

## Aborigines left out in the cold

### *SELLING LABOR'S BUDGET – Legal aid*

*James Eyers*

At the Aboriginal Legal Service in Sydney, the reaction to Tuesday night's budget was severe. By lunchtime on Wednesday, an email had been circulated to all ALS staff in NSW and the ACT, informing them that four family law solicitors would be sacked, a phone service to respond to Aborigines taken into custody would cease, and ALS lawyers would no longer be attending 16 suburban courts in Sydney. While there are many other victims of the government's razor gang, the ALS is feeling the funding freeze particularly acutely, given the years of neglect it faced from the previous government. In NSW, the ALS estimates that rising fuel costs, which affect lawyers travelling vast distances in rural parts of the state to visit clients in remote communities, combined with 4 per cent inflation will result in a funding reduction in real terms of 6 per cent in the 2008–09 year. The chief executives of the ALS branches from all states and territories sought an immediate 30 per cent increase in funding from Home Affairs Minister Bob Debus in January, citing their inability to meet community needs or retain and attract experienced staff. ALS lawyers are paid about 65 per cent of the salaries of government and mainstream legal aid counterparts. Mr Debus indicated there would be no special treatment for the ALS and that the budget would be providing no additional funds. Since the election, the government has provided one-off payments totalling \$4.9 million to the ALS across the country. The Northern Territory ALS received \$1 million to assist with the intervention; the West Australian ALS received about \$800,000 to cater for the large number of sexual assault cases in the Kimberly. But the chief legal officer at the ALS in NSW and the ACT, John McKenzie, said these sums were substantially smaller than one-off payments made to community legal centres (CLC) and legal aid, and that the ALS cutbacks on services announced this week would force more indigenous clients into the CLC and legal aid systems. He said this would result in many indigenous clients becoming more disenfranchised and frustrated with the legal system. "[Indigenous clients] put store in the fact that the lawyers working for the ALS have at least got cultural sensitivity as to what they are like as people in their day-to-day lives," Mr McKenzie said. Prime Minister Kevin Rudd emphasised in his apology to indigenous Australians three months ago the critical importance of creating mutual respect between government and indigenous people. Mr McKenzie agreed this was critical. "Part of the ongoing crisis in Aboriginal affairs is a lack of trust that the government and its agencies are no longer racist. There is a lot of goodwill in the Aboriginal community that this is not the case. But every time there is an incident of ongoing discrimination, they start to question it," he said. Mr McKenzie said that after the election, "there was a real optimism [in the ALS] that we were about to come out into the daylight, but the feeling now is a questioning of whether there is any point to hoping".

#### KEY POINTS

\* The NSW ALS says it has suffered a funding reduction in real terms of 6 per cent in the 2008–09 year.

\* It says Aborigines will become more frustrated with the legal system.

**Comments:**

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