



**Villamanta Disability  
Rights Legal Service Inc.**

**Villamanta Disability Rights Legal Service Inc.**

**Submission**

**to the Victorian Parliamentary Law Reform Committee Inquiry**

**into**

**Access to and Interaction with the Justice System by People with an  
Intellectual Disability and Their Families and Carers**

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## **Villamanta Disability Rights Legal Service Inc.**

### **Submission to the Victorian Parliamentary Law Reform Committee Inquiry into Access to and Interaction with the Justice System by People with an Intellectual Disability and their Families and Carers**

Villamanta Disability Rights Legal Service Inc. (Villamanta) thanks the Parliamentary Committee for the opportunity to make a submission in relation to this important and timely inquiry.

Villamanta is a disability advocacy agency which takes the form of a community legal centre (CLC) that works only on disability-related legal and justice issues for people in Victoria who have a disability. Villamanta has a priority constituency of people who have an *intellectual* disability and does most of its legal casework for them.

Villamanta believes that people who have a disability should have the same rights, opportunities and choices as people who do not have a disability and should be fully included in the community. It works to ensure that people who have a disability are enabled to know about the law and empowered to use the law to get their rights.

The majority of Villamanta's legal casework includes guardianship and administration matters, forensic leave panel, access to disability services and complaints mechanisms, abuse and neglect of people living in supported accommodation and child protection matters involving parents who have an intellectual disability. Villamanta usually refers clients who have criminal law matters to Victoria Legal Aid lawyers and/or private lawyers who do Legal Aid funded criminal law work, and provides secondary consultation where necessary on disability-related aspects of their cases.

In addition to legal casework, Villamanta provides policy and law reform, community legal education (in particular to people who have an intellectual disability about their legal rights) and a free-call telephone advice, information and referral service. If Villamanta is not the most appropriate source of assistance, or does not have the resources, to directly assist a caller who contacts its telephone advice line, it makes every effort to link up the caller with appropriate assistance/agencies. Villamanta also sells some publications and provides some training on disability-related legal issues.

Villamanta does much of its policy and law reform/systemic advocacy work in collaboration with others, through its active membership of the Federation of Community Legal Centre (Victoria), the National Association of Community Legal Centres (NACLCs), the Victorian Disability Advocacy Network (VDAN), the Disability Advocacy Network Australia (DANA) and the Disability Law Committee of the Law Institute of Victoria.

Villamanta is funded by the Australian Government under the National Disability Advocacy Program (NDAP) managed by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).

Villamanta makes the following submission - much of which is based on its own observations over many years and on the experiences of its clients and constituents, and their families, carers and advocates - to the Parliamentary Inquiry:

### **Endorsement of Submissions**

Villamanta endorses the submissions of the Federation of Community Legal Centres (Victoria) Inc., the Victorian Aboriginal Legal Service (VALS), Women with Disabilities Victoria (WWDV), Women with Disabilities Australia (WWDA), the Law Institute of Victoria, Grampians Disability Advocacy Association, STAR and VALID.

### **Introduction**

Villamanta's priority constituents are people who have an intellectual disability. We also encounter people who have acquired brain injury and other forms of cognitive impairment and mental illness, and our submissions may be relevant to them.

No two people are the same and it is important to remember that every person who has an intellectual disability, cognitive impairment or mental illness should be treated as an individual and on a case by case basis. Many people who have an intellectual disability are extremely able to do many things. *Their* views and wishes, not those of others who support or work with them, should be considered as paramount. *They* should always be consulted and communicated with about all matters that concern them.

It is our observation that people who have an intellectual disability are frequently disadvantaged during encounters with the justice system, as victims, witnesses and accused persons. Their human rights are frequently abused during these encounters. This is despite the fact that the governments of Victoria and Australia have disability plans and strategies and are signatories to international treaties designed to protect the

rights of people who have a disability, and Victoria has a Charter of Human Rights and Responsibilities. Underpinning most of these instruments is the philosophy that people who have a disability should be fully included in society/the community and be given the same opportunities and choices as people who do not have a disability.

Villamanta has been working on a publication (Guide) for use by people working in the justice system with people who have an intellectual disability. The document, entitled *People who have an Intellectual Disability and the Criminal Justice System - A guide and educational tool for people working in the criminal justice system: Judges, Magistrates, Court Staff, Lawyers, Advocates, Police, Corrections Workers*, is still in Draft form with some amendments to be made before it is finalised, but we are forwarding it to you as we believe it may be helpful to the inquiry. We will forward the finalised publication to you as soon as it is ready. The project is funded by a grant from the Victoria Law Foundation.

### **People who have intellectual disabilities/cognitive impairment as Victims or Witnesses**

One of the major problems is that the law as it currently stands is not designed to deal with people who have a cognitive impairment. Although some measures, for example including alternative ways of presenting witness evidence through electronic means, are taken to assist with this, in particular in relation to sexual offences, much more needs to be done before people who have a cognitive impairment can be truly equal before the law with people who do not. The use of the Assessment & Referral Court List (ARC List) at the Magistrates Court in Victoria is also a useful start, but it is not available to people who have committed very serious offences.

People who have an intellectual disability, in particular those who have been institutionalised, are often compliant and have been taught that it is best to please those in authority and give them the answer they think is required. This often means agreeing with/saying “yes”, to everything that you are asked or that is suggested to you. They also often have memory impairment which means that although they remember much, they may not remember some things, or may not recall precise times and dates that incidents occurred. They are often vulnerable to being confused if plain language, sufficient time and clear explanation are not used. People who have an intellectual disability are able to learn but may have different learning styles and requirements to enable them to do so. These are, in terms of equal opportunity legislation, “reasonable adjustments” that should be provided whenever needed, but often are not.

When people who have intellectual disabilities/cognitive impairment are Victims or Witnesses they are immediately disadvantaged. The adversarial system of examination, re-examination and cross-examination works against a person who has an intellectual disability. It is taken as a given by legal advocates/barristers that it is usually easy to discredit a witness from the vulnerable categories of children and adults who have a cognitive impairment. Simply ask the same question often enough in different ways and eventually you will get the answer you are looking for, or will discredit the witness.

### **With Police/in Courts**

When people who have intellectual disabilities/cognitive impairment are questioned by police they will frequently agree with what is being suggested. They also may have difficulty with memory and details so that even when police are called to investigate an alleged offence *against* a person who has a disability, if the person is unable to recall the exact details of the offence the police will often find that the matter cannot be taken any further than their initial investigation. Similarly, even if the matter gets to the Office of Police Prosecutions, it may not proceed to court because the office will often find that there is insufficient evidence to proceed, or it is considered that the witnesses or victim would not be “good witnesses”.

### **People who have intellectual disabilities/cognitive impairment as Accused persons**

When the accused person is a person who has an intellectual disability the evidentiary problems arise again. In this case the accused person can be tripped up and confused by police questioning and then under examination in court. Confusion with times and dates, difficulty with recollection of the exact order of events and other details (often also a problem for people who have an ABI) and the nature of the adversarial process frequently work against the accused person. The presence of an independent third person may help the accused to some extent but, in Villamanta’s experience, is not always of great benefit to the person who has a disability. In some cases an independent third person may be a staff member of supported accommodation or some other type of disability support service. In such cases it is sometimes the case that the support worker, unaware of the nature of the police questioning process, actually ceases to be an “independent” third person and volunteers information about the accused person which can then be used against the accused.

## **The experience of People who have intellectual disabilities/cognitive impairment interacting with Police**

The experience of people who have intellectual disabilities/cognitive impairment - and Villamanta's observation of this interaction - when interacting with Court staff and Police is often extremely negative. Some of our clients and constituents have been physically assaulted, verbally abused, sworn at, humiliated and victimised by members of the police force. Some have been wrongly accused of being drunk when they in fact have a speech difficulty or mobility issue which is part of their disability. Their effort to explain this to police have been brushed aside, their dignity with it. For many, their treatment by police, in public, has been humiliating and has undermined their confidence to access the community. Some of these people have eventually received compensation through the court system for this treatment. Most, however, have been disbelieved and dismissed when they have tried to get justice. Constituents and family members note in particular that as soon as a person was noticed to have a "stammer" they were immediately treated differently, in a negative way. Family members of people who have an intellectual disability or other cognitive impairment, and who are trying to support their family member to access justice, report having similar experiences with police and court staff, as though by association with a person who has a disability.

Of course the majority of police officers do not behave like this. Many do, however, lack training in the appropriate way to interact with and treat people who have an intellectual disability. Adequate and appropriate training is urgently required in this area for all members of the police force.

Villamanta is experienced and knowledgeable about this area and would be willing to provide this much needed training to police officers, preferably as part of their basic training. This training could include trainers who have a disability.

## **The experience of People who have intellectual disabilities/cognitive impairment interacting with Court staff**

The experience of People who have intellectual disabilities/cognitive impairment interacting with Court staff has many similarities with their interaction with police, minus the elements of violence. Our clients often report being spoken to rudely, dismissively, not provided with appropriate assistance and/or humiliated by Court staff. Of course this is not all Court staff, but enough to make it a significant issue for our constituents.

Once again, adequate and appropriate training is urgently required for all court staff throughout Victoria so that staff can feel informed and comfortable about how to

appropriately treat people who have intellectual disability or other cognitive impairment with an appropriate level of dignity, such as would be provided for other members of the community.

### **The experience of People who have intellectual disabilities/cognitive impairment interacting with prison staff**

The same experiences, issues and urgent need for adequate and appropriate training as those referred to in the preceding two sections, apply to prison/corrections staff.

### **Over-representation of People who have intellectual disabilities/cognitive impairment in prison**

People who have intellectual disabilities/cognitive impairment are extremely over-represented in the prison system. This discrepancy needs to be urgently, thoroughly and professionally investigated, and appropriate measures to address it developed and implemented. In particular, the *reasons* for people who have a cognitive impairment entering the justice system in the first place need to be objectively established. Only once they are known can appropriate steps, including early intervention, training and education, more and better support in the school system and the provision of additional support to participate equally in the community, be implemented. The investment in these areas will be well repaid by less people who have cognitive impairment entering the justice system and more of them being able to contribute positively to the community. (See Villamanta's (draft) publication *People who have an Intellectual Disability and the Criminal Justice System - A guide and educational tool for people working in the criminal justice system: Judges, Magistrates, Court Staff, Lawyers, Advocates, Police, Corrections Workers*, for further information on this issue).

### **The experience of People who have intellectual disabilities/cognitive impairment in prison**

People who have intellectual disabilities/cognitive impairment do not fare well in prison. This is despite the fact that the Department of Justice and Corrections Victoria have developed and implement disability strategies and plans. Port Phillip Prison has an Intellectual Disability Unit, Marlborough Unit, including a Joint Treatment Program operated in partnership with Corrections Victoria and Statewide Forensic Services that

delivers services and skills training to prisoner who have an intellectual disability and Loddon Prison provides release preparation for such prisoners. Recent figures (mid-2011) showed 140 male offenders who have an intellectual disability were in the Victorian prison system and 7 females. The more violent prisoners are sent straight to the Marlborough Unit which recently held approximately 33 people who have an intellectual disability, 8 to 10 of whom were there for “management reasons” , others because of high vulnerability or complex presentation. Case management or preparation for release cannot be provided due to resource limitations although the department has stated that it would like to provide this in the future. Some transitional housing is provided but insufficient to meet demand.

The same experiences, issues and urgent need for training as those referred to in relation to police and court staff (see above) also apply to prison/corrections staff.

### **People who have intellectual disabilities/cognitive impairment in prisons *inappropriately***

It is Villamanta’s observation and belief that there are many people who have an intellectual disability who *should not be in prison at all*, but should be held in more appropriate settings. This is confirmed by senior staff of Offender Management Services, Corrections Victoria, Department of Justice, who have stated publicly that the reason many such people are held in prison is that there is “nowhere else for them to go”. Unfortunately only a few people who have an intellectual disability are held in appropriate accommodation in Victoria, at Disability Forensic Assessment & Treatment Service (DFATS), those who have committed extremely serious offences. Some others are held in the prison system but in special sections of prison, for example, in the Marlborough Unit at Port Phillip Prison and Loddon Prison which have programs to help develop pro-social behaviours for people who have an intellectual disability that are delivered over twice the time as those for other prisoners. Much more needs to be done in this area.

There are other prisoners with cognitive impairment who, for various different reasons, have never been assessed for eligibility to receive disability client services from the Department of Human Services. These prisoners have effectively “slipped through the cracks” of the system and find themselves inappropriately placed in the mainstream of the prison system.



## **Lack of Statistical Data on Prisoners who have an Intellectual Disability**

There is currently a lack of statistical data on prisoners who have an intellectual disability. Corrections/Department of Justice is currently developing a large new Justice Data Base which will include information about people who have acquired brain injury and intellectual disability. The PIMS (Prison Information Management System) only flags people who have an intellectual disability and then only if they are registered with the Department of Human Service (DHS) as eligible to receive disability support services as a person who has an intellectual disability. There is currently no systemic screening for intellectual disability or acquired brain injury in Corrections Victoria. The legal threshold for being defined as having an intellectual disability means that many people who have a combination of such significant social and educational deficits that they effectively also have an intellectual disability, although their IQ may be slightly above 70, or who have never been assessed for intellectual disability during their childhood, slip through the cracks. Many of them are in prison.

It is vital that a comprehensive and professional system of collecting statistical and substantive data be developed and utilised, including transparent provision of data for academic and community research, ongoing.

## **People who have intellectual disabilities/cognitive impairment leaving prison**

Lack of appropriate supported accommodation on release from prison for people who have an intellectual disability or other cognitive impairment is a major problem.

Villamanta has experience of one particular instance of a person who probably had an intellectual disability from early childhood, which unfortunately could not be proven because of lack of documentary evidence surviving from his early years, who remained in prison for far longer than an offender who did not have a disability would have done. It could be proved that the person had an ABI, but an ABI was not a disability that a person could receive relevant services for under the legislation that applied at that time (the *Intellectually Disabled Persons Services Act*). Accommodation and service could have been obtained if it could be proved that the person had an intellectual disability, but not if he had an ABI. This led to a grave injustice as he remained in prison for a significant number of years longer than he should have done, merely because no appropriate post-release services could be found for him. Only in more recent years, since the *Disability Act 2006* was passed, including people who have an ABI, did the person finally get released from prison to live in appropriate accommodation.

There needs to be a major increase in appropriate support services, on-going case management and post-release accommodation for people who have an intellectual disability, cognitive impairment, or other major disability, who are leaving prison, to ensure that they can live in the community with security and dignity.

### **People who have intellectual disabilities/cognitive impairment *and* Asperger's Syndrome or High Functioning Autism (Autism Spectrum Disorders)**

Many people who have intellectual disabilities/cognitive impairment *and* Asperger's Syndrome or High Functioning Autism - but also people who have an IQ slightly above, or even significantly above, 70, and also have Asperger's Syndrome or High functioning Autism - are at greater risk than people who do not have a disability of entering the justice system. This is because their social and communication difficulties make it significantly harder for them to read voice tones, subtleties of language (such as double meanings, innuendo, sarcasm), body language and generally to function in society. Their struggles to survive in the community are extremely stressful and place them at increased risk of developing anxiety disorders and depression. These factors combine to make their lives extremely difficult both in and outside of prison.

It is vital that these people, when identified in childhood, are provided with appropriate early intervention, including much needed additional support in the education system, to enable them to learn and develop the additional skills and understanding of communication subtleties that other children usually develop with ease. If this input is provided the likelihood of many of these people entering the criminal justice system as young adults will be greatly reduced. At the same time, the likelihood of these people living fulfilling lives and contributing a great deal to the community will be increased.

A major increase in resources and a change in educational policy need to be provided to the education system to assist these people. (See Appendix A of Villamanta's (draft) publication *People who have an Intellectual Disability and the Criminal Justice System - A guide and educational tool for people working in the criminal justice system: Judges, Magistrates, Court Staff, Lawyers, Advocates, Police, Corrections Workers*, for further information on this issue).

## **People who have intellectual disabilities/cognitive impairment who are parents and the Child Protection system**

People who have intellectual disabilities/cognitive impairment who are parents who enter the Child Protection system are extremely disadvantaged. Their children are more often removed from their care. They are systematically given constantly decreasing access and finally denied access at all because the system says, for example, that ongoing contact with their natural parents will “only confuse the children” and “make it harder for them to bond with foster families”. Research in fact contradicts this. Meanwhile the children are frequently moved from one foster family to another, often being considerably damaged in the process. The way this system works is extremely unjust and is a flagrant breach of several of the human rights of both the parents and their children.

If more resources were injected early in the process to support parents to learn parenting skills and receive an adequate amount of appropriate support services, many of these families would be able to function and it would be unnecessary to remove the children from their own families. In the event that a child cannot live permanently with their natural parents ongoing access should be guaranteed to ensure both child and parents have a fully supported opportunity to develop and continue lifelong relationships. Only then will the human rights of both the child and the parent be appropriately protected.

## **People who have an intellectual disability and the Guardianship List of the Victorian Civil & Administrative Tribunal**

Insufficient measures are taken by the Victorian Civil & Administrative Tribunal Guardianship List to ensure that People who have an intellectual disability are in attendance at hearings about them. Suggestions have been made to the Victorian Civil & Administrative Tribunal Guardianship List that people should be individually followed up to ensure their attendance, as they are often unable to maintain stable accommodation and therefore may not receive notices about their hearings. Victorian Civil & Administrative Tribunal’s response is that limited resources preclude this.

As this tribunal has the power to make decisions about many extremely important aspects of people’s daily lives, health and financial affairs, sufficient resources should be allocated and appropriate policies developed and implemented, to ensure that people who have disabilities are enabled to attend *their* Victorian Civil & Administrative Tribunal hearings.

## **People who have an intellectual disability who are victims of abuse and neglect in disability services supported accommodation**

Villamanta has represented numerous clients who have an intellectual disability and who are, or have been victims of abuse and neglect in disability services supported accommodation. The type of abuse includes psychological abuse, sexual assault, physical assault, sometimes involving the victim being hit, kicked, dragged along carpet and receiving carpet burns on their back. Cigarette burns have also been inflicted.

Often these matters have been dealt with internally by the service provider and police have not been called in. Sometimes the perpetrator of the abuse is a worker employed by the service provider. In other cases it is an inappropriately placed and/or supervised co-resident of the supported accommodation. Where workers are involved we have observed them to be moved on from one accommodation provider or house, only to find them reappear at a later date doing the same work at another house. Where a co-resident is involved it can take extensive lobbying for anything to be done by the service provider to ensure that either the victim or the perpetrator are re-located to another house, or that sufficient staff are put in place to ensure the abuse is not repeated. The reason this is so difficult is that there are insufficient houses available throughout the state and many people on waiting lists for urgently needed accommodation. There are also often insufficient resources to adequately staff houses. Staffing by agency workers who are not fully trained and adequately briefed is also a problem. Where relatives are involved and become aware of the abuse or neglect they are often reluctant to complain because they are afraid of losing the services their family member desperately needs.

When police are called in it is often the case that the matter is taken no further than the initial investigation, usually for the same reasons of evidentiary and witness problems as those mentioned earlier in this submission in relation to police questioning and courts. The net result for the person with an intellectual disability/cognitive impairment is that they, unlike any one else in the community, are “sentenced” to remain living in an intolerable situation where they must continue to be victims of abuse and/or neglect.

Villamanta sees only those matters that are brought to its attention so it is likely that there are many other similar cases that never come under independent scrutiny. As it is frequently relatives who contact us about these matters, as many residents are unable to speak up for themselves, and as many people living in supported accommodation do not have any relatives in frequent contact with them who can advocate on their behalf, it seems highly probable that some people continue to live in these appalling situations with no one to seek assistance for them.

Part of the solution to these problems lies in improved resourcing, and the recruitment and appropriate education and training of suitable direct-care workers for supported accommodation services. More transparency and improved independent external monitoring of services is also badly needed.

It is noted that the Office of the Senior Practitioner works to improve the training of disability service providers and their staff in best-practice for working with people who have an intellectual disability and to monitor the use of restrictive practices by service providers, but the office currently has insufficient resources to fully satisfactorily carry out its work.

### **Disability Services Commissioner**

The Office of the Disability Services Commissioner is potentially a source of assistance for many people who have an intellectual disability/cognitive impairment to get justice, particularly in relation to issues around adequate services and accommodation.

We note that the Disability Service Commissioner's staff have great expertise but are hampered in their work by insufficient resources to cope with the many complaints they receive and by the fact that, under the *Disability Act 2006*, they cannot make recommendations or compel service providers to do anything. The process can be a long drawn out one due to insufficient staff numbers. They mainly conduct conciliation meetings with the hope that good outcomes may result from them, but ultimately the service providers retain the power to decide what to do about matters that have been brought to the Commissioner as complaints.

People who have an intellectual disability/cognitive impairment, and their relatives, are often afraid to make "a complaint" and, although the Disability Services Commissioner advertises that "It's OK to Complain!", it is our observation that some people refrain from doing so because they are not confident that they will not be victimised by service providers if they do so.

Having observed the work of the Disability Services Commissioner's office and supported numerous clients to access it's complaints process - and while noting that some good outcomes have been achieved - it is Villamanta's belief that more justice was done for people who have an intellectual disability under the previous legislation, when the Intellectual Disability Review Panel, consisting of relevant experts, reviewed service plans and made recommendations that, in Villamanta's experience, were usually followed by the disability services providers.

It is also noted that although the Disability Services Commissioner's office has power to *investigate* complaints, it rarely does so, choosing rather to hold conciliation meetings instead.

### **Access to legal advice and representation for People who have an intellectual disability**

Villamanta notes that access to legal advice and representation for People who have an intellectual disability/cognitive impairment is difficult to gain, as it is for most disadvantaged people, due to insufficient sources of legal help. Victoria Legal Aid is unable to assist with many types of legal matters due to its own limited resources. Community Legal Centres are even less well resourced. Private law firms are beyond the financial reach of most people who have an intellectual disability. In addition to this, people who have an intellectual disability may not be aware of what sources of legal assistance are available or even that the problem they have is a legal one. People in rural and regional areas are often even more disadvantaged in this regard than those who live in larger cities.

Community legal education about their legal rights and about sources of legal advice and representation is provided by Villamanta to people who have an intellectual disability, but resources to provide this are limited. Our publication *Your Rights Your Choices* is distributed as widely as possible to people who have an intellectual disability. When resources permit, Villamanta also provides training to lawyers about working with people who have an intellectual disability, and secondary consultation about disability aspects of legal matters.

Additional funding, both to Community Legal Centres and Victoria Legal Aid, is required to better enable them to provide legal assistance and representation to people who have an intellectual disability/cognitive impairment.

### **Access to non-legal advocacy for People who have an intellectual disability**

Similarly, access to independent non-legal advocacy is often difficult to gain for people who have an intellectual disability/cognitive impairment because of the inadequate resources and large caseloads of the advocacy agencies.

Non-legal, or generalist, advocacy is extremely important for many people who have an intellectual disability/cognitive impairment and can often mean the difference between entering, or re-entering, the criminal justice system, or remaining out of it. The advocate stands beside the person they are advocating for, speaks only for them or with them, and empowers them to speak up for themselves.

There are a number of extremely effective advocacy organisations, including rural and regional ones, metropolitan ones and also citizen advocacy agencies. Self-advocacy organisations are also very active and effective. An on-going relationship with an advocacy agency or a citizen advocate often helps the person who has an intellectual disability/cognitive impairment to navigate the service system, the justice system and other hazards that life throws up at them. Some agencies assist parents to advocate for their children. There are also a number of systemic advocacy organisations that do extremely important and much needed Policy & Law Reform work that assists many people who have an intellectual disability/cognitive impairment and many other types of disability. Some advocacy agencies are state government funded and others are funded federally.

The adequate funding of these independent advocacy agencies is vitally important. In order to help people who have an intellectual disability/cognitive impairment obtain justice, access/continuing access to independent advocacy support is vital and a major increase in funding for independent advocacy agencies is therefore urgently needed.

### **Forensic residents**

Villamanta represents Forensic Residents, who are held under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (Vic.)*, at hearings of the Forensic Leave Panel.

We have noted over many years that progress towards enabling individual clients to progress through the forensic treatment stages and to eventually be moved back to live in the community in appropriately supported accommodation has been extremely slow. Only in recent years has satisfactory progress been enabled for appropriate clients. This was hastened by the Panel's insistence that people were being held back from the progress that justice required them to make. It is noted that, in similar situations, people who were convicted offenders but who *did not* have an intellectual disability/cognitive impairment, were being released from prison and returned to live in the community far more quickly than people who have an intellectual disability/cognitive impairment. Villamanta believes the reasons for this difference were partly "cultural" (in that the forensic care system did not see a need to return these people to the community in any great hurry) and partly a result of insufficient resources for planning and finding/providing appropriate accommodation and support services to transition a person back into the community. Either way, the end result has been that at least one of our clients has spent longer in incarceration, albeit in specialist forensic care accommodation, than a person without a disability would ever have done. This surely is an injustice.

**Conclusion**

Villamanta thanks the Parliamentary Committee for considering its submission and would be happy to provide any further information that may be required. We look forward to appearing before the Committee at a forthcoming hearing.

**Deidre Griffiths****Principal Solicitor & Executive Officer****Villamanta Disability Rights Legal Service Inc.**