

OPEN LETTER

Next Government must honour almost 50 year commitment to Aboriginal & Torres Strait Islander Legal Services

18 April 2019

Dear Attorney-General Christian Porter and Shadow Attorney-General Mark Dreyfus,

We, the undersigned Aboriginal and Torres Strait Islander community-controlled organisations (**ACCOS**) and supporters of First Nations People, write to express our disappointment with the Government's decision to back out of the Federal Government's almost 50-year long commitment to Aboriginal and Torres Strait Islander Legal Services (**ATSILS**) and abandon the Indigenous Legal Assistance Program (**ILAP**).

While ACCOs are becoming increasingly familiar with governments promising one thing, then doing another, this is a surprising and disappointing move.

It is surprising because there is an [independent report](#) that highlights the importance of Aboriginal and Torres Strait Islander Legal Services and of retaining a stand-alone Commonwealth program that supports them (#1 recommendation). The report says that ATSILS are effective, efficient, culturally safe and the preferred legal services providers of our communities alongside Family Violence Prevention Legal Services.

It is disappointing, not least because the Federal Government has been committed to and responsible for the funding and administration of ATSILS since their inception almost 50 years ago. This began after the 1967 Referendum in recognition of the **Commonwealth's special responsibility** for Aboriginal and Torres Strait Islander people. It is important to retain this **Commonwealth leadership**.

The next government must implement the #1 recommendation of the Report and retain the ILAP – the only Commonwealth program to specifically address the disadvantage of Aboriginal and Torres Strait Islander people in the justice system, and which funds the invaluable legal services provided by ATSILS.

Last month, the Government proudly [committed to working in genuine partnership with Aboriginal and Torres Strait Islander people](#) on Closing the Gap. Yet this decision to abandon the ILAP will broaden the justice gap.

Our people have the highest incarceration rates in the world. This decision will devastate our communities who access our services and threatens the self-determination and continuation of ATSILS. ATSILS provide much needed legal services, challenge discriminatory laws, develop public policy options, represent families whose loved ones have died in custody, run holistic wrap-around support programs, help victims of crime, keep families together and address the root causes of contact with the justice systems including health, housing, poverty, disability, discrimination and more. ATSILS provide services that literally save lives – like the [custody notification services](#) – and are educating the next generation through innovative community legal education initiatives based on local community need.

We acknowledge that as part of the decision to disband ILAP, the current Government has overturned planned funding cuts to ATSILS and provided some small increases to funding in future years. These great steps are undermined by the decision to get rid of the ILAP.

While ATSILS do not solve all the problems, they are a critical part of the solution. All evidence and research show that working in partnership with Aboriginal and Torres Strait Islander people and ACCOs is the best way forward. The Federal Government should honour its long-standing commitment, keep ILAP and adequately fund ATSILS to close the justice gap.

We call on the next government to urgently overturn this decision to abandon ILAP and instead retain a standalone Commonwealth program that supports the ATSILS and the communities they serve.

Yours sincerely

Aboriginal and Torres Strait Islander Legal Services (Qld)
Aboriginal Executive Council (Vic)
Aboriginal Health Council of WA
Aboriginal Legal Service of WA (Ltd)
Aboriginal Legal Services ACT/NSW
Aboriginal Legal Rights Movement (SA)
Aboriginal Peak Organisations NT
ACT Council of Social Service
Alcohol and Other Drug Consumer & Community Coalition
Alice Springs Youth Accommodation and Support Services Inc
Alliance for Family Preservation and Restoration
Amnesty International Australia
Anglicare NT
ANTaR
Australian Council of Social Service
Australian Council of Trade Unions
Australian Human Rights Institute, UNSW
Australian Indigenous Alpine Sport Association
Australian Lawyers for Human Rights
Australian Youth Affairs Coalition
Change the Record
Circular Head Aboriginal Corporation
cohealth
Colour Code
Community Legal Centre Tasmania
Community Legal Centres Association (WA)
Community Legal Centres NSW
Community Legal Centres Queensland
ConnectGroups
Consumer Action Law Centre
Criminal Lawyers Association of the Northern Territory
Dawn House Incorporated (Darwin)
Democracy in Colour
Department of Education and Training
Drummond Street Social Services
Eastern Community Legal Centre Inc.
Elizabeth Evatt Community Legal Centre
Ethnic Communities Council of WA Inc
Family Matters Campaign
Family Violence Legal Service Aboriginal Corporation (SA) (FVLSAC)

Federation of Community Legal Centres
First Nations Workers Alliance
First Peoples Disability Network Australia
Fitzroy Legal Service
Gap Youth and Community Centre
GetUp!
Grata Fund
Greenpeace Australia Pacific
Health Consumers Council (WA) Inc
Human Rights Law Centre
Hume Riverina Community Legal Service
Hunter Community Legal Centre
Inner Melbourne Community Legal
Jesuit Social Services
Just Reinvest NSW
Justice Reinvestment SA (JRSA)
Koori Youth Council
Kungari
Law and Advocacy Centre for Women
Liberty Victoria's Rights Advocacy Project
Limestone Coast Community Justice Centre
National Aboriginal and Torres Strait Islander Legal Services
National Aboriginal Community Controlled Health Organisation
National Association of Community Legal Centres (NACLC)
National Congress of Australia's First Peoples
National Council of Single Mothers & their Children Inc
National Family Violence Prevention Legal Services Forum
North Australian Aboriginal Justice Association
Northern Land Council
Northern Territory Council of Social Service
NSW Council of Social Service
Oxfam
People With Disabilities (WA) Inc
QCOSS
Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP)
Reconciliation NSW
Reconciliation Victoria
Reconciliation Western Australia
Redfern Legal Centre
Research Unit, Jumbunna Institute, University of Technology Sydney

Riverland Community Justice Centre
Save the Children Australia
Save The Children Western Australia
Shelter WA
Sisters Inside
SNAICC
Social Reinvestment WA
South Australian Council of Community Legal Services
South Australian Council of Social Service
Southern Aboriginal Corporation
Southern Community Justice Centre
St Vincent de Paul Society National Council
Tasmanian Aboriginal Community Legal Service
TEAR Australia
The Bridge of Hope Foundation Inc
The Kimberley Foundation
The Shopfront Youth Legal Centre
UNICEF Australia
Victorian Aboriginal Legal Services
WA Association for Mental Health
WACOSS
Weave Youth and Community Services
Whitelion Youth Agency
Youth Action
Youth Affairs Council of Western Australia
Youth Affairs Council Victoria
Youthlaw