



27 October 2023

Dr Warren Mundy
Independent Reviewer of the NLAP
Email: submissions@nlapreview.com.au

Dear Dr Mundy,

I am writing on behalf of the Coalition of Aboriginal and Torres Strait Islander Community-Controlled Peak Organisations (the Coalition of Peaks) concerning the Independent Review of the National Legal Assistance Partnership 2020-2025 (NLAP). The Coalition of Peaks represents over 80 Aboriginal and Torres Strait Islander community-controlled peak organisations and members. Our aim is to reshape the way Australian governments work with and support Aboriginal and Torres Strait Islander people, organisations, and communities, including achieving the commitments made in the National Agreement on Closing the Gap.

In this regard, the Coalition of Peaks strongly endorses the call from the National Aboriginal and Torres Strait Islander Legal Services (NATSILS) for the successor NLAP agreement to significantly increase funding for Aboriginal Community Controlled Organisations, including Aboriginal and Torres Strait Islander Legal Services (ATSILS), Family Violence Prevention Legal Services (FVPLS) and National Family Violence Prevention and Legal Service Forum (NFVPLS). To achieve the commitments made by all levels of governments in the National Agreement, there is an urgent need for governments to make substantial new investments in community-controlled legal services. Failure to provide the necessary resourcing would severely compromise the Commonwealth's ability to fulfill its commitments, including both the Priority Reforms and Socio-Economic Targets.

Implementing the Priority Reforms

Firstly, the delivery of the Priority Reforms across all justice systems requires the next national funding agreement to address the following:

- **Partnerships & Shared Decision-Making (Priority Reform One):** Decades of underfunding have forced ATSILS to direct their limited resources towards vital frontline service provision, at the expense of policy and advocacy capacities. It is therefore imperative for all jurisdictions in the next funding agreement to substantially increase funding for ATSILS independent policy and governance capabilities, to enable ATSILS to enter into genuine justice partnerships with governments, in accordance with Clause 33 of the National Agreement.
- **Strengthening the Community-Controlled Sector (Priority Reform Two):** In recognition of the urgent need to strengthen the community-controlled legal sector, the Joint Council agreed in June this year that the justice sector will be the focus of a national Justice Sector Strengthening Plan. This requires sustained capacity building and investment to expand ATSILS Aboriginal and Torres Strait Islander workforce, achieve wage parity with Legal Aid Commissions, upgrade aging infrastructure, and strengthen organisational governance.
- **Transforming Government Organisations (Priority Reform Three):** New funding arrangements must provide increased resourcing for NATSILS and ATSILS to partner with the government on the structural transformation of justice agencies, including addressing institutional racism and promoting cultural safety.

- **Shared Access to Data & Information (Priority Reform Four):** There is an urgent need to invest in ATSILS' data collection, storage, and analysis capabilities. Further, any new funding frameworks must ensure a stronger focus on meaningful and outcomes-based social and cultural determinants, designed in partnership with the community-controlled sector.

Justice Socio-Economic Targets

Secondly, significant investments in ATSILS, FVPLS and NFVPLS legal practice areas are required to achieve the justice sector socio-economic targets, including enabling the recruitment and retention of qualified staff, expanding legal assistance services in areas of high need, and strengthening multidisciplinary wraparound programs. This includes:

- **Reducing Adult Incarceration (Target 10):** Expanding ATSILS criminal law practices to increase legal assistance for people interacting with the criminal justice system.
- **Reducing Youth Incarceration (Target 11):** Building dedicated children's criminal law practice to support young people and prevent entry into youth detention settings.
- **Reducing Children entering Out-of-Home Care (Target 12):** Increasing care and protection legal practices to better support families navigate the legal system so that families stay together and children avoid being removed from kin and being placed in out-of-home care.
- **Preventing Family Violence (Target 13):** Strengthening culturally appropriate domestic violence prevention legal services, including specific services for women and children experiencing family violence.

Other Socio-Economic Targets

Finally, strengthening community-controlled legal services also underpins the achievement of multiple other socio-economic targets, including:

- **Health and Wellbeing (Targets 1, 2 & 14):** By boosting ATSILS and NFVPLS disability and mental health supports by enhancing referral pathways, and establishing Health Justice Partnerships to drive holistic approaches and prevent minor legal issues escalating into serious ones.
- **Education and Employment (Targets 3, 4, 5, 6, 7 & 8):** By enhancing civil law practices and community legal education to address educational exclusion and employment discrimination, as well as strengthening referral pathways with education and employment providers, especially for those leaving custody.
- **Land, Language, and Culture (Targets 15 & 16):** By increasing community engagement positions, building partnerships with land councils and traditional owner groups, and improving access to cultural programs to better support both children and adults exiting custody to return to community.

The Coalition of Peaks appreciates your consideration of the important issues raised in this letter. We trust that your review will address the critical importance of a strong and appropriately resourced community-controlled legal sector that drives improved justice outcomes for Aboriginal and Torres Strait Islander communities. Should you or the review team like to discuss these in greater detail, my point of contact is Ms Kelly Edwards via email kelly.edwards@naccho.org.au or phone 0428 120 142.

Kind regards,



Patricia Turner
Lead Convenor
Coalition of Aboriginal and Torres Strait Islander Peak Organisations