



**Guide to Legal Services
for Aboriginal People
in NSW and the ACT**

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PREFACE

The following information is a guide to legal services available to the Aboriginal and Torres Strait Islander (Aboriginal) residents of New South Wales (NSW) and the Australian Capital Territory (ACT). The organisations included provide legal services at little or no cost to clients.

The idea for this Guide was born of the first meeting of the New South Wales Legal Assistance Forum (NLAF) Working Group on Aboriginal Clients, held on Tuesday, 24 January 2006. In attendance at this meeting were representatives of the Coalition of Aboriginal Legal Services of NSW (COALS), the Legal Aid Commission of NSW, Wirringa Baiya Aboriginal Women's Legal Centre, the Public Interest Advocacy Centre, Women's Legal Service NSW – Indigenous Women's Program, Law and Justice Foundation, Arts Law Centre of Australia, Public Interest Law Clearing House and the Redfern Legal Centre.

Participants agreed that there was much unmet need among Aboriginal residents of NSW and the ACT in relation to Civil Law services but felt that it lacked sufficient comprehensive knowledge about the Civil Law services that *are* available in order to determine exactly how it could fill the remaining gaps. Part I of the following Guide is intended to provide the required knowledge about Civil Law services currently available to Aboriginal residents of NSW and the ACT.

Details of Criminal Law services available to Aboriginal people in NSW and the ACT are listed in Part II.

The information contained in the Guide is divided into four regions. These are:

1. **Central South Eastern NSW:**
From Wyong and Hawkesbury southwards, including the Blue Mountains, to the Victorian border and across to Gundagai and Tumut.
2. **Northern NSW:**
From Lake Macquarie to the Queensland border and across to Coonamble.

3. **Western NSW:**
From Lithgow to the South Australian border.
4. **ACT.**

(See attached map of NSW and the ACT).

The information also includes details of legal services which are not *specifically* aimed at Aboriginal people but which Aboriginal people may access. The Guide specifies whether or not Aboriginal people are considered a main priority of such services.

The NLA Working Group on Aboriginal Clients hopes that you and/or your organisation will find the information contained in this Guide of use either to locate appropriate legal services or to lobby for services where they are lacking.

Sincerely,



Sheryn Omeri
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Chair of the NLA Working Group on Aboriginal Clients (2005-2006)

Aboriginal Legal Service (NSW/ACT) Limited

NSW & ACT Offices



Note: Office in Sydney are located at Redfern, Blacktown, St Marys and Parramatta.

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List of Terms

The following is a list of terms used in this Guide along with an explanation of what each term means.

Aboriginal Legal Service (NSW/ACT) Limited (ALS):

The ALS is a community-controlled organisation responsible for providing legal aid services to Aboriginal people in NSW and the ACT. The Board of the ALS is made up of 13 Aboriginal Directors, representing every major Aboriginal community in NSW and the ACT.

The ALS has approximately 24 offices across NSW and the ACT from which it provides legal advice, referral and casework assistance in the fields of Criminal and Family Law (including Care and Protection). With the assistance of the Legal Aid Commission of NSW, the ALS is also able to provide advice in Civil Law matters from certain of its offices. Clients seeking assistance from the ALS must meet a means and merit test. In some cases, clients will be required to make financial contributions to the cost of their case.

Bar Association:

The NSW Bar Association is a voluntary association of practising barristers. Its aims include:

- to promote the administration of justice;
- to make recommendations to government in relation to legislation, law reform and court procedures;
- to seek to ensure that the benefits of the administration of justice are equally available to all members of the community.

Civil Law:

See “What is Civil Law?”

Community Legal Centres (CLCs):

Community Legal Centres are not-for-profit community organisations that provide legal advice, information and referral services to disadvantaged people. CLCs also provide limited casework assistance and conduct law reform and community legal education projects.

There are currently 38 CLCs in NSW and 5 in the ACT.

There are two kinds of CLCs, generalist legal centres and specialist legal centres.

Generalist legal centres provide advice to people within a certain geographic region (e.g Western NSW).

Specialist legal centres provide advice to certain groups of people (e.g Tenants Union of NSW) or on certain subjects (e.g Consumer Credit Legal Centre).

CLCs vary in size from 3 to 30 staff. There is no means testing for services, but as centres have limited funding, each centre has policies on how much assistance they can give each client.

Criminal Law:

See “What is Criminal Law?”

LawAccess NSW:

LawAccess NSW is a Business Centre of the Attorney-General’s Department of NSW. It provides free legal information, advice, assistance and referrals to other legal services over the telephone to people who live in NSW or who have a legal problem in NSW.

LawAccess NSW Customer Service Officers assist customers making inquiries via the telephone and telephone typewriter (TTY) with legal information and referrals. LawAccess NSW Legal Officers provide legal advice to ‘priority customers’ over the telephone. ‘Priority customers’ are those customers who experience most disadvantage in accessing legal services, and whose legal problem can be dealt with appropriately over the telephone. Aboriginal people are considered ‘priority customers’.

LawAccess NSW is an initiative of the Legal Aid Commission of NSW, the Attorney-General's Department of NSW, the Law Society of NSW and the NSW Bar Association, and works in close partnership with those organisations to assist people find the help they need.

LawAccess NSW also indexes over 1800 plain language legal information resources on its website, LawAccess Online at www.lawaccess.nsw.gov.au.

Law Society of NSW:

The Law Society of NSW is the organisation responsible for the registration and regulation of solicitors in NSW. Its members include solicitors who live and work throughout the State and who join the Law Society voluntarily. The main objects of the Law Society are:

- To promote improvements in the law
- To improve the administration of justice
- To represent the views of solicitors
- To deal with dishonourable practices of some solicitors
- To deal with matters affecting the professional interests of solicitors.

The Community Referral Department of the Law Society of NSW provides a range of services that aim to assist the public. They include:

1) Solicitor Referral Service – The Law Society can refer callers to over 1,500 private firms. The service refers callers to three firms which practice in the required area of the law conveniently located for the caller more information can be accessed at www.lawsociety.com.au.

2) Pro Bono Scheme – The Scheme is available to eligible members of the community who cannot afford the cost of a solicitor and are not eligible for Legal Aid. Pro Bono legal work is done at a substantially reduced rate or in some circumstances, at no cost. More information can be accessed at www.lawsociety.com.au.

3) The Dispute Resolution Department offers the mediation program – Mediation is a voluntary and confidential conference, where all the participants have agreed to attend and to cooperate in good faith to resolve the dispute between them. A mediator appointed by the Law Society of New South Wales assists the parties to discuss, negotiate and

achieve a solution. More information on this service can be accessed at www.lawsociety.com.au/mediation.

Legal Aid Commission of NSW (LAC):

The Legal Aid Commission of NSW is established under the *Legal Aid Commission Act 1979* (NSW) and is an independent statutory body. It provides legal aid and other legal services to disadvantaged people. Ten Board Members, appointed by the NSW Attorney-General, govern the Commission and determine its policies. The Board represents a range of key groups including the Law Society of NSW, welfare groups and the NSW Bar Association.

The Commission provides free legal advice and minor assistance in Criminal Law, Family Law and Civil Law matters at its head office in Sydney as well as at 20 metropolitan and regional offices, located at Bankstown, Blacktown, Burwood, Campbelltown, Fairfield, Liverpool, Manly, Parramatta, Penrith, Sutherland, Coffs Harbour, Dubbo, Gosford, Lismore, Newcastle, Nowra, Orange, Tamworth, Wagga Wagga and Wollongong.

If more than legal advice is needed, the Commission may be able to provide casework assistance. The Commission provides grants of legal aid for many Civil, Family, Criminal, Administrative, Mental Health and Veteran's matters. For most services, clients must meet a means and a merit test. Normally, they also have to pay some money towards the cost of their case. In some cases, clients repay the full cost of their case when it is finalised.

The Commission also administers funding for Community Legal Centres as well as Women's Domestic Violence Court Assistance Schemes at many Local Courts.

INDEX OF LEGAL PROBLEMS

If you have a legal problem that falls into one of the categories listed below, you can contact any of the organisations listed beside it for assistance.

● *indicates that the organisation provides services exclusively to Aboriginal people or in some other way prioritises the needs of Aboriginal people.*

*Note - This index is intended as a general guide only. If you cannot find the type of legal problem for which you need assistance, please do not assume that no one can help you. Similarly, if you cannot find a legal service provider in a particular area, please do not assume that there is not one. In either of these situations, you should call **LawAccess NSW** on **1300 888 529**.*

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