

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
FAMILIES, HOUSING, COMMUNITY SERVICES AND
INDIGENOUS AFFAIRS PORTFOLIO
2012-13 Supplementary Estimates Hearings

Outcome Number: 7

Question No: 430

Topic: Aboriginal Disability Justice Campaign

Hansard Page: Written

Senator Boyce asked:

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.

What is the view of the Department of Health and Ageing and FACSHIA regarding the states and territories use of indefinite detention for people detained under mental impairment legislation?

What legislative, policy and funding measures is the Department of Health and Ageing and FACSHIA taking to reduce people detained in prisons and psychiatric units?

What documentation is the Department of Health and FACSHIA collecting regarding the fact that people are being detained, often indefinitely, as a result of mental impairment legislation and the fact that it is disproportionately affecting indigenous Australians with a cognitive impairment?

Answer:

The detention of people detained under mental impairment legislation rests with states and territories.

The Australian Government is working with state and territory counterparts to develop a whole of government approach to supporting people with cognitive disability who are in contact with the criminal justice system. At the 30 March 2012 meeting of the Council of Australian Governments Standing Council on Community, Housing and Disability Services, Ministers agreed that officials progress a number of areas for future action in relation to people with cognitive impairment who come into contact with the criminal justice system as offenders, at an individual jurisdictional level or through national collaborative activities, recognising that some elements will require joint activity across disability and law and justice agencies.

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One of the central outcomes of the National Disability Strategy 2010-2020 is to ensure that people with disability have their rights promoted, upheld and protected, and includes the priority area of supporting people with disability with heightened vulnerabilities in any contacts with the criminal justice system, with an emphasis on early identification, diversion and support.

The collection of data regarding detention of people with cognitive impairment rests with states and territories.