



Australian Government

Attorney-General's Department

Indigenous Justice and
Legal Assistance Division

PROGRAM GUIDELINES 2008–09

Legal Aid for Indigenous Australians

Purpose of Funding

For a wide range of reasons, including long-standing disadvantage and ongoing discrimination, Indigenous Australians experience much higher rates of adverse contact with the justice system than other Australians.

The objective of this program is to provide high quality, culturally sensitive, equitable and accessible legal aid and legal aid related services for Indigenous Australians.

Funding Guidelines

(1) LEGAL AID

The Government is committed to providing high quality and effective legal aid services to Indigenous Australians. The objective is to better prioritise and target available resources to ensure that services are responsive to established policy priorities and community needs, and to provide the best possible quality of service to individual clients.

The legal aid service providers in all States and Territories are contracted to provide legal aid services to Indigenous Australians under the *Contract in relation to Indigenous Legal Aid Services* (Contract).

Funding for Indigenous legal aid services is not available through the 2008-09 Common Funding Process.

The Department's *Policy Directions for the Delivery of Legal Aid Services to Indigenous Australians (Policy Directions)* describe the requirements of service providers engaged to provide legal aid for Indigenous Australians. The Department will revise the *Policy Directions* from time to time.

The *Contract* and *Policy Directions* describe the services to be provided, comprising:

- a) information, initial legal advice, minor assistance and referral delivered in an appropriate format
- b) duty lawyer assistance, and
- c) legal casework services including representation and assistance, covering criminal, civil and family law matters.

Performance Measures

Service providers must meet various performance and accountability requirements set out in their contract as described in the *Contract* and *Policy Directions*. These requirements include providing a range of reports on progress against service targets, data collection, service standards audits, performance monitoring, client satisfaction surveys, financial reports and program evaluation and review.

The Department will use the information submitted by service providers to monitor their performance for efficiency, effectiveness and accountability. The Department may conduct regular client satisfaction surveys-in addition to those undertaken by service providers-to obtain an independent measure of the level of client satisfaction with the services provided. Additionally, the Department may conduct effectiveness evaluations and other external performance monitoring activities to assess service providers' compliance with their contractual obligations.

(2) TEST CASES

The Department may provide funding for casework to:

- a) promote the review of laws and administrative practices that have the effect of discriminating against Indigenous Australians
- b) promote the recognition of Indigenous Australians' social, cultural, economic, legal and political rights through the conduct of litigation, and
- c) promote the resolution of inconsistencies and ambiguities in the application of existing laws to Indigenous Australians, or to an identifiable group of Indigenous Australians, through the conduct of litigation.

The Department's *Indigenous Test Case Guidelines* set out the criteria for obtaining funding, the procedure for applying for funding and the conditions upon which funding is granted.

Written submissions for test case funding addressing the *Indigenous Test Case Guidelines* should be directed to:

Assistant Secretary
Indigenous Law and Justice Branch
Attorney-General's Department
Robert Garran Offices
National Circuit
BARTON ACT 2600.

Performance Measures

The Department will measure performance of activities under this sub-program by assessing:

- how the outcomes of the test case have benefited an identifiable sector of Indigenous Australians, rather than a single individual or small subsection or interest group

- the contribution it makes to the review of laws and administrative practices that have the effect of discriminating against Indigenous Australians
- the contribution it makes to the recognition of Indigenous Australians' social, cultural, economic, legal and political rights through the conduct of litigation, and
- the contribution it makes to the resolution of inconsistencies and ambiguities in the application of existing laws to Indigenous Australians, or to an identifiable group of Indigenous Australians, through the conduct of litigation.

Other measures may also be negotiated for individual activities.