

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group 2

Question No. 36

Senator Siewert and Boyce asked the following question at the hearing on 24 February 2014:

Senator SIEWERT: Thank you. Mr Innes, this takes me to the issues I raised with the department this morning: the work that was done on the rights of people with disabilities and concluding comments around the unwarranted use of prisons for management of unconvicted people with disability, with a particular focus on Aboriginal and Torres Strait Islander persons. I also note that the report that you did and released last year raised these issues. Have you had a chance to review or have any input to government on the concluding observations and the work that needs to be undertaken in light of those observations?

Mr Innes: I would endorse all the comments that Commissioner Gooda has made with regard to this issue. It applies equally to people with disabilities, who are significantly disadvantaged in the justice system and many of whom are Aboriginal and Torres Strait Islander people. The work I have done with regard to the concluding observations in this area is the access to justice report, which was released a few weeks ago. It raises these issues of people being held, in some cases, eight and 10 years without trial, being found unfit to plead and not held in appropriate accommodation after that time, but they are also disadvantaged in the justice system in numerous other ways set out in the report. I have written to the Attorney-General of the Commonwealth and to the state and territory attorneys-general to advocate these issues and to talk to them about my report. I only did that a couple of weeks ago and I have not had any of those meetings yet.

Senator SIEWERT: Okay.

Senator BOYCE: Would you be able to give us copies of those letters at some stage if that is possible? On notice would be adequate.

Mr Innes: I am happy if I am able to. They will not tell you much more than what is in the report itself. They really attach a copy of the report and request an opportunity to discuss the issues in the report with the various attorneys, but I am happy to make them available.

Senator BOYCE: Thank you.

The answer to the honourable senator's question is as follows:

The letters from Commissioner Innes to the Attorney-General, Senator the Hon George Brandis QC and State Attorneys-General are attached.