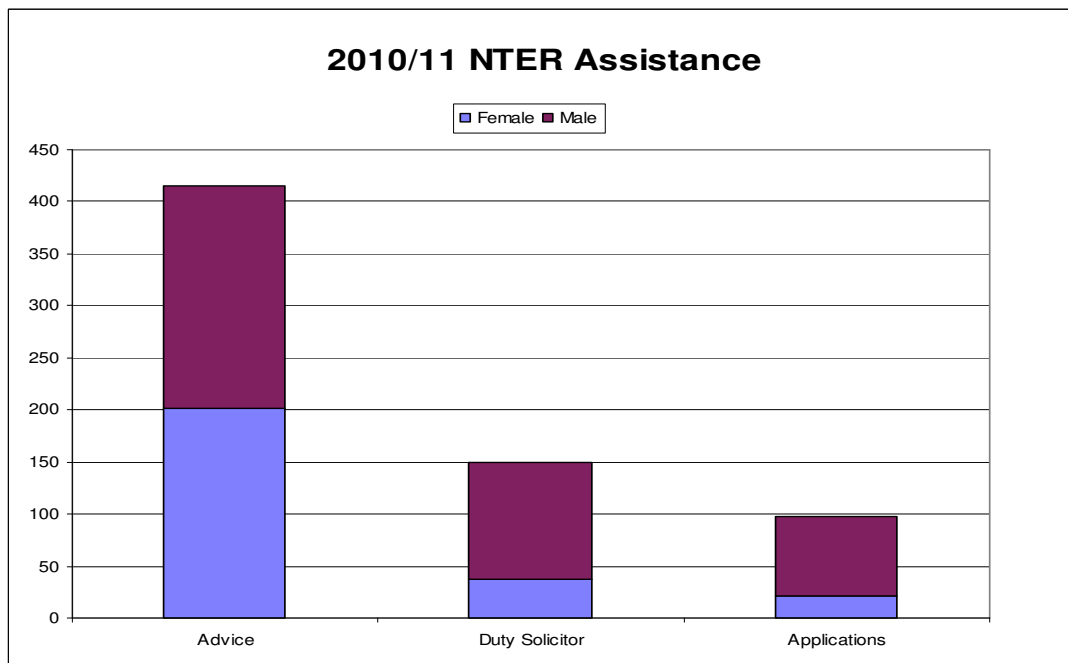




## Northern Territory Legal Aid Commission

Interim Evaluation Report on Outreach Project  
2010-11

### Services delivered by location



Attached is a summary of the 49 communities visited during the 2010/11 financial year. The attachment outlines the communities visited, number of people attended to and comments pertaining to the visit.

### Major Implementation Risks and Issues

- Staff recruitment and retention in a challenging and demanding environment

- Occupational Health and Safety concerns in an external environment involving extensive remote travel
- Managing workload demands and capacity
- Expectation management of remote community members
- Staff wellbeing among staff who can become overwhelmed by demand and client concerns including poverty, violence, isolation, and frustration at loss of self-determination.

### **Outcomes Achieved**

NTLAC has conducted an outreach project from our offices in Darwin, Katherine, Tennant Creek and Alice Springs, which includes information sessions, education workshops, legal advice and minor assistance to people in prescribed communities.

See above and attached for further statistical information on client services provided. Below is information in relation to interagency collaboration. In addition, the Project has been engaged in policy work and submission writing where appropriate.

### **Continuing Barriers to service**

Barriers to service for this project include:

- Small team and relatively large geographic area
- Poor road conditions and distance to travel
- Impassable roads due to flooding or need to travel by light aircraft can be expensive
- Community visits have to be held subject to existing community availability
- Despite planning, community members are sometimes absent from the community or not available due to other commitments
- Language, literacy and cultural context of communities

### **Future Needs**

The Commission has primarily targeted remote communities that are not on the court circuit and, as a result, are not regularly visited by legal services. Clients at these communities with many and varied unmet legal needs. We anticipate the following needs to continue in the future:

#### 1. Housing/tenancy issues

Inadequate and poor standard of housing has been raised as an issue of great concern almost universally in communities and town camps visited. Overcrowding and poor housing impacts on individual and community safety as well as basic participation in society through school attendance and job retention. The rights and responsibilities of remote tenants under the *Residential Tenancies Act* are unclear.<sup>1</sup> Territory Housing are 'rolling out' a remote housing system which will significantly change the way that remote housing is managed. Tenants seek information and assistance in relation to this change.

#### 2. Consumer/Credit/debt issues

Clients at many of the communities visited reported financial stress as a result of debts that they were struggling to repay.

The types and quantity of debts varied from client to client; however, there were common themes amongst some different communities, including:

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<sup>1</sup> See Rosenman and Clunies-Ross, *The New Tenancy Framework for Remote Aboriginal Communities in the Northern Territory* Volume 7, Issue 24, Indigenous Law Bulletin,

- Predatory sales practices (Door to door and phone)
- Misleading and deceptive conduct in relation to debt recovery
- Unfitness for purpose (for example phone plan agreements in regions where there is no phone coverage)
- Warrant issues in relation to motor vehicles
- Unserviceable loans which had been approved outside of the remote lending criteria
- Assistance arranging repayment of fines

In general we encountered poor levels of financial literacy and a lack of access to services that could assist with renegotiating payment rates when clients were suffering financial hardship. Where possible clients are referred to the appropriate consumer protection body.

De identified case study consumer assistance

Jill from (remote community) had a \$3500 Centrelink debt for a landline service that only existed for 7 months. Telstra did not take steps to limit the expenditure on her account, even though Jill was racking up high bills.

Jill received a refund of \$2823.68 and because it has taken Telstra so long to get the refund arranged, they have also waived the \$350 connection fee for her new In Contact service.

3. Family Violence

It is beyond dispute that family violence is widely experienced in remote communities across the NT. The outreach team is regularly requested to provide advice and referral assistance to people seeking legal remedies in relation to family violence.

4. Fines Recovery

While a substantial proportion of people seeking assistance have unpaid fines, there is a genuine willingness to make arrangements to pay those fines. Making payment arrangements with the relevant entity, the *Fines Recovery Unit* can be difficult for people in remote communities for a number of reasons including,:

- There is no local agent for the Unit so all transactions must be done over the phone or in writing
- Lack of confidence in using the telephone
- May not speak English as a first language
- English literacy not sufficient to fill in forms
- Financial literacy not sufficient to decide what is a serviceable amount
- Process for arranging payment is not available to remote residents

This is an area of unmet need which is likely to continue. This need could be met by a non-legal service such as a financial counselling service.

5. Warrant issues

Communities that have a new police station but are not visited by the Magistrates Court as part of the bush court circuit have particular issues with warrants. The appalling road conditions and distance clients are required to travel and to attend court is often an issue in communities. Remote residents have difficulty attending court outside of there communities which would often require hundreds of kilometres of driving or costly travel by light plane (for island communities or if roads are cut).

De identified case study warrants

Jim from (remote community) called our info line and was referred to an outreach lawyer – he had a warrant on historical charges. The charges were pretty bizarre and involved an incident where he had shot himself with a shotgun at point blank range and somehow survived. He has been worried about the police charges for three years.

We assisted in vacating the warrant and entered into negotiations on his behalf with the prosecution. Most charges were withdrawn but police would not remove charges that related to the possession and illegal possession of the firearm.

Jim has dealt with those charges now (CAALAS appeared in the CSJ) and the matter is finalised with Jim receiving small fines.

The client told the Indigenous Community Liaison Officer that he now has a job offer with a road crew in the region. He now has the opportunity of earning a good income for himself and his family. He does not have to worry about being arrested.

## 5. Alcohol

The NTER restrictions on alcohol in prescribed communities have been confusing for many people affected by the changes. In some cases there appears to be little understanding from police or community members of where the boundary and alcohol restrictions begin. Further Alcohol reforms commenced on 1 July 2011 and the current intervention provides for the development of alcohol management plans on a regional basis.

## 6. Unclaimed superannuation

The unclaimed superannuation media campaign in recent years has been very successful in attracting the attention of people across the NT<sup>2</sup>. Remote residents regularly request assistance in finding unclaimed superannuation. It can be very difficult and extremely time consuming to ascertain if a person has unclaimed superannuation, especially if, as is common, clients do not have birth certificates (ie they have never had one) or a tax file number. Due to competing priorities and capacity, the outreach team has only been able to provide limited referral assistance in this area. This is an area of unmet need which is likely to continue. This need could be met by a non-legal service such as a financial counselling service.

## 7. Deceased Estates

A large number of remote community members request assistance in determining if there are funds or assets remaining from the deceased estate of their next of kin. Due to competing priorities and capacity, the outreach team has only been able to provide limited referral assistance in this area. This is an area of unmet need which is likely to continue. This need could be met by a non-legal service such as a financial counselling service.

## Linkages

### Between the NTER Activities and the Indigenous Families Project

The Indigenous Families Project was the first major community development project the Commission had undertaken in remote Indigenous communities. This project embedded in the commission sound principles of respectful community interaction and cross cultural understanding of the context of many communities and individuals in remote Aboriginal Australia. This project and

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<sup>2</sup>[http://unclaimedsuper.com.au/include/pdf/AUSfund%20finds%20more%20than%20\\$800,000%20in%20Cairns%2025%20August%2025%202006.pdf](http://unclaimedsuper.com.au/include/pdf/AUSfund%20finds%20more%20than%20$800,000%20in%20Cairns%2025%20August%2025%202006.pdf)

the outcome, being 3 Aboriginal language DVDs have afforded the Commission some credibility in this project.

The Outreach Project has enabled the Commission to building on this project through:

- Further distribution of the DVDs in appropriate areas
- Use of the DVD content as a tool for further Community Legal Education
- Night time screening of DVDs in remote communities through use of a drop down canvas screen which attaches to the team's vehicle.

As part of this further engagement, other language groups in the Central Australian region have requested the *Family Problems: Your Rights When things go Wrong* to be provided in English. A further version of the DVD has been produced in English and distributed to other communities in Central Australia.

#### Outcomes achieved in collaborative service delivery

Networking and liaison with other agencies has been an important part of the Outreach activities, as it is vital to be up to date on the operations, scope and guidelines of related program areas.

It has been productive to meet with relevant agencies to discuss particular trends and issues which are being brought to our attention as part of the outreach activities.

We have also arranged and participated in many inter-agency visits to communities where particular areas of needs have been identified. For example, joint trips have been held with:

- NT and Commonwealth Ombudsman
- Consumer Affairs;
- Australian Securities and Investment Commission
- Australian Competition and Consumer Commission
- Anti-Discrimination Commission
- NAAJA and CAALAS
- CAWLS

We have participated in interagency 'expo style' events, such as the Barunga Festival in Barunga (Katherine Region) and Garma Festival in North East Arnhem Land which each attract thousands of Indigenous people from prescribed communities.

We have also participated in interagency meetings with the above and related agencies to share information in relation to our activities and avoid duplication. Recently we have established a 'Remote Housing Legal Services Forum' which includes representatives from legal services, FaHCSIA and Territory Housing. The terms of reference are:

- Discuss policy and practical issues arising out of remote housing service delivery in the NT
- Facilitate responsiveness and cultural appropriateness of Remote Housing NT in remote communities through a collaborative approach to problem solving
- Facilitate flow of information regarding changes in policy, procedure and other developments from Remote Housing NT to legal service providers

- Provide Remote Housing NT with the opportunity to receive feedback and information from legal service providers directly, including reports from the field and policy input