

**Advice to the Chair of the NDIS Joint Standing Committee  
Mr Kevin Andrews from Australians for Disability Justice Regarding an  
NDIA Criminal Justice Unit**

**19<sup>th</sup> of June 2017**

**Context**

NDIS Joint Standing Committee Inquiry into “the provision of services under the NDIS for people with psychosocial disabilities related to a mental health condition” with specific reference to Terms of Reference (H) the provision, and continuation of services for NDIS participants in receipt of forensic disability services; and (I) any related matter.

**Purpose of the Meeting**

To provide Mr Andrews with detailed advice on the focus and benefits of a criminal justice unit located in the National Disability Insurance Agency<sup>1</sup>

**Current Situation**

- State and Territory Forensic Disability and Disability Justice Support Systems are being dismantled as responsibility and funds are transferred to the NDIS
- Limited disability justice service system support currently available to people with disabilities in the criminal justice system
- Loss of disability justice pathways, expertise and capacity leading to a lack of sector coordination and coherence
- Breakdown / lack of a Disability / Justice Interface

**Functions and Structure of an NDIA Criminal Justice Unit**

- Led by a Senior Expert with a team of specialists in the area of criminal justice and disability
- The NDIA Criminal Justice Unit would be informed by an advisory group
- Lead the development of an agency wide response to people with disabilities in the criminal justice system

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<sup>1</sup> The idea of a criminal justice unit in the NDIA was raised by Mr Andrews during discussions that took place at the Inquiries Public Hearing on April 28<sup>th</sup> and subsequently outlined in *Recommendation 2* in the Australians for Disability Justice Supplementary Submission to that Inquiry, “As clarified at the Hearing, in view of the large number of people with cognitive disability in contact with the justice system and the specialised needs experienced by this group, Australians for Disability Justice recommends that the NDIA engage a senior expert with extensive knowledge and expertise to develop principles, policy and practice (as the agency has for mental health.”

- Primary focus would be to build the capacity of the NDIA to respond to people with disabilities in criminal justice systems across the states and territories
- Develop the policy and service system framework for the response of the NDIA to people with disabilities in criminal justice systems

### **The Benefits of a NDIA Criminal Justice Unit**

- Provide expertise to the NDIA around the interface of criminal justice and disability
- Develop expertise in planning and funding for people with disabilities in the context of the interaction of the national disability system and the state and territory justice systems as well as other mainstream agencies with intersectoral responsibilities
- Act as the NDIA point of contact for state and territory criminal justice systems in the context of people with disabilities
- Ensure people with disabilities in the criminal justice system have access to the full range of disability supports and protections provided through the NDIS

### **Enabling NDIA Leadership In Rebuilding Sector Capacity**

- The Criminal Justice Unit would work with the states and territories to redesign/rebuild the community based and forensic responses to people with disabilities in the criminal justice system
- Enable disability, justice and other relevant stakeholder participation in working towards a national disability system that responds to people with disabilities in the criminal justice system
- Provide access to the institutional capacity and expertise of the NDIA for state and territory justice agencies
- Ensure a quality and safeguarding framework is developed and implemented for agencies providing disability justice support to people with disabilities in criminal justice systems
- Build evidenced-based framework (ie. Collection of appropriate data)

### **Australians for Disability Justice with Contribution from:**

**Professor Eileen Baldry UNSW**

**Associate Professor Leanne Dowse UNSW**

**Ms Simone Rowe – Community Restorative Centre**

**Mr Patrick McGee - ADJ**

