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LEGISLATIVE
COUNCIL

9:30 am – 10:30 am Associate Professor Eileen Baldry (Submission No. 95)
School of Social Sciences and International Studies
University of New South Wales

Additional written questions on notice:

1. Some inquiry participants have identified that there is a lack of advocacy services available for people with disability. Could you please comment on the level of advocacy services that are available to people with mental health disorders and cognitive disability that are in the criminal justice system?

Response

As far as I'm aware, Intellectual Disability Rights Service is the only organisations that advocates directly for people with Cognitive disability (CD) in the criminal justice system (CJS). The NSW Council on Intellectual Disability provides services for some people with CD who are in the CJS and the Aboriginal Disability Network connects a small number of services supporting Indigenous Australians with CD but neither of these has the capacity for advocacy. If a person with CD is under the Public Guardian, their PG can and does advocate for them if they are caught up the CJS but PGs do not provide a formal advocacy service and the majority of people with CD would not be under the PG.

To my knowledge there is no organisation dedicated to advocacy for people with mental health disorders who are in the CJS. The Mental Health Advocacy Service represents forensic patients (a small subset of people with MHD in the CJS) and assists people regarding detention and treatment in hospitals and the community and before Guardianship Tribunal but not those in the CJS. Again if the person is under the PG then the PG may advocate for them, but very few are under PG and the PG is not particularly geared for CJS advocacy.

At court, people with MHD & CD may be represented by Legal Aid. The LA lawyer may provide very limited advocacy but very few LA lawyers understand disability to the extent of being able to advocate for this group.

There is a number of disability services across the state who provide ad hoc advocacy for people with disability in the CJS but this is not systematised or available on a consistent basis