



THE LAW SOCIETY
OF NEW SOUTH WALES

Our Ref: IIC:EEgm1768620

6 September 2019

The Hon. Mark Speakman SC MP
Attorney General
GPO Box 5341
SYDNEY NSW 2001

Dear Attorney,

Funding changes to the Indigenous Legal Assistance Program (“ILAP”)

We write regarding the 2019-2020 Commonwealth Government’s Budget commitment to a new Legal Assistance Package (“LAP”). We write on behalf of our Indigenous Issues Committee to emphasise the importance of maintaining separate funding for Indigenous legal services. We note that this is a Commonwealth decision and that the Law Council of Australia is pursuing similar advocacy at the Federal level. We are writing to you, however, to ensure the NSW Government is aware of the ramifications of the changes to the Commonwealth Budget, and to inform NSW Government negotiations with the Commonwealth for the development of the single National Mechanism to deliver legal assistance funding.

The Law Society supports the recommendations of the independent *Review of the Indigenous Legal Assistance Program 2015-2020* and we note the primary recommendation of that review: *“To facilitate a sustainable, community-controlled Indigenous legal assistance sector, Commonwealth Government funding should continue to be delivered through a standalone, specific purpose funding program with minimum five-year funding terms.”*

We recognise that under the LAP the total baseline Commonwealth funding for Legal Aid Commissions, Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services (“ATSILS”) will be increased. However, uncertainty remains as to the amount of actual funding that will flow to ATSILS. We understand that funding for Indigenous legal services will only be quarantined for five years, which may undermine the security of the future funding of ATSILS.

While we await the release of further details, we are concerned that the effectiveness of ATSILS could be put at risk under the LAP through any funding delays or a lack of funding certainty over the longer term. The ILAP Review observed that ATSILS provide a significant percentage, sometimes the majority, of legal advice services in local criminal courts in regional and remote communities. In the view of our Committee members, without ATSILS, some courts would be unable to function, or would function much less efficiently.

If you have any queries relating to this letter, please contact Georgina McArthur, Policy Lawyer, on (02) 9926 0275 or email Georgina.Mcarthur@lawsociety.com.au.

Yours sincerely,

Elizabeth Espinosa
President

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