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## **An important new resource offers hope for improvement for people with disability in the criminal justice system**

Queensland Advocacy Incorporated launched its important new book: *dis-Abled Justice: Reforms to justice for persons with disability in Queensland* at a successful community and national forum in Brisbane yesterday.

The publication explores the problems arising from the fractured Queensland criminal justice system insofar as it impacts on people with disability. It proposes a (non-exhaustive) agenda of micro-reforms directed towards ensuring that this already highly vulnerable and disempowered group is not further marginalised by a criminal justice system that should prioritise its protection.

“This resource builds upon QAI’s 2007 publication *Disabled Justice: The barriers to justice for persons with disability in Queensland*, which documented the significant problems inherent at the disability/criminal justice interface and developed a strong platform for reform in this area”, Michelle O’Flynn, Director of Queensland Advocacy Incorporated, said today. “This new, complementary publication addresses the work still to be done to pave the way to justice for people with disability in Queensland.”

The forum was opened by Queensland Anti-Discrimination Commissioner Kevin Cocks, who strongly endorsed the relevance of the report in addressing the plight of a vulnerable group that can become increasingly disempowered within the criminal justice system. “People with disability are more likely to become victims of crime before they become offenders”, Commissioner Cocks said. He also highlighted the strong correlation between the social marginalisation and poverty experienced by many people with disability and criminal behaviour, explaining: “research indicates that most of the crimes carried out by people with disability are crimes for survival”.

The book emphasises that proactive prevention by meeting individual support needs is a more cost effective way to address criminality than detention and punishment. It cites research that shows that detention and other forms of reactive intervention are costly to individuals, families and the community.

Officially launching *dis-Abled Justice*, eminent Queensland barrister Dan O’Gorman SC offered some valuable insights into the experience of people with disability in the criminal justice system. “I am honoured to launch what I believe to be a very, very important report”, Mr O’Gorman said. “There is no doubt that people with disability are over-represented in the criminal justice system and such behaviour is indefensible and warrants urgent remedial action”, he said. “If one spends a little time at our prisons, one is readily struck by the proportion of people who have obvious difficulties, yet many are there because our criminal justice system still does not provide adequate services, both in terms of ensuring they are not desperate and in providing them with facilities to adequately explain their story. How can one possibly have a fair criminal justice system if there are these sorts of inequities?”

Mr O’Gorman called for people to take a more empathetic approach to this issue: “what if your loved one was a person with disability? Would you put up with them being treated in

this way?" he asked. "Of course not! And that is why this report is so important. For people with disability, equal justice has not yet been achieved... there is a long, long way to go."

A dynamic group of speakers, which also included Simon Wardale, Dr Janet Hammill, Paul Sheehy, Leona Berrie and Kobie, Benita Bierzynsk, Julie Hearnden, Nick Collyer and Jane Remington-Gurney, explored issues including making the criminal justice system more accessible to people with disability and reducing the overrepresentation of people with intellectual impairments and mental illness as suspects, defendants, prisoners and victims.

*Dis-Abled Justice* has been favourably reviewed by Prof Gillian Triggs, President of the Australian Human Rights Commission, the Hon Michael Kirby AC CMG, former Justice of the High Court of Australia and Prof Amita Dhanda, Professor and Head, Centre for Disability Studies, NALSAR, Hyderabad, India.

A copy of the book can be purchased from Queensland Advocacy Incorporated:  
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