



LEGAL AID
WESTERN AUSTRALIA



Legal communication tools

Process review and evaluation

Summary 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

Summary 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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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



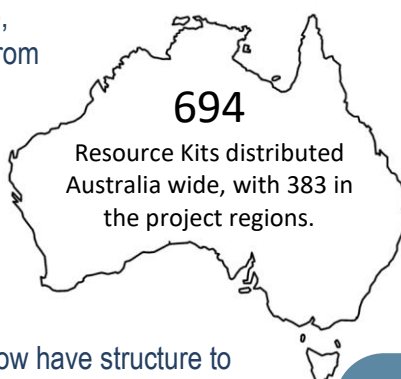
- ✓ fit for purpose
- ✓ culturally appropriate
- ✓ culturally accessible
- ✓ culturally safe



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.

Suitable for wider target audiences including:

- CALD groups,
- young people,
- people with cognitive impairments, and
- other people with low levels of English literacy.

Highly collaborative



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?

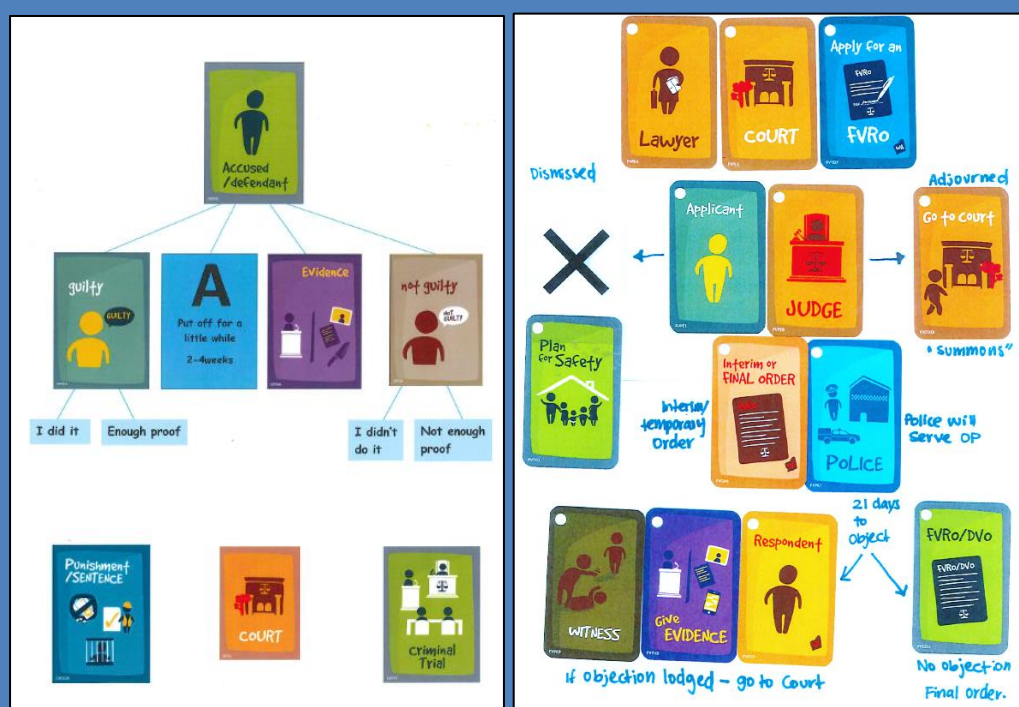
Yes. The case studies below speak for themselves. They show how the tools can be transformative in terms of helping to identify and clarify legal need, which is the foundational communication task for effective legal assistance.

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

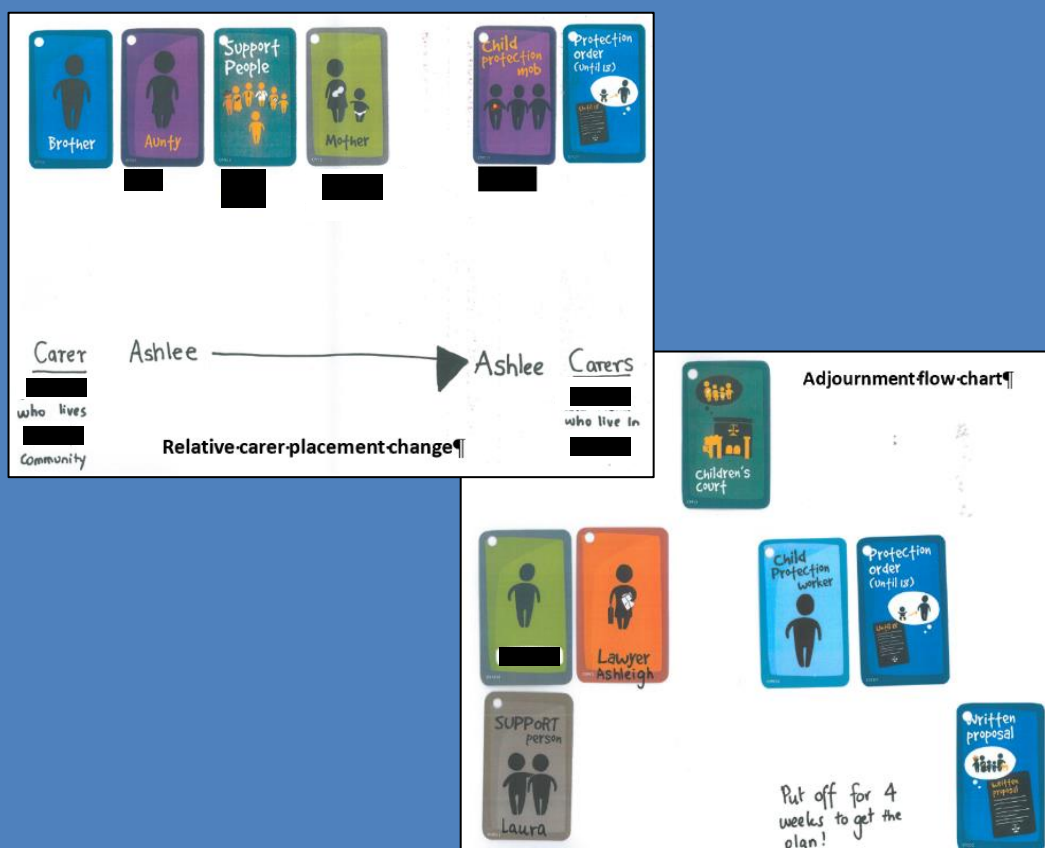
Rosie (not her real name) is a 27-year-old Indigenous woman who has been diagnosed with Huntington’s disease. The Department have removed her daughter from her care and are seeking a protection order (until 18). She has support from Disability Services.

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:

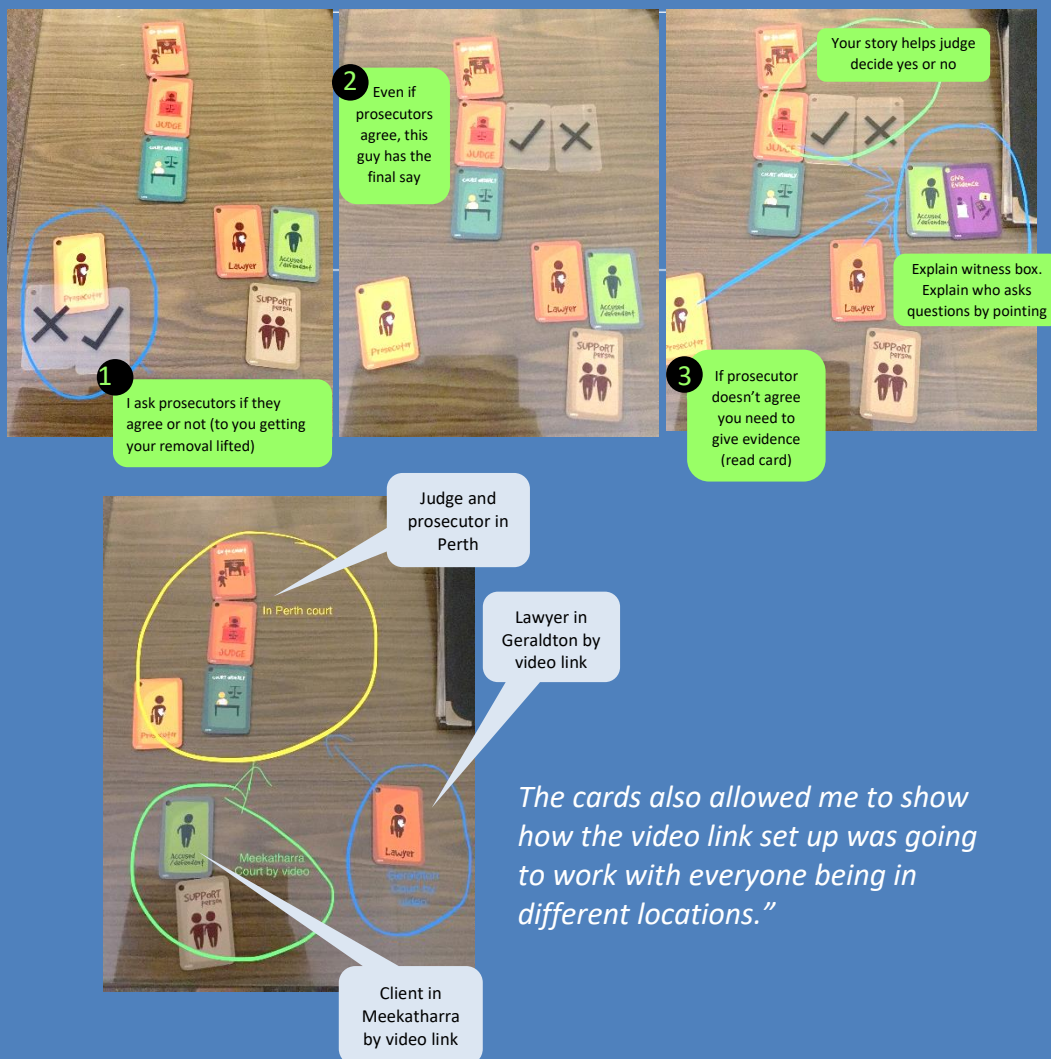
- has been given bail,
- has been remanded in custody, or
- has to come back to court.

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



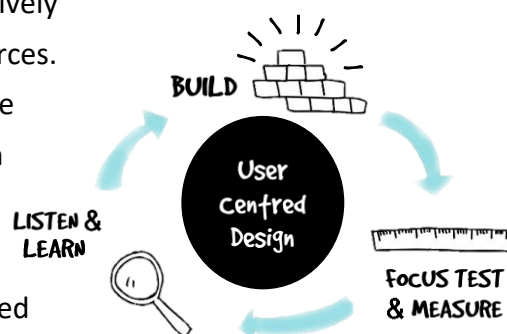
Gary Njamme, Interpreter George Lee and Legal Aid WA's Temali Howard in Balgo

“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	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.

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.

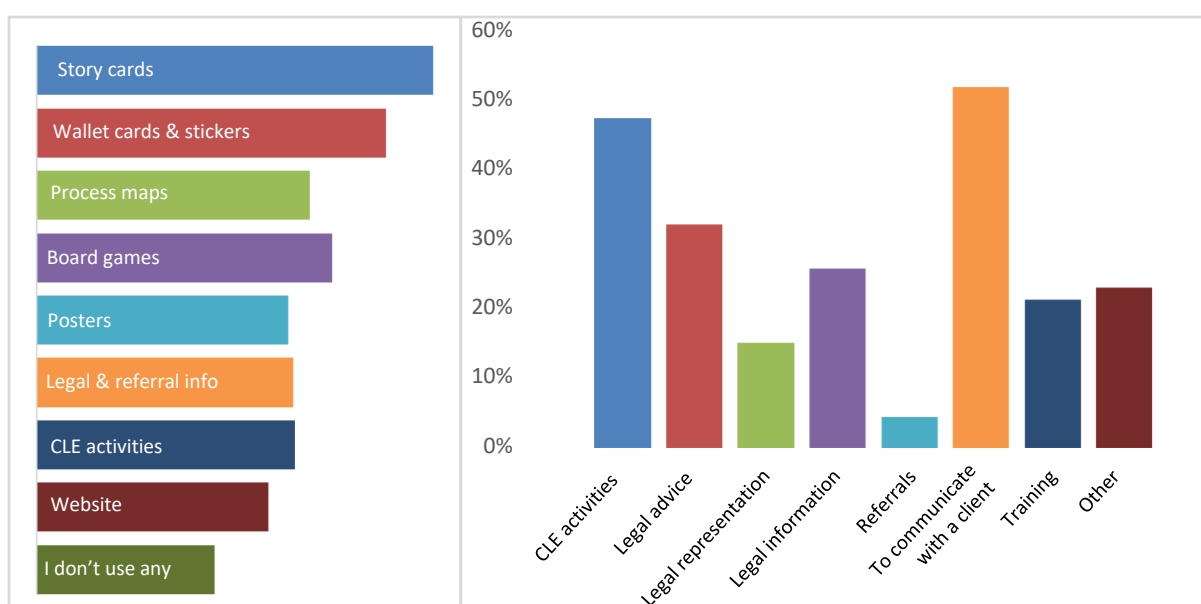


Figure 1 Most popular in order of use

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.

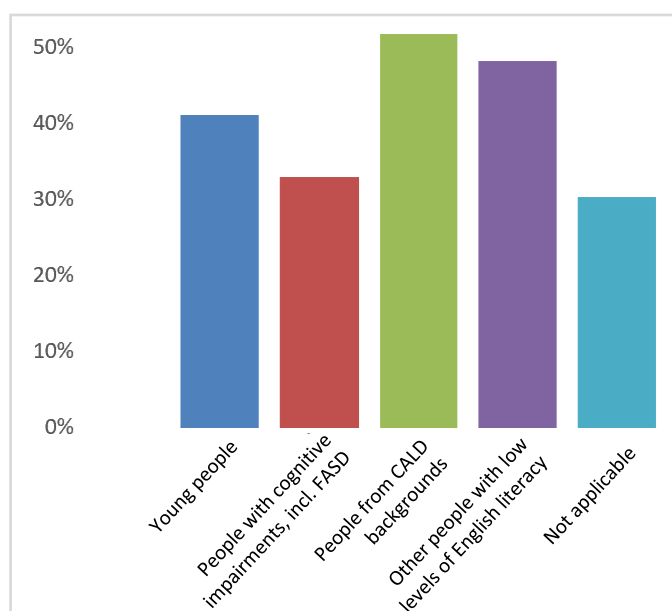


Figure 3 Wider target audiences

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 Blurred Borders Process review and evaluation final report pp. 126-139 for a 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.

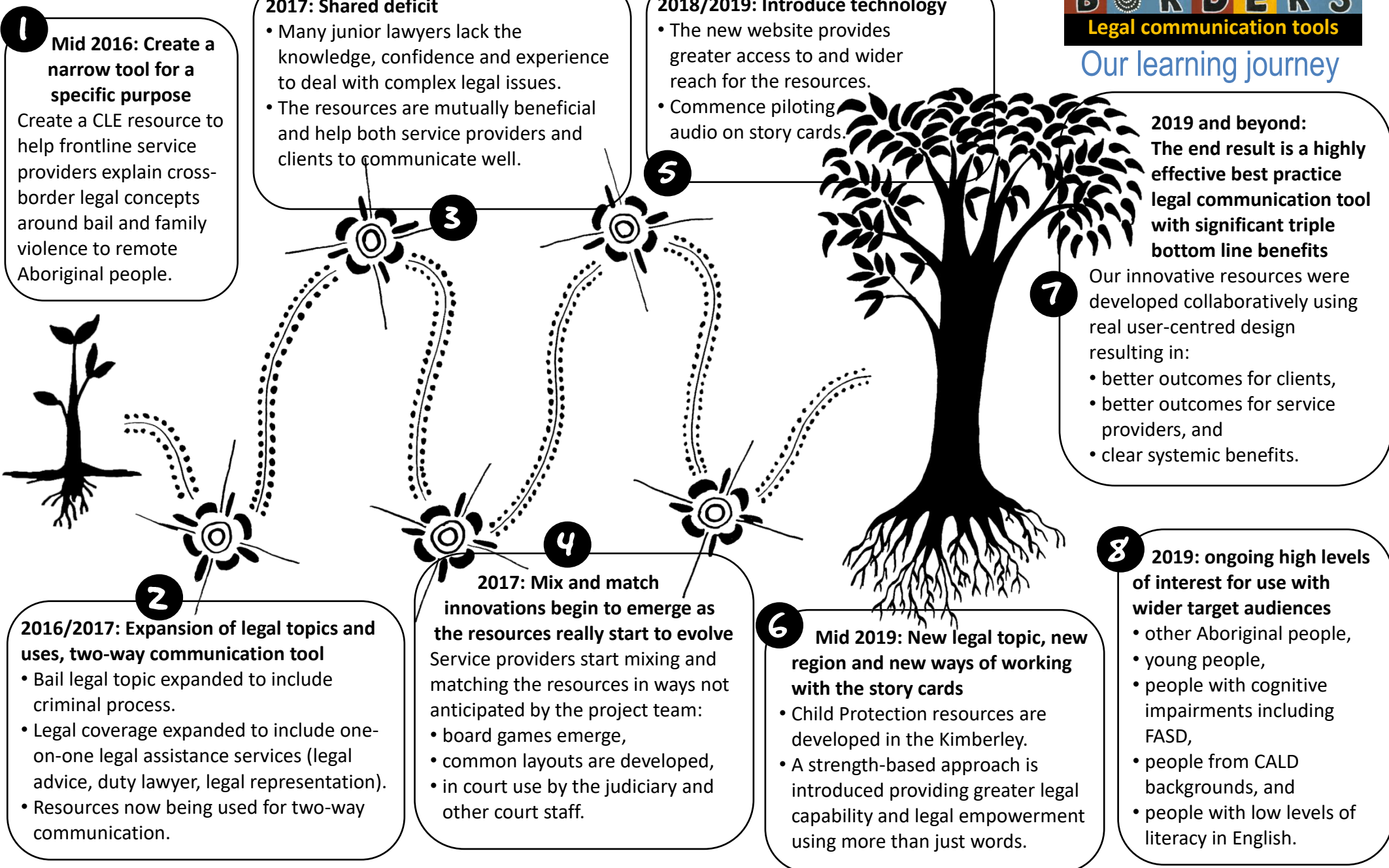
Our project resonated strongly with Tyson Yunkaporta's eight ways of Aboriginal learning framework.⁸ This proved to be a much more useful evaluation tool than more traditional evaluation frameworks and was well-suited to the key purpose of the project – effective communication and capability development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

⁸ See p.17 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.

Our learning journey





LEGAL AID
WESTERN AUSTRALIA

