

28 August 2024

ADS Branch: ADS Review
Department of Social Services
GPO Box 9820
Canberra, ACT 2601

Via email: ADSReview@dss.gov.au

Re: Australia's Disability Strategy Review

Thank you for the opportunity to provide feedback in relation to Australia's Disability Strategy (ADS) Review.

As you may be aware, as Public Advocate I undertake systemic advocacy to promote and protect the rights and interests of Queensland adults with impaired decision-making ability.¹ There are several conditions that may affect a person's decision-making ability, including intellectual disability, acquired brain injury, mental illness, neurological disorders (such as dementia) or alcohol and drug misuse. While not all people with these conditions will experience impaired decision-making ability, many of them will at some point in their lives.

I am currently undertaking a project on the interactions of adults with cognitive disability with the Queensland criminal justice system. This will involve the development of discussion papers relating to key stages of the criminal justice system and targeted consultation with stakeholders to understand the challenges experienced by adults with cognitive disability as offenders, victims, and witnesses of crime.

It is anticipated that this project will be completed over the next 18 months, and will result in a final report with recommendations for reform.

In relation to the question posed in the ADS Review discussion paper under the 'Safety, rights, and justice' outcome area, I agree that addressing 'disability rights', 'violence against women and girls with disability', and the 'criminal justice system' should be priorities for future work under ADS.

As is noted in the ADS Review discussion paper, people with disability are overrepresented in the criminal justice system. However, the limitations associated with the available data mean that the extent of this engagement is not clear.² A key action that could be considered in this area is measuring the involvement of people with disability across all stages of the criminal justice system.

Other actions that could be considered under this outcome area include:

- identifying methods by which the justice system can be made more accessible for people with disability, and
- identifying best practice strategies for support and diversion initiatives to assist in diverting people away from the criminal justice system and preventing future interactions with the system.

Thank you again for the opportunity to provide feedback on this review.

¹ *Guardianship and Administration Act 2000 (Qld) s 209.*

² *Commonwealth Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Criminal justice and people with disability, Final report, Volume 8 (2023).*

Should you wish to discuss any of the matters I have raised in this submission further, please do not hesitate to contact my office via email public.advocate@justice.qld.gov.au or phone 07 3738 9513.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Chesterman', with a long horizontal flourish extending to the right.

John Chesterman (Dr)
Public Advocate