



INSIDE OUT:

The Access of Women and Girls in Custody to Legal Aid Services

Tracey de Simone – Women's Legal Aid
Chris d'Aquino – Prison Access Project
January 2004



Contents

| | |
|---|-----------|
| 1. EXECUTIVE SUMMARY | 5 |
| 2. SUMMARY OF RECOMMENDATIONS | 6 |
| 2.1 Bail..... | 6 |
| 2.2 Legal Advice..... | 6 |
| 2.3 Videoconferencing..... | 6 |
| 2.4 Grants Processing..... | 7 |
| 2.5 Discrimination..... | 7 |
| 2.6 Jail Treatment..... | 7 |
| 2.7 Other Legal Issues | 7 |
| 2.8 Awareness and first contact with Legal Aid Queensland..... | 7 |
| 2.9 Representation..... | 7 |
| 3. BACKGROUND TO THE PROJECT | 8 |
| 3.1 Purpose of the Project..... | 8 |
| 3.2 Reasons for choosing this topic | 8 |
| 3.3 The Project Team..... | 8 |
| 4. METHODOLOGY | 8 |
| 4.1 Survey Development..... | 9 |
| 4.2 Data Collection | 9 |
| 4.3 Data Analysis | 9 |
| 5. THE CURRENT SITUATION OF WOMEN AND GIRLS IN PRISONS AND YOUTH DETENTION CENTRES | 10 |
| 5.1 Location of Women’s Prisons and Youth Detention Centres..... | 10 |
| 5.2 Current Legal Service Delivery to Women in Prison..... | 10 |
| 5.2.1 <i>Brisbane Women’s Correctional Centre</i> | 10 |
| 5.2.2 <i>Helena Jones Community Correctional Centre</i> | 11 |
| 5.2.3 <i>Numinbah Community Corrections</i> | 11 |
| 5.2.4 <i>Townsville Correctional Centre</i> | 11 |
| 5.2.5 <i>Brisbane Youth Detention Centre</i> | 11 |
| 5.2.6 <i>Changes in Legal Service Delivery to Prisons</i> | 12 |
| 5.3 Administrative Law | 12 |
| 5.3.1 <i>Bail</i> | 12 |
| 5.4 Legal Needs | 13 |
| 5.5 Demographics | 13 |
| 5.5.1 <i>Prison Population</i> | 13 |
| 5.5.2 <i>Women in Prison</i> | 13 |
| 5.5.3 <i>Indigenous Women in Prison</i> | 14 |
| 5.5.4 <i>Culturally or Linguistically Diverse Background Women in Detention</i> | 16 |
| 5.5.5 <i>Age Range</i> | 17 |
| 5.6 Young Women in Detention | 17 |
| 6. DATA COLLECTION FROM SURVEYS | 18 |
| 6.1 Participants by Prison or Youth Detention Centre | 18 |
| 6.2 Age of Participants | 19 |
| 6.3 Current Marital Status of Participants | 19 |
| 6.4 Number of Children | 19 |
| 6.5 Main Language of Participants Spoken at Home..... | 20 |
| 6.7 Participants with a Disability..... | 20 |

| | |
|---|-----------|
| 6.8 Participants of Aboriginal and Torres Strait Islander Descent | 20 |
| 7. DATA ANALYSIS..... | 20 |
| 7.1 Legal Advice | 20 |
| 7.2 Videoconferencing..... | 25 |
| 7.3 Grants Processing..... | 26 |
| 7.4 Unmet Legal Need | 27 |
| 7.4.1 Jail Treatment | 28 |
| 7.4.2 Discrimination | 28 |
| 7.4.3 Children..... | 28 |
| 7.4.4 Immigration | 29 |
| 7.4.5 Other legal issues..... | 30 |
| 7.5 Awareness and first contact with Legal Aid Queensland | 30 |
| 7.6 Representation | 31 |
| 8. CONCLUSION..... | 36 |
| Appendix 1 - RESULTS FROM CONSULTATIONS WITH SERVICE PROVIDERS..... | 37 |
| Appendix 2 - SURVEY FORM..... | 39 |
| Appendix 3 - SURVEY ANSWER SUMMARY | 48 |
| Appendix 4 - DEMOGRAPHICS | 56 |
| Appendix 5 - PARTICIPANT COMMENTS | 58 |
| Appendix 6 - SATISFACTION LEVELS BY CENTRE | 79 |
| Appendix 7 - CLIENT SERVICE STANDARDS | 81 |
| Appendix 8 - BIBLIOGRAPHY | 84 |

Table of Figures

| | |
|---|----|
| Fig 1 Daily Average Number of Female Offenders by Year including Trendline | 14 |
| Fig 2 Number of Legal Aid Matters in Women’s Prisons or Youth Detention Centres | 14 |
| Fig 3 Over representation rates on a State by State basis of Indigenous and non-Indigenous women and men expressed as rates of imprisonment per 100,000 of population. | 15 |
| Fig 4 Comparison of Imprisonment between Aboriginal and Torres Strait Islander Women and Non-Indigenous Women in Prison in Australia by rate per 100,000 of population..... | 15 |
| Fig 5 Female prison population by Ethnicity as at 30 June of each year..... | 16 |
| Fig 6 Ethnic Background of Female Offenders as at 30 June 1999..... | 17 |
| Fig 7 Age Distribution Comparison between 1990 and 2002..... | 17 |
| Fig 8 Comparison of Young Persons in Detention by Gender as at 30 June of each year..... | 18 |
| Fig 9 Surveys Collected by Centre in Percentage and Daily Average Numbers of Women in Detention by Percentage (based on 2003/03 Annual Reports) | 18 |
| Fig 10 Age of Participant in Percentage | 19 |
| Fig 11 Marital Status of Participant in Percentage | 19 |
| Fig 12 Number of Children of Participants by Percentage | 20 |
| Fig 13 Data Collection from Participants re Satisfaction with Advice Service in Percentage | 22 |
| Fig 14 comparison of access between General Public and a Prisoner | 24 |
| Fig 15 Data Collection from Participant on Unmet Legal Need..... | 27 |
| Fig 16 Satisfaction with LAQ Representation..... | 31 |
| Fig 17 Satisfaction with Private Solicitor Representation | 32 |
| Fig 18 Remand by Satisfaction with LAQ Representation..... | 33 |
| Fig 19 Non Remand by Satisfaction with LAQ Representation..... | 33 |
| Fig 20 Remand by Satisfaction with Private Solicitor Representation | 34 |

Fig 21 Non Remand by Satisfaction with Private Solicitor Representation 34
 Fig 22 BWCC by Satisfaction with LAQ Representation 34
 Fig 23 BWCC by Satisfaction with Private Solicitor Representation 34
 Fig 24 Aboriginal and Torres Strait Islander by Satisfaction with LAQ Representation 35
 Fig 25 Non Indigenous by Satisfaction with LAQ Representation 35
 Fig 26 Aboriginal and Torres Strait Islander by Satisfaction with Private Solicitor Representation..... 35
 Fig 27 Non Indigenous by Satisfaction with Private Solicitor Representation..... 35

Appendix Tables

Fig I Data Collection by Correction Centre of Participant in Percentage 48
 Fig II Data Collection by Remand Status of Participant in Percentage 48
 Fig III Data Collection by Time in Centre in Percentage 48
 Fig IV Data Collection by Expected time in Custody in Percentage 49
 Fig V Data Collection from Participant on Unmet Legal Need..... 49
 Fig VI Data Collection from Participants on Contact with LAQ in Percentage 50
 Fig VII Data Collection from Participants on Bail Applications 50
 Fig VIII Data Collection from Participants on Success with Application for Aid 50
 Fig IX Data Collection from Participants on First Knowledge of LAQ 51
 Fig X Data Collection from Participants on LAQ Services Used..... 51
 Fig XI Data Collection from Participants on Legal Problem..... 51
 Fig XII Data Collection from Participants on Legal Advice in Percentage..... 52
 Fig XIII Data Collection from Participants on Method of Receiving Legal Advice in Percentage..... 52
 Fig XIV Data Collection from Participants re Satisfaction with Advice Service in Percentage 52
 Fig XV Data Collection from Participants on Satisfaction with videoconferencing in Percentage..... 53
 Fig XVI Data Collection from Participants on Ease of Understanding of LAQ Letter in Percentage..... 53
 Fig XVII Data Collection from Participants on Main Solicitor in Percentage 53
 Fig XVIII Data Collection from Participants on Satisfaction with LAQ solicitor in percentage 54
 Fig XIX Data Collection from Participants re use of LAQ Publications in Percentage 54
 Fig XX Data Collection from Participants re use of Bail by Mail Kit in Percentage 55
 Fig XXI Data Collection from Participants re usefulness of Publications in Percentage 55
 Fig XXII Data Collection from Participants on Overall Satisfaction with LAQ Services in Percentage 55
 Fig XXIII Data Collection by Age of Participant in Percentage 56
 Fig XXIV Data Collection by Marital Status of Participant in..... 56
 Fig XXV Data Collection by Number of Children of Participant in Percentage 56
 Fig XXVI Data Collection by Number of Children of Participants in Percentage 57
 Fig XXVII Data Collection by Participants with a Disability in Percentage..... 57
 Fig XXVIII Data Collection by Participants of Aboriginal and Torres Strait Islander Descent..... 57
 Fig XXIX BWCC by Satisfaction with LAQ Representation 79
 Fig XXX BWCC by Satisfaction with LAQ Representation..... 79
 Fig XXXI TWCC by Satisfaction with LAQ Representation..... 79
 Fig XXXII TWCC by Satisfaction with LAQ Representation 79
 Fig XXXIII Numinbah Correctional Centre by Satisfaction with LAQ Representation 79
 Fig XXXIV Numinbah Correctional Centre by Satisfaction with Private Solicitor Representation 79
 Fig XXXV Brisbane Youth Detention Centre by Satisfaction with LAQ Representation 80
 Fig XXXVI Brisbane Youth Detention Centre by Satisfaction with Private Solicitor Representation 80
 Fig XXXVII Townsville Women’s Correctional Centre by Satisfaction with LAQ Representation 80
 Fig XXXVIII Townsville Women’s Correctional Centre by Satisfaction with Private Solicitor Representation .. 80

1. EXECUTIVE SUMMARY

This report documents the results of a survey that was distributed to women and girls in custody in Queensland to assess the difficulties experienced by participants in accessing the services of Legal Aid Queensland. It was initiated by staff of Legal Aid Queensland and the survey was administered by Sister's Inside, a community agency which supports women in custody. The results of the survey illustrate that women in custody experience considerable difficulty in accessing legal aid services.

Current research reveals that the rate of imprisonment of women has increased dramatically in Queensland since 1995, almost tripling in number from 1995-2000. Of that group of women, Aboriginal and Torres Strait Islander women are increasing disproportionately as a group in custody.

Most women in custody who participated in this survey are between 25 – 44 years old. 75% of participants had children. About 7% did not speak English as their first language and a high percentage(20%) of the participants reported having a disability. About 22% of the participants identified as an Aboriginal or Torres Strait Islander woman. The participants from the Brisbane Youth Detention Centre were too small in number to be statistically significant.

Participants were asked about their experience with the legal advice from Legal Aid Queensland. Results from the survey showed low levels of satisfaction with the advice service and with the videoconferencing advice service. The qualitative results show that there are issues for women in trying to obtain advice with some complaining of their efforts to be put on a waiting list for advice being denied by prison guards.

A lot of the comments related to the difficulties that women face in contacting Legal Aid Queensland, such as not having a free number that they can use for advice(as opposed to the rest of Queensland), not having a confidential telephone line, having limited access to telephones and having long waiting periods for advice.

A few questions in the survey elicited an assessment of the 'readability' of the letters that are sent out by the organisation following the receipt of an application for legal aid. Participants commented on the difficulty that they faced in understanding the letters and then not being able to contact the organisation to query the result.

The survey also elicited participant's response in relation to their 'unmet legal need'. Participants were asked whether they had any problem or dispute in custody which was difficult to solve. The responses showed that jail treatment, discrimination and children were the biggest area of problem for participants. This was not surprising given the high numbers of women in custody with children and the rapidly increasing numbers of Indigenous women in custody.

Participant's comments in relation to their experience of Legal Aid Queensland's representation services showed high levels of dissatisfaction. The bulk of the qualitative comments showed dissatisfaction with the way that the service was delivered such as failure to keep appointments, limited contact with the solicitor and lack of communication between the solicitor and the client. Again they experienced difficulty in getting in touch with their solicitor and that this was an issue.

Overall the project team felt that there were some simple systemic changes that could be made to the way that Legal Aid Queensland provides its services to women in custody that would greatly improve their access to legal services.

2. SUMMARY OF RECOMMENDATIONS

2.1 Bail

1. That the in-house bail section negotiate a protocol with the Department of Corrective Services about urgent access to prisoners in relation to Supreme Court bail applications.
2. That the in-house bail section maintain regular legal advice sessions at Brisbane Women's Correctional Centre.

2.2 Legal Advice

3. That the same solicitors be rostered onto each advice session so that there is consistency of service delivery.
4. That First Advice Contact Team convene a quarterly meeting of legal services that attend at the prison to provide a coordinated response to the needs to prisoners for legal advice.
5. That Legal Aid Queensland work with the Department of Corrective Services to install a dedicated eight digit free number for prisoners.
6. That this line, as a line connecting prisoners to Legal Aid Queensland be confidential and not monitored by Department of Corrective Services.
7. That all letters to prisoners from both solicitors and grants officers include this telephone number as an alternative to calling the solicitor or grants section directly.
8. That all solicitors with clients in custody ensure that their telephones should be set up with a dial '0' option to speak to the Legal Aid Queensland Client Information Service.
9. That all solicitors with clients in custody be instructed to leave messages for prisoners in the 'comments field' of LA Office so that they can be passed on by staff of the Client Information Service.

2.3 Videoconferencing

10. That the quality of the legal advice provided via videoconferencing be monitored by First Advice Contact Team to ensure that solicitors who provide advice via videoconference are fully trained in how to use the technology and are ready to provide the advice at the time scheduled.
11. That there be a review of videoconferencing facilities at the Brisbane Women's Correctional Centre in relation to confidentiality.
12. That First Advice Contact Team provide a head set as an option for prisoners using the videoconferencing facilities to increase confidentiality.
13. That Legal Aid Queensland have a more regular face to face advice with women prisoners. Face to Face advice at Brisbane Women's Correctional Centre should be every two weeks rather than the current six weeks.
14. That a Legal Aid Queensland Administrative Officer regularly attend at the Brisbane Women's Correctional Centre during videoconferencing advice sessions to ensure the booking system is operational, liaise with the prisoners about any outstanding issues and monitor that the confidentiality of the sessions is being observed.

2.4 Grants Processing

15. That Legal Aid Queensland review the pro forma letters sent out by Grants officers in relation to the literacy level needed to understand the letter.

2.5 Discrimination

16. That the Discrimination Unit of Legal Aid Queensland meet with Sisters Inside to facilitate service delivery to women in Correctional Centres.

2.6 Jail Treatment

17. That there be a further review of the unmet legal need of prisoners for administrative law problems as Prisoners Legal Service is unable to meet demand at current level of resourcing.

2.7 Other Legal Issues

18. That female solicitors from the First Advice Contact Team conduct the advice sessions at Brisbane Women's Correctional Centre.

2.8 Awareness and First Contact with Legal Aid Queensland

19. That the criminal law practice develop a brochure outlining basic information on the court /legal process. This "What happens Now" brochure to be in simple English and as a diagram (similar to the Domestic Violence flow diagram poster developed by the Domestic Violence Unit). This Brochure to be made available to Duty Lawyers for distribution or with the initial letter sent to clients when they receive legal aid for their criminal law matter and at the jail.
20. That the Communication and Information team develop a poster for display in the Correctional Centres on "How to contact Legal Aid". This poster to highlight the contact number for Legal Aid Queensland and to promote the fact that the number is "not recorded".
21. That Legal Aid Queensland convene quarterly workshops in the respective Correctional Centres on "Legal Aid Services and how to access them".
22. That all relevant publications and self-help kits be made available in all Correctional Centre libraries.
23. That the Rural and Regional Access Strategy explore whether it is possible for CAP points to be set up in Correctional Centres.
24. That the "Bail by Mail" Self Help kit only made available on the Legal Aid Queensland website.

2.9 Representation

25. That training on Legal Aid Queensland Client Services Standards and communicating with clients become part of the induction training provided to all legal staff.
26. That prisoners be included in the Legal Aid Queensland Client Satisfaction Survey.

27. That Cultural Awareness Training become part of the induction training provided to all legal staff.
28. That the Integrated Indigenous Strategy Unit promote with Indigenous women in custody, the option of a support person accompanying them during legal advice sessions.
29. That Legal Aid Queensland provide training to the Department of Correctional Services Program Staff i.e. Social Workers, Aboriginal and Torres Strait Islander Liaison Officers, etc. on Legal Aid Queensland services and how to refer to Legal Aid Queensland.
30. That the Integrated Indigenous Strategy establish a regular presence within Brisbane Women's Correctional Centre and Townsville Women's Correctional Centre to assist Indigenous women in accessing Legal Aid Queensland services.

3. BACKGROUND TO THE PROJECT

3.1 Purpose of the Project

The purpose of this project is to document the difficulties that women and girls in custody have in accessing the services of Legal Aid Queensland with a view to making recommendations to improve that access.

3.2 Reasons for choosing this topic

Sisters Inside has consistently raised the issue of the access to legal services by prisoners through a Reference Group set up to monitor the access of women to legal aid services. They expressed frustration about the barriers that women face when trying to access legal advice for matters other than their substantive criminal law matters.

Women's Legal Aid, which convenes the Reference Group identified that the project would align with the Legal Aid Queensland Strategic Plan that states that the organisation should "*Research and identify services needed by disadvantaged Queenslanders*".

The project is also important because of the rapidly increasing numbers of women in custody.

3.3 The Project Team

The project was initiated by Women's Legal Aid and the project team consisted of Tracey de Simone and Chris d'Aquino. Assistance was also received by Sharnie Makinson, Paul Wonnocot and the Townsville office of Legal Aid Queensland.

4. METHODOLOGY

The project was focused on the access to legal services in prison, the levels of satisfaction with those services and also tried to define areas of unmet legal need. To achieve this a combination of quantitative and qualitative strategies were used.

The quantitative approach was taken to collate demographic information and satisfaction levels in combination with qualitative strategies such as focus groups and open ended text questions which aimed to uncover key themes on prisoners attitudes to legal services.

4.1 Survey Development

Issues to be addressed by the survey were identified through focus groups with both internal and external stakeholders. Minutes of the external agencies consultation can be located in Appendix 1.

The method of measuring unmet legal needs was based on research by Pleasence & Buck into Legal Needs Assessment in England and Wales¹ and the table utilized in the survey is a modified form of the table used in their study.

A draft survey form was then developed and tested with the support of the Sisters Inside Inc. Management Board. It was also developed with the assistance of internal and external stakeholders. Approval to administer the survey within the prison was then sort from and granted by, both the Queensland Department of Corrective Services and the Department of Families, Juvenile Justice Section.

4.2 Data Collection

Data collection was undertaken in Brisbane Women's Correctional Centre, Numinbah Women's Correctional Centre, Helena Jones Community Correctional Centre, and Brisbane Youth Detention Centre by members of Sisters Inside Inc. under the coordination of Debbie Kilroy. Sisters Inside was an excellent agent to assist women to complete the survey because it is a non-legal organisation with a high level of trust with prisoners. As a result, the survey was able to capture key groups within the prisons who would normally be reluctant to participate in a survey, such as Indigenous women, women with mental health illness' and women from culturally and linguistically diverse backgrounds. The project team is indebted to Sisters Inside for their support in this process.

Data collection in the Townsville Women's Correctional Centre was undertaken by Tracey de Simone with the support of the Townsville office of Legal Aid Queensland. This approach was taken due to the lack of external support agencies servicing Townsville Correctional Centre.

The teams used a structured survey format in interviewing women and girls in prison and detention centres. The format included open and closed questions and through this format a range of information was collected including demographic information, services accessed, levels of satisfaction and unmet need. A full blank survey form used in the project can be located in Appendix 2.

4.3 Data Analysis

The quantitative data collected via the survey was collated with the use of the SPSS program and the project team is indebted to Sharnie Makinson, Legal Aid Queensland's Organisational Development Coordinator for her assistance in the compilation of reports so that a full evaluation was possible.

1. _____

¹ Pleasence, P. & Buck, A (2001) "Needs Assessment and the Prioritisation of Legal Services in England and Wales"

5. THE CURRENT SITUATION OF WOMEN AND GIRLS IN PRISONS AND YOUTH DETENTION CENTRES

5.1 Location of Women's Prisons and Youth Detention Centres

As of June 2003, female prisoners in Queensland are held in two secure facilities and two open facilities operated by the Department of Correctives Services as well as a number of community correctional facilities.

The Department of Family Services operates one Youth Detention Centre with the capacity to house sentenced and remanded young women aged between ten to seventeen.

These facilities are:

| | | | |
|-----------------|--|----------|-----|
| Secure Custody | | | |
| ▪ | Brisbane Women's Correctional Centre | Capacity | 246 |
| ▪ | Townsville Women's Correctional Centre | Capacity | 40 |
| Open Custody | | | |
| ▪ | Townsville Women's Farm | Capacity | 35 |
| ▪ | Numinbah Women's Farm | Capacity | 25 |
| Youth Detention | | | |
| | Brisbane Youth Detention Centre | Capacity | 18 |

5.2 Current Legal Service Delivery to Women in Prison

5.2.1 Brisbane Women's Correctional Centre

The legal advice solicitors from Legal Aid Queensland provides advice on most areas of law to the Brisbane Women's Correctional Centre via videoconference for half a day every Wednesday and Friday. Follow up needed in relation to the legal advice is completed the same day as the advice is given.

Legal Aid Queensland also attends the Correctional Centre for face to face advices once every six weeks.

Women's Legal Service provides face to face advice in family law and associated matters for a few hours every fortnight. Clients are generally referred through word of mouth or the welfare officers at the prisons.

Prisoner's Legal Service provides face to face legal advice every month for a few hours on any prison or related issue such as prisoner's sentences. In addition the Prisoners' Legal Service operates a telephone legal advice service every Tuesday and Thursday from 9am to 1pm.

The Aboriginal and Torres Strait Islander Corporation for Legal Services attends at the Brisbane Women's Correctional Centre every Thursday and also by appointment.

The following table sets out the legal advice sessions of the various services.

| Service | Monday | Tuesday | Wednesday | Thursday | Friday |
|-----------------------|----------------------------|-------------------|------------------|-------------------|------------------|
| Legal Aid Qld | Face to face every 6 weeks | | Videolink weekly | | Videolink weekly |
| WLS | Face to face fortnightly | | | | |
| PLS | Face to face fortnightly | Telephone Service | | Telephone Service | |
| A & TSI Legal Service | | | | Weekly | |

5.2.2 Helena Jones Community Correctional Centre

The prisoners at the Helena Jones Community Corrections Centre can access advice by telephoning the telephone advice service and they will be transferred immediately or a solicitor will call them back.

5.2.3 Numinbah Community Corrections

The Southport office of Legal Aid Queensland provides advice to prisoners, including female prisoners, at the Numinbah prison farm via videoconference by appointment. Women need to be escorted to the men’s facility to access the equipment.

5.2.4 Townsville Correctional Centre

The Townsville office of Legal Aid Queensland provides weekly videoconferenced legal advice sessions to the female inmates. They also attend personally as and when required. Legal advice is also provided by the Aboriginal and Torres Strait Islander Legal Service. The advice provided by the office is in any area of law.

5.2.5 Brisbane Youth Detention Centre

Youth Legal Aid

Youth Legal Aid, a specialist unit of Legal Aid Queensland attends the Brisbane Youth Detention Centre every Tuesday, providing a ‘duty lawyer’ service for young people who are nominated by case workers at the Centre. Most young people are seeking advice on criminal charges and have been recently admitted to the Centre and who do not currently have legal representation or who have been there for some time and wish to make a further bail application.

The advice given is mainly in relation to criminal law with other legal problems being referred to other specialist units of Legal Aid Queensland.

Youth Advocacy Centre

The Youth Advocacy Centre receives referrals through case workers in the Centre and will attend for specific cases. On average the Youth Advocacy Centre attends at the Centre about once a month.

In addition to this service the Youth Advocacy Centre maintains contact via quarterly Detention Centre Stakeholder Meetings and through Training Courses they run within both the Townsville and Brisbane Correctional Centres on a monthly basis. They do not distribute any promotional material in the Centre.

5.2.6 Changes in Legal Service Delivery to Prisons

In 2003, Women's Legal Service and Prisoners' Legal Service had funding to provide legal services withdrawn by the Department of Corrective Services. Women's Legal Service used the funding to provide legal advice in family law matters fortnightly at Brisbane Women's Correctional Centre and Prisoners' Legal Service used the money to attend and consult with the women from the Townsville Correctional Centre once a year. At the time of writing, Women's Legal Service had had their funding extended for one year, and Prisoners' Legal Service had their funding withdrawn.

5.3 Administrative Law

5.3.1 Bail

The Legal Aid Queensland In-house Bail Section provides services to male and female prisoners. The section receives client referrals from both Brisbane and regional in-house solicitors. They also receive instructions from prisoners who are not with in-house solicitors or preferred suppliers (private solicitors paid for by Legal Aid Queensland). If the prisoner is being represented by a preferred supplier then the application is forwarded to their office. The In-house Bail Section also provides support to regional offices making applications for Supreme Court bail for their clients.

In relation to Brisbane Women's Correctional Centre, the In-house Bail Section will only represent prisoners if they are referred by in-house solicitors. Prisoners can make contact through a video link-up. Contact is usually made through the legal advice solicitors at Legal Aid Queensland.

If a prisoner is not successful in obtaining a grant of legal aid to apply for bail then the person is sent a "Bail by Mail" self-help kit with the refusal letter. As well, the solicitor will assist prisoners who are unsuccessful with legal advice in relation to their own bail application. Again, a request for legal advice in this area is forwarded on by the legal advice solicitors.

The solicitors from the In-house Bail Section commented that they experienced difficulties because they are unable to access the regular legal visits on Monday or Thursday and otherwise there was restricted access in relation to bail matters when urgent access was needed.

Since 2002 Sisters Inside Inc has provided a support program for women in the Brisbane Women's Correctional Centre who are preparing self-represented Supreme Court Bail application. These women have been refused funding from Legal Aid Queensland for Supreme Court Bail.

The support workers using the 'Bail by Mail' self help kit, provide assistance in gathering supporting documentation needed for the application.

In 2002 the program completed 15 bail applications in the Supreme Court with approximately six successful. In 2003, 13 bail applications were made with six of these being successful.

Since 2002 Sisters Inside Inc has supported over 40 women in the Brisbane Women's Correctional Centre who have been interested in making Supreme Court Bail Applications. During 2003 another 5 women approached Sisters Inside to support them to find accommodation and the necessary medical certificates and references in respect of bail applications being made through Legal Aid Queensland. All five of these applications were successful.

A recurring issue is that women approach Sisters Inside too late in the criminal law process, so that their application is too close to their court hearing and not likely to succeed.

Recommendations

1. *That the in-house bail section negotiate a protocol with the Department of Corrective Services about urgent access to prisoners in relation to Supreme Court bail applications.*
2. *That the in-house bail section maintain regular legal advice sessions at Brisbane Women’s Correctional Centre.*

5.4 Legal Needs

While prisoners have been removed temporarily from the broader community, they remain entitled to most of the same rights as other citizens, and like other members of the community need to have access to appropriate legal services, information and advice.

The experience of legal service providers has shown that prisoners face a number of obstacles in terms of their ability to exercise their rights whilst in the custody. In addition many prisoners have come from a background of social and economic disadvantage prior to their incarceration which limits their ability to access information independently. For these reasons it is essential that adequate legal advice and representation is available.

The results of the survey have shown that women (and probably men) in custody are extremely disadvantaged in their access to legal services and represent one of the most disadvantaged groups in our population.

The focus to date in determining legal needs in prisons has been almost exclusively on demand for services. For example, if service A provides Y and 1000 people access Y then this is seen as an indicator that Y is needed.

Although this is useful in determining service accountability this technique of measuring legal needs does not measure unmet needs in a population; establish gaps in service delivery or blocks to prisoners accessing available services.

5.6 Demographics

5.5.1 Prison Population

The prison population in Queensland and elsewhere in Australia is increasing. Statistics from the Australian Institute of Criminology (AIC) show that the number of prisoners in Queensland rose between 1982 and 1998 from 1,638 to 4,466. As of 30 June 2002 this figure now stands at 4,792.

This represents a rise in the rate of imprisonment in Queensland from 95.4 per 100,000 in 1982 to 171.3 per 100,000 in 1998. As demonstrated below Queensland is above the average Australian rate per 100,000 population in imprisonment rates and is second only to the Northern Territory in the rate of imprisonment per 100,000 population.²

5.5.2 Women in Prison

The rate of imprisonment of women has increased dramatically in Queensland since 1995, almost tripling in number from 1995 - 2000.

1. _____

² Carach & Grant, (1999) "Imprisonment in Australia" Aust. Institute of Criminology

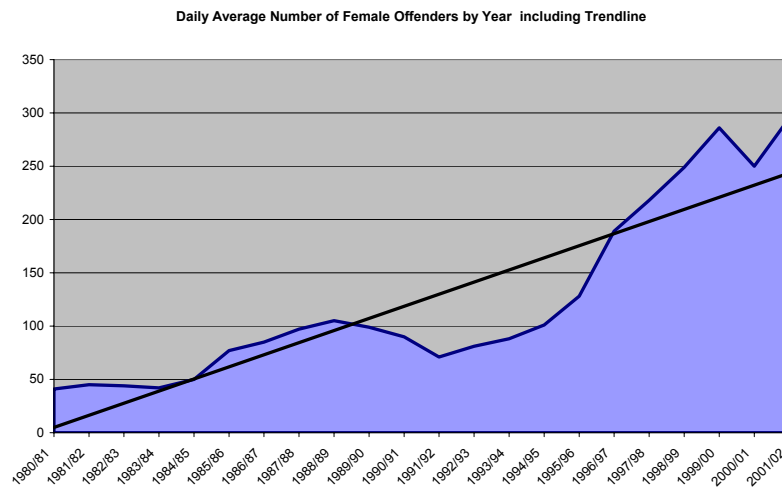


Fig 1 Daily Average Number of Female Offenders by Year including Trendline
Source – Department of Corrective Services Annual Reports

This growth in the numbers of women in prison in Queensland is consistent with a national trend. In the period between 1995 – 2002 for women in Australia there was a 60% increase in the rate per 100,000 population compared with only a 14.8% increase for males.³

Overall, the adult female imprisonment rate in Queensland (as at June 2000) is 16.7 per 100,000 adults, which is well above the national average of 12.5 per 100,000.⁴

The following graph represents the increase that has occurred in the last two years in the numbers of legal advices and legal representation for women and girls in custody.

| <i>Services Provided to</i> | <i>Year</i> | |
|------------------------------------|-------------|-------------|
| | 2002 | 2003 |
| <i>Women & Girls in Prison</i> | | |
| Represented Clients | 553 | 583 |
| Advices Given | 369 | 445 |
| Total | 922 | 1028 |

Fig 2 Number of Legal Aid Matters in Women’s Prisons or Youth Detention Centres

5.5.3 Indigenous Women in Prison

According to the Aboriginal and Torres Strait Islander Social Justice Commissioner of the Australian Human Rights & Equal Opportunity Commission, Indigenous women are still over represented in imprisonment rates in Queensland to the rate of 15.5 which is higher than that of Indigenous men (12.7) although this is lower than the Australian rate of 19.6⁵.

1. _____

³ Gleb, K (2003) “Women in Prison – Why is the Rate of Incarceration Increasing” pp 4

⁴ Women’s Policy Unit, (2000) “Profile of Female Offenders” P2

⁵ Aboriginal & Torres Strait Islander Social Justice Commissioner (2002) “Social Justice Report 2002” Australian Human Rights & Equal Opportunity Commission

| | Indigenous | | | All inmates | | | Over-representation rate | | |
|-------------|-------------|--------------|-------------|--------------|-------------|--------------|--------------------------|-------------|-------------|
| | Male | Female | Total | Male | Female | Total | Male | Female | Total |
| NSW | 3852.4 | 379.3 | 2044.6 | 292.6 | 19.6 | 153.5 | 15.6 | 25.8 | 15.9 |
| VIC | 2087.1 | 206 | 1137.4 | 180 | 13.1 | 94.2 | 12.1 | 16.5 | 12.6 |
| QLD | 327.2 | 247.6 | 1723.4 | 336.1 | 20.8 | 175.8 | 12.7 | 15.5 | 12.6 |
| SA | 3452.1 | 259.2 | 1744 | 246.3 | 14.4 | 127.8 | 16.4 | 21.5 | 16 |
| WA | 4726 | 400.8 | 2493.6 | 364.7 | 26.1 | 194.1 | 18.3 | 24.1 | 18.2 |
| TAS | n.p | n.p | 678.8 | 229.9 | 19.7 | 121.9 | n.p | n.p | 6.3 |
| NT | 2751.4 | 76.7 | 1384.4 | 879.7 | 29.47 | 4.9 | 7.4 | 6.3 | 6.8 |
| ACT | n.p | n.p | n.p | 46.8 | 2 | 23.8 | n.p | n.p | n.p |
| AUST | 3421 | 275.6 | 1790 | 276.4 | 18.2 | 144.8 | 15.2 | 19.6 | 15.2 |

Fig 3 Over representation rates on a State by State basis of Indigenous and non-Indigenous women and men expressed as rates of imprisonment per 100,000 of population.

Source - Aboriginal & Torres Strait Islander Social Justice Commissioner (2002)

Nationally the rate of imprisonment of Indigenous women per head of population compared to non-Indigenous women is very different. In 1999 the national rate for women in prison per 100,000 population was 15.3. For Non-Indigenous women this rate was 11.8, for Indigenous women this rate was 206.5.⁶

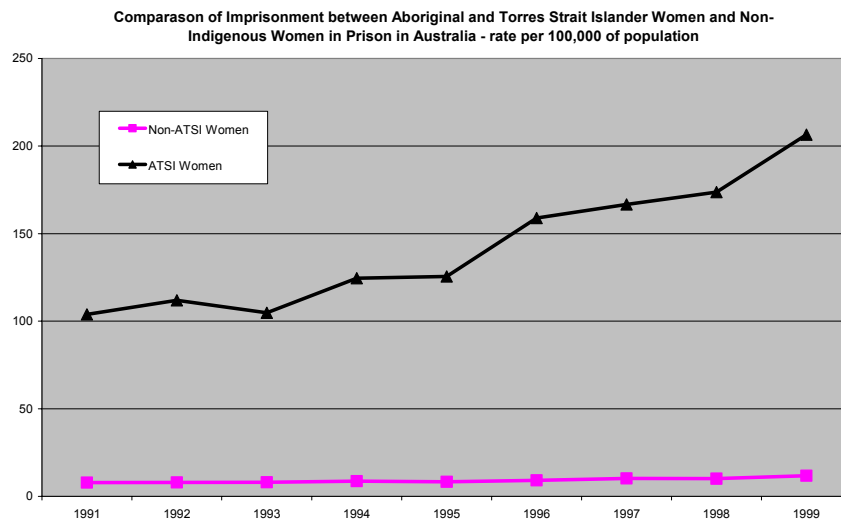


Fig 4 Comparison of Imprisonment between Aboriginal and Torres Strait Islander Women and Non-Indigenous Women in Prison in Australia by rate per 100,000 of population

Source - Cameron, M. (2001) "Women Prisoners and Correctional Programs" AIC No. 194

In Queensland the growth of Indigenous female offenders in secure and open custody over the five year period from 1994-1999 was 204 per cent, compared with an increase of 173 per cent for all female offenders in Queensland over the same period.⁷

1. _____

⁶ Cameron, M. (2001) "Women Prisoners and Correctional Programs" AIC No. 194

⁷ Aboriginal & Torres Strait Islander Social Justice Commissioner (2002) "Social Justice Report 2002" Australian Human Rights & Equal Opportunity Commission

In February 2001, Indigenous women represented 28.2 per cent of the total female population in Queensland open and secure centres.⁸ The results of the survey show that Legal Aid Queensland needs to maintain a presence in the Correctional Centres which is targeted towards Indigenous women. There are increasing numbers of Indigenous women in custody and they are not aware that they can access Legal Aid Queensland for assistance with their legal problems.

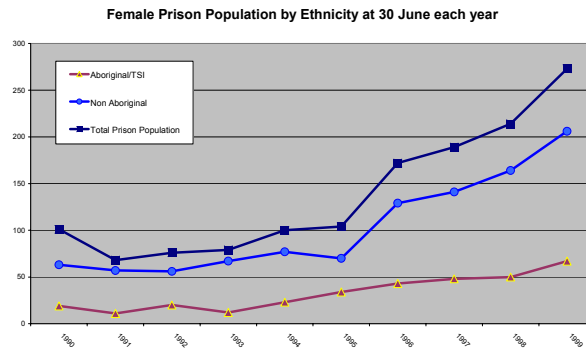


Fig 5 Female prison population by Ethnicity as at 30 June of each year
source - Department of Corrective Services Annual Reports

5.5.4 Culturally or Linguistically Diverse Background Women in Detention

The majority of women in detention are white Australians. In 30 June 1999, the Women’s Policy Unit of the Department of Corrective Services found only 9.8 % of women in secure and open custody in Queensland stated they were from ethnic backgrounds not from Australian, New Zealander, or UK or Ireland.

| Ethnic Background of Female Offenders in Secure & Open Custody as at 30 June 1999 | Number | Percentage |
|---|------------|--------------|
| White Australian | 148 | 54.2 |
| Aboriginal and Torres Strait Islander | 72 | 26.4 |
| New Zealand | 17 | 6.2 |
| UK & Ireland | 6 | 2.2 |
| Other Asia | 6 | 2.2 |
| Other West Europe | 4 | 1.5 |
| Vietnam | 4 | 1.5 |
| Unknown/Not Stated | 3 | 1.1 |
| East Europe | 3 | 1.1 |
| Yugoslavia | 3 | 1.1 |
| Italy | 2 | 0.7 |
| Papua New Guinea | 2 | 0.7 |
| Greece | 1 | 0.4 |
| Other Americas | 1 | 0.4 |
| Other Oceania | 1 | 0.4 |
| Total | 273 | 100.0 |

1. _____

⁸ Aboriginal & Torres Strait Islander Social Justice Commissioner (2002) “Social Justice Report 2002” Australian Human Rights & Equal Opportunity Commission

Fig 6 Ethnic Background of Female Offenders as at 30 June 1999
 Source: Women’s Policy Unit (2000) “Profile of Female Offenders”

Patricia Weiser Easteal, in her 1993 study of Overseas-born Female Inmates in Australia found that

“These women’s imprisonment experiences were, in a plethora of ways, more difficult and problematic than the experiences of those born in Australia. Their difficulties could easily be addressed but were unheeded in large part for the same reasons that issues specific to women go unattended: paucity of numbers, poor communication; and a monolithic approach to correctional services. It does appear that for some in this sub-group, the deportees and the non-English-speakers, the punishment of imprisonment was more severe and the chances of successful rehabilitation less.”⁹

5.5.5 Age Range

Comparison of age distribution between 1990 and 2002 for women in prison in Queensland has shown little variation in age range despite almost triple the number of prisoners.

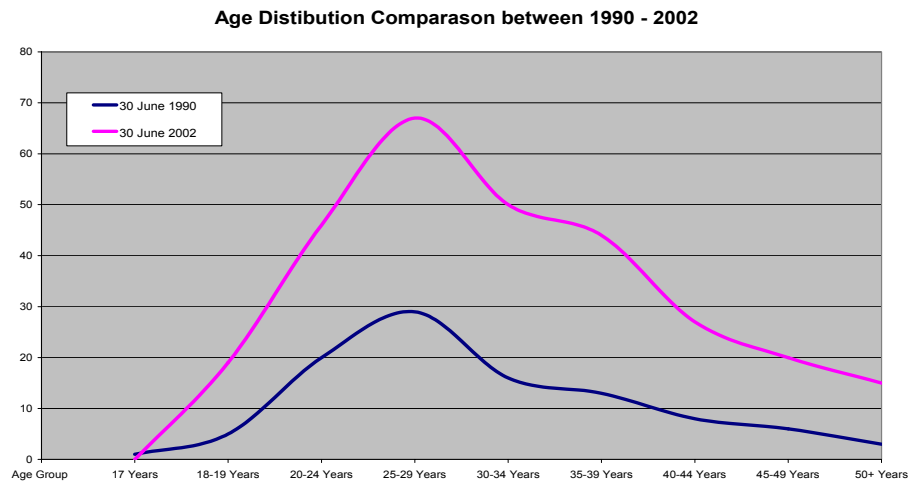


Fig 7 Age Distribution Comparison between 1990 and 2002
 Source - Department of Corrective Services Annual Reports

This is comparable to Australia wide trends which show the age range profiles changing little during a comparison between 1995 – 2002.¹⁰

5.6 Young Women in Detention

The history of youth detention services makes the tracking of young women in detention a challenge. In the 1990’s the Department of Corrective Services and the Department of Families transferred responsibility for youth detention.

Young women in detention has been a neglected area of study with little in the way of any data available, this is primarily due to the small number of young women in detention. The reports that do exist are usually directed towards the better "management" of young women and the establishment of further and more effective programs

1. _____

⁹ Weiser Easteal, P (1993) “The Forgotten Few: Overseas-born Female Inmates in Australia” p 14-15

¹⁰ Gleb, K (2003) “Women in Prison – Why is the Rate of Incarceration Increasing” pp 10

designed to better reintegrate young women into the community. No reports could be found on young women and legal needs.

In Queensland there is only the capacity of 18 beds in the Brisbane Youth Detention Centre for the housing of young women and this is rarely at even half capacity.

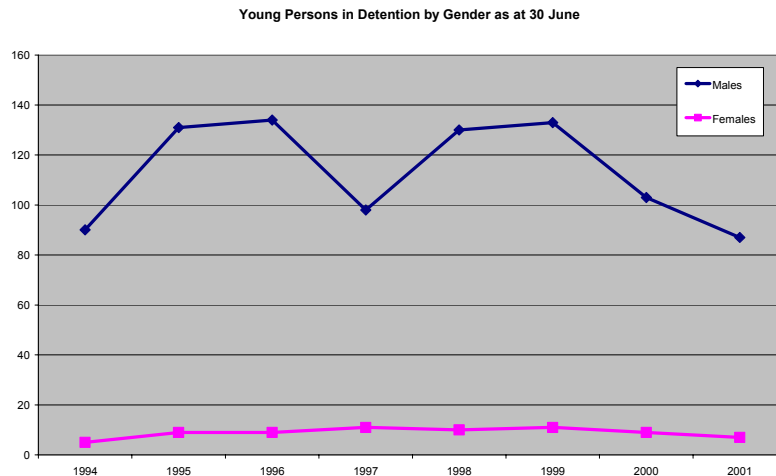


Fig 8 Comparison of Young Persons in Detention by Gender as at 30 June of each year
Source – Department of Families

6. DATA COLLECTION FROM SURVEYS

6.1 Participants by Prison or Youth Detention Centre

In total, 121 surveys were administered to women and girls in prisons and Youth Detention Centres through this project which makes up 36% of the daily average number of women and girls in detention¹¹.

| Prison | Survey Participants | Daily Average Number of Women |
|--|---------------------|-------------------------------|
| Brisbane Youth Detention Centre | 2% | 2% |
| Townsville Women's Correction Centre | 7% | 21% |
| Numinbah Correction Centre | 16% | 6% |
| Helena Jones Community Correction Centre | 21% | 8% |
| Brisbane Women's Correction Centre | 55% | 63% |
| Total | 100% | 100% |

Fig 9 Surveys Collected by Centre in Percentage and Daily Average Numbers of Women in Detention by Percentage (based on 2003/03 Annual Reports)

The spread of the location of the participants who participated in the survey were compared to the daily average number of women and girls in prison and Detention Centres (fig 9). The spread of participants in the survey was generally representative of the spread of women and girls in custody overall except that we received fewer than

1. _____

¹¹ Percentage based on Daily averages in the 2002/03 Annual Reports

expected participants from Townsville Women’s Correctional Centre and more from the Helena Jones Centre and Numinbah Correctional Centre.

6.2 Age of Participants

Three quarters of participants fell in the 25-44 age group with 43% of the participants in the 25-34 age group. This is an older group than would have been expected from the demographics shown in fig 7. in which the main age group is between 20 – 35 years old.

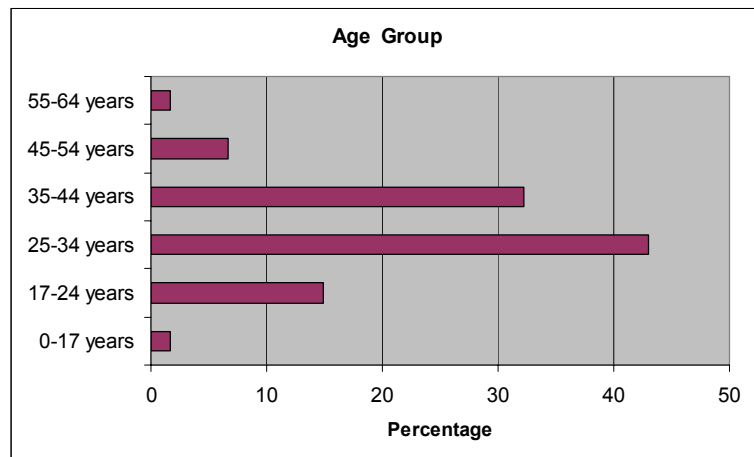


Fig 10 Age of Participant in Percentage

6.3 Current Marital Status of Participants

Of the 121 women and girls who responded, 46% were “Single or never married” and 43% were currently in a “Defacto or Married Relationship”.

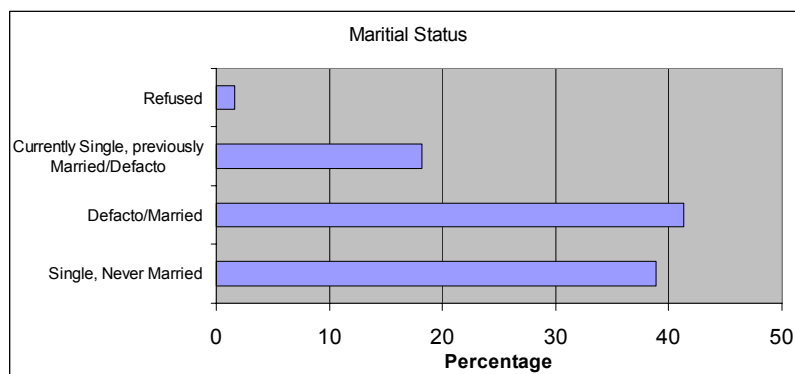


Fig 11 Marital Status of Participant in Percentage

6.4 Number of Children

75% of women surveyed had children, and 37% had 3 or more children. While this is reflective of the slightly older group of participants than in the general prison population, it does highlight the importance of family law issues for this group.

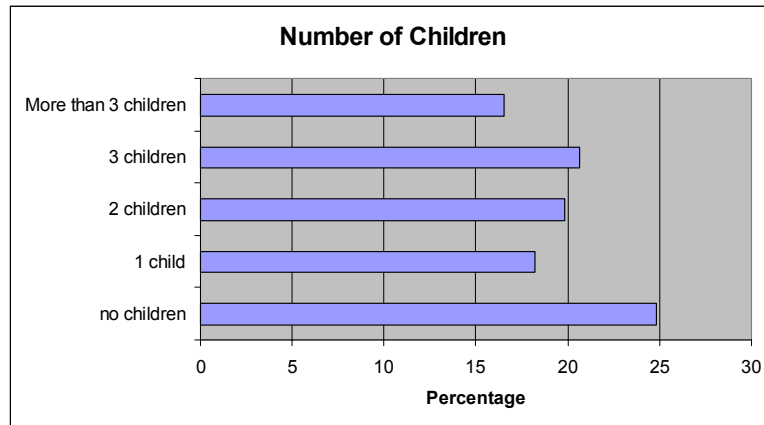


Fig 12 Number of Children of Participants by Percentage

6.5 Main Language of Participants Spoken at Home

Only 7% of participants reported speaking a language other than English at home. While this is only half of the prison statistic of 9.8% of women from a non English speaking background, it is a better than expected result considering that the survey was only administered in English without the use of interpreters.

Languages spoken by participants included Vietnamese, Filipino, Malaysian, Italian, Papua New Guinea, Sri Lankan, Chinese and Maori.

6.7 Participants with a Disability

Twenty per cent of participants reported having a disability and a number volunteered the nature of their disability. Comments such as drug addiction, alcoholism, and mental disorder were recorded on the surveys even though this information was never requested.

This percentage was higher than expected however there is no official data about numbers of people with a disability in custody to compare the figures to.

6.8 Participants of Aboriginal and Torres Strait Islander Descent

22.5% of participants identified as an Aboriginal or Torres Strait Islander which is comparable to the number of Aboriginal and Torres Strait Islander women in the general prison population. This is an excellent result as Aboriginal and Torres Strait Islander people are often under represented in statistical surveys.

7. DATA ANALYSIS

7.1 Legal Advice

The responses to the surveys showed that 26% of participants had used the legal advice service from Legal Aid Queensland. This seems to be a very low figure considering that the legal advice solicitors provide advice to the Brisbane Women’s Correctional Centre twice a week via videoconference. The reported low usage and comments made by participants reveal that there is a lack of awareness of the legal advice services provided by Legal Aid Queensland.

The comments by participants also reveal that there is a lack of confidence in Legal Aid Queensland and a fear about accessing the organisation because it is a government body and perhaps linked to ‘the system’.

Some participants made comments about prison officers not promoting usage or access to the legal advice service and some participants reported prison officers actually thwarting the participants efforts to be placed on the legal advice waiting list.

Long wait for videoconferencing. Prison Officers won’t put you on list. Solicitors not showing up.

Don’t understand what I’m saying. Prison officers wouldn’t put my name on the list for Legal Aid.

No one cared I was being sexually abused by staff here at the prison. Put my name on list to speak to solicitor-screws didn’t do it.

Responses to the surveys illustrated that there is no information in the prison about legal aid services and that participants rely on word of mouth to receive information about what they might be entitled to. This is important when you consider that women from non-English speaking backgrounds do not have interpreters and are not able to receive that information. The following quote from a paper written by Debbie Kilroy illustrates the difficulty that women from non-English speaking backgrounds have in accessing the information about services available to them.

*“NESB women frequently rely on information from other women in prison. The NESB women claim they prefer to observe the custom of the prison and to watch before they act, as a means of gathering information. If they have to ask someone, they would choose another NESB person. As there are only a small number of NESB women at each prison care is needed to ensure that NESB women had ready access to each other”.*¹²

As well, it has been noted that Aboriginal and Torres Strait Islander women have a perception that they cannot use white services.

There was fairly even use of advice services between telephone and video with a high number reporting face to face advice. Given that Legal Aid Queensland provides limited face to face advice in the prison, it is concluded that prisoners were confusing face to face advice with duty lawyer services or Women’s Legal Service.

The majority of participants were dissatisfied with the legal advice service of Legal Aid Queensland. Less than one third were satisfied with the legal advice services offered as shown in Figure 13.

1. _____

¹² Kilroy, D. “The Silenced Few – NESB women in Prison”, July 2003

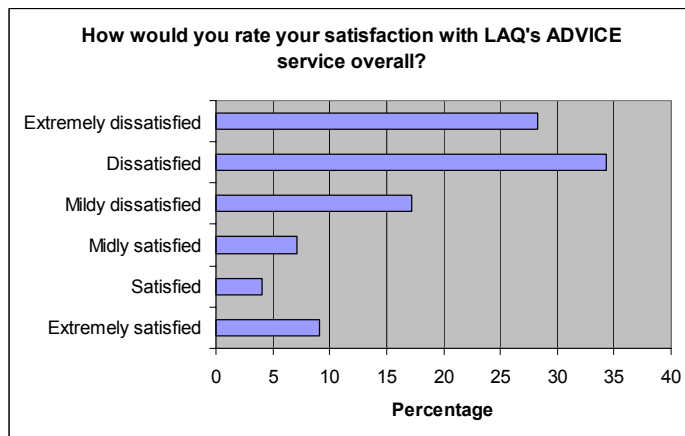


Fig 13 Data Collection from Participants re Satisfaction with Advice Service in Percentage

Participants were asked what difficulties they had with accessing legal advice. Most of their comments related to client service standards. They found contacting Legal Aid Queensland and making a booking for advice extremely difficult. Barriers that were mentioned were: -

- The process was controlled by prison guards.
- The calls are made through the ARUNTA system which is a timed call and costs a lot of money if you are on hold for long periods of time.
- They often can't get through to the office with some complaining that Legal Aid Queensland does not take prison calls.
- They have limited income and need money on their card to make the telephone calls.
- They have a 10 minute time limit for the call which limits the time for advice.
- They have limited access to telephones because of the restrictions on their movements during the day.
- The telephones are not always turned on or are not always working.
- They are forbidden from using mobiles or e-mail.
- It is not a free call to Legal Aid Queensland, they must use the Arunta system.
- The calls to Legal Aid Queensland are monitored unlike calls made to Prisoners' Legal Service or the Children's Commission or the CMC.
- They cannot just turn up at our office for legal advice.
- There is a long wait for advice especially videoconferencing advice.
- The participants, when they get the legal advice have difficulty understanding the advice, participants complained about solicitors using too much legal jargon.
- That there is no facility for participants to get follow up on their legal problem – solicitors can't call them and there is a long wait for advice.

One participant noted that when they are on work detail, the only chance that they get to ring Legal Aid Queensland is after 4pm. This short period of time makes it hard for them to call for information or to get in touch with their solicitor.

The comments made by participants about their experience with the advice service included:

Nobody there when you ring to phone constantly engaged on the days you are allowed to phone

Hard to get solicitor on phone – can't return phone calls

Ringng constantly – LEGAL AID QUEENSLAND don't take prison calls

Repeating myself every time I did get to speak to someone...Saying the same things over and over

Making 3 or 4 phone calls a day

Difficult to understand, don't listen to me, won't return calls – no-one answers phone that knows what is going on

Messages not passed on by officers

Access to me- they had me locked in isolation all the time

Isolated in crisis support unit, screws wouldn't give solicitor access to phone solicitor didn't come to visit for a long time. Didn't return phone call.

Waiting list for videoconferencing

One time I had to wait a week and a half before I got advice. This meant I was getting advice two days before court

Not enough time for discussing problems

Of particular concern were several comments by non-English speaking participants about not understanding the advice.

Need to understand in my language

Don't understand English well/don't understand legal thing

Hard to contact, language difficulties- I speak some English but hard to understand what their saying

Participants were then asked about what improvements they would suggest to the advice process. They suggested strategies such as solicitors using less jargon and listening to them more. Solicitors providing proper follow up after advice sessions and that Legal Aid Queensland actually receive their telephone calls. They also commented on having less waiting time for advice sessions.

Participants comments included: -

Need direct free number, Do something about believing that some prison staff are touching us women wrongly – sexually. I don't like it.

Make sure prison puts names on list and stop threatening me about not going to let me see my solicitor

Very lonely, need Interpreter please help me

I already told you – get better people who speak simple

Need information-explain processes better

The project team then documented the difference between the access of a prisoner to legal advice as opposed to a person who is not in custody.

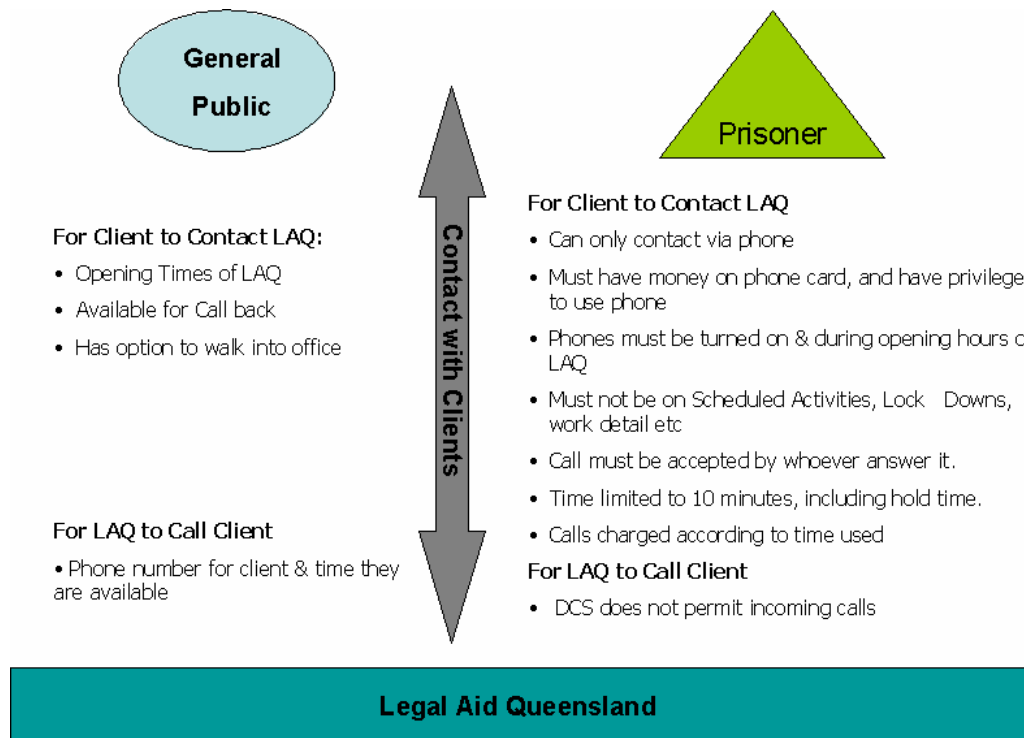


Fig 14 comparison of access between General Public and a Prisoner

Recommendations

3. *That the same solicitors be rostered onto each advice session so that there is consistency of service delivery.*
4. *That First Advice Contact Team convene a quarterly meeting of legal services that attend at the prison to provide a coordinated response to the needs to prisoners for legal advice.*
5. *That Legal Aid Queensland work with the Department of Corrective Services to install a dedicated eight digit free number for prisoners.*
6. *That this line, as a line connecting prisoners to Legal Aid Queensland be confidential and not monitored by Department of Corrective Services.*
7. *That all letters to prisoners from both solicitors and grants officers include this telephone number as an alternative to calling the solicitor or grants section directly.*
8. *That all solicitors with clients in custody ensure that their telephones should be set up with a dial '0' option to speak to the Legal Aid Queensland Client Information Service.*

9. *That all solicitors with clients in custody be instructed to leave messages for prisoners in the 'comments field' of LA Office so that they can be passed on by staff of the Client Information Service.*

7.2 Videoconferencing

31% of the participants had who received advice had received it via videoconferencing. One quarter of those were satisfied and the other three quarters were dissatisfied and extremely dissatisfied. (see Figure XV Data Collection from Participants on Satisfaction with videoconferencing in Percentage in appendix 3)

Not surprisingly, prisoners have a strong preference for face to face advice because it is their only contact with the outside world.

There were several comments raised by participants about the lack of confidentiality associated with the videoconferencing room at the Brisbane Women's Correctional Centre. Advice via videoconference is louder than a normal conversation and it echoes so that if prison officers are outside the room it would be easy for them to hear.

Participants complained about the levels of proficiency of solicitors who use the machines. These issues are important with the increasing numbers of advice being given by videoconferencing.

Many participants commented on the control exerted by prison officers with the booking system, resulting in difficulty in accessing advice.

Again awareness of the services offered by Legal Aid Queensland was an issue.

Rather speak to people – I feel disrespected by the whole thing, Don't like the TV set up

*Can't talk to the f***in TV – need people to speak*

Doesn't feel confidential

Video could be set up with people ready to go, but legal aid office sometimes forget times and/or are not prepared. Ensure information is provided if link up can't be as scheduled or can't proceed.

Using video linkup- solicitor has to leave room to look up case details. Solicitor back and forward. Can be frustrating and confusing, don't know what they are doing. Need more time when you do a face to face session. Video link not always at time allocated. If name of person available then have their files available to look at. Staff too busy to assist

Not to have videoconferencing – want personal service – problems time taken to see a lawyer. Last time put name down and by time seen solicitor too late had already gone to court.

Don't like it, people listen – screws...don't use when prison staff are listening – suppose to be legal visit...impersonal screws listen...rather face to face contact, prison staff listen to my conversations

If we were allowed to forward faxes before the videoconference it would be easier for the solicitor to give advice as they would know what the problem is. Whenever I've had a video-conference I've found it very difficult to explain my whole case without the person on the other side having my info in front of them

Recommendations

10. *That the quality of the legal advice provided via videoconferencing be monitored by First Advice Contact Team to ensure that solicitors who provide advice via videoconference are fully trained in how to use the technology and are ready to provide the advice at the time scheduled.*
11. *That there be a review of videoconferencing facilities at the Brisbane Women's Correctional Centre in relation to confidentiality.*
12. *That First Advice Contact Team provide a head set as an option for prisoners using the videoconferencing facilities to increase confidentiality.*
13. *That Legal Aid Queensland have a more regular face to face advice with women prisoners. Face to Face advice at Brisbane Women's Correctional Centre should be every two weeks rather than the current six weeks.*
14. *That a Legal Aid Queensland Administrative Officer regularly attend at the Brisbane Women's Correctional Centre during videoconferencing advice sessions to ensure the booking system is operational, liaise with the prisoners about any outstanding issues and monitor that the confidentiality of the sessions is being observed.*

7.3 Grants Processing

Participants were asked about how easy it was to understand the letter which they received from legal aid in relation to grants processing. When people apply for legal aid they receive a letter from Legal Aid Queensland confirming the result of their application.

40% of participants did not answer this question, which prompts the question about whether they did not receive a letter or were not interested in this part of survey. It also may mean that they did not understand the question or the process of applying for aid.

For the participants that did respond to the question, there was a balance between those that found it easy to understand and those that found it difficult to understand. Of those that found it difficult to understand, there were very strongly negative comments.

The comments focussed on their ability to understand the letter as opposed to dissatisfaction with the result of their application for legal aid. They commented that there were no avenues or ways for them to follow up or clarify the letter because of the difficulty they have with contacting legal aid. Some women who did not speak English said that they did not understand the letter and did not have any access to interpreter services for assistance in reading it.

Needed someone to explain what the letter meant

Didn't make much sense – use easy language

Use English – use day to day terms not technical – its not a competition to say the hardest words

Need letter in my own language to understand better

The project team explored whether an application for legal aid for representation in a children’s issue from a women in custody would be treated any differently than any other application from the general public. There is no such policy even though it would appear that Legal Aid Queensland policies should take into account the extreme difficulties that this client group experiences.

Recommendation

- 15. That Legal Aid Queensland review the pro forma letters sent out by Grants officers in relation to the literacy level needed to understand the letter.

7.4 Unmet Legal Need

In the first part of the survey, participants were asked “Since being in custody have you had any problems or disputes that were difficult to solve which have to do with any of the things in this question?”. The questions then lists some potential problems such as discrimination, consumer, housing, children, jail treatment etc.. Participants were then asked whether they took any action and if not why they didn’t take any action.

| Issue | Not a problem | No Action | Handled without Advice | Obtained Advice | Application for Aid |
|--------------------|---------------|-----------|------------------------|-----------------|---------------------|
| Jail Treatment | 68 | 44 | 6 | 3 | |
| Children | 80 | 26 | 5 | 3 | 7 |
| Discrimination | 82 | 31 | 4 | 3 | 1 |
| Criminal Matter | 97 | 3 | 1 | 6 | 14 |
| Domestic Violence | 102 | 14 | 3 | | 2 |
| Police Treatment | 104 | 12 | 2 | 2 | 1 |
| Mental Health | 108 | 10 | 2 | 1 | |
| Housing | 110 | 4 | 4 | 3 | |
| Money/Dept | 111 | 6 | 3 | | 1 |
| Medical Negligence | 111 | 8 | 1 | 1 | |
| Relationships | 113 | 5 | 2 | 1 | |
| Divorce | 114 | 3 | 2 | 1 | 1 |
| Personal Injury | 115 | 4 | | 2 | |
| Immigration | 116 | 4 | | | 1 |
| Sexual Assault | 116 | 4 | | 1 | |
| Property | 117 | 2 | 1 | | 1 |
| Consumer | 120 | | | 1 | |
| Other | 121 | | | | |
| | 1905 | 180 | 36 | 28 | 29 |

Fig 15 Data Collection from Participant on Unmet Legal Need

The comments received by participants revealed that discrimination, jail treatment and children were the biggest areas of unmet legal need.

7.4.1 Jail Treatment

The comments regarding jail treatment suggest that Prisoners' Legal Service is under-resourced as there were many comments about the participants inability to be able to contact and get advice from Prisoners' Legal Service.

Participants reported that they have not done anything about their situation due to fear of reprisal and belief that they have no options. A further comment was made about programmes in prisons being in English so that it was not fair for people who cannot speak English. Participants also spoke about having a fear of deportation if they did anything.

Tried (Community Legal Service) – but to no avail – its been 18 months

Threaten you if you say you gonna do something

No programs – don't understand English well - discriminated against

Officers don't pass on that you want to see Legal Aid, Sisters Inside

What's the use – they make you pay later by breeching you, threaten to ring immigration to get me deported

They'll harm me – please help me but don't say my name

Recommendation

- 16. That there be a further review of the unmet legal need of prisoners for administrative law problems as Prisoners Legal Service is unable to meet demand at current level of resourcing.*

7.4.2 Discrimination

Participant's comments in relation to discrimination show that they have been reluctant to do anything about the discrimination due to a fear of repercussion from prison authorities. They also reported a sense of helplessness about their situation. There were very strong comments by the Aboriginal community.

I'm black, who cares – they'll put me on a management plan

Why bother you get breached

Nothing – like pushing elephant up the stairs. Gets used against you if you do anything

Recommendation

- 17. That the Discrimination Unit of Legal Aid Queensland meet with Sisters Inside to facilitate service delivery to women in Correctional Centres.*

7.4.3 Children

Children was the second highest issue of concern for women in prison.

In a 1995 survey of women in custody conducted by Ann Farrell she found that 85% of women in prison were the mothers of young children and prior to being sentenced were likely to be the heads of single households.¹³

Therefore women in prison have to deal not only with their criminal matter but are more likely than male prisoners to have to deal with family law matters as well.

In a submission to the Victorian Law Reform Committee in 2001, the Advocacy Program for Women in Prison stated that:

*“Currently there are about 200 women in prison in Victoria, and when we consider them we need to acknowledge also that there are in excess of 400 children attached to those women in prison. So the legal issues that arise for women in prison, whether they be around custody, property or family law matters or debt, have a direct impact on the care, custody and wellbeing of their children on the outside. Therefore we would argue that to deny women access to legal advice, information and representation also denies their children access to that sort of legal advice, information and representation about their legitimate legal needs. So there is a direct connection.”*¹⁴

The Victorian Legal Reform Committee also went on to state that how well prisoners are able to deal with legal matters not related to their criminal matters will have a significant bearing on the prisoners post-release situation. Therefore access to legal services will have effect on how people will reintegrate into the community after release.¹⁵

The comments provided by participants regarding their issues with children reveal that Legal Aid Queensland needs to raise the awareness of women in custody of the services offered by Legal Aid Queensland in legal advice. Many participants were not aware that Legal Aid Queensland offers assistance and legal advice with children’s matters.

It needs to be acknowledged that this is an area of great need given the large number of participants who have children. Ann Farrell in her 1995 study noted that over 85% of female prisoners are mothers of young children.¹⁶ The later consultation with the staff of Sisters Inside about the surveys confirmed that there was a perception that aid will not be given for children’s matters while the woman is in custody. As a result, women were not even bothering to apply for aid or obtain legal advice.

Given the large numbers of women in custody with children there is also the question of whether they are being funded or even applying for aid to assist with their negotiations with the Department of Families.

7.4.4 Immigration

Immigration was another area that was of concern for participants. The reasons mentioned by participants for taking no action related to fear of retribution.

Scared they may deport me

Terrified – they may deport me

They’ll send me back, I’m so scared, please don’t say who I am

¹³ Quoted in Women’s Policy Unit (2000) “Profile of Female Offenders” p 25

¹⁴ Gow, C (2000) “Advocacy Program for Women in Prison Submission” Minutes of Evidence to the Law Reform Committee Inquiry into legal services in rural Victoria Melbourne – 25 September 2000

¹⁵ Victorian Parliament Law Reform Committee (2001) “Review Of Legal Services In Rural & Regional Victoria” p215

¹⁶ Quoted in Women’s Policy Unit (2000) “Profile of Female Offenders” p 25

7.4.5 Other legal issues

Several other legal issues were listed as being unresolved by participants however a common theme across all of them was that few knew that Legal Aid Queensland could help them. One issue that was disturbing was that one or two participants reported being sexually assaulted by prison officers. Participants were asked whether they had a problem with sexual assault and responses were:

Can't – nothing will happen

The way it goes

Screws can do what they like

Too scared I will be punished

It could be said that the way Legal Aid Queensland provides legal services does not lend itself to women being able to disclose issues such as these. There are problems with confidentiality, there is limited face to face contact and there are not always female solicitors giving advice.

Recommendation

- 18. That female solicitors from the First Advice Contact Team conduct the advice sessions at Brisbane Women's Correctional Centre.*

7.5 Awareness and First Contact with Legal Aid Queensland

Participants were asked several questions to ascertain their knowledge of Legal Aid Queensland and their contact with any of our publications.

The majority of the participants first had contact with Legal Aid Queensland prior to going into custody. Participants were asked how they first became aware of Legal Aid Queensland and the majority answered "via the duty solicitor". This would mean that many of those participants would not be aware of the other services that Legal Aid Queensland offers. The duty lawyers do not have the time and are not resourced to offer information about Legal Aid Queensland services.

90% of the participants reported that they had never seen any Legal Aid Queensland publications. Only 9% of the participants had had any contact with the Legal Aid Queensland information services. None of the participants had ever seen the "Bail by Mail" self help kit. We would recommend that this publication only be available on the Legal Aid Website because it is clear that the majority of people who use the kit are workers from the support services.

Prisoners' Legal Service commented in a follow-up consultation that there was a lot of confusion in the prison system about which services prisoners can access about which legal problem. The result of this confusion was that women would put their name down to speak to one service and then if that was the wrong service would have to wait a long time to receive legal advice from the right service. The confusion and long waiting periods means that many feel frustrated and choose not to take any action in relation to their legal problem.

The project team explored with the Department of Corrective Services ways that the awareness of prisoners about our services can be increased and these have been included in the recommendations.

Recommendations

19. *That the criminal law practice develop a brochure outlining basic information on the court /legal process. This “What happens Now” brochure to be in simple English and as a diagram (similar to the Domestic Violence flow diagram poster developed by the Domestic Violence Unit). This Brochure to be made available to Duty Lawyers for distribution or with the initial letter sent to clients when they receive legal aid for their criminal law matter and at the jail.*
20. *That the Communication and Information team develop a poster for display in the Correctional Centres on “How to contact Legal Aid”. This poster to highlight the contact number for Legal Aid Queensland and to promote the fact that the number is “not recorded”.*
21. *That Legal Aid Queensland convene quarterly workshops in the respective Correctional Centres on “Legal Aid Services and how to access them”.*
22. *That all relevant publications and self-Help kits be made available in all Correctional Centre libraries.*
23. *That the Rural and Regional Access Strategy explore whether it is possible for CAP points to be set up in Correctional Centres.*
24. *That the “Bail by Mail” Self Help kit only made available on the Legal Aid Queensland website.*

7.6 Representation

43% of participants were represented by in-house Legal Aid Queensland lawyers. 44% were represented by preferred suppliers and 13% were represented by privately paid lawyers or Aboriginal and Torres Strait Islander Legal Service.

Of the participants that were represented by Legal Aid Queensland, 70% were dissatisfied or extremely dissatisfied with the service and 30% were satisfied.

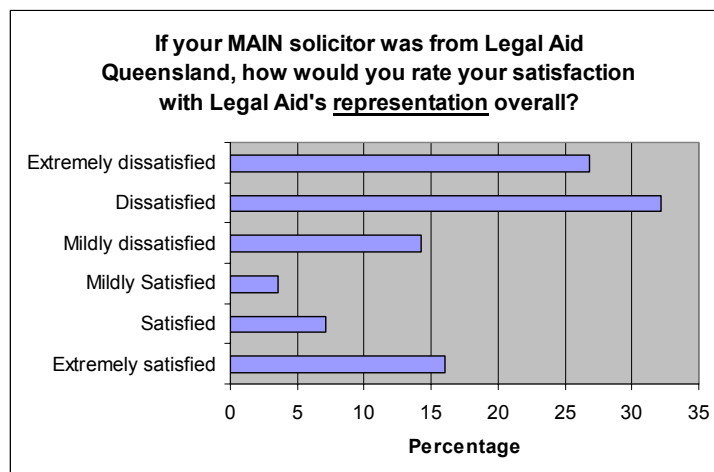


Fig 16 Satisfaction with LAQ Representation

Where the participants were mainly represented by a private solicitor, the response was more balanced, with 44% being satisfied with the service and 56% being dissatisfied to extremely dissatisfied.

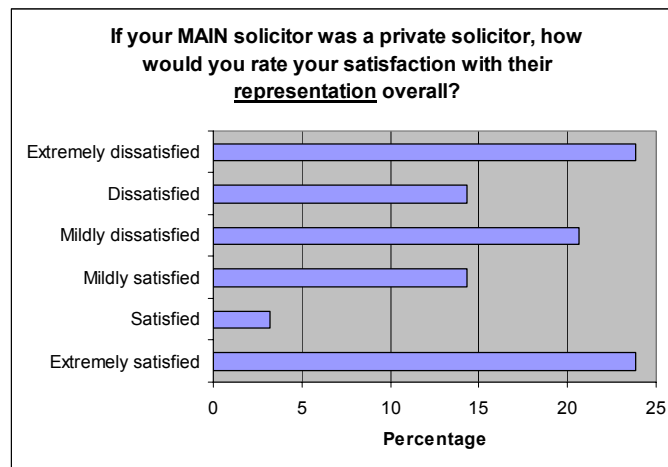


Fig 17 Satisfaction with Private Solicitor Representation

The only difference between the feedback given in relation to representation by preferred suppliers as compared to the representation by in-house solicitors was that the majority of the participants who were dissatisfied with Legal Aid Queensland were just ‘dissatisfied’ whereas the participants were ‘extremely dissatisfied’ with preferred suppliers.

The participants were very forthcoming with their comments about the quality of their representation. Very few comments related to the quality of the legal service provided.

The bulk of the feedback from participants related to the way that the service was delivered such as a failure to keep appointments, limited contact with the solicitor, only seeing the solicitor the day before or on the day of their mention or hearing and the solicitors communication – not explaining things properly to the client and not explaining the process properly to the client.

A few participants commented about solicitors saying that they were going to go out to the jail and then not turning up for the appointment. Given that a person who is in custody would have their criminal law matter as the sole focus point of their life, it may be that solicitors underestimate how important their contact with the client is and more importantly being realistic about when they will see the client and have contact with the client.

Need to come when he said – get stressed out waiting

Only saw him before court on the day, what the fucking use

Explain legal processes properly

My solicitor did not come to see me in courthouse. I was taken from jail and stayed below and no one came to talk to me and I was brought back here. I did not know what was going on.

They could pretend to care

As I stated before my solicitor didn’t even turn up to my sentencing day. The Barrister he provided was not informed and didn’t have a good background on me. I believe my solicitor should have arranged for me and the Barrister to meet before my sentencing day. 10 minutes before I was sentenced was not sufficient.

Interpreter – please help me understand.

Be on time for Appointments, Take what I say and do it, if I don’t want to plead guilty don’t make me.

Treat me with some respect, talk to me more instead of when I get to court on the day

There were several comments by participants about being ‘forced’ to plead guilty when they did not want to plead guilty. In a follow-up session with Sisters Inside, staff commented about this trend. It seems that participants were very upset because they had been guilty of some of their charges but not in relation to others, however, their solicitor had pressured them to plead guilty to all of the charges. It may well be that they would not receive any lengthier sentence by pleading guilty to the other charges, and that they may not even be entitled to legal aid to defend the other charges, especially if they are summary charges but it seems that this issue is resented by the clients and that they carry it with them for years after they have been convicted.

Need to understand what’s happening to me while I’m waiting for so long, Prison traumatizes you even more and then its hard to concentrate on what’s happening – you feel powerless and when solicitors say plead guilty you just do even though you don’t too.

It was also raised by Sisters Inside who assisted participants to complete the survey (although not formally in the survey) that a firm of solicitors has enlisted the assistance of the watch house guards and that these guards hand out cards for their solicitor’s firm telling the women that they will get legal aid if they contact this firm. This was coupled with a feeling of pressure from the firm “to plead guilty”. The project team considered that it was highly inappropriate for public servants to solicit work for any particular firm, especially given the vulnerability of the prisoner at that stage especially as this is the first contact that many will have with legal services. Certainly Legal Aid Queensland employees are mandated to give clients a choice of three different firms when asked by a client.

Sisters Inside also noted that in the course of assisting participants to complete the survey that there was a perception that Legal Aid Queensland ‘does not like Murris or Asians’.

The project team then sought to elicit any differences in the satisfaction levels if the participant was on remand or not.

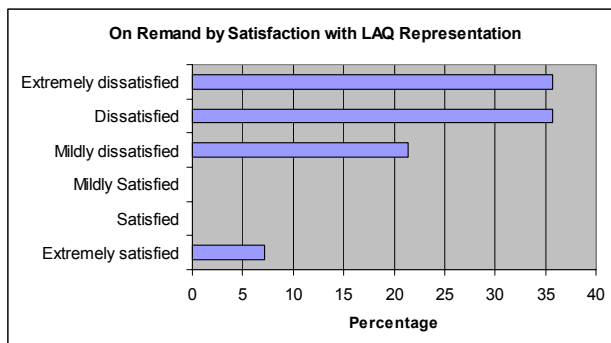
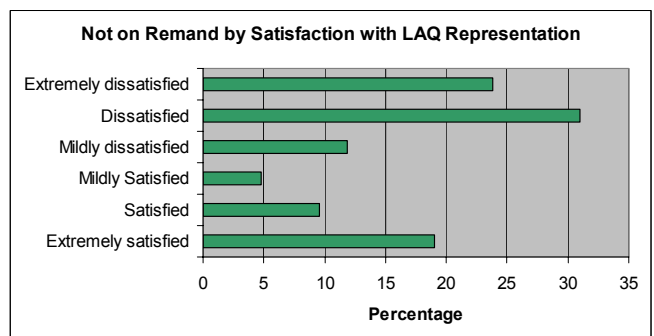


Fig 19 Non Remand by Satisfaction with LAQ Representation

Fig 18 Remand by Satisfaction with LAQ Representation



Figures 18 & 19 are a breakdown of the results of the survey by participants who were on remand and those who were not on remand featuring their satisfaction levels with the office. It seems that only about 7% of the participants who were on remand were very satisfied with the representation offered by Legal Aid Queensland. This can be compared to Figures 23 & 24 where there was around 32% of participants on remand who were mildly satisfied with their private representation.

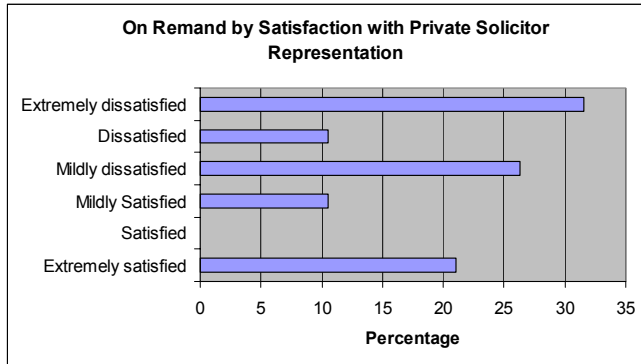


Fig 20 Remand by Satisfaction with Private Solicitor Representation

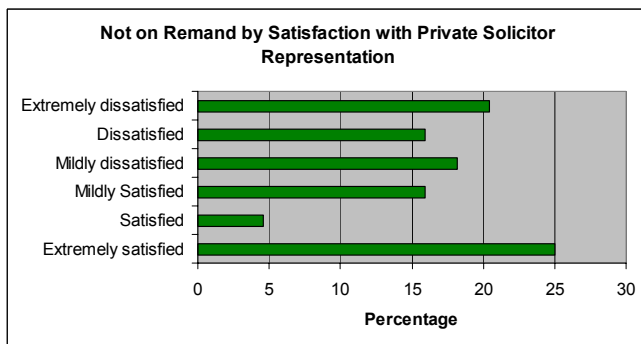


Fig 21 Non Remand by Satisfaction with Private Solicitor Representation

Figures 22 and 23 provide a breakdown of the satisfaction level of the participants from Brisbane Women's Correctional Centre. It is apparent the satisfaction levels for participants at Brisbane Women's Correctional Centre are consistent with the overall satisfaction levels for participants.

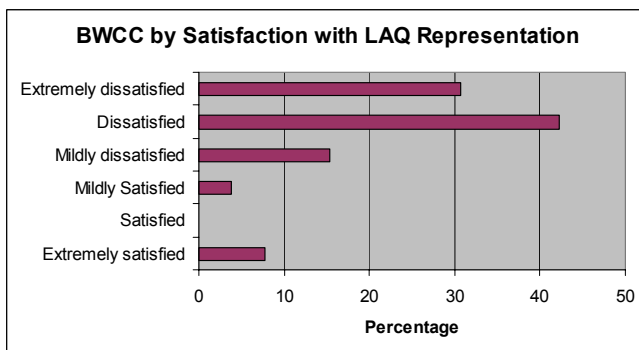


Fig 22 BWCC by Satisfaction with LAQ Representation

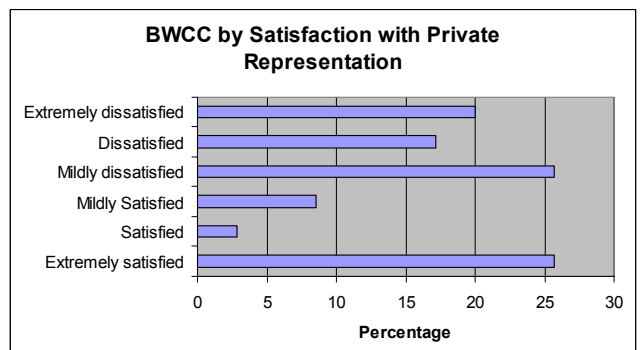


Fig 23 BWCC by Satisfaction with Private Solicitor Representation

Appendix 6 provides the same reports for Helena Jones and Numinbah. The numbers of participants for Townsville Correctional Centre and Brisbane Youth Detention Centre are not high enough to draw conclusions from.

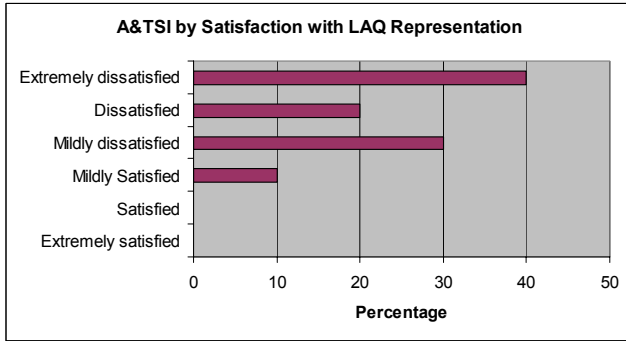


Fig 24 Aboriginal and Torres Strait Islander by Satisfaction with LAQ Representation

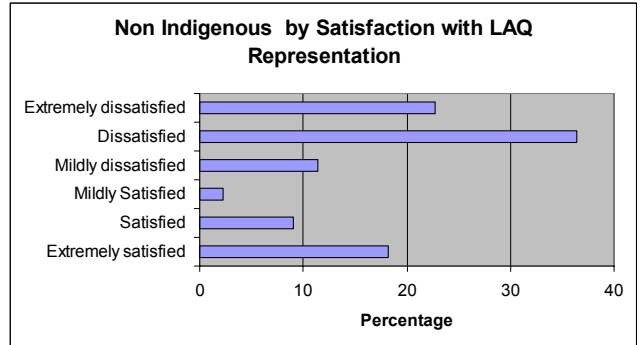


Fig 25 Non Indigenous by Satisfaction with LAQ Representation

Figures 24 & 25 breakdown the satisfaction of Aboriginal and Torres Strait Islander participants with Legal Aid Queensland as opposed to Non Indigenous participants. Figure 24 illustrates the negative perception of Legal Aid Queensland by the Indigenous participants and gives credence to the assertion by Sisters Inside when they administered the survey that there was a poor relationship with Indigenous women in custody. Again, figures 26 and 27 show that the Indigenous participants are more satisfied with preferred suppliers than they are with Legal Aid Queensland.

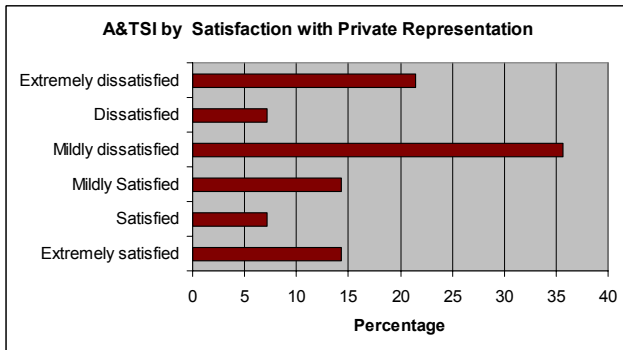


Fig 26 Aboriginal and Torres Strait Islander by Satisfaction with Private Solicitor Representation

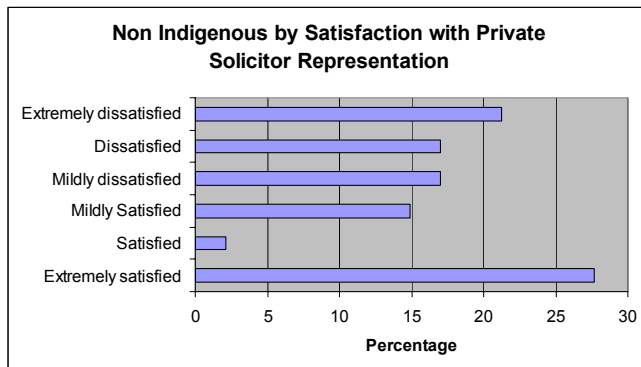


Fig 27 Non Indigenous by Satisfaction with Private Solicitor Representation

The project team then produced the same graphs for Non-English speaking background participants, however the figures were so low, that is was not statistically significant.

Recommendations

25. *That training on Legal Aid Queensland Client Services Standards and communicating with clients become part of the induction training provided to all legal staff.*
26. *That prisoners be included in the Legal Aid Queensland Client Satisfaction Survey.*
27. *That Cultural Awareness Training become part of the induction training provided to all legal staff.*
28. *That the Integrated Indigenous Strategy Unit promote with Indigenous women in custody, the option of a support person accompanying them during legal advice sessions.*
29. *That Legal Aid Queensland provide training to the Department of Correctional Services Program Staff i.e. Social Workers, Aboriginal and Torres Strait Islander Liaison Officers, etc. on Legal Aid Queensland services and how to refer to Legal Aid Queensland.*
30. *That the Integrated Indigenous Strategy establish a regular presence within Brisbane Women's Correctional Centre and Townsville Women's Correctional Centre to assist Indigenous women in accessing Legal Aid Queensland services.*

8. CONCLUSION

Overall, the results of the survey both on a qualitative and quantitative level, show high levels of dissatisfaction with the services provided by Legal Aid Queensland to women in custody. It could be said that women in custody are one of the most marginalised and disadvantaged groups in Queensland in their access to legal services.

The results of the survey illustrate that women have considerable difficulty in accessing advice from Legal Aid Queensland. They also expressed some difficulty in having contact with their solicitor whilst on remand. It has to be acknowledged that for anyone in custody there is going to be a certain level of dissatisfaction due to the situation that they are in. However, the comments made by participants showed that it was not the quality of the legal representation or legal advice that made them dissatisfied, but the fact that they could not contact their solicitor, that their solicitor did not listen to them or that their solicitor used words that they could not understand.

While there is obviously a lack of knowledge by participants of the criminal justice system and of Legal Aid Queensland's part in that, the qualitative comments by participants raise real issues for consideration by the organisation.

The project team reviewed the results from the Client Satisfaction Research Findings which was commissioned by the organisation in 2002. This survey is conducted by consultants who interview clients across Queensland as representatives of the Legal Aid Queensland client base. The results of this survey of women in custody is a polar opposite of the results of the Client Satisfaction Research in 2002. The clients interviewed for that research had an 82% satisfaction level with Legal Aid Queensland services, and the one of the highest scorers was satisfaction with our in-house casework with 48% of clients saying that they were 'extremely satisfied'. People in custody were not included in the research for this report and it is recommended that this occur in the future.

Appendix 1 - Results from Consultations with Service Providers

Results from the consultations with community organisations

The community agencies that were consulted in relation to this project were Sisters Inside, Women's Legal Service, Youth Advocacy Centre, Catholic Prison Ministry and the Official Legal Visitors for Brisbane Women's Correctional Centre and Brisbane Youth Detention Centre.

Service providers talked about the difficulty that clients experience in relation to getting in touch with Legal Aid Queensland.

They raised the issue of high rate of women on remand (30% of the prison population) and the fact that Sisters Inside is helping many women apply for bail when they have been refused by Legal Aid Queensland.

Service providers also talked about the lack of service provision to women in custody for matters other than their criminal matter and particularly their family law and child protection issues.

The issue of legal information for women in custody was also raised. Women and girls in custody are not provided information about the services offered by Legal Aid Queensland or any of the Community Legal Centres at any stage during their incarceration. It is therefore not surprising that women are not aware of the services of Legal Aid Queensland and how to use them

- Yac go every Monday night to the Brisbane Youth Detention Centre as well as YFS and Aboriginal & Torrest Strait Islander Legal Service, no ATSIWLAS. Brisbane Youth Detention Centre refused to participate in videolinks because they did not want the face to face visits to drop off.
- A fairly ad hoc approach
- PLS wont do family
- COILS will do family
- Supreme Court bail is being done by Sisters Inside through legal students
- Bail is the biggest inquiry – SIS take the matters that LAQ rejects. They have about a 70% success rate.
- Problem because bail is not looked at by preferred suppliers
- The women need more explanations in relation to refusal letters – they need to be more specific
- 30% of the women inside are on remand – in Brisbane Women's Correctional Centre out of 217 women, 72 are on remand
- In the North it is the Aboriginal & Torrest Strait Islander Legal Service that is doing the work
- There is a problem with getting funding for family law matters and child protection matters right through to the hearing.
- There is generally no help for family law matters – couldn't there be contact via videoconference?
- No-one goes to Numinbah for legal visits
- There is a culture of not creating waves in the prison
- There is general confusion about what services LAQ provides and which service the women in custody should access – knowledge of LAQ vs other agencies is misunderstood.
- It would be necessary to do more than just give out written material. Clients will often not read the written material. LAQ needs to give talks, videos and train counsellors.
- If prisoners choose the wrong person to access for legal advice they then have a sizable wait until they can book into the next legal service provider and be directed to the right place.
- Another problem is the restrictions arising from merit based aid – merit is often determined too narrowly. For example if a client wanted to defend a charge of an assault involving a dispute with a prison guard, they will not be eligible because it is a summary matter. Being refused legal aid can sometimes impact quite heavily on them. It is almost as if just because they are in prison then they are a liar.
- Helena Jones is not aware of the services of legal aid – they are not aware that they can get telephone legal advice

- The telephone lines don't get turned on – there is two days per month when the telephones are turned on and the calls are monitored.
- The PLS lines are always engaged.
- The telephone calls are limited to eight minutes each except for BYDC which has no limit
- DCS will not direct incoming calls
- Women who don't speak English have a very bad deal
- Telephone interpreters may be used at the initial consultation but then women are left to try and navigate the system with the assistance of other prisoners. This is why they fail all of their core programs.
- The other issue with the telephone advice is the privacy issue
- Prisoners are terrified to put anything to paper
- Prisoners need information about what is available.
- They need verbal and written information and in other languages. However the targets groups are changing all of the time in terms of non-English speaking languages.
- Apparently the Brisbane Youth Detention Centre asked the official visitor to do training with their staff.
- There is a prison "Expo" however not everyone gets access to that Expo – you have to be invited. The Commission for Children had literature there as well as YAC.
- Sisters Inside has a newsletter that goes out to the women's prisons every month.
- There are huge issues in Townsville such as illegal strip searches. Townsville has a high remand rate and a high number of women who are Aboriginal or Torres Strait Islanders. There is inbuilt bias and racism. Racist decisions are made because the women come from violent communities with problems of alcoholism. It is difficult for women to move through the system.
- There are three Official Visitors (legal) for South-East Queensland. It would be an advantage to go back to the monthly visits.
- Some Official Visitors are good but others are hopeless. There is a rotating roster of Official Visitors who are on short term contracts. As soon as anyone is any good, their contract is terminated.
- Generally women need to understand the process more. There needs to be good communication. The dissatisfied prisoners are the ones who are given no feedback and see their solicitor two minutes before the court hearing.
- When women are on remand, solicitors need to spell out the process more – the women need to understand the process and have it put to them in a very simple way. Sometimes they need to know when the client can expect to hear from them.
- One issue that has struck service providers was the huge difficulty that women from non-English speaking backgrounds have. PLS gave an example of the huge difficulties that one woman had when she came to Australia and found herself in custody.

Appendix 2 - Survey Form

| |
|---|
| WOMEN INSIDE CLIENT SATISFACTION RESEARCH 2003 |
| QUESTIONNAIRE V5s |

Participant Number :

Q1: Which Correctional Centre are you detained in?

| | | |
|--|---|--|
| Brisbane Women's Correctional Centre | 1 | |
| Brisbane Youth Detention Centre | 2 | |
| Helena Jones Centre | 3 | |
| Townsville Women's Correctional Centre | 4 | |
| Numinbah Correctional Centre | 5 | |

Q2: Are you on remand?

| | | |
|-----|---|--|
| Yes | 1 | |
| No | 2 | |

Q3: How long have you been in custody or on remand?

| | | |
|-------------------------------|---|--|
| 0 to 6 months | 1 | |
| 6 months to 12 months | 2 | |
| Between 12 months and 5 years | 3 | |
| Between 5 years and 10 years | 4 | |
| Over 10 years | 5 | |

Q4: How long will you be in custody?

| | | |
|-------------------------------|---|--|
| Less than 12 months | 1 | |
| Between 12 months and 5 years | 2 | |
| Between 5 years and 10 years | 3 | |
| Over 10 years | 4 | |
| Don't know | 5 | |

LEGAL NEED

Q5: Since being in custody have you had any problems or disputes that were difficult to solve which have to do with any of the things in this question?"

[READ OUT OR GIVE CARD WITH A LIST OF ISSUES ON IT].

For any that say **YES**, ask did they do anything about it?

| Issue | Not a Problem | Action Taken (Just tick for Yes) | | | | |
|--|---------------|----------------------------------|---|------------------------|-----------------|----------------------|
| | | No Action | Reason for no Action? (please specify) | Handled without Advice | Obtained Advice | Application for Aid? |
| a. Discrimination | | | | | | |
| b. Consumer | | | | | | |
| c. Housing | | | | | | |
| d. Property | | | | | | |
| e. Money/dept | | | | | | |
| f. Divorce | | | | | | |
| g. Relationships | | | | | | |
| h. Domestic Violence | | | | | | |
| i. Children | | | | | | |
| j. Personal Injury | | | | | | |
| k. Medical Negligence | | | | | | |
| l. Mental Health | | | | | | |
| m. Immigration | | | | | | |
| n. Police Treatment | | | | | | |
| o. Jail Treatment | | | | | | |
| p. Criminal Matter | | | | | | |
| q. Sexual assault | | | | | | |
| r. Other? (Please Specify) | | | | | | |

CONTACT WITH LEGAL AID

Q6: When did you first have contact with Legal Aid Queensland?

| | | |
|-----------------------------|---|--|
| Whilst in custody | 1 | |
| Prior to going into custody | 2 | |
| No Contact | 3 | |

Q7: Have you applied for legal aid for representation in a bail application?

| | | |
|-----|---|--|
| Yes | 1 | |
| No | 2 | |

Q8: If yes to question 6, were you successful in getting legal aid ?

| | | |
|-----|---|--|
| Yes | 1 | |
| No | 2 | |

AWARENESS OF LEGAL AID QUEENSLAND

Q9: How did you **FIRST** know about Legal Aid?

[ONLY ONE ANSWER]

| | | |
|-----------------------------|---|--|
| Community Legal Centre | 1 | |
| Duty Lawyer | 2 | |
| Prison Legal advice service | 3 | |
| Word of mouth | 4 | |
| Women's/ Youth Services | 5 | |
| Court staff | 6 | |
| Correctional Centre staff | 7 | |
| Other (Specify _____) | 8 | |

Q10: And which of the following services did you use?

READ OUT ENTIRE DESCRIPTION

[PARTICIPANTS CAN TICK MORE THAN ONE BOX]

| | | Tick for Yes |
|---|--|--------------|
| A | Information Service – to obtain legal <u>information</u> either through calling the 1300 number, visiting the office, internet/email, or other method. NOTE: THIS IS NOT A FORMAL APPOINTMENT WITH A SOLICITOR | |
| B | Advice Service - to obtain legal <u>advice</u> from a booked appointment with a solicitor either in person or through a videoconferencing appointment. | |
| C | Grants Processing - to apply for a grant of legal aid for legal representation. | |
| D | Casework - representation by either a Legal Aid or private solicitor paid for by Legal Aid. | |

Q11: What type of legal problem have you sought assistance with from Legal Aid Queensland?

[PARTICIPANTS CAN TICK MORE THAN ONE BOX]

| | | |
|---------------------------------------|---|--|
| Family law | 1 | |
| Civil law | 2 | |
| Criminal law | 3 | |
| Bail in the District or Supreme Court | 4 | |

ADVICE:

[ASK ONLY IF HAVE USED THE ADVICE SERVICE, OTHERWISE SKIP TO NEXT SECTION]

Q12: Have you ever received legal advice from Legal Aid Queensland?

| | | |
|-----|---|--|
| Yes | 1 | |
| No | 2 | |

Q13: How did you receive legal advice?

[PARTICIPANTS CAN TICK MORE THAN ONE BOX]

| | | |
|---------------------|---|--|
| In person | 1 | |
| On the telephone | 2 | |
| Via videoconference | 3 | |

Q14: How would you rate your satisfaction with Legal Aid’s **ADVICE** service overall?

Could you please rate your satisfaction from 1 to 6 where 1 means you are Extremely Satisfied and a rating of 6 means that you are Extremely Dissatisfied.

| | Extremely Satisfied | | | Extremely Dissatisfied | | |
|-----------------------------|---------------------|---|---|------------------------|---|---|
| Overall satisfaction | 1 | 2 | 3 | 4 | 5 | 6 |

Q15: What difficulties did you have accessing the legal advice?

[RECORD VERBATIM]

Q16: What improvements would you suggest?

[RECORD VERBATIM]

Q17: How would you rate your satisfaction with Legal Aid’s **VIDEOCONFERENCING ADVICE** service overall?

Again, could you please rate your satisfaction from 1 to 6 where 1 means you are Extremely Satisfied and a rating of 6 means that you are Extremely Dissatisfied.

| | Extremely Satisfied | | | Extremely Dissatisfied | | |
|-----------------------------|---------------------|---|---|------------------------|---|---|
| Overall satisfaction | 1 | 2 | 3 | 4 | 5 | 6 |

Q18: How could the **VIDEOCONFERENCING** advice service be improved? *RECORD VERBATIM*

GRANTS PROCESSING:

[ASK ONLY IF HAVE USED THE GRANTS PROCESSING SERVICE, OTHERWISE SKIP TO NEXT SECTION]

Q19: When you have received a letter from Legal Aid Queensland about your application for legal aid for representation, how easy was it to understand?

Again, could you please rate your satisfaction from 1 to 6 where 1 means it was very easy and a rating of 6 means that it was hard to understand.

| | Extremely Easy | | | Extremely Hard | | |
|-----------------------------|----------------|---|---|----------------|---|---|
| Overall satisfaction | 1 | 2 | 3 | 4 | 5 | 6 |

Q20: How could the process for applying for legal aid be improved?

[RECORD VERBATIM]

REPRESENTATION BY LEGAL AID SOLICITORS:

[ASK ONLY IF HAVE USED THE REPRESENTATION SERVICE, OTHERWISE SKIP TO NEXT SECTION]

Q21: Which of these was your **MAIN** solicitor throughout the entire process, ie the solicitor who handled most of your case or issue/s?

[ONLY ONE ANSWER]

| | | |
|---|---|--|
| Legal Aid Solicitor | 1 | |
| Private Solicitor paid for by Legal Aid | 2 | |
| Other (Specify _____) | 3 | |

Q22: If your **MAIN** solicitor was from Legal Aid Queensland, how would you rate your satisfaction with Legal Aid's **representation** overall?

Again, could you please rate your satisfaction from 1 to 6 where 1 means you are Extremely Satisfied and a rating of 6 means that you are Extremely Dissatisfied.

| | Extremely Satisfied | | | Extremely Dissatisfied | | |
|-----------------------------|---------------------|---|---|------------------------|---|---|
| Overall satisfaction | 1 | 2 | 3 | 4 | 5 | 6 |

Q23: If your **MAIN** solicitor was a private solicitor, how would you rate your satisfaction with their

representation overall?

Again, could you please rate your satisfaction from 1 to 6 where 1 means you are Extremely Satisfied and a rating of 6 means that you are Extremely Dissatisfied.

| | Extremely Satisfied | | | Extremely Dissatisfied | | |
|-----------------------------|---------------------|---|---|------------------------|---|---|
| Overall satisfaction | 1 | 2 | 3 | 4 | 5 | 6 |

Q24: How could the Legal Aid Queensland representation process be improved?

[RECORD VERBATIM]

PUBLICATIONS:

Q25: In the past 12 months, have you used any Legal Aid Queensland publications?
(For example, a self-help kit or a factsheet)

| | | |
|-----|---|--|
| Yes | 1 | |
| No | 2 | |

Q26: Have you used the bail by mail self-help kit?

| | | |
|-----|---|--|
| Yes | 1 | |
| No | 2 | |

Q27: How useful did you find the publication?

Again, could you please rate your satisfaction from 1 to 6 where 1 means you thought it was very easy to use and a rating of 6 means that you it was very hard to use.

| | Very Easy | | | Very Hard | | |
|-----------------------------|-----------|---|---|-----------|---|---|
| Overall satisfaction | 1 | 2 | 3 | 4 | 5 | 6 |

Q28: What improvements could be made to the publications?

[RECORD VERBATIM]

OVERALL SATISFACTION:

Q29: Now, taking everything into account, how would you rate your **overall satisfaction** with the service provided to you by Legal Aid Queensland on your most recent case/issue.

Again, could you please rate your satisfaction from 1 to 6 where 1 means you are Extremely Satisfied and a rating of 6 means that you are Extremely Dissatisfied.

| | Extremely Satisfied | | | Extremely Dissatisfied | | |
|-----------------------------|---------------------|---|---|------------------------|---|---|
| Overall satisfaction | 1 | 2 | 3 | 4 | 5 | 6 |

Q30: Is there anything else Legal Aid Queensland could have done to improve the overall process?

RECORD VERBATIM

Demographics:

Finally I would like to ask you some questions about yourself. This information will be kept confidential and is only being collected to be used for statistical analysis.

Q31: Into which of the following age groups do you fall?

[READ OUT – RECORD ONE ONLY]

| | |
|-------------|---|
| 0-17years | 1 |
| 17-24 years | 2 |
| 25-34 years | 3 |
| 35-44 years | 4 |
| 45-54 years | 5 |
| 55-64 years | 6 |
| 65+ years | 7 |
| Refused | 8 |

Q33: Which of the following best describes your current marital status?

[READ OUT – RECORD ONE ONLY]

| | |
|--------------------------------------|---|
| Single, never married | 1 |
| Defacto / married | 2 |
| Currently single, previously married | 3 |
| Refused (DO NOT READ OUT) | 4 |

Q34: Do you have any children and if so how many?

[READ OUT – RECORD ONE ONLY]

| | |
|----------------------|---|
| No children | 1 |
| 1 child | 2 |
| 2 children | 3 |
| 3 children | 4 |
| More than 3 children | 5 |

Q35: What language is the main language that you speak at home?

[READ OUT – RECORD ONE ONLY]

| | |
|-----------------|---|
| English speaker | 1 |
| Other | 2 |

Q36: Do you have a disability?

| | |
|-----|---|
| Yes | 1 |
| No | 2 |

Q37: Are you of Aboriginal or Torres Strait Islander descent?

| | |
|-----|---|
| Yes | 1 |
| No | 2 |

Appendix 3 - Survey Answer Summary

Q1 Which Correction Centre are you detained in?

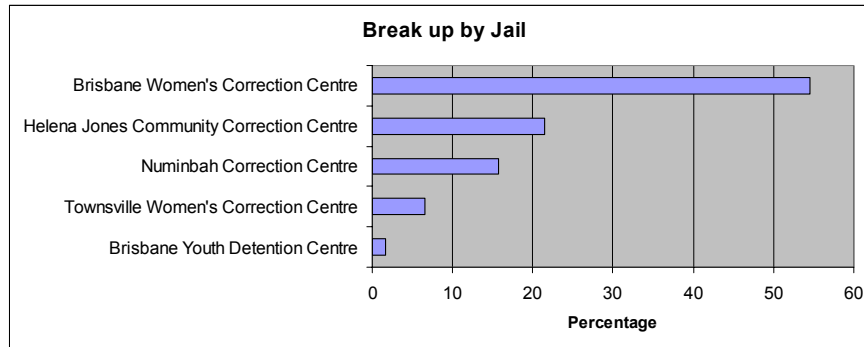


Fig I Data Collection by Correction Centre of Participant in Percentage

Q2 Are you on Remand?

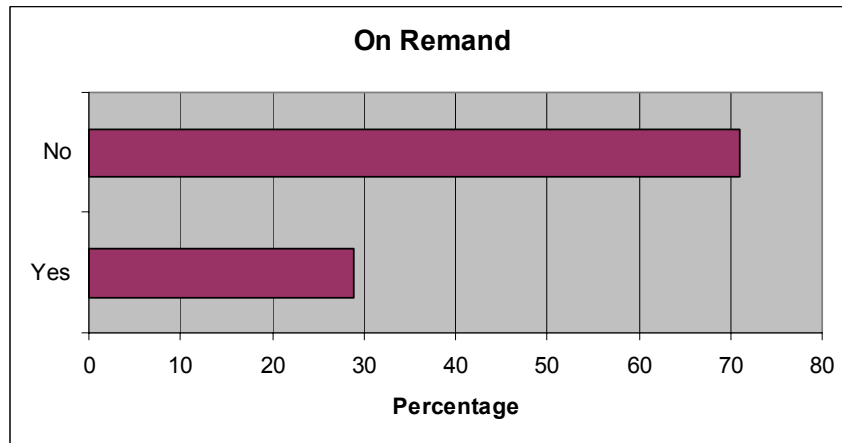


Fig II Data Collection by Remand Status of Participant in Percentage

Q3 How Long have you been in Custody or on remand?

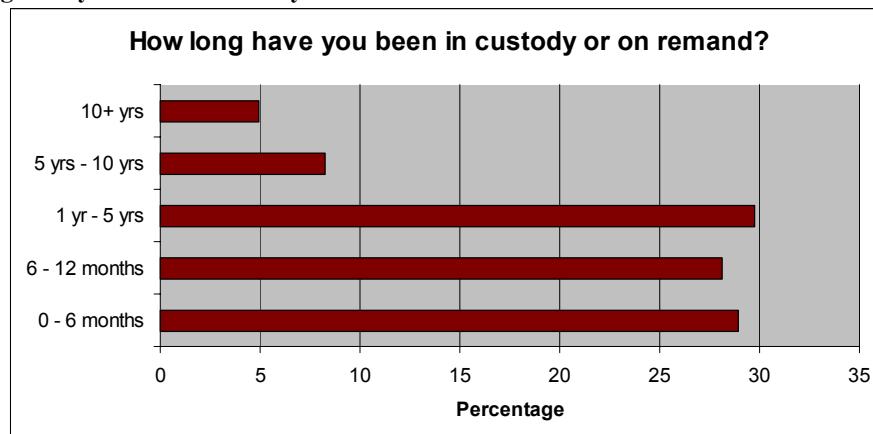


Fig III Data Collection by Time in Centre in Percentage

Q4. How long will you be in Custody?

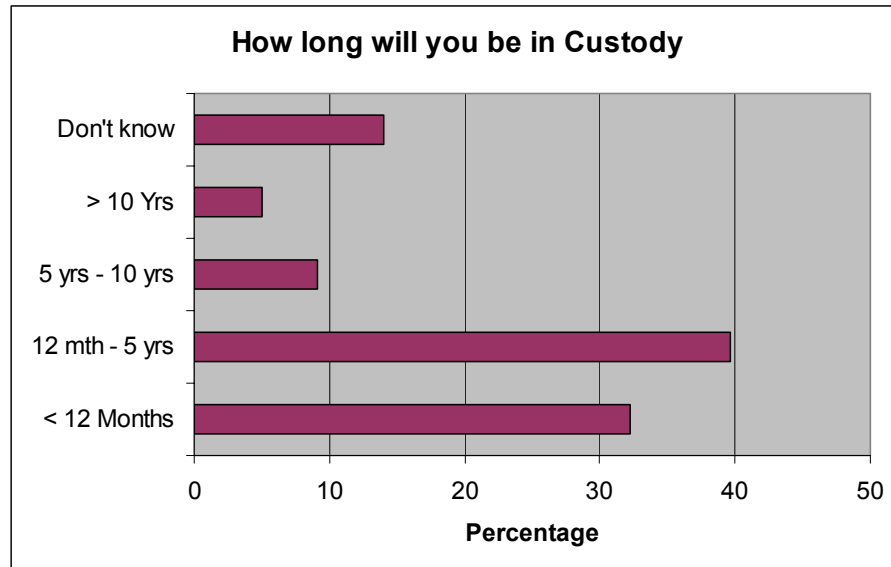


Fig IV Data Collection by Expected time in Custody in Percentage

Q5. Unmet Legal Need

| | <i>Not a problem</i> | <i>No Action</i> | <i>Handled without Advice</i> | <i>Obtained Advice</i> | <i>Application for Aid</i> |
|--------------------|----------------------|------------------|-------------------------------|------------------------|----------------------------|
| Jail Treatment | 68 | 44 | 6 | 3 | |
| Children | 80 | 26 | 5 | 3 | 7 |
| Discrimination | 82 | 31 | 4 | 3 | 1 |
| Criminal Matter | 97 | 3 | 1 | 6 | 14 |
| Domestic Violence | 102 | 14 | 3 | | 2 |
| Police Treatment | 104 | 12 | 2 | 2 | 1 |
| Mental Health | 108 | 10 | 2 | 1 | |
| Housing | 110 | 4 | 4 | 3 | |
| Money/Dept | 111 | 6 | 3 | | 1 |
| Medical Negligence | 111 | 8 | 1 | 1 | |
| Relationships | 113 | 5 | 2 | 1 | |
| Divorce | 114 | 3 | 2 | 1 | 1 |
| Personal Injury | 115 | 4 | | 2 | |
| Immigration | 116 | 4 | | | 1 |
| Sexual Assault | 116 | 4 | | 1 | |
| Property | 117 | 2 | 1 | | 1 |
| Consumer | 120 | | | 1 | |
| Other | 121 | | | | |
| | 1905 | 180 | 36 | 28 | 29 |

Fig V Data Collection from Participant on Unmet Legal Need

Q6. When did you first have contact with Legal Aid Queensland

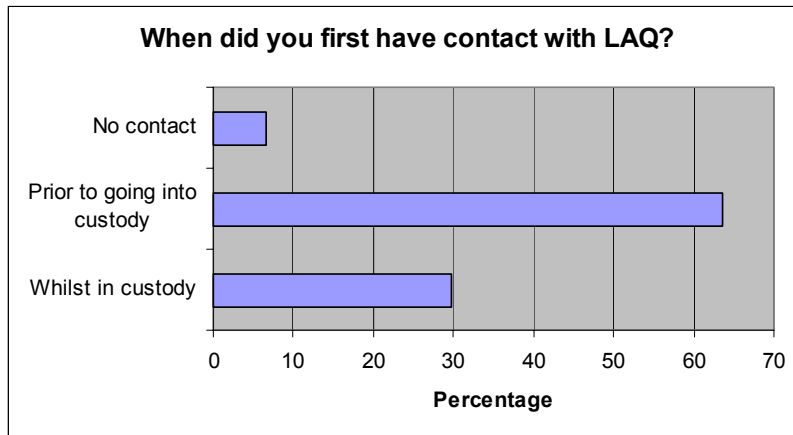


Fig VI Data Collection from Participants on Contact with LAQ in Percentage

Q7. Have you ever applied to Legal Aid for representation in a Bail Application

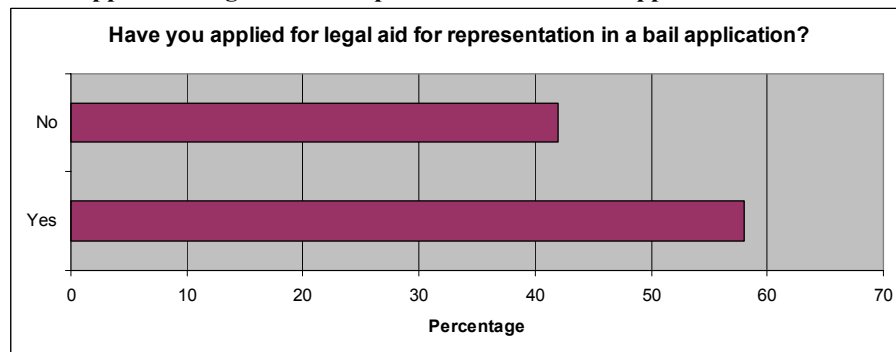


Fig VII Data Collection from Participants on Bail Applications

Q8. Were you successful in getting Legal Aid?

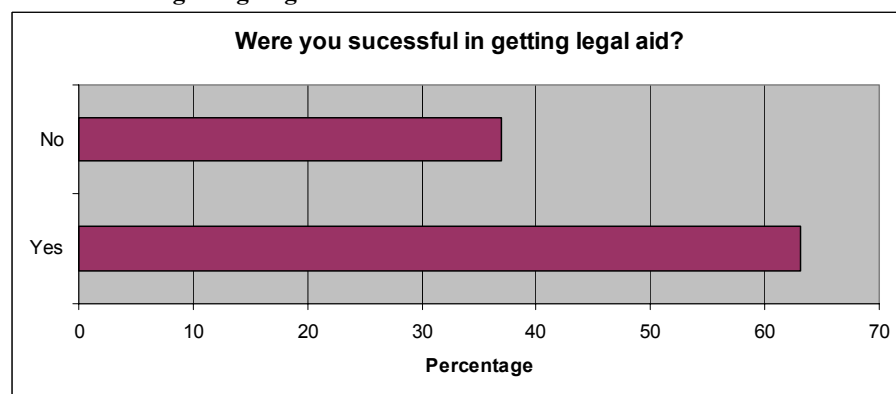


Fig VIII Data Collection from Participants on Success with Application for Aid

Q9. How did you First know about Legal Aid?

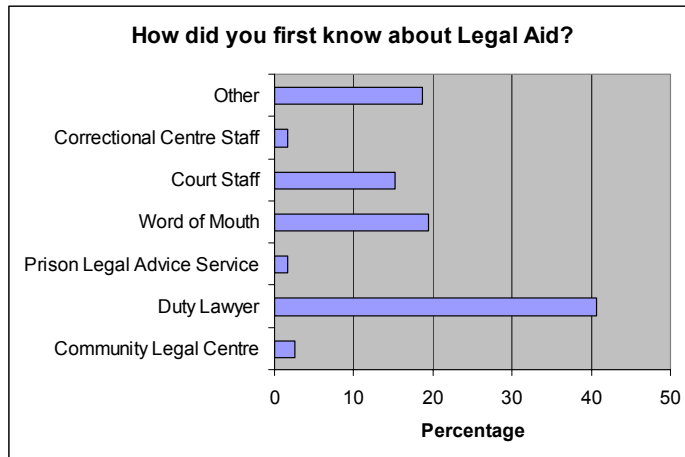


Fig IX Data Collection from Participants on First Knowledge of LAQ

Q10. And which of the following Services did you use.

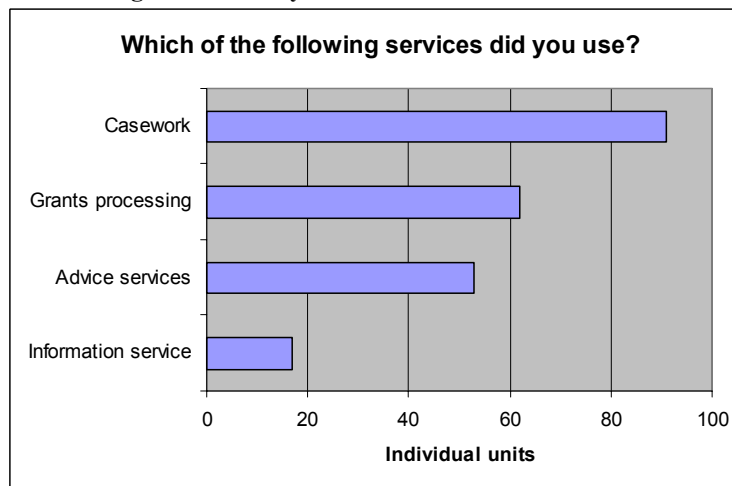


Fig X Data Collection from Participants on LAQ Services Used

Q11. What type of legal problem have you sought assistance for?

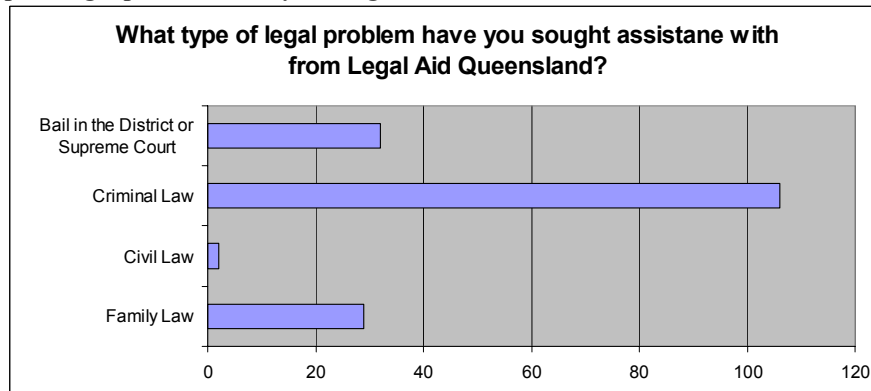


Fig XI Data Collection from Participants on Legal Problem

Q12. Have you ever received legal advice from LAQ?

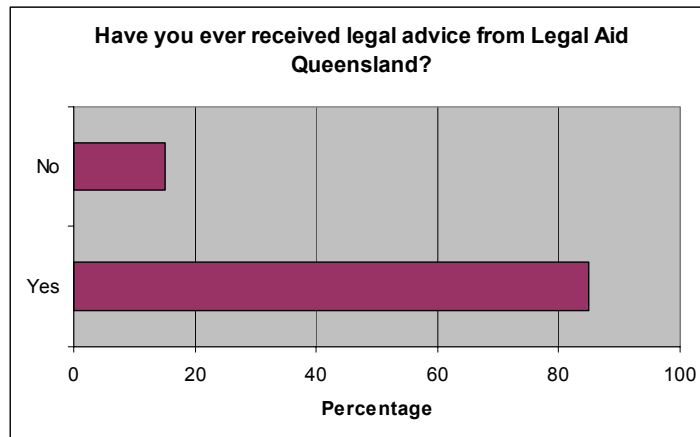


Fig XII Data Collection from Participants on Legal Advice in Percentage

Q13 How did you received Legal Advice?

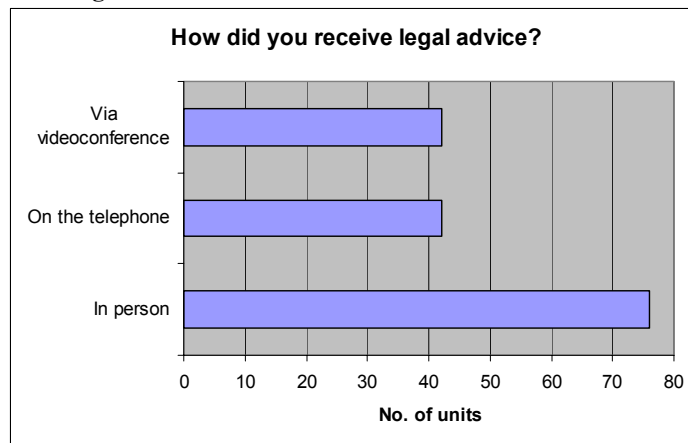


Fig XIII Data Collection from Participants on Method of Receiving Legal Advice in Percentage

Q14 How would you rate your satisfaction with LAQ's Advice Service overall?

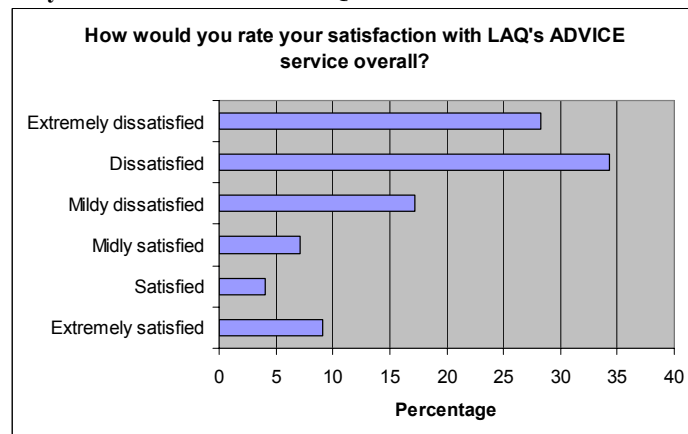


Fig XIV Data Collection from Participants re Satisfaction with Advice Service in Percentage

Q17 How would you rate your satisfaction with videoconferencing Advice overall?

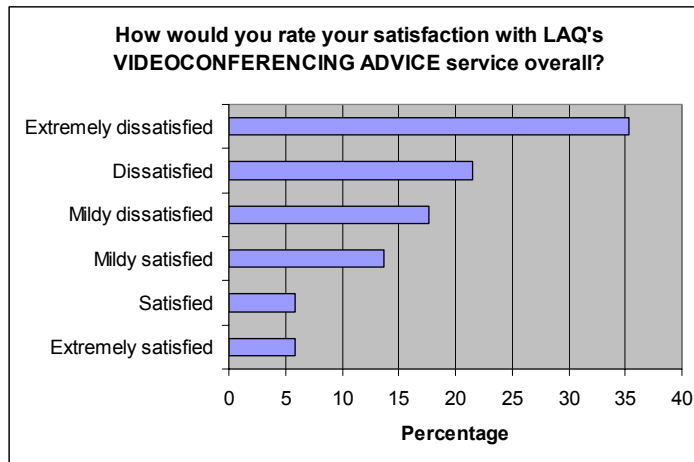


Fig XV Data Collection from Participants on Satisfaction with videoconferencing in Percentage

Q19 How easy was a letter from LAQ to Understand?

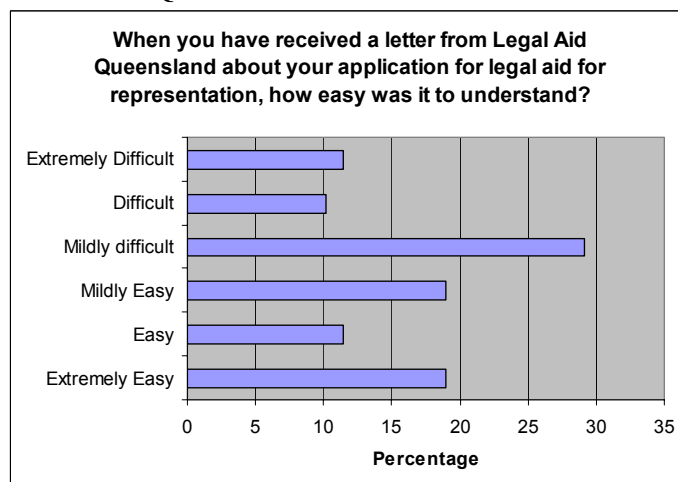


Fig XVI Data Collection from Participants on Ease of Understanding of LAQ Letter in Percentage

Q21 Which of these was your Main solicitor

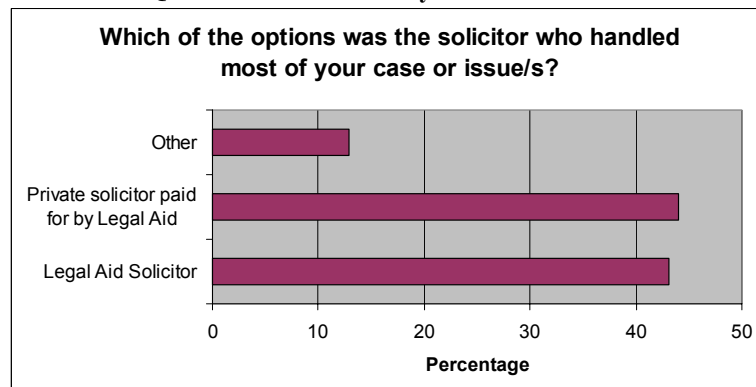


Fig XVII Data Collection from Participants on Main Solicitor in Percentage

Q22. Satisfaction Level with LAQ Solicitor?

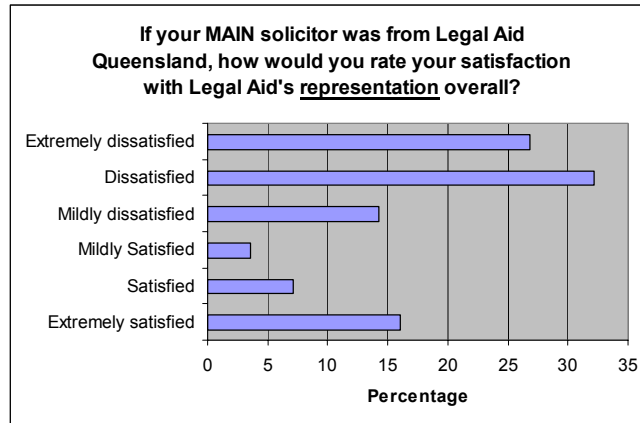


Fig XVIII Data Collection from Participants on Satisfaction with LAQ solicitor in percentage

Q23. Satisfaction Level with Private Solicitor?

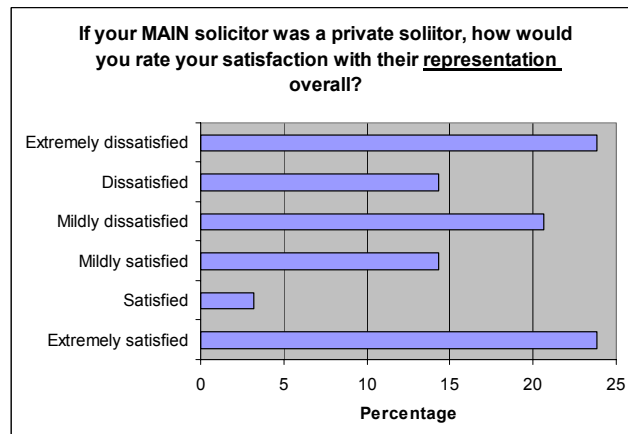


Fig XIX Data Collection from Participants on Satisfaction with Private solicitor in percentage

Q25 Have you used any LAQ Publications?

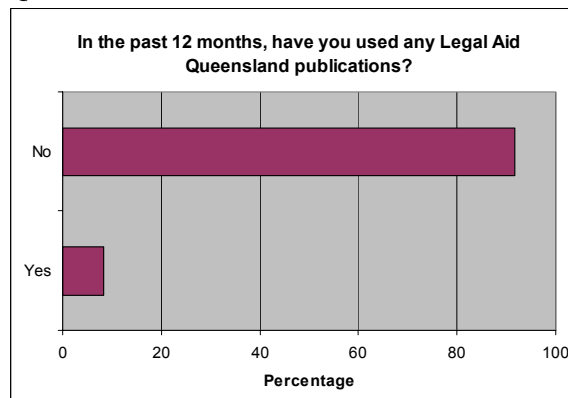


Fig XIX Data Collection from Participants re use of LAQ Publications in Percentage

Q26 Have you use the Bail by Mail self Help Kit?

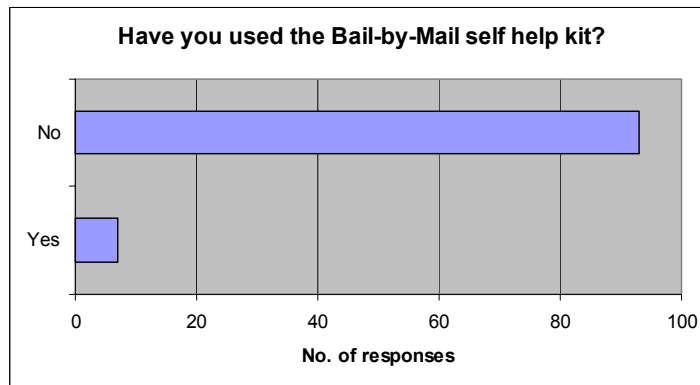


Fig XX Data Collection from Participants re use of Bail by Mail Kit in Percentage

Q27 How useful did you find the publications?

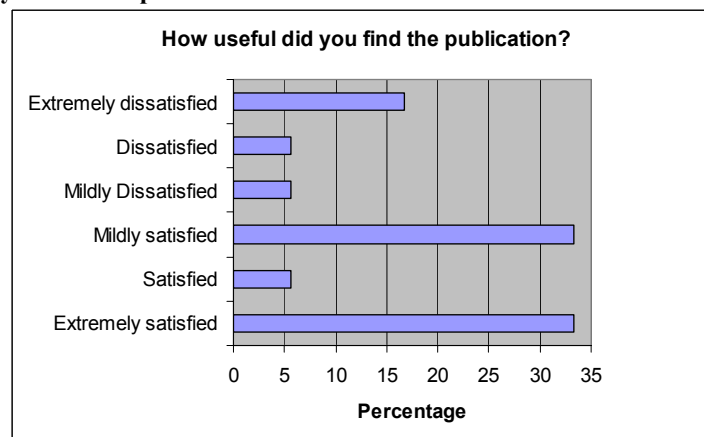


Fig XXI Data Collection from Participants re usefulness of Publications in Percentage

Q29 Overall Satisfaction Level with LAQ

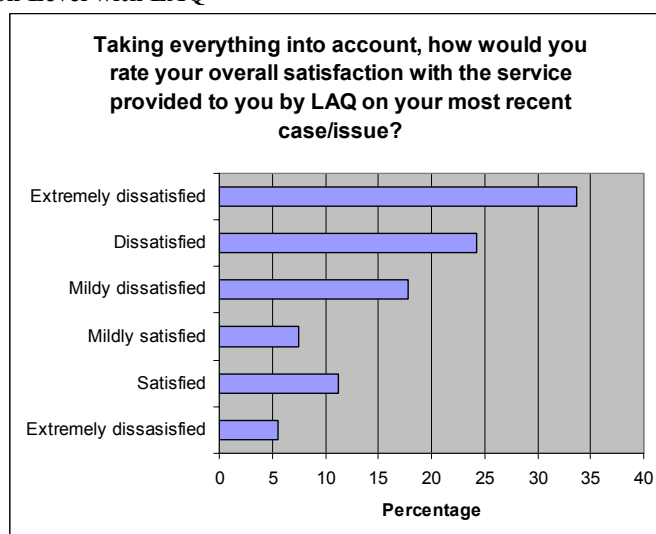


Fig XXII Data Collection from Participants on Overall Satisfaction with LAQ Services in Percentage

Appendix 4 - Demographics

Question 31 – Age of Participant

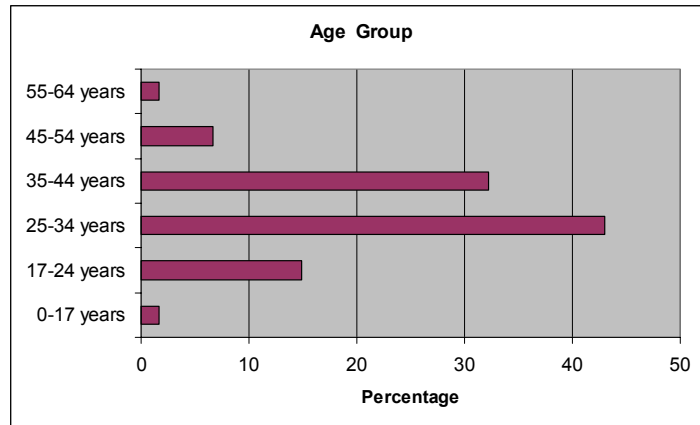


Fig XXIII Data Collection by Age of Participant in Percentage

Q33 Current Marital Status

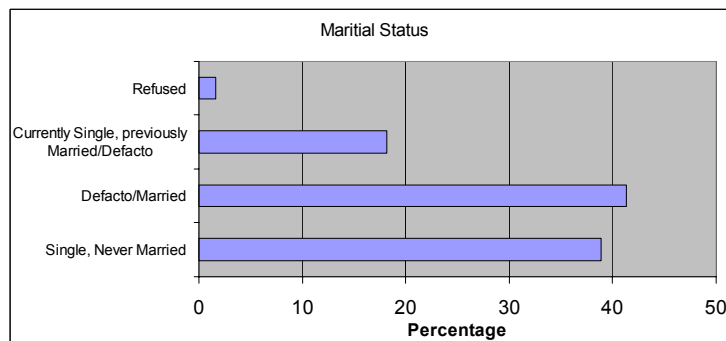


Fig XXIV Data Collection by Marital Status of Participant in Percentage

Q34 Number of Children of Participant

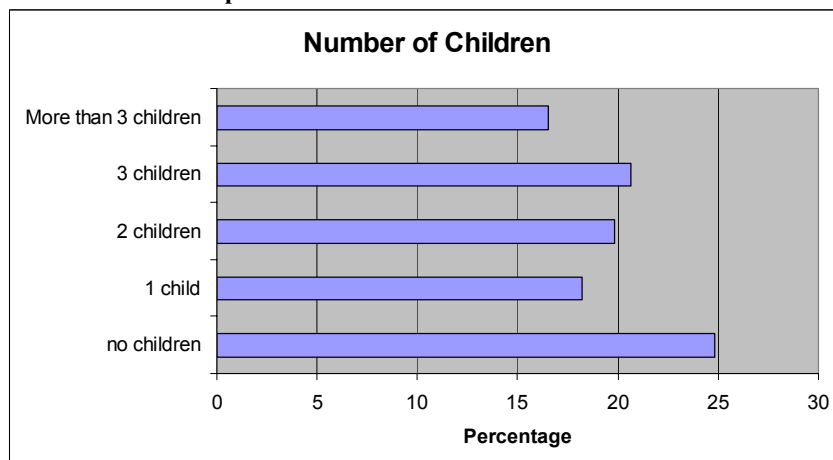


Fig XXV Data Collection by Number of Children of Participant in Percentage

Q35 Participants Main Language spoken at home

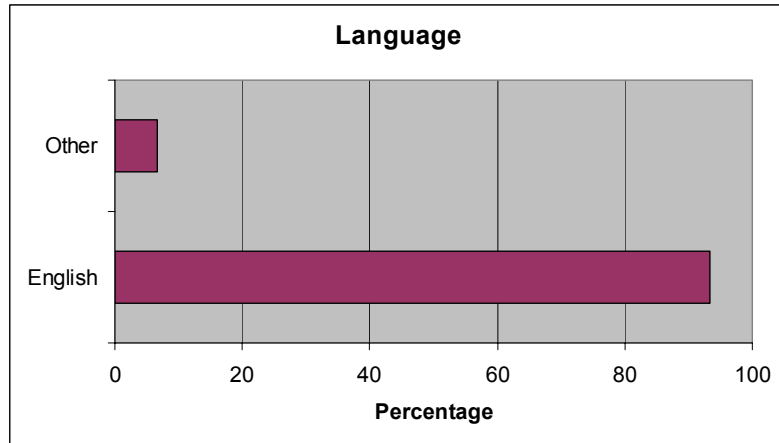


Fig XXVI Data Collection by Number of Children of Participants in Percentage

Q36 Participants with a Disability

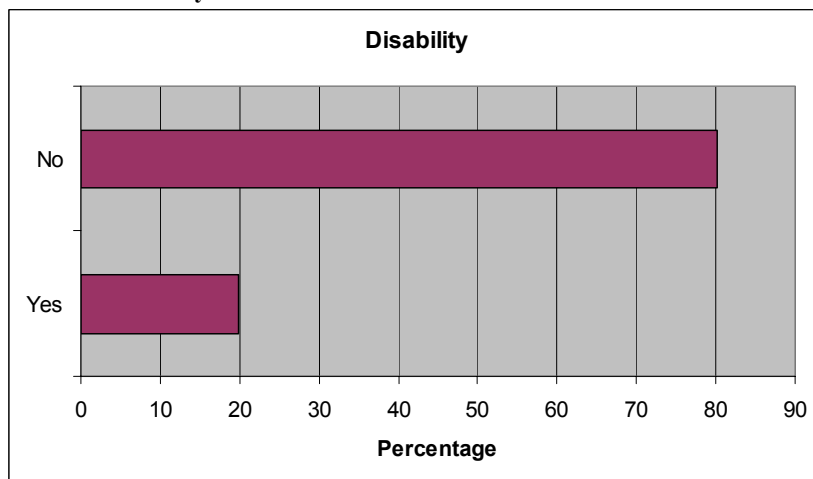


Fig XXVII Data Collection by Participants with a Disability in Percentage

Q37 Participants of Aboriginal and Torres Strait Islander Descent

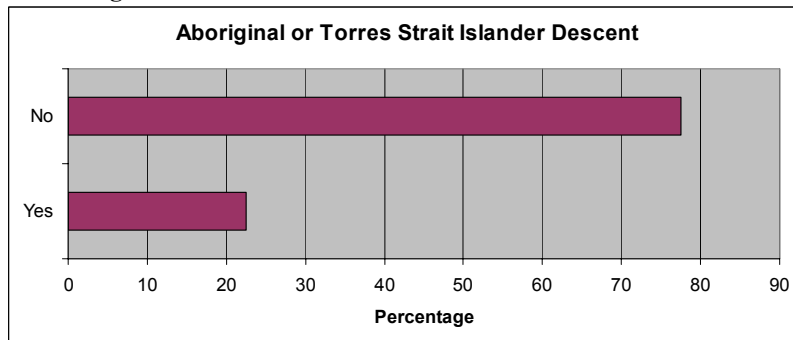


Fig XXVIII Data Collection by Participants of Aboriginal and Torres Strait Islander Descent

Appendix 5 – Participant Comments

Q5 Since being in custody have you had any problems or disputes that were difficult to solve which have to do with any of the things in this question?

| Issue | Comments |
|--------------------------|---|
| a. Discrimination | <ul style="list-style-type: none"> ○ What's use of doing that I might get into trouble ○ They do what they want ○ Too scared ○ What's the use ○ Nothing – like pushing elephant up the stairs. Gets used against you if you do anything ○ No use – use against me ○ Use against me ○ They threaten you ○ Haha – you think that'll help me, doubt it. They control us and use against us ○ I'm Black, who cares – they'll put me on management plan ○ No one listens – too scared ○ Murriss have no hope in here ○ Made complaint to anti-discrimination commission to no avail ○ What's the use they use it against you ○ Why bother you bet breached ○ Treated badly all the time, locked down on management plans – they use it against (me) ○ Consequences ○ What's the use ○ Can't take action, end up in DV ○ Can't take action – you end up in the DV charged ○ Why fucking bother – what's the point – won't get a response if I did ○ No use ○ All to difficult – No response ○ Not Legal Aid – Sisters Inside bought solicitor in ○ Why ○ No, but I am going to. First time in jail, didn't understand before. Disc because Prisoner, drug ○ Did nothing ○ I'm black what's the use ○ They'll keep me here longer if I complain |
| b. Consumer | |
| c. Housing | <ul style="list-style-type: none"> ○ Not knowing if anyone can help ○ What's the use ○ Sis helped me with this ○ Sisters Inside helped me ○ Told nothing can be done at present |
| d. Property | <ul style="list-style-type: none"> ○ Did nothing ○ The system |

| | |
|------------------------------------|---|
| <p>e. Money/dept</p> | <ul style="list-style-type: none"> ○ Who would help anyway ○ Not aware I could contact Legal Aid ○ Didn't help ○ Bankrupt |
| <p>f. Divorce</p> | <ul style="list-style-type: none"> ○ Not eligible ○ Not aware I could contact Legal Aid ○ Didn't help ○ yes |
| <p>g. Relationships</p> | <ul style="list-style-type: none"> ○ Because in custody ○ Auto discriminate – didn't work out ○ The system would not help |
| <p>h. Domestic Violence</p> | <ul style="list-style-type: none"> ○ Kept Doing ○ No use ○ No solicitor available ○ Waiting ○ Get bashed more if I do anything ○ Why ○ Cause it wasn't worth it ○ Yes |
| <p>i. Children</p> | <ul style="list-style-type: none"> ○ Didn't know where to get help ○ They are overseas ○ Because in custody ○ Applied for Aid – Was knocked back ○ Legal Aid wouldn't represent ○ I'm in Prison ○ What could happen – too scared ○ Sis helped get (<i>Community Legal Service</i>) to see me ○ Try not to disrupt them ○ No solicitor available – custody / DOF issues / protection orders ○ In here too long ○ No Legal Aid given. Had to fight for a solicitor – trying to get phone calls to the right person – impossible ○ Department has all the power, Who do you talk to? ○ Wait to see what happens in court ○ No use ○ Legal Aid won't see me ○ To hard to get ○ Family Services are fucked – they don't even listen to me and what I want and can do ○ Waiting – not much use DOF wins, have no power ○ Wait and see what happens at court ○ Legal Aid ○ Why ○ About to – having trouble with Family Services. Not sure what I should do eg: legal advice, Ombudsman ○ He had Legal Aid. Wouldn't help me ○ Have 3 children |
| <p>j. Personal Injury</p> | <ul style="list-style-type: none"> ○ Not allowed to sue till I get out ○ What's the point – can't prove innocence in here – more difficult, out to get you ○ No response to my letters |

| | |
|-------------------------------------|---|
| <p>k. Medical Negligence</p> | <ul style="list-style-type: none"> ○ No reason given ○ Missing medical records ○ Didn't know who to talk to ○ Went to Minister ○ Not aware I could contact Legal Aid ○ No help given when asked ○ As none could be taken |
| <p>l. Mental Health</p> | <ul style="list-style-type: none"> ○ Haven't had the chance, too hard ○ Too scared ○ Locked in CSV – No access |
| <p>m. Immigration</p> | <ul style="list-style-type: none"> ○ Scared they may deport me ○ Terrified – they may deport me ○ Prison didn't give me letter for over 3 weeks after they got it ○ They'll send me back, I'm so scared, please don't say who I am |
| <p>n. Police Treatment</p> | <ul style="list-style-type: none"> ○ No one to speak to, no solicitor ○ Cause that's the way it is ○ What can people do ○ Not aware of how system worked ○ Scared of ramifications ○ They treated me like a dog ○ The way it goes ○ Ramification ○ Don't think it would have changed how they treated me |
| <p>o. Jail Treatment</p> | <ul style="list-style-type: none"> ○ <i>(Community Legal Service)</i> didn't do anything, I rang lots ○ Scared I be in trouble ○ What's the point. I'll get paid back for it. PLS don't come when they say they would ○ Get treated worse if complain ○ Get sent back to maximum if I do anything ○ Sisters Inside assisted ○ Contacted <i>(Community Legal Service)</i> – didn't respond ○ Who would do anything ○ Tried to sort out – still going ○ More time here worse – <i>(Community Legal Service)</i> doesn't respond – what's the sue ○ Threaten you if you say you gonna do something ○ Same here & <i>(Community Legal Service)</i> is useless ○ Returned from Helena Jones CC ○ No one responds ○ No programs – don't understand English well – discriminated against ○ Screws do what they want, can't do anything about it ○ <i>(Community Legal Service)</i> doesn't follow up on anything ○ <i>(Community Legal Service)</i> – no follow up – took report didn't follow up - No use – nothing ever done, given up on them ○ Contacted <i>(Community Legal Service)</i> haven't heard back for 2 years – what a joke ○ Range <i>(Community Legal Service)</i> – there useless no one came to see me. Cathy said she would ○ Use against you – get send back to maximum security ○ Couldn't et anything done – they have the power ○ What's the use – might as well cop it ○ <i>(Community Legal Service)</i> suppose to do something – never heard again ○ Cause that's the way it is ○ Yeah right – they will punish me over and over and send me back - I can't cope ○ Officers don't pass on that you want to see Legal Aid, Sisters Inside ○ Can't see myself getting any response |

| | |
|--|--|
| | <ul style="list-style-type: none"> ○ Who can I talk to? Wasn't sure ○ No one does anything. Who can you tell ○ Yeah right as if anything is going to happen ○ I'm on remand – don't cause trouble here ○ No use ○ Shift goal posts all the time eg: say “no policy has changed” ○ Tried (<i>Community Legal Service</i>) – but to no avail – it's been 18 months ○ Fear of reprisal ○ Rang (<i>Community Legal Service</i>) – didn't come to see me ○ They'll pay me back ○ Ramifications ○ What's the use – they make you pay later by breeching you, threaten to ring immigration to get me deported. ○ They'll so something to me if I complain ○ (<i>Community Legal Service</i>) did nothing – still waiting ○ Used solicitor Sisters Inside got ○ Yeah right – they'll send me back to maximum security ○ Yeah spoke to (<i>Community Legal Service</i>) by phone – did nothing ○ Ramifications ○ Scared of ramification ○ The way it goes ○ The system ○ Contacted (<i>Community Legal Service</i>) and waited for over 4 months, never got back till then but I dealt with it myself ○ (<i>Community Legal Service</i>) didn't show up. (<i>Community Legal Service</i>) lies, and she doesn't do what she say she will do ○ Sure ○ Yeah right, they'll put me on management plan ○ They'll harm me – please help me but don't say my name |
| <p>p. Criminal Matter</p> | <ul style="list-style-type: none"> ○ ATSIC L/AID ○ Not much contact with Legal Aid ○ Duty Lawyer ○ They use it against you ○ No contact, Left Message constantly, no reply ○ Not much response by lawyer ○ Plead guilty because didn't know how to contact solicitor ○ This is fucked – they don't do anything for women ○ The way it goes ○ Success but not worth using |
| <p>q. Sexual assault</p> | <ul style="list-style-type: none"> ○ Can't – nothing will happen ○ The way it goes ○ Screws can do what they like ○ Too scared – I will be punished |
| <p>r. Other? (Please Specify)</p> | |

Q9: How did you FIRST know about Legal Aid?

Court Staff / Community Legal Service (10)

1. Community Legal Centre
2. Court Staff

3. Prison Legal Advice Service
4. Court Staff
5. Court Staff
6. Court Staff
7. Court Staff
8. Court Staff
9. Court Staff
10. Women's Youth Services

Other (9)

1. Family
2. Clever Enough to work Out I needed One
3. Private Solicitor
4. Centre Link
5. Private Solicitor
6. Family Services
7. Police – while in watch house
8. Previously known family solicitor
9. Police

Duty Lawyer (9)

1. Duty Lawyer
2. Duty Lawyer
3. Duty Lawyer
4. Duty Lawyer
5. Duty Lawyer
6. Duty Lawyer
7. Duty Lawyer
8. Duty Lawyer
9. Duty Lawyer

Aboriginal and Torres Strait Islander Legal Service (8)

1. Represented by Aboriginal Legal Service
2. Represented by Aboriginal Legal Service
3. Represented by Aboriginal Legal Service
4. Aboriginal & Torres Strait Islander Legal Service
5. Aboriginal & Torres Strait Islander Legal Service
6. Aboriginal & Torres Strait Islander Legal Service
7. Aboriginal & Torres Strait Islander Legal Service
8. Aboriginal & Torres Strait Islander Legal Service

Word of Mouth (6)

1. Word of Mouth
2. Word of Mouth
3. Word of Mouth
4. Word of Mouth
5. Word of Mouth
6. Word of Mouth

Sister's Inside (4)

1. Sisters inside helps me to understand some things
2. Sisters inside for other matter re mother/family
3. Rang Sisters Inside
4. Sisters Inside

Watch house (4)

1. Watch house
2. Watch House
3. Watch House
4. Watch House

Didn't Know How to Access LAQ Services (2)

1. Didn't know could use Migaloo (White) Legal Aid
2. Didn't know

Q15: What difficulties did you have accessing the Legal Advice?**Communication Issues with Solicitor (27)**

1. Just didn't help at all. It was a total mess. They didn't have a specialist in the field of law" (family)
2. Hard to understand what they say
3. Rather talk in person – Quick answers – don't understand
4. Doesn't work well – hard to communicate without having person in front of you
5. Never explained properly, Don't know what's happening, Need information – takes too long to get back to me. Don't understand what they're talking about. Not sure when I go to court.
6. No legal reps turn up to prison
7. Seeing solicitors on court appearance
8. Don't have time, too many people, different all the time
9. Not enough time
10. No information available
11. Solicitor not explaining legal process
12. Too much Jargon
13. Not enough time
14. Extended delay in response to advice
15. Don't understand what's going on
16. Don't have enough time
17. Just want you to fill in forms
18. Not enough time,
19. Too much time filling out forms, couldn't understand legal terms
20. To hard to understand, assistance needed for women with mental health problems
21. Wouldn't tell what's going on, don't expect the worse
22. Too short conversations, don't know what's happening
23. Need better speaking solicitors – don't explain anything to me, difficult to know what legal words mean
24. Don't understand – always in a hurry
25. Being charge and sentenced for the first time. It was very difficult to understand the process and all – not good communicators
26. Not enough time for discussing problems
27. Don't understand what I'm saying.

Telephone Issues (14)

1. Hard to get solicitor on phone – can't return phone calls
2. Have to make lots of phone calls
3. Nobody there when you ring or phone constantly engaged on the days you are allowed to phone
4. Ringing constantly – LAQ don't take prison calls
5. Phone engaged, have to leave messages
6. Don't take calls from prison
7. Making 3 or 4 phone calls a day
8. Difficult to understand, don't listen to me, won't return calls – no one answers phone that knows what's going on
9. Heaps, hard to access to speak to them, never there, and when they are I get the answering machine
10. Messages not passed on by officers
11. At the old prison phone calls were not in private.
12. Answer phone calls from prison
13. No one responds to calls
14. Hard to reach them

Issues with Representation (13)

1. Can't find out who my solicitors was
2. Never been able to find out who was going to represent me
3. Have had no representation when there was a change of lawyers. Leave messages constantly on number provided, but no reply, not even by mail. Very Frustrating
4. Having them not turn up in court – cost me 6 more months course they didn't turn up
5. Due to no show of Legal Rep. Kept getting mention date. This process took 13 months. Only saw Barrister on the day of sentencing.
6. Sentenced you when they said they could not lock you up
7. They were supposed to organise a video link up but this was never organised, so it didn't happen. I just left it then, couldn't be bothered wasting time or energy.
8. They didn't understand the charges I was on, had problems getting charges, (shouldn't have been charged with) dropped. They weren't compassionate with circumstances involving crime. Ended up getting a private solicitor
9. Solicitors not showing up
10. I don't think they represented me good enough. They didn't even say anything on my defence.
11. I have had both a legal aid solicitor and a private solicitor paid for by legal aid. When I had a legal aid solicitor he was difficult to contact by phone and not very confident when we were in court. With the private solicitor I was given the feeling that because I was "Legal Aid" I wasn't as important and the level of service was definitely lower. As I had also used this solicitor previously and paid him, I believe I'm in a position to comment of the difference in service. My solicitor didn't even turn up to my sentencing day
12. I had a private solicitor (Firm 1) paid for by Legal Aid. In the 16 months I was using him and on remand still, I only saw 4 times. 3 of those times was at my court appearances the other time he came out to the jail. As I was still on remand and very concerned about his apparent lack of interest I wrote to legal aid and asked to swap my grant to another firm (Firm 2). I had spoken to (Firm 2) previously and they were happy to take me on providing Legal Aid approved the grant. Legal Aid did approve the grant and I can't praise the service of (Firm 2) in comparison to (Firm 1) enough. I was only on remand for a further 2 months when I swapped to (Firm 2) and I saw them twice as many times as I saw (Firm 1) in the 16 months I had him. I have used (Firm 1) previously on other matters and paid him and the level of service is completely different when you aren't paying him
13. I was always concerned about not having my lawyer turn up to court. I never felt that they cared enough to represent me. I hardly had contact with my lawyer, he failed to come to the prison personally to speak to me. If I ever needed to know any information about my case, I would have to pursue them constantly by telephone and always had trouble getting them to speak to me.

Issues re Contact with Solicitor (11)

1. Need to see more often, not just on the day at court
2. He never attended appointments, very disorganised eg through I was going to a hearing and it was sentencing. Charged me \$800 and I only had one meeting with him. He told me I would only have to serve 2/3 of my sentence but I had to serve all of it.
3. Solicitor was not available, missed appointments
4. Legal Representative didn't visit at the prison.
5. See you day before I had to go to court
6. Access to lawyer not available when needed
7. Access to me – they had me locked in isolation all the time
8. Come just before court, still waiting to hear from them
9. Isolated in crisis support unit, screws wouldn't give solicitor access to phone solicitor didn't come to visit for a long time. Didn't return phone call
10. They don't turn up for court
11. Don't show up when they say they will, Be on time and committed to my case

General Dissatisfaction (8)

1. Was of NO assistance
2. Went to legal aid for solicitor – took so long went to private solicitor and they applied
3. Sacked Legal Aid because they didn't do anything and I got a lawyer pro bono. They didn't come and see me at all until the week before I went to court
4. Didn't have a clue
5. Absolutely hopeless, wish we didn't need to use them, they make me feel demoralised
6. They wouldn't accept my application because the other party had Legal Aid
7. One on One Legal Advice
8. Idiot solicitors, treated as a bank balance told via Link-up, wrote a complaint to Bundaberg

Waiting times / Booking Issues (6)

1. Long wait for videoconferencing. Prison Officers won't put you on list
2. One time I had to wait a week and a half before I got advice. This meant I was getting advice two days before court
3. Sent letters of complaint about legal advice being provided eventually got a letter of apology from legal aid – then got their act together but it was all too late.
4. Waited for really long time to see solicitor, had to go to local solicitor women in prison gave me number and then they applied for Legal Aid
5. Prison officers wouldn't put my name on the list for Legal Aid
6. Put my name on list to speak to solicitor – screws didn't do it

Satisfied Comments (6)

2. None really – prison organised it
3. Never had any
4. Legal Aid itself is quite good, however when it comes to representation you really need to shop around when it comes to solicitors as some work for their money and some don't
5. I didn't really have any difficulties accessing it.
6. None what so ever
7. Had none

Miscellaneous (5)

1. Don't know
2. Prison Organised

3. (Legal Service) – don't come out here enough
4. Waiting list for video conferencing
5. Good Lawyer – always there for 11 years. He deals with Legal Aid, He just sends me the paperwork and I sign it. Legal Aid are useless.

Number of People handling the Matter (4)

1. Repeating myself every time I did get to speak to someone.
2. Saying the same things over and over
3. Get talked to by too many people from LAQ
4. Need to speak to same person

Language Issues (4)

1. Need to understand in my language
2. Don't understand English well / don't understand legal thing
3. Hard to contact, language difficulties – I speak some English but hard to understand what their saying
4. I did not understand the interpreters. They talked too fast. I did not understand the legal words. I do not understand the courts and law

Pleading Guilty (3)

1. Wanted me to plead guilty – I didn't want to
2. I wanted to plead 'not guilty' I had to plead guilty to get representation. Especially when you are on unemployment benefits – solicitors very expensive
3. Lawyers just want to get out of work. Lawyer did not do research overseas, didn't check any international information. Felt pressure to plead guilty and finish the case fast

Sexual Abuse (1)

1. No one cared I was being sexually obsessed by staff here at the prison.

Racial Issues (1)

1. White Fellas don't help except for Sisters Inside

Q16: What improvements would you suggest?**Communication / Telephone Issues (27)**

1. Listen to what I want to do
2. "Be more accessible – understand that I am in prison and can't just ring all the time, I don't have \$ for calls
3. Getting more information about what will happen in court
4. Make phone access easier and more day you can ring
5. Take messages and follow through
6. LAQ needs to receive prison calls
7. Need to speak to some person, pass on messages, proper follow up
8. Explain the law properly so I can understand
9. When in custody and you can or can't ring office – stupid fucking legal aid should know that when jail rings they should accept call – no matter what. They don't understand how long it takes to get money up on card.
10. Better Communication

11. Be more person, person – someone that can explain what's going on
12. Have a free number for women to call legal aid. Have a person to speak to that know what's going on.
13. Need to be easier to get hold of. People never at office. Hard to contact when you are in prison only have 10 minute phone calls
14. They need to learn to listen to person who has actually committed offence
15. Use easier language. Solicitor to take more time to speak to me
16. Shouldn't give you false hope and tell you what you should/could expect.
17. Don't understand what they mean. Speak clearly using lay person terms
18. Information – more for first time offenders especially violent crimes
19. Better communication
20. Explanation on everything detailed
21. Return calls,
22. Call in the morning
23. Listen to me and believe me
24. Someone also needs to be available when you phone – whenever I rang no one was ever available and when you're ringing from jail that's difficult
25. To have access outside work hours after 4:00pm
26. Listen to person incarcerated
27. As it's difficult to constantly use the phone in jail. It would be good if when you rang someone was there who could either answer your queries or take a responsible message

Appointments / Contact / Bookings (20)

1. Keep Appointments, Listen to my instructions
2. Face to face visits more often
3. Rather speak to someone in person – speak so I can understand what's happening
4. Come to prison more regularly
5. Come to prison more
6. Provide early advice
7. Better face to face contact
8. Put yourself in our situation MORE CONTACT!!!!!!!
9. show up for appointments
10. Let me know what's going on, be quicker in writing back or coming to see me face to face, too stressful waiting in prison
11. Have more time with me to understand my case
12. Need time to talk about my case
13. Service get back to people faster. Because it takes so long to respond people stress out
14. More contact within system and visits even paper work to obtain here in jail.
15. Come when you say, keep appointments, make sure prison officers put name on list
16. Should be at prison/watch house to see people in person. Should be someone on call to advise of legal rights
17. More one on one
18. More time explaining in my case, easy to understand
19. They do turn up for court. They do visit correctional centres when they arrange to
20. Shorter waiting times for advice

Representation Issues (19)

1. Need consistency with solicitor
2. Need more time with solicitor, not just see me on the day in watch house
3. Same solicitor
4. Follow through for me – not just go around and around – pisses me off
5. Need just one person to deal with
6. More time to talk to lawyer at court if in watch house

7. Treating you as a person not as a factory. Seeing what is available for sentencing. Prison is not always an option.
8. Same person follow case through
9. There was nothing in writing, notification of where case is at - mention dates – what that entails
10. Should have done what they said they were going to do Need to get Lawyers/ Barrister that will do their best in appeals and not take a long shot
11. Better service – more consistent solicitors more time
12. Be prompt, more attentive to my legal issues, not be treated like I'm a sausage in sausage machine
13. Take my directions – not say just plead guilty
14. Having a service that's responsive, ask for help you get it, kept informed as what's happening, people showing their making an effort to know about your case
15. That the entire system is overhauled and that the client is better represented to have the same level of service whether you are legal aid or private. Their level of correspondence also needs to improve, I rarely received paperwork from them.
16. That the legal aid lawyers take the time to come out to the prison to speak to us, and not leave it to speak to us 5 minutes before court while I'm waiting in the watch house, It does not leave enough time to let my lawyer know of any changes that might need to be addressed and to send correspondence to the prison to let me know of what is actually happening with my case
17. It would also be beneficial to have actual meeting with your solicitor. A quick chat while you're in court for a mention isn't sufficient. I needed time to speak to my solicitor, ask questions and receive answers
18. Lawyers need to research overseas as well. Put more time and effort in
19. Respond to applications – communication lost – need information about case

Miscellaneous (15)

1. Fire him (*Solicitor Name*), be more organised and better prepared. Outlay fees. Have time for clients – everyone is important
2. Don't know – legal aid works with the system anyway
3. There not out to help you anyway
4. Private solicitor would be better
5. Have an investigation into the whole legal aid Qld and what advice
6. Put ombudsman number on phone at prison
7. Full investigation of the prison service
8. Money counts in good legal representation. The poor usually end up in gaol.
9. Better people to work with like Sister Inside
10. To give prisoners the same treatment as people that aren't incarcerated
11. Start looking at my issues – not cunning round everywhere and not being found
12. Overhaul. Give funding to Sisters Inside for solicitors to ensure the jail treatment is addressed at least
13. That good advice would be a darn good thing
14. The whole system needs to be shaken up and at least make a bit of sense and don't take shit
15. Get names from elsewhere eg: Sisters Inside

Language Issues (4)

1. Need interpreters
2. Use interpreters all the time
3. Interpreters needed all the time to be there for us women
4. Interpreter needed desperately

Satisfied Comments (4)

1. His secretary always answered the phone and he got back to me

2. Was happy with service
3. None what so ever
4. Alright

Specialist Issues (2)

1. Rather an indigenous lawyer to speak to
2. Communication – more appropriate for women with mental health issues. Don't be scared of me.

Pleading Guilty (2)

1. Take my directions, I didn't want to plead guilty
2. They have standard of telling you as soon as you apply that you plead NOT GUILTY you will not get Legal Aid

Videoconferencing Issues (2)

1. Legal Aid should speak to prisoners in person – Video is impersonal and Scared of screws listening in
2. The screen is scary

Bail (1)

1. Should be a bail thing for people in here. Just to help people out a bit. Before my sentence I would have appealed it (bail) but, didn't know how to do the paperwork

Q18: How could the VIDEOCONFERENCING advice service be Improved?**Prefer Face to Face / Dislike Medium (19)**

1. Rather speak to people – I feel disrespected by the whole thing, Don't like the TV set up
2. Don't like how it works – rather personal contact
3. Can't talk to the 'fuckin' TV – need people to speak
4. Don't like it – rather speak face to face
5. Not face to face – didn't have desired affect- can't argue with television
6. Face to face needed – hands on approach
7. Want to speak face to face
8. Rather do it face to face, feels strange
9. Rather face to face
10. Not to have videoconferencing – want personal service – problems time taken to see a lawyer. Last time put name down and by time seen solicitor too late had already gone to court.
11. Was half way thru when got called by officer. It was intimidating, impersonal and alienating. A lot of girls have trouble with that for the same reason.
12. A lot have VC. It's a bit hard to talk to a TV and you only see half their head anyway. I saw them and they didn't tell me til the end what I wanted to know.
13. Don't use it, rather speak to a person
14. Rather face to face contact, prison staff listen to my conversations
15. Hated it – White fellas machine
16. Didn't feel could express self at all. Face to face is much better
17. Hate it – want to talk to someone in person
18. Ridiculous idea – should come out in person
19. Face to Face, hate machine,

Not Used / Didn't Know about it (9)

1. Never really used it just once for 2 mins
2. Didn't get offered
3. Didn't get it
4. Don't know
5. Never used it
6. I haven't used this service
7. I have never been offered video conferencing at any stage in prison
8. It has never been available to me
9. Never had it, never offered it to me

Confidentiality Issues (6)

1. Doesn't feel confidential
2. Didn't like it, people listen – screws
3. Was alright, rather face to face cause anyone could be listening
4. Don't use when prison staff are listening – suppose to be legal visit
5. Impersonal, screws listen
6. Prison listening

Representation / Advice Issues (4)

1. Depends on who answers it. I spoke to a man once who said he would do things and that I was represented. I didn't hear from him and two days before court I made another V.C. and found out that I wasn't represented
2. Did not happen like they said it would
3. That the information provided should be helpful
4. Be more specific as mine was unexpected and very uninformative – couldn't answer my question, kept referring to "I'll check with your case worker"

Competency Issues re Medium (3)

1. Using video linkup – solicitor has to leave room to look up case details. Solicitor back and forward. Can be frustrating and confusing, don't know what they are doing. Get more time when you do a face to face session. Video link not always at time allocated. If name of person available then have their files available to look at. Staff too busy to assist.
2. Video could be set up with people ready to go, but legal aid office sometimes forget times and/or are not prepared. Ensure information is provided if link up can't be as scheduled or can't proceed.
3. If we were allowed to forward faxes before the video-conference it would be easier for the solicitor to give advice as they would know what the problem is. Whenever I've had a video-conference I've found it very difficult to explain my whole case without the person on the other side having my info in front of them

Booking Issues (2)

1. Get names from others besides Prison Officers
2. Notice for appointment due

Language Issues (2)

1. Hard to understand, need interpreter
2. Need interpreters – don't understand fully

Satisfied Comments (2)

1. Alright – Talking to TV weird

2. Thought it was OK.

Miscellaneous (1)

1. Don't lock people up for assault if they did not do it.

Q20: How could the process for applying for legal aid be improved?**Communication / Literacy (20)**

1. Explain legal words please
2. Difficult – need to use simple terms
3. Couldn't understand what it meant
4. Need easier words so I can understand
5. Needed someone to explain what the letter meant
6. Didn't make much sense – use easy language
7. Use English – use day to day terms not technical – its not a competition to say the hardest words.
8. Need to be able to ring someone to ask if you can't understand
9. Hard to understand some words
10. Make it easier – need someone to explain what it means
11. Use easier language
12. Maybe words could be explained or use easier words
13. Need easier language, need legal stuff explained
14. Easier language to understand
15. Hard to understand words
16. Short, don't explain easily
17. Use less legal language
18. In English
19. More explanation – especially for kids who come to jail for the first time and know nothing about the legal system
20. More knowledge – what you can use them for, not so much jargon in letter

Miscellaneous (14)

1. Should have a list of solicitors who do legal aid whether private or Legal Aid solicitors
Never saw the letter from LAQ – solicitor put it in front of me and I signed it. Applied twice and solicitor didn't put it in properly. Wanted to complain but didn't want to make waves as my case was still to be heard.
2. I don't feel that legal aid always uses their selection process properly
3. In my view Legal Aid will only take cases they can win – cases that NEED representation don't get legal aid and that's out of line
4. Got no reply letter from LA
5. Treat people with respect, just because I have a disability – illness you don't have to treat me bad
6. Fucked
7. Make sure we get legal aid for bail applications
8. Stop leaving us isolated and powerless, we get enough of that from prison, Don't need it from Legal Aid too.
9. Did nothing
10. Don't know
11. I do not agree with the selection process that legal aid uses to make the decision of who is granted legal aid and who isn't. Just because I had always had no private lawyer they were not willing to grant me legal aid when I was sentenced. I only was grant legal aid upon my return when I justified that I was in financial Hardship. And that was through my private lawyer, who was willing to represent me with legal aid
12. They could grant it to people who need it.
13. Need to make sure letter get to right address

14. Be assigned one legal rep

Satisfied Comments (8)

1. Easy enough to read
2. Was happy all details with processing was explained
3. No. pretty straight forward
4. No better way
5. I think it's pretty easy
6. The solicitor gave me the form to fill out for legal aid and I found this process quite simple
7. I've found this service fairly straight forward
8. It's alright

Forms (7)

2. Need legal advice before I fill out form, otherwise I see duty lawyer only
3. Court people need to help fill out form not the solicitor – it takes the solicitor times up when you only have a couple of minutes to talk about why your in court
4. Don't have focus on forms – focus needs to be on my court defence
5. It give you form or try to fill it out to save LA some time when your outside duty lawyer, signing paperwork, you get only 2 minutes for case and 10 minutes to fill out form.
6. Free up solicitor to not focus on filling out forms employ someone to pay to do paperwork.
7. Be done by a court assistant and free up the solicitors for advice and representation

Response Time (5)

1. quicker response
2. Quicker to answer, don't knock back because the case might fail, well they think might fail or not win.
3. Reduce time frames for response
4. Too slow not worth it
5. Shorter waiting time to find out if you have been granted LA, if you have a solicitor or not. Sometimes this process can be scary if you are not a criminal and don't know the system

Contact / Communication / Telephone (4)

1. Need to have more personal contact, not so personal anymore, most women feel like a number
2. Women in Prison need to have more representatives coming out to prison – need direct number to call – should be a free call
3. Need a free phone number to call Legal Aid to find out what's happening.
4. It is easy enough as is

Pleas of Guilty (2)

1. I was only granted aid if I was to plead guilty, I am now representing myself
2. Video linkup – use a counsellor at centre or another person to help people fill out form and have forms available. Would save time at watch house.

Language Issues (1)

1. Need letter in my own language to understand better

Q21: Which of these was your MAIN solicitor throughout the entire process, ie the solicitor who handled most of your case or issue/s? Specify

Aboriginal and Torres Strait Islander Legal Service

1. Aboriginal and Torres Strait Islander legal Service
2. Aboriginal & Torrest Strait Islander Legal Service
3. Aboriginal & Torrest Strait Islander Legal Service
4. Aboriginal & Torrest Strait Islander Legal Service
5. Aboriginal & Torrest Strait Islander Legal Service
6. Aboriginal & Torrest Strait Islander Legal Service

Private Solicitor, not paid for by LAQ

1. Private Solicitor
2. Private paid by me

Other

1. I've had 3 different solicitors – Legal Aid

Q24: How could the Legal Aid Queensland representation process be improved?

Appointment / Contact (24)

1. Prison Office don't put me on list, They threaten me and tease me
2. Be on Time for Appointments,
3. Set of guidelines that need to be followed by all, Appointments need to be kept, Need to treat you like a paying customer
4. Need to come when he said – get stressed out waiting
5. Treated bad, come when he said he would, don't put me down
6. Show up on time, return calls, take directions, don't be in such a hurry
7. Get solicitors to meet us before court date. Person to person contact in jail.
8. Never showed up when supposed
9. More consultations with person before court
10. Treat me with some respect, talk to me more instead of when I get to court on the day
11. Only saw him before court on the day, what's the fucking use
12. Turn up for appointments
13. Need to come to prison – worried now I won't see him again till the day in court
14. Have more contact, only saw twice in 17 months, let us know what is happening
15. He needs to come and see me more while in prison, not just see you in the watch house
16. Come the day before – what a joke
17. Don't come 2 days before court to get advice from me in prison
18. Saw me on the day
19. Need to have more contact – shouldn't wait to court date to meet client
20. Doesn't come to prison, can't phone, not there, never contacts me
21. Criminal solicitor – didn't return calls, took a long time to visit, made promises she didn't keep
22. Needed more meetings here not just see on court day
23. Don't wait for 1 week before court. Visit in person more often

Representation (19)

1. One solicitor to handle case, not 3 or 4 over the time
2. More time would be better not just seem them on the day of court
3. Stick (to) one solicitor – don't have proxy turn up on day

4. Go into battle for prisoner eg character reference – don't assume everyone is not good or guilty even if you are guilty so what – still entitled to them doing their best.
5. More choice of representation
6. By monitoring the work that the solicitor does for the person
7. Duty lawyer would rate low – duty lawyer does not have time, understanding or capacity to effectively represent the number cases per day. You feel that the process is very rushed. Therefore if LA applied for at prison before could already have case and solicitor allocated and would save duty lawyer work.
8. Should get the solicitor in the court room, that is actually appointed to you. Should have met solicitor before court. I had to tell solicitor information but then he just palmed it off to someone I hadn't met before. Didn't know that he wasn't going to be in court
9. Don't spend enough time going over the facts, very rushed, seemed under staffed, met Barrister 2 days before trial started, he said "trust me"
10. Yes, That fucking solicitor doesn't listen, shouldn't let them use my past against me
11. If you get a good solicitor, you get a good solicitor, It depends on the solicitor
12. My solicitor did not come to see me in courthouse. I was taken from jail and stayed below and no one came to talk to me and I was brought back here. I did not know what was going on.
13. The representative could turn up for court
14. Lawyers that actually work
15. As I stated before my solicitor didn't even turn up to my sentencing day. The Barrister he provided was not informed and didn't have a good background on me. I believe my solicitor should have arranged for me and the Barrister to meet before my sentencing day. 10 minutes with him before I was sentenced was not sufficient
16. I understand solicitors are very busy but maybe they shouldn't be assigned so many legal aid cases if they aren't able to provide good service.
17. Pay our private solicitors more money so they put 100% into representing us. Like they do when we are paying them cash out of our own pocket. I feel my lawyer who I have had for over 10 years. Did not fight enough for me in court on my return from parole. I think because I was already serving a lengthy sentence and not paying him, he felt he didn't need to fight as hard as I was already servicing a lengthy sentence
18. That they actually represent you and inform you continually
19. Legal Aid solicitors should genuinely try to help their clients rather than just try and rush them through court

Communication (15)

1. Need to be more approachable – hard to speak with.
2. Need more time to explain my problems
3. Explain legal process properly
4. Need more time with solicitor
5. Need to take notice of what I want not just think they know.
6. Not interested in hearing my side of the story
7. Better Communication
8. More face to face contact – better explanation of the law process with more contact with Barrister
9. Listen more
10. More time, explain legal words, listen to my case and what I want to do
11. Never come, won't listen
12. Speak to people more often – let them know what is happening
13. Listen to me – what is my side of the story, fight for my rights
14. Call back, come see me, try to speak to me simply
15. Also the phone service needs improving and maybe they should make more use of video-conferencing if they can't make it out to the jail.

Miscellaneous (14)

1. Wouldn't help with family problems got knocked back
2. Legal Aid Should be more choosy when picking private solicitors to work for them

3. He didn't do much (solicitor), the barrister did the lot of work – barrister was excellent.
4. Good Criminal Lawyer – (Firm Name) - “he smells nice”
5. Useless – do what is easier for them
6. Nothing. The legal System in Australia and most other developed countries depends on a persons cash availability.
7. More consistent
8. Private solicitor was not approved due to long distance
9. Loose faith very early in the situation. Get a handle on it
10. Allow us to have our own private solicitor by choice if solicitor is willing.
11. They could pretend to care
12. Needs to be involved personally and understanding
13. Pull your socks up
14. Too busy – representing my defacto

Pleading Guilty (9)

1. Take what I say and do it, If I don't want to plead guilty don't make me
2. Want me to plead guilty
3. Need to do what I want – didn't want to plead guilty
4. Solicitor said to plead guilty – takes too much time otherwise.
5. They said plead guilty – I don't want to
6. Listen to what I have to say - Don't want to plead guilty – means I don't want to plead guilty
7. More time – don't just get us to plead guilty
8. Do what I tell him, wanted me to plead guilty, I didn't want too. I did it anyway but wasn't happy.
9. Be there on time, not get me to Plead Guilty

Language (4)

1. Still waiting to see solicitor – need interpreter
2. Use interpreters
3. Difficult – language again, use of terms – no understand
4. Interpreter – please help me understand

Satisfied Comments (4)

1. It's OK
2. Fine
3. Very happy with service, private solicitor dragged things out. Legal Aid got things moving quickly.
4. It was Good

Specialist Services (2)

1. Sisters Inside needs an Aboriginal Solicitors for us Murries
2. Specialized women lawyers

Q28: What improvements could be made to the publications?**Sisters Inside (4)**

1. Sisters Inside are helping me out with bail application
2. Sisters Inside Supreme Court Bail Program is of great assistance – they follow up with everything. I understand what's going on
3. Sisters Inside now assist women to get bail. This is really good cause they give great assistance and follow up on everything

4. Sisters Inside helped me – This was good to have worker assist me and help me find accommodation to hopefully get bail

Access (3)

1. Never seen them due to the fact that none of these publications are in our centre
2. Fact sheets and self help kits should be made available at prison through counsellors office. Would save time and court appearances.
3. Didn't know they were there

Content (3)

1. Too generalised
2. Re Family – Some of paperwork was hard to understand and I am quite literate. It should be written in lay mans terms. Hard to understand all the different words. With family stuff its quite emotional and you just feel like ripping all the shit up and not doing anything.
3. I have only seen a bail by mail kit once and I didn't think it was very easy to follow

Miscellaneous (2)

1. Youse are very very fucked up and useless
2. Need to spend more time with people. Lawyers need to treat us with respect

Language (1)

1. Don't understand English very well

Q30: Is there anything else Legal Aid Queensland could have done to improve the overall process?

Representation Issues (22)

1. Solicitor need to understand my case
2. Be prepared properly – not just expect me to plead guilty
3. Hopeless – solicitors need to listen to me not just be quick in meetings and get me to plead guilty
4. What happened to saying innocent before guilty.
5. Need to be committed to my case
6. Aren't I innocent before guilty – obviously not when it comes to Legal Aid
7. If lawyer tells you they will be back in say 2 weeks and can't make it. Then let person know by fax or letter, to make another time.
8. Meet solicitor prior to sentencing
9. Be committed to us women, have more time for our cases
10. Read the case
11. Be more attentive, more alert, observant of their clients needs
12. Its all too difficult – they don't understand what I need, I want to plead not guilty – they say plead guilty
13. Need to understand what's happening to me while I'm waiting for so long, Prison traumatizes you even more and then its hard to concentrate on what's happening – you feel powerless and when solicitors say plead guilty you just do even though you don't want too.
14. Be there for us women, Not look for the quick and dirty case
15. Visit us in prison before court case – treat us like human beings not numbers
16. Better Lawyers
17. See before sentencing if not on court date

18. Do what I request in court
19. I believe Legal Aid should check in on the private solicitor's work. Maybe if someone had monitored his work I may have been represented properly
20. When I wrote to legal aid and complained about (Firm 1) service and asked to swap to (Firm 2) they didn't ask me any question as to why, maybe they should investigate and look at the work load and level of service the solicitors they are funding are providing
21. When I was sentenced after being returned from parole, (re-offend) my private lawyer represented me and I pleaded guilty to only a few charges and got 8 months running concurrent and the rest of the charges were dropped. But when I got to Brisbane Women's Correctional Centre after court the sentence management officer told me that I was sentence to imprisonment on each charge (all charges) and showed me the letters of imprisonment. I contacted my lawyer and brought these issues up and he/she contacted the DPP and did not receive any information back. I contacted my lawyer again on several occasions and I always get the answer of "We still haven't heard from the Department of Public Prosecutions" I feel if I payed my lawyer privately not through legal aid, they would put more time into addressing this problem. All the charges have been added to my sentence calculation and my criminal history
22. It gets very frustrating but I don't know how to fix it. Maybe with people who are going Not Guilty have to listen to what their case is about

Miscellaneous (19)

1. Alright – don't have anything to compare with
2. My case was different, I don't come in and out of youth prison
3. Except for the private lawyer it was useless
4. Don't use
5. Don't be part of the system
6. Pay my private lawyer more money!
7. Legal Aid needs more funding so they can do a job that is not being done – defence of decent defence for all (women included).
8. Could LAQ do things faster. SMM (*severe management unit*), problems with fines, lock you up when you shouldn't be in. Want to pay fines instead of being locked up.
9. Everything – They just gave up on me
10. Need someone like Sisters Inside workers, they support us and do the work and come when they say they will. I trust them
11. Everything complete overhaul
12. Need timely procedure, no use hanging around prison waiting for whatever's happening, where you need help, you need to feel that someone is going to help
13. No, Because it all comes down to the courts.
14. Like everything
15. Everything
16. Now I'm in danger and they won't give me legal aid at all
17. Pull the fingers out and get REAL about what's important
18. Urgent attention needed. Funds to Sisters Inside ASAP
19. Do something about believing that some prison staff are touching us women wrongly – sexually. I don't like it

Communication with Solicitors (18)

1. They need more time with me to understand what I want to do
2. Better lawyers to speak to better
3. Need more information and explain better the whole court process
4. More contact with lawyer
5. I already told you – get better people who speak simple

6. Need to be more approachable
7. Need to know how to explain things better
8. Listen and do what I want
9. Explain what is going on
10. Need information – explain processes better
11. Listen and Hear, take time, “not fly us through like a herd of cows”
12. Need easier way to understand, need someone to explain what’s going on better
13. Need better solicitors
14. Need more time
15. Need information to explain what happens in court
16. Be more available for appointments
17. More time, solicitor that takes direction from me, easier language
18. More people to see us face to face

Specialists Services (10)

1. No re criminal stuff – More specialists in Family Law
2. More aboriginal Staff
3. Be better to have dedicated solicitors focus on just women or even have solicitors at Sisters Inside.
4. See previous comments – need a whole section in legal aid that specifically sees people thrown in prison – dedicate a whole lot of solicitors especially for women.
5. Need solicitor with mental health experience to talk to
6. Get their act together, need women specific solicitors, based at Sisters Inside We trust them
7. Need Murri Solicitors urgent – get them for Sisters Inside
8. you need solicitor that can communicate with women with mental health issues
9. Not use to us Murries, need more Aboriginal Lawyers to assist us Murries
10. Provide better service – need more solicitors in there for us Women

Language Issues (4)

1. Interpreter needed
2. Solicitor don’t know my story – why I do this, need interpreter
3. Seems to be for English speaking people and one else. Need to be more accessible to other women that don’t speak English
4. Very lonely, need interpreter please help me

Access Issues (3)

1. As soon as you get to reception (*prison reception*) make sure you’re seen by solicitor
2. Inmates need better access
3. Make sure prison puts names on list and stop threatening me about not going to let me see my solicitor

Telephone/Booking Service (2)

1. Need direct free number
2. Need to respond to phone calls etc.

Appendix 6 – Satisfaction Levels By Centre

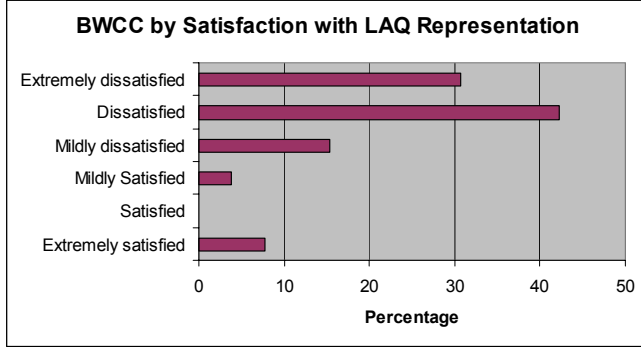


Fig XXIX BWCC by Satisfaction with LAQ Representation

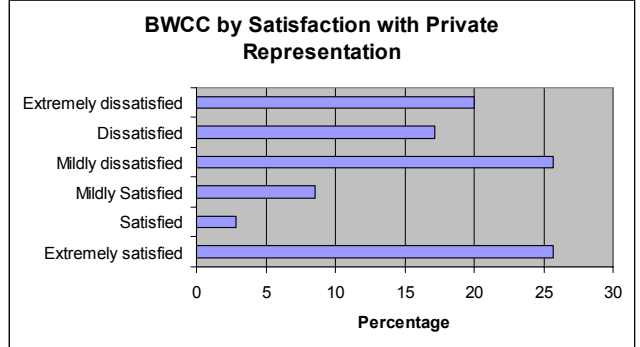


Fig XXX BWCC by Satisfaction with LAQ Representation

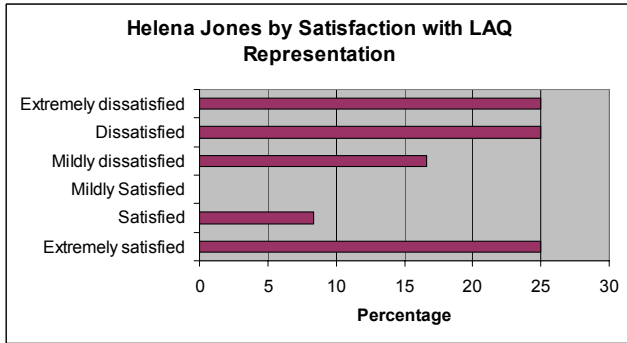


Fig XXXI Helena Jones Correction Centre by Satisfaction with LAQ Representation

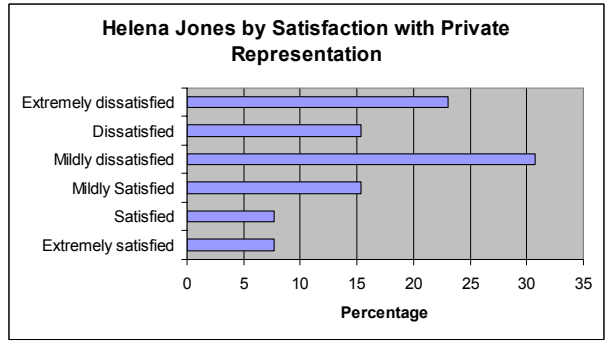


Fig XXXII Helena Jones Correction Centre by Satisfaction with Private Solicitor Representation

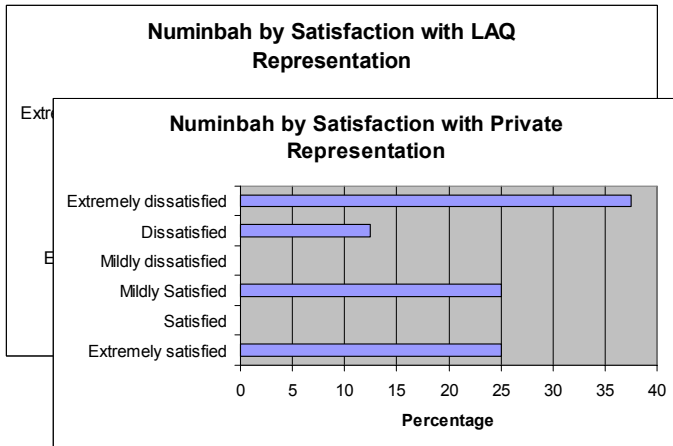


Fig XXXIII Numinbah Correctional Centre by Satisfaction with LAQ Representation

Fig XXXIV Numinbah Correctional Centre by Satisfaction with Private Solicitor Representation

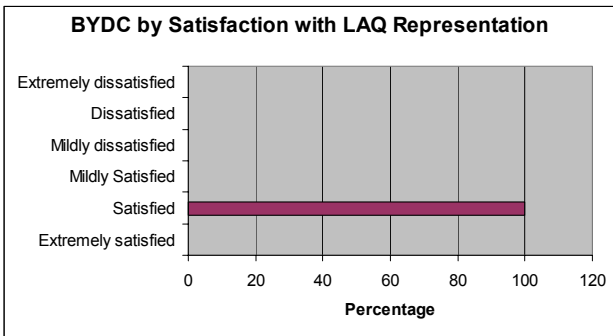


Fig XXXV Brisbane Youth Detention Centre by Satisfaction with LAQ Representation

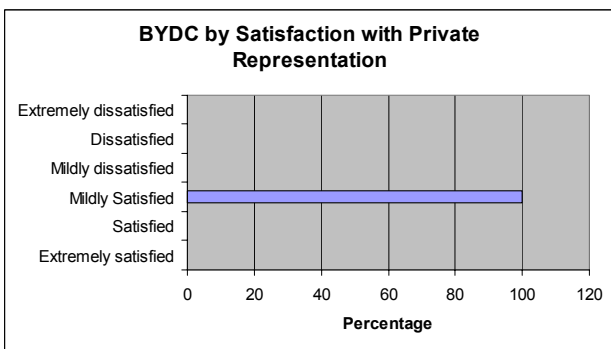


Fig XXXVI Brisbane Youth Detention Centre by Satisfaction with Private Solicitor Representation

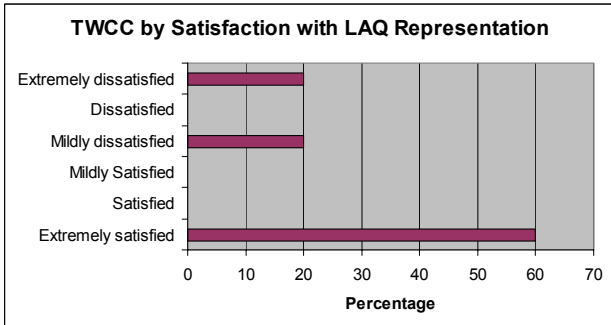


Fig XXXVII Townsville Women's Correctional Centre by Satisfaction with LAQ Representation

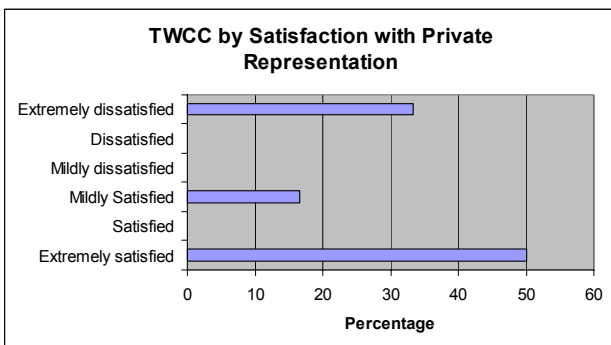


Fig XXXVIII Townsville Women's Correctional Centre by Satisfaction with Private Solicitor Representation

Appendix 7 – Client Service Standards

LEGAL AID QUEENSLAND CLIENT SERVICE STANDARDS

WE WILL:

- Introduce ourselves to the client and identify our role within the office.
- Explain our services and how the client can use them.
- Be courteous and approachable.
- Actively listen to the client, treat them as an individual and try to meet their special needs by:
 - using an interpreter when appropriate;
 - ensuring our service delivery is sensitive to and culturally appropriate to clients from non-English speaking and Aboriginal and Torres Strait Islander backgrounds;
 - enquiring about domestic violence where applicable and ensuring the client's safety is a priority.
- Use language the client can understand.
- Ensure the client's confidentiality.
- Provide accurate and appropriate information and advice.
- Discuss the client's legal problem and help them understand their options including availability of legal aid.

WHEN PROVIDING INFORMATION BY TELEPHONE AND FACE TO FACE

WE WILL ALSO:

- Ask how we can help;
- Actively listen and ask questions to quickly identify and confirm the service needed;
- Provide appropriate, clear and concise information and confirm the client understands;
- Offer appropriate additional services such as written information, self help kits or personal interview; and
- Appropriately refer the client and explain the reason for the referral.

WHEN ANSWERING A CLIENT'S TELEPHONE CALL WE WILL:

- Identify ourselves by name;
- Answer the call before the fourth ring; and
- Keep the call queuing for no more than 3 minutes.

WHEN PROVIDING LEGAL ADVICE

AT THE COUNTER WE WILL:

- Give the client an estimate of the waiting time;
- Try to give a choice of a male or female lawyer, if required;
- Arrange an interpreter, if required;
 - Allow the client to bring a support person to the interview, if appropriate.

THE ADVICE SOLICITORS WILL:

- Introduce themselves by first name, and advise they are a solicitor;
- Explain the law related to the client's problem;

- Explain the client's options;
- Avoid using legal jargon and fully explain terms;
- Provide appropriate referrals;
- Check the client understands the advice; and

WE WILL ASK THE CLIENT TO:

- Tell us if they have special needs for the interview;
- Have all the paper work about the problem with them; and
- Tell us if they have had advice about the problem before.

WHEN PREPARING AND CONDUCTING A CASE

WE WILL ALSO:

- Introduce the client to people who will deal with their matter;
- Try to give a choice of a male or female legal representative, if required;
- Where possible, ensure continuity of representation;
- Arrange an interpreter, if required;
- Allow the client to bring a support person;
- Give accurate, up to date and appropriate advice;
- Explain legal processes and what will be done in preparation of the case in plain language;
- Explain what the client has legal aid for and any limits on what we can do;
- Tell the client if they may have to pay any costs;
- Give our direct telephone number to the client;
- Take client telephone calls or return calls within 24 hours;
- Respond to mail within 5 working days;
- Confirm in writing the client's legal options and their possible results;
- Get the client to tell us what they want to do and sign their instruction;
- Explain the results of the client's case and any other action they should take; and
- Explain how to compliment or complain about our service.

WE WILL ASK THE CLIENT TO:

- Tell us about any change in their financial situation;
- Tell us any new address and/or telephone number;
- Keep all appointments or tell us if they can't;
- Give us information and documents about their case;
- Check all instructions carefully before signing them;
- Be open and honest with us; and
- Ask us if they don't understand.

WHEN MAKING A DECISION ON A GRANT OF AID

WE WILL ALSO:

- Be objective;
- Be consistent;
- Provide the client with a decision within 5 working days;
- Advise options of appeal if refused legal aid;
- Provide a legal representative if legal aid is approved; and
- Provide a decision that is simple and easy to understand.

WHEN RECONSIDERING A REFUSAL OF A GRANT OF AID

WE WILL ALSO:

- Be objective;
- Be consistent;
- Explain the process of appeal so the client knows what to expect;
- Give the client the opportunity to speak to the external review officer by phone;
- Provide a submission on the client's behalf to the external review officer;
- Provide the client with a decision that is simple and easy to understand; and
- Provide the client with a decision within 42 working days.

WHEN CONFERENCING

WE WILL ALSO:

- Provide the client with information about the conference process;
- Ensure a professionally qualified person (the 'chairperson') conducts the conference;
- Keep the client's personal details confidential;
- Provide details about other people or organisations who may also be of assistance to the client;
- Try to accommodate urgent factors such as court hearing dates;
- Return your phone calls within 24 hours;
- Assess the other party's application for aid within 5 working days; and
- Return the file to the Grants Officer after the conclusion of the conference within 5 working days, or, if the conference cannot be arranged, then within 24 hours.

WE WILL ASK THE CLIENT TO:

- Give us a copy of all current orders or agreements (including domestic violence orders);
- Tell us if they have any special needs (eg concerns about personal safety, if an interpreter is required etc.); and
- Tell us when they change address or telephone number.

WHEN REQUESTED TO PROVIDE COMMUNITY INFORMATION

WE WILL ALSO:

- Respond to your request for community information within 24 hours;
- Let you know how you can access our face to face, telephone, electronic, publication and interpreter services;
- Clearly display our written information and self help kits;
- Make information on legal aid available in other agencies and community centres;
- Check that you understand our information;
- Provide written information in eight languages other than English;
- Conduct information sessions in appropriate places;
- Work with key community agencies to give you a better service;
- Provide appropriate referrals to community agencies;
- Publicise when we are visiting your region; and
- Value your feedback on our service and respond to

Appendix 8 – Bibliography

Aboriginal & Torres Strait Islander Social Justice Commissioner (2002) “Social Justice Report 2002” Australian Human Rights & Equal Opportunity Commission http://www.hreoc.gov.au/social_justice/sjreport_02/index.html

Atkinson, L (1993) “An Overview Of Juvenile Detention In Australia” in “National Conference on Juvenile Detention: proceedings of a conference held 10-13 August 1993” Australian Institute of Criminology

Bargen, J. (1993) “In Need Of Care: Delinquent Young Women In A Delinquent System” in “National Conference on Juvenile Detention: proceedings of a conference held 10-13 August 1993” Australian Institute of Criminology

Brown, D & Wilkie M. (ed) (2002) “Prisoners as Citizens: Human Rights in Australian Prisons” Federation Press, Sydney

Cameron, M. (2001) “Women Prisoners and Correctional Programs” Australian Institute of Criminology No. 194.

Carcach, C. & Grant, A (1999) “Imprisonment in Australia: Trends in Prison Populations & Imprisonment Rates 1982-1998” Australian Institute of Criminology No. 130.

Carcach, C. & Grant, A (2000) “Imprisonment in Australia: The Offence Composition of Australian Correctional Populations 1988-1998” Australian Institute of Criminology No. 164

Carcach, C. & Grant, A (1999) “Imprisonment in Australia: The Remand Population” Australian Institute of Criminology No. 172.

Denton, B. (1993) “The Voices of Overseas-born Women in Victorian Prisons” paper presented at The Criminal Justice System in a Multicultural Society 4-6 May, 1993, Melbourne, Australian Institute of Criminology

Easteal, P. (1993) “The Forgotten Few: Overseas Born Female Inmates in Australian” paper presented at The Criminal Justice System in a Multicultural Society 4-6 May, 1993, Melbourne, Australian Institute of Criminology

Gleb, K (2003) “Women In Prison - Why Is The Rate Of Incarceration Increasing??” Paper presented at the Evaluation in Crime and Justice: Trends and Methods Conference, Australian Institute of Criminology & Australian Bureau of Statistics, Canberra, 24-25 March 2003

Gow, C (2000) “Advocacy Program for Women in Prison Submission” Minutes of Evidence to the Law Reform Committee Inquiry into legal services in rural Victoria Melbourne – 25 September 2000
http://www.parliament.vic.gov.au/lawreform/Legal_Services_Inquiry/Prisoner%20Advocacy%20Group%20-%20Gow%20&%20Williamson.html

Fitzroy Legal Service, (1988) “Women behind Bars” in REFORM No. 51 July 1988 : 131-132

Healy, K et al (2000) “Parents in Prison: Everyone’s Business & No-one’s Concern” Catholic Prison Ministry, Queensland.

Kilroy, D (2000 – Jun) “Issues for Women in Prison”, proceedings of the “2000 and Beyond: Planning the Way Forward” Conference held on the 14-16 June 2000, Department of Families, Youth and Community Care. Queensland

Kilroy, D (2000 - Nov) "When will you see the real us? Women in Prison", proceedings of the "Women in corrections : staff and clients" conference held on the 31 October - 1 November 2000, Australian Institute of Criminology

Kilroy, D (2003) "The Silenced Few – NESB Women in Prison" in Pandora's Box 2003:pp51 – 55, Women And The Law Society, University Of Queensland

Loff, B (1983 April) "Prisoners access to Lawyers" in Legal Service Bulletin, v.8, Apr 1983: 58-59

Marrone, M (2002) "Evolution of Needs Assessments in Ontario" proceeding of the "Legal Services" International Conference 2002 held at Jesus College, University of Oxford 20-21 March 2002

Pereira, C (2001) "The Tyranny of Distance: Disadvantage in Queensland's Regional Prisons" in Alternative Law Journal, Vol 26, No. 2 , April 2001:74-80

Pleasence, P & Genn H. (2002) "Understanding Legal Need in England and Wales" proceeding of the "Legal Services" International Conference 2002 held at Jesus College, University of Oxford 20-21 March 2002

Pleasence, P. & Buck, A (2001) "Needs Assessment and the Prioritisation of Legal Services in England and Wales" proceeding of the "International Legal Aid Group: The Challenge of the New Century" 13-16 June Melbourne.

Prisoners Legal Service & Sisters Inside (2000 - Oct) "A Response To The Women's Policy Unit Needs Analysis: The Needs Of Women Offenders" Sisters Inside

Schutzer, L. Mullins, J. Buonamano, R. (2002) "Access to Justice and Legal Needs Project Background Paper" Law and Justice Foundation of New South Wales. <http://www.lawfoundation.net.au/access/background.html>

Victorian Parliament Law Reform Committee (2001) "Review Of Legal Services In Rural & Regional Victoria" Victorian Government Printer, May 2001

Weiser Easteal, P (1992) "Women and Crime: Imprisonment Issues" Australian Institute of Criminology No. 35

Weiser Easteal, P (1993) "The Forgotten Few: Overseas-born Female Inmates in Australia" presented at "The Criminal Justice System in a Multicultural Society" conference 4-6 May, 1993 Melbourne, Australian Institute of Criminology,

Women & Imprisonment Group (1995) "Women & Imprisonment" Fitzroy Legal Service, Melbourne

Women's Policy Unit (2000) "Profile of Female Offenders" Department of Corrective Services, Queensland.

Women's Policy Unit (2001) "In Their own Right" Department of Corrective Services, Queensland.

Department of Corrective Services (1991) "Annual Report 1990-91" Queensland Government.

Department of Corrective Services (1992) "Annual Report 1991-92" Queensland Government.

Department of Corrective Services (1993) "Annual Report 1992-93" Queensland Government.

Department of Corrective Services (1994) "Annual Report 1993-94" Queensland Government.

Department of Corrective Services (1995) "Annual Report 1994-95" Queensland Government.

Department of Corrective Services (1996) "Annual Report 1995-96" Queensland Government.

Department of Corrective Services (1997) "[Annual Report 1996-97](#)" Queensland Government.

Department of Corrective Services (1998) "[Annual Report 1997-98](#)" Queensland Government.

Department of Corrective Services (1999) "[Annual Report 1998-99](#)" Queensland Government.

Department of Corrective Services (2000) "[Annual Report 1999-00](#)" Queensland Government.

Department of Corrective Services (2001) "[Annual Report 2000-01](#)" Queensland Government.

Department of Corrective Services (2002) "[Annual Report 2001-02](#)" Queensland Government.

Children's Court of Queensland (1999) "[Annual Report 1998/99](#)" Queensland Government

Children's Court of Queensland (1999) "[Annual Report 1999/00](#)" Queensland Government.