



Media Release

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QAI speaks out against sensationalist and callous reporting of the plight of a Queensland teen with an intellectual disability and mental illness

Queensland Advocacy Incorporated (QAI) has issued a strong call for an end to the Courier Mail's sensationalist and inflammatory approach to reporting the plight of those with an intellectual or cognitive disability or a mental illness who come into contact with the criminal justice system.

QAI was deeply concerned by Courier Mail journalist Kate McKenna's portrayal of the story of Ms Rebecca Ison's interaction with the criminal justice system ('Teen with 15-page rap sheet allegedly set fire to \$100,000 worth Kmart stock'). Ms Ison is an 18 year old Queensland youth with an intellectual disability and mental health concerns. In recent years, she has had frequent contact with the criminal justice system through a series of minor offences.

QAI was particularly disturbed by the sensationalised language used, designed to touch upon the fears and prejudices of ordinary Queenslanders regarding mental illness and intellectual or learning disabilities, and by the harsh account, completely devoid of empathy, of the plight of this at-risk teen. QAI considers this highly inappropriate, offensive and disempowering not only to Ms Ison but also to the significant subgroup of Queenslanders who are part of the vulnerable subgroup of Queenslanders who experience intellectual or cognitive disability or mental illness.

Furthermore, the journalist's description of Magistrate Callaghan's approach to this case, labelling her decision to be lenient on Ms Ison as 'soft touch', was not only derogatory but also ill-informed. In contrast to other Australian jurisdictions that have taken a more progressive approach in this regard, Queensland magistrates have very limited powers and discretion when determining allegations involving a person with an intellectual or cognitive disability or mental illness. There is no scope for Magistrates to explore the issue of a person's capacity to be held criminally liable (though there is in higher courts), even where the extent of the person's disability or mental illness is such that they clearly cannot understand the implications of their behaviour or the legal proceedings in which they are involved. There is also very little scope for magistrates to impose sentences that might help to rehabilitate a person in Ms Ison's circumstances.

By labelling Magistrate Callaghan's decision as 'soft touch', the Courier Mail highlights its ignorance of the limits of the options available to magistrates, who can gain insight into the difficult circumstances of the life of a vulnerable person such as Ms Ison, who has experienced a life-time of disadvantage, yet have their hands tied in terms of the options available to rehabilitative them. It unfairly places blame on the judiciary for a social and cultural problem. It also displays ignorance of the systemic nature of the problem, which can result in vulnerable people such as Ms Ison becoming perpetually enmeshed within the criminal justice system and ultimately imprisoned for an accumulation of minor offences.

Ph: (07) 3844 4200 or 1300 130 582 Fax: (07) 3844 4220 Email: qai@qai.org.au Website: www.qai.org.au

2nd Floor, South Central, 43 Peel Street, STH BRISBANE QLD 4101

QAI endorses the objectives, and promotes the principles, of the Convention on the Rights of Persons with Disabilities.

Patron: His Excellency The Honorable Paul de Jersey AC

Queensland Advocacy Incorporated (QAI) is an independent, community-based systems and legal advocacy organisation for people with disability in Queensland, Australia. Our mission is to promote, protect and defend, through advocacy, the fundamental needs and rights and lives of the most vulnerable people with disability in Queensland.

To this end, QAI actively engages in systems advocacy work directed to attitudinal, law and policy change, and by supporting the development of a range of advocacy initiatives in Queensland. We also run the Mental Health Legal Service, a specialist legal service dedicated to providing free legal assistance in relation to mental health law in Queensland; the Justice Support Program, a QAI initiative to support people with disability to remain in the community and prevent any further entrenchment into the criminal justice system; and the Human Rights Legal Service, which provides specialist legal advice, referral and representation for vulnerable persons with disability in Queensland.

Through our experience working with the most vulnerable people with disability and mental illness, we are all too aware of the stigma of mental illness that has historically, and still continues to strongly, pervade Queensland society. We are also very mindful of the damaging prejudicial assumptions and stereotypes about persons with mental illness and/or intellectual or cognitive disability. In particular, negative connotations associated with mental illness have created a stigma about mental illness, and also generated a correlation between mental illness and a predisposition to violence.

QAI takes the position that, in attempting to understand a person's behaviour, it is imperative to start by understanding their life experiences, any difficulties they may face in communicating and the situations in which they may feel unsafe, threatened or disempowered. This is particularly important for people with life experiences such as those of Ms Ison. Incarceration is no cure or rehabilitation. An 18 year old teen with a lifetime of issues impacting on her mental wellbeing and her capacity is in dire need of ongoing support and education as a means to overcome her history, better cope with life's challenges and redress her actions in the future.

QAI notes the power of the major newspapers in influencing social values and standards. The reporting by the Courier Mail in this instance is an abuse of this power and is not consistent with good journalism. It may have been consistent with the anachronistic approach to denying access to justice and blaming-the-victim that characterised the reign of the Newman government, and before it the Bjelke-Petersen government, in Queensland, though it was never justified or acceptable. It is particularly unacceptable as Queensland moves forward to embrace a more egalitarian and inclusive approach to diversity.

QAI considers it high time for a new era of responsible journalism, where journalists are trained to report the facts of cases without descending into unprofessional hysteria or resorting to blaming and persecuting, particularly when it comes to reporting on the lives of Queensland's most vulnerable.

Contact: Michelle O'Flynn, Director, Ph: 0481 381 528