

Equality & Justice

for people with disabilities



Advocate Autumn 2014

The DDLS Advocate

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Villamanta Disability
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ACCESS – if you need this newsletter hard copy, large font size, Word or plain English, please let us know.

Access to Justice

[Productivity Commission Draft Report]

We are dedicating this issue of The Advocate to this Draft Report and present on this in collaboration with Villamanta Disability Rights Legal Service.

The most substantial shakeup of legal services for disadvantaged persons is in the planning stages, and it is vital that people with disabilities ensure that their voices are heard.

While this is a significant opportunity for people with disabilities to give input as to how they believe legal services can be more accessible, unfortunately the report itself does not lend itself to the average person easily responding. The summary overview is 76 pages, while the full report is close to 900 pages.

The draft report covers many different aspects of the different barriers that disadvantaged Australians face when needing to access the legal system.

The area is extremely broad, and naturally our specific interest is that people disabilities have input, particularly as currently, the only way people with disabilities can ensure their rights are protected under discrimination legislation, is often to bring a case to a court or tribunal. While this remains the case, we believe that legal assistance should be fully accessible.

In order for people with disabilities to have a say, we have attempted to simplify the process - please pass this on to anyone who may have a view and wish to convey that view.

Julie Phillips
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What is the Report about?

The government is concerned that many Australians, for a number of reasons, cannot access justice services and secure legal representation. In other words they cannot easily go to court or get lawyers to help them. The government realises that many people will never be able to pay for lawyers, court fees etc., but they have the same rights as others to access the law.

Basically, the government is looking at the following:

1. How much it costs to get help from lawyers and go to court.
2. How many people are missing out on legal help because they can't afford to pay for lawyers, but can't qualify for free legal assistance.
3. Which legal services provide cheap or free legal services to disadvantaged people.
4. Should the current systems stay the same or should they be changed.
5. How fair the system is for people who can't afford lawyers and try and represent themselves.
6. Are there other ways to improve access to justice that do not involve courts/tribunals.

These are not all the points covered, but the main points for individuals who are disadvantaged.

Due to the size of the Report and the many different topics being discussed, it is important that people with disabilities tell the government through the Productivity Commission how they would like to see legal services.

The main providers to disadvantaged Australians of legal assistance are Community Legal Centres [such as Disability Discrimination Legal Service], legal aid commissions [such as Victoria Legal Aid], family violence prevention legal services and Specialist Aboriginal and Torres Strait Islander legal services.

The government is looking at how the services are funded, what they are doing, and if there are better ways to provide access to legal services to disadvantaged people. It may cut some services and increase funding to other services. That depends on the input they receive.

People with disabilities are not mentioned much in the Overview, and therefore it is assumed they are simply included in the broader group of "disadvantaged". Therefore, disability specific issues will not be adequately considered unless they are raised by the disability community and those who stand with them.

Where can you download the Overview and Draft Report?

<http://www.pc.gov.au/projects/inquiry/access-justice/draft>

What are the major issues for people with disabilities?

There are many issues in the Report that people with disabilities may wish to comment on that affect them if they ever have a need to access the legal system.

These issues are not necessarily specific to people with disabilities, but to all people who have the need to access the legal system and lawyers, but have trouble paying for and/or understanding those systems and services. In terms of issues of more interest to people with disabilities, you may wish to think about the following:

1. Is it important to you, if you have a legal problem, to be able to get services and advice from lawyers who specialise in working with people with disabilities?
2. If the answer to the above is “yes”-why?
3. Do you think that judges and magistrates should receive more training in disability issues?
4. Would you feel comfortable going to a legal service which is part of government?

How do I make a short submission?

Submissions are due by **Wednesday 21 May 2014**. Either email or post.

Email: access.justice@pc.gov.au

Post:

Access to Justice Arrangements
Productivity Commission
LB2 Collins Street East
Melbourne Vic 8003

Submissions can be as short or long as you wish.

As a minimum, you can write a response that addresses the questions above.

How do I make a long submission?

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If you want to have a look at the many topics covered in this report, go to page 45 of the Overview and you will see there are a number of findings and "Information Requests". The Information Requests other types of things that the Productivity Commission is wanting input on.

You will find such topics as:

- ✚ ease of accessing information
- ✚ billing problems
- ✚ effectiveness of legal complaints bodies
- ✚ alternative dispute resolution [mediation and other non-legal options]
- ✚ the role of ombudsmen
- ✚ the effectiveness and accessibility of tribunals
- ✚ court processes
- ✚ costs awarded against individuals
- ✚ self represented litigants [when you can't afford a lawyer and represent yourself]
- ✚ court and tribunal fees
- ✚ location of community legal centres
- ✚ assistance for aboriginal and Torres Strait Islander people

It is possible to do a search through the document and find an area which is of interest to you. Remember, even a simple email is enough.

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