

**36th Annual Report 2013-14**

Legal Services Commission of South Australia

# Whyalla & Pt Augusta Program

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# Whyalla & Pt Augusta Program 2013-14

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*The Legal Services Commission maintains offices in the northern South Australian towns of Whyalla and Port Augusta. These offices provide a valuable service to the residents of Whyalla, Port Augusta and some of the most remote places in the north of South Australia such as Coober Pedy and the communities of the APY Lands. Commission solicitors are relied upon by these regional and remote communities to provide quality legal advice and representation and are highly regarded by the magistrates in whose courts they regularly appear.*



*Tim Weiss, Manager Whyalla and Port Augusta Program.*

## Staff

Two senior criminal lawyers and, since the beginning of 2014, 1.6 FTE senior family lawyers are employed in the Whyalla and Port Augusta offices of the Commission. Two duty lawyers provide representation in the Magistrates and Youth Courts in Whyalla and Port Augusta and give legal advice, both in person and over the telephone.

A community legal education officer/adviser provides legal education and advice to the Whyalla and Port Augusta

communities and provides an outreach service to the surrounding rural areas of the Iron Triangle and Eyre Peninsula.

A hard working team of four administrative staff ably assists the lawyers.

Lawyers employed by the Commission in these regional offices represent people who are marginalised because of their location and personal circumstances. The practice includes providing advice and representation to the indigenous population who reside predominately within Port Augusta and Whyalla and on the Anangu Pitjanjatjara Yankunytjatjara (APY) Lands in the far north of the state.

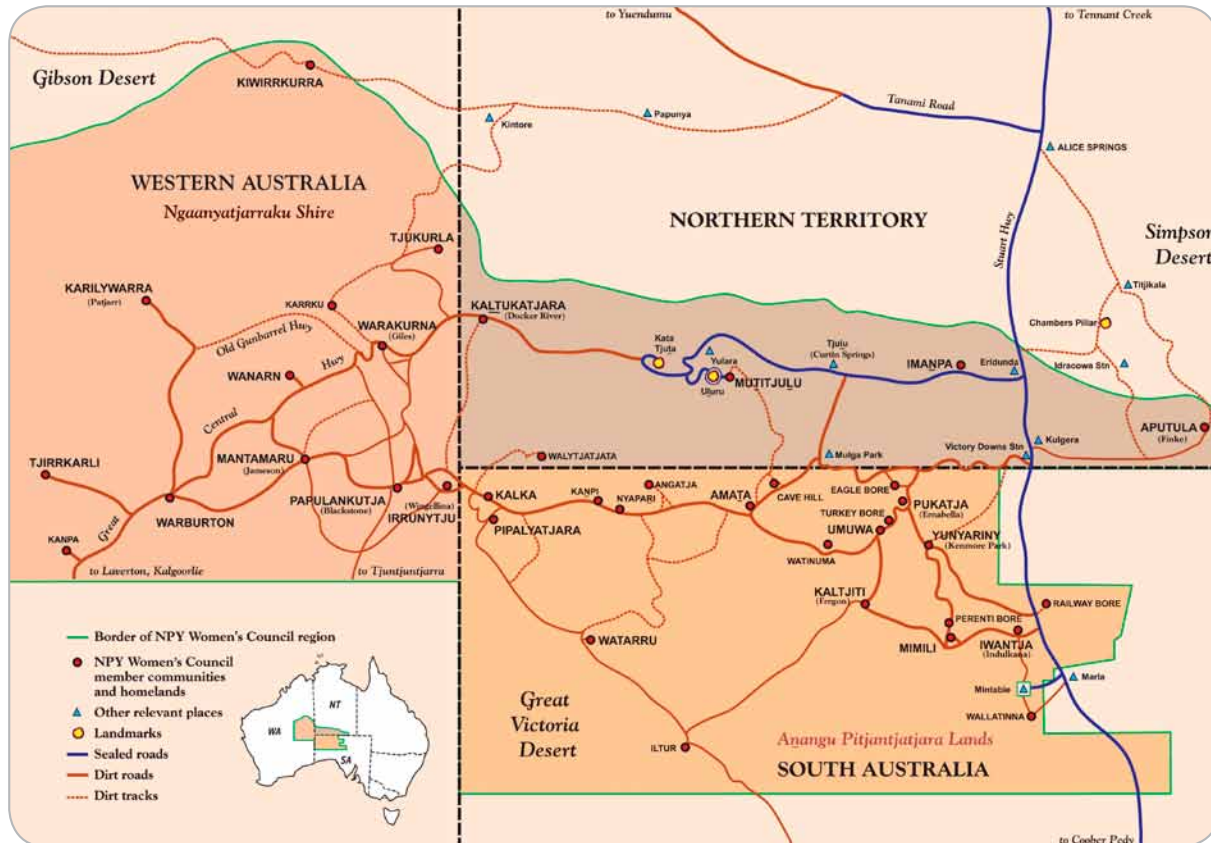
## Criminal law practice

The Commission's criminal lawyers act for clients appearing in the Magistrates and Youth Courts in Port Augusta and Whyalla and for clients appearing in the District Court in Port Augusta.

## Criminal Files

	2010-11	2011-12	2012-13	2013-14
<b>Whyalla</b>	226	233	336	277
<b>Pt Augusta</b>	292	273	299	279
<b>Total</b>	<b>518</b>	<b>506</b>	<b>635</b>	<b>556</b>

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Anangu Pitjantjatjara Lands.

The Magistrates Court sits for 45 weeks a year in Port Augusta and 37 weeks a year in Whyalla. The Northern District Criminal Court sits for 6 three week blocks throughout the year in Port Augusta.

The number of Magistrates Court circuits to the north of the state was reduced from 16 in the 2012-13 financial year to 12 in 2013-14. Six one week circuits have been scheduled for Coober Pedy and six in various communities

of the Lands, including the communities of Iwantja (Indulkana), Mimili (Everard Park), Kaltjiti (Fregon), Pukatja (Ernabella), Amata, and Pipalyatjara.

The APY Lands cover more than 103 000 square kilometres of arid land in the northwest of South Australia, running up to the border of South Australia with Western Australia and the Northern Territory.

Travel to the Lands is by road via the Stuart Highway to Marla, about

1070 km from Adelaide, and then on unsealed roads to the communities.

The most remote community, Pipalyatjara, is about 480 km from the Stuart Highway and about 1580 km from Adelaide.

Accommodation is not readily available in most of the communities and solicitors usually camp at locations near the communities where the court is sitting.

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The roads, while improving, are often very rough, corrugated, dusty, muddy or even flooded and travel between communities can take a considerable time.

Court circuits are sometimes disrupted by events over which there is no control. During one circuit early in 2014 court was cancelled in two communities. In one, a funeral was occurring and in the other men's business was taking place. Later in the year an entire circuit was cancelled when heavy rains made the roads unsafe and impassable. Court staff and lawyers from the Commission and ALRM had travelled almost to the Northern Territory border when it became apparent the circuit could not safely proceed.

Those on circuit had to reluctantly camp at Uluru before returning to Port Augusta and Whyalla.

The work of the lawyers is enriched by the experience they have travelling to the Lands, a truly beautiful part of the country, and by assisting traditional Aboriginal people in their encounters with the judicial system.

It is a privilege to be permitted to travel to these Lands.



*Mulga Park Road on the way to Amata*



*Camping near Ernabella (Pukatja).*



*Uluru*

## Whyalla & Pt Augusta Program 2013-14

### Family law practice

The family law practice is continuing to grow.

In the last financial year there has been a focus on improving services for family law clients, particularly in Port Augusta and the surrounding area. To that end, there are now 1.6 FTE senior family lawyers, allowing a family lawyer to be present in the Port Augusta office three days a week and reducing waiting times for clients to obtain advice and representation.

Commission family law services have been actively promoted at community meetings and to other service providers in Port Augusta and Whyalla. In collaboration with the community legal education officer further promotion of the family law practice is occurring through community education and media exposure.

### Duty solicitors

General legal advice is provided by two duty solicitors whose time is divided between providing a duty solicitor service in the Whyalla and Port Augusta Magistrates Courts and providing general legal advice both in person and by telephone.

The duty solicitors also have the conduct of case files for clients charged with criminal offences.

Duty Solicitor	2010-11	2011-12	2012-13	2013-14
Far North*	159	294	377	200
Pt Augusta	535	663	923	731
Whyalla	557	451	637	581
Total	1251	1408	1937	1512

*\*Far North comprises Amata, Coober Pedy, Ernabella, Fregon, Indulkana, Leigh Creek, Marla, Mimili, Pipalyatjara.*

### Duty Solicitor appearances by court type in Pt Augusta and Whyalla

	2010-11	2011-12	2012-13	2013-14
Magistrates	1054	1070	1469	1190
Youth	27	35	79	122
Total	1081	1105	1548	1312

### Advice sessions *including prison advice*

	2010-11	2011-12	2012-13	2013-14
Pt Augusta	526	635	699	934
Whyalla	658	734	907	863
Total	1184	1369	1606	1797

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### Community legal education officer/adviser

The community legal education officer provides general legal advice as well as developing and conducting legal education programs and promoting Commission services in the community.

In the 2013-14 financial year a number of sessions were held in Port Augusta and Whyalla, providing legal information and promoting the services of the Commission to the community and to community organisations.

Although most information sessions were in Port Augusta and Whyalla, contact was maintained with other regional communities in the north, including Port Pirie, Port Lincoln, Quorn, Ceduna and the APY Lands.

As communities become more aware of the Commission and the services offered, greater demand for advice and community legal education sessions across the mid-north and north of South Australia is expected.

In February 2014 the Commission commenced a monthly legal talk program at the Whyalla public library. Topics covered included *Wills and Advance Care Directives*, *Family Law*, *Consumer Law*, *Criminal Law* and *Supporting Young People in Police Interviews*.

Another new and exciting project that commenced this financial year was the *Legal Talk* radio information sessions conducted with Umeewarra Media. This is an Aboriginal owned and operated radio station that many people in the Port Augusta

community tune into during the week. Many of the topics covered in the sessions at the library were also covered on this radio program.

This financial year saw an important advice matter which, with legal aid assistance, was finally resolved in the Supreme Court. The matter related to an Aboriginal burial dispute. It highlighted the need to continue delivering sessions on Wills and Advance Care Directives, particularly within the Aboriginal community across the mid-north and north of South Australia.

With the changes later in 2014 to Advance Care Directives, this will become a bigger area of focus in the next financial year.

A major event in Port Augusta for the Aboriginal community is NAIDOC Week (National Aborigines and Islanders Day Observance Committee). The community legal education officer and other legal staff attended events during the week. A particular highlight was the Davenport Community Open Day where there was a display of the history of Davenport, traditional cooking and food tasting, traditional dance and song, as well as a tour of the healing garden with some story telling.

### Number of participants in legal information sessions

	2011-12	2012-13	2013-14
<b>Pt Augusta</b>	312	225	621
<b>Whyalla</b>	53	339	170
<b>CLE Outreach</b>	N/A	714	331
<b>Total CLE participants in the North</b>	<b>402</b>	<b>1278</b>	<b>1122</b>

*These figures do not include the audience in the 'Legal Talk' radio information sessions*