



**SENATOR THE HON MICHAELIA CASH**  
SENATOR FOR WESTERN AUSTRALIA  
SHADOW ATTORNEY-GENERAL  
SHADOW MINISTER FOR EMPLOYMENT AND WORKPLACE RELATIONS  
DEPUTY LEADER OF THE OPPOSITION IN THE SENATE

5 September 2023

Mr Grant Hehir  
Auditor-General  
Australian National Audit Office  
GPO Box 707  
Canberra ACT 260

By email: [grant.hehir@anao.gov.au](mailto:grant.hehir@anao.gov.au)

Dear Auditor-General,

I refer to reports recently published in *The Australian* newspaper setting out claims regarding the administration of the North Australian Aboriginal Justice Agency (NAAJA).

The reports raise serious concerns about the potential misuse of Commonwealth money provided under the National Legal Assistance Partnership, and the efficacy of governance arrangements under that agreement. Among other things, the allegations give rise to concerns that Commonwealth money may have been used to support behaviour which, if proven, may constitute corruption or potential criminal conduct.

As I understand it, NAAJA is funded primarily by the Commonwealth Government, through the National Legal Assistance Partnership (NLAP) in the Attorney-General's portfolio. The Attorney-General has publicly stated that, under the NLAP, over \$83 million in Commonwealth funding will be provided to NAAJA over the period 2020-2025.

I ask that you consider an audit of arrangements under the NLAP that may result in the payment of Commonwealth money to NAAJA.

Specifically, I ask that you consider a performance audit to assess the adequacy of data collection, performance monitoring and other governance arrangements under the NLAP, and whether adequate safeguards are in place to ensure that Commonwealth money is not being misused. If improvements are identified, I ask you to consider whether they ought to be implemented more generally in respect of funding to other service providers that is governed by the NLAP.

In considering whether to undertake an audit, I also respectfully ask that you take two additional matters into consideration.

First, as you are no doubt aware, the NLAP will expire in 2025, and it is anticipated that negotiations for the next national partnership arrangement will commence next year. If the next iteration of the NLAP is to take account of any recommendations you may make about the adequacy of existing governance arrangements, it would be highly desirable for all parties to have the benefit of any ANAO report before negotiations commence. On that basis, and in the interests of good public administration, I respectfully submit there is a degree of urgency to the issue.

Second, I understand the Attorney-General maintains that the administration of Commonwealth payments to NAAJA is a matter for the Northern Territory government. With respect, if that is the case, that is all the more reason for an audit. If NLAP arrangements are such that the administration of Commonwealth funding is done at arm's length, as the Attorney appears to contend, then the governance provisions in the intergovernmental agreement that allow the Commonwealth to appropriately monitor expenditure (and respond to any misuse of Commonwealth funds) are all the more important.<sup>1</sup>

Thank you for considering this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michaelia Cash', written in a cursive style.

**Senator the Hon Michaelia Cash**

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<sup>1</sup> I note that the NAAJA website contains a statement to the effect that 'NAAJA is contracted by the Commonwealth Attorney General's Department (AGD) to provide Criminal and Civil Law services to Aboriginal people and their families in the Northern Territory'. I do not consider this to materially change the need for an audit of Commonwealth funding provided to NAAJA.