



NATSILS

National Aboriginal and
Torres Strait Islander Legal Services

TRUE JUSTICE FOR OUR PEOPLE

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Aboriginal legal services vindicated by government review recommending significant funding increase

After months of sounding the alarm on a funding crisis, Aboriginal and Torres Strait Islander Legal Services are vindicated today by the findings of an independent review of the legal assistance sector commissioned by government.

Independent reviewer Dr Warren Mundy recommended that governments significantly increase investment in Aboriginal and Torres Strait Islander Legal Services as part of greater investment in the sector. Dr Mundy found that government funding arrangements must deliver better justice outcomes for Aboriginal and Torres Strait Islander peoples and embed Closing the Gap commitments which has been done poorly to date.

“NATSILS will be reviewing the report in detail, but it’s immediately clear this is a vindication of what we’ve been saying all along. Our government resourcing is totally inadequate and doesn’t come close to meeting the legal needs of Aboriginal and Torres Strait Islander people, which is an affront to justice and an obstacle to Closing the Gap,” said Karly Warner, Chair of National Aboriginal and Torres Strait Islander Legal Services (NATSILS) – the peak body representing Australia’s seven state and territory-based Aboriginal and Torres Strait Islander Legal Services.

Dr Mundy reviewed Commonwealth funding for legal assistance, including the National Legal Assistance Partnership (NLAP), the intergovernmental agreement that governs funding to Aboriginal and Torres Strait Islander Legal Services, Legal Aid Commissions, and Community Legal Centres.

Almost three months after the review’s delivery to government, today it has been released to the public ahead of negotiations on the next legal assistance sector funding agreement to take effect from 2025.

Dr Mundy’s key findings include:

- Current funding for Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services is insufficient to service the legal needs of Aboriginal and Torres Strait Islander peoples;
- The current funding framework has failed to deliver on Closing the Gap, and governments including states and territories must be held accountable to progressing outcomes;
- The legal need of Aboriginal and Torres Strait Islander peoples is the highest of all priority groups under the NLAP funding framework.

The Commonwealth Attorney-General’s Department has indicated that governments will not provide a response to the report, which is disappointing in light of calls for greater accountability, including in the Productivity Commission’s recent review of Closing the Gap.

NATSILS is now calling on all governments to implement Dr Mundy’s recommendations in partnership with Aboriginal and Torres Strait Islander Legal Services to ensure all Indigenous communities have access to adequately funded legal assistance services. Negotiations and planning from the outset need to be consistent with Closing the Gap principles. An implementation roadmap is needed to provide clarity and certainty for people needing legal help, including those accessing legal help due to family and domestic violence, discrimination, housing, child protection, rising costs of living and more.

“This is a critical test of Australian governments’ genuineness in their Closing the Gap commitments. They have agreed to set out a future where decisions impacting the lives of Aboriginal and Torres Strait Islander people are made in full partnership with our people,” Ms Warner said.

“Right now, Aboriginal and Torres Strait Islander Legal Services do not have nearly enough resources to meet our communities’ need for help.

“Introducing a fair and needs-based funding model for Aboriginal and Torres Strait Islander Legal Services is required to ensure all of our people have access to culturally safe legal assistance. This is a crucial step towards Closing the Gap in adult and child incarceration, child removals, family violence, and deaths in custody,” Ms Warner said.

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References:

The NLAP Review can be found here: <https://www.ag.gov.au/legal-system/publications/independent-review-national-legal-assistance-partnership-2020-25>