

Media Release



Federal cuts to worsen high legal need of Indigenous Australians, researchers say

Sunday 8 February 2015 – embargoed until 12.00am, Monday 9 February 2015

Federal cuts to Indigenous legal services and other legal centres will worsen underservicing of high legal need among Indigenous people around Australia according to a recently completed national research project undertaken by the Cairns Institute of James Cook University.

On Monday, researchers Fiona Allison and Professor Chris Cunneen will present findings from the Indigenous Legal Needs Project to an audience of community and legal aid lawyers seeking to improve service delivery to Indigenous people in Victoria in the face of the worsening constraints of chronic underfunding.

‘Since the Victorian research was released in late 2013, a national picture has emerged from five jurisdictions across 32 project sites. That picture shows lack of resourcing feeding underservicing of civil and family law need, which has profound impacts for Indigenous people and leads to further cost to government in criminal justice and other areas,’ said Fiona Allison, Senior Research Fellow with the Cairns Institute of James Cook University.

‘A consistent theme of our findings is high need coupled with the inaccessibility of legal help for Indigenous people. Civil legal problems clearly escalate to criminal matters, so we need to fund both criminal and civil legal help properly,’ Ms Allison said.

In Victoria, the highest incidence of legal problems occurred in housing (42 per cent), credit and debt (32.4 per cent), discrimination (29.2 per cent), and disputes with neighbours (26.7 per cent). The study interviewed 161 community members in 16 focus groups across eight Victorian communities.

The findings also showed an ‘enormity of concern’ with child protection and practices of the Department of Human Services, which interviews strongly suggested did not properly reflect the Charter of Human Rights and Responsibilities and progressive aspects of the State’s child protection legislation, including through a failure to follow procedure. Other problems included lack of independent legal advice around protection orders and lack of judicial oversight.

Aboriginal children are vastly over-represented in the child protection system, with family violence the biggest driver of Aboriginal children being placed in out-of-home care.

‘The Victorian study and the emerging picture from other jurisdictions show the impact of Federal cuts will be heightened for Indigenous people already facing disproportionately high levels of legal need, social and economic disadvantage, and discrimination. Indigenous legal services and community legal centres strive to improve their services, but the Federal cuts go well beyond the limits of efficiencies and improved practices,’ said Liana Buchanan, Executive Officer of the Federation of Community Legal Centres.

‘These Federal cuts are at odds with everything we know about legal need in our communities, and they fly in the face of the findings of the Productivity Commission’s recent Report on Access to Justice Arrangements,’ Ms Buchanan said.

In December 2013, the Federal Government announced \$42 million in cuts from legal assistance services, with further cuts in the May 2014 Federal Budget and growing funding uncertainty for Aboriginal Family Violence Prevention and Legal Service Victoria, Victorian Aboriginal Legal Service, and community legal centres broadly. By 2017–18, community legal centres nationally will have seen a Federal funding reduction of 25 per cent.

The research presentation will be held at 2.00pm on Monday 9 February 2015 in the Victoria Room, Level 4, Queen Victoria Women's Centre, 210 Lonsdale Street, Melbourne.

The research presentation will be followed by four legal services presenting on how community legal centres can improve their service delivery to Indigenous people to complement the vital legal help offered by specialist Indigenous legal services.

Presenting services include:

- Victorian Aboriginal Legal Service*
- Aboriginal Family Violence Prevention and Legal Service Victoria *
- Yarra Ranges Community Legal Centre*
- Seniors Rights Victoria

*Available for media comment

The Indigenous Legal Needs Project is funded by the Australian Research Council. For more information, visit <http://www.jcu.edu.au/ilnp/>

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