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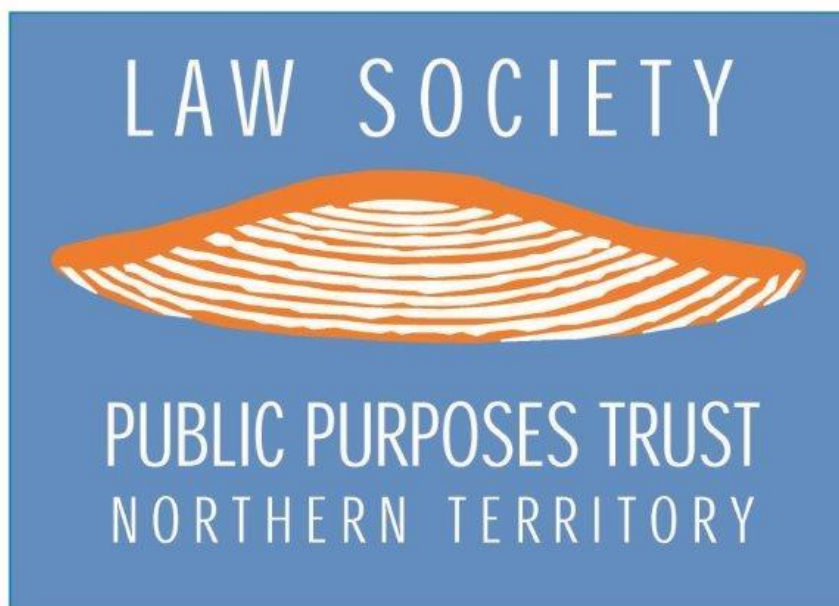
ABORIGINAL CORPORATION

CREATIVE MEDIA & COMMUNICATION SPECIALISTS



North Australian Aboriginal Justice Agency

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Public Purposes Trust



FINAL REPORT 2017

TARGETED

COMMUNITY

LEGAL

EDUCATION

AT

RAMANGININ

*Namakuli'ngu Dhärukku ga
Romgu Malaṅuw Bulu
Marṅgithirr Learning about
the Law and Legal Language*

**A pilot project by Aboriginal Resource and Development Services
Aboriginal Corporation (ARDS) and North Australian Aboriginal
Justice Agency (NAAJA)**

FINAL REPORT 2017

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Executive Summary

NAAJA and ARDS worked together on a Public Purposes Trust (PPT)-funded Project “Community Legal Education in Ramanginj: *Nyamakuli’ngu Dhärukku ga Romgu Malaṅuw Bulu Marṅgithirr* Learning about the Law and Legal Language” which supported two field trips to Ramanginj during the April and May 2017 court sittings to undertake this project.

The intended purpose of this project was threefold:

- To improve court attendance and compliance with court orders
- To decrease contact between Yolṅu and the criminal justice system and
- Ultimately to reduce the rate of Aboriginal incarceration.

The project model involved intensive engagement before, during and after court using Yolṅu language and plain English. To our knowledge, this type of targeted cross-cultural communication in the law and justice space has not happened in this way before, and the project has opened up a wide range of issues.

“Too many people sit in court not knowing what’s going on... it is good for people to understand the process, this project shows that”.

Participant’s observation during Field Trip 2 Pre-Court workshop

This project discovered a depth of confusion, anxiety and concern with the criminal justice system amongst participants, defendants, their families and community elders, and echoed many of the issues demonstrated in the ARDS report “An Absence of Mutual Respect” published in 2007.

“I am feeling this in my heart for those young men (who have court) I feel very emotional. What if people are illiterate, what if people can’t speak English? People don’t understand this process. That is why NAAJA and ARDS need to work together to show this pathway”.

Senior Elder’s observation during Field Trip 2 Pre-Court Workshop

The project identified common areas of misunderstanding and lack of knowledge about the law, including:

- Confusion about defendants’ obligations to attend court, how people can find out who must attend court, what leads to warrants being issued, and what rules apply to defendants when warrants are issued.
- Widespread misunderstandings of key criminal justice concepts. For example, many people did not know the difference between pleading guilty or not guilty.
- Confusion about the roles people perform in the court room. For example, many participants thought that the judge and police were working together.
- Some participants we worked with had no understanding of a suspended sentence (while several received suspended sentences during each court sitting).

Targeted legal education was provided in a variety of different formats to varying success.

- Targeted community legal education workshops at the court house had little success as people did not want to come near the court house. Participants who did attend our workshop at the court were visibly intimidated and engagement was minimal.
- Our community legal education workshops worked best and had maximum engagement when participants felt comfortable in a non-formal setting with family providing support to defendants who had court.
- By the end of this project people were proactively approaching us with questions about court.

“You see this piece of paper (the court list)? It is like a spear, when we showed him the court list it was like we were showing him the spear that was going to kill him. We weren’t going to kill him, but that court list is like the spear that was going to get him”.

Senior Yolngu elder’s observation during pre-court engagement with community

The project demonstrated an overwhelming need for targeted legal education around the court and criminal law process and concepts related to court processes. Our experience suggests that it is possible to address confusion relating to court lists, court attendance and warrants by improving dissemination of court list information, and conducting education in Yolngu language about how the law operates. However, we also discovered in a significant number of cases a deep confusion about what is a foreign criminal justice process.

Our approach involved education about legal concepts from the ground up starting from a Yolŋu world view, in neutral and culturally 'safe' spaces away from the court location. This gave participants an opportunity to develop an understanding of foreign legal concepts which would be difficult to achieve in the limited time usually available for lawyers to give legal advice about specific cases.

At a general level, if people do not understand what is happening in court it is more difficult for the criminal justice process to achieve goals which require communicating with offenders, such as incentivising rehabilitation and deterring future criminal behaviour. This may contribute to reoffending and future incarceration. More specifically, if people do not understand bail conditions, sentence conditions, or requirements for attending court, this may lead to breaches arising simply out of confusion. This can directly cause incarceration which could in some cases be avoided simply by better communication.

In this report we identify unmet needs in court processes which prevent meaningful access to justice. Some of these may require additional resources to address, while some may be addressed by improving existing processes in relatively simple ways.

Recommendations

Recommendation 1:

Further community engagement and legal education that is grounded in a Yolŋu worldview should be provided as a matter of urgency in Ramanginj and Yurrwi, with a view to expanding to other communities in Arnhem Land where similar problems may be present.

Recommendation 2:

Court lists should be distributed and displayed one week in advance of the court date. Further engagement should be conducted by ARDS and NAAJA with organisations and community members in Ramanginj and Yurrwi to educate people about court attendance requirements, and work out the most effective ways of communicating the court list.

Recommendation 3:

Many people (members of the public, court staff, interpreters, lawyers) need know what is happening at court. One way to make this information accessible is with a single large publicly-visible list which records who is at court, who has spoken to a lawyer, and who is ready to go into court. This would also help to ensure that every defendant can see a lawyer before being called into court. This list could possibly be managed by NAAJA Client Support Officers with the cooperation of Court Orderlies. This could avoid a number of problems with relying on the formality of calling out names. Those issues are addressed by recommendations 4 and 5.

Recommendation 4:

When court staff formally call out names, this gives defendants a single opportunity to respond and avoid serious legal consequences (warrants, potential incarceration, and record of non-attendance). Further consideration should be given to the way names are recorded on court lists (and corresponding police and court databases). To be fair to defendants the names called out should identify the person being called in a way that is clear to that person and others. This may require the systematic use of Yolŋu first names.

Recommendation 5:

There is a need for clear articulation of Yolŋu names so that defendants can respond to their names and the process is fair. Court staff could receive basic training in pronunciation of the main language(s) for each court, or work with a speaker of the local language to call out names correctly. Interpreters may be able to assist with this, but they already have a high workload and this would require consultation with the Aboriginal Interpreter Service. Otherwise, further engagement by ARDS and NAAJA may identify suitable community members who could assist, and a suitable process.

Recommendation 6:

Consideration should be given to providing ongoing cultural competence training to staff from the various organisations involved at court. Cultural competence training should be targeted to relate to the court process, including issues identified by this project, and be facilitated by Aboriginal people who are aware of the issues faced by Yolŋu in the criminal justice system.

Recommendation 7:

Further development of Yolŋu-specific resources to explain suspended sentences, DVOs, the purposes and ideas behind court sentences, and the way sentences are supervised and enforced. Existing resources in appropriate languages (for example, recordings about sentences developed by NT Corrections) should be used more widely.

Recommendation 8:

Consideration should be given to extending court sitting time at Ramanginj (at least while there is a backlog of cases) to allow enough time to hear cases from both Ramanginj and Yurrwi (Milijinbi) and to allow the criminal lawyers to get thorough instructions on all matters capable of being heard that day. Sitting for more than one day would also make the court more accessible to defendants travelling from Yurrwi.

Recommendation 9:

Court lists and processes should reflect the reality of travel from Yurrwi (Milijinbi) which is constrained by tides. Tide patterns are likely to be consistent for several consecutive court sittings, repeatedly constraining defendants' ability to get to court in the morning. Yurrwi matters may need to be listed in the afternoon.

Introduction and context

This project was funded by the NT Law Society Public Purposes Trust for ARDS and NAAJA to conduct targeted community legal education at Ramangiṅiṅ for two court sitting weeks in 2017.

Two field trips were undertaken between the dates of 3-7 April and 29 May to 2 June 2017 by one member of the NAAJA CLE team and two facilitators from ARDS. At the April and June court sittings we conducted intensive pre-court and post-court workshops around key legal concepts and attended court to record outcomes and explain key processes. The project also sought to build knowledge around fundamental criminal law processes while at the same time aiming to increase court attendance and compliance with court orders.



Figure 1 Project facilitators Alexandria Jones (NAAJA CLE), Yinin Dhurrkay and Dave Suttle (ARDS)

“All the time people are being told by Balanda the ‘what’ but not the ‘why’, and for the ‘why’ to have any meaning it needs to be grounded in a cultural perspective – the Yolṅu perspective of Balanda law. The ‘why’ needs to be explained Yolṅu way”.

Ramangiṅiṅ Elder and member of the Binipiliṅmirriṅ Djäkakiṅiṅ Mala

The Targeted Legal Education at Ramangiṅiṅ project builds upon ARDS and NAAJA’s respective strong relationships in community and seeks to explain key legal concepts in the criminal law process from a Yolṅu perspective. Our previous legal education and engagement work in Ramangiṅiṅ demonstrated to us the need for this project through our engagement with a newly formed Cultural Authority - the *Binipiliṅmirriṅ Djäkakiṅiṅ Mala* - a group of elders drawn from different clan groups and families who want to develop Yolṅu explanations and solutions to community issues, particularly identifying law and justice as a priority area. The group identified the need for key legal concepts to be explained appropriately. One elder said to us about legal education: *“All the time people are being told by Balanda the ‘what’ but not the ‘why’, and for the ‘why’ to have any meaning it needs to be grounded in a cultural perspective – the Yolṅu perspective of Balanda law. The ‘why’ needs to be explained Yolṅu way”.*

Urgent need for education and engagement around court processes in Ramanginj

This was the first time a project of this type was run in Ramanginj around bush court sittings. The need for intensive, wrap-around engagement of this kind was clear from previous work which has revealed concerning levels of misunderstanding in the criminal justice system.

There is an overwhelming overrepresentation of Aboriginal people in the mainstream justice system. There are many factors that influence this reality, one of which is the lack of understanding of complex legal concepts and individuals' obligations in the legal system.

An Absence of Mutual Respect (ARDS Publication, 2008) highlighted the pervasive lack of understanding that most Yolŋu have regarding the workings of the mainstream legal system, and the extreme disadvantage suffered by those required to interact with police and the courts.

"Our research revealed a widespread lack of understanding or incorrect perceptions amongst Yolŋu regarding Balanda court processes and the roles of different people in these processes." (p 15)

"The extent of the problems facing Yolŋu people when they have to interact with the Balanda legal system show clearly in the results below, with over 95% of Yolŋu surveyed unable to correctly identify the meaning of the 30 most commonly used English legal terms." (p 21)

One more detailed example of these cross-cultural misunderstandings is given below. "80% of responses relating to 'bail' were either incorrect or gave the incorrect context meaning. Two very common understandings emerged:

1. *The bailed person has been 'bailed out of trouble' and that was the end of the matter. There was no requirement to return to court and no requirement to pay money or a fine. In many cases when the ARDS researcher questioned this position, the respondent was adamant that their time in court was finished.*

2. *A variation of the 'bailed out of trouble' response was that the Own Recognisance (OR) bail security set by the judge or magistrate was thought to be a fine. If this amount of money was brought to the court, that would be the end of the matter. In one case it was believed that*

there was no requirement to even return to court. The money could just be sent to the court and that would be the end of the matter.” (p 32)

ARDS worked with the Galiwin’ku community to draft **A Galiwin’ku Community Statement to Prevent Family Violence**, published in May 2016. This statement identified the importance of legal education in addressing domestic violence.

“We want to continue working with Balanda so we can understand the way they do justice. We need to be able to sit with people in the days before and after court and talk in Yolŋu Matha (Yolŋu language) about what will happen and what we can expect. We need people to explain what is happening during the court process. We need to understand the deeper story of why Balanda do it the way they do, so it becomes meaningful for us. If this foreign law is going to claim jurisdiction in our community, we need to know at the very least how it works.”

This project demonstrated both a hunger and an urgent need in community for more information, engagement and explanation of court and criminal law processes to be provided to Aboriginal people facing court and to the broader community.

Project Aims and Methodology

WHAT WE SET OUT TO DO

- The aim of this project was to deliver practical, meaningful and context-specific legal education from first principles and in the community's first language. The Project was targeted at the Yolŋu community who largely see the mainstream legal system as alien and confusing and for whom English is a third, fourth or fifth language.
- We also aimed to increase the level of confidence to engage with the Australian legal system. Many Yolŋu don't know where to begin when they find themselves involved with the law, including accessing legal services.
- We also aimed to take this opportunity to have in-depth discussions with Yolŋu to discover what the most common difficulties and confusions are. While time and funding are tight, there is an opportunity to identify areas of improvement to existing processes and procedures which could promote positive and meaningful engagement of Yolŋu with the criminal justice system.
- The project also provided an opportunity for the ARDS and NAAJA team to engage more broadly with the wider community about the court process and allowed for consistent legal messaging across the entire community.
- The project aimed to increase an understanding of the criminal justice system as a whole, as well as specific details regarding bail, warrants, sentences and domestic violence orders through working directly with accused/offenders before, during and after court.
 - Pre-court engagement was intended to provide a macroscopic view of the criminal legal process as it relates to the defendants' (and their families') immediate context. It then aimed to fill in relevant detail for concepts, roles and processes that were prioritised by the group. This was refined to what was directly relevant for the defendants as they encountered the criminal justice system, and was summarised so as not to move past saturation-point of new information while still aiming to generate a level of understanding of the system as a whole. We started with a one-size-fits-all story in the following sequence: Incident; Police investigation; Arrest; Interview;

Charge (or no charge); Summons, Remand or Bail; Court (and what happens if they don't go); Acquittal, Remand and other outcomes. We also discussed the people involved in court and unpacked their roles and responsibilities inside and outside the court room.

- During court we aimed to streamline the process, reduce confusion and ensure understanding for defendants and their families. We aimed to introduce methods of communication so that defendants and their families knew what was happening in relation to the Client Services Officer, Court Orderly, Lawyers and the Judge. We aimed also to “direct traffic”, by assisting Yolŋu to understand what they needed to do, with whom, when, and where. We also aimed to assist after a matter was heard to ensure complete and meaningful understanding of the outcome and associated obligations.
- Our post-court engagement model sought to connect with the offender and their family in a non-court informal setting. In the afternoon after court and the next day, we spent time unpacking their court outcome, what it means and the legal obligations imposed.
- Throughout all engagement, we aimed to test the *Dhuwal Wäyukpuy Rom Dhäruk Mala ga Mayali': Legal Dictionary English – Yolŋu Matha*. This resource proved valuable throughout the process of preparation and delivery of the project.

Key findings and observations

PRE-COURT STAGE

- **Community engagement and Pre-Court workshops undertaken as part of this project Identified an urgent need for further community engagement and education to be carried out around court and criminal law processes. It was clear that a similar model of intensive pre-court, during court and post-court workshops had never been undertaken before and the extent of this need may have been documented for the first time.**
 - The need for further education and workshops provided in language were echoed by observations from participants during our pre-court workshops which included:

A family member of a defendant who attended our pre-court workshop observed: *“too many people sit in court not knowing what’s going on... it is good for people to understand the process, this project shows that”.*

Another participant observed *“the Balanda court process is an invisible path that people are meant to know but don’t”.*

A community leader who attended a pre-court workshop expressed worry for people who had court and who were not able to attend our workshop. He said: *“I am feeling this in my heart for those young men (who have court) I feel very emotional. What if people are illiterate, what if people can’t speak English? People don’t understand this process. That is why NAAJA and ARDS need to work together to show this pathway”.*

Another elder observed about our pre-court workshop *“It is very important session for people who have court... What’s going to happen for people who miss this session?”.*

One elder said to us about legal education: *“All the time people are being told by Balanda the ‘what’ but not the ‘why’, and for the ‘why’ to have any meaning it needs to be grounded in a cultural perspective – the Yolŋu perspective of Balanda law. The ‘why’ needs to be explained Yolŋu way”.*

- **Our project showed that targeted CLE at and around court can improve access to justice. In this project, we improved access to justice for a number of people by:**
 - Providing a forum for defendants and family members to access important legal information in their own language, and in a culturally appropriate way, about court and roles of people in court, criminal law process, consequences for breaching court orders.
 - Improving individual offenders’ understanding of the kinds of sentences which had been delivered during each court sitting.
 - Improving community awareness in Ramanginj of who needed to attend court.
 - Improving communication between defendants, families, NAAJA lawyers and court staff about who was at court, who had and had not spoken to a lawyer, etc.
 - Providing an opportunity for family to write character references to support and provide valuable information for their family members who had court
 - Enabling referrals to legal services for non-criminal (civil law problems)

- **Our project revealed the importance of explaining the criminal law process from a Yolŋu worldview**
 - One participant who attended both our pre-court and post-court workshops during Field trip 2 and who had attended court many times for a number of different matters observed:

“This was the first time that someone has explained the system to me like this - it is really important that other people learn this too”.
 - Participants demonstrated misunderstandings about the different roles of people in court.
 - For example, from discussions it was clear that the majority of people we worked with believed the judge and the police were working together. This was based on the observation that they pursue the same people, worked in the same building and are in the business of locking people up. There are very few outward signs that police and judge are in fact independent, have different roles and objectives, have access to different information, etc.
 - Another example was that it was not clear that when the Court Orderly calls out people’s names (often not pronounced clearly enough for Yolŋu

speakers to recognise) then it is time for that person to go into court. In fact, this is a critical part of the court process because if a person fails to 'appear' after their name is called, a warrant will usually be issued. It should be noted that various other people call out defendants' names at different times (lawyers, Community Corrections officers, etc) but without creating legal consequences if defendants fail to respond.

- Participants had limited knowledge of rights when arrested, police powers or the difference between pleading guilty or not guilty
 - The Plain English Legal Dictionary (Northern Territory Criminal Law) was a very important resource and tool utilised in both our pre-court and post-court workshops to explain and break down key legal concepts.
 - Participants believed that Police are unbeatable. This can be seen in the vocabulary used by Yolŋu. Instead of the word *Bilitjuman* (from the English "Policeman"), Yolŋu are more and more using the term *Nyamakuli'ŋu* (the person who is too powerful, literally deadly, unstoppable).
- **The project had to navigate community attitudes to court, the Balanda legal system and the court building**
 - People expressed the view that it would be better if court was held outside, in a 'public' place where people could hear what was said by the judge. Of course, people can hear what the judge says by going into the court room. However it was clear from views expressed by participants, and their apparent reluctance to attend CLE sessions at the court room, that they were not comfortable sitting inside the courtroom. This may mean that what the judge says is in practice not fully accessible to the public.
 - A key elder involved in the project during preliminary stages and during Field Trip 1, saw the workshops as a forum to ask questions about the foundations of the balanda legal system and discuss problems with the legal system and the negative impacts it has on Aboriginal people. These broader issues hampered our more targeted and practical discussions around court and criminal law process. This suggests that some Yolŋu may be unprepared to talk about specific details of the court process, or perhaps lack the foundational knowledge needed to understand them, without first discussing deeper issues. It is difficult to engage with these discussions from a community legal education perspective, but this elder's frustration may indicate that

there is no clear forum for these issues to be discussed meaningfully. Any future work in this space must take into account and acknowledge these fundamental questions of colonisation, the origins of legal jurisdiction and institutional racism.

- In the early stages of the Project our cultural consultant described the community's attitude to the court list by comparing the court list to a spear:

You see this piece of paper (the court list)? It is like a spear, when we showed him the court list it was like we were showing him the spear that was going to kill him. We weren't going to kill him, but that court list, the spear that was going to get him". This may be a starting point of many Yolŋu people's thoughts and feelings about the mainstream Australian justice system.

- **The Court list needs to be effectively distributed in order to give people notice and a reminder that court is on**
 - Participants were likely to have been notified of their court date by documents and/or previous oral communication in the form of summonses, bail, adjournment notices etc. However it appears that in practice, many Yolŋu rely on a reminder shortly before the court date to know whether they have to attend court. Yolŋu familiarity with quantified linear time is very different from mainstream understanding. Generally, Yolŋu are familiar with week days, seasons, and the "Rrupiya week" (Pay week) – "Mayala week" (Off week) cycles of each fortnight. People are much less familiar with the numbered days of the months and it is hard to assimilate this information on court documents into practical reality. As a result, reminders like court lists have a very big material impact on the ability of defendants, family members, and others to work out when they need to go to court.
 - Current practices in regards to reminders about court attendance, mainly the publication of the court list, do not seem to give defendants enough time/information to enable them to make plans to attend court.
 - A further source of confusion is that there may be no definitive court list because matters are added on the day of court and new lists go into circulation. Versions of the court list are normally not time-stamped or clearly distinguished.

- For our work we used the community loudspeaker in Ramangiṇiṇi to remind everyone that court was on, the day before and the day of court. This is common community practice for communicating about important events. It seems that this is rarely if ever done in relation to court.
 - Legally it is the defendant's responsibility to get to court as stated on their paperwork, however we witnessed little to no regard for the difficulties faced by Yolṅu people whose culture is not based in written communication or quantified linear time in meeting culturally embedded expectations..
 - Culturally embedded expectations, like keeping track of dates and turning up to court at a particular time with minimal reminders, cause much confusion and anxiety for the community. Without in-depth engagement in the people's first language, these expectations are invisible and are very often not met. This results in further legal ramifications, including warrants issued, resentment, anger and alienation.
- **People from Yurrwi (Miliṇinbi) face serious obstacles getting to court on time.**
 - Roughly half of the court list at Ramangiṇiṇi was made up of defendants from Ramangiṇiṇi, half from Yurrwi and a handful of people from homelands or other communities.
 - Defendants from Yurrwi are listed to appear at court in Ramangiṇiṇi because there is no court held at Yurrwi.
 - In discussions with police it was clear that the community in Yurrwi are not given much notice of court. A poster went up at the shop the afternoon before court which meant that even if people had seen their name on the list and tried to get to court, the tides meant that they were not able to get there until the following day at 11.30 or 12 pm (unless they left on the next high tide at midnight that night which is very dangerous).
 - On the day of the 5 April court sitting, low tide was at 5.51am, and high tide was at 12.07pm. This meant that defendants from Yurrwi could only begin to travel at around 10am which is when court starts. At other times the channel consists of sandbars and shallow water which is not navigable There are no regular public transport options, so defendants need to find and negotiate with boat owners. They also have to negotiate with vehicle owners on the mainland to pick them up at the barge landing.

AT COURT

- **Issuing of warrants**

- On 5 April court sitting the Judge started issuing warrants at around 11am. His Honour issued 17 warrants for non-attendance. Three of these were vacated on the same day because those people had been at court the whole time. However, 10 warrants were for people who arrived after the court start time, due to the tides.
- Despite clearly going to a lot of effort to travel to Ramanginj and making it to the court house between 11am and 12pm, on 5 April nearly all Yurrwi people were issued with warrants for missing court and told by police to come back next court. We heard from a number of Yurrwi defendants that this happened at the previous court sitting as well. People felt frustrated by this process which seemed to offer no prospect of their matters being finalised.
- Questions arise regarding the adequacy of justice being done when the issue of warrants issued to Yurrwi people is compounded with such short sitting times during Field trip 1. The issue of warrants being issued for Yurrwi people impacted by tide times was recently ventilated by the Senates Estimates Committee and raised by the Member for Nhulunbuy Yingiya Mark Guyula MLA.
- The issuing of warrants for people who are actually at court, along with infrequent court sittings in community means defendants face the risk of arrest in circumstances they cannot predict. Once warrants are issued for people who are present, they appear to enter an informal legal situation with unclear rules. On paper, they are subject to arrest. Police said verbally that they would not arrest them so long as they came back to the next court. When we specifically discussed this situation with police it appeared that these people could be arrested if they travelled to another community, which could impact people who need to travel to other communities for medical reasons, funerals or other obligations.

- **Duration of court sittings**

- In April the Judge sat for 3 hours, compared to the May sitting where the Judge sat for 5 hours. During the April sitting, people coming from Yurrwi managed to

get to court but were not able to get their matters heard due to the short duration of the sitting.

- In common with many ‘bush courts’, but perhaps accentuated because of the short sitting time, we observed that everyone working at court was under a lot of pressure (including lawyers, interpreters and court staff). This echoes messages from the 2016 Galiwin’ku Community Statement to Prevent Family Violence (facilitated by ARDS): *“court is an incredibly difficult process for Yolŋu. We don’t understand the roles of all the Balanda law people, because our law people are organised very differently. To us, it feels like we have no say. It seems like a dictatorship type of law that we can’t influence. The confusion is increased because the process is rushed. Rather than explaining what’s happening throughout the whole process, interpreters only have time to translate the sentence.”*

- **The structure and set up of court room and surrounding court space make it difficult for people to hear their name being called**

- Because it is so hot at certain times of year (including during the April court sitting), defendants and their families spread out to shelter in the various small patches of shade under nearby trees and around the corner of the building, and sometimes people completely retreat into the air-conditioned police station itself. This distance makes it difficult for people to hear when their name is called out.
- When names are called out, they are sometimes pronounced in a way that is not close enough to correct Yolŋu pronunciation to be recognisable to Yolŋu speakers.
- The Judge sometimes spelt out names orally in court. This is probably effective for communicating with lawyers and police but may not be accessible for Yolŋu people in the courtroom who may have low literacy. If the person being named is in court, and court staff go on to call the name outside, that person may never hear their name and have an opportunity to respond.
- The court list generally uses English first names and Yolŋu family names. Yolŋu people more often refer to themselves using Yolŋu first names, which are rarely used in the justice system. There can be multiple people with the same combination of English first name and Yolŋu family name. This can compound confusion and make it less likely that people will be able to respond to the name that is called.

- Implementing a process for court staff to communicate with the NAAJA Client Services Officer could avoid the need to call out names, for example where people are at court but lawyers are not ready to proceed with their matters. This could also avoid problems where the name on the court list is not the name a person normally uses
- **The difficulty of having one court sitting for two communities means the court list is long**
 - Where people travel from Yurrwi multiple times without having their matters dealt with, this obviously creates a backlog of court business. The court lists we encountered were long (over 40 people), and this puts additional pressure on everyone involved at court.
- **On court days, having a public court list that everyone can see is effective to encourage communication between court staff, criminal lawyers and defendants**
 - During the May court sitting ARDS and NAAJA project staff created a large and public list on the wall of the court building (pictured below) so that the Court Orderly, Client Support Officer and Criminal Lawyers could communicate about who had arrived, who had spoken to a lawyer, and who was ready to be called. This process meant that during the second court sitting, cases were called based on when they were ready to be heard, rather than the order in which the files were stacked. This is a process that could probably be implemented in the future by NAAJA Client Support Officers with the cooperation of Court staff.

AFTER COURT

- **Lack of understanding of key concepts – particularly suspended sentences and DVOs**
 - During targeted family group sessions after court, it was very clear that very few people had any strong understanding of the outcome of their court hearing.

- **Post court workshops worked best when they were targeted, intensive and when the ARDS/NAAJA team attended each defendant’s house and sat down in the yard with a group of close family to explain concepts all together**
 - One participant described the experience as – “*Mulkurr lapmaranhamirr*” (mind opening). Key family members were involved and engaged in these discussions and together were able to confirm a mutual understanding of the outcome and the obligations dictated by the court.

- **Storylines developed from a Yolŋu worldview proved effective to explain concepts of time and duration, particularly in relation to suspended sentences and DVOs**
 - After building the context by explaining the underlying reasoning and rationale of the criminal justice system we were then able to develop ways of explaining key legal concepts (such as suspended sentences and DVOs) from first principles.

- **Observations of elders and community leaders about the court process**
 - These are elders who are respected in the community and who seek to exercise leadership and think about the future and wellbeing of their community. They were not directly involved in court, but were present either in connection with our project or to support other people at court. They took the opportunity to discuss their views and their experience of courts.
 - After the April sitting, one key elder was very upset and angered by the court process, the lack of time and resources to ensure understanding, and the lack of agency Yolŋu have over the whole process. He immediately wanted to hold a community elders’ meeting to write a letter of complaint, or figure out some other process of having their voice heard.
 - Another senior elder was upset, but very concerned that trying to highlight the difficulties and injustices faced by Yolŋu through the criminal justice system could cause antagonism that would backfire. He was hesitant to be too strong with criticisms because he was worried that they would be met with hostility.

- **The system does not take into account complex interrelated issues faced by Yolŋu**

Some views expressed by some key stakeholders in the criminal justice system at Ramangiŋiŋ about defendants who had turned up late or not at all, and had warrants issued, did not acknowledge complex interrelated issues of poverty,

geography, differences in worldview, language, literacy and legal understanding that are necessary for meaningful social accountability and true access to justice.

Conclusion: Hopes for the future

This was a brief pilot project including two field trips. However it demonstrated a deep need for more work of this kind. We intend to seek funding to continue this work. We believe that this will lead to some achievable practical improvements, for example around the issue of court list dissemination and court attendance. We also expect to develop a greater understanding of the nature of misunderstandings of legal concepts and develop ways of talking about these ideas which may be applicable to community legal education in other communities.

Appendix: Snapshot of project data

The Ramanginj court list

Over the two court sittings in April and May 2017 the court list consisted approximately of half from Ramanginj, just under half from Yurrwi and the remaining from other communities.

Warrants

During Field Trip 1, there were 17 warrants issued. Seven of these were for people who did not attend court, while ten were for people who actually attended court.

During Field Trip 2, there were 2 warrants issued. Both of these were for people who did not attend court, and there were none given to people who actually attended.

Suspended sentences

During each field trip, a number of suspended sentences were handed down.

Targeted legal education with both offenders and families were conducted with all people who had suspended sentences and were living in Ramanginj. Unfortunately due to the limitations of this project we were not able to provide this information and targeted workshops to the people who were sentenced to as suspended sentence and who were from Yurrwi.

Stakeholder Meetings and Engagement:

In total the project initiated 21.25 hours of meetings and engagement with 120 participants.

Legal Education Workshops:

In total the project led to 23.5 hours of targeted workshops with 54 participants.