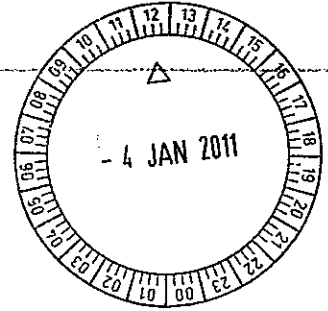


PUBLIC



Treasurer; Attorney General

Our Ref: 35-12050

Hon Brian Ellis MLC
Chairman
Standing Committee on Environment and Public Affairs

Brian

PETITION NO 98 ESTABLISHMENT OF A MENTAL HEALTH IMPAIRMENT INTERVENTION PROGRAM

Thank you for your letter dated 29 November 2010 advising of the tabling of a petition by the Hon Alison Xamon MLC and inviting comment on its contents.

It has long been recognised that a significant number of persons coming into contact with the justice system suffer from a broad range of mental impairment. Nevertheless, it is only in more recent times the issue has gained a level of prominence.

Apart from the Law Reform Commission of Western Australia (LRCWA) report from which this petition arose, in September of this year Guidelines for Best Practice for the Diversion and Support of Offenders with Mental Illness were published on the Australian Institute of Criminology (AIC) website:

www.aic.gov.au/crime_community/communitycrime/mental%20health%20and%20crime.aspx

The guidelines were an initiative of the National Justice Chief Executive Officers Group and were developed to support policy and program development focused on diverting and supporting people with mental illness who are in conflict with the law. The guidelines will undoubtedly prove to be a useful resource in the process of establishing and expanding programs such as those recommended in the LRCWA report.

Western Australia has had two programs in place for a number of years, the Intellectual Disability Diversion Program and the Mental Health Court Liaison Service. It is my view that recommendation 23 (11) of the LRCWA report has some merit. That is, more can be done to ensure people with a mental impairment coming into conflict with the law are responded to appropriately and are assisted in gaining access to appropriate support and services. As a result I have sought and gained the support of my colleague The Minister for Mental Health for our respective agencies to work together to progress the establishment of a Mental Impairment Court Intervention Program at the Perth Magistrates Court.

Work has already commenced on developing a proposal for this reform and although I am unable to provide a definite timeline at this point. Once the proposal has been developed along with a business case the Minister for Mental Health and I will be seeking funding to implement a Mental Impairment Court Intervention Program as soon as possible.

I am conscious there are a further three recommendations contained in Chapter Four of the LRCWA report that relate to the issue. Whilst I consider they also may be of merit I consider it both desirable and practical for action on those recommendations to be deferred. The reason for deferral is twofold.

Firstly, I believe it is desirable to have the proposed Mental Impairment Court Intervention Program properly evaluated prior to implementing recommendations 24 and 25, which are in many respects an expansion of the program albeit into different areas and jurisdictions.

Secondly, there are significant resource implications for agencies, both public and private, in accommodating the demands of the programs. In practical terms, attempting to immediately adopt all recommendations advocated in the petition would potentially spread existing resources more thinly which is not desirable in circumstances where services are already under pressure.

Therefore my preference and intention is that the recommendations contained in Chapter Four be implemented in a staged manner, commencing with the establishment of a mental impairment court intervention program in the Perth Magistrates Court.

Yours sincerely



Hon C. Christian Porter MLA
TREASURER; ATTORNEY GENERAL

04 JAN 2011