

19 May 2015

Senate Finance and Public Administration Committees  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600



By email: [fpa.sen@aph.gov.au](mailto:fpa.sen@aph.gov.au)

Dear Committee Secretary

### **Commonwealth Indigenous Advancement Strategy Tendering Processes**

Thank you for the opportunity to provide a submission in response to the Senate Public Administration and Finance Committee Inquiry into the Indigenous Advancement Strategy (IAS) Tendering Processes.

The Law Council is the peak body for the Australian legal profession. Through the Law Societies and Bar Associations of the states and territories (the “constituent bodies” of the Law Council), the Law Council represents over 60,000 Australian lawyers.

The Law Council is concerned about the administration of the IAS with respect to Family Violence Prevention Legal Services (FVPLS).

The FVPLS program provides culturally tailored services with the aim of preventing, reducing and responding to incidents of family violence and sexual assault among Aboriginal and Torres Strait Islander people. FVPLS include frontline legal services including advice, representation and casework in the core areas of family violence, child protection, family law and victims of crime assistance. FVPLS also deliver early intervention prevention and community legal education to Aboriginal and Torres Strait Islander communities and people, despite receiving limited funding for these activities.

Until December 2013, the Attorney-General’s Department provided ongoing funding for FVPLS along with other legal assistance services. Funding for the FVPLS is now subject to the IAS’ competitive tendering process and has been moved to the Department of the Prime Minister and Cabinet portfolio.

The Law Council strongly recommends that FVPLS’ direct funding allocation be restored and FVPLS be recognised as a national program. This would ensure certainty for FVPLS clients and staff into the future and facilitate long-term planning to address family violence.

While all FVPLS were successful in receiving funding under the IAS, the majority of funding was provided for just one additional year, before being subsequently extended to two years. There is no guarantee that the majority of FVPLS will be funded in subsequent years and no clarity around whether they will again be required to divert scarce resources

into tendering, to provide the same services for the same level of funding (as occurred in the recently concluded funding announcement).

The Law Council is advised that this has led to significant uncertainty for staff, clients and stakeholders. The Law Council reiterates comments by the National Association of Community Legal Centres that:

Short term funding makes planning and delivering effective services difficult and erodes local community confidence. The FVPLS have had to allocate significant resources away from frontline service delivery to participate in the administratively demanding competitive tendering process under the IAS, that will now need to be repeated in less than 12 months time. This is inefficient and oppressive on busy service providers in this critical and specialist area.<sup>1</sup>

Besides the inefficiency of the process, there is an urgent need for increases in funding for FVPLS. James Cook University Indigenous Legal Needs Project submitted, in response to the Productivity Commission Inquiry into Access to Justice Arrangements that:

There is an urgent need for ATSILS and FVPLS to be provided with increased funding to enable expansion of the work they do in relation to civil and family law matters.<sup>2</sup>

Aboriginal family violence hospitalisation and reporting rates are increasing generating increased demand for FVPLS culturally safe and specialised services. Nationally, Aboriginal women are now hospitalised for non-fatal family violence assaults at 34 times the rate of other women. In addition, family violence is the key contributor to the over-representation of Aboriginal children in the child protection system, and to homelessness among Aboriginal and Torres Strait Islander women.

The Law Council considers it would be send a positive message to indigenous victims of family violence if their essential services were subject to at least the same funding arrangements as other publicly funded legal services.

The Law Council contact in relation to this matter is Nick Parmeter, (02) 62463732, [nick.parmeter@lawcouncil.asn.au](mailto:nick.parmeter@lawcouncil.asn.au).

Yours faithfully



MARTYN HAGAN  
SECRETARY-GENERAL

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<sup>1</sup> See [http://www.naccl.org.au/cb\\_pages/news/MediaReleases.php](http://www.naccl.org.au/cb_pages/news/MediaReleases.php).

<sup>2</sup> See [http://www.jcu.edu.au/ilnp/public/groups/everyone/documents/journal\\_article/jcu\\_132183.pdf](http://www.jcu.edu.au/ilnp/public/groups/everyone/documents/journal_article/jcu_132183.pdf).