



THE LAW SOCIETY  
OF NEW SOUTH WALES



NEW SOUTH WALES  
BAR ASSOCIATION

4 September 2020

The Hon. Brad Hazzard MP  
Minister for Health  
GPO Box 5341  
SYDNEY NSW 2001

Dear Minister,

**Aboriginal mental health workers and mental health care in NSW prisons and mental health facilities**

The Law Society of New South Wales and the New South Wales Bar Association write to express our shared concern in relation to two issues:

1. the availability of culturally appropriate mental health care for Aboriginal and Torres Strait Islander people in correctional and mental health facilities;
2. the adequacy and timely access to mental health care for inmates generally in correctional centres.

Both organisations are concerned as to reports of custodial clients not being seen by psychiatrists or other mental health professionals in a timely manner, despite requests being made by them or their lawyers. Clients continue to raise issues in relation to the length of time that it takes to see a mental health professional following the making of a request.

We were deeply concerned following Deputy State Coroner Grahame's decision of 6 May 2020, finding that the death of an Aboriginal person at Junee correction centre was "...in circumstances of being held in custody with inadequate mental health care in the preceding months"<sup>1</sup>. At [273] of that decision, it was said:

"In my view, the evidence demonstrates a clear need for Aboriginal Mental Health Workers at Junee CC. The evidence disclosed that well intentioned non-Indigenous doctors and nurses had been unable to establish any significant or consistent rapport with [the deceased] or even acquire permission to seek collaborative information from community or family sources".

Recommendations made to the GEO group CEO included (at [306]):

1. "Review the Junee Correction Centre's practice and procedures at the intake stage to ensure that inmates with known diagnoses for serious mental illnesses (e.g. schizophrenia) are reviewed by a suitably qualified mental health clinician in a timely manner";

---

<sup>1</sup> At [305]

[http://www.coroners.justice.nsw.gov.au/Documents/Findings%20%20Inquest%20into%20the%20death%20of%20Jonathon%20Hogan%20-%206%20May%202020%20\(Redacted\).pdf](http://www.coroners.justice.nsw.gov.au/Documents/Findings%20%20Inquest%20into%20the%20death%20of%20Jonathon%20Hogan%20-%206%20May%202020%20(Redacted).pdf).

2. "Examine the current ratio of mental health treating staff, to inmates requiring mental health reviews and treatment, and whether the staffing ratios and resources are sufficient..." and
3. "Consider creating at least three full-time equivalent Aboriginal Health Worker positions based at the Junee Correctional Centre, at least one of whom has responsibility for the provision of mental health care and treatment to Aboriginal inmates".

In 2016 and 2017, the NSW Law Society wrote to the Minister for Health raising concerns on similar issues. Please see attached the Law Society's letter dated 5 October 2016 and the response from Minister Goward dated 16 November 2016.

On 16 November 2017, members of the NSW Law Society's Criminal Law Committee met with representatives from NSW Justice Health to discuss this topic including how the number of Aboriginal and Torres Strait Islander mental health workers might be increased.

Both organisations write now to enquire as to what progress has been made in relation to increasing the number of suitably qualified mental health workers and Aboriginal and Torres Strait Islander mental health workers in the forensic, juvenile justice and corrective systems.

In relation to the issue of suitably qualified Aboriginal and Torres Strait Island mental health workers, we are interested in information about any policies that are in place to increase and sustain the number of Aboriginal mental health workers in the Forensic Hospital, as well as correctional and juvenile justice centres. We would also appreciate information regarding the current ratio of Aboriginal mental health workers to Aboriginal patients/inmates requiring mental health treatment. We also query whether the Justice Health and Forensic Mental Health Network has any relationships with Aboriginal organisations or training institutes to plan for ongoing recruitment of Aboriginal mental health workers at these facilities.

In relation to the issue of mental health workers generally, we are interested in how the Network determines whether mental health treatment is provided to inmates in correctional and juvenile justice centres in a timely manner. It would be useful if you could provide us with information or data on the current ratio of mental health treating staff to inmates requiring mental health reviews and treatment. We would also appreciate information about the current processes available for inmates to make a request to receive mental health assistance and what processes are in place to ensure that wait times to receive this assistance are kept within reasonable limits.

Both organisations look forward to working with you and the Justice Health and Forensic Mental Health Network in gaining a greater understanding of the issues that people with mental illnesses and impairments face in custodial and forensic facilities.

Law Society



Richard Harvey  
**President**

NSW Bar Association



Tim Game SC  
**President**



THE LAW SOCIETY  
OF NEW SOUTH WALES

Our Ref: Crim:GUrg 1191623

5 October 2016

The Hon. Jillian Skinner MP  
Minister for Health  
52 Martin Place  
Sydney NSW 2000

By email: [sabina.greco@minister.nsw.gov.au](mailto:sabina.greco@minister.nsw.gov.au)

Dear Minister,

### **Availability of Aboriginal and Torres Strait Islander Mental Health Clinicians**

I am writing to you on behalf of the Law Society of NSW regarding access to Aboriginal and Torres Strait Islander mental health clinicians in NSW correctional centres and Juvenile Justice centres in NSW, as well as the Forensic Hospital at Malabar.

The Law Society acknowledges that the Custodial Health directorate outlines the responsibilities of the Aboriginal Health unit as follows:<sup>1</sup>

#### ***Aboriginal Health***

*The principal responsibility of the Aboriginal Health unit is to establish, manage, monitor, and evaluate existing and enhanced health service provision for Aboriginal people in custody both in NSW correctional centres and Juvenile Justice centres. To ensure that Aboriginal patients have access to the full range of services expected in the custodial environment, existing health care services and programs are provided through collaborative partnerships between Justice & Forensic Mental Health Network, Aboriginal Community Controlled Health Services (NSW and ACT) and Local Health Districts.*

However, it is not clear if the above policy also applies to patients at the Forensic Hospital.

The Law Society acknowledges the importance of providing access to culturally appropriate mental health care for Aboriginal and Torres Strait Islander people. This is particularly so given the overrepresentation of Aboriginal and Torres Strait Islander adults and young people in the criminal justice system. We strongly support the employment of dedicated Aboriginal and Torres Strait Islander mental health clinicians at the Forensic Hospital and in NSW correctional centres and Juvenile Justice centres.

---

<sup>1</sup> NSW Justice Health, 'Custodial Health' <<http://www.justicehealth.nsw.gov.au/our-services/custodial-health#3>>.

We would be grateful for advice on whether an Aboriginal or Torres Strait Islander mental health clinician is currently based at the Forensic Hospital and if not, whether there are any future plans to provide resourcing in that regard.

In addition we would welcome advice on the number of Aboriginal and Torres Strait Islander mental health clinicians currently working within correctional centres and Juvenile Justice centres across NSW.

We are also interested to know whether NSW Health is engaging with educational institutions and professional bodies in an endeavour to increase the number of Aboriginal and Torres Strait Islander mental health clinicians.

Thank you for your consideration of this letter. If you have any questions, please direct them to Ms Rachel Geare (Senior Policy Lawyer) on 02 9926 0310 or at [rachel.geare@lawsociety.com.au](mailto:rachel.geare@lawsociety.com.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gary Ulman', with a long horizontal flourish extending to the right.

Gary Ulman  
**President**

C.c. Mr Gary Forrest, Chief Executive, Justice Health & Forensic Mental Health Network

Copy → Gaby C.

RECEIVED  
22/11/16



## The Hon. Pru Goward MP

Minister for Mental Health  
Minister for Medical Research  
Assistant Minister for Health  
Minister for Women  
Minister for the Prevention of Domestic Violence and Sexual Assault

M16/5443

Your Ref: Crim:GUrg 1191623

Mr Gary Ulman  
President  
The Law Society of New South Wales  
170 Phillip Street  
SYDNEY NSW 2000

16 NOV 2016

Dear Mr Ulman

Thank you for your correspondence to the Hon Jillian Skinner MP, Minister for Health, regarding the availability of Aboriginal mental health clinicians in NSW correctional centres, juvenile justice centres, and the Forensic Hospital. As the matter you have raised falls within my portfolio responsibilities as Minister for Mental Health, your correspondence was forwarded for my consideration.

The NSW Government is committed to delivering culturally appropriate care to Aboriginal and Torres Strait Islander people in contact with the forensic and criminal justice systems, particularly in light of the high prevalence of mental health issues amongst this patient population, and the significant over-representation of Aboriginal and Torres Strait Islander people in custody.

Mr Gary Forrest, Chief Executive of Justice Health and Forensic Mental Health Network (the Network) has advised that the Network strongly supports the employment of dedicated Aboriginal mental health clinicians, and the continued growth and development of a broader Aboriginal workforce within the organisation.

In relation to the specific questions raised within your correspondence, Mr Forrest has advised that the Forensic Hospital has an established Aboriginal Mental Health Worker position that is currently vacant. The position was first advertised in June 2016 for a six week period and has been through two rounds of recruitment. Unfortunately no applicant has been identified with the necessary skills and experience to fulfil the requirements of the position. A further round of recruitment is now underway with advertising in prominent Aboriginal publications such as the Koori Mail and Indigenous Times.

Mr Forrest has confirmed that the Forensic Hospital conducts a number of specific initiatives to support Aboriginal patients including the *Yarning Group* facilitated by the Network Aboriginal Health Worker, and events such as NAIDOC Day celebrations for Aboriginal patients to attend. The Network's Aboriginal Mental Health Clinical Leader will be commencing an Aboriginal Specific Health Education Group in the Adolescent Unit of the Forensic Hospital in November 2016. The aim of this group is to provide health education and improve the health literacy of Aboriginal young people in a culturally supportive and appropriate manner.

Additionally, Mr Forrest has advised that two Network Aboriginal Mental Health Trainees are currently undertaking clinical placements within the Forensic Hospital as part of the NSW Health Aboriginal Mental Health Worker Training Program.

The Network hopes to utilise these placements as a recruitment strategy to attract Aboriginal staff to work within the Forensic Hospital.

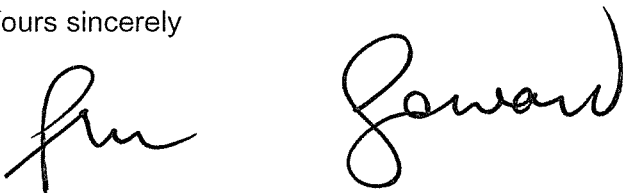
Mr Forrest has also advised that there are approximately 15 Aboriginal Mental Health Clinicians currently working within adult correctional centres and juvenile justice centres across NSW across trainee, clinical and managerial positions.

The Aboriginal Mental Health Worker Training Program, a component of the NSW Aboriginal Mental Health Workforce Program, offers full time employment in public mental health services, workplace training, a degree level academic course and formal clinical placements. Charles Sturt University offers the Bachelor of Health Science Mental Health Djirruwang Program, which is the endorsed course. As of December 2015, 63 Aboriginal people had completed the statewide training program. A further six people are expected to graduate in December 2016. Ongoing employment in health services as mental health clinicians is encouraged, and past graduates have progressed to senior roles including Clinical Leadership in Aboriginal Mental Health.

Mr Tom Brideson, Statewide Coordinator of the NSW Aboriginal Mental Health Workforce Program, liaises with professional bodies as part of his workforce development role to promote Aboriginal employment in allied health professions. Mr Brideson is a board member of Indigenous Allied Health Australia and a member of the National Reference Group Australian Indigenous Psychology Education Project.

Thank you again for bringing this matter to my attention. Should you require further information, please contact Acting Executive Director, Clinical Operations  
Forensic Health, NSW Ministry of Health on

Yours sincerely

A handwritten signature in black ink, appearing to read 'Pru Goward', written in a cursive style.

Pru Goward MP