

**Senate Community Affairs Committee**

**ANSWERS TO ESTIMATES QUESTIONS ON NOTICE**

**HEALTH AND AGEING PORTFOLIO**

**Supplementary Budget Estimates 2012-2013, 17 and 19 October 2012**

**Question: E12-174**

**OUTCOME 11: Mental Health**

**Topic: ABORIGINAL DISABILITY JUSTICE CAMPAIGN**

**Type of Question: Written Question on Notice**

**Number of pages: 2**

**Senator: Senator Boyce**

**Question:**

The Aboriginal Disability Justice Campaign (ADJC) has recently completed a report titled "No End in Sight: The Imprisonment and Indefinite Detention of Indigenous Australians with a Cognitive Impairment."

The ADJC estimates that there are between 100 – 150 people detained under mental impairment legislation around the country in prisons and psychiatric units; one third of that group are Indigenous Australians. The ADJC further estimates that of the 150 people detained on order at least one third are being detained indefinitely and again Indigenous Australians are disproportionately affected.

- a) What is the view of the Department of Health and Ageing and FaHCSIA regarding the states and territories use of indefinite detention for people detained under mental impairment legislation?
- b) What legislative, policy and funding measures are DoHA and FaHCSIA taking to reduce people detained in prisons and psychiatric units?
- c) What documentation are DoHA and FAHCSIA collecting regarding the fact that people are being detained, often indefinitely, as a result of mental impairment legislation and that that that is it disproportionately affecting Indigenous Australians with a cognitive impairment?

**Answer:**

The Department of Health and Ageing notes that the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) is responding separately to this question (FaHCSIA QoN 430). In relation to the Department of Health and Ageing, the following responses are provided.

- a) State and territory governments are responsible for the funding, legislation and policy underpinning the detention of people under mental health impairment legislation and decisions on the detention of people under such legislation is a matter for the particular state or territory.
- b) Decisions on the detention of people in prisons and psychiatric units are made by state and territory officials in accordance with their legislation and policies. The Department does not have involvement in legislation, policies or funding measures that seek to impinge on the rights of the states in the exercise of their functions.

Under the 2011-12 Budget Delivering National Mental Health Reform Package the Australian Government is working with the states and territories to address some of the broader issues that lead to the circumstances raised in this question.

As part of this package, the National Partnership Agreement Supporting National Mental Health Reform provides funding to encourage states and territories to invest more in the mental health priority areas of accommodation and emergency departments to support those with severe mental illness. This will help move Australia's mental health system away from crisis-driven activity towards prevention, early intervention and care in the community. It will particularly benefit people with severe and persistent mental illness who are frequent users of emergency departments and who need stable accommodation to keep well, break the cycle of hospitalisation and homelessness.

Two other initiatives from the reform package may also assist in keeping people with, or at risk of, serious mental illness well in the community:

- Partners in Recovery will facilitate coordinated support and flexible funding for people with severe mental illness and complex multi-agency support needs. Clinical and non-clinical support will be provided for around 24,000 people with severe and persistent mental illness; and
  - the Early Psychosis Prevention and Intervention Centres initiative aims to assist young people experiencing first episode psychosis; promote an early and positive experience of managing mental illness; and protect them from poor education and employment outcomes, homelessness and other forms of disadvantage.
- c) The Department does not currently collect documentation or statistics on detainment as a result of mental impairment legislation.