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## MEDIA STATEMENT

### Locked Up Without Conviction: NT's Most Vulnerable Deserve Care, Not Cells

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The Northern Territory (NT) Community Visitor Program (CVP) is an independent statutory service, established under the *Mental Health and Related Services Act 1998* (MHRSA) and the *Disability Services Act 1993* (DSA), to protect the rights of persons with complex cognitive disabilities or mental ill health, who are subject to custodial and non-custodial supervision orders under the *NT Criminal Code Act 1983*.

Unlike all other Australian jurisdictions, the NT lacks a dedicated Forensic Mental Health Unit for persons with mental ill health or cognitive disability involved in the criminal justice system<sup>1</sup>. This is despite the NT having the highest incarceration rate per capita in Australia<sup>2</sup>. As such, people found 'unfit to plead' by the courts are detained in NT Correctional Service (NTCS) facilities alongside convicted prisoners. In effect, persons who are not legally classified as prisoners are detained in the same facilities as those who are.

A 2021 NT Health commissioned report identified the need for a forensic mental health hospital in the NT, stating that the Complex Behaviour Unit (CBU), located within Darwin Correctional Precinct (DCF) was 'fit for purpose' - provided it adopted an '*appropriate clinical forensic model of care and staffing*'<sup>1</sup>. Despite being gazetted as an Approved Treatment Facility (ATF) under the MHRSA in 2022 and again in 2025, CBU continues to be managed and staffed by NTCS, with no dedicated therapeutic or clinical forensic model of care. The status quo is also likely to be inconsistent with the duty to accommodate a special need under the *NT Anti-Discrimination Act 1992*.

The CVP holds concern over the erosion of rights of *supervised persons* in NTCS facilities, a situation that has been further exacerbated by the rising prison numbers. Currently CBU, which houses male *supervised persons*, also accommodates general population prisoners who require protection, placing them alongside persons with cognitive impairments and/or mental health issues who are not sentenced prisoners. As there is no dedicated area for females on Supervision Orders, these women are also detained within the general prison population.

Whilst we acknowledge and commend the establishment of the NDIS Offender services team within NTCS, implemented to identify persons with cognitive impairments and mental health issues, we question how NTCS will manage the increasing *supervised persons* identified from this service, given the current lack of a clinical forensic facility and appropriately trained staff.

The CVP urges the NT Government to increase investment in forensic mental health care as part of its recently announced \$495 million dollar budget allocation. In the absence of a dedicated Forensic Mental Health Unit, we advocate for CBU to be transferred to the operational management of NT Health's Forensic Services, and for female *supervised persons* to have access to care within this setting.

Jeswynn Yogaratnam, Principal Community Visitor, CVP, Northern Territory

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<sup>1</sup> Ogloff, J. R. P., Doherty, A., Eason, M., & Shields, R. (2021). *Complex Behavioural Unit Feasibility Study: Final Report*. Report prepared for the Northern Territory Department of Health

<sup>2</sup> <https://www.abs.gov.au/statistics/people/crime-and-justice/corrective-services-australia/latest-release#key-statistics>

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