

OPEN LETTER

Next Government must honour almost 50 year commitment to Aboriginal & Torres Strait Islander Legal Services

18 April 2019

Dear Attorney-General Christian Porter and Shadow Attorney-General Mark Dreyfus,

We, the undersigned Aboriginal and Torres Strait Islander community-controlled organisations (**ACCOs**) and supporters of First Nations People, write to express our disappointment with the Government's decision to back out of the Federal Government's almost 50-year long commitment to Aboriginal and Torres Strait Islander Legal Services (**ATSILS**) and abandon the Indigenous Legal Assistance Program (**ILAP**).

While ACCOs are becoming increasingly familiar with governments promising one thing, then doing another, this is a surprising and disappointing move.

It is surprising because there is an [independent report](#) that highlights the importance of Aboriginal and Torres Strait Islander Legal Services and of retaining a stand-alone Commonwealth program that supports them (#1 recommendation). The report says that ATSILS are effective, efficient, culturally safe and the preferred legal services providers of our communities alongside Family Violence Prevention Legal Services.

It is disappointing, not least because the Federal Government has been committed to and responsible for the funding and administration of ATSILS since their inception almost 50 years ago. This began after the 1967 Referendum in recognition of the **Commonwealth's special responsibility** for Aboriginal and Torres Strait Islander people. It is important to retain this **Commonwealth leadership**.

The next government must implement the #1 recommendation of the Report and retain the ILAP – the only Commonwealth program to specifically address the disadvantage of Aboriginal and Torres Strait Islander people in the justice system, and which funds the invaluable legal services provided by ATSILS.

Last month, the Government proudly [committed to working in genuine partnership with Aboriginal and Torres Strait Islander people on Closing the Gap](#). Yet this decision to abandon the ILAP will broaden the justice gap.

Our people have the highest incarceration rates in the world. This decision will devastate our communities who access our services and threatens the self-determination and continuation of ATSILS. ATSILS provide much needed legal services, challenge discriminatory laws, develop public policy options, represent families whose loved ones have died in custody, run holistic wrap-around support programs, help victims of crime, keep families together and address the root causes of contact with the justice systems including health, housing, poverty, disability, discrimination and more. ATSILS provide services that literally save lives – like the custody notification services– and are educating the next generation through innovative community legal education initiatives based on local community need.

We acknowledge that as part of the decision to disband ILAP, the current Government has overturned planned funding cuts to ATSILS and provided some small increases to funding in future years. These great steps are undermined by the decision to get rid of the ILAP.

While ATSILS do not solve all the problems, they are a critical part of the solution. All evidence and research show that working in partnership with Aboriginal and Torres Strait Islander people and ACCOs is the best way forward. The Federal Government should honour its long-standing commitment, keep ILAP and adequately fund ATSILS to close the justice gap.

We call on the next government to urgently overturn this decision to abandon ILAP and instead retain a standalone Commonwealth program that supports the ATSILS and the communities they serve.

Yours sincerely,

Aboriginal and Torres Strait Islander Legal Services (Qld)

Aboriginal Executive Council (Vic)

Aboriginal Health Council of WA

Aboriginal Legal Service of WA (Ltd)

Aboriginal Legal Services ACT/NSW

Aboriginal Legal Rights Movement (SA)

Aboriginal Peak Organisations NT

ACT Council of Social Service

Alcohol and Other Drug Consumer & Community Coalition

Alice Springs Youth Accommodation and Support Services Inc

Alliance for Family Preservation and Restoration

Amnesty International Australia

Anglicare NT

ANTaR

Australian Council of Social Service

Australian Council of Trade Unions

Australian Human Rights Institute, UNSW

Australian Indigenous Alpine Sport Association

Australian Lawyers for Human Rights

Australian Youth Affairs Coalition

Change the Record

Circular Head Aboriginal Corporation

cohealth

Colour Code

Community Legal Centre Tasmania

Community Legal Centres Association (WA)

Community Legal Centres NSW

Community Legal Centres Queensland

Concerned Australians

ConnectGroups

Consumer Action Law Centre

Criminal Lawyers Association of the Northern Territory

Dawn House Incorporated (Darwin)

Democracy in Colour

Department of Education and Training

Drummond Street Social Services

Eastern Community Legal Centre Inc.

Elizabeth Evatt Community Legal Centre

Ethnic Communities Council of WA Inc

Family Matters Campaign

Family Violence Legal Service Aboriginal Corporation (SA) (FVLSAC)

Federation of Community Legal Centres

First Nations Workers Alliance

First Peoples Disability Network Australia

Fitzroy Legal Service

Gap Youth and Community Centre

GetUp!

Grata Fund

Greenpeace Australia Pacific

Health Consumers Council (WA) Inc

Human Rights Law Centre

Hume Riverina Community Legal Service

Hunter Community Legal Centre

Indigenous Peoples Organisation

Inner Melbourne Community Legal

Jesuit Social Services

Just Reinvest NSW

Justice Reinvestment SA (JRSA)

Koorie Youth Council

Kungari

Law and Advocacy Centre for Women

Liberty Victoria's Rights Advocacy Project

Limestone Coast Community Justice Centre

National Aboriginal and Torres Strait Islander Legal Services

National Aboriginal Community Controlled Health Organisation

National Association of Community Legal Centres (NACLC)

National Congress of Australia's First Peoples

National Council of Single Mothers & their Children Inc

National Family Violence Prevention Legal Services Forum

North Australian Aboriginal Justice Association

Northern Land Council

Northern Territory Council of Social Service

NSW Council of Social Service

Oxfam

People With Disabilities (WA) Inc

QCOSS

Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP)

Reconciliation NSW

Reconciliation Victoria

Reconciliation Western Australia

Redfern Legal Centre

Research Unit, Jumbunna Institute, University of Technology Sydney

Riverland Community Justice Centre

Save the Children Australia

Save The Children Western Australia

Shelter WA

Sisters Inside

SNAICC

Social Reinvestment WA

South Australian Council of Community Legal Services

South Australian Council of Social Service

Southern Aboriginal Corporation

Southern Community Justice Centre

St Vincent de Paul Society National Council

Tasmanian Aboriginal Community Legal Service

TEAR Australia

The Bridge of Hope Foundation Inc

The Kimberley Foundation

The Shopfront Youth Legal Centre

UNICEF Australia

Victorian Aboriginal Legal Services

WA Association for Mental Health

WACOSS

Weave Youth and Community Services

Whitelion Youth Agency

Youth Action

Youth Affairs Council of Western Australia

Youth Affairs Council Victoria

Youthlaw