



04AGO1887A

24 May 2004

Submission No. 14

The Secretary
Joint Committee of Public Accounts and Audit
Parliament House
CANBERRA ACT 2600

Indigenous Law and Justice Inquiry

I thank you for the opportunity to make submission to the Indigenous Law and Justice Inquiry.

I make comment in four areas, three about the terms of reference, and also a submission about the 2004 tender for Indigenous legal aid services.

(a) The distribution of the resources of Indigenous legal aid services between criminal, family and civil cases

The resources currently allocated to Indigenous legal aid services are applied almost exclusively to criminal matters. This is so for both Commonwealth and State money. The State acknowledges (and has done for some time) that there are other areas of need for Indigenous people in the legal system, particularly as they deal with family violence and family law issues.

If there is a change in the way that Commonwealth money for Indigenous legal services is applied, as is suggested by the recent Exposure Draft of the *Request for Tender - Legal Aid Service for Indigenous Australians*, the State would be required to pick up a large increase in Indigenous criminal law representation. Such attempts to cost-shift to the States is not right.

(b) The co-ordination of Indigenous legal aid services with Legal Aid Commissions through measures such as memorandums of understanding

South Australia has maintained an open policy in that indigenous people can use either the Legal Services Commission or the Aboriginal Legal Rights Movement (A.L.R.M.) - it is their choice. Relations between the two organisations are cordial, open and productive. No formal agreement or memorandum of understanding exists; nor is one seen as necessary in the current circumstances.

This needs to be seen in its historic circumstances, and it is acknowledged that this may not be so in all States, particularly those where there are many Aboriginal and Torres Strait Islander legal services.

(c) Access for Indigenous women to Indigenous-specific legal services

In South Australia there is only one Indigenous-specific women's legal service, the Aboriginal Family Violence Legal Service, based in Port Augusta. This service provides a valuable service to indigenous women in Port Augusta and near surrounds. In addition, the Women's Legal Service in Adelaide runs a program for Aboriginal women. Both services are funded by the Commonwealth and provide a constructive service for women dealing with high levels of family violence within Aboriginal communities.

South Australia supports the expansion of this service by the Commonwealth in consultation with the Aboriginal community, particularly dealing with:

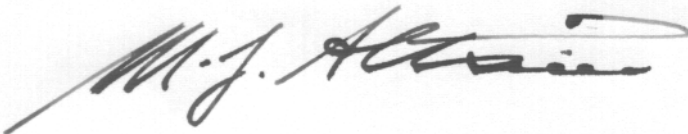
- the lack of resource to meet growing demand; and
- providing a service for women outside of Adelaide and Port Augusta, especially women in remote communities.

(d) The 2004 tender for Indigenous legal services

Although not a specific term of reference, I note that the Inquiry will take into account the tender for Indigenous legal aid services.

The State has significant concerns about the tender brief, "Exposure Draft Purchasing Arrangements Legal Services Contract 2005-2007 for Legal Aid Services to Indigenous Australians" ("Exposure draft") as it was circulated for comment by ATSIIS. These concerns were summarised by the Legal Services Commission and are attached for your reference.

Yours sincerely

A handwritten signature in black ink, appearing to read "M. J. Atkinson". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Michael Atkinson
Attorney-General

encl.