



16 April 2019

Mental Health Submission  
Australian Government Productivity Commission  
**Lodged online**

Dear Productivity Commission

### **Youth Law Australia's submission on mental health**

Thank you for the opportunity to provide a submission to the Productivity Commission's public inquiry on mental health.

#### **1. Youth Law Australia (YLA)**

YLA (formerly the National Children's and Youth Law Centre) is a Community Legal Centre dedicated to helping children and young people in Australia and their supporters to find a legal solution to their problems. YLA is Australia's only national, technology-based community legal service and works to empower young Australians with free legal information and knowledge, thereby aiming to keep more children in school, out of trouble and free from bullying, harassment or child abuse.

#### **2. Overview of Submission**

This submission from YLA largely focusses on the efficacy of a health justice partnership model to improve prevention, identification and resolution of legal issues for individuals with mental health concerns. It is well documented that a significant number of individuals who come into contact with the justice system present with mental health concerns. It is proposed that the application of an early intervention approach in addressing these issues would work to alleviate some significant stressors encountered by the individual presenting with mental health concerns and thereby contribute to their ability to better engage in both social and economic participation in the long term.

#### **3. Health Justice Partnerships**

The health justice partnership model is well advanced and has been successfully implemented in health care facilities both within Australia and internationally with a view to supporting 'at risk' populations. The submission by YLA supports the establishment of a health justice partnership on a national platform between funded institutions such as Kids Helpline and YLA. The focus of such a collaboration would be both preventative and responsive with improved access to legal information as well as providing avenues for advocacy, if required, to children and young people identified through

mental health services. Such a partnership would support the early identification of legal issues, thereby enabling earlier access to assistance and the opportunity to prevent the problems escalating.<sup>1</sup>

In particular, the establishment of such a partnership would improve access to legal services for civil and administrative law matters. It is widely recognised that there is a significant gap in the accessibility of legal services for matters of this nature. At present there are limited opportunities for people in at-risk populations to access appropriate representation for their civil law needs.<sup>2</sup> This is despite data from the 2008 LAW survey indicating that 35.4% of respondents had encountered a civil or administrative law issue,<sup>3</sup> and data from YLA indicating that 58% of issues dealt with through our advice service in 2018 related to civil and administrative law problems.<sup>4</sup> Unresolved civil matters may contribute to increased risk of economic stress and homelessness which, in turn lead to deteriorating mental health outcomes.<sup>5</sup>

Whilst YLA's submission is based upon the establishment of a health justice partnership focussing specifically on children and young people, the model could substantially be replicated for older Australians.

#### 4. Barriers

The primary barrier to establishing a national health justice partnership of this description is funding. The establishment of such a partnership is expensive with regards to both time and resources. At present, YLA is largely dependent on a cohort of dedicated volunteers and, whilst it would be anticipated that this would continue, in order to adequately train mental health staff in the identification of legal issues as well as to provide the required advice services and advocacy support to help individuals deal with their legal issues, significant increases in resources would be required. Additionally, it is important that funding allocation occurs on a long-term cycle so as to secure the commitment to such partnerships.

Additional barriers are competing priorities both within and between the organisations as well as differing ethical obligations, for example mandatory reporting obligations and client-legal privilege. These differences have the potential to cause conflict in service provision, however, it has been demonstrated that the majority of these can be overcome through memorandums of understanding and specific procedures put in place to address such conflicts.<sup>6</sup>

It is important that additional barriers, such as the national scope of the services are also recognised however it is felt that with proper and effective governance and coordination from the outset, as well as the establishment of champions within the respective organisations, these barriers can be overcome.

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<sup>1</sup> Christine Coumarelos, Pascoe Pleasence and Zhigang Wei (2013) Law and disorders: illness/disability and the experience of everyday problems involving the law. *Justice Issues Paper 17*

<sup>2</sup> Law Council of Australia (2003). *Inquiry into Current Legal Aid and Access to Justice Arrangements - Submission to Australian Senate Legal & Constitutional References Committee*. 23 September 2003

<sup>3</sup> As reported in Christine Coumarelos, Pascoe Pleasence and Zhigang Wei (2013) Law and disorders: illness/disability and the experience of everyday problems involving the law. *Justice Issues Paper 17*

<sup>4</sup> Sourced from Law Council of Australia (2018) *The Justice Project Final Report Part 1 – Children and Young People*

<sup>5</sup> Arthur Moses (2019) *The hard-fought arc to justice: Opening Address to the National Access to Justice and Pro Bono Conference Speech*. 7th National Access to Justice and Pro Bono Conference, Hotel Realm, Canberra.

<sup>6</sup> The Law Council of Australia (2018) *The Justice Project Final Report Part 2 – Legal Services*

Thank you for this opportunity to make a submission.

Please do not hesitate to contact me on (02) 9385 9585 or [matthew.keeley@yla.org.au](mailto:matthew.keeley@yla.org.au) should you have any questions.

Yours sincerely,

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