

30 July 2004

The Secretary
Senate Select Committee on the
Administration of Indigenous Affairs
Parliament House
Canberra 2600

RE: Proposed Legal Services Tender

Dear Sir/Madam,

I am writing in specific relation to the proposed tendering of the Aboriginal and Torres Strait Islander Legal Service (ATSILS) in Brisbane.

The current format for the proposed tendering and mainstreaming of ATSILS in Brisbane is in complete contradiction of the true meaning of self determination. Not only does the tender proposal present itself as prejudice against Aboriginal and Torres Strait Islander people, I also believe that it breaches our peoples human rights. The breach is clear in that it takes away the right to self govern and determine what is best in legal representation for the people who live in the south east corner of Queensland.

I must point out that this organisation is not only managed by Indigenous Australians, both in executive management and by a board of democratically elected Indigenous community members, but is also subject to scrutiny from a constitution which is registered with the commonwealth under the Aboriginal Councils and Associations Act 1976.

ATSILS in Brisbane is quite unique to many other legal services across the country. Its uniqueness lies in the amount of judicial courts (28), correctional facilities (11) and Indigenous population (over 30% of the states Indigenous population), all of which fall within our service delivery boundaries. As well, ATSILS Brisbane is the only legal service in the country which has a dedicated Social Work Section which services all correctional facilities. These factors alone highlight the vital importance of such a service which has been providing quality legal representation for the last 32 years to the Indigenous community.

Mainstreaming of our service will critically diminish many aspects of what already is an effective, culturally appropriate service. I identify many deficits of such an approach to mainstream. They are:

- The loss of rights to self determine legal representation for our people
- The loss of input into law and justice reform both state and nationally
- Indigenous people will not have legal representation that will endeavour to deal with matters in the magistrates court
- There will be a significant increase in the amount of Indigenous people who have their matters dealt with in the higher court due to private law firms focusing on profit
- Private law firms will pick and choose who they represent
- There is no guarantee that services delivered will be culturally sensitive and appropriate given that there is no focus on employing Indigenous staff
- Indigenous people will shy away from non indigenous representation that is insensitive to their specific needs and cultural understanding

- Indigenous Legal Community Education programs will disappear
- Incarcerated clients will not have an ear because that ear will be listening based on profit

I appeal for the Senate to consider hearing the views of south east Queensland Murries who will feel the full brunt should ATSILS Brisbane be unsuccessful in the tender process.

I would also like to invite the Inquiry to come to Brisbane to hear our communities concerns, feelings and anxiety about the impact of such an outcome.

If you would like to discuss this submission further, please contact me on 0422 902 242.

Yours Sincerely

Shane Duffy