



LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON HEALTH, AGEING AND COMMUNITY SERVICES
Chris Steel MLA (Chair), Elizabeth Kikkert MLA (Deputy Chair), Vicki Dunne MLA,
Caroline le Couteur MLA, Michael Pettersson MLA

ANSWER TO QUESTION TAKEN ON NOTICE DURING PUBLIC HEARINGS

Asked by Mr Michael Steel MLA on 11 May 2018: Ms Jodie Griffiths-Cook took on notice the following question:

Ref: Hansard Transcript 11 May 2018, PAGE 67.

In relation to: NDIS plans for detainees at the Alexander Maconochie Centre

Are you aware of any situations where a person has been detained longer than necessary due to NDIS plans not being in place?

Ms Jodie Griffiths-Cook: The answer to the Member's question is as follows:–

The current complexity of National Disability Insurance Agency (NDIA) processes appears to result in delays in access to reasonable and necessary support which may negatively impact people on remand being granted bail or detainees being granted parole. The situations that have been referred to the Human Rights Commission (HRC) are complex and there is not always just one reason for longer detentions. However these situations have resulted in negative impacts on people, including detention beyond what might have occurred if appropriate NDIS supports were available when needed.

As an example, the Human Rights Commission received a complaint on behalf of a detainee with a psychosocial disability in the AMC. His parent applied for a NDIS support package more than a year ahead of his potential release date so that he could have supports in place when released. The NDIA advised that they were unable to process the application until three (3) months before his release date. When the detainee was given the date he would be eligible for parole, his parent again contacted the NDIA, and was informed a new application would need to be submitted, and that it would take around four (4) months until a decision would be made. His parent asked for the application to be fast-tracked. However one week prior to release, the NDIA advised they would need his release date confirmed in writing before they would even process the application, and that he would have to rely on general community services for support while waiting for the application to be processed. Fortunately, the detainee was granted parole and released however the limited community supports available were insufficient to meet his needs and resulted in significant stress within his family, including his parent taking time off work to provide support. His well-being deteriorated and he subsequently breached his parole conditions and was returned to AMC.

A different scenario involves a person who was on remand in AMC and who had an NDIS plan. Due to his behaviour he required additional support to live safely in the community. It was identified that without a substantial change in his NDIS support arrangements, it would be unlikely that bail would be granted. His NDIS provider and his parent, supported by AMC and Public Advocate staff, worked extensively over many months to redesign his supports and liaised with the NDIA to try to have changes made to his plan, with no success. He subsequently had his bail application refused. A key factor in deciding to do so was that the

level of support he required as a condition of safe release was not fully reflected in his NDIS plan. He was held on remand for around six (6) months.

These examples reflect the complexity of the situations experienced by NDIS participants in AMC. There are multiple factors impacting on the length of time in AMC. However the complexity of the NDIA processes and lack of timely responses require extensive work by family members and support providers in addition to AMC, Mental Health and Human Rights Commission staff to try to ensure the time in detention is not extended unnecessarily.

Approved for circulation to the Standing Committee on Health, Ageing and Community Services.

Signature:



Date: 25 May 2018

By: Ms Jodie Griffiths-Cook