

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT**

Group 2

Program 1.5

Question No. 21

Senator Wright asked the following question at the hearing on 24 February 2014:

Senator WRIGHT: Thank you for that. To what extent has the government made reference to NATSILS's submissions to government? NATSILS has made submissions at different times in relation to Indigenous law, policy and law reform.

Mr Fredericks: This department will always take into account submissions that are received.

Senator WRIGHT: So are you confirming that NATSILS has in fact made submissions at different times in relation to Indigenous law, policy and reform?

Mr Manning: That is my understanding. I have only been in this position since the end of November, but I have met with NATSILS recently. They explained to me that they have made numerous submissions on different topics.

Senator WRIGHT: All right. I ask you to take on notice the submissions they have made over the last five years in terms of the area we have just been discussing.

Mr Wilkins: You mean just in relation to legal assistance?

Senator WRIGHT: In relation to Aboriginal law, policy and reform issues.

Mr Wilkins: That is what I thought. I am not sure I can do that. The department of the environment, for example, would have received submissions. I do not think I am going to go and ask them.

Senator WRIGHT: I would imagine it would generally be about law given that it is Aboriginal and Torres Strait Islander Legal Services, but perhaps we will confine it to the areas of law reform and policy affecting Indigenous people.

Mr Wilkins: But I think it is law reform and policy across government. I am not going to be able to answer that any time soon.

Senator WRIGHT: What do you think you could answer, then?

CHAIR: With respect, five years seems to be an unreasonable call upon the department.

Senator WRIGHT: I would ask the department to put that to me if that is the case. I am interested in knowing and understanding—and I think you can understand where my question is coming from—what services, value and things have been obtained from this organisation and the nature of that. It is not just some general, 'Yes, they've made numerous submissions' but what submissions and how often. The question then will be: if they are not able to continue to make those submissions, where will the government receive that unique view about the implications of changes to law on Aboriginal people in the legal sector.

CHAIR: I am not going to even allow that question. We are short of time. If they are rejected from making submissions—

Senator WRIGHT: They are not. This is a reasonable question to ask.

CHAIR: It is hypothetical.

Senator WRIGHT: No, it is not. I am asking specifically what submissions NATSILS has made in the area of, let's say in relation to—

CHAIR: You have asked that, and it has been taken on notice.

Senator WRIGHT: I am not sure that it has, because you have suggested that they have said no.

Mr Wilkins: It has not been taken on notice.

Senator WRIGHT: Do you understand the question?

Mr Wilkins: I do, and I do not think it is a tractable question, with all due respect. I am happy to look at my own department to see what submissions they have made to my department—

Senator WRIGHT: Thank you. That would certainly be of assistance

Mr Wilkins: but not the whole of government.

Senator WRIGHT: All right. Thank you for clarifying that. I am happy to have that discussion about what is reasonable and what is not.

The answer to the honourable senator's question is as follows:

National Aboriginal and Torres Strait Islanders Legal Services (NATSILS) was established in 2007. A search of the department's records management system has provided the following list of submissions made to the department since their establishment:

Title	Date
Comment on the Access to Justice Taskforce's Report 'A Strategic Framework for Access to Justice in the Federal Civil Justice System'	November 2009
Australia's Universal Periodic Review	April & June 2010
Proposal to the Commonwealth Attorney-General for the establishment of a National Aboriginal and Torres Strait Islander Dispute Management Service	November 2010
National Human Rights Action Plan: Background Paper	February 2011
The Right to a Fair Trial – A Submission to the Commonwealth Attorney-General Regarding the Expansion of Aboriginal and Torres Strait Islander Interpreter Services	March 2011
National Human Rights Action Plan Draft Baseline Study	August 2011
Australia's Fifth Report under the Convention against Torture	November 2011
The Consolidation of Commonwealth Anti-Discrimination Laws	February 2012
National Human Rights Action Plan Exposure Draft	March 2012
Australia's Draft 5 th Report to the UN Committee against Torture	November 2012
Senate Legal and Constitutional Affairs Committee of Inquiry into Justice Reinvestment in Australia (Copied to AGD)	March 2013