

FACTSHEET

Funding Cuts to Aboriginal and Torres Strait Islander Legal Services

What are Aboriginal and Torres Strait Islander Legal Services?

Aboriginal and Torres Strait Islander Legal Services (ATSILS) are culturally competent legal assistance services for Aboriginal and Torres Strait Islander peoples that have been in existence for over 40 years. ATSILS' core services are providing frontline culturally competent legal assistance services in criminal, family and civil law. In addition to this, ATSILS also undertake community legal education, advocacy and law reform activities and prisoner through-care programs. ATSILS are the experts on the delivery of effective and culturally competent legal assistance services to Aboriginal and Torres Strait Islander peoples.

The peak national body for ATSILS is the National Aboriginal and Torres Strait Islander Legal Services (NATSILS). NATSILS plays a critical role in supporting its members to increase organisational capacity, create strong governance structures, identify, share and implement best practice within service delivery and provide greater strategic direction. NATSILS also has the ability to provide informed insights into national trends in regards to access to justice and Aboriginal and Torres Strait Islander peoples.

How are Aboriginal and Torres Strait Islander Legal Services funded?

All individual ATSILS, as well as NATSILS, are solely funded by the Commonwealth Attorney-General's Department under the Indigenous Legal Aid and Policy Reform Program.

What funding cuts has the Australian Government announced?

On Tuesday 17 December 2013, Treasurer Joe Hockey announced in his Mid-Year Economic and Fiscal Outlook that \$43.1m was to be cut across the legal assistance sector over the next four financial years. The Attorney-General's Department has since confirmed that \$13.41m will be cut from the Indigenous Legal Aid and Policy Reform Program between the 2013-14 and the 2016-17 financial years. The Government has stated that these cuts are aimed at defunding law reform and advocacy activities.

What impact will these cuts have?

Under these funding cuts, the very small amount of funding provided to NATSILS will be cut, essentially meaning that it will be defunded, and the remaining funding cut will be spread across individual ATSILS. How the funding cut will be spread across ATSILS and how such will be implemented is not clear.

The Government has made it clear however, that the funding cuts are aimed at directly targeting NATSILS and individual ATSILS ability to undertake law reform and advocacy work. This targets our ability to work with Governments to address the underlying causes of why Aboriginal and Torres Strait Islander peoples are so disproportionately represented in our justice system. There is no one else to fulfil this role if we are prohibited from doing so.

ATSILS's position as the key legal assistance service provider to Aboriginal and Torres Strait Islander peoples places us in a unique position to be able to engage meaningfully and beneficially as partners with government at the Commonwealth, State and Territory level and provide strategic and well informed advice to government in the development of effective law and justice policy. Governments at the State, Territory and Commonwealth levels frequently reach out to NATSILS and ATSILS for professional advice and essential frontline information to inform and assist in the development of effective laws, policies and programs. NATSILS and ATSILS are well placed to respond to such requests with evidence based information and advice that reflects the 'on-the-ground realities' within the justice sector more broadly. We have a reputation for providing considered, constructive advice based on our frontline experience engaging with Aboriginal and Torres Strait Islander communities and providing crucial insights and case studies that would not otherwise be available to Government. Importantly, law reform and advocacy also identifies opportunities where government can more efficiently address systemic issues within the justice system, rather than dealing with such on a more costly case by case basis.

Without the law reform and advocacy work undertaken by NATSILS and ATSILS, governments around Australia will have no access to informed, evidenced based frontline advice in regards to the effectiveness of the justice system. Justice related costs are spiralling out of control around Australia, and removing the ability of frontline services to provide government agencies with accurate policy advice will only serve to make our system more ineffective, inefficient and increasingly costly.

Removing funding from any part of the activities of NATSILS and individual ATSILS would be counter-productive. It would result in higher rates of imprisonment, harsher sentences, greater dysfunction within Aboriginal and Torres Strait Islander communities, and a greatly diminished capacity to identify and manage the issues that contribute to this dreadful cycle. These consequences translate to a real cost for government. That cost would surely far exceed the short-term savings that would be achieved from the announced funding cuts.

Will the cuts affect "frontline" services?

As confirmed by the Commonwealth Attorney-General's Department during recent Senate Estimates hearings, the funding of ATSILS cannot be easily separated between 'frontline' service and 'policy' activity. Law reform and advocacy is undertaken within ATSILS by a range of staff. Rather than having full time staff solely focused on law reform and advocacy, it is more often the case that such activities are undertaken by staff in combination with numerous other responsibilities such as community legal education or by solicitors, managers and Principal Legal Officers in addition to their main roles. For this reason, implementing the announced funding cuts cannot simply be done by removing dedicated law reform and advocacy positions. Given how law reform and advocacy work is shared amongst multiple people with responsibility for areas of frontline services, the implementation of the announced funding cuts will necessarily mean that cuts to frontline service delivery will have to be made. To date, no information has been provided by the Commonwealth Attorney-General's Department as to how the announced funding cuts will be applied across different ATSILS.



What can you do?

Contact the following people to express your concern and call for the cuts to be reversed:

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Hon Tony Abbott MP
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You can email the Prime Minister at <http://www.pm.gov.au/contact-your-pm>

(02) 6277 7700

Or contact your local representative which you can find at
[http://www.aph.gov.au/Senators and Members](http://www.aph.gov.au/Senators_and_Members)