

28 June 2013

Australian Law Reform Commission
disabilityrights@ag.gov.au

Dear Sir or Madam,

Re: Reducing legal barriers for people with disability - ALRC Inquiry

National Legal Aid (NLA) refers to the draft terms of reference for the rights of people with disability inquiry, released for public consultation (attached).

Please find some information about NLA and our comments on the draft terms of reference following.

About NLA

NLA represents the Directors of the eight state and territory legal aid commissions (commissions) in Australia. The commissions are independent statutory authorities established under respective state or territory enabling legislation. They are funded by state or territory and Commonwealth governments to provide legal assistance to disadvantaged people.

NLA aims to ensure that the protection or assertion of the legal rights and interests of people are not prejudiced by reason of their inability to:

- obtain access to independent legal advice;
- afford the appropriate cost of legal representation;
- obtain access to the federal and state and territory legal systems; or
- obtain adequate information about access to the law and the legal system.

Comments on draft terms of reference

NLA is generally very supportive of the scope and content of the draft terms of reference.

NLA is extremely pleased that:

- The draft terms of reference include at the outset a consideration of (all Commonwealth laws and legal frameworks that impact directly or indirectly on

people with disability's recognition before the law and exercise of legal capacity in) the area of access to justice and legal assistance programs.

- Capacity issues have been referred for consideration, and in particular how decision making by people with impairment can be validly and effectively supported, and whether presumptions against a person's ability to exercise legal capacity discriminate against people with a disability.

NLA suggests that:

- Issues relating to family law are included in the scope of the reference alongside the existing terms of "marriage, partnerships, intimate relationships, and parenthood".

Conclusion

We thank you for the opportunity to make these comments. Please do not hesitate to contact us if you would like anything further from us or wish to further discuss the draft terms of reference.

Yours sincerely,

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

Anthony Reilly
Chair