



**MEDIA RELEASE - Tuesday 16<sup>th</sup> September 2014**

***Mental impaired man jailed as teen ten years ago without conviction – Calls for Attorney-General to Intervene***

Disability advocates have made an urgent call to the WA Attorney-General to release a young Aboriginal man facing indefinite imprisonment and called for clearer safeguards for mental impaired accused prisoners to prevent a repeat of the injustice experienced by Mr Marlon Noble.

The young man, who cannot be identified for legal reasons and is known as “Jason”, has been imprisoned for ten years under Western Australia’s mental impaired accused legislation for a juvenile offence he committed in his early teens. He was the subject of a profile piece on yesterday’s *Living Black* program on SBS TV.

“I think Jason has a very strong case for release. This week I wrote to the Attorney-General asking that he request a review of Jason’s case by the mental impaired accused review board with the view to getting him out of prison. He’s not a risk to the safety of the community. He’s accessing support. The protection of Jason’s safety is no longer a suitable reason to continue to imprison him” said Taryn Harvey, CEO of Developmental Disability WA advocating on behalf of Jason.

Jason is detained under a Custody Order imposed by the Mental Impaired Accused Board. It entitles Jason to a leave of absence, a supported process to help offenders transition back into community life. “Jason should be working towards freedom with a leave of absence, but he can’t do that at the moment because they aren’t allowed from the prison he’s in. And he can’t transfer to a different prison that does allow them either, because prison charges have been laid against him”, said Ms Harvey.

After an independent inquiry into the highly publicised case of Mr Marlon Noble the government committed to greater safeguards to protect these vulnerable prisoners. It encouraged Superintendents to use alternatives to prison charges for non-compliant behaviour and representation if charges were progressed. Ms Harvey said she believes an alternative would have been reasonable in this case, and says Jason was denied representation.

“It appears that no lessons have been learnt from the Marlon Noble case. It would be a concern if someone facing indefinite imprisonment based on an impaired capacity to understand the nature of proceedings did not have representation to support him in any prison proceedings.”

The State Government has committed to a review of the legislation in question, but is yet to release a public discussion paper. “Jason can’t wait for a review of the Act. WA’s law is the most conservative in the country. It needs significant reform to address issues that are consistently raised by the legal fraternity, our Chief Justice and the Office of the Inspector of Custodial Services. This can’t be allowed to continue.”

Developmental Disability WA is the state’s peak voice for people with developmental disabilities and their families and founded WA’s unique Politician-Adoption-Scheme. Developmental Disability WA is a founding member of the Mental Impaired Accused Justice Coalition along with People with Disabilities WA (PWDWA) and the WA Association for Mental Health (WAAMH).

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