Access to justice for Aboriginal People in the Northern Territory

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This article discusses research in the Northern Territory on Aboriginal civil and family law needs. It is based on focus group discussions and interviews with legal services providers and other associated organisations. The article argues that key areas of legal need involve discrimination, housing, child protection, social security, credit/debt and consumer law problems. It further argues that welfare conditionality, particularly as embodied in the NT Intervention and subsequent Stronger Futures policies, has exacerbated the need for legal assistance and advocacy for Aboriginal people.

Keywords: Aboriginal and Torres Strait Islander people, civil law, family law, access to justice, legal service delivery

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Fede a Live', 'e 'a' ed ce elladf d Li c d Li d Li elle e v ce, li li e be face cef e e a e e c ded f va ea f li e va e ella a ve. E Li ba e a I d Li e e face acce li ella e ve e ave bee de ed va e ve e yea (f e a e, Se a e Lella & C a Refe e ce C ee 2004; J C ee f P b c Acc & A d 2005; C ee & Sc a 2008). I add , I'd Li e e face e d adva alla e a ea f ed ca , e y e , c e a d veal (SCROGSP 2011). Ti e e d adva alla e e y c d b le e ed f , a d be acce , ella a cel s e ca ella e f d adva alla e a ca y e va e be la I d Li e e ay ave acce li ella e v ce : f

a cay cal placa ec y, a do d ec (f d c' efa e c d a y a d I d place cy, ee Hab b e a 2012). The e ellegate be a e habeca e c d a y place ed by cea ed a e e a y ce e, o a e a cy ea e, e e e a da - ca be av, o a e da ce, a d c e a a place e de e d e e d e e de a d, e e ca y ce e d c y b le NT Emergency Response (NTER) I e ve 2007 a d e b e e

e d free De davce a ace. Fea e, ea more likely de fya e beb c

che fie e, b eve e ea e e e e fie a d eya e a y e de y fa a d ca' c e fa y e be

(Indigenous Legal Service staff 4).

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I te ve en en en ed be
  -NTER cycla 12, c d 12 le 12 12 f ea e
  de a d 🛂 d c e be 🛂 ab e b a adv ce.
      H, Lade a kry bec, Lab La be ad ha'
       a Py beca e fie q a Pf f Pie NTER, la
      'e've la acaeae 'e ec ead
                                                   ca
      Tia' \ ab\ ab\ a b f eve yb dy. F
         babyle eley'veladay v ve e lea
      (Indigenous Legal Service staff 4).
O e e v e e e ed a c a c f ce d ca ed e e e e c e e e P P ea e q ec P e e baf e v P, y db e d, b e e, a d be
 e e a (Statutory Authority staff 3). Pce fee Dea e f H
 e e a e a e a ce ba Le be :
      H Padeaucy a a ve e le Te y v ce
le le ve . Tie e a e a f e e le ve led .
S ley laveac Pred f, vae, Pria.
      caeda wedde Bode le eBoa Adve
ve eaebe Boa Bode fee e ac le ley
      d' be
      (Legal Aid staff 1).
Le La daff d ca ed a, a ea e a ce, de De a e f
H La v de Lece f e ay e, dy e ade
d f c de a e a d v d a v e e Ly be La a Led e f
v, ed d e, L, de a d a d y deb e e c ed.

O e e f e f c L
he (26.7 e ce ch a ed | 55.6 e ce ). Advice a ⊯ e a y
f Cyc Se, ad a eye e e f le De a e f
H DO y, a a df fa, ca de e de adveef a
Ab La a el e v ce Le La Adf ce.
Neaya ae fafc Py aca (22.6 ece) de ed av P
e e e ceddc, a ve le a yea, lId≌ e ad
e e La a a de A a a vy, d c a a de de de de da ace a e la a y le La d. I e ve
i a ei de a fc ed acad caaa e, ale
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la ay le ye fdca.

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'Tee ', ec e, la le NTER beaded A', a a' e a a
a b b b a ca'y ea lacaydc a y a ec fic e a ab e, a clad b a a y e c , le eca
 e fleA aa C eC , ad le ae (A aya 2010,
45 49).
         and de eva ae edala leb ade ca a d
Ma y f
ca c e lad a lad la la edd c a bec e e baa a d la decred:
     Pet et ley ca ay lattey e Ab Pa e e
      I have Bayec e. Il ave bee a ayal, e d
     a'd I ave c' e bac a d' [ e ] e e' D'd f a e d' a ley fee e Ab D'a e e. I' a b f
     a y
     (Statutory Authority staff 1).
Tieda Medela yev e ea aclaead
      i aa ee lave dieaeddic a aea e ad
by, ce. Tie dc i fa le NT la e edi de ca bèi
⊯ed ae facl c√ e_lad ceaedle e a f bl
dec_addecdc \aa_6Tiee ■a \adagmad ae y \affec
Id 🗗 e e beca e ley a e e e y lave de ca .Ilaa
 e ed decdc a:
               y lave laveID byancl
     revea ed le e.Tlee a fdc
                    a y de 🗗 (f. I'
     ìa ¥e ìa .
     b 'e ba a B' be d'ec ed bef e y lave eve e e ed
     e e
     (Legal Aid staff 1).
Tiedo, a yef ce e facile o, a cay ce
     La d q ec La a e e b c ace, a a ee a
  be a c:
     If y laveg ca \ y ca le b dy a, b fy
     dde y lec lave a la ey ab . C dac a y a each f e e e e e e e e e
     d B, ley ee cay B ff a ace le'e ley
     could d, b ce de eve e a d ay, 'N, a b c ace, y ca' have a c'
     (Legal Aid staff 1).
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C , , , , , , , , ,

Fa y a be Peayce ed late v Pade, va caq dec ea Peage ed Pec Baq fee NT Dea e f C de ad Fa e. A va f 6.8 e ce f f c e a ca dcaeda be e q de va ve e a yea, f e e e be f e (10.4 ve ce) e Peage a ceae q de va ave c b aed by e a de q d

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S e f Ce e \gamma be e f f \mathbf{P} c e a eaed a \mathbf{y} \mathbf{P} f
baea efledfceacaed compace, acay
e ec e.A elle evce vote de de de et et ede y e
e e ec e a de e e e a e ec e
ac vey f a a c d f ay e f be e:

Ce e c e e' ey f ey d'a e de l'
ba' e . I'ab d beca e y ve a c y
      leeleeae 20 de edy b, ad ay, ay, ay,
     ay, ay e e v Plec w. N eve yb dy
lac y beabe Pe e fle b. Y lave
      a yf lee baf D.I'ab Dfa a e f ye.
     Pe e d; e ed 'a yf e b.Te
       ey'c. They have d feed
     (Legal Aid staff 1).
P be a le effecte e f Ce e 'e le e a d c ca l de ec e e e a a ed:
     Y can allefy 've be a a beate ha e f E y y d f [a peak], y day be d
     Ce e y 've 🛂 a e. N y a a g e.
     y Be a a hale y'e ecd dEB eqe . Shify lave a aced bha y y 'e a
     acl c laeve y be, leed y 12?
     (Statutory Authority staff 2).
     O e [Ce e ] e e ead: Rea 6, y lave bee de ed
     a ad e Medy i'. Ad I i f, 'We, y \'ve i
     eve fiey ea e
     (Legal Aid staff 1).
We e e Ce e c d Ledeb, le 's e's, e Le le e,
a', dc', ca breae decya caed le NTER,
lega 🗷, cd 🕰 e dc 🐧 f ce a a 🗷 e a d g
a e da ce e e e , lave c ea ed \ e eed f e k a a ce f
Ab La e e Wefa'ec da y a ed'ella y e e e a dc e e a f le lb lea e f le e e a e
a eady a P a ed a d ac acce e R a a ce.
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e ac a a e (22.1 e ce c a ed 14.3 e ce).

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U aff dabe a , a d d f c e e ay 🛂 a c ed be f
 a ca e acy e e a e:
    a eacy ee a e:

If eca ee ea eE h be lef a fle
c ac eca dea la, beca e fa FaE e
a ca e acy. A E de a le lace e
     fe a, Dad Diffeed V Diffeed of eyfaca?'ad a ved aba a diffee Diffee a a f
     ab $25K. He a ve y E B a d a ca e acy . S afe a b f a B e B a a ved
     (Indigenous Legal Service staff 4).
Mbeledeb e e fe e ed by a e de a dfc 🗳
a c a , \c d \ deb \c a \ \ deb \c a \ \ $15,000 (Statutory Authority staff 2).
O e affec fleedeb ha a y e elavele ced, ec d ed.
P cò da Parca ef le à ca ec f I d Par e e, a d
,a 🍱 ba cy.
Tie ac ce f'b - ' a ed a be f ca e NT a de
  e a f ab e de ed:
    y exaley ay fley eycad Ic dae
     lee a dlec e aed
     (Darwin Indigenous Community Organisation worker 8).
Deb c ed Pe e e e a a Pe ca be, a c a y
le adeca vaeye
                         e.Id⊉ e⊈it
e v ce aff ed ca e le e
      e dbeb eadade veaedf
     (Indigenous Legal Service staff 4).
     I'\ a ab 🏲 e \ lefac la e eae d 🛊 \ eed
     by le ce ea ley c'y e acc e e. They lave
      ea fac a y 🖺 🖆 e e ed
     (Indigenous Legal Service staff 3).
I add Nee a NTe vae fleVc a ecocc ace
ής, leece ή cή - deed e cabe a ved leba f
l ee e, e a lea l, add c d ab y.
C e a be cabed ecy ed djeb TeeId 📭
 e e e e e c ac de ad Pere c fle Pere
e ∀ ce :
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A feed defy be be a ell be.
W c e ffeed aleva fccabe
c ac . Pee e a ell be f
Te a A a, b ey d de fy a a a ell be
(Indigenous Legal Service staff 2).

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I ee ∖c Bac a e - e ced Ab Ba a d
     e v ce la ca d c v i beca e la, le a a e v l c a d v P. A d la vey a e ec ed f le e l e e le be f Ab P. a P. f
     ve ec eae ey e e Tiee db
Va Ab Pa e eae ead y ve-e ee ed
      lec aa y & adI day e ad y
       de-e e e ed lecta y e
     (Court Registrar 1).
Id Pe e eed a a ce e Pa Pe fe fa, a e -d ve a d c e c v a d fa y v y e . La ye ay eed v de
-ella ace e ' ' ' ella ' ce, c d ll'
ad ave-ye da ll' f ad dfc beacac
ye da Ce e Dea e fH ll'Acce ella ace
   ade e c e beca e f a La a d ffe e ce a d i
eve f E P e acy I d c e . 'C d' efe a l'e
                     a e:
alceaefe a
              ce \d'de, ad e, \e \ce,
     'Ma y f
     cc 'acey I ay'O, la'a aey'l d I
     adeeleObd\aab\aab\aab\aablaaab\aab
      y ve e. Wie ea Ii le e a d'Elea e eed
      f eav y a ed efe a
     (Indigenous Legal Service staff 3).
  a a a e f lefc D d c la I d D e e a fee f c e y c f ab e a a a d D e D e v ce a d a y e f
                                    ìa Id≌ e e ay
   a ce. A e I d 🗗 a a ed,
     Ac ay leeae a fe
                             e Naee edfa
     a a ye, beca e e ey d'a
     (Alice Springs Women's Focus Group Participant).
      ca bead be ee aye adId de ce ca cc
beca e \{\frac{1}{2}\text{ lec} e y f \text{ lea a d beca e e a ye a e ab e
     e i c he yeffec vey, e ecay Pre a Palled ffe e ce a d
     be | E B | e acy:
се
      Y, Pac y lee E Plee e'ec dha PaP.
      Tiey'e a y 🛂 de ad E 🛂 i, e a e i e a
      y e
      (Tennant Creek Men's Focus Group Participant).
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We are de ed l'ace le ayaea for a dfa' y elle eed f Ab le a e e le NT: doc a ', o d'ec , le ca ad le evce vde ae a v deele c y elle ed ca, dec a a ce a dad cacy. Pale Pale caea be ee Id Pale e ea d -Id Pale e Pale e Agaa, e a Pala Heve, ea a Bela If ece yea efaec da y ave e ace baed ecv a dfa y a be y f Ab. Bae e le NT. I a cea f e ea d la le NTER la le e a ed la af fe e el be f Ab le a e e ac a le a ea le e e la ve de ved ca ec y, o d ec addc a We faec day by de e Leae, b Lea ce.
Tiee b Lea vy ve ceaed y ve fell a vad ve aceaa c d f ece V L ca e v ce. I a bee a L ed a c d a v fa, a e a c, d c a y, ve, effec ve, ve a d f l e a b e a c b e (f d c , ee Hab b e a... 2012, 3). We day be a le cea ed el el el a de ∖efa\e,c d a y a ec cay f le a 🗗 a ed Ab 🗗 a e e ac facce held advice a dadvicacy. A Wac a (2009, 288) la ed, ca efaelac e be f edbyleaevae ad



(2004) Lell adadace ce, Cabea, Ceal faaa.

See LCeefeReve fGve e Sevce (2011a) Ovec Lade Dadva all Key I dca 2011, Mebe, PdcvyCee (2011b) 'Ovec Lade Dadva all Key I dca 2011', Fac See Ree Aea, Mebe e PdcvyCee .

Waca, L. (2009) PleeP. Te Nebea Gve e f Sca I ecy, Daa, De Uve y Pe.

Ę,, ",

- TieNT dy a fab ade, Per dy if IdP i eEr eed i NSW, Vc a, Q ee a d, We e A a a a d e NT. Tie e ea g f ided by i e i A a a Re, ea g C c (LP 1,00200455). NT a e e e e a g a e e N e i e e e a g a e e N e i e e Ce a A a a Ab Fa Fa y La U (CAAFI, U), a d e N A a a Ab Fa Fa y V e ce Le Fa Se v ce (NAAFVLS). F e f NT e e e A e a . (2012).
- ² See e Acce b y/Re e e I de f A a a P (ARIA+) c a ca : : :// . a a a e.c .a /a a/defa .a
- 3. Tec ee fa a de eve ed ca bef d A, ea. (2012).
- 4. The element are ed e Residential Tenancies Act 1999 (NT).