



NATSILS

**NATIONAL ABORIGINAL & TORRES
STRAIT ISLANDER LEGAL SERVICES**

MEDIA RELEASE

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Submission to the Senate Inquiry into the indefinite detention of people with people with cognitive and psychiatric impairment in Australia

The National Aboriginal and Torres Strait Islander Legal Services (NATSILS) have today given evidence to the Senate Inquiry into the indefinite detention of people with cognitive and psychiatric impairment in Australia. NATSILS had previously provided a submission to the inquiry and contributed to the First Peoples Disability Justice Consortium submission co-ordinated by the First Peoples Disability Network of Australia (FPDN).

While Aboriginal and Torres Strait Islander people account for 2% of the population, they account for over 27% of people in custody in Australia. NATSILS' submission highlights studies showing that 73% of Aboriginal and Torres Strait Islander males and 86% of females in custody have a mental disorder. These rates are significantly higher than other populations with Aboriginal and Torres Strait Islanders nearly four times more likely to have a disability than non-Indigenous Australians.

'The key issue is that many Aboriginal and Torres Strait Islander people with cognitive and psychiatric impairments are pushed into the criminal justice system early in life in the absence of alternative pathways' NATSILS Executive Officer, Karly Warner told the Inquiry today.

All of the 9 people on supervision orders for mentally impaired people in the Northern Territory are Aboriginal or Torres Strait Islander, as are 11 out of the 33 people indefinitely detained under the Mental Impaired Accused Review Board in WA. In their submission, NATSILS calls for the introduction of minimum standards for legislation in relation to people with cognitive and psychiatric impairments in the criminal justice system, including the abolition of indefinite detention and supervision orders.

NATSILS and the FPDN have called for greater resources to be placed into diagnosis and treatment for people with cognitive and psychiatric impairments and for programs that divert Aboriginal and Torres Strait Islander people from the criminal justice system. Scott Avery, Policy and Research Director at the FPDN, noted that while indefinite detention is a serious concern, that only a small fraction of those with impairments are indefinitely detained.

'Whilst these cases are some of the most horrific of human rights violations, they represent the tip of an iceberg. The reality for many Aboriginal and Torres Strait Islander people with disability is that once they come in contact with the justice system, they face a life of recurrent detention which goes on indefinitely'.

In giving evidence to the inquiry this morning, Ms Warner noted that the Aboriginal and Torres Strait Islander Legal Services are facing cuts of almost \$4.5 million that are due to come into effect in 2017.

'Cuts to Aboriginal and Torres Strait Islander Legal Services necessarily constrain the ability of the Aboriginal and Torres Strait Islander Legal Services to provide meaningful and just assistance to our children, parents and elders with cognitive and psychiatric impairments'.

NATSILS recommendations to the inquiry include:

- Review of legislation for mentally impaired accused in the states and territories to ensure they are compliant with Australia's human rights obligations;
- Improved access to screening and assessment services, particularly in remote communities. This should include access to psychiatric reports in a timely fashion;
- Increased funding for a range of community-based support services, including health, welfare and supported accommodation;
- Training for lawyers, police officers, court and judicial officer in identifying and appropriately dealing with people with cognitive and psychiatric impairments;
- Targeted funding to ensure that once identified, offenders with a cognitive and psychiatric impairment have access to diversionary therapeutic options that meet their specific needs;
- Reform of bail laws to ensure decision-makers take account of the impact of bail and bail conditions on a person with special needs, such as cognitive or psychiatric impairments;
- The repeal of mandatory sentencing legislation;
- Significant increase in funding for support services and programmes within prisons that meet the needs of people with cognitive and psychiatric impairments;
- Further funding for interpreter services to ensure that Aboriginal and Torres Strait Islander people, including those with cognitive and psychiatric impairments, are able to understand legal processes;
- Immediate reversal of planned funding cuts to the ATSILS and the provision of further funding to the ATSILS to ensure that Aboriginal and Torres Strait Islander peoples with disabilities are able to access culturally competent legal services.

The full submission is available on the NATSILS website: www.natsils.org.au

More information on the FPDN, including their ten point plan for the introduction of the NDIS in Aboriginal and Torres Strait Islander communities is available on their website: www.fpdn.org.au

Media Contact: Karly Warner on kwarn@vals.org.au or by phone 0423 610 587.