

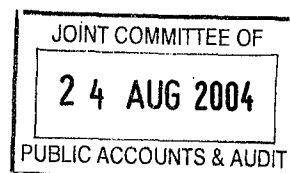


Australian Government
Attorney-General's Department

**Family Law and
Legal Assistance Division**

04/6546

24 August 2004



Mr Glenn Worthington
Inquiry Secretary
Indigenous Law and Justice Inquiry
Joint Committee of Public Accounts and Audit
Parliament House
Canberra ACT 2600

Dear Mr Worthington

I attach answers to the questions I took on notice at the Canberra hearing of the Joint Committee of Public Accounts and Audit's Indigenous Law and Justice Inquiry on 9 June 2004 in relation to Commonwealth legal services and cultural training programs in legal aid commissions.

If you have any questions about these responses please direct them to myself, Philippa Lynch, on (02) 6250 6883 or Garry Burlingham, Director, Legal Aid Program Section (02) 6250 5602.

Yours sincerely

A handwritten signature in cursive script that reads "Philippa Lynch".

Philippa Lynch
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JOINT COMMITTEE OF PUBLIC ACCOUNTS AND AUDIT
INDIGENOUS LAW AND JUSTICE INQUIRY
ATTORNEY-GENERAL'S DEPARTMENT

Ms Plibersek asked the following question at the Canberra hearing on 9 June 2004:

Ms Plibersek - ... it is true now that the Commonwealth is spending more on legal advice than ever before because of the tendering out of legal services in the general public service, isn't it? Maybe Attorney-General's can speak to that.

Ms Lynch—It is not quite my area; another part of the department deals with provision of legal services to the Commonwealth. I am happy to take it on notice but it is not one that I would like to comment on because it is slightly outside my bailiwick.

The answer to Ms Plibersek's question is as follows:

The Office of Legal Services Coordination within the Department advises that there have been considerable changes in the legal environment in which the Australian Government operates.

There is increased awareness by Australian Government agencies of the need to manage legal risks and to ensure compliance with principles of probity and good governance. Legislative and technological changes, the rise in the threat of terrorism, Royal Commissions and other inquiries, large 'one-off' litigation matters and court and tribunal decisions have all contributed to an increase in expenditure over recent years.

The devolution of decision-making for legal services expenditure to chief executives of agencies has resulted in a vigorous and highly competitive market for providing legal services to the Australian Government.

The Australian Government looks forward to the delivery, by the Australian National Audit Office (ANAO), of the report of a full performance audit of the Commonwealth legal services market. This report is expected in March 2005. The ANAO intends to examine whether agencies' legal services arrangements deliver value for money (that is, are they efficient and effective), and whether agencies comply with government policy about the provision of legal services. The audit will also examine the role and effectiveness of the Office of Legal Services Coordination.

JOINT COMMITTEE OF PUBLIC ACCOUNTS AND AUDIT
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Ms Grierson asked the following question at the Canberra hearing on 9 June 2004:

Ms Grierson - ...What about cultural training for people seconded from the Legal Aid Commission? The programs talk about having cultural training to help them to relate and understand. What form does that take and who judges if it is successful? Do people pull out of these programs; do they stay in?

Mr Boersig - There are a number of cultural programs operating, as I understand it. Many are run by the Legal Aid Commission themselves, and perhaps my colleagues would want to comment further on those details.

Ms Grierson - I do not know whether it is a half-hour orientation talk or what form it takes.

Ms Lynch - I am happy to take that question on notice and go back to the commissions. I would not have details of that specificity about the nature of the training they undertake, but I am happy to go back to the commissions and seek further details.

Ms Grierson - Thank you.

The answer to Ms Grierson's question is as follows:

The Department sought information from legal aid commissions regarding the cultural training programs that they operate for commission staff who provide assistance to Indigenous clients. Of the eight commissions two provided a nil response to the question - the Legal Aid Commission of Tasmania and the Legal Aid Office ACT. The remaining 6 commissions advised that they either provide or are about to commence cross-cultural training for in-house commission staff and staff seconded to Aboriginal and Torres Strait Islander Legal Services (ATSILS).

Relevant responses from commissions about their programs are as follows.

Legal Services Commission South Australia

In the last 6 months Legal Services Commission staff who provide assistance to Indigenous clients have attended the following training activities:

- Managers have attended a one and a half day Workshop on "Working with Indigenous people".
- All commission staff have been invited to attend a one-half day training session about the "Impact of European Settlement" on Indigenous people. Thus far, 20% of commission staff have attended this session on a rostered basis.

- Paralegal advisors have attended a joint Australian Human Rights and Equal Opportunity Commission / Equal Opportunity Commission of South Australia seminar "Tracking your Rights".

In the last 5 years the majority of commission staff have attended in-house training about working with Indigenous clients conducted by the commission's Education Section and the commission's Indigenous staff/cadets.

The commission's current in-house training programme provides that training in "Cultural diversity and sensitivity" is delivered to all staff/new staff as part of the commission's core training activities.

Legal Aid Queensland

Indigenous cultural awareness training for commission staff is delivered in three formats - orientation or induction training; a formalised, standard training program; and through ongoing training which focuses on issues specific to work units.

All new commission staff are expected to undertake a 'Passport Induction' session that outlines the work of the Integrated Indigenous Strategy Unit (IISU) of the commission. All new intakes of Client Information Services Officers undertake a training session on the work of the IISU and on culturally sensitive communication skills.

The commission provides a generalised Indigenous cultural awareness training course which is available to any staff member on an annual basis. In 2002 and 2003 the cross cultural awareness training was facilitated by the Jinnadiirran Training & Consultancy Services Pty Ltd. Over thirty staff members from varying work units of the commission have participated in this program each year.

Ongoing training is provided on a 6 monthly basis to Client Information Services Officers.

Indigenous cultural issues are also often explored as part of other training programs. As an example, over the past 2 years, training on Indigenous issues has been provided as part of training provided to new family law solicitors, solicitors working in and planning to work in child protection matters, and as part of the Legal Advice Training Program.

All participants undertaking Indigenous cultural awareness training are asked to complete an evaluation form. This process, along with informal feedback, has been used to refine the training content and delivery on an ongoing basis.

The commission has recently reviewed how it delivers Indigenous cultural awareness training. The outcome of this review has been the approval to hold Indigenous cultural awareness training in the commission's Regional Offices, where local specificities can be discussed and local Indigenous organisations can participate in the training of Regional Office staff.

Other commission initiatives have the effect of raising awareness of staff members about Indigenous cultural issues as well as proper communication and ways of doing business with Indigenous peoples and communities. These include the Strategic Women's Advisory Group – Sunshine Coast Action Research Project and the Integrated Indigenous Strategy Unit.

Legal Aid New South Wales

Legal Aid NSW advises that since 4 April 2003 it has run 8 very successful one-day Aboriginal Awareness sessions for Commission staff at their Head Office, and at the commission's offices in Parramatta, Dubbo and Orange. So far about ninety staff have attended. Further sessions are scheduled for later this year. Members of the local police, a representative from the *Magistrates Early Referral into Treatment (MERIT)* Program, Probation and Parole and a local private practitioner, also attended the Orange session.

Evaluations of these sessions have been extremely positive.

Legal Aid Western Australia

Legal Aid Western Australia (LAWA) and the Aboriginal Legal Service of Western Australia (ALS) have just finalised discussions that will culminate in the formalising of a memorandum of understanding designed to help the two organisations maximise their capacity to deliver relevant legal services to the Aboriginal and Torres Strait Islander Peoples across Western Australia.

Part of the agreement concerns an undertaking by ALS to provide ongoing training to all LAWA's service providers and other staff about working with Indigenous clients in a culturally appropriate manner. Anticipated training strategies include ongoing staff seminars, video-conference link-up discussions, a joint review of all publications and other materials for accessibility, regular joint service strategy meetings and staff exchanges to assist both our services form a closer understanding and relationships and to promote better service delivery.

These strategies are scheduled commence in the second half of 2004.

Northern Territory Legal Aid Commission

The Northern Territory Legal Aid Commission pays for cross-cultural training in Indigenous issues for all new staff. This is done through a 2 day course run in Darwin by the Aboriginal Resource Development Service based at Nhulunbuy. The trainers are both Indigenous and non-Indigenous. The Commission advises that it is a very effective and thorough course. The courses are run once every 6 months. The next one for new staff to attend will be in September 2004.

Victoria Legal Aid

Victoria Legal Aid (VLA) has introduced cross-cultural awareness training to ensure commission staff is responsive to the needs of Indigenous colleagues and clients.

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Nineteen VLA staff undertook a one-day Indigenous cross cultural awareness training program in December 2003. This was the first occasion the program has been conducted for VLA staff.

The training was limited to a small group of participants due to the delivery model and format. Participants were drawn from across VLA and included legal and non-legal staff members. The opportunity to participate in the program was offered to staff that had either direct contact with Indigenous clients and/or would be in a position of influence within their Division to disseminate the learning from the training day.

An evaluation of the program was conducted by a survey of the participants. The evaluation data was very positive about the content and format of the training. VLA plans to deliver Indigenous cross cultural awareness training to staff on an ongoing basis.

In 2004-05 VLA will be developing an Indigenous Employment Plan that will include the ongoing delivery of Indigenous cross-cultural training to VLA employees, as one of a number of strategies to support Indigenous staff of the organisation.