

# Review of the Queensland Forensic Disability System

## The Queensland Government welcomes the independent report *Addressing Needs and Strengthening Services: Review of the Queensland Forensic Disability Service System*.

The system review was undertaken by eminent sector representatives, Professor James R.P Ogloff AM, Dr Danny Sullivan and Dr Janet Ruffles acting for the Centre for Forensic Behavioural Science, Swinburne University of Technology. The authors were assisted by the Forensic Disability Service System Review Reference Group, co-chaired by the Deputy Directors-General of the Department of Health and the Department of Communities, Disability Services and Seniors and comprising representatives from the Public Guardian, the Public Advocate, the Anti-Discrimination Commission of Queensland, the Queensland Mental Health Commission, the Department of Justice and Attorney-General, the Department of the Premier and Cabinet, Queensland Treasury and Queenslanders with Disability Network.

### **Background**

The Queensland forensic disability service system provides for a small and vulnerable population of people with an intellectual or cognitive disability who are primarily supported in the community (with a small number detained in the Forensic

Disability Service (FDS) or an Authorised Mental Health Service (AMHS)), in circumstances where the person is alleged to have committed a serious offence and is found to be either of unsound mind at the time of the offence, or unfit for trial as a consequence of their intellectual disability. The system is governed under the *Mental Health Act 2016*, the *Forensic Disability Act 2011* (FDA), the *Disability Services Act 2006* and the *Guardianship and Administration Act 2000*.

The FDA established the FDS in south-east Queensland, and the statutory role of the Director of Forensic Disability (DFD) in 2011. This service response was prompted by the seminal reports by The Honourable Justice William Carter QC, *Challenging Behaviour and Disability: A Targeted Response* (2006) and His Honour Judge Brendan Butler AM SC, *Review of the Queensland Mental Health Act 2000, Promoting Balance in the Forensic Mental Health System* (2006).

During a statutory review of the FDA, stakeholders raised concerns regarding the broader forensic disability service system. The changing disability services environment, with the full transition to the National Disability Insurance Scheme to be completed by 1 July 2019, also prompted a need to consider the forensic disability service system in a holistic way.

In response, the Queensland Government expanded the Terms of Reference for the FDA review to include a detailed examination of the



forensic disability service system encompassing services for forensic disability clients provided through the FDS, AMHSs and within the community. The system review considered the delivery of services within the forensic disability system including the best legislative and administrative arrangements for the operation of the forensic disability services system in Queensland.

The eminent sector representatives from the Centre for Forensic Behavioural Science, Swinburne University of Technology reinforced the complex nature of service delivery for forensic disability clients and identified a range of opportunities to improve the service system response.

### **Next steps**

The Queensland Government welcomes the report and accepts in principle the need for an improved model for the delivery of forensic disability services in Queensland. However the reform suggested by the report is significant and complex and deserves detailed and careful consideration.

Substantial further work is now required to carefully consider the report's recommendations as part of exploring options for an improved service delivery model that safeguards forensic disability clients and is sustainable into the future.

The opportunities for improvement identified through the review of the operation of the FDA will be considered further in the context of an improved service delivery model.

While further work is being undertaken to explore options for service delivery models into the future, the DFD will continue the independent oversight of the care of clients in the FDS.

The DFD has recently completed a review of all current clients' Individual Development Plans (IDPs) to focus on strengthening habilitation and rehabilitation outcomes and enhancing clinical and therapeutic programs, tailored to the behaviour and criminogenic needs for each FDS client. The DFD will continue to regularly review the IDPs for each FDS client.

Likewise, a review of all inpatients in AMHSs subject to a forensic order (disability) has been completed to ensure the admissions of these patients was appropriate, having regard to the patient's treatment and care needs.

The Chief Psychiatrist and DFD will continue to work closely together to support the transition of clients, back to their communities of choice or origin.

We take this opportunity to thank those who contributed to the review.

