



# AADDM

Australian Association of  
Developmental Disability Medicine

Professor Gillian Triggs

President, Australian Human Rights Commission

Level 3, 175 Pitt St Sydney 2000

GPO Box 5218 Sydney 2001

5 August 2016

Dear Professor Triggs,

The Australian Association of Developmental Disability Medicine (AADDM) is an organisation of medical practitioners who specialise or have an interest in improving the health and function of the over 500,000 Australian children, adolescents and adults with intellectual disability (ID). AADDM aims to improve the health of children, adolescents and adults with intellectual and developmental disability through professional development and advocacy.

We are deeply disturbed about the reported use of restraints on Mr Malcolm Norton, a 25 year old man with intellectual disabilities (ID) held in Alice Springs Correction Centre since 2012 (<http://www.abc.net.au/news/2016-08-03/unhrc-asked-to-probe-nt-man-restraint/7683346>). We are very concerned that the reported repeated use of physical restraint is highly likely to represent an abuse of human rights (UN Convention Against Torture, ratified by Australia in 1989, and the UN Convention on the Rights of Persons with Disabilities) and must be immediately stopped. Furthermore, it is highly likely that there are numerous other people with ID in the criminal justice system in other centres and other jurisdictions experiencing similar treatment.

The Australian Human Rights Commission report, *Access to Justice in the Criminal Justice System for People with Disability, 2013*, highlights the many barriers and disadvantages faced by people with ID and that their rights are being abused. These lead to people with ID or mental health problems being over represented in the criminal justice system, and they are 3 to 9 times more likely to be in prison than the general community (*People with mental health disorders and cognitive impairment in the criminal justice system, Report, 2013*).

People in the criminal justice system have often experienced considerable social adversity, substantial physical and mental health problems and may have ID or some other form of cognitive impairment. Recovery oriented practice has been advocated as the preferred method of supporting people who are in the criminal justice system (*A National Framework for Recovery Oriented Mental Health Services: Guide for practitioners and providers. People in the Criminal and Youth Justice Systems. 2013. Department of Health*).

The use of restrictive practices, such as physical restraint, can have additional adverse physical or psychological injuries on the person with ID and are, in many instances, tantamount to abuse. Much effort is expended in community sectors to educate and upskill professionals to use alternative, and

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more effective means to manage the behaviour of a person with ID. We commend to you the Australian Psychological Society report *Evidence based guidelines to reduce the need for restrictive practices in the disability sector, 2011*.

As concerned medical practitioners who specialise in the health care of people with ID in Australia we call on governments to implement the following;

1. An immediate end to restrictive, abusive practices such as those Mr Norton has been reported to experience.
2. Where there are concerns that a person in the criminal justice system with ID has either physical or mental health problems, they have at least 6 monthly comprehensive assessments by medical and other health practitioners with special expertise in ID.
3. The support needs of a person with ID are comprehensively assessed prior to entering the criminal justice system and are reviewed on an annual basis.
4. Support and training is provided to staff in criminal justice systems to effectively deliver the supports the person needs and to consistently implement positive behaviour management strategies.
5. Effective liaison with the disability sector, soon to be NDIS, to provide suitable expert supports for persons as they leave the criminal justice system and that these are sustained.
6. Regular public reporting of policies and practices within the criminal justice system against human rights and other relevant instruments.
7. Introduction of community based alternative arrangements under the NDIS to incarceration for people with ID

We appreciate your ongoing attention to these issues and advocacy on behalf of people with ID in the criminal justice system. Our members remain keen to contribute to improved healthcare of people with ID in Australia, including those detained in the criminal justice system.

Yours sincerely

Dr Jacqueline Small

MBBS MPH (hons) FRACP

President, Australian Association for Developmental Disability Medicine.

Cc Mr Patrick McGee, Legal Guardian of Mr Malcolm Norton. Aboriginal Disability Justice Coordinator. [thiswhisperinginourhearts@hotmail.com](mailto:thiswhisperinginourhearts@hotmail.com)

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Cc Mr Mick Gooda and The Hon Margaret White AO. Commissioners, Royal Commission into NT Youth Detention c/o Australian Human Rights Commission.

CC The Hon Malcolm Turnbull MP, Prime Minister of Australia. Parliament House. Canberra 2600.

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