



LEGAL AID
WESTERN AUSTRALIA



Legal communication tools

Process review and evaluation

Final report



Let the story cards do the talking

The cover page artwork is by Gary Njamme.

"This is a gathering. The four red and white symbols around the community are the ones talking and making decisions. Then you got other ones who are coming behind or sitting behind who are listening coming together to make decisions together for the four groups and try to help each other out. All family groups, all in one, the dots represent mothers, fathers, kids, grandparents. Mulan, Balgo, Billiluna and Ringer Soak who make up the communities in the Katjunka region. When people come in to community, like lawyers to explain things people will come and sit around to learn and to come up with a good understanding of justice and law. The lines represent two different laws, kardiya way and cultural way."

Gary Njamme



Gary is an important and active member of the Balgo community in the Tanami desert in Western Australia. His father's country is Walkalli, Lake White, south of Balgo, and his Grandfather's country is around Pippar. The Njamme family was instrumental in the beginnings of acrylic painting in Balgo. Like his talented brothers, Gary creates brightly coloured and sought after artworks of his tjurkurpa. Gary's skin group is Tjangala and he speaks Kukatja.

Gary also created the artwork used for the Resource Kit stickers and chapter headings and the Blurred Borders lanyards



Process review and evaluation

Final report

September 2019

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We acknowledge the original designer of the Aboriginal Flag, Mr Harold Thomas. The Aboriginal flags appearing in the Blurred Borders resources, have been reproduced with his permission.



We acknowledge the original designer of the Torres Strait Islander Flag, the late Mr Bernard Namok. The Torres Strait Islander Flags appearing in the Blurred Borders resources have been reproduced with the permission of the Torres Strait Islands Regional Council.

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Appendix 1 Blurred Borders Project Diaries

Appendix 2 Bail & Criminal Process Resource Kit User Manual

Appendix 3 Family Violence Resource Kit User Manual

Appendix 4 'Keep em Safe' Child Protection Resource Kit User Manual

The Appendices are available electronically at <https://blurredborders.legalaid.wa.gov.au/evaluation>

Acknowledgements

Agencies, staff and project partners acknowledge the Aboriginal owners and custodians of the land on which we live and have worked during the development of the Blurred Borders legal communication resources.

We recognise the continuing spiritual relationship Indigenous people have with Country and the contribution they make to their communities and the preservation of our first nation languages. We pay deep respect to their Elders past, present and future.

A special thank you to community and language group members in the Blurred Borders project regions for your contribution to this project, including in the following towns and communities:

Northern Territory	East Kimberley	West Kimberley
Barunga	Balgo	Ardyaloon
Binjari	Billiluna	Beagle Bay
Bulla	Halls Creek	Bidgyadanga
Kalkarindji	Kalumburu	Broome
Katherine	Kununurra	Derby
Lajamanu	Mulan	Fitzroy Crossing
Timber Creek	Ringer Soak	Fitzroy Valley
Yarralin	Warmun	Looma
	Wyndham	

We acknowledge and thank Northern Territory Community Corrections who so generously shared their knowledge and graphic design work from their Indigenous Language Resources Probation and Parole Project, which strongly influenced the ultimate look and feel of our story cards.

We acknowledge all of the artists and graphic designers that have worked on this project. They are individually recognised in the front of each User Manual in each Resource Kit.

Special thanks also to Ben Grimes, the Northern Territory lawyer, linguist and educator who assisted us greatly in developing the plain language text on the story cards.

Blurred Borders is a Commonwealth Government funded innovation project. Without this funding, it would never have got off the ground. We are grateful for the ongoing commitment and support the Commonwealth Government has provided to this important initiative.

From the start, this project was a true collaboration. We have relied heavily on the expertise of many individuals from community legal sector agencies, Aboriginal communities, government departments, and local services who have generously given their time to assist and guide us with the development of these resources. This has helped us to ensure that the resources are fit for purpose, culturally appropriate, culturally safe and robust enough for use in even the most extreme conditions. Our thanks to all involved, especially those who participated in Steering Committee meetings, workshops, stakeholder consultations and extensive focus testing, all of which have helped to shape this project and the resources we have created.

Many, many in-kind hours and other tangible contributions, over and above the Commonwealth funding provided, were made by the lead agencies and our project partners. We would like to especially thank those agencies for making these additional contributions and allowing their staff to commit so strongly to this project.



Government of Western Australia
Department of Communities

Infographic

BLURRED BORDERS Legal communication tools

An award-winning set of best practice legal communication tools that use visual art, plain language and storytelling to support effective legal dialogue between frontline service providers and their Aboriginal clients in regional and remote locations.



“Indigenous people love the cards, they love the story telling process, and as an Indigenous person myself, I love them, and they are accepted by the local people.”

Community Liaison & Education
Officer, West Kimberley, WA

Triple bottom line benefits

- better legal outcomes for remote Aboriginal people,
- better support for frontline service providers, and
- tangible systemic benefits.

“I am glad that these cards are here. I could see it in that young boy's eyes that he was understanding.”

Resident, Mulan Community, East Kimberley, WA



High levels of Aboriginal engagement



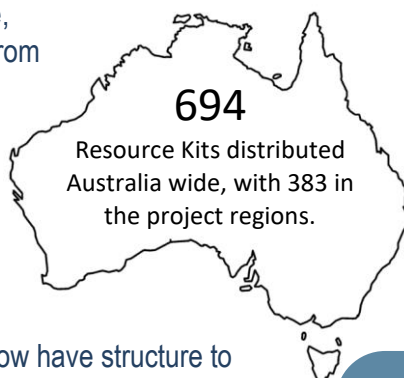
- ✓ fit for purpose
- ✓ culturally appropriate
- ✓ culturally accessible
- ✓ culturally safe



93% of people surveyed who used the resources found them useful.

“The Blurred Borders resources have made a massive difference, the response and engagement from the youths is overwhelming. It's improved courts service delivery immensely.”

Children's Court Registrar
Darwin, NT



78% uptake for CLE
31% for duty lawyer
26% for legal advice
in the project regions.

“It's made a big difference. I now have structure to Community Legal Education topics and I don't have to think about ways of presenting complex legal information, the story cards do the talking.”

Lawyer, regional, NT



Online access
available to all
resources, with audio
in Aboriginal language
on some story cards.

Highly collaborative



<https://blurredborders.legalaid.wa.gov.au>

Executive summary

What is it?

An award-winning set of best practice legal communication tools that use visual art, plain language and storytelling to enhance communication to support effective legal dialogue between frontline service providers and their Aboriginal clients in regional and remote locations.

Why is it needed?

Our justice system is based on the fundamental premise of rule of law. You can't have 'rule of law' if the laws are unknown and if all parties cannot understand and communicate within legal processes. Making the relevant laws and legal rights 'known' is a communication challenge that goes to the very heart of our justice system. Improving legal outcomes for Aboriginal people is what the Blurred Borders legal communication tools are all about.

Where we started

We aimed to develop a discrete set of community legal education tools for frontline service providers in the East Kimberley/Western Northern Territory cross-border region to enable those service providers to help local Aboriginal people understand complex cross-border legal concepts around bail and family violence.

Where we ended

We ended up producing a much broader, highly effective set of two-way legal communication tools on Bail & Criminal Process, Family Violence, and Child Protection. These resources can be used:

- by all frontline service providers, a wide range of government and community based agencies, and key Aboriginal stakeholders,
- to assist with the delivery of group-based community legal education activities, the provision of one-on-one legal assistance services (legal advice, duty lawyer, legal representation), and general communication about legal processes,
- with a wide range of groups, well beyond the project regions, including Aboriginal and other first nations people, young people, people with cognitive impairments (including FASD), people from culturally and linguistically diverse backgrounds, and other people with low levels of English literacy.

Where it could go

With modifications, the existing resources could be used across our entire legal system to improve understanding of legal rights and responsibilities. With imagination, this model could easily be customised to help tell more diverse stories and improve two-way communication in many other instances where vulnerable Australians are disadvantaged because of their lack of understanding of critical information or processes.

Does it work?

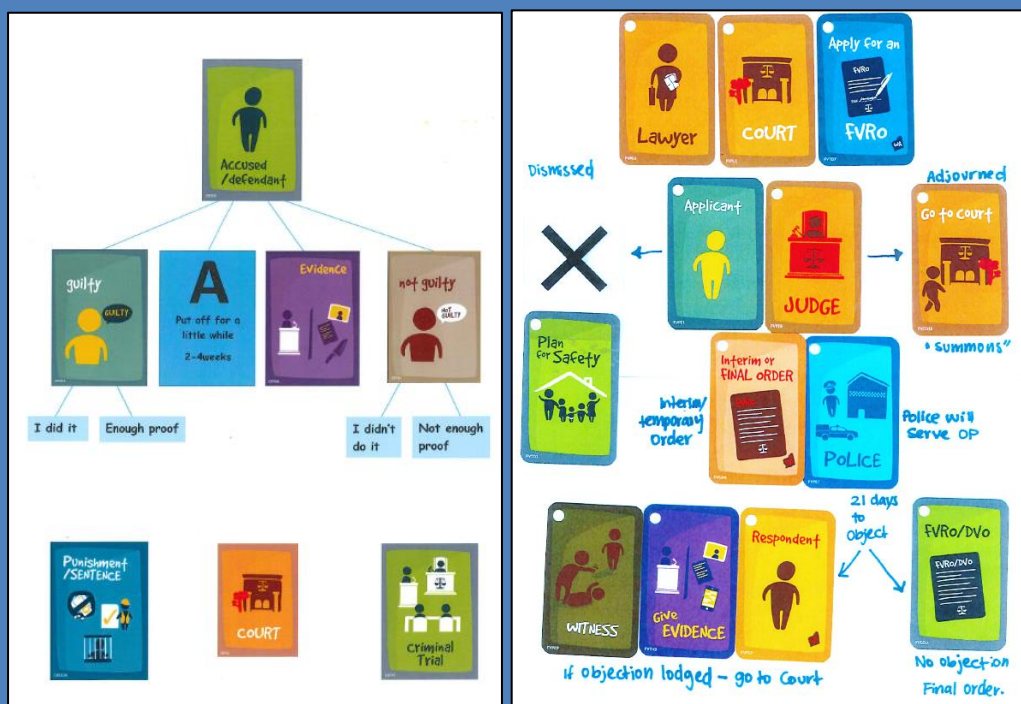
Yes. The case studies below speak for themselves. They show how the tools can be transformative in terms of helping to identify and clarify legal need, which is the foundational communication task for effective legal assistance.

The collective imagination and innovation of the service providers using the resources never ceased to amaze us. For us this was a testament to the strength, simplicity and versatility of the resources, at the heart of which lay effective communication.

CASE STUDY #1 CREATING COMMON LAYOUTS

An Aboriginal Legal Service lawyer in Western Australia found that she was regularly explaining the same court processes using the same story cards to different clients. So she didn't have to continually set up the same pattern, she took a photo of the arranged story cards and printed it onto an A4 sheet. Where she didn't have a relevant story card, she just made up her own. When other lawyers saw her A4 sheet, they wanted a copy. This was the genesis of the 'common layouts' section of the Blurred Borders website.

Using common layouts is a fantastic, quick and easy way to get maximum use of the story cards when you are pushed for time. The A4 print outs also work well as a great take-away for the client.



CASE STUDY #2 CUSTOMISED LAYOUTS – ROSIE’S STORY

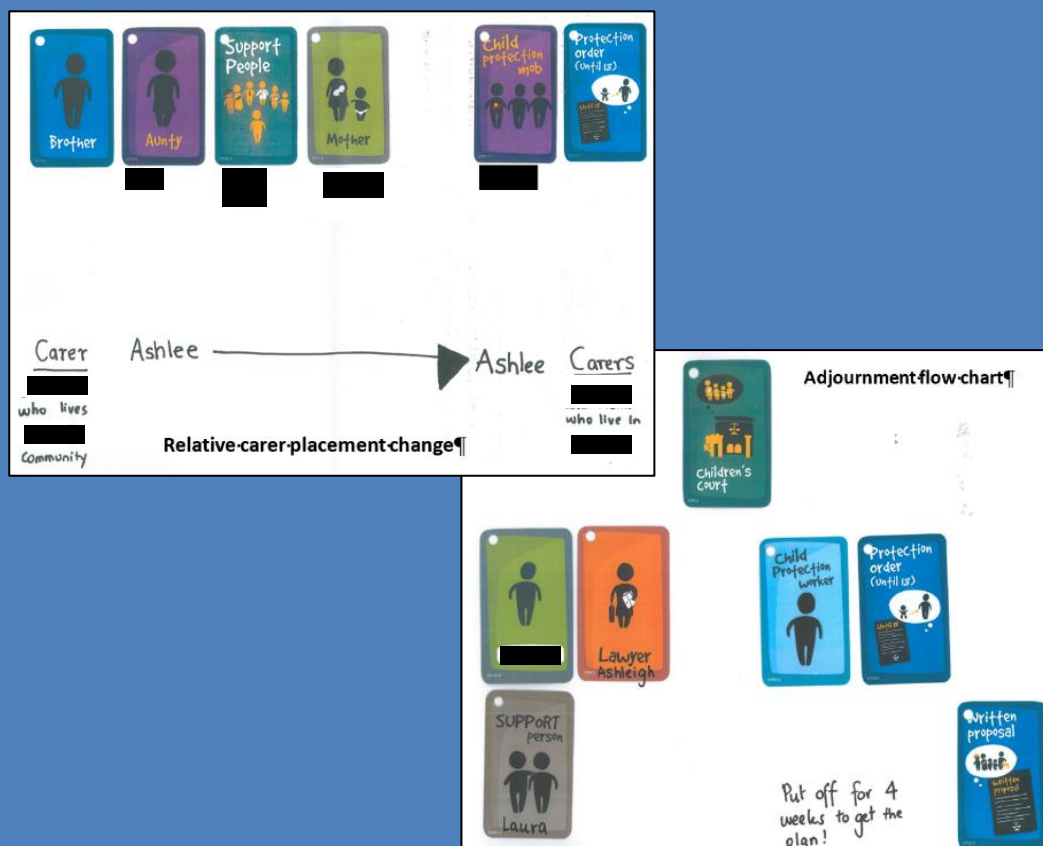
Rosie (not her real name) is a 27-year-old Indigenous woman who has been diagnosed with Huntington’s disease. The Department have removed her daughter from her care and are seeking a protection order (until 18). She has support from Disability Services.

Rosie’s lawyer used the story cards as a guide/prompt so that Rosie could remember what was going on. The lawyer would ask Rosie who each person was and then write in the names. Rosie identified who her support people were and other key people who were involved.

Rosie’s lawyer used the story cards to create two personalised flow charts to help Rosie to understand and remember what was happening with the care of her child and the associated child protection court process.

“The story cards were very useful in calming Rosie’s nerves and also in helping her remember what happened in court and where we are up to in each stage of the process. It also helped with the Disability Support Workers when there were changeovers in staff.”

Rosie’s lawyer



CASE STUDY #3 BANKSIA HILL DETENTION CENTRE

As there are no youth detention centres in the northwest of Western Australia, many young Aboriginal people who are in Banksia Hill Detention Centre in Perth, come from our remote Western Australian Blurred Borders project regions.



Prison officers have developed an innovative use for the story cards in Banksia Hill's video link facility. The young people who attend court via video link can only see the Judge/Magistrate on the video screen and not the rest of the court room. On one wall of the video link room, prison officers have displayed the story cards that show who is who and where people are sitting in the actual court room.



By using the story cards to point out which person in court is talking at any given time, prison officers at Banksia Hill are helping disadvantaged young people, appearing in court by video link, to better understand the legal process.

The story cards displayed on the far left hand side of the wall also help to explain actual outcomes, including whether the young person:

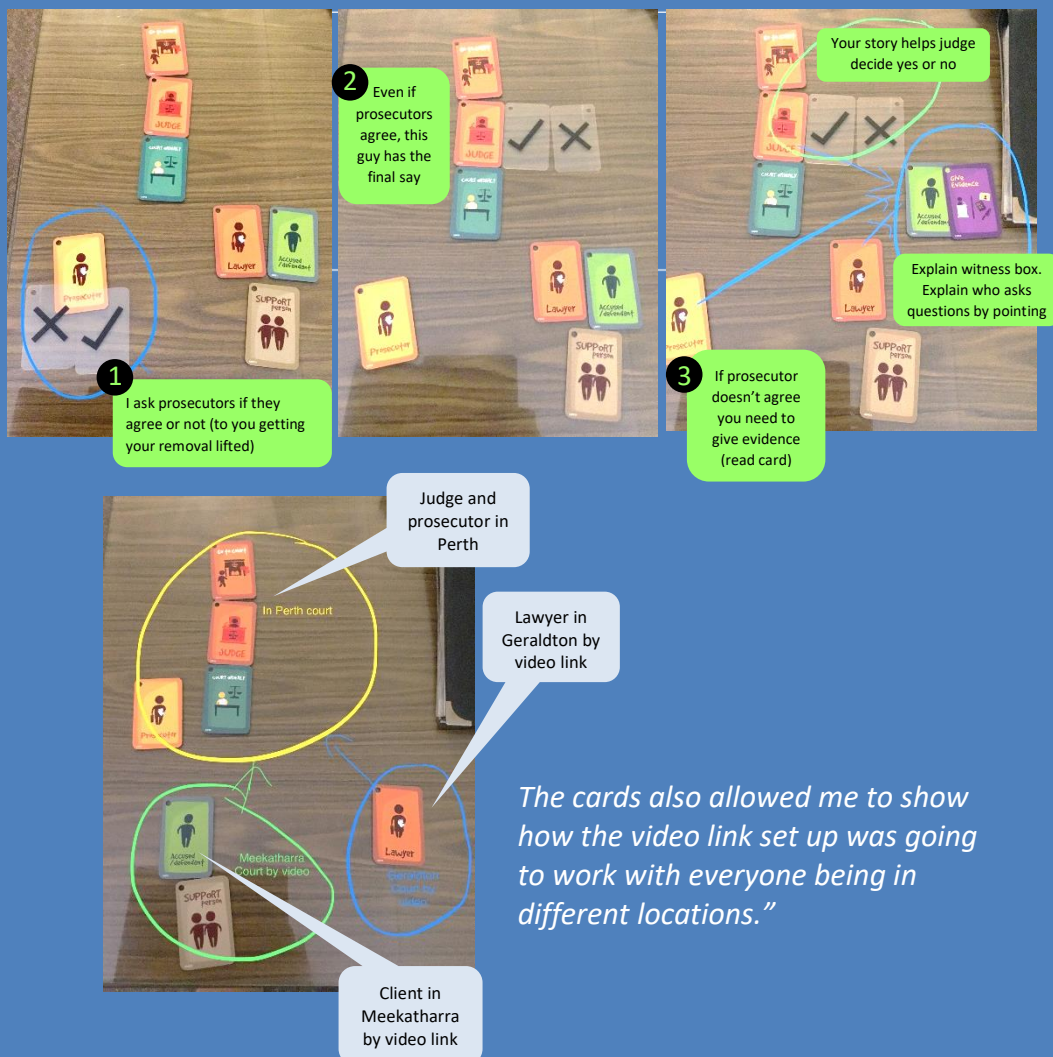
- has been given bail,
- has been remanded in custody, or
- has to come back to court.

CASE STUDY #4 CUSTOMISED LAYOUTS - MEEKATHARRA

Below is an extract from an email sent from a lawyer in Legal Aid WA's Midwest & Gascoyne regional office in Geraldton in December 2018:

Subject: Blurred Borders

"Just a quick run down on my use of blurred borders today. My client is an intellectually disabled Aboriginal man from Meekatharra. He is seeking a removal of life disqualification on his driver's licence. Following him signing the affidavit, I wanted to go through the court process with him. The attached photos show the set up. I had pulled cards out beforehand so I was prepared and it flowed well."



Triple bottom line benefits

The Blurred Borders legal communication tools are providing:

- better outcomes for Aboriginal people and other disadvantaged groups,
- better outcomes for service providers, and
- tangible systemic benefits.

With increased understanding comes increased legal capability, with increased legal capability comes legal empowerment and the ability to make choices that can genuinely shape and change behaviour.

“Indigenous people love the cards, they love the story telling process, and as an Indigenous person myself, I love them, and they are accepted by the local people.”

Community Liaison & Education Officer, West Kimberley, Western Australia

“The Blurred Borders resources have made me less nervous when working with children and vulnerable clients. I feel like they are more empowered and feel like they are making a choice in their legal matters. It is helping to give them a say.”

Lawyer, East Kimberley, Western Australia

“It’s made a big difference. I now have structure to Community Legal Education topics and I don’t have to think about ways of presenting complex legal information, the story cards do the talking.”

Lawyer, regional Northern Territory

“The Blurred Borders resources have made a massive difference, the response and engagement from the youths is overwhelming. It’s improved courts service delivery immensely.”

Children’s Court Registrar, Darwin, Northern Territory

“I have already seen the benefits of its use in the Magistrates Court and Children’s Court on circuit up here in the towns and remote Aboriginal communities...My view is that the Blurred Borders resource is particularly valuable in court where the person appearing has a cognitive impairment, such as a FASD diagnosis, or has literacy issues. Congratulations (again) on developing this excellent communication resource.”

Magistrate Langdon, Broome and West Kimberley Region

“Before I even said anything, I pointed to the no trouble sticker on the wallet card, and he shook his head and said no trouble. He absolutely understood from a glance at that picture...I just LOVE these resources. Isn’t this why we are here? This gives me hope that people will walk away and actually understand the rules.”

Judicial Support Officer, Balgo Magistrates Court, East Kimberley, Western Australia

“This programme is very popular and we have high attendance rates by the prisoners. We also have a waitlist for others to be involved (not often we have waitlists like this).”

Assistant Superintendent Offender Services, West Kimberley Regional Prison, WA

CASE STUDY #5 OUTSTANDING WARRANT

Whilst Legal Aid WA staff were in a remote Tanami Desert Aboriginal community showing people the Blurred Borders resources, a senior woman asked us if the lawyer could speak to her 19-year-old grandson. His name was on the list that was posted at the shop to go to court the day before. When the police came to take everyone to court (in a nearby community), he didn't go because he was frightened that he might get locked up. The lawyer sat down and talked to him. His grandmother, who had strong language both ways, interpreted what the lawyer said into Kukatja language so that he could properly understand. The grandmother also called the young man's mother over so that she could watch and listen.

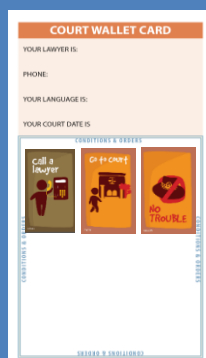
The lawyer used the story cards to explain to the young man why his name was on that list and that he had an outstanding warrant. The young man did not know why there was a warrant. He did not know what he had originally been charged with.



The lawyer phoned the office in Kununurra to find out some more information. Using the story cards, the lawyer told the young man that there were burglary and stealing charges. She also told him that he had already gone to court and pleaded guilty to breaking into the shop at the community and stealing things. The judge did not give him punishment that day – maybe because the judge wanted some more information. The lawyer explained to the young man that he had missed the second court day, when he was supposed to get his punishment from the judge. When he didn't turn up to court, the judge had issued a warrant. After the lawyer explained this, the young man remembered (so did his mother and grandmother) breaking into the shop and going to court for this the first time.

Then the lawyer used the story cards to tell the young man that there was another charge - a new one. This was for going armed in public to cause fear. The lawyer explained what this meant and that he might have held up a stick, some rocks or perhaps a knife. The young man, his mother and his grandmother talked about what this might be for some time, but they were still unsure.

The lawyer told the young man to call the office at Legal Aid in Kununurra. The lawyer there could find out more about this new charge and help him with it before the next court day in his nearby community. She could also help him finish the old burglary and stealing charges.



The lawyer used the story cards to tell the young man that if he didn't go back to court to sort this out he might get sent to lock up. If he went back to court and got all the matters dealt with then he might get sent to lockup or he might not – the judge would decide about that.

The lawyer gave the young man a wallet card. Written on it was the phone number of the lawyer in Kununurra and some stickers reminding him he had to go back to court and to stay out of trouble.

After the young man and his family had gone, another community member watching from a distance came up and said:

“I am glad that these cards are here. I could see it in that young boy's eyes that he was understanding.”

CASE STUDY #6 IMPROVING CRIMINAL LAW OUTCOMES

An Aboriginal man from a small remote Aboriginal community in the Kimberley was charged with a serious criminal offence. He had pleaded not guilty and had been remanded in custody in Perth to await trial. The man was legally represented by an in-house lawyer from Legal Aid WA. The man had limited English and his lawyer was concerned that he did not fully understand the trial process or the other potential legal options that might be available to him, including pleading guilty to a lesser charge. The lawyer asked him if he wanted an Aboriginal interpreter but he had declined (possibly because of the very small number of interpreters who spoke his language and the concern that the nature of the charges might be found out by members of his community). The lawyer and another senior criminal lawyer from Legal Aid WA went to see the man in prison. They took the Blurred Borders bail and criminal process story cards as a communication aid to assist them to explain the process and to concept check the client's understanding. Below is a summary of the process the lawyers followed and the story cards they used.

We first spent a while explaining the trial process. Mainly focusing on the witness cards (people telling their story), the prosecutor/lawyer cards (so the client knew who was who), and particularly the jury card. We emphasised that the jury will make the decision.



We then set up a line of cards vertically for the client that outline the current situation:



We placed a cross and tick card to show which story he agreed with

We emphasised to the client that the second column of cards reflected his story. His story was that he attempted to commit the offence, not that he actually did commit the offence. We told him that if he went to a trial and told his story, the best thing he could hope for is he would be convicted of an attempt. We therefore offered to write to the prosecutor. The client understood what we were doing and instructed the submission be written.

The man ultimately pleaded guilty to an attempt to commit the offence. He was sentenced to a term of imprisonment which was half the length of the term of imprisonment he would have received if he was convicted of actually committing the offence.



Through increased understanding and improved legal capability, this client was able to give clear instructions that resulted in a guilty plea to lesser charges. This not only better reflected the offence committed, but also resulted in clear benefits for the client, service providers and the criminal justice system.

Best practice framework

The award-winning Blurred Borders legal communication tools were developed using a best practice framework. They showcase real innovation born from genuine collaboration, high levels of Aboriginal engagement and authentic user-centred design. Representatives from every community legal assistance sector agency in both project regions and a wide range of other stakeholders provided valuable input into the development of the resources.



“The Blurred Borders project demonstrates Legal Aid WA’s commitment to developing innovative approaches to address service delivery challenges and is a striking example of achieving tangible outcomes utilizing effective collaboration with other legal assistance providers across multiple jurisdictions.”

The Honourable Christian Porter, Attorney-General of Australia

Many Aboriginal people and Aboriginal communities took part in the focus testing, critically shaping the development of the resources. With high levels of Aboriginal engagement, the legal communication tools are fit for purpose, culturally appropriate and culturally accessible. We had significant ‘buy in’ from remote Aboriginal communities in the Kimberley. The more we focus tested, the more involvement community leaders wanted. These were the problem noticers, the first responders providing support to their communities ‘when the lawyers and everyone else had gone’. They asked for (and we gave them) prototypes of the story cards so they could start using them immediately. We are now rolling out completed Resource Kits and training to these key stakeholders. One of our local project artists, Gary Njamme, also played a key role in focus testing. Off his own bat, Gary created six paintings that traditionally told the story of this project. They show people coming together to listen, learn and understand the law. One of Gary’s paintings features on the cover of this Report. The translated meanings of all Gary’s works are set out in the Final Report.¹



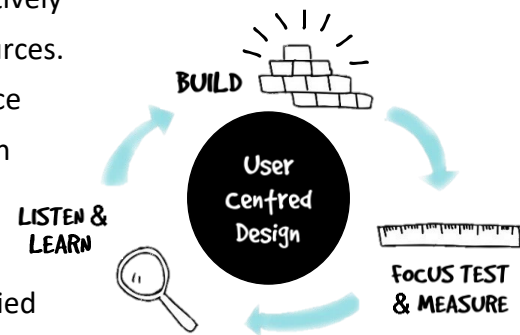
Gary Njamme, Interpreter George Lee and Legal Aid WA’s Temali Howard in Balgo

“The story cards are the new way of learning for the young people. My paintings give the same message but in the old way of learning for the older people.”

Gary Njamme, Elder, Artist, Balgo, East Kimberley, Western Australia

¹ See Blurred Borders Process review and evaluation final report pp. 49-52.

With a strong focus on user centered design, we actively engaged local stakeholders to help create the resources. The process commenced with a series of face-to-face workshops in the project regions at the start of each legal topic. Prototypes of the resources were developed and comprehensively focus tested. We listened to and learnt from the feedback and modified the resources accordingly. This build, test, listen and learn process, illustrated above, happened over and over again.



CASE STUDY #7 FOCUS TESTING IN BALGO

In August 2017, our project team travelled to the remote Tjurbalan community of Balgo in Western Australia's Tanami Desert to conduct some focus testing. We were very keen to get some first-hand feedback on our newly created bail resources. A group of respected, senior community members agreed to look at our new resources with the assistance of an accredited Aboriginal interpreter.

We were not far into the session when it became very apparent that the focus group did not want to discuss bail. Using the story cards very effectively, participants began asking questions about their legal rights in police custody and about being interviewed by police.

Even though we didn't get to run our planned community legal education session on bail, this was a real light bulb moment for us. Not only did the story cards work – they also proved to be an effective two-way communication tool.

We jointly created the 'use your right to silence' card during this session with the original design coming from one of the Aboriginal participants.



The local Aboriginal people were keen to increase their knowledge and understanding of the wider legal and police processes. This feedback reinforced the need to widen the scope of the first resource kit to include other criminal processes and not just bail. At this point, we realised that having knowledge of the wider legal system was critically important to understanding what was going on and we couldn't just talk about bail and breaches of bail in isolation.

Facts and figures

Experience, knowledge and confidence of frontline service providers

40% of surveyed frontline service providers in the project regions had been there for less than two years and 58% had been there for less than five.²

Table 1: Length of time working in the regions

BLURRED BORDERS SURVEY INSTRUMENT	Length of time working in the region				
	< 2 years	2-5 years	5-10 years	> 10 years	N/A
Cross-border baseline (late 2016)	49% (37/76)	16% (12/76)	25% (19/76)	10% (8/76)	
Katherine workshop (late 2017)	35% (6/17)	24% (4/17)	24% (4/17)	17% (3/17)	
Child protection baseline (mid 2018)	28% (13/46)	20% (9/46)	17% (8/46)	33% (15/46)	2% (1/46)
Final evaluation survey (mid 2019)	26.5% (32/121)	26.5% (32/121)	23% (28/121)	18% (22/121)	6% (7/121)

Table 2: Baseline knowledge and confidence in the cross-border region

SURVEY QUESTION How do you rate your knowledge / confidence to advise or assist clients with bail or warrant / FVRO or DVO problems arising on:	Bail and warrants		FVRO/DVO family violence	
	A little knowledge or no knowledge	A little confidence or no confidence	A little knowledge or no knowledge	A little confidence or no confidence
<u>your</u> side of the border (WA/NT)?	73% (53/73)	64% (47/73)	43% (32/74)	38% (27/71)
<u>the other side</u> of the border (WA/NT)?	94% (67/72)	84% (61/73)	95% (69/73)	83% (58/70)

The confidence levels of frontline service providers notably increased after the introduction of the Blurred Borders resources.

66% (69/105) of the respondents to the final evaluation survey strongly agreed or agreed that the Blurred Borders resources improved their confidence in working with Aboriginal people. While one-quarter (26%; 27/105) were undecided, only 8% (9/105) disagreed or strongly disagreed.

² Results from the final evaluation survey were not included as not all respondents were based in the project regions

Resource distribution and uptake

Table 3: Total resource distribution by type

Location	Resource Kits	Story cards SML	Story Cards LGE	Giant board games
Within the project regions	383	23	2	19
Beyond the project regions	311	84	13	38
TOTAL	694	107	15	57

79% of respondents to the final evaluation survey had used the Blurred Borders resources. 93% of those who used the resources found them useful. 44% had integrated them into their ongoing or everyday practice.

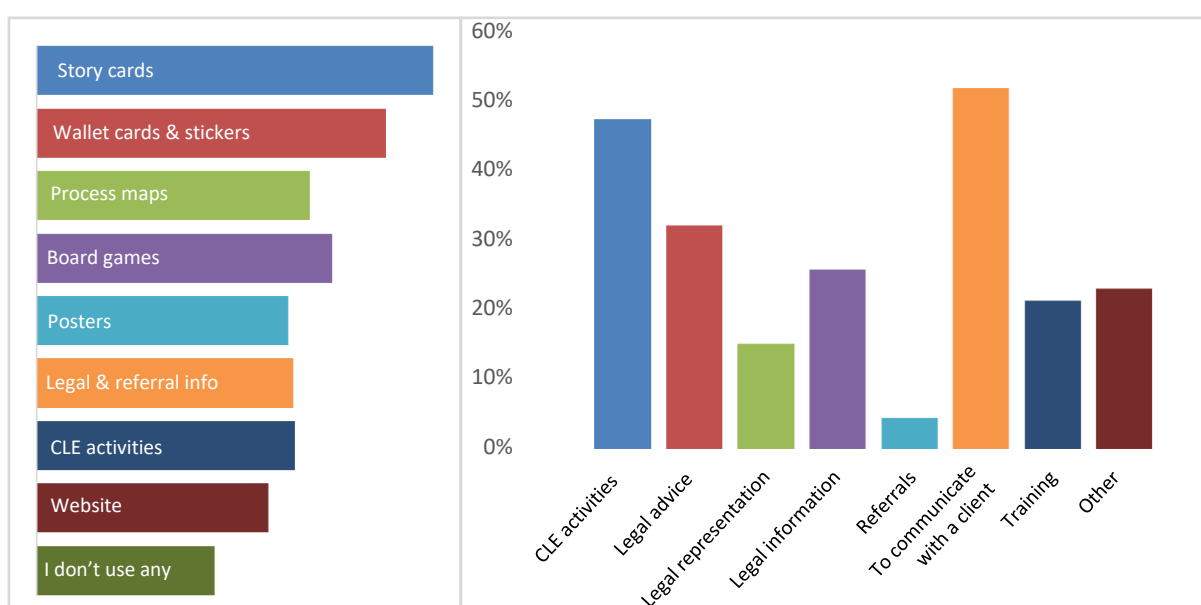


Figure 1 Most popular in order of use

Figure 2 Resource use ranked by activity

Table 4: Data Snapshot CLE Activities in the cross-border and Kimberley regions

AGENCY	SNAPSHOT PERIOD	CLE ACTIVITIES		
		Office total	BB total	BB %
NTLAC KATHERINE	6-31 May 2019	9	7	78%
LAWA KUNUNURRA	6-31 May 2019	4	4	100%
ALSWA KUNUNURRA	2-28 Jun 2019	0	0	0
LAWA BROOME	1-31 May 2019	9	8	89%
AFLS BROOME	6-31 May 2019	10	6	60%
TOTAL		32	25	78%

Table 5: Data Snapshot Legal Assistance Services- cross-border and Kimberley regions^{3 4}

AGENCY	SNAPSHOT PERIOD	LEGAL ADVICE			DUTY LAWYER			LEGAL REPRESENTATION		
		Office total	BB total	BB %	Office total	BB total	BB %	Office total	BB total	BB %
NTLAC KATHERINE	6-31 May 2019	16	5	31%	38	15	39%	69	13	19%
LAWA KUNUNURRA	6-31 May 2019	38	8	21%	111	41	37%	3	1	33%
ALSWA KUNUNURRA	2-28 Jun 2019	4	0	0	58	6	10%	120 ⁵	6	5%
AFLS BROOME	6-31 May 2019	20	7	35%	NP	2		NP	2	
TOTAL		78	20	26%	207	64	31%	192	22	11%

NP = Not Provided

Wider target audiences

Many services providers from within and beyond the project regions are consistently using the resources with wider target audiences.

Figure 3 shows the percentage of use with wider target audiences by respondents to the final evaluation survey.

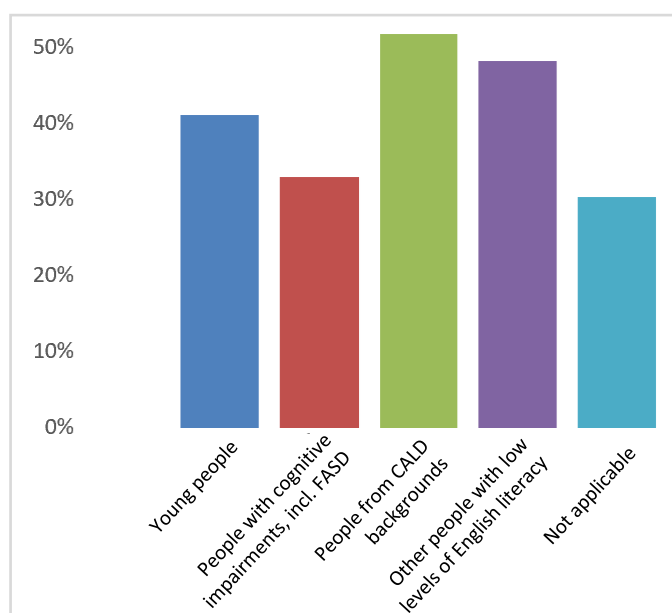


Figure 3 Wider target audiences

Training and professional development

Table 6: Combined total of CPD issued during the project for in-person and online training

#	Description	Events / modules	Participants	CPD points issued (WA)
1	In-person training	17	2,836	766
2	Online training	5	22	25
	Total	22	2,858	791

³ Blurred Borders resources were not used by LAWA Broome for legal assistance services in the data snapshot period.









⁴ There was only one recorded use of Blurred Borders resources in the 53 legal tasks identified in the project region during the data snapshot survey and none in the wider NT area. This is understandable given the heavy written component associated with Legal Tasks. These legal tasks figures have not been included in Table 5.

⁵ ALSWA in Kununurra did not record outputs using the National Legal Aid Data Standards manual. This means that some of ALSWA's 120 legal representation outputs may align more closely with Legal Aid duty lawyer services.

Yunkaporta's Aboriginal learning framework



The Blurred Borders project has been very successful in creating legal communication tools that resonate well with remote Aboriginal people. Much of this can be attributed to the project's close alignment with the key principles in *Tyson Yunkaporta's doctorate thesis "Aboriginal pedagogies at the cultural interface"*⁶ (hereinafter "*Yunkaporta, Aboriginal pedagogies*"). Yunkaporta's eight ways of Aboriginal learning are:

-  **Story Sharing:** We connect through the stories we share.
-  **Learning Maps:** We picture our pathways of knowledge.
-  **Non-verbal:** We see, think, act, make and share without words.
-  **Symbols and Images:** We keep and share knowledge with art and objects.
-  **Land Links:** We work with lessons from land and nature.
-  **Non-linear:** We put different ideas together and create new knowledge.
-  **Deconstruct/Reconstruct:** We work from whole to parts, watching and then doing.
-  **Community Links:** We bring new knowledge home to help our mob.

Our legal communication tools were not initially developed with Yunkaporta's framework in mind. However, upon discovering this framework, we analysed whether our focus on Aboriginal perspective, view and user-testing had allowed us to create not only culturally appropriate resources, but culturally effective resources.

When measured against the principles in Yunkaporta's work on *Aboriginal pedagogies*, the evidence indicates that the Blurred Borders legal communication tools have been developed in a way that is likely to maximise knowledge transfer and learning amongst Aboriginal people from remote areas.⁷

This is vital for enhanced and effective two-way communication that will ultimately legally empower disadvantaged Aboriginal people in our project regions. This outcome was not an accident. It is a direct result of the project team and project partner's insistence on Aboriginal input and guidance throughout the process. Strong contributions from Aboriginal people have ultimately shaped the development of our project in line with all aspects of Yunkaporta's framework. Key cultural undercurrents have permeated through the entire project because we prioritised Indigenous perspectives in the workshop, focus testing, development and evaluation process. This has resulted in strong Aboriginal ownership and distinctive, fit for purpose, culturally appropriate, culturally accessible and culturally safe resources.

⁶ *Tyson Yunkaporta's Aboriginal pedagogies at the cultural interface work, Professional Doctorate (Research) Thesis, James Cook University 2009, available at <<http://eprints.jcu.edu.au/10974/>> (last accessed 16 July 2019)*

⁷ See pp. 126-139 for a more detailed analysis.

Challenges

The size of the actual problem

The lack of understanding amongst Aboriginal people of laws and how they applied, and even of basic legal concepts, was much more prevalent than we anticipated. This was more acute in places where English was spoken as a second or third language and sometimes not at all. The lack of availability of Aboriginal interpreters, particularly in the East Kimberley, was also a contributing factor. We also identified systemic failures that contributed to this lack of understanding. Many local Aboriginal people had a totally different perception, when compared to the mainstream western rationalised version, of how the legal system actually worked. This meant that they had little or no foundational knowledge on how best to navigate the system. One of the reasons why the Blurred Borders communication tools are so successful, is that they empower and improve the personal ‘agency’ required to successfully navigate our legal system.

“I hope that using these resources assists clients to understand what they are going through in court, but also enable them to feel confident and empowered in the process and ask for changes/advocate for themselves throughout that process.”

Social Worker, Darwin, Northern Territory

“What I like most is the ability to explain big concepts in an easy user-friendly model.”

Lawyer, regional Western Australia

The complexity of the law

It was not just the local Aboriginal people who had trouble understanding the law and legal system. The complexity of the legal issues, especially across multiple jurisdictions, meant that everyone found things difficult to understand. Many of the frontline service providers in the remote project regions also lacked the necessary knowledge, confidence and experience to deal with the complex cross-border and other legal issues. Our legal communication tools helped these service providers to work more effectively with their clients.

“Learning more about these cross-border legal issues is so important – if I can’t understand it fresh out of law school how can our clients?”

Restricted Practitioner, East Kimberley, Western Australia

“Not only have these been beneficial with conveying advice to clients, they have prompted me to pause and reflect on whether I provide clear and simple explanations of concepts and whether I structure advice in the clearest way possible.”

Lawyer, East Kimberley, Western Australia

“I like knowing that there is culturally appropriate language resources for the staff giving them consistency and confidence.”

Lawyer, Darwin, Northern Territory

Systemic issues

High staff turnover and junior service providers in remote locations

The provision of face-to-face professional training, development and networking is critically important for remote frontline legal service providers. It helps to increase and maintain legal capability and reduce professional isolation. With high staff turnover and large numbers of junior or inexperienced lawyers identified in the project regions, improving the legal capability of service providers was essential. Although getting people together was expensive, logistically challenging, and time consuming, the benefits were significant.

"I liked the shared learning opportunities. If you feel less isolated, lawyers stick around longer and this benefits our clients."

Lawyer, Kununurra Workshop November 2016, East Kimberley, Western Australia

However, we did find it very difficult to effectively build on the training provided during this project because we had to consistently go back and train new lawyers on the basics.

Integrating the resources into daily practice

Although we were pleasantly surprised to find that 44% of surveyed frontline service providers who were using the resource had integrated them into their daily practice, this also meant that over 50% had not. With heavy workloads and busy court lists, some frontline service providers were finding it difficult to integrate the new tools, which brought with them a new way of working, into their daily practice. With limited funding and competing pressures in our community legal assistance sector, sometimes there was 'just not enough time' for service providers to be able to thoroughly explain things to clients, in a way that was genuinely understood.

"It is interesting in my role how clients always say they did not understand the legal process or that they did not have enough time with their lawyers who allegedly explain the processes to them."

Probation and Parole Officer, Katherine, Northern Territory

To properly support the new way of working these resources offer, systemic changes are required to enable frontline service providers, including court-based lawyers, to work appropriately and effectively with the new communication tools. To genuinely improve system responsiveness, legal capability and ultimately access to justice for highly disadvantaged clients, these and other systemic issues must be addressed. This is the legal communication challenge at the heart of access to justice – how can the justice system appropriately respond to and successfully meet diverse legal need? The Blurred Borders resources are a start, but to be truly transformative, more is required.

Even with highly effective tools, further investment is required to bed them down and consolidate their use. Otherwise, like many other innovations, they risk just ending up collecting dust on the shelf.

Future directions

To date, our primary focus has been on developing the legal communication tools. The focus must now shift to implementation.

Despite the excellent initial quantitative and qualitative results for this project, it will take more time, continued effort and ongoing training to bed down use of the existing Blurred Borders legal communication tools, particularly for one-on-one legal assistance services within the project regions. We hope that service providers, and the system itself, give these very effective legal communication tools the time and space to succeed. Some of the next steps we need to take include:

- **Expand user training:** Hands on face-to-face training is the most effective way to familiarise service providers with the resources. We have already developed a comprehensive training program and have skilled trainers in the project regions. With continuing wider interest, face-to-face training needs to be rolled out on a much larger scale. Online training should also be developed to accommodate the high levels of interest and turnover in remote areas.
- **Continue to develop and raise awareness about the website:** More time needs to be invested in marketing the Blurred Borders website and raising awareness amongst frontline service providers about its presence. With further funding there are also many useful enhancements that could be made to the website that would increase the efficiency and effectiveness of resource use on the ground.
- **Keep up with demand:** From day one, there has been enormous grass roots interest in this project. Fielding enquiries, showcasing the resources, and printing, compiling and distributing resource kits, boardgames and story cards has kept our small project team very busy. Going forward, additional supports will be required to keep up with the ever increasing, Australia-wide demand.

There has also been significant interest in using the resources beyond the project regions.

“Please let me congratulate you on the brilliance of your kits. Seeing the kit was a light bulb moment for me... In my job I am constantly searching for innovative solutions to delivering legal services in Courts; I have never come across anything so direct and practical...This is so simple but ingenious and has endless possibilities as a communication tool.”

*Lisa O’Neill | Change Manager, Parenting Management Hearings Tribunal,
Principal Registry, Federal Court of Australia, Brisbane, Queensland*

The approach to effective communication pioneered here has wide application. Service providers are already consistently using the legal communication tools with wider audiences. Many of the resources could be adapted with minor tweaks and modifications for use with: young people; people with cognitive impairments, including FASD; people from culturally and linguistically diverse backgrounds; and people with low levels of English literacy. The method and approach could also potentially be used to help support more effective legal communication across many other elements of the legal system and, even more widely, to support other vulnerable people lacking general understanding of other critical information and processes.

“This is a fantastic resource, one of the best I have seen in a long time. It is user friendly, inexpensive and great for working with people with FASD.”

Clinical Psychologist, FASD specialist, Western Australia

“The pictures are especially useful when communicating with young people who have FASD or a cognitive disability.”

Lawyer, Regional Northern Territory

“Good for low literacy, ESL clients.”

Community Education & Liaison Officer, West Kimberley, Western Australia

If we had further funding, we would....

1. Produce more of the existing resources.

It is almost impossible to keep up with demand for the existing resources. Even if we ultimately charge service providers for the resources, we still need enough funds to print and produce them in the first place.

2. Continue to develop and provide appropriate training on using the resources.

3. Establish some discrete implementation pilots targeting highly disadvantaged communities.

By increasing legal capability and legal empowerment, Blurred Borders resources could play a role in decreasing the level of Aboriginal incarceration and the numbers of Aboriginal children going into care. To help embed the resources into daily practice and attempt to overcome known systemic failures, with additional funding, we would pilot targeted use of the Blurred Borders legal communications tools in identified, high need remote and regional areas. This would enable us to address specific legal concerns (for example high levels of family violence related assaults) in an inclusive and collaborative environment with less systemic pressures and measure whether the resources can help to make a substantive difference. We are particularly interested in setting up a discrete implementation pilot in remote parts of the West Kimberley.

4. Increase the use of technology.

In keeping with the high levels of innovation already associated with this project, further funding would allow us to build greater functionality into the Blurred Borders website and pilot the development of ‘offline’ electronic use of the resources for regional and remote areas with poor internet connectivity.

5. Expand the use of Aboriginal languages in the resources.

After successfully piloting audio on a small sample of story cards in two Aboriginal languages (Kukatja and Fitzroy Valley Kriol), we have received requests to create more audio recordings in more Aboriginal languages.

“It would be great if there was the capacity to record more of the story cards into different languages, to ensure even greater accessibility of the resources.”

Lawyer, Perth, Western Australia

6. Keep the existing resources current.

Yearly focus testing with identified key stakeholders and routine legal updates would help to keep the existing resources current.

To maintain currency, the resources need to be able to organically evolve to meet changing needs. For



example, in 2016 at the start of the project, the key messages around drug and alcohol use were ‘no grog’ and ‘no gunja’. By 2019, local Aboriginal community leaders were asking for ‘no meth’ on the story cards.

7. Develop further resources on new legal topics.

We have received many suggestions and requests to develop more resources, including:

- child friendly family law and other resources,
- child protection resources for other jurisdictions and for other target audiences,
- civil law resources for elder abuse, consumer issues, tenancy, funerals and probate,
- criminal law resources for offences and defences, police powers, rights in custody,
- driver’s licences and traffic resources, and
- resources for witnesses in the legal process.

Conclusion

The Blurred Borders resources are a set of best practice legal communication tools that facilitate effective communication about the law and legal issues between frontline service providers and Aboriginal people in regional and remote locations. Many of these Aboriginal people may not speak English as a first language. The resources can be used by workers to explain legal concepts and processes and to give advice. They may be used by community members to ask questions about the law or legal processes, to give instructions and to confirm understanding.

The Blurred Borders resources ‘work’ because they are simple, intuitive and versatile. They connect well with Aboriginal ways of sharing knowledge, are easily customised, and can support improved joined-up service delivery.

The resources also work because they support two-way communication: talking, listening and understanding by both or all parties in a conversation.

And finally, the resources are working because they are wanted. They have been tested and refined with communities and services in the regions for which they were designed. They are fit for purpose, culturally appropriate and accepted.

The findings of this process review and evaluation provide several important lessons concerning just what is required to develop useful and widely regarded tools to help support effective legal communication.

In many ways the ‘learning journey’ of this project mirrors the learning journey that we ask people to go on to build knowledge and understanding of the law, and to become legally empowered and capable individuals and communities.

The best practice lessons here clearly demonstrate the effort, commitment and practices likely to be required to develop communication tools and strategies that are fit for purpose and capable of successfully addressing fundamental access to justice challenges.

Communication and understanding of the law and legal concepts are key barriers that lie at the heart of many of the legal needs of the community. However, addressing this involves not on the provision of information by services to communities, but facilitating ‘two-way’ communication and understanding to identify and clarify legal needs and make informed decisions.

The findings here also clearly demonstrate that any deficit in communication and understanding is not ‘one-way’. It is shared. High turn-over of professional staff in rural and remote regions, means that skills learned in communicating about complex legal issues are lost when staff leave. These resources offer continuity and support for legal practitioners and other service providers to effectively undertake their roles.

Effective two-way communication, through the resources, holds the promise of triple bottom line benefits and outcomes. Improved understanding of legal rights and responsibilities can not only support better outcomes for clients and communities, but also legal assistance services and the wider justice system. Improved legal empowerment and capability also holds the further promise of increased access to justice and reduced disadvantage. Those who understand how the law can be used and how it can be shaped to do justice in particular circumstances generally enjoy better outcomes.

For too long legal assistance services and access to justice reforms have failed to negotiate basic, fundamental communication barriers for some people and groups. Development of the Blurred Borders resources demonstrate that with time, effort and resources, fundamental communication barriers can successfully be overcome. The case studies in this report demonstrate how Blurred Borders resources can be successfully employed to support effective communication concerning legal rights and responsibilities, and how they can be used to provide legal assistance and education that is user-focused and more appropriate and tailored to legal needs and capability of particular individuals and communities. In particular, the resources provide a set of tools that can be quickly and easily ‘mixed and matched’ to legal need. Evidence of the use of the resources to do this suggests that the Blurred Borders resources provide a platform for ingenuity and creativity, and that they can quickly and easily be customised to help tell diverse ‘stories’.

The findings also show, however, that developing effective and widely regarded legal communication tools, in and of themselves, is just not enough. Practice and system reforms are also necessary to create the time and space required to support innovative practice, particularly in those service contexts, such as duty lawyer services at court, where time pressures and other competing demands are a barrier to innovative practices such as use of the Blurred Borders tools.

The findings also indicate that Blurred Borders resources are not a *substitute* or low-cost alternative to either the provision of legal assistance services and accredited translator services. Rather, they are tools that augment and enhance the cultural appropriateness and effectiveness of legal communication. In doing so, they can legally empower individuals and communities, improve the capacity of legal assistance services and the wider justice system, and support access to justice and rule of law.

Best practice tips**Collaboration was critical to the success of the project.**

In this project we collaborated closely with all relevant stakeholders. This included local Aboriginal communities, the community legal assistance sector, and other frontline agencies and service providers.

User-centred design helped us to organically grow the project.

With a strong focus on user-centred design, we actively engaged local stakeholders to help create the resources. Taking an agile, iterative approach to resource development allowed us to take on board feedback and organically grow the project.

Local Aboriginal engagement was critically important.

The project was critically shaped by the expert guidance of local Aboriginal workers on the project team and in partner agencies. These workers had long standing trust-based relationships with key stakeholders in remote Aboriginal communities. They paved the respectful and culturally appropriate way for the project team to meet with key Aboriginal stakeholders. They also provided incredibly valuable feedback themselves. Local Aboriginal communities and individuals also engaged strongly with the project creating ownership and buy in at a local level.

We used experts when we needed to.

Using a plain language linguist to assist us to develop the text on the story cards was one of the best investments we made. This greatly improved the clarity of the information and helped to ensure the text would translate well into Aboriginal languages.

Stable project management was a vital component.

Placing senior members of the project team outside of the remote project regions provided much needed stability for the project and additional management support. With high staff turnover in the project regions, this was vital to the project's success.

Be flexible enough to accommodate remote regional challenges.

We adopted a flexible approach to working in remote communities, respecting sorry time and other cultural priorities. Flexibility and patience went a long way. We also found that Aboriginal people were far more willing to engage with us away from stressful court circuits.

Visual art and storytelling resonate well with Aboriginal people.

Story telling was an important part of this project. The story cards and the ready-made community legal education activities helped to engage clients in a meaningful way and improved their understanding of key legal concepts.

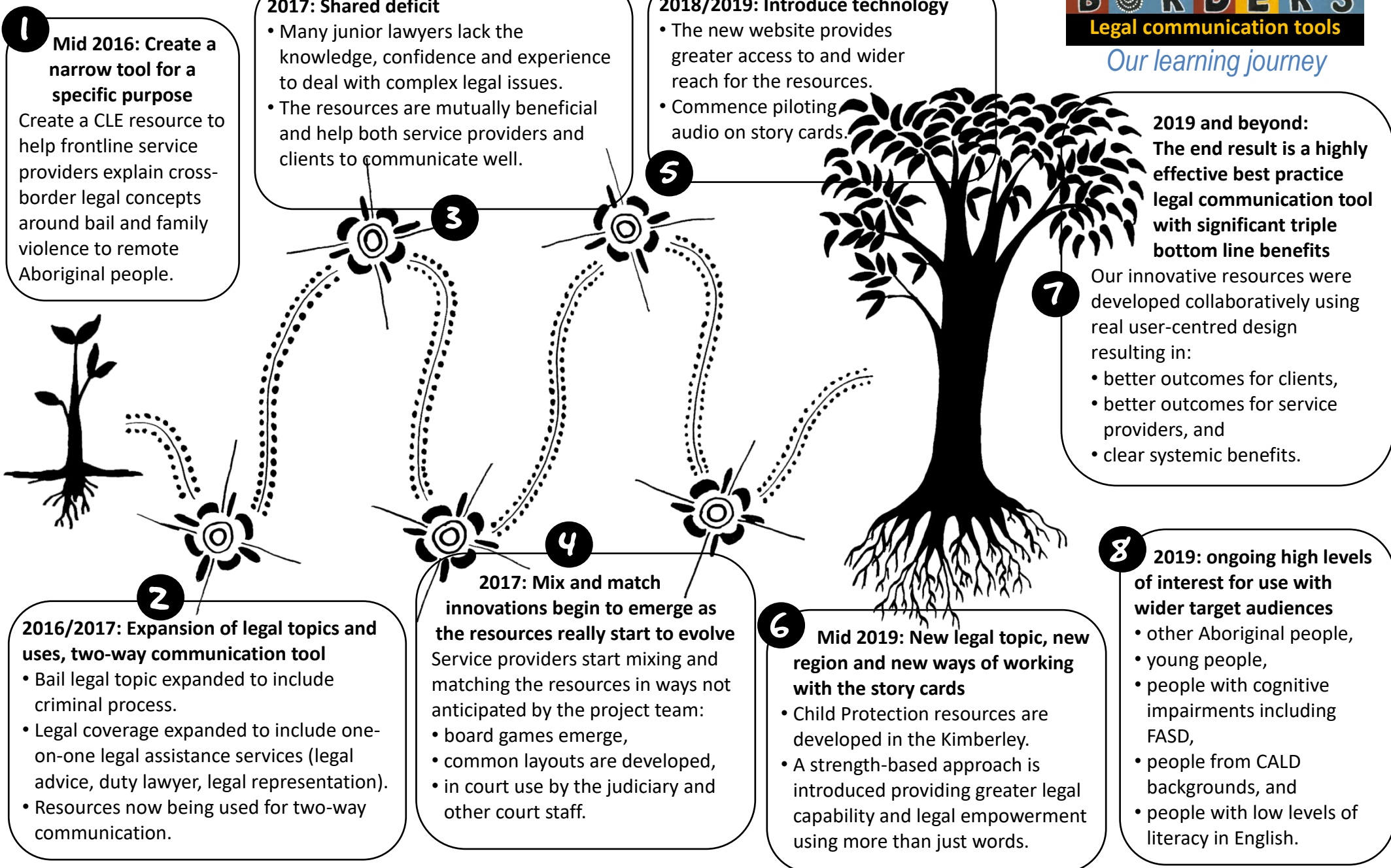
Find an evaluation framework that fits well with your project.

Our project resonated strongly with Tyson Yunkaporta's eight ways of Aboriginal learning framework.⁸ This proved to be a much more useful evaluation tool than more traditional evaluation frameworks and was well-suited to the key purpose of the project – effective communication and capability development of Aboriginal people.

⁸ See p.19 of this report for the full citation for *Yunkaporta, Aboriginal pedagogies*.

Lessons learnt

1. **The gap in understanding about legal concepts was greater than we thought.**
The Blurred Borders legal communication tools are filling a much wider service delivery gap than we originally intended.
2. **Collaboration is the key.**
There was a tremendous amount of goodwill amongst the stakeholder agencies and the Aboriginal communities. By working together, we created something much better than we could have individually with significant buy in and ownership at a local level.
3. **A high level of Aboriginal engagement was critical.**
Aboriginal workers from the project team and partner agencies played a crucial role in the success of this project. They connected the project team to key Aboriginal stakeholders and ensured that the project was culturally appropriate, accessible and safe.
4. **Taking an agile approach allowed us to create a better resource.**
What started as targeted CLE resource for use with a specific audience on discrete legal topics evolved into a broad legal communication tool that can be used in many different ways with many different audiences. Embracing user-centred design made this possible.
5. **Taking a strengths-based approach was critical in the area of child protection**
The child protection resources are strength based, introduce feelings and emotions and take story card use to the next level. Persist. The more we did this the better we got at it.
6. **The usefulness of this resource goes well beyond the original scope.**
Significant interest has been shown in using the resources much more widely. They are particularly useful for: young people; people with cognitive impairments and disabilities, including Foetal Alcohol Spectrum Disorder (FASD); people from culturally and linguistically diverse (CALD) backgrounds including recently arrived migrants and refugees; and people with limited literacy in English.
7. **Systemic issues impacted on integration of resources into daily practice.**
The new legal communication tools bring with them new ways of working that require service providers to spend more time with clients to ensure understanding. Even with highly effective resources, it was difficult for some service providers to change their work practices in the context of our current justice framework.
8. **Training on use of this resources is an essential part of ensuring uptake.**
It takes training and time to introduce new communication tools that change the way that people work.
9. **Traditional evaluation frameworks did not work well in this project.**
High levels of staff turnover made it difficult to evaluate the project using a traditional framework. Ultimately, when it came to evaluating the project, we found that an Aboriginal learning framework was a much better fit.
10. **One of our biggest challenges has been keeping up with demand.**
With a small project team and a limited budget, responding to the high level of interest in these resources has been and continues to be a real challenge.



Introduction

This document has been written with two main objectives:

- to share our experience in:
 - developing best practice legal communication tools and other resources for use in remote Aboriginal communities,
 - creating collaborative networks in remote areas,
 - piloting the use of accompanying technologies,as a guide for others who may be contemplating engaging in similar projects, and
- to document what we have learned and achieved over the last three years.

The project's aims were to:

- Create three legal resource kits using visual art, plain language and storytelling to help explain key legal concepts to Aboriginal people living in remote areas in a culturally accessible way. The legal topics were:
 - Bail and criminal process.
 - Family violence.
 - Child protection.
- Develop a collaborative legal network for legal service providers to:
 - Increase knowledge, understanding and confidence in the targeted legal issues.
 - Improve legal service delivery.
 - Improve referral processes.
 - Provide training and professional development opportunities.
- Introduce technology to diversify the way the resources could be used, including the introduction of a website and piloting the use of audio to read aloud the text on the story cards in relevant Aboriginal languages.

The Blurred Borders legal communication tools help build knowledge and understanding in a legal context. The resources are not just for lawyers. They can be used by all frontline service providers and by community members in leadership roles who provide assistance and guidance to other people in their own communities.

We believe that there is much to be learnt from our experience in developing these legal communication tools, establishing collaborative networks and using technology in a remote context. We hope that what follows provides useful pointers for others planning to do similar things in challenging remote conditions.

Each resource kit contains:

- Story cards that use visual art and plain language to help explain key legal concepts.
- Process and/or place maps to help deliver information more clearly.
- Individualised wallet cards to provide a visual take away reminder of key dates, relevant conditions and orders, and other useful information.
- CLE activities that use stories and games to reinforce key messages.
- A user manual that contains key legal messages, practical tips, posters and checklists along with referral information and links to further information.



All of this information can be accessed from the Blurred Borders website

<https://blurredborders.legalaid.wa.gov.au>.

With the assistance of experienced independent evaluators, we have embraced an agile process of continuous evaluation and reflection. Our ability to listen to and respond quickly to critical feedback is a testament to the talents of our project team. Instead of publishing a report that simply describes the project outcomes, we have chosen to share what we did and what we learnt. By identifying and reflecting on our success, challenges and failures, we hope to better prepare others undertaking similar work. In keeping with the spirit of the project, we have kept visual project diaries and collected case studies and stories to document our progress, feedback and experiences.

Our project diaries are a fascinating read and truly capture the miles that this project has travelled into some of the most remote places in Australia.

We have also included our reflections, tips and challenges including some of the more unusual practical hurdles we have had to overcome. We hope this gives others the confidence to continue working in this space.



Identifying need

Cross-border region

The project initially targeted towns and communities in the cross-border region in the Western Northern Territory and the East Kimberley area of Western Australia. This included:

- **NT:** The Victoria River District (Timber Creek, Yarralin, Bulla) across to the WA border, Kalkarindji, Lajamanu, and surrounding areas.
- **WA:** Communities between Wyndham, Kununurra and the NT border heading towards Timber Creek, the region between Halls Creek and the NT border, Balgo, Billiluna, Mulan and surrounding areas.

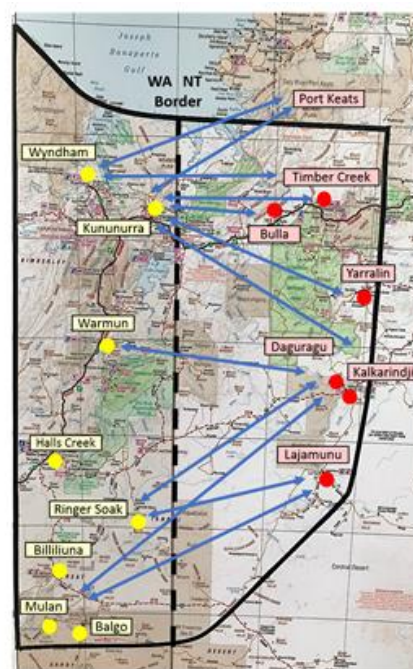
As there were strong cultural connections between the Aboriginal communities in the cross-border region, many local people regularly crossed the border.

Although the concept of a state/territory 'border' seems like second nature to many of us, when we asked linguists from the Kununurra Mirima Dawang Woortlab-gerring Language and Cultural Centre about this, they told us there was no Miriwoong word for 'border'.

Different state and territory laws apply on each side of the border. This resulted in:

- confusion and misunderstanding amongst local Aboriginal people about the relevant laws,
- a lack of knowledge and/or confidence in local frontline community legal service providers about the laws that applied on the other side of the border, and
- a lack of knowledge in local frontline community legal service providers about the legal services that could provide assistance on the other side of the border.

The project team heard many local stories about people breaching bail, restraining orders and other court-imposed conditions because they didn't understand what was required of them. The flow on consequences included periods of imprisonment and, for young people in Western Australia, this meant travelling thousands of kilometres to Perth as there were no youth detention facilities in the north of the state.



Cross-border movement in the project region

CASE STUDY #8 CROSS-BORDER ISSUES

A 14-year-old boy from Balgo in Western Australia was on personal bail after pleading not guilty to serious burglary, stealing and assault charges. One Friday afternoon before his court date in Balgo, his father and two other senior law men took him across the border to Lajamanu to go to men's law camp. They did not tell the boy's lawyer or the police where he had gone. The boy stayed in Lajamanu in the Northern Territory for three months before heading up to Katherine. Two and a half months later he crossed back into Western Australia to attend a funeral in Kununurra with his family. One of the police officers in Kununurra recognised him. As the police had been looking for him for some time, and a bench warrant had been issued for his arrest for missing court in Balgo, he was taken into custody. He appeared in court in Kununurra the next day. The Magistrate set bail with a surety to make sure he came back to court. He was unable to find a surety and was sent to the Banksia Hill Youth Detention Centre in Perth, 3,212 kilometres away, to wait for his new trial date.

The cross-border region contains some of the most remote Aboriginal communities in Australia. Many of the people living in those communities speak English as a second or third language and some do not speak English at all.

It didn't take us long to realise that the lack of legal understanding extended well beyond the originally identified cross-border issues. Even when using interpreters, or where someone had a reasonable grasp of the English language, it was still very difficult to understand complex legal concepts and processes, regardless of where the border was. The general lack of understanding amongst local Aboriginal people of even the most basic legal issues was clearly creating fundamental access to justice barriers.

'I was helping an Aboriginal woman in Halls Creek the other day with some court matters. On the phone she told me that the court had put her on a good behaviour bond. When I followed up the paperwork, she had actually been given a suspended term of imprisonment. This made me realise that she really hadn't understood at all what had happened in court.'

Community Liaison and Education Officer, Kununurra, East Kimberley, WA

Early consultations with key stakeholders identified a clear need for networking and professional development opportunities. One reason for this was a high proportion of junior, inexperienced lawyers in the cross-border region. Regular meetings had also proved extremely difficult to sustain. This was exacerbated by several systemic service challenges, including:

- the extreme remoteness of this region,
- heavy workloads and regular circuit work, and
- high levels of staff turnover.

Kimberley region

When funding became available to extend the project into a third year, child protection was the obvious topic. It is critically important that Aboriginal parents understand what is being asked and expected of them in a child protection context.

Moving the final year of the project ‘across the border’ into the Kimberley in Western Australia gave us an opportunity to connect with and introduce the resources to remote Aboriginal communities in the West Kimberley. Anecdotally we were being told that 100% of the kids in care in the Kimberley were Aboriginal. Limited or no English and a general lack of understanding of complex legal concepts and processes were also identified as significant issues in both the East and West Kimberley.

The project team agreed to share any child protection resources created in the Kimberley with the Northern Territory and any other jurisdictions who were interested.

Reflections on the size of the actual problem

The lack of understanding amongst Aboriginal people of the law and how it applied, and even of basic legal concepts, was much more prevalent than we anticipated. This was more acute in places where English was spoken as a second or third language and sometimes not at all.

The lack of availability of Aboriginal interpreters, particularly in the East Kimberley, was also a contributing factor.

We also identified systemic failures that contributed to this lack of understanding. Many local Aboriginal people had a totally different perception, when compared to the mainstream western rationalised version, of how the legal system actually worked. This meant that they had no implied knowledge on how best to navigate the system.

One of the reasons why the Blurred Borders communication tools are so successful, is because they help to provide the sufficient ‘agency’ required to navigate our legal system.

“I hope that using these resources assists clients to understand what they are going through in court, but also enable them to feel confident and empowered in the process and ask for changes/advocate for themselves throughout that process.”

Social Worker, Darwin, Northern Territory

“What I like most is the ability to explain big concepts in an easy user-friendly model.”

Lawyer, regional Western Australia

About the project

Project aims

From day one, we were trying to build legal resource kits to facilitate effective communication to legally empower disadvantaged Aboriginal people in our remote project regions.

The project focused on:

- Creating legal resource kits using visual art, plain language and storytelling to help communicate key legal concepts on discrete legal topics to local Aboriginal people in the remote project regions in a culturally appropriate and accessible way.
- Developing a collaborative network and providing training and professional development opportunities for legal service providers to increase their knowledge, understanding and confidence in the targeted legal issues to ultimately improve legal service delivery and cross-border referral processes.

After consulting with key stakeholders, we chose the two legal topics of bail and family violence. In late 2016, after further stakeholder consultations, the bail topic was expanded to include criminal process.

From the very start of the project, we understood that effective communication lies at the heart of improving legal capability.

Child protection was identified at an early stage as an area of high need, but due to the complexity of the topic, it was considered beyond the scope of the original project. It was the logical next topic when additional funding became available in June 2018.

The three resource kits that we ultimately produced were:

- Bail & Criminal Process,
- Family Violence, and
- Child Protection.

Target audience

There were two equally important target audiences in this project:

- the frontline legal and other service providers who would be using our legal communication resources, and
- the local Aboriginal people who were the ultimate end users/recipients of the legal communication tools.

It was critically important to directly focus test with both audiences to ensure that the resources were fit for purpose, culturally appropriate and likely to engage the local Aboriginal people and the service providers assisting them.



Funding framework

In June 2016, Legal Aid WA obtained Commonwealth innovation funding for the project to create legal communication resources and develop collaborative networks in the remote Northern Territory/Western Australia cross-border region.

Being able to communicate effectively and explain complex legal concepts is a continuing challenge in the legal assistance sector. These resources would help service providers to explain key legal concepts around bail and criminal process and family violence to local Aboriginal people in a culturally accessible way. The story cards at the heart of the project used visual art, plain language and storytelling to more effectively communicate important and often complex legal messages. The project also looked to provide professional support, networking and development opportunities to community service providers working in the remote cross-border region.

The project resources and collaborative networks were developed through a strong partnership between Legal Aid WA, the Northern Territory Legal Aid Commission and many local stakeholders and community legal sector agencies.

The development of the first two resource kits took two years to complete. It was a highly collaborative process that included significant user involvement and focus testing.

In June 2018, additional Commonwealth funding was provided to create a third resource kit in the area of child protection in the East and West Kimberley regions in Western Australia. This phase of the project also piloted the introduction of technology to diversify the way the resources could be used, including the introduction of a website and the use of audio to read aloud the text on the story cards in relevant Aboriginal languages and in English. In this part of the project, Legal Aid WA worked in partnership with the Western Australian Department of Communities - Child Protection and Family Support and collaborated with all other local legal services and local Aboriginal communities. This part of the project took a further year to complete.

Project timelines

It took three years to create the project resources. Extensive consultations and focus testing took place with a wide range of stakeholders from both Western Australia and the Northern Territory in both project regions. During the first 18 months, we developed the legal resources and the collaborative legal network in parallel.

Comprehensive stakeholder workshops were held in Kununurra in Western Australia in November 2016, in Katherine in the Northern Territory in November 2017 and in Broome in Western Australia in June and November 2018. At these workshops:

- legal resources were developed and focus tested,
- professional development opportunities were provided, and
- collaborative networking was facilitated and encouraged.

Legal resource development was divided into stages based on legal topics. The less complex legal topic of bail was developed first. In the end, it took close to 18 months to fully develop the first Bail and Criminal Process Resource Kit. The resource development process included the following steps:

- Establish a comprehensive focus testing regime.
- Brief the graphic designer to create the front of story cards.
- Develop the plain language text for the back of the story cards.
- Design and develop the Resource Kit User Manual.
- Design and develop the place and process maps.
- Identify and engage artists to work on the project.
- Ascertain printing requirements and source printing mediums.

With a three-month overlap, and a now very well-defined process, the second, more complex Family Violence Resource Kit took nine months to complete.

The third Child Protection Resource Kit took a further 12 months to complete. This included developing the Blurred Borders website and focus testing audio in Aboriginal language on a small number of story cards.

During the third year, we also continued to roll out the resources beyond the initial cross-border project region. Given the large amount of interest, this was very time consuming and saw the project team travelling all over Australia.

Reflections on meeting project deadlines

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Working around wet season

In the remote cross-border region and in the Kimberley, the project was to a large extent governed by the elements. This meant that in wet season (anywhere from around mid-November until the end of March) many remote Aboriginal communities were inaccessible by road. Even when you could get in by road or air, many of the locals who we wanted to talk to were not there, having sensibly relocated (and dispersed) to more accessible locations for the duration of the wet.



On paper it looked like we had plenty of time to get things done. In reality, not much remote focus testing could happen during wet season. If we had our time again, we would make much greater allowances for wet season and plan more purposefully around how we could more effectively use this time of year.

Things rarely go to plan

Our experience visiting and focus testing in remote Aboriginal Communities was that things almost never went to plan despite extensive planning and preparation.

During the course of the project we learnt that:

- *Aboriginal people were much more willing to engage with us when we approached them at music and cultural festivals like Kalkarindji and Barunga, as opposed to talking to them on the court circuit. The court circuit was potentially a very stressful time, particularly if that person or a close family member had to go to court. However, sometimes focus testing at this time was the only option, particularly when flying into remote communities on the court plane.*
- *Sometimes there were far more important things happening in remote Aboriginal communities than our project (including sorry time and other important cultural events). This meant that we were not necessarily the highest priority for the community leaders we wanted to consult with.*
- *Flexibility and patience went a very long way.*
- *Some things just couldn't be rushed.*
- *When we did manage to consult the right people, they were very interested and provided incredibly valuable feedback. It was definitely worth the wait.*

Developing a best practice solution

Creating genuinely fit for purpose resources to assist local Aboriginal people living in very remote areas brings with it a complex set of challenges. This part of the report explores what best practice looked like in the context of:

- creating the legal communication tools, and
- running the project.

Although many important lessons have been learned in the three-year life of this project, the key tangible ‘take away’ is a set of best practice legal communication tools that help frontline service providers explain legal concepts to remote Aboriginal people in a culturally appropriate way.

Creating the legal communication tools



Collaboration

Collaboration was critical to the success of this project. As lead agency, Legal Aid WA worked closely with a wide range of stakeholders.

In June 2019, the Blurred Borders project won a Western Australian Institute of Public Administration Australia (IPAA) Gold Award for Best Practice in Collaboration between Government and Non-Government Organisations.



The strength of the partnership was based on dedicated, responsive and committed agencies and individuals who had a deep-seated collective knowledge of the project regions including the needs of both service providers and local Aboriginal clients, along with a genuine desire to work together.



Representatives from every community legal assistance sector agency from both project regions took part in the project. All agencies provided valuable input into the development of the resources. Legal Aid WA worked in close partnership with the Northern Territory Legal Aid Commission in the cross-border region and the Western Australian Department of Communities in the Kimberley.

We also collaborated with many frontline agencies and service providers in the local community. This included courts, judicial officers, police, prisons, health workers, schools and many other agencies within government and the not for profit sector.

Many local Aboriginal communities actively took part in focus testing, providing valuable feedback that critically shaped the development of the resources. Important individual contributions were also made by senior, respected members of local communities including community chairs and deputy chairs and Aboriginal interpreters. Accredited interpreters in the project region have expressed a strong interest in using the resources to assist them to deliver interpreting services and as a useful training tool, particularly when introducing interpreters to legal concepts.

We engaged local Aboriginal artists to create the artwork for lanyards, for place and process maps and inside the user manuals.



Gary Njamme from Balgo created the artwork used inside the Bail and Criminal Process and Family Violence user manuals, on lanyards and on stickers.



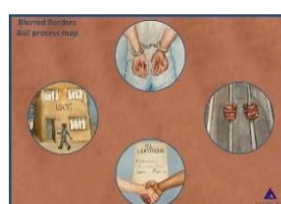
Lena Andrews from Fitzroy Crossing created the artwork for the child protection story cards and lanyards.



Damien Lawford from Broome created the artwork for the child protection user manual, lanyards and stickers.

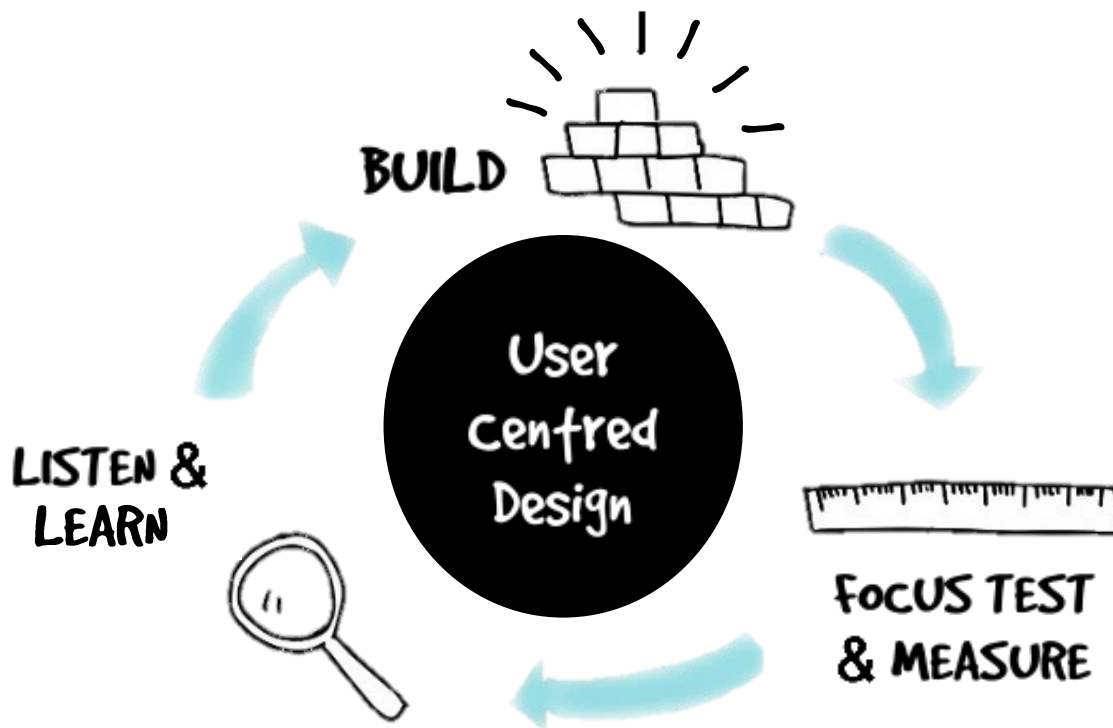


Taryn Cox from Kununurra created the bail and family violence process and place maps



User-centred design

With a strong focus on user centered design, we actively engaged local stakeholders to help create the resources. The process commenced with a series of face-to-face workshops in the project regions at the start of each legal topic. Prototypes of the resources were developed and comprehensively focus tested. We listened to and learnt from the feedback and modified the resources accordingly. This build, test, listen and learn process, illustrated below, happened over and over again.



Our project team and local service providers spent many days in the field focus testing all aspects of the resources. Feedback was received from:

- Frontline legal service providers, including local Aboriginal liaison officers.
- Respected senior members of local Aboriginal communities.
- Other key stakeholders including court staff, judicial officers. Department of Communities, other government agencies (including Health, Education, Corrective Services) and other not for profit non-government organisations.

CASE STUDY #7 FOCUS TESTING IN BALGO

In August 2017, our project team travelled to the remote Tjurbalan community of Balgo in Western Australia's Tanami Desert to conduct some focus testing. We were very keen to get some first-hand feedback on our newly created bail resources. A group of respected, senior community members agreed to look at our new resources with the assistance of an accredited Aboriginal interpreter.

We were not far into the session when it became very apparent that the focus group did not want to discuss bail. Using the story cards very effectively, participants began asking questions about their legal rights in police custody and about being interviewed by police.

Even though we didn't get to run our planned community legal education session on bail, this was a real light bulb moment for us. Not only did the story cards work – they also proved to be an effective two-way communication tool.

We jointly created the 'use your right to silence' card during this session with the original design coming from one of the Aboriginal participants.



The local Aboriginal people were keen to increase their knowledge and understanding of the wider legal and police processes. This feedback reinforced the need to widen the scope of the first resource kit to include other criminal processes and not just bail. At this point, we realised that having knowledge of the wider legal system was critically important to understanding what was going on and we couldn't just talk about bail and breaches of bail in isolation.

Focus testing was not limited to the content of the resources. We also tested for look and feel, durability and fitness for purpose in very harsh and remote environments including extreme heat and wet season downpours. The end result came from a slow but steady evolutionary process involving much trial and error to see what worked and what didn't.

CASE STUDY #9 BATTLING THE ELEMENTS

A lot of community legal education in the cross-border region happens out of doors. Using the story cards outside was proving particularly challenging, especially when it was windy. There was a lot of interest in using magnets not only on whiteboards but also on car bonnets and metal tables in remote communities.



In November 2018, at the start of our stakeholder workshop in Katherine, we were met with torrential opening wet season rain. Over the course of the two-day workshop, the heat and humidity played havoc with the magnetic strips on the back of the story cards displayed on the whiteboards.

The glue was literally melting away and story cards kept dropping like flies.

It was at this point that we decided to move away from using magnets in the field.



Shared deficit

We originally set out to create a narrow, one-way community legal education tool for specific legal topics and target audiences. But then we realised that it was not just the local Aboriginal people who were having trouble understanding. The complexity of the legal issues, especially across multiple jurisdictions, meant that everyone found things difficult to understand. Many of the frontline service providers in the remote project regions lacked the necessary knowledge, confidence and experience to deal with the complex cross-border and other legal issues and the skills to communicate well with their clients.

By early 2017, it became clear that the Blurred Borders legal communication tools were in fact mutually beneficial and were helping both service providers and clients to more effectively communicate.

“Using it has made me a better lawyer as I think it has led to better communication with my clients and them having a better understanding of key concepts.”

Lawyer, West Kimberley, Western Australia

“The Blurred Borders resources have made me less nervous when working with children and vulnerable clients. I feel like they are more empowered and feel like they are making a choice in their legal matters. It is helping to give them a say.”

Lawyer, East Kimberley, Western Australia

“Not only have these been beneficial with conveying advice to clients, they have prompted me to pause and reflect on whether I provide clear and simple explanations of concepts and whether I structure advice in the clearest way possible.”

Lawyer, East Kimberley, Western Australia

Information collected in our baseline and other surveys confirmed that many frontline service providers were junior or inexperienced and relatively new to working in the project regions. This trend was evident throughout the project (see Table 1).

Table 1: Length of time working in the regions

BLURRED BORDERS SURVEY INSTRUMENT	Length of time working in the region				
	< 2 years	2-5 years	5-10 years	> 10 years	N/A
Cross-border baseline (late 2016)	49% (37/76)	16% (12/76)	25% (19/76)	10% (8/76)	
Katherine workshop (late 2017)	35% (6/17)	24% (4/17)	24% (4/17)	17% (3/17)	
Child protection baseline (mid 2018)	28% (13/46)	20% (9/46)	17% (8/46)	33% (15/46)	2% (1/46)
Final evaluation survey (mid 2019)	26.5% (32/121)	26.5% (32/121)	23% (28/121)	18% (22/121)	6% (7/121)

Results from our initial cross-border baseline survey also indicated that many frontline service providers lacked knowledge and confidence in delivering legal services, particularly in relation to legal processes on the other side of the border (see Table 2).

“Learning more about these cross-border legal issues is so important – if I can’t understand it fresh out of law school how can our clients?”

Restricted Practitioner, East Kimberley, Western Australia

Table 2: Baseline knowledge and confidence in the cross-border region

SURVEY QUESTION How do you rate your knowledge / confidence to advise or assist clients with bail or warrant / FVRO or DVO problems arising on	Bail and warrants		FVRO/DVO family violence	
	A little knowledge or no knowledge	A little confidence or no confidence	A little knowledge or no knowledge	A little confidence or no confidence
<u>your</u> side of the border (WA/NT)?	73% (53/73)	64% (47/73)	43% (32/74)	38% (27/71)
the <u>other side</u> of the border (WA/NT)?	94% (67/72)	84% (61/73)	95% (69/73)	83% (58/70)

The confidence levels of frontline service providers notably increased after the introduction of the Blurred Borders resources.

Most of the respondents (66%; 69/105) to the final evaluation survey strongly agreed or agreed that the Blurred Borders resources improved their confidence in working with Aboriginal people. While one-quarter (26%; 27/105) were undecided, only 8% (9/105) disagreed or strongly disagreed.

“I like knowing that there is culturally appropriate language resources for staff, giving them consistency and confidence.”

Lawyer, Darwin, Northern Territory

“I have confidence in the quality of service the staff are providing.”

Lawyer, Darwin, Northern Territory

“Has made my task of delivering CLE to the members of the Community easier, and I feel confident having the resources.”

Community Liaison & Education Officer, West Kimberley, Western Australia

“Our staff have a higher level of confidence that information is being properly understood - at the very least more understood than if the materials were not used.”

Lawyer, regional Northern Territory

“I am more confident to talk about the legal information to clients.”

Client Support Officer, Katherine, Northern Territory

Local Aboriginal engagement

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Aboriginal staff working in community legal assistance and government sectors

“Indigenous people love the cards, they love the story telling process, and as an Indigenous person myself, I love them, and they are accepted by the local people.”

Community Liaison & Education Officer, West Kimberley, Western Australia

The project was critically shaped by the expert guidance of local Aboriginal Community Liaison and Education Officers, lawyers and other staff who provided invaluable insights about what was needed, what was likely to work and who we should talk to. These workers had well developed, longstanding trust-based relationships with key stakeholders in the remote Aboriginal communities in the project regions. They paved the respectful and culturally appropriate way for the project team to meet with community leaders to talk about the project and focus test the resources. They also provided incredibly valuable feedback themselves.



Without the significant contribution from Aboriginal staff working in the community legal and government sectors in the project regions, it would not have been possible to implement best practice standards in the development of the project resources.

Working with Aboriginal parents in a child protection context

Aboriginal child protection workers attending resource development workshops led an important discussion about the challenges of working in child protection in the Kimberley. They reinforced how critical it was for frontline service providers to work sensitively with Aboriginal parents and to remain positive as far as possible and adopt a strength-based approach. These workers continued to reinforce this message, and the other key messages set out below, while we were creating the child protection resources.

“You are looking at this the wrong way round. The child protection system seems to always look at the negatives. There are so many positive Aboriginal family role models. We need to point to these well-functioning families and say ‘this is how you do it the right way’ rather than just telling Aboriginal parents that they are doing it wrong.”

Aboriginal Child Protection worker, West Kimberley, Western Australia

Key messages about using the ‘Keep em Safe’ child protection resources when working with Aboriginal parents



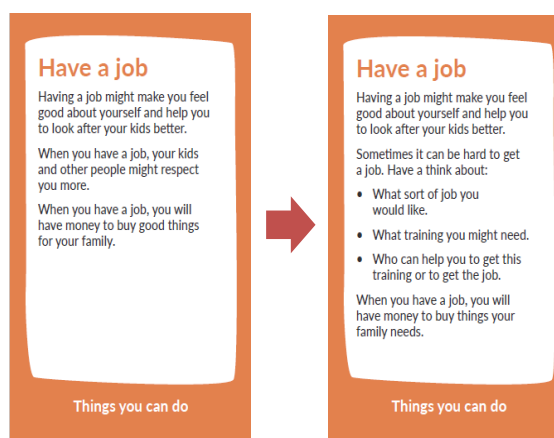
1. **Don't de-humanise the process.** Always remember what is at stake for the people involved.
2. **Take a strength-based approach.** Remember to always look for positives. Encourage people to keep trying and to not give up.
3. **Think about the whole process.** It is important to talk about the overall bigger picture as well as the specific parts.
4. **Take the time to learn someone's story.** It will take a little bit more time, but it is important to see how all the pieces fit. Start in a story telling way and then relate it back to Kartiya law. Not the other way around.
5. **Develop a better understanding of the family.** Learn how to ask the right questions so you can better understand family relationships and identify potential carers.
6. **Remember the child's voice.** Keep this in the front of your mind at all times.
7. **Don't make assumptions.** Leave enough space in the conversation for people to fill in their own story.
8. **Have a go.** You won't know what really works until you start trying to use the resources.
9. **One size does not fit all.** You might use these resources with some families and not with others. You might use some of the resources all the time and others not at all.

Reflections on taking a strength-based approach

Even with clear guidelines and a genuine desire to adopt and implement the key messages around positive ways of working, the project team still inadvertently slipped back into old, traditional approaches. At these times, it was essential to have feedback from Aboriginal workers reminding us to:

- provide hope in the story cards
- leave the door open to keep people engaged in the process
- not inadvertently set the bar too high.

For example, on the 'have a job' story card, after receiving feedback, we made the message more realistic. In some remote communities it can be really hard to get a job. This story card now prompts people to think about what sort of job they would like as a positive first step, and the training and support options.



Another key message was 'go to your appointments'. On this story card, after feedback, we told people to 'ask for appointments on days and times that are good for you'. This was to help people understand that they did have some 'agency' and could take a small amount of control over the process rather than just not turning up if an appointment was scheduled at a time that they could not attend.

The 'don't give up' message was also reinforced in the associated fact sheets. Feedback strongly indicated that it was just as important to tell people 'not to give up', even if they did miss appointment, as it was to deliver the original 'go to your appointment' message in the first place.

The project team took all of this feedback on board and we constantly challenged ourselves to keep the messages positive, realistic and achievable. As a result, feedback on the final child protection story cards has been very positive.

"The child protection story cards are full of heart. They provide clear messages that create hope. It's not just all about process – we've dug deeper. The feelings and emotions cards are going to be really useful for me in my work."

Community Legal Education & Liaison Officer, East Kimberley, WA

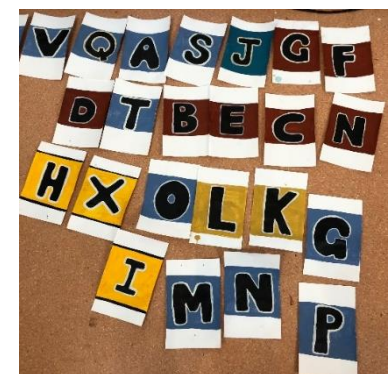
Aboriginal communities in the project regions



Whilst focus testing in the remote Tjurabalan community of Balgo in WA's Tanami desert, the project team were impressed by some of the local sign posts around the community created by local Aboriginal artist, Gary Njamme.

As a senior and respected member of the Balgo community, Gary had been actively involved in focus testing our project resources.

As part of our engagement strategy (and because we really liked his artwork), we procured Gary to create similarly themed chapter headings for our resource kits. Our brief to Gary was to reproduce the entire English alphabet (as we hadn't settled on the exact wording of our headings) and to create two or three small decorative designs, similar to those in the corner of the pink car Balgo sign.



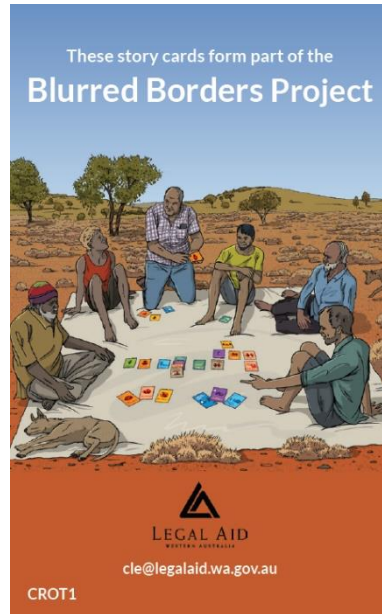
What Gary actually produced, still takes our breathe away. Instead of 'small decorative designs' he created a series of six paintings that traditionally told the story of this project.

"The story cards are the new way of learning for the young people. My paintings give the same message but in the old way of learning for the older people."

Gary Njamme, Balgo, East Kimberley, Western Australia



As Gary's first language is Kukatja, the meaning of his paintings was translated into English using an accredited Aboriginal interpreter.



'We are here in the community in the middle. The lawyer, the judge and the interpreter are talking together about laws and rules on how to help people in court. Teaching people to understand the rules of the court system. I have painted this picture using inspiration from the front cover of the Criminal and Bail kit, the men sitting on the mat using the cards. The Kangaroo and the Emu symbols around the outside represent the law and the Australian coat of arms, and talking about the law that's been here already. The interpreter is there to explain both sides of the law, kardiya way and cultural way.'

Gary Njamme



This is a gathering. The four red and white symbols around the community are the ones talking and making decisions. Then you got other ones who are coming behind or sitting behind who are listening coming together to make decisions together for the four groups and try to help each other out. All family groups, all in one,

the dots represent mothers, fathers, kids, grandparents. Mulan, Balgo, Billiluna and Ringer Soak who make up the communities in the Katjunka region. When people come in to community, like lawyers to explain things people will come and sit around to learn and to come up with a good understanding of justice and law. The lines represent two different laws, kardiya way and cultural way.

Gary Njamme



This represents all the different communities Mulan, Billiluna, Balgo and Ringer Soak all moving forward with time. Knowing how things were back then but still moving forward. The middle represents land in the community and all representing our totem, the Luurnpa – the Balgo Kingfisher. ‘We might all live in different communities but we are connected because of our dreaming and this represents our people all coming together and working together for the future’.

Gary Njamme



This painting represents everyone altogether listening to the words in a bigger meeting with the interpreter, the lawyer and judge. Community members come in to understand what they are talking about. The blue lines mean which direction they are going in but always looking into the centre. Some people are proud and confident to come in to learn, and others are too shy and afraid to talk up, they might sit back and wait till people leave to ask others more questions.

Gary Njamme



The red background is the ground. The circle in the middle represents the place, community, the Kutjunga area, meaning "all together as one". The outside symbols represent both men and women leaders. When people are having arguments, they're the ones that calm things down, stop

things. It also means teaching the right way to do things and listening to our leaders. Sharing knowledge, ideas, and mungari -food. The food in this picture is there because when you eat bush food you feel good about yourself. Itaringki -bush passion fruit and bush tomatoes, when you travel along the roads here you see lots of bush tomatoes.

Gary Njamme



Emu and Kangaroo are looking after the younger kids, showing them where the water is, showing them the good way to do things so they don't get lost or lose their way. The young ones learn from the Elders or their parents. Knowing rocks and knowing country, stories and knowledge, and

learning new laws that are here. There is a waterhole down the road from Balgo called 'Mangkala' where every time I drive past there if I have kids I will stop there and show them the knowledge of where the waterhole is to try and help them to know where things are, our way. You can go there all the time and there is water there. This painting represents Culture but others can use this as an English thing or a Justice thing where Elders are trying to teach the young ones how to go by things, everyone wants.

Gary Njamme

Evaluation frameworks



Continuous evaluation process

From day one we implemented a process of continuous evaluation. We recorded and documented qualitative and quantitative findings as we went using a range of collection methods including:

- in-person and online surveys,
- project diaries,
- pictorial records including photos, videos and other graphics, and
- other feedback received orally and in writing.

Reflections on adopting a continuous evaluation process

Adopting a continuous evaluation process from the start of the project was one of the smartest things we did.

By treating the evaluation process as a core part of the entire project from the very beginning, rather than a bolted on 'add in' at the end, we were able to identify critical feedback early and act upon it.

Ultimately, the ability to do this helped shape the entire project and allowed us to develop the resources organically from the grass roots up using real user-centred design.

Having a well-documented process also assisted us greatly when it came to writing the regular project reports and this final evaluation report for the project. Because we had been thoroughly recording all of our findings as we went, we had a wealth of information to draw upon. We were also able to systematically go back and find things at a later date.

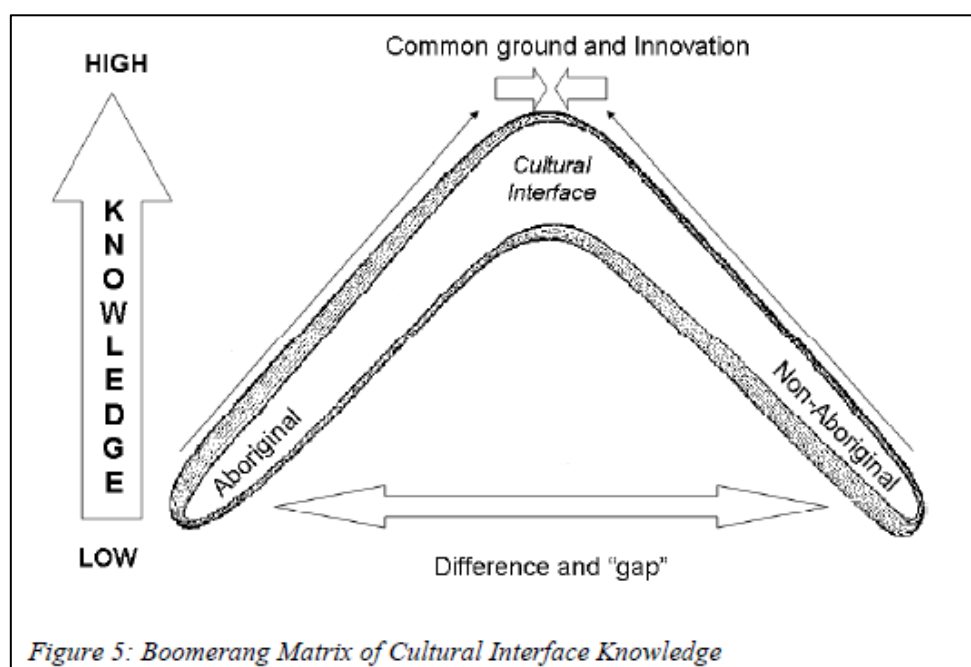
Yunkaporta's Aboriginal learning framework



During the project we came across *Yunkaporta, Aboriginal pedagogies*. We would have liked to have known about this work earlier and, if we had, we would have used it to help shape this project from the very beginning.

Even though we came across Yunkaporta's thesis after commencing the project, it resonated strongly and provided a useful yard stick to measure and consider the foundations for the project's key communication challenges and success. Although we were not consciously aware of it at the time, the path we took, based on the strong and clear feedback received from Aboriginal Community Liaison Officers and Field Officers working on the project at a grass roots level, strongly mirrored Yunkaporta's eight ways of Aboriginal learning framework. We have applied Yunkaporta's framework later in this report.⁹

*"The diagram below shows the way this common ground, or Cultural Interface, increases at higher levels of knowledge and decreases at lower levels of knowledge...The higher knowledge focus of this work is pedagogy, so not looking at **what** we learn, but **how** we learn it. The difference between process and content – I'm talking about learning **through** culture not **about** culture. My employers speak to me in terms of making sure Aboriginal perspectives are **built in, not bolted on**."¹⁰*

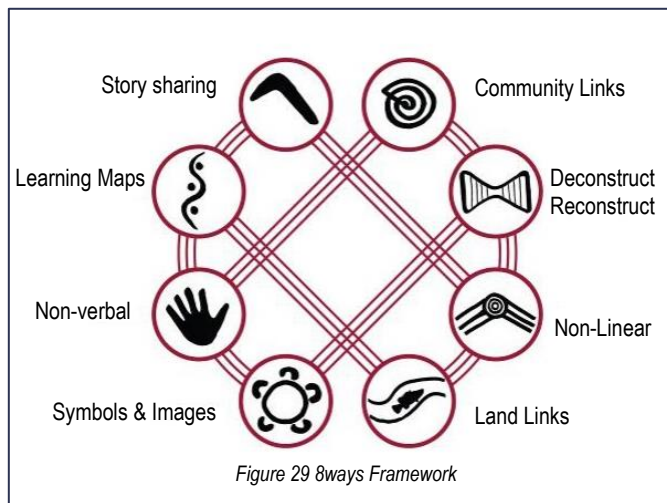


As we worked hard to ensure a strong, common ground in our cultural interface, we are confident the level of knowledge developed has enabled successful innovation.

⁹ See pp. 126-139.

¹⁰ Yunkaporta, *Aboriginal pedagogies*, p. 4

“The 8 ways framework is not a collection of arbitrary learning styles to be assigned to students like astrology signs. The diagram (figure 29) is based on a kinship system, to emphasise the interrelatedness of the pedagogies. For example, Story Sharing is the



husband of Non-linear, the son of Learning Maps and Land Links, the in-law of Deconstruct / Reconstruct, and the maternal grandfather of Community Links. The elements to the left and right in the diagram are female, while those at top and bottom are male. The outer lines show mother-child pairs, while the internal diagonals show husband-wife pairs. The synergies within these pairs give the pedagogies power and life –

so when the connections between them are explored, a person can find deep Aboriginal knowledge that can only be accessed through reflective or practical processes rather than the exchange of verbal information. For example, making a learning map of a Dreaming story helps a person to understand the cultural significance of land links in the act of story sharing”¹¹

The eight ways of Aboriginal learning are:



Story Sharing: We connect through the stories we share.



Learning Maps: We picture our pathways of knowledge.



Non-verbal: We see, think, act, make and share without words.



Symbols and Images: We keep and share knowledge with art and objects.



Land Links: We work with lessons from land and nature.



Non-linear: We put different ideas together and create new knowledge.



Deconstruct/Reconstruct: We work from whole to parts, watching and then doing.



Community Links: We bring new knowledge home to help our mob.

¹¹ Yunkaporta, *Aboriginal pedagogies*, p. 47.

Running the project

As lead agency, Legal Aid WA was responsible for managing the project. A project team was established from staff in Legal Aid WA's Perth, Kununurra and Broome offices. Strong senior leadership from a Division Director on Legal Aid WA's Executive Management Team in Perth gave the project clear direction and extra stability. It also provided timely and responsive access to additional staff resources. Similarly, during the first two years of the project, a senior CLE Officer from the Northern Territory Legal Aid Commission based in Darwin, led the project from the Northern Territory side.

Steering Committees consisting of representatives from community legal sector agencies operating within the project's cross-border region and the East and West Kimberley were established to advise and guide Legal Aid WA. These Steering Committees made invaluable ongoing contributions to the project and helped Legal Aid WA to meet key project deliverables, focus test the resources and evaluate the project.



*Blurred Borders Child Protection Steering Committee meeting
being chaired from Kununurra*

Reflections on stable project management



At the start of the project, we made a conscious decision to place senior members of the project management team outside of the project regions to provide stability and additional head office support. This decision was critical to the success of the project.

The daily pressures and challenges faced by participating frontline service providers in the project regions included:

- *Very high levels of legal need, large file loads and regular remote circuit work.*
- *Very high levels of staff turnover (during the first two years of the project we had 100% turnover in Steering Committee staff based in the project region.)*
- *High percentages of junior/inexperienced lawyers.*

These factors would have made it impossible for frontline service providers in the project region to manage this project on top of their existing work load.

To help ensure the success of remote projects, we recommend using a combination of head office senior management staff (top-down) to drive and support the 'bottom-up' frontline work happening on the project, along with an advisory steering committee that includes frontline workers from the project region.

Method

Evaluation plan

At the commencement of the project in June 2016, as part of the Commonwealth funding framework, we submitted an evaluation plan. In June 2018, with the 12-month extension of the project, the evaluation plan was amended to accommodate the revised project scope. The requirements of the amended evaluation plan are addressed in this report.

Evaluation questions

Broadly the evaluation examined:

- the accessibility, acceptability and usability of the resource kits,
- progress and challenges in establishing a collaborative network,
- the utility of the training and professional development provided, and
- whether the project and resources:
 - a) were efficient and effective,
 - b) improved access to justice and assisted in maximising service delivery, and
 - c) will be/have been integrated into business as usual.

To ensure cultural appropriateness, the project was also evaluated using the *Yunkaporta, Aboriginal pedagogies* Aboriginal learning framework. These findings are set out later in this report.¹²

Methodology

In keeping with an agreed aim in the evaluation plan to develop the capacity of our project team, the evaluation was led by Legal Aid WA, with valuable input, guidance and oversight from experienced independent evaluators, Suzie Forell and Dr Hugh McDonald. At the commencement of this project, Suzie Forell and Dr Hugh McDonald were both Senior Researchers at the New South Wales Law and Justice Foundation. They have recognised national expertise in evaluating community legal education.



Working with very experienced evaluators helped us to lay critical foundations for the successful evaluation of this project. They taught us that good evaluation is an essential part of the whole process and not something that you just tack on at the end. We documented everything as we went along and, at the end of the journey, when we turned around to reflect, there were clear signposts and reasoned explanations to support everything that we had done.

¹² See pp. 126-139.

Online and in person surveys were conducted to set baseline indicators in the project regions, to measure how the project was tracking, to help collect quantitative data and to assist with the final evaluation of the project.

Information regarding the key survey instruments is set out in Table 7 below. Other smaller surveys on more specific issues were also conducted during the project.

Table 7: Key Blurred Borders survey instruments

SURVEY INSTRUMENT	Date	Participants	Target audience	Key issues canvassed
Cross-border baseline	Nov 2016	72	Frontline service providers in the cross-border region	Regional experience, knowledge and confidence of service providers on cross border legal issues and working with interpreters of Aboriginal languages, collaborative networking and professional development, challenges of working remotely
Katherine family violence workshop	Nov 2017	17	As per cross-border baseline	As per cross-border baseline above.
Broome child protection baseline	Jun 2018	46	Frontline service providers in the Kimberley working in the area of child protection	As per cross-border baseline above, plus harnessing technology and gaps in child protection resources
Data snapshot	May / Jun 2019	5	Community legal assistance sector agencies in the project regions	Use of Blurred Borders resources to deliver legal assistance services.
Final evaluation	Aug 2019	132	Community legal assistance sector agencies in the project regions	Use of Blurred Borders resources to deliver legal assistance services.

Reflections on 'traditional' evaluation strategies

With the benefit of hindsight, it is clear that the traditional evaluation strategies that we adopted at the start of the project were not a good fit.

It was easy enough to set a baseline measure, which we successfully did, but when we came to the mid-way point of the project and tried to check how we were travelling against the baseline, there had been so much frontline staff turnover in the remote project regions that we were effectively setting another baseline. This made it difficult to measure improvements in knowledge and confidence over the life of the project as more often than not, we were dealing with frontline service providers who were new to the project regions and the project.

User-centred design



Our strong focus on user-centered design meant that we adopted an agile approach to resource development. We worked collaboratively with key stakeholders to develop the resources. We extensively focus tested the resources with our target audiences. We listened to and learned from the feedback we received and modified the resources accordingly. While this process was very resource intensive and time consuming, and created many challenges, this effort significantly improved the utility and ‘fitness for purpose’ of the resources developed.

We pushed the boundaries and, on occasions, transcended the original scope of the project. However, the end result was a robust resource that was fit for purpose and resonated extremely well with frontline service providers and their local Aboriginal clients.

Reflections on broadening the project scope

Broadening the project scope caused some tension within the project management team.

Being ‘agile’ and able to make changes in response to critical feedback was one of the fundamental cornerstones of this project. As the cost of the additional work was being met by the lead agency outside of the project funds, and the additional work did not impact the ability of the project to deliver the original brief, we decided to:

- *broaden the scope of how we used the resources from primarily a group community legal education tool to include one-on-one use with individual clients, and*
- *expand the Bail Resource Kit to include Bail and Criminal Process.*

This proved to be a good decision. The additional story cards have become a critical part of the resource with their relevance consistently reinforced by user focus testing.

Broadening the scope has resulted in the creation of more flexible and adaptive resources to maximise relevance, use and uptake. It increased the stories that could be told, and the legal topics that could be covered.



Feedback weaves through this project like a precious golden thread – holding everything together, informing everything we have done.

During the life of this project we have received and continue to receive enormous amounts of feedback. Excerpts of this feedback fill our project diaries and are spread throughout this entire report.

We used a range of tools to gather feedback. These included:

- online and paper-based surveys,
- email, telephone and video link,
- face to face meetings,
- in-person workshops, and
- face to face visits to remote towns and Aboriginal communities.

Aboriginal Community Liaison Officers and Field Officers from the project team and partner agencies played a crucial role in facilitating feedback from remote local Aboriginal people and setting up meetings with key stakeholders.

Reflections on collecting feedback from service providers

We definitely got better at collecting feedback as we went along. As there was a constant movement of service providers in and out of the project regions, we realised that the feedback coming from more experienced service providers, who had been in the region for a long time, was particularly valuable. This suggested that we needed to collect more information about the person providing the feedback – such as length of time in the region, level of experience, job role etc. We took onboard all the feedback we received, but collecting additional information enabled us to learn different things from the participants.

Nearly all the feedback collected directly from local Aboriginal people, who were the ultimate end users of the resource, was collected orally. Written surveys did not work well and were often not appropriate for this group.

Project diaries



The project team used visual project diaries to document the consultation process and key project milestones. These were created in the moment and were an important tool to capture feedback, project reflections and photos. All photos were taken respectfully with permission and where it was culturally appropriate to do so. Our project diaries are displayed in Appendix 1.

We think that our project diaries truly capture the spirit of this project and the miles that it has travelled into some of the most remote places in Australia. Take the time to have a look. They are a fascinating read.



Project Diary

Ringer Soak 30 October - 1 November 2017

On Monday 30 October 2017, I set out from Kununurra for Halls Creek, camped overnight. Next day in company with the East Kimberley Job Pathways (EKJP) Community Projects Manager – Halls Creek Region – Michael Ogilvie travelled out to Ringer Soak, approx. 169kms SE of Halls Creek on a non-sealed road through two ranges, vast grass valleys into Soak Country. Magnificent scenery.

There I sat down with 8 women, 1 man and about 8 dogs and a few kids and showed some locals the Blurred Borders resources we had made.

They liked the cards, and some comments made by the group were:

"I like this"

"maybe you do this in Jaru language and Kriol"

"You come back, we talk more for this."

The group welcomed us back to become part of stage 2, and were very keen to see resources on the subject of Family domestic violence and VRO's.

Lindsay Greatorex
Community Liaison Education Officer
Legal Aid Kununurra

Consultations at the Ringer Soak Community in WA

Reflections on creating the project diaries

All of the project diaries were created in PowerPoint using very simple fool proof templates. Everybody was able to use them, and each diary entry was quick and easy to make. Knowing that we would be creating a visual project diary for each significant event helped remind the project team to take lots of photos and to clearly document their progress.

Case studies



One of the most rewarding parts of working on this project has been observing the resources in action and receiving feedback from services providers about the innovative ways they were using the resources. These case studies are included where relevant throughout this report.

CASE STUDY #10 REACHING OUT TO REMOTE COMMUNITIES

In November 2018, members from our Blurred Borders project team visited Ardyaloon, a remote Aboriginal community in One Arm Point on the Dampier Peninsula in the West Kimberley. There they met with staff from the Ardyaloon School and with the Community CEO.

They talked to the school principal, vice-principal and classroom teachers about legal issues that were affecting students. The school told them that many students had been exposed to the criminal legal process and that the lack of understanding of this process was causing significant mental health issues for some students.

The project team showed the school how the Blurred Borders resources could be used to educate both students and teachers about the criminal legal process and the legal system in general.

“The story cards are an excellent tool to improve communication and the board games would be a good way to engage students with discussions of legal concepts. We especially liked the focus on positive relationships in the family violence space.”

Teachers, Balab Joogarra Ardiyooloon Ngan School, One Arm Point, WA

Plans were put in place for Legal Aid WA’s Aboriginal Community Liaison & Education Officer, based in Broome, to return to the Ardyaloon community, to conduct legal education sessions. The school thought this was a fantastic idea, seeing the potential for teachers to step into a legal education role once they had been trained to use the resources.



Accessibility, acceptability and usability of the resource kits

Resource distribution and uptake

In mid-July 2018, after the official project launch, we commenced distributing Bail & Criminal Process and Family Violence resources in the project regions (see Table 8). The Child Protection resources were not distributed until September 2019.

Table 8: Resource distribution within the project regions

Location	Bail & Criminal Process			Family Violence				Child Protection
	Resource Kit	Story cards SML	Giant board game	Resource Kit	Story cards SML	Story Cards LGE	Giant board game	Resource Kit
East Kimberley	50		2	50			2	40
West Kimberley	23	9	2	30	14	2	9	40
Northern Territory	75		2	75			2	
TOTAL	148	9	6	155	14	2	13	80

With interest in the project growing exponentially, by August 2018 we were distributing kits across of the whole of Australia (see Tables 8 and 9 and Figure 4).

Table 9: Resource distribution beyond the project regions

Location	Bail & Criminal Process			Family Violence				Child Protection
	Resource Kit	Story cards SML	Giant board game	Resource Kit	Story cards SML	Story Cards LGE	Giant board game	Resource Kit
Western Australia	123	25	9	103	7	13	9	10
Northern Territory	6	23	6	8	20		8	2
Queensland	12	1	2	13	3		2	3
New South Wales	4			4				4
South Australia	4	3	1	2	1		1	
Australian Capital Territory	3			3				1
Victoria	2			2				
Tasmania	1			1				
New Zealand		1						
TOTAL	155	53	18	136	31	13	20	20

Figure 4: Resource distribution by location

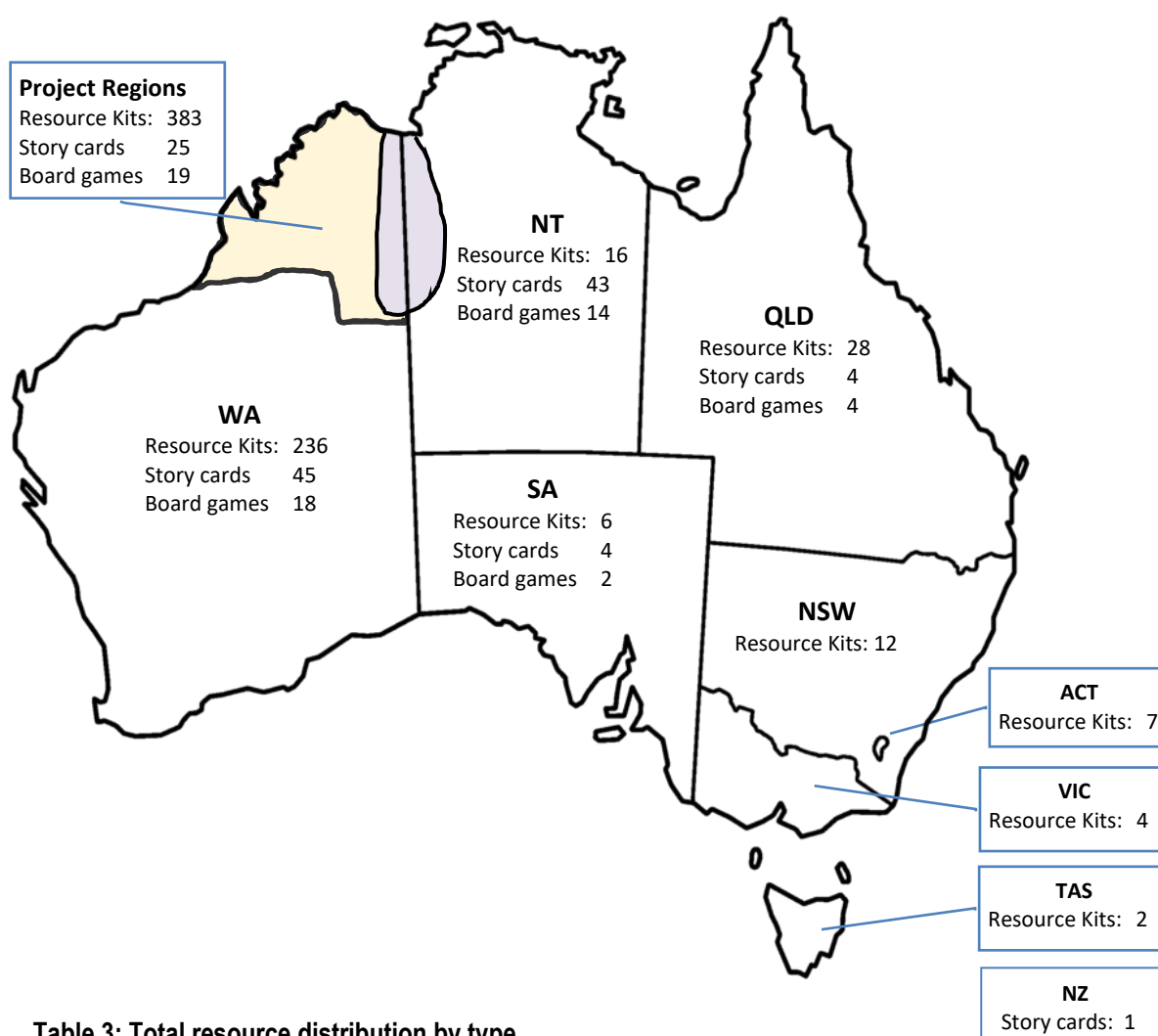


Table 3: Total resource distribution by type

Location	Resource Kits	Story cards SML	Story Cards LGE	Giant board games
Within the project regions (Kimberley & NT)	383	23	2	19
Beyond the project regions	311	84	13	38
TOTAL	694	107	15	57

Table 10: Total resource distribution by legal topic

Location	Bail & Criminal Process			Family Violence				Child Protection
	Resource Kit	Story cards SML	Giant board game	Resource Kit	Story cards SML	Story Cards LGE	Giant board game	Resource Kit
Within project regions (Kimberley & NT)	148	9	6	155	14	2	13	80
Beyond the project regions	155	53	18	136	31	13	20	20
TOTAL	303	62	24	291	45	15	33	100

Reflections on meeting demands for resources

After many months of fielding enquiries from agencies wanting to buy the resources, in mid-2018, to keep up with demand, Legal Aid WA began selling Blurred Borders resources. Resource Kits and small sets of story cards and the giant board games were made available for individual sale at cost price. This has created some cost and demand pressures. To get a cheaper printing rate we need to print a minimum of 100 sets. With limited funds this has been challenging (even though we are recouping the money when we sell the resources). Many agencies have also been supplementing their existing Resource Kits by purchasing additional packs of small story cards for individual staff members.

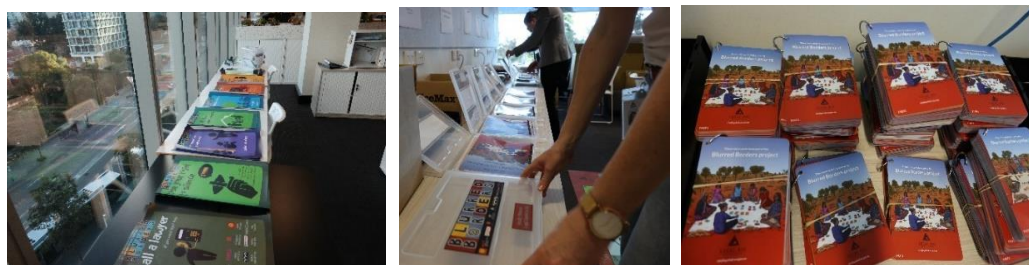
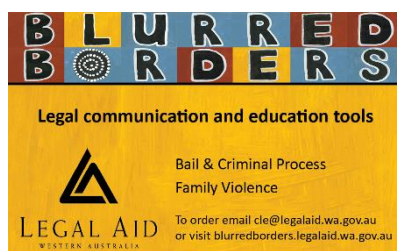


Table 11: Bail & Criminal Process and Family Violence resources sold

Location	Bail & Criminal Process			Family Violence		
	Resource Kit	Story cards small	Giant board game	Resource Kit	Story cards small	Giant board game
WA	24	31	5	29	18	12
SA	3	3	1	1	1	1
NT	5	23	6	7	20	7
QLD	3	1	1	3	3	
NZ		1				
TOTAL	35	59	13	40	42	20



Legal communication and education tools for Bail & Criminal Process or Family Violence

Legal Resource Kit \$120 each*
Small story cards & lanyard \$20 each*
Giant board game \$110 each*

* Plus GST and postage

79% of respondents to the final evaluation survey had used the Blurred Borders resources. 93% of those who used the resources found them useful. 44% had integrated them into their ongoing or everyday practice.

Most popular resources

Figure 1 Blurred Borders resources ranked in order of priority of use



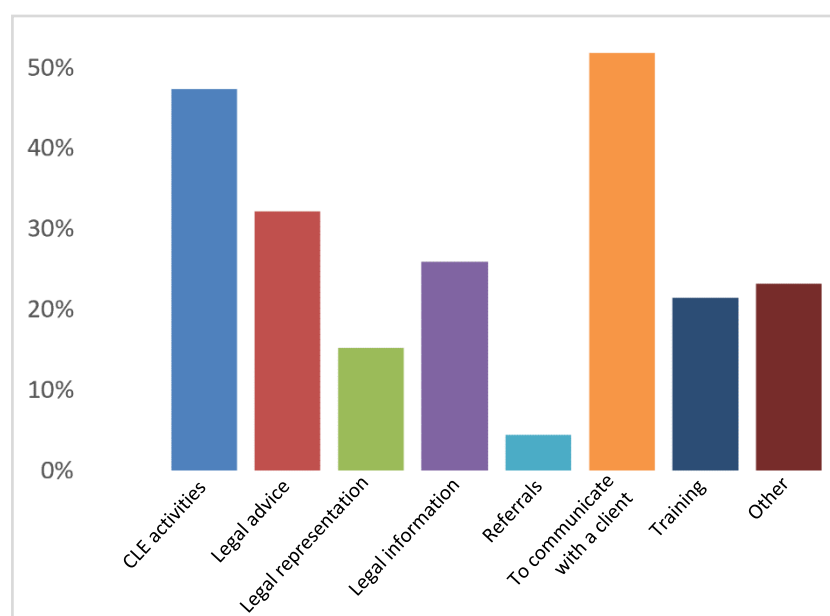
It is not surprising to see that the story cards and wallet cards were the Blurred Borders resources used most by respondents to the final evaluation survey. It is also pleasing to see an even distribution of use amongst the remaining resources.



Most common types of use

The most common activities respondents to the final evaluation survey used the resources for were to communicate with clients and for community legal education.

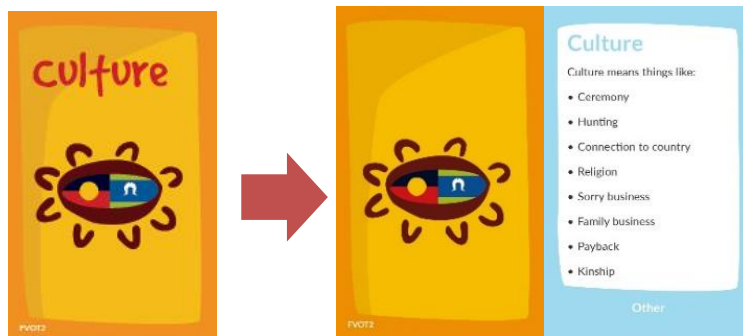
Figure 2 Blurred Borders resources use ranked by activity



Acceptability

We asked many respected Aboriginal leaders in remote communities and towns to provide feedback on the cultural appropriateness and accessibility of the story cards and other resources. Feedback was sought on the story cards as a whole and on individual cards that were particularly sensitive such as the 'culture' and 'respect' cards. This was an ongoing process with focus testing often happening over a period of time.

We spent a lot of time listening to and implementing the cultural appropriateness feedback for story cards covering more sensitive issues.



"We've observed some strong reactions to the word 'culture' on the front of the card. Women in particular have said at first glance it makes them think we are talking about secret business. Some people say the flags are patronising, others think they are fine. Everyone has been happy once we've read the description on the back, and agree that the card should be included and is useful in communication."

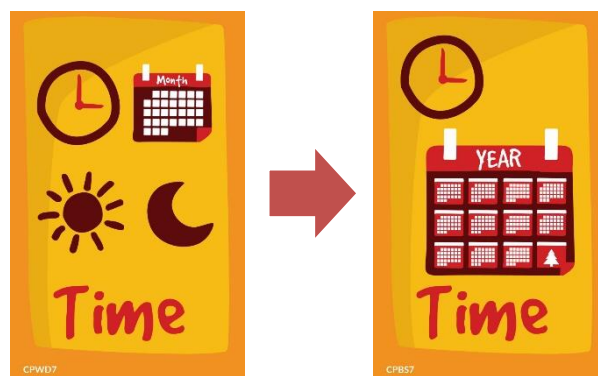
Legal Aid lawyer, Balgo, East Kimberley, Western Australia



We see the tree as a healing tree for bush medicine. Could we have 2 people sitting under the tree and a fire?

Aboriginal Interpreting WA

Understanding the importance of 'time' is critical in legal processes, particularly in the child protection context. We sought feedback from many key Aboriginal stakeholders before settling on the graphic for the time story card which, using a Christmas tree on the calendar, shows a whole year passing.



Quantitative legal assistance service data

The Bail & Criminal Process and Family Violence resource kits were officially launched in Kununurra in mid-July 2018. After the launch, it took several months to distribute the resource kits and train service providers on their use in the remote cross-border project region. Legal Aid Commissions and other legal service providers in the cross-border region began using these resources between July and October 2018.



Jane Crisford, Chair of the Legal Aid Commission of Western Australia, and Lindsay Greatorex from Legal Aid WA, at the project launch in Kununurra.

Whilst we were actively encouraging people to try out the new Bail & Criminal Process and Family Violence resources, we were cognisant of not placing too much pressure on service providers or creating additional administrative burdens (including capturing data for this project) whilst trying to embed the use of the new communication tools into daily legal service delivery practices. With this in mind, as there was no automated way to collect accurate resource usage, the project team decided to let use of the resources 'settle' before commencing the manual data collection process for evaluation purposes. It was agreed that the most appropriate middle ground was to select a four-week routine service delivery period that picked up regular circuits and was not impacted by Christmas holidays or wet season accessibility issues and actively collect legal assistance service data during that period. This approach would still provide an accurate reflection of how the resources were typically being used. We obtained approval from the Commonwealth funders to amend the evaluation plan to do this.

Using the definitions contained in Part 1 of the National Legal Aid Data Standards Manual, the data snapshot took place in May and June 2019 and captured legal assistance service data collected by:

- The Northern Territory Legal Aid Commission Darwin (NTLAC Darwin)
- The Northern Territory Legal Aid Commission Alice Springs (NTLAC Alice Springs)
- The Northern Territory Legal Aid Commission Katherine (NTLAC Katherine)
- Legal Aid WA Kununurra (LAWA Kununurra)
- The Aboriginal Legal Service of Western Australia Kununurra (ALSWA Kununurra)
- Legal Aid WA Broome (LAWA Broome)
- The Aboriginal Family Law Service Broome (AFLS Broome)

The Child Protection resource kit was not completed until mid-2019. At the time of writing this report, these resources were in the process of being distributed.

Community legal education

Blurred Borders resources were used 78% of the time in Community Legal Education activities in the project regions during the data snapshot survey and 45% of the time in the Northern Territory outside of the project regions.

Table 4: Data Snapshot CLE Activities in the cross-border and Kimberley regions

AGENCY	SNAPSHOT PERIOD	CLE ACTIVITIES		
		Office total	BB total	BB %
NTLAC KATHERINE	6-31 May 2019	9	7	78%
LAWA KUNUNURRA	6-31 May 2019	4	4	100%
ALSWA KUNUNURRA	2-28 Jun 2019	0	0	0
LAWA BROOME	1-31 May 2019	9	8	89%
AFLS BROOME	6-31 May 2019	10	6	60%
TOTAL		32	25	78%

Table 12: Data Snapshot CLE Activities in the NT outside of the project regions

AGENCY	SNAPSHOT PERIOD	CLE ACTIVITIES		
		Office total	BB total	BB %
NTLAC DARWIN	6-31 May 2019	38	15	39%
NTLAC ALICE SPRINGS	6-31 May 2019	6	5	83%
TOTAL		44	20	45%

Many other stakeholders within and beyond the project regions are also actively using or seeking to use Blurred Resources for community legal education. These stakeholders include police, prisons, teachers, child protection workers, health and social workers.

The high level of interest in the Blurred Borders resources reflects the genuine need for more legal communication tools of this type.

"It's really important to be doing preventative work out here because most of the kids here expect to go to jail. It's almost like a rite of passage. There is no fear about this process. It's almost inevitable. It would be good if they had a bit more fear about the risk of going to jail and it wasn't such a normal expectation."

Principal, Luurnpa Kuurla Catholic School, Balgo



CLE at the Broome Girls Academy



CLE at Luurnpa Kuurla Catholic School in Balgo

"Thank you for our chat today and supporting Newman Police and Jigalong Police with the Blurred Borders, a community engagement tool to help break down the language barrier between Police and people whose first language is non-English. Each station will need to have the Legal Resource Kit, Small story cards and Giant Board Game. Once again thank you for supporting your regional police."

**Inspector Pilbara District Office,
Western Australia Police Force**



Pilbara police receiving Blurred Borders training

"I have been using the Blurred Borders resource kit at every CLE session I have been doing."

Community Legal Education Officer, Aboriginal Legal Service of Western Australia

"It's made a big difference. I now have structure to Community Legal Education topics and I don't have to think about ways of presenting complex legal information, the story cards do the talking"

Lawyer, regional Northern Territory

"Working with a diversity of groups in CLE, using different resources with different groups has allowed me to communicate better and allowed participants to reflect back to me their understanding on concepts and process in a visual way."

Lawyer, Perth, WA

"This is a great tool to raise awareness within the community inclusively about family and domestic violence regardless of socio-economic and cultural backgrounds."

Coordinator DVLU & Dispute Resolution Practitioner, Legal Aid WA

Other legal assistance services

The effectiveness of the resources as a two-way legal communication tool, has seen legal service providers start using them to provide one-on-one legal assistance services in addition to community legal education.

“The Blurred Borders resources have helped me to make sure my clients understand me, they have helped me to check and make sure I understand what my clients are telling me, and they have helped me build trust and respect with my clients because I am showing them it's important that we understand each other.”

Lawyer, Perth, Western Australia

“The Blurred Borders resources provide a simple explanation accompanied by picture prompts that can be used to test the client’s understanding of the information provided.”

Lawyer, Northern Territory

“Clients are able to use the cards to explain to me their current court journey. It demonstrates their understanding as well as providing opportunity for further discussion.”

Lawyer, regional Northern Territory

Table 5 below shows remarkable uptake of the Blurred Borders resources in the project regions for duty lawyer services (31%), legal advice services (26%) along with emerging use in legal representation (11%). The figures indicate that what started as a CLE resource was quickly adapted by legal practitioners for use in legal advice, duty and representation contexts.

Table 5: Data Snapshot Legal Assistance Services- cross-border and Kimberley regions^{13 14}

AGENCY	SNAPSHOT PERIOD	LEGAL ADVICE			DUTY LAWYER			LEGAL REPRESENTATION		
		Office total	BB total	BB %	Office total	BB total	BB %	Office total	BB total	BB %
NTLAC KATHERINE	6-31 May 2019	16	5	31%	38	15	39%	69	13	19%
LAWA KUNUNURRA	6-31 May 2019	38	8	21%	111	41	37%	3	1	33%
ALSWA KUNUNURRA	2-28 Jun 2019	4	0	0	58	6	10%	120 ¹⁵	6	5%
AFLS BROOME	6-31 May 2019	20	7	35%	NP	2		NP	2	
TOTAL		78	20	26%	207	64	31%	192	22	11%

NP = Not Provided

¹³ Blurred Borders resources were not used by LAWA Broome for legal assistance services in the data snapshot period.

¹⁴ There was only one recorded use of Blurred Borders resources in the 53 legal tasks identified in the project region during the data snapshot survey and none in the wider NT area. This is understandable given the heavy written component associated with Legal Tasks. These legal tasks figures have not been included in Table 5.

¹⁵ ALSWA in Kununurra did not record outputs using the National Legal Aid Data Standards manual. This means that some of ALSWA’s 120 legal representation outputs may align more closely with Legal Aid duty lawyer services.

The snapshot survey data in Table 13 below shows the Northern Territory uptake of Blurred Borders resource in legal assistance services outside of the project regions, further demonstrating the application and use of the resources beyond what was initially anticipated.

Table 13: Data Snapshot Legal Assistance Services in the NT outside of the project regions¹⁶

AGENCY	SNAPSHOT PERIOD	LEGAL ADVICE			DUTY LAWYER			LEGAL REPRESENTATION		
		Office total	BB total	BB %	Office total	BB total	BB %	Office total	BB total	BB %
NTLAC DARWIN	6-31 May 2019	62	NP		107	16	15%	31	9	29%
NTLAC ALICE SPRINGS	6-31 May 2019	43	13	30%	105	16	15%	NP	NP	
TOTAL					212	32	15%			

NP = Not provided

In court use

The Kununurra Magistrate began piloting in court use of the resources in mid-2018. Children's Courts in the Northern Territory and in the West Kimberley¹⁷ have also commenced in court use of the resources.



The Kununurra Magistrate piloting in court use of Blurred Borders resources

"Before I even said anything, I pointed to the no trouble sticker on the wallet card, and he shook his head and said no trouble. He absolutely understood from a glance at that picture...I just LOVE these resources. Isn't this why we are here? This gives me hope that people will walk away and actually understand the rules."

Judicial Support Officer, Balgo Magistrates Court, East Kimberley, Western Australia

"The Blurred Borders resources have made a massive difference, the response and engagement from the youths is overwhelming. It's improved courts service delivery immensely."

Children's Court Registrar, Darwin, Northern Territory

¹⁶ No legal task information was provided.

¹⁷ See p. 97 of this report for more information about in court use in the West Kimberley.

Versatility



During 2017, we began intensively focus testing the bail and criminal process and family violence resources. Almost immediately, innovations begin to emerge as frontline service providers started to mix and match and use the resources in ways that we had not anticipated:

- board games were created as fantastic CLE activities,
- common story card layouts were developed, initially by busy duty lawyers who didn't have time to repeatedly explain the same court processes to different clients using individual story cards,
- customised story card layouts were developed initially by lawyers providing ongoing one-on-one legal representation to clients, to explain what had happened in their particular case,
- in court use of the resources commenced that involved not only lawyers, but the judiciary and other court staff as well,
- Blurred Borders icons started appearing in training presentations prepared by partner agencies,
- Blurred Borders posters and other resources started being displayed and used in prisons, police lock ups and court cells, and
- Service providers started using the resources with wider target audiences, particularly children, clients with cognitive impairments and clients from culturally and linguistically diverse backgrounds.

"In a community legal education context, I have used the large story cards with magnets on the back so that they can be put on a whiteboard as the legal process is discussed."

Lawyer, Perth Western Australia

"Created flow charts with the pictures, so it's easier when needing to quickly go through information."

Lawyer, East Kimberley, Western Australia

The team that I work in uses the kit in a variety of ways depending on their role. We find all of the kit useful in our work with people with disabilities in the justice system who all have low literacy skills and find legal concepts hard to grasp."

Disability Justice Prevention and Diversion Officer, Perth, Western Australia

CASE STUDY #1 CREATING COMMON LAYOUTS

An Aboriginal Legal Service lawyer in Western Australia found that she was regularly explaining the same court processes using the same story cards to different clients. So she didn't have to continually set up the same pattern, she took a photo of the arranged story cards and printed it onto an A4 sheet. Where she didn't have a relevant story card, she just made up her own. When other lawyers saw her A4 sheet, they wanted a copy. This was the genesis of the 'common layouts' section of the Blurred Borders website.

Using common layouts are a fantastic quick and easy way to get maximum use of the story cards when you are pushed for time. The A4 print outs also work as a great take-away for the client.



The collective imagination and innovation of the service providers using the resources never ceased to amaze us. For us this was a testament to the strength, simplicity and versatility of the resources, at the heart of which lay effective communication.

CASE STUDY #2 CUSTOMISED LAYOUTS – ROSIE’S STORY

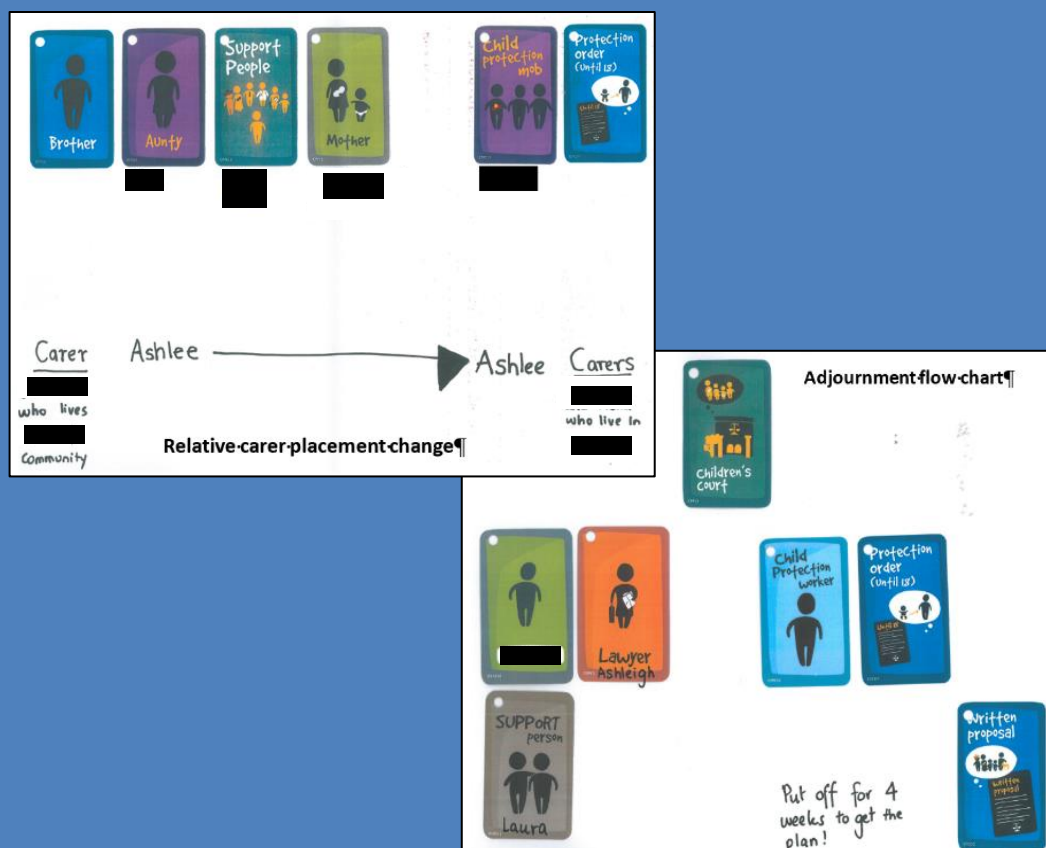
Rosie (not her real name) is a 27-year-old Indigenous woman who has been diagnosed with Huntington’s disease. The Department have removed her daughter from her care and are seeking a protection order (until 18). She has support from Disability Services.

Rosie’s lawyer used the story cards as a guide/prompt so that Rosie could remember what was going on. The lawyer would ask Rosie who each person was and then write in the names. Rosie identified who her support people were and other key people who were involved.

Rosie’s lawyer used the story cards to create two personalised flow charts to help Rosie to understand and remember what was happening with the care of her child and the associated child protection court process.

“The story cards were very useful in calming Rosie’s nerves and also in helping her remember what happened in court and where we are up to in each stage of the process. It also helped with the Disability Support Workers when there were changeovers in staff.”

Rosie’s lawyer

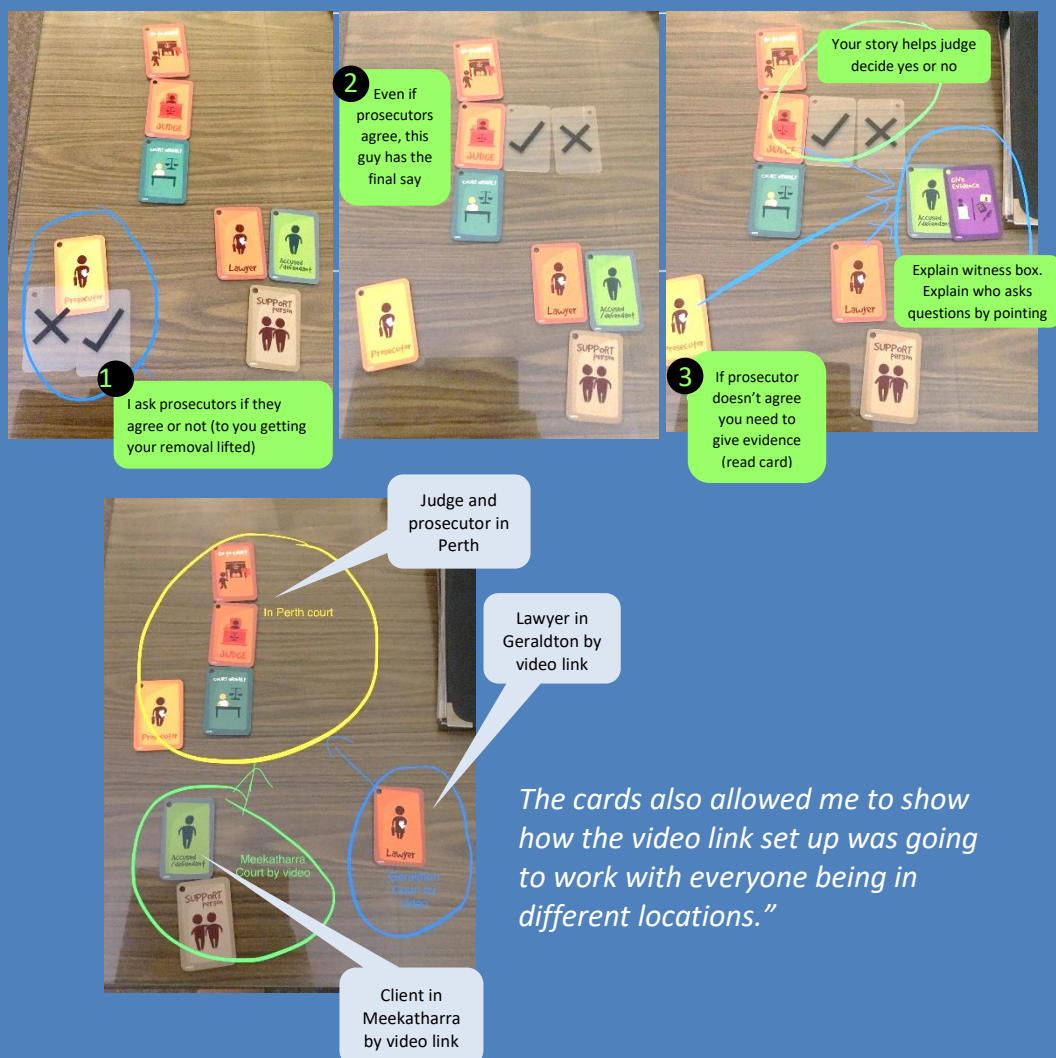


CASE STUDY #4 CUSTOMISED LAYOUTS - MEEKATHARRA

Below is an extract from an email sent from a lawyer in Legal Aid WA's Midwest & Gascoyne regional office in Geraldton in December 2018:

Subject: Blurred Borders

"Just a quick run down on my use of blurred borders today. My client is an intellectually disabled Aboriginal man from Meekatharra. He is seeking a removal of life disqualification on his driver's licence. Following him signing the affidavit, I wanted to go through the court process with him. The attached photos show the set up. I had pulled cards out beforehand so I was prepared and it flowed well."



Using the resources with wider target audiences

Many services providers from within and beyond the project regions are consistently using the resources with wider target audiences including:

- other Aboriginal and first nations people,
- young people,
- people with cognitive impairments, including FASD,
- people from culturally and linguistically diverse backgrounds, and
- other people with low levels of English literacy.

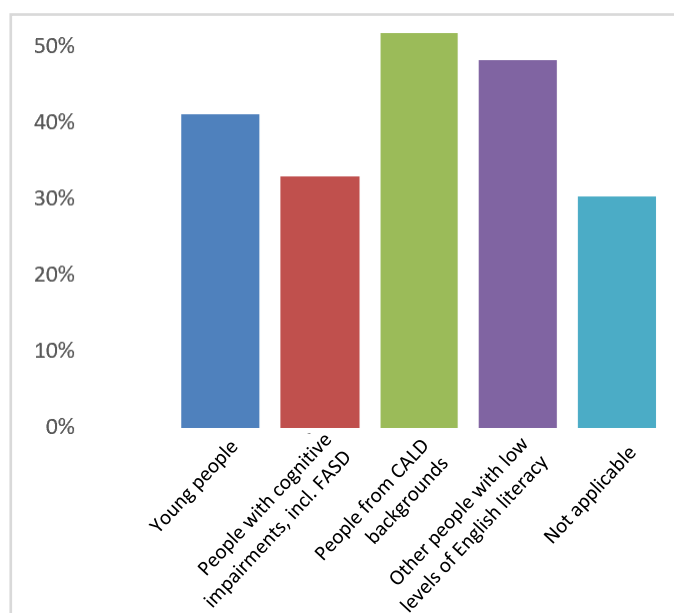


Figure 3 Wider target audiences

Figure 3 above shows the percentage of resource use with wider target audiences by respondents to the final evaluation survey.

With minor modifications, the Blurred Borders resources would be even more useful for wider target audiences.

"This is a fantastic resource, one of the best I have seen in a long time. It is user friendly, inexpensive and great for working with people with FASD."

Clinical Psychologist, FASD specialist, Western Australia

"Good for low literacy, ESL clients."

Community Education & Liaison Officer, West Kimberley, Western Australia

"Offers another option to help engage Aboriginal children and young people."

Lawyer, regional Queensland

"I am using them in the Solomon Islands, where the main language is Solomon Islands Pijin but the legal system is conducted in English."

Lawyer East Kimberley, WA (doing volunteer work in the Solomon Islands)

Qualitative feedback from within the project regions

Local self-determination – Tanami desert

The Tanami desert is home to some of the most remote Aboriginal communities in Australia. Many people who live on this country have limited English and may speak it as a second or third language or not at all. This made the Tanami an ideal place to intensively focus test our resources.

The remote Aboriginal communities of Balgo, Mulan, Billiluna and Ringer Soak were particularly interested in our resources.



The more we focus tested the more involvement senior community leaders wanted in the process. These community leaders were the ones providing ‘frontline’ support to the rest of their community ‘when the lawyers and everyone else had gone’.

In this process, these community leaders clearly saw themselves as ‘frontline service providers’ and not ‘end user clients’. They asked for (and we gave them) copies of our story card prototypes so that they could use them immediately when we were not there. They asked to be trained on how to use the resources. They wanted resource kits for their local schools and training for the teachers. We gave a senior law man who lived in Balgo, who was also an accredited Aboriginal interpreter, his own set of story cards.

“It’s worth trying these story cards out. I will use these with the young people.”

Elder, Interpreter, Balgo, Western Australia

“We could use these cards if the police come out to ask some questions. Especially for the younger ones just turning 18, 19. If you don’t go away for high school – it’s harder for you to understand.”

Elder, Teachers Assistant, Kururrungku Catholic Education Centre, Billiluna, WA

“The plain language text on the back of the story cards will be a great tool to help us teach English. They are well written and relevant.”

Principal, Luurnpa Catholic School, Balgo, Western Australia

“These cards are good – we’ll see how far we can go helping people.”

Elder, Balgo, Western Australia

“I reckon these cards are really good. These will help. Them wallet cards are good too.”

Elder, Chair, Billiluna Community, Western Australia

“That’s good this one here – you can look through your cards and help people.”

Elder, Health worker, Billiluna Community, Western Australia

“Health clinic staff are often first responders for family violence. These cards will be really useful.”

Health worker, Balgo, Western Australia

“I can use the FV cards and the FV board game with the young women’s yarning group”

Health Worker, Balgo, Western Australia

“The wallet card stickers to explain restraining order conditions will be very useful. Pictures mean a lot more than words or just talking to someone.”

Elder, Balgo, Western Australia



CASE STUDY #11 FAMILY VIOLENCE -EAST KIMBERLEY

A Legal Aid lawyer had been helping a woman who lives in a remote East Kimberley Aboriginal community with legal matters for many years. This woman has some cognitive disabilities and her children have been placed into care. The lawyer had helped to arrange the placement of her son with carers in a nearby community.

The woman approached the lawyer when the lawyer came out to the community to do some other work. The lawyer sat down with her outside the shop and listened to her story. She was worried because her ex-boyfriend had arrived back in the community after being away for some time. She was worried about him being back, worried about her safety and worried about him taking her son who was being cared for in another nearby community. She wanted to talk to the lawyer about getting a restraining order.

The lawyer showed her pictures using the story cards to help understand the types of violence she might have experienced.



The lawyer used the police card story card to help her to plan for her safety. She encouraged her and helped her to go and talk to the police about her worries. She also told her that her friends and family could support her as well during this time to help keep her safe.

The lawyer explained the process of getting a restraining order using the story cards. She explained that she needed evidence to be able to get a restraining order.



The next day, the woman wrote down on a piece of paper all the reasons why she needed the restraining order. These included being worried about being beaten up and being humbugged by her ex for her key card and her money. The community support worker helped her to give that piece of paper to the Legal Aid lawyer who comes out to the community do the court list. That lawyer will now talk to her about this problem some more and help her to sort it out.

CASE STUDY #5 OUTSTANDING WARRANT

Whilst Legal Aid WA staff were in a remote Tanami Desert Aboriginal community showing people the Blurred Borders resources, a senior woman asked us if the lawyer could speak to her 19-year-old grandson. His name was on the list that was posted at the shop to go to court the day before. When the police came to take everyone to court (in a nearby community), he didn't go because he was frightened that he might get locked up. The lawyer sat down and talked to him. His grandmother, who had strong language both ways, interpreted what the lawyer said into Kukatja language so that he could properly understand. The grandmother also called the young man's mother over so that she could watch and listen.

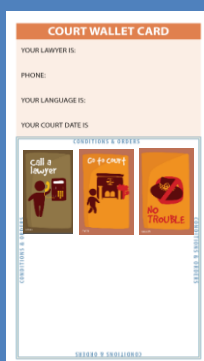
The lawyer used the story cards to explain to the young man why his name was on that list and that he had an outstanding warrant. The young man did not know why there was a warrant. He did not know what he had originally been charged with.



The lawyer phoned the office in Kununurra to find out some more information. Using the story cards, the lawyer told the young man that there were burglary and stealing charges. She also told him that he had already gone to court and pleaded guilty to breaking into the shop at the community and stealing things. The judge did not give him punishment that day – maybe because the judge wanted some more information. The lawyer explained to the young man that he had missed the second court day, when he was supposed to get his punishment from the judge. When he didn't turn up to court, the judge had issued a warrant. After the lawyer explained this, the young man remembered (so did his mother and grandmother) breaking into the shop and going to court for this the first time.

Then the lawyer used the story cards to tell the young man that there was another charge - a new one. This was for going armed in public to cause fear. The lawyer explained what this meant and that he might have held up a stick, some rocks or perhaps a knife. The young man, his mother and his grandmother talked about what this might be for some time, but they were still unsure.

The lawyer told the young man to call the office at Legal Aid in Kununurra. The lawyer there could find out more about this new charge and help him with it before the next court day in his nearby community. She could also help him finish the old burglary and stealing charges.



The lawyer used the story cards to tell the young man that if he didn't go back to court to sort this out he might get sent to lock up. If he went back to court and got all the matters dealt with then he might get sent to lockup or he might not – the judge would decide about that.

The lawyer gave the young man a wallet card. Written on it was the phone number of the lawyer in Kununurra and some stickers reminding him he had to go back to court and to stay out of trouble.

After the young man and his family had gone, another community member watching from a distance came up and said:

“I am glad that these cards are here. I could see it in that young boy's eyes that he was understanding.”

General feedback from within the project regions

"I love the Blurred Borders initiative and everyone I show the kit to can see the benefit of the kits."

Aboriginal Practice Leader, West Kimberley, Western Australia

"Very positive development in legal communication."

Lawyer, West Kimberley, Western Australia

"An excellent resource, great innovation, hopefully it will prompt other agencies to do something similar. Anything to make it easier for communication for local Indigenous people and frontline workers."

Community Liaison & Education Officer, West Kimberley, Western Australia

"Police Orders should be done in this style as well so that people actually understand what it means – often they are drunk when they get served and then they don't remember/know when and what they are meant to do."

Court Staff, Kununurra, East Kimberley, Western Australia

"These cards look like they could be particularly helpful, especially when an interpreter is not available, the client has hearing difficulties, the client has a cognitive impairment."

NAAJA PLO, Northern Territory

"Shared language and understanding around legal concepts is critical between groups and services. Old, young, Aboriginal, non-Indigenous, government and non-government etc."

Youth Justice worker, regional Northern Territory

"It has helped me to communicate more effectively with victims of family violence. It has helped me to communicate more effectively with children about the roles of people in the court, the court process and what it means to plead guilty or not guilty. It has given staff greater support to communicate legal concepts."

Manager, East Kimberley, Western Australia

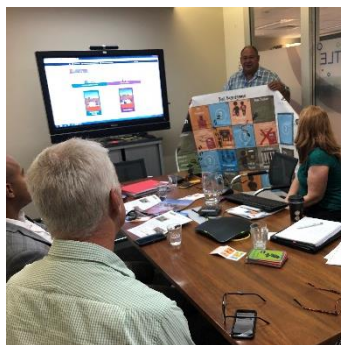
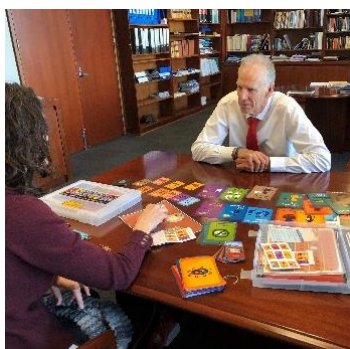
"It is a fantastic resource and has positively changed the way in which we assist clients with their legal matters."

Manager, West Kimberley, Western Australia

Qualitative feedback from beyond the project regions

Although the resources were initially developed for specific remote project regions, awareness of the project grew exponentially across Australia at a rapid rate. Over the life of this project, the project team has responded to countless enquiries and made many formal and informal presentations all over Australia. The project team has held discussions with:

- Indigenous groups,
- other culturally and linguistically diverse communities,
- other Legal Aid Commissions,
- community legal assistance sector service providers,
- private legal practitioners,
- courts and members of the judiciary,
- a wide range of government departments including justice, police, health, education, corrective services, prisons, consumer protection, mental health services, disability support services,
- academics and university researchers, including international researchers from Canada, the United States and New Zealand,
- doctors and clinical psychologists (particularly in the area of FASD), and
- public guardians and child advocates.



“Legal Aid WA is to be congratulated for the broad scope of projects being undertaken, and in particular I would like to make special mention of the Blurred Borders project. This project demonstrates Legal Aid WA’s commitment to developing innovative approaches to address service delivery challenges and is a striking example of achieving tangible outcomes utilizing effective collaboration with other legal assistance providers across multiple jurisdictions.”

The Honourable Christian Porter, Attorney-General of Australia

“Everyone I have spoken to or shown the kits has considered it pure genius.”

Magistrate Tina Previtera, Brisbane, Queensland

“Please let me congratulate you on the brilliance of your kits. Seeing the kit was a light bulb moment for me and I’m sure everyone who sees your work will be equally excited and energised. In my job I am constantly searching for innovative solutions to delivering legal services in Courts; I have never come across anything so direct and practical...This is so simple but ingenious and has endless possibilities as a communication tool.”

***Lisa O’Neill | Change Manager, Parenting Management Hearings Tribunal,
Principal Registry, Federal Court of Australia, Brisbane, Queensland***

“Lots of Magistrates are going to be very interested in using these resources”

Chief Magistrate Heath, Perth, Western Australia

“I have just returned from the South Pacific Council of Youth and Children’s Court Conference in Wellington, New Zealand. The conference was attended by the heads of jurisdiction for Children’s Courts in all States and Territories in Australia, two Youth Court Judges from New Zealand, one of whom is Maori, heads of jurisdiction from six Pacific countries and three UNICEF representatives. I showed the assembled group your Blurred Borders project as part of my report on Western Australia. They were impressed indeed with your work and the ability of Blurred Borders to be translated into language and to communicate legal concepts. I once again congratulate you on the work that has been very well done indeed.”

Judge Wager, President, Perth Children’s Court, Western Australia

“Would be helpful to adapt to Queensland law and Torres Strait Islander culture.”

Lawyer, regional Queensland

“Some Aboriginal health professionals who participated in our FDV CLE training found the resource very useful and will use it with their clients.”

FDV Social Support Service & FDV CLE Facilitator, Perth, Western Australia

Collaborative networking

Creating a collaborative network and a community of practice was one of the most challenging aspects of the project. This was not because the people involved didn't want to collaborate – they were all very keen. When they did come together, feedback clearly indicated that they benefitted greatly from the collaborative and professional development opportunities. Consistent, high levels of staff turnover in legal services during the three-year life of the project, however, meant that each time we did get together, there were always a large number of new faces in the room, with limited or no working knowledge of the project. This is the reality and challenge of legal service provision in regional areas.

"It was great to meet everyone and put a face to names."

"I liked the shared learning opportunities. If you feel less isolated lawyers stick around longer and this benefits our clients."

"I am looking forward to having the capacity and the opportunity to keep meeting like this."

Key stakeholders, Kununurra Workshop, November 2016, East Kimberley, WA



Katherine Stakeholder workshop, November 2017

Getting our very remotely located stakeholders together in one place for onsite workshops, although very beneficial, was costly and time consuming. When we met again exactly one year later, most of the people in the room were different due to the levels of staff turnover. In many respects, when we surveyed stakeholders to monitor our progress, we were setting a new baseline all over again.

CASE STUDY #12 COLLABORATIVE NETWORKING

“As an ALSWA civil lawyer based in Perth who comes up to the Kimberley to do outreach, the Blurred Borders, Katherine workshop made a huge difference to me. I really got to know the other lawyers and community workers in the region. I suppose it was just the time spent together hanging out at the workshop and in the dorms.



Now when I come up to Kununurra, I am catching up with people that I know. I am getting off the plane and going for a bush walk with one of the lawyers and then going to their place for dinner. We are timing our outreach and circuits, so we are going out together with other agencies. This allows us to deliver more joined up services and I also get to learn from people who have been doing these circuits for much longer than me.

The first time I drove out to Balgo it was terrible. There were two of us, two young women from Perth in a hire car. It's a seven or eight hour drive and it's very remote. We blew a tyre about an hour out of Halls Creek. We were really lucky that we didn't have a serious accident then and there.

We were also lucky that it happened right near the work camp of some guys working on the road. They came straight over and changed the tyre for us. We wouldn't have been able to do this by ourselves. Then we had to go back to Halls Creek to get another spare tyre. We ended having to stay in Halls Creek overnight. It was hard sorting out any accommodation as we hadn't booked and the whole thing was a really stressful experience. Next time I go out to Balgo, I am going with KCLS in their four-wheel drive and I am really looking forward to it.



I am also booked in to do four-wheel drive training so next time I will be able to change the tyre myself.”

Lawyer, Aboriginal Legal Service of Western Australia

Challenges of remote 'lawyering'

The extreme remoteness of the cross-border and Kimberley regions created extra challenges and additional pressures on frontline service providers on a daily basis:

- *High levels of legal need created heavy workloads that included regular remote circuit work.*



- *Frontline service providers were routinely assisting extremely disadvantaged, high needs clients who often had complex legal matters. The limited number of trained Aboriginal interpreters, particularly in Western Australia, added another layer of complexity during the life of this project.*
- *High levels of staff turnover meant that there was often little or no continuity for all involved. This made it difficult to establish and maintain trust-based relationships particularly with remote Aboriginal communities.*
- *The remoteness of the regions meant that it was costly to meet in-person. Travel and accommodation costs were incredibly high, particularly during peak tourist periods and conversely, travelling out of peak periods in wet season, brought with it another whole set of challenges. Whatever the season, the large distances meant that a significant time was required to meet in-person. A one-day training workshop needed a clear half-day for travel on either side. For occupational health and safety reasons, participating agencies did not allow staff to drive long distance on remote roads after dusk.*
- *Technology in the remote parts of the project regions was extremely unreliable. Often whilst on circuit there was no signal at all. Remote frontline service providers travelled with satellite phones for use in emergencies. Video links were non-existent, broken or too unreliable to be a realistic option.*

All of these factors made it very difficult to create and continue a community of practice, particularly in relation to cross-border issues.

Reflections on staff turnover and grass roots collaboration

The high amount of staff turnover in the remote agencies in the project regions had a much more significant impact on the project than we anticipated. It wasn't until we got to our second remote workshop in Katherine, exactly halfway through the project that this really sunk in. We were ready to build on all the work we had done, but well over half of the people in the room were new to the project and experiencing it for the first time. Many were also new to remote work. Without splitting the group, which totally defeated our collaborative purpose, we couldn't provide professional development to extend the experienced workers. This meant we had to cover the same basics all over again as this was what was needed most. We found that this high level of level of staff turnover was occurring in all of the local agencies.

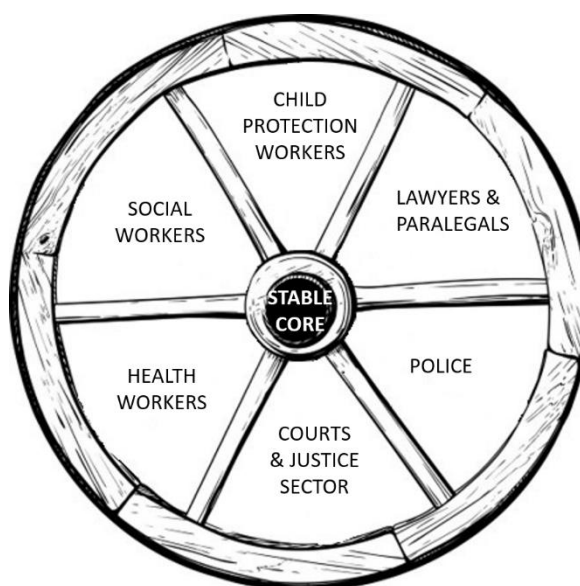
We did identify a clear stable core group who remained in the remote communities the whole time - even if they switched from agency to agency.

The people born and bred in the local communities were much more likely to stay. In particular, the local Aboriginal Liaison and Education Officers and Field Officers who had a deep-seated understanding of the project, were strongly connected to our client base and worked in or had collaborative relationships with all of the key stakeholder agencies.

To better ensure continuity, if we had our time again, we would target this stable core group of people to train and roll out the resources to other stakeholders moving in and out of the region.

In retrospect, instead of trying to develop large collaborative networks, we would work harder to:

- *cultivate better individual connections at a grass roots level,*
- *develop informal mentor programs,*
- *create more information sharing between key stakeholders, and*
- *develop better local training solutions.*



Training and professional development

Quantitative and qualitative data

Quantitative in-person and online training and professional development data is set out in Tables 6, 14, and 15 below. Continuous Professional Development (CPD) points were only issued to Western Australian lawyers participating in training events. Mandatory professional development schemes for lawyers are state and territory based, with different schemes operating in each jurisdiction.¹⁸

Table 6: Combined total of CPD issued during the project for in-person and online training

#	Description	Events / modules	Participants	CPD points issued (WA)
1	In-person training	17	2,836	766
2	Online training	5	22	25
	Total	22	2,858	791

Table 14: In-person training & professional development data

#	Training & Professional development	Participants	CPD points issued (WA)
1	Kununurra Consultations June 2016	19	18
2	Kununurra Workshop 31 Oct-2 Nov 2016 Aims and objectives of CLE projects Plain language legal communication Culture, language & community context in the region Bail, warrants and associated legal issues WA/NT Service mapping and referral pathways Applying plain language to bail/warrants	26	42
3	Katherine Workshop 7-8 Nov 2017 NT & WA family violence laws Community engagement and cultural competence CLE on domestic and family violence orders Working with Aboriginal interpreters Effectively evaluating CLE – Learning from practice	22	113
4	AFLS Conference March 2018 Broome	38	6.5
5	Broome Child Protection Workshop 12-13 Jun 2018 Community engagement and cultural competence Child protection process and mapping Using technology to enhance and access these resources Working with Aboriginal interpreters	24	40.5
6	Broome Child Protection Workshop 29 Nov 2018	17	40
7	WA - numerous Resource Kit Training workshops and sessions since Jul 2018	1,197	219
8	NT - 62 Resource Kit Training workshops and sessions since Jul 2018	1,206	N/A
9	Summer Series Criminal & Family Law days Blurred Borders legal communication tools	287	287
	Total	2,836	766

¹⁸ Training participants were not just lawyers, we also trained paralegals and other participants from the wider justice sector, social services and community organisations.

"I just wanted to say thank you for including me in the Blurred Borders workshop last week – it was great to be able to work alongside everyone there. I learnt quite a bit, and also had some of my thoughts and observations about the jurisdiction validated, which helped me to reflect further on my experiences working in this space. I am really looking forward to seeing how this next volume of the project turns out, and would be keen to continue to contribute in whatever way I can."

Lawyer, Aboriginal Legal Service WA, East Kimberley, Western Australia



"It's wonderful to be included in a project that is looking outside the box to try and address systemic issues within the justice sector. Loved meeting all the wonderful workers within the Blurred Borders region and from further away and sharing ideas."

Lawyer, Katherine workshop, Northern Territory, November 2017

"Have had a great couple of days. It has been great getting to know my colleagues from East Kimberley and the NT. Also really enjoyed and found value in the cultural competence and using interpreter sessions. Really looking forward to trying out using the cards."

Lawyer, Katherine workshop, Northern Territory, November 2017

Table 15: Blurred Borders online training and professional development modules

#	Online modules	Participants	CPD points issued (WA)
1	Bail, warrants and associated legal issues in WA/NT	6	9
2	Culture, language and community context in the region 2016	2	2
3	Culture, language and community context in the region 2017	3	3
4	Blurred Borders legal communication tools Summer Series Criminal Law Day	4	4
5	Blurred Borders legal communication tools Summer Series Family Law Day	7	7
	Total	22	25

Reflections on online and web-based training

Although we did offer tailored online training modules for lawyers during the life of the project, the take up was low. This is in keeping with the initial cross-border baseline survey data which indicated that only 20% of the lawyers surveyed preferred online training. Due to remoteness and the reality of professional isolation, lawyers in the cross-border region clearly preferred face to face training and professional development opportunities.

In contrast, nearly half (48%) of the non-legal service providers in the cross-border baseline survey, indicated a preference for online training. Although Legal Aid WA's online learning platform is currently not able to cater to external non-lawyers, this is something that is likely to change in the near future.

Despite the low uptake from lawyers on online legal training, if funding permits, the project team recommends creating online training on how to use the Blurred Borders resources. This is a critical and cost-effective requirement for the continued roll out of the Blurred Borders resources.

A number of Blurred Borders training sessions have also been conducted using web-based training tools. Although this is never as effective as in-person training, it is definitely better than nothing. In our experience, web-based training is only feasible when the training recipients have an actual set of the resources in front of them.

Regional challenges in training and professional development

During the life of the project, we encountered many regional challenges associated with professional development and training:

- **Meeting mandatory CPD requirements** was an ongoing challenge for lawyers in the remote project regions. These lawyers were looking to do any training to get their required CPD points rather than the training they actually needed.
- **High staff turnover and high numbers of inexperienced lawyers** presented ongoing challenges in the project regions. Regular staff turnover made it difficult to build on training over time.
- **Remoteness:** The remoteness of both project regions made the delivery of in-person training a costly and logistical challenge, particularly in a cross-border context. With all the circuit and outreach work being conducted across two different jurisdictions, it was hard to find times that everybody could attend. Half of the participants had to travel long distances to get to the training. This meant that two full days of training effectively took three to four days to deliver as road travel could not occur after dark for occupational health and safety reasons. This put considerable pressure on those left back at the office holding the fort.



- **Relevance:** The remoteness of the project regions and the nature of the work meant that the typical state/territory alignments along agency lines for training purposes were not particularly relevant. For example, staff from Legal Aid WA's Kununurra office were much more likely to benefit from training on working with Aboriginal interpreters provided by the NT, from Darwin or Katherine, as opposed to training provided by Perth over 3000 kms away.

Despite these challenges, feedback from service providers continually reinforced the importance of having face to face training.

Reflections on using Aboriginal language interpreters in the project regions

Results from our baseline surveys clearly indicated that many frontline service providers lacked experience, understanding and confidence in working with Aboriginal interpreters.

Table 16: Working with Aboriginal language interpreters in the cross-border regions

BASELINE SURVEY QUESTION: How do you rate your experience /understanding / confidence working with interpreters of Aboriginal languages (trained or untrained).					
Cross-border baseline		Katherine workshop		Broome child protection	
Limited or no experience	Limited or no understanding	Limited or no experience	Limited or no understanding	Limited or no experience	Limited or no confidence
62% (45/73)	51% (38/74)	35% (6/17)	35% (6/17)	64% (29/45)	48% (21/46)

To try and address this, we ran comprehensive training sessions on working with interpreters at the Katherine workshop in the Northern Territory in November 2017 and at the Broome child protection workshop in Western Australia in June 2018. However, due to continued high staff turnover in the project regions, the lack of experience, understanding and confidence in using Aboriginal language interpreters remains of great concern.

Anecdotal feedback gathered during the life of the project indicated that in the project regions (and more so in the Kimberley) many Aboriginal clients with very limited levels of literacy in English did not have good access to accredited Aboriginal language interpreters for their legal matters, and often went through the legal process without regular use of interpreters. This raises fundamental access to justice questions that go well beyond the scope of this project.

"If there is no transfer of language, you're wasting your time - people won't understand. This is a problem in every meeting. I have to step in for young ones and old people as well – mainly for old people. The meaning behind the words is really different. The same words in English and Kriol have really different meanings."

Men's Shed participant, Fitzroy Crossing, West Kimberley, Western Australia

Access to Aboriginal language interpreters and regular training for frontline service providers on how to work effectively with them are critical cornerstones to any legal communication process.

The Blurred Borders resources were never intended to replace the need to engage an Aboriginal language interpreter. They were designed as useful tools to assist frontline service providers (including interpreters) to help communicate legal concepts more clearly. Where there are language barriers an accredited interpreter should always be used.

Training on using the resources

Face to face practical training is the most effective way to introduce frontline service providers to the many different components of the resources, the ways they can be used, the website and to the other available supports.

Training was a critical part of facilitating successful integration of the Blurred Borders resources into regular use.

Many Blurred Borders Training workshops have been run in Western Australia, the Northern Territory and in other parts of Australia.



84% of respondents to the final evaluation survey indicated that they had received training. 32% said that they would use the resources more if they had further training.

“The trainers in the field are fantastic, to be as effective as them would be great.”

Children’s Court Registrar, Darwin, Northern Territory

“I can think of a hundred ways we could use these. It’ll just be about having a play and getting used to it.”

Social worker, Fitzroy Crossing, West Kimberley, Western Australia

Reflections on providing training on resource use

Providing training on resource use was not something that we had clearly identified as a key component at the start of the project. This meant that the costs were not factored into our original funding bid. To get around this, wherever possible, we scheduled Blurred Borders training around other training we were already delivering in the regions.

With high staff turnover in the remote project regions it has been challenging for the project team trainers based in Perth to continue to provide face to face training in remote areas. Potential strategies to address the need for more training include:

- *developing more local training champions,*
- *embedding Blurred Borders training into induction processes and other more generic training about working in regional and remote areas (for example within law schools and practical legal training courses), and*
- *developing an online training module.*

Bigger picture measures

Using feedback from key stakeholders, the project qualitatively measured whether the project initiatives:

- were efficient and effective,
- have improved access to justice and assisted in maximizing service delivery, and
- will be/have been integrated into business as usual.

Qualitative feedback relevant to all of the bigger picture measures can be found throughout this entire report.

Triple bottom line benefits

Feedback indicates that the Blurred Borders legal communication tools are providing:

- better outcomes for Aboriginal people and other disadvantaged groups,
- better outcomes for service providers, and
- tangible systemic benefits.

With the development of the new Kimberley child protection resources, in late 2018, the existing Blurred Borders family violence and bail and criminal process resources made their way to the West Kimberley. The West Kimberley Magistrate has welcomed the introduction of the resources and relevant court staff have now been trained in their use.

"I am really keen to see the continued rollout of Blurred Borders across the West Kimberley region. I have already seen the benefits of its use so far in the Magistrates Court and Children's Court on circuit up here in the towns and remote Aboriginal communities, such as Looma and Bidgyadanga.

Inside the courtroom, in addition to the assistance offered by court appointed interpreters, the duty lawyers are assisting their clients to understand legal concepts by use of the Blurred Border story cards. Also, our Aboriginal Liaison Officer who works out of the Broome Court and travels on circuit with me, has received training in the use of the Blurred Borders resource kit. I have been encouraging her in the courtroom to use the Blurred Borders cards to explain bail conditions to offenders prior to them signing their bail undertaking and also to explain some of the conditions of restraining orders.

I am also aware that some of the lawyers are using the Blurred Borders resource in the child protection arena to assist parents to better understand the obligations placed on them by Child Protection case managers.

My view is that the Blurred Border resource is particularly valuable in court where the person appearing has a cognitive impairment, such as a FASD diagnosis, or has literacy issues.

Congratulations (again) on developing this excellent communication resource."

Magistrate Langdon, Broome and West Kimberley Region

We asked service providers to describe the difference Blurred Borders resources have made to their work with the Aboriginal community or Aboriginal clients.

"It has been invaluable for working with Aboriginal clients. It's a great visual tool that sparks further conversation about topics - and sometimes using the resources has caused fresh legal referrals for other legal advice - which we didn't know about until our discussion."

Client Support Officer, regional Northern Territory

"Elders from communities have more readily engaged with deep discussion of legal processes, advocacy and law reform when using the resources in ways that have not been possible in the past."

Community Liaison & Education Officer, Darwin, Northern Territory

"Huge difference, you can tell that these resources help them understand the law and what will happen if they do or don't do certain things."

Client Support Officer, Darwin, Northern Territory

"Allowed better engagement and assistance in young Aboriginal clients to understand the legal process. Empowers workers with tools to help their clients."

Manager, Community Agency, Pilbara, Western Australia

"The Blurred Borders resources have helped show our Aboriginal clients and communities that we respect their communication needs and it has given them a pathway to open up and talk about things they might otherwise not talk about - somehow the pictures help give permission for better communication."

Lawyer, Perth, Western Australia

"I am able to communicate more effectively with the Aboriginal community and Aboriginal clients. The story cards are very effective at breaking down communication barriers and allowing Aboriginal people to discuss matters which bring them shame without having to actually speak about it."

Manager, Community Agency, East Kimberley, Western Australia

"One client was able to relate their offending behaviour to the harm they had caused to their partner/family and wider community. They understood their responsibility toward bail and what they needed to do to remain in the community rather than go to prison. They completed their bail and suspended sentence without contravention and his relationship with his partner improved after implementing family counselling sessions."

Probation and Parole Officer, Katherine, Northern Territory

"Posters in the office foyer/waiting room - opportunity to be reinforcing important concepts (ask for an interpreter/ ask for a lawyer / right to silence). Further attempt to ensure that our clients are best placed to understand a system that is otherwise complex and overwhelming."

Lawyer, East Kimberley, Western Australia

The integration of Blurred Borders resources into the West Kimberley regional prison provides a striking example of tangible systemic benefits.

“We do have Blurred Borders running in the prison – we are very fortunate to have Mr Lindsay Greatorex from the Broome Legal Aid office come in approx every three weeks to run it. Two of our staff co-facilitate with him.

This programme is very popular and we have high attendance rates by the prisoners. We also have a waitlist for others to be involved (not often we have waitlists like this).

Discussing FDV with female prisoners is usually a very sensitive and difficult area, with many women often refusing to participate – I can say with this programme though we have had 20 women commence and after six weeks we still have 19 women attending – that is a fantastic result for the women.

The feedback from prisoners has been very positive – even with one prisoner highlighting the programme in a prisoner/staff meeting suggesting that all prisoners should complete the programme.

Lindsay is a fantastic facilitator and is able to engage the whole audience (men and women) with his delivery.

The programme initially appealed to me due to the visual aids used - I have previously run Drug and Alcohol programmes and have always believed this to be a very beneficial way of delivery, especially for our cohort of prisoners. I have discussed this programme with our local police and I have got them coming in at some stage to sit in on the programme also and hopefully they may be able to use the resources also.

We had a group of approx. 8 staff initially trained in the programme – I have also completed the training.”

Assistant Superintendent Offender Services, West Kimberley Regional Prison, Broome

High levels of engagement from courts and police in the project regions is also creating systemic benefits.



His Honour, Magistrate Roberts (far right) with local Kununurra police, senator Dean Smith (2nd from left) and members of the project team at the project launch in Kununurra in July 2018.

Improving access to justice

Extensive feedback received over the three-year life of this project clearly indicates that the Blurred Borders legal communication tools are increasing access to justice for disadvantaged Aboriginal people in the remote project regions.

The fundamental problem underpinning the need to develop the Blurred Borders legal communication resources was a lack of understanding amongst local Aboriginal people of even the most basic legal concepts. This was compounded in the project region by the close proximity of the Western Australian and Northern Territory border as different laws applied in each jurisdiction.

You can't have 'rule of law' if the law is unknown. Making the relevant laws 'known' is a key communication challenge that goes to the very heart of our justice system. To improve access to justice, it is critical for frontline service providers to help people involved in court, police and other legal processes to understand their rights and responsibilities, what they can and can't do and what the consequences will be. Also critical is the capacity of legal services and systems to effectively communicate about the law and effective communication between parties within legal processes.

With increased understanding comes increased legal capability. With increased legal capability comes the ability to genuinely shape and change behaviour. Improving legal outcomes for disadvantaged Aboriginal people is what the Blurred Borders legal communication tools are all about.

We asked respondents to our final evaluation survey about how the Blurred Borders resources might help improve access to justice:

- 92% (99/107) strongly agreed or agreed that the resources can be used to improve understanding and awareness of legal rights and responsibilities.
- 94% (100/106) strongly agreed or agreed that the resources can be used to help improve people's understanding of what the law requires them to do
- 86% (92/107) strongly agreed or agreed that the resources can be used to improve client outcomes or circumstances.
- 86% (92/107) strongly agreed or agreed that the resources improved the service provider's ability to communicate legal concepts to Aboriginal people.

In addition, 89% (93/105) of respondents thought that using the resources was worth the effort and 82% (85/104) would like to have similar resources for other legal topics.

These results demonstrate the potential of Blurred Borders resources to improve access to justice, build legal capability and support rule of law.

“Improved communication = improved access to justice for clients.”

Lawyer, East Kimberley, Western Australia

“Thanks for all the efforts, collaboration, objective research and creative genius that has gone into creating this valuable resource, improving access to justice for the most disadvantaged in our communities.”

Lawyer, East Kimberley, Western Australia

“Blurred Borders resources are unique and really valuable to use in a whole range of legal contexts. Supporting workers both in regional and metro areas to use the resources with communities and individuals where they would enhance understanding and therefore real participation in the justice system, and thus facilitate access to justice.”

Lawyer, Perth, Western Australia



Blurred Borders Community legal education session, Ringer Soak, November 2017

CASE STUDY #6 IMPROVING CRIMINAL LAW OUTCOMES

An Aboriginal man from a small remote Aboriginal community in the Kimberley was charged with a serious criminal offence. He had pleaded not guilty and had been remanded in custody in Perth to await trial. The man was legally represented by an in-house lawyer from Legal Aid WA. The man had limited English and his lawyer was concerned that he did not fully understand the trial process or the other potential legal options that might be available to him, including pleading guilty to a lesser charge. The lawyer asked him if he wanted an Aboriginal interpreter but he had declined (possibly because of the very small number of interpreters who spoke his language and the concern that the nature of the charges might be found out by members of his community). The lawyer and another senior criminal lawyer from Legal Aid WA went to see the man in prison. They took the Blurred Borders bail and criminal process story cards as a communication aid to assist them to explain the process and to concept check the client's understanding. Below is a summary of the process the lawyers followed and the story cards they used.

We first spent a while explaining the trial process. Mainly focusing on the witness cards (people telling their story), the prosecutor/lawyer cards (so the client knew who was who), and particularly the jury card. We emphasised that the jury will make the decision.



We then set up a line of cards vertically for the client that outline the current situation:



We placed a cross and tick card to show which story he agreed with

We emphasised to the client that the second column of cards reflected his story. His story was that he attempted to commit the offence, not that he actually did commit the offence. We told him that if he went to a trial and told his story, the best thing he could hope for is he would be convicted of an attempt. We therefore offered to write to the prosecutor. The client understood what we were doing and instructed the submission be written.

The man ultimately pleaded guilty to an attempt to commit the offence. He was sentenced to a term of imprisonment which was half the length of the term of imprisonment he would have received if he was convicted of actually committing the offence.

Through increased understanding and improved legal capability, this client was able to give clear instructions that resulted in a guilty plea to lesser charges. This not only better reflected the offence committed, but also resulted in clear benefits for the client, service providers and the criminal justice system.

Integrating the resources into ongoing or everyday practice

We asked respondents to our final evaluation survey whether they had integrated any elements of the Blurred Borders resources in to their ongoing or every day practice. Of the 119 responses received, 44% (52/119) said yes, 43% (51/119) said no and 13% (16/119) chose 'not applicable'.

44% of the respondents to our final evaluation indicated that they had integrated the resources into ongoing or everyday use.

This surprised us. With the ongoing need for training and familiarisation, existing systemic barriers, and the resources themselves never being intended as a one size fits all solution, we were not expecting to see such a high level of integration so quickly.

Once again, our frontline service providers demonstrated a remarkable ability to adopt and adapt the Blurred Borders legal communication tools to make them work in their particular context. This is a testament to both the service providers and the versatility and utility of the resources.

"I have created a story card sheet for general legal advice for all criminal law clients. It is a basic map to explain each client's options to them."

Lawyer, East Kimberley, Western Australia

"We have placed the wallet cards in all court room cells to create bail cards for all in custody clients."

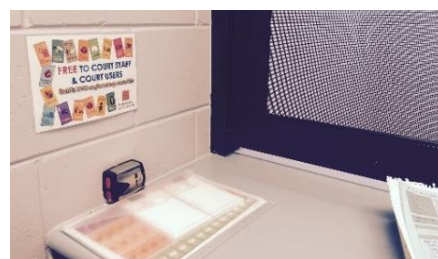
Client Support Officer, regional Northern Territory

"Using story cards as part of a counselling tool."

Manager, West Kimberley, Western Australia

"I use the cards to communicate with young people about the court process as well as conditions on bail and court orders. The cards are a useful tool when discussing potential bail conditions with a young person. They select what rules they may be able to follow and have a sense of control over the outcome."

Lawyer, regional Northern Territory



The cells in Katherine



The South Hedland police lock up

"Our office now has a set of cards at the front counter. They are upside down and in their colour coded sets so that if admin staff are having difficulties with a client at the counter they can reach for them directly and use them to assist with legal information."

Community Liaison & Education Officer, East Kimberley, Western Australia

CASE STUDY #13 REACHING THE TIPPING POINT

Changing ingrained work practices to introduce the new Blurred Borders resources has been an ongoing challenge. Some service providers reported 'dabbling' with the resources until they reached a 'threshold moment', a 'tipping point' when nothing else had worked. When they tried the Blurred Borders resources almost as a last resort, sometimes they were able to break through and successfully communicate key legal concepts to their client. After a couple of experiences like this, they were much more likely to use the resources.

Below is an extract from an email sent: to Legal Aid in Kununurra in January 2018:

Subject: Blurred Borders cards success

"In Halls Creek I assisted a 14-year-old boy who had never been to court before with 5 home burg charges and associated stealing charges. At court, he was frustrated by the whole processes of me talking to him; he didn't really want me reading the charges to him; he wanted to get it over and done with; he didn't understand why I was talking about it with him when he had already talked about it with the police; I explained to him the word 'aggravated' about 4 times and he couldn't tell me anything about what the word meant or why a charge is serious. Because he didn't appear to understand / retain anything and was really distracted, I thought he might have some cognitive issues. I adjourned the matter so that I could go speak to him the following day (lucky to be staying in HC overnight). The next morning, he was initially un-interested and had his head on the table. As soon as I pulled out the cards and started pointing at which card was him, and which card was me, the police etc. he was completely engaged. I also had a pre-prepared drawing about the elements of an Agg home burg & commit charge. I was able to use the cards to show what the police thought he did and differentiate between the job of lawyer, court/judge, and YJ (previously I think we were all lumped in with the police). He even asked questions about his curfew! His family came out and were also asking questions and engaging. I think it made a significant difference to him and I will now try to use the cards for all the kids and any adults who might need it."

Thanks heaps! Solicitor (RP).

Reasons for not using the resources

In the final evaluation survey, we asked those service providers who hadn't used or don't use the Blurred Borders resources to tell us why. Respondents could select one or more of the given reasons, and/or choose 'other' and provide a free text response, or choose 'not applicable'.

Of the 79 responses, close to half (48%; 38/79) chose 'not applicable'.¹⁹

For the remaining respondents, the main other reason for not using the resources was 'I haven't had the opportunity to use them yet (23%; 18/79). Only a small minority selected the following reasons:

- I am just too busy at the moment to introduce them into my practice (6%; 5/79).
- I am not familiar enough with the resources to feel comfortable using them (5%; 4/79).
- I don't think it would be of benefit to the clients or people I work with (4%; 3/79).
- They won't make a difference to what I do (1%; 1/79).

Around one-third (34%; 27/79) of respondents provided a free text response. Analysis indicated that the overwhelming majority (81%) of the free-text responses related to lack of opportunity, lack of training and familiarisation with the story cards and relevance.

"I think it will be good when working with new clients to outline the process of their legal process. Often I have already established adequate communication. I haven't had too many opportunities to try it in reality but look forward to doing so. I probably need to play with them a bit too."

Interpreter, Northern Territory

These findings speak to barriers to the uptake and use of Blurred Borders resources. While uptake and use will often depend upon individual's roles and context, various individual, service environment and systemic factors may be barriers that first need to be addressed to support the use of Blurred Borders resources. In particular, training, familiarisation and confidence appear to be critical, as is having the time and space to do so, which can be a challenge in busy service environments that also have other competing demands.

¹⁹ This may have been because they were actually using the resources or because the resources may not have been directly relevant and applicable to their role.

Other explanations beyond lack of opportunity, training and relevance that were provided in the free text explanations included:

“Participants seem to display a lack of interest after a short span of time.”

Counsellor, East Kimberley, Western Australia

“I am able to explain the concepts on my own using my methods.”

Client Support Officer, East Kimberley, Western Australia

In other parts of the final evaluation survey, a small number of respondents expressed concerns about the cards being childish or patronising.

“I just worry that the materials have a slightly “childish” design which can offend some clients. Those adverse reactions have been reasonably few, though the fact there have been some adverse reactions has made me a little more cautious in using them with every client.”

Lawyer, regional Northern Territory

Noting these comments, once again we reiterate that the resources were never intended to be a one size fits all solution. Rather, they are intended to be an aid to communication. If for any reason, either the service provider or the client is uncomfortable using the resources, they should not be used.

Systemic barriers

These resources change and challenge the way service providers are used to working with their clients. For lawyers and other frontline service providers working in busy offices and courts, it can be difficult to find the time and space to slow things down enough to be able to completely focus on making sure their client genuinely understands the process. With large caseloads, busy court lists and tight deadlines, taking more time (without significant support from those around them) may simply not be a realistic option.

“It is interesting in my role how clients always say they did not understand the legal process or that they did not have enough time with their lawyers who allegedly explain the processes to them.”

Probation and Parole Officer, Katherine, Northern Territory

To properly support the new way of working these resources bring, systemic changes are required to enable frontline service providers, including court-based lawyers, to work appropriately and effectively with the new communication tools. To genuinely improve legal capability and ultimately access to justice for highly disadvantaged clients, these sorts of systemic issues must be addressed.

Even with highly effective tools, further investment is required to bed them down and consolidate their use. Otherwise, more likely than not, they will just end up collecting dust on the shelf.

Reflections on embedding the resources into everyday use - lack of confidence and practice

While many frontline service providers have already integrated the resources into everyday practice, others face challenges and are taking more time to do so.

“All members of our office agree that the resources are invaluable it is now just a matter of all staff becoming comfortable in how to seamlessly integrate them into our practice (i.e. our office often talks about how it is not the resources that are inadequate, but our skills in using them).”

Lawyer, Aboriginal Legal Service of WA, Kununurra. East Kimberley, WA

“The story cards and the wallet cards are a great idea. In practice, the hardest thing to do is to get the judicial support officers to consistently use them. I am constantly having to remind them.”

Magistrate, Kununurra, East Kimberley, Western Australia

Many frontline service providers who received initial training still needed more time to build up their confidence and experience in using the resources.

“I feel like the training I had was incredibly informative and useful and at this stage it is more important for me to get experience using Blurred Borders with clients before doing further training.”

Lawyer, Darwin, Northern Territory

“It would be great to have some more training with practical elements, so I can have a chance at explaining concepts using the resources during training.”

Lawyer, Perth, Western Australia

“I need more practice and observation of competent practitioners.”

Regional Manager - Adult Community Corrections, Pilbara, WA

Outcomes

Creating the Resource Kits

Story cards



The story cards form the foundation of these resources. They are the essential ingredient that holds everything else together. They are highly innovative yet breathtakingly simple, giving them a mercurial quality that gives rise to endless possibilities.



The story card creation process began with intensive onsite workshops in Kununurra, Katherine and Broome. At these workshops, handpicked service providers, representing a wide range of agencies, came together to share knowledge and experiences and to ultimately create the resources. From the sketches and feedback gathered initially at each workshop and then from many subsequent conversations, briefs to the graphic designer were prepared.

It all started on a very hot day with some rough drawings in the dirt.

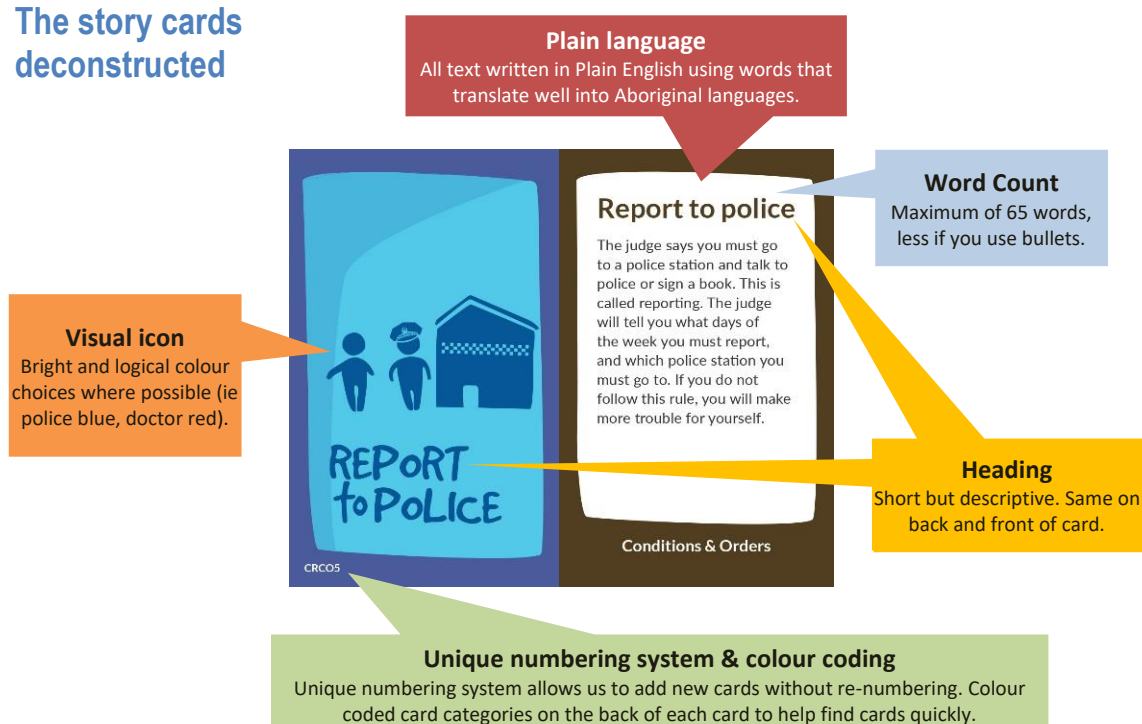


Extensive focus testing was conducted in the project regions by the project team and local service providers. This helped to make sure the story cards were fit for purpose. Additional story cards were added, and unnecessary cards removed. Graphics and text were changed to make meanings clearer. Different card sizes and ways of carrying and packaging the story cards were trialled before we finally settled on hole punching each card and placing the pack on one or more split rings.



Focus testing in Balgo (left) and Barunga (right)

The story cards deconstructed



The back of each story card is just as important as the front.

A huge amount of work went into the plain language text on the back of each story card. Service providers in the project regions, other experienced lawyers and a plain language linguist carefully considered the text to make sure each word was the best possible fit.

Where possible, we avoided using words and grammatical concepts that didn't translate well into Aboriginal languages.

"The back of the cards read easily. I would translate them into Kukatja and Kriol if I was using them."

Elder, Deputy Chair, Mulan Community, East Kimberley, Western Australia

Reflections on using a plain language linguist

Using a plain language linguist was one of the best things we did in the project. Although our service providers and members of our project team already had well developed plain language writing skills, the linguist took things to a whole new level. This greatly improved the clarity of the information on the story cards and provided excellent professional development for the project team.

We strongly recommend using experts to help with this sort of work. Being one step away from the project, having a fresh set of eyes and no agenda or set perspectives meant that the linguist was able to independently challenge the use of some words and concepts that we had previously taken for granted. The linguist definitely added a huge amount of value.

The story cards resonated well with our original target audience and with wider audiences because:

**BEST
PRACTICE**

- The design is simple, functional and effective.
- The characters are easy to relate to:
 - They are not racially stereotyped.
 - Most are gender neutral. We have only assigned gender when there is a specific contextual need to do so. For example, gendered lawyer cards help explain that sometimes you might have a female lawyer. This can be culturally challenging for some men in remote Aboriginal communities.
- The cards are culturally appropriate and culturally accessible.



The full set of story cards for each legal topic are located in the Blurred Borders Resource Kit User Manuals in Appendices 2, 3 and 4.

Reflections – One size does not fit all

As a project team, we had many robust debates over all aspects of the story card creation process. Things like whether we:

- should include a particular story card that had a narrow but still important focus,
- had too many story cards and should take a more minimalist approach, and
- really needed two different sizes of story cards.

It took us quite some time to realise that one size did not fit all in this project and that the very nature of this resource meant that if someone didn't like a particular story card they could simply take it out the pack and not use it. If somebody preferred smaller sized cards, then they didn't actually need to use the larger ones. Once we figured out that this was genuinely a 'pick and mix' resource, things became much easier. In the end, if key stakeholders felt really strongly about wanting a particular story card – we left it in.

Reflections on not reinventing the wheel

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PRACTICE

We are extremely grateful to Northern Territory Community Corrections for sharing their knowledge and resources and introducing us to their graphic designer. The look and feel of our story cards and wallet card stickers was strongly influenced by their Indigenous Language Probation and Parole Resource. Fourteen of their original designs remain amongst our 165 story cards. Their willingness to collaborate allowed us to build on the excellent focus testing that had already occurred with a very similar audience and to maintain consistency in look and feel between resources.



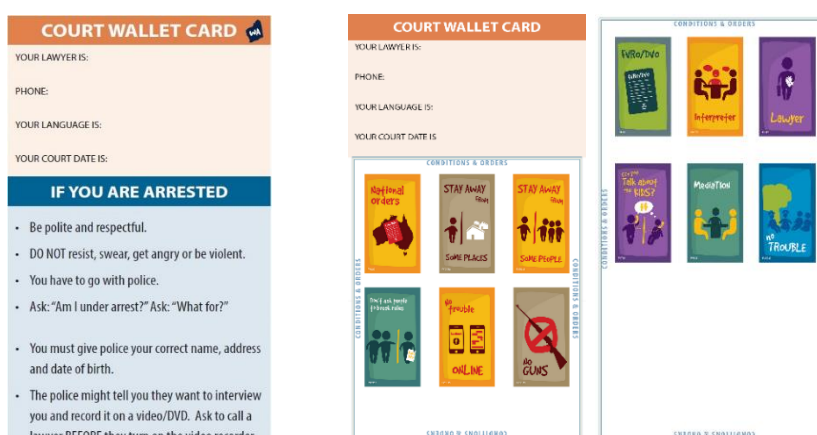


The wallet cards are a great ‘take away’ for clients. They facilitate and reinforce understanding by providing a visual representation of what that client must do or must not do.

In the cross-border region, we used wallet cards to help explain bail conditions and Family Violence Restraining Order/Domestic Violence Order conditions. In consultation with key stakeholders, we developed two types of wallet cards.

- A Western Australian wallet card containing information about what to do if you were arrested. (This information was already available in the Northern Territory.)
- A universal blank wallet card that can be used anywhere by any agency.

The template for the wallet cards and stickers can be downloaded by service providers from the Blurred Borders website.



Each resource kit comes with blank wallet cards and a range of stickers. This allows service providers to customise each wallet card to reflect the individual conditions or orders made by the court or any other key messages they wish to convey to their client.

The wallet cards can be used to reinforce legal advice or convey legal information. They are an excellent tool to help keep everyone in the family in the loop. Some clients are using the wallet cards as a shield. For example, if they are on a curfew, they can show others the wallet card to reinforce why they have to go straight home when it gets dark.



In the child protection context, we used wallet cards to help parents understand the sorts of things they had to do to keep their kids or get their kids back.

"You can slip the wallet card in with your phone so you don't lose it".

Elder, Teacher's Assistant, Kururrungku Catholic Education Centre, Billiluna, WA

"I have used one of the wallet cards and stickers for a child protection client – using the no grog, no gunja, no violence stickers to indicate what is expected of them by DCP."

Lawyer, Kimberley Community Legal Service, Kununurra, East Kimberley, WA

"The wallet cards are good. This is my rules. If I don't follow them I'll get locked up. That's good – this is a good idea."

Elder, Health worker, Billiluna, East Kimberley, Western Australia

"You could take a photo of the wallet card with your mobile phone – that way you can't lose it as you never lose your phone."

Community Liaison and Education Officer, West Kimberley, Western Australia

Wider applications

Many stakeholders identified other areas where wallet cards would be useful. These included:






- For reportable sex offenders who have to comply with numerous conditions.
- With Extraordinary Drivers Licences to help people understand when and where they are allowed to drive.
- In a civil law context with dementia patients and tenancy clients.

CASE STUDY #14 USING WALLET CARDS IN A CIVIL LAW CONTEXT

Email received in February 2018 from a lawyer in the cross-border region:

'I've made up my own wallet card for a client receiving aged care services (meals on wheels, assistance with shopping) to remind her when she is getting the service and so she remembers to stay home at that time. I haven't used the graphics from the blurred borders project, but found my own graphics. The blurred borders wallet card inspired this idea and has made me think about how we can use graphics/pictures to provide advice/info to our clients.

We have done similar cleaning rosters with graphics/pictures to remind clients who are at risk of losing their tenancy for property standards.'

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
BREAKFAST & LUNCH	LUNCH	LUNCH	LUNCH	SHOPPING, MAIL & BANK -on Pension Day LUNCH
				

Process and place maps

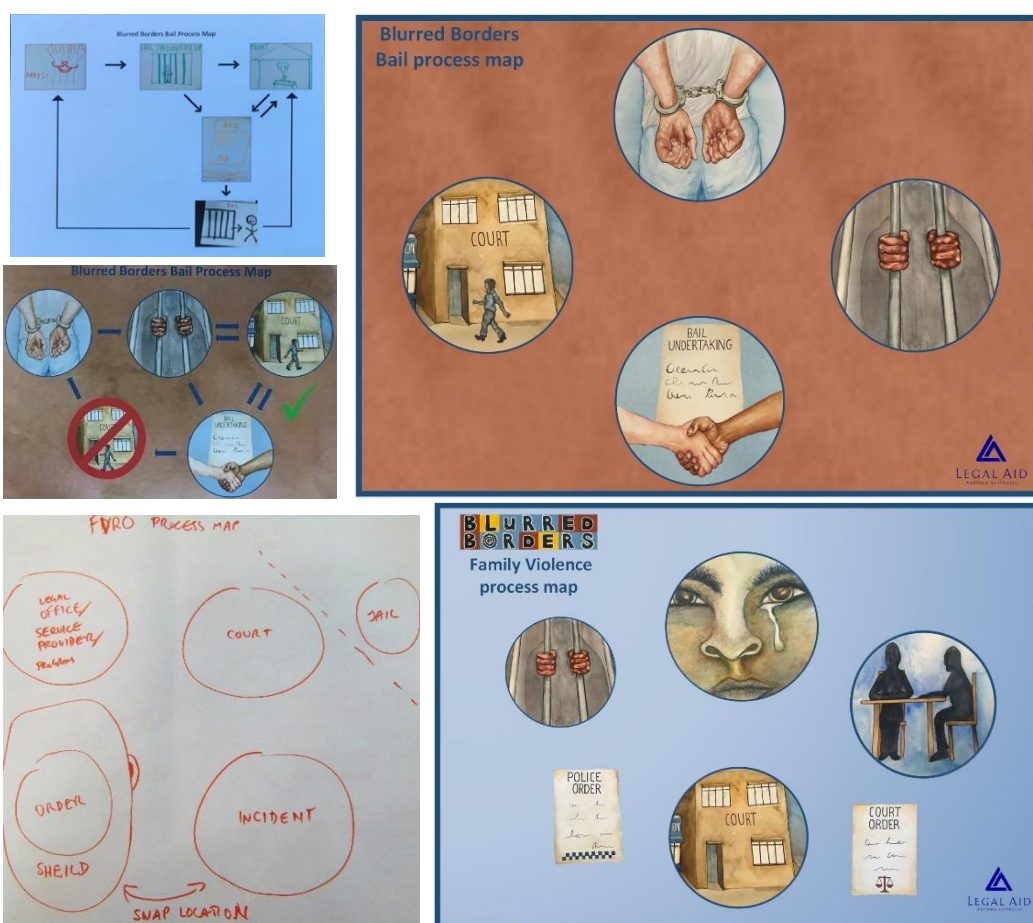
**BEST
PRACTICE**

The concepts for the place and process maps were also developed at the onsite workshops. The maps were conceptually much harder to create than the story cards. This was due to the complexity of the content; we couldn't narrow things down to a singular concept in the way we could with the story cards.

The process maps were for use in a community legal education context and with individual clients. Although the general legal process was roughly the same for everybody, service providers came into contact with people at all stages of the process. This meant that different parts of the process were more relevant to some people.

A lot of time, thought and effort went into mapping complex processes as simply as possible. It took us a long time to figure out that everything worked much better when we removed the arrows.

The Bail and family violence process and place maps were illustrated by Taryn Cox, a local Aboriginal artist and paralegal in Kununurra. Her working knowledge of the judicial system provided an excellent foundation for the creation of these maps.





'I like the talking points around the pictures on the place map.'

Northern Territory Service Provider



The child protection process map and safety scale cards were illustrated by local Broome Aboriginal artist, Damien Lawford.

Community Legal Education activities



Story telling

Story telling has been a critical part of this project. Most of the stories we have used came from real life case studies gathered in the project regions.

Our story telling Community Legal Education activities form an important part of each resource kit. Through story telling, we can engage clients in a meaningful way that helps to improve their understanding of key legal concepts.

Each story is a ready made Community Legal Education (CLE) activity on relevant bail, criminal process, family violence or child protection legal topics that can be used with small to medium sized groups. Each story in the User Manual contains:

- A short summary of the key messages/legal concepts covered in the story.
- A list of the story cards you need to visually represent the story.
- The text of the actual story.

Some stories include alternative endings to show what can happen if you do things differently.

The stories and story cards can be used interactively in many ways. Some facilitators hand the story cards out to the participants and encourage them to place and/or read the relevant story cards at the appropriate parts of the story. Others use the story and the story cards as a conversation starter to help the participants to shape and discuss new stories in relevant areas of legal interest.

2.3.2 Desmond's story

Key Issues

- Who can you ask to help you if you get arrested?
- Getting police bail
- Following bail conditions/bail rules
- What can happen if you break your bail conditions/bail rules?

Activity cards (in order of use)

Use these cards to help tell the story

Story

Desmond lives with his girlfriend Sasha.

Desmond gets very angry and jealous when he sees Sasha at the shop talking to another man. He wants to know who he is and why she is talking to him. He goes to the shop and gets very angry. He tells Sasha what happened when he went home and the next morning he wakes up at his brother's shop.

The police come and arrest Desmond.

The police say Desmond has broken many rules and has a very bad history. Sasha has a broken jaw and a fractured eye socket and is in the hospital.

The police have taken a statement from Sasha and another witness. The police take Desmond to the police station.

The police do not give Desmond bail and say that he cannot go back home. He must wait in jail until the judge in court decides if he can have bail.

Who can you ask to help you if you get arrested?

Desmond is not feeling very well. Desmond says, "Can I see a doctor because I feel very sick?"

After he has seen the doctor the police take Desmond into a room and ask him to answer some questions. There is a video camera in the room.

Desmond says, "I want to speak to a lawyer before I do anything else."

Desmond phones the lawyer who tells Desmond he has the right to silence and not do a video record of his interview.

Desmond does not do an interview or give a statement to the police. He only tells the police his name, date of birth and address.

The lawyer will also help Desmond in court to ask the judge about bail. If the judge gives Desmond bail, he can wait in the community until his next court date.

Desmond is worried about going to court so he asks his brother to come support him.

Following bail conditions/bail rules

In court, when talking to the judge, the judge says that Desmond can have bail if he follows the bail rules and signs a bail paper.

The judge says Desmond must follow these bail rules:

- Go to court on Monday 20 November at 9:00am
- Get a \$5000 surety
- Live with his brother
- Stay away from Sasha
- Stay away from the house he was recently born in
- Not drink or take any alcohol. Not go to places that sell alcohol
- Stay out of trouble

Community legal education session in Kununurra, July 2018

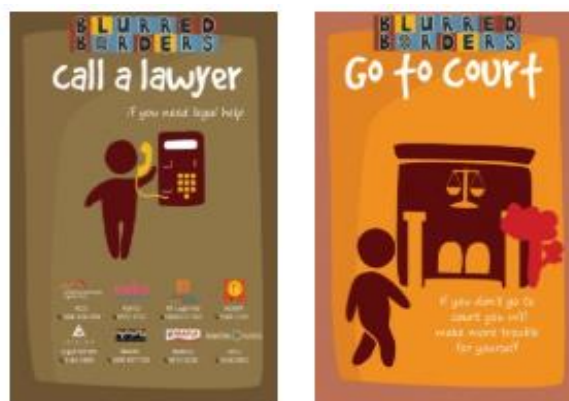
Posters



The posters effectively reinforce the project's key legal messages.

The key legal messages were initially developed at the stakeholder workshops and then fine-tuned as the project progressed.

Many service providers have expressed interest in displaying the posters in their workplaces. This includes government offices, legal offices, courthouses, police stations police lock ups, prisons and youth detention centres.



CASE STUDY #15 USING CHILD PROTECTION POSTERS KUNUNURRA

A woman came to see a Legal Aid lawyer in Kununurra about a protection and care matter involving her children. Her caseworker came with her. Whilst in the interview room, the woman noticed the Blurred Borders 'No Grog' and 'No Domestic Violence' posters on the wall. She pointed to the posters and said she would like to put them up inside her house to help make it a safer place for her kids.

The lawyer gave an electronic copy of the posters to the case worker who printed them in A3 size and laminated them for the client, who then put them up in her home. This was a much better option for her than making a Liquor Restricted Premises application, as it did not involve the police and gave her the control to decide to take the posters down at any time without involving anyone else.



CASE STUDY #16 FOCUS TESTING CHILD PROTECTION POSTERS IN BROOME

Below is an extract from an email received in June 2019 from a Legal Aid WA lawyer based in Broome in the West Kimberley in Western Australia:

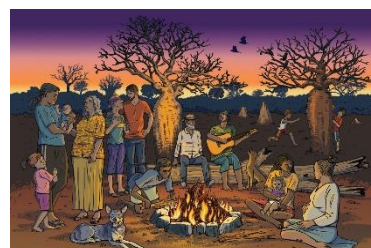
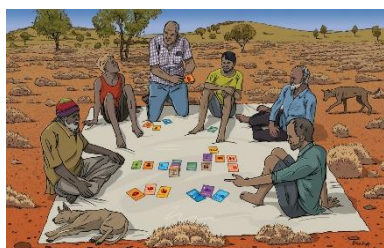
“While delivering community legal education on child protection to men at the Change em Ways program in Broome (a program targeted at Aboriginal men and their partners who want to stop using family violence), I asked the participants for feedback about some of the draft Blurred Borders posters which I had put up on the board. The feedback was very positive with several participants and the organisers asking for copies. One guy wanted to take the ‘Deadly families keep kids safe’, ‘Strong cultures – solid kids’ and ‘It’s all about the kids’ posters home to put on his fridge as a reminder. I gave him those posters and will drop more off to the program as soon as the content is finalised.”



User manuals

Each resource kit contains a user manual. Each user manual contains:

- Relevant legal information.
- Cross-cultural competency information.
- Practical community legal education activities.
- Referral information on where to get legal and other help.
- A catalogue of the resources in each kit.



Graphic artist, Patrick Bayly, a Western Australian artist based in Fremantle created the cover pages for all three user manuals and some of the artwork in the child protection user manual fact sheets. This artwork has been very well received by local Aboriginal people in the project regions.

All three Resource Kit User Manuals are set out in full in Appendices 2, 3 and 4.

All key information in the user manuals can now be accessed by stakeholders via a log in process on the Blurred Borders website. Legal information will be kept up to date on the website. New community legal activities and other resources (such as the common layouts) are also being added to the website as they are developed.













This week I got an advance look at the new Blurred Borders Child Protection User's Manual. Blurred Borders has previously covered crime and family violence but these new materials are the first foray into child protection. They are designed to address the unique legal issues faced by Aboriginal people in the Kimberley child protection system. Our Blurred Borders materials empower Aboriginal people by making the processes more understandable. They will be used by lawyers, interpreters, refugees, other support services working with parents and families and Departmental staff to help communicate key concepts to Aboriginal people."

Dr Graham Hill, Chief Executive Officer, Legal Aid WA

Child protection fact sheets

BEST
PRACTICE

To make the critical information more accessible, we created 26 stand-alone fact sheets in the Child Protection User Manual. These cover a wider range of practical and procedural topics and are designed for frontline service providers, including child protection workers, to give to parents involved in child protection processes. The fact sheets can also be individually downloaded from the Blurred Borders website.

<p>fact sheet 11 WHO IS LOOKING AFTER MY KIDS WHEN THEY ARE LIVING WITH CARERS?  KEEP EM SAFE</p> <p>The Child Protection mob will try to make sure that your kids live in a safe place when they are in care.</p> <p>If your kids' case is at the Children's Court, the Child Protection mob or the magistrate must say who your kids can live with. This could be:</p> <ul style="list-style-type: none"> » The other parent » Another family member who will keep your kids safe » Someone your kids know well, like a family friend or a teacher » People your kids don't know in foster care, including a group home run by an organisation such as <i>Life Without Barriers</i>, or sometimes by the Child Protection mob. <p>Your kids will come out of care when the Child Protection mob or the magistrate thinks it is safe for your kids to go back to live with you or the other parent. This might be after a short time. This might be after a long time. Sometimes it will not be safe enough ever for them to come home.</p> 	<p>fact sheet 11 WHO IS LOOKING AFTER MY KIDS WHEN THEY ARE LIVING WITH CARERS?  KEEP EM SAFE</p> <p>The law says it is good for Aboriginal and Torres Strait Islander kids to live in a place that respects Aboriginal culture, customs and traditions.</p>  <p>This means it is best for your kids to be cared for by family members, or community, or by an Aboriginal and Torres Strait Islander. If this does not happen the Child Protection mob has to work out other ways to keep your kids' connections to family, culture and community.</p>
<p>Can I tell the Child Protection mob who I think my kids should live with?</p>  <p>Yes. You can tell the Child Protection mob who you think is the best person to look after your kids. The Child Protection mob will check out who they are, where they live and who they live with. The person must get a Working with Children Check before they can look after your kids.</p> <p>The Child Protection mob will try to put your kids with a safe family member or another person they know well. This person will look after your kids until:</p> <ul style="list-style-type: none"> » The Child Protection mob says your kids can go back and live with you, or the other parent, or » The magistrate tells you and the Child Protection mob that it is safe for your kids to go back and live with you or with another safe person. <p>When your case is at court, you can tell the magistrate who you think is a good person to look after your kids.</p>	<p>Will my kids always live with my family?</p>  <p>No. Sometimes the Child Protection mob will say your kids must stay with someone who is not family. This person is called a foster carer. This might be for a short time. This might be for a long time. It might be for a longer time if the Child Protection mob decide that your family members are not safe people for your kids to live with.</p> <p>It will be for a short time if the Child Protection mob talks to your family and decides that they are safe people to look after your kids. Sometimes Working with Children and other checks need to be done. This can make it take longer for the Child Protection mob to decide what is happening.</p>
<p> LEGAL AID  BLURRED BORDERS https://blurredborders.legalaid.wa.gov.au  GOVERNMENT OF WESTERN AUSTRALIA Department of Communities</p> <p><small>This Best Practice Information only. It is not legal advice. If you have a legal problem, you should ask to speak to a lawyer. Legal aid will always be available to provide assistance, but does not accept responsibility for its use. You are responsible to keep, use and share information from our website, including our resources and publications. If you are doing so for non-commercial or non-profit purposes, you must make clear the content was created by Legal Aid WA. You must not use the legal aid logo or the Blurred Borders logo for commercial purposes and the content must not be used to represent the Government of Western Australia.</small></p>	<p> LEGAL AID  BLURRED BORDERS https://blurredborders.legalaid.wa.gov.au  GOVERNMENT OF WESTERN AUSTRALIA Department of Communities</p> <p><small>This Best Practice Information only. It is not legal advice. If you have a legal problem, you should ask to speak to a lawyer. Legal aid will always be available to provide assistance, but does not accept responsibility for its use. You are responsible to keep, use and share information from our website, including our resources and publications. If you are doing so for non-commercial or non-profit purposes, you must make clear the content was created by Legal Aid WA. You must not use the legal aid logo or the Blurred Borders logo for commercial purposes and the content must not be used to represent the Government of Western Australia.</small></p>

Reflections on creating the user manuals

As we did not want to waste limited project funds creating the user manual, we decided to produce it in-house. This was progressing reasonably well until our trained 'In-design' staff member left the agency. As we had a deadline to keep and insufficient time to train someone else, we transferred the files into a word document, so we could edit it. This was a nightmare. The file was way too big for word and kept crashing - we had to nurse it every step of the way.

If we had our time again, we would have saved many frustrating hours by using the correct software to create the user manuals.

We are now in the process of transferring information from the user manuals onto the website. Going forward, we will use the website as the authoritative place for up to date resources and information.

Harnessing technology

Additional funding in June 2018 brought with it the opportunity to introduce technology into the project by:

- developing a website to house the Blurred Borders resources, and
- piloting the use of audio in two Aboriginal languages and English on a small sample of story cards.

Website

The Blurred Borders website was developed for use by both the general public and service providers. It is intuitive, easy to use and mobile friendly.

<https://blurredborders.legalaid.wa.gov.au>



From the website, the general public can access:

- all story cards in downloadable PDFs,
- audio in English on all story cards,
- all posters, and
- general information about the project and how to use the resources.

Service providers have additional access, via a secure login to:

- all components of the board games,
- wallet cards templates, stickers and printing instructions,
- all CLE story activities,
- common layouts of story cards, and
- legal and referral information contained in the user manuals.

Website usage statistics

We commenced developing the Blurred Borders website in mid-2018 and continued to enhance it over the life of the project. As the child protection resources were not completed until mid-2019, they are not included in the website usage statistics. At this stage, no real marketing or awareness raising has been done to promote the website.

Between 17 August 2018 and 28 August 2019, there were 9,239 unique pageviews. These were very evenly spread between the homepage (29% - 2,790), the Bail & Criminal Process story card pack (26% - 2,272), the Family Violence story card pack (24% - 2,242) and other information about the project (21% - 1,935).

Half of the respondents participating in our final evaluation survey had visited the Blurred Borders website.

"It is extremely useful. The whole concept is brilliant in its simplicity."

Lawyer, Perth, Western Australia

"Very straightforward and easy to navigate."

Lawyer, Perth, Western Australia

"Useful resource to explain and display the visuals for other service providers etc."

Social Worker, Darwin, Northern Territory

Reflections on introducing the website



The website has been a fantastic way to capitalise on and provide easy access to the project resources. It enables people to access and use the resources in different ways including listening to audio on some of the story cards and providing an online space for service providers to store regularly used resource templates and layouts. The website has definitely added value and is extending the life and use of the resources.

We created all of our resources the old-fashioned way in hard copy and focus tested them first before putting final versions up on the website. With three years of focus testing, a key challenge has been keeping a tight grip on version control.

If you are planning to use an online platform, we highly recommend creating hard copies of the resources first and fully focus testing them before putting them up online. Once things go into the online environment, any chance of version control goes out the window.

Piloting audio on the story cards

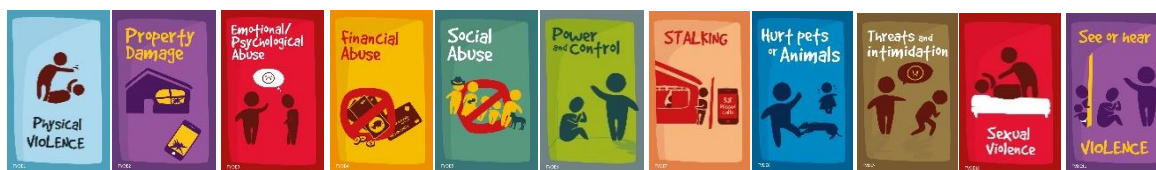


The project management team were keen to trial using audio in Aboriginal language on the story cards. We were unsure how this would be received in a remote Aboriginal context, so we asked key stakeholders about this:

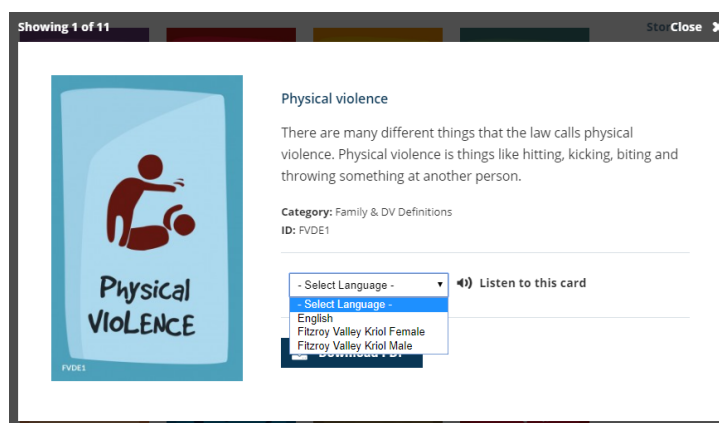
- Three quarters of respondents to our child protection baseline survey (33/44) said that they would use resources that read text aloud in Aboriginal languages and a further 18% (8/44) answered maybe.
- 20% (4/22) of service providers at the June 2018 Broome workshop said they would use the story cards to play audio when delivering child protection services and a further 67% (15/22) said maybe.

These responses demonstrated enough interest for us to proceed with the pilot.

After consulting our Steering Committee, we chose the 11 family violence definitions story cards for the audio pilot. Even if nothing further eventuated from the pilot, it would potentially be highly beneficial to have audio for these cards.



The Blurred Borders website was specifically configured to make it possible to select a language and play the audio for each story card. The audio would play from any device that could connect to the internet including laptops, iPads/tablets and smart phones. When you clicked on each card on the website, a drop-down box allowed you to select the language and gender of the speaker and listen to the story card.



The story cards were translated and recorded by accredited Aboriginal interpreters into:

- Fitzroy Valley Kriol (West Kimberley) as this language was spoken by many people in the Fitzroy Valley.
- Kukatja (East Kimberley Tanami Desert/Balgo area) as there were many Aboriginal people in this area with little or no English.

To ensure the audio translations were culturally appropriate, the story cards were recorded using both male and female speakers. We also recorded the text in English.

“The audio is helpful. The main point is you don’t have to read – you just have to listen. Listening is important. We have only used words in the last 200 years. Before then we listened and learned stories by listening.”

Men’s Shed, Fitzroy Crossing, Western Australia

“It’s good that you have both women and men speaking Kriol. There could be a cultural barrier if you don’t have the right speaker. Some people wouldn’t feel comfortable unless there was the right speaker. You need to have both men and women as speakers.”

“It’s useful to have it in English as well. Some people would understand it in English if they didn’t have to read and they could just listen.”

Marninwarntikura Women’s Group, Fitzroy Crossing, Western Australia

Challenges

Translating text into Aboriginal language was expensive and subject to many delays. Given the limited availability of Aboriginal interpreters, it was a process that could not be rushed. It took us over six months to get useable translated audio recordings in two languages for 11 cards.

Although the feedback on using audio in the pilot was very positive, with 165 different story cards in the resources, our challenge going forward will be to:

- Identify significant further funding so we can continue translating and recording audio using accredited Aboriginal interpreters, or
- Find a more cost-effective way to accurately and culturally appropriately translate and record the relevant text into Aboriginal languages.

Then the next major challenge will be to decide which Aboriginal languages to translate and record as there are many to choose from in the project regions.

Technical issues using audio and internet in remote regions

- *The air conditioning and fans were very loud in the Men’s Shed in Fitzroy Crossing and this was typical of many locations in the project regions. This made it very hard to hear the audio even at full volume. In practice, service providers will need an external speaker attached to their tablet/smartphone/laptop so that everyone can hear the audio easily.*
- *If remote communities have an internet signal, it tends to be with one carrier. In Fitzroy Crossing there is a good Telstra signal and no Optus coverage. 80kms away at Noonkanbah there is an Optus tower and no Telstra coverage. This means that service providers and end user clients with one carrier will not have a reliable internet signal everywhere.*
- *Ideally the audio needs to work offline so it can be used in communities and other places that don’t have a reliable signal. This is beyond the scope of the audio pilot and would involve high data downloads.*

Applying Yunkaporta's evaluation framework



The Blurred Borders project has been very successful in creating legal communication tools that resonate well with remote Aboriginal people. Much of this can be attributed to the project's close alignment with the key principles in *Yunkaporta, Aboriginal pedagogies*. Our project was not developed with Yunkaporta's framework in mind. In fact, we only became aware of it during the project. However, upon discovering it, we thought that it would be an effective evaluation framework to inform our project's evaluation. By applying Yunkaporta's framework, we could analyse whether our focus on Aboriginal perspective, view and user-testing had allowed us to create not only culturally appropriate resources, but culturally effective resources.

When measured against the principles in Yunkaporta's work on *Aboriginal pedagogies*, the evidence indicates that the Blurred Borders legal communication tools have been developed in a way that is likely to maximise knowledge transfer and learning amongst Aboriginal people from remote areas.

This is vital for enhanced and effective two-way communication that will ultimately legally empower disadvantaged Aboriginal people in our project regions.

This outcome was not an accident. It is a direct result of the project team and project partner's insistence on Aboriginal input and guidance throughout the process. Strong contributions from Aboriginal people have ultimately shaped the development of our project in line with all aspects of Yunkaporta's framework. Key cultural undercurrents have permeated through the entire project because we prioritised Indigenous perspectives in the workshop, focus testing, development and evaluation process. This has resulted in strong Aboriginal ownership and distinctive, fit for purpose, culturally appropriate, culturally accessible and culturally safe resources.

Each of the eight ways of learning from *Yunkaporta, Aboriginal pedagogies* is considered separately below.



Focus testing in Balgo, 2017



Katherine Workshop, 2017

Eight ways of working with knowledge



Story sharing → We connect through the stories we share

“This way of learning harnesses well-documented Indigenous teaching methods that make use of personal narratives in knowledge transmission and transformation. It has been observed that Elders teach using stories, drawing lessons from narratives to actively involve learners in introspection and analysis. This element is about grounding school learning in all subject areas in the exchange of personal and wider narratives. Narrative is a key pedagogy in education for students of all cultural backgrounds.”²⁰

“This flexible method was grounded in the notion that in Indigenous research, methods for data collection are really expressions of our ways of knowing, being and doing. Therefore, methods must follow codes and protocols that demand adjustments to behaviour and ways of communicating in different settings with different participants. So it was important for me to offer multiple modes of participation for the heterogeneous group of teachers contributing to the project, both to adhere to my own cultural protocols and to honour their own diverse identities.”²¹

We began this project with story sharing. Stories from Aboriginal people in the cross-border area spoke of their struggle to understand legal processes and concepts. We listened to these stories and connected with these communities to address this issue.

With our agency partners, we shared stories and ideas by email and telephone. At our interagency meetings, we filtered workshops and resource development through a more traditional western framework.

When working with Indigenous communities, we collected data and ideas in a more culturally appropriate way. We travelled to remote communities and sat down with people and talked with them about their ideas or opinions. We recorded stories in writing and sought permission to refer to or include these in the project. At all times, we were aware of and followed local protocols and rules. For example, we did not disturb people during sorry time.

We talked to community members and gave them opportunities to tell us their personal experiences. We turned some of these stories into case studies. These case studies have helped us to showcase different ways that you can use the resources. It has also helped us to identify common legal themes and commonly used layouts.

We developed community legal education activities that help people learn through story sharing. The activities discuss legal concepts by telling a person’s story of being in the legal system. The story cards can help clients focus on one concept at a time, and to

²⁰ Yunkaorta, *Aboriginal pedagogies*, p. 49.

²¹ Yunkaorta, *Aboriginal pedagogies*, p. 15.

visually link those concepts together through a story. In this way we teach and engage the client through the story, and they can contextualise the knowledge in a way that makes sense to them.

An example from the Bail & Criminal Process resource kit is “Jody’s story”. Jody’s story uses story cards to discuss who you can ask to help if you’re arrested, how you can get police bail, why you need to follow bail conditions/rules and what can happen if you break your bail conditions/rules. Service providers can map this story out to show clients they should ask for an interpreter/lawyer and the consequences of not following their bail conditions. They can also adapt the story to their client’s situation by following alternative story lines or endings, to give them a greater understanding.



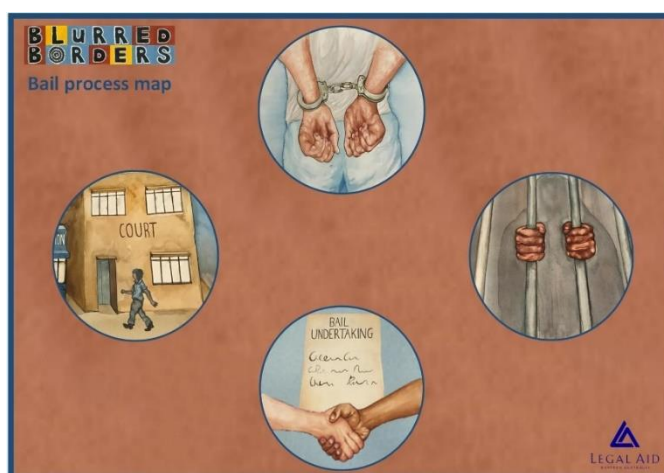
Story sharing during the project



Learning maps → We picture our pathways of knowledge

“This way of learning is about making those overall shapes of structures in texts, activities and courses explicit in a visual way for Aboriginal learners... In optimal Aboriginal pedagogy, the teacher and learner create ‘a concrete, holistic image of the tasks to be performed. That image serves as an anchor or reference point for the learner.’”²²

We embraced the idea of having learning maps in our resources. Our process maps represent legal processes holistically and the story cards explain the parts of those processes. When people are beginning to get confused by conversations, the process maps can be used to ground conversations that are legally complex and keep a clear picture of the whole process whilst trying to focus on a particular part. This method recognises the importance of visual learning for many Aboriginal people.



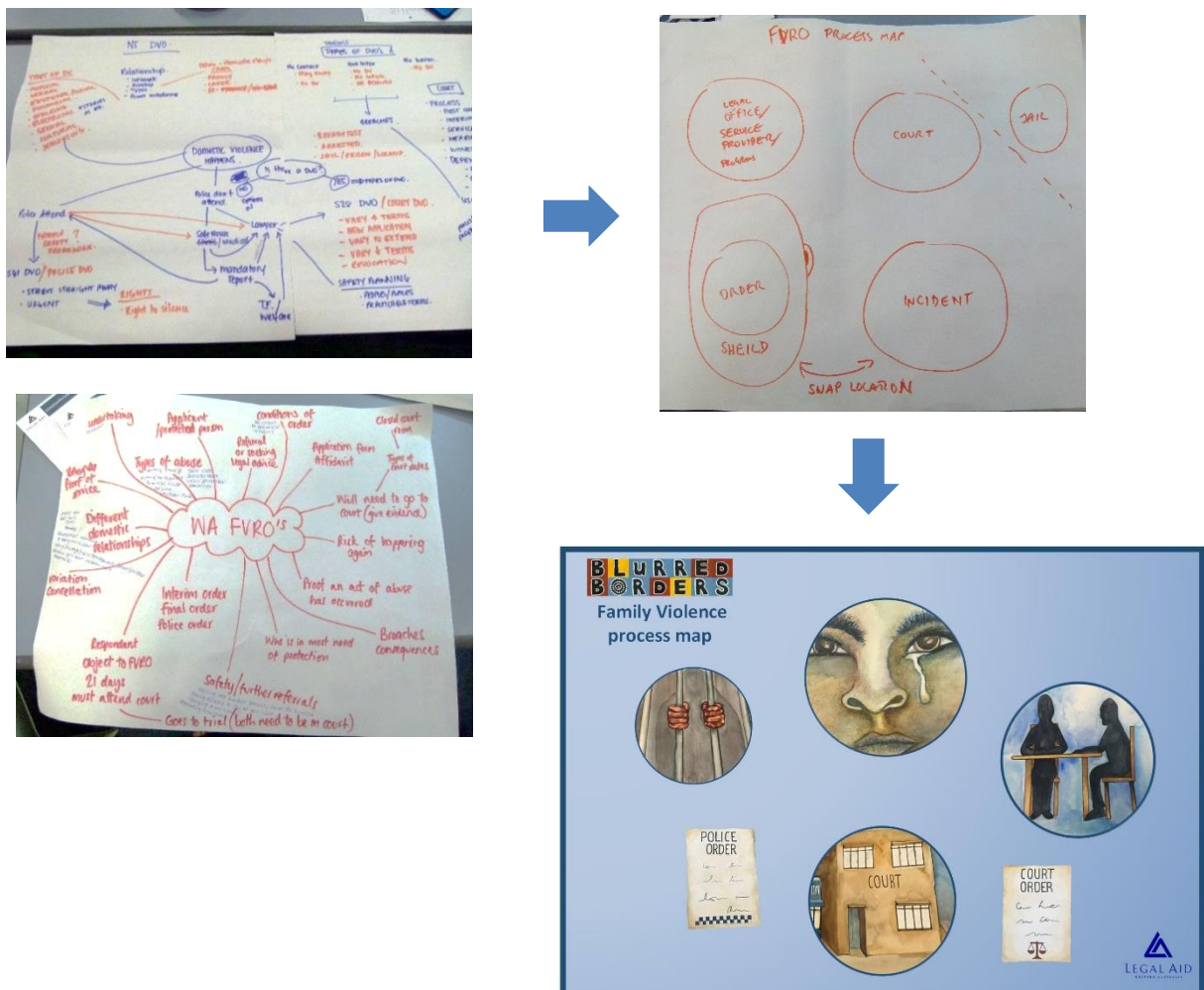
We used visual maps as a means of communicating information with clients. At the very start of our project, a regional lawyer told us how she used drawings to explain the criminal process to a 16-year old Aboriginal client who she was taking instructions from under a tree outside the courthouse. She drew the courthouse and the lockup in the dirt and used rocks to represent the people involved in the process. After using the drawings to explain the process, the lawyer asked her client to tell her what he had to do next.



He picked up the rock that represented him and put it on the picture of the courthouse. At this point the lawyer was satisfied that her client understood that he had to go back to court. This is the drawing that she used to explain these processes.

²² Yunkaporta, *Aboriginal pedagogies*, p. 48.

An example of some of our process mapping from the November 2017 Katherine family violence workshop:





Non-verbal → We see, think, act, make and share without words

“Kinaesthetic, hands-on learning is a characteristic element of this Aboriginal way of learning. Another dimension of this is the role of body language in Indigenous pedagogy and the use of silence as a feature of Aboriginal learning and language use... Wheaton gives an idea of the scope of this pedagogy, when she talks about the way Aboriginal learners test knowledge non-verbally through experience, introspection and practice, thereby becoming critical thinkers who can judge the validity of new knowledge independently.”²³

We embraced non-verbal learning in this project using board games. We developed a bail board game and a healthy relationships board game. These games were intended for use as community education tools and have been very successful especially with young people. They allow people to engage with the difficult topics in a fun and sometimes indirect way, which can be less confronting than one-on-one conversations about the content.



The pictures on the story cards can be also used to facilitate non-verbal learning and to connect people with legal concepts. The cards can be laid out to show a bird's eye view of how events or places are physically set up. An example of this is laying the cards out to explain the court room set-up to a client who has not been in a courtroom before. The story cards show where the judge, judicial support officers, court orderly, prosecutor, client and defence lawyer will be situated. With this, the client can visualise walking into



in the court room, understand what might happen during their hearing and understand where they need to move in the room during the process. Visual resources can help people feel more comfortable and confident to engage with us verbally. In this way we enhance two-way communication and understanding using non-verbal resources. Clients can use the story cards to ask questions or to demonstrate understanding.

²³ Yunkaporta, *Aboriginal pedagogies*, p. 49.



Symbols and images → We keep and share knowledge with art and objects

Many Aboriginal people are visual-spatial learners.

“In the Aboriginal way a teacher would utilise all the senses to build symbolic meaning in support of learning new concepts, as a specifically Indigenous pedagogy involving the use of both concrete and abstract imagery. It is different from the pedagogy of Learning Maps, in that it focuses on symbols at the micro level of content rather than the macro level of processes.”²⁴

We used symbols and images on our story cards to explain the ‘micro level’ of legal processes. The images are basic and contain symbolic elements to help people identify what the plain language on the back is explaining. The cards can then be used as part of a verbal discussion to enhance understanding and the sharing of knowledge, or the person can read the plain language text to understand the meaning of that card.



An example is the “Doctor/Nurse Health Worker” card, where the person on the front has a white coat and a stethoscope. People can identify what this card means from these symbolic elements alone. Then, using the card as part of an explanation, they might understand when they need to visit the doctor as part of their bail conditions.

Other examples are the “No Grog” and “No Drugs” cards. The No Grog card has a bottle on it with a large red cross over it, while the No Drugs card has a marijuana leaf with a large red cross over it. You don’t need to read the language on the back to understand what these cards are saying, especially when used in the context of bail conditions. These have been used in Kununurra Courthouse as part of the bail process to visually show people their bail conditions and ensure they understand.



²⁴ Yunkaporta, *Aboriginal pedagogies*, p. 48.



Land links → We work with lessons from land and nature

“This pedagogy is about relating learning to land and place. The strong Aboriginal connection between land and knowledge/learning is widely documented. Aboriginal pedagogies are intensely ecological and place-based, being drawn from the living landscape within a framework of profound ancestral and personal relationships with place.”²⁵

Land links are very significant in Aboriginal cultures and we acknowledged this in our resource kits with place maps. The place map is an image of a town, with buildings that might be linked to the legal process (like a lawyer’s office, police station, court and rehab). There are also features of rural towns like parks, play grounds, shops and outlying remote communities. There is a border line so that the place map can be used to illustrate differences between the Western Australian and Northern Territory jurisdictions. For example, a bail condition might require someone to stay in Western Australia.

In practice, people interpret the place map based on where they live and their experiences. They pick up on the elements that seem familiar to them and it helps them to apply what they are learning to their own lives. For example, people frequently identify the border line as a road into town they would need to take to report to the police station/rehab or to see a lawyer. While this was not our intention with the border line, it shows people are using the map to draw on their personal relationships with place and contextualise their learning.



²⁵ Yunkaporta, *Aboriginal pedagogies*, p. 49.



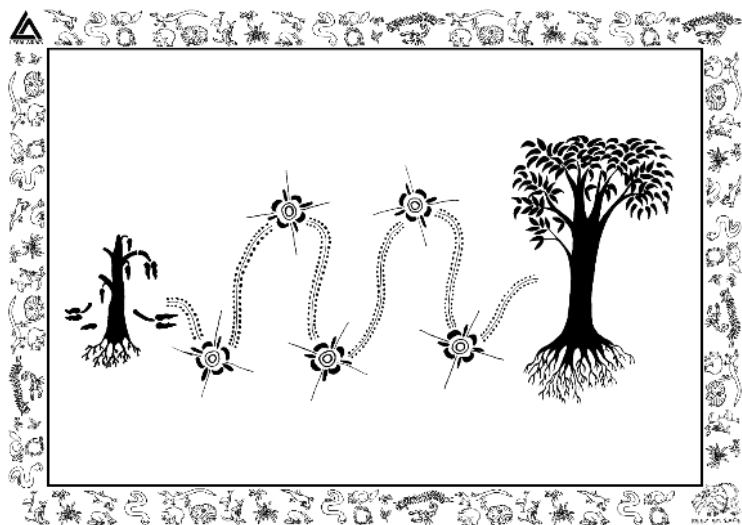
Non-linear → We put different ideas together and create new knowledge

“This way of learning encompasses all non-sequential Aboriginal pedagogy – a complex cycle of learning composed of multiple processes that occur continuously. Aboriginal students can have an indirect rather than direct orientation to learning, as can be seen in the avoidance of direct questioning and in the avoidance of direct instruction and behaviour management. Additionally, Aboriginal people think and perceive in a way that is not constrained by the serial and sequential nature of verbal thinking. That linear perspective in western pedagogy has been identified as a key factor in marginalising Aboriginal people and preventing us from constructing our own identities”.²⁶

The legal processes described in our resources are complex and not linear. Whilst the processes are generally consistent, there can be many complications, twists and turns, making every person’s pathway through the process unique. As such, a linear approach to explaining this would be flawed and insufficient. To combat this and appeal to many Aboriginal learners, we have taken a non-linear approach to all the resources.

There is no specific way to use any part of each resource kit and this is emphasised in all training provided. The key is to understand the resources and the client, then use what is appropriate and helpful for their situation.

Many of the Aboriginal people we consulted in project development expressed the idea that culturally, for Aboriginal people, a result or outcome is not as important as the journey. They also told us that many Aboriginal people do not take the linear path from A to B but wander along the way. This wandering is a very important part of the journey. We kept this in mind when developing our Child Protection resource map, making the line representing the journey a winding line with many stops along the way. These stops are generic, so that any cards or symbols can be inserted into them to represent a client’s personal journey. In this way, the process map can be used to create a specific process for each client. This recognises the complexity and non-linear reality of the child protection process and people’s lives.



²⁶ Yunkaporta, *Aboriginal pedagogies*, p. 50.

Another example is our process maps. Rather than being a directional map, the maps have multiple images which symbolise events that could occur many times through the legal process. For example, the bail & criminal process map has a person in handcuffs to symbolise someone being arrested, a person behind bars to symbolise someone being in lock-up, a person signing a bail undertaking and a person attending court. A person could be arrested at the beginning of the process for committing a criminal offence, but a person could also be arrested for breaching their bail conditions. They might have to attend court multiple times through the process. The layout of the map allows the conversation to move between these events in a non-linear manner and show how things might happen. This takes a holistic, rather than reductionist, view of the process which allows every person's specific circumstances to be considered.

Our original intention was for the process maps to be directional. After looking at the level of detail and number of different steps which the processes could involve, we realised it was impossible to produce a directional process map that would work for every situation. We realised that by making the maps non-directional and focusing on important events, rather than steps in the process, we could represent the whole process in a much simpler visual map. This still achieves the goal of grounding the client in the process, as they can relate the process to events they have experienced then use this to remember their next steps.



The story cards are a non-linear resource, because they can be used in an infinite number of ways. A person can use all of them to explain a concept, or just a few. They can be laid out in a way that suits the communication space, for example by being laid on a table or displayed on a whiteboard. They do not have a sequence and whichever card is relevant can be called on at any time.

A practical example of using our story cards in a non-linear way is using the family violence definition story cards to talk to people about family violence. There is a common assumption that family violence is only physical abuse and doesn't recognise emotional, social or financial abuse. The story cards can be shown and referred to, during a conversation about family violence, enabling clients to identify whether they have suffered mistreatment they may not have recognised as abuse. There is no 'linear' way to have this discussion. By making all the cards available, they can be referred to when they come up in discussion and when needed.





Deconstruct/Reconstruct → We work from whole to parts, watching and then doing

It is a western way of learning to incrementally increase knowledge by looking at a concept piece by piece.

“Aboriginal students master activities and texts beginning with the whole structure, rather than a series of sequenced steps. There is a broad consensus in the literature that the Aboriginal learner ‘concentrates on understanding the overall concept or task before getting down to the details.’”²⁷

The interaction between the process maps and story cards is a means of deconstructing then reconstructing the legal processes in a holistic manner. Discussions can begin with the broad processes on the maps, then story cards can be used to refine understanding of particular aspects of those processes. Finally, the conversation can be brought back to the process map to check understanding.

Legal service providers using these resources will need to understand the entire legal process they are explaining. This is because at any one time they might have to be able to explain any stage of the process. In a criminal context this could be from pre-arrest to sentencing. To help service providers do this, we created comprehensive user manuals as part of each resource kit that contain legal information about the processes that service providers might need to explain. This acts as a reference point for the service provider, giving them a resource to turn to if they are unsure about a process or concept.

Whilst it is important for service providers to understand the entire legal process, most clients who are in the middle of a court process only need to understand the parts of the process that affect their immediate situation. For example, a client may be at a later stage in their legal proceedings and only need to have the sentencing process explained to them. Another example is the bail process. A person might be in lock-up awaiting a bail hearing. The bail process map can show that they’ve been arrested, and the next step will be to go to court for a bail hearing. If their hearing is successful, they will need to sign a bail undertaking. The actual court process of the bail hearing could then be explained, as well as what a bail undertaking is and any conditions which may be attached. The service provider could then return to the process map and ask the client to show what steps are going to happen next, to double check they have understood the conversation. This conversation could also happen with the arrested person’s family, so that a community of understanding can be ensured.

However, at some point, someone will need to explain the bigger picture process to this client. They are on bail for a charge or charges that have to be dealt with either by way of

²⁷ Yunkaporta, *Aboriginal pedagogies*, p. 47.

a guilty plea (and subsequent sentence) or a not guilty plea resulting in a trial which in turn could lead to an acquittal or a conviction (and subsequent sentence).

From an early intervention and prevention perspective, it is vitally important for people who are likely to come in contact with the judicial system or with the police to have a clear understanding of the whole process before this actually happens. Ideally, this includes general legal processes roles and responsibilities, legal rights, police powers and possible consequences. Our resources were designed to be used in a preventative community legal education context, using storytelling and role playing to provide a better understanding of these critical bigger picture legal concepts.

By designing each resource kit as set of interchangeable legal communication tools, the particular tools (story cards, process maps, board games etc) needed to explain each situation can be tailored to meet individual or group community legal education needs. For example, a service provider may be assisting two people on identical charges, but one person may need an interpreter and the other may not.



The need to be able to work seamlessly from the ‘whole’ to ‘parts’ was a fundamental reason behind our decision to broaden the scope of the original bail resource kit to include other criminal processes. At the end of the day, no single part of the legal process can be viewed in isolation and both service providers and clients needed to be able to understand both the bigger picture and the individual parts.



Community links → We bring new knowledge home to help our mob

“This way of learning draws together the research describing Aboriginal pedagogy as group-oriented, localised and connected to real-life purposes and contexts. In Aboriginal pedagogy, the motivation for learning is inclusion in the community, while teaching refers to community life and values.”²⁸

Our project aimed to create resources that would help to improve the legal understanding and legal capability of remote Aboriginal people in our project regions with the ultimate aim of improving justice outcomes and increasing access to justice. We aimed to create networks of trained service providers to use these resources. If frontline workers and regional legal staff all used the same resources to explain legal concepts, then people would receive a consistent message throughout many conversations. The repetition and clarity in consistent messaging would inevitably improve understanding and legal capability which in turn could help realise positive behaviour change.

A person is far more likely to follow their bail conditions or restraining order conditions if they have a clear understanding of what is expected of them and what the consequences of breaching those conditions are.

The goal was to have many different parts of the process, including police, lawyers, court and corrections staff, all using the same story cards to improve understanding of the bail and family violence legal processes. We achieved this by engaging with frontline service providers in the community legal assistance sector, regional courts and judicial officers, police, prisons, health workers, teachers and many other frontline support agencies within government and the not for profit sector. We conducted many regional workshops to create and focus test the resources and to train people on using the resources. We provided many resource kits to key stakeholders either free of charge or at cost to encourage their use as a normal part of client interactions.

High levels of staff turnover in our remote project regions created an ongoing challenge. It took time for service providers to become comfortable using the resources. They had to shift their own communication styles and practices to incorporate resource use into their daily interactions with clients. Service providers who were only around for a short amount of time were less likely to commit to changing their work practices and would not be around to benefit from any longer-term gains from using the resources. Maintaining awareness about the resources and training new staff in remote project regions was also more difficult when staff turnover was high.

²⁸ Yunkaporta, *Aboriginal pedagogies*, p. 48.

Future directions

To date, our primary focus has been on developing and refining the legal communication tools. The focus must now shift to implementation and service environment and practice reforms necessary to realise the triple bottom line benefits of more effective legal communication.

Within the project regions

Despite the excellent initial quantitative and qualitative results for this project, it will take more time, continued effort and ongoing training to bed down use of the Blurred Borders legal communication tools, particularly for one-on-one legal assistance services within the project regions. We hope that service providers and the wider justice system itself, give these very effective legal communication tools the time and space to succeed.

Expand user training

Hands on face-to-face training is the most effective way to familiarise service providers with the resources. We have already developed a comprehensive training program and have skilled trainers in the project regions. With continuing wider interest, face-to-face training needs to be rolled out on a much larger scale. Online training should also be developed to accommodate the high levels of interest and turnover in remote areas.

Continue to develop and raise awareness about the website

The Blurred Borders website is an excellent tool available to frontline service providers to assist with use of the existing resources. More time needs to be invested in marketing the website and raising awareness amongst frontline service providers of its presence. With further funding there are also many useful enhancements that could be made to the website that would increase the efficiency and effectiveness of resource use on the ground.

Keep up with demand

From day one, there has been enormous grass roots interest in this project. Fielding enquiries, showcasing the resources, and printing, compiling and distributing resource kits, boardgames and story cards has kept our small project team very busy. Going forward, additional supports will be required to keep up with the ever increasing, Australia-wide demand.

Beyond the project regions

There has been significant interest in using the resources beyond the project regions, particularly in the rest of Western Australia, the rest of the Northern Territory and in Queensland. Additional funding is required to roll the existing resources out more widely to create more resource kits and deliver associated training.

Wider target audiences

Many services providers are already consistently using the legal communication tools with wider audiences. With minor modifications and adaptations, the resources could be even more useful for young people, people with cognitive impairments, including FASD, people from culturally and linguistically diverse backgrounds, and people with low levels of English literacy.

“The pictures are especially useful when communicating with young people who have FASD or a cognitive disability. They are also a useful tool to assist young people with memory problems (I create a court story for each client and they keep this with them and can look back when they forget or have questions).”

Lawyer, Regional Northern Territory

We are currently considering broadening the reach of the Kimberley child protection resources to include more diverse parent groups.

“Child protection resources adapted for metro Aboriginal clients, CALD clients or clients with low level of literacy and /or disability would be highly useful”.

***Regional Executive Director | Kimberley Regional and Remote Service Delivery,
Department of Communities, Western Australia***

Service providers in the Northern Territory are also interested in adapting the Kimberley child protection resources to accommodate their jurisdictional differences.

“I can’t wait for the child protection resources to be released.”

Lawyer, regional Northern Territory

The limitation on my use is the proportion of my work that relates to family violence and child protection. If that was the only work I did, I expect I would use the kit far more frequently. Particularly if there was an NT specific child protection kit.”

Lawyer, regional Northern Territory

If we had further funding, we would....

1. **Produce more of the existing resources.**

It is almost impossible to keep up with demand for the existing resources. Even if we ultimately charge service providers for the resources, we still need enough funds to print and produce them in the first instance.



2. **Continue to develop and provide appropriate training on using the resources.**

3. **Establish some discrete implementation pilots targeting highly disadvantaged communities.**

By increasing legal capability and legal empowerment, Blurred Borders resources could play an important role in decreasing the level of Aboriginal incarceration and the numbers of Aboriginal children going into care. To help embed the resources into daily practice and attempt to overcome known systemic failures, with additional funding, we would pilot targeted use of the Blurred Borders legal communications tools in identified, high need remote and regional areas. This would enable us to address specific legal concerns (for example high levels of family violence related assaults) in an inclusive and collaborative environment with less systemic pressures and measure whether the resources can help to make a real difference. We are particularly interested in setting up a discrete implementation pilot in remote parts of the West Kimberley.

4. **Increase the use of technology.**

In keeping with the high levels of innovation already associated with this project, further funding would allow us to:

- Build greater functionality into the Blurred Borders website. For example, an electronic drag and drop feature would enable service providers to be able to easily create story card combinations tailored to individual client needs.

“Creating visual aids with the cards can be time-consuming, particularly if you want clients to take it home. An electronic version of the program would be helpful.”

Lawyer, Perth, Western Australia

- Pilot and develop ‘offline’ electronic use of the resources (perhaps by creating an app) for remote communities and other areas with poor internet connectivity.

5. Expand the use of Aboriginal languages in the resources.

After successfully piloting audio on a small sample of story cards in two Aboriginal languages (Kukatja and Fitzroy Valley Kriol), we have received requests to create more audio recordings in more Aboriginal languages.

“It would be great if there was the capacity to record more of the story cards into different languages, to ensure even greater accessibility of the resources.”

Lawyer, Perth, Western Australia

6. Keep the existing resources current.

Yearly focus testing with identified key stakeholders and routine legal updates would help to keep the existing resources current.

To maintain currency, the resources need to be able to organically evolve to meet changing needs. For



example, in 2016 at the start of the project, the key messages around drug and alcohol use were ‘no grog’ and ‘no gunja’. By 2019, local Aboriginal community leaders were asking for ‘no meth’ on the story cards.

7. Develop further resources on new legal topics.

We have received many suggestions and requests to develop more resources, including:

- child friendly family law and other resources,
- child protection resources in other jurisdictions and for other target audiences,
- civil law resources for elder abuse, consumer issues, tenancy, funerals and probate,
- criminal law resources for offences and defences, police powers, rights in custody,
- driver’s licences and traffic resources, and
- resources for witnesses in the legal process.

Conclusion

The Blurred Borders resources are a set of best practice legal communication tools that facilitate effective communication about the law and legal issues between frontline service providers and Aboriginal people in regional and remote locations. Many of these Aboriginal people may not speak English as a first language. The resources can be used by workers to explain legal concepts and processes and to give advice. They may be used by community members to ask questions about the law or legal processes, to give instructions and to confirm understanding.

The Blurred Borders resources ‘work’ because they are simple, intuitive and versatile. They connect well with Aboriginal ways of sharing knowledge, are easily customised, and can support improved joined-up service delivery.

The resources also work because they support two-way communication: talking, listening and understanding by both or all parties in a conversation.

And finally, the resources are working because they are wanted. They have been tested and refined with communities and services in the regions for which they were designed. They are fit for purpose, culturally appropriate and accepted.

The findings of this process review and evaluation provide several important lessons concerning just what is required to develop useful and widely regarded tools to help support effective legal communication.

In many ways the ‘learning journey’ of this project mirrors the learning journey that we ask people to go on to build knowledge and understanding of the law, and to become legally empowered and capable individuals and communities.

The best practice lessons here clearly demonstrate the effort, commitment and practices likely to be required to develop communication tools and strategies that are fit for purpose and capable of successfully addressing fundamental access to justice challenges.

Communication and understanding of the law and legal concepts are key barriers that lie at the heart of many of the legal needs of the community. However, addressing this involves not on the provision of information by services to communities, but facilitating ‘two-way’ communication and understanding to identify and clarify legal needs and make informed decisions.

The findings here also clearly demonstrate that any deficit in communication and understanding is not ‘one-way’. It is shared. High turn-over of professional staff in rural and remote regions, means that skills learned in communicating about complex legal issues are lost when staff leave. These resources offer continuity and support for legal practitioners and other service providers to effectively undertake their roles.

Effective two-way communication, through the resources, holds the promise of triple bottom line benefits and outcomes. Improved understanding of legal rights and responsibilities can not only support better outcomes for clients and communities, but also legal assistance services and the wider justice system. Improved legal empowerment and capability also holds the further promise of increased access to justice and reduced disadvantage. Those who understand how the law can be used and how it can be shaped to do justice in particular circumstances generally enjoy better outcomes.

For too long legal assistance services and access to justice reforms have failed to negotiate basic, fundamental communication barriers for some people and groups. Development of the Blurred Borders resources demonstrate that with time, effort and resources, fundamental communication barriers can successfully be overcome. The case studies in this report demonstrate how Blurred Borders resources can be successfully employed to support effective communication concerning legal rights and responsibilities, and how they can be used to provide legal assistance and education that is user-focused and more appropriate and tailored to legal needs and capability of particular individuals and communities. In particular, the resources provide a set of tools that can be quickly and easily ‘mixed and matched’ to legal need. Evidence of the use of the resources to do this suggests that the Blurred Borders resources provide a platform for ingenuity and creativity, and that they can quickly and easily be customised to help tell diverse ‘stories’.

The findings also show, however, that developing effective and widely regarded legal communication tools, in and of themselves, is just not enough. Practice and system reforms are also necessary to create the time and space required to support innovative practice, particularly in those service contexts, such as duty lawyer services at court, where time pressures and other competing demands are a barrier to innovative practices such as use of the Blurred Borders tools.

The findings also indicate that Blurred Borders resources are not a *substitute* or low-cost alternative to either the provision of legal assistance services and accredited translator services. Rather, they are tools that augment and enhance the cultural appropriateness and effectiveness of legal communication. In doing so, they can legally empower individuals and communities, improve the capacity of legal assistance services and the wider justice system, and support access to justice and rule of law.

Best practice tips and key lessons learnt



It is useful to collate and reiterate the best practice tips and key lessons learnt in the conclusion of this report.

Best practice tips

Collaboration was critical to the success of the project.

In this project we collaborated closely with all relevant stakeholders. This included local Aboriginal communities, the community legal assistance sector, and other frontline agencies and service providers.

User-centred design helped us to organically grow the project.

With a strong focus on user-centred design, we actively engaged local stakeholders to help create the resources. Taking an agile, iterative approach to resource development allowed us to take on board feedback and organically grow the project.

Local Aboriginal engagement was critically important.

The project was critically shaped by the expert guidance of local Aboriginal workers on the project team and in partner agencies. These workers had long standing trust-based relationships with key stakeholders in remote Aboriginal communities. They paved the respectful and culturally appropriate way for the project team to meet with key Aboriginal stakeholders. They also provided incredibly valuable feedback themselves. Local Aboriginal communities and individuals also engaged strongly with the project creating ownership and buy in at a local level.

We used experts when we needed to.

Using a plain language linguist to assist us to develop the text on the story cards was one of the best investments we made. This greatly improved the clarity of the information and helped to ensure the text would translate well into Aboriginal languages.

Stable project management was a vital component.

Placing senior members of the project team outside of the remote project regions provided much needed stability for the project and additional management support. With high staff turnover in the project regions, this was vital to the project's success.

Be flexible enough to accommodate remote regional challenges.

We adopted a flexible approach to working in remote communities, respecting sorry time and other cultural priorities. Flexibility and patience went a long way. We also found that Aboriginal people were far more willing to engage with us away from stressful court circuits.

Visual art and storytelling resonate well with Aboriginal people.

Story telling was an important part of this project. The story cards and the ready-made community legal education activities helped to engage clients in a meaningful way and improved their understanding of key legal concepts.

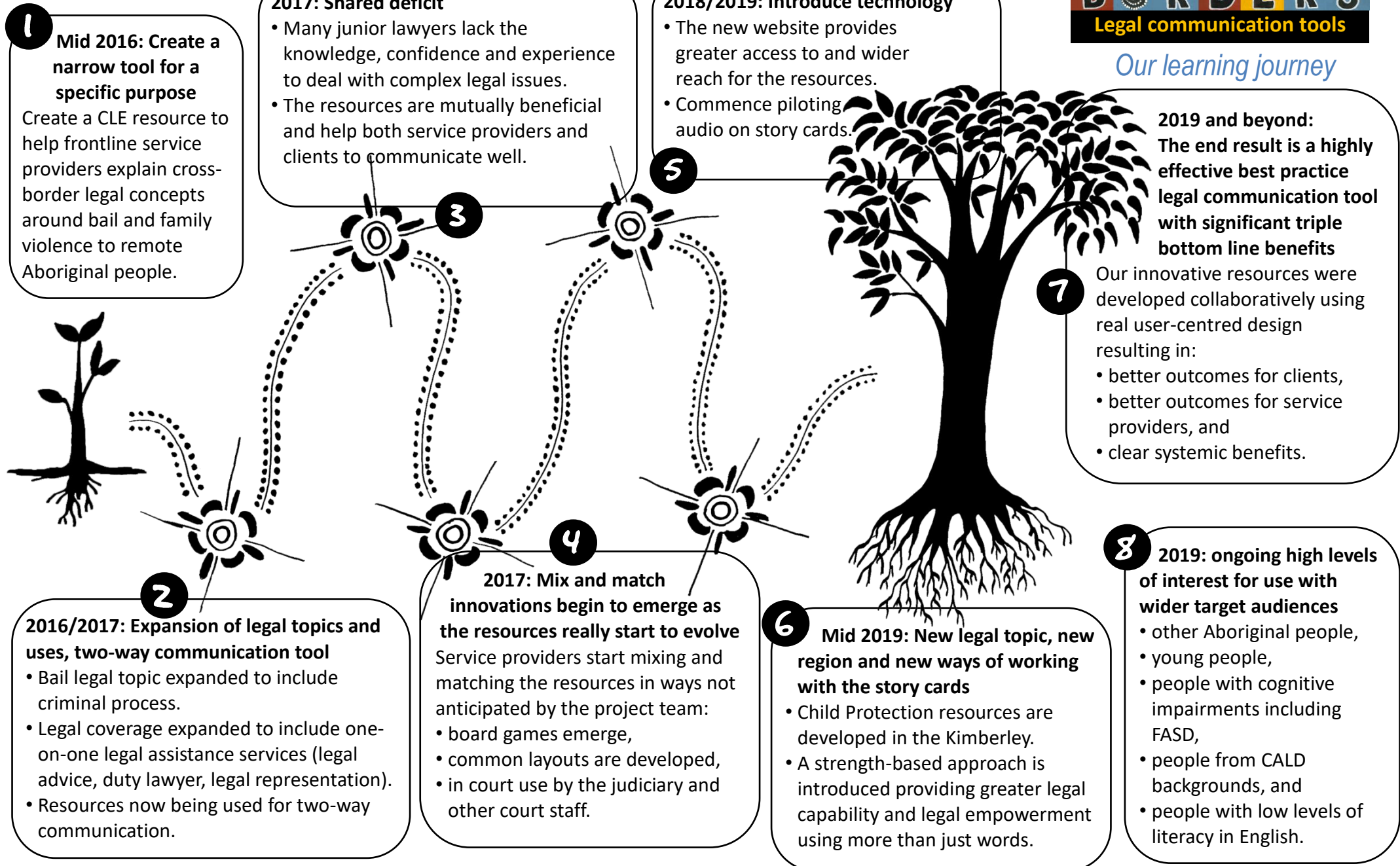
Find an evaluation framework that fits well with your project.

Our project resonated strongly with Tyson Yunkaporta's eight ways of Aboriginal learning framework. This proved to be a much more useful evaluation tool than more traditional evaluation frameworks and was well-suited to the key purpose of the project – effective communication and capability development of Aboriginal people.

Lessons learnt

1. **The gap in understanding about legal concepts was greater than we thought.**
The Blurred Borders legal communication tools are filling a much wider service delivery gap than we originally intended.
2. **Collaboration is the key.**
There was a tremendous amount of goodwill amongst the stakeholder agencies and the Aboriginal communities. By working together, we created something much better than we could have individually with significant buy in and ownership at a local level.
3. **A high level of Aboriginal engagement was critical.**
Aboriginal workers from the project team and partner agencies played a crucial role in the success of this project. They connected the project team to key Aboriginal stakeholders and ensured that the project was culturally appropriate, accessible and safe.
4. **Taking an agile approach allowed us to create a better resource.**
What started as targeted CLE resource for use with a specific audience on discrete legal topics evolved into a broad legal communication tool that can be used in many different ways with many different audiences. Embracing user-centred design made this possible.
5. **Taking a strengths-based approach was critical in the area of child protection**
The child protection resources are strength based, introduce feelings and emotions and take story card use to the next level. Persist. The more we did this the better we got at it.
6. **The usefulness of this resource goes well beyond the original scope.**
Significant interest has been shown in using the resources much more widely. They are particularly useful for: young people; people with cognitive impairments and disabilities, including Foetal Alcohol Spectrum Disorder (FASD); people from culturally and linguistically diverse (CALD) backgrounds including recently arrived migrants and refugees; and people with limited literacy in English.
7. **Systemic issues impacted on integration of resources into daily practice.**
The new legal communication tools bring with them new ways of working that require service providers to spend more time with clients to ensure understanding. Even with highly effective resources, it was difficult for some service providers to change their work practices in the context of our current justice framework.
8. **Training on use of this resources is an essential part of ensuring uptake.**
It takes training and time to introduce new communication tools that change the way that people work.
9. **Traditional evaluation frameworks did not work well in this project.**
High levels of staff turnover made it difficult to evaluate the project using a traditional framework. Ultimately, when it came to evaluating the project, we found that an Aboriginal learning framework was a much better fit.
10. **One of our biggest challenges has been keeping up with demand.**
With a small project team and a limited budget, responding to the high level of interest in these resources has been and continues to be a real challenge.

Our learning journey





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