

Our Ref: JFB:hne

5 December 2003

Ms Louise Gell
Secretary
Australian Senate
Legal and Constitutional
Parliament House
CANBERRA ACT 2600

By email: legcon.sen@aph.gov.au

Dear Ms Gell

**Re: Inquiry into the capacity of current legal aid and access to justice arrangements
To meet the community need for legal assistance**

I refer to your letter of 24 November 2003. In relation to the three questions taken on notice I provide the following responses:

1. ATSILS in NSW are unable to comment about the situation faced in Victoria as indicated by Mr Gueverra. In NSW each ATSIL has a different funding agreement with ATSIS. I am advised that no NSW ATSIL has been told by ATSIS that they would not be funded for the remainder of the financial year. There are concerns however that the Higher Court funding for the rest of the year is yet to be released. (For further details in relation to the individual funding arrangements I suggest the Committee seek comment from ATSIS, Law and Justice Section, Canberra).
2. The population of Indigenous people in NSW is the largest in Australia. The difficulty with providing accurate data to the Committee, as I indicated in evidence, is that the national data system into which all information is imputed has not been working correctly for many years. (This is a major issue for NSW ATSILS and one of concern to ATSIS). In consequence we cannot provide the exact number of clients that NSW ATSILS have currently 'on their books'. Our best estimate is a figure around 45,000 file/matters per annum.
3. NSW ATSILS fundamentally support recommendations that would improve the access to justice of Indigenous people in NSW. Community Legal Centres provide a strong and worthwhile service to the community at large, and we fully support their operations. We would encourage recommendations for additional funding that would allow them

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4. develop their services. We suggest in this context, however, that the allocation of funding which is Indigenous specific through non-Indigenous organizations should be coupled with the development of Memorandum of Understanding with Indigenous organizations and that a process of consultation take place with all stakeholders in this arena to ensure co-operation and consensus.

NSW ATSILS make no comment in relation to an interpreter and translating service, except to say that as a general proposition we would support the extension of services to people in need. In that sense we would support the application of the CLC's.

I trust this information answers the Committee's questions.

Yours truly



John Boersig