

Funding KRALAS

By Peter O'Brien*

Recent changes to the funding of Aboriginal service delivery industries is unlikely to increase access to justice of aboriginal people, especially those in remote parts of the country. Funding to NT Aboriginal legal services is seriously deficient. Those most affected by that situation are some of the most disadvantaged communities in the nation.

Katherine Regional Aboriginal Legal Aid Service (KRALAS) provides legal assistance to Aboriginal people in some of the most remote places in Australia. This article is about our funding crisis.

KRALAS provides legal services in the areas of criminal, family and civil difficulties. The service is comprised of a Director, four lawyers, two field officers and an administrative team of four.

Our clients are some of the most disadvantaged of all users of the Australian justice system. Commonly our clients endure: chronic lack of adequate health and educational services; overcrowded housing; endemic substance abuse problems including severe alcoholism and petrol sniffing; and very high levels of violence.

It is the criminal justice system that is left to pick up the pieces of that serious level of disadvantage. It is not surprising then that representation and work in the Northern Territory criminal justice system is the biggest slice of KRALAS' work.

KRALAS is severely under funded. While our workload has experienced generally a steady but at times explosive incline, our funding has steadily decreased in both real and nominal terms. This has led to a series of very significant problems for our clients.

First, areas of law where services need to be provided and where proactive solution may be made – areas such as legal reform work, family law work, mediation, debt and bankruptcy legal assistance, employment and industrial relations legal assistance, credit and consumer legal assistance, negligence and other civil work – are constantly being sidelined in favour of the non-stop rigors of providing assistance in crime. Our inability to properly address law reform issues is a real concern.

Second, there is a shortage of money to pay lawyers appropriately. This has led in turn to two problems: (a) a complete inability to attract experienced practitioners (especially in areas outside crime); and, (b) very high attrition rates for lawyers within the service. Our regional location compounds that secondary problem.

The same problem extends to all KRALAS staff. Increasing workloads have not been met with more workers. Across the board, burnout has led to high rates of attrition for KRALAS staff.

Third, client contact is very often limited to appearances in prison cells and at court sittings. Rarely do lawyers or field officers have the ability in terms of funding, time or resources to see our clients outside of court. This is especially problematic in the many remote communities we service. Further, our remote location requires expensive trips to visit our clients who are prisoners on remand or sentenced and held in jails in either Darwin or Alice Springs.

Our funding agency acknowledges our funding concerns but the problem appears to be that funding priorities do not favour the services we provide. Issues such as continuing deaths in custody, growing levels of disproportionate incarceration of Aboriginal people and access to justice for the most disadvantaged do not gain the attention they deserve.

This has led to severe inequity in the way Aboriginal people in the Northern Territory of Australia are treated in the Australian justice system.

This year there have been changes to the way KRALAS will be funded. From 1 July 2003, all funding decisions concerning organisations such as KRALAS, formerly delivered by ATSIC, will be made by ATSIIS.

KRALAS is hopeful that these changes will see recognition – in the form of appropriate funding – to Aboriginal legal

service operations. But until governments at all levels begin to appreciate the serious deficiencies brought about by failing to properly fund such services, KRALAS is very concerned that the situation will prevail – to the detriment of Aboriginal people in the Territory.^①

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