

# Aboriginal and Torres Strait Islander Women's Legal Services NQ Inc.



**Annual Report**  
**2016/2017**

## **Aboriginal and Torres Strait Islander Women's Legal Services NQ Inc.**

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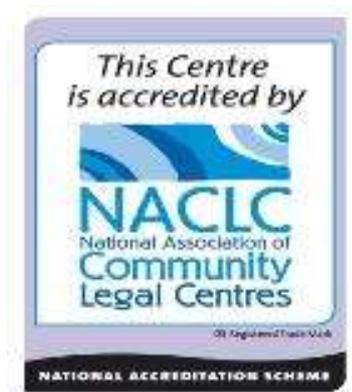
**Web** [www.atsiwnsq.org.au](http://www.atsiwnsq.org.au)

### **Office Hours**

Monday to Friday 8.30am to 5.00pm

### **For Appointments**

Monday to Friday 8.30am to 5.00pm



# Annual Report

2016 – 2017



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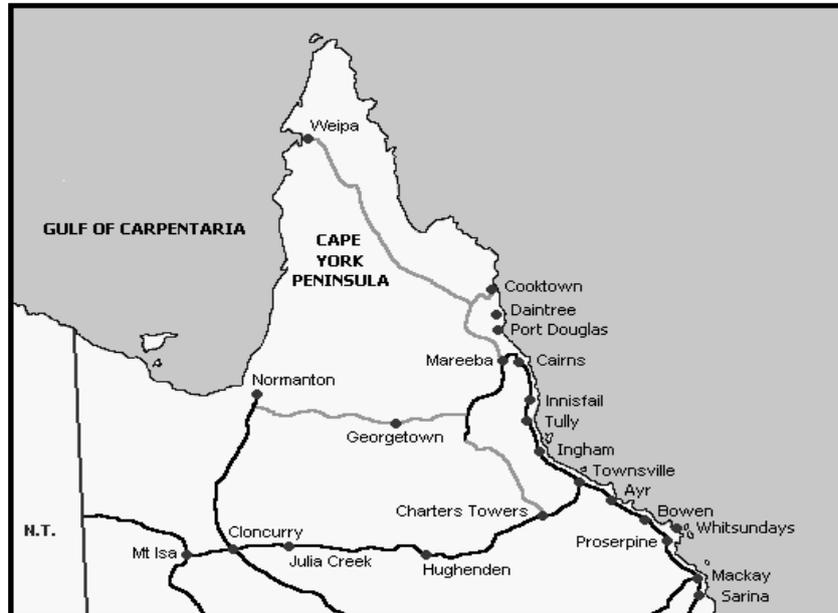


## **Traditional Acknowledgement**

The Aboriginal and Torres Strait Islander Women's Legal Services NQ Inc ("ATSIWLSNQ") acknowledges the Traditional Owners across whose lands we conduct our business. We pay our sincere respects to the Aboriginal and Torres Strait Islander elders past, present and emerging.

## **WHO WE ARE**

The Aboriginal and Torres Strait Islander Women's Legal Services NQ Inc. ( ATSIWLSNQ) is a not-for-profit community based women's legal service, developed and operated by Aboriginal and Torres Strait Islander women for Aboriginal and Torres Strait Islander women. Based in Townsville, we provide free legal services in North Queensland including advocacy, advice and representation. Our service area extends South to Sarina, North to the Torres Strait, West to the Northern Territory border and East to Palm Island.



## **OUR PLEDGE**

- To provide an environment which is safe and culturally friendly
- To provide Aboriginal and Torres Strait Islander women with information about the law and the services we offer
- To treat our clients with respect, courtesy and professionalism and to listen to their concerns
- To respond to our clients' enquiries and requests for information in an accurate and timely manner
- To provide quality legal advice and representation to the extent of our resources
- To provide Aboriginal and Torres Strait Islander women with alternative / assisted legal referral if we are unable to assist them

## **OUR MISSION**

To provide and improve knowledge of the law; to provide access to legal services and to promote law reform for North Queensland Aboriginal and Torres Strait Islander women through community legal education, advocacy and legal representation

## **OUR LOGO**

The woman holding the child is the association. The flower represents the beauty of all Aboriginal & Torres Strait Islander women. The vines represent the family and keeping culture alive.

# Chairperson's Report

As the third 2016-17 Chair of the Aboriginal and Torres Strait Islander Women's Legal Services North Queensland Inc. ("ATSIWLSNQ") I am pleased to present the Annual Report.



The Legal service has been operating independently for eleven years in the North Queensland Region. It is a time to celebrate and reflect on achievements of the service, but also to revisit our vision, to take stock and to step up to the future.

I would like to acknowledge both the Commonwealth and State government funders for their support for the valuable work undertaken by ATSIWLSNQ.

The other most crucial acknowledgment is to the staff who tirelessly devote their time to ensure that we reach out to meet the needs of Aboriginal and Torres Strait Islander women in North Queensland regions.

The past year has been both arduous and exciting with initial cuts to funding. However, the service was successful in obtaining future grants to provide regular outreach services and employment of a local staff member residing on Palm Island.

The service has been able to provide regular outreach services to areas of need for Aboriginal and Torres Strait Islander women and families, in Palm Island, Charters Towers and the Women's Centre in Townsville.

## Staff Members

The ATSIWLSNQ Management Committee values the diligence, skill and integrity of the staff at ATSIWLSNQ, in ensuring that services are professionally delivered to Aboriginal and Torres Strait Islander women.

Cathy Pereira needs to be commended for her leadership as Co-ordinator/Principal Solicitor. Cathy has been with the ATSIWLSNQ for nine years, and during her time the organisation has more than doubled its size and extended its regular outreach work, allowing extra services delivery in the community. ATSIWLSNQ has a dedicated and stable team due to her ongoing support to staff.

On behalf of the Management Committee, I would like to acknowledge the work of the Principal Solicitor, Cathy Pereira, and the ATSIWLSNQ staff:

- Erica Kyle (Junior);
- Jessica Henry;
- Andrea Kyle-Sailor;
- Angela Carroll, Solicitor;
- Karina Andrew, Solicitor;
- Other team members and solicitors who have left over the year, including Melanie Richards, Kara Tait, Julie Kefford, Otila Leone and Emmakita Geia); and
- Volunteers including Yuliana Pascoe (legal placement), Jessica Prentice (legal placement) and Brianna Spring

The combination of their hard work was crucial when meeting ATSIWLSNQ's objectives of delivering legal services to Aboriginal and Torres Strait Islander women in North Queensland. This year and other years the service has again met and exceeded contractual performance targets within budget constraints.

## **Management Committee Members:**

I would like to acknowledge my fellow Management Committee Members who have provided a supportive and dedicated voluntary service for the governance processes of ATSIWLSNQ.

Our members during the 2016-17 year have been Jacinta Elston, Gracelyn Smallwood, Marilyn Smith, Tanya Morris and Babette Doherty as Management Committee members.

Due to family and work commitments, it was sad to receive the resignation of both Gracelyn and Jacinta. On behalf of the management committee, I acknowledge the dedication, diligence, and skill that both Gracelyn and Jacinta provided to their role and their voluntary work on the board for the past several years.

I would also like to make a special acknowledgment to Marilyn Smith and thank her as our longest serving Management Committee member. Marilyn has been with ATSIWLSNQ since incorporation and has contributed to our vision and stability, giving many hours of unstinting service to the organisation for the past 11 years.

## **Funding**

### Department of Justice and Attorney General

I would like to thank the Department of Justice and Attorney General (Qld) for its continued support of the service and for making the outreach and Palm Island service possible. In 2015-16, ATSIWLSNQ had the benefit of a grant from Additional Commonwealth Funding through the Department of Justice and Attorney General, which provided the initiating funding for the Palm Island outreach service.

We were delighted when we were informed by the Attorney General Yvette D'Ath in September 2017 that we were successful in our submission for ongoing 3 year funding to support the important work being undertaken on Palm Island, in the area of domestic violence in particular. We thank the Attorney General and the Queensland government for making this funding available to our service.

### Department of Prime Minister and Cabinet Funding

I would like to thank the Department of Prime Minister and Cabinet ("DPMC") for its ongoing support for the service of its 2016 – 2019 funding under the Indigenous Women's Project ("IWP") which extends until June 2019.

## **Community Events**

ATSIWLSNQ has actively participated in a number of community events in the 2016-17 year. Some of these include:

### Stop Domestic Violence Campaign

A successful event in April 2017 at 1300 Smiles Stadium was a joint gathering with other legal services to promote; "Say NO to violence." Our service provided messages on postcards, balloons, and bells that were heard throughout the stadium. "Stop the Silence on Domestic Violence"; was the message provided on the balloons and bells. Members of staff and others volunteered to hand out the material. I thank Jess Henry who assisted in organising the event and arranged shirts for the staff attending, to draw attention to the issue of Domestic Violence.

## Deadly Families are Happy Safe and Strong event

“Deadly Families are Happy Safe and Strong” is an annual event held in May. The service has been attending the event for the past several years and is part of building rapport with community, networking and raising awareness of legal services. The networking is the link to both community and other services to support our Aboriginal and Torres Strait Islander women. The numbers of people this year from the community were about 3000 people. This year’s event attracted approximately 3,000 people. ATSIWLSNQ was promoting and talking directly to the women on the day who enquired about legal assistance.

In concluding, I have enjoyed my year as a Board member and Chairperson of the ATSIWLSNQ Management Committee, and I look forward to seeing the service grow in strength in the year ahead.

Each year the service has undertaken to promote and network with other community services and to continue to seek funding to deliver the much needed service. The legal service for Aboriginal and Torres Strait Islander Women in Queensland is crucial due to Aboriginal women still being among the most disadvantaged in our community.

I believe and trust that with strategic planning, continuous funding, and dedicated staff; the service will extend itself to assist vulnerable women whose needs have not been met and those who live in areas where legal services are difficult to access.

There is still so much to achieve in meeting the needs of Aboriginal and Torres Strait Islander women. ATSIWLSNQ has in some respects stood the test of time, and I trust that it will continue to get stronger each year.

### **Babette Doherty**

Chairperson, Management Committee 2016-2017

Aboriginal and Torres Strait Islander Women’s Legal Services NQ

# Treasurer's Report

## 2016 / 2017 Financial Year Summary:

This year has seen the continued support of two key funding programs, the Indigenous Women's Program Funding (IWP) as provided by the Department of Prime Minister and Cabinet (PMC), and legal services and outreach services as provided by the Department of Justice and Attorney-General (DJAG).

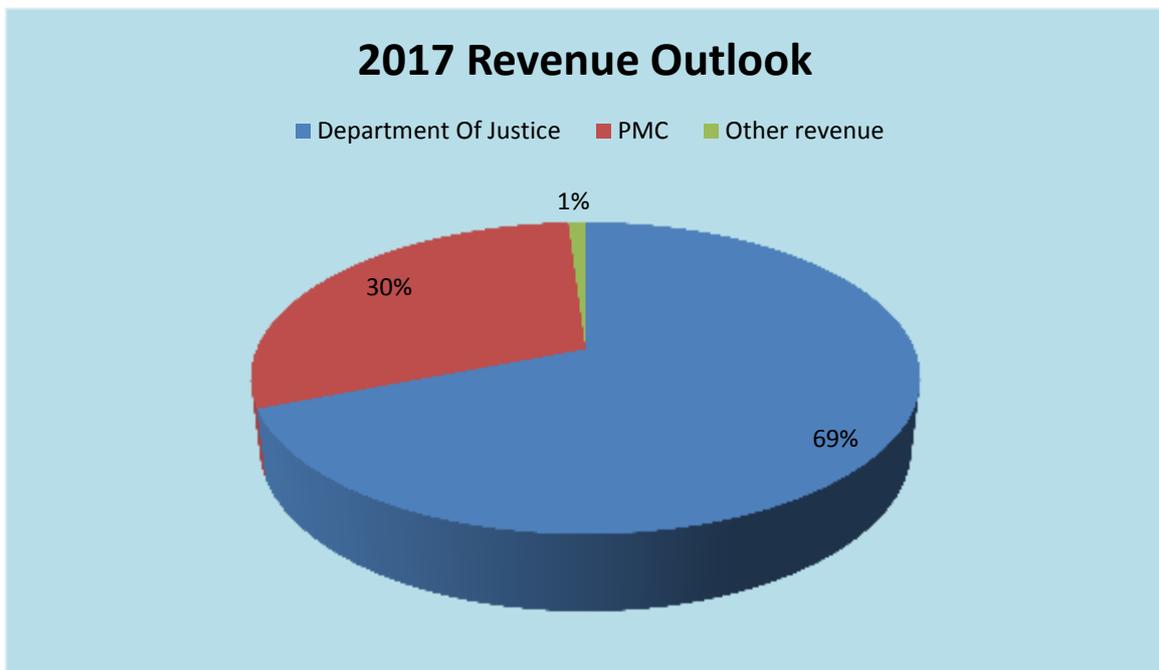
A total of \$221,831 was received from PMC which represents approximately 30% of total revenue received by ATSIWLSNQ. Funding under this program is confirmed to 2019.

In addition to core funding of \$261,344, \$238,632 was received from DJAG this year, for a total of \$499,996. This funding has enabled ATSIWLSNQ to provide Aboriginal and Torres Strait Islander women with the means for early intervention, reducing the level of personal and family conflict as well as providing access to quality legal advice and dispute resolution, rather than costly litigation. DJAG funding has been approved to 2020. DJAG funding represents 69% of the association's revenue.

Of the total funding received, a total of \$121,825 had not been spent within the 2016/17 financial year. ATSIWLSNQ has applied to DJAG to carry forward this amount to 2017/18 to support the continuation of its core services, and have allocated surplus funds to support 2 new temporary positions:

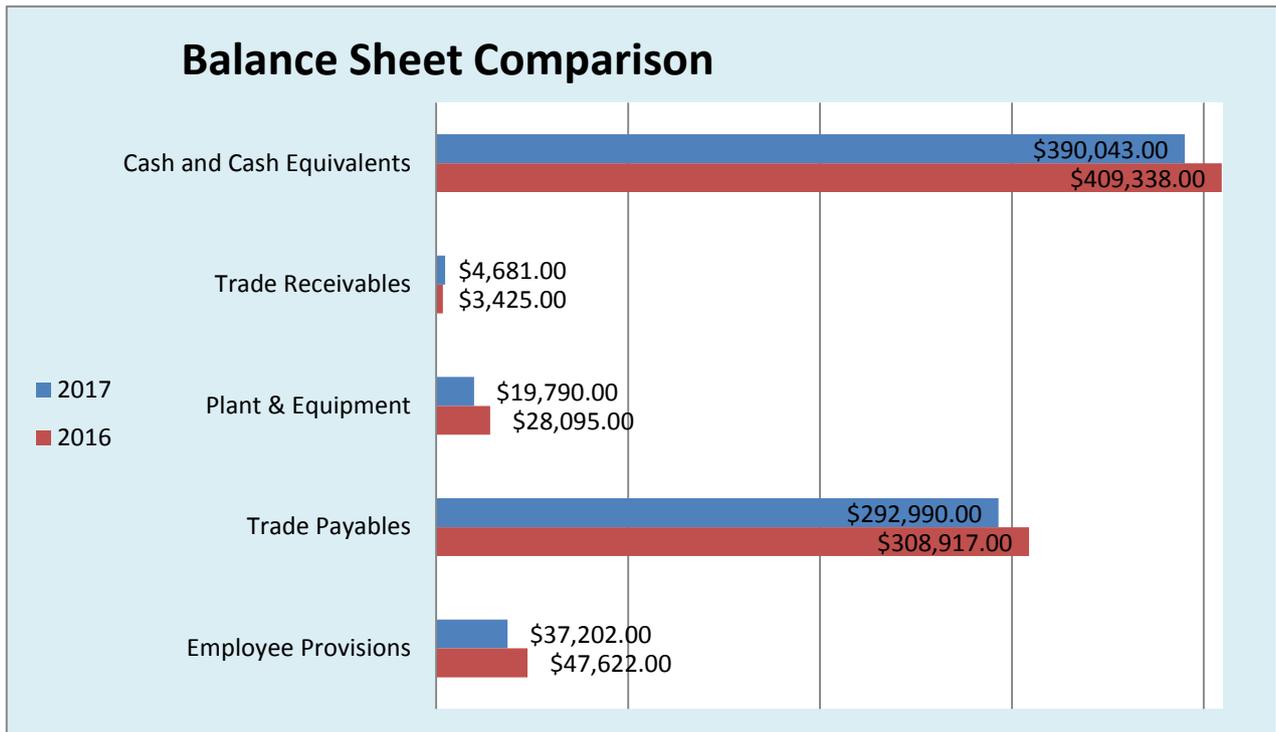
- A Governance Officer to assist with updating and adding to policies and procedures within the office.
- A Paralegal to assist solicitors with legal tasks, data entry and records management.

Other revenue of \$7,406 was also received during the year. Other revenue is made up of interest and donations.



**Key Financial Information:**

- Revenue has increased by 6.8% from the 2015/16 financial year.
- A total of \$390,043 currently invested in cash and cash equivalents (including term deposits). This has decreased by 4.7% from the prior year.
- At the end of the year, ATSIWLSNQ has a current position of 1.35, which means that they have sufficient current assets to be able to pay their current liabilities as and when they fall due. This has improved from the prior year, which had a current position of 1.2.
- The provision for employee benefits (annual leave and long service leave) has decreased by 21% from the prior year.



**Looking to the Future:**

As previously mentioned, PMC and DJAG funding will continue to 2019 and 2020 respectively.

\$121,825 of unspent funds have been carried forward for use in the 2017/18 financial year.

As well as this, additional funding has been successfully obtained from the Department of Justice and Attorney-General in relation to the Palm Island Outreach Program. This program aims to provide domestic violence and child protection duty lawyer services to those living on Palm Island, as well as ongoing outreach legal services and community legal education services. A total of \$690,275 will be received for this program over 3 years.

# Principal Solicitor's Report

The 2016-17 financial year has been a period of sustained growth in spite of a number of challenges for the Aboriginal and Torres Strait Islander Women's Legal Services NQ ("ATSIWLSNQ").

One of the highlights of the year was the consolidation of the Palm Island outreach service, with the appointment of community development worker and 5<sup>th</sup> generation Palm Island woman, Andrea Kyle-Sailor in November 2016. Undoubtedly the main challenges for the service were the roller coaster ride around funding and the transfer of all service data to a new database system, named "CLASS", which is not only incomplete in terms of its capacity to provide reports, but measures different criteria to those measured by the previous database. This has resulted in the loss of some information and the re-ordering of existing data, making accurate reporting and analysis difficult and in some cases impossible. Hence, this report will focus on qualitative information where statistical analysis has not been available.

## **A culturally competent services**

ATSIWLSNQ, as an identified service for Aboriginal and Torres Strait Islander women, seeks to ensure cultural competency of staff and services. Cultural competency and lack of it may be critical to effectiveness of the service for Aboriginal and Torres Strait Islander women. Cultural competency may enhance accessibility for Aboriginal and Torres Strait Islander women and the lack of cultural competency often creates a further barrier for Aboriginal and Torres Strait Islander women in need of legal services.

ATSIWLSNQ is a service wholly managed by a committee of Aboriginal and Torres Strait Islander women. All staff attend cultural competency training and 50% of current staff members are Aboriginal or Torres Strait Islander. ATSIWLSNQ partners with other Aboriginal or Torres Strait Islander services where appropriate and possible.

## **A responsive and accountable service**

From its two funding streams, Prime Minister and Cabinet and the Department of Justice and Attorney General (Qld), ATSIWLSNQ has met its 2016-17 year targets and has sustained or exceeded its 2015-16 level services. ATSIWLSNQ delivers services tailored to the needs of Aboriginal and Torres Strait Islander women in North Queensland. ATSIWLSNQ is a service which aims to be responsive to the needs of some of the most vulnerable women in our community through the way that we deliver services and by our availability and accessibility. To this end, ATSIWLSNQ has continued to provide outreach work, advice on demand, court representation, dispute resolution support and a holistic approach to casework.

## **Outreach services**

The majority of Aboriginal and Torres Strait Islander women who utilise the services offered by ATSIWLSNQ North Queensland are on low incomes, have complex family responsibilities and reside in outlying areas of Townsville where transport is poor, or in rural or remote areas of North Queensland.

ATSIWLSNQ provides regular outreach services to Palm Island (fortnightly on court days), the Townsville Correctional Centre Women's Unit (as needs but approximately fortnightly), Charters Towers (approximately fortnightly) and the Women's Centre, Aitkenvale (legal clinic once per month). Legal services are provided to other areas such as Ayr, Bowen, the Upper Ross Community Centre, NQDVRS and other outreach services depending on need and the capacity of the service.

### **Remote and outreach court representation**

ATSIWLSNQ provides outreach court representation in Palm Island, Charters Towers and on occasions in other regional areas. ATSIWLSNQ engages in remote court representation by phone link up, with leave of the court, where there is a lack of local legal services, or where women are unable to access a local legal service due to conflicts. In the past 12 months, ATSIWLSNQ has provided remote court representation to Children's Courts in Gladstone, Rockhampton and Mackay and; outreach court representation to Palm Island, Charters Towers and Ayr.

### **Advice on demand**

ATSIWLSNQ aims to make legal services accessible to those most in need not only through its outreach services, but also by providing advice and representation by phone and/or email if appropriate.

A high number of Aboriginal and Torres Strait Islander women in North Queensland do not have access to email and have inconsistent or no access to electronic media, particularly women in rural, remote and discreet communities, who may be the most vulnerable due to relative isolation from services.

Throughout its 11 years of operation, ATSIWLSNQ has provided advice on demand by not limiting phone availability or appointment times to specific days or times, although phone / walk in access may be limited to the extent that there may not be a solicitor immediately available.

The use of "advice on demand" is a strategy by ATSIWLSNQ to ensure that women in crisis and women having limited access to legal advice or support are not stranded. For example, a woman experiencing domestic violence should be able to know her options and be linked to relevant services urgently. The consequences for a woman and her children of not having access to urgent advice may be that she will return to a violent relationship or be in danger from an ex-partner or family member. Having open phone access is also an acknowledgment that women living in remote and rural areas and women on low incomes, often do not yet have access to online services such as information or resources that may assist. Points of crisis also do not always lend themselves to clear rational thinking and internet access may not be available, appropriate or realistic.

## Holistic Services / complex casework

ATSIWLSNQ is more than an advice service or a duty lawyer service for Aboriginal and Torres Strait Islander women. ATSIWLSNQ undertakes legal casework which may include dispute resolution, court representation up to and including trial or settlement (subject to prior assessment of the woman's need and the service capacity), in addition to legal advice and other representation. The holistic approach to services requires that our clients' legal problems are fully identified and that the support services required for women to meet their legal goals are known and accessible. Holistic services are most urgently indicated where women have low literacy levels, feel intimidated by the courts and confused by the legal processes or where there are cultural barriers or a physical, mental or intellectual impairment. Child protection cases frequently involve a multiplicity of issues which can be overwhelming for a woman whose children have been removed or who have become the subject of a child safety intervention. The issues may include domestic violence, homelessness or tenancy issues, debt, lack of family support, mental health or children with special needs. ATSIWLSNQ strongly encourages and supports women to access support services such as counselling, housing, medical and domestic violence support services. The case may require multiple legal actions, for example :

<u>Primary case</u>	<u>Related legal actions or proceedings</u>	<u>Support actions</u>
Child protection	Domestic violence, tenancy	DV support and counselling Tenancy referral or housing letter Parenting programs Rehabilitation services Mental health services Family intervention services (referrals by Child Safety)
Family law	Domestic violence, property dispute, parenting orders	Counselling, housing support
Domestic violence	Anti-discrimination, victim assistance, tenancy, family law parenting and property disputes	DV Counselling, trauma counselling, NQDVRS Aardvarc program for children, housing support

The amount of work involved in complex cases can be very time consuming as well as placing solicitors and support staff at an increased risk of vicarious trauma. ATSIWLSNQ encourages staff to access training in trauma informed practice.

Although time consuming and difficult, there are hidden cost savings to the community. Children who can remain safely at home with their parents have a stronger foundation for their lives if they are not fleeing family violence, for example. Improved educational attainment by children is more likely to lead to tertiary education or training and represents an investment in children's futures.

## PALM ISLAND OUTREACH SERVICE

The Palm Island service was developed from a one-off grant of Commonwealth funds from the Department of Justice and Attorney General in 2015-16. In an exciting development towards addressing the legal needs of women in the community of Palm Island, the Department of Justice and Attorney General (Qld), has now

provided a Service Agreement for three year funding to continue for services to Palm Island and other outreach services.

ATSIWLSNQ has now been providing an outreach legal and DV/Child Protection duty lawyer service to Palm Island since early 2016. The service began with regular fortnightly visits to Palm Island by the outreach solicitor to provide services on Palm Island court days and the service was further extended in November 2016, when ATSIWLSNQ employed Ms Andrea Kyle-Sailor as the community development worker for Palm Island for 20 hours per week over a five day week. Women on Palm Island have responded, with a growing number of women seeking legal advice and representation.

With the employment of a community development worker, accessibility to legal services by women on Palm Island has improved. Prior to this, accessibility was challenged by the absence of any legal representation in the intervening period between court days, and by a lack of co-ordination of the ATSIWLSNQ legal service on Palm Island. Many Palm Islanders also have problems with phone reception on Palm Island and most do not have an email address or do not have access to a computer. Having a CDW on the island provides a pathway for women to access legal advice.

Since our community development worker joined the team, she has been able to liaise with clients and other services on Palm Island; to contact clients personally where phone contact failed; to support clients of the service and; to raise awareness of the services offered by ATSIWLSNQ and, recently, to assist outreach solicitor to provide community legal education (“CLE”) to a women’s group which meets regularly on Palm Island.



**International Women’s Day, Palm Island**

The funding to Palm Island coincides with the much anticipated specialist Domestic Violence Courts which the State Government is now in the process of implementing throughout the State after the specialist court was trialled in Southport.

The domestic violence specialist court will operate in both Palm Island and Townsville, among other areas and we welcome this initiative by the State Government to address domestic and family violence. The DV

court will offer better co-ordination of domestic violence related issues. It will provide strong collaboration between the legal and support services and other stakeholders working in areas of domestic violence, both in relation to victims and perpetrators.

Palm Island is one of the areas where there is a high need for a more effective approach to dealing with domestic and family violence. ATSIWLSNQ’s “on the ground” experience suggests that there has been a lack of consistency in delivering domestic violence assistance to women in need and insufficient services generally. ATSIWLSNQ now fills a gap in legal services by providing advice and representation to women on Palm Island, including “Aggrieved” and Respondent women. We therefore look forward to the full implementation of the DV courts in North Queensland and on Palm Island in particular.

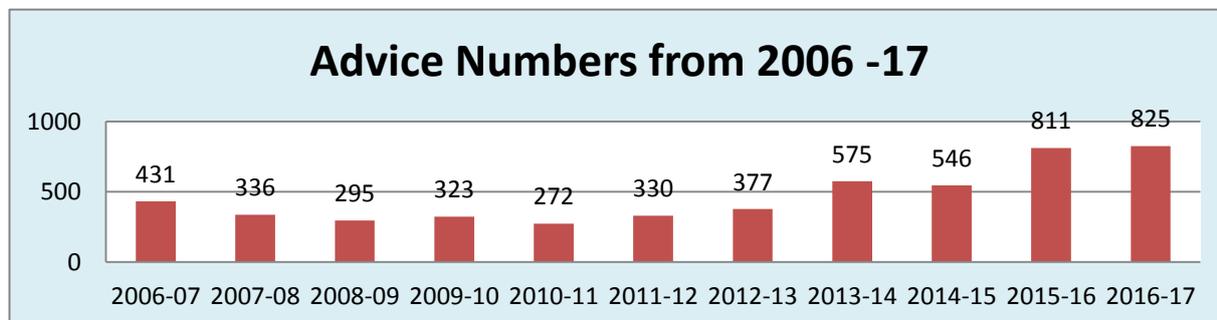
## **LEGAL ADVICE AND CASEWORK**

### **Advice**

ATSIWLSNQ’s first line of response for Aboriginal and Torres Strait Islander women in NQ is through walk-in access or “advice on demand” and advice provided in outreach areas. The numbers of advice in 2016-17 has been comparable to the 2015-16 year, with 825 advice recorded there is a slight increase from last year’s numbers with a marked progressive increase in numbers since 2006:

Table 2

Advice services from 2006/7 to 2016/17:



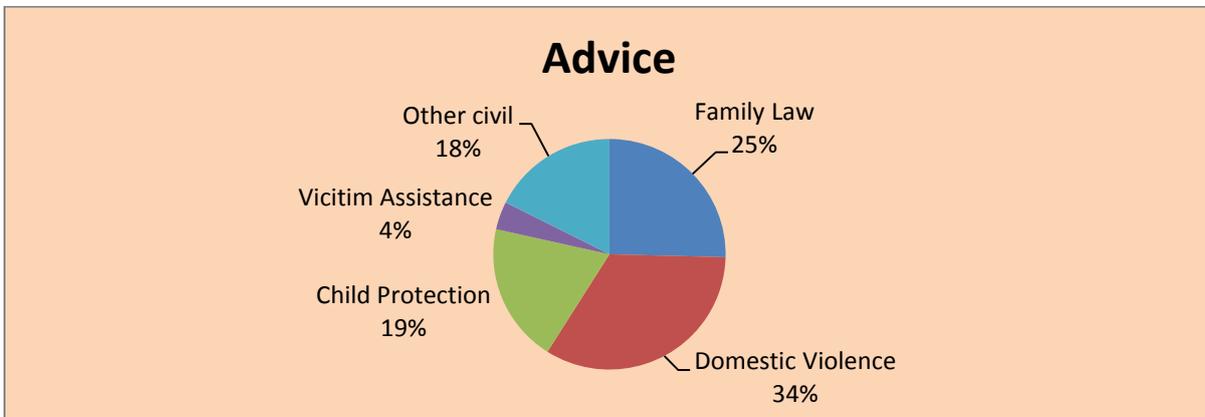
### **Domestic and Family Violence**

Problem types for advice sought have remained more or less stable over time, with the predominant areas of advice sought being for family law (for the most part parenting issues), child protection and family violence. A high percentage of family law cases relating to parenting disputes also involve family violence. We are unable to provide exact data this year due to the database problem, but can say that in last year’s report, 80% of all relevant advice and 85% of relevant casework involved domestic violence. There has a marked increase in reported domestic violence during the 2016-17 year and the overall percentage of domestic violence casework matters has increased accordingly as seen in the following statistics.

### Problem types

ATSIWLSNQ does not provide assistance for criminal law matters as these services are provided by Legal Aid Queensland and ATSILS. We do provide a significant amount of advice in areas of civil law, often related to core areas of legal practice, for example domestic violence may give rise to minor assistance or advice in tenancy areas and family law may have related credit/debt issues. Table 3 provides a breakdown of advice by problem type provided from a sample of advices from the 2016-17 year. It should be noted that domestic violence advice shows a marked increase from the 2015-16 year, when domestic violence was recorded as being only 16% of (sole) advice provided. We attribute the increase to both an increased awareness in the community of domestic violence as a legal issue, as well as the implementation of the Palm Island outreach service.

Table 3  
Advice by sample of problem type 2016-17 year

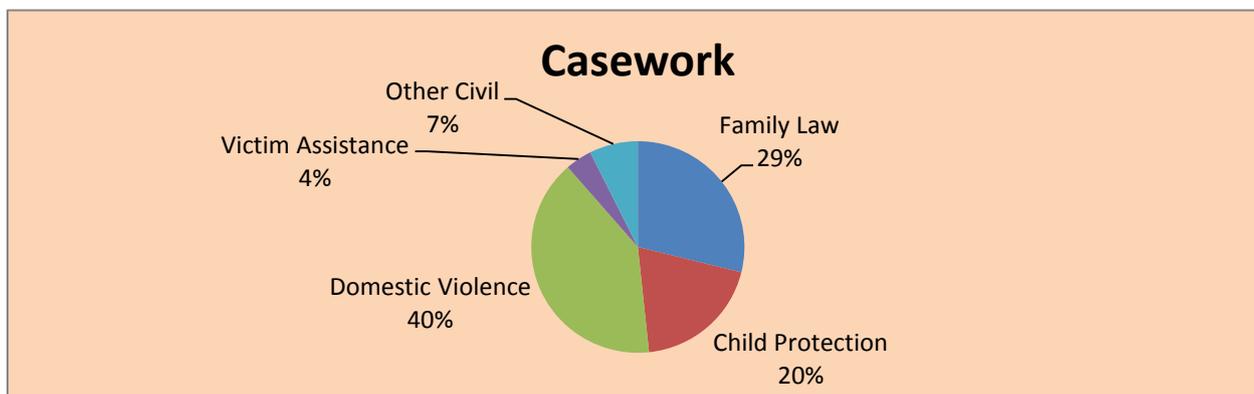


### Legal casework

Legal casework remained stable during the 2016-17 year. The data available appear to indicate a small increase of about 5% in the numbers of cases open or opened during the year, with more cases open at the end of the year than at the beginning.

Domestic and Family violence casework has overtaken other core areas as the predominant issue in the 2016-17 year. At 40% of all casework opened during the 2016-17 year, there has been a marked increase from the 2015-16 financial year when domestic violence cases comprised only 24% of all casework. The predominance of domestic violence in casework opened in 2016-17 is correlated with the Palm Island outreach service which has seen an increasing uptake of services during the 2016-17 year. Typically, the numbers of domestic violence related matters on the Palm Island court list is around 55%.

Table 4 refers to cases opened during the 2016-17 year by problem type



Aside from the numbers, although child protection work has comprised 20% of cases opened during the 2016-17 year, it is often the most time intensive of cases often requiring extensive engagement with clients and ensuring supports are adequate, as well as dealing with disclosure in legal proceedings and problems arising from the operation of child protection orders.

The State Government's implementation of many of the recommendations of the Carmody Report has been a welcome change from previous practice, with still a long way to go in terms of finding an acceptable balance between the safety of children and adequately supporting families to keep their children in their care. The establishment of the Director of Child Protection Litigation has greatly improved professionalism and focus in legal proceedings. New procedures, particularly early disclosure, bring greater transparency which we welcome, although the work load for solicitors working in the area has increased correspondingly. ATSIWLSNQ has a strong interest in keeping Aboriginal and Torres Strait Islander children within their families as far as possible. In practice, statistics available from the Australian Institute of Family Studies indicate that 36% of children in out of home care in Australia are Aboriginal or Torres Strait Islander children although Indigenous children comprise only 5.5% of all children in Australia.

The problems arising from child protection cases highlight the need for identifying families in need of support at an early stage and providing targeted services. ATSIWLSNQ has developed a number of resources and provides Community Legal Education, with the aim of contributing to families having a greater understanding of their own vulnerabilities as well as being informed of support services and legal services that are available, preferably as early as possible.

## **CASE EXAMPLES FROM 2016-17 YEAR CASEWORK**

### **Case scenario 1**

A senior woman in a remote community had been in a long term relationship with a violent partner, to the detriment of herself and her children. The partner was a binge drinker and the woman and her family had experienced ongoing abuse particularly when the partner was drinking. The domestic violence included physical violence, ongoing threats, verbal abuse, abusive behaviours, intimidation and assaults. Police were aware of the domestic violence and had been called to the home on occasions. On the last occasion

that the partner came before the Magistrates Court for an assault in relation to family violence, the Magistrate warned him that next time he would go to jail.

The woman was referred to ATSIWLSNQ while she was living in the Women's Shelter. The ATSIWLSNQ solicitor, assisted the woman to apply for a Protection Order (pursuant to the *Domestic and Family Violence Act 2012*) with an ouster condition. The violent partner was forced to leave the home and the family was able to return home. This was a life changing event for the woman and her family to be able to live at home safely.

### **Case scenario 2**

A Torres Strait Island woman was seriously assaulted by her non-indigenous partner, leaving bruises and causing her to suffer injuries and temporary loss of consciousness. The woman called the police as soon as she was able to do so. Police attended the woman's home but detained the woman and applied for a Domestic Violence Order for the protection of the male partner, who had a criminal and domestic violence record for similar offences. ATSIWLSNQ assisted the woman to contest the police application and to file an application for her own protection as she feared for her safety and that of her family. The woman was granted a Protection Order and the police withdrew their application after submissions by ATSIWLSNQ.

### **Case scenario 3**

ATSIWLSNQ assisted an Aboriginal woman in a family law matter in which she was in deep conflict with the non-indigenous father over arrangements for the child of the relationship. The conflict was bitter and entrenched and the child was at risk of being embroiled in the conflict and related domestic violence. ATSIWLSNQ provided legal representation in the FCC but was able to support the woman to negotiate a settlement with the father which was satisfactory to both parties and provided for the child's safety.

### **Case scenario 4**

ATSIWLSNQ assisted an Aboriginal woman whose child was in the custody of child protection authorities. The child was dearly loved by the family, who had been struggling to have their voices heard and to have their child returned home. ATSIWLSNQ provided ongoing representation for the woman remotely. Her partner was also legally represented. It was concerning that in the years that the child had been in out of home care, departmental officers appeared to have made no progress towards reunification. In a collaborative effort between the legal services and culturally competent family support services, the child was returned home.

## **COURT ATTENDANCES**

ATSIWLSNQ offers court representation to our clients, dependent on need and merit. Due to changes in reporting under the new database, we cannot provide exact data on the numbers of court representation provided in the 2016-17 financial year, although we can say that we have court commitments throughout the year and we estimate that around 50% of legal cases open during the 2016-17 year have involved court representation.

Court representation is offered in Townsville courts and remotely in other towns where the court has granted leave for remote representation. In some cases ATSIWLSNQ has ongoing casework in an out of town court due to the lack of available legal representation for the client in their home town.

ATSIWLSNQ has provided representation in the following courts during the 2016-17 year:

- The Federal Circuit Court, Townsville (family law matters)
- Magistrates Court, Children’s Court and QCAT in Townsville
- Ayr Magistrates Court (domestic violence)
- Charters Towers Magistrates Court (domestic violence)
- Mackay Children’s Court
- Rockhampton Children’s Court

ATSIWLSNQ also partners with other legal services for agency work. During the 2016-17 year, ATSIWLSNQ undertook the following collaborations:

- ATSILS Brisbane provided agency work in the Supreme Court, Brisbane
- Partnered with ATSILS in Rockhampton in a joint matter which provided legal representation for the other party
- Collaborated with the Mackay Regional Community Legal Centre for assistance with documents
- Partnered with North Queensland Women’s Legal Service for assistance in providing representation in domestic violence matters in the Magistrates Court, Townsville

## COMMUNITY LEGAL EDUCATION

Each year ATSIWLSNQ develops materials for use by Aboriginal and Torres Strait Islander women, to inform, educate and raise awareness of legal issues affecting Indigenous women in the NQ communities. In the 2016-17 financial year, ATSIWLSNQ developed a number of fact sheets and power point presentations, covering areas affecting the lives and wellbeing of Aboriginal and Torres Strait Islander women

Table 5 is a summary of resources produced in the 2016-17 year

Area of law/ Issue	Resources
Child Protection	Booklet, fact sheet, flowchart
Domestic violence	Updated booklet, fact sheet, court fact sheet, flow chart, contact numbers
Family law	Simple power point, booklet on CLE, revised flowchart, court flow chart
Schools	Fact sheets including parents’ obligations, attendance records, discipline, bullying, school disputes
Discrimination	Culturally appropriate plain English power point, fact sheet
Credit and Debt	Power point, factsheets including credit cards and interest rates, mobile phones, funeral insurance, insurance, collection agencies

Tenancy	Short power point presentation, folder for resources provided by other agencies such as Tenants Queensland,
Victim assistance	Fact sheet
Guardianship, EPOA, Advanced Health Directive	Power point presentation, Culturally appropriate factsheet on how to apply to QCAT for guardianship, case summaries from QCAT guardianship cases

ATSIWLSNQ has also met its targets for CLE activities. CLE has focused on 2 of our core areas, namely child protection and domestic violence, and has been delivered in outreach areas including Palm Island, Charters Towers and Townsville. Resources produced during the 2016-17 will be adapted and utilised to continue to deliver community legal education activities through the 2017-18 year and beyond.

ATSIWLSNQ presented at the Peak Care Child Protection court Reforms Workshop in May 2017, which was attended by the Recognised Entity and other Child Protection Stakeholders.

## LAW REFORM

ATSIWLSNQ consistently engages in law reform work that provides advocacy for Aboriginal and Torres Strait Islander women.

In 2016, ATSIWLSNQ provided a submission to the Queensland Senate Enquiry into Human Rights, calling for a Human Rights Act that would encapsulate a broader scope of human rights abuses than those currently captured by the *Anti-Discrimination Act 1991* (Qld). In May 2016, ATSIWLSNQ presented as a witness to the Senate Inquiry in Townsville in order to respond further to the Senate in relation to our written submission.

In November 2016, during the 2016-17 year, ATSIWLSNQ made submissions to the Victims of Crime Assistance Act review in relation to the Sexual Assault Counselling Privilege, with reference to recommendation 130 of the *Not Now Not Ever* Domestic Violence Taskforce report.

## COMMUNITY PARTNERS

In addition to advice and legal casework, ATSIWLSNQ recognises the importance of community engagement to ensure referral pathways for Aboriginal and Torres Strait Islander women. Community partnerships have helped to build strength in promoting the safety of women and their children by improving awareness among other community organisations and increasing collaboration while avoiding duplication of services. Collaboration provides a sharing of resources and ensures that where there is a specialist or complementary service, clients have the benefit of the best service available. The increase in advice and casework in relation to domestic violence matters in part reflects the collaborations built within the community in Townsville and Palm Island. The employment of the community development worker on Palm Island has been a boost to collaborative engagement on Palm Island.

I would like to thank and acknowledge some of the community organisations we have worked with collaboratively during the 2016-17 year:

- Palm Island Community Justice Group (referral pathways)
- The Women’s Group, Palm Island (collaboration for CLE)
- The Women’s Shelter, Palm Island
- North Queensland Domestic Violence Resource Service (“NQDVRS”) Law Right, Townsville
- North Queensland Women’s Legal Service (agency work and cross-referrals)
- Prospect Neighbourhood Centre, Charters Towers (providing assistance to clients)
- Women’s Centre Aitkenvale (monthly legal clinic)
- Townsville Community Legal Service (“TCLS”), Legal Aid Queensland (“LAQ”), and Qld Indigenous Family Violence Legal Service (“QIFVLS”) (cross referrals and collaboration through the North Queensland Legal Aid Forum (“NQLAF”))
- James Cook University’s student placement program (2 students placed under student placement programs during 2016-17)
- Townsville Aboriginal and Islander Health Service (“TAIHS”) (referral pathways, numerous referrals for support for vulnerable women)
- Aboriginal and Torres Strait Islander Legal Service (“ATSILS”) (referral pathways and cross referrals)
- Upper Ross Community Centre (outreach legal advice)
- North Townsville Community Hub (attempted yarning circle – unsuccessful at this time)
- Townsville Community Justice Group
- Legal Aid Queensland
- Police Referral system

This is not a complete list of our community partners, but represents community organisations with whom we collaborate to provide legal clinics or referral pathways and other co-operation.

## **Examples of Partnerships**

### **Partnership 1**

ATSILS, Brisbane provided court assistance via an agency appearance in the Supreme Court in Brisbane, related to an urgent matter.

### **Partnership 2**

ATSIWLSNQ provides regular outreach legal services to the Women’s Centre in Aitkenvale. The Women’s Centre provides counselling and other supports to women in crisis. Approximately 30% of their clients are Aboriginal or Torres Strait Islander women. ATSIWLSNQ provides a monthly legal outreach service at the Women’s Centre.

### **Partnership 3**

ATSIWLSNQ and Police referral service. ATSIWLSNQ receives referrals from the police in relation to Aboriginal and Torres Strait Islander women in need of civil/family law advice in areas such as domestic violence, family law or child protection. Through this service, ATSIWLSNQ has been able to assist some very vulnerable women in regional towns and communities such as Palm Island, Charters Towers, Ayr and outer suburbs of Townsville, among others.

### **Partnership 4**

In November 2016 ATSIWLSNQ arranged cultural competence training and invited its community partners to attend. Staff members from Townsville Community Legal Service, NQDVRS and others attended the training.

### **Partnership 5**

ATSIWLSNQ now attends the Women's Group on Palm Island to participate in learning through CLE and sharing experiences of women. It includes raising awareness of legal issues and legal pathways.

### **NQLAF**

ATSIWLSNQ has attended and participated in all North Queensland Legal Assistance Forum (NQLAF) meetings as well as meetings in relation to student clinics and clinical legal education, in relation to the placement of law students through JCU

## **ACKNOWLEDGMENTS**

### **Community Partners**

I would like to particularly acknowledge the following collaborations:

- Townsville Community Legal Service for their leadership in the student legal placement program;
- NQWLS for their support in providing agency work for clients of ATSIWLSNQ and partnering in other areas such as DV training, Trauma informed practice and community events;
- Legal Aid Qld for their child protection forum and together with TCLS for hosting of NQLAF;
- ATSILS for their collaborative and agency work in support of clients;
- JCU for their consultative approach to placement of students in addition to other support.

Thanks to Mandy Shircore and Mandy Brock of James Cook University for arranging placement of final year law students with our legal service.

I also acknowledge the work undertaken by CLCQld which has contributed much to providing a co-ordinated and professional CLC network in Queensland and NACLCLC for its key role in raising public awareness of the work of CLC's and advocating for continuity of funding.

## **FUNDERS AND DONORS**

On behalf of ATSIWLSNQ I thank our funding bodies for their ongoing support for the service. In particular I would like to thank the following.

We thank the Department of Prime Minister and Cabinet for providing the service with an opportunity for a degree of stability through Service Agreements to June 2019.

We thank the Queensland Department of Justice and Attorney General (DJAG) for its ongoing provision of funds to our service and for its funding of the Palm Island outreach service.

The service is also indebted to the CLSP program manager and her team, Ms Rosemary Coxon and Sarah Hellen for their management of the community legal service program, including reporting and other compliance procedures.

## **ACCREDITATION**

ATSIWLSNQ is an accredited community legal centre. In December 2016, we had an “on-site” audit of our standards and procedures. Our certificate of accreditation was renewed on 27 January 2017 and is current to 27 January 2020.

## **CPD, PII and Cross Check**

CPD, PII training and Cross Check requirements were met during the year.

All solicitors employed by the service completed their professional development and met CPD requirements in 2017. Staff are generally encouraged to upskill and to take opportunities for improving their understanding in their areas of expertise. Administrative assistant and Management Support officer, Erica Kyle and Jessica Henry respectively attended the NACLC conference August 2017.

ATSIWLSNQ successfully completed its 2016 year cross check of legal files by Townsville Community Legal Service on 30 September 2016.

## **STAFF and VOLUNTEERS**

### **Current Staff**

I would like to thank all of the staff members I have worked with in the 2016-17 financial year for the contribution of their skills and support, all of which have contributed to the growth and stability of the service. Special acknowledgement and thanks to the following:

Jessica Henry, who has held positions within the organisation of community development worker, client support officer and more recently as management assistant. Jess has been a loyal and dedicated worker who has competently taken on tasks across a spectrum of areas requiring diverse skills.

Erica Kyle, who has worked in reception and has provided great warmth to her role as receptionist with great “meet and greet” skills.

Andrea Kyle-Sailor, who was appointed community development worker on Palm Island in November 2016. Andrea has shown great initiative as well as being a strong support for women on Palm Island. Congratulations to Andrea for her appointment to the Magistrates Court Reconciliation Action Working Group.

Angela Carroll, who was appointed as a first year solicitor with ATSIWLSNQ in July 2016 and has been a strong advocate for Aboriginal and Torres Strait Islander women using the service, particularly in the area of child protection. Angela’s contribution has been much appreciated.

Karina Andrew was employed as a solicitor by ATSIWLSNQ in late June 2017 and was appointed to the role of outreach solicitor to Palm Island. Karina has brought great warmth, dedication and professionalism to the role.

### **Staff who left during the 2016-17 year**

Lee Burton, who held the role of Management Assistant until she retired on 7 October 2016. Lee contributed to the stability and maintenance of ATSIWLSNQ through her office management and liaising with Commonwealth and State funders. We thanked Lee at our last AGM, and she has been missed in 2016-17 year since then.

Melanie Richards, who returned from maternity leave on 3 November 2016 and provided the bulk of the work in developing fresh resources for the service. Melanie’s work was much appreciated and has contributed to the development of ATSIWLSNQ.

Julie Kefford, who was the first solicitor appointed to the role of outreach Solicitor for the Palm Island outreach service. Julie maintained the outreach service throughout the year and assisted in the development of networks on Palm Island. Julie also provided a number of CLE workshops. Julie’s special interest was court advocacy and she has now taken a position at ATSILS in criminal law.

Kara Tait began her employment with ATSIWLSNQ in July 2016 and provided high quality family law work. When funding cuts were implemented in March 2017, it appeared that staffing levels would be unsustainable. Kara was successful in securing employment with Legal Aid Qld.

Emmakita Geia was briefly employed as a community development worker with ATSIWLSNQ in May 2017 and showed great enthusiasm, before being offered another position.

We would like to thank all of our former staff for their great work and wish them well in their new endeavours.

### **Student Placements**

In 2017, JCU law students Jessica Prentice and Yuliana Pascoe completed their student placements with our service, undertaking paralegal tasks and court mentions with leave of the court. Yuliana and Jessica were both excellent students, showing strong initiative, good writing and research skills and great team work. Thank you to both of them for contributing to the work of ATSIWLNQ.

Otila Leone completed a community placement with ATSIWLSNQ in January 2017. Otila undertook some great work during her placement and briefly began an employed position in the community development worker role.

### **Other Volunteers**

During the 2016-17 year, Brianna Spring, volunteered over a number of weeks and provided guidance and assistance in the reception and administrative areas.

Taysia Kyle provided post 2016-17 year administrative support for several weeks.

Annette Douglass is providing ongoing paralegal assistance post 2016-17 year.

Thanks to all of our volunteers for their generosity in donating their time and skills.

### **MANAGEMENT COMMITTEE**

I would like to thank our Management Committee and extend the sincere appreciation of all of the staff for their ongoing support and work for the service. All of the management committee members are professional women with busy lives who have taken time aside from their work and family responsibilities to oversee the operation of ATSIWLSNQ.

I speak for all staff in expressing our appreciation for their dedication and guidance to the service throughout the year. I would like to thank and acknowledge each of the committee:

First appointed Chair, Jacinta Elston. Regrettably Jacinta was unable to continue the role due to being appointed to other commitments.

Second appointed Chair, Professor Gracelyn Smallwood. We would like to thank Gracelyn for her advocacy for Aboriginal and Torres Strait Islander peoples. Regrettably Gracelyn left the service due her other commitments and additional studies. We wish her well and thank her for her input to the service.

Third appointed Chair, Babette Doherty. We would like to thank Babette for her ongoing support and dedication to the service and her willingness to step in to the position of Chair on short notice.

Marilyn Smith, Treasurer, has been on the management committee of ATSIWLSNQ since its inception as an independent CLC and has continued to contribute to the development of the service. Marilyn has been a great support to the service and a dedicated member.

Tanya Morris, Secretary, has been very supportive of the service during her time on the committee and has assisted with staff performance reviews and recruitment interviews.

**Cathy Pereira**

Principal Solicitor

# Management Committee

## Gracelyn Smallwood

**Chairperson** ( 6<sup>th</sup> February 2016 – 1<sup>st</sup> September 2017)  
2015-2016 Chairperson, 2014-2015 Chairperson,  
2013-2014 Committee member, 2016-17 Committee member



### Qualifications / Experience

- Doctor of Philosophy ( PhD)
- Master of Science in Public Health and the first Indigenous Australian to be awarded the degree
- Awarded the Australia Medal 1986
- Was an adviser to W.H.O., Queensland Minister of Health and Family Services and the James Cook University Vice Chancellor
- Received a U.N. Award by the Governor of Queensland
- Advocate for improved outcomes in Indigenous Health for 40 years
- In 1997 she was a VIP guest to South Africa by President Nelson Mandela and conducted a series of lectures on HIV-AIDS
- Member of the Queensland Mental Health and Drug Advisory Council

## Babette Doherty

**Chairperson ( 1<sup>st</sup> September 2016 – Current)**

Vice Chairperson 7<sup>th</sup> October – 1<sup>st</sup> September 2017  
2015-2016 Vice Chairperson, 2014-2015 Committee member  
2013-2014 Committee member



### Qualifications / Experience

- Regional Coordinator for Victim Assist Queensland
- Bachelor of Education
- Graduate certificate in Management, Trainer and Assesor
- Indigenous Development Officer and Justice of the Peace

## Tanya Morris

**Secretary**

2015-2016 Committee member, 2014-2015 Committee member

### Qualifications/Experience

- Early Childhood Education (Community Teaching)
- Enrolled Nurse
- Justice of the Peace (Qualified)
- Diploma of Project Management
- Currently undertaking postgraduate studies in Health Promotion.



# Marilyn Smith

## Treasurer

2015-2016 Treasurer, 2014-2015 Treasurer, 2013-2014 Chairperson, 2012-2013 Treasurer, 2011-2012 Committee member, 2010-2011 Secretary, 2009-2010 Committee member, 2008-2009 Secretary, 2007-2008 Committee member, 2007-2006 Vice Chairperson

## Qualifications/Experience

- Bachelor of Community Welfare
- TATSICHS Social Wellbeing unit Counsellor
- TATSICHS Stronger Families Program Case worker



# Jacinta Elston

## Committee Member

Chairperson, 7th October 2016 - 6th February 2017, 2015-2016 Committee member, 2014-2015 Committee member, 2013-2014 Treasurer, 2013-2014 Committee member

## Qualifications/Experience

- Associate Dean, Aboriginal and Torres Strait Islander Education and Strategy, James Cook University
- Professor Indigenous Health
- Master of Public Health and Tropical Medicine,
- Graduate Certificate of Rural Leadership
- Certificate of Aboriginal Research Design
- Board Member Breast Cancer Network
- Member James Cook University Academic Board
- Current Member Australian Institute of Company Directors
- Member NHMRC Research Translation Faculty
- Honorary Member Golden Key Society



# Stakeholders

- Community Legal Centres Queensland
- Legal Aid Queensland
- Townsville Community Legal Service
- North Queensland Women's Legal Service
- Law Right
- Queensland Indigenous Family Violence Legal Service
- ATSILS
- Relationships Australia
- Victim Assist
- Police Support Link
- The Women's Centre, Aitkenvale
- The Court Network
- North Queensland Domestic Violence Resource Service
- TAIHS
- Townsville Community Hub
- Garbutt Community Hub
- Upper Ross Community Centre
- North of Townsville Community Hub
- Prospect Community Centre
- Burdekin Community Centre
- Malanbarra Community Hub
- Flora House
- Red Cross
- Anglicare
- Yumba Meta Dale Parker
- Palm Island Community Council

# Current Staff

- Principal Solicitor / Coordinator : Cathy Pereira
- Management Assistant: Jessica Henry
- Admin Assistant: Erica Kyle
- Community Development Officer (Palm Island): Andrea Kyle
- Solicitor: Angela Carroll
- Solicitor: Karina Andrew

We also offer our best wishes to staff whom left us during the 2016-17 period

- Management Assistant: Lee Burton (2013 – 2016)
- Community Development Worker: Otila Leone (2017)
- Community Development Worker: Emmakita Geia (2017)
- Solicitor: Melanie Richards (2015 – 2017)
- Solicitor: Julie Kefford (2015- 2017)
- Solicitor: Kara Tait (2016 -2017)

# Volunteers

- Student: Yulianna Pascoe
- Student: Jessica Prentice
- Admin: Brianna Spring
- Admin: Tasia Kyle
- Student: Bernadine Rabai (post 2016-17 year)
- Annette Douglass (post 2016-17 year)



# Acknowledgements

## ATSIWLSNQ Funding Bodies

- Department of Justice and Attorney-General
- Department of Prime Minister and Cabinet
- Legal Practitioners Interest on Trust Accounts Fund ( LPITAF)

# Other Acknowledgements

- James Cook University



**Queensland Government**



**Australian Government**  
**Attorney-General's Department**



**Australian Government**  
**Department of the Prime Minister and Cabinet**

