

11-15 May 2015

# National Law Week

*Promoting a public understanding of the law and its role in society*

## Newsletter

### Child Protection & Families SA

Child protection law is about protecting children. Its about making sure that children are healthy and safe from harm. In South Australia, Families SA have the job of making sure that children are safe. Learn more about child protection and Families SA involvement at **page 5**.

### Family Law & You

Sometimes it is hard to get your head around what the Family Law Courts are all about. Learn more about the processes on **pages 6 and 7**.

### Your rights upon arrest!

The criminal justice system is very stressful and confusing to many people. An arrested person has legal rights available to them. It is important to understand these rights to ensure they are complied with by the police. Read more on **page 9**.

### Family Violence & Intervention Orders?

What constitutes family violence? How can family violence affect your family? Where can you get help? Find out more on **page 10 and 11**.

### Debt... a legal problem?

Many people get into situations where they incur debt and sometimes it becomes unmanageable. Do you need financial assistance? Find out what services are there to help on **page 13**.

### What is the Royal Commission into Institutional Responses to Child Sexual Abuse?

Read more on **page 14**.

Brought to you by:

### Legal Services Commission

13 flinders Terrace

Port Augusta

08 8686 2200

### Family Violence Legal Service Aboriginal Corporation (SA)

26 Jervois Street

Port Augusta

08 8641 2195

### Aboriginal Legal Rights Movement

12 Church Street

Port Augusta

08 8113 3788





**Brought to you by:**

## **Family Violence Legal Service Aboriginal Corporation (SA)**

The Family Violence Legal Service Aboriginal Corporation (SA) (FVLSAC) is a free community legal service assisting Aboriginal and Torres Strait Islander victim/survivors of family violence and/or sexual assault in South Australia. We have offices in Port Augusta, Port Lincoln and Ceduna.

FVLSAC provides a range of services including:

- General advice on family law matters (in relation to children)
- Family law mediation and conferencing
- Family law representation in the Family and Federal Circuit Court
- General advice on child protection matters (Families SA involvement)
- Applications for intervention orders
- Applying for victims of crime compensation
- Reporting family violence and sexual assault to police
- Dealing with debts and creditors
- Community Legal Education sessions on a wide range of legal topics

Our lawyers, Megan and Chanel, are here to assist Aboriginal and Torres Strait Islander people who live, work or study in the Port Augusta area with free legal advice, representation and referrals. You do not require a grant of legal aid to access our services.

We are more than just a legal service, we also provide culturally appropriate client support. June Lennon, our long serving Community Engagement/Client Support Worker, continues to lead our client support services and works closely with Megan and Chanel to provide a holistic and culturally appropriate service to our clients. Our client support services include:

- Support when reporting crimes to the police
- Referrals to local services including emergency accommodation and counselling
- Court support if you are a witness or victim

FVLSAC is committed to securing an equitable and safe society for Aboriginal and Torres Strait Islander people through quality legal services, education and community partnerships.

We provide face to face and/or telephone legal advice, so feel free to drop by our office at 26 Jervois Street in Port Augusta, or give us a call on 08 8641 2195.



## **Family Violence Legal Service Aboriginal Corporation (SA)**

**Port Augusta**

**26 Jervois Street**

**08 8641 2195**

**Ceduna**

**17 McKenzie Street**

**08 8625 3800**

**Port Lincoln**

**32 Napoleon Street**

**08 8683 1896**

**Brought to you by:**

**Legal Services Commission**



# Legal Services Commission

OF SOUTH AUSTRALIA

The Legal Services Commission has been providing a valuable legal advice and representation service in South Australia since 1977 and in Port Augusta Office since 2007. We increase access to representation and advice for those that cannot afford access to private advice and representation. We believe that everyone should have access to justice and the protection of the law, so it is our role to assist in achieving this through our legal staff.

Our team of lawyers have general knowledge in various areas of law, however each have their own specialised areas with Tahlia in advice, Christine in family law, and Tanya and Henry in criminal law.

Our offices provide a range of legal services including:

- General advice on all areas of law (civil, family and criminal law):
  - ◇ Civil law includes, debt, fences, neighbours, small claims etc;
  - ◇ Family law includes divorce, separation, child matters, marital and de facto property settlement;
  - ◇ Criminal law includes all State and Commonwealth criminal charges.
- Family Law mediation and conferencing.\*
- Family Law representation in the Family and Federal Court circuits.\*
- Criminal law representation in the Youth Court, Magistrates, District and Supreme Courts.\*
- Duty Solicitor service at Magistrates Courts, including the Port Augusta Magistrates Court.
- Community Legal Education workshops and talks on a wide range of legal topics targeted to any group;
  - ◇ Workshops with school students about laws affecting young people;
  - ◇ Talks to elderly groups about power of attorney, advanced care directives and wills;
  - ◇ Radio interviews about various areas of law;
  - ◇ Public talks on debt, family law, dealing with police and minor civil claims.

\*All representation matters require a grant of Legal Aid; please contact us for eligibility criteria.

## Port Augusta

13 Flinders Terrace

o8 8686 5370

## Whyalla

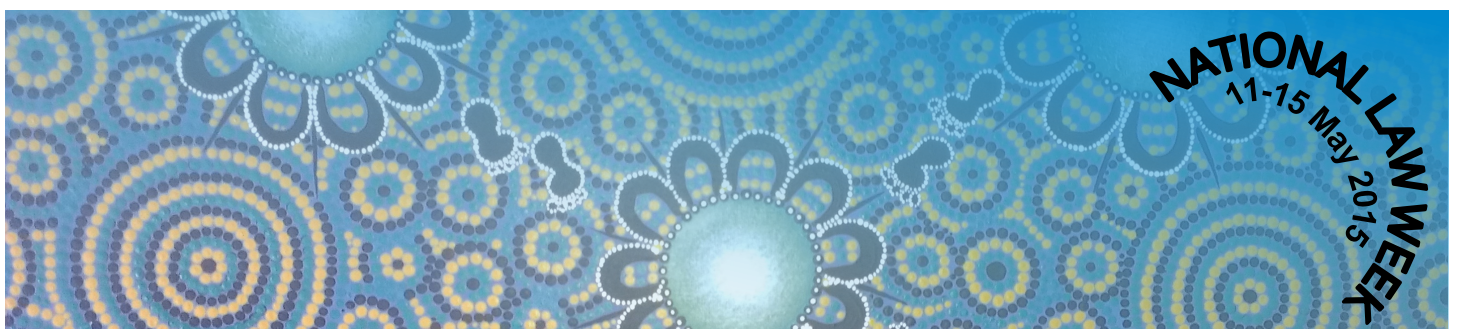
169 Nicolson Avenue

o8 8620 8500

## Adelaide

159 Gawler Place

o8 8111 5599



**Brought to you by:**

## **Aboriginal Legal Rights Movement**

Aboriginal Legal Rights Movement (ALRM) is an independent Aboriginal community controlled organisation governed by an all Aboriginal Board. Through the provision of legal services and associated activities, ALRM promotes legal, cultural, economic, political and social rights for Aboriginal and Torres Strait Islander peoples as dispossessed peoples within South Australia.

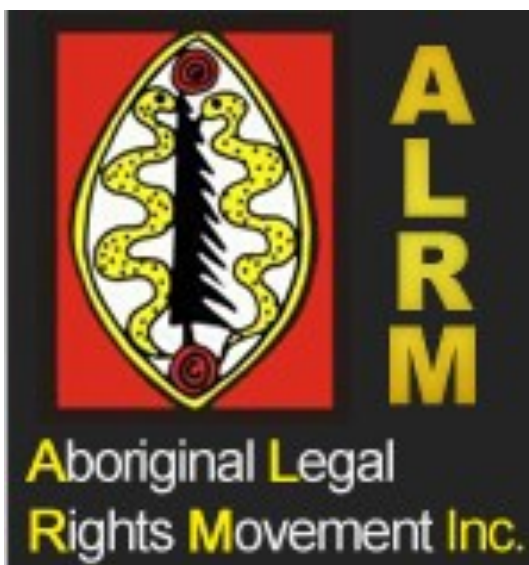
ALRM's major aim is to advance the legal interests of Aboriginal people in South Australia and to ensure that those interests and rights are protected by the law and not adversely affected by abuse or misuse of any powers under the law.

ALRM also acts as a lobby group, and where able, implements support programs that assist in addressing some of the issues known to contribute to Aboriginal people coming into contact with the criminal justice system.

ALRM services are significantly based upon criminal law practice representing the clients in South Australia with over 15 lawyers who provide advice and court representation to persons charged with criminal offences. The Criminal Law Practice provides representation, prison advice and an after-hours custody advice service. The Criminal Practice Division represents persons charged with criminal offences across all jurisdictional levels from the Youth Court, Magistrates Court, District and Supreme Courts through to the Court of Criminal Appeal and the High Court of Australia. The service extends from representation at police interview (through the afterhours custody answering service), to advice and representation through committal, trial, sentencing, appeals before the courts and appearances before the Parole Board.

In addition to the head office in Adelaide, ALRM criminal lawyers are based at the following courts:

- Adelaide Magistrates, Elizabeth, Holden Hill, Port Adelaide, and the Adelaide Youth Court,
- Our Regional Offices are located at Murray Bridge, Port Augusta, Ceduna and Port Lincoln.
- We have a circuit system covering the remote areas including the Anangu Pitjantjatjara Lands in the far north-west of the State



### **Port Augusta**

12 Church Street

08 8113 3788

### **Adelaide**

321-325 King William St

08 8113 3777

### **Ceduna**

Cnr East Terrace &

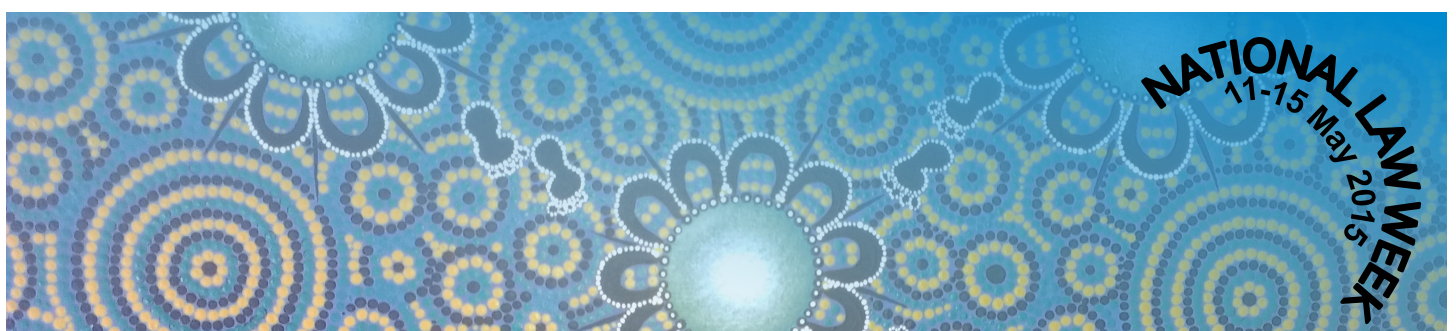
Merghiny Drive

08 8113 3799

### **Murray Bridge**

27 Beatty Terrace

08 8113 3766



# Child Protection and Families SA

Child protection law is about protecting children. In South Australia the main law concerning the protection of children is the *Children's Protection Act 1993 (SA)* (the Act). The object of the act is to ensure that all children are safe from harm, and that as far as practicable all children are cared for in a way that allows them to reach their full potential.

## How does child protection law work?

The Act gives authority to Families SA to intervene when a child is at risk. The intervention can take several forms, ranging from referring families to appropriate support and services to seeking an order to remove a child from their parents' care.

The Act recognises three types of abuse and/or neglect, sexual, physical and emotional. A child is considered to be at risk if there is a significant chance they will suffer serious harm to their physical, psychological or emotional well-being and they do not have proper protection.

Usually Families SA will get involved if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. The law says certain people, such as doctors, nurses, dentists, police officers, psychologists, social workers and teachers, must notify Families SA. The law does not require proof of harm, but a notification must be accompanied by a statement of the observations, information and opinions upon which the suspicion is based.

## What do Families SA do when they receive a report that a child is being abused or neglected?

When Families SA receive a notification the worker will make an assessment of the level of risk of harm to the child or young person. Following the assessment they can make a decision about response recommendations.

Intervention can occur in situations of immediate or serious risk with or without parental consent. In less serious cases, Families SA will try and work with the parents or guardians but, in more serious cases this will not be possible or even appropriate, and Families SA have the power to intervene without the consent of the parents or guardians. This is particularly the case where there are concerns that the child will be at risk of serious harm without intervention.

## What happens if parents will not cooperate with an investigation?

Parents or guardians are under no legal obligation to answer any questions from Families SA.

Where Families SA are unable to continue an investigation voluntarily with parents or guardians, they can apply to the Youth Court for Investigation and Assessment Orders.

They must show the Court that they require an order for further investigation and also that they are unable to proceed using the powers already provided under the Act. Investigation and Assessment Orders are usually made in emergencies following the removal of a child at risk and are often used to carry out medical examinations or other interviews and assessments.

## When is a Care and Protection order made?

Where the Minister believes a child is at risk and an order must be made to ensure his/her safety, a Care and Protection Order can be applied for in the Youth Court. Except in urgent cases an application for an order can be made only after a Family Care Meeting has been held or attempted and the family has not been able to come up with a satisfactory solution to the child's safety needs.

If the Youth Court is satisfied with the basis of the Department's application it can make wide ranging orders including:

- custody orders for up to 12 months
- guardianship orders for up to 12 months or until the child turns 18 years of age
- undertakings from parents and placing the child under ministerial supervision for up to 12 months

The Court must consider the importance of settled and stable living arrangements for the child, and as a general rule, a long term guardianship order (i.e. a guardianship order until the child turns 18 years of age) is to be preferred to a series of temporary arrangements for the *custody* or guardianship of the child.

## How can a lawyer help you?

You don't have to wait until a matter is in court to get legal help. A lawyer can give you independent advice and information about legal processes and explain what is happening with your case. They can also help you by talking to Families SA or writing to Families SA to give your side of the story.

If your matter does go to court, a lawyer can go to Court for you and help you to have a say about your child. A lawyer can also give you advice if you do not think Families SA has done the right thing or has treated you or your child badly.

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**"If you have been contacted by Families SA about your children, please call the Family Violence Legal Service Aboriginal Corporation (SA) on 08 8641 2195 or the Aboriginal Legal Rights Movement on 08 8113 3788. "**

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## Family Law and You

Sometimes it's hard to get your head around what the Family Law Courts are all about. Courts can be scary places and the Family Law Courts are no exception. These courts are Commonwealth law courts and are governed by the Commonwealth Family Law Act. This Act was passed by the Federal Government for all states and territories, with the exception of Western Australia. Western Australia has its own Family Law Court Act and Family Law Courts, which both have some minor differences to the rest of Australia.

The Federal Circuit Court usually deals with children's matters (in addition to regular de facto or marital property settlement matters). If the children's matter is of a very serious nature involving allegations of child abuse or is a lot more complex, the Family Court will sometimes deal with the matter. The Family Court usually hears property matters where the parties' assets are over a million dollars, there are particularly complex issues and where a decision from the Federal Circuit Court is being appealed.

The Family Law Courts are trying different ways to make the court a more comfortable place for those who have difficulty with the process. Sometimes they will visit regional areas and sit in less formal places to make it easier. Recently Judge Kelly of the Federal Circuit Court came to Port Augusta to make it easier for members of the Aboriginal Community, in particular (and some other parties), to access the court. She spoke to mothers and fathers who came to court and also to their families who sat in the court room and thanked them for coming. She was grateful to be able to provide that service to the people of the region. Family

Lawyers in the region are hopeful that this might become a more regular occurrence.

The Family Law Courts have wide powers in relation to parenting decisions about children. Having the best interests of children at heart is the most important consideration and the courts try to achieve this by ensuring that decisions are always guided by that principle.

Judges try to ensure that children in court matters have the benefit of *both* parents being involved in their lives in meaningful ways, as long as it is in their best interest. They must take specific factors into account under the Family Law Act when making decisions about children. They also try to ensure that the children are safe from all harm, get adequate and proper parenting and that the parents fulfil their parental duties and responsibilities. It is more about the children's rights to these things, as fundamental principles, to help them grow into well adjusted adults, rather than the rights of the parents involved in the matter. Children suffer when parents are in conflict about them or are in conflict with each other.

It is not always easy for Judges to make decisions about families. They would much rather see parents and others agree and make good decisions about their children without the need for court. Often if the court has to make the decision neither parent is happy with the outcome. So as a first step Family Dispute Resolution (mediation) is a requirement before proceeding to court. In some situations this is not possible, but you still need to make attempts.

*Continued page 7*

## Family Law and You continued...

The Court can also make orders for the recovery, or return of children, if one parent has kept them when they are not supposed to. There may be exceptions where there are safety concerns about the children being returned to the other parent/guardian. This kind of order is an "Interim Order," or in other words, a temporary order. This means that it is not the end of the matter, although some parents may think it is. The matter continues in the court system until Final Orders are made either by agreement or by way of a trial. It can take many months before a trial date is reached but there are many opportunities along the way to try and reach an agreement.

In situations where one or both parents have problems with drugs, alcohol dependency, violence, or mental health issues the process is harder for the kids. When these issues are present often the court will appoint an Independent Children's Lawyer "(ICL)" to assist them. An ICL is impartial lawyer who can look at both sides of the story and also look at things from the children's eyes. They will sometimes, but not always, talk to the children if they are old enough to be interviewed. They may also choose to side with one parent or party over the other, if they consider it is best for the children.

In Australia children are not permitted in the Family Law Courts nor are they allowed to talk to the Judge, although sometimes they would like to do just that. They are also too young to make sworn statements to give to the Judge until they are 18 years of age, so and ICL can often be helpful. It is very important for parents and other parties to avoid talking about their court matter with their children. It is also important to ensure that bad things are not said about the other parent in front of the children.

This can have far reaching effects on children into their adult lives.

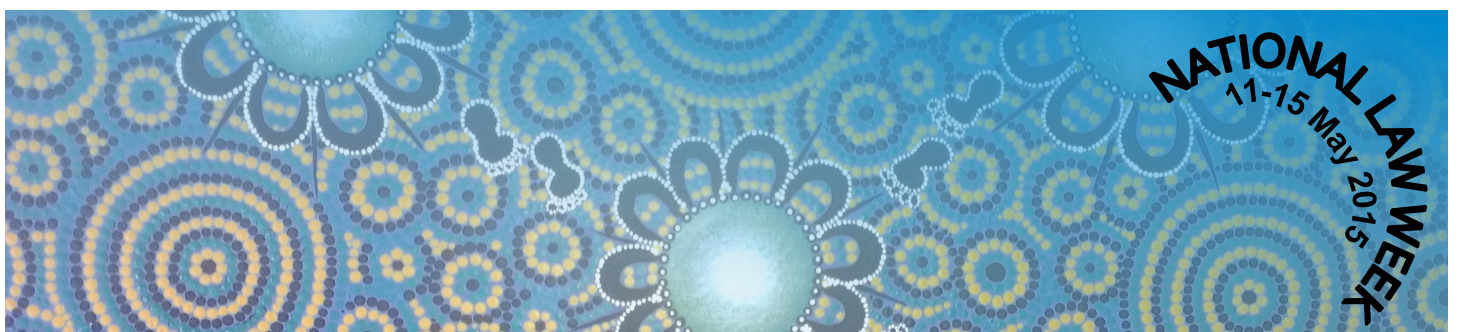
Where both parents have issues that impact on their ability to parent other people interested in the children's safety and welfare can also apply to the Court to seek orders for the children to live with them or spend time with them. These people can include grandparents, other relatives and sometimes those with a close connection to the children. This can help both parents as at least the children are still with family or close friends and do not have to go into a foster care situation or have welfare agencies intervene. Sometimes grandparents and others simply want to spend time with their grandchildren and that is important too. Generally speaking the courts like to see children have a connection with their extended family in particular or those who have been like family to the children, but again this is always guided by the children's best interests.

The Family law Judges are keen to make access to their courts an easier process but they acknowledge it is difficult understand sometimes. Family lawyers can help people navigate the court system where necessary, but also have an obligation to help parents and other parties try and reach solutions to their children's issues by negotiation and mediation where possible. Going to court about children should be a last resort if agreement cannot be reached, but it need not be a scary event.

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*"Having the best interests of children at heart is the most important consideration and the courts try to achieve this by ensuring that decisions are always guided by that principle."*

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# Incarceration statistics

Aboriginal adults are incarcerated at 14 times the rate of non-Aboriginal adults



Data and information has been sourced from a range of government, non-government and academic sources including Australian Bureau of Statistics, Australian Institute of Health and Welfare, National Congress of Australia's First People, Human Rights and Equal Opportunity Commission.



# Your rights upon arrest!

The criminal justice system is very stressful and confusing to many people. An arrested person has legal rights available to them. It is important to understand these rights to ensure they are complied with by the police.

It is important to understand that when Police ask a person to accompany them to a police station, this is only an invitation and the person is under no obligation to comply. The Police can only **make** a person come with them to the police station if the person has been formally placed under arrest.

Police have the power to arrest a person where:

- There is a warrant for that person's arrest; or
- Person is caught committing an offence; or
- Person is reasonably suspected of committing an offence or is about to commit an offence.

After being arrested, a person should immediately seek legal advice.

A person who has been arrested is entitled to make one phone call, in the presence of a Police Officer, to inform a relative or friend of their whereabouts. The arrested person is entitled to have a solicitor, relative or friend present during any interview or procedures such as fingerprinting.

If the arrested person is under 18 years old (a youth) a relative or friend must be present during any interview or procedure and this relative or friend must be an adult. Where a youth has been arrested and he or she does not nominate a solicitor, relative or friend to be present during the interview or a nominated person is not available then the person must not be interviewed until a suitable person is able to attend.

If English is not adequately spoken by an arrested person then that person is entitled to be assisted in the interview by an interpreter in their nominated language.

As a general rule, a person who has been arrested may refuse to answer any questions the police put to him or her except their name and address. An arrested person who fails to give their correct name and address when asked can be found guilty of an offence. Also, where police ask questions in relation to the identity of the owner/driver of a motor vehicle you are obliged to answer this question or face further criminal charges.

If you are in any doubt about answering any police questions, you should refuse to answer them and request to speak to a lawyer.

In Port Augusta the Aboriginal Legal Rights Movement (ALRM) is available 24 hours a day on 8113 3788 for advice for arrested persons who are of Aboriginal or Torres Strait Islander descent; this is free of charge. An ALRM employee, usually an Aboriginal Field Officer will either speak to you by phone at the police station or will go to the police station to give advice and be present during any interview. Ongoing representation from ALRM is subject to approved aid.

The Port Augusta office of the Legal Services Commission also provides a free legal advice and a duty lawyer service during business hours for persons arrested on 8686 2200. However, telephone advice is available after hours for persons arrested in relation to major indictable matters (these are matters that are very serious and carry large penalties in relation to imprisonment). This will be accessed through the police on behalf of an arrested person.

You also have the right to engage a private solicitor, at your own cost, anytime that you like. This can be for advice and/or representation.



# Family Violence & Intervention Orders

We've heard lots about Family Violence in the media, especially since Rosie Battie was made Australian of the Year. But what is Family Violence? And how can the law help deal with it?

## **Family Violence, more widespread than you think**

Most people associate Family Violence with **physical** and **sexual** attacks against women by their partner. This is not surprising considering:

- one in three women experience violence at the hands of a partner;
- 17% of Australian women over 18 have experienced sexual assault at some time in their lives;
- seven in ten women murdered in Australia are victims of family violence; and
- 87% of female victims of sexual assault know the perpetrator.

There is no doubt these statistics are terrible. However, that is not to say Family Violence is limited to physical and sexual assault, it is **violent, threatening** or other behaviour that **controls a member of the person's family** or causes the **family member to be fearful**. And Family Violence is not always between partners, it can be perpetrated by grandchildren, cousins, brothers, sisters, uncles, aunts, mums or dads.

## **Examples of Family Violence**

As described above, Family Violence can include a wide range of behaviour between family members. For example:

- *Behaviour Causing Harm* – your mum hits you, slaps you or pulls your hair
- *Exposing Children to Abuse* – parents fighting in front of children
- *Sexual Abuse* – your boyfriend forces you to have sex with them against your will
- *Damaging Property* – your girlfriend smashes your phone or breaks your window
- *Injuring Animals* – your cousin injures your cat
- *Making Threats* – your cousin threatens to bash you unless you break into a house with him
- *Stalking* – your ex-partner follows you around all the time and parks out the front of your house
- *Repeated insulting remarks* – your wife says 'you're worthless, nobody else would have you'
- *Neglect of a Child* – your mum and dad fail to take you to the doctor when you are really sick
- *Economic Abuse* – your grandchild keeps your key card and spends your money on the pokies without your permission
- *Controlling behaviour* – your boyfriend doesn't let you see your family or friends and monitors your text messages, to 'keep an eye on you'

## **What can I do about Family Violence?**

First – if you realise you are a perpetrator of violence – STOP, it is family, LOVE DON'T SHOVE.

If you are a victim of Family Violence and think someone has broken the law or feel as though you need protection, call the police on 000 if it is an emergency or 131 144 if you require non-urgent police assistance. The police station at Port Augusta, has a Family Violence Investigation Section staffed by Sam, Amanda and Nicole who have lots of experience in dealing with victims of Family Violence.

If it is safe to do so, talk to the perpetrator, let them know it is not OK. Of course, it may be difficult or in some cases too risky to confront a perpetrator especially if that person is physically violent towards you.

Sometimes talking does not work and you may not feel comfortable going to the police. In these circumstances you could make enquiries with a lawyer to provide you with options, for example he/she may be able to arrange mediation, write a letter for you or even prepare an Intervention Order.

## **What is an Intervention Order?**

An intervention order is an order made by the court or the police to stop one person (the defendant) from committing acts of abuse against another person or other people (the protected person or people). An order is made in circumstances where it is reasonable to suspect that in the absence of the order, the defendant will commit an act of abuse against the protected person (or people).

An intervention order puts conditions on the defendant in order to protect the protected person, for example, it might prohibit a defendant from doing things – like contacting, texting, harassing you or coming to your house or workplace or require a defendant to do things – like participating in a substance abuse program or moving out of your shared house

*Continued page 11*

Basically, the terms of the intervention order are there to stop the defendant from causing the protected person harm, so the terms of the order, depend on the type of abuse the protected person is at risk of.

### ***Can I get an Intervention Order?***

Both children and adults are able to be protected by intervention orders. A child may be included in circumstances where they are hear, witness or are exposed to the effects of abuse by a defendant.

Intervention orders will be made in circumstances where it is reasonable to suspect the defendant will commit an 'act of abuse' (including Family Violence) against a person and it is appropriate to make the order. However, there is no requirement to show that actual harm has already occurred or actual threats have already been made. So an intervention order may be ordered even if there is a *risk* of abuse.

### ***Applying for an Intervention Order***

If you are in immediate danger, we recommend you head directly to the police as the police may be able to put a temporary intervention order (interim intervention order) in place which is effective as soon as the defendant is notified.

A lawyer can also make an application on your behalf. In fact anyone who has suffered abuse (including Family Violence) including children over 14 years old can apply for an order to the Magistrates Court. You need to include a statement detailing why you need the intervention order. Generally it is preferable to get a lawyer involved, as lawyers have the experience to guide you through. You may even be eligible for free legal services.

### ***What Happens in Court?***

Once the Application is made, the Court will make a time for a Preliminary Hearing and if you made the Application direct to the Court, you will have to attend. If the Application was made by police or a lawyer, they will tell you if you need to appear.

The defendant will not be at the Preliminary Hearing; the Magistrate (judge) will read your statement and decide whether to make a temporary order, this is known as an interim intervention order. The interim order is effective as soon as the defendant is personally informed (served with the paperwork).

The defendant is then required to attend Court. If the defendant does not appear, the interim order is made permanent. Depending on what the defendant says, the Magistrate may make a final intervention order, or end the interim order, change terms of the order, or set the date down for a trial.

If the matter is set down for trial, the protected person has to prove it is reasonable to suspect the defendant will commit an 'act of abuse' (including Family Violence) against a person and it is appropriate to make the order.

If it goes to trial, you will probably have to give evidence. However, the Magistrate can make arrangements to ensure the protected person does not come into contact with the defendant.

### ***What if the Defendant Breaches the Order?***

If a defendant breaches an intervention order (either interim or permanent), they may be found guilty of a criminal offence and imprisoned for up to two years. If they are charged, they will be arrested and bail can only be given by a Magistrates who finds there are 'special circumstances' in order to grant bail. So it is likely they will be held in custody (gaol) until charges are resolved.

If a protected person breaches an intervention order, they are not guilty of an offence unless their behaviour involves another protected person. For example, if a mother and her child are protected persons, the mother can choose to see the defendant alone, but if she brings her child, then she is guilty of an offence.

### ***Can an Intervention Order be Changed or Removed?***

Once a final intervention order is made, it is permanent and lasts until it is changed or removed by the Court.

At any time following the order, the protected person can apply to the Court to change or remove the intervention order, but it is ultimately up to the Magistrate to decide whether it should be removed or changed. The Magistrate will need to be convinced that the defendant will not commit and act of abuse if the order is changed or removed.

A defendant must wait 12 months before applying to the Court to change or remove a final intervention order.

The Magistrate generally has to allow both the defendant and protected person a reasonable opportunity to be heard in relation to such applications to remove or change orders.

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### **Need Help?**

If you are Aboriginal or Torres Strait Islander and want to speak to a lawyer or Support Worker about Family Violence, feel free to contact the lawyers at FVLSAC, ALRM or LSC. We can help you with your legal problems, and also help find you the support services you need to escape Family Violence.

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# Family violence statistics



Research from the 2012 Australian Bureau of Statistics Personal Safety Survey and Australian Institute of Criminology available at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.o>

# Debt... a legal problem?

A debt, is an amount of money owed by a debtor (i.e. you) to creditor (i.e. the bank). Many people get into situations where they incur debt and it can become unmanageable. Unfortunately for many, this is an unavoidable part of life.

Debt can arise in a number of situations, for example you lose your job, or your relationship breakdown, or you have too many bills, or illness or injury strike. There are also situations where addictions (such as alcohol abuse, gambling or substance abuse) take over, and money for debts or even essential living is not available. In these stressful situations people are sometimes at a loss as to how to deal with the issue. You might not even recognise the sort of problem you are facing. This makes it really hard to know where to go for help.

There are two types of debt, secured and unsecured. Secured debts is a debt that is tied, where a creditor can legally take your property (personal or real) to repay your debt (for example mortgages or car loans). Unsecured debt is where the creditor has no legal right to take your property, this includes unpaid electricity bills, and small loans.

**Is debt a legal or financial problem?** Well, it is both! Assistance may be sought from a lawyer and/or a financial counsellor, depending on the nature and stage of the debt, and also a person's personal circumstances.

A lawyer can assist with the practical application of the law in your circumstances and help you to get back on track. However, in the first instance, lawyers will generally refer you to a financial counsellor who will provide practical support and advice about how to rearrange your finances. In circumstances where your matter is more complex or if legal action is being pursued by the creditor, the financial counsellor will refer you to a lawyer.

A lawyer can provide legal advice in relation to debt settlement, bankruptcy, or court process (if you are being pursued through the Magistrates Court, District Court, Supreme Court or Federal Magistrates Court).

A number of legal services in Port Augusta provide free, independent and confidential advice in relation to debt. These services provide advocacy assistance and can help you to negotiate with creditors. A financial counsellor can help you if you are in immediate financial difficulty, providing financial education, advice on budgeting, record keeping tips, and options for dealing with debt and creditors. The purpose of a financial counsellor is also to encourage self-reliance.

The benefit of accessing a financial counsellor, instead of a lawyer, is that once a credit provider is aware of you having been in contact with a financial counsellor, they are legally not allowed to continue to contact you in relation to the debt until after the date of your appointment with the financial counsellor. Both a lawyer and financial counsellor can provide you with assistance if you are struggling with your finances, however a financial counsellor can access special financial hardship programs and may have a greater understanding of overall debt difficulties.

What should you do when you speak to a lawyer or financial counsellor about a debt problem? You should gather all information about your debt (i.e. who the creditor? How much is owed? What should be paying on a regular basis?). Also have information about your income and assets. The financial counsellor or lawyer will also need to know what communication you have had with the creditor about your debt. This information will assist the lawyer or financial counsellor to assess your situation and begin to look at ways to help. Gathering this information can be daunting, especially when there are numerous debts. It is best to take it one step at a time.

If you are looking for a lawyer in Port Augusta you can access the free general advice offered by the Legal Services Commission (8686 2200), Westside Lawyers (8633 3600), or FVLSAC (8641 2195). You also have the option to engage a private lawyer from one of the private law firms in town.

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**"If you are looking for a financial counsellor in Port Augusta there are a number of community**

**organisations that are able to provide a face to face financial counselling service: the Aboriginal Legal Rights Movement (8113 3788), Uniting Care Wesley (8633 8600) and the Salvation Army (8641 1021).**

**In addition, you can also access a financial counsellor through telephone advice on 1800 007 007."**

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# Royal Commission into Institutional Responses to Child Sexual Abuse

We all know children deserve a safe and happy childhood and in November 2014, the Parliament of Australia set up a Royal Commission into Institutional Responses to Child Sexual Abuse in Institutions.

The Royal Commission into Institutional Responses to Child Sexual Abuse is a special investigation set up to investigate community concerns about widespread cases where institutions have failed to protect children in their care from sexual abuse.

The Royal Commission is looking at how both public and private institutions such as childcare centres, schools, religious organisations (churches), sporting clubs, missions, foster care or respite care centres managed and responded to allegations of child sexual abuse.

Six Commissioners are tasked with inquiring into:

1. What institutions and governments should do to better protect children against child sexual abuse.
2. What institutions need to do to achieve best practice in reporting and responding to allegations, incidents or risks of child sexual abuse.
3. What should be done to eliminate or reduce barriers to reporting investigating and responding to allegations and incidents of abuse.
4. What governments and institutions should do to address or alleviate the impact of past and future child sexual abuse for victims.

The Royal Commission is putting the institutions in the spotlight – asking them how abuse happened and whether they did what was right to respond.

But the Royal Commission also wants to hear from victims of sexual abuse, to let people tell their stories about what happened. People's stories will help the Royal Commission understand what happened so it can make recommendations to prevent future incidents of abuse and find out what can be done to assist survivors of child sexual abuse with healing.

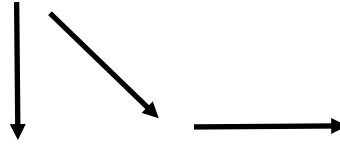
**If you want to tell your story or want more information about the Royal Commission, you can call:**

- **Knowmore (legal advice from independent lawyers) 1800 605 762**
- **Victim Support Services (counselling, advocacy, referrals here in Port Augusta) (08) 8641 1115**

**Or you can call us (Family Violence Legal Service Aboriginal Corporation, Aboriginal Legal Rights Movement or the Legal Services Commission) Check page 2-4 for our contact details.**

# Word Search

FIND THE HIDDEN WORDS!



- Aboriginal
- Advice
- ALRM
- Arrest
- Children
- Court
- Criminal
- Debt
- Family
- FVLSAC
- Intervention
- Judge
- Law
- Law Week
- Lawyer
- LSC
- Magistrate
- Mediation
- Offence
- Orders
- Parents
- Police
- Protection
- Society
- Violence

A	G	X	I	F	W	P	L	G	V	A	C	M	F	V	L	S	A	C	W
L	B	P	D	G	H	E	A	N	I	D	R	C	A	R	M	C	R	F	A
R	R	O	P	A	M	E	D	I	A	T	I	O	N	C	M	H	R	L	R
M	T	D	R	B	C	A	L	R	D	E	P	L	K	L	D	D	E	B	T
B	I	L	O	I	N	T	E	R	V	E	N	T	I	O	N	E	S	C	B
E	A	X	T	S	G	N	D	O	I	L	I	E	I	A	P	C	T	I	U
F	G	F	E	E	H	I	O	L	C	W	P	C	N	Y	N	P	X	N	P
Y	M	B	C	N	N	B	N	F	E	A	C	O	F	F	E	N	C	E	E
D	C	P	T	G	A	E	L	A	V	R	K	U	L	W	N	V	N	R	V
G	R	W	I	T	L	U	L	M	L	E	R	R	D	I	K	Q	B	V	T
P	T	A	O	J	E	A	Z	I	I	Y	E	T	O	E	C	U	P	I	H
A	U	D	N	O	V	I	O	L	E	N	C	E	N	S	E	E	B	N	M
R	O	L	P	K	E	T	L	Y	O	R	J	B	S	S	C	I	S	T	K
E	P	U	D	D	G	I	C	C	L	E	U	O	I	P	R	V	S	O	S
N	O	E	U	L	S	C	S	A	E	O	N	O	A	U	I	V	J	D	O
T	U	R	M	A	G	I	S	T	R	A	T	E	E	X	M	M	L	Y	C
S	W	D	I	W	A	F	P	R	N	P	G	G	L	C	I	L	B	R	I
N	A	N	N	Y	N	U	A	C	H	I	L	D	R	E	N	A	D	B	E
L	A	W	W	E	E	K	T	S	C	Z	J	U	R	Y	A	D	F	E	T
A	C	D	O	R	D	E	R	S	M	I	L	J	F	D	L	A	W	I	Y

