

Portfolio Committee 2
Parliament of New South Wales

20 January 2022

by email PortfolioCommittee2@parliament.nsw.gov.au

Dear Committee Secretariat

Inquiry into access to Health in RRR NSW - questions on notice

I refer to the request for answers to questions on notice. Please find responses below. Please note that these answers do not purport to comprehensively cover the field in what little is available.

In answering these questions, we reiterate our view that more resources need to be invested at the early-intervention and preventative end of the treatment spectrum, and this is particularly the case in places like Moree. If people receive the treatment they need, they are less likely to offend and end up in the criminal justice system. In saying this, however, we believe that those already in the criminal justice system with mental health and related issues (cognitive impairment, dual diagnosis issues etc) also require better support to help them desist from cycling in and out of the criminal justice system.

QUESTION ON NOTICE

Is there anything at a State level - ie any programs that the NSW Government is doing to address or to support or help the situation of, as you say, cognitive disabilities and mental health disorders in young Aboriginal people entering the justice system?

Just Reinvest NSW and the Aboriginal Legal Service NSW/ACT (Ltd) (which auspices Just Reinvest NSW) are aware that there is a huge gap of services to support young Aboriginal people with mental health and cognitive impairments going through the criminal justice system. Our view is that if these issues were diagnosed, assessed and young people and their families were given early support, we would see fewer people cycling in and out of the juvenile and adult criminal justice systems.

From a justice reinvestment perspective, there needs to be a divestment of funds out of the criminal justice system and into early intervention and prevention initiatives and support, as determined by communities. Apart from the huge costs to people and communities, (see <https://www.pc.gov.au/research/completed/prison-dilemma/prison-dilemma.pdf>) and lost opportunity costs (eg employment), it costs almost \$1600 a day to lock up a young person in NSW (see <https://www.pc.gov.au/research/ongoing/report-on-government-services/2021/community-services/youth-justice> - table 17A.20) . These funds could be better spent supporting young people and their families with health and other needs. More

resources are urgently required – and the government could realise huge savings by investing in community health and social and emotional well-being.

Justice Health and Forensic Mental Health Network

The Justice Health and Forensic Mental Health Network (“Justice Health”), run by NSW Health, are the main agency that provide mental health support for people, including Aboriginal young people interacting with the criminal justice system. Justice Health has staff placed at some courts, Correctional Centres and in Youth Justice centres. More information about Justice Health is available at <https://www.justicehealth.nsw.gov.au/>

Where available, their role is to do assessments of young people who attend court on referral, and for all young people entering Youth Detention centres.

According to their website, Justice Health:

“has a range of mental health services for patients in contact with the criminal justice and forensic mental health systems.

Mental health specialists work with patients in these settings to promote mental wellbeing, prevent mental illness, reduce the impact of mental illness and support recovery.

The Network supports patients with mental health issues in these settings by:

- *Conducting mental health assessments for adults and young people appearing before the Local and Children’s Courts and providing advice to magistrates regarding diversion options for people with identified mental illness.*
- *Providing inpatient mental health care to patients, through the Long Bay Hospital and high-secure Forensic Hospital*
- *Providing specialist mental health care to adults in correctional centres, including care for older people and pregnant women.*
- *Running a 24/7 dedicated Mental Health Helpline, which provides advice and referrals for patients in correctional centres, their relatives and carers, as well as staff of the Network, Corrective Services NSW and local health districts.*
- *Assisting young people in Youth Justice centres to access community-based health services when they are released.*
- *Providing specialist forensic assessments and advice to local health district clinicians on the treatment and management of forensic and high-risk civil patients in the community.”*

See <https://www.justicehealth.nsw.gov.au/patient-support/our-services/mental-health>

However, Justice Health’s reach and resources are limited. There are around 155 Local Courts in NSW, and Justice Health only operates in 37 Local and Children’s Courts through 22 Court networks, the majority of which are in Sydney or major regional centres. They do not operate in many locations in regional and remote NSW where the need for assistance is

arguably higher. They do not operate in Moree Local Court or Children's Court. However, a Justice Health nurse does operate out of Moree Police Station cells - which is a designated NSW Corrections facility.

In the experience of the ALS's Children's Legal Service, Justice Health support is very under-resourced and the ALS impression is that there always appears to be a shortage of staff and queues for psychologists. Many Youth Justice offices also have psychologists attached who may be used by young person as part of supervision. However, ALS experience is that often this is limited to intervention around some serious offences (for example, sex offences) and does not really do anything around cognitive disabilities.

The ALS also notes there is a real and concerning gap in relation to accessing medications when young people enter or are released from custody. This gap includes having medications and scripts with them upon entering custody as well as at release from custody – and this alone is likely to be an exacerbating factor in any re-offending.

We understand Justice Health are starting to develop specific programs for Aboriginal young people although this is in its infancy and do not have any information on this at hand, at this point of time. It may be useful for the Committee to reach out to the Aboriginal Mental Health Clinical Leader in Adolescent Mental Health – Joshua Paulson on Joshua.Paulson@health.nsw.gov.au or on phone (02) 9700 2162.

Justice Advocacy Service

While this is not a support or treatment service, the Justice Advocacy Service (JAS) supports young people and adults with cognitive impairment in contact with the NSW criminal justice system, including as victims, witnesses and suspects/defendants to exercise their rights and fully participate in the process. See <https://idrs.org.au/jas/> JAS operates in limited locations across NSW. JAS does NOT provide mental health (MH) or cognitive impairment (CI) treatment or support – it exists only to help people going through the criminal justice system with MH or CI issues to understand and exercise their rights.

Aboriginal specialist services

There are few specialist Aboriginal services for mental health/cognitive issues. Most services are mainstream services.

As noted above, we understand Justice Health are starting to develop specific programs for Aboriginal young people although this is in its infancy and do not have any information on this at hand, at this point of time. As noted above, it may be useful to reach out to the Aboriginal Clinical Lead.

QUESTION ON NOTICE

Are there programs available or is that done at a local level through the Aboriginal community-controlled health organisations and through mental health support work, Aboriginal mental health support workers, at the local level? Again, a question as to whether there are any good programs at a State level that we could look at.

The peak body for Aboriginal community-controlled organisation in health services in NSW is the NSW Aboriginal Health and Medical Research Council (AH&MRC). Aboriginal Community Controlled Health Organisations (ACCHOs) provide culturally appropriate service to their community members in a holistic model of care, trusted by community members. In Moree, the service is PIUS X – at <https://piusx.com.au/> which runs social and emotional well-being programs – but these are not specifically targeted at people engaged in the criminal justice system.

We understand that under Closing the Gap Agreement, the NSW Government has committed to addressing the social & emotional well-being and mental health needs of Aboriginal people. However, Aboriginal Community Controlled Health Organisations need to be adequately and sustainably resourced to provide services in a sustained way. We endorse the AH&MRC's submission to this Inquiry.

Young people with Foetal Alcohol Spectrum Disorder (FASD) in the criminal justice system

Many inquiries have identified the role of undiagnosed and untreated FASD in keeping young people entrenched in the criminal justice system. We understand a number of agencies are exploring a process whereby young Aboriginal people going through the Youth Koori Court in Parramatta would be referred to specialists for assessment, diagnosis and support with FASD (and potentially other neurocognitive impairments). The hypothesis is that with assessment and treatment, young people who get this support would be less likely continue cycling in and out of the criminal justice system.

Peer support

There is some evidence that peer support from others with lived experience of mental health/cognitive impairment is a valuable approach. See, for example, the work done with SANE at <https://www.sane.org/peer-support> and <https://www.townsville.health.qld.gov.au/services/mental-health/lived-experience-service-supports/> in Queensland.

However, neither of these programs appear to operate at the critical point of interactions with the criminal justice system.

Weave Youth Services

Weave is an inner-Sydney based mainstream organisation, but a significant proportion of their services users identify as Aboriginal or Torres Strait Islander. Weave based in Sydney operates a number of programs where peer support and a trauma-informed approach is the basis of their work.

Weave's, ***Speak out Dual Diagnosis program*** supports people with dual diagnosis, that is, where people experience a mental health issue that leads to alcohol or other drug use. The majority of program participants are Aboriginal or Torres Strait Islander. The award-winning program delivers responsive, holistic, effective support to young people experiencing dual diagnosis, helping them deal with practical issues and receive trauma informed care. It offers participants opportunities to experiences themselves differently and engage in creative projects, events and group work programs — this gives young people the chance to

build relationships, and connect with themselves, and the broader community. See <https://www.weave.org.au/programs/speak-out-dual-diagnosis-program/>

Weave's **Creating Futures** was established in response to community needs and developed to address the over-representation of Aboriginal people in the criminal justice system. The program is designed to help and empower Aboriginal and non-Aboriginal people who have recently been released from prison and give them every chance to create a positive future for themselves. *Creating Futures* is a structured 12-month plan which includes bail, pre and post-release support, plus diversionary options. The program aims to connect with people 12 weeks before their release from custody to increase their chances of successfully integrating back into the community.

The team provides practical support in the following ways:

- Obtaining essential identification documentation
- Setting up bank accounts
- Organising referrals to specialised services
- Ensuring program clients can access cultural health and wellbeing initiatives

An independent evaluation of *Creative Futures* found, amongst other things, the average rate of reoffending among participants was 4.11% - compared to an analogous Bureau of Crime Statistics & Research rate of 57.3%. See

<https://www.weave.org.au/programs/creating-futures-justice/>

First People's Disability Network

The First People's Disability Network (FPDN) is a national, Aboriginal Community Controlled organisation of and for Australia's First Peoples with disability, their families and communities.

Aboriginal and Torres Strait Islander people with disability are overrepresented in the criminal justice system. This is often the direct result of the criminalisation of disability and distress. A variety of systems, such as education and the disability system, can increase the likelihood that First Peoples with disability encounter the criminal justice system. According to FPDN, the NDIS has, regrettably, made these issues worse, and means more Aboriginal and Torres Strait Islander people with disability in the criminal justice system.

Much of FPDN's work is around advocacy for First Peoples with disability at an individual, legal, systemic level – as well as research and advocacy on First Peoples with disability interactions with the criminal justice system. See <https://fpdn.org.au/>

Aboriginal Mental Health First Aid

Some communities Just Reinvest NSW works with have pointed to the value of community members being trained in "mental health first aid" – see, for example, <https://mhfa.com.au/courses/public/types/aboriginal> . While this kind of program is valuable, it is not a replacement for properly funded and culturally safe mental health services, that should ideally be delivered by ACCHOs.

Additional question – palliative care

We have been asked whether we have any comments about ways to improve palliative care (end of life) medicine, nursing and care in Moree.

While we appreciate the importance of this issue, and note the high rates of illness and mortality in the Moree Aboriginal community, this work is not within our purview and we are unable to comment on this. We suggest contacting CAMS Moree on 6757 0222 and Moree District Health Services on (02) 6757 0009.

Yours faithfully,

Jenny Lovric

Manager, Community Engagement & Partnerships
Just Reinvest NSW