



**NATSILS**

NATIONAL ABORIGINAL & TORRES  
STRAIT ISLANDER LEGAL SERVICES

24 July 2013

Productivity Commission  
LB2 Collins Street East  
Melbourne Vic 8003

By email: [access.justice@pc.gov.au](mailto:access.justice@pc.gov.au)

Dear Commissioners,

**Productivity Commission – Access to Justice Arrangements Inquiry**

In my capacity as Chairperson, I write on behalf of the National Aboriginal and Torres Strait Islander Legal Services (**NATSILS**) which is comprised of the following Aboriginal and Torres Strait Islander legal services (**ATSILS**):

- Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd (**ATSILS Qld**);
- Aboriginal Legal Rights Movement Inc. (**ALRM**);
- Aboriginal Legal Service (NSW/ACT) (**ALS NSW/ACT**);
- Aboriginal Legal Service of Western Australia (Inc.) (**ALSWA**);
- Central Australian Aboriginal Legal Aid Service (**CAALAS**);
- North Australian Aboriginal Justice Agency (**NAAJA**); and
- Victorian Aboriginal Legal Service Co-operative Limited (**VALS**).

NATSILS is the peak national body for Aboriginal and Torres Strait Islander justice issues in Australia. We write to encourage you to consider the barriers Aboriginal and Torres Strait Islander peoples face in accessing justice, as part of the Productivity Commission's inquiry into access to justice arrangements (the **Inquiry**).

**About the NATSILS**

The NATSILS have almost 40 years' experience in the provision of legal advice, assistance and representation to Aboriginal and Torres Strait Islander peoples in contact with the justice system, and consequently are experts on justice issues affecting and concerning Aboriginal and Torres Strait Islander peoples.

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## **Barriers to accessing justice for Aboriginal and Torres Strait Islander people**

The Australian justice system is unaffordable and out of reach for many Australians, particularly Aboriginal and Torres Strait Islander Australians who are the most disadvantaged group in Australia. Due to funding constraints, Aboriginal and Torres Strait Islander Legal Services in Australia predominantly focus on assisting clients with criminal and family law issues, with legal assistance in civil law matters being somewhat limited. The NATSILS is aware that assistance provided by community legal centres to Aboriginal and Torres Strait Islander people on civil matters is also limited, leaving many Aboriginal and Torres Strait Islander people experiencing civil law issues without access to legal assistance.

### **The Inquiry**

The NATSILS welcomes the Productivity Commission's inquiry on 'Access to justice', which will 'improve access to the justice system and equity of representation including, but not limited to, the funding of legal assistance services.'

It is disappointing that the Inquiry's terms of reference make no specific reference to consideration of the barriers faced by Aboriginal and Torres Strait Islander people in accessing justice. Given that access to justice is a big issue for Aboriginal and Torres Strait Islander people, it is crucial that the Commission adequately considers this issue from the perspective of Aboriginal and Torres Strait Islander people; which should include involving and consulting with Aboriginal and Torres Strait Islander people and organisations as part of the inquiry process.

NATSILS is preparing a detailed submission on the barriers faced by Aboriginal and Torres Strait Islander people in accessing justice (to be submitted by the end of October 2013), including:

- language barriers and inability to access court interpreters;
- cross cultural barriers;
- financial disadvantage – which results in an inability to afford legal representation; and
- broader issues of disadvantage – such as lower levels of educational attainment, disability, and mental health problems, which can impede on an individual's understanding of legal processes.

We wish to bring these issues to your attention as you begin examining the issues encompassed by the Inquiry, as it is vital that the Inquiry consider ways that Australia's justice system can be made more accessible, effective and fair for Aboriginal and Torres Strait Islander people.

We would welcome the opportunity to meet with you to discuss these issues, and look forward to providing a more detailed submission in the coming months. Please direct any inquiries to NATSILS Executive Officer Eddie Cubillo on

Yours sincerely,

**Shane Duffy**

Chairperson

National Aboriginal and Torres Strait Islander Legal Services

**Supported by:**

**Antoinette Braybrook**

National Convenor

National Family Violence Prevention Legal Services

**James Farrell**

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Queensland Association of Independent Legal Services

**Ben Schokman**

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