

Newcastle Aboriginal Support Group
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Mr Bob Baldwin MP
Chair
Joint Committee of Public Accounts and Audit (JCPAA)
Parliament House
CANBERRA ACT 2600

21 April 2005

Dear Mr Baldwin

The Newcastle Aboriginal Support Group (NASG) wishes to make a late submission to the Joint Committee of Public Accounts and Audit's *Indigenous Law and Justice Inquiry*.

In particular, we want to register our strong support for the work of the Many Rivers Aboriginal Legal Service and the Coalition of Aboriginal Legal Services (COALS) in New South Wales and our serious concerns regarding the Federal Government's proposed changes to the current structure of regionalised Aboriginal Legal Services (ALS) in New South Wales (NSW).

We understand that the government's proposal to call for tenders to provide legal services for Aboriginal people in NSW aims to replace the existing six regional ALS's with one body to cover the whole of the state.

The imposition of another tender process in NSW ignores the fact that Aboriginal Legal Services in this state concluded a tender process in 1999, in which the present structure of six regional services was regarded as the most successful model for delivering the best legal services and outcomes to Aboriginal people in NSW.

Our support for the Many Rivers Aboriginal Legal Service and the Coalition of Aboriginal Legal Services in NSW is independent of ideological arguments about the value of public versus private legal services, but simply asks which will do the better job.

We submit the following matters for your consideration:

1. One body cannot provide quality, culturally appropriate legal services throughout the whole of New South Wales.
2. There is a strong argument that the current NSW structure is already cost efficient and that any move to a single service-provider model may not deliver the anticipated savings. In addition, centralisation may have a negative impact on local economies in rural and regional NSW.
3. Although the Government may be trying to save costs via the proposed tender process, we argue that Aboriginal Legal Services are already operating on a shoe-string budget, which constrains their capacity to further improve the delivery of legal services to Aboriginal people in NSW.
4. Despite being under-funded and under-resourced, Aboriginal Legal Services in NSW (like the Many Rivers ALS, which is in our region) have been exemplary, and indeed praiseworthy, in their use of public funds. They have used modest funds very wisely, but further funding cuts would have devastating results for Aboriginal people in NSW.
5. The Many Rivers Aboriginal Legal Service has complied fully with the Government's requests for ongoing reports, detailing their work and outcomes. Despite these "good reports" their funding continued to be cut, making their work more and more difficult.
6. The Many Rivers Aboriginal Legal Service has had no complaints or criticisms about the way it operates. Indeed the opposite has been the case, it has received considerable praise.

7. The Many Rivers Aboriginal Legal Service is a joint partner in a pilot program called Co-operative Legal Service Delivery (CLSD) program, the result of which will be improved access to justice for disadvantaged communities in rural areas
8. The proposed tender process is very narrowly focussed and does not take into account the range of work ALS's do every day, which goes well beyond simply representing people in court.
9. The staff at Aboriginal Legal Services are specialised, emphatic and experienced advocates. They excel at delivering quality, culturally appropriate legal services. Despite the intolerably high rates of imprisonment for indigenous people, the work of the ALS's has certainly stopped these rates from escalating even higher.
10. Aboriginal Legal Services consult and work closely with the Aboriginal communities throughout NSW. This personal and ongoing contact with community members is integral to the success of their work. Community liaison and advice necessarily varies with each case and situation, but ALS staff is well placed to carry out this role as they are familiar with the persons and families affected, their specific needs and circumstances. Local knowledge is essential to ensure that Aboriginal people and communities are well informed, aware of their options, responsibilities and the consequences of specific actions.
11. The under-funding of ALS's has resulted in a necessarily stronger focus on criminal cases, at the expense of family and civil cases (except for help on some cases which is provided by the University of Newcastle's legal centre). To their great credit the Many Rivers Aboriginal Legal Service has established a Domestic Violence Prevention Unit to counter this current imbalance in legal services to Aboriginal people in our region.
12. Aboriginal Legal Services in NSW are trusted and well respected services amongst Aboriginal people. This respectful relationship would clearly be destroyed if ALS's were replaced by mainstream legal services. Moreover, there is great concern that Aboriginal people won't use mainstream legal services and this would have very serious consequences for Aboriginal people and the justice system alike.
13. Aboriginal Legal Services in NSW have a sound appreciation of the fact that 40% of the Indigenous population is under 15 years of age and the implications of this demographic profile for the present and future needs of Aboriginal people for legal services.
14. Aboriginal Legal Services delivering regional services are better placed than mainstream legal services to cater for the very specific needs of Aboriginal women – in prison and/or the community. The Violence Prevention Unit of the Many Rivers Aboriginal Legal Service assists with legal matters pertaining to issues of domestic violence. This is a vital service for Aboriginal women in our region, which deserves the Government's ongoing support.
15. If the present structure of six regional Aboriginal Legal Services in New South Wales is dismantled the numbers of Indigenous people incarcerated will almost certainly rise. Likewise the risk of increased Aboriginal deaths in custody will rise, which flies completely in the face of what was sought by the 1991 recommendations of the Royal Commission into Aboriginal Deaths in Custody. This would be a disastrous outcome for Aboriginal people.

The NASG submission is a heartfelt plea for the retention of the present structure of regional Aboriginal Legal Services in New South Wales, and for a more generous and well-deserved allocation of money to ensure the continued enhancement of legal services provided to Aboriginal people in NSW.

Yours sincerely

STAN MASTERSON
President - Newcastle Aboriginal Support Group

cc JCPAA – Inquiry Committee Members
Mr Glenn Worthington (Inquiry Secretary)
The Hon Phillip Ruddock MP, Attorney General