

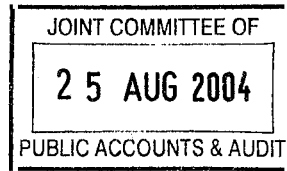


**Legal Services Commission**  
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The Secretary  
Joint Committee of Public Accounts and Audit  
Parliament House  
Canberra ACT 2600.

**Submission No. 37**

Dear Secretary

**Indigenous Law and Justice Inquiry**

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

The Legal Services Commission has established an efficient and workable structure to move clients from the least costly and most basic level of service (web based information and the Telephone Advice Line), through personal attendances at our various offices, to representation in defined, more complex matters. The focus at all times is on providing timely, cost effective and practical solutions to clients' problems.

The Commission directly provided more than **120,000 services** during the last financial year through nearly 13,000 grants of aid, 11,000 duty solicitor appearances, more than 29,000 face to face advice appointments and 67,000 telephone advice calls. Education and web based information services were accessed over **1million times**. 92% of funds were spent on direct service delivery and of that, 83% was spent in providing representation for clients in the criminal and family courts.

Of all grant of aid 39%are made to female clients. Of all grants of aid to indigenous clients 37% are made to indigenous women.

The Commission is an active participant in the Justice Portfolio Reconciliation Strategy.

The comments of the Legal Services Commission of South Australia are confined to the first two terms of reference and the tendering of indigenous legal services.

**a) The distribution of Aboriginal and Torres Strait Islander Legal Services resources among criminal , family and civil cases.**

The distribution of Indigenous legal aid services between criminal, family and civil cases can have significant funding implications for the State Government. If there is a shift in the existing pattern as foreshadowed in the Exposure Draft tender, the state may have to pick up a large increase in indigenous criminal law representation through increased demand on the Legal Services Commission by indigenous people.

The resources currently allocated to Indigenous legal aid services are applied mainly to criminal matters. This is the case for both Commonwealth and State money.

The Exposure Draft of the proposed Request for Tender of Indigenous Legal Aid Services requires ATSILS to provide assistance in the following priority categories:

- Where the safety or welfare of child at risk
- Where the personal safety of application or person in applicants care is at risk
- In a case where the applicant is at risk of being detained
- Representation of family member re death in custody

This represents a change in focus of service provision from general criminal law assistance, to child welfare matters and family violence. The first two priorities are a long overdue recognition of identified need. They are important areas of service provision and areas that are more likely to be demanded by women.

The Exposure Draft states Demand for Indigenous legal aid services has grown rapidly over recent years, and the demographic structure of the Indigenous population suggests that it will continue to grow over the contract period and beyond.<sup>1</sup> All priority areas must be met without increased funding.( How can you do more with less?)

**b) The coordination of Indigenous legal aid services with Legal Aid Commissions through measures such as memoranda of understanding**

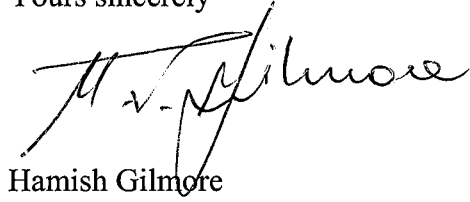
South Australia has maintained an open policy with regards to indigenous people using either ALRM or Legal Services Commission services. Relations between the two organisations are cordial, open and productive. No formal agreement or memorandum of understanding currently exists. This needs to be properly examined in its historical context. These relationships may be different in other States especially New South Wales and Queensland where there are multiple ATSILS as compared with South Australia, where there is only ALRM.

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<sup>1</sup> *Exposure Draft at p 62*

Please find attached the comments of the Commission to the Exposure Draft Request for Tender of Indigenous Legal Aid Services

Yours sincerely

A handwritten signature in black ink, appearing to read "H. Gilmore". The signature is fluid and cursive, with a large initial "H" and a long, sweeping underline.

Hamish Gilmore  
Director