

BOOK REVIEW

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Dan Toombs, *Disability and the Queensland Criminal Justice System* (Lawbook Co; Thomson Reuters, 2012)

There can be no doubt that the criminal justice system is dealing more regularly and, to some extent more appropriately, with people who have a mental impairment. Of these, however, those with an intellectual disability or a brain acquired injury are the least understood and those who are dealt with generally in the least satisfactory way. There is no “treatment” and they often have a capacity that is below the age where, were it their chronological age, they would not be within the criminal justice system at all. Their behaviour, however, brings them to the criminal courts and since the usual promoters of a pro-social life, namely deterrence and rehabilitation, have little effect, they end up being punished when an objective assessment would say that this is inappropriate.

Perhaps because the cohort of these people is small, there has been little academic or practitioner material that is helpful to the profession and judiciary for the conundrums that these people pose. Thus, while based and directed at the particular situation in Queensland, this little book is a welcome contribution to those who are faced with a client who has an intellectual disability or a brain acquired injury, or indeed, who, as judicial officers, have to deal with them.

Much of it is, of course, directed to the legislative and curial structure in Queensland, that is quite different in many respects to the Territory, but there is much that is helpful to the practitioner and judicial officer. It is essentially a practical book with useful tips as well as good law. In addition, some sections, such as that on Fitness to Plead, is directly relevant as both Queensland and ACT systems are broadly common law systems and, indeed, the book spends some time on the leading Territory case, *Eastman v The Queen* (2000) 203 CLR 1.

A helpful feature of the book, too, are the case studies, sometimes elating and sometimes depressing, but they give useful insights from an obviously experienced and committed practitioner in the area.

The book is well-presented and easily read. I thought sometimes its target audience, whom I had presumed was not clear, may have been wider. For example, it seemed unnecessary to explain to practitioners the meaning of bail (section 5.140)!

I noted a couple of occasions where an editor might have picked up a problem. I am unsure how you can have something “expressly implied” (p 18) and a reference to the situation in this Territory (at pp 22-3, footnote 8) referred instead to Victorian legislation!

The volume is a worthwhile resource for those dealing in the area and I recommend it to them. For those with a practice that includes a number of such clients, it would be a good investment. For others, the Supreme Court Library has a copy.