

Dear Select Committee,

Submission further to RANZCP presentation before Select Committee on 3 December 2020.

Thank you for allowing the College to present in person evidence to the committee on 3 December 2020. I note the uncorrected record of the transcript, and thank the Select Committee its prompt supply.

This is the first of two further submissions I make as the Chair of the Chairperson of the RANZCP Forensic Faculty NSW Subcommittee. There are three topics that I have taken on notice and three aspects of the transcript that I seek the Select Committee's attention on. The second further submission (regarding topic 3) will be submitted in early 2021 as per below.

The three topics

1/ RANZCP reference regarding the RANZCP views on the age of criminal responsibility.

Starting on page 34 there is a discussion regarding the age of criminal responsibility. I mentioned there is a College document regarding this matter. This has been submitted for the Select Committee to review. I have referenced the link below for completeness.¹

2/ Screening of mentally ill people in custody.

The College notes the evidence given to the committee by Justice Health's Executive director of Clinical operations, Ms Wendy Hoey. We have nothing substantive to add to that.

We note that screening in prison is extremely difficult for a number of reasons. To name just three; a highly complex, highly distressed patient cohort, difficulty in getting up to date background information, and that prisons are built and designed for security or punishment and physical environments are therefore not set up for modern mental health assessments. Therefore, we add only that we believe additional resources would be well spent in this area, and that these issues further emphasise the need for people with mental illness to be diverted prior to being placed in custody as much as is possible.

¹ [Council of Attorneys-General – Age of Criminal Responsibility Working Group review \(ranzcp.org\)](#)

3/ The final topic regarding the shape of ending enforced care

This submission is being finalised. We will submit this to the committee in early 2021.

There are three topics that I wish to clarify with the Select Committee.

1/ Role and Title

On page 30 (second paragraph) it records my title and role as

“CALUM SMITH, Consultant Forensic Psychiatrist, Justice Health and Forensic Mental Health Network, Chair, the Royal Australian and New Zealand College of Psychiatrists NSW Forensic Subcommittee, sworn and examined.”

It is of course true that I work for Justice Health And Forensic Mental Health Network, but I presented to the Committee as a representative the college. I believe some confusion may have arisen when my details were submitted to the Select Committee prior to my oral presentation.

However, when I orally presented, I stated only my role in the college. I believe it would be helpful to amend this, if that is possible, so there is no confusion in what role the evidence was presented to the Select Committee.

2/ The age of criminal responsibility in other countries.

On page 35 the following dialogue is recorded;

The Hon. TREVOR KHAN: My understanding is that in at least one or perhaps more Scandinavian countries, their age of criminal responsibility is much higher than 14; it is either 16 or 18.

Dr SMITH: Yes, that is in Denmark.

The Hon. TREVOR KHAN: Sorry?

Dr SMITH: It is in Denmark—at 16—I am pretty sure

As above, in my oral evidence, I stated that the age of criminal responsibility in Denmark was 16. This is incorrect. It is, in fact, 15. I have referenced a relevant website.²

Would the Select Committee please accept my apologies for this.

² <https://archive.crin.org/en/home/ages/europe.html>

3/ Issue with dropped words from script.

On Page 42 of the transcript, it reads;

"I am aware of the earlier point about this. I will not say that we have had good ongoing dialogue with the executive in Justice Health. They have agreed. They are progressing the situation and working towards cessation of enforced care in custody, so that is good."

I believe something has dropped off the transcript in this sentence. We have had fruitful discussions with the executive at Justice Health. The way this sentence reads makes little sense grammatically and the second half of the sentence indicates the positive progress that has been made.

The sentence should read;

"I will not say that it is resolved but we have had good ongoing dialogue with the executive in Justice Health. They have agreed. They are progressing the situation and working towards cessation of enforced care in custody, so that is good."

I believe it would be helpful if this could be amended should the Select Committee be agreeable

The College again expresses its appreciation for the chance to present before your Select Committee regarding this important matter. The College continues to be available to help in any way possible.

Yours Faithfully

Dr Calum A Smith

MBChB, BMedSci(Hons), MRCPsych, FRANZCP, Cert Forensic Psych.