

From:
To: [Community Affairs Committee \(SEN\)](#)
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Attachments: [CRPD 7-2012.pdf](#)

Submission to the Community Affairs Reference Committee

Inquiry into the Indefinite Detention of People with Cognitive and Psychiatric Impairment in Australia

Author: Ms Ida Curtois on behalf of Mr Marlon Noble

My name is Ida Curtois and I am writing this submission on behalf of Mr Marlon Noble, who has an intellectual disability.

Mr Noble would like this submission to respond to some of the terms of reference to address by the Inquiry. Mr Noble will respond to:

- the experiences of individuals with cognitive and psychiatric impairment who are imprisoned or detained indefinitely;
- compliance with Australia's human rights obligations;
- access to justice for people with cognitive and psychiatric impairment, including the availability of assistance and advocacy support for defendants;

Mr Noble sees me as family. I first met Mr Noble and his family when he was about 9 years old - at the time he was experiencing difficulties in his school environment. I was a service provider with Disability Services Commission and met with his mother and Mr Noble to introduce them to the services and determine how the Commission may be able to assist in the situation.

The connection with the family continued when I left that employment and Ms Noble, Mr Noble and my family became good friends. It was during this time Ms Noble instigated a discussion with me regarding what would happen if she was no longer able to care for him, as she knew her family would not be able to support and care for him appropriately. She asked me if I would care for him if she couldn't, I agreed to do that if needed and I have stayed in contact since she was murdered when he was in prison.

During the years he was in prison I found it very difficult to get any assistance for him as he had no money to pay for legal assistance who could argue his indefinite detention. Everyone I contacted said that it was not against the law to place a person in prison in his circumstances and I could find no lawyer who was prepared to look at his case for a number of years.

I finally found a lawyer who was prepared to take it back to court. This lawyer

acted pro bono, as those involved with Mr Noble felt that he did have the ability to understand the court process. Funding was sourced and an assessment was undertaken by a Forensic Psychologist. This assessment found Mr Noble as being fit to plead, with only a few adjustments to the proceedings. The Lawyer lodged the report with the court, as all Mr Noble has ever wanted to do is 'have my day in court', this did not occur because of the way the law is structured in Western Australia , so Mr Noble is still being seen by some authorities as an 'offender'.

During this time I have met Patrick McGee from the Aboriginal Disability Justice Campaign who referred me to Philip French and the Australian Centre for Disability Law. Mr French agreed to take on Mr Noble as a client and subsequently made a complaint to the United Nations under the Convention on the Rights of People with Disabilities

The United Nations Committee on the Rights of People with Disabilities has now provided its findings in response to the complaint made by Mr French from the Australian Centre for Disability Law.

Please find attached those Findings

Thanking you

Ida Curtois