# Preventing the Criminalisation of People with FASD – ACT 2022-23 Budget Consultation

The ACT Government invited written submissions to its **2022-23 Budget Consultation** to consider the [ACT Wellbeing Framework](https://www.act.gov.au/wellbeing). FARE lodged a submission ‘*Preventing the Criminalisation of People with FASD’* that addresses all 12 domains of the ACT Wellbeing Framework.

FASD is a lifelong disability, and the leading preventable developmental disability in Australia. People with FASD experience challenges in daily living and need support to reach their full potential. Without this support, these challenges can mean people with FASD are more likely to have interactions with the criminal justice system. This criminalisation of people with FASD is a harmful experience that further traumatises and can lead to a revolving door of incarceration and recidivism.

People with FASD should be supported to manage their condition, and not criminalised. This involves implementing system changes, including preventive strategies, to ensure that people with FASD are appropriately supported, both in the community to prevent engaging with criminal justice, and within the justice system itself, to prevent further criminalisation.

## FARE recommended:

**Decolonising justice**

1. Implement a decolonising and self-determination approach to preventing criminalisation of people with FASD.
2. Reduce the stigmatisation of people with FASD and other disabilities, people with AOD issues and people engaging with the justice system.
3. Adopt the social model of disability within the ACT Disability Strategy and the ACT Disability Justice Strategy Action Plan.
4. Establish a lived experience advisory group to centre the voices of people with lived experience of FASD and other disabilities, of AOD dependence and of incarceration.
5. Implement a human rights approach to preventing criminalisation of people with FASD.

**ACT justice system**
6. Fully fund the reforms to service system identified in the ‘Review of the service system and implementation requirements for raising the minimum age of criminal responsibility in the ACT’.
7. Fully fund the implementation of the ACT Disability Justice Strategy Action Plans.
8. Take an integrated, whole-of-Government approach to preventing the criminalisation of people with FASD.

**Community support**
9. Implement mandatory FASD professional development for all health, education, child protection and community services professionals.
10. Implement adequately funded, neuro-developmental (including FASD) assessment and diagnosis.
11. Implement effective referral pathways to appropriate, and adequately funded community services, for people with FASD, their families and carers.
12. Work with the Commonwealth Government to address barriers to access and difficult eligibility.

**Justice reform**
13. Advocate to the Commonwealth Government to restore eligibility of people in the ACT justice system to universal services, ie. NDIS, DSP, PBS and Medicare.
14. Develop an ACT Bench Book for ACT Judicial Officers as a resource.
15. Implement mandatory FASD professional development for all justice professionals.
16. Implement adequately funded, neuro-developmental (including FASD) assessment, diagnosis and support.
17. Design and implement a disability specialist court.

**Evaluation**
18. Improve data collection to better inform FASD policy and program responses, by ensuring prenatal alcohol exposure is collected in an informed, supportive and confidential manner.

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