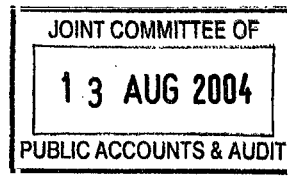




# CENTRAL AUSTRALIAN WOMEN'S LEGAL SERVICE Inc.



Suite 3/15 Leichhardt Tce  
PO Box 3496  
Alice Springs NT 0871  
Ph: (08) 8952 4055  
Fax: (08) 8952 4033  
Free Call: 1800 684 055

Secretary  
Joint Committee of Public Accounts and Audit  
Parliament House  
Canberra ACT 2600

12 August 2004

By facsimile: (02) 6277 2220

**Supplimentary  
Submission No. 33**

Dear Sir / Madam,

## **Indigenous Law and Justice Inquiry – Supplementary Submission**

We refer to the above mentioned matter and now enclose our brief supplementary submissions.

### **1. Cultural Translation of Australian legal concepts.**

Vice-Chair Tanya Plibersek MP inquired about cultural translation of Australian legal concepts. Concepts that require translation include specifying and advising of legal process and timeframes, confidentiality, and conflict.

A significant proportion of Indigenous clients are not aware that an Application is an originating motion which commences a legal process, and further steps, often numerous and often over a period of months or years, are required to be taken before a matter is finalised. Failure to outline and discuss the anticipated processes and time frames involved disempowers clients, establishes unrealistic / false expectations, and can undermine pursuit of legal rights and the administration of justice.

Significant proportions of Indigenous communities perceive and conceive of confidentiality in the context of Aboriginal law and custom. Confidentiality in that context is distinctly different from legal confidentiality and a failure to recognize and respond to this difference and explain legal confidentiality can be an active barrier to accessing legal advice, and an unjustifiable impediment to properly respecting Aboriginal law, custom and cultural protocol.

Many Indigenous clients do not understand the concept of legal conflict. A failure to appropriately explain this, and refer the client to another service provider, can operate as an impediment to accessing legal services and ensuring that subsequent service can be provided to that individual.

### **2. Service 'gaps' and areas of unmet need.**

Chairman Bob Charles MP inquired about service 'gaps'. We have identified the following areas of unmet need:

- Inadequate legal services in Central Australia including an under resourced Indigenous and non-Indigenous legal aid system, inadequate specialist legal services including employment, discriminatory, tenancy and women's legal services, and the absence or very restricted access to legal services outside Alice Springs.
  - The absence of a domestic violence legal service/s outside Alice Springs.
  - Inadequate funding of the Aboriginal Interpreter Service. Interpreters should be available free of charge and upon request for community legal service clients, and community legal centres for community legal education and consultations regarding proposed policy and law reform.
3. **Corrections to the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (Aboriginal Corporation) submission - NPYWC.**

To ensure that the written records of the Joint Committee of Public Accounts and Audit are correct we draw your attention to the following:

- The Family Violence Prevention Legal Unit in Alice Springs, the Central Australian Aboriginal Family Legal Unit, does provide family law services to Indigenous clients. (At 2.1, page 7, paragraph 2).
- The Central Australian Women's Legal Service and the Domestic Violence Legal Service are not restricted to residents of Alice Springs or Tennant Creek. Legal services are provided to women of Central Australia and this includes the Northern Territory portion of the NPYWC service area. A significant proportion of the Indigenous population of Central Australia move between communities and place of domicile. The NPYWC refers clients to our services for legal advice and representation where appropriate (At 3.1, pages 11, 12 and 37)

We thank you for the opportunity to give evidence to the Joint Committee of Public Accounts and Audit Indigenous Law and Justice Inquiry on 22 July 2004 and wish you well with the Inquiry.

Should you require anything further please do not hesitate to contact the writer.

Yours sincerely,  
Central Australian Women's Legal Service Inc.



Vanessa Lethlean  
Solicitor / Coordinator