

Disability Action Plan 2005 – 2010

Disability Framework for Action



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Disability Framework for Action 2005-2010, a whole-of-government framework for Tasmanians with a disability

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Secretary's Foreword to the Disability Action Plan 2005-2010

The Department of Justice is committed to the Tasmanian Government's *Disability Framework for Action 2005-2010*, a whole-of-government approach to policy and planning, service delivery and evaluation that seeks to remove barriers and enable people with disability to enjoy the same rights and opportunities as other Tasmanians.

To this end the Department of Justice has undertaken and completed many of the Agency commitments under the *Framework*, namely:

- Supporting and protecting both people with a disability and their carers through the *Relationships Act 2003*, which recognises a category of 'caring relationship' where one or both people in the relationship provide domestic support and personal care to the other;
- Supporting the role of the Guardianship and Administration Board and the Public Guardian to oversee the appointment of guardians, protect people with disabilities who are unable to make decisions for themselves, investigate allegations of abuse and promote the rights and dignity of people with disabilities;
- Providing support for clients with a disability within the criminal justice system, including the appointment of court liaison officers;
- Prohibiting discrimination through the *Anti-Discrimination Act 1998* and providing for the investigation and conciliation of discrimination complaints by the Anti-Discrimination Commissioner;
- Educating the community about the principles and practices of anti-discrimination;
- Incorporating the needs of people with a disability in the design of the new Risdon Prison, including providing disability access accommodation and accessible walkways; and,
- Establishing a Secure Mental Health Unit adjacent to the new Risdon Prison complex for people with acute mental illness who require specialist mental health inpatient treatment. This facility is operated by the Department of Health and Human Services but its construction formed part of the broader Risdon redevelopment project run by this Agency.

Aspects of these achievements are subject to ongoing monitoring and evaluation.

The value and support for the Disability initiative is reflected in the Department's mission and vision statements, combined into a single statement -

- The Agency, in partnership with others will work towards achieving a safe, fair and sustainable Tasmanian community where the diversity and rights of individuals are respected.

The intention of the *Framework* is captured similarly in the Agency's values, which include -

- People are treated fairly and the diversity amongst our staff is encouraged and respected;
- All staff are accountable for working to achieve the goals of the Agency; and,
- On-going learning, creativity and participation are valued.

The work on the Disability Action Plan directly relates to two of the Department's key strategic issues of increasing the effectiveness of the justice system; and, protecting and fostering rights and responsibilities.

The Department of Justice had an Agency representative attending and participating in all meetings of the Inter-Department Committee, Disability; staff participation in various workshops organised by the Disability Bureau; promoting the *Disability Framework* to members of the Agency's Departmental Executive; cross-Agency, externally and internally, and consultation with groups of people with specialist knowledge across the Department, in Government and non-Government as well as people with disability.

To a large extent the ground work for the Department's Disability Action Plan was done through the Agency's Workplace Diversity Program, September 2003, in which many aspects of embracing disability are agreed and are in place. Outcomes and strategies reflected in the Department's Workplace Diversity Program include:-

- Awareness of diversity in the workplace;
- Equity in employment - ensuring that employees with disabilities are provided with equipment and support necessary in order for them to fulfil their duties, developing and implementing a Disability Awareness Policy; encouraging employees who are likely to be subject to employment related disadvantage to apply for higher level positions; incorporating diversity into Recruitment and Selection policies and procedures to ensure that the diverse background and skills of employees are recognised; selection panel training to include information about equity, merit and diversity and how they affect the selection process; and, providing training in equity of employment to manager and supervisors; and,
- Reporting requirements - providing annual statistical reports to the Office of the State Service Commissioner; and
- Annual monitoring and reporting conducted on the progress against Program activities.

These same outcomes and strategies are part of the Department's Disability Action Plan. In particular, the Action Plan highlights recruitment and employment of people with disability; access to and working within the Justice environment; equity and access to Justice information; and, training and awareness of staff and managers.

Lisa Hutton

Secretary

1 Introduction

The Tasmanian Government's Disability Framework for Action 2005 – 2010 is a whole-of-government approach to policy and planning, service delivery and evaluation that seeks to remove barriers and enable people with disability to enjoy the same rights and opportunities as other Tasmanians. The Framework includes a comprehensive range of actions that the Government will pursue to promote the rights of Tasmanians with disability.

Each Government agency is required, as part of the strategic and business planning to prepare a Disability Action Plan that documents the way in which the commitments specified in the Disability Framework for Action 2005 – 2010 will be met.

The Department of Justice Mission Statement is:

“In partnership with other organisations inside and outside government, contribute to a safer and more inclusive Tasmanian community by:

- **promoting, maintaining and enforcing rights and responsibilities;**
- **facilitating the resolution of disputes; and**
- **supporting and monitoring the initiatives undertaken by the Courts, Tribunals and statutory officers who are linked to the Agency.”**

The Department of Justice's Disability Action Plan identifies specific and measurable priorities, including targets and benchmarks where appropriate, to give effect to the initiatives outlined in the plan.

The *Disability Framework for Action* complements *Tasmania Together*, the community's social, environmental and economic plan. *Tasmania Together* incorporates a vision of participation and equity, not only for people with disability, but for all Tasmanians. The following *Tasmania Together* goals are supported by the objectives of the Department of Justice's Disability Action Plan:

Goal 1: A reasonable lifestyle and standard of living for all Tasmanians.

Goal 2: Confident, friendly and safe communities.

Goal 5: Vibrant, inclusive and growing communities where people feel valued and connected.

Goal 8: Open and accountable government that listens and plans for a shared future.

Goal 9: Increased work opportunities for all Tasmanians.

1.1 Disability Discrimination Legislation

The Commonwealth *Disability Discrimination Act 1992* (the Commonwealth Act) and the Tasmanian *Anti-Discrimination Act 1998* (the Tasmanian Act) protect people with disabilities from unfair or unfavourable treatment based on their disability.

1.1.1 What is Disability?

Disability is defined similarly in both Acts. The Tasmanian Act states that disability means any of the following that presently exists, previously existed but no longer exists, may exist in the future, whether or not arising from an illness, disease or injury or from a condition subsisting at birth:

- A total or partial loss of the person's bodily or mental functions;
- Total or partial loss of a part of the body;

- The presence in the body or organisms causing or capable of causing disease or illness;
- The malfunction, malformation or disfigurement of a part of a person's body;
- Disorder, malformation, malfunction or disfigurement that results in the person learning differently from a person without the disorder, malformation, malfunction or disfigurement;
- A disorder, illness or disease that affects a person's thought processes, perceptions of reality, emotions or judgment or that results in disturbed behaviour; or
- Reliance on a guide dog, wheelchair or other remedial or therapeutic device.

1.1.2 What is Discrimination?

The legislation defines discrimination as less favourable treatment of a person because of a disability. The legislation identifies two broad types of discrimination.

Direct discrimination takes place if a person treats another person, on the basis of their disability, less favourably than a person without that disability. For example, refusing an applicant a job because he or she has a hearing impairment.

Indirect discrimination takes place if a person imposes a condition, requirement or practice which is unreasonable in the circumstances and has the effect of disadvantaging persons with a disability more than persons without that disability. For example, indirect discrimination can result from providing services from buildings that have steps, but no ramps, because they may exclude people who use wheelchairs.

The Tasmanian Act addresses disability discrimination as part of broader anti-discrimination measures, whilst the Commonwealth Act focuses upon disability discrimination.

The aim of this legislation is to prohibit and eliminate, as far as possible, discrimination against persons on the ground of disability. It encourages everyone to recognise the contributions people with disabilities can make to the community and the economy. It recognises that people with disabilities have the same basic rights as others in the community and aims to promote acceptance of this within the community.

2 Department of Justice Policy Statement Regarding People with a Disability

The Tasmanian Government recognises that people with a disability not only have the right to access specialist services when needed, but also have the right to expect equitable access to mainstream Government programs, services and facilities. The Tasmanian Government's vision for people with a disability is:

A Tasmanian society that highly values, and continually enhances, the full participation of people living with disability.

Similarly, the Department of Justice is committed to diversity and inclusion in providing the highest level of service to the Tasmanian community and in reflecting the diversity of the community across its workforce. The Department aims, as an employer and service provider, to be welcoming, inclusive and accessible for people with disability. Through its Workplace Diversity Program, the Department recognises and accepts that the workforce is changing along with the community and environment in which it operates. It emphasises the importance of valuing differences and maximising the benefits of diversity in a planned way.

Diversity management is a key component of effective human resource management. It focuses on improving the performance of the organisation and building a culture of respect

and inclusion. In light of this, the Department is committed to developing policies that are responsive to the needs of people with disability and their families, and empower them to participate actively in decisions that affect their lives. The Department recognises the expertise and knowledge of people with disability and their support networks and the importance of drawing on this resource to develop effective policies, programs and services.

Effective and appropriate safeguards, together with availability of a range of complaints mechanisms are essential to protect the human rights of people with disability and to ensure accountability and service quality. The Department will promote the values of the Framework in its dealing with staff, clients and stakeholders.

3 Agency Overview - Services and Main Functions

The Department of Justice provides systems and services in order to maintain and promote rights and responsibilities, resolve disputes and contribute to the aim of a safer and more inclusive society that will benefit the Tasmanian community as a whole. The Department reports to the Attorney General and Minister for Justice, the Minister for Corrections and Consumer Protection and the Minister for Planning and Workplace Relations.

The Department of Justice provides administrative support for the Supreme and Magistrates Courts, Tasmanian Industrial Commission, Tasmanian Legal Aid Commission, Tasmanian Electoral Commission, Workers' Rehabilitation and Compensation Tribunal, WorkCover Tasmania Board, Forensic Tribunal, Guardianship and Administration Board, Mental Health Tribunal, Resource Management and Planning Appeal Tribunal and Resource Planning and Development Commission. It also supports the statutory offices of the Solicitor-General, Director of Public Prosecutions, Parole Board of Tasmania, Public Guardian, and Anti-Discrimination Commissioner. Each of these areas is separately accountable to Parliament.

The Department includes:

- Corrective Services
- Crown Law
- The Office of Consumer Affairs and Fair Trading
- The Registry of Births, Deaths and Marriages
- The Poppy Advisory & Control Board
- Workplace Standards Tasmania
- Fines Enforcement
- Victims Support Services
- Legislation Development & Review
- Industrial Relations (Private Sector), and
- The Land Use Planning Branch

Appendix 1 contains more detailed information as to the Agency's Services and Main Functions.

4 Consultation

The Department of Justice recognises the expertise and knowledge of people with disability and their support networks, and the need to draw on this resource to develop effective policies, programs and services. The Department recognises the importance of ensuring that

the needs of people with disability are reflected in the Department's business and strategic planning, including the Disability Action Plan.

Accordingly, during the development of the Department's Action Plan representatives of the Tasmanian disability sector were consulted. In particular, a formal introduction to representatives from peak Tasmanian disability organisations was made at the November 2007 meeting of the Disability Policy Interdepartmental Committee, with a view to ongoing engagement of those organisations during the development, implementation, and evaluation of the Department's Action Plan.

In particular, further consultations were held on issues of access, hearing, acquired brain injury, and with carer's.

In addition, the Department of Justice had an Agency representative attending and participating in all meetings of the Inter-Department Committee, Disability; liaison with staff at the Disability Bureau; staff participation in various workshops organised by the Disability Bureau; the *Disability Framework* was promoted to members of the Agency's Departmental Executive; cross-Agency consultation, consultation with groups of people with specialist knowledge internally across the Department, and externally in other Government agencies and the non-Government sector, as well as people with disability.

Departmental employees with disability were approached and invited to comment on the goals, objectives and actions of the Plan.

The Department's Disability Action Plan is authored by the Department of Justice, and source Corporate Services, Human Resources.

5 Employment Environment

5.1 The Department

Location of services

Service	Address
Anti-Discrimination Commissioner	Level 1, 54 Victoria Street, Hobart*
Community Corrections	Level 13, 39 Murray Street, Hobart* 27 Liverpool Street, Hobart 111 Cameron Street, Launceston* Level 4, 46 Mount Street, Burnie * 8 Griffith Street, Devonport 31A King Edward Street, Ulverstone* Greenpoint Road, Bridgewater* 30 Bayfield Street, Rosny Park* 16 Anne Street, George Town* Sale Street, Huonville Court House, Circle Street New Norfolk
Coroner's Office	21 Liverpool Street, Hobart 73 Charles Street, Launceston
Corporate Services: Andrew Inglis Clark Library D M Chambers Library Finance and Accounts Branch	Lower Level, Supreme Court, Hobart Level 8, 15 Murray Street, Hobart* Level 14, 110 Collins Street, Hobart*

Service	Address
Human Resources Branch IT Services Strategic Systems	Level 14, 110 Collins Street, Hobart* Level 14, 110 Collins Street, Hobart* Level 14, 110 Collins Street, Hobart*
Corrective Services: Hayes Prison Farm Launceston Reception Prison Hobart Reception Prison Risdon Prison Complex	Kilderry Road, New Norfolk Cimitiere Street, Launceston 27 Liverpool Street, Hobart East Derwent Highway, Risdon Vale
Crown Law: Office of the Crown Solicitor Office of the Director of Public Prosecutions Office of the Solicitor-General	Level 9, 15 Murray Street, Hobart* Level 8, 15 Murray Street, Hobart* 112 Cameron Street, Launceston* Level 8, 15 Murray Street, Hobart*
Fines Enforcement	Level 2, 54 Victoria Street Hobart*
Freedom of Information Unit	Level 14, 110 Collins Street, Hobart*
Guardianship and Administration Board	Level 1, 54 Victoria Street, Hobart*
Industrial Relations (Private Sector)	Level 1, 99 Bathurst St Hobart*
Land Use Planning Branch	Level 5, 1 Franklin Wharf, Hobart*
Legal Aid Commission	158 Liverpool Street Hobart 64 Cameron Street Launceston 50 Alexander Street, Burnie 8 Griffith Street, Devonport
Legislation Development and Review	Level 14, 110 Collins Street, Hobart*
Magistrates Courts	23-25 Liverpool Street, Hobart 73 Charles Street, Launceston 38 Alexander Street, Burnie 8 Griffith Street, Devonport and on an occasional basis in Campbell Town, Currie*, Fingal*, Georgetown, Huonville, New Norfolk, Queenstown, Scottsdale*, Smithton*, St Helens*, Swansea, Westbury*, Whitemark*.
Mental Health Review Tribunal	Level 1, 54 Victoria Street, Hobart*
Office of Consumer Affairs and Fair Trading	Level 3, 15 Murray Street, Hobart* 24 Paterson Street, Launceston* 8 Griffith Street Devonport 12 Short Street Ulverstone Cnr Marine Terrace and Spring Street, Burnie* 56A Gormanston Road, Moonah*
Office of the Secretary	Level 14, 110 Collins Street, Hobart*
Poppy Advisory & Control Board	16 Short Street, Ulverstone*
Public Guardian	Level 3, 15 Murray Street, Hobart*
Registry of Births, Deaths and Marriages	Level 3, 15 Murray Street, Hobart*

Service	Address
Supreme Court	Salamanca Place, Hobart 116 Cameron Street, Launceston 38 Alexander Street, Burnie
Tasmanian Electoral Commission	Level 2, 70 Collins Street, Hobart*
Tasmanian Forensic Tribunal	Level 1, 54 Victoria Street, Hobart*
Tasmanian Industrial Commission	Level 4, 39-41 Davey Street, Hobart*
Victims Support Services	Level 1, 54 Victoria Street, Hobart* Level 1, 1 Civic Square Launceston* Level 5, 46 Mount Street, Burnie *
Workers Rehabilitation and Compensation Tribunal	Level 4, 169 Liverpool Street, Hobart*
Workplace Standards Tasmania	30 Gordons Hill Road Rosny Level 3, 1 Civic Square Launceston* Level 2, 46 Mount Street, Burnie*

5.2 Working in the Department of Justice

The Department of Justice always complies with all the requirements of the *State Service Act 2000* and associated directions and instructions.

The Department continues to refine guidelines and information on its policies and practices in relation to staff recruitment, selection and staff movements to assist staff to comply with the *State Service Act 2000* and the above instructions.

State Service employees are not required to report or specify whether they have a disability. Equally, they are not required to identify as an Aboriginal or Torres Strait Islander or a person with English as a second language. Consequently there is no specific information about the number of people within the Department of Justice who have a disability or particular requirements to ensure they can work effectively and productively. However, managers/supervisors are responsible for communicating with staff to identify and address any issues affecting the provision of an effective workplace.

The State Service Commissioner conducted the inaugural Tasmanian State Service Employee Survey in July 2005, in which seven per cent of respondents across all Government agencies identified as having a disability. The survey was repeated in 2007 and the number of respondents who identified as having a disability remained unchanged. Further information about the results of the survey may be viewed at www.osscc.tas.gov.au

6 Department of Justice Action Plan: Key Areas

The development of the Disability Action Plan symbolises the Department's commitment to implementation of the *Framework*. The Plan sets out the approach to addressing the following key guiding principles in the *Framework*:

- Equity - people with disabilities have the same rights as other citizens;
- Inclusiveness - services and facilities should be available and accessible;
- Diversity - knowledge and life experience of people with a disability should be acknowledged and valued; and,
- Non-discrimination - all people have the right to live their lives free of discrimination.

The Action Plan has implications for both the day to day management of programs and services as well as review of existing and development of new programs and services. The Action Plan considers the environment in which the Department operates, including accessibility of the buildings the Department occupies.

The Department of Justice Disability Action Plan covers the following key areas:

- 6.1 Recruitment and employment of people with disability;
- 6.2 Access to and working within the Justice environment;
- 6.3 Equity of access to Justice services and information;
- 6.4 Training and awareness of staff and managers; and,
- 6.5 Justice policy and programs.

The Disability Action Plan identifies the lead Outputs and includes reference to goals and objectives, time frames, resources and costs. The Department of Premier and Cabinet's *Disability Action Plan* has been used as a guide in developing key areas along thematic rather than organisational lines. The Action Plan is built on the template proposed for use by all agencies.

As highlighted in the Secretary's Forward, some of the key areas of the Justice Disability Action Plan are in keeping with the priorities of the Department's Workplace Diversity Program, particularly:

- Awareness of diversity in the workplace;
- Equity in employment;
- Reporting requirements; and,
- Annual monitoring and reporting.

The Justice Disability Action Plan incorporates an extension of some of the actions detailed in the Workplace Diversity Program. As such, reference to linkages with the Workplace Diversity Program is made.

7 Implementation and Reporting

The Deputy Secretary Corporate Services will lead implementation of the Disability Action Plan.

For the next phase, implementation of the Department of Justice's Action Plan, a number of working groups will be developed to further the commitments highlighted in the Plan.

Progress on the Disability Action Plan will be reported in the Department's Annual Report.

8 Actions

8.1 Recruitment and employment for people with disability

8.1.1 GOAL: A culture that values diversity and actively promotes the employment of people with disability.

OBJECTIVE: Increased opportunity for people with disability to be employed in the Department of Justice.

Action/s	Time Scale	Lead	Resources	Cost
1. Improve recruitment practice to ensue there are no irrelevant barriers to employment.	Immediately	HR	Deputy Secretary Corporate Services	Any additional cost absorbed
2. Whenever recruitment processes involve referral to an employment agency, that process include referral to the disability employment register.	Immediately	HR	Deputy Secretary Corporate Services	Any additional cost absorbed

8.1.2 GOAL: The Agency's recruitment practices and processes take into account the needs of people with disability to obtain employment and to obtain advancement to their chosen career.

OBJECTIVE: The Agency ensures its recruitment practices and processes do not hamper the potential for people with disability to obtain and keep employment.

Action/s	Time Scale	Lead	Resources	Cost
1. Ensure selection criteria are based on the inherent requirements of the job and avoid any direct or indirect discrimination in relation to disability.	Ongoing	HR	Deputy Secretary Corporate Services	Any additional cost absorbed
2. Ensure that application/ interview processes are flexible to take into account needs of, and do no unfairly disadvantage, people with a disability.	Ongoing	HR	Deputy Secretary Corporate Services Disability Bureau	Any additional cost absorbed

3. Ensure expertise (advice/support/training) is available to managers who are managing staff with disability.	Ongoing	HR	Deputy Secretary Corporate Services Disability Bureau	Any additional cost absorbed
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8.2 Access to and working within the Justice environment

8.2.1 GOAL: Justice buildings, offices and work locations to be accessible to people with disability.				
OBJECTIVE: Provide reasonable access to buildings to people with disability.				
Action/s	Time Scale	Lead	Resources	Cost
1. Conduct access audits of Justice properties	Subject to funding and resource availability	Deputy Secretary Corporate Services	Workplace Standards	The cost of the audits will need to be determined
2. Draft a priority work plan	Subject to funding and resource availability	Deputy Secretary Corporate Services	Workplace Standards	The cost of the audits will need to be determined
3. Undertake works (including signage, etc.) within budget constraints	Subject to funding and resource availability	Deputy Secretary Corporate Services	Workplace Standards Disability Bureau	To be determined
4. Develop a disability access specification requirement (ie. standards) for application to all new developments, rentals and refurbishments	Subject to resource availability	Deputy Secretary Corporate Services	Workplace Standards Disability Bureau	Any additional cost absorbed

Ensure that disability access requirements are built into the specifications for new and refurbished offices (ie. implementation of standards)	Subject to resource availability	Deputy Secretary Corporate Services	Workplace Standards	Any additional cost absorbed
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8.3 Equity of access to Justice services and information

8.3.1 GOAL: Agency web content is accessible to the broadest possible audience				
OBJECTIVE: Enable web content editors to comply with guidelines for accessible web content publishing				
Action/s	Time Scale	Lead	Resources	Cost
Review Justice Web Publishing Policy based on whole-of-Government direction	Ongoing	Strategic Systems		
Provide all Agency content editors with Writing for the Web training which supports Agency guidelines and reinforces the Agency Policy	Ongoing	Strategic Systems	IT	Any additional cost absorbed
Provide advice and support to Web Publishers.	Ongoing	Strategic Systems	IT	Any additional cost absorbed

8.4 Training and awareness of staff and managers

8.4.1 GOAL: Managers effectively manage a diverse workplace that is inclusive of people with disability				
OBJECTIVE: Managers are aware of disability issues and supported to address them				
Action/s	Time Scale	Lead	Resources	Cost
1. Identify and promote suitable awareness training through the Tasmanian Training Consortium program.	Ongoing	HR	TTC Disability Bureau	Any additional cost absorbed

8.4.2 GOAL: Justice employees understand the issues and needs of people with disability				
OBJECTIVE: Agency staff are aware of disability issues as they relate to their workplace				
Action/s	Time Scale	Lead	Resources	Cost
1. Identify and promote suitable awareness training through the Tasmanian Training Consortium.	Ongoing	HR	TTC Disability Bureau	Any additional cost absorbed
2. Include information regarding disability awareness within Justice in the induction provided to all new Justice staff.	Ongoing	HR	HR	Any additional cost absorbed

8.5 Justice policy and programs

8.5.1 GOAL: The needs of people with disability are considered in policy development and implementation across the Agency				
OBJECTIVE: Mechanisms are in place to ensure that people with disability are considered cross the Agency				
Action/s	Time Scale	Lead	Resources	Cost
1. Develop consultation protocols to help staff effectively consult with people with disability.	30 June 2009	Office of the Secretary	Disability Bureau	Any additional cost absorbed
2. Establish a working relationship with the disability sector, in particular to facilitate their participation in the decision making process for actions under the Action Plan, as well as policy and program development across the Agency more broadly	Ongoing	Deputy Secretary Corporate Services	Output Managers HR	Any additional cost absorbed

9 Appendix 1

Administration of Justice

This Output Group provides a range of judicial services to the public through the Supreme and Magistrates Courts as well as coronial services, support and compensation for victims of crime, legal aid, the Mental Health Tribunal, the Forensic Tribunal, the Guardianship and Administration Board, Public Guardian and the Enforcement of Monetary Penalties.

The aim of these services is the resolution of civil disputes and determination of criminal and other matters in a manner that is just, timely, and cost effective for the parties involved.

Supreme Court Services

The Supreme Court is the highest court in the State with responsibility for both civil and criminal matters. The Supreme Court has unlimited jurisdiction in criminal and civil matters except where legislation, either Commonwealth or State, provides otherwise. The Full Court and Court of Criminal Appeal hear appeals from decisions of single Judges.

The Court is a court of review from the Magistrates Court and the majority of tribunals that exercise specialist jurisdiction. The Court has jurisdiction to review decisions and hear applications under a wide range of statutory provisions. The Supreme Court also exercises probate and admiralty jurisdictions.

Magistrates Court Services

Magistrates in Courts of Petty Sessions hear and determine simple offences, crimes triable summarily under State and Commonwealth legislation, breaches of duty, applications under various State and Commonwealth statutes; and exercise a wide range of appellate and review functions. Magistrates also hear simple and indictable offences in the Youth Justice Division as well as exercising child protection and welfare responsibilities under various Acts.

Magistrates in the Civil Division hear and determine civil matters to a value of \$50,000 (or an unlimited amount with the consent of the parties) and minor civil claims to a value of \$5,000. The upper monetary limit of \$20,000 was increased to \$50,000 with effect from 1 July 2007.

Magistrates also sit as Coroners to conduct inquests into sudden deaths, fires and explosions and as chairpersons of various statutory tribunals, such as the Anti-Discrimination Tribunal, the Motor Accidents Compensation Tribunal and the Mining Division.

The Magistrates Court sits on a permanent basis in four cities in Tasmania: Hobart; Launceston; Devonport; and Burnie. Magistrates also sit in 14 country courts on a regular circuit basis.

Monetary Penalties Enforcement Service

The Director, Monetary Penalty Enforcement Service is a statutory officer holder exercising the powers and responsibilities as defined in the *Monetary Penalties Enforcement Act 2005*.

The Monetary Penalties Enforcement Service Output supports the Director in exercising these responsibilities.

The Director is responsible for the collection and enforcement of:

- Defined monetary penalties imposed by the Magistrates and Supreme Courts;
- Infringement notices issued by Government Agencies; and

- Infringement notices referred to the Director by Local Government Councils.

Support and Compensation for Victims of Crimes

The Victims Support Services was established to meet the needs of victims of crime within our community. The Service is responsible for the management and operation of:

- The Victims Assistance Unit
- The Court Support and Liaison Services

The *Victims Assistance Unit* is responsible for:

- the production and maintenance of the Victims Register and the provision of information to victims on that Register;
- liaison between the victim and other divisions of the Department;
- management of funding to, and liaison with, the Victims of Crime Services (provided on contract by Lifeline);
- provision of information to victims regarding court processes;
- co-ordination of victim offender mediation in a limited number of appropriate cases; and
- administration of the *Victims of Crime Assistance Act 1976* and support to the Criminal Injuries Compensation Commissioners.

There are currently 469 victims registered on the Victims Register.

Court Support and Liaison Services is a Safe at Home program working with adult and child victims of family violence. The service is responsible for:

- advising victims of family violence on how to take out a Family Violence Order;
- explanation of the roles of people within the justice system;
- information about being an applicant, victim or witness;
- providing court orientation, including a court tour, roles of those working within the court, language and terms used in the court, how best to present information to the court and an explanation of court etiquette;
- assisting Legal Aid in the completion of applications for Family Violence Orders;
- accompanying the victim to court and providing personal support throughout the court process;
- discussion of the impact of the decision of the court;
- debriefing victims following a court appearance;
- following up through referral to other services;
- conducting victim interviews where the offender is attending a Family Violence Offender Intervention Program;
- participating in the Safe at Home case management and co-ordination meetings;
- reduce the trauma experienced by child witnesses as a result of involvement in an adult legal process;
- provide information about the process and progress of legal proceedings;
- increase case and systems co-ordination involving child witnesses;
- liaise with child counsellors to ensure services are appropriate and consistent;
- continue to improve services offered to child witnesses; and

- heighten the awareness of those involved with child witnesses to the needs and problems faced by children giving evidence in an adult legal system.

Legal Aid

The provision of legal assistance to those persons who would be disadvantaged if they were not granted legal representation is achieved through the Legal Aid Commission of Tasmania. The Commission operates under its own Act and delivers services in accordance with a Commonwealth/State agreement.

Mental Health Tribunal

The Mental Health Tribunal is an independent administrative review tribunal that conducts hearings to determine whether it is necessary for a person, who has been placed on an involuntary order under the *Mental Health Act 1996*, to continue to be treated as an involuntary patient.

Guardianship and Administration Board

The Guardianship and Administration Board investigates applications, appoints and reviews the appointment of guardians, administrators and enduring guardians, provides consent for medical and dental procedures, orders the making of statutory wills and the review of enduring powers of attorney for persons with a disability, pursuant to the provisions of the *Guardianship and Administration Act 1995*, the *Wills Act 1992* and the *Powers of Attorney Act 2000* respectively.

The Public Guardian

The Public Guardian conducts investigations into neglect and abuse and acts as guardian when appointed by the Guardianship and Administration Board, promotes the rights and dignity of persons with a disability and fosters the provision of services and facilities for those persons.

Forensic Tribunal

The Forensic Tribunal has been established to undertake a number of functions in relation to people admitted to a secure mental health unit. This includes:

- hearing and determining applications for leave from the secure mental health unit;
- undertaking reviews of orders made in relation to forensic patients;
- hearing and determining applications for the authorisation of medical treatment for forensic patients;
- receiving reports relating to the medical treatment and other issues relating to forensic patients;
- issuing of guidelines for the purpose of section 72 of the *Mental Health Act 1996*; and
- reviewing of decisions relating to those admitted to a secure mental health unit.

Legal Services

This Output Group relates to the provision of various legal services and advice to the Government, including legal policy advice. The aim of this Output Group is the protection of the Government's legal interests. The services of this Output are delivered through Crown Law: which includes the Office of the Solicitor-General, the Office of the Crown Solicitor,

the Office of the Director of Public Prosecutions, and the Department's Office of Legislation Development and Review.

Solicitor-General

The Solicitor-General is an independent statutory officer who is responsible for the provision of legal advice to Ministers, departments and other government instrumentalities, while also undertaking constitutional litigation on behalf of the Crown. The Department provides resources to enable the Solicitor-General's statutory functions to be performed. The Solicitor-General reports independently to Parliament.

Director of Public Prosecutions

The Office of the Director of Public Prosecutions is responsible for the conduct of all criminal prosecutions on indictment in the Criminal Court of the Supreme Court of Tasmania. The Office also provides representation to many departments in the prosecution of regulatory offences and conducts appeals from the Magistrates Court to the Supreme Court.

The Office of the Director of Public Prosecutions also provides representation at Tribunal or Board hearings involving departments and conducts all civil litigation on behalf of the State and its agencies. This litigation involves not only personal injuries and workers compensation claims against the Government and its departments, but also claims involving compensation for acquisition, common law damages and contractual disputes. The Director of Public Prosecutions reports independently to Parliament.

Crown Solicitor

The Office of the Crown Solicitor provides commercial and conveyancing services to the Government including property acquisition and disposal, preparation of security documentation on behalf of departments and preparation of commercial agreements including major infrastructure project documentation, tenders, consultancies, grants, leases and other government contracts.

Legislation Development and Review

The Office of Legislation Development and Review assists the government in updating existing legislation and developing new legislation and provides policy advice and research services to the Attorney General and the Government for that purpose.

The Office assists the Attorney-General in discharging the Attorney's parliamentary, legal and ministerial duties, reviews laws to ensure they are relevant to contemporary needs, assists other agencies on legislative issues, and advises the Attorney-General in relation to Commonwealth/State Ministerial meetings including the Standing Committee of Attorneys-General, Ministerial Council for Corporations, and Standing Committee of Attorneys-General (Censorship).

The Registry of Births, Deaths and Marriages

The Registry of Births Deaths & Marriages (BDM) administers the *Births, Deaths and Marriages Registration Act 1999* and maintains a "Register" provided under Part 3 of the *Relationships Act 2003*. It also has responsibilities under the *Commonwealth Marriage Act 1961*.

The Registry provides a range of services to the community to protect the rights of individuals, including the right to a unique identity. It has a wide and extensive customer base and services include:

- The registration of births, deaths, marriages, significant or caring relationships, changes of name, paternity acknowledgments, change of sex and adoptions.
- Maintenance of these registers.
- Provision of certified copies and extracts of entries contained in the registers.
- The provision of information for statistical and medical research purposes to approved organisations which satisfy privacy and ethical standards.

Over 1.6 million registrations are held by the Registry, many of which continue to be maintained manually. However, all records accessed during the year were entered on the Registry's electronic database, which means there are now almost 1 million computerised records.

Office of the Anti-Discrimination Commissioner

The Commissioner administers the *Anti-Discrimination Act 1998* (the Act). The Act became law on 10 December 1999, International Human Rights Day.

The Commissioner:

- receives, assesses and investigates complaints of discrimination and prohibited conduct under the Act;
- grants or refuses applications for exemption from the operation of the Act;
- undertakes community education and liaison, and training;
- makes submissions to the Minister for Justice and Parliamentary and other inquiries into legislation and policy where it may be in breach of the Act or extend rights and obligations consistent with the Act;
- appears in proceedings under the Act where relevant; and
- may seek leave to intervene in courts and tribunals in proceedings relevant to the principles underlying the Act.

Complaints are rejected or accepted for investigation and, after investigation, dismissed, referred to conciliation or referred to the Anti-Discrimination Tribunal for inquiry. Within 28 days of a rejection or dismissal, complainants can seek review through the Tribunal.

Electoral Services

This Output Group has statutory responsibility for the conduct of independent and impartial elections and referendums, which are fundamental to Tasmania's robust democracy.

Elections conducted include parliamentary, local government and a range of statutory and non-statutory elections conducted on behalf of other organisations.

As required by the *Electoral Act 2004*, the Tasmanian Electoral Commission produces its own annual report that provides more details of its activities during the financial year.

Further information on the Tasmanian Electoral Commission can be obtained at www.electoral.tas.gov.au.

Elections and Referendums

The Tasmanian Electoral Commission undertakes the conduct of:

- House of Assembly elections, by-elections and recounts.
- Legislative Council elections and by-elections.
- Local Government elections, by-elections and recounts.

- State referendums.
- Local Government elector polls.
- The implementation of electoral boundary redistributions.
- Aboriginal Land Council of Tasmania elections.
- Other statutory elections.
- Semi-government and other elections conducted in the public interest.
- Public electoral information programs.

The Tasmanian Electoral Commission and the Australian Electoral Commission jointly manage and maintain the electoral rolls for Federal, State and Local Government elections.

The Electoral Commissioner is a member of the Electoral Council of Australia, which oversees electoral and enrolment policy and systems at a national level.

The Electoral Commissioner is a member of the Legislative Council Redistribution Committee and the 3 members of the Electoral Commission are members of the Legislative Council Redistribution Tribunal. The Committee and Tribunal are responsible for the determination of Legislative Council electoral boundaries. The Tribunal is also responsible for transition arrangements to implement each redistribution.

Prison Service

The Mission of the Tasmania Prison Service (TPS) is to contribute to a safer Tasmania by ensuring the safe, secure containment of inmates and to provide them with opportunities for rehabilitation, personal development and community engagement.

Prison services are provided through facilities located at Risdon, Hobart, Hayes and Launceston. These provide care and custody, at various levels of security, for prisoners, people on remand (detainees) and some people detained under the *Criminal Justice (Mental Impairment) Act 1999*. In Hobart and Launceston, prisons also hold arrested people in police custody. The Prison Service provides secure transport between prisons and some courts.

The TPS is also responsible for the provision of secretariat support to the Parole Board. The Board is an independent body and prepares a separate Annual Report.

Community Corrections

The Community Corrections' Mission is: "We are committed to working with offenders on community based orders in ways which aim to reduce re-offending and contribute to a safer society."

The Community Corrections' Vision is: "To provide effective community-based services for offenders that are appropriate to Tasmania's needs and to be recognised as a cohesive organisation that strives for excellence and has the respect of the community."

The objective of Community Corrections is to enable people who are found guilty of offences to achieve socially responsible behaviour within their families and the community, paying particular attention to the principles of restorative justice.

Community Corrections supervises a range of non-custodial sentencing options including community service, probation and parole orders. Community Corrections is also responsible for assessing an offender's risk of re-offending and preparing pre-parole reports for the Parole Board and pre-sentence reports for the courts. Provision of these services to the courts and to the Parole Board is mandated by legislation including the *Sentencing Act 1997* and the *Corrections Act 1997*.

Services are delivered through three regions (South, North and North West), with offices in Hobart, Clarence, Bridgewater, Burnie, Devonport and Launceston. Community Corrections also utilises office accommodation for service delivery in Queenstown, New Norfolk, Smithton, Huonville, and Ulverstone and provides staff outreach to other areas within the state.

Poppy Advisory and Control Board

This Output Group involves the licensing, inspection and supervision of the poppy industry from growing, through to manufacture and dispatch from Australia. The cultivation of poppy plants (*papaver Somniferum*) is carried out in accordance with provisions of the *Poisons Act 1971*.

The aim of these services is to provide a secure and controlled poppy industry in accordance with United Nations Single Convention on Narcotic Drugs.

The Poppy Advisory and Control Board provides policy coordination and preparation of advice to the Government on matters of relevance to the poppy industry and liaises with relevant Commonwealth and State Government agencies, private enterprise and growers on matters related to industry development.

Consumer Services

This Output Group provides services to the public and policy advice to the Government on issues concerning the maintenance of a fair, safe and equitable marketplace. The Office of Consumer Affairs and Fair Trading delivers the services provided under this Output Group by:

- operating effective compliance programs on laws administered by the Output;
- ensuring accurate trade measurement;
- maintaining product safety;
- registering business names, associations, and cooperatives;
- providing policy advice to Government on issues which may contribute to, or have an effect on, the maintenance of a fair, safe and equitable marketplace;
- developing relationships and partnerships with various industry groups which will assist in the development of legislative models to achieve a desired outcome without unduly impeding competition;
- assisting consumers with advice on the purchase of goods and services, and providing guidance on dispute resolution;
- offering secretariat services to the Travel Agents Licensing Board in administering the *Travel Agents Act 1987*, and the Products Safety Committee in the administration of the *Sale of Hazardous Goods Act 1977*; and
- providing investigative services for the Residential Tenancy Commissioner.

Consumer Affairs and Fair Trading

The Office of Consumer Affairs and Fair Trading provides advice to the Government on legislative and other policy issues within its area of responsibility. It provides a business registration service and gives advice and information to the public, including individual business operators, on matters affecting the interests of consumers. The Group also provides enforcement of product safety standards and trade measurement and participates in national moves towards greater uniformity in standards and legislation between all jurisdictions. It

produces information material to promote the compliance of legislation within the Consumer Affairs and Fair Trading portfolio.

In addition to its responsibilities under the *Trade Measurement Act 1999*, the Measurement and Standards Branch is a Verifying Authority under the *Commonwealth National Measurement Act 1960* and provides the calibration and traceability of measurements used for technical, scientific, trade, legal and quality assurance purposes.

Office of the Residential Tenancy Commissioner

The Residential Tenancy Commissioner determines disputes about residential tenancy security deposits. That role is established by the *Residential Tenancy Act 1997*. In the financial year 2007-08 the Office investigated 148 applications for determination of a security deposit dispute.

Services of the Tasmanian Industrial Commission

About the Commission

The Tasmanian Industrial Commission is the industrial tribunal for the State of Tasmania.

Operating independently of government and other interests, the Commission is established by reference to the *Industrial Relations Act 1984* "to hear and determine matters and things arising from, or relating to, industrial matters, including the making of awards, the conduct of hearings and the settling of disputes, to provide for the registration of employer and employee organisations, to encourage workplace bargaining and to provide for related and other matters."

Workers Rehabilitation and Compensation Tribunal

The Workers Rehabilitation and Compensation Tribunal is established under the *Workers Rehabilitation and Compensation Act 1988* as a statutory tribunal that reports independently to the Minister.

Industrial Relations (Private Sector)

Services include the provision of research, analysis and policy development on industrial relations issues in the private sector for the Minister for Justice and Workplace Relations.

Resource Planning

The role of this Output Group is to provide leadership in strategic land use planning policy advice for the State, as well as providing statutory review functions with the State's Resource Management and Planning System.

The key activities undertaken as part of this Output Group include:

- providing professional and effective policy advice on planning issues;
- providing leadership or input to major planning initiatives and projects in a statewide or regional context;
- facilitating improvements to the Resource Management and Planning System to support Tasmania's development and enhance the State's environment;
- providing specialist input and leadership to the development of State Policies, Planning Directives and other planning related strategic instruments;

- conducting planning or resource management related hearings under the *Resource Management and Planning Tribunal Act 1993* and other legislation;
- reviewing local government planning scheme amendments; and
- maintaining the core legislation within the Resource Management and Planning System.

Land Use Planning

The Land Use Planning Branch leads policy development in key strategic land use planning matters of interest to the State and provides professional planning policy advice to the Minister, other government agencies and local government, and provides input into major planning initiatives and projects.

Resource Planning and Development

The Resource Planning and Development Commission (RPDC) is an independent statutory body established by the *Resource Planning and Development Commission Act 1997*.

The principal functions of the RPDC are to:

- assess and approve planning schemes and amendments to planning schemes under the *Land Use Planning and Approvals Act 1993*;
- assess projects of State significance and draft State policies under the *State Policies and Projects Act 1993*, in accordance with the Premier's directions;
- prepare the Tasmania State of the Environment Report;
- conduct inquiries into the use and management of public land in accordance with terms of reference issued under the *Public Land (Administration and Forests) Act 1992*; and
- review the representations and report of the Secretary of the Department of Primary Industries and Water relating to draft water management plans under the *Water Management Act 1999*.

In undertaking these tasks the RPDC is required to further the objectives of the Resource Management and Planning System.

Resource Management and Planning Appeal Tribunal

The Resource Management and Planning Appeal Tribunal (RMPAT) is an independent statutory body established by the *Resource Management and Planning Appeal Tribunal Act 1993*.

The objectives of the RMPAT are to:

- promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity ;
- provide for the fair, orderly and sustainable use and development of air, land and water;
- encourage public involvement in resource management and planning;
- facilitate economic development in accordance with these objectives; and
- promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in Tasmania.

The Tribunal hears appeals under ten Tasmanian Acts, which state what decisions can be appealed and who may appeal.

Workplace Standards Tasmania

Workplace Standards Tasmania (WST) administers legislation that regulates occupational health and safety; dangerous goods; security-sensitive dangerous substances; workers rehabilitation and compensation; building and plumbing activities; electricity standards and safety; natural gas safety; long service leave; shop trading hours; and statutory holidays.

WST also:

- conducts accident and incident investigations;
- undertakes audits for compliance with legislation;
- delivers awareness and educational programs;
- provides advice about entitlements and other industrial relations matters;
- assesses and processes licences and permits;
- provides strategic policy analysis and advice; and
- accredits building practitioners.

The Output group consists of:

- an Inspectorate (comprised of a general workplace inspectorate and specialist units including Advocacy and Prosecution, Electricity Standards and Safety, Gas Standards and Safety, Helpline, Industrial Compliance, Mines, Projects, Security Sensitive Dangerous Substances, and Standards);
- Policy Planning and Services;
- Building Control (comprised of Building Standards and Regulation and Building Practitioner Accreditation);
- Strategic Implementation Business Unit and
- WorkCover – which supports the WorkCover Tasmania Board. (See separate Annual Report)

WorkCover Tasmania Board

The WorkCover Tasmania Board is a State entity with a strategic focus on Tasmania's occupational health and safety performance and Tasmania's workers rehabilitation and compensation performance.

The Board is a key source of advice to the Minister for Justice and the Minister for Planning and Workplace Relations on all matters relating to occupational health and safety and workers rehabilitation and compensation. The Board's functions permit it to have considerable input into the initiation and formulation of Tasmania's policy positions on occupational health and safety and workers rehabilitation and compensation.

The Board has a direct role in engaging with Tasmania's key stakeholders (employers and workers) to ensure continued improvement in the areas of occupational health and safety and workers rehabilitation and compensation. This includes having a strong relationship with the Secretary of the Department. This is reflected in the fact that the Secretary is, *ex officio*, the Chair of the Board.

The *Workplace Health and Safety Act 1995* envisages significant consultation between the Department and the Board on formulating and implementing occupational health and safety policy and workers rehabilitation and compensation policy.

The WorkCover management and staff give effect to the decisions of the Board to achieve the Board's strategic direction. WorkCover comprises three sections, including a Secretariat,

the Scheme Improvement Section and the Scheme Monitoring and Regulation Section.
WorkCover:

- promotes safer and healthier workplaces, through the provision of practical information and personal guidance;
- promotes prompt and effective injury management; and
- manages the workers compensation scheme and monitors the performance of scheme participants.

The Board's strategic priorities are:

- to reduce the number of workers killed and to reduce the number and severity of injuries;
- to ensure that when workers are injured they are supported financially and systemically to achieve, wherever possible, full physical and mental recovery and return to work as speedily as possible;
- to ensure that when full recovery is not achieved, fair and appropriate compensation is received; and
- to ensure that these objectives are delivered in a manner that is competitive, affordable, sustainable and is legislatively and administratively effective.

10 Appendix 2

Disability Framework for *Action* at a glance -

We will foster human rights:

1. Promoting independence
2. Improving physical accessibility
3. Supporting recreational and cultural opportunity
4. Improving access to information
5. Providing greater choice in housing options
6. Increasing accessible transport options
7. Promoting employment opportunities
8. Developing an inclusive and responsive education system
9. Increasing opportunities for post-compulsory education and training
10. Supporting children and young people with disability
11. Recognising and addressing issues around the ageing of the Tasmanian population
12. Supporting, valuing and promoting the roles of families, guardians and carers

We will provide access to high quality services by:

1. Promoting strategic change through long-term planning and the development of innovative, responsive and flexible services
2. Improving Government capacity to respond to and manage demand for specialist disability services, with a focus on long-term planning
3. Improving the quality and coverage of mental health services within Tasmania

We will increase safeguards and advocacy by:

1. Effective advocacy and protection
2. Reducing discrimination and fostering an inclusive society
3. A responsive justice system
4. Improving accountability, performance reporting and quality

We will work collaboratively by:

1. Fostering leadership and dialogue
2. Promoting collaboration

11 Appendix 3

Future Considerations -

The Action Plan is dynamic and it will evolve as understanding of disability and capacity expands.

In this light, further consideration will be given to issues relating to acquired brain injury in the Tasmanian Criminal Justice System, for example the following -

- A Review to investigate the incidence and prevalence of acquired brain injury in the Tasmanian criminal justice system;
- Awareness, staff training, and policy development around individuals with acquired brain injury occur in line with the findings from the Review; and,
- Research the possible link between individuals with acquired brain injury having heightened vulnerability to being homeless when they leave prison and reoffending rates and return to prison.