

Disability Justice Plan for Tasmania 2017-2020

Annual Report on Implementation

Premier's Disability Advisory Council 2020 Response

20 July 2021

Abbreviations

| ACRONYM | FULL TITLE |
|----------------|--|
| AAT | Administrative Appeals Tribunal |
| AACF | Accessible Adult Change Facility |
| CARCRU | Child Abuse Royal Commission Response Unit |
| CT | Communities Tasmania |
| CLC | Community Legal Centre |
| COMCOR | Community Corrections, |
| CPHS | Correctional Primary Health Services (formerly Tasmanian Health Service) |
| DAP | Disability Action Plan |
| DoE | Department of Education |
| DoH | Department of Health* (formerly Department of Health and Human Services) |
| DoJ | Department of Justice |
| DPFEM | Department of Police, Fire and Emergency Management |
| DSO | Director's Standing Order |
| EOT | Equal Opportunity Tasmania |
| FASD | Foetal Alcohol Syndrome Disorder |
| JLOs | Justice Liaison Officers |
| KWSITH | Keeping Women Safe in Their Homes |
| MAGCRT | Magistrates Court of Tasmania |
| MHT | Mental Health Tribunal |
| MoU | Memorandum of Understanding |
| MPCSO | Monetary Penalties Community Service Order |
| MPES | Monetary Penalties Enforcement Service |
| NDIA | National Disability Insurance Agency |
| NDIS | National Disability Insurance Scheme |
| ODPP | Office of the Director of Public Prosecutions |
| OPG | Office of the Public Guardian |
| PDAC | Premier's Disability Advisory Council |
| RBMSp | Ron Barwick Minimum Security Prison |
| RCISA | Royal Commission into Institutional Responses to Child Sexual Abuse |

| ACRONYM | FULL TITLE |
|----------------|--|
| TASPOL | Tasmania Police |
| TasCAT | Tasmania Civil and Administrative Tribunal |
| THS | Tasmania Health Service |
| TLA | Tasmania Legal Aid* (formerly known as Legal Aid Commission of Tasmania) |
| TLRI | Tasmania Law Reform Institute |
| TPS | Tasmanian Prison Service |
| S@H | Safe at Home |
| SEAPAC | Elder Abuse Prevention Advisory Committee |
| SFCU | Safe Families Coordination Unit |
| SRC | Southern Remand Centre |
| SUPCRT | Supreme Court of Tasmania |
| VSS | Victims Support Services |
| WAS | Witness Assistance Service |
| WCAG | Web Content Accessibility Guidelines |
| WLC | Wilfred Lopes Centre |

A Note on PDAC's 2020 Response Format

To reduce repetition by quoting paragraphs directly from the Third Annual Report to DPAC ('2020 Report'), the response format has been revised. The agency to which the response is attributed towards is named and the relevant excerpt from the 2020 Report (with the page number in parenthesis) is provided, followed by PDAC's feedback.

The Microsoft Accessibility Checker revealed that many of the headings for the individual actions in the report are too long. However, these headings mirror the wording used in the Disability Justice Plan for Tasmania 2017-2020. To ensure accessibility, some headings have been abbreviated with full length text below and marked by an asterisk

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Introduction

The Disability Justice Plan for Tasmania 2017-2020 (the Justice Plan) was launched in December 2017. The Justice Plan aims to guide development of a justice system in Tasmania that is responsive to the needs of people with disability and one that provides equality before the law and equal access to justice. It brings multiple Tasmanian Government agencies and associated justice bodies together to achieve this goal, coordinated overall by the Department of Justice (DoJ).

The Justice Plan includes 14 action areas covering a total of 37 individual actions. The action areas are as follows:

- Ensuring that services are disability ready and responsive (3 actions)
- Preventing and responding to violence, abuse and neglect (6 actions)
- Responding to the needs of people with disability who are at risk of experiencing family violence (1 action)
- Safeguarding the rights of people with disability to make decisions that affect their lives (1 action)
- Providing access to advocacy and communication support (1 action)
- Developing disability responsive legal services (3 actions)
- Promoting disability responsive police practices (2 actions)
- Implementing disability responsive prosecution services (2 actions)
- Adopting disability responsive court processes (2 actions)
- Implementing disability responsive youth justice services (2 actions)
- Promoting the rehabilitation and reintegration of offenders with disability (3 actions)
- Providing disability ready and responsive prison services (8 actions)
- Safeguarding the rights of forensic mental health patients (2 actions)
- Continuously monitor and improve performance (1 action)

The Premier's Disability Advisory Council (PDAC) plays a formal monitoring function for the Justice Plan's implementation (Action 37).

- The Second Annual Report (2019 Report) on implementation was provided to PDAC on July 2019.
- Cabinet's consideration on PDAC's 2019 Response was delayed due to the COVID-19 pandemic. It was circulated as an internal document in May 2020.

PDAC acknowledges the more detailed reporting provided by all agencies in the 2020 Report and thanks DoJ for its leadership in improving the reporting process.

As a result, PDAC's 2020 Response is largely focused on improving the quality of reporting by providing data or feedback to reflect the extent of implementation. The 2020 Response also highlights examples of reporting that reflect best practice.

Table 1 - Disability Justice Plan for Tasmania 2017-2020 – 2020 Reports and Responses

| <i>Report date</i> | <i>Report title</i> | <i>'Short title' used in this Report</i> |
|--------------------|---|--|
| May 2021 | Disability Justice Plan: Annual Report on Implementation (PDAC) | 2020 Response |
| September 2020 | Disability Justice Plan for Tasmania: Third Annual report to PDAC | 2020 Report |

Table 2 - Disability Justice Plan for Tasmania 2017-2020 Previous Reports/Responses

| <i>Report date</i> | <i>Report title</i> | <i>'Short title'</i> |
|--------------------|---|----------------------|
| November 2019 | Disability Justice Plan: Annual Report on Implementation (PDAC) | 2019 Response |
| July 2019 | Disability Justice Plan for Tasmania: Second Annual report to PDAC | 2019 Report |
| December 2018 | Implementing the Disability Justice Plan for Tasmania: First Report (PDAC) | 2018 Response |
| May 2018 | Disability Justice Plan: Annual Report to the Premier's Disability Advisory Council | Interim Report |
| December 2017 | Disability Justice Plan for Tasmania 2017-2020 | Justice Plan |

Agencies reporting in 2020

- Department of Justice including:
 - Office of the Director of Public Prosecutions (ODPP)
 - Victims Support Services (VSS)
 - Tasmanian Law Reform Institute (TLRI)
 - Tasmania Legal Aid (TLA)¹
 - Equal Opportunity Tasmania (EOT)
 - Community Legal Centres (CLCs)
 - Magistrates Court (MAGCRT)

¹ Previously known as Legal Aid Commission of Tasmania (LACT)

-
- Supreme Court (SUPCRT)
 - Community Corrections (COMCOR)
 - Tasmania Civil and Administrative Tribunal (TASCAT)
 - Tasmania Prison Service (TPS)
 - Mental Health Tribunal (MHT)
 - Tasmania Police (TASPOL)/ Department of Police, Police, Fire and Emergency Management (DPFEM)
 - Tasmania Civil and Administrative Tribunal (TasCAT)²
 - Department of Communities Tasmania (CT)
 - Department of Health (DoH)/Tasmanian Health Service (THS) including Correctional Primary Health Service (CPHS)

² TasCAT is a reform undertaken in 2020 to establish a single tribunal arrangement. TasCAT will eventually be comprised of Tasmania's Resource Management and Planning Appeal Tribunal, the Guardianship and Administration Board, the Workers Rehabilitation and Compensation Tribunal, Asbestos Compensation Tribunal, Motor Accident Compensation Tribunal, Anti-Discrimination Tribunal, Forest Practices Tribunal, Health Practitioners Tribunal and the Mental Health Tribunal.

Overarching Recommendations

PDAC thanks DoJ for collating the report and **commends** all agencies for their renewed commitment to comprehensive reporting in the 2020 Report. This provides a strong evidence base to assess the scope to better align the objectives of and reporting on Disability Justice Plan and Tasmania's Disability Framework for Action 2018-2021 (Accessible Island) in the future.

The 2020 Report is a benchmark for comprehensive reporting and brings awareness to the Justice Plan's commitment to meet the concerns of people with disability

Recommendation 1 – That Agencies ensure they report on shared actions

Actions that require shared reporting will require all allocated agencies to identify whether reports bear direct relation to them. For record keeping purposes, agencies that do not have update to report on should note their absence under Appendix I. For example:

- '[Agency x] notes it has completed this action item' or '[Agency x] has no update in relation to this action item'. This is to ensure all allocated agencies have been accounted for and has considered their response to the respective actions.

PDAC reminds all agencies to play a collaborative role in progressing Actions 1, 2, 3, 4, 11 and 12 and where absent it should be noted under the Action Item with appropriate reasons (e.g. completion of Action Item or no further progress to report on)

Recommendation 2 – That all online documents and forms are prepared and uploaded in an accessible format that is WCAG 2.0 compliant

A collaborative approach is especially important when making documents available as online. At times, it appears that the concept of 'accessibility' may be misinterpreted as meaning that documents are made available through online access or download.

'Accessible' online documents are digital documents created with features to make them more perceivable, operable, understandable, and robust.³ The current guideline of web accessibility is measured using the Web Content Accessibility Guidelines (WCAG) 2.2 standards.

All online forms, and all new forms, should be created in an accessible format – as Word documents or using html links.

Recommendation 3 – That agencies report on their WCAG compliance

PDAC requests that future reports record the extent of each agencies' WCAG compliance status (e.g.: WCAG Compliant 2.0 (AA), WCAG Compliant 2.1 (A) or Non-compliant).

³ For more information see Web Content Accessibility Initiative, <https://www.w3.org/WAI/WCAG21/Understanding/intro#understanding-the-four-principles-of-accessibility>

Recommendation 4 – That wherever possible, Information on outcomes / date should be provided

All agencies should endeavour to include data as evidence to substantiate findings. Where it is not possible to obtain data, the inclusions of case studies should be considered to demonstrate results and findings.

Recommendation 5 – That all new facilities or major rebuilds should include Accessible Adult Change Facilities and hearing loop capability

PDAC **commends** DoJ for its inclusion of an AACF in the TasCAT premises in Barrack Street, Hobart.

(a) Accessible Adult Change Facilities

AACFs address a fundamental barrier to inclusion and participation in community life for people with severe and profound disability and their carers. AACFs are provided in addition to and separate from standard accessible toilets.

AACFs are fitted with specialised equipment for people with profound or complex disability who are unable to use standard accessible toilets independently.⁴ Although AACFs are not a mandatory feature under the *Disability (Access to Premises - Buildings) Standards 2010*, provision of AACFs sets a precedent to follow across government and the community at large.

Nationally there are over 175 accredited Changing Places across Australia, only five of which are in Tasmania, all within a 15-km radius of the Hobart GPO.

(b) Hearing loops

At present very few government premises offer hearing loops in public meeting or other public facing areas. PDAC further notes that where hearing loops are installed, it is essential that staff are aware of their placement and how to use them.

Recommendation 6 – That actions for the next Disability Justice Plan / Accessible Island be streamlined to avoid duplication

There is significant overlap in the Disability Justice Plan actions which also increases the complexity for agencies in reporting. PDAC notes that DoJ has also identified overlaps with Accessible Island.

Appendix I identifies the action items that have led to overlap in reporting. PDAC suggests that in reviewing the Disability Justice Plan, these overlaps should be addressed with a view to streamlining reporting for both Agencies and PDAC.

Recommendation 7 – That future reports should provide a clear response to the Overarching Recommendations

Tables 3 shows the recommendations from PDAC's 2019 Response and PDAC's assessment to how these were addressed in the subsequent report.

⁴ <https://changingplaces.org.au/>

Table 3 – Recommendations in PDAC’s 2019 Response

| <i>2019 Recommendations</i> | <i>Status</i> |
|---|---|
| That agencies review the allocation of responsibility for actions in the Justice Plan to understand each agency’s role in progressing each action, and amendments be made where appropriate. | Completed (pages 107-113, 2020 Report) |
| That the role of the lead agency in the reporting process be replaced by all agencies reporting directly to DoJ on their respective actions. | Completed |
| That the outcome of the review of agency responsibilities is included in the 2020 Report to PDAC | Completed |
| That consideration be given to including a ‘traffic light’ indicator for each of the 37 actions to demonstrate the extent to which the action has been implemented. | Completed (pages 9-11, 2020 Report) |
| That in future reports, agencies identify where actions have been completed | Completed |
| That wherever possible, agencies include data or discussion that demonstrates the outcomes for people with disability and provides an indicator of the extent of the real change that has been achieved | Improvement noted |
| That the 2020 Report also considers the implementation of the Justice Plan beyond 2020. | DOJ advised delayed by COVID-19. ⁵ See also Recommendation 5 above. |
| That the 2020 Report provides information about implementation of a pilot witness intermediary scheme, particularly as it relates to people with disability. | Completed |
| That agencies note that in the 2019 Response, PDAC’s has provided feedback, comments and requests for clarification against each action. PDAC requests that agencies consider and address these points in the 2020 Report | Significant improvement noted |

⁵ 2020 Report (page 8): ‘The Disability Justice Plan Working Group undertook some initial discussions in February 2020 in relation to a Disability Justice Plan post-2020. Further work has been delayed due to the reallocation of resources during the COVID-19 pandemic. Further consideration of this issue will occur as soon as possible.’

Table 4 – Summary PDAC’s 2020 Response Recommendations

| | |
|---|---|
| 1 | That Agencies ensure they report on shared actions |
| 2 | That all online documents and forms are prepared and uploaded in an accessible format that is WCAG 2.0 compliant |
| 3 | That all agencies report on their WCAG compliance |
| 4 | That wherever possible, information on outcomes / date should be provided |
| 5 | That all new facilities or major rebuilds should include Accessible Adult Change Facilities and hearing loop capability |
| 6 | That actions for the next Disability Justice Plan / Accessible Island be streamlined to avoid duplication |
| 7 | That future reports should provide a clear response to the Overarching Recommendations |
| * | PDAC also seeks advice on the ‘Additional Commentary’ on complaints to the Anti-Discrimination Tribunal (page 14) |

Additional Commentary from PDAC – Complaints to the Anti-Discrimination Tribunal

PDAC wishes to take the opportunity to highlight an issue which affects people with disability. This issue is referenced in specific comments later in the Response.

The number of discrimination complainants in relation to disability take up a national average of at least 50 per cent. However, there appears to be a lack of support to exercise their legal rights and participate in legal processes.

Complainants are disadvantaged throughout the legal process because they are self-represented. Even where a ruling is made in their favour, they bear the responsibility of ensuring the Respondent complies with those enforcement actions.

This issue is exacerbated by a lack of funding to Tasmanian Legal Aid (TLA) and Community Legal Centres (CLCs) to provide pro-bono legal assistance for complainants at the Anti-Discrimination Tribunal.

All relevant agencies (in particular, TLA and CLCs) are encouraged to provide feedback on this issue. PDAC seeks any relevant data to help inform this issue. Information about the following is requested:

1. the number of requests TLA and CLCs receive to seek assistance or representation in anti-discrimination matters;
2. the percentage of these requests to TLA and CLCs that are on grounds of disability; and
3. the percentage of these matters that TLA and CLCs had to refer to alternative sources of representation.

PDAC seeks advice in clarifying how state law (*Anti-Discrimination Act 1998 (Tas)*) applies where there is overlap with the Commonwealth Disability Standard & Guidelines (which takes legislative basis from the *Disability Discrimination Act 1992 (Cth)*).

This issue is exemplified in a case study where a complaint was made under state law and the Respondent asserted compliance with a Commonwealth Disability Standard as a defence. This resulted in a finding by the State Tribunal that they did not have jurisdiction.

The issue was further complicated as a complaint already dealt with under state discrimination law cannot thereafter be dealt by the Australian Human Rights Commission.

It appears that a decision made by State Tribunal that they do not have jurisdiction thereafter excludes the Complainant from further pursuing the matter at the Commonwealth jurisdiction.

If this is true, it exposes a loophole as a pseudo-defence is created under Commonwealth Discrimination Act when making a complaint under state law. This is despite the Commonwealth Discrimination Act not having the intention of overriding state discrimination laws - see Section 13(3) *Disability Discrimination Act 1992 (Cth)*.

Action: Ensuring that services are disability ready and responsive

I. Recognise an individual's disability and make available appropriate supports and adjustments.

*Improve the justice system's capacity to recognise an individual's disability at the earliest opportunity and make available appropriate supports and adjustments to enable them to participate in those services on an equitable basis with others.

Agencies allocated under the Justice Plan: All

Agencies that contributed to the Third Annual Report (hereinafter referred to as 'the 2020 Report'): Department of Justice (DoJ) - (multiple), Magistrates Court (MAGCRT), Supreme Court (SUPCRT), Tasmania Civil and Administrative Tribunal (TASCAT), Equal Opportunities Tasmania (EOT), Office of the Director of Public Prosecutions (ODPP)

Magistrates Court

PDAC notes cross sector collaboration between MAGCRT, EOT, Tasmania Legal Aid and Brain Injury Association of Tasmania to develop an informative video to assist people with disability to navigate the process of appearing before the Magistrates Court (page 12)

PDAC Feedback:

- PDAC **commends** the initiative taken to produce an informative video to assist people with disability to journey through the procedural aspects at the MAGCRT.
- Consideration should also be given to include a brochure in plain English with illustrative guides to easily navigate the video (with closed captioning).

'The DoJ commissions Accessibility Appraisal Reports to assist the MAGCRT to assess compliance of existing building structures and facilities' (page 12)

PDAC Feedback:

- PDAC suggests DOJ consider provision of Accessible Adult Change Facilities (AACFs) at courts as people with disability may be there for extensive periods of time whether in their capacity as staff, jurors, prisoners or witnesses.

Tasmania Civil and Administrative Tribunal (TasCAT)

'Facilities at the new premises in Barrack Street include a dog toileting area for guide dogs, an AACF and a handheld shower.' (page 14)

PDAC Feedback:

- PDAC **commends** DoJ for the provision of an AACF, Hearing Loops and a dog toileting area at the new TasCAT premises.
- Does TasCAT intends to seek Changing Places accreditation for the AACF so it can be included on the national map?
- Is the AACF available to all people with disability including use of a Master Locksmiths Access Key (during business hours or using a MLAK) key?

-
- PDAC notes that the SUPCRT and MAGCRT provided a good example of describing the extent of their recent/ongoing installations and their direct impact on users with disability in their facilities.

Office of the Director of Public Prosecutions

'Witness Assistance Officers within the ODPP are currently completing an on-line training course titled Communicating with Vulnerable People in the Legal Setting through Griffith University. This is aimed at identifying people with disability and improving staff members' oral and written interaction with the person, their carers and support workers' (Page 15)

PDAC Feedback:

- PDAC notes ODPP for providing the information regarding its online training courses as it provides an indicator of initiatives taken to support and adjust to people of disability.
- What are the number of participants and detail on the range of topics covered in the training; and
- Has the ODPP received or actively encouraged feedback from Witness Assistance Officers on the impact of the training in an operational context?

Supreme Court

PDAC Feedback:

PDAC notes the Hobart Supreme Court is installing a lift to enable access from the street to enable access to both courts through the public entrances with expected completion in September 2020. (page 15)

EOT

'Equal Opportunity Tasmania now has an online complaint form improving access for people with disability to make complaints under the Anti-Discrimination Act.' (page 16)

PDAC Feedback:

- Can EOT confirm that all PDF forms are disability accessible or made available in a MS Word format?
- When a user completes the publications order form, do they receive it in a PDF accessible format or word document?
- **PDAC reiterates** that this feedback should be considered by all agencies which provide online forms (see Recommendation 2 above).

2. Improve collection of information about disability and promote information sharing

*Improve the collection of information about the disability status of people in the justice system and promote increased information sharing between service providers for those who have complex support needs.

Agencies allocated in the Justice Plan: All

Agencies that contributed to the 2020 Report: All

All Agencies - on the importance of data collection and accessibility (page 19)

- PDAC **commends** agencies for providing extensive updates against this action.
- PDAC notes that the MAGCRT's current data management system highlights the importance of the use of data collection and how decisions can be made to improve accessibility for people who interact with the court system whether on a temporary, frequent or permanent basis.

MAGCRT

As MAGCRT is undertaking a review of all forms on the court website, PDAC refers to Recommendation 2.

Tasmania Police

In November 2019, TASPOL implemented a new police data management system (ATLAS) which allows flagging specific details of a person. (page 25)

PDAC Feedback:

- Can TASPOL provide examples of what details will be flagged and how these flags will be used?

Tasmania Legal Aid (TLA)

Legal Aid services were delivered to 5,512 people with disability for the period 1 March 2019 to 30 April 2020 (pages 19-20)

PDAC Feedback:

- PDAC thanks TLA for providing comprehensive data and notes that all TLA programs also make targeted referrals to support services.

EOT

'EOT is unable to provide a report as requested by PDAC on the disability status of complainants. The definition of disability under the *Anti-Discrimination Act 1998* is very broad and fluid in its application and therefore unable to be captured with integrity. The area of employment continues to give rise to systemic issues pertaining to disability discrimination.' (page 21)

PDAC Feedback:

- PDAC noted in its 2019 Response that complaint forms presented to EOT allowed disability status of clients to be recorded.
- A summary of this data can be provided in a spreadsheet to note the number of complaints pertaining to disability and the outcomes for each complaint. Most discrimination complaints pertain to disability. This makes data on the disability status of complainants vital to the monitoring role of PDAC.

Department of Justice

Delays were encountered by the Justice Connect Program Team due to the impact of COVID-19. Implementation of Stage I (criminal) is anticipated from May 2021 to June 2023. (page 20)

PDAC Feedback:

- PDAC looks forward to continued updates from the Justice Connect Program Team highlighting the extent of information sharing and access and how it translates to better outcomes.

3. Improve provision of information to people with disability

*Improve the provision of information to people with disability about services available to them in the justice system

Agencies allocated under the Justice Plan: All

Agencies that contributed to the 2020 Report: DoJ (multiple), Department of Police, Police, Fire and Emergency Management (DPFEM), Tasmania Police (TASPOL), Tasmanian Health Service (THS), Department of Communities Tasmania (Communities Tasmania), Correctional Primary Health Service (CPHS)

All Agencies**PDAC Feedback:**

- PDAC acknowledges the efforts made by all o enhance web accessibility.
- PDAC commend DoJ and DPFEM for table their Web Content Accessibility Guidelines (WCAG) status.
- Table 5 (below) is an effective method to ensure individual agency accountability in tracking their WCAG 2.0 status. It should be used in subsequent reports to monitor and track progress across the next Disability Justice Plan.
- PDAC requests that future reports record the extent of each agencies' WCAG compliance status (e.g.: WCAG Compliant 2.0 (AA), WCAG Compliant 2.1 (A) or Non-compliant).

Table 5 – WCAG status as reported by (a) Department of Justice and (b) Department of Police, Fire and Emergency Management - September 2020⁶

| DoJ Agencies | WCAG Status |
|---|--------------------------|
| Tasmanian Planning Commission | WCAG Compliant, 2.1 (AA) |
| Safe at Home | WCAG Compliant, 2.1 (AA) |
| WorkSafe Tasmania | WCAG Compliant, 2.1 (AA) |
| Consumer Building and Occupational Services | WCAG Compliant, 2.1 (AA) |
| Official Visitors Programs Tasmania | WCAG Compliant, 2.1 (AA) |
| Ombudsman Tasmania | WCAG Compliant, 2.1 (AA) |
| Births, Deaths and Marriages | WCAG Compliant, 2.1 (AA) |

⁶ Data obtained from pages 29-30 of the 2020 Report.

| Doj Agencies | WCAG Status |
|--|--------------------------|
| Strategic Infrastructure Projects | WCAG Compliant, 2.1 (AA) |
| Monetary Penalties Enforcement Service | WCAG Compliant, 2.1 (AA) |
| Community Corrections | WCAG Compliant, 2.1 (AA) |
| Parole Board | WCAG Compliant, 2.1 (AA) |
| Equal Opportunity Tasmania | WCAG Compliant, 2.1 (AA) |
| Health Complaints Commissioner | Non-compliant** |
| Health Practitioners Tribunal | Non-compliant |
| Department of Justice | Non-compliant |
| Mental Health Tribunal | Non-compliant |
| Custodial Inspector | Non-compliant |
| Community Consultation | Non-compliant |
| Resource Management and Planning Appeal Tribunal | Non-compliant |
| Victims Support Services | Non-compliant |
| Tasmanian Industrial Commission | Non-compliant |
| Corrective Services | Non-compliant |
| Tasmanian Prison Service | Non-compliant |
| Prison Infrastructure Redevelopment Project | Non-compliant |
| Solicitor General | Non-compliant |
| Courts Tasmania | Non-compliant |
| Crown Law | Non-compliant |
| Office of the Public Guardian | Non-compliant |
| Guardianship and Administration Board | Non-compliant |
| Crown Solicitor | Non-compliant |
| Workers Rehabilitation and Compensation Tribunal | Non-compliant |
| Sentencing Advisory Council | Non-compliant |
| Magistrates Court | Non-compliant |
| Supreme Court | Non-compliant |
| Integrity Commission Act Review | Non-compliant |
| Director of Public Prosecutions | Non-compliant |
| Planning Reform | Non-compliant |
| Law Library | Non-compliant |
| Energy Ombudsman Tasmania | Non-compliant |
| Integrity Commission | Non-compliant |

| DPFEM Business Areas | WCAG Status |
|--------------------------------|--------------------|
| DPFEM Conexus Intranet | WCAG compliant |
| Tasmania Police public website | WCAG compliant |
| SES public website | WCAG compliant |
| TFS public website | Non-compliant |

SUPCRT and MAGCRT

The MAGCRT website currently provides information on disability services. Court support services include hearing and speech impairments.

The MAGCRT Registry also provides information regarding services available to court users. These services range from legal advice to disability support and court liaisons. MAGCRT registry staff are trained to provide referrals to services to court users.

‘An audit of the SUPCRT website is planned’ to enhance accessibility. (page 26)

PDAC Feedback:

- PDAC **commends** the MAGCRT’s initiative at producing a wide range of useful information to be easily accessed by people with disability.
- PDAC notes that many documents available for download on the SUPCRT website are only accessible as PDFs that do not meet WCAG 2.0 Standards. For example, videos on the Jurors tab in the SUPCRT website do not have closed captions to make them more accessible for jurors with disability.
- PDAC queries if there is an online mechanism dedicated to receiving feedback improving its web accessibility? See also Recommendation 2 above.

Office of the Director of Public Prosecutions

ODPP assists people with disability largely through the Witness Assistance Service (WAS) program. There is no data capturing the number of victims and witnesses with disability that have been assisted. This will be recorded from July 2020, with two full-time positions. (pages 26-27)

PDAC Feedback:

- PDAC notes support provided by WAS and looks forward to data reporting in future reports by ODPP.

DoJ

A project to completely redevelop the DoJ website has now commenced, with an estimated implementation date of mid-2021. All material has been developed with a strong emphasis on building accessibility. The Web Management Policy is ready for approval with the Standards expected to be delivered by October 2020. (page 27)

PDAC Feedback:

- DoJ’s development of its Digital Policy Framework and implementation of the Web Management Policy should be shared amongst other agencies to allow a best practice model for agencies to follow.

The Safe at Home website is now easy to navigate and provides a broad range of services for victims and offenders. The Safe from Violence site also provides targeted information for family and sexual violence and links to a range of people and communities affected by violence.

PDAC Feedback:

- PDAC notes that all the information sheets available on the Safe at Home website under the 'Publications' tab are only available as PDFs and are not accessible PDFs (see Recommendation 2 above).

All Agencies

'New initiatives during 2019-20' (pages 28-29)

PDAC Feedback:

- PDAC notes the contributions by all agencies and encourages continued collaboration and sharing of learning experiences in implementing the Disability Justice Plan.

Action: Preventing and responding to violence, abuse and neglect

4. Establish, maintain and implement rights-based procedures and mechanisms

*Establish, maintain, and implement robust rights-based procedures and related mechanisms to prevent and address violence, abuse and neglect of people with disability

Agencies allocated under the Justice Plan: Tasmania Police (TASPOL) and Department of Health (DoH)

Agencies that contributed to the 2020 Report: DoJ (multiple), TASPOL, Communities Tasmania, Disability and Community Services (DCS) and Department of Health (DoH)

Communities Tasmania

Since 1 July 2019 block-fund disability services from DCS has ceased. Responses to allegations prior to this will be managed under Tasmania's existing regulatory framework. (page 33)

PDAC Feedback:

- Allegations of abuse from 1 July 2019 onwards will be regulated by the National Disability Insurance Agency (NDIA)
- PDAC queries if the Policy and Procedure includes guidance for service providers to manage or report instances of abuse that occur outside the service (eg in public or in the home)?

TASPOL

There is no current mechanism to record data to monitor the efficiency of the SMS service. A five-week review of the SMS service only recorded 30 text messages which were assessed, responded to, or forwarded to the National Relay Service. (page 33)

PDAC Feedback:

-
- PDAC **commends** the relevant agencies for their detailed descriptions of systems that have been implemented to prevent and address violence, abuse and neglect of people with disability.

All Agencies

MAGCRT has implemented problem-solving or therapeutic justice programs so that the Court approaches individuals with disability with a therapeutic focus.

The SUPCRT implemented case management for sexual assault matters involving children. The aim is for these cases to be resolved entirely and at the earliest stage possible to minimise traumatic impact.

If a matter involving vulnerable witnesses does not fall within one of the defined categories in the electronic file management system, the ODPP notifies the Court to enable additional supports to be implemented on a case-by-case basis. (pages 33 - 34)

PDAC Feedback:

- PDAC **commends** the initiative undertaken by MAGCRT and SUPCRT to implement support options for individuals with disability.

Department of Health (DoH), Communities Tasmania

DoH and CT collaborated to develop a plan to outline the measures taken to support people with disability in Tasmania during the COVID-19 pandemic. (page 35)

PDAC Feedback:

- The collaboration between agencies is commendable and PDAC strongly encourages similar inter-agency partnerships within the Justice Plan.
- This plan has the potential to be applicable beyond the COVID-19 pandemic and cover a broader range of emergencies.

Doj

The National Disability Insurance Scheme's (NDIS) Quality and Safeguards Commission manages quality and safeguards in Tasmania and allegations of abuse and neglect relating to people with disability. The Commission is expected to give a final report to Government by 29 April 2022 and give recommendations on how to improve policies and practices which the Tasmanian Government will in turn consider. (page 36)

PDAC Feedback:

- A summary of the Commission's key findings, proposed changes and their impact on current mechanisms afforded to people with disability will be useful for PDAC.
- Understanding possible implications of the Commission's report should be considered as a new action item in the Justice Plan post-2020.

Community Corrections (COMCOR)

With Safe at Home (S@H), COMCOR undertook training in a family violence assessment tool to enhance case management. Future case management practices will be improved to focus on increased service efficiency for people with disability. It is anticipated that this project will be implemented by 2021. (page 37)

PDAC Feedback:

- PDAC looks forward to feedback on how data identifies vulnerability issues associated with people with disability and how this information is used to make recommendations on better implementation of rights-based procedures for people with disability.

5. Increase awareness by people with disability of their legal rights**Agencies allocated under the Justice Plan: All**

PDAC notes that even if the allocated agencies have no specific update to provide, their reporting should indicate a 'nil' response (see Appendix 1).

Agencies that contributed to the 2020 Report: TASPOL, Equal EOT, MAGCRT, Community Legal Centres (CLCs),

TASPOL and MAGCRT

Abacus is the complaint and compliance tool used by the police to regulate conduct of police officers. Abacus content is accessible from the TASPOL website, which is WCAG compliant.

TASPOL also engages directly with the community by providing information sessions on interacting with police and legal rights at disability support centres.

'MAGCRT continues to build relationships to host and facilitate access to a range of court support services to assist clients who may be vulnerable or have difficulty in understanding court process or accessing legal advice and representation' (page 38)

PDAC Feedback:

- PDAC thanks both MAGCRT and TASPOL for extracting the relevant data and descriptive information on the range of court support services and the Abacus tool that provides information for people with disability.⁷
- Whilst the TASPOL website is WCAG compliant, the Abacus document available on TASPOL's website is not available in an accessible PDF format nor is there a plain English or word version of the document (see Recommendation 2)

Community Legal Centres (CLCs)

The Hobart duty lawyer scheme provides legal assistance and represents vulnerable litigants that have mental health or disability. CLCs provide support, assistance and advice to self-represented litigants in the MAGCRT. In Hobart, representation is provided for after-hours and weekend courts to give defendants support services. (pages 38-39)

PDAC Feedback:

- PDAC notes the contribution by CLCs to uphold legal rights amongst vulnerable litigants. It would be useful if CLCs were able to provide data on the number of defendants with disability assisted/represented and the type of assistance provided.

Equal Opportunity Tasmania

EOT provides community outreach clinics for people including those with disability and are considering establishing clinics specifically for the disability sector. (page 39)

EOT also delivers a broad range of training and education programs to disability support services. (pages 40-41)

PDAC Feedback:

- PDAC’s 2019 Response noted EOT was reviewing options and results from providing legal outreach clinics in community settings to improve engagement with people with disability. PDAC will continue to monitor the outcome of EOT’s consideration in establishing an outreach clinic targeting issues people with disability face.
- To assist review in understanding the of results outreach clinics, PDAC suggests data could be provided on the:
 - number of people with disability assisted each year;
 - common issues faced by them at their outreach clinics;
 - most common forms of service provided by EOT to increase awareness by people with disability of their legal rights.
- PDAC **commends** EOT’s efforts at outreach through information sharing and networking sessions with disability support services and making the further attempt to host them online.

Communities Tasmania

PDAC notes that Communities Tasmania encourages individual disability advocacy for people with disability, their families and carers to be heard, make informed decisions and can access services. Tasmanians with disabilities are being supported to tell their story to the Disability Royal Commission with assistance and referrals provided to people with disability. (page 41)

6. Develop quality assurance and safeguarding measures for NDIS implementation

Agencies allocated under the Justice Plan: Communities Tasmania

Agencies that contributed to the 2020 Report: Communities Tasmania

Communities Tasmania

Adjustments to regulatory burdens in audit process are aimed at minimising risk of sole providers withdrawing from the disability services market.⁸

PDAC Feedback:

- PDAC notes the additional information provided on the rule changes and how these affect providers of low risk support.
- Is there any evidence on the number of support providers obtaining registration and withdrawing from the market as a result the rule change?

Communities Tasmania and TLA

Tasmania’s restrictive practice regulation does not adequately cover chemical restraint. A review of the *Tasmanian Disability Services Act 2011* is planned for 2021-22 and is an

⁸ National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018 addressed the disproportionate regulatory burden on some NDIS providers, particularly sole traders delivering low risk supports.

opportunity to bring Tasmania's legislative requirements closer to how NDIS addresses chemical restraint. (page 43)

PDAC Feedback:

- PDAC considers this a priority and invites TLA and CT to give feedback on developments regarding the definition of chemical restraint under the *Tasmanian Disability Services Act 2011* and how this will interact with quality assurance and safeguarding measures for NDIS implementation.
- What is being done in the interim to manage potential issues that may result from the lack of proper parameters around the meaning of chemical restraint?

TLA

TLA assists people appeal a refusal of access to the NDIS scheme or plan reviews. Despite in excess of 5000 Tasmanians having an NDIS plan, very few people (an average of 10 a year) have been identified as requiring assistance. The reason for this is unclear. TLA notes that the NDIS website is difficult to navigate and the appeal rights are not obvious or easy to find. People may be unaware of the availability of the TLA service or the successful outcomes for the people assisted.

- PDAC notes TLA's comment regarding the difficulties faced during appeals processes on a rejection of access to the NDIS scheme. Publishing successful outcomes (deidentified) that the TLA has contributed to on the NDIS website could help to raise awareness of the availability of appeal rights and services.

Communities Tasmania

There is a scarcity of behaviour support practitioners in Tasmania to meet demand for developing behaviour support plans. Collaboration between State and Commonwealth stakeholders to further support and develop the market is underway. (page 43)

PDAC Feedback:

- It is unclear which agencies are involved in this collaboration. What type of supports and market development planned in the long and short term?

7. Enhanced screening procedures

*Introduce enhanced screening procedures for people working or volunteering with people with disability

Agencies allocated under the Justice Plan: DoJ

Agencies that contributed to the 2020 Report: DoJ (Consumer Building and Occupational Services)

The completion date for implementing an NDIS specific worker screening category is 1 February 2021. The IT system is expected to be integrated with the NDIS National Database by February 2021. DoJ will coordinate with relevant stakeholders and the public as set out in the NDIS Communication Plan. (page 44)

PDAC Feedback:

- PDAC notes the update worker screening and that significant progress has been made to interface with the national registries towards implementing a consistent national worker screening system.

8. Support victims and witnesses with disability in court and with the impacts of crime

*Provide support to victims and witnesses with disability to give evidence in court and to deal with the personal and practical impacts of crime

Agencies allocated under the Justice Plan: ODPP, Victim Support Services (VSS)

Agencies that contributed to the 2020 Report: ODPP, VSS, Child Abuse Royal Commission Response Unit, Tasmanian Legal Aid (TLA), S@H and Witness Assistance Service (WAS)

ODPP

ODPP Guidelines require the prosecution to reasonably consider if a witness should be referred to the WAS for support. ODPP noted prosecution agencies should recognise children with disability have a significantly higher risk of abuse. (page 46)

PDAC Feedback:

- PDAC **commends** ODPP and WAS for actively identifying members of the community at high risk and practising routine collaboration with stakeholders.
- PDAC queries whether this collaboration extends to supporting victims and witness with disability given they might also be considered special witnesses.
- PDAC's thanks ODPP for providing more descriptive information around the provision and planning of supports.

WAS

PDAC notes that WAS intends to collect data on assistance to people with disability in 2020-2021 (page 47)

The 'Communicating with Victims about Resolution Decisions: A Study of Victims' Experiences and Communication Needs' RMIT Review has been released and its recommendations are being considered by ODPP. (page 47)

PDAC Feedback:

- PDAC looks forward to updates on the adoption of, and implications resulting from the RMIT Review's recommendations.

VSS

VSS offices are accessible for people with disability. Staff attend professional training and have strong relationships with key stakeholders.

After reviewing data collected by the Victims of Crime Service and the Court Support and Liaison Service, VSS acknowledged new data workbooks should record where a victim has disability. (pages 47-48)

PDAC Feedback:

- PDAC **commends** VSS's efforts to make their offices accessible, ensure all staff receive a minimum level of professional training, keep good working relationships with key stakeholders and ensure better support to victims and witnesses with disability in the legal process and future needs.
- PDAC recommends VSS provide any relevant data in future reports.

9. Review legal barriers to the prosecution of offences against people with disability

* Review and if necessary, amend any legal barriers to the prosecution of offences involving violence, sexual exploitation, and neglect against people with disability

Agencies allocated under the Justice Plan: Tasmanian Law Reform Institute (TLRI) and Elder Abuse Prevention Advisory Committee (SEAPAC)

Agencies that contributed to the 2020 Report: TLRI, Communities Tasmania, DoJ and TLA

TLRI

'Following the Issues Paper (released in February 2019), the TLRI released its Final Report "Review of the Defence of Insanity in section 16 of the Criminal Code and Fitness to Plead" in December 2019' (page 51)

PDAC Feedback:

- PDAC notes the recommendation that the defence of insanity be suitably renamed to fit current standards of medical practice.

State-wide Elder Abuse Prevention Advisory Committee (SEAPAC)

Tasmania's Elder Abuse Strategy (2019-2022) will focus on recognising the importance of respecting and protecting elderly Tasmanians. A draft Options Paper that reviews and recommends changes to Tasmania's legislative framework is expected to be completed late 2020. (page 52)

PDAC Feedback:

- PDAC notes the work undertaken by TLRI and SEAPAC.

Action: Responding to the needs of people with disability who are at risk of experiencing family violence

10. Improve support to people with disability who experience or are at risk of family violence

Agencies allocated under the Justice Plan: TASPOL, DoJ

Agencies that contributed to the 2020 Report: TASPOL, Safe at Home (S@H), COMCOR and TLA

TASPOL

The Safe Families Coordination Unit (SFCU) conducts a daily analysis of data across all participating agencies. Where disability is highlighted by a participating agency, relevant information is provided to the support agency for appropriate intervention.

The SFCU model can examine a broader range of information across agencies allowing better responses to assist people with disability. However, no specific analysis of data or outcomes for those with disability has been undertaken to date. (page 54)

PDAC Feedback:

- PDAC notes the tailored services provided to support people with disability at risk of family violence and the collaborative approach to information sharing and targeted intervention.

DoJ

The Keeping Women Safe in Their Homes (KWSITH) program includes disability upgrades. This funding removes a potential barrier to being able to leave an abusive relationship. There have been no disability upgrade applications received to date. (page 56)

PDAC Feedback:

- PDAC **recommends** that the KWSITH printable information sheet on the S@H website be made available in an accessible format (see Recommendation 2).
- PDAC queries if the cause for why there have been no disability upgrades received to date is due to a lack of marketing and public awareness? If so, could this be an aspect where the National Disability Insurance Agency (NDIA) can play a greater role?
- PDAC previously noted that women with disability are at greatest risk of experiencing family violence and barriers to accessing support services and requested a more detailed response to monitor progress made in implementation. PDAC asks that the future reports provide data on the disability upgrade applications received to date.
- Can S@H provide annual data on the number of people supported since 2018 by gender and the proportion with disability?

Action: Safeguarding the rights of people with disability to make decisions that affect their lives

11. Support people with disability to exercise their legal rights and participate in legal processes

*Support people with disability to make decisions that affect their lives to enable them to exercise their legal rights and participate in legal processes

Agencies allocated under the Justice Plan: All Agencies

Agencies that contributed to the 2020 Report: Office of Public Guardian (OPG), EOT, TLA and TLRI

Office of Public Guardian (OPG)

An options paper will be drafted evaluating the role of OPG in enhancing the legislative framework on Advanced Care Directives and other TLRI recommendations. (page 58)

PDAC Feedback:

- PDAC looks forward to OPG's feedback on the adoption of the TLRI recommendations over the *Guardianship and Administration Act 1995*.

TLRI, TLA and CLCs

'Increased awareness of the Anti-Discrimination Act is more likely to see people being proactive in lodging complaints. Complaints are a valuable tool in bringing about positive change' (page 58)

PDAC Feedback:

- For full details, please refer to the Additional Commentary at page 14 above.
- Increasing awareness might not result in more people being proactive. PDAC notes an emerging issue as the number of discrimination complainants in relation to disability as complainants are at a significant disadvantage.
- PDAC is aware that TLA and CLCs are limited in offering pro bono legal assistance for complainants at the Anti-Discrimination Tribunal due to a lack of funding.
- PDAC requests all relevant agencies (in particular, TLA and CLCs) provide feedback on this issue by providing any relevant data on:
 - the number of requests received to seek assistance or representation in anti-discrimination matters;
 - the percentage of these requests that are on grounds of disability; and
 - the percentage of these matters referred to alternative sources of representation.
- A summary of key issues faced by people of disability in making a complaint to the Anti-Discrimination Tribunal would allow PDAC to better monitor this issue.
- To what extent does state law (*Anti-Discrimination Act 1998 (Tas)*) apply if it conflicts with a Commonwealth Disability Standard (under the *Disability Discrimination Act 1992*)

(Cth)). PDAC understands the Commonwealth Discrimination Act has no intention of overriding state discrimination laws.⁹

Action: Providing access to advocacy and communication support

12. Access to advocacy and communication in the justice system

*Ensure access to advocacy and communication support for people with disability in the justice system

Agencies allocated under the Justice Plan: All Agencies

Agencies that contributed to the 2020 Report: DoJ – (including EOT, Mental Health Tribunal (MHT), MAGCRT, SUPCRT, Correctional Primary Health Services (CPHS)) and TASPOL,

MAGCRT and SUPCRT

‘Court room facilities throughout the SUPCRT and MAGCRT state-wide allow for audio augmentation to assist individuals with hearing impairment to participate appropriately in any court proceedings’ (page 59)

PDAC Feedback:

- PDAC thanks SUPCRT and MAGCRT for their responses about the training programs provided.
- It has been brought to PDAC’s attention that the audio augmentation devices at SUPCRT are infrared headphone devices and this does not meet the needs of people who rely on cochlear implants.
- The appropriate form of assistive device that would allow people who rely on cochlear implants and many other forms of hearing impairment is a Hearing Loop.
- PDAC suggests SUPCRT investigate this and advise a timeframe for improvements to be made.
- PDAC suggests MAGCRT confirm the type of audio augmentation technology utilised and if faced with similar issues, advise a timeframe for improvements.

Since the *Evidence (Children and Special Witnesses) Amendment Bill 2020* was open for public consultation, the Tasmanian Government has now committed to trial a three-year Witness Intermediary Scheme (‘Pilot Scheme’) with targeted application. The Government will evaluate the operation of the Pilot at the end of 2023. (page 60)

PDAC Feedback:

- PDAC **commends** DoJ for its commitment to implementing the Pilot Scheme to assist people with communication needs and looks forward to the results.

⁹ Disability Discrimination Act 1992 (Cth) s13 (3)

TASPOL

TASPOL regularly assist applicants with disability through the process for obtaining a firearms licence by working closely with TasTAFE to ensure people with disability are supported through the Firearms Safety Training Course. However, no data is available in relation to this service. (pages 60-61)

PDAC Feedback:

- PDAC **commends** the collaboration between TASPOL and TasTAFE.

DoJ, MAGCRT and SUPCRT

COVID-19 related changes to court processes, such as the introduction of Zoom have the potential to facilitate better access by people with disability. Further consideration is given for ongoing implementation to allow expanded communication options for court users. (page 62)

PDAC Feedback:

- Do staff implementing expanded communication options receive training to set it up for participants with disability (e.g. using interpreters for deaf participants in a Zoom meeting)?

Action: Developing disability responsive legal services

13. Ensure that legal aid and legal assistance services are responsive to people with disability

Agencies allocated under the Justice Plan: Tasmania Legal Aid (TLA) & Community Legal Centres (CLCs)

Agencies that contributed to the 2020 Report: TLA and CLCs

A funding agreement is in place with the Department of Social Services to enable TLA to provide representation for clients that qualify for assistance under the National Disability Insurance Scheme (NDIS). (page 64)

PDAC Feedback:

- PDAC is pleased learn that TLA has received an extension for funding to assist NDIS participants.
- Further to the 2019 Response, PDAC notes that a significant number of the clients supported by this service have a disability. However, no data on the number of clients and the proportion of clients with disability have been provided.

All CLCs maintain accessible services catered to assist disadvantaged in the community. Staff are also encouraged to attend training to improve procedures for people with disability. (page 64)

PDAC Feedback:

- PDAC notes the 2019 Report (page 29) acknowledged disability remains the most common predictor of a need for legal assistance services and that priority is given to clients with disability for grants of aid and representation.

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- As noted above, there are concerns regarding the capacity of TLA and CLCs to provide representation for clients at the Anti-Discrimination Tribunal. PDAC seeks feedback on this issue of funding to offer legal assistance for complainants (see page 14 above),

CLCs

- PDAC notes that the Tenants' Union of Tasmania offers face to face off-site appointments for tenants in Hobart and Launceston who have mobility issues or other disability. (page 64). Is there a similar option for clients in regional areas?

14. Improve the availability of legal information and advice services for people with disability

Agencies allocated under the Justice Plan: TLA and CLCs

Agencies that contributed to the 2020 Report: TLA and CLCs

PDAC Feedback:

- PDAC notes that the TLA is currently updating its website to ensure WCAG compliance by the end of 2020. PDAC requests that future reports record the extent of each agencies' WCAG compliance status (e.g.: WCAG Compliant 2.0 (AA), WCAG Compliant 2.1 (A) or Non-compliant).
- PDAC notes that the Women's Legal Service is developing audio resources and is reviewing its 'Girls Gotta Know' and 'Guys Gotta Know' websites and producing digital media aimed at raising public awareness. (page 66). PDAC enquires whether these products will also be WCAG 2.0 compliant?
- In light of the issues raised in the Additional Commentary at page 14 regarding complaints made to the Anti-Discrimination Tribunal, PDAC recommends TLA and CLCs consider publishing information for self-representation and legal procedures at the Anti-Discrimination Tribunal as an interim measure to the issue around the lack of pro-bono representation.

15. Identify alternative strategies to enable people with disability to address unpaid fines

Agencies allocated under the Justice Plan: DoJ

Agencies that contributed to the 2020 Report: DoJ (Monetary Penalties Enforcement Service (MPES))

'There are currently no new options available for implementation identified by other jurisdictions' (page 67)

PDAC Feedback:

- PDAC notes the response that the implementation has been **completed**.
- PDAC queries if there is scope to proactively identify people with disability and monitor their circumstances to prevent them accumulating unpaid fines.

Action: Promoting disability responsive police practices

16. Enhance the capacity of police to respond appropriately to people with disability

*Enhance the capacity of police to recognise, understand and respond appropriately to people with disability through the development of a relevant policy document

Agencies allocated under the Justice Plan: TASPOL

Agencies that contributed to the 2020 Report: TASPOL

DPFEM's Disability Working Group is revising current Tasmania Police Guidelines and will consider options to engage with people with disability in the process. (page 69)

PDAC Feedback:

- PDAC looks forward to TASPOL's report on the new guidelines and **commends** TASPOL for taking steps to engage with people with disability.

17. Train police in recognising and responding to people with disability.

*Train police in recognising and responding to people with disability as victims, offenders, witnesses and generally.

Agencies allocated under the Justice Plan: TASPOL

Agencies that contributed to the 2020 Report: TASPOL

The Recruit Training curriculum includes modules targeted at dealing with vulnerable and at-risk sections of the community, including people with disability. (page 71)

PDAC Feedback:

- PDAC thanks TASPOL for providing comprehensive information on the Recruit Training curriculum and notes the Gold status awarded by Mental Health First Aid Australia.
- PDAC has received anecdotal advice that on random query, a TASPOL officer could not confirm how TASPOL goes about identity verification of a vision impaired or blind person. Can TASPOL confirm if there are procedures to address this specific need and provide details?

Action: Implementing disability responsive prosecution services

18. Ensure prosecution services are aware of the disability status of alleged offenders.

Agencies allocated under the Justice Plan: TASPOL ODPP

Agencies that contributed to the 2020 Report: TASPOL ODPP

Changes to the current system of Online Charging include the addition of a 'Disability Status' box. This information will be included in the Police Brief and be provided to both TASPOL Prosecution and ODPP.

The issue of how police officers identify and define disability at the time of charging is complex and under discussion. Further concerns also exist over what is the most appropriate way of verifying or eliciting confirmation of presence of disability in some cases where it is not obvious. (pages 73-74)

- It is noted that the best time to note an offender's disability is at the time of the offence. PDAC acknowledges that some disabilities are invisible and there is no guaranteed method to declare a person's disability status. PDAC notes the considered response provided by DPFEM.
- PDAC looks forward to updates on the verification process.

19. Develop policy on use of video recorded witness statements for use in evidence

Agencies allocated under the Justice Plan: ODPP

Agencies that contributed to the 2020 Report: ODPP and SUPCRT

SUPCRT now provides high definition visual recordings of court proceedings to increase accessibility. (page 75)

'The Videoconferencing Centre in Victoria is able to link an individual located interstate or overseas with Tasmanian courts. Witnesses living overseas can now be engaged in court proceedings and access for vulnerable people is enhanced. (page 76)

PDAC Feedback:

- PDAC **commends** SUPCRT for the successful implementation of HD video recorded witness statements in all eight Supreme Courts. Use of the Videoconferencing Centre by the ODPP is a commendable achievement in removing barriers for people with disability to participate in the justice system.
- PDAC queries whether video recorded witness statements are or will be equipped with Closed Captions functionality so that it can be reviewed by someone who has hearing impairment.

'Evidence recorded in court is owned by the Court and the ODPP must request access to recorded material. This delays the overall process.'

PDAC Feedback:

- PDAC recommends enhanced cooperation between ODPP and SUPCRT in ensuring the handover of video recordings are more time efficient.

Action: Adopting disability responsive court processes

20. Enable adjustments to court procedures to accommodate people with disability

*Enable adjustments to court procedures to accommodate people with disability as victims, witnesses, or offenders

Agencies allocated under the Justice Plan: MAGCRT, SUPCRT & ODPP

Agencies that contributed to the 2020 Report: MAGCRT, SUPCRT, ODPP, Child Abuse Royal Commission Response Unit (CARCRU) and Witness Assistance Service (WAS)

MAGCRT and SUPCRT

Informal adjustments are regularly made by Magistrates such as having a support person or allowing more time or lower barriers to increase participation. External agencies are also engaged to support people with disability in their interactions with the criminal justice system. (page 78-79)

PDAC Feedback:

- PDAC thanks MAGCRT and SUPCRT for providing examples of informal adjustments to their standard procedures.
- PDAC **commends** ODPP's practice of engaging the expertise of both internal and external agencies to better support people with disability in interacting with the justice system.

WAS

WAS Officers undergo an online training course aimed at improving verbal and written communication with people with disabilities, their carers and support workers.'

WAS is working to publish information about its services and Victim Impact Statements in Easy English format and made available on its website. The Easy English package is likely to be completed by the end of 2021. (page 79)

PDAC Feedback:

- PDAC **commends** steps taken by WAS to improve its service standards.
- Can WAS provide data on the number of course participants that have received training, and share feedback from staff on how this has improved communication, so PDAC can understand the impact on witnesses with disability.
- PDAC notes although CARCRU is mentioned as a reporting agency, however it is unclear whether CARCRU contributed to this update.

21. Provide communication assistance for people with disability when it is required

Agencies allocated under the Justice Plan: MAGCRT, SUPCRT and ODPP

Agencies that contributed to the 2020 Report: MAGCRT, SUPCRT, ODPP and CARCRU

The SUPCRT also provides communication assistance through interpreters and hearing-impaired individuals appearing in any proceedings are supported through hearing loop technology. The Court can provide communication aids such as hearings loops for all parties in a matter, as well as for jurors. (page 80)

PDAC Feedback:

- PDAC thanks MAGCRT, SUPCRT and ODPP providing a detailed report to its 2019 Response. PDAC also notes CARCRU is mentioned as a reporting agency, but it is unclear whether CARCRU contributed to this update.
- PDAC seeks clarification from MAGCRT and SUPCRT on whether Hearing Loop technology is being used in the courts? Action 12 of the 2020 Report (on page 59) refers to 'audio augmentation' being utilised in court room facilities.

Action: Implementing disability responsive youth justice services

22. Develop a Vulnerability/Wellbeing Assessment Tool for vulnerable young people

*Consistent with the Youth at Risk Strategy, the development of a Vulnerability/Wellbeing Assessment Tool that will be used to earlier identify the needs of vulnerable young people in Tasmania

Agencies allocated under the Justice Plan: CT

Agencies that contributed to the 2020 Report: N/A

- **Action completed** – the Assessment Tool was released in December 2018 as part of the Strong Families, Safe Kids Advice and Referral Line.

23. Develop an improved understanding of Foetal Alcohol Syndrome Disorder

*Consideration of national and international research to develop an improved understanding of Foetal Alcohol Syndrome Disorder (FASD)

Agencies allocated under the Justice Plan: CT (no longer applicable). Responsibility has now transferred to DoH

Agencies that contributed to the 2020 Report: DoH

PDAC Feedback:

- PDAC looks forward to reviewing the Tasmanian FASD Action Plan when completed (due 2020-21).

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- PDAC **commends** FASD State Coordination Group's engagement with Tasmanian Prison Service's Senior Psychologist as part of cross-agency collaboration to train the prison workforce.

Action: Promoting the rehabilitation and reintegration of offenders with disability

24. Develop a screening tool and provide enhanced rehabilitation and reintegration for offenders on community corrections orders

*Improve the capacity to identify disability through use of a screening tool and provide enhanced rehabilitation and reintegration options for offenders on community corrections orders through the case management model

Agencies allocated under the Justice Plan: Community Corrections (COMCOR)

Agencies that contributed to the 2020 Report: COMCOR

The Justice Offender Information System now includes an NDIS checkbox and regularly updates its templates to assist in identifying offenders living with disability. Case management plans are developed with an understanding of the offender's support needs. (page 85)

PDAC Feedback:

- PDAC **commends** COMCOR's update to the Justice Offender Information System to identify offenders with disability and provide appropriate support.

25. Train Community Corrections staff to recognise and better respond to offenders with disability

Agencies allocated under the Justice Plan: COMCOR

Agencies that contributed to the 2020 Report: COMCOR

Further to the 2020 Response, PDAC notes that COMCOR has implemented a disability-specific induction training package for Probation Officers. (page 86)

PDAC Feedback:

- Is COMCOR able to provide feedback from participants on how the training has improved their attitudes and how they assist offenders with disability with reintegration?
- PDAC commends and encourages the interagency collaboration displayed in NDIS-run training and familiarisation sessions with COMCOR offices.
- PDAC notes that the training program for COMCOR will be developed with the intention of enhancing COMCOR officers' ability to identify and support offenders living with disability and looks forward to update in future reports.

26. Include a focus on disability in the case management model being developed and implemented

Agencies allocated under the Justice Plan: Community Corrections (COMCOR)

Agencies that contributed to the 2020 Report: COMCOR

PDAC notes that COMCOR is developing a case management framework and external stakeholders will be consulted. (page 87)

Action: Providing disability ready and responsive prison services

27. Improve screening and assessment of prisoners to identify the presence of disability

Agencies allocated under the Justice Plan: Tasmania Prison Service (TPS) and Correctional Primary Health Services (CPHS)

Agencies that contributed to the 2020 Report: TPS CPHS

CPHS and TPS try to identify disability during screening and assessments of prisoners. Efforts are taken to ensure people with disability are actively supported and referred to appropriate services.

There is a lack of progress in sharing of information between existing systems due to limited resources; this has been impacted by the response to COVID-19. (page 89)

PDAC Feedback:

- PDAC notes from the 2019 Response, TPS and CPHS collaborated with the management of prisoners with a mental illness and looks forward to ongoing reports on its impact in future reports.
- PDAC notes information sharing is inhibited by the lack of common IT platforms.

Doj is participating in an Australian Government initiative identifying and assessing disability in Aboriginal and Torres Strait Islander prisoners. Collaboration with stakeholders to develop a project plan is underway. (page 88)

PDAC Feedback:

- PDAC queries what stage this project is at and what the estimated timeline is for its completion?
- PDAC notes that its previous query (2019 Response) on whether there is ongoing screening or assessment of prisoners who develop functional impairment due to mental illness has not been answered.
- Does screening continue for prisoners who develop mental illness either due to age or situational factors that occur during or from incarceration?

28. Make reasonable adjustments to enable prisoners with disability to engage with prison services

Agencies allocated under the Justice Plan: TPS CPHS

Agencies that contributed to the 2020 Report: TPS CPHS

PDAC Feedback:

- PDAC thanks CPHS for providing comprehensive detail on the types of adjustments being made to accommodate prisoners with disability to engage in prison and health services.
- PDAC commends TPS and CHPS for their efforts at improving disability access in line with the recommendations made in the Custodial Inspector's report (October 2019).¹⁰ The detailed reporting shows strong evidence of progress against this action.

29. Develop specialist services and interventions to address the needs of prisoners with disability

Agencies allocated under the Justice Plan: TPS

Agencies that contributed to the 2020 Report: TPS (CPHS and Forensic Mental Health Services)

A joint CPHS and TPS working group was established to identify and implement referral pathways to allow prisoners and detainees to convey information about their health directly to CPHS staff. This group meets monthly to discuss CPHS and TPS issues, including the mapping of referral pathways and the implementation of agreed strategies (pages 92-93)

PDAC Feedback:

- PDAC commends CPHS and TPS for establishing a working group to implement streamline referral pathways.
- PDAC also commends the initiative of engaging prisoners and detainee directly to uncover issues and to use that feedback to inform the development of referral pathways and better ensure these services can meet the needs of end users.

30. Develop effective partnerships to address the particular needs of prisoners with disability

*Develop effective partnerships between corrections, health, disability and mental health services to address the particular needs of prisoners with disability

Agencies allocated under the Justice Plan: TPS THS

Agencies that contributed to the 2020 Report: TPS, THS, CPHS, CT

Mental Health Teams have improved access to the prison during general lockdowns without escort. This access is also extended to identified specialist CPHS staff.

¹⁰ The Custodial Inspector's inspections were undertaken in early 2018. The Report was tabled in Parliament in October 2019.

A priority triage system monitors mentally ill prisoners and accesses their potential for admission into the Wilfred Lopes Centre (WLC). Weekly meetings are held to determine admissibility. (page 94)

PDAC Feedback:

- PDAC recommends data on the number of prisoners transferred to WLC be provided to evidence progress against this action.

31. Introduce screening for intellectual disability and acquired brain injury

*Introduce screening for intellectual disability and acquired brain injury and address the specific needs of prisoners

Agencies allocated under the Justice Plan: TPS

Agencies that contributed to the 2020 Report: TPS, THS and CPHS

PDAC Feedback:

- PDAC looks forward to any significant findings from the proposed pilot to identify functional impacts of acquired brain injuries using the 'guddi way'.¹¹
- In the 2019 Response, PDAC noted the intention to review the effectiveness of the screener in identifying people with functional issues relating to acquired brain injury. PDAC notes that this review has been delayed due to COVID-19.

32. Ensure that reintegration and release planning considers needs arising from a prisoner's disability

*Ensure that reintegration and release planning take account of particular needs arising from a prisoner's disability

Agencies allocated under the Justice Plan: TPS, COMCOR and CT (no longer applicable)

Agencies that contributed to the 2020 Report: TPS, COMCOR, THS, Correctional Primary Health Services (CPHS), Communities Tasmania

PDAC Feedback:

- PDAC notes from in the 2018 Report, TPS provided data on: the number of assessments provided using the Tier 2 Screening Tool; the number of notifications; and those prisoners identified as needing further support (Interim Report p.56). This data was not provided in both the 2019 and 2020 Reports.
- Reporting on this data will be useful in assessing the extent of progress of the screening tool.

Referrals are attached to discharge summaries to ensure prisoners' optimal transition into the community with mental health and general disability after-care. (page 98)

- PDAC notes work is taken to ensure better transition into the community for prisoners with mental health and general disability.

¹¹ Pilot involves screening of 10 Aboriginal prisoners; currently on hold due to COVID-19.

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- PDAC recommends more descriptive examples be provided in future reports to provide evidence of progress against this action.

The Prisoner Mental Health Care Task Force made 19 recommendations in its report that are currently being implemented by Government. This report has not been publicly released.’ (page 98)

- PDAC requests an update over the progress of implementation of recommendations in the Final Report of the Task Force.

33. Address the needs of people with disability on remand

Agencies allocated under the Justice Plan: TPS

Agencies that contributed to the 2020 Report: TPS and DoJ (Strategic Infrastructure Projects)

TPS continues to flag people with disability and work with them regardless of legal status. Construction of the new Southern Remand Centre (SRC) is underway, and operations are scheduled to commence late 2021. (page 100)

PDAC Feedback:

- PDAC notes TPS and DoJ’s updates on various projects - in particular the focus on disability appropriate facilities in the SRC.

34. Streamline National Disability Insurance Scheme service delivery for eligible prisoners

*Establish streamlined service delivery arrangements for prisoners who were in receipt of a National Disability Insurance Scheme (NDIS) package prior to incarceration or who are eligible for a NDIS package on release

Agencies allocated under the Justice Plan: TPS

Agencies that contributed to the 2020 Report: TPS

New initiatives during 2019-20 (page 102):

- Appointment of Justice Liaison Officers (JLOs) focused on improvement to custodial settings.
- JLOs also assists prisoners with understanding the NDIS process to ensure prisoners have adequate support after transitioning back into the community.
- High degree of collaboration between JLOs and the TPS to support prisoners as they transition to release.

PDAC Feedback:

- PDAC thanks TPS for providing comprehensive updates.
- PDAC notes the contribution of JLOs and Local Area Coordinators in linking prisoners with disability to both NDIS and non-NDIS support providers.
- Is the TPS able to provide data over the number of prisoners with disability being supported in their transition back into the community?

'TPS continues to contribute to the National Working Group examining the interface between Justice and the NDIA' (page 102)

PDAC Feedback:

- Can TPS include some examples of contributions to the Working Group that have had improved outcomes for prisoners with disability or that have been adopted by the NDIA?

Action: Safeguarding the rights of forensic mental health patients

35. Ensure patients subject to forensic orders have access to advocacy and legal assistance services

*Ensure patients subject to forensic orders have access to advocacy support and legal assistance services

The Tasmania Law Reform Institute (the TLRI) released its Final Report "Review of the Defence of Insanity in section 16 of the Criminal Code and Fitness to Plead" in December 2019. (page 104)

PDAC Feedback:

- PDAC looks forward to updates in future reports regarding the implementation of recommendations made in the TLRI's Final Report to remedy problems in the law relating to the defence of insanity and fitness to plead as mentioned under Action 37.
- How has implementation of these recommendations led to more equal access to justice for forensic mental health patients?

36. Review the fitness to stand trial provisions in the Criminal Justice (Mental Impairment) 1999 Act

*Review the operation of the fitness to stand trial provisions in the Criminal Justice (Mental Impairment) 1999 Act

Agencies allocated under the Justice Plan: MHT and TLRI

Agencies that contributed to the 2020 Report: MHT and TLRI

PDAC Feedback:

- PDAC looks forward to MHT and TASCAT's updates when development of their websites has been completed to WCAG 2.1 standards (see Recommendations 2 and 3),
- PDAC notes that MHT now receives notifications on the admissions to and discharges from the TPS ensuring the rights of patients can be met.
- PDAC thanks TLRI for providing a keynote of its recommendations from its 'Review of the Defence of Insanity in section 16 of the *Criminal Code* and Fitness to Plead'.
- PDAC notes implementation of this Action is now **completed**.

Action: Continuously monitor and improve performance

37. Co-ordinate and monitor the implementation of measures outlined in the Disability Justice Plan

Agencies allocated under the Justice Plan: DoJ and PDAC

Agencies that contributed to the 2020 Report: DoJ and PDAC

PDAC Feedback:

- PDAC thanks DoJ for its efforts in collating the 2020 Report. PDAC thanks all agencies for the renewed commitment to comprehensive reporting in the 2020 Report.
- The 2020 Report covers a comprehensive coverage of emerging issues in the disability justice space. PDAC notes this will be key in informing consultation on the next iteration of Accessible Island: Tasmania's Disability Framework for Action.
- As noted in the opening pages of this Report, DoJ intends to review the process for collating information to further refine and improve reporting to PDAC.
- PDAC notes that DoJ has identified emerging issues and priority areas that will **require the ongoing attention of agencies** responsible for enhancing the identification and delivery of services to people with disability in the justice system. (p.66)
- DoJ acknowledges that agencies face several challenges operating within existing information systems and limited resources and continue to consider how they can improve the capture of accurate data. As noted throughout this report, PDAC **shares the concern about the provision of data and looks forward to the enhanced reporting** and information sharing under the **Justice Connect program**.

Appendix 1 Disability Justice Plan for Tasmania 2017-2020 Action Items

ALL AGENCIES = Department of Justice (including DPP and Courts); Department of Police, Fire and Emergency Management (Tasmania Police); Department of Communities Tasmania, Department of Health (including Tasmanian Health Service).¹²

Yellow: on track with minor issues/risks

Green: on track progressing well

Blue: Completed or already covered in other action items

| Action | | Related Action Items as identified by reporting agencies | Agencies Lead (2017) * | Completion Status |
|--------|---|--|---------------------------|---|
| 1 | Improve the justice system's capacity to recognise an individual's disability at the earliest opportunity and make available appropriate supports and adjustments to enable them to participate in those services on an equitable basis with others | 2, 8, 11, 16, 17, 18, 27 | All Doj* | On track |
| 2 | Improve the collection of information about the disability status of people in the justice system and promote increased information sharing between service providers for those who have complex support needs | 8, 10, 18, 27 | All Doj* | On track |
| 3 | Improve the provision of information to people with disability about services available to them in the justice system | 1, 2, 10, 35 | All Doj* | On track, ongoing reporting required to monitor implementation. |
| 4 | Establish, maintain, and implement robust rights-based procedures and related mechanisms to prevent and address violence, abuse and neglect of people with disability | 7 | CT* Tasmania Police | On track, ongoing reporting required |
| 5 | Increase awareness by people with disability of their legal rights | 2, 12 | All Doj* | On track, ongoing reporting required with additional data. |

¹² Departmental responsibilities have been changed to reflect the transfer of some action items to the Department of Communities in July 2018.

| Action | | Related Action Items as identified by reporting agencies | Agencies Lead (2017) * | Completion Status |
|--------|--|--|--|---|
| 6 | Develop quality assurance and safeguarding measures as part of NDIS implementation | 7 | CT | On track, ongoing reporting required with additional data. |
| 7 | Introduce enhanced screening procedures for people working or volunteering with people with disability | Overlaps with reporting on 4 and 6 | Doj | On track |
| 8 | Provide support to victims and witnesses with disability to give evidence in court and to deal with the personal and practical impacts of crime | 2, 3, 12 | Office of the Director of Public Prosecutions* Victims Support Services | On track, ongoing reporting required with additional data. |
| 9 | Review and if necessary amend any legal barriers to the prosecution of offences involving violence, sexual exploitation, abuse or neglect against people with a disability | 12 | Tasmanian Law Reform Institute | On track |
| 10 | Improve support to people with disability who experience or are at risk of family violence | 2 | Tasmania Police * Doj | On track, ongoing reporting required |
| 11 | Support people with disability to make decisions that affect their lives to enable them to exercise their legal rights and participate in legal processes | 1, 3, 5, 9, 12, 16 | All Doj* | On track. Monitoring required over issue with ADT complaints |
| 12 | Ensure access to advocacy and communication support for people with disability in the justice system. | 2, 5, 10 | All Doj* | On track, clarification required on audio augmentation technology |
| 13 | Ensure that legal aid and legal assistance services are responsive to people with disability | - | Legal Aid* Community Legal Centres | On track. Monitoring required over issue with ADT complaints |
| 14 | Improve the availability of legal information and advice services for people with disability | - | Legal Aid* Community Legal Centres | On track |

| Action | | Related Action Items as identified by reporting agencies | Agencies Lead (2017) * | Completion Status |
|--------|---|--|---|--|
| 15 | Identify alternative strategies to enable people with disability to address unpaid fines | - | Justice | Completed |
| 16 | Enhance the capacity of police to recognise, understand and respond appropriately to people with disability through the development of a relevant policy document | 1, 2, 3, 4, 5, 10, 11, 12, 16, 17 | Tasmania Police | On track |
| 17 | Train police in recognising and responding to people with disability as victims, offenders, witnesses and generally | 2 | Tasmania Police | Completed |
| 18 | Ensure prosecution services are aware of the disability status of alleged offenders | 16, 17 | Tasmania Police* Office of the Director of Public Prosecutions | On track, ongoing monitoring required – especially with regards to the verification process. |
| 19 | Develop policy on use of video recorded witness statements for use in evidence | 1, 2 | Office of the Director of Public Prosecutions | On track, ongoing monitoring required. |
| 20 | Enable adjustments to court procedures to accommodate people with disability as victims, witnesses or offenders | 2, 4, 12 | Magistrates Court* Supreme Court | On track |
| 21 | Provide communication assistance for people with disability when it is required | 3, 4, 8, 12, 20 | Magistrates Court* Supreme Court DPP | On track, ongoing monitoring required. Some clarification required from 2020 Report. |
| 22 | Consistent with the Youth at Risk Strategy, the development of a Vulnerability/Wellbeing Assessment Tool that will be used to earlier identify the needs of vulnerable young people in Tasmania | - | CT | Completed |
| 23 | Consideration of national and international research to develop an improved understanding of Foetal Alcohol Syndrome Disorder | - | CT | On track, pending completion of FASD Action Plan. |

| Action | | Related Action Items as identified by reporting agencies | Agencies Lead (2017)* | Completion Status |
|--------|---|--|---|--|
| 24 | Improve the capacity to identify disability through use of a screening tool and provide enhanced rehabilitation and reintegration options for offenders on community corrections orders through the case management model | 25 | Community Corrections | On track |
| 25 | Train Community Corrections staff to recognise and better respond to offenders with disability | 24 | Community Corrections | On track |
| 26 | Include a focus on disability in the case management model being developed and implemented | - | Community Corrections | On track |
| 27 | Improve screening and assessment of prisoners to identify the presence of disability | 2 | Tasmania Prison Service* Correctional Primary Health Service | On track, ongoing reporting required with additional data. |
| 28 | Make reasonable adjustments to enable prisoners with disability to engage with prison services | 29 | Tasmania Prison Service* DoH | On track, |
| 29 | Develop specialist services and interventions to address the needs of prisoners with disability | - | Tasmania Prison Service | On track |
| 30 | Develop effective partnerships between corrections, health, disability and mental health services to address the particular needs of prisoners with disability | 2 | Tasmania Prison Service* CT ¹³ Tasmania Health Service | On track, ongoing reporting required with additional data. |
| 31 | Introduce screening for intellectual disability and acquired brain injury and address the specific needs of prisoners | - | Tasmania Prison Service | Completed, subject to ongoing monitoring |
| 32 | Ensure that reintegration and release planning take account of particular needs arising from a prisoner's disability | 2, 34 | Tasmania Prison Service* CT Community Corrections | On track |
| 33 | Address the needs of people with disability on remand | 2 | Tasmania Prison Service | On track |

¹³ PDAC queries whether Actions 30 and 32 should be allocated to DoH or THS rather than CT?

| Action | | Related Action Items as identified by reporting agencies | Agencies Lead (2017) * | Completion Status |
|--------|--|--|--|-------------------------------|
| 34 | Establish streamlined service delivery arrangements for prisoners who were in receipt of a National Disability Insurance Scheme package prior to incarceration or who are eligible for a National Disability Insurance Scheme package on release | 27 | Tasmania Prison Service | On track |
| 35 | Ensure patients subject to forensic orders have access to advocacy support and legal assistance services | 3 | Mental Health Tribunal | On track, minor issues/risks. |
| 36 | Review the operation of the fitness to stand trial provisions in the <i>Criminal Justice (Mental Impairment) 1999 Act</i> | | Tasmanian Law Reform Institute | Completed |
| 37 | Co-ordinate and monitor the implementation of measures outlined in the Disability Justice Plan | - | Justice CT (Premier's Disability Advisory Council) | On-track |