

FAXED
16/4/04



Ms Louise Gell
Secretary
Senate Legal and Constitutional References Committee
Parliament House
Canberra ACT 2600

April 13th 2004

Dear Ms Gell,

The Western Suburbs Legal Service (WSLS) is a community service with 25 year's experience in a range of legal services. As such WSLS wishes to fully support the submissions and recommendations to the Senate Committee from the Victorian Aboriginal Legal Service and from the National Association of Community Legal Centres.

In particular WSLS stresses and wishes to draw the attention of the Senate Committee to the following:

1. There has been no consultation with relevant Aboriginal organisations, undermining the very cornerstone of self-determination.
2. The proposals are a bureaucratic formula with no stated rationale, inspired by the present government's retrogressive mainstreaming of Aboriginal services whereby some groups will continue to be more equal than others.
3. Contestability has been privileged over cultural specificity as any reference to Indigenous management or control has been removed.
4. The proposed tendering process will exclude the current organisations to the extent that they will be unable to effectively tender.
5. The proposals appear to be aimed at attracting white, "for profit" legal services. These services will have had little or no experience in this area.
6. This being the case, the resources, expertise and accumulated experience and good will of the Aboriginal legal services will be lost, and
7. Aboriginal clients will be loathe to use these services.
8. The other services and initiatives of the current Aboriginal legal services such as research, preventative education programs and social justice reform as detailed in the VALS submission will not be carried out in future.

9. The proposal to lower the priority of criminal cases and to exclude clients after one criminal case (other instances of no consultation) is aimed not only at shifting the responsibility for these cases away from the Commonwealth (which legally has responsibility for Aboriginal matters) onto the States, but is aimed

10. also at restricting the rights and access to legal services of Indigenous people, leading to increased incarceration. This flies in the face of the findings and recommendations of the Royal Commission into Aboriginal Deaths in Custody.

WSLS hopes that the Senate Committee takes into account our strong opposition to the proposals.

Yours sincerely,



Western Suburbs Legal Service Inc.

Per: Helen Yandell