



**Aboriginal  
Legal Service**  
(NSW/ACT) Limited

15 August 2024

The Chair  
Joint Select Committee on the NSW Reconstruction Authority  
Parliament of New South Wales

By email: [nswreconstructionauthority@parliament.nsw.gov.au](mailto:nswreconstructionauthority@parliament.nsw.gov.au)

To the Committee Manager

**Joint Select Committee Review of the NSW Reconstruction Authority Act 2022**

Please find below our opening statement to the above Inquiry. We look forward to providing oral evidence in person on Friday 16 August.

Sincerely,

**Jenny Lovric**  
Aboriginal Legal Service (NSW/ACT) Limited

[Redacted signature block]

The Aboriginal Legal Service (NSW/ACT) Limited (“the ALS”) thanks the Committee for the opportunity to attend and address the Inquiry.

The ALS is a proud Aboriginal community-controlled organisation (“ACCO”) that provides culturally safe legal and community services for Aboriginal and Torres Strait Islander adults and children across NSW and the ACT. We operate out of 27 offices in 21 locations and attend 117 courts. We provide legal information, advice and representation in criminal law, child protection and family law, and civil law. We also run bail support for children and vulnerable women, family violence support for women, mental health support, tenancy services, a fines clinic, provide visiting legal services to children in detention and deliver community legal education. We also provide legal support for deaths in custody inquests in the NSW Coroner’s Court and run the life-saving Custody Notification Service for people in custody, which is operational 24 hours a day, 365 days a year.

In addition to our provision of legal services, we are known for our advocacy and law reform work.

The parameters of our input into this Inquiry are framed around the role of Aboriginal Community-Controlled Organisations like the ALS to provide culturally safe services, acknowledging that Aboriginal and Torres Strait Islander community-control is an act of self-determination. This right to choose and access ACCOs is in line with Priority Reform 2 of the National Agreement on Closing the Gap, under which:

*“The Parties acknowledge that Aboriginal and Torres Strait Islander community-controlled services are better for Aboriginal and Torres Strait Islander people, achieve better results, employ more Aboriginal and Torres Strait Islander people and are often preferred over mainstream services”.*

The ALS is also a member of the Coalition of Aboriginal Peak Organisations (“CAPO”), and through CAPO we are working in formal partnership with the NSW Government on the National Agreement on Closing the Gap (“CTG”). The ALS is co-lead with the NSW Department of Communities and Justice on the Aboriginal Justice Partnership Committee (“the AJPC”) as the key decision-making group providing strategic oversight of CTG reforms across the NSW law and justice sector.

The Priority Reforms in the National Agreement on CTG are the levers under which the socio-economic targets under the National Agreement are to be achieved. This includes shared decision-making (Priority Reform 1), building the Aboriginal community-controlled sector (Priority Reform 2), transforming mainstream institutions (Priority Reform 3) and improving access to local relevant data (Priority Reform 4).

Despite these commitments under the National Agreement on CTG, the ALS receives very limited funding from the NSW Government for its legal and support services – and we receive no funding for disaster recovery legal work. Disaster recovery legal services funding is instead provided to Legal Aid NSW, and Community Legal Centres.

The ALS received some Commonwealth funding via the NSW Government for legal services following the 2019-2020 South Coast bushfires. We used these funds to partner with other ACCOs in the region, and bolster our partnership with Waminda, an Aboriginal community-controlled women’s health service.

We note the submissions to this Inquiry, and previous submissions, findings and recommendations of other disaster-related Inquiries, including the 2022 NSW Flood Inquiry pointed to the need to better involve ACCOs in the design and delivery of support for Aboriginal and Torres Strait Islander

people, and the need to earn trust and build strong, place-based engagement to build resilience and adaptation to disasters.

Research and reflections on “disaster justice” exposes the pre-existing demographic and socio-political fault lines in how Aboriginal and Torres Strait Islander communities have been impacted during and following natural disasters. There is some evidence of Aboriginal and Torres Strait Islander people experiencing racism when trying to access disaster recovery services, and evidence of some Aboriginal communities, like Cabbage Tree Island, being left behind in government recovery activities altogether. We also note that for some people, the act of evacuating can be particularly distressing due to intergenerational traumas of forced removals from family and Country.

It is our submission that this Review provides an opportunity to get some things right. For example, in reviewing the objects of the *Reconstruction Authority Act*, the NSW Government could, consistent with the Government’s commitments under the National Agreement on CTG, incorporate the role of Aboriginal and Torres Strait Islander self-determination and Aboriginal community-control, and recognise that Aboriginal and Torres Strait Islander people are collectively best placed to make decisions about matters that affect them. This could be operationalised through specific, quarantined funding opportunities for ACCOs, including the ALS, so that we can provide culturally safe wraparound legal services and support through local expertise, connectivity and engagement in the communities we already serve.

We also refer the Inquiry to the Report of the Independent Review of the National Legal Assistance Partnership Agreement (“**the NLAP Review Report**”), the Agreement under which funding for the legal assistance sector including Legal Aid NSW, Community Legal Centres and the ALS is administered.

In the NLAP Review Report, the Reviewer, economist Dr Warren Mundy, found that Aboriginal and Torres Strait Islander people have the highest legal need than another other group in Australia. He found that Governments have failed to embed the principles or Priority Reforms into the NLAP. In turning specifically to disaster legal assistance, Dr Mundy recommended that the development of legal service responses to disasters should include the whole legal assistance sector, including Aboriginal and Torres Strait Islander Legal Services, taking account of the unique geographic and climatic and cultural circumstances of different communities. In recommending disaster recovery funding packages be made available to the legal assistance sector to support communities impacted by disaster, Dr Mundy noted “it is important that legal assistance for Aboriginal and Torres Strait Islander peoples experiencing disaster is planned and delivered in a culturally appropriate way, with involvement of relevant ACCOs.”

The NLAP Review Report called out the historical and persistent relative lack of funding by States and Territories for Aboriginal and Torres Strait Islander Legal Services and stated that “the notion that the legal assistance needs of Aboriginal and Torres Strait Islander peoples are somehow the sole province of the Commonwealth is a nonsense.”

We request this Inquiry use this opportunity to urge the NSW Government to recommend ACCOs including the ALS, be appropriately funded to provide culturally safe legal support to our communities impacted by disaster – through the architecture and funding opportunities under the Reconstruction Authority and disaster recovery initiatives. Aboriginal and Torres Strait Islander people impacted by disasters should have a right to access culturally safe legal and wraparound support services from the ALS. Supporting ALS and other ACCOs, to assist in disaster recovery will

allow us to build and leverage our unique connectivity in communities and partner with other ACCOs across NSW. This will go some way to address the NSW government's shortfalls in engaging with Aboriginal and Torres Strait Islander communities as noted in Reports, research and evaluations – and go some way towards honouring the NSW Government's commitments under the National Agreement on Closing the Gap.