

Tel: 61 2 9264 9595
Fax: 61 2 9264 9594
Email: naclc@fcl.fl.asn.au
Mail: PO Box A2245 Sydney South NSW 1235 Australia

Mr Glen Worthington
Inquiry Secretary
Joint Committee of Public Accounts and Audit
Parliament House
Canberra, ACT 2600

20 August 2004

Dear Sir,

**Re: Response to Questions
Indigenous Law and Justice Inquiry**

NACLC wishes to thank you for the opportunity presented by the Inquiry to provide this information. Please find the responses to the questions on notice, below.

In addition to the statements made at the Hearing we would also like to emphasise NACLC's support for Indigenous run and Indigenous controlled services and our opinion that there needs to be significantly more funding provided for these Indigenous run and Indigenous controlled legal services. However, within this context we believe that Indigenous clients should be able to choose to seek a service from a non-indigenous service, such as CLC or a Legal Aid Commission if it is more appropriate, but that they should not be forced to use these services because of lack of availability of an Indigenous service.

If you require any further information, please contact us.

Yours sincerely

Liz O'Brien
National Convenor

Responses

Question 1: NACLC Budget Submission

The details of this submission are contained in the Submission which is attached.

Question 2: Allocation of Funds to Specific Services

The NACLC Budget Submission suggests that the distribution of funds to services should be as follows:

- An increase in funding allocation to each existing centre to enable each centre to pay the wages of existing staff at the rates listed in the Submission
- A fifty percent increase in the portion of CLSP funding that goes to operating costs of centres. That is a once off increase of fifty percent increase and ten maintenance of that funding level with CPI increases.
- An increase in loading to regional, rural and remote centres.

Question 3: ATSIC Consultancies

The first Family Violence Prevention Legal Service (FVPLS) was established in Kempsey NSW in about 1999. This was an initiative by the NSW State ATSIC Office. It followed representations by Aboriginal women in Kempsey, a study by an Aboriginal community group in Kempsey and then liaison between the State Office and the community in Kempsey. Laura Beacroft who

is now the Registrar of Aboriginal Corporations and Associations was the main player, she was then working for the NSW State ATSIC Office.

The next established was in Darwin to service about 5 remote communities in the Top End. Darwin is the base not the service area. This FVPLS is based with the Top End Women's Legal Service in Darwin.

In about 2000, ATSIC had funds to establish more FVPLS. Areas of high need were identified and representatives from the relevant areas were brought to Canberra by ATSIC. This meeting, which was in the form of a workshop, was three or four days long. ATSIC provided familiarisation about what FVPLS would look like and how they would operate. Draft guidelines based on those that were being used by Kempsey were given out and discussed.

ATSIC also established two Family Violence Advocacy Services - one in Cairns (focusing on the Cape and Cairns region) and one in Kalgoorlie. These were two year pilots of a different approach - one that was based on systemic advocacy (coordination, working on big picture improvements that would make a difference, using the media, developing best practice training programs etc). Both of these were evaluated by separate consultants engaged by ATSIC. The outcomes were different. The pilot in Cairns was highly successful and the other found less success. The Cairns based FVAS was funded for a further year by ATSIC and then the funding

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ceased on the basis that ATSIC didn't have funds to continue it. In the review referred to below undertaken by Judy Harrison of Harrison Clarke Pty Ltd in relation to the Cape in 2003, the terms of reference included consideration of the need for the FVAS in Cairns. That review found that the FVAS had performed exceptionally, that the role was still needed and if there were funds that a FVAS should be established again for the same service region.

In 2001 ATSIC's National Office for Legal and Preventative Services started work to develop an Operational Framework for Family Violence Prevention Legal Services. Judy Harrison was contracted to help with this work. The project involved ATSIC consulting with all of the FVPLS then operating, the preparation of a draft by ATSIC, discussion of the draft as part of a national conference for FVPLS convened by ATSIC in Alice Springs in November 2001 and then finalisation. Various key stakeholders including the National Network of Indigenous Women's Legal Services were involved in the process. The Operational Framework was then circulated by ATSIC to all FVPLS and relevant ATSIC regional offices.

The first two FVPLS's established (Kempsey and Darwin based) were evaluated by Myriad Consultants in early and mid 2001. The team for these reviews consisted of Jackie Huggins, Maria Dimopolos and Judy Harrison. This work and the other FVPLS evaluations listed below were contracted by the ATSIC National Office for Legal and Preventative Services. Both evaluations found a very high level of acceptance of the services and utilization of services. The reports indicated that this was major progress against a backdrop in years before when there was a level of community concern about services that would mainly be accessed by Indigenous women (that is, that it might break up families or would increase rates of imprisonment). To the contrary the evaluations found that the services were accepted, they were seen to be doing good work, were working well in community ways and through community networks, and there were calls for more of them in both regions.

The Moree FVPLS was also evaluated by Myriad Consultants with the same team in conjunction with the evaluation of its auspice body, the Kamilaroi Aboriginal Legal Service. This evaluation was conducted in a 2002.

In about 2002, a firm called Success Works (Trish Szirom) was contracted by ATSIC to evaluate the FVPLS in Walgett, Katherine and Geraldton. These reports and the ones mentioned previously could be requested from the services concerned but copies should be held by the area now administering FVPLS in the Attorney-General's Department.

In 2002 the ATSIC National Office for Legal and Preventative Services undertook a program of work with many of the FVPLS to help them develop policies and procedures. This work started with the service in Port Augusta where a model set of policies and procedures was developed in a week long workshop. ATSIC also helped this service to incorporate and prepare a work plan. The model was then used and refined in week long workshops in Armidale (for the Moree service), Mt Isa (for the FVPLS auspiced by the West Queensland Aboriginal Legal Service), Geraldton, and Fitzroy Crossing. Each also developed a work plan and a plan to increase

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capacity to provide services to victims of sexual assault. Judy Harrison was contracted by ATSIC to assist with each of these, starting with the work on the model with the Port Augusta FVPLS.

In 2003, Judy Harrison was contracted by ATSIC Cairns Regional Office to evaluate the FVPLS based in Cairns. The service area for this FVPLS is the Cape. The project included a wider brief to develop a family violence strategy for ATSIC for the Cape. The evaluation involved community consultations on the Cape and in Cairns.

This detailed report was referenced in ATSIC's July 2003 Family Violence Strategy (released nationally). In relation to the FVPLS, the review found that substantial additional resources

were required for the FVPLS because of the size and remoteness of the service area, extreme levels of family violence and high service delivery costs. A message from this review is that funding levels for FVPLSs should be assessed on an individual based - that what may be sufficient for a service with a relatively small operating area (e.g. Moree) will not be sufficient for a FVPLS with a very large one (e.g. the whole of the Cape).

It was a requirement of ATSIC's that all reviews of FVPLS involve substantial community consultations. The extent of those consultations will be apparent in each of the reports referred to above.

Question 4: Outreach Activities

Some Individual CLC's have arrangements which have been established as a result of local community discussions. E.g. Darebin CLC and Victorian Aboriginal legal service provide regular outreach to a drop in centre in the Darebin area an area with a high proportion of Indigenous people.

The program of regional information and education sessions referred to at the Inquiry is being organised by a group of agencies which includes Victorian Aboriginal legal service, Consumer Affairs Victoria, Ombudsmans Office, Office of Public Advocate the Dispute Settlement Centre, Equal Opportunity Commission and the Energy and Water Ombudsman.

The program is a response to the fact that many Indigenous people are unaware of their rights and entitlements. Unfamiliarity with the law and dispute resolution processes together with low literacy and low confidence means many Indigenous people lack access to many civil rights.

The model is premised on recognising that regular regional information provision is better than one off, that integrating how information is provided avoids duplication and is more community friendly. It is also premised on the idea that it is better to have one achievable program rather than six organisations all struggling to find enough resources to run their own

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education programs.

The forums will include descriptive information about the organisations involved, case studies which highlight success and case studies which highlight the way various services separately, together or sequentially might assist in resolving a problem.

The forums will be an opportunity for community members and service providers to ask questions and raise issues. There will also be time at the end of the session for people to follow with individual speakers on specific matters. All the providers are also working on a common referral protocol.