

14 April 2023

Legislative Council Government Administration Committee 'B'

Via email: CSJS@parliament.tas.gov.au

Mental Health Council of Tasmania (MHCT)

Legislative Council Inquiry into Tasmanian Adult Imprisonment and Youth Detention Matters

MHCT welcomes the opportunity to provide a response to the Legislative Council's Inquiry into Tasmanian Adult Imprisonment and Youth Detention Matters.

MHCT acknowledges that consideration of mental health and wellbeing is a critical aspect of justice system reform in Tasmania. Maintaining the dignity and rights of people with mental illness is observed in both the Convention on the Rights of People with Disability (CRPD)¹ and the current Mental Health Act, Tasmania (2013).² The Mental Health Act stipulates a schedule of mental health service delivery principles which provide a basis of treatment for people with mental illness. The first principle being, 'to respect, observe and promote the inherent rights, liberty, dignity, autonomy, and self-respect of persons with mental illnesses'. The CRPD fundamentally promotes and protects the human rights of all persons with a disability, including individuals with a mental illness. These principles should apply to all Tasmanians experiencing mental ill health, including those in detention settings.

Mental ill health and detention settings

MHCT would like to emphasise the importance of identifying people with mental ill-health as a particularly vulnerable cohort within all detention settings. Evidence demonstrates that people in places of detention have poorer mental health than the general population.³ Rates of mental illness (including alcohol and other drug use) amongst Australian prison entrants, for example, is almost double the rate of the general population.⁴ Research also suggests that adults with mental illness have poorer outcomes in detention settings than their counterparts without mental illness. Within prisons, they are more likely to be at risk of suicide and self-harm, to be physically and sexually victimised, and to be disciplined using segregation techniques.⁵

Young people entering the youth justice system are a particularly vulnerable cohort with complex needs, many of whom may be experiencing mental health issues.⁶ They are much more likely than other young people to have experienced some form of abuse or neglect,⁷ at an increased risk for developing serious mental illness⁸ and much more likely to have ever attempted suicide.⁹

- ▷ **MHCT recommends that people with mental ill-health are recognised as a vulnerable group within prison and youth detention settings**

Mental health support and services for people in prison

All Tasmanians, including those within prison and detention settings, have the right to access adequate mental health assessment and treatment supports and services, free from stigma or discrimination.

Within prisons, the 'equivalence of care' principle requires that prisoners have access to the equivalent quality of care as that received by the general Australian community. However, evidence suggests that most prisoners have limited access to mental health supports such as counselling and individual therapies, particularly those used for the treatment of common mental health disorders.¹⁰ A recent mapping of mental health services in Australian prisons found that when compared to international recommendations only the ACT was funded to provide mental health services at a level equivalent to that available in the community.¹¹ This lack of adequate mental health support contributes to people with mental illness in custody having poorer outcomes than their counterparts without mental illness.¹²

Providing early access to mental health services and ensuring 24-hour access to mental health assessment, has been identified as a key strategy in preventing the need for restrictive practices such as restraint or seclusion.¹³

For young people, engagement with the youth justice system, particularly detention, may negatively affect mental health and exacerbate existing mental illness.^{14,15} Furthermore, despite high levels of need for mental health support, engagement with services is low in this population.¹⁶

MHCT acknowledges the current forensic mental health process but calls for all adults and young people entering a detention setting to undergo an initial mental health assessment, alongside regular reviews as their mental health and related support needs may change during their time in detention. This should be supported by very clearly established pathways to relevant mental health supports and interventions across all levels of intensity.

- ▶ **MHCT recommends that equity of access to appropriate mental health services is ensured across all detention settings, incorporating mental health assessments, regular reviews and referral processes.**

A trauma-informed and culturally safe approach

To support the mental health and wellbeing of inpatients and to assist in the reduction and elimination of restrictive practices, all detention settings should provide human-rights based, person-centred, recovery-oriented, culturally safe, trauma-informed care.¹⁷

There is a need to ensure trauma-informed approaches to care across all places of detention. Research suggests that, compared with the general population, people in places of detention are more likely to be currently experiencing trauma and to have experienced traumatic life events.^{18,19} Further, detention itself can exacerbate and create trauma.²⁰ A trauma-informed approach prioritises the physical, emotional and psychological safety of survivors and providers and emphasises empowerment and rebuilding a person's sense of control.²¹

A trauma-informed approach should be a priority for all prison system reform in Tasmania. Such an approach needs to be systemic. It should not simply involve implementing specific trauma-informed interventions, but rather focus on embedding trauma-informed principles throughout the system.²² A cultural shift is required in the way the Tasmanian justice system, and in particular prisons and detention centres, operate. This will require training in trauma-informed practice for the entire corrective services workforce, along with a review of systems, policies and processes within the system to ensure trauma informed principles are fully integrated.

The new Tasmanian Youth Justice Blueprint outlines the need to ensure a therapeutic and trauma-informed approach in youth justice settings, which requires building and supporting a highly qualified and trained workforce, skilled in evidence based and trauma informed practice.²³

Certain cohorts are more likely to experience stigma and/or discrimination within detention settings, impacting on their treatment and ultimately their health and wellbeing. These populations include Tasmanian Aboriginal people, culturally and linguistically diverse (CALD) people and LGBTQI+ people.^{24,25}

In reforming the Tasmanian justice system, there needs to be a particular focus on engaging with the Tasmanian Aboriginal community given the over-representation of Indigenous people in the prison system. The loss of access to culturally safe care for Tasmanian Aboriginal people upon entering prison can have a significant negative impact on their physical and mental health.²⁶ Aboriginal involvement in reform should be on their terms and led by them, as co-design is a central component of developing culturally appropriate services.

In Victoria, the recently released Aboriginal Youth Justice strategy was written by and for Aboriginal children and young people and led by the Aboriginal Justice Caucus.²⁷ This approach ensures the aspirations of Aboriginal young people inform the creation of a culturally safe and responsive youth justice system. MHCT suggests that the Tasmanian justice reform considers taking a similar approach.

MHCT also advises that a co-design approach should be undertaken to engage with culturally and linguistically diverse (CALD) and LGBTQIA+ communities to ensure their meaningful input into the reform process. Young people from CALD backgrounds are over-represented in youth justice and there is a need to understand their specific risk factors, cultural beliefs, and histories to develop and deliver effective interventions.²⁸ LGBTQI+ young people experience higher rates of self-harm, substance abuse and family disruption which may impact on their involvement with the justice system. Creating an inclusive justice system that is able to support and respond to the needs of LGBTQI+ people is important in improving outcomes for LGBTQI+ people, as well as LGBTQI+ staff.²⁹

- ▷ **MHCT recommends that a trauma-informed and culturally safe therapeutic service model is implemented across the Tasmanian Justice System. The development of this model should involve engagement with people in detention, their families and the corrective services workforce and take specific measures to engage Tasmanian Aboriginal, CALD and LGBTQI+ cohorts.**

Training and support for corrective service staff

The mental wellbeing of corrective services staff should also be a priority in this reform. Research suggests that corrective services staff are at particular risk of vicarious trauma and associated psychological distress and overall experience heightened rates of mental disorders and burnout.³⁰ MHCT acknowledges the existence of the Wellbeing Support Program for Tasmanian Prison Service staff and encourages the evaluation and expansion of this program to ensure it is being utilised widely and meeting the needs of corrective service staff. This program should also be offered to staff within the youth detention space. Peer Support initiatives, such as those implemented in the NSW justice system³¹, also provide an evidence-based approach to ensuring staff wellbeing and could be explored and considered in this reform process.

- ▷ **MHCT recommends that the Wellbeing Support Program for Tasmanian Prison Service staff is evaluated, refined and implemented across all correctional facilities.**

Provision of adequate wrap around supports in early intervention and post release

Supporting the wellbeing of Tasmanians through prevention and early intervention initiatives reduces the likelihood that they will offend. An integral element of this is access to formal and informal health and mental health supports and services. The Child and Adolescent Mental Health Services (CAMHS) Review, released in 2021, identified a lack of mental health support for juvenile justice consumers, in particular noting the need for an adolescent forensic mental health service that has the capacity to provide ongoing care and community-based follow up.³²

Unfortunately, access to holistic and coordinated care is a key pressure point for ALL Tasmanians (ie not just those in detention settings). In recent consultation work, MHCT has consistently heard reports of a lack of access to GPs (less time, less appointments), eligibility and referral issues, and a lack of continuity of care and step-up/step-down care.³³ MHCT has also heard from mental health service providers that many clients are presenting with more complex social and economic factors that are contributing to mental ill-health³⁴. These factors commonly include family relationships, family violence, substance use and financial distress.³⁵

There is a need to ensure that Tasmanians and their families are able to access wrap around supports and services that respond to their unique physical, social and emotional wellbeing needs in a coordinated way. Wrap around supports often accompany 1-1 therapeutic interventions and may include psychosocial interventions such as peer social/support groups, employment services or housing assistance. This is essential to support the wellbeing of consumers, both in prevention and early intervention, as well as post-release from the justice system to reduce the likelihood of re-offence. This should also be extended to providing education that will reinforce support and prevention.

Provision of services and supports that address parental need are equally important in ensuring the wellbeing, social connectedness and security of young people and reducing the likelihood of their involvement in the justice system. The CAMHS review similarly highlighted the importance of family involvement and engagement, including the need to increase their capacity to understand young person's mental health issues and to be supported through advocacy and being linked in with other supports and services, subsequently implementation of a multisystemic therapy model is currently underway within the CAMHS reform.³⁶ The development of a similar model to support the provision of wrap around services

should be extended to adults and their families to ensure their needs are met and that empowers them to self-advocate.

- ▷ **MHCT suggests that multisystemic therapy models are evaluated, refined and expanded to support all people as part of their post-release program.**

For further recommendations related to mental health in the Tasmanian justice system please refer to MHCT's recent submissions:

- [Reforming Tasmania's Youth Justice System: Discussion Paper Response](#)
- [Response to Consultation Paper 1 - Approach to Optional Protocol to the Convention against Torture \(OPCAT\) Article 4: identifying places of detention](#)

For further discussion on any elements of this response, please contact MHCT.

Yours sincerely,



Connie Digolis
CEO
Mental Health Council of Tasmania

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