



**Submission to Finance and Public Administration References Committee:**

**Commonwealth Indigenous Advancement Strategy funding application process**

**Introduction:**

It is the opinion of the KWILS Management Committee and Executive staff that the tendering process for the Indigenous Advancement Strategy (IAS) has proven itself to be flawed and cumbersome. The IAS application format for the “Grant Funding Round 2014” was confusing and conflicting, and with a very short timeframe of six weeks for applicants to submit their applications. One could argue that six weeks is sufficient time for organisations to gather all of the necessary data and information to prepare a budget and program outline, but as the guidelines also asked for initiatives, six weeks is far too short a time frame.

Overall, KWILS has concerns about the level of funding available, the perceived lack of transparency throughout the process, the actual tendering process and the perceived lack of understanding from the PM&C of the process itself.

**KWILS Background:**

Katherine Women's Information and Legal Service (KWILS) was established in 1997 as a joint initiative of the then Katherine Regional Aboriginal Legal Aid Service (funded by ATSIC and the Commonwealth Attorney-General's Department), and Wurli-Wurlijang Health Service. . KWILS was established in response to the identified unmet legal needs of the women of the Katherine region. The need for an organisation such as KWILS is just as great today as it was 18 years ago. As you can appreciate there exists certain disadvantage to living in a remote region such as Katherine, none of which is the access to civil law legal services for the women of the region. KWILS is the only Katherine based Community Legal Centre serving the Katherine region; it was created in Katherine, and this is where it has remained for 18 years.

During its infancy KWILS was restricted in much of the work that was needed due to lack of sufficient funding. It must be said that over the ensuing years the support KWILS received from the Department of Attorney General (AG) and Department of Prime Minister & Cabinet (PM&C) was vital to ensure continuity of service and retention and development of suitably qualified staff.

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Currently 55% of our client base is Indigenous women and 45% are non-Indigenous.

KWILS provides information, advice and casework for the following:

- Domestic Violence
- Family law
- Child Protection matters
- Employment
- Victims of Crime
- Motor Vehicle Accidents

KWILS' major legal practice areas are Domestic Violence, Family Law and Child Protection. It is often the case that our clients' matters are complex and encompass elements of these 3 particular areas of law.

KWILS has a staff of 4, namely: an Executive Officer, one admin support position and two lawyers.

**Response to Senate Inquiry TOR:**

- a. the extent of consultation with service providers concerning the size, scope and nature of services tendered, determination of outcomes and other elements of service and contract design;**

To the best of our knowledge, there was no consultation with service providers. KWILS Executive staff and the KWILS Management Committee did not receive any requests from PM&C to discuss the IAS funding process or criteria.

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**b. the effect of the tendering timeframe and lack of notice on service collaboration, consortia and the opportunity for innovative service design and delivery;**

It was our perception that the timeframe seemed far more suitable for organisations that had developed projects or programmes that were already in operation and functional prior to the opening of the tender process. KWILS understood the IAS funding process to be one that asked for innovative projects that fit into the 5 criteria, in addition to also providing funding for existing projects within the organisation. In KWILS' application, this was the Indigenous Women's Outreach Program.

To develop innovative service design and delivery that addresses the needs of the community and also addresses the IAS criteria, it takes extensive consultation with community members, board of directors, and staff. Organisations must also work within the guidelines of their own service delivery criteria and constitutions ensuring that new projects are in keeping with the organisation's mission statement. As an organisation that is keen to obtain funding to support innovative projects such as the proposed pilot program "Aboriginal Legal Worker" we found the timeframe to be frustrating, and unreasonable. The IAS application was difficult to understand, and the criteria far too vague. While we understand the concept of streamlining the processes, KWILS feels that this sort of 'open' tendering process is ill suited and inappropriate for sectors such as community legal services. The KWILS Executive Officer spent in excess of 20 hours per week over the course of a month in preparing the application for submission. The support provided by the PM&C during the application process came from the PM&C Project Manager in Canberra, and a project officer in the local regional PM&C office. KWILS appreciates the efforts of these two offices, and their patience and earnestness in responding to requests for clarification, but it was also quite obvious that both offices had difficulty in understanding the application form and the criteria.

**Funding:**

Historically, KWILS has been funded by the Commonwealth Attorney General's Access to Justice program. From the Intervention in 2007, KWILS received further funding from the PM&C through Stronger Futures (managed by the AG). This funding arrangement remained in place until the end of 2013 when management and allocation responsibilities were split between the AG and the PM&C.

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The effect this new arrangement had on our funding was that KWILS received:

- Office of the AG:
  - o Women's Legal Services \$84,566
  - o Family Violence Legal Services \$138,054
- PM & C:
  - o Supplementary Legal Assistance (SLA) \$207,565
  - o Indigenous Women's Outreach Program \$53,658

This new funding arrangement worked well for KWILS up until the determination of our IAS funding application.

KWILS currently receives \$207,565 per annum in SLA funding. It is understood this is generalist funding, and in the past it has been used to pay for rent, administration costs, and wages for two admin staff members.

In our IAS application we applied for \$1.8 million to be paid over a 4-year period. The first year's installment was for \$267,000 (This was to cover continuation of IWP and SLA).

Our request for funding under the IAS ( \$1.8million over 4 years) would ensure KWILS is in a position to:

1. Retain current staff;
2. Maintain full time town service;
3. Provide appropriate staff training;
4. Provide for remote travel and accommodation to remote communities in region;
5. Maintain and expand operational costs as required;
6. Commence the "Indigenous Legal Worker" pilot program; and
7. Continue to provide Community Legal Education in Katherine town and region.

Unfortunately, our application was only partially successful in the amount of \$107,000 for 12months 2015-2016.

KWILS was advised by PM&C that because SLA funding was not included in our IAS application we would no longer be receiving it from 1 July 2015. This decision represents a serious impediment to the continuation of KWILS.

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In our defense as to why SLA was not included in our IAS application we bring to your attention the following in relation to the both the IAS guidelines and application:

1. There were no provisions or stipulations to include a request for SLA funding;
2. All funding was to be program specific (i.e.: the 5 specified categories);
3. SLA funding has historically been non program specific;
4. As a generalist service we could not utilise Indigenous specific funding to service the needs of non Indigenous clients.

In light of the above KWILS has been placed in a precarious situation whereby a major portion of our funding was transferred from the responsibility of the AG to PM & C. Funds which were once administered by the AG and distributed to generalist legal services like KWILS are now funds tied to the Indigenous Advancement Strategy and, seemingly, no longer available to generalist legal services such as KWILS.

Since the original determination of our IAS application were further advised that SLA funding could be attributed to the Indigenous Women's Outreach Services Program, and accordingly we submitted a separate application for SLA funding outside of the 2014 grants round. We can not overestimate the importance of this further application. If it is successful for the full amount applied, it will mean that KWILS can continue to deliver essential legal services to the women of the Katherine region.

Previously, KWILS had a budget of \$553,019.50.

In 2014, with consultation between the Executive Officer and the KWILS Management Committee, it was determined that there would need to be cuts to the operating budget which required a reduction in expenditures to align with new funding amounts, and the KWILS operating budget for 2014-2015 was reduced to \$456,419.84 (total income from the Commonwealth Govt \$427,848.42 and one grant of \$28,571.42 from Law Society Fidelity Funding) – leaving absolutely no room for 'incidentals'.

For financial year 2015-2016, based solely on the current funding allocation decision from the PM&C and the AG, along with the grant from the Law Society, funding will be \$273,625.42. This will leave a gap of \$153,907.00

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With only \$273,625.42, KWILS will be forced to reduce it's staff to 1 solicitor ,which will not be viable or sustainable. In doing so, KWILS will be operating at the level and standards it was at 18 years ago.

**Update:**

KWILS was advised on 4<sup>th</sup> of March that they were successful in their application for IAS funding, and would be receiving \$107,000 for 12 months. This amount was less then 10% of the funding requested.

After 6 weeks of lobbying, emails to the IAS forum and PM&C, countless number of phone calls to PM&C, and uncertainty as to the future of KWILS, KWILS received a phone call and email notification from PM&C on 29 April, to advise that the Demand Driven Activity application submitted by KWILS for SLA funding was successful for a period of 12 months.

Should the committee require any further information, please do not hesitate in contacting KWILS EO and Chairperson:

Cerise King  
KWILS CHAIRPERSON

Sandra Nelson  
KWILS EO

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