



## JUSTICE ACTION REPORT February 10, 2012

This is our regular report to update you with our latest news and projects. Please let us know if you can provide any assistance or advice on these issues or generally. Feedback on our new ground-breaking papers linked below, items 4, 5 and 6 would be greatly appreciated.

### GENERAL

We are **recommencing weekly meetings**. They are on Wednesdays from 6-8 and open to all, starting this Wednesday 15/2. Entry via 377 Sussex St after 5.30pm. Like our work, **our team** continues to expand. The meeting provides an opportunity for others who don't come during the day, or different days to link up and lay out our weekly direction.

Any doubts about our responsibilities were dispelled when we were asked by a forensic patient who is currently held in the highest security unit in Australia – the HRMU – to be his primary carer. We were to be linked by phone to the patient and audio visual link to the Mental Tribunal in Long Bay for the patient's 6 monthly review.

We had a number of issues to raise including his support, forcible medication, and placement in solitary confinement after 20 years, against Justice Health psychiatric advice. The Tribunal refused our participation without letting us link into the hearing, forcing the patient to accept the lawyer he had previously rejected. Justice Health blocked the primary carer authorisation. Corrective Services are being investigated by the Ombudsman for interference with the patient's mail and phone. Here is another appalling example of the Health Department's culture, seeing its legal obligation of "care" as "medicate and dehumanise". We fired off four 'please explain' emails and will report progress.

### 1) JUST US Vol 5

The Justice Action team continues to work on the new edition of Just Us. We have received many letters, poems and information from prisoners and patients, that are fuelling the process. We are now receiving advertisements and sponsorships from service providers to prisoners and mental health consumers. The paper is expanding!

JUST US enables community interaction among and with prisoners and mental health consumers encouraging expression and participation all over Australia and New Zealand. It is also distributed to all the judiciary and politicians, by name, in both countries. Following our Supreme Court win last year, for the first time JUST US will go to mental health consumers in the institutions and NGO areas.

The team involved are Monique, Manasi, Rafaella, Smruthi, Jasminne and Charles. We have:

- \* issued letters to prisoners and mental health consumers regarding the new edition of JUST US and asked for their input. Collating responses ready for editing.
- \* contacted the NSW Minister for Mental Health Kevin Humphries for support who advised us to work with the NSW Consumer Advisory Group and the Mental Health Coordinating Council regarding disseminating JUST US letters to mental health consumers. Currently negotiating.
- \* contacted service providers to obtain involvement in sponsorship and advertising.
- \* been negotiating with Minister Humphries through Greens MLC John Kaye regarding the court settlement on dissemination of JUST US.

## **2) NEEDLE AND SYRINGE PROGRAM (NSP)**

Justice Action got in behind the Moore Report in a campaign to support the distribution of clean needles and syringes into prisons around Australia, beginning with the ACT <http://tiny.cc/qbzhe> This is a litmus test of human rights for prisoners. If the NSP is introduced, it would be the first in the English speaking western world. The appalling rate of infection and cross infection of prisoners sharing needles has finally spurred government into action as it cannot be ignored any more <http://tiny.cc/h53iu> The ACT government is currently considering its response. Sam, Ken, Sophie and Bilal have been working on the project.

The 'Pricking the Bubble Around NSPs' report <http://tiny.cc/h9zhb> has been distributed nationally and to the ACT MPs following a media release <http://tiny.cc/2rpwy> It proves that misinformation about risk has allowed 50% of prisoners to be infected with Hepatitis C without any way of protecting themselves.

## **3) SAEED DEZFOULI'S CASE**

### **Review Hearing (release)**

Justice Action is currently trying to get a new hearing for Saeed so that he can be released into the community. We have Legal Aid for an independent psychiatric report and are negotiating with the Justice Health psychiatrist. We are following through on access to psychiatric reports for Dr. Yola Lucire but Justice Health is trying to ignore us <http://tiny.cc/tjuo7>

### **Costs of Appeal Enforcement**

The Greens issued a statement about the costs enforcement of \$36,000 against Saeed and his primary carer. Attorney General Greg Smith had refused a request from the Greens to withdraw the costs order but told ABC radio he is now reconsidering it <http://tiny.cc/5cdto>

The Greens MP David Shoebridge said in his [media briefing \(http://tiny.cc/s7lpu\)](http://tiny.cc/s7lpu) that Saeed's case is "one of genuine public interest, testing the Supreme Court's ability to review a decision of the mental health tribunal that was allowing a detainee to be forcibly injected against his will." If costs are enforced, it would send a "chilling message to other public interest advocates" said Mr Shoebridge.

This situation occurred after Saeed lost an appeal in the Supreme Court to challenge the Mental Health Review Tribunal's refusal to intervene in his treatment regime. He still undergoes forced injections and no access to education.

### **Anti-discrimination Education Case**

The Anti-Discrimination Board referred Saeed's right to education services to the Administrative Decisions Tribunal for a four day hearing from 20 to 23 February. Legal aid funding has been granted to Saeed's lawyer Robert White.

Saeed lodged a complaint with the Anti-Discrimination Board because as a patient he was denied the right to undertake courses of education, access to legal materials, to work and earn money at the Long Bay Prison Hospital. The rights of prisoners in this regard are clearly stated, but not for mental health patients.

Bobby, Donna, Cynthia, Jasminne and Vivian have been researching the right to education, preparing a media release and negotiating with the teachers union.

### **Right to a Name Issue**

Justice Action is still awaiting Justice Michael Adams' judgment on the appeal heard on 4th August 2011 against the Tribunal's decision against Saeed's right to use his name. The right to use his name would allow Saeed to expose his experiences in the mental health system to the general public. Recently the police arrested a patient who didn't return to the hospital after leave. No respect was given to his right to privacy, as the Health Department publicly commented on his treatment.

#### **4) CONSUMER CONTROLLED FUNDING – mental health**

Recent government statements of “Person Centred Approaches” and “self directed funding” in the mental health area are finally recognising the obvious. There must be a market for consumers' services rather than be directed by the providers. The result is that the services are three times more effective. But the consumers haven't been told – what a surprise! Justice Action examined the benefits of this program.

The Australian Productivity Commission reported in August 2011 that the provision of services to people with disability is ‘unfair and inefficient’. This is consistent with the "OUR PICK Report" accusation of "corruption", although the Commission proposes a more radical solution. The Australian Government is supporting the National Disability Insurance Scheme (NDIS) that gives authority and choice to consumers as is occurring in the US and UK. This JA [draft paper](http://tiny.cc/usm9n) (<http://tiny.cc/usm9n>) explores the implications of the new scheme.

#### **5) COGNITIVE BEHAVIOURAL THERAPY: thinking against crime**

After prisoners had been complaining that they could not get parole because of the unavailability of cognitive behavioural therapy (CBT) courses, we looked at CBT carefully. We have discovered its real potential, and the missed opportunities.

With the use of CBT, re-offending rates can drop by up to 33%. The current international view is that such programs are the most successful and cost-effective means of rehabilitation. However in practice it is under-utilised, and its scope is restricted to the last part of a sentence where participation is compulsory and dependent on distrusted professionals. Instead it should be a practical self-help strategy with existing online self-training. Utilising peer support prior to committing offences as well as later in the community makes it even more effective. In the US, it's happening. Here is our [draft paper](http://tiny.cc/606p8) (<http://tiny.cc/606p8>).

#### **6) RESTORATIVE JUSTICE**

Justice Action is working to defend restorative justice against the Bureau of Crime Statistics and Research (BOCSAR) Director Don Weatherburn's attack <http://tiny.cc/ynjs5> We are amazed that the criticism, despite being clearly wrong, has gone unchallenged.

Restorative justice is a progressive, community-focused response to crime. It builds social cohesion, reduces reoffending, provides a greater voice to all affected persons, and reduces costs in courts and prisons. It brings the offender, victim, and community together to come to an agreement about the behaviour, its effects and appropriate outcomes. It is an alternative to the punishment-based court system.

We created a [draft paper](http://tiny.cc/q9hsj) (<http://tiny.cc/q9hsj>) on restorative justice and recidivism, and looked at Circle Sentencing and Forum Sentencing.

The team involved in the above papers are Smruthi, Manasi, Sinead, Bilal, Jenny, Sam, Sophie, Cynthia, Jasminne, Alfredo, Benjamin, Ken, Francis, Bobby and Vivian.

#### **7) HALL OF SHAME**

The team has developed the concept and website to expose powerful people and organisations for unethical or abhorrent behaviour. It focuses on disgraceful behaviour concealed behind lies, often hidden by their abuse of power.

The team created protocols, presentations of existing inhabitants and investigated nominated people and organisations. The team researched defamation laws.

## **8) COMPUTERS IN CELLS**

This project is waiting for implementation, and has been adopted widely. Our paper is being used internationally but progress has been slow at home, despite total agreement by all sides of politics that it is correct and overdue. For the good of our community, we need a computer in every prison cell. Computers are a tool to target recidivism through education and self-improvement as well as access to legal resources. With the majority of prisoners spending up to 18 hours in their cells this is a no-brainer.

Charles edited the implementation strategy and linked incoming support statements.

## **9) REMISSIONS**

At Justice Action's recent consultation with prisoners of the ACT prison, the Alexander Maconochie Centre, prisoners said they felt 'helpless and hopeless' as they awaited the expiration of their gaol terms. As a result, Justice Action has developed a research paper on Remissions, a system that uses reductions in prison sentences as an incentive for good behaviour and personal development within prisons <http://tiny.cc/5ca68> We are negotiating for its implementation.

## **10) PRISONER MOVEMENT HISTORY**

"Who are we?" as a statement of Australia's identity as a former penal colony continues to develop on our [website \(http://tiny.cc/z3981\)](http://tiny.cc/z3981) It has yet to be launched but has already received over 30,000 hits! We have been accumulating original material that will be the basis for launching it as a wiki, and have a protocol for incorporating oral histories as well. Dave, Vivian and Geoff have been focussing on it.

## **11) RIGHT TO CHANGE NAME**

In response to the article "Legal loopholes allows criminals to change their names in prison and hide their identities," by Janet Fife-Yeomans, Justice Action supported the name change option as part of the rehabilitation process. The benefit includes preventing discrimination, improving safety for the individual and providing a fresh start to life outside prison. Stephanie researched the Privacy Act and the Privacy and Personal Information Protection Act and we presented our research to the media.

## **CASES**

Cynthia, Charles, Bilal, Gizelle, Edwin, Sam, Rafaella, Jimmy and Manasi have written to over 30 prisoners and mental health consumers during this period who have sent in Christmas wishes, queries and artwork. Sam created a database referencing system to allow hot issues to be searched.

## **SOCIAL MEDIA**

Sophie, Monique, Jasminne and Ken have updated JA Twitter, Facebook and YouTube accounts.

## **WEBSITE**

Cynthia and Rafaella have indexed parts that have grown without structure. The CMS web skills are being shared through instruction.

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