



1<sup>st</sup> March 2013

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

Dear Sir/Madam

Re: Inquiry into the value of a justice reinvestment approach to criminal justice in Australia

I refer to the referral of this matter by the Senate to the Legal and Constitutional Affairs Committee on 26 November 2012.

In particular, I refer to sub-section (c) of the Terms of Reference relating to the consideration of the over-representation of disadvantaged groups within Australian prisons, including Aboriginal and Torres Strait Islander peoples and people experiencing mental ill-health, cognitive disability and hearing loss.

The Advocacy and Support Centre Inc (TASC), formerly the Toowoomba Community Legal Service, was founded in 1982 as a small legal service for disadvantaged people. Today TASC is the largest community legal service in Queensland and delivers legal, advocacy and social services across the South West Region of Queensland.

One of TASC's legal programs, The Disability Law Project (DLP), commenced in 2004 and continues to represent people with an intellectual disability, acquired brain injury or mental illness facing charges in the Queensland criminal justice system. The aim of the DLP is to address the inequities in the criminal justice system in Queensland by bringing to the attention of the court, the actual or potential impact of the disability on the offending behaviours.

The philosophy underpinning the DLP is the provision of a quality service committed to supporting these vulnerable clients through a justice system that predisposes them to the inequities that exist for people with these disabilities. The DLP seeks to ensure, to the best of our abilities, that these clients are afforded a defence where appropriate and/or ensuring that the court is

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informed of mitigating circumstances resulting from their disability. In addition, we investigate and advocate with respect to other contributing factors that may have led to the criminal charges. By addressing these issues through provision of essential supports, the DLP is highly successful in reducing recidivism rates.

The attached writing "*Rough Justice – the Collision of the intellectually disabled and the mentally ill within the Queensland Criminal Justice System*", was written in support of the work undertaken by the DLP. The key focus of this work was to provide the findings of the DLP project with respect to the efficiencies and deficiencies of the Queensland criminal justice system, particularly the legal face of that system in its treatment of people that suffer from either intellectual disability and/or mental illness.

The author of this work, TASC's now retired Chief Executive Officer, Mr Dan Toombs, has since written Queensland's first definitive legal text on the subject, "*Disability and the Qld Criminal Justice System*". The Honourable Justice Ann M Lyons' comments in the foreword of this book support the need for law reform as identified by Mr Toombs in both "*Rough Justice*" and "*Disability and the Qld Criminal Justice System*".

The attached document is submitted for the Senate Enquiries consideration. Further information with regard to this issue may be found at TASC's websites [www.qcjc.com.au](http://www.qcjc.com.au) and [www.tascinc.org.au](http://www.tascinc.org.au) . Alternatively, please do not hesitate to contact Ms Susan Gordon of this office who will be pleased to be of assistance.

Yours faithfully

Philippa Whitman  
**Chief Executive Officer**  
**Principal Lawyer**  
**The Advocacy and Support Centre Inc**