



North Australian Aboriginal Justice Agency Ltd

ABN: 63 118 017 842
61 Smith St Darwin NT 0800
Ph: 08 8982 5100 / Fax: 08 8982 5193
1800 898 251

Review of the National Partnership Agreement on Legal Assistance Services

Briefing Paper

Table of Contents

1	Overview of NAAJA	3
1.1	Access to Justice	4
1.2	Service Delivery Area.....	5
1.3	Criminal Law	6
1.4	Civil Law	10
1.5	Advocacy.....	11
1.6	Community Legal Education.....	12
1.7	Welfare Rights	13
1.8	Indigenous Prisoner Throughcare	15
2	The Context of NAAJA Service Delivery	18
2.1	Salary Disparity.....	18
2.2	Workload Disparity.....	18
2.3	Increases in Work and Complexity	19
2.4	Facilities in Remote Areas	21
2.5	Recruitment and Retention.....	22
3	Culturally Appropriate and Competent Services	24
3.1	Board Composition.....	24
3.2	Induction and Training	24
3.3	Aboriginal Client Service Officers	25
3.4	Indigenous Employment and Careers	25
3.5	Interpreters	26
3.6	Community Training and Support	27
4	Collaboration with Legal Services and Government and Non-Government Agencies.....	29
4.1	NT Legal Services Forum.....	29
4.2	NT Jurisdictional Forum.....	29
4.3	Aboriginal Peak Organisations (NT).....	30
4.4	Strong Aboriginal Families, Together (SAFT).....	30
4.5	Whole-of-Government Evaluation of the Northern Territory Emergency Response	31
4.6	NLAC	31
4.7	NT Law Society.....	32
4.8	Remote Housing Forum.....	32
4.9	Centrelink	32

4.10	NT Indigenous Affairs Advisory Council.....	33
4.11	NT Child Deaths Review and Prevention Committee.....	33
4.12	NTCOSS Remote Services Working Group.....	33
4.13	Youth Justice Review Committee	34
4.14	NT Coordinator General and Remote Services.....	34
4.15	NT Correctional Services.....	34
4.16	NT Government Ministers	35
4.17	NT Police.....	35
4.18	NT Anti-Discrimination Commissioner	35
4.19	West Arnhem Shire Council.....	36
4.20	National ATSILS.....	36
4.21	Advocacy Committee	36
4.22	National Pro Bono Council.....	36
4.23	National Congress.....	37
4.24	Making Justice Work Campaign	37
4.25	Katherine Region Partnerships.....	38
4.26	Nhulunbuy Region Partnerships.....	39
Appendix A – List of Acronyms		40
Appendix B – List of Attachments		41

1 Overview of NAAJA

The North Australian Aboriginal Justice Agency was formed in 2006 with the merger of three existing Aboriginal Legal Services: the North Australian Aboriginal Legal Aid Service, established in 1972; the Katherine Regional Aboriginal Legal Aid Service, established in 1985; and the Miwatj Aboriginal Legal Service, established in 1998.

NAAJA is now the largest legal practice in the Northern Territory and is funded by the Commonwealth Attorney-General's Department (**AGD**) on a triennial basis to provide Criminal and Civil Law services to Aboriginal people and their families in the Top End of the Northern Territory.

We are also funded by the Commonwealth to provide services in the following program areas:

- Indigenous Prisoner Throughcare;
- Northern Territory Emergency Response Legal Services (to be renamed 'Stronger Futures Legal Services'); and
- Northern Territory Emergency Response Welfare Rights Outreach (to be renamed 'Stronger Futures Welfare Rights Outreach').

We have a team of over 80 staff across the Top End of the Northern Territory, with offices in Darwin, Katherine and Nhulunbuy.

In 2010 NAAJA was recognised for its work by the Australian Human Rights Commission, which awarded us a Human Rights Award in the law category. This was a proud achievement and testament to the hard work and dedication of our staff over many years.

The NAAJA Strategic Plan outlines our organisation's goals and priorities for the next three years: see Attachment 1.

Our Annual Report 2010–2011 details our structure and operations in 2010–2011: see Attachment 2.

This briefing paper provides an overview of our current operations and some of the significant issues that arise for our service in providing effective access to justice for Aboriginal people in the Top End. We have provided statistical snapshots and case studies to highlight the challenges that we face and the context in which we operate. We have also sought to identify some of the many ways that our organisation and services differs *qualitatively* from the services that are provided by mainstream legal service providers.

References: *Strategic Plan, Attachment 1; Annual Report 2010–2011, Attachment 2.*

1.1 Access to justice

An important contextual factor in understanding the work of NAAJA is the gross overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system and particularly the NT. Nationally, Indigenous people make up about 2% of the population, but 26% of the prison population.¹ In the NT, Aboriginal people make up about 30% of the population but over 80% of the prison population and over 90% (currently 98%) of the young people locked up in juvenile detention.²

Aboriginal people are also significantly overrepresented as victims of crime – this is particularly the case for Aboriginal women as victims of violent crime.

Particular legal needs and barriers to accessing justice also arise from issues such as:

- Acute social disadvantage in the areas of education, housing, employment, income and health;
- Remoteness. In the case of NAAJA's clients, many live in communities or outstations that are hundreds of kilometres by dirt road to the nearest regional centre and can be inaccessible by road for significant parts of the wet season (roughly December – April). With geographical remoteness also comes a lack of social services;
- Language. In many parts of the country, Aboriginal people speak Aboriginal English (a distinct dialect) as their first language.³ In the NT, many Aboriginal people speak English only as a second, third or fourth language and require interpreters. In a number of communities that are serviced by NAAJA (including communities like Wadeye, the NT's largest Aboriginal Community), almost all people appearing before the court require an interpreter; and
- Cross-cultural issues. For many of our clients, the mainstream legal system is quite simply an alien one. Its language and concepts are difficult to effectively interpret into Aboriginal languages and are very poorly understood. This means that clients often have a poor understanding of court proceedings and the orders made by the court as well as a very limited awareness of their rights and what legal remedies they may have available. There are a range of other common cross-cultural issues that arise for NAAJA's clients including those arising from kinship relationships, the practice of customary law and the prevalence of gratuitous concurrence (the tendency to agree with the questioner). These issues particularly arise in remote communities, although they are by no means confined to those communities.

¹ Australian Bureau of Statistics, *4512.0 Corrective Services, Australia, December 2011*, available at: www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4512.0Main%20Features2December%202011?opendocument&tabname=Summary&prodno=4512.0&issue=December%202011&num=&view=.

² See Northern Territory Department of Justice, *Northern Territory Quarterly Crime and Justice Statistics*, Issue 35, March Quarter 2011, 94–5. Available at: www.nt.gov.au/justice/policycoord/researchstats/index.shtml

³ See Department of Justice and Attorney General, *Aboriginal English in the Courts* (2000). Available at: www.courts.qld.gov.au/__data/assets/pdf_file/0004/90715/m-aboriginal-english-handbook.pdf.

References: *Cunneen and Schwartz, 'Funding Aboriginal and Torres Strait Islander Legal Services: Issues of equity and access' (2008) 32 CrimLJ 38, Attachment 3; NAAJA Submission into Language Learning in Indigenous Communities, Attachment 4.*

1.2 Service Delivery Area

NAAJA delivers its services across the Top End of the Northern Territory.

In addition to Darwin, Katherine and Nhulunbuy, we service the following remote communities:

- Darwin Region – Milikapiti, Wurrumiyanga (Nguu), Maningrida, Ramingining, Gunbalanya (Oenpelli), Jabiru, Nauiyu (Daly River) and Wadeye (Port Keats);
- Katherine Region – Barunga, Beswick, Ngukurr, Timber Creek, Borroloola, Yarralin, Kalkarindji and Lajamanu; and
- Nhulunbuy Region – Alyangula, Numbulwar, Galiwin'ku and Gapuwiyak.

Geographically, NAAJA's service area covers the region in the Northern Territory as far south as the Tanami Desert near Lajamanu, east to the Queensland Border past Borroloola, west to the Western Australian border and the north coast of the Territory including Groote Eylandt, Elcho Island and the Tiwi Islands.

The total area in size of our client base is over 700,000 sq/kms. By comparison, the United Kingdom comprises 245,000 sq/kms.

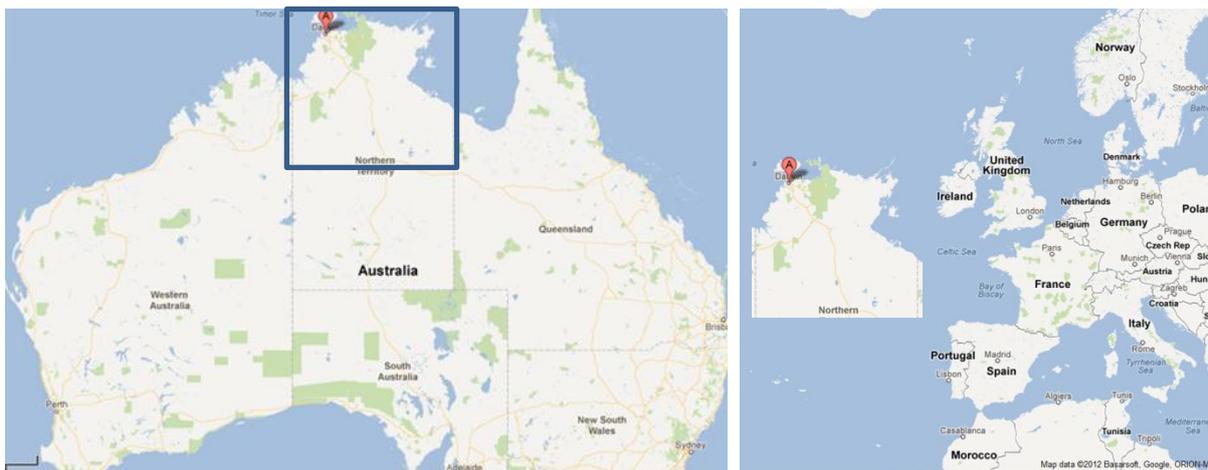


Fig: NAAJA Service Area to scale with Western Europe

The distances we travel from the office servicing each bush court to reach circuit courts are given below. Those communities marked with an asterisk are those to which we travel by road.

Bush Court Location	Servicing NAAJA office location	Distance from servicing NAAJA office
Alyangula	Nhulunbuy	186 kms
Borroloola*	Darwin, Katherine	1056 kms (Darwin – by air), 739 kms (Katherine – by road)
Barunga	Katherine	90 kms
Naiyu (Daly River)*	Darwin	222 kms
Galiwin'ku	Nhulunbuy	130
Jabiru*	Darwin	256
Kalkarindji*	Katherine	480
Lajamanu*	Katherine	560
Maningrida	Darwin	550
Milikapiti	Darwin	105
Warrumiyanga (Nguuu)	Darwin	70
Ngukurr*	Katherine	331
Numbulwar	Nhulunbuy	250
Gunbalanya (Oenpelli)*	Darwin	303
Ramingining	Darwin	580
Timber Creek*	Katherine	285
Wadeye (Port Keats)*	Darwin	280 by air (wet season), 399 by road (dry season)
Yarralin*	Katherine	385

It costs over half a million dollars annually for NAAJA to service each of its communities by air and road. In addition to the ordinary expense of traveling to remote areas NAAJA is regularly faced with the high costs of additional charter flights (including by helicopter) to deal with staff and vehicles stranded or requiring immediate evacuation due to flood and cyclone.

Reference: Service Map, Attachment 5.

1.3 Criminal Law

NAAJA conducts the largest criminal law practice in the Northern Territory. We represent clients:

- On criminal charges in the Youth Justice Court, Magistrates Court, and Supreme Court;
- In circuit courts in 19 remote Aboriginal communities; and
- In appeals before the Supreme Court and Court of Criminal Appeal.

We have a strong reputation for the quality of service that we are able to provide at all levels of the NT Criminal Justice system.

One of the features of the work done by NAAJA's criminal lawyers is the large amount of high-level court advocacy that is done in-house. Our lawyers run the majority of serious criminal cases in-house without briefing counsel. We do not have access to a Public Defenders office and do not have access

to funding for counsel through NT Legal Aid. Where senior counsel is briefed in complex matters, our lawyers will often act as both instructor and junior counsel.

As a result of NAAJA's approach to its criminal practice, we spend a very small amount on briefing matters out given the size of the practice. Our regular brief-out budget is only \$100,000 per year.

Until recently we have also been able to access the Expensive Indigenous Case Fund under which we have received grants of approximately \$300,000 per year for serious matters, such as murder trials and lengthy litigation in which experienced counsel is required. Unfortunately we have recently been advised by the Attorney-General's Department that this source of funding for counsel will no longer be available. This may result in NAAJA having to refer clients to NTLAC where their cases are complex and require experienced counsel to be briefed. NTLAC have indicated to us that they are unable to sustain a significant increase in work or expenses. This may result in clients in serious criminal matters being unrepresented and we have urged the Attorney-General to reinstate the Expensive Indigenous Case Fund as a matter of priority.

We also provide:

- Legal advice over the phone or face to face about criminal charges or police investigations; and
- 24 hour legal advice when people are arrested or taken into police custody.

NAAJA also provides specialised services for clients who are vulnerable or have special needs including:

- Youth;
- People with mental illness or cognitive impairment;
- People with drug and alcohol problems, including those before the Northern Territory drug and alcohol ('SMART') Court; and
- Deaf and hearing impaired clients, including those with limited ability to communicate in Auslan.

Magistrates Court Criminal Practice

We have set out below the figures for a single week in the Darwin Magistrate's Court to provide a snapshot of a typical week for our Darwin Summary Jurisdiction practice. During this week of 16–20 April 2012, a total of 688 criminal matters were listed on the Magistrates Court, including matters on the Criminal List, and criminal matters listed in the Youth Justice Court and SMART Court. In some cases, these matters included multiple files per defendant.

During this week, the NAAJA criminal team had only 4 lawyers and 2 Client Services Officers (CSOs) available to service the Darwin Magistrates Court. This team appeared in a total of 225 matters for 165 defendants, including 79 cases for people in custody.

Date	Files Listed	Defendants	NAAJA files	NAAJA clients in custody	NAAJA defendants
16 April 2012	120	73	66	22	38
17 April 2012	152	90	101	15	43
18 April 2012	88	64	41	12	25
19 April 2012	223	187	52	17	36
20 April 2012	105	59	55	13	23
Totals	688	473	315	79	165

We note that those files and defendants not represented by NAAJA were either self represented or represented by the Northern Territory Legal Aid Commission (NTLAC), private solicitors or counsel.

Clients in Custody

Many of NAAJA's criminal clients appear initially in custody, having been refused police bail. These clients require priority and their matters will often be time-consuming because instructions must be taken not only in relation to the substantive case but also for a bail application. Seeking bail for clients from remote communities can be especially time-intensive. Many clients also remain in custody until the time of their hearing.

Figures for an average week of custody matters before the Magistrates Court is set out below.

Date	Total in custody	NTLAC defendants	NAAJA defendants
16 April 2012	32	9	22
17 April 2012	19	4	15
18 April 2012	14	2	12
19 April 2012	21	4	17
20 April 2012	17	4	13
Totals	103	23	79

Those not represented by NAAJA or NTLAC were either self-represented or privately represented.

Katherine Magistrates Court

Our Katherine Criminal staff service the vast bulk of the matters before the Magistrates Court in Katherine. Figures for an average week are set out below.

During this week of 16–20 April 2012, the Katherine Criminal team acted in a total of 157 matters, from a total of 244 matters before the Magistrates Court. There were 4 lawyers and 2 CSOs available to undertake this work.

Date	Total matters	Number in custody	NAAJA defendants
16 April 2012	78	9	43
17 April 2012	31	0	11
18 April 2012	33	6	25

19 April 2012	64	5	47
20 April 2012	38	6	31
Totals	244	26	157

Those matters not represented by NAAJA were either self represented or represented by NTLAC, private solicitors or counsel.

Bush Court Circuits

In the month of May we attended each of our six major circuit courts. Each circuit is serviced by 2 lawyers and 1 CSO.

Dates	Location	Total matters	NAAJA representing
22–24 May 2012	Gunbalanya (Oenpelli) & Jabiru	37	36
24 May 2012	Naiuyu (Daly River)	18	18
15–16 May 2012	Wadeye (Port Keats)	75	68
15–16 May 2012	Warrumiyanga (Nguiu)	40	40
2–3 May 2012	Maningrida	148	142
Totals		318	304

Those matters not represented by NAAJA were either self represented or represented by NTLAC or private solicitors.

Supreme Court Criminal Matters

From 15 December 2011 to 14 May 2012, the Supreme Court of the Northern Territory arraigned a total of 172 matters including trials and pleas of guilty. Of these, NAAJA appeared in 90 matters and NTLAC appeared in 38. The remaining matters involved accused persons with private representation or who were unrepresented.

Date	Total arraignments	NTLAC representing	NAAJA representing
14 May 2012	41	12	14
2 April 2012	34	7	22
20 February 2012	20	4	15
9 January 2012	33	4	21
15 December 2011	44	11	18
Totals	172	38	90

1.4 Civil Law

Our Civil Law solicitors provide advice and legal representation in relation to a vast range of civil law areas, such as:

- Complaints about government services and departments (eg, police, prison officers);
- Compensation claims against police and other government departments (eg, negligence, false imprisonment, assault);
- Coronial inquests;
- Forfeiture or seizure of property – where property was used to take liquor, kava or drugs into a restricted area or in the commission of a crime;
- Child protection matters (including a duty service);
- Adult guardianship matters;
- Volatile substance abuse matters;
- Statutory compensation (eg, Motor Accident and Victims of Crime Compensation);
- Consumer matters (eg, credit, debt, motor vehicle sales and repairs);
- Health care complaints; and
- Discrimination and human rights.

Civil lawyers from the Darwin office travel to the remote communities of Wadeye, Wurrumiyanga, Milikapiti, Jabiru, Gunbalanya, Ramingining, Milingimbi, Maningrida, Nhulunbuy, Gapuwiak, Galiwin'ku and Groote Eylandt. Civil lawyers from the Katherine office travel to the remote communities of Bulman, Borroloola, Ngukurr, Timber Creek, Yarralin, Beswisk, Barunga, Lajamanu and Kalkarindji.

Difficulties in recruitment have meant that we have been unable to maintain a permanent civil lawyer in our Nhulunbuy office and the position was vacant throughout 2011. This position was, however, being filled at the time of preparing this briefing paper. This will be an important step in providing access to civil justice in the East Arnhem region.

Case Studies

In the past 12 months, the NAAJA Civil Law Section has conducted the following matters:

- A claim against the police for false imprisonment and assault. Our client was awarded over \$100,000 in damages. This was the first case to run in the NT for over 15 years and is an important precedent. We regularly settle claims against the police and this result is expected to significantly improve the outcomes for other clients.

- A successful Supreme Court appeal against a Magistrate's decision in a child protection matter. The Magistrate made orders that our client's five children be taken into care until they are 18 years old. She did this without taking into account the children's wishes, the Aboriginality of the children or the fact that the Department of Children and Families and the parents had agreed to a short term order.
- A complaint to the NT Ombudsman about the failure of the NT government to ensure appropriate morgue facilities in remote communities. Our client's son had committed suicide but his body was not able to be stored properly due to inadequate morgue facilities in the community. Our client was unable to view her son's body due to the extent of decomposition and this caused her significant additional distress. The NT Ombudsman prepared a detailed report on this issue and made a number of recommendations about the allocation of responsibilities for morgues and in particular about the need for an apology to our client.
- Assisted our client to resolve her health care complaint against Royal Darwin Hospital. The medical staff did not use an interpreter when arranging for our client to consent to an operation. She did not understand the reasons for that operation nor the extent of the operation and was shocked about what had happened when she awoke from her anaesthetic.
- A successful Supreme Court appeal against a decision of the Coroner to conduct an autopsy on a baby who died – apparently of SIDS. The autopsy was unlikely to have resulted in a positive finding as to cause of death other than SIDS and there was no suggestion of abuse or neglect. The parents strongly objected to the autopsy on cultural and religious grounds and the Supreme Court found that in this case the interests of the family outweighed the public interest in determining the cause of death.
- Appeared for the families of men who had died in custody at the Darwin Correctional Centre. NAAJA's appearance in these matters was able to highlight important systemic issues in prison policies and procedures and the adequacy of medical care available to prisoners.
- Assisted 8 families in remote areas to have their mobile phone debts waived on the grounds of unfairness. None of these clients had requested a new service, instead they were induced to agree to the contracts in exchange for a free mobile phone. The clients received the phones but they did not work because the service provider was not Telstra and had offered the service to people living in an area where it was aware that only Telstra provides mobile phone coverage.

1.5 Advocacy

Our Advocacy Section includes policy/law reform, legal education, training and projects, our Indigenous Throughcare Project, Prisoner Support project, and legal education activities.

In relation to policy and law reform, we prepare submissions, lobby for law reform and work with stakeholders on systematic law and justice issues facing Aboriginal Australians. Some of our recent advocacy has included submissions regarding:

- The NT Youth Justice Review;
- The NT Government, proposing a review of the *Parole of Prisoners Act*;
- The Commonwealth government's 'Stronger Futures in the Northern Territory' policy and legislative measures;
- The Senate Inquiry into the adequacy of mental health services;
- The review of the *Care and Protection of Children Act*; and
- House of Representatives Inquiry into Language learning in Indigenous Communities.

We engage with all levels of Government on reforms to the legal system, participate in high-level committees and advisory groups, and document case studies highlighting the operation of the legal system as it impacts our clients. We are actively involved in working with partner organisations and stakeholders including other Aboriginal and Torres Strait Islander Legal Services (**ATSILS**), the Aboriginal Peak Organisations of the NT (**APO (NT)**), and the Northern Territory Law Society.

We also advocate for innovative initiatives and projects that aim to improve access to justice for Aboriginal people. Some of these include:

- The operation and expansion of Community Courts;
- Increased role for elders in sentencing proceedings; and
- The Night Patrol Legal Support Project.

Our policy priorities for the immediate future include:

- The over-incarceration of Aboriginal people in the Northern Territory;
- Mental health issues and the criminal justice system;
- Improving the youth justice system;
- Reform of the parole system; and
- Housing and welfare rights.

Reference: *Advocacy Activities for 2011/2012, Attachment 6.*

1.6 Community Legal Education

NAAJA provides a range of legal education projects and training sessions at schools, prisons, men's and women's centres, rehabilitation centres and various community based organisations. In addition, the team conducts intensive community engagement projects in remote communities.

NAAJA has developed a unique multi-disciplinary methodology that is tailored specifically for communities in which we work. The key features of NAAJA's legal education work are:

- Two-way learning;
- Learning through doing;
- Building relationships and capacity; and
- Using a strength-based approach that celebrates and builds on the unique strengths of each community.

In order to make legal education initiatives as successful as possible, NAAJA's legal education team draws on important principles of adult learning, bilingual education, traditional Aboriginal learning styles and community development.

NAAJA places an emphasis on working with elders in remote Aboriginal communities to develop ways for elders to have more influence on the legal processes that affect their communities.

References: CLE Activities for 2011/12, Attachment 7; CLE Methodology Overview, Attachment 8.

1.7 Welfare Rights

The Welfare Rights Outreach Project (**WROP**) sits within the civil section but has close links with our Advocacy team.

Our WROP solicitors provide legal advice and assistance in Centrelink matters, including:

- Appealing Centrelink debts – obtaining the waiver of debts or reduction of debts;
- Drafting submissions to the CDDP seeking withdrawal of criminal charges for Centrelink fraud;
- Working with the criminal section to assist clients who are being prosecuted for debts which can be waived or reduced via administrative review;
- Decisions about payments – refusals to grant, non payment periods and cancellation of payments;
- Decisions about living arrangements (marriage-like relationships, care of children);
- Family tax benefit issues;
- Exemptions from income management; and
- Advice and assistance with income management including income management deductions and BasicsCards.

Our WROP solicitors also provide advice and assistance in remote tenancy matters, including:

- Terminations;
- Assisting clients to obtain repairs;
- Administrative review of debts imposed by Territory Housing;
- Priority housing applications;
- Obtaining rent refunds;
- Complaints to the Complaints and Appeals Unit of Territory Housing; and
- Advocating for disability modifications to be undertaken in remote public housing.

Centrelink matters

The majority of our Centrelink clients are women caring for children (often as single parents) who incur debts because they do not understand their income reporting requirements and for whom there are 'special circumstances' (such as the fact that they are living remotely, do not have English as a first language, have poor literacy and poor health and/or disabilities) which warrant the waiver of the debt. Women are disproportionately represented as defendants in Centrelink prosecutions.

In this context, WROP solicitors have assisted clients to have over \$200,000 worth of Centrelink debts waived and have succeeded in having at least 5 Centrelink prosecutions discontinued.

In addition WROP solicitors presented a range of continuing professional development seminars (to the National Legal Aid Best Practice Conference, to NTLAC and to NAAJA solicitors) showcasing the benefits of collaboration between criminal and civil solicitors on Centrelink debt/prosecution matters. The team approach works well as the civil solicitor is able to seek administrative review of the debt which triggers the criminal prosecution.

NAAJA is working with Aboriginal Resource Development Services (**ARDS**) to create a series of community legal education radio announcements focusing on the prevention of Centrelink debt. WROP solicitors have been working with ARDS to develop scripts in culturally appropriate and accessible language. NAAJA and ARDS will record brief announcements in English and Yolngu which will be broadcast on community radio. The announcements inform people of their Centrelink obligations, focusing on the obligation to report income to Centrelink, the difference between gross and net income and the obligation to notify Centrelink of changes in circumstances.

Remote Tenancy matters

The WROP team also works with other legal service providers (eg, CAALAS and NTLAC) to redress systemic issues in remote tenancy and social security legislation, policy and service delivery.

WROP contributes to the law reform process Territory and Commonwealth level on a regular basis. We meet regularly with other legal services and agencies to share information, discuss systemic

issues and to provide feedback about policy and process to achieve the best outcomes for our mutual clients.

For example WROP solicitors, together with other NT legal services, have been advocating for Territory Housing to re-draft its remote public housing tenancy agreements so that they are consistent with the *Residential Tenancies Act* since late 2010.

Other work on highlighting the issues with remote tenancies involves working with the NT Coordinator General of Remote Service, attending the NT Jurisdictional Forum, facilitating the Centrelink Legal Services Meeting every 6 weeks and jointly facilitating the Remote Housing and Legal Services Meeting.

The WROP team also has a strong focus on capacity building amongst other service providers in Katherine and Darwin and remote communities.

We spend a significant part of each community visit meeting other service providers to discuss issues of concern (income management, Basics Cards, remote tenancy rights and obligations) and how NAAJA can assist. In particular the WROP team has built strong relationships with financial counsellors and money managers in the Top End.

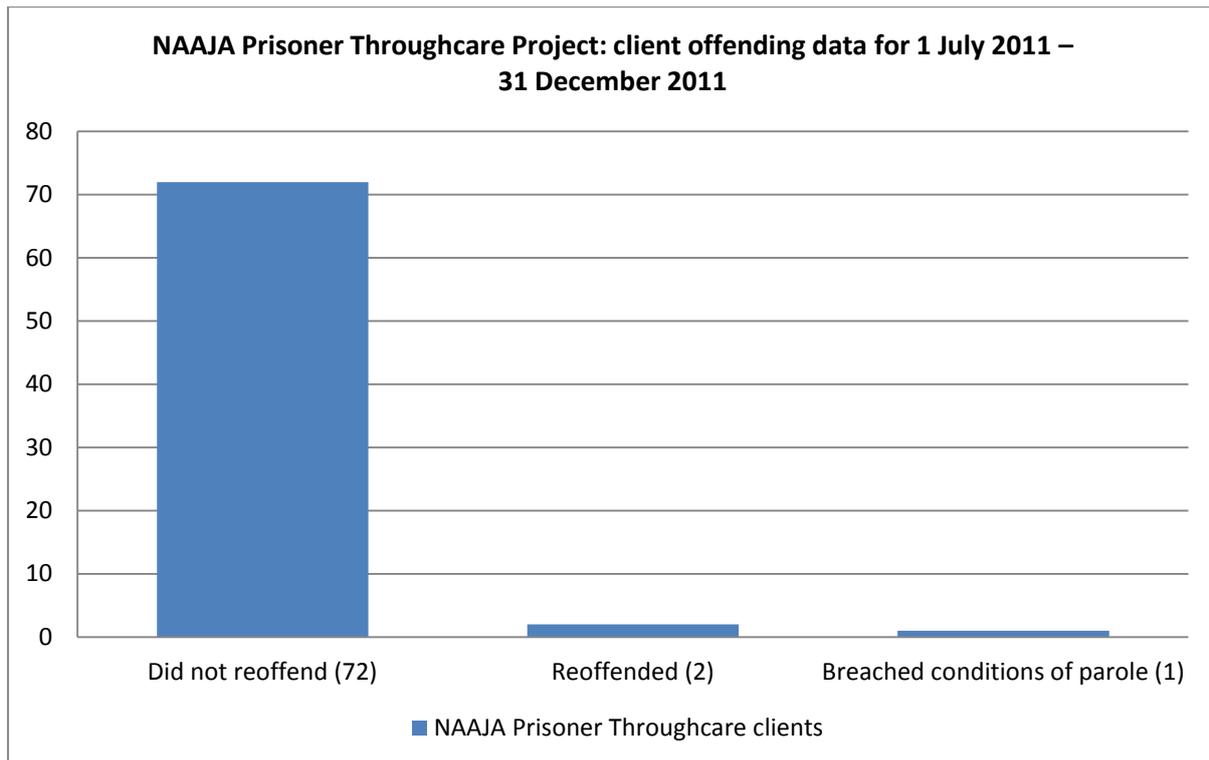
Reference: *Welfare Rights Outreach Project Report 1 January – 31 March 2012, Attachment 9.*

1.8 Indigenous Prisoner Throughcare

NAAJA's Indigenous Throughcare Project commenced in February 2010 and aims to reduce repeat offending. It is funded by the Commonwealth Attorney-General's Department.

The Northern Territory has the highest rates of reoffending in Australia, with 48% of prisoners returning to prison within 2 years of their release.

For the period 1 July 2011 to 31 December 2011, the Throughcare team worked with a total of 75 offenders. Of these, only two reoffended and one breached a condition of parole. The startling success of the project in preventing recidivism is highlighted in the graph below.



We provide intensive pre- and post-release rehabilitation and reintegration services for Aboriginal prisoners from the Darwin Correctional Centre and Don Dale Juvenile Detention Centre. The program provides strength based case management and referral services for individual prisoners to assist them in accessing opportunities when they are released from prison or juvenile detention. This addresses an individual's diverse transitional needs including rehabilitation, accommodation, employment, education, training, health, life skills, reconnection to family and community and social connectedness.

We engage with Aboriginal prisoners and juvenile detainees in the 6 months prior to their release and continue to work with clients for the 6 months after their release from custody. To be placed in the program, clients must meet our eligibility criteria.

First, clients are assessed on their voluntary willingness to engage with the service, showing signs of obvious desire and readiness to make positive changes in their lives. Second, clients must also be in a situation of 'high need'. This includes:

- Homelessness or marginal accommodation;
- No income, disengagement from Centrelink, or unstable income;
- Literacy and numeracy issues, and/or English as second, third or fourth language;
- Problematic family relationships;
- Involvement with welfare agencies, history of family violence, cultural/payback issues;
- Lack of community supports;

- Substance misuse issues; and
- Health, including mental health issues, and/or physical disabilities.

We have four case workers, each having a capacity of 15 active clients, with the exception of the Indigenous Throughcare Project Coordinator who has a maximum caseload of 10 clients. We place the utmost emphasis on providing high quality case management support to our clients with a view to delivering a service that is both rigorous and able to achieve results.

Referrals are accepted from prisoners themselves, NAAJA's Prison Support Officers, Darwin Correctional Centre's Sentence Management team, Don Dale Juvenile Detention Centre, NT Community Corrections, lawyers, other service providers and families of prisoners.

Reference: *Indigenous Prisoner Throughcare Report July–December 2011, Attachment 10.*

2 The Context of NAAJA Service Delivery

2.1 Salary Disparity

While it is difficult to make precise comparisons of rates of pay, it is clear that there is a significant disparity in salary between NAAJA and mainstream legal aid providers.

In 2010/2011 NTLAC had staffing of 70 and paid staffing expenses of \$5,558,230.

In 2010/2011 NAAJA had staffing of 83 and paid staffing expenses of \$4,984,152.

Average NTLAC staff salaries therefore exceed those of NAAJA staff by approximately 33%..

2.2 Workload Disparity

Differences in data collection practices make it hard to accurately compare workload between services. However, there is clear evidence of a large disparity in workloads between lawyers at NAAJA and their counterparts at mainstream legal aid services.

In 2010/11 NAAJA had 32 lawyers working on a total of 1607 duty matters and 5502 casework matters. NAAJA lawyers therefore attended to an average of 223 matters in 2010/11.

In 2010/11 NTLAC had 27 lawyers working on a total of 2654 duty matters and 1450 casework matters. NTLAC lawyers therefore attended to an average of 152 matters each in 2010/11.

- On this count, average NAAJA caseload exceeds that of NTLAC by 71 clients per year.
- The average NAAJA caseload represents approximately 147% of the average NTLAC caseload.

In fact, the disparity is likely to be far greater than these figures suggest. Because of the different ways in which NAAJA and NTLAC count matters, the NTLAC figures for casework include matters that have already been counted as duty matters. At NAAJA, matters are counted as either duty matters or casework matters, but not both.

It is also vital to recognise the greater complexity in much of the work that we do, relative to mainstream legal aid providers:

- Because it is often necessary to use an interpreter, taking instructions and giving advice takes much more time;
- Cross-cultural issues may significantly add to the complexity of a matter. For example, it may require basic legal concepts and court processes to be explained in detail, or for a lawyer to spend time understanding cultural issues relevant to the client and their legal problem;
- Taking instructions from clients or witnesses in remote areas raises logistical challenges and can be very time-consuming; and

- Remoteness also often requires more time and energy being put into aspects of legal representation, such as developing a bail plan to reside at a remote outstation.

References: *Schwartz and Cunneen, 'Working Cheaper, Working Harder: Inequity in Funding for Aboriginal and Torres Strait Islander Legal Services' (2009) 7(10) ILB 19, Attachment 11.*

2.3 Increases in Work and Complexity

A major issue of concern for NAAJA is the failure of our funding to keep up with increases in our workload, including those increases that have resulted from developments in law and policy. This not only limits our ability to provide a full range of services (and without NAAJA providing these services there is generally no alternative service provider in remote communities) but also limits our ability to implement best-practice strategies, including early intervention and prevention initiatives.

Because we receive no funding from the NT Government, new policy and legislative initiatives introduced by the NT Government that impact upon our service are completely unfunded.

Some of the challenges that we have faced in recent years are described below.

SMART Court

The Substance Misuse And Referral for Treatment (SMART) Court has been introduced in the Darwin and Nhulunbuy Courts of Summary Jurisdiction for offenders with drug and alcohol issues. It is designed as an intensive 'problem solving' Court which imposes a much greater workload on the lawyers involved.

While NAAJA supports this sort of approach to dealing with the causes of offending, it has required a lawyer from our busy criminal team to allocate a minimum of 2 days per week to managing these matters. We are very concerned about our ability to sustain this specialist practice. Requests for specific funding from NT and Commonwealth governments have been declined.

Mental Health Review Tribunal

NAAJA ceased providing a duty lawyer service in the Mental Health Review Tribunal in 2010 because we were not able to sustain the workload in our civil practice. NAAJA has sought specific funding from both Commonwealth and NT Governments to resume this service, but these have been declined.

Family Law

In May 2012 NAAJA decided to suspend its family law service because our funding does not allow us to commit sufficient resources to provide an effective level of service. The service had been run with 1.5 FTE lawyers and we were unable to fill the full-time vacancy that arose when our senior family

lawyer resigned. We reviewed the practice and assessed that it required at least 3 FTE lawyers to be sustainable and to ensure that we were providing a competent level of service. It also became clear from feedback we received that the salary that was being offered was not competitive given the specialized nature of family law.

Domestic Violence Orders

There has been a significant increase in the use of Domestic Violence Orders in the Northern Territory, a breach of which may carry a mandatory prison term.

In late 2010 NAAJA established a designated duty lawyer service for respondents to DVOs. The service was created because of our concern about the apparent lack of understanding of orders and the fact that clients appeared to be agreeing to conditions that were unrealistic and resulted in breaches, the consequences of which were very serious. We did not receive any funding for this position and it was created within the existing staffing of our Darwin criminal section.

The service allowed respondents to get prompt legal advice and assistance, often with a view to agreeing to an order on conditions. We received enthusiastic support for the service from the Domestic Violence Legal Service because it resulted in more workable orders and better results for all participants in the process.

Unfortunately we have been unable to continue the position because the demands of our regular criminal practice have made it unsustainable. It ceased in April 2012.

Clients subject to supervision orders

An increasing number of NAAJA clients are unfit to be tried or are not criminally responsible by reason of 'mental impairment' (generally mental illness or cognitive impairment). Such persons become subject to supervision orders under Part IIA of the Criminal Code, often in prison. These orders are indefinite in nature and generally result in clients coming back before the Supreme Court regularly over many years. The matters can be very complex legally, ethically and practically and require a senior practitioner to maintain carriage to ensure a proper level of representation.

Because of the indefinite nature of these orders, the number of these matters in our practice continues to accumulate. While it is possible for clients to be released from a supervision order, we are not aware of anyone being entirely released from an order: the more common scenario is that the conditions to which a person is subject become less onerous (for example a move from a custodial order in prison to a non-custodial order in closely supervised accommodation). Our experience suggests that we can expect an exponential increase in these types of matters over the coming years as a result of the impact over time (and inter-generationally) of petrol-sniffing, drug and alcohol misuse and related issues including Foetal Alcohol Spectrum Disorder.

NAAJA is also seeing an increase in the number of matters that are being dealt with under this regime because of a policy approach by the DPP to matters involving clients with mental illness and cognitive impairment. This involves requiring such matters to be heard by the Supreme Court,

resulting in supervision orders under Part IIA, rather than being dealt with by the Court of Summary Jurisdiction in which cases can be dismissed or stayed without any ongoing order.

Secure Care

The NT Government has built facilities and introduced legislation under which people can be detained in 'secure care' when they pose a danger to themselves or others for reasons other than a mental illness or mental disturbance (this latter category of people falling under the existing mental health system). The regime is intended primarily for people with intellectual disability, cognitive impairment and/or behavioural disorder. Of particular significance, the regime will allow for children to be detained without having committed any offence where they are exhibiting aggressive, irresponsible or high risk behaviour.

NAAJA expects that this regime will have a significant impact upon our clients. NAAJA believes that it will be best placed to represent Aboriginal young people who may be subject to the regime. However, we understand that the NT Government does not currently intend to make any funding available to NAAJA to provide culturally competent legal services available to Aboriginal young people who are subject to the secure care system.

Criminal advice clinics

In 2011 NAAJA introduced criminal clinics into its Darwin office. This was done to encourage clients to seek advice before their first court date, to take pressure off our overworked duty lawyers and improve efficiency in our duty practice. It was also seen as an important way of encouraging clients to take responsibility for their criminal legal matters (rather than assuming that if they just turn up, NAAJA will take care of it). We saw it as a best-practice initiative, consistent with similar services available at mainstream legal aid providers.

Unfortunately we have been unable to maintain the clinics. We simply lack the capacity to make staff available for them on a regular basis and have reluctantly had to cease them. Instead, clients calling to speak to a lawyer before their matter comes to court are (with the exception of clients in custody) generally advised to speak to a duty lawyer on the first court appearance.

2.4 Facilities in Remote Areas

NAAJA staff work in very difficult environments in remote communities. In addition to lengthy travel time to some circuit courts and the demands of frequent travel, particularly for the staff of our Katherine and Nhulunbuy offices, upon arrival in the communities, there is often a basic lack of office space and very limited appropriate accommodation for our staff.

This makes it very hard to provide a professional level of service and impacts on client confidentiality. It also creates a physically demanding environment for our staff in the often hot and humid climate of the Top End.

These issues have been raised with both Commonwealth and NT Governments and with the Courts.

Our advocacy has led to some recent improvements with 'new' facilities in Borroloola and Galiwin'ku being identified by the Court of Summary Jurisdiction. These facilities are a vast improvement and are, by Territory standards, appropriate for the purpose.

Reference: *Remote Community Resource Issues, Attachment 12.*

2.5 Recruitment and Retention

NAAJA faces a range of acute recruitment and retention challenges. Low salaries and high workloads are central to the problem. Our rates of burnout are high. Our salaries are uncompetitive and inadequate to keep experienced staff with our service. Low salaries also make it difficult to attract staff with experience.

Other retention factors include:

- Complex and personally demanding work;
- The demands of remote travel and work;
- Cost of living pressures in the Northern Territory, especially high rent;
- Social and professional isolation, particularly in our regional offices;
- As many of our professional staff have moved from interstate to take up work with NAAJA, family often draws them 'home' after 1–2 years; and
- The disruption caused by high staff turnover itself adds to the pressure on teams.

Other recruitment factors include:

- High cost of living, especially high rent;
- Relocation – the small size of the local profession means that we still draw the bulk of our professional staff from interstate. Many people are simply not prepared to make such a significant move or bear the costs and logistical challenges that come with it; and
- Time taken to relocate – while we are generally given 4 weeks notice of a resignation, it is rare to be able to fill a position within 3 months.

Specific initiatives could be funded to target this problem, such as:

- Generous relocation packages;
- Remote allowances, including accommodation allowances or subsidised accommodation in remote areas;

- Loyalty bonuses for people staying more than 2 years; and
- Training support – eg, additional allowances for training and development.

Unfortunately NAAJA has a very limited ability to introduce these initiatives from within current funding – unless we are prepared to cut staff and therefore increase workloads, defeating the purpose.

3 Culturally Appropriate and Competent Services

While perhaps obvious, it is important to recognise that NAAJA is fundamentally an *Aboriginal* organisation. NAAJA's board is exclusively made up of Aboriginal and Torres Strait Islander people, our CEO is Aboriginal and a significant proportion of NAAJA's staff are Aboriginal and Torres Strait Islander people. At NAAJA over 40% of employees are Aboriginal, including in senior management roles.

NAAJA is, therefore, more than just a legal service provider. It is a strong organisation that has a unique understanding of the issues that our clients face and speaks *from* the community as well as for it. And it is a place that fosters and promotes Aboriginal and Torres Strait Islander talent and leadership.

3.1 Board Composition

NAAJA is governed by an Aboriginal Board.

The NAAJA Board is responsible for ensuring the efficient performance of the functions of NAAJA and for determining NAAJA policies. NAAJA Directors adhere to the principles of transparent corporate governance and recognise the need for the highest standard of corporate behaviour and accountability.

The NAAJA Board has 4 Directors from each of the Katherine, Darwin and Miwatj regions, appointed by members of each region. Maintaining strong regional representation is an important aspect to NAAJA's structure.

Reference: Board Profiles 2012, Attachment 13.

3.2 Induction and Training

All staff are taken through a thorough a comprehensive induction process with a particular focus on ensuring cultural competence.

This includes:

- A welcome to country by a Larrakia Traditional Owner in Darwin, a Jawoyn Traditional Owner in Katherine and a Yolgnu Traditional Owner in Nhulunbuy;
- In-house cross-cultural induction delivered by NAAJA CLE Solicitors;
- A cross cultural workshop with a local Aboriginal cross-cultural expert;
- An induction pack and specific cross-cultural materials; and

- A comprehensive induction and Managers Handbook for Managers.

Our Community Legal Education team provides significant ongoing *internal* training and education for staff with a focus on developing cultural competency. Sessions on working with interpreters and explaining the law in plain English are held throughout the year for all staff.

3.3 Aboriginal Client Service Officers

Client Service Officers (**CSOs**) are an integral part of NAAJA's service. CSOs are people with a deep understanding of Indigenous culture and community – generally Aboriginal themselves or with significant connections to Indigenous society. CSOs assist clients to access legal services and with issues related to their legal problems. For example:

- Providing legal information to clients before and after court and making referrals to other agencies;
- Assisting lawyers to understand cultural and communication issues that may arise with a particular client or in a particular community;
- Assisting clients to engage with other service providers, such as rehabilitation services, crisis accommodation or government agencies that can assist with fine payment options;
- Liaising with clients families and communities; and
- Assisting lawyers to contact clients and witnesses where remoteness and/or itinerancy may make this difficult.

The role CSOs play is an important qualitative difference in the service that NAAJA provides. This is an important factor in the accessibility of legal services for Aboriginal people. The National Pro Bono Resource Centre has found:

Indigenous legal services play a critical role in helping indigenous people access the legal system. Research indicates that Indigenous Australians rely on [Indigenous legal services] and are relatively less likely to seek help from mainstream providers to resolve their legal issues due to a distrust of the legal system, language barriers and a perceived lack of cultural awareness among mainstream legal service providers. As a result, Indigenous Australians are less likely to obtain legal assistance in areas that are not provided by [Indigenous legal services], such as civil law, despite being particularly vulnerable to credit and debt and employment problems.⁴

3.4 Indigenous Employment and Careers

NAAJA is proud that almost 40% of its staff are Aboriginal people.

⁴ National Pro Bono Resource Centre, *Submission to the Senate Legal and Constitutional Affairs Committee: Inquiry into Access to Justice* (2009), 15. Available at: www.nationalprobono.org.au.

NAAJA implements an Aboriginal Employment Policy.

NAAJA is also proud to have established, with the support of law firm Ashurst (formerly Blake Dawson), an Indigenous Cadetship to support an Aboriginal or Torres Strait Islander person through their studies in law and provide work placements and an employment opportunity at the completion of their studies.

Reference: *Aboriginal Employment Policy, Attachment 14.*

3.5 Interpreters

The importance of language and cultural issues in providing access to justice cannot be overstated. In many of the communities that NAAJA services, English is a second, third or fourth language and almost all clients from remote communities require an interpreter.

While NAAJA works closely with, and strongly supports, the Aboriginal Interpreter Services (AIS), there is a well recognised shortage of fully qualified legal interpreters for many Aboriginal languages.

In the Supreme Court case of *R v Bronson Wurrarama* [2011] NTSC 89, NAAJA argued for a stay of proceedings in a criminal trial on the grounds that no suitable interpreter was available. This case illustrates a number of systemic challenges. These include:

- Cases are often delayed due to difficulties in finding a suitable interpreter. Delay causes prejudice to both victims and accused persons;
- In many language groups, there is a shortage of suitably trained and qualified interpreters;
- Simultaneous interpreting of court proceedings rarely occurs. Contemporaneous interpreting of complex legal terminology is a slow process and courts lists are simply too busy for this to occur; and
- At present, the burden of arranging interpreters falls on defence lawyers. This burden should fall on the court or the prosecution.

NAAJA lawyers representing in-custody Aboriginal clients are often unable to find a suitable interpreter at short notice. The case may be adjourned so that an interpreter can be arranged, with the client often remaining in custody. Alternatively, the case may proceed without an interpreter, with the risk that the client may not fully understand the sentence or bail order.

This inevitably poses a dilemma for the lawyer, particularly for a lawyer with a client in custody facing only minor charges. Should a lawyer proceed without an interpreter and try to achieve immediate liberty for a client, by way of bail or non custodial sentence? Or should an accused person remain in custody longer than necessary (sometimes weeks), so that proceedings are conducted with an interpreter?

NAAJA lawyers are often required to make difficult ethical decisions about how to proceed in the absence of a qualified interpreter. As noted above, it can also make the process of providing legal services and conducting court proceedings particularly difficult and time consuming.

NAAJA is committed to improving the ability of Aboriginal people to understand the law and legal processes and therefore access justice. Some of NAAJA's work in this area includes:

- Conducting joint training sessions on legal interpreting for AIS and NAAJA staff;
- Working with AIS to develop a Yolgnu Matha plain English dictionary;
- Working closely with the AIS to develop a protocol for court interpreters; and
- Seconding interpreters from the AIS into NAAJA to provide legal skills training and facilitate professional skills exchange.

References: *AIS and NAAJA Secondment Agreement, Attachment 15; NAAJA Policy – Using Interpreters, Attachment 16.*

3.6 Community Training and Support

As an organisation with significant expertise in law and cross-cultural communication, NAAJA is often called upon to facilitate and provide training to other organisations, often in collaboration with external agencies. This has included:

- Providing support to the Lajamanu Law and Justice Group and the Wurrimiyanga-based Ponki mediators. NAAJA assists the group draft court reference/pre-sentence reports for upcoming court matters and assists the group develop and implement community safety and crime prevention strategies. The support has also includes facilitating communication and advocacy with police and other service providers about the groups' community safety concerns;
- Developing resources and providing training to community court panel members about the process of community court and sentencing law in preparation for participation in Community Courts;
- In partnership with Aboriginal Resource Development Service (**ARDS**) and the Aboriginal Interpreter Service (**AIS**), NAAJA has commenced work on drafting a plain English and Yolgnu Matha legal dictionary;
- Delivering a pre-release legal education CLE sessions for all prisoners approximately three months prior to their release date. These sessions cover repatriation issues, Centrelink, housing and employment information, explanation of supervisory orders, and compliance strategies, the criminal justice system and domestic violence orders;
- Organising and hosting a two day CLE best practice conference on 8 and 9 December 2011 in conjunction with NTLAC. Attendees included CLE and policy workers from NSW, Victoria, Queensland and Alice Springs;

- Conducting regular CLE sessions at Strongbala Men's Health for Life program, the Balanu Foundation youth camps, night patrols, men's and women's safe houses in Darwin, Katherine and remote communities; and
- NAAJA has partnered with the Community Justice Centre and won funding and commenced work to conduct nationally accredited mediator training at the following sites in late 2012:
 - Gunbalanya, Katherine (6 days of training);
 - Katherine (6 days of training);
 - Lajamanu (2 days of training); and
 - Wurrimiyanga (2 days of training).

References: *CLE Activities for 2011/12, Attachment 7; CLE Methodology Overview, Attachment 8.*

4 Collaboration with Legal Services and Government and Non-Government Agencies

Despite NAAJA's limited capacity and resources, we recognise the importance of leadership in the legal services sector as well as collaboration.

4.1 NT Legal Services Forum

NAAJA co-ordinates the forum which includes representatives from:

- NAAJA;
- Central Australian Aboriginal Legal Aid Service (**CAALAS**);
- Darwin Community Legal Service (**DCLS**);
- Northern Territory Legal Aid Commission (**NTLAC**);
- Northern Territory Law Society;
- Central Australian Women's Legal Service (**CAWLS**);
- Domestic Violence Legal Service (**DVLS**);
- Top End Women's Legal Service (**TEWLS**);
- Northern Territory Council of Social Service (**NTCOSS**); and
- Northern Territory Regional, Rural and Remote (**NT-RRR**) Lawyers Project.

Reference: Forum Outcomes, Attachment 17.

4.2 NT Jurisdictional Forum

NAAJA attends and plays an active role in the NT Jurisdictional Forum which includes representatives from:

- Commonwealth Attorney General's Department;
- NT Department of Justice;
- NT Government agencies including Remote Housing and Centrelink;
- NAAJA;
- CAALAS;

- DCLS;
- NTLAC;
- Law Society;
- CAWLS;
- DVLS; and
- TEWLS.

Reference: Draft Terms of Reference, Attachment 18.

4.3 Aboriginal Peak Organisations (NT)

NAAJA was involved in setting up the APO (NT), an alliance comprising:

- NAAJA;
- CAALAS;
- Aboriginal Medical Services Alliance of the Northern Territory (**AMSANT**);
- Northern Land Council; and
- Central Land Council.

APO (NT) was created to provide a more effective cross-sectoral response to issues of joint concern to Aboriginal people in the NT. Its particular focus is on practical policy development.

Reference: APO (NT) Activities 2011/12, Attachment 19.

4.4 Strong Aboriginal Families, Together (SAFT)

NAAJA recognised the need for a peak body in the area of Aboriginal children and families. NAAJA was involved in putting in a successful funding application through AMSANT to the NT Government to establish SAFT, a Children and Families Peak Body.

Reference: Activities Overview, Attachment 20.

4.5 Whole-of-Government Evaluation of the Northern Territory Emergency Response

NAAJA's CEO was invited to be a member of the NTER advisory group.

Reference: *Terms of Reference, Attachment 21.*

4.6 NTLAC

NAAJA meets with NTLAC every 3 months to discuss legal issues and identify possible solutions or actions through cooperation and coordination with each other.

Outcomes include:

- MOU on referral protocols between NTLAC and NAAJA;
- Joint letter to Minister Macklin and Minister Chris Burns on remote public housing tenancy rules;
- Joint letter to Minister Macklin in relation to the Stronger Futures consultation;
- Joint CLE training;
- Joint letter to Minister Macklin and Minister Chris Burns on overcrowding in housing in the Katherine region;
- Development of a joint Fines Package for clients;
- Joint letter to Minister for Health regarding mental health funding for NAAJA and NTLAC;
- NAAJA PA's attending NTLAC in-house training;
- NTLAC lawyers attending NAAJA in-house professional development seminars; and
- NAAJA's CEO is on the NTLAC review committee panel.

NTLAC and NAAJA are in the process of reaching an MOU to allow NAAJA to have access to the NTLAC criminal wiki for a trial period of two years commencing on 1 July 2012. This will allow information and expertise sharing across our organisations.

References: *Memorandum of Understanding, Attachment 22.*

4.7 NT Law Society

NAAJA has a representative on the NT Law Society Social Justice Committee and NT Law Reform Committee.

NAAJA worked with the Law Society on the development of a proposal for a Tenancy Legal Service.

Reference: *Tenancy Legal Service Proposal, Attachment 23.*

4.8 Remote Housing Forum

NAAJA attends a Remote Housing Legal Services Meeting every 6 weeks to discuss remote housing issues.

Representatives include:

- NAAJA;
- Territory Housing;
- Department of Families, Housing, Community Services and Indigenous Affairs (**FaHCSIA**);
- CAALAS;
- NTLAC;
- CAWLS;
- DCLS;
- TEWLS; and
- Katherine Women's Information and Legal Service (**KWILS**).

4.9 Centrelink

NAAJA attends meetings a Centrelink Legal Services Meeting every 6 weeks to discuss Centrelink matters.

Representatives include:

- NAAJA;
- Centrelink;
- FaHCSIA;

- CAALAS;
- DCLS;
- CAWLS;
- NTLAC; and
- Department of Education, Employment and Workplace Relations (**DEEWR**).

4.10 NT Indigenous Affairs Advisory Council

NAAJA's CEO is a member.

The primary role of the Council is to provide advice and make recommendations regarding the implementation and further development of the Closing the Gap and Working Futures agendas.

4.11 NT Child Deaths Review and Prevention Committee

NAAJA's CEO is a member.

The Committee's role is to:

- Establish and maintain a child death register;
- Conduct or sponsor research into child deaths, diseases and accidents involving children and other related matters;
- Make recommendations on the research into child deaths, diseases and accidents;
- Monitor the implementation of the recommendations;
- Raise public awareness in relation to the death rate of children, the causes and nature of deaths, diseases and accidents involving children; and
- Contribute to a national database on child deaths in Australia.

4.12 NTCOSS Remote Services Working Group

NAAJA has a representative on the NTCOSS remote services working group.

Reference: *Terms of Reference, Attachment 24.*

4.13 Youth Justice Review Committee

NAAJA had a representative on the Youth Justice Review committee and able to have significant input into the 2011 Youth Justice Review.

Reference: Terms of Reference, Attachment 25.

4.14 NT Coordinator General and Remote Services

NAAJA Managers and Board meet with the NT Coordinator General to raise issues on behalf of our clients in remote communities

The Coordinator's role is to work collaboratively with other parties to oversee, monitor, assess and advise in relation to:

- Development and delivery of government services and facilities in the Territory Growth Towns to a standard broadly comparable with that in non-Indigenous communities of similar size, location and needs elsewhere in Australia, including through:
 - Improvements to the coordination of the development and delivery of such services and facilities; and
 - Reforms to the development and delivery of such services and facilities.
- Progress towards achieving the national closing the Gap targets in the remote towns and communities of the Northern Territory.
- Planning and strategic investment, in cooperation with the Commonwealth Coordinator-General, in the 15 locations identified under the National Partnership Agreement on Remote Service Delivery.
- Progress on implementing the 6 steps of the Working Future policy.

The Coordinator-General has been appointed with broad powers that allow him/her to request information, documents and assistance from Territory Government agencies.

4.15 NT Correctional Services

NAAJA meets with the Director of NT Correctional Services and Director of NT Community Corrections every three months.

NAAJA meets six weekly with the Regional Managers of the two Darwin offices of NT Community Corrections.

NAAJA meets six weekly with the Superintendent of Darwin Correctional Centre.

Reference: *Memorandum of Understanding, Attachment 26.*

4.16 NT Government Ministers

NAAJA meets every 3 months to raise legal issues with:

- Minister for Corrections; and
- The NT Attorney-General.

4.17 NT Police

NAAJA meets every 3 months the NT Police to discuss legal issues and solutions. These include:

- Diversion Programs and availability in NT;
- Interpreters;
- Defendants Remanded from Katherine;
- Charging Co-offenders;
- Electronic version of the General Orders;
- Community Constables;
- Arrested Persons Wrongly Detained; and
- Length of time for police internal investigations.

NAAJA co-ordinated the mutual respect agreement between the NT Police and Ngukurr community.

NAAJA developed a DVO fact sheet regarding Domestic Violence Orders.

References: *Memorandum of Understanding, Attachment 27.*

4.18 NT Anti-Discrimination Commissioner

NAAJA meets regularly with the NT Anti-Discrimination Commissioner to discuss human rights and discrimination issues.

4.19 West Arnhem Shire Council

NAAJA has an MOU which sets out ways in which the West Arnhem Shire Council and NAAJA will work together. The focus is on practical assistance for our respective agencies and resource-sharing.

Reference: Memorandum of Understanding, Attachment 28.

4.20 National ATSILS

The Chairperson, CEO and Principal Legal Officer attend the National ATSILS meeting. The NAAJA CEO has recently been appointed as Deputy Chairperson of the National ATSILS.

The Advocacy Manager attends the NATSILS Policy Officer meetings to co-ordinate policy and law reform work and share skills and information.

The role of the National ATSILS is:

- To better coordinate and enhance the operations and delivery of legal services;
- To provide an avenue for a co-ordinated approach in liaising with Government, groups and individuals where it is agreed by the majority that a coordinated approach is appropriate;
- To facilitate a coordinated and/or supportive approach to the lobbying of International, Commonwealth, State, Territory and/or Local Governments in relation to legislative and regulatory reform where such is perceived to currently impact negatively upon Aboriginal or Torres Strait Islander people; or where such reform could impact positively upon Aboriginal or Torres Strait Islander people;
- Where necessary and appropriate, to cooperate in the taking of formal legal action regarding such laws and regulations; and
- To better facilitate the representation of Aboriginal and Torres Strait Islander people in relation to appropriate legal or social justice matters.

4.21 Advocacy Committee

NAAJA works closely with CAALAS, our counterpart agency in Alice Springs, on common advocacy and law reform issues. NAAJA coordinates Advocacy Committee meetings with CAALAS twice a year to share information and discuss common issues and priorities.

4.22 National Pro Bono Council

NAAJA CEO is on the National Pro Bono Council to represent Indigenous communities.

4.23 National Congress

NAAJA CEO is on the Justice Working Group.

Reference: Terms of Reference, Attachment 29.

4.24 Making Justice Work Campaign

NAAJA has established the Making Justice Work Campaign. The object of the campaign is to provide a broad-based coalition of voices calling for evidence-based policy to improve community safety. It is being launched in the lead-up to the NT election with a view to trying to influence policy and avoid the 'race to the bottom' that often characterizes 'law and order' debates.

The members include:

- NAAJA;
- CAALAS;
- NTLAC;
- AMSANT;
- Larrakia Nation;
- NT Shelter;
- Criminal Lawyers Association of the NT;
- Northern Territory Council of Social Services;
- NT Council of Churches;
- Darwin Community Legal Service;
- NT Bar Association;
- Central Australian Aboriginal Alcohol Programmes Unit;
- Domestic Violence Legal Service;
- Central Australian Youth Justice;
- Australians for Native Title and Reconciliation (**ANTaR**);
- CAWLS;
- Council for Aboriginal Alcohol Program Services (**CAAPS**);

- TEWLS;
- Foundation of Rehabilitation with Aboriginal Alcohol Related Difficulties (**FORWAARD**) Aboriginal Corporation;
- NT Mental Health Coalition; and
- NT Anti-Discrimination Commission.

References: Statement of Principles, Attachment 30.

4.25 Katherine Region Partnerships

Our Katherine office has built strong relationships throughout the region. These include strong relationships with:

- Katherine Court;
- KWILS;
- NTLAC;
- Victoria Daly Shire;
- Roper Gulf Shire;
- Central Desert Shire;
- Ngaliwurru-Wurli Resource Centre, Timber Creek;
- Timber Creek Police;
- Lajamanu Police;
- Kalkaringi Police;
- Ngukurr Police;
- Aboriginal Interpreter Service;
- Mabunji Resource Centre, Borroloola;
- Department of Correctional Services;
- Department of Justice;
- Borroloola Police;
- Police summary prosecutions;

- Wurli Wurlinjang Health Service;
- Kalano Association (especially Venndale rehabilitation service);
- Strongbala;
- Somerville financial counseling;
- ASIC (regarding indigenous engagement in superannuation);
- Executive Office of Adult Guardianship;
- Public Guardian; and
- Territory Insurance Office regarding claims under the *Motor Accidents Compensation Act*.

4.26 Nhulunbuy Region Partnerships

The Nhulunbuy office of NAAJA works in collaboration with regional partners including:

- Anglicare Nhulunbuy;
- Nhulunbuy Alcohol and Other Drugs Rehabilitation Centre;
- Top End Mental Health;
- Suicide group Nhulunbuy;
- Roper gulf Shire;
- East Arnhem Shire; and
- AIS.

APPENDIX A – List of Acronyms

AGD	Attorney-General's Department (Commonwealth)
AIS	Aboriginal Interpreter Service
AMSANT	Aboriginal Medical Services Alliance of the Northern Territory
ANTaR	Australians for Native Title and Reconciliation
APO (NT)	Aboriginal Peal Organisations of the Northern Territory
ARDS	Aboriginal Resource Development Services
ATSILS	Aboriginal and Torres Strait Islander Legal Services
CAALAS	Central Australian Aboriginal Legal Aid Service
CAWLS	Central Australian Women's Legal Service
CAAPS	Council for Aboriginal Alcohol Program Services
CLE	Community Legal Education
CSO	Client Service Officer
DCLS	Darwin Community Legal Service
DEEWR	Department of Education, Employment and Workplace Relations
DVLS	Domestic Violence Legal Service
DVO	Domestic Violence Order
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs (Commonwealth)
KWILS	Katherine Women's Information and Legal Service
FORWAARD	Foundation of Rehabilitation with Aboriginal Alcohol Related Difficulties
NAAJA	North Australian Aboriginal Justice Agency
NTCOSS	Northern Territory Council of Social Service
NTER	Northern Territory Emergency Response (to be renamed 'Stronger Futures')
NTLAC	Northern Territory Legal Aid Commission
NT-RRR Lawyers	Northern Territory Regional, Rural and Remote Lawyers
NPA	National Partnership Agreement
SAFT	Strong Aboriginal Families, Together
SMART Court	Substance Misuse Assessment and Referral for Treatment Court
TEABBA	Top End Aboriginal Bush Broadcasting Association
TEWLS	Top End Women's Legal Service
WROP	Welfare Rights Outreach Project

APPENDIX B – List of Attachments

Attachment	Title
1	Strategic Plan
2	Annual Report 2010–2011
3	Cunneen and Schwartz, 'Funding Aboriginal and Torres Strait Islander Legal Services: Issues of equity and access' (2008) 32 CrimLJ 38
4	NAAJA Submission into Language Learning in Indigenous Communities
5	Service Map
6	Advocacy Activities for 2011/2012
7	CLE Activities for 2011/12
8	CLE Methodology Overview
9	Welfare Rights Outreach Project Report 1 January–31 March 2012
10	Indigenous Prisoner Throughcare Report July – December 2011
11	Schwartz and Cunneen, 'Working Cheaper, Working Harder: Inequity in Funding for Aboriginal and Torres Strait Islander Legal Services' (2009) 7(10) ILB 19
12	Remote Community Resource Issues
13	Board Profiles 2012
14	Aboriginal Employment Policy
15	AIS and NAAJA Secondment Agreement
16	NAAJA Policy – Using Interpreters
17	NT Legal Services Forum Outcomes
18	NT Jurisdictional Forum Draft Terms of Reference
19	APO NT Activities 2011/12
20	SAFT Activities Overview
21	NTER Terms of Reference
22	NLAC Memorandum of Understanding
23	NT Law Society Tenancy Legal Service Proposal
24	NTCOSS Remote Services Working Group Terms of Reference
25	Youth Justice Review Committee Terms of Reference
26	NT Correctional Services Memorandum of Understanding
27	NT Police Memorandum of Understanding
28	West Arnhem Shire Council Memorandum of Understanding
29	National Congress Terms of Reference
30	Making Justice Work Statement of Principles