



Our Reference: WFP.lrs

28 July 2004

The Chairperson  
Public Accounts and Audit Committee for Indigenous Law and Justice  
Parliament House  
Canberra ACT 2001

**Submission No 32**

Suite 1, 1<sup>st</sup> Floor  
8 Manton St  
Darwin N.T. 0800  
GPO Box 2717 Darwin  
Northern Territory, 0801  
Tel (08) 8981 4114  
Fax (08) 8981 3113  
billpiper@bigpond.com.au  
ABN 95 364 831 844

**NT ABORIGINAL LEGAL SERVICES – OUTSOURCING - SUBMISSION**

I am a solicitor in Darwin and I have been associated with NAALAS for 7 years, as an external solicitor engaged to assist with civil work. Over the past few years I have given legal assistance to over one thousand indigenous Territorians in that capacity. I have also undertaken locum work in the NAALAS civil section and at KRALAS in Katherine, reviewing their civil section.

I consider that I am able to speak authoritatively about the issues involved in providing legal services other than criminal or family legal services to aboriginal people in the Northern Territory.

It is with great concern that I understand the provision of these types of legal services may be “outsourced” from NAALAS. I feel compelled to advise the decision maker on this issue that the amount of time involved on most files for aboriginal people far exceeds the amount of time required in dealing with similar issues for non-aboriginal people. The issues involved are: difficulty in locating clients, and in having clients attend at appointments (including appointments with other parties, e.g. doctors, in the case of personal injury claims) and very often difficulty in obtaining a thorough and reliable history of a given matter. In regard to the latter point, many of the clients with poorer educational backgrounds will often be unable to give an accurate account of a factual scenario and will often agree with “suggested” versions of events, i.e. “Did this happen?” “Yes”.

Of course, many of the clients are also quite capable. However, the time taken to deal with NAALAS matters will always exceed the time taken to deal with the same matters for non-aboriginal clients. Therefore, for example, my civil clinic appointments at the Legal Aid Commission (where I also do weekly clinics) are for 20 minutes, and around 60 to 70% of clients turn up. My civil clinic appointments for NAALAS go for 30 minutes, and around 40 to 50% of the clients turn up. Further, the appointments at NAALAS will often last much longer than half an hour as the issues regarding the particular problems are fully explored.

In my own private practice, I also have had a number of aboriginal clients. In virtually all cases, these files have required more work than other files to achieve the same ends, in all cases for reasons to do with difficulty contacting the clients (they often don't have a phone

and move around quite a lot), difficulties with clients making appointments (with myself or doctors) or in the case of aboriginal clients who are from communities, difficulties obtaining instructions.

The point of my submission is that I believe it would be impossible for a private firm to handle non-family/non-criminal matters for these aboriginal people on a commercial basis – commercial meaning a fee proportionate to the legal task. A private firm will quickly become frustrated with trying to make ends meet if they are paid on a “per job” basis.

The only realistic option is for a private firm to be paid at an hourly rate for such services.

In this regard, I wonder whether “outsourcing” will deliver any value to the tax payer. Why pay around \$200.00 per hour to a private practitioner for work that was being done by an employee solicitor at NAALAS for, for the sake of argument, \$40.00 per hour?

Yours faithfully

A handwritten signature in black ink, appearing to read 'Bill Piper', with a stylized, cursive script.

**Bill Piper**