

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 policy activities.

What impact will these cuts have?

Under these funding cuts, NATSILS will be completely defunded and all Law Reform and Policy Officer positions within each ATSILS will also be cut.

The funding cuts directly target NATSILS and individual ATSILS 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 they are prohibited from doing so.

Without a national peak body and Law Reform and Policy Officers within each 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. ATSILS Law Reform and Policy Officers often perform the dual role of also developing, coordinating and delivering community legal education programs to Aboriginal and Torres Strait Islander communities. This work is directly targeted at improving Aboriginal and Torres Strait Islander peoples understanding of the law, how to avoid contact with the justice system, as well as their rights within the system and how to resolve legal problems early before they escalate into more serious matters.

Furthermore, the fact that most ATSILS only have one Law Reform and Policy Officer position means that in order to reach the level savings announced by the Government ATSILS will have to make wider cuts to service delivery. Hence, it is not accurate to say that these cuts will only impact law reform and policy activities and will not impact on “frontline” services. These cuts will mean less access to culturally competent legal assistance services to Aboriginal and Torres Strait Islander peoples and inevitably, higher incarceration rates.

What can you do to help?

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

Hon George Brandis QC
Commonwealth Attorney-General

PO Box 6100
Senate
Parliament House
Canberra ACT 2600

senator.brandis@aph.gov.au

(02) 6277 7300

Hon Joe Hockey MP
Commonwealth Treasurer

PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

J.Hockey.MP@aph.gov.au

(02) 6277 7340

Hon Tony Abbott MP
Prime Minister

PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600



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