

Media release

31 March 2015

“Shame on the Federal Government for punishing people with disabilities, and shame on News Limited for playing up to prejudice around mental illness” said Queensland Advocacy Incorporated Director Michelle O’Flynn.

News Limited’s 25 March 2015 article [‘Welfare Cuts for criminally insane’](#) reported the Federal Government’s plan to cut the Disability Support Pension to people who have been confined in relation to alleged criminal offences.

“The Federal government is planning to punish people in involuntary detention by taking away their Disability Support Pension. They want to save ~ \$29.5 m over four years by taking away the only income these people receive.”

“It’s a drop in the Federal Government’s bucket, but to people recovering from mental illness and other people with disability affected by this measure this money is critical”, said Ms O’Flynn.

“It is the difference between a return to everyday life versus years in an institution”.

“You cannot return to your community if you have no money” said Ms O’Flynn.

“The alternative is to stay locked up indefinitely. That goes against the international conventions that the Federal Government has signed up to, and of course it will cost taxpayers a lot more money in the long run,”.

“These are people who have not been convicted of a crime; people with a mental illness or intellectual impairment who were excluded from the criminal justice system, and who often end up serving a much longer time in detention than if they went through the courts.”

“A person in psychiatric confinement is not guilty of an offence” said Ms O’Flynn.

“There has been no determination of facts, no finding of criminal responsibility, no conviction and no retribution— until now”.

“The removal of social security payments amounts to the punishment of a person who has not been found guilty, in the same manner as if they *had* been found guilty.”

“Governments in every state and territory have passed mental impairment legislation because they recognise, as the common law has done for centuries, that people who are of unsound mind or who are unfit to plead or to stand trial cannot rightly be held criminally responsible for their actions.”

“The government wants to focus the cuts on people suspected of only the most ‘serious

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offences'. This is a furphy. The range of (alleged) offences is broad and will include affray, unlawful use of a motor vehicle and attempting to procure a miscarriage" said Ms O'Flynn.

People with mental illness, head injury or intellectual disability typically have low incomes and few assets. Modest savings (e.g. enough to pay a bond for a rental property, or to enrol in a TAFE course) while in detention dramatically assist these people to rehabilitate from the circumstances that lead to their detention in the first place".

If acted upon, the government's proposal will —

1. reintroduce a punitive dimension to forensic detention;
2. cause financial hardship for people (and in some cases their dependants) who have done no criminal wrong;
3. save taxpayers no money, shifting costs from the Commonwealth to states and territories; and
4. set-back the recovery of people in detention (and cost governments more money) by making it more difficult to transition out.

"People placed in psychiatric detention still have financial responsibilities such as rent, the welfare of those dependent upon them, education and other necessities. Depriving people of income promotes institutionalisation. It encourages dependency and helplessness."

"The proposal will diminish the recovery prospects of those detained in relation to mental illness. It will diminish people's prospects for habilitation and skills development if they were detained in relation to intellectual impairment. Deprived of an income, a person loses an important link to the everyday world. It diminishes their capacity to function. "

"Even if detained for short periods, people may lose their accommodation/tenancy, or be deprived of the means to re-establish themselves in suitable accommodation on release. Stable accommodation is the most important factor in a person's recovery from mental illness, and lack of accommodation is the most serious barrier to post-detention reintegration for people with intellectual disability."

"The proposal runs contrary to traditional legal principles, to natural justice, to our international obligations, and to common sense and decency. It will cost taxpayers more money in the long run too" said Ms O'Flynn.

Michelle O'Flynn

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