

17 May 2023

The Hon Shannon Fentiman
Attorney-General and Minister for Justice
GPO Box 149
BRISBANE QLD 4001

By email: 

Dear Attorney

Boost Emergency Funding for the Aboriginal and Torres Strait Islander Legal Service

The Queensland Law Society (QLS) writes to urge the Queensland Government to provide critical funding to the Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd (ATSILS Qld).

Aboriginal and Torres Strait Islander Legal Services (ATSILS) across the country have urgently called upon the Australian Government for an emergency package of \$250 million and held an online town hall meeting on 3 May 2023 to highlight the dire impact of insufficient funding on services. The meeting has been recorded,¹ and a petition has been launched to urge the Commonwealth to respond to the funding crisis impacting all ATSILS across the country.²

As you know, QLS is the peak professional body for the state's legal practitioners. We represent and promote over 14,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. QLS also assists the public by advising Government on improvements to laws affecting Queenslanders and working to improve their access to the law.

ATSILS across Australia provide crucial services that meet the needs of Indigenous Australians, who are amongst the most vulnerable in our community and seriously overrepresented in the justice system, particularly in terms of criminal justice.

ATSILS Qld has provided culturally safe, efficient and competent services to facilitate access to justice for First Nations people in Queensland since 1972, a legacy that has exceeded just over 50 years of service to Queensland's First Nations community.

ATSILS Qld has 25 offices throughout Queensland and approximately 260 dedicated staff. It provided 78,000 legal advice, duty law and case work matters in 2022 alone.

ATSILS is renowned as the organisation of choice for First Nations people for legal representation and is best placed to provide culturally safe services to the community.

¹ May 3, 2023 Emergency Town Hall - Fund our Aboriginal and Torres Strait Islander Legal Services
Now <<https://youtu.be/u4Tm61FcxpM>>

² <https://www.alsnswact.org.au/fund-atsils-now>

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Unfortunately, as highlighted in the town hall meeting, ATSILS Qld has had to temporarily suspend some of its services across the state, including in Cairns, Townsville, Brisbane and Strathpine,³ due to increased demands for services and insufficient funding to operate and function to capacity. The temporary closures of some services are predicted to get worse and ATSILS Qld may be forced to permanently stop those services.

Inadequate core funding detrimentally affects staff recruitment and retention and thereby increases overwork and associated workplace health and safety risks for remaining staff members.

We understand from the town hall meeting that ATSILS Qld staff are overworked, underpaid and simply cannot keep up with the increasing demands and necessitating service freezes.

In Cairns, for example, ATSILS is currently nine lawyers short and some staff working on criminal matters have had carriage of more than 1000 files in a 12 month period, which is simply not sustainable.

To prevent ATSILS Qld from permanently suspending some of its services, QLS calls on the Queensland Government to immediately provide increased funding to ATSILS Qld and not wait for the Australian Government, which failed to address this critical issue when handing down its most recent budget last Tuesday.⁴

Waiting for any additional funding to flow after the independent review of the National Legal Assistance Partnership is simply not an option given that vulnerable Aboriginal and Torres Strait Islander Queenslanders will miss out on culturally appropriate legal services in the meantime.

The Queensland Government must take action to prevent ATSILS Qld from permanently closing any of its offices and services. We encourage the Government to work in genuine partnership with ATSILS Qld, in line with the national agreement to Closing the Gap 2019-2029⁵ to provide the critical resources that are required and to ensure sustainable continuation of services to meet the needs of Aboriginal and Torres Strait Islander Queenslanders.

QLS would welcome the opportunity to discuss these concerns with you further. If you have any concerns in the interim, please do not hesitate to contact our Legal Policy Team by phone on [REDACTED]

Yours faithfully

[REDACTED]
Chloé Kopilović
President

³ <https://atsils.org.au/atsils-temporary-service-suspensions-cairns-townsville-brisbane-and-strathpine/>

⁴ <https://www.lawcouncil.asn.au/media/media-releases/funding-for-legal-assistance-services-more-urgent-in-tough-times>. We note important federal investment in some areas, such as Family Violence Prevention Legal Services but there is no recognition of the long term underinvestment in core ATSILS funding.

⁵ https://www.coag.gov.au/sites/default/files/agreements/partnership-agreement-closing-the-gap_0.pdf