



AUSTRALIAN
LAWYERS
FOR
HUMAN RIGHTS

PO Box A147
Sydney South
NSW 1235
www.alhr.org.au

5 May 2023

The Hon Mark Dreyfus KC, MP, Attorney General

CC: The Hon Linda Burney MP, Minister for Indigenous Australians

Sent via email only: attorney@ag.gov.au linda.burney.mp@aph.gov.au

Dear Attorney-General,

RE: Aboriginal and Torres Strait Islander Legal Services national funding crisis

Australian Lawyers for Human Rights (**ALHR**) writes to express our profound concern at the human rights impacts of the funding crisis leading to service freezes at Aboriginal and Torres Strait Islander Legal Services (**ATSILS**) across the country.

ALHR urges you to take immediate action to prevent or reverse this unacceptable situation and protect culturally safe access to justice for Aboriginal and Torres Strait Islander people.

ALHR is a committed ally of all ATSILS services across Australia. These services play an absolutely indispensable role in the provision of high quality, culturally safe frontline legal services that work to protect the fundamental human rights of First Nations Australians.

The ATSILS Funding Crisis is a Human Rights Crisis

Access to justice is an internationally recognised human right and indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

ATSILS are facing an unprecedented workload crisis. The total demand for their services has almost doubled in less than five years but, alarmingly, core funding from the Commonwealth has declined in real terms.

The Aboriginal Legal Service (NSW/ACT) Limited has been forced to freeze criminal law services beginning 15 May at thirteen Local Courts in New South Wales. All other ATSILS around Australia are experiencing similar challenges and are being forced to make difficult decisions to freeze or cancel core services - services that save lives.

ALHR urges you to consider the reality that service freezes or closures will have very serious

human rights consequences for Aboriginal and Torres Strait Islander people who rely on ATSILS to have any chance of equal access to justice.

To our national shame, Aboriginal and Torres Strait Islander people are, per capita, the most imprisoned people on the planet and ten times more likely to die in custody than the general population. First Nations women are the fastest growing prison population in Australia. First Nations children are grossly overrepresented in Australia's criminal justice and care and protection systems. Culturally safe access to legal representation and advice is a fundamental cornerstone of work to close these gaps, and prevent them from widening.

Service freezes risk disastrous human rights outcomes, including increased family violence and child removal, unjust incarceration, and deaths in custody.

This could all be prevented by the Federal Government.

An Emergency Funding Package is Needed Now

This is a nationwide, systemic crisis of government undervaluing the essential work of ATSILS. It can only be resolved with emergency funding, complemented by a sector strengthening plan for ensuring the ongoing sustainability of culturally safe legal services for Aboriginal and Torres Strait Islander people.

ALHR strongly supports the national peak body NATSILS and all ATSILS calls for an immediate joint \$250 million emergency support package from the Federal Government.

This package entails a \$54 million '*ATSILS Workforce Continuity Fund*' to be delivered over the next six months to immediately resource additional external support where Aboriginal Legal Service lawyers are unable to reach clients and to start recruitment for new permanent staff; and \$196 million over the 2023-2024 and 2024-20225 financial years in order to simply maintain current levels of service and prevent service freezes.

The provision of this crisis funding absolutely cannot wait until after the expiration of the National Legal Assistance Partnership and its subsequent review. It is needed right now to meet the legal needs of some of Australia's most vulnerable communities.

ALHR notes that the Federal Government has recently committed \$368 billion for submarines and \$17.7 billion for tax cuts that primarily benefit the most economically advantaged people in Australia.

The Federal Government of a developed Western liberal democracy that is genuinely committed to listening to the voices of its First Nations peoples, to Closing The Gap, to upholding human rights and equally valuing the inherent equal dignity and worth of all Aboriginal and Torres Strait Islander people, can afford to invest \$250 million in saving ATSILS frontline services.

ALHR calls on the Federal Government, in the strongest possible terms, to urgently deliver a joint \$250 million emergency support package so that our ATSILS can continue to provide indispensable, life saving, legal services.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Kerry Weste', is positioned above the typed name.

Kerry Weste,

President, ALHR

president@alhr.org.au

Australian Lawyers for Human Rights (ALHR) acknowledges the traditional owners and custodians of the lands on which we work across Australia as the first people of this country. We recognise that the land belonging to these peoples was never ceded, given up, bought, or sold. We pay our deep respect to Elders past, present and emerging and express our strong support for the Uluru Statement from the Heart and Voice, Treaty and Truth-Telling. ALHR calls on all levels of government across Australia to comprehensively adopt the United Nations Declaration on Rights of Indigenous People (UNDRIP) in order to protect the human rights of all First Nations Peoples.

About ALHR

ALHR was established in 1993 and is a national association of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and Specialist National Thematic committees. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.