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exploration of the

need in Aboriginal and Torres Strait Islander communities and (b)



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I reckon education. I'm always going t/!2&+!45&4:9/!0&"M!4/!45&4!Y01#ng essential]... Then they'll be empowered to stand up for themselves and then be able to be assertive...<!W#45!45&4! #')/. \* &4#/' ... they'll be able to stick up for themselves (Indigenous community organisation , /.M1.HK^FK!!

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We're Indigenous people. We rely on our ATSILS. If we go somewhere else they're going to talk about money. How are we going to afford that? We need ATSILS. ATSILS will always be the first preference to us Indigenous people.<sup>28</sup> !

ATSILS are currently not providing any sort of comprehensive service around existing civil and family law need and urgently require more money to enable them to extend the assistance that they can offer to their local communities with respect to these areas of law, as the following comment indicates.

[Civil law work for Indigenous people] is just chronically underdone [by] the legal assistance sector, including ATSILS, ATSILS do great work. They don't have the resources to be assisting people [enough], particularly with civil law stuff.... I just don't think they're going anywhere near touching the sides of civil law need (Legal practitioner).<sup>29</sup>

All ATSILS, to varying degrees, have a predominant focus on criminal law matters, and IFVPLS on family violence and associated civil/family law matters. This is understandable, given the high rates of Indigenous incarceration and family violence, as well as the causal links between victimisation (including through family violence) and offending. It should now be beyond dispute that these services need much greater resources to meet need in these focus areas. And so in calling for increased funding to enable Aboriginal legal services to better respond to civil and family law



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#!WA!' /412:!'access to justice for Aboriginal people is dramatically underfunded... There  
are a lot of vulnerable people out there who don't have their legal needs addressed. Those  
legal needs not being addressed spiral into serious costs for the government.'<sup>32</sup> Another  
Indigenous legal service provider suggests, 'I think that if we were able to get statistics that  
showed how much we saved the state [in resolving civil and family law matters], it would be  
really dramatic.'<sup>33</sup>

[Some] of the men who are more persistently violent will go and conflict women out of every service in town. It's pretty easy to do in a small town. So you just need to go and get advice from this service and that service and a couple of others, and she can't go anywhere, but she can come here usually (Indigenous legal service staff).<sup>36</sup>

IFVPLS are also identified in the ILNP research as being proficient at providing a very holistic service to their clients, taking the time to address the wide range of legal and non-legal issues those experiencing with family violence often face.

The extent of the problem of family violence in Indigenous communities, the wide scope of the demand for assistance from IFVPLS, and the fact that IFVPLS require much greater resourcing to better meet this demand is illustrated in the following quote.

I would say that [family violence is]... something that spills over into a lot of these other [civil and family law issues]... and once you start looking at the rates of family violence in these communities and also the types of family violence - like I think it's quite extreme, and I don't think it's being given the right resources to address that and to help victims. Out there people are very much on their own (Indigenous legal service staff).<sup>37</sup>

### **The reasons for the high incarceration rates for Aboriginal and Torres Strait Islander men, women and juveniles**

Because they're having tenancy problems and they lose their house, they're homeless. Leads to drinking, police surveillance. Then people get themselves into trouble, because they're angry. You know, it's that balance at home and then what's happened there, I think, what affects us.... I think there is [a connection between all these things]. (Indigenous community

this Inquiry.

**The benefits of, and challenges to, implementing**