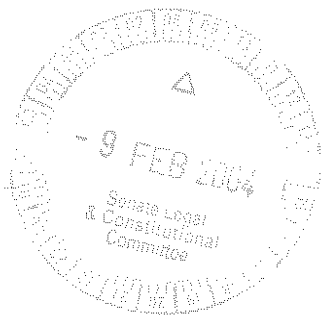




Circular Head Aboriginal Corporation

28th January 2003

Senator the Hon Nick Bolkus
Parliament House
CANBERRA ACT 2600



Dear Senator Bolkus

Re: Inquiry into legal aid and access to justice

Thank you for your letter of 23 December 2003. Following is the feedback from the questions from the Circular Head Aboriginal Corporation.

Notice of concern

It appears that funding for legal aid for all indigenous services in Tasmania are channelled through the Tasmanian Aboriginal Centre. Because of their particular way of identifying Aboriginality this excludes approx 80% of Aboriginal people with in the state. The Circular Head Aboriginal Corporation is funded by and accepted by ATSI. We run programs for Aboriginal people funded by the commonwealth government. We run a Youth Justice program, funded by ATSI, it is therefore essential that we have access to legal services. Our Family based care program, funded by DHHS, it is necessary to access legal services due to family violence issues.

Q1 Are you satisfied with availability of lawyers on your community? If not, why? How do you thin services could be improved?

A1 NOT SATISFIED – The Circular Head Aboriginal Corporation is deemed not to meet Aboriginality identification requirements as per the Tasmanian Aboriginal Centre in Burnie Tasmania.

Aboriginal legal aid is refused to the Circular Head Aboriginal Corporation.

The Tasmanian Aboriginal Centre holds all available funding to service Indigenous communities in Tasmania for legal aid.

The total amount of funding for legal aid to indigenous people in Tasmania MUST be distributed on an equal basis, rural remote and city.

Q2 Are you satisfied with quality of legal advice and representation provided by legal services in your community? If not, why?

A2 Yes – with the wider legal aid service.

No – Not with the Aboriginal legal aid services. Ongoing Aboriginal identification issues from the Tasmanian Aboriginal Centre stop availability of Aboriginal legal aid serves to wider Aboriginal communities including the Circular Head Aboriginal Corporation.

Q3 Does your community have access to legal advice by telephone? Is this service used? Is it useful?

A3 Aboriginal legal aid advice is not available by telephone to the Circular Head Aboriginal Corporation or its members.

Legal aid advice for members, by telephone, has been sought through the legal aid service provided by the Tasmanian Aboriginal Centre in Burnie, but has been refused because of identification issues generated from that organisation.

Q4 Do you think the lawyers who attend your community have sufficient awareness of relevant cultural matters, or would more training assist? Can you give examples?

Q4 No Aboriginal lawyers are available or have attended the Circular Head Aboriginal community.

Q5 Do circuit courts (magistrates or higher level courts) visit your community on regular basis? How often does this happen? Do people have access to lawyers before the magistrate or judge visits, or only on the same day?

Q5 The magistrates court sit in the Circular Head area every two months.

Only general legal aid is available, some prearranged, some same day (at some cost).

No Aboriginal legal aid is available, due to Aboriginal identification issues generated from the Tasmanian Aboriginal Centre in Burnie who manage legal aid funding.

Q6 If a person is held in custody awaiting a court appearance – what lengths of time will that person generally need to wait until court?

Q6 Persons from the Circular Head Aboriginal community who are held in custody awaiting court appearances are held in Burnie, Launceston or Hobart.

No Aboriginal legal aid is available to members of the Circular Head Aboriginal community.

Court waiting times for the people involved is short.

Q7 Are interpreters needed in your community to assist people whose first language is not English? Are interpreters used during (a) consultations with lawyers and (b) court appearances? How frequently does this happen? Should there be more interpreters? Is more training needed?

Q7 No

Q8 Are lawyers available to assist in all criminal matters in your community? Are legal advice and/or legal representation available in non-criminal matters, such as family law or civil cases? Is there a need for more legal advice and representation in non-criminal matters?

Q8 Aboriginal legal aid is not available to the Circular Head Aboriginal Corporation; all legal aid for Indigenous legal aid is managed by the Tasmanian Aboriginal Centre in Burnie.

Q9 Where family violence has occurred, do all parties have access to legal advice and representation? Or is that only provided for the person who is charged with an offence? Are there sufficient services for the person who has been assaulted?

Q9 No Aboriginal legal aid is available to the Circular Head Aboriginal Corporation in regard to family violence matters because of the distribution of Tasmanian legal aid funding.

Should you have any queries please do not hesitate to contact me at the CHAC office on (03) 6452 1287.

Yours sincerely


GRAEME HEALD
CHAIRPERSON

gh/nc