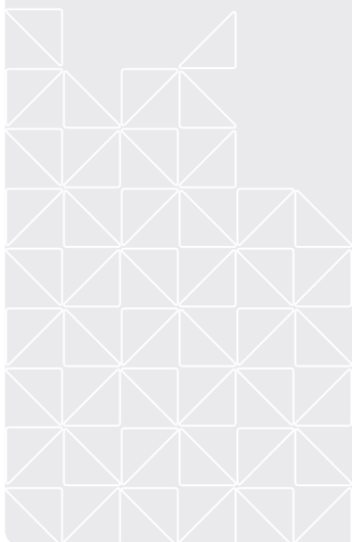


Submission to the Senate: Finance & Public Administration References Committee Inquiry into Access to Legal Assistance Services

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1. Executive Summary

Justice Connect is a not for profit organisation delivering access to justice through pro bono for individuals experiencing disadvantage and the community organisations that assist them. We partner with pro bono lawyers in Victoria and NSW, to develop and strengthen pro bono culture and to strategically match this with unmet legal need.

Justice Connect, has for a number of years provided assistance, through referrals to pro bono lawyers, to individuals that identify as Aboriginal and Torres Strait Islander and to the community organisations that assist them.

This submission seeks to address the following aspect of the Terms of Reference:

Aboriginal and Torres Strait Islander experience of law enforcement and justice services, with particular reference to:

a) **the extent to which Aboriginal and Torres Strait Islander Australians have access to legal assistance services;**

2. Justice Connect's Referral Service

Justice Connect's Referral Service facilitates access to pro bono lawyers for people experiencing disadvantage that cannot otherwise access legal services. We are able to achieve this because we have strong established relationships with lawyers in Victoria and NSW, and a proven ability to effectively assess legal matters appropriate for pro bono assistance.

2.1 Work for clients that identify as Aboriginal and Torres Strait Islander

Justice Connect's Referral Service is not limited to clients that identify as Aboriginal and Torres Strait Islander, however there are two targeted referral projects which service Aboriginal and Torres Strait Islander people who were forcibly removed from their families (**Stolen Generations**) and whose wages were withheld or not paid (**Stolen Wages**).

2.2 Stolen Generations

Since 2007, Justice Connect's Referral Service has assisted Stolen Generations with enquiries about the legality of their removal and time in care. The assistance has generally fallen into two distinct categories: pro bono referrals for legal advice for individuals and organisations, and assistance with general support and advocacy work for organisations.

We have received around 70 Stolen Generations' enquiries and made 50 referrals to lawyers. As removals occurred all over the country, we have made referrals to lawyers in Victoria, New South Wales and Queensland. As the possible causes of action raised by these matters are diverse and complex, we refer to law firms and barristers as an effective means to obtaining the most comprehensive advice for clients.

Referrals for individuals fit into two separate but related categories: document collection, review and collation; and, provision of advice on the merits of a claim against the State or others for harm suffered as a result of their forced removal and/or time in care.

For some clients, obtaining the records documenting their time in care is a "win". For others, having lawyers spend time on their matters is an acknowledgement of their pain and suffering. For others again, requesting an apology or a record be added to their "file" acknowledging that their parents were good people is their priority. For these reasons, we have found it extremely important to continue to provide access to legal assistance in these matters despite there being little likelihood of a successful legal claim.

In recognition that the effects of these laws and policies are both legal and non-legal, we have established strong relationships with other services providing assistance to Stolen Generations. We refer clients to organisations like Connecting Home, Link-Up and the Koorie Heritage Trust for assistance with tracing and connecting with family and country, accessing counselling and health services and obtaining copies of records documenting their removal and time in care. We also provide referral assistance to Indigenous organisations to further their advocacy for Stolen Generations. The Referral Service has previously made a submission to the federal inquiry into the Stolen Generations' Compensation Bill in 2008.

2.3 Stolen Wages

Justice Connect's Referral Service has been involved in the Stolen Wages Working Group, 'Wampan Wages', for a number of years. The Working Group consists of representatives from Indigenous and non-Indigenous organisations and various trade unions. Justice Connect is also a partner in an Australian Linkage grant obtained by Andrew Gunstone of Monash University to do research and respond to the Victorian Government's paper 'History Matters, Indigenous Stolen Wages Preliminary Investigation: Final Report to Aboriginal Affairs Victoria & Public Record Office Victoria', September 2009.

2.4 VLAF Indigenous Working Group

Since 2014, Justice Connect has participated in the Victorian Legal Assistance Forum (VLAF) working group formed in response to the 2013 [Report into the civil and family law needs of Indigenous people in Victoria](#). Representatives from Victoria Legal Aid, the Federation of Community Legal Centres, Human Rights Law Centre, Victorian Aboriginal Legal Service, Aboriginal Family Violence Prevention & Legal Service, Victorian Bar, Law Institute of Victoria and [Tarwirri](#) attend. The aims of the Working Group are to map the services currently providing civil and family law assistance to Indigenous Victorians to then work out how to improve service access and delivery.