-qualified lawyers to work with Indigenous legal services.

4.1.2 *Non-Indigenous service delivery*

Further, non-Indigenous legal (and other) services need to have better capacity to assist Indigenous clients. LACs and CLCs should be able to respond more effectively to Indigenous civil and family law need, given that they are likely to have capacity to take on more civil and family law work than ATSILS, in particular. Despite a willingness to engage with Indigenous communities, *generally* LACs and CLCs do not have high numbers of Indigenous clients or perhaps sufficient focus on or understanding of Indigenous need.

This is partly attributable to issues of engagement of non-Indigenous legal services with Indigenous communities. Problems of engagement have been identified to include a lack of Indigenous staffing, inflexible and bureaucratic systems (form filling, strict appointment systems), insufficient outreach, problems with client-staff interactions, and perceptions that such services are otherwise ‘mainstream’. Significant concerns have also been raised in relation to service segregation, where there is an assumption that for any Indigenous person needing help, an *Indigenous-specific* service should be providing them with assistance. Non-Indigenous legal may deny an Indigenous person service on this basis. Of note, similar problems are also applicable to *non-legal* services provision, including government dispute resolution and complaint handling agencies working in civil and family law-related areas (such as anti-discrimination commissions, dispute resolution agencies, Ombudsmen etc.).

Non-Indigenous legal (and other) services need to have greater capacity for and be open to providing effective services to Indigenous people. Whilst an Indigenous-specific service may be a first choice for an Indigenous person seeking help, that will not *always* be the case. Indigenous people need to make their own decisions about which service they approach for help, and should not be turned away or otherwise excluded from using a non-Indigenous service *because* they are Indigenous. Non-Indigenous legal services might also provide warm rather than cold referrals where another legal (or Indigenous-specific) service *is* the most appropriate option for an Indigenous person seeking assistance.

Initiatives to improve engagement more broadly might include more flexible service delivery (‘time-flexible’, drop-in services for clients rather than use of appointments); providing outreach to communities, getting out from ‘behind your desk’; increased Indigenous staffing, including staff that permanently reside and are located within particularly remote communities; establishment or linking in with existing Indigenous consultative or representative groups, such as Aboriginal Reference Groups; working better with community-based (Indigenous) services already connected with communities; and improving problems of communication (including interpreters for some communities and cultural awareness training for non-Indigenous staff). All or any of this is likely to require better funding of non-Indigenous legal (and other) services, including because of the additional client work they will be required to take on.

Private practitioners might also do more to assist Indigenous clients, although the cost of accessing private lawyers may exclude Indigenous people from using their services, in many instances. The ILNP has found that very little contact is made between Indigenous people and private lawyers in most communities. Sometimes however, due to legal conflict for example, or the non-existence of legal assistance services, private practitioners may need to fill existing gaps in legal service provision, particularly outside urban centres and including by providing Legal Aid-funded help. Given this, it is worth noting that private solicitors also need to have more culturally appropriate ways of working with Indigenous clients, perhaps through some form of (compulsory) relevant legal training.

Engagement is also an issue for government departments and agencies dealing with Indigenous communities, including Centrelink or housing providers. Interestingly, improving engagement by such agencies or departments may help to prevent or avoid legal problems from occurring. The example provided above in relation to Centrelink clients misunderstanding their legal obligations is a good example of problems of engagement and communication in this regard.

4.1.3 Geographic barriers

The further away Indigenous communities are from urban (and to a lesser extent, regional) centres, the less likely they are to access legal assistance and information. Remoteness is an issue clearly affecting the availability of assistance to access justice, whether that be through legal or other services - and given the proportion of Indigenous people living remotely, one that is likely to impact upon Indigenous communities in particular. In a number of Indigenous communities visited by the ILNP, the only legal assistance provided is criminal law-related and any outreach is provided to correspond with the timetabling of the (criminal) circuit court. For example, in the NT child protection matters are generally not determined during remote circuit courts, resulting in many parents from remote communities not being able to attend court when decisions are being made about their children.

Audio-visual technology may work effectively to address geographical isolation, to some extent, particularly where a local field officer or similar is available to facilitate an appointment or consultation conducted through such technology with a client and where it is not forced upon an Indigenous person, who may prefer *not* to use it. But the preference must be for face-to-face legal service delivery, where possible. Capacity for outreach work should be expanded in areas where it is not possible to establish permanent legal services, and funded on an ongoing basis so as to allow time for relationships to be established and developed.

It is also worth noting that feelings of isolation and perceptions of under-servicing do not arise solely for more remote Indigenous communities, cut off from urban or regional centres by vast distances. In Victoria, the Melbourne-centric nature of service delivery, for instance, led many people in the regions to complain of poor access to legal services. It cannot be assumed that Indigenous people living outside a city will have transport, phones and other means to make appropriate contact with a centrally located legal service.

4.1.4 Improving access to justice beyond legal casework

Access to justice includes access to lawyers who can assist with casework, advice and representation for individual clients. There should be sufficient capacity within legal assistance services, including if necessary through pro-bono assistance, for certain cases to ‘go the whole way’, including in order to establish relevant legal precedent with wide-ranging impact. In this respect, Indigenous people are entitled to have equal access to the *formal* court/tribunal system, including through the provision of legal representation (where disputes are not resolved at an earlier point in time).⁸ The ILNP has heard of instances where Indigenous people have to appear unrepresented in tribunals for tenancy matters, for instance, where no legal assistance is available or provided to them and the difficulties that self-representation creates for them (including leading to eviction from their home), or in other instances where Indigenous people do not appear at all, and tribunal decisions are made in their absence. There has also been some comment provided to the ILNP about establishing more culturally responsive formal dispute resolution forums for civil and family law matters, similar to the Koori Court in Victoria.

There are, however, ways to bring about effective justice for Indigenous people that do not involve litigation and casework. Additional funding urgently needs to be provided to legal services, again with some focus on (but not limited to) Aboriginal and Torres Strait Islander legal services, to enable a more *strategic* approach to legal service delivery in Indigenous communities in order to address *systemic* issues and to *prevent* legal problems from occurring in the first place. Current funding is inadequate to allow for sufficient focus in this regard.

Legal services might, for instance, increase the degree of law and policy reform work undertaken. A range of potential legal issues affecting comparatively large numbers of Indigenous people have been identified by the ILNP, particularly arising in relation to government policy and practice in areas such as housing, social security and child protection. Ideally, law reform and policy work might be used to tackle these issues so as to have maximum positive effect. This is one example of addressing need in a more preventative, broad-ranging way. Another focus in this regard should be on increased community legal education (CLE) (see 4.2 below).

Further, *non-legal* services such as alternative dispute resolution and complaint handling bodies, should also be able to work more effectively to assist Indigenous people to resolve issues without recourse to the formal legal system. Such services provide a good alternative to lawyers and courts. There are presently problems in terms of Indigenous access to such agencies, some of which are raised above - including due to community perceptions that they are not culturally appropriate; where they are branded as ‘government’, creating difficulties where Indigenous people fear that they may breach confidentiality to communicate or otherwise work in collaboration with another government department (such as child protection); because of unnecessary levels of bureaucracy in the way problems or disputes are handled by such agencies; and a lack of community awareness of their existence. Engagement needs to be improved in this area, as noted above (see 4.1.2 and 4.2).

⁸ We note, in this context, that there has been a significant amount of comment relating to the need to use Indigenous courts in resolving civil and family law disputes, similar to the use of Koori Court in Victoria for criminal law matters.

For detail in relation to the work that community services and organisations do to address need, see 4.3 below.

4.2 Lack of knowledge of civil and family law as a barrier

Another way of preventing legal disputes and otherwise improving Indigenous responses to legal problems is to address what appear to be poor levels of knowledge in Indigenous communities of what civil and family law is all about. Indigenous people may not know that the problems they are facing are actually (potential) *civil law* issues, and whether/what legal remedies or responses are available to them when such issues arise. This causes both legal problems *and* problems of access to justice, and is a key theme to arise from the ILNP. The importance of more CLE for Indigenous communities on civil and family law cannot be overstated.

Not knowing about rights and obligations (as tenants or consumers, for instance, trying to make sense of contractual arrangements) might cause problems to emerge. If unaddressed, these problems can and will escalate to full-blown legal issues. Better knowledge of the law would help to avoid disputes or problems in the first place, and would enable Indigenous people to make informed decisions about dealing with matters appropriately as they come up, at as early a stage as possible. Talking with a housing provider when threatened with eviction for non-payment of rent, for instance, may effectively sort things out - without the need to engage the law, lawyers and litigation.

Civil and family law problems are different to criminal law issues, as people generally need to make a decision about how and whether to respond to them (as either complainant or respondent); that is, to challenge the status quo. Indigenous people identify feeling ‘paralysed’ and disempowered where they have little awareness of even very first steps to take when a problem or dispute arises, or is likely to arise, including where to go for information or help. Complexity of the law and the legal system creates barriers to accessing justice for Indigenous people, including because of literacy and language issues. People have stated that they need a ‘cheat sheet’ that tells them, in simple terms, what their options are when things go wrong; including where they might be able to go for further assistance and advice.

In this respect, having legal and other services, including dispute resolution services, available to help and inform is in some respects a secondary-level need or issue, as people will not know to approach them for assistance if they do not initially identify that they are able to use the law to respond to their problems. Where better funded, however, legal and other services *can* assist to increase community knowledge of civil and family law, thereby enhancing the likelihood that people will come forward for help or deal with issues themselves directly. Although *significantly*, many Indigenous people report a need to *still* have an advocate, legal or otherwise, assisting them to resolve problems, even where they are more informed and to some extent therefore able to deal with problems themselves.

Any CLE, too, needs to be delivered in culturally appropriate form, including through social media forums and using audio-visual material, given that literacy and language is a potential issue for Indigenous people. As an important point of contact with

Indigenous communities, Indigenous staff working in legal services, in particular, should be skilled up to better provide at least initial information to Indigenous clients about civil and family problems.

4.3 Relationships between different services

Another key theme to emerge from the research in all jurisdictions is the importance of establishing and continually developing good working relationships between legal, legal and non-legal, Indigenous and non-Indigenous services working to address civil and family law-related need in Indigenous communities.

Presently, the way in which issues are dealt with by services does not always provide an adequate response to Indigenous legal need. Noting our comments above in relation to complexity, where an individual faces a number of problems at the same time, these issues may be compartmentalised by services. This occurs where, for instance, a legal service responds to a client's criminal law issue but not their civil law matters – even where issues are clearly related. The civil law matters may be referred to another service by cold rather than warm referral, not picked up or ignored. There are numerous other instances where an Indigenous client will have to work with different services, but in a disjointed fashion. This causes them to disengage, and ultimately leads to unresolved issues, ongoing crises and compounded need for Indigenous people. It is difficult for Indigenous people to make a decision to access help, and whilst they are engaged it is important to try to work as effectively as possible to address problems being raised.

Holistic service delivery, which avoids compartmentalisation of need, for one, is essential for Indigenous people. This might be achieved by ensuring that an Indigenous person has a primary worker who coordinates the work that different services do for them and/or offering assistance for various problems under a single roof, including where a legal service employs a financial counsellor or social worker,⁹ or when a place/location/office is established where different services come together at the same time and Indigenous people can come by for help, as required.¹⁰ Some Indigenous stakeholder organisations have suggested a local, drop-in centre which is not *only* legal, but which can assist at least at initial stages with legal and non or quasi-legal issues (applying for a birth certificate, for instance), would be highly beneficial for Indigenous communities in need.

In this context, *community*-based services, including advocacy services, and particularly Indigenous services (eg, Aboriginal cooperatives, Aboriginal health services), are likely to be well trusted within and more connected with a local community than a legal or mainstream (government) service. They are well placed, therefore, to identify need and to address it in the course of their social service provision and are already doing good work to respond to and prevent escalation of (potential) legal problems. They may be able to deal with issues directly, where

⁹ A good example of this is the Geraldton Resource Centre in WA: <http://grc.asn.au/>

¹⁰ The Billabong BBQ in Melbourne, Victoria, is an example of this type of initiative. See North Yarra Community Health (2013) *Billabong BBQ Evaluation*, Melbourne VIC <http://www.nych.org.au/publication/pdf/research/Billabong%20BBQ%20Evaluation%20Report.pdf>

sufficiently resourced to do so, when the issues do not call for more formal legal advice and perhaps in collaboration with relevant legal services. Or they may make appropriate, warm referrals to legal and other services who can better assist, where they have established effective relationships with such services. A community-based service dealing, for instance, with what appears to be a non-legal problem concerning housing (such as homelessness) may conduct a legal health check with Indigenous clients to ascertain whether there is a tenancy or other legal matter needing attention and can then make appropriate referrals *or* provide initial information about relevant legal issues themselves.¹¹ It may work the other way too, where legal services are able to (warmly) refer Indigenous clients to non-legal services. Another way to improve legal service engagement is to build on already well-established relationships by delivering legal outreach to communities *through* community-based service offices.

Finally, whilst some positive, effective relationships currently exist between legal services (through, for instance, secondments) it is also clear from the research that legal services must collaborate more. They need to get to know what other legal services are doing, establish formal arrangements to enable appropriate (warm) referrals to be provided to clients, and develop strategies to tackle issues at more systemic levels (including through engaging in collective law and policy reform work) and to address legal need as efficiently as possible (including by working to address gaps in service delivery rather than duplicating services).

¹¹ For information on legal health checks, see the use of the initiative by the Queensland Public Interest Law Clearing House (QPILCH) Homeless Person's Legal Clinic (HPLC) and videos developed to assist community-based services to conduct the check: available at: <http://www.qpilch.org.au/cms/details.asp?ID=7>