

6 August 2013



Cristina Ricci
Australian Human Rights Commission
GPO Box 5218
Sydney NSW 2001

Dear Cristina

Access to justice in the criminal justice system for people with disability

The Public Interest Advocacy Centre (PIAC) welcomes the opportunity to make a submission in response to the Australian Human Rights Commission (AHRC) Issues Paper, *Access to justice in the criminal justice system for people with disability*. PIAC's response focuses on the needs of homeless people with mental illness who disproportionately have contact with the criminal justice system.

PIAC has significant experience with the criminal justice system through its work with the Homeless Persons' Legal Service (HPLS), a joint initiative between PIAC and the Public Interest Law Clearing House NSW. The HPLS Solicitor Advocate provides representation for people who are homeless and charged with minor criminal offences. The role was established in 2008 to overcome some of the barriers homeless people face accessing legal services, including: a lack of knowledge of how to navigate the legal system; the need for longer appointment times to obtain instructions; and, the need for greater capacity to address multiple and complex interrelated legal and non-legal problems.

Since commencing in 2008, the HPLS Solicitor Advocate has provided court representation to 362 individual clients in 554 matters. From January 2010 to December 2012, the HPLS Solicitor Advocate provided court representation to 241 individual clients facing criminal charges. Of these, 48 per cent disclosed that they had a mental illness.

PIAC has recently completed a discussion paper, *Sentencing contradictions - Difficulties faced by people living with mental illness in contact with the criminal justice system*. The paper is enclosed in response to the AHRC Issues Paper. PIAC's paper draws on case studies from the Homeless Persons' Legal Service and considers justice reinvestment and problem solving justice initiatives as a response to the needs of people with mental illness in the criminal justice system.

PIAC's discussion paper details some Australian and international examples of justice reinvestment and problem-solving justice initiatives that have had significant positive effects on the communities in which they have been implemented. The examples illustrate the cost-benefit advantages of pursuing justice reinvestment and problem solving justice strategies, in place of more stringent, correctional

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service-based strategies in responding criminal offending in marginalised and disadvantaged groups.

Problem-solving justice initiatives can have significant value in responding to criminal offending for people who are homeless and people with mental illness. The strategies can make a significant contribution to making our communities safer, and encouraging people who would be otherwise at high risk of reoffending to become positive actors in the social and economic life of our society.

If you have any questions about the paper, or would like more information, please do not hesitate to contact me.

Thank you once again for the opportunity to provide a submission. I look forward to seeing the outcomes of the AHRC research.

Yours sincerely



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Enc: *Sentencing contradictions - Difficulties faced by people living with mental illness in contact with the criminal justice system*