

Bush Courts and KRALAS

By Peter O'Brien and RDT Woodroffe*

Katherine Regional Aboriginal Legal Aid Service (KRALAS) provides legal assistance and representation over an area of some 36,000 square kilometers. That area extends to Pine Creek in the north, Kalkaringi and Larramah in the south, Ngukurr in the east and Timber Creek in the west.

In addition to Katherine Court and the Supreme Court in Darwin, KRALAS represents Aboriginal people in bush courts in Borroloola, Ngukurr, Beswick, Kalkaringi, Mataranka and Timber Creek.

A bush circuit destination can take anything from 15 minutes by plane to a grueling eight-hour drive. The majority of KRALAS bush circuit work is traveled to by road, but the wet season places additional burden on our resource, as charter planes are required. The cost of this work is one of the largest budget items for KRALAS. Transport, accommodation and travel allowance costs limit our availability to our clients in the bush. It is rare that we would visit any of our remote destinations on any occasion aside from court sitting dates. A valid complaint is that our service does not get out to the bush enough.

When we do get to the bush our work is cut out for us. Dealing with the volume, coping with language and cultural issues, and providing advice and representation in some of the most serious types of matters imaginable is all part of the scene. While there is probably an abundance of civil complaints for our lawyers to assist with, the fact that our funding precludes visits outside of court sittings limits our work to only criminal matters.

An Aboriginal Field Officer will always

accompany the lawyers. The Field Officer is a specialist paralegal with skills in taking instructions from Aboriginal people, providing limited and general advice about the process, and having a working knowledge of the place and its people. The Field Officer is also expected to identify cultural and traditional issues and bring them to the attention of the lawyers.

Our lawyers often deal with people for whom English is a second, third, fourth or even fifth language. But even where the client speaks English relatively well, the legal system is more often than not an alien and abstract concept to them. Aboriginal interpreters assist in this regard. However, as the Aboriginal Interpreter Service is in its infancy, having only started in 2000, interpreters often struggle with the same conceptual problems.

Ordinarily, KRALAS lawyers arrive in town the day before the Court sits. Prosecutions, the Magistrate and Court staff generally arrive on the morning of the first day of sittings.

KRALAS considers it important to be seen by the community to be independent of the Court and Prosecutions. Our staff are aware of, and work to break down, the common perception among our remote clients that the legal service, the Court and the police all work together. Staying in separate accommodation, traveling independently, and maintaining a

professional interaction with clients, police and the court are effective in countering that very real problem. Travelling or socializing with police or Magistrates is generally avoided.

Depending on the sittings, lawyers can expect a fairly busy sitting. The authors' own experience of bush court work suggests a daily case load of between 20 and 50 clients. That would include everything from simple mentions, to contested hearings, to oral committals.

Bush Courts are one thing that distinguishes the Northern Territory Aboriginal legal service from city services. They are also the attraction for many lawyers in joining services such as KRALAS. The bonds with people and fellow workers, the beauty of the bush, and the occasional feeling of having done something useful and having been somewhere unique are the things which make bush circuit work the best aspect of our job.①

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