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STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

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Submission Cover Sheet

Inquiry into Community Corrections

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Response to ACT Legislative Assembly Inquiry into Community Corrections

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ADACAS acknowledges the traditional owners of the various lands on which we work:
the Ngunnawal communities for our work in the Canberra area,
the peoples from Tharawal and Yuin communities for our work across on the South Coast.

We pay our respects to their Elders, and to all Aboriginal and Torres Strait Islanders in our
communities. This land is Aboriginal land: always was, always will be.
Sovereignty was never ceded.

1. About ADACAS

The ACT Disability Aged and Carer Advocacy Service (ADACAS) is an independent advocacy service, funded to provide advocacy by the Australian and ACT Governments, for and with people with disability, people with mental ill health, older people and (informal family/friend) carers. ADACAS is based in Canberra and has been operating in the ACT for 30 years. We work with clients based in set zones of the Shoalhaven and Eurobodalla areas of NSW. ADACAS is a member of DANA, the Disabled Persons Advocacy Network of Australia, and OPAN, the Older Persons Advocacy Network.

ADACAS staff work with individuals to uphold their human rights. The focus of ADACAS' work is in providing **individual advocacy** (one-to-one non-legal support, working with people who in difficult situations and/or experiencing complex barriers, and who are seeking support to have their voice heard). As an advocacy service, ADACAS is frequently working with people who are "falling through the cracks" in current service systems. ADACAS offers issues-based advocacy with usually one-two advocacy topics per client at any one a time. Topics of advocacy are multiple and varied, ranging from housing, to access to justice, to psychiatric treatment order hearings, to quality-of-service issues, to child protection processes, to restrictive practice/restraint/ seclusion, to substitute decision-making, the Disability Royal Commission, the National Redress Scheme, to aged care service issues, to NDIS and NDIS appeals etc.

ADACAS also has a staff member who works as a systemic advocate, seeking to influence broader policies and service outcomes to impact positively, and seeking equitable access to and quality of services, and for human rights to be respected.

As part of the Disability Justice Strategy - in partnership with Advocacy for Inclusion, ADACAS developed Disability Awareness training for workers in the Justice sector and have recently been delivering that training to justice staff from a variety of settings.

ADACAS staff also have extensive knowledge of the NDIS, and a separate team offering Support Coordination to NDIS participants within the ACT, primarily people who have complex disability and/or health needs and whose life circumstances require specialised and expert management and linkage with customised services. Finally: ADACAS has a respected research and projects capability. Over the past decade we have specialised in Supported Decision Making (SDM) and have received funding through ACT and Commonwealth grants.

2. Introduction

Whilst the focus of the current inquiry is on Community corrections, the experience of people interacting with Community Corrections is inextricably intertwined with the broader justice system, both with the courts and legal systems, but also with operations of justice and health facilities such as the Alexander Maconochie Centre (AMC), Bimberi Youth Justice Centre and Dhulwa Secure Mental Health Facility. There have been a myriad of reports recommending change in relation to the ways in which the broader justice system operates, and in relation to various facilities, many of which have recommendations yet to be implemented (i.e., Healthy Prisons report for AMC). There have also been reports of human rights issues (e.g., strip searches¹) that are adding to trauma where action continues to be needed to change and improve practices. We are aware that there are also other reports pending release, such as the one examining the operations of the Drug & Alcohol sentencing list. We highlight the importance of making the changes that have already been recommended (many of which have been echoed through multiple reports). We also emphasise the ongoing need for significant changes in approach and welcome the changes that have more recently been made towards more inclusive approaches.

Key priority areas outlined in our submission in summary are:

- Embedding **universal design** principles through all Community Corrections processes, policies and systems to ensure that they meet the large numbers of people with disability in the justice system who live with disability, many of whom have disabilities that are not visible.
- Addressing **stigma, unconscious bias, discrimination**, and the **need for support services** to ensure that people with disability have access to the right supports and services at the right times
- The need for urgent action together with Aboriginal and Torres Strait Islander leaders and communities, to **address the continuing injustices reflected by the over-representation of Aboriginal and Torres Strait Islander people** in justice settings

¹ ACT Inspector of Correctional Services (2021), *Use of force to conduct a strip search at the Alexander Maconochie Centre on 11 January 2021 report*, available via ACT Inspector of Correctional Services website: <https://www.ics.act.gov.au/reports-and-publications>, accessed in November 2021.

- Ensuring that there is **adequate, suitable and culturally safe housing** available for detainees when they are released (detainees must not be detained longer in jail due to housing not being immediately available).

Further information on these matters is outlined throughout the submission.

3. About People with Disability and the Justice system

The ACT Disability Justice Strategy states an estimate that up to 50% of people in Australian prisons have a disability². People with disability are a very diverse group and reflecting the full diversity of our community in many dimensions. The experience of living with disability varies significantly: for some: the impacts of their disability might be static, for others, it could fluctuate, for others again it could increase or decrease over time (or some combination of all these factors). Whilst some people can have a disability from when they were born, others might develop or acquire disability/ies later in life. Given that many (most) types of disability are not visible, that disability is not always identified easily or early, and that diagnostic services can be hard to access, people may not be aware of disability concepts, rights, or diagnosis. Stigma, discrimination, or fears of same, and the complexity of disability diagnostic and support systems can also act as barriers. There can also be cultural differences around approaches to and concepts related to disability from Aboriginal and Torres Strait Islander communities; also, from people from some of the many culturally and linguistically diverse communities. Inclusive practice around different cultural ways of relating to and understanding concepts of disability, health, mental health, trauma etc must be considered.

For those aware of disability - some people have disability services already in the community, and then find that they struggle in detention or correctional settings without needed supports or to access reasonable adjustments. People with disability in these circumstances might not feel comfortable disclosing disability when they are interacting with justice systems, whether due to concerns about stigma or discrimination, or (not unfounded) fears that it might make them a target if they become a detainee.

² ACT Government (2019), *Disability Justice Strategy 2019-2029: A strategy to address unequal access to justice in the ACT*, available via https://www.communityservices.act.gov.au/disability_act/disability-justice-strategy, accessed in November 2021

The impacts of disability impairments (also the barriers that people experience as a person with disability) can also sometimes be one of the array of factors that contributed to how someone became involved (or stays involved) in the justice system.

In the ACT, over the last few years, there has been a concerted focus to improve access to justice and the experience of the justice system for people with disability. The ACT Disability Justice Strategy 2019-2029 is having a very considerable impact on access to and experience of justice, with positive impacts of the strategy increasing and accruing over time, as positive systemic changes are taking effect. Despite the many achievements to date, there continues to be a very long way to go to ensure that every person has an equitable experience of all the systems are impacting fairly with the best outcomes for each person.

4. Aboriginal and Torres Strait Islander People and the Justice system

Aboriginal and Torres Strait Islander people continue to be over-represented in the ACT justice system³. ADACAS strongly supports calls from ACT Aboriginal and Torres Strait Islander leaders, communities and organisations for a Royal Commission or similar Commission of Inquiry⁴, and an intense and urgent focus to addressing the combinations of systems, structures and approaches that has enabled these injustices to happen and allows it to continue.

We welcomed the Aboriginal community led initiatives which form part of the Building Communities not Prisons approach (Ngurambai Bail Support Program, also Yarrabi Bamiir), and the also those funded via the RR25by25: Reducing Recidivism 25% by 2025, however are conscious that there is so much more that is needed.

In ADACAS' view, there is a strong need to ensure that there are advocacy services (and sufficient funding for legal services) being delivered by Aboriginal and Torres Strait Islander staff in support of Aboriginal and Torres Strait Islander communities. Whilst ADACAS partnered

³ ACT Government (2018), Building Communities Not Prisons website, available via: <https://justice.act.gov.au/justice-programs-and-initiatives/reducing-recidivism/building-communities-not-prisons>, accessed in November 2021. AND

ACT Government (2020), RR25by25: Reducing Recidivism in the ACT by 25% by 2025: 2020 to 2023, available online via: <https://justice.act.gov.au/justice-programs-and-initiatives/reducing-recidivism>, accessed in November 2021.

⁴ Lindell, J (2021), 'Community leaders call for royal commission-style inquiry into Indigenous over-representation in justice system', article in the *Canberra Times*, published 12 May 2021, available via: <https://www.canberratimes.com.au/story/7248095/new-call-for-inquiry-into-indigenous-justice-system-over-representation/> accessed in May 2021.

with the First Persons' Disability network to enable a position which supports Aboriginal and Torres Strait Islander people to lodge submissions with the Disability Royal Commission, and we are currently recruiting (for an additional identified position but also beyond, for general vacancies as they arise). ADACAS would also welcome other initiatives that would support more Aboriginal and Torres Strait Islander advocates being available to work with Aboriginal and Torres Strait Islander communities.

We understand that Aboriginal community members are also calling for culturally safe housing options, and improvements in cultural safety for Sentence Administration Board (SAB) processes – we support these calls. ADACAS also echoes the importance of the Inquiry hearing directly from people with lived experience of Corrections systems as this Inquiry continues to progress. We emphasise also the need for ACT Government: Justice and Community Safety Directorate staff, Community Services Directorate staff and the Health Directorate to work more closely together, and alongside community partners to support better outcomes for families and individuals especially those with intersectional life experiences, and/or those who are needing to interact with multiple conflicting service systems simultaneously.

5. Social model of disability

To provide context for some of the content later in this submission, we have opted to include information from People with Disability Australia (PWDA), contrasting the medical and social models of disability as follows:

“According to the medical model of disability, ‘disability’ is a health condition dealt with by medical professionals. [. . .] ‘Disability’ is seen ‘to be a problem of the individual. From the medical model, a person with disability is in need of being fixed or cured. From this point of view, disability is a tragedy and people with disability are to be pitied. The medical model of disability is all about what a person cannot do and cannot be.

The social model sees ‘disability’ is the result of the interaction between people living with impairments and an environment filled with physical, attitudinal, communication and social barriers. It therefore carries the implication that the physical, attitudinal, communication and social environment must change to enable people living with impairments to participate in society on an equal basis with others. “

A social model perspective does not deny the reality of impairment nor its impact on the individual. However, it does challenge the physical, attitudinal, communication and social environment to accommodate impairment as an expected incident of human diversity.

The social model seeks to change society in order to accommodate people living with impairment; it does not seek to change persons with impairment to accommodate society. It supports the view that people with disability have a right to be fully participating citizens on an equal basis with others.

The social model of disability is now the internationally recognised way to view and address 'disability'. The United Nations Convention on the Rights of Persons with Disabilities (CRPD) marks the official paradigm shift in attitudes towards people with disability and approaches to disability concerns.”⁵

As part of this Corrections reviews – we ask for further consideration of, and work with people with lived experience, families and carers, advocacy and representative organisations on **how universal design principles and inclusive approaches** can continue to be further embedded into Justice and Corrections policies and practices to the greatest degree possible.

Work in this direction would align strongly both with the Disability Justice Strategy, and with the ACT Corrective Services Disability Access and Inclusion Plan. Even in situations where people use other terminology (i.e., do not directly identify with the term disability), there are disability rights related concepts, that may be of interest and/or applicable in some circumstances.

Under Disability Discrimination laws, it is a legal obligation of all services to **make reasonable adjustments** to policies, procedures and practices when needed. This could, for example, include (but is not limited to): ensuring that information is provided in accessible formats, providing breaks, working with the person about when the best time of day for discussions is, providing additional time when required, assisting with memory prompts, ensuring that the person's right to support with decision-making is upheld, making face to face appointments at home (or for those who prefer it, telehealth appointments) available etc.

Arranging the right array of disability supports (NDIS entry or access to an Aged Care package; access to the Disability Support Pension or the Aged Care Pension) is challenging even when people are not in custody (see ACTCOSS submission to the Senate Inquiry on the Disability

⁵ People with Disability Australia (2021), Social model of disability webpage on the People with Disability Australia website, available via <https://pwd.org.au/resources/disability-info/social-model-of-disability/>, accessed in November 2021.

Support Pension⁶). Proactive action can be critical to have any chance of negotiating the systems to work together in timely ways.

6. Specific topics

a. Parole system

At present, despite many efforts - the structures, systems and processes that exist around parole, do not adequately prevent undue impacts for many people with disability, people with mental ill health, people with intersectional life experiences and others in complex situations.

Process design and parole systems

In terms of process design: in their submission to this Inquiry, our Legal Aid colleagues request a parole release date system⁷ (rather than the current approach where people are required to opt-in – i.e., actively apply for parole, after a date which they become eligible to apply). Aligned with our earlier comments around the need to address structural barriers - ADACAS observes that a process that requires people to submit written paperwork to request parole (opt-in), potentially disadvantages people with learning, cognitive, intellectual, or other disabilities, also people who do not have strong English literacy skills. Whilst we are aware that it is expected that Sentence Management Officers (SMOs) can assist people if this assistance is needed, we consider Legal Aid's suggestion of a parole release date system is nonetheless worthy of careful consideration.

The ACT Ombudsman's report into Parole processes (November 2020) recommended "the provision of comprehensive information to detainees through the 'sentence management continuum' about sentence management and parole processes, with information effectively

⁶ ACTCOSS (2021), Submission to the Senate Inquiry into the Purpose, Intent and Adequacy of the Disability Support Pension, available via: <https://www.actcoss.org.au/publications/advocacy-publications/submission-inquiry-purpose-intent-and-adequacy-disability-support>, accessed in November 2021.

⁷ Legal Aid ACT (2021), Submission to the ACT Legislative Inquiry into Community Corrections, available via: <https://www.parliament.act.gov.au/parliamentary-business/in-committees/committees/jcs/inquiry-into-community-corrections#tab1780034-2id> and accessed in November 2021.

communicated, particularly for detainees with high and complex service needs, or alternative service requirements”⁸. We strongly endorse this recommendation.

Address barriers to release

We understand that at present there continue to be situations where people in complex circumstances (such as people with disability) are having requests for parole refused, due to issues such as **housing being unavailable**⁹, or inadequate levels of support being pre-arranged. It is possible that some of these scenarios will be due to support not being available at the right time to arrange either housing or to navigate the various systems in time to ensure appropriate post-release supports.

Whilst we concur with the importance of not discharging people into homelessness (thus setting people up to fail), detaining people for longer in such circumstances also breaches human rights and is unacceptable. We have heard that a Memorandum of Understanding was being developed with Housing ACT around justice housing related topics. We welcome extra focus in this area, especially if it reduces the chance of delays in housing being made available for release, and if it allows for immediate solutions in situations where someone’s housing arrangements disintegrate post release.

As per the social model of disability - we highlight the need to urgently act to address potential barriers to release early (barriers such as lack of housing (or suitable housing), need for disability supports), such that indirect discrimination via undue delays for people with more complex needs do not occur.

There was a concern raised also at Joint Pathways that there have been situations arising where people have felt the need to seek to return to AMC or Bimberi detention, purely to resolve a housing crisis/ and to have a roof over their head. This is clearly unacceptable.

⁸ ACT Ombudsman (2020), *Parole Processes at the Alexander Maconochie Centre: Investigation into the Administration of Parole by ACT Corrective Services*. November 2020. Report no 5/2020. Available via: https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0014/112073/ACTCS-administration-of-parole-processes.pdf, accessed in November 2021.

⁹ Sentence Administration Board (2020), *2019-2020 Sentence Administration Board Annual Report*, available via <https://justice.act.gov.au/safer-communities/sentence-administration-board/sentence-administration-board-annual-report>, accessed in November 2021.

Extent of specialised Disability expertise, staffing and supports

ADACAS welcomed the ACT Corrective Services Disability Access and Inclusion Plan, and the appointment of a Disability Executive Champion. ADACAS staff also work frequently with the Disability Liaison officer at the Alexander Maconochie Centre, and others in different aspects of the justice system. We welcome news also that a Disability and Complex Care Interventions Coordinator has very recently been appointed at AMC, with the intent of that role assisting in improving client pathways for people with disability, mental ill health, older age, and/or complex needs in the justice system, and that a specific Disability Liaison Officer has recently started who will have a Community Corrections focus.

We question however whether there might be need for additional DLOs in some of these settings, given the high proportion of people with disability expected to be involved with AMC and Corrections, and the complexity of seeking to achieve the changes that are needed such that processes/support systems are inclusive. We suggest that there be an evaluation to ensure that DLOs are adequately resourced to meet the demand for support, and to ensure that people with disability are getting all the supports that they require throughout the justice system. We also encourage close ongoing monitoring to ensure that the level of need for DLO or equivalent expertise is adequately captured and quickly acted upon as additional assistance is required.

In addition - the NDIA state that having one NDIA Justice Liaison officer (shared with NSW) is sufficient. We would encourage close examination as to whether this is the case, as given the high proportion of people with disability who are likely to be under 65 and potentially eligible for NDIS entry (which might not have occurred prior to detention commencing), we expect that there would be sufficient demand from the ACT alone, to justify a full NDIA Justice Liaison officer for the ACT.

Whilst acknowledging that the Corrections Disability Action and Inclusion Plan (DAIP) makes a commitment to expanding staff training/awareness around disability (a commitment we welcome), we are aware there is much yet to do, and encourage continued and proactive effort in this arena.

b. Intensive correction orders,

Given that Intensive Correction Orders are custodial sentences of up to 4 years, served in the community, available to people living in the ACT, which might include conditions such as regular drug-testing, home visits participation in rehabilitation programs etc¹⁰, they are an important option to have available.

ADACAS asks however whether there are supporting processes to seek to ensure that disability-related adjustments (such as supports to meet any conditions, or adjustment of conditions) are being adequately considered when eligibility for, or conditions of ICOs are being established? If not, we suggest that these processes be urgently developed, (and that such processes be co-designed), in partnership with people with disability, families/carers, and with the involvement of disability advocacy and representative organisations, as well as other key stakeholders.

[ADACAS is aware that, for example, a person with a memory related impairment, may need prompts (from a source and in a way that suits for them) to engage with processes. Someone with a cognitive impairment may need information explained to them differently, and assistance to engage with steps in processes etc, someone with physical disability needs might need extra transport support etc].

ADACAS also supports Legal Aid's recommendations that there be consideration of expanding eligibility for ICOs also to people living in the regional NSW zones surrounding Canberra, such that people are not disadvantaged by the happenstance of the state in which their home address is located, and that there be careful oversight to ensure that the conditions being imposed via ICOs are not unduly restrictive. ADACAS also recommends that there be assistance around transport provided when needed to meet ICO requirements, such that people are not set up to fail.

¹⁰ACT Government (2021), 'Orders page', on the *ACT Government Corrective Services website*, available via <https://correctiveservices.act.gov.au/community/orders>, accessed in November 2021.

c. Sentence Administration Board

As an independent administrative authority with roles including:

- Making decisions about parole (and breaches of same),
- Making decisions about Intensive Corrections Orders (and breaches of same) and
- holding management hearings into how people on parole are going and their compliance with parole arrangements amongst other responsibilities,

the Sentence Administration Board (SAB) plays an important part in balancing the rights of people seeking or on parole, and the community¹¹.

Whilst people attending hearings with the SAB are allowed to have legal representation, or (with permission) a McKenzie's friend present, our understanding is that in practice, the demands on Legal Aid and the logistical barriers in seeking legal aid representation are such that it is rare that Legal Aid can support people through a SAB hearing. ADACAS is aware that the Hugo Law Group runs an ACT Women's Pro Bono Parole program, providing pro bono assistance to women at AMC who are seeking parole: <https://hugolawgroup.com.au/act-womens-pro-bono-parole-program/>. We enquired separately also with the ACT Law Society: they advised us that they have not recently had any requests for pro-bono assistance with parole matters.

ADACAS would strongly support there being increased advocacy and independent legal support for people going through SAB and other legal processes. Legal support through such processes becomes increasingly important especially if people may have experienced trauma, abuse, and/or having learning, intellectual, cognitive and/or psychiatric impairments. We recognise that there would need to be procedural and funding changes to enable legal services (also non-legal advocacy services) to be able to further assist.

For example - the current provision which offers the option to have a 'McKenzie's friend' to "take notes, quietly make suggestions and give advice" (as outlined at <https://justice.act.gov.au/safer-communities/sentence-administration-board/representation-board>, and for which permission must be sought in advance), might not always adequately

¹¹ Sentence Administration Board (2021), *Sentence Administration Board website*, available via <https://justice.act.gov.au/safer-communities/sentence-administration-board> and accessed in November 2021.
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allow for the role of non-legal advocates, such as the disability advocates that ADACAS and Advocacy for Inclusion employ.

The Sentence Administration Board's annual report for 2019-2020¹² spoke of challenges around reduced sitting days (and the consequent impact on parole hearings). We await advice as to whether such the impact of the number of reduced sitting days were resolved for 2020-2021, and whether this issue has continued to be resolved for 2021-2022.

The Sentence Administration board annual report also speaks of relying on reports from community corrections staff, expert assessors, progress in offence-specific courses. We highlight the importance of consideration of disability related needs in any assessments or reports occurring in preparation for SAB hearings or processes and note the potential for negative impacts if Corrective Services staff need additional training around disability. Given the SAB examines course completion (whilst at AMC) as a factor in their processes - we also ask if there has been a recent review of the courses on offer at AMC to ensure that they are accessible to detainees with disability, and that the needs of detainees (including those who have not disclosed disability) are being adequately (and equitably) responded to.

Whilst conscious that there is at least one member of the SAB who is an Aboriginal person, we ask what additional efforts are being made to increase the proportion of Aboriginal SAB members, and to ensure that Aboriginal people engaging with SAB feel that they are engaging with processes that are attuned to the layers of stigma or discrimination that Aboriginal people too often face, as well as their experiences and cultural safety needs.

We are aware that via the ACT Corrective Services Disability Access and Inclusion Plan, there are a number of strategies with the potential to impact positively on the parole and SAB process (improvements in training, policies, connections to supports etc), however re-emphasise the importance of especial focus on seeking to address any structural barriers that might be contributing to negative experiences for people with disability and/or other complex needs, interacting with such processes.

¹² Sentence Administration Board (2020), *2019-2020 Sentence Administration Board Annual Report*, available via <https://justice.act.gov.au/safer-communities/sentence-administration-board/sentence-administration-board-annual-report>, accessed in November 2021.

d. Reducing barriers to accessing Legal Support

ADACAS is aware of the demand that Legal Aid and other legal services face and highlights the need for an expansion of funding for legal support for people who are interacting with justice systems.

Additionally – we highlight an additional issue - given that a significant proportion of people who are detained at AMC are on remand and may enter community corrections or AMC following that process – we understand that sometimes detainees are calling lawyers at Legal Aid or elsewhere for urgent legal assistance at very short notice, with court matters scheduled for that same day, or in a day or two following. Given that phone calls are typically limited to 10 minutes, and that it can take two-three days to book an audio-visual link appointment, this can have a very significant impact on whether people are able to access legal assistance.

We encourage close consideration of what might be contributing to this situation – is it that people need earlier advice about court dates (or support to remember ahead of time)? Is it to do with difficulties or delays in being able to access the phone to make phone calls? Is it to do with additional need for support to connect with lawyers earlier? Whatever the combination of factors, we ask that there be concerted effort to ensure that people on remand (also people seeking parole) can access legal support more easily and early.

e. Drug and alcohol treatment orders

ADACAS is aware that an evaluation of the Drug and Alcohol Sentencing List (DASL) is currently in progress and await the outcomes of this evaluation with interest.

Whilst at present ADACAS advocates have had limited exposure to working with clients also engaging with the list, we ask for close consideration of the additional needs of people with disability (or mental ill health) who also have co-occurring substance use issues. We highlight the importance of options such as the DASL being equitably available to people who, for example, might need an alignment of their NDIS (aged care or other) support services and other justice related supports, to be able to engage equitably with the DASL. We acknowledge also need to expand the availability of substance use support options in the

ACT community, as outlined in the submissions (especially that of ATODA) to the recent ACT Legislative Inquiry into Drugs of Dependence (Personal Use) Amendment Bill 2021¹³

f. Recidivism outcomes

When it was first announced (2018/2019): ADACAS was pleased to see the Justice reinvestment initiative: “Building Communities not Prisons” as the principles (“restorative practices, human rights, trauma informed, evidence informed, gender informed, cultural integrity”¹⁴), the pillars (“justice accommodation options, responding to the impacts of drug and alcohol dependence, early support for people living with mental illness or disability, pathways for safe and sustainable bail, reducing the over-representation of Aboriginal and Torres Strait Islander people in the justice system, and ensuring community building capabilities”¹⁵) and the pathways, are considered and important.

ADACAS also agrees with the vision and pillars outlined in efforts that arose from the Building Communities not prison work, namely the “Reducing Recidivism in the ACT by 25% by 2025” plan, released in 2020, and the priority areas.

Whilst we are conscious of the extent of COVID impacts (some of the changes and delays to programs were acknowledged even within RR25by25 report¹⁶) - given that we are hearing negative experiences from people interacting with justice systems, we are concerned about the extent to which progress is being made towards these goals and whether the actions and implementation efforts have been and are sufficient to allow sufficient and timely progress towards the identified (and shared) goals.

¹³ ACT Legislative Assembly (2021), Submissions to the Inquiry into the Drugs of Dependence (Personal Use) Amendment Bill 2021, available via: <https://www.parliament.act.gov.au/parliamentary-business/in-committees/committees/select-committee-on-the-drugs-of-dependence-personal-use-amendment-bill-2021/inquiry-into-the-drugs-of-dependence-personal-use-amendment-bill-2021#tab1703349-2id>, accessed in December 2021.

¹⁴ ACT Government (2018), Building Communities Not Prisons website, available via: <https://justice.act.gov.au/justice-programs-and-initiatives/reducing-recidivism/building-communities-not-prisons>, accessed in November 2021.

¹⁵ ACT Government (2018), Building Communities Not Prisons website, available via: <https://justice.act.gov.au/justice-programs-and-initiatives/reducing-recidivism/building-communities-not-prisons>, accessed in November 2021.

¹⁶ ACT Government (2020), RR25by25: Reducing Recidivism in the ACT by 25% by 2025: 2020 to 2023, available online via: <https://justice.act.gov.au/justice-programs-and-initiatives/reducing-recidivism>, accessed in November 2021.

In addition to the approaches currently funded, given the high proportion of people with disability and people with mental ill health interacting with the justice systems, ADACAS emphasises the need for additional effort to reducing barriers to support – we highlight the need for **earlier identification of disability/mental illness** (ideally such that support is available before people are interacting with legal systems/services). Such support needs to be available as early as possible after impairment becomes apparent (whether this is early in age, early in episode or onset of impairment etc). We also note the need for more help for people at risk of interacting with justice systems and their families/networks to access any needed supports and to navigate and connect to the service systems that are available.

We also note the need for concentrated, coordinated, intensive efforts with all stakeholders (partnering with and preferencing the voices of people with lived experience) across many different spheres of the justice and related systems, and the importance of this occurring in a timely way.

A Corrections system that connects, interacts, and works seamlessly together with the broader community services system is vital to better outcomes. ADACAS would welcome opportunities to continue to build a closer relationship with Corrections staff, and staff working with Transition, Reintegration and Throughcare programs.

We would also welcome extra focus and concentration on restorative justice approaches. At the present time, restorative justice conferencing is occurring only in limited circumstances, in the ACT. Restorative Justice conferencing can make a very significant difference, not solely to victim/survivors, but also can have a positive impact for offenders, as they come to terms not solely with the impact for the victim/survivor, and the victim/survivor's family, but also with the impact of their actions on themselves, and their own families. We encourage additional focus on the opportunities that Restorative justice and other strengths-based initiatives can bring.

g. Experiences of people interacting with Corrections systems and their families

The statistics for people with disability as experiencing violence, abuse, neglect, and exploitation are horrifying, and have well warranted the Disability Royal Commission which is currently in progress¹⁷. Learnings will continue to emerge around approaches to prevention of these experiences.

Given that in many instances, people with disability who are offenders, have also experiences as victim/survivors¹⁸, ADACAS highlights the need for Corrections staff to be well versed in trauma-informed practice, in addition to disability awareness, skills in making reasonable adjustments and disability rights/ supports etc.

As is also acknowledged in the RR25by25 report¹⁹, ADACAS highlights the connectedness of the myriad of programs of reform that are currently occurring in the ACT: some coming to mind are the Disability Justice Strategy (and the upcoming Disability Health Strategy) reforms in the family support/child protection arenas, ACT Housing Strategy, the ACT Drug Strategy Action Plan and the ACT Mental Health and Suicide Prevention Plan. We highlight the continued need for all reforms to support people together with their families and/or networks (or to work with people who do not have informal networks to support building them), as opposed to working with individuals in isolation.

ADACAS also notes that in our view, extra advocacy support is needed especially for people with cognitive disability seeking to navigate justice systems (although we would highlight the need also for advocacy support for people with other types of disability as needed). The ACT Towards Disability Justice report (issued in the leadup to the Disability Justice Strategy) had

¹⁷ Disability Royal Commission (2020), Royal Commission into Violence, Abuse, Neglect and Exploitation website, available via www.disabilityroyalcommission.gov.au, accessed in November 2021.

¹⁸ Dowse, L., Rowe, S., Baldry, E. and Baker, M. (2021), Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability Research report: Police responses to people with disability, by researchers at the University of New South Wales, Sydney, October 2021. Available online via: <https://disability.royalcommission.gov.au/publications/research-report-police-responses-people-disability> accessed in November 2021.

¹⁹ ACT Government (2020), RR25by25: *Reducing Recidivism in the ACT by 25% by 2025: 2020 to 2023*, available online via: <https://justice.act.gov.au/justice-programs-and-initiatives/reducing-recidivism>, accessed in November 2021.

proposed future consideration of a specialist Justice Advocacy service²⁰, ADACAS is supportive of additional investment into disability justice advocacy.

h. Implementation and oversight following outcomes of this Inquiry

As mentioned earlier in this submission, there have been a myriad of inquiries and reports into all different aspects of the justice system, and one of the ongoing challenges, is in ensuring good implementation and oversight of the recommendations that arise out of such inquiries. ADACAS recommends that as part of the outcome of the current Legislative Assembly inquiry, there be a very clear implementation and oversight plan. This plan should also include clear pathways of accountability to people of lived experience, and clear involvement of people with lived experience (inclusive of people with disability, carers, disability representative organisations, Aboriginal and Torres Strait Islander leaders and organisations) in any implementation oversight committees. The implementation and oversight plan should also require progress reports on recommendations being reported publicly and regularly and occur by the relevant Minister, through the ACT Legislative Assembly).

²⁰ ACT Government (2019), Towards Disability Justice for the ACT: Summary of Research and Consultations 2019, available online via https://www.communityservices.act.gov.au/disability_act/towards-disability-justice-in-the-act accessed in November 2021.