



# ALS

Aboriginal Legal Service (NSW/ACT) Limited

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Senator Richard Di Natale  
Chair  
Senate Select Committee into the  
Abbott Government's Budget Cuts  
Parliament House  
Canberra ACT 2600

Attention: Ms Lyn Beverley, Secretary

E-mail: [budgetcuts.sen@aph.gov.au](mailto:budgetcuts.sen@aph.gov.au)

Dear Senator Di Natale

**Inquiry into the Abbott Government's Budget Cuts  
Submission from Aboriginal Legal Service (NSW/ACT) Limited**

Thank you for the opportunity to make a submission to this Inquiry.

While the Aboriginal Legal Service (NSW/ACT) Limited (ALS) recognises that the Commonwealth Government is committed to a reduction in its funding for a range of programs and services, the cuts proposed to Aboriginal legal aid services will have a heightened impact in a manner and to an extent that may not have been foreseen.

The ALS wishes to draw the Committee's attention to this adverse effect that our service will experience due to these budget cuts.

Although these comments are drawn from our experience in providing legal services to Aboriginal communities in NSW and the ACT, it is likely that they have a similar application to such services in other Australian jurisdictions.

#### Current funding levels

Even had the budget cuts not been announced, maintaining the funding of these services at the current level without taking into account inflation would be, effectively, a reduction. This factor, though, particularly affects the ALS, which operates in regional and remote NSW and has operating expenses (including those relating to motor vehicle and other travel) which have risen above the general level of inflation.

#### The commitment of the ALS and its staff

ALS staff are already overstretched in serving Aboriginal communities across NSW and the ACT. Dedicated legal, field and admin officers work extended hours, aware that their salaries are significantly lower than those paid to mainstream legal aid staff.

Yet the announced budget cuts have also created considerable anxiety for a number of our staff in relation to security of employment, contributing to an increase in an already high turnover rate (previously due largely to the burnout of many otherwise committed staff at the ALS).

#### Termination of funding for specific services

The loss of funding for certain existing ALS services has already been announced. With very little notice, funding for the Prisoner Through Care Program was removed, ending this critical service which provided assistance to Aboriginal offenders following their release from prison, linking them to rehabilitation services and assisting them to reintegrate back into their community.

The Government has also announced the termination of funding for the Aboriginal and Torres Strait Islander Legal Services' Law Reform Program and

directed that activity by Aboriginal legal aid organisations should cease in this field. The Government's stated justification was that only 'front line' legal services should be provided by Aboriginal legal aid agencies.

Each of the services of the ALS is, however, integrated in our work as a whole.

The Law Reform Program enables the unique experience of the ALS in Aboriginal communities — many of which are in regional and remote locations — to inform Government inquiries.

The ALS regularly receives requests from Parliamentary, Law Reform Commission and other public inquiries to provide our perspective on a range of issues affecting law and justice. Without the law reform function — currently conducted in NSW and the ACT by the ALS by a single legal officer — this important contribution to the continued development of the law would be unavailable.

#### Limited funding of specific services

While the Government has announced that it will continue to fund 'frontline' services provided by Aboriginal and Torres Strait Islander Legal Services, albeit at a possibly reduced level, other specific services operated by the ALS are at risk, due to a lack of funding commitment and support.

The ALS's recent reestablishment of a Family Law Service Law was due to Commonwealth funding. However, there has been no indication as to whether it will continue.

Nor is there any specific funding commitment on the part of the Commonwealth Government for the ALS's Custody Notification Service — a 24 hour/ 7 day dedicated telephone line for police to notify the ALS when an Aboriginal or Torres Strait Islander person is in custody and which enables that person to speak to an ALS lawyer. This service in NSW and the ACT is unique in Australia and requires a separate funding commitment.

#### Aboriginal people in the justice system and access to justice

As the Committee is no doubt aware, Aboriginal and Torres Strait Islander people are grossly overrepresented in figures for arrest, remand, imprisonment, juvenile detention and care and protection interventions. These budget cuts will reduce

the extent to which the ALS is able to provide legal services to Aboriginal people as well as restricting the manner in which we are permitted to do so.

I would ask that our service be kept informed of the progress of this Inquiry.

If there are any issues raised by this submission that you would like to discuss further, do not hesitate to contact me, as above.

Thank you for your attention.

Yours sincerely

Phillip Naden  
Chief Executive Officer