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Committee Secretariat  
Senate Standing Committees on Community Affairs  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

[community.affairs.sen@aph.gov.au](mailto:community.affairs.sen@aph.gov.au)

To the Senate Standing Committees on Community Affairs

### **Inquiry into the Detention of People with Cognitive and Psychiatric Impairment in Australia**

Liberty Victoria is one of Australia's leading human rights and civil liberties organisations. It is concerned with the protection and promotion of civil liberties throughout Australia. As such, Liberty is actively involved in the development and revision of Australia's laws and systems of government. Further information on our activities may be found at [www.libertyvictoria.org.au](http://www.libertyvictoria.org.au).

Liberty Victoria welcomes the opportunity to provide this submission to the Senate Standing Committee on Community Affairs into the indefinite detention of people with cognitive and psychiatric impairment in Australia (**this Inquiry**). Thank you for the extension of time granted to make this submission.

The legal apparatus that provides for a person with a cognitive disability to be detained, without review and on an indefinite basis, is concerning. The right to liberty, and the associated right to humane treatment while being deprived of liberty, are core tenets of Liberty Victoria<sup>1</sup> and are also enshrined under international human rights law.<sup>2</sup>

Any decision to restrict the liberty of a person should comply with standards provided in the Convention on the Rights of Persons with Disabilities to ensure procedural fairness, such as including specific and reviewable timeframes to terms of detention.

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<sup>1</sup> <https://libertyvictoria.org.au/node/11>

<sup>2</sup> Convention on the Rights of Persons with Disabilities ('CRPD')

To this end, Liberty Victoria refers to and wishes to endorse a submission made to this enquiry by the Australian Law Reform Commission (**ALRC**), referred to as 'Submission 4', dated 14 March 2016.

Should you wish to discuss any aspect of this submission further please contact Gillian Garner through the Liberty Victoria office on 9670 6422 or [info@libertyvictoria.org.au](mailto:info@libertyvictoria.org.au). This is a public submission and is not confidential.

Yours sincerely

A handwritten signature in black ink, appearing to read 'George A Georgiou', with a small dot at the end.

George A Georgiou SC  
President  
Liberty Victoria