

Disability Justice Plan for Tasmania 2017-2020

Third Annual Report to the Premier's
Disability Advisory Council

September 2020

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Abbreviations

ACRONYM	FULL TITLE
CLCs	Community Legal Centres
COMCOR	Community Corrections
CPHS	Correctional Primary Health Services
CT	Department of Communities Tasmania
DCS	Disability and Community Services
DoJ	Department of Justice
DPFEM	Department of Police, Fire and Emergency Management
EOT	Equal Opportunity Tasmania
FMHS	Forensic Mental Health Services
JLO	Justice Liaison Officer
MAGCRT	Magistrates Court of Tasmania
MHT	Mental Health Tribunal
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
TASPOL	Tasmania Police
THS	Tasmanian Health Service
TLA	Tasmania Legal Aid*
TLRI	Tasmania Law Reform Institute
TPS	Tasmanian Prison Service
SFCU	Safe Families Coordination Unit
SUPCRT	Supreme Court of Tasmania
VSS	Victims Support Services
WAS	Witness Assistance Service
WCAG	Web Content Accessibility Guidelines
WLC	Wilfred Lopes Centre

* Formerly the Legal Aid Commission of Tasmania (LACT)

Disability Justice Plan for Tasmania 2017-2020

The Disability Justice Plan for Tasmania 2017-2020 (the Disability Justice Plan) aims to improve recognition of and responses to disability across Tasmania's justice system. Government agencies and service providers work collectively and collaboratively in implementing the strategies and action items identified in the Disability Justice Plan.

The Disability Justice Plan brings together many existing commitments across the justice system and supplements these with further targeted strategies which together aim to improve access to justice services for people with disability.

Reporting

The Premier's Disability Advisory Council (PDAC) monitors progress in implementing the Disability Justice Plan.

At an agency level, implementation of the Disability Justice Plan is overseen by a Disability Justice Plan Working Group chaired by the Deputy Secretary, Corrections and Justice, Department of Justice (DoJ). The Working Group includes representatives from the Department of Health, Department of Police, Fire and Emergency Management, Department of Communities Tasmania (CT), Victims Support Services, the Office of the Director of Public Prosecutions, Tasmania Legal Aid, the Supreme and Magistrates Courts, Equal Opportunity Tasmania, Community Corrections and the Mental Health Tribunal.

Each year the DoJ calls for agency updates on implementation and prepares a consolidated Annual Report.

When completed, the Annual Report is submitted to PDAC for review and noting at its next formal meeting. PDAC may review the Annual Report out-of-session and, if it considers it necessary, seek clarification or additional information from the Secretary, DoJ. Any issues may also be raised with the relevant Head of Agency at their bi-annual presentation to PDAC.

Previously, where Action Items involved more than one agency, a lead reporting agency was identified to liaise with the other agencies to report on those Actions.

Following a review of the reporting process, the lead reporting agency model was replaced by DoJ writing direct to all agencies required to provide input. Agencies were also asked to provide feedback on items on which they have not previously reported. Following consideration at a Disability Justice Plan Working Group meeting in February this year, it was agreed that all agencies should report on Items 1, 2, 3, 4, 5, 11 and 12.

DoJ thanks PDAC for the revised format of its 2019 Response that incorporated feedback, comments and requests against relevant extracts from the Second Annual Report to PDAC. This has assisted greatly in the preparation of this Report. All PDAC feedback was provided to reporting agencies and feedback against each Action was included in a revised template designed to assist agencies.

Unfortunately, agencies faced a new challenge reporting on the Disability Justice Plan this year, with a focus on the response to the COVID-19 pandemic over the past six months diverting many resources. In some cases this has also impacted the implementation of Action Items. These are mentioned throughout the Report where appropriate. Despite this, it is hoped that PDAC finds the Report far more comprehensive this year.

2019-20 is the first year in which the National Disability Insurance Scheme (NDIS) has been fully operational in Tasmania. 1 July 2019 also saw the commencement of the NDIS Quality and Safeguards Commission in Tasmania. These two events have seen the full transition of specialist disability services and the application of the quality and safeguarding framework move from the responsibility of CT to the Australian Government. CT, together with the Department of Premier and Cabinet, continues to participate in monitoring of the scheme and in national work relating to disability reform. Information about these changes is included under relevant Action Items.

Justice Plan Post-2020

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.

Relationship to the Disability Framework for Action 2018-2021

The Annual Report for the Disability Justice Plan is separate to the Agency reporting required in relation to *Accessible Island: Tasmania's Disability Framework for Action 2018-2021*. Agencies separately report to PDAC on their Disability Action Plans each year for the preceding financial year. While the coordination and implementation of the Disability Justice Plan is an action in *Accessible Island*, detailed reporting on this action is not required as part of the Disability Action Plan reporting process.

Summary of Action Items

Completed

- Action 15 - Identify alternative strategies to enable people with disability to address unpaid fines
- Action 17 - Train police in recognising and responding to people with disability as victims, offenders, witnesses and generally
- Action 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
- Action 31 - Introduce screening for intellectual disability and acquired brain injury and address the specific needs of prisoners
- Action 36 - Review the operation of the fitness to stand trial provisions in the Criminal Justice (Mental Impairment) 1999 Act

On Track – Progressing Well

- Action 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
- Action 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
- Action 4 - Establish, maintain and implement robust rights-based procedures and related mechanisms to prevent and address violence, abuse and neglect of people with disability
- Action 5 - Increase awareness by people with disability of their legal rights
- Action 6 - Develop quality assurance and safeguarding measures as part of NDIS implementation
- Action 9 - Review and if necessary amend any legal barriers to the prosecution of offences involving violence, sexual exploitation, and neglect against people with disability
- Action 10 - Improve support to people with disability who experience or are at risk of family violence
- Action 13 - Ensure that legal aid and legal assistance services are responsive to people with disability
- Action 14 - Improve the availability of legal information and advice services for people with disability

- Action 16 - Enhance the capacity of police to recognise, understand and respond appropriately to people with disability through the development of a relevant policy document
- Action 20 - Enable adjustments to court procedures to accommodate people with disability as victims, witnesses or offenders
- Action 23 - Consideration of national and international research to develop an improved understanding of Foetal Alcohol Syndrome Disorder
- Action 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
- Action 25 - Train Community Corrections staff to recognise and better respond to offenders with disability
- Action 26 - Include a focus on disability in the case management model being developed and implemented.
- Action 28 - Make reasonable adjustments to enable prisoners with disability to engage with prison services
- Action 29 - Develop specialist services and interventions to address the needs of prisoners with disability
- Action 32 - Ensure that reintegration and release planning take account of particular needs arising from a prisoner's disability
- Action 33 - Address the needs of people with disability on remand
- Action 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

Generally on Track – Minor Issues / Risks

- Action 3 - Improve the provision of information to people with disability about services available to them in the justice system
- Action 7 - Introduce enhanced screening procedures for people working or volunteering with people with disability
- Action 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
- Action 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
- Action 12 - Ensure access to advocacy and communication support for people with disability in the justice system

- Action 18 - Ensure prosecution services are aware of the disability status of alleged offenders
- Action 19 - Develop policy on use of video recorded witness statements for use in evidence.
- Action 21 - Provide communication assistance for people with disability when it is required
- Action 27 - Improve screening and assessment of prisoners to identify the presence of disability
- Action 30 - Develop effective partnerships between corrections, health, disability and mental health services to address the particular needs of prisoners with disability
- Action 35 - Ensure patients subject to forensic orders have access to advocacy support and legal assistance services
- Action 37 - Co-ordinate and monitor the implementation of measures outlined in the Disability Justice Plan

Off Track – Major Issues / Risks

- No actions were identified as off track.

Action: Ensuring that services are disability ready and responsive

- 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.**

Agencies reporting

- All Agencies.

Update on initiatives underway from 2018-19

- Last year's report to the Premier's Disability Advisory Council referred to the preparation of an informative video to assist people with disability appearing before the Magistrates Court. An unsuccessful application to the Solicitor's Guarantee Fund in 2019-20 seeking a grant to progress the collaborative video project has meant that the project has not been significantly advanced. However, alternative funding has now been secured from the Law Foundation to progress the project between the Magistrates Court (MAGCRT), Equal Opportunity Tasmania (EOT), Tasmania Legal Aid (TLA), Brain Injury Association of Tasmania, the Association for Children with Disability and Speak Out. A project manager has been provided by the Office of the Secretary, Department of Justice (DoJ) and commenced work in early July 2020. The project manager is working with these bodies to develop an informative video to assist people with disability to navigate the process of appearing before the Magistrates Court.
- It is anticipated that the video project will be completed within six months. However, it is noted that COVID-19 pandemic restrictions may impact the timeline. Day to day operations of the MAGCRT have been altered to reduce access to the Court by members of the general community where possible so proposed timeframes for completion of filming and video production may need adjustment.
- The DoJ commissions Accessibility Appraisal Reports to assist the MAGCRT to assess compliance of existing building structures and facilities with the Disability (Access to Premises – Buildings) Standards 2010 established under the *Disability Discrimination Act 1992* (Cth) and other relevant state legislation and building codes.
- The MAGCRT has implemented a range of recommendations for improvements in accessibility in the Launceston and Hobart MAGCRT and surrounding areas. These improvements have been implemented within budgetary constraints and based on recommendations as to level of priority and effectiveness to improve disability access and movement within Court buildings.
- Improvements at the Launceston Court include:

- the provision of an accessible car parking space near the entrance to the Court building
- adjustment to movable barriers to widen access to the Registry counter
- continuation of the practice of Registry staff assisting individuals using wheelchairs at an alternative lower desk next to the Registry counter
- Adjustments at the Hobart Court include:
 - improvement to the level 2 accessible toilet
 - improvements to audio augmentation in the public lift
 - improvements to signage displayed in relation to accessible toilets and access to the public lift
- Tasmania Police (TASPOL) has noted that PDAC sought further information on how training is delivered to frontline staff. In addition to the detailed information on training contained in Action 17, the following information is provided in relation to interviewing vulnerable witness training:
 - The new series of training modules is designed to improve investigative practice by increasing the accuracy of information obtained from witnesses, including vulnerable people, such as those with disability.
 - The segment of investigative training that involves working with vulnerable people is contained in a newly formatted Specialist Interview course. The new course is completed through the Centre for Investigative Interviewing, Deakin University, and is aligned with the University of Tasmania. It replaces the former Interviewing Vulnerable Witness course. The Specialist Interview course is focused on training police members who regularly conduct interviews with children, people with cognitive impairment or those with complex communication needs.
 - Since 2018, 14 frontline members have successfully completed the newly formatted Specialist Interviewing course. From 2012 to 2018, 105 frontline members completed the former Interviewing Vulnerable Witness course.
- In addition, it is noted that Actions 11 and 16 (relating to the update on reviewing the *Tasmania Police Guidelines for Interacting with People with Disability*) are also relevant to Action 1. The update of the Guidelines will provide a resource for police officers to assist in identifying those with disability and provide the appropriate support to people with disability at the earliest opportunity.
- The Mental Health Tribunal (MHT) has previously reported that it continually reviews its services to ensure it provides the appropriate supports and adjustments for full participation in hearings. The types of supports and adjustments made include:
 - File alerts noting literacy concerns and communicating with clients who are illiterate or who have poor literacy via telephone in relation to hearing dates and times and what support options are available.

- Registry staff liaise with Case Managers through the Tasmanian Health Service (THS) on a case by case basis to help identify appropriate supports and necessary adjustments.
- Investigation in relation to hearing loops. The MHT has recently relocated as part of the new Tasmanian Civil and Administrative Tribunal (TasCAT) and hearing loops are available at the new premises located at 38 Barrack Street. Additional information in relation to TasCAT is included below under New Initiatives.
- Correctional Primary Health Services (CPHS) works closely with Tasmania Prison Service Therapeutic Services staff during the screening and assessments of prisoners to identify the presence of disability. The Services work collaboratively to ensure those identified are actively supported and referred to appropriate services when required. Additional information in relation to the screening and assessment of prisoners is included under Action 27.

New initiatives during 2019-20

- The Department of Justice has been progressing the establishment of the new TasCAT. Nine tribunals are co-locating to a new facility officially opened on 7 July 2020 at 38 Barrack Street, Hobart. The co-locating tribunals are:
 - Anti-Discrimination Tribunal
 - Asbestos Compensation Tribunal
 - Forest Practices Tribunal
 - Guardianship and Administration Board
 - Health Practitioners Tribunal
 - Mental Health Tribunal
 - Motor Accidents Compensation Tribunal
 - Resource Management and Planning Appeal Tribunal
 - Workers Rehabilitation and Compensation Tribunal
- Co-location is the first step in the establishment of the TasCAT that will streamline assistance to promote alternative dispute resolution programs and provide greater consistency in decision making, while enabling seamless service delivery to clients with a more client-centric focus, particularly for protective jurisdictions. Legislation will formally establish the new TasCAT, allowing co-locating tribunals to amalgamate and commence operations as a single tribunal in 2021.
- Facilities at the new premises in Barrack Street include a dog toileting area for guide dogs, an adult change facility and a handheld shower.
- The Hobart Supreme Court (SUPCRT) is installing a lift to enable access from the street to the civil court and to the apron between the two court buildings which will allow access to the criminal court. Currently there is an internal lift in the civil building but the

lift is through a locked door so arrangements have to be made to access the lift.

Wheelchair access to the criminal court is possible but it is via the park at the back of the building. The lift will enable access to both courts through the public entrances. Work is currently underway and it is expected to be complete by 30 September 2020. This is dependent on the arrival of the lift from China, with COVID-19 being a risk to delivery.

- The Hobart SUPCRT has undertaken an upgrade to the jury room in court one in the civil building to comply with accessibility guidelines.
- The Launceston SUPCRT is installing a lift to provide access to level 2. Currently the only means by which a person in a wheelchair can access that level is by using the seat escalator that was retro fitted to the open staircase. Planning has commenced and the practical completion date for this is 30 March 2021. The toilets on the first floor of the SUPCRT in Launceston are being renovated to make them accessible to people using a wheelchair. The toilet will be adjacent to Court 2 and, in conjunction with the lift, will make all Courts in the Launceston building accessible.
- The SUPCRT has also improved signage directing individuals to each court facility and accessible entrances.
- Under the DoJ Diversity and Inclusion Strategy, all departmental staff are required to complete an e-learning package on “Disability Confident Workplaces” by the end of August 2020. The training includes three modules – About Disability, Creating Enabling Environments and Disability and Communication. As at 30 July 2020, 470 staff in the Department had completed this training.
- Witness Assistance Officers within the Office of the Director of Public Prosecutions (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.
- An Easy English training package is also being developed by Witness Assistance Service staff. This is being developed in-house by a staff member with the relevant skill set. However, it is subject to other priorities and it is expected that it should be completed by the end of 2021.
- Both of these initiatives will be rolled out to all staff at the ODPP (as relevant).
- For further information in relation to processes being implemented to enable the early recognition of a person with disability and appropriate supports being offered to support individuals throughout their interaction with the criminal justice system, please see Actions 8 and 18.
- With full transition to the National Disability Insurance Scheme (NDIS), the Department of Communities Tasmania (CT) is no longer a direct provider of disability supports. As such, Disability and Community Services (DCS) no longer has direct line of sight to either clients or registered providers. However, DCS continues to work closely with the NDIS, NDIS Quality and Safeguards Commission and Tasmanian providers to enhance the

quality and safety of services. Through the Principal Disability Advisor, DSC provides support to access universal services for a small number of clients who are not eligible for the NDIS, particularly where there is significant complexity. CT has no specific activities related to this Action.

- Tasmania Legal Aid's (TLA) integrated service provision models have social workers and case managers working alongside lawyers in two of its programs to better support the needs of clients. Improved and more detailed intake processes, in addition to self-disclosure of disability status, means that TLA is better able to identify and record services to people with disability. TLA records the incidence of head injury, stroke or brain damage, intellectual, physical, psychological and sensory / speech disability for all program areas other than telephone advice, webchat and community legal education.
- This information is used to inform the supports provided. For example, it is of great benefit in TLA's Family Advocacy and Support Service (FASS) program which helps people with family law issues where there is family violence. A social worker provides tailored one on one support to both parties to assist them to engage in the legal process with a focus on early intervention and the prevention of further family violence. The social workers are trained and experienced at dealing with people with disability and tailor their service to the person. Between 1 March 2019 and 30 April 2020, FASS duty lawyers identified 749 clients with disability – 70 per cent psychological, 20 per cent physical and four per cent intellectual. Clients then choose whether they want additional support from the FASS social workers.
- Since March 2020, the TLA Senior Assist program has provided an integrated service of case management and legal advice to prevent and respond to elder abuse. The case managers provide psychosocial assessments that identify disability and supports required to achieve better outcomes for clients than a pure legal advice model. The outcomes are measured by comparing detailed information about wellbeing and needs at the beginning and end of a matter.
- The TLA has also modified its Hobart office to ensure a clinic room is accessible to people using a wheelchair or a mobility scooter. This issue was identified in a client satisfaction survey by a client accessing TLA's NDIS appeal representation service. All offices are now accessible to clients who use these mobility aids.
- Additional statistical information in relation to TLA's clients is included under Action 2.
- Equal Opportunity Tasmania (EOT) now has an [online complaint form](#) improving access for people with disability to make complaints under the Anti-Discrimination Act.
- EOT is engaged in ongoing collaboration with the disability sector in relation to COVID-19 discrimination, resulting in improved awareness of EOT in the disability sector during unprecedented times. Primary stakeholders include Speak Out Association of Tasmania, Association for Children with Disability and the Brain Injury Association of Tasmania. It is noted that people with disability have been subjected to discriminatory practices during the pandemic. Of particular concern has been the overzealous interpretation of the COVID-19 restrictions by some service providers.

- Community Corrections (COMCOR) has updated a range of assessment templates to include questions designed specifically to identify people living with disability in order to establish more meaningful case management activities. To enhance the outcomes achieved against Action Item 26 during the 2018-19 reporting period, COMCOR is also undertaking work to review assessment templates for the remaining programs it delivers, including the Court Mandated Diversion program. It is anticipated that these will be fully implemented by the end of 2020.
- The MHT utilises a records sheet for each hearing which identifies if an interpreter is required. All staff at the MHT will also complete the DoJ training in Disability Confident Workplaces and have been briefed on the Department's Diversity and Inclusion Framework, Policy and Strategy.
- The President and Registrar of the MHT provided advice and feedback in relation to the premises for the new TasCAT in relation to ease of use and accessibility for patients appearing before the Tribunal.
- The Disability Questions for Health Registered Nurse Tier I Assessment Correctional Health Services form has been improved to capture relevant and vital information pertaining to each individual prisoner. The updated form is now available for staff to use.
- Multidisciplinary meetings have been increased to weekly, and a more robust review structure has been implemented. The more frequent meetings allow for greater sharing of information between the Tasmania Prison Service and CPHS.
- For information in relation to TASPOL initiatives relevant to this Action, please see Actions 17 and 18.

Implementation status

- On Track – Progressing Well

Emerging issues / Risks

- Budgetary constraints are an ongoing risk regarding recommended physical accessibility improvements as implementation requires significant building alteration and development and a staged approach.

Outcomes for Tasmanians with disability

- The initiatives outlined under this Action are delivering improved accessible information, physical supports and infrastructure improvements for those Tasmanians with disability required to interact on all levels with the Courts.
- Disability access and supports are now available at the new premises of the TasCAT, including an adult change facility with hoist, accessible change room and hearing loops.
- New training initiatives are ensuring services are delivered on an equitable basis, and that staff, including police officers, have increased skills to interact with vulnerable people, including those with disability.

- COMCOR is continuing to enhance its capability to provide a tailored service to offenders engaged with the organisation by reviewing its case management and engagement frameworks.
- The implementation of this Action is ensuring Tasmanians with disability have their rights promoted, upheld and protected and access to quality services. Continuing awareness raising is increasing the understanding of rights and responsibilities as they relate to people with disabilities.

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.

Agencies reporting

- All Agencies.

Update on initiatives underway from 2018-19

- The Magistrates Court's (MAGCRT) current data management system has the ability to collect data regarding the nature of disability and this information can be used to determine what additional requirements may be needed to facilitate an individual's appearance in the Court, such as an interpreter, specific audio augmentation requirements or adjustments due to physical disabilities.
- While there is no formal referral arrangement in place between the MAGCRT and support service providers, if Registry staff become aware of an individual requiring support or assistance, or adjustments to facilitate appearances, they will provide contact details or make contact with the relevant provider to assist the individual to access the service. While the Court has the capacity to collect data relating to these referrals, there has not been any formal analysis of the data to assess the frequency or extent of the need for referral.
- The MAGCRT is currently undertaking a review of all forms on the Court website. Part of the review will be to consider whether any additional forms or data collection processes are required to facilitate improved access to information regarding additional assistance or needs of individuals appearing before the Courts.
- There is also an informal referral system between the Supreme Court (SUPCRT) and MAGCRT to ensure people due to appear who require assistance are identified at an early stage, whether or not they are represented. The Courts are working together to make that process more structured.
- The SUPCRT also relies on information from other service providers such as Victims of Crime and the Office of the Director of Public Prosecutions, as well as from defence counsel, who have contact with an accused and witnesses much earlier than the Supreme Court.
- The Witness Assistance Service (WAS) in the Office of the Director of Public Prosecutions (ODPP) collaborates and shares information with various agencies in relation to supporting a person with disability or complex needs. These include but are not limited to the Department of Police, Fire and Emergency Management, Child Safety Services, Victims Support Services (VSS), counsellors, advocates, disability support workers, disability providers, Tasmania Legal Aid (TLA), MAGCRT, SUPCRT, Safe at Home and the Tasmania Prison Service (TPS).

- The following data outlines legal aid services delivered to people living with disability by TLA for the period 1 March 2019 to 30 April 2020:

Disability type	Program service including advice, minor assistance and grants of aid					
	Civil	Criminal	Family	Family Advocacy and Support Service	Safe at Home	TOTAL
Head injury, stroke or brain damage	72	142	26	19	9	268
Intellectual	103	359	73	27	14	576
Physical	215	379	112	153	17	876
Psychological	989	1199	226	528	92	3034
Sensory/speech	14	27	9	7	1	58
Other	78	189	49	15	9	340
Total	1471	2295	495	749	142	5152

- All programs at TLA refer clients to support services where a need is identified. The case workers and social workers make targeted referrals for psychosocial support and to manage risk. Referrals are made to partner community legal service providers, clinicians, advocates and other service providers such as Anglicare, Housing Connect, Youth Services and District Nurses, Aged Care Assessment Team.
- The new system to be implemented by the Justice Connect Program Team will be called *Astria*. A Request for Tender closed on 25 October 2019. Evaluation has included product demonstrations from vendors attended by staff representing all relevant operational areas of the Department including the Courts, TPS, Community Corrections (COMCOR), Crown Law and VSS.
- Some delays were encountered due to the impact of COVID-19 on the Department of Justice (DoJ) and shortlisted suppliers. However, in June 2020, after a comprehensive consultation and evaluation process, a consortium led by Fujitsu in partnership with Journal Technologies, SYSCON Justice Systems and Synateq was selected as the preferred vendor to develop *Astria*. The discovery phase of the project is now complete and minimum viable product phase commenced in August 2020. Implementation of Stage 1 (criminal) is anticipated from May 2021 to June 2023. The implementation of Stage 2 (civil) is planned from January 2022 through to January 2024.
- The Premier's Disability Advisory Council 2019 report queried the scope to use the data collected to build comparative performance data over time and to capture information on the number of people with disability receiving support, accessing the NDIS or 'falling

through the gaps'. The DoJ notes that the requirements included in the Request for Tender will provide the functional capability to achieve this.

- During 2018–19, as in most previous reporting periods, disability was the most complained about attribute to Equal Opportunity Tasmania (EOT), with it being identified in 114 of the 347 allegations of discrimination (33%). 51 of these allegations were made by one person. However, even if these allegations are excluded disability remained the most complained about attribute. For complaints alleging discrimination, the main areas of activity were employment and provision of facilities, goods and services. Disability complaints in 2019-20 are anticipated to be the highest attribute as per previous years.
- Complaints alleging offensive, humiliating, intimidating, insulting or ridiculing conduct that identified disability as the relevant attribute increased from 45 in 2017-18 to 96 in 2018-19. However, this increase is largely attributed to one person making 48 of the 96 allegations on the basis of disability. The complaint numbers for 2019-20 are anticipated to increase. The increase is again largely attributable to one person making numerous complaints.
- Complaints alleging incitement to hatred, serious contempt or severe ridicule increased in 2018-19 compared with the previous year. The complaint numbers for 2019-20 are anticipated to be similar to the previous year.
- EOT is unable to provide a report as requested by Premier's Disability Advisory Council 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.
- Correctional Primary Health Services (CPHS) works closely with TPS Therapeutic Services to collect and share information on those with disability. CPHS works jointly with the TPS to provide medical and ambulatory aids for those clients identified. More information about the collection and sharing of information in relation to prisoners is included under Action 27.

New initiatives during 2019-20

- The SUPCRT is reviewing its electronic database that has recently been upgraded. A tick box to denote child complainants and cases in which interpreters are required has been added and a box to flag cases involving a person with disability is being added in the next upgrade. This will enable matters where parties may require additional support to be identified earlier so increased focus on the best measures to provide assistance occurs at the earliest time possible.
- It is anticipated that as the Justice Video project referred to under Action 1 progresses, information will be received from external disability organisations consulting on content of the video that will provide an opportunity for the MAGCRT to review data collection processes and appropriate information sharing frameworks to facilitate improved access to the court system.

- The ODPP and Tasmania Police (TASPOL) have worked together in relation to providing earlier notification of persons with disability coming into contact with the justice system. Please see Action 18 for additional information.
- The WAS intends to collect specific data on assistance provided to people with disability in the 2020-21 financial year.
- TASPOL notes the work of the Safe Families Coordination Unit (SFCU) in providing coordinated support for people, including those with disability, experiencing family violence. The Unit comprises employees from multiple government agencies who work together to review all incidents of family violence. Agency-held information is shared to ensure families at risk are identified and supported as early as possible. This shared information can include information on persons with disability, including as a victim or a perpetrator of family violence.
- The SFCU administers the Family Violence Management System and any initial information on victims and perpetrators of family violence is sourced from this system. The system has a tick box where minimal disability criteria, if known, can be recorded by the reporting officer. The current parameters of the tick box information are minimal. Where disability is a relevant factor to the incident, the reporting officer can add further narrative information relating to the family violence incident. However, data can only be extracted where disability is specifically mentioned. The consolidated information is disseminated to partner agencies in the form of a multi-agency report with recommendations for further action, which could include on-going support or interventions for persons with disability.
- Similarly, all partner agencies are represented through Integrated Case Coordination where shared information determines ongoing actions for family violence incidents. Where disability is highlighted by a participating agency, appropriate interventions and ongoing support are coordinated.
- Action Item 10 provides further information on how the SFCU model has improved the information sharing between service providers to improve support to people with disability.
- *Tasmania's Affordable Housing Strategy 2015-2025* identifies vulnerable households that are at greater risk of housing insecurity as they transition from one housing situation to another. The Tasmanian social housing portfolio targets these vulnerable households, which includes (amongst other groups) people living with disability and people leaving institutional care and prison without a home. Increasing the supply of social housing and improving the appropriateness of social housing properties will reduce housing stress and homelessness occurring for these vulnerable households.
- Through an awareness campaign and early referrals, the Affordable Housing Strategy is contributing to greater information sharing between providers. Under this action the Tasmanian Government is working with Housing Connect to raise awareness and encourage early referrals for housing support. This involves key agencies such as the National Disability Insurance Scheme (NDIS), children and youth services, hospitals and

community health centres, mental health services, alcohol and drug services, Child and Family centres, Neighbourhood Houses, justice services, the TPS and Centrelink.

- Housing Connect aims to rapidly assist Tasmanians seeking housing assistance into secure homes. It also provides direct case management support to help maintain tenancies that may be at risk of ending. This form of 'floating support' is provided for the duration of need and does not end if housing circumstances change. Early referrals to Housing Connect by tenancy managers, and by broader human services providers, will lead to early engagement with vulnerable tenants and reduce instances of homelessness.
- Through the Principal Disability Advisor, Disability and Community Services provides support access to universal services for a small number of clients who are not eligible for the NDIS, particularly where there is significant complexity.
- In order to help monitor the supports and presence of a person with a cognitive disability while Justice Connect is developed, the TPS has implemented an excel spreadsheet. This includes people with disability who have left the prison system so it can be cross referenced with daily receptions. This has enhanced the capacity of the TPS to recognise when a person who is known to have disability returns to the prison system. This spreadsheet also tracks the supports being provided and the person's status with the National Disability Insurance Agency (NDIA). This then forms the basis of regular case management meetings. Meetings are attended by representatives from the Integrated Offender Management Team in the TPS, CPHS and the NDIA Justice Liaison Officer (for prisoners who have consented to the NDIA and TPS liaising). Please see Action 27 for data relating to people in custody. Action 34 includes additional information in relation to the role of the Justice Liaison Officer.
- In November 2019, TASPOL implemented a new police data management system, ATLAS. ATLAS is an intelligence tool that allows for flagging specific details of a person. Police officers add a flag to a person's details after an interaction with the individual, which is used to inform police of anything about a person that might assist them to ensure that interactions with the person are managed appropriately. Some of these flags may provide details of the person having a medical condition, mental health illness or disability.
- The value of this new system will increase progressively over time as more flags are added. It should be noted, the information contained in this system is to provide intelligence about persons of interest relevant to policing and is not used for general members of the community or shared with other service providers.
- EOT seeks, on an as needs basis, input from relevant disability service providers including Brain Injury Association Tasmania, Association for Children with Disability (Tas) Inc. and Speak Out Association of Tasmania to ensure best practice when managing complaints and disability related issues.
- A checkbox has been added to the Justice Offender Information System Tasmania for officers to indicate if offenders are engaged with an NDIS service provider, to ensure that this remains at the forefront of considerations in interactions with all offenders. To

support this, Community Corrections (COMCOR) has updated a range of assessment and interview templates to ensure that the information is collected early and updated often throughout supervision. At the time of writing, there were 29 offenders being managed on community based orders who receive support through the NDIS.

- The Mental Health Tribunal (MHT) is currently in the process of collating and providing information for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.
- The MHT has recently reviewed the form used at the conclusion of each hearing in relation to a range of statistics. The Tribunal now has the ability to record disability related information and this will commence in the 2020-21 financial year. The collection of this information will help inform planning, the suitability of supports available and any changes required.
- There is ongoing liaison and information sharing between the Tasmanian Health Service (THS) and the MHT in relation to disability and complex needs. The MHT will review how the collection of information may be shared to better support those with complex needs and as part of this will consult the THS.
- For data relating to the VSS, please see Action 8.

Implementation status

- On Track – Progressing Well
- The MAGCRT have noted that review of administrative and website forms is ongoing but has been affected to some extent by COVID-19 and the resourcing required to progress the review.
- SFCU information sharing practices and protocols have been established.
- The new TASPOL data management system ATLAS has been implemented.

Emerging issues / Risks

- The lack of targeted resources available to direct to improvements to data management systems and website improvements limits the progress made to promote better information sharing between service providers.
- Additional adjustments made to court processes and data collection in response to COVID-19 will need to be considered to determine how these changes may need to be incorporated in the overall data management system moving forward.
- The Family Violence Management System does not have an automated function to extract data regarding disability status and is limited to minimal yes/no criteria. The only method to extract more than the minimal data is for a narrative search to be done on each incident. Data included in the system is also dependent on input by attending officers at that point in time.
- EOT has noted a lack of funding for service providers in the disability sector that provide advocacy support to EOT clients/complainants.

Outcomes for Tasmanians with disability

- Ongoing work to implement this Action is resulting in improved data collection regarding disability status to facilitate co-ordination between the Courts and support services.
- The work of the TPS is ensuring that support is provided more immediately upon return to prison. Better and earlier identification of the supports available to and accessed by offenders engaged with COMCOR is ensuring case management practices are holistic and targeted to address specific needs.
- The SFCU information sharing processes and the ATLAS flagging system allows police to be better informed about a person coming into the justice system, including those people with disability. This will assist police to provide any support required to interact with that person in an appropriate manner.
- EOT services are accessible in a safe and controlled manner for all concerned.
- Initiatives under Tasmania's Affordable Housing Strategy are resulting in greater information sharing and early engagement with vulnerable tenants.

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

Agencies reporting

- All Agencies.

Update on initiatives underway from 2018-19

- As noted under Actions 1 and 2, funding has now been secured to progress the Justice Video collaborative project to produce a video about the process of attending the Magistrates Court (MAGCRT), aimed at court users with low to no literacy, and those with disabling conditions or disability. It is envisaged that once produced, this video will be available in a format to be loaded and linked to websites hosted by the external organisations involved, in addition to being accessed and linked to resources on other platforms more broadly accessed in the disability sector.
- The MAGCRT website currently provides information for all users, including those with disability, about available services to assist individuals requiring support in attending court, including interpreter services and options for individuals with hearing and speech impairments needing to contact the Court and court support services.
- The MAGCRT Registry has a range of pamphlets and resources regarding services available to court users to assist in appearing in court, including legal services, disability support services and court liaison services. MAGCRT registry staff can provide guidance and assistance in contacting services dependent on the need that is identified when dealing with court users.
- An audit of the Supreme Court (SUPCRT) website is planned to ensure the support services provided are easier to find. The SUPCRT website was updated in May 2019 and is audio enabled.
- The Office of the Director of Public Prosecutions (ODPP) website has been updated to include information for witnesses and a video to assist witnesses prior to Court appearances.
- The ODPP remains committed to assisting and informing vulnerable groups including those with disability. This is largely facilitated through support provided by the Witness Assistance Service (WAS). As per the previous report, one of the difficulties in assisting those with disability was the delivery of the WAS largely in the SUPCRT. One area that was identified as needing additional support was matters dealt with in the MAGCRT (other than family violence matters that were supported by Court Support). As a result, a submission was made to the Solicitors' Guarantee Fund to fund two .5 full-time equivalent WAS Officers to work in the Hobart and Launceston offices. This program has proved very successful over several years and has already assisted numerous victims and witnesses with disability. Unfortunately there is no historical data capturing victims and witnesses with disability that have been assisted by the WAS. This is, however, being

specifically captured from July 2020. The two .5 positions were increased to full-time positions in 2019.

- The ODPP Guidelines have also been updated to comply with recommendations arising from the Royal Commission into Institutional Child Sexual Abuse. This ensures that a priority within the Office is identifying vulnerable people as they come into contact with the criminal justice system. Once identified the WAS can be engaged to support the person and ensure they are aware of the services available to them.
- A project to completely redevelop the DoJ website has now commenced, with an estimated implementation date of mid-2021. A key focus will be complying with the *Disability Discrimination Act 1992*, with online services meeting the current Web Content Accessibility Guidelines (WCAG) to Level AA (currently WCAG 2.1). The DoJ will focus on creating an inclusive and accessible website, with resources in an accessible form. Content will be written in plain language and provide accurate, timely, and trustworthy information to users. It will also include improved site navigation with menus and functions to help discover content.
- The DoJ has developed a new Digital Policy Framework. New policies within the framework include a Web Management Policy and standards, Zoom Video Conferencing Policy and new procedures and templates for policy development.
- In recognising the importance of building web accessibility understanding, knowledge and capability across the agency – i.e. it is everyone’s responsibility - the intent of the new Web Management Policy is to:
 - put diversity and inclusion at the core of online information and services delivered by the Department of Justice
 - define roles and responsibilities for managing such information and services
 - support those roles through associated standards and guides.
- The Department has developed design standards, content standards and a step-by-step ‘getting a new website’ guide to help content owners and contributors to meet requirements and to follow best practice in creating a consistent user experience. All material has been developed with a strong emphasis on building accessibility into the process. The Web Management Policy is ready for approval and the Standards will be delivered by the end of October 2020.
- In response to COVID-19, Zoom was rolled out for many areas of the agency, with instructions developed on its use.
- All new DoJ policies are now drafted using an accessible Word template. Once approved they are published in html with the option to download and print as a PDF. Because the ‘source document’ is accessible, conversion to html and pdf has greatly reduced the need for remediating to comply with WCAG.
- To ensure the DoJ is producing accessible annual reports, the Web Services branch also provides one-to-one training in how to create accessible annual reports.

- Unfortunately, the web accessibility project for the Mental Health Tribunal (MHT) did not proceed for various reasons including staff vacancies, funding limitations and a decision to await the development of a Tasmanian Civil and Administrative Tribunal website.
- The MHT continues to ensure pamphlets are made available about Tasmania Legal Aid via hospital and secure mental health units.
- A major redesign of the [Safe at Home website](#) was recently completed and is now simple to navigate with clear links to a broad range of government and non-government services available to both victims and offenders. The redesign was completed at the same time as the launch of the Government's [Safe from Violence website](#), which has been developed as Tasmania's online central point of information for family and sexual violence. The Safe from Violence site provides clear and targeted information, online resources and links to a range of people and communities affected by violence, including information on accessibility.
- The Office of the Public Guardian (OPG) recognises the need for a major rewrite and redesign of its website to ensure information about the OPG, the Guardianship and Administration Board, the *Guardianship and Administration Act 1995* and alternatives to using the Act, is available in an accessible format to persons with disability, their family members and service providers. Work is progressing slowly within the limitations of the OPG's resources.

New initiatives during 2019-20

- In response to the COVID-19 pandemic and restrictions, the MAGCRT implemented virtual appearances before the Court using a more accessible secure Zoom technology platform, in addition to appearances by phone where a visual option is not available. While this adjustment has not been formally evaluated, it has allowed court users, including those who may have mobility or access issues, to appear before the Court without the need to travel to or attend court buildings. It is anticipated that the ease of access to this type of technology in the broader community may enable the Court to consider retaining the use of a virtual option in circumstances where mobility or access issues need to be considered.
- The WAS is currently working on having information about its services and Victim Impact Statements published in Easy English format and made available on its website. A Witness Assistance Pack is being developed for all complainants and witnesses who come into contact with the ODPP. This will include a range of information on the court process, legal resources and supports available. The Witness Assistance Pack is in draft form and is currently being reviewed by the WAS team. It is anticipated it will be finalised by the end of 2020. As noted earlier, the Easy English package is likely to be completed by the end of 2021.
- The Department of Communities Tasmania (CT) has developed a new suite of promotional templates that can be used by business divisions for either internal or external use. All templates have been designed to comply with Web Content

Accessibility Guidelines and are Colour Contrast compliant. This suite of documents has been widely promoted and users have been reminded that they must provide documents in electronic formats for staff and clients who utilise screen readers.

- During 2019-20, CT has been undertaking a redevelopment of its website. This has involved transitioning and updating web content from previous Department of Health and Human Services and Department of Premier and Cabinet websites.
- Disability and Community Services (DCS) has published Easy-Read versions of key documents including its Strategic and Operational Plans and factsheets. The Service is also seeking to improve its in-house abilities in developing Easy-Read materials.
- In November and December 2019, CT participated in a project being undertaken by Safe Choices which is developing a training module aimed at increasing the understanding of frontline workers in the disability and justice areas relating to family violence. Part of this process included participation at a roundtable in November 2019 which discussed the supports available for people with disability who are experiencing or who are survivors of family violence. This process highlighted the need for ongoing work on raising awareness and the development of specific supports.
- DCS also wrote to Tasmania Police (TASPOL) extending its support and experience in the field of disability as they undertake work against Action 10.
- The table below reports on the accessibility of the Department of Police, Fire and Emergency Management (DPFEM) websites as suggested by the Premier’s Disability Advisory Council.

DPFEM Business Areas	WCAG Compliance Status
DPFEM Conexus Intranet	Compliant
Tasmania Police public website	Compliant
SES public website	Compliant
TFS public website	Not Compliant

- In addition to WCAG compliance:
 - All State Emergency broadcasts, such as the COVID-19 video messaging, use Auslan interpreting services.
 - All internal video messaging is captioned, and relevant external video messaging is also captioned.
 - In the 2019-20 reporting period, TASPOL developed over 60 information sheets to assist the community to understand the provisions of the *Firearms Act 1996*. The information sheets have been written in plain English to ensure they are accessible for all literacy levels. Once approved, the information sheets will be accessible via the TASPOL website, which is WCAG compliant.

- The following table reports on DoJ web accessibility conformance. It should be noted that the results below do not include non-html content (e.g. PDF or Word files) or content from third party systems.

Doj Output	WCAG (AA) Status
Tasmanian Planning Commission	Pass
Safe at Home	Pass
WorkSafe Tasmania	Pass
Consumer Building and Occupational Services	Pass
Official Visitors Programs Tasmania	Pass
Ombudsman Tasmania	Pass
Births, Deaths and Marriages	Pass
Strategic Infrastructure Projects	Pass
Monetary Penalties Enforcement Service	Pass
Community Corrections	Pass
Parole Board	Pass
Equal Opportunity Tasmania	Pass
Health Complaints Commissioner	Fail
Health Practitioners Tribunal	Fail
Department of Justice	Fail
Mental Health Tribunal	Fail
Custodial Inspector	Fail
Community Consultation	Fail
Resource Management and Planning Appeal Tribunal	Fail
Victims Support Services	Fail
Tasmanian Industrial Commission	Fail
Corrective Services	Fail
Prison Service	Fail
Prison Infrastructure Redevelopment Project	Fail
Solicitor General	Fail
Courts Tasmania	Fail
Crown Law	Fail
Office of the Public Guardian	Fail
Guardianship and Administration Board	Fail
Crown Solicitor	Fail

Workers Rehabilitation and Compensation Tribunal	Fail
Sentencing Advisory Council	Fail
Magistrates Court	Fail
Integrity Commission Act Review	Fail
Director of Public Prosecutions	Fail
Planning Reform	Fail
Law Library	Fail
Energy Ombudsman Tasmania	Fail
Integrity Commission	Fail

- Equal Opportunity Tasmania (EOT) has reduced the information collected on the Complaint and Report it! forms to make them more user friendly. In February 2020, both forms were made into accessible PDFs. In March 2020, EOT finalised the online complaint form.
- Work undertaken over recent years to produce publicly available information around access to services and supports provided by Community Corrections (COMCOR) has included the targeted engagement of Libraries Tasmania to ensure that materials are accessible. This has proven a successful strategy and will continue to be used as the organisation produces a range of new materials to support the design and implementation of new models of practice currently underway.
- The MHT continues to provide information when sending out hearing notices to patients in relation to legal aid and advocacy services as well as providing mental health facilities with information fact sheets to be distributed to patients.
- Correctional Primary Health Services and the Tasmania Prison Service, with consumer input through consumer groups, have developed a booklet to be provided to prisoners when they are released from prison. A copy is included at Attachment I. The booklet has been put together to help prisoners plan their exit from prison and provide information about services that can assist prisoners when they are released. The booklet is part of the [Breaking the Cycle](#) collaborative through-care approach, with agencies working together to support prisoners and offenders with coordinated assistance and interventions. The booklet contains information on disability services, including Gateway Services, the single entry point for all family and disability services in the state; Mission Australia; Bapcare; and the National Disability Insurance Scheme. The booklet also contains information across a range of services, including: emergency contacts; drug, alcohol and gambling support; housing, employment and education; finances; government services, legal resources and advocacy; health; Department of Veteran Affairs; LGBTIQ+ support services; transport and accessing information; youth services; and services for Aboriginal and Torres Strait Islander people and culturally and linguistically diverse people.

Implementation status

- Generally on Track – Minor Issues / Risks
- Assessment and evaluation of the ongoing applicability, use and implementation of virtual technology alternatives for court process and procedures will form part of the MAGCRT strategic and business planning for the 2020-21 year and onward.
- Plain English Information sheets will be published on the TASPOL website following final approval.
- COMCOR will continue to engage with Libraries Tasmania to ensure that materials are accessible.

Emerging issues / Risks

- Capacity to access resources to facilitate the assessment and implementation of virtual technology alternatives in Court operations.
- There is uncertainty in relation to ongoing funding for two contract WAS positions. These positions have been funded by the Solicitors' Guarantee Fund for the last three years, with the ODPP applying for funding each year. These positions make up one third of the WAS staffing.

Outcomes for Tasmanians with disability

- The ongoing focus of agencies in the area of accessible access to information is resulting in better opportunities for engagement with justice system services, and improved accessibility to those services for individuals with complex needs involved in the justice system. It is ensuring that people with disability can connect with TASPOL and access appropriate information and that materials produced for public access and information dissemination are broadly accessible to people with a range of different abilities. Initiatives such as the video project will further assist people with disability to navigate the process of appearing before the MAGCRT.

Action: Preventing and responding to violence, abuse and neglect

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

Agencies reporting

- All Agencies.
- It is noted that in previous reports only the Department of Communities Tasmania (CT) and Tasmania Police (TASPOL) reported against this item.

Update on initiatives underway from 2018-19

- In the 2018-19 report, CT provided information relating to its Preventing and Responding to Abuse in Services Policy and Procedure. The Premier's Disability Advisory Council (PDAC) asked a question relating to the application of this policy and changes in culture arising from its implementation.
- Prior to 1 July 2019, disability services funded by Disability and Community Services (DCS) were required to adhere to this policy as a condition of their funding agreement. As part of the funding agreement management process, services were visited on an annual basis. Part of this annual visit was a discussion about the application of DCS policies and procedures. This process provided an opportunity to promote policies and for both parties to raise concerns or questions. As of 1 July 2019, DCS ceased to block-fund disability services in Tasmania. The Policy and Procedure still apply to allegations of abuse in services prior to 1 July 2019. The response to these allegations will be managed under Tasmania's existing regulatory framework.
- In response to PDAC feedback, TASPOL notes that there is no current mechanism to record data or feedback regarding the efficiency of the SMS service. However, for the purpose of providing more information to PDAC, a review of the SMS service was undertaken over a five-week period (18 April 2020 to 27 May 2020). Approximately 30 text messages were received during the period that were either assessed and responded to, or forwarded to the National Relay Service for further advice.
- The Magistrates Court (MAGCRT) has implemented problem-solving or therapeutic justice programs and mechanisms to ensure individuals who are vulnerable or have disability are identified and dealt with by the Court in a more therapeutic and rights-based framework.
 - Family Violence List: the Court continues to separately list court sessions for family violence matters to improve its responses and coordination with support services and agencies, and to ensure vulnerable individuals are provided appropriate support and protection throughout the process.

- Mental Health Diversion List: this is a key offender diversion program that diverts eligible defendants to mental health, disability and other welfare services to address the underlying issues of their offending behaviour. This program seeks to provide an alternative to traditional criminal sanctions where mental illness is a contributing factor or causative of criminal behaviour. The Diversion List operates in each registry location, and is presided over by a specialist Magistrate. In Hobart, this program caters for persons with acquired brain injury or cognitive disabilities. The program is supported by Mental Health Liaison Officers, located at the Court in Hobart and accessible in other registries, who provide assessment and recommendation to the Court to identify and deal appropriately with people suffering mental health issues.
- The MAGCRT has several mechanisms in place to provide additional support and protection to vulnerable witnesses involved in court proceedings, including the Witness Assistance Service which is operated by the Office of the Director of Public Prosecutions (ODPP) in the Hobart and Launceston MAGCRT. This service has been operating since 2017 and is available to provide assistance and support to witnesses giving evidence in all types of matters but in particular focusing on sexual abuse matters and matters that fall outside of the framework of assistance provided by the Family Violence Court Support and Liaison Service.
- The MAGCRT and Supreme Court (SUPCRT) have “protected witness” facilities available in all registry locations to allow vulnerable witnesses in family violence and other appropriate matters to give evidence via video conferencing facilities in a location outside the courtroom. Facilities in the MAGCRT buildings in Devonport and Hobart have recently been relocated and upgraded so that vulnerable witnesses can access the protected witness room without having to enter the main court building or wait in the foyer with the general public. Launceston MAGCRT’s separate waiting area for vulnerable witnesses is due to be updated in the next 12 months.
- To minimise additional trauma and expedite resolution, the SUPCRT has implemented increased case management for sexual assault matters involving children. The aim is for these cases to be resolved entirely, or to the point of the child having given their evidence, at the earliest stage possible. The Court has also implemented rigid processes around the system for pre-recording of evidence in these matters to ensure witnesses do not have to give evidence more than once.
- There are mechanisms within the electronic case management system which provide flags for children, and for matters involving family violence, so that procedures can be put in place to provide appropriate support and protection. If a matter involving vulnerable witnesses does not fall within one of the defined categories recorded in the electronic file management system, there is a process by which the ODPP notifies the Court to enable additional supports to be implemented, including providing alternate access to court buildings to minimise the risk of contact with a particular party, whether it be the accused, the family of an accused, or another witness.
- The Victims of Crime Service operated by Victims Support Services is a victim focused service committed to supporting victims in their diversity and giving equal access to

services, protection and justice. The Service understands the diversity of the clients it serves including Indigenous clients, clients with disability, clients from non-English speaking backgrounds and clients with mental health issues. Victims of Crime Service staff identify referrals to other services where appropriate, such as Housing Tasmania, sexual assault services, women's health and information services, mental health services, general practitioners, psychologists or disability advocacy services.

- If the Mental Health Tribunal believes that a patient should have legal representation then the Registry will take steps to facilitate this. Registry staff also liaise with case managers and treatment teams for patients about the patient's ability to attend.
- The *Mental Health Act 2013* enables a range of reviews and investigations, for example, unauthorised treatment and review of long term patients, all of which are mechanisms that can help prevent violence, abuse and neglect of people with disability. The scope of the Tribunal in this area is quite narrow due to its independent nature.
- To ensure the needs of people with disability were not neglected during the COVID-19 pandemic, the Department of Health participated in the development of the [Management and Operational Plan for People with Disability – the Australian Health Sector emergency response plan for Novel Coronavirus \(COVID-19\)](#), which aims to ensure that all people with disability (including those in the justice system) have equitable access to health care during the pandemic, including accessible health and social care advice and access to essential supports and services.
- The Department of Health also partnered with CT to develop a complementary plan for Tasmania to outline the measures taken to support people with disability in Tasmania during the COVID-19 pandemic. It is anticipated that the plan will be finalised shortly and published online following consultation with the disability sector.
- All Tasmanians with disability living in aged care who are aged under 65 and who were previously supported by the Tasmanian Government have transitioned to the NDIS. The NDIS funds participants' reasonable and necessary supports that go beyond what is delivered by aged care providers. These reasonable and necessary supports can include equipment, social and community activities, therapies and support to explore alternative housing options if the person has a goal to leave aged care.
- Supports provided to NDIS participants by aged care providers are currently covered by the Aged Care Quality and Safety Commission. However, aged care providers who are NDIS providers will have to comply with the NDIS Quality and Safeguarding Framework from November 2020.
- On 22 March 2019, the Australian Government announced it has developed a national action plan to take concrete actions to reduce the number of younger people living in aged care and to help them access more age appropriate housing and supported living options.
- For information in relation to the implementation of working screening, please see Action 7.

New initiatives during 2019-20

- From 1 July 2019 the National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission began operations in Tasmania. Allegations of abuse and neglect relating to a person with disability relating to a NDIS provider (after 1 July 2019) can now be made to the Commission.
- The Tasmanian Government welcomed the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. A whole of government steering committee has been formed to coordinate State Government support for the Royal Commission. CT has provided information following a number of requests from the Commission and will continue to offer support as required during the course of the proceedings.
- It is anticipated that the Royal Commission will deliver a final report to the Australian Government by 29 April 2022. In this report, the Royal Commission will recommend how to improve laws, policies, structures and practices to ensure a more inclusive and just society. The Tasmanian Government will then consider these recommendations and changes that may need to occur in response.
- The Australian Government has provided additional funding to Tasmanian advocacy organisations to support the participation of people with disability in the Royal Commission.
- As noted under Item 1, all Department of Justice (DoJ) staff, including MAGCRT and SUPCRT staff state-wide, are required to complete training in Disability Confident Workplaces as part of the Department's Diversity and Inclusion Strategy. This will assist staff to gain an understanding of what improvements can be made in day to day operations and procedures to assist people with disability within the Court framework.
- Equal Opportunity Tasmania has been keeping the Attorney-General and Secretary, DoJ updated on issues arising as a result of COVID-19 that impact upon people with disability.
- Issues arising as a result of COVID-19 include:
 - overzealous application of COVID-19 restrictions upon people with disability, particularly those with an intellectual disability and older members of the community
 - some parents and children may have experienced indirect discrimination and/or disadvantage in the area of education due to technological illiteracy and/or a lack of additional professional services normally provided in a classroom setting
- With support from Safe at Home, Community Corrections (COMCOR) had 41 officers undertake additional training in relation to a family violence assessment tool. This has led to a review of current practices in the use of this tool within the organisation. A project is underway to look more broadly at the implications for case management that arise through assessment under the tool, to enhance case management deliverables that are able to be achieved through this assessment. A key criterion for assessment, and subsequent case management practices, that will arise as a result of this project concerns

vulnerability issues associated with both victims and perpetrators who are currently living with disability. It is anticipated that this project will be rolled out across 2020-21.

- Recent updates that enhance COMCOR's ability to identify offenders who are living with disability and those engaged with the NDIS enhances dynamic risk assessments undertaken throughout case management. This aids in the early identification and support for potential and actual abuse and neglect situations. At the time of writing, 29 people were being managed on community based orders and also receiving support through the NDIS.

Implementation status

- On Track – Progressing Well

Emerging issues / Risks

- The Royal Commission is a significant opportunity to acknowledge the past and put in place improvements where recommended. However, given the breadth of the Commission's remit, there is significant potential for unknown issues to emerge during the proceedings.
- There is no current mechanism to record data or feedback for the TASPOL SMS service.

Outcomes for Tasmanians with disability

- Mechanism are in place to support people with disability to access police services to report crimes and receive police assistance in response to violence, abuse and neglect.
- Robust independent oversight mechanisms for people with disability are now in place.
- Better opportunities now exist for COMCOR to assess individual needs and intervene early through case management to mitigate risks of abuse. Projects in relation to assessment tools and subsequent changes to practice will continue.

5. Increase awareness by people with disability of their legal rights

Agencies reporting

- All Agencies.

Update on initiatives underway from 2018-19

- It is noted that the Premier's Disability Advisory Council sought further information on how agencies promote rights-based information.
- Tasmania Police (TASPOL) has reported that Abacus is the *Commissioner's Directions for Conduct and Complaint Management, and Compliance Review*, which focuses on the conduct of police officers. Abacus content is accessible from the [TASPOL website](#), which is WCAG compliant.
- Abacus contains information for people with disability to increase their awareness of their legal rights. For example:
 - information about complaints relating to discrimination is available at Section 5.22.4. Equal Opportunity Tasmania (EOT) and at Section 6.10
 - information about discrimination based on attributes (including disability) under the *Anti-Discrimination Act 1998* is available at Section 6.2
 - there is a requirement that special assistance be provided to complainants or witnesses at Section 5.25
- TASPOL also engages directly with the community to increase awareness and provide strategies for personal and household safety. For example, Community Policing officers provide awareness sessions at disability support organisations such as St Michaels, St Giles and Possability, to provide information about general safety, road safety, cyber-safety and specific topics such as interacting with police and legal rights.
- The Magistrates Court (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:
 - Court Support and Liaison Service: access to Court Support Officers from the Victims Assistance Unit is provided within the Magistrates Court state-wide for victims of family violence and vulnerable clients. The Court facilitates access to this support within its court operations where victims and witnesses are required to give evidence or appear on applications regarding Family Violence Orders.
 - Duty Lawyer Service: in conjunction with the Law Society of Tasmania, Centre for Legal Studies and Hobart Community Legal Service, the MAGCRT hosts and provides premises for the Hobart Duty Lawyer Scheme. This scheme provides legal assistance and representation for self-represented litigants, including those who are vulnerable or may have difficulty representing themselves due to mental health or disability. This service is available to applicants, defendants and respondents who may be involved in

proceedings before the Court who would otherwise have appeared unrepresented. Court staff and Magistrates can refer people directly to this service for assistance before and during appearances in court.

- Community Legal Centre Services: in each region, Community Legal Centres provide support, assistance and advice to self-represented litigants in the MAGCRT. In Hobart, the Hobart Community Legal Service provides legal representation for the after-hours and weekend courts to ensure that defendants are afforded appropriate access to justice when other support services are not available.
- Youth Justice Court – Partnership with Save the Children: Save the Children provides support and assistance to young people state-wide through the allocation of a youth worker. This worker assists the young person to seek legal advice, attend appointments and court and provides reports to the Court on the young person's engagement in pro-social activities to provide other options to address offending behaviour. This collaborative process provides a more therapeutic framework to assist the Court in delivering outcomes for vulnerable and disadvantaged youth appearing before it.
- While the Supreme Court (SUPCRT) does not host specific support services to assist individuals, the relationship the Court has with other agencies, such as the Office of the Director of Public Prosecutions and the private legal profession, is utilised to ensure individuals can access appropriate support and representation when presenting at court.
- SUPCRT Registry staff are frequently the first point of contact with a vulnerable person on a range of issues. The staff have knowledge of, and refer individuals to, appropriate services as required.
- EOT continues to provide community outreach clinics with The Link, Migrant Resource Centre and Cygnet hub. Each of these outreach clinic has the potential to reach people with disability. Consideration is being given to establishing an outreach clinic specifically related to issues arising in the disability sector.
- Mental Health Tribunal (MHT) Registry staff speak with patients about their ability to be represented and provide contact details for Tasmania Legal Aid (TLA) and advocacy services. If there are difficulties with communication, Registry staff liaise with the Case Manager through the Tasmanian Health Service to identify supports and appropriate communication about arranging legal representation. Registry staff also speak with patients about whether they have a family or friend support person to attend.
- Victims Support Services (VSS) was established through cooperation between the Department of Justice and TASPOL in an effort to meet the needs of victims of crime in Tasmania. To this end, a [Charter or Rights](#) for victims of crime was developed and provides guidance to the processes and activities of VSS.

New initiatives during 2019-20

- The Department of Communities Tasmania (CT) provides funding to Advocacy Tasmania, SpeakOut Tasmania and the Association for Children with Disability to provide

Individual Disability Advocacy. Funding for these organisations has been extended until 30 June 2021. Work is ongoing at a national level with regard to future models and funding arrangements for Individual Disability Advocacy. CT's ongoing contribution to this Action will be in the area of Individual Advocacy. This is covered in reporting against Action 12.

- TLA recently received funding to provide a legal service to assist people to access advice and representation to make submissions and appear at the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission). The service, Your Story Disability Legal Support, also provides legal advice and assistance to address legal issues that are identified in the course of advising about the Disability Royal Commission. It is a collaborative service and TLA is working closely with the Your Story Disability Legal Support lawyer at the Tasmanian Aboriginal Community Legal Service and disability advocates. The Your Story Disability Legal Support service commenced in July 2020. The service will operate to June 2022.
- TLA delivered four Disability Royal Commission services in 2020 to people with disability, together with training sessions for new lawyers, ongoing legal information sessions relating to Disability Royal Commission submissions (three sessions in 2020) and trauma informed training processes for clients.
- Resources that provide information to people with disability regarding accessing the Disability Royal Commission include:
 - a [video](#) about how Your Story Disability Legal Support can support people to engage with the Disability Royal Commission
 - a [flipbook](#) that outlines four experiences of people supported by Your Story Disability Legal Support who share their stories with the Disability Royal Commission (via submission, private session, notice to produce and community forum)
- These resources are designed to assist people with disability, their carers and supporters to understand how Your Story Disability Legal Support provides advice and support to a person sharing their story with the Disability Royal Commission. TLA hopes they can also be used as an educational tool by disability advocates to explain to clients how it provides support and assistance.
- EOT continues networking and information sharing with the disability sector on the rights and responsibilities related to disability and the Anti-Discrimination Act. EOT's continued training and education program provides increased awareness to people with disability of their rights and responsibilities under the Anti-Discrimination Act.
- In April 2020, information sharing sessions were held online between the Anti-Discrimination Commissioner and Speak Out Advocacy Tasmania staff state-wide. The sessions were in relation to the interplay of the Anti-Discrimination Act and consequences of the COVID-19 pandemic. The sessions proved to be a valuable tool in encouraging referrals, reports and complaints to EOT.

- EOT also continues to deliver a broad range of training and education programs to disability support services including to Mosaic Support Services, Mental Health Families and Friends Tasmania and St Michaels Inc.
- Work undertaken over recent years to produce information for community-based offenders, to explain the conditions of their orders and the consequences of non-compliance, has included Libraries Tasmania reviewing and editing all materials to ensure that they remain accessible. This strategy has proven successful and has supported enhanced case management outcomes. Community Corrections will continue to use this resource as the organisation produces a range of new materials to support the design and implementation of new models of practice currently underway.
- Correctional Primary Health Services provides healthcare and information to prisoners in relation to their healthcare.
- During COVID-19 restrictions, the TPS facilitated virtual visits between lawyers and their clients.

Implementation status

- On Track – Progressing Well

Emerging issues / Risks

- CT notes that while funding and the current advocacy delivery model have been extended for a further year, there is future uncertainty arising from work at a national level. The Tasmanian Government maintains a commitment to the future of Individual Disability Advocacy.
- Disability continues to be the highest attribute complained about in complaints lodged with EOT (data is outlined under Action 2).

Outcomes for Tasmanians with disability

- The delivery of Individual Disability Advocacy is ensuring that people with disability, their families and carers have a voice, are better placed to make informed decisions and are able to access services.
- Tasmanians with disabilities are being supported to tell their story to the Disability Royal Commission. In the course of providing Royal Commission tailored advice, other legal problems will be identified. Clients will be provided assistance and referrals to address these matters.
- TASPOL provides advice directly to those with disability through disability support organisations, and the TASPOL website includes information regarding the process for making complaints in relation to discrimination based on disability.
- There is increased awareness by people with disability and the general community about disability discrimination and the benefits associated with taking action, and increased awareness of opportunities to participate in and access justice system services.

6. Develop quality assurance and safeguarding measures as part of NDIS implementation.

Agencies reporting

- Department of Communities Tasmania

Update on initiatives underway from 2018-19

- Since commencing in Tasmania on 1 July 2019, the National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission (NDIS Commission) has broadened its Tasmanian based functions from complaint handling, reportable incident handling and compliance to also include behaviour support.
- The Tasmanian Government continues to be responsible for ensuring relevant policy, guidelines and frameworks are in place that protect the rights of people with disability. This includes operationalising Tasmanian legislative requirements, such as those contained within the *Disability Services Act 2011*.
- Additional information in relation to worker screening as part of the NDIS Quality and Safeguarding Framework is included under Action 7 and is reported against by the Department of Justice.

New initiatives during 2019-20

- The NDIS Commission progressed amendments to the National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018 that addressed the disproportionate regulatory burden on some NDIS providers, particularly sole traders delivering low risk supports.
- The rule change adjusts the audit process and emphasises the proportionate approach in a diverse NDIS market, without reducing the safeguarding effects of the regulatory arrangements.
- Within the Tasmanian context, it is anticipated that the rule changes will minimise the risk of sole providers withdrawing from the market.
- Disability and Community Services (DCS) transitioned to a new structure on 1 July 2019, which included the formation of the Office of the Senior Practitioner. The role of that Office includes leading best practice in behaviour management techniques, developing standards and guidelines for behaviour support and restrictive interventions, monitoring restrictive interventions and the requirements of the *Disability Services Act 2011*.
- The NDIS Quality and Safeguards Commission has acknowledged that during the COVID-19 pandemic NDIS providers' focus will be on managing infection risk to participants and workers, and undertaking business continuity planning which is likely to affect the readiness and capacity of some providers to engage with any registration renewal audits, particularly on-site activities. The NDIS Commission is providing targeted advice to registered NDIS providers, including arrangements for varying conditions of

registration where necessary to allow an extended period of time to complete the registration process, including audits.

- The NDIS Quality and Safeguards Commission publishes the [NDIS Provider Register](#) on their website. [Part 2](#) of the NDIS Provider Register contains information on the compliance and enforcement actions taken by the NDIS Commission, including banning orders, compliance notices and suspension of registration. As at 25 May 2020, no Tasmanian based provider has been identified on the compliance and enforcement register.

Implementation status

- On Track – Progressing Well

Emerging issues / Risks

- Tasmania's restrictive practice regulatory framework does not include or define chemical restraint. This is a notable variation from the NDIS Rules. A comprehensive review of the *Tasmanian Disability Services Act 2011* is planned to occur during 2021-22. This review will provide the opportunity to consider aligning Tasmania's legislative requirements and definitions with the NDIS, particularly in relation to chemical restraint.
- Tasmania has a thin market of behaviour support practitioners which impacts on the market's capacity to meet demand to develop behaviour support plans. This is a recognised issue and a collaborative effort, involving State and Commonwealth stakeholders, to further support and develop the market both in the short and longer term is occurring.
- Tasmania Legal Aid (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 has noted 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.

Outcomes for Tasmanians with disability

- Implementation of this Action is ensuring that NDIS participants are safe and receive quality services from the providers and workers they choose to support them under the NDIS.
- The reduction in regulatory burden will allow those requiring low risk supports to access those services, while appropriate safeguards remain in place.
- The Office of Senior Practitioner in DCS will ensure best practice techniques, standards and guidelines are in place.

7. Introduce enhanced screening procedures for people working or volunteering with people with disability.

Agencies reporting

- Department of Justice (DoJ) (Consumer Building and Occupational Services)

Update on initiatives underway from 2018-19

- All workers providing services to children have had an obligation to be registered to work in child related activities under the *Registration to Work with Vulnerable People Act 2013* since 2014.
- As of 1 July 2019, transitional arrangement or ‘rules’ were made by the National Disability Insurance Scheme (NDIS) Quality and Safeguards Commissioner to inform NDIS employers of the appropriate clearance required in lieu of specific NDIS worker screening for each jurisdiction
- Under the transitional arrangements, workers in Tasmania who provide supports and services to people with disability under the NDIS have an obligation to be registered under the *Registration to Work with Vulnerable People Act 2013*.

New initiatives during 2019-20

- All jurisdictions are currently progressing toward a 1 February implementation date for an NDIS specific worker screening category.
- The DoJ has aligned the operation and policy requirements of NDIS nationally consistent worker screening, and will be prepared to accept NDIS worker screening applications for the revised implementation date of 1 February 2021.
- The Department has amended the *Registration to Work with Vulnerable People Act 2013* and restructured the screening unit to accommodate additional worker screening applications.
- The DoJ is progressing the final build stage of the IT system with an external developer for system integration with the NDIS National Database by 1 February 2021.
- The Department will communicate all arrangements to relevant stakeholders and the broader community in line with the NDIS Communication Plan.
- The Department is finalising an information security policy to support the execution of updated contractual arrangements with the Australian Criminal Intelligence Commission for the provision of criminal intelligence information for the purpose of NDIS worker screening.

Implementation status

- Generally on Track – Minor Issues / Risks

Emerging issues / Risks

- The DoJ is on track progressing the system integration, however remains dependent upon the NDIS Commission to fulfil all obligations to be operationally ready by 1 February 2021.

Outcomes for Tasmanians with disability

- The implementation of NDIS specific worker screening will protect and prevent people with disability from experiencing harm arising from poor quality or unsafe supports or services.

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.

Agencies reporting

- Office of the Director of Public Prosecutions (ODPP), Victims Support Services (VSS), Child Abuse Royal Commission Response Unit, Tasmania Legal Aid (TLA), Safe at Home (S@H)

Update on initiatives underway from 2018-19

- The need to address difficulties faced by people with disability in the justice system was a large part of the original business case for the Witness Assistance Service (WAS) in 2007.
- The ODPP Guidelines state that at the earliest opportunity a prosecutor should give consideration as to whether a witness should be referred to the WAS for ongoing support.
- WAS resources are allocated according to need. Priority is given to those defined as special witnesses in the *Evidence (Children and Special Witnesses) Act 2001*, including persons with disability. Information is routinely collected to enable a prosecutor to make a special witness application. If approved by the Court, this provides scope for numerous ways in which the individual may be supported throughout criminal proceedings (using their video recorded statement to police as their evidence, giving evidence remotely by video link, having a support person present in court, pre-recording evidence etc.). The WAS will remain in support of the individual throughout all contact with the ODPP.
- The ODPP noted that Prosecution agencies ‘*should recognise that children with a disability are at a significantly increased risk of abuse, including child sexual abuse*’ (Royal Commission into Institutional Child Sexual Abuse, recommendation 27f). Victims and witnesses with disability continue to be a top priority for the Office. The relationship between Police, the Courts and the WAS has been strengthened to ensure these individuals are supported on an ongoing basis and handled sensitively. For example, it is routine for Police or Police Prosecution to contact the Service to organise meetings with witnesses with an intellectual disability before any court process commences. Other agencies, such as Child Safety Services, are also starting to engage the Service in case conferences and meetings for relevant parties.
- The ODPP and VSS also continue to have a cooperative approach in dealing with victims of crime. This includes a readily available counselling service throughout the state and appropriate information sharing so that victims do not need to recount traumatic events again, as well as information in relation to compensation and the eligible persons register. Cooperation between Court Support Services and the WAS has allowed information to be given at short notice in relation to the outcome of bail applications in family violence matters and for the wishes of the complainant to be passed on to the prosecutor in a timely manner. As per the previous report, one of the difficulties in assisting those with

disability was because the Service was largely provided in the Supreme Court. That issue is addressed under Action 3.

- As noted under Action 2, the WAS intends to collect specific data on assistance to people with disability in the 2020-21 financial year.
- The Second Annual Report against the Disability Justice Plan noted an emerging issue relating to the release of the RMIT's Centre for Innovative Justice review of the Victorian ODPP's communication with victims. The RMIT review ([Communicating with Victims about Resolution Decisions: A Study of Victims' Experiences and Communication Needs](#)) has now been released and the recommendations of the review are being considered by the ODPP.
- In 2019-20, the scope of the Pilot Intermediary Scheme has been determined to include children and adults with communications needs other than linguistic diversity.
- A significant part of this reform project is to provide expert advice to courts on appropriate accommodation of the needs of children or people with disability to reduce the trauma involved with participating in the criminal justice system for victims and witnesses with special needs and to assist such people engage with criminal justice legal processes and reduce the trauma of doing so.
- Additional information in relation to the Pilot Intermediary Scheme is included under Action 12.
- VSS offices are accessible for people living with disability. Trauma specialist counsellors make themselves available where required to attend visits with a client off site, e.g. at home where the client is not able to attend in person because of disability. Outreach services are also provided to victims in hospital as a result of a crime.
- VSS use the National Relay Service where clients require support to access services. Clients can also attend appointments with a support person or advocate.
- Victims of Crime Counsellors and Court Support Staff all attend professional training and debriefing on a regular basis. Key staff have completed plain English training and Victims of Crime Counsellors have attended a speech pathology workshop focusing on oral language competence and restorative justice, including for young offenders, those with an intellectual disability, acquired brain injury or specific language impairment.
- VSS has developed excellent working relationships with key stakeholders including the ODPP and Tasmania Police (TASPOL).

New initiatives during 2019-20

- The WAS started within the ODPP in July 2008. The Service originally included a Manager and Officers in Hobart, Launceston and Burnie. In accordance with the original plan, the qualifications of staff have included a mix of social work, law, disability advocacy, psychology, and counselling. These qualifications have recently expanded to include investigative experience within TASPOL and further lived experience of disability.

- The policing experience improves ongoing collaboration with TASPOL and a more detailed understanding of the police process in responding to violence, abuse and neglect of people with disability. Lived experience of disability ensures that WAS officers have a thorough understanding of the challenges people with disability face, both external to and within the justice system. It also enhances contacts and networks within the disability sector that can support a person with disability through the court process. The WAS has extensive contacts with other agencies who have expertise in disability and engages their support where possible.
- In February 2020, the TLA Senior Assist Service (formerly Older People’s Legal Service) employed a case manager who has extensive experience in providing social work services to older people. A second case manager is also being recruited in the North of Tasmania. Case managers provide psycho social assessment, risk assessment and referrals for support. Case managers identify ongoing supports required to deal with trauma and provide appropriate access to supports.
- TLA has initiated discussions with TASPOL about prosecution of elder abuse matters and is working closely with them and clients who wish to pursue matters where funds have been stolen, where restraint orders are required or where abusive family members are refusing to leave the older person’s residence.
- The Court Support and Liaison Service is funded through Safe at Home. The role of the Service is to provide support to victims of family violence and guide them through the justice system, before, during and after court appearances. Additional government funding specific to family violence in response to the COVID-19 pandemic has been announced. Safe at Home applied for a family violence funding package which incorporated a request made by the Court Support and Liaison Service for the North/North West and South. Funding has been extended for the additional position in the South for 12 months. This initiative also includes funding for an additional Court Support and Liaison Officer for the North/North West for a period of 12 months.
- Two units operating within VSS, the Victims of Crime Counselling Service and the Victims Assistance Unit, provide assistance to victims of serious violent crime. In addition, the Court Support and Liaison Service provides support and assistance to victims of family violence while their matter progresses through the justice system. A proportion of service users present with disability. Clients’ needs may be complex and they may present with a range of psychological issues such as post trauma symptoms and mental health issues, including, anxiety and depression, as a result of traumatic assaults and abuse.
- In the second quarter of 2019, VSS commenced a review of the data sets collected by the Victims of Crime Service and the Court Support and Liaison Service in conjunction with the Department of Justice Reporting Analysis and Modelling team in order to enhance its reporting capability. Victims Support Services acknowledges it is important that new data workbooks, when rolled out, should include capacity to record where a victim has disability and to enable information to be collected about the disability status of clients. It proposes commencing with data sets guided by the disability types and descriptors used

by National Disability Services, taking an impairment of functioning approach (based on client's self-reporting) as follows:

- Intellectual
 - Physical
 - Mobility
 - Acquired brain injury
 - Cognitive impairment
 - Neurological
 - Vision
 - Hearing
 - Speech
 - Psychiatric
 - Psychological
 - Developmental delay
- The new workbooks will be implemented from 1 July 2020. VSS will introduce the new workbook for the Court Support and Liaison Service first, followed by the Victims of Crime Service.

Implementation status

- Generally on Track – Minor Issues / Risks
- The Pilot Intermediary Scheme is on track for commencement in late 2020/early 2021 subject to the passage of legislation amending the *Evidence (Children and Special Witnesses) Act 2001* in the Tasmanian Parliament.

Emerging issues / Risks

- Currently relationships between agencies are largely informal and could benefit from set policy being developed around supporting victims and witnesses with disability.
- Successful and timely recruitment of appropriately skilled individuals to train as intermediaries.
- Delivery of effective training of intermediaries in the context of COVID-19 travel and social distancing restrictions.
- TLA Senior Assist staff are based in Launceston and Hobart and focus on service provision in these areas. They have limited capacity to meet the needs of people in the North West and other rural and remote areas of Tasmania.
- TLA's older clients often have disabilities that are barriers to them accessing court processes where they are applicants or witnesses. While TLA can provide case management support and assistance, it does not have the capacity to represent clients at

court apart from through existing programs. For example, representation on restraint orders for people experiencing elder abuse is restricted to the most serious matters on a case by case basis.

Outcomes for Tasmanians with disability

- The WAS is enhancing capacity to participate in the criminal justice system.
- Additional funding to strengthen support for victims of family violence in the South, North and North West of Tasmania will benefit victims with disability. Improved data collection by VSS will identify emerging trends, with a particular focus on client needs and supports required to enhance service delivery for people living with disability.

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

Agencies reporting

- Tasmania Law Reform Institute (TLRI), Communities Tasmania (CT), Department of Justice (DoJ), Tasmania Legal Aid (TLA)

Update on initiatives underway from 2018-19

- The TLRI has now published and provided to the Government all relevant reports foreshadowed in its earlier reports to the Premier’s Disability Advisory Council.
- The Institute has reviewed Tasmanian laws in a number of areas relevant to the legal barriers to the prosecution of offences involving violence, sexual exploitation, abuse or neglect against people with disability. These areas include the use of intermediaries/communication assistants for people with communication needs involved in the criminal justice system as victims, witnesses and suspects and pursuant to the *Guardianship and Administration Act 1995*.

New initiatives during 2019-20

- 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.
- Of note, the TLRI’s Final Report recommended that:
 - the definitions of fitness to stand trial and the defence of insanity should be changed.
 - forensic orders – which can be used by the Court following a special hearing or a finding of ‘not guilty by reason of insanity’ in a regular trial – should not be indefinite but rather have a time limit.
 - the test of ‘fitness to stand trial’ takes a more supportive approach and shifts from the current focus on cognitive capacity to a supported decision-making approach.
 - the ‘defence of insanity’ should be renamed the ‘defence of mental or cognitive impairment’ to fit current medical knowledge and language.
- The Report’s recommendations are being considered by the Government.
- The TLRI is participating in an advisory capacity on the Department of Justice Committee establishing an intermediary scheme for Tasmania. Ms Kim Baumeler is the Institute representative on the Committee for that purpose.
- For an update on the status of the Pilot Intermediary Scheme, please see Action 12.
- The Institute has made a range of recommendations regarding a rights-based approach to developing a legal response to address and remedy elder abuse and neglect.

- It has also undertaken work as a lead partner in the University of Tasmania's Preventing Elder Abuse Tasmania Research group and is involved in interdisciplinary research focused on the prevention of and remedies for Elder Abuse and Neglect.
- Additionally, the TLRI is engaged in cross-jurisdictional research with the South Australian Law Reform Institute to review and evaluate the intermediary program in South Australia and the pre-trial recording process in Tasmania for children and vulnerable witnesses provided by s6A *Evidence (Children and Special Witnesses) Act 2001* (Tas).
- The Institute has obtained a Department of Communities Tasmania (CT) grant to investigate institutional responses to elder abuse.
- Tasmania's new Elder Abuse Strategy - [Respect and Protect Older Tasmanians: Tasmania's Elder Abuse Prevention Strategy 2019 – 2022](#), was launched in 2019 is supported by key actions, identified in consultation with the State-wide Elder Abuse Prevention Advisory Committee (SEAPAC). The Strategy draws together the key outcomes of previous work extending over the past fifteen years to create a new Strategy that incorporates five key themes: Awareness, Action, Support, Empowerment and Safeguards. A new, contemporary awareness campaign and stand-alone website are among the key priorities of this new strategy.
- The Tasmanian Government committed \$850 000 from the 2019 – 2020 Budget to ensure that the key priorities of the strategy and supporting actions could be achieved, recognising the importance of respecting and protecting Tasmanians as they grow older.
- TLA is a member of the collaborative state-wide Elder Abuse Policy Advisory Committee led by CT that reports to the Minister. TLA is part of a working group investigating safeguarding legislation to prevent and respond to elder abuse.
- The DoJ has commenced a review of Tasmanian legislation to identify gaps in safeguarding provisions regarding the current response framework aimed at preventing or responding to abuse, neglect or exploitation of older persons. CT provided funding for the appointment of a Project Officer in September 2019 to lead the review. A Safeguarding Advisory Group has been established under SEAPAC to act as a reference and advisory group to assist the Department in the review. It is anticipated that a draft Options Paper will be completed for consideration in late 2020,

Implementation status

- On Track – Progressing Well

Emerging issues / Risks

- The TLRI notes that there is a pressing need for an intermediary/communication assistant scheme for Tasmania and that any scheme should operate across the entire criminal justice process, including during interactions with the police, legal counsel, courts and at trial. The Institute is also of the view that such a scheme should apply to suspects, defendants, witnesses and complainants. A commitment from key agencies will be

essential (additional information in relation to the status and scope of the Pilot Intermediary Scheme is included under Action 12).

- The review of pre-trial recordings has been delayed pending resolution of discussions with the TLRI on appropriate parameters and scope of their review and ethics approval, so that formal approval may be given by Government. The DoJ is engaged with the TLRI on the development of appropriate conditions to ensure confidentiality of vulnerable witnesses to progress these steps.

Outcomes for Tasmanians with disability

- Implementation of an intermediary scheme will improve the quality of, and access to, justice, for all participants within the criminal justice system, greater protection from predation resulting from an increased opportunity to prosecute offences against people with communication needs, improved access to justice for witnesses and complainants with communication needs and reduced likelihood of unjust convictions.
- An evidence-based understanding of the strengths and weaknesses of the pre-trial recording process will provide the foundation for its development should that be warranted.

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 reporting

- Tasmania Police (TASPOL), Safe at Home (S@H), Community Corrections (COMCOR), Tasmania Legal Aid (TLA)

Update on initiatives underway from 2018-19

- The Premier's Disability Advisory Council (PDAC) noted in its 2019 feedback that TASPOL captures a victim's disability status and requested data (note: this is addressed in Action 2) or examples of tailored service provision. PDAC also requested a more detailed response to understand the progress made in implementation and whether an 'improved response to the needs of people with disability who are at risk of experiencing family violence' has been achieved.
- As noted in Action 2, under the Safe Families Coordination Unit (SFCU) model, each agency conducts a daily analysis of information held by that agency, regarding all parties involved in an incident. TASPOL sources information from the Family Violence Management System, which includes any disability information recorded by the reporting officer. A strategic, coordinated assessment of all relevant information is then conducted and any identified actions are progressed. This means that where disability is highlighted by a participating agency, the Integrated Case Coordination process can provide the information in a consolidated report. If a victim with disability has been identified, that information is provided to the relevant support agency for appropriate interventions and ongoing support.
- The capacity of the SFCU model to interrogate a broader range of information sources from other agencies has provided a more comprehensive and consolidated response to meet the needs of people with disability. Anecdotally, the collaborative approach to information sharing among relevant agencies has assisted in providing support to victims with disability in a more coordinated and timely manner. However, no specific analysis of data or outcomes for those with disability has been undertaken to date. The SFCU will manually collect information to identify a case study to demonstrate the progress made on this action.
- In addition to the progress of the SFCU, TASPOL notes the utility of new equipment, such as tablets and body worn cameras, to operational police officers. Anecdotally, the implementation of these resources has had a positive effect on police interactions with people with disability as the new technology allows police officers the capacity to capture evidence more effectively and accurately. It also reduces the need for people to attend or be transported to a police station regardless of whether they are witnesses or victims.

New initiatives during 2019-20

- In April 2019, COMCOR took over responsibility for the monitoring of family violence perpetrators subject to electronic monitoring as a condition of their Family Violence Orders. Victims are, in some cases, also offered the opportunity to carry a monitored device. This has proven a successful program that has supported COMCOR and TASPOL to respond effectively to a range of alerts to prevent a range of potential family violence incidents across the period of the program to date.
- With support from S@H, 41 COMCOR officers undertook additional training in relation to a family violence assessment tool. This has led to a review of current practices in the use of this tool within the organisation. Currently a project is underway to look more broadly at the implications for case management that arise through assessment under the tool. A key criterion for assessment, and subsequent case management that will arise as a result of this project, concerns vulnerability issues associated with both victims and perpetrators who are currently living with disability. It is anticipated that this project will be rolled out across 2020-21.
- The S@H Coordination Unit has been administering the National Keeping Women Safe In Their Homes initiative in Tasmania since 2016. This program provides security upgrades to the homes of women experiencing family violence in order to support them to feel safe remaining in their own home or a home of their choice.
- In 2019-20, the S@H Coordination Unit worked with the Department of Social Services to expand the use of the funding to include the provision of disability upgrades to properties where a woman needs to leave her home, but is prevented from doing so due to a lack of readily available suitable homes that can meet the disability specific needs of the woman or a child in her care.
- Disability upgrades may include, but are not limited to, installation of ramps, widening of doorways, grab rails or specific modifications to bathrooms. This funding is designed to accommodate any immediate needs where NDIS funding is not available straight away. This initiative was approved at the end of April 2020, and will be rolled out with the 2020-21 budget allocation for the Keeping Women Safe In Their Homes funding.

Implementation status

- On Track – Progressing Well
- The TASPOL Body Worn Camera Project and SFCU processes have been completed.
- The electronic monitoring program has been implemented. Projects in relation to assessment tools and subsequent changes to practice are ongoing, but the external training has been delivered to staff and has broadened the scope of case management activities. It is anticipated that these will be complemented and enhanced through ongoing work in this area.

- The expansion of the Keeping Women Safe In Their Homes funding to include disability upgrades has been communicated to all key referring agencies. There have been no disability upgrade applications received to date.

Emerging issues / Risks

- TLA has noted that Tasmania's family violence legislation, unlike that in many other states, does not apply to relationships other than intimate partner relationships. The most common type of abuse of seniors is financial combined with emotional and/or physical abuse. Abuse is most commonly perpetrated by an adult child of the older person.
- The remedies, supports and collaborative resources available to victims of family violence are not available for people who are experiencing abuse perpetrated by someone who is not an intimate partner. This leaves the option of applying for a restraint order and the process is often too difficult or overwhelming for people to navigate themselves. There is no specific funding for these applications, and assistance can only be provided in the most serious cases.
- The Family Violence Management System has a tick box to indicate a known disability. However, there is no additional capacity to provide data to demonstrate an improved response. As noted above, the SFCU will manually collect information to identify a case study to demonstrate the progress made on this action.
- The Public Guardian has noted that while people with disability are at an increased risk of experiencing family violence, the *Guardianship and Administration Act 1995* gives the Public Guardian very limited powers to investigate allegations and concerns.

Outcomes for Tasmanians with disability

- The implementation of these initiatives is delivering a more coordinated response by relevant government agencies to the needs of people with disability who are experiencing or at risk of experiencing family violence.
- COMCOR and partner organisations have enhanced their ability to identify family violence risks early and to respond effectively.
- The expansion of the Keeping Women Safe In Their Homes funding is removing a potential barrier to being able to leave an abusive relationship.

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

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.

Agencies reporting

- All Agencies.

Update on initiatives underway from 2018-19

- An update on the review of the Tasmania Police Guidelines for Interacting with People with Disability is provided in Action 16.
- Details of Magistrates Court and Supreme Court (SUPCRT) relationships with support and legal services are discussed under Action 5.
- Please also refer to reporting against Actions 5 and 12 in relation to Community Tasmania's funding of Individual Disability Advocacy.
- The Pilot Intermediary Scheme, outlined in more detail under Action 12, is also relevant.
- The Office of Public Guardian (OPG) caseload as at 30 June 2020 was 311.

New initiatives during 2019-20

- The OPG continues to provide information and education services to the general public and to service providers in the health, aged care and disability sectors. The education work focuses on ensuring alternatives to the *Guardianship and Administration Act 1995* formal substitute decision-making provisions are understood and utilised wherever possible.
- The OPG's guardians have all undertaken education in supported decision-making by NSW Public Guardian's specialist trainer, with senior guardians also completing a short "train the trainer" course. Rolling out supported decision-making training to service providers has stalled due to COVID-19 restrictions.
- The OPG is available to provide support and guidance to private guardians, both Board-appointed and those appointed by the person themselves under an enduring instrument.
- The Video Project outlined under Actions 1 and 3 will provide an additional mechanism to assist people with disability to understand and participate in legal processes.
- Equal Opportunity Tasmania continues to educate disability services and advocacy providers to support people with disability to exercise their rights under the Anti-Discrimination Act.
- In the period 1 March 2019 to 30 April 2020, Tasmania Legal Aid (TLA) represented 369 clients with disability on applications before the Mental Health Tribunal (MHT),

Guardianship Board and SUPCRT. All of these matters involved assisting clients to exercise their rights and participate in the legal process.

- MHT Registry staff contact patients prior to hearings to confirm attendance including how they will attend (in person, by phone, video etc.) and continue to provide patients with information about accessing legal services and advocacy at the earliest stages of interaction with the Tribunal and on an ongoing basis. The Tribunal also provides information to clinical facilities for distribution.
- Work has recently commenced in relation to first tranche recommendations made by the TRLI in the review of the *Guardianship and Administration Act 1995*, including consideration of the options for implementation of Part 5 recommendations regarding a legislative framework for Advanced Care Directives to provide for future medical treatment or healthcare decisions where a person no longer has capacity.
- Additionally, as part of the Department of Justice's review of Tasmanian legislation to identify gaps in safeguarding provisions noted under Action 9, an options paper will consider the need for implementation of relevant TRLI recommendations regarding the expansion of the role of the OPG to strengthen and improve the legislative framework.

Implementation status

- Generally on Track – Minor Issues / Risks

Emerging issues / Risks

- TLA Mental Health lawyer positions are funded to 31 December 2020 and will require additional funding if this service is to continue. Part of the cost of providing this service is met from a grant from the Solicitors' Guarantee Fund, with the remainder covered from core funding.

Outcomes for Tasmanians with disability

- 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.
- The work undertaken by the OPG to support private guardians and to foster supportive decision-making promotes the option least restrictive of the person's freedom of movement and decision, and encourages decisions consistent with the person's will and preferences.

Action: Providing access to advocacy and communication support

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

Agencies reporting

- All Agencies.

Update on initiatives underway from 2018-19

- Both the Magistrates Court (MAGCRT) and Supreme Court (SUPCRT) continue to provide appropriately qualified interpreters for language and hearing impaired individuals needing communication support during court proceedings.
- Magistrates, Judges and Court staff attended the Judicial Council on Cultural Diversity in mid-2018 which discussed National Standards for Working with Interpreters in Courts and Tribunals. The MAGCRT is committed to reviewing its current practices and procedures against those standards, including ensuring that appropriate and accessible information is available to the public on the website and at registry locations state-wide.
- As detailed under Action 5, the MAGCRT has developed and maintains relationships with specific advocacy and legal support services to assist individuals requiring assistance and support appearing before the Court including:
 - Duty Lawyer Service (Hobart)
 - Community Legal Centres state-wide
 - Witness Assistance Service
- 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.
- One of the key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse was that state and territory governments should establish witness intermediary schemes for any prosecution witness with a communication need in a child sexual abuse prosecution.
- The introduction of an Intermediary Scheme will require both a legislative and a procedural change to the criminal justice system in Tasmania. As part of the implementation of the Scheme, a Steering Committee with wide ranging membership from across the justice system has been established. The Pilot Intermediary Scheme Steering Committee is responsible for providing advice to the Department of Justice on effective implementation of the Scheme.
- In March 2020, the Government released the Evidence (Children and Special Witnesses) Amendment Bill 2020 for public consultation. The Tasmanian Government has now

committed to trial a three year Witness Intermediary Scheme with targeted application, so as to ensure demand can be managed, while ensuring a high quality of service provision. The Government will evaluate the operation of the Pilot at the end of the three year period.

- The Tasmanian Government has determined that the Pilot will apply to:
 - all children under the age of 18 years participating in the criminal justice process as victims or witnesses (other than defendants) in sexual offence matters and/or matters under Part XVII of Schedule 1 of the *Criminal Code Act 1924*
 - adults with communication needs (other than linguistic diversity) participating in the criminal justice process as victims or witnesses (other than defendants) in sexual offence matters and/or matters under Part XVII of Schedule 1 of the *Criminal Code Act 1924*
- Further, the Tasmanian Government has determined that the Pilot will:
 - operate state-wide
 - give victims and witnesses using an intermediary the same protections as an ‘affected person’ and ‘affected child’ under the *Evidence (Children and Special Witnesses) Act 2001*
 - mandate the use of ground rules hearings for victims and witnesses using an intermediary
 - include victims and witnesses using an intermediary as a class of persons for whom ‘exceptional circumstances’ are required for them to be examined in a preliminary proceeding
- Tasmania Police (TASPOL) officers regularly receive advice on the availability of advocacy and support mechanisms. Information sheets and brochures are maintained at customer service, muster room and charging facilities to ensure ready access by members of TASPOL interacting with people with disability. Section 5.25 of Abacus also refers officers to 2.26 of the TASPOL Manual and a ‘comprehensive list of advocacy, legal, health and other services at www.findhelptas.com.au.’
- TASPOL officers refer to resources such as the ‘Interviewing Witnesses and Suspects Guidelines’ for protocols and requirements for interviewing people with disability. The Guidelines advise that if a person with disability is identified, appropriate advocacy for that person should be sought, such as a parent, guardian or other independent adult support person. The Guidelines also specify that, where possible, the interviewing of a victim, witness or suspect identified as being intellectually or cognitively impaired should not be undertaken without an independent person being present. Prior to any interview being conducted, members are to obtain advice from, or the services of, a member who has been trained in interviewing vulnerable witnesses.
- As mentioned in Actions 2 and 10, the Safe Families Coordination Unit in partnership with other agencies works collaboratively to provide the best available information about higher risk family violence incidents. The shared information can include information on

persons with disability, both as a victim or a perpetrator. This information is disseminated to partner agencies in the form of a multi-agency report (MAP) with recommendations as to further action, which could include appropriate advocacy support and access to relevant information.

- If a departmental employee with disability requires access to wellbeing assistance, the Director, Wellbeing Support can provide advocacy support to that individual. The advocacy can be both for those engaged in the justice system or in general.
- Though not directly related to the justice system, TASPOL regularly assist applicants with disability through the process for obtaining a firearms licence. This is achieved through liaison with TasTAFE and other support services to ensure a person with disability can be supported successfully through the Firearms Safety Training Course. No data is available in relation to this service.
- The Mental Health Tribunal continues to provide information to patients either in writing and/or verbally about advocacy services. Registry staff speak with patients about options to have support people or family members attend hearings. They also identify, by reviewing applications and speaking with Case Managers through the Tasmanian Health Service, whether an interpreter is required.
- Equal Opportunity Tasmania (EOT) has maintained connections with referral agencies that are equipped to support people with disability through the justice system e.g. Disability Discrimination Solicitor - Launceston Community Legal Service.

New initiatives during 2019-20

- The Department of Communities Tasmania provides funding to three organisations, Advocacy Tasmania, SpeakOut Tasmania and the Association for Children with Disability to provide Individual Disability Advocacy. Current funding has been extended until 30 June 2021. New Funding Agreements are in place. Work at a national level is ongoing with regard to developing future models for Individual Disability Advocacy and clarification of future funding arrangements.
- Community Corrections' (COMCOR) current staff training program contains a session on the use of Plain English. A training needs analysis undertaken by the organisation supported the inclusion of this program, among a number of other measures. COMCOR has resourced a position to deliver an enhanced training program for the organisation across 2020.
- COMCOR will actively work with an individual's support services in the case management and planning of their engagement throughout the period of their order. Tools and templates have been enhanced to ensure officers gain significant relevant information around an offender's different abilities and supports to assist with planning and management. Where it will enhance an offender's participation in supervision and case management, officers engage with external agencies and advocacy organisations to assist offenders to actively participate in supervision.

- As outlined earlier, hearing loops will be available at the new Tasmanian Civil and Administrative Tribunal premises.
- Correctional Primary Health Services provides a booklet to all new prisoners which contains information relating to advocacy and communication support. The booklet has been reviewed and updated and a copy is included at Attachment 2.
- The booklet is tailored to those with poor literacy skills and is reviewed by peer and consumer groups.
- If the booklet is beyond the individual's ability to understand, the Tasmania Prison Service allocates a case officer to assist. This ensures the booklet is accessible to all prisoners with disability.

Implementation status

- Generally on Track – Minor Issues / Risks
- The Pilot Intermediary Scheme is on track for commencement in late 2020/early 2021 subject to the passage of legislation amending the *Evidence (Children and Special Witnesses) Act 2001* in the Tasmanian Parliament.
- The development of future funding models with regard to advocacy is likely to be delayed due to COVID-19.

Emerging issues / Risks

- COVID-19 changes to court process, the introduction of Zoom etc., may make it more difficult but can also facilitate better access by persons with disability. These issues will be considered for ongoing implementation to allow expanded communication options for court users.
- Successful and timely recruitment of appropriately skilled individuals to train as intermediaries.
- Delivery of effective training of intermediaries in the context of COVID-19 travel and social distancing restrictions.
- While funding and the current advocacy delivery model have been extended for a further year there is ongoing uncertainty arising from work at a national level. The Tasmanian Government maintains a commitment to the future of Individual Disability Advocacy.
- The uncertainty of funding for Community Legal Services is an ongoing concern for EOT. These services are vitally important for people with disability wishing to seek legal advice when pursuing a discrimination complaint.

Outcomes for Tasmanians with disability

- Introduction of the Pilot Intermediary Scheme will ensure Tasmanians with disability will be able to more effectively engage with the criminal justice system and will provide best evidence promoting improved pathways for Tasmanians with disability to access justice.

The early management of communications needs will assist Tasmanians with disability by mitigating the trauma associated with the criminal justice process.

- Individual Disability Advocacy outcomes include ensuring that people with disability, their families and carers have a voice and are better placed to make informed decisions about things that impact their life circumstances.
- COMCOR's approach to addressing structural inequities in access is further enhancing individualised advocacy support for offenders while upskilling staff to reduce barriers to offender engagement.
- TASPOL officers have knowledge of available services and supports to provide to persons with disability.

Action: Developing disability responsive legal services

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

Agencies reporting

- Tasmania Legal Aid (TLA), Community Legal Centres (CLCs)

Update on initiatives underway from 2018-19

- TLA efforts to provide communication in plain English are ongoing.
- Managers at TLA have undertaken plain English training. Clear communication will be a feature of the new strategic plan.
- In relation to Premier's Disability Advisory Council query regarding data on the number and proportion of clients with disability using the specialised Elder Abuse Unit and Older People's Legal Service, a system to gather data is being implemented. Anecdotal information suggests that the majority of Senior Assist clients are living with a physical or psychological disability.

New initiatives during 2019-20

- As reported in 2019, a funding agreement is in place with the Department of Social Services to enable TLA to provide representation for clients with disability who are eligible for funding assistance under the National Disability Insurance Scheme (NDIS). Funding for the NDIS service has been extended to 30 June 2022.
- TLA will deliver training to staff to improve trauma informed service provision to senior Tasmanians who have experienced elder abuse. Many older clients have physical and psychological disabilities. Training through Blue Knot was scheduled for April 2020 for 30 participants. It has been postponed due to COVID-19 restrictions but will go ahead when interstate travel restrictions are lifted. It will be offered to staff in all programs within TLA and also to partners including Victims Support Services and Equal Opportunity Tasmania.
- All CLCs maintain accessible services for everyone in the community, particularly those who are disadvantaged, and encourage staff to attend any training to improve procedures for people with disability.
- The Tenants' Union of Tasmania now offers face to face off site appointments for tenants who have mobility issues or other disability in Hobart and surrounds, as well as in Launceston where funding from the Solicitors' Guarantee Fund has meant that the Tenants' Union has been able to open an office.
- The Women's Legal Service also offers face to face off site appointments where physically accessing the Service is difficult due to money or mobility related issues.

Implementation status

- On Track – Progressing Well. Estimated to be completed by 30 June 2021.

Emerging issues / Risks

- Nil.

Outcomes for Tasmanians with disability

- Tasmanians with disability who are experiencing or at risk of elder abuse will be more appropriately supported to achieve the outcomes they are seeking.

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

Agencies reporting

- Tasmania Legal Aid (TLA), Community Legal Centres

Update on initiatives underway from 2018-19

- TLA generally complies with Web Content Accessibility Guidelines (WCAG) but recognises that further work needs to be done in this area. TLA aims to ensure the website is WCAG compliant by the end of 2020.
- In its 2019 feedback, the Premier's Disability Advisory Council encouraged TLA to explore options to expand its video and face to face outreach clinics to the community including an information and advice clinic at the Administrative Appeals Tribunal (AAT) for National Disability Insurance Scheme appeal applicants. A clinic at the AAT was not implemented due to the low number of applicants. This is being reviewed.

New initiatives during 2019-20

- As outlined in Action 5, TLA clients will be assisted to make submissions to the Disability Royal Commission. Your Story Disability Legal Support will also assist people to understand the process and how they can participate.
- The Tenants' Union of Tasmania has prepared plain English videos for tenants who may have a learning difficulty or who are illiterate.
- The Women's Legal Service is designing audio resources for those struggling with their sight and/or literacy issues. It has Facebook live as an additional resource for those with sight issues and shorter attention spans.
- The Service is also reviewing its [Girls Gotta Know](#) and [Guys Gotta Know](#) sites and producing a series of podcasts, short videos and webinars.

Implementation status

- On Track – Progressing Well
- The Your Story Disability Legal Support service commenced in July 2020.

Emerging issues / Risks

- Nil.

Outcomes for Tasmanians with disability

- Increased access to legal information and advice is being provided to Tasmanians with disability through initiatives aimed at young men and women and those wishing to engage with the Disability Royal Commission through Your Story Disability Legal Support. The provision of information and advice will be further enhanced with the introduction of additional audio and visual resources and ongoing work on web accessibility.

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

Agencies reporting

- Department of Justice (Monetary Penalties Enforcement Service (MPES))

Update on initiatives underway from 2018-19

- The MPES has reported no known issues or concerns from people with disability.
- The Director of the MPES advises that the data previously provided in relation to Monetary Penalties Community Service Orders is not considered a good measure of whether the Service is assisting people with disability to address unpaid fines and notes that, for example, the option to pay by instalments is equally as helpful to persons with or without disability.
- Only one application was received during 2019-20. However, the MPES does not have data on whether the applicant was a person with disability.
- It remains the case that due to the legislative requirement the Director must first be satisfied that the person does not have the financial means to pay the monetary penalty.
- A formal jurisdictional survey is not currently planned. However, the Director of the MPES meets with representatives of other states and territories every two months and options for collection are discussed. There are currently no new options available for implementation identified by other jurisdictions.
- Where court fines are imposed, individual circumstances may be taken into account by judicial officers at the time of sentencing, including capacity to pay and time to pay. In regard to infringement notices issued by Police, Councils etc., the current options to apply to pay by instalments or apply to perform Monetary Penalties Community Service Orders remain available.

New initiatives during 2019-20

- Nil.
- The Director of the MPES would be happy to discuss the Action Item with the Premier's Disability Advisory Council.

Implementation status

- Completed

Emerging issues / Risks

- Nil.

Outcomes for Tasmanians with disability

- All Tasmanians who receive fines, including those with disability, have the option to apply to pay by instalments or to apply to convert their fines and perform Monetary Penalty Community Service Orders.

Action: Promoting disability responsive police practices

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

Agencies reporting

- Tasmania Police (TASPOL)

Update on initiatives underway from 2018-19

- TASPOL has reviewed the *Tasmania Police Guidelines for Interacting with People with Disability*.
- It was initially anticipated that the review would inform updates to the guidelines. However, it has been determined that new guidelines are required to provide additional and contemporary advice for operational police officers to identify and respond to those with disability, and that consideration should also be given to the development of a whole of Department resource.
- Research has commenced to understand what resources are available to draw on for the new guidelines and to understand the policing approach to those with disability in other jurisdictions.
- Preliminary research has indicated the breadth of issues that could be considered for inclusion in the guidelines, and a discussion paper will be developed for consideration by the Department's Disability Working Group on the scope and purpose of the new guidelines. The Working Group will also consider options for engaging with persons with disability in the development of the guidelines.
- TASPOL notes the Premier's Disability Advisory Council (PDAC) feedback that mental health and the use of alternative communication tools should be included in the revised guidelines.
- A number of actions in the Disability Justice Plan could be considered in the development of the new guidelines. These include Actions 1, 2, 3, 4, 5, 10, 11 and 12 as well as the specific Actions 16 and 17.
- It is expected that the development of the new guidelines will require updates to the TASPOL Manual, which currently includes a section on people with disability or impairment (section 2.26), as well as updates to relevant linked resources such as the 'Interviewing Witnesses and Suspects Guidelines'.
- TASPOL is currently working on a Discussion Paper to be provided to its Disability Working Group in September 2020, including a draft of the guidelines to be incorporated into the TASPOL Manual. Following endorsement by the Disability Working Group, consultation will be undertaken with PDAC and other stakeholders. Discussions in

relation to this process have commenced and it is hoped that changes can be endorsed for inclusion within the Manual by the end of 2020.

New initiatives during 2019-20

- The review of *Tasmania Police Guidelines for Interacting with People with Disability* has been completed.
- A discussion paper is being drafted to consider the scope and purpose of new guidelines for TASPOL, and possibly a resource for the broader Department.

Implementation status

- On Track – Progressing Well
- A discussion paper is being drafted to consider the scope and purpose of new guidelines for TASPOL and possible a resource for the broader Department.

Emerging issues / Risks

- Nil.

Outcomes for Tasmanians with disability

- Providing police officers with the resources to interact with people with disability appropriately at the first point of contact has the capacity to significantly improve the way people with disability experience the justice system.

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

Agencies reporting

- Tasmania Police (TASPOL)

Update on initiatives underway from 2018-19

- Information on the Specialist Interview course (previously Interviewing Vulnerable Witness course) is included in Action 1.
- The Premier's Disability Advisory Council (PDAC) requested further information on the scope of new training modules and the number of recruits trained.
- TASPOL, in conjunction with the University of Tasmania, has developed a new Recruit Training curriculum. Module 15 - Youth, Juvenile Justice and At-Risk People includes components that relate to persons with disability under the At-Risk populations section of the Module.
- The Module includes the following topics:
 - Vulnerable and At-Risk People
 - At-Risk Children
 - Mandatory Reporting
 - Juvenile/Restorative Justice
 - Community Respect Orders
 - Procedures for Child Offenders
 - Mental Illness
 - Vulnerability and Universal Precautions
- The Module learning outcomes are:
 - Understanding of theory, legislation, policy, procedures and protocols for dealing with vulnerable and at-risk people and juvenile offenders.
 - Understanding personal biases and the influence these can have on a police officer's performance.
 - Ability to interact with vulnerable and at-risk people, juvenile offenders and external reporting agencies in accordance with current legislation and TASPOL Manual policy.
 - Ability to complete all paperwork associated with the policing of vulnerable and at-risk people and juvenile offenders in accordance with current legislation and TASPOL Manual requirements.
- The Module is run over 48 sessions (40 minutes each).
- During 2019-20, 73 recruits received this training.

- PDAC also requested further detail on the range of topics covered in the training, such as mental health.
- Since 2016, two Department of Police, Fire and Emergency Management (DPFEM) Mental Health First Aid Instructors have trained 364 staff members. Every police recruit is now enrolled in the two-day course as part of their six-month training period at the TASPOL Academy. Mental Health First Aid training is also included in the training program for all Tasmania Fire Service recruit courses.
- DPFEM has been granted ‘Gold Mental Health First Aid Skilled Workplace’ status by Mental Health First Aid Australia in recognition of the number of staff members trained since the training was rolled out in 2016.
- Mental Health First Aid is now being complemented with the roll out of the Mental Health and Wellbeing Training for Managers, targeting 400 to 500 Emergency Services managers and supervisors. The course content includes topics such as depression, anxiety, psychosis, post-traumatic stress disorder (PTSD), substance-use disorder and suicidal thoughts, behaviours and interventions.

New initiatives during 2019-20

- The curriculum is reviewed regularly, but no significant changes have been made since the previous report.

Implementation status

- Completed.
- Built into ongoing training

Emerging issues / Risks

- Nil.

Outcomes for Tasmanians with disability

- TASPOL recruits understand how to interact with vulnerable and at-risk people in the justice system.

Action: Implementing disability responsive prosecution services

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

Agencies reporting

- Tasmania Police (TASPOL), Office of the Director of Public Prosecutions (ODPP)

Update on initiatives underway from 2018-19

- TASPOL and the ODPP have consulted regarding this Action Item. The ODPP concurs with comments provided by TASPOL.
- TASPOL remains committed to considering the recording of disability in system upgrades. The Premier's Disability Advisory Council (PDAC) requested clarification on this commitment, noting that it is not being considered as part of current system upgrades.
- In 2019, TASPOL reported that the most effective way to capture an offender's disability status is at the time of charging. The system used at the time of charging is Online Charging. Online Charging was to be considered as part of the second stage of Project Unify (a project to upgrade ageing departmental systems). However, the second stage of this project is unable to progress without further funding.

New initiatives during 2019-20

- Given the above, TASPOL committed to an internal review of systems that could be used to capture an offender's disability status and facilitate the notification of prosecution services. The internal review has confirmed that Online Charging is the most appropriate system, as this is the substantive system used to extract information for prosecution files. Further discussions indicate that it is possible to make a change to the current version of Online Charging. This could occur by adding a 'Disability Status' box to the offender personal details section of the Combined Brief and Fact Form. This information would then form part of the Police Brief, which would be provided to both TASPOL Prosecution Services and the ODPP. This would mean both parties would be aware of the disability status of alleged offenders.
- However, in order to fully consider the implementation of this action, further discussion is required regarding how police officers identify and define disability at the time of charging, whether it would capture known or disclosed disabilities, and what changes to existing business processes this may require. These discussions also relate to Actions 16 and 17, as changes may need to be incorporated into training.
- Consultation is being undertaken with PDAC to determine the 'disability types' which could be included in this notification process. As it will form part of an electronic recording platform, the disability type will need to be selected at the time of

charging/completing a summons file. There is some complexity to this, as identification of type must be user friendly but also allow for reasonably accurate reporting. There are also concerns around the most appropriate way to elicit this information from people with disability, noting that there is a right to privacy. Advice is being sought from PDAC in relation to this issue. TASPOL has also conducted research around disability types for this purpose and has incorporated some of this information into the drafting instruction for inclusion in the Police Manual. It is hoped this notification process will be in place by the end of 2020.

- While this action will result in improved knowledge of a person's circumstances during the criminal justice process, it is important to be clear that the only tangible way this information is expected to be used by prosecution services is to inform consideration of the progression of charges against alleged offenders.

Implementation status

- Generally on Track – Minor Issues / Risks

Emerging issues / Risks

- Further consideration of how notifications of witnesses/complainants with disability can be formalised.

Outcomes for Tasmanians with disability

- Improved knowledge of an individual's support requirements and increased awareness by police will ensure appropriate supports are provided to people with disability entering the justice system.

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

Agencies reporting

- Office of the Director of Public Prosecutions (ODPP), Supreme Court (SUPCRT)

Update on initiatives underway from 2018-19

- As per the previous report, the ODPP developed and implemented a policy on the use of video recorded witness statements as evidence. This included both the use of initial police video records of interview and pre-recorded evidence for trials in the SUPCRT.
- The Policy states that when dealing with a witness under 18 years of age, or a person with intellectual disabilities, or a victim of an alleged sexual offence or other crime of violence, or a person who is at some special disadvantage, consideration should be given, particularly with a child witness, to having their evidence pre-recorded.
- Pre-recorded evidence is completed in the absence of a jury. The witnesses are questioned by both prosecution and defence counsel (via video link) in relation to their evidence. This questioning is recorded and presented when a jury trial commences – hence the title ‘pre-record’.

New initiatives during 2019-20

- In 2020, the COVID-19 lockdown largely prevented face to face contact and jury trials were suspended. The lockdown has encouraged the increased use of technology for interaction with all witnesses, including those with disability.
- As COVID-19 restrictions are eased within Tasmania, priority has been given to the pre-recording of evidence in the SUPCRT. Pre-recording involves fewer people in the courtroom than jury trials (and therefore less risk of COVID-19 transmission). It also enables vulnerable witnesses, such as those with disability, to give evidence at a much earlier stage, therefore reducing the trauma of delay and anxiety caused by participation in a trial.
- Access to and the reliability of technology across all courts is constantly being improved. Over the past three years the SUPCRT has experienced an increase in the need to provide high definition (HD) visual recordings of court proceedings, mostly pursuant to the *Evidence (Children and Special Witnesses) Act 2001* where some sessions are pre-recorded. The requirement of HD recording is likely to further increase in the future.
- The Court has now fully commissioned and implemented an independent HD recording facility in all eight Supreme Courts. This offers high quality views from within the courtroom (witness box focus) as well as any of the three protected witness rooms around the State. The visual views use the video conference cameras, which already offer configurable zooms and perspectives.

- These upgrades have enabled vulnerable witnesses to give evidence in this jurisdiction in a manner than reduces the negative impact associated with participating in court proceedings.
- The use of the Videoconferencing Centre in Victoria by the ODPP has enhanced the use of video recorded statements and access for those with disability overall. This Centre has the ability to link an individual intrastate, interstate and overseas with the Tasmanian criminal justice system. It has been used to link witnesses living overseas with Tasmanian courts. It has also been used to improve access for vulnerable people.
- In one particular matter the complainant was a vulnerable child. Her caregiver, her mother, had significant physical disabilities. They were located in a remote area and had difficulty travelling to and accessing court. A video link was established by the Videoconferencing Centre at their local community centre and the vulnerable child gave evidence from that location with her caregiver present as support. Local support agencies were also present during the court appearance.
- There are some remaining barriers to the application of video recorded evidence in court, however a lot of work is being done to address this. Some barriers include:
 - Use of video recorded witness statements is wholly dependent on technology functioning at the time it is required. If it malfunctions it can cause a witness significant waiting time and additional stress, particularly if they need to return on another date or evidence has to be given again. All Tasmanian courts have addressed or are actively addressing this issue.
 - In some instances disability access is limited. In the Launceston SUPCRT for example there is no lift to the second floor where the video link room is located. There is a stair wheelchair lift, however it is frequently out of service. SUPCRT staff are aware of and actively working on this. A lack of disability parking is also an issue. The Hobart SUPCRT has also recently undertaken work to improve general access for those with disability (please refer to Action I for information in relation to accessibility improvements to Court buildings).
 - Evidence recorded in court is owned by the Court and the ODPP must request access to recorded material. This delays the overall process.
 - Different courts have differing technological capabilities. For example, the Burnie Magistrates/SUPCRT has the capability to record a witness watching their police video record of interview in real time – prior to being questioned on it. In other courts the witness has to watch the police video record of interview at other locations and times (e.g. the day before court). This extends exposure to the criminal justice system.

Implementation status

- Generally on Track – Minor Issues / Risks

Emerging issues / Risks

- Barriers outlined above.

Outcomes for Tasmanians with disability

- Improvements in policy and technology are providing improved access to the criminal justice system and reducing the negative impacts associated with participating in court proceedings.

Action: Adopting disability responsive court processes

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

Agencies reporting

- Magistrates Court (MAGCRT), Supreme Court (SUPCRT), Child Abuse Royal Commission Response Unit

Update on initiatives underway from 2018-19

- The MAGCRT already has access to the Witness Assistance Scheme (WAS) operated by the Office of the Director of Public Prosecutions (ODPP) to assist in identifying the particular needs of an individual with disability. Similarly, existing support services both in adult and youth jurisdictions can highlight for the Court the need for any alteration to proceedings required to accommodate appearances by victims, witnesses or offenders with disability.
- Once identified, internal case management and changes to court listings can be effected to facilitate any additional requirements. This may involve moving a matter to an alternative court to provide for additional space or access to audio or video equipment to improve and assist with evidence or conduct of the proceedings.
- Remote evidence “protected witness” facilities can also be utilised to accommodate vulnerable witnesses and facilities in both the Hobart and Devonport MAGCRT have been upgraded.
- Informal adjustments made by Magistrates on a day to day basis may include allowing a defendant or applicant to have a support person present to assist, adjourning a matter to an alternative date to provide more time for the proceedings if it is identified that interpreters may be required, or the ordering of specific reports or assessments prior to a further appearance to facilitate information regarding the identification of any barriers regarding capacity or ability of the individual to participate appropriately.
- Data is not currently collected specifically in relation to these informal adjustments due to limitations in the Court’s data management system. However, as noted under Action 2, as the Justice Video project progresses, it is anticipated information will be received from external disability organisations to assist the Court to review data collection processes and user resources to facilitate earlier detection of adjustments that may be required.
- As noted in Action 4, the SUPCRT has implemented formal case management and pre-recording of evidence to expedite sexual assault matters in cases involving children. Where a matter is listed in the SUPCRT and an individual is identified as requiring additional support, the Court will conduct more frequent directions hearings and other case management mechanisms to ascertain and accommodate the additional assistance a person with disability may require.

- As in the MAGCRT, Judges may make additional informal adjustments on a case by case basis to reduce any barriers to an accused, self-represented litigant or witness providing evidence or information to the Court during a proceeding.
- A recent example of these adjustments occurred where a self-represented accused with disability conducted their trial. The individual was supported by Court staff to ensure appropriate accommodation for the individual's wheelchair, the Court agreed to the presence of a support person and facilitated the presence of the accused's assistance dog during the proceedings. During the trial, the Court also facilitated extra breaks in proceeding to minimise additional burden on the parties and to accommodate the assistance dog.
- The ODPP Prosecution and Policy Guidelines are also relevant to this Action. Through the WAS, that Office engages the assistance of numerous external agencies to support people with disability coming into contact with the criminal justice system. Typically the person with disability will already have this support in place when first coming into contact with the Office and the WAS will ensure all parties are communicated with and involved as required.
- At times, the WAS will need to contact relevant services for support. This ensures that people with disability have the support to understand their rights, make decisions in relation to their legal rights and participate in the legal process. The agencies involved range from carers, advocacy groups, counsellors and government agencies to various support workers. These support workers are commonly involved in initial meetings at the ODPP, witness briefings, court tours and assistance at court itself during proceedings.
- For information in relation to the Pilot Intermediary Scheme, please see Action 12.

New initiatives during 2019-20

- WAS Officers are currently completing an on-line training course titled *Communicating with Vulnerable People in the Legal Setting* through Griffith University. This is aimed at improving their oral and written communication with people with disabilities, their carers and support workers.
- WAS is currently working on having information about its services and Victim Impact Statements published in Easy English format and made available on the WAS website. The Easy English package is likely to be completed by the end of 2021.

Implementation status

- On Track – Progressing Well

Emerging issues / Risks

- Nil

Outcomes for Tasmanians with disability

- Adjustments to court procedures when required is enhancing access to justice for all Tasmanians with disability and providing support to those individuals.

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

Agencies reporting

- Magistrates Court (MAGCRT), Supreme Court (SUPCRT), Office of the Director of Public Prosecutions (ODPP), Child Abuse Royal Commission Response Unit

Update on initiatives underway from 2018-19

- As noted under Action 12, the MAGCRT continues to provide communication assistance through interpreters for language and visually impaired court users, and can facilitate communication assistance for individuals with hearing and speech impediments.
- Details of these communication supports are available on the website and Registry staff state-wide coordinate support and assistance to individuals identified as requiring this support.
- Audio augmentation is available in all MAGCRTs and information is provided to court users on the website regarding accessing court proceedings via video link if there are barriers to an individual being physically able to attend court.
- The SUPCRT also provides communication assistance through interpreters and hearing impaired individuals appearing in any proceedings are supported through hearing loop technology.
- The SUPCRT has remote witness facilities and in some matters undertakes pre-recording of witness evidence to ensure witnesses only have to give evidence once, even if the matter is re-tried, and that witnesses have a definite date upon which to give their evidence to reduce the stress associated with delays, adjournments and uncertainty.
- The SUPCRT also provides facilities to enable a support person accompanying an offender or witness to appear in the courtroom or in the remote witness room if required.
- As noted under the previous item, data is not collected specifically in relation to these supports.
- The Court is able to provide communication aids such as hearings loops for all parties in a matter, as well as for jurors.
- The Court can make provision to assist people with various disabilities and a judge will ensure, where possible, that any additional assistance required is provided to ensure a jury member or party can take part effectively in the court process.
- There are no plans to provide interpreters for potential jury members. Section 6 of the *Juries Act 2003* states that a person who is unable to communicate in, or understand, the English language adequately is ineligible for jury service.
- The Witness Assistance Scheme is also relevant to this Action Item and is referenced in various Actions, including 3, 4, 8 and 20.

New initiatives during 2019-20

- As noted under previous actions, the most recent adjustments made by the MAGCRT to conduct proceedings via virtual platforms such as Zoom will be considered for ongoing implementation to allow expanded communication options for court users.
- In 2019-20, the scope of the Pilot Intermediary Scheme has been determined to include children and adults with communications needs other than linguistic diversity. This means that a communications assistant will be available for all children under 18 years and adult victims giving evidence in prescribed sexual crimes and homicide matters. The aim of this reform is to ensure clarity of evidence from victims and witnesses regardless of age or disability. Further detail in relation to the Pilot Intermediary Scheme is included at Action 12.

Implementation status

- Generally on Track – Minor Issues / Risks
- The Pilot Intermediary Scheme is on track for commencement in late 2020/early 2021 subject to the passage of legislation amending the *Evidence (Children and Special Witnesses) Act 2001* in the Tasmanian Parliament.

Emerging issues / Risks

- Successful and timely recruitment of appropriately skilled individuals to train as intermediaries.
- Delivery of effective training of intermediaries in the context of COVID-19 travel and social distancing restrictions.

Outcomes for Tasmanians with disability

- Court supports and adjustments are ensuring that Tasmanians with disability are able to engage more effectively with the criminal justice system and provide best evidence promoting improved pathways for access justice. This will be further enhanced with the introduction of the Pilot Intermediary Scheme.

Action: Implementing disability responsive youth justice services

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.

Agencies reporting

- Department of Communities Tasmania (CT)

Update on initiatives underway from 2018-19

- As previously reported this Action is complete.
- The Assessment Tool was jointly developed by the Departments of Education, Health and CT and was released as part of the launch of the Strong Families, Safe Kids Advice and Referral Line in December 2018.

New initiatives during 2019-20

- As this Action is complete, no further reporting is required.

Implementation status

- Completed.

Emerging issues / Risks

- Nil.

Outcomes for Tasmanians with disability

- The implementation of the new Assessment Tool is ensuring areas of greatest need are identified earlier, enabling faster access to support services.

23. Consideration of national and international research to develop an improved understanding of Foetal Alcohol Syndrome Disorder.

Agencies reporting

- Department of Health (DoH)
- The Department of Communities Tasmania was previously responsible for this Action. Responsibility has now transferred to the DoH.

Update on initiatives underway from 2018-19

- The DoH's Mental Health, Alcohol and Drug Directorate, in partnership with the Drug Education Network, facilitates a cross-sectoral Foetal Alcohol Spectrum Disorder State Coordination Group. The purpose of the group is to monitor and report on progress towards Tasmanian implementation of *The National Foetal Alcohol Spectrum Disorder Strategic Action Plan 2018-2028* and to develop a Tasmanian Foetal Alcohol Spectrum Disorder Action Plan which will align with the four national priority areas: prevention, screening and diagnosis, support and management, and priority groups and populations at increased risk. Development of the Tasmanian Foetal Alcohol Spectrum Disorder Action Plan will occur in 2020-21.

New initiatives during 2019-20

- Work has been underway to develop a new Tasmanian Drug Strategy. The Strategy is due to be released in 2021 and will include a specific activity to develop a Tasmanian Foetal Alcohol Spectrum Disorder Action Plan.
- The Tasmania Prison Service's Senior Psychologist is participating in the Foetal Alcohol Spectrum Disorder State Coordination Group.

Implementation status

- On Track – Progressing Well

Emerging issues / Risks

- Nil.

Outcomes for Tasmanians with disability

- Implementation of this Action will improve the quality of life for people living with Foetal Alcohol Spectrum Disorder and identify actions associated with prevention, screening and diagnosis to enable appropriate support and management.

Action: Promoting the rehabilitation and reintegration of offenders with disability

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.

Agencies reporting

- Community Corrections (COMCOR)

Update on initiatives underway from 2018-19

- The program established with the Job Network Service provider continues to support offender engagement in achieving employment outcomes, with the support of COMCOR officers. The program continued to deliver outcomes throughout the COVID-19 response period. While a number of businesses had limited their pathways for access and engagement, this program accepted 11 referrals, four of which remain active, and one person secured full time employment from the program.
- The Prisoner Rapid Rehousing and *Beyond the Wire* programs continue to be successful in supporting prisoners released to the community.
- COMCOR continues to work with the *Beyond the Wire* program to offer individualised case management support for offenders transitioning into the community.
- 12 properties are now available through the Rapid Rehousing program.
- *Beyond the Wire* has been able to support 22 people housed through the 12 state-wide properties provided by the Rapid Rehousing Program and has assisted a further 35 people living in private accommodation on their release from custody between the inception of the service in March 2018 and March 2020. Currently the program is working to support an active caseload of 48 participants, made up of cohorts in custody, in the community and actively transitioning from custody to the community, in order to achieve relevant outcomes.
- The Brain Injury Association of Tasmania continues its work on the development of their screening tool. COMCOR has not been further engaged to support that project, but remains committed to continuing to engage with the organisation when they make progress in this project to identify how a standardised assessment tool in this area can effectively support COMCOR processes. In March 2020, eight staff from Community Corrections engaged in training through the Brain Injury Association of Tasmania, made available through the established relationship with that organisation.

New initiatives during 2019-20

- In the 2019 report, COMCOR advised of a number of changes to case management that delivered enhancements to a range of tools and processes. To build on this work, resources are currently being engaged to review assessment templates for the remaining programs undertaken by COMCOR, including the Court Mandated Diversion program. It is anticipated that these will be fully implemented by the end of 2020.
- Updates to the Justice Offender Information System to include an NDIS checkbox and updates to assessment templates to assist in identifying offenders living with disability have been introduced. Currently there are 29 offenders being managed on community based orders who receive intervention through the NDIS. This ensures that case management plans are developed with an understanding of the offender's real and reasonable abilities and support needs.

Implementation status

- On Track – Progressing Well
- Work being undertaken in the Court Mandated Diversion space has a focus to achieve internal consistency in practices that have varied across the State. Early stages of this program are progressing well, but it is anticipated that this will be an ongoing investment for the organisation.
- Updates to the Justice Offender Information System have been completed.

Emerging issues / Risks

- Nil.

Outcomes for Tasmanians with disability

- These projects, independently and together, form part of a broader focus on targeted, individual case management by COMCOR to ensure activities are effectively responding to the individual needs of offenders, including those living with disability.

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

Agencies reporting

- Community Corrections (COMCOR)

Update on initiatives underway from 2018-19

- National Disability Insurance Scheme (NDIS) training and familiarisation sessions continued in the 2019-20 financial year, with a total of 67 officers attending these sessions throughout the period. This training supported the introduction of specific assessment questions to identify an individual offender's participation with the NDIS. This cooperation enhances case management and planning, ensuring that strategies to manage criminogenic risks and needs are implemented with regard to an offender's existing supports.

New initiatives during 2019-20

- A Training Needs Analysis identified a need for increased awareness of disability effective practices.
- COMCOR has employed a Learning and Development Manager to design, develop and implement training to address the identified risk areas and staff needs.
- All staff are required to complete the Disability Confident Workplaces training.
- As noted under Action 24, eight staff attended training with the Brain Injury Association of Tasmania to enhance their skills and understanding around working with clients with a brain injury.

Implementation status

- On Track – Progressing Well
- Work being undertaken by COMCOR in the development and implementation of the new training model for the organisation continues to be resourced to deliver a comprehensive and meaningful product. Progress continues to be made and is considered a long term investment for the organisation.

Emerging issues / Risks

- Nil.

Outcomes for Tasmanians with disability

- The training program for COMCOR will be developed and implemented in stages to provide ongoing training to staff working with people with disability. When the program is fully completed and delivered, it will enhance COMCOR officers' ability to identify and support offenders living with disability across Tasmania.

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

Agencies reporting

- Community Corrections (COMCOR)

Update on initiatives underway from 2018-19

- After the successful implementation of changes to the interview templates, work is currently being undertaken to review assessment templates for the remaining programs undertaken by COMCOR, including the Court Mandated Diversion program.
- It is anticipated that this will broaden the range of case management models that are delivered by COMCOR to target identified high risk and vulnerable cohorts.
- COMCOR actively works with an individual and their existing support services in the case management and planning of their engagement throughout the period of their order. Tools and templates have been enhanced to ensure officers gain significant relevant information around an offender's different abilities and supports to assist with planning and case management. Where it will enhance an offender's participation in supervision and case management, officers engage with external agencies and advocacy organisations.

New initiatives during 2019-20

- Work is currently being undertaken to model and design a case management framework. Work will continue to engage external stakeholders and partners in any updates to the program. Early stages of this program are progressing well, and it is anticipated that this will be an ongoing project for the organisation.

Implementation status

- On Track – Progressing Well

Emerging issues / Risks

- Nil.

Outcomes for Tasmanians with disability

- This project is part of a broader program by COMCOR to better deliver case management for enhanced accessibility. Through this range of initiatives, it is anticipated that COMCOR will be positioned to provide a tailored service to offenders engaged with the organisation, including to those living with disability, to reduce the likelihood of reoffending and support their wellbeing.

Action: Providing disability ready and responsive prison services

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

Agencies reporting

- Tasmania Prison Service (TPS), Correctional Primary Health Services (CPHS)

Update on initiatives underway from 2018-19

- The TPS is reviewing all its training for staff and will be implementing a new training calendar. It intends to introduce additional training for dealing with prisoners who have mental health issues, alcohol and drug addictions and acquired brain injuries in what can be a challenging environment. The TPS is already delivering resilience training to staff that will complement the planned new training.
- The 2019 Report noted a planned Australian Government project focused on how disability is identified and assessed in Aboriginal and Torres Strait Islander prisoners. As noted, the Department of Justice agreed to participate in this project. Work has been undertaken liaising with stakeholders and developing a project plan. Implementation of the plan is currently on hold due to COVID-19 and the restrictions around travel to Tasmania from interstate.

New initiatives during 2019-20

- The Disability Questions for Health Registered Nurse Tier 1 Assessment Correctional Health Services form has been improved to capture relevant and vital information pertaining to each individual prisoner (see Action 1). This will aid in earlier identification of prisoners with disability and allow for early intervention with support services.
- As noted in Action 2, in order to help monitor the supports and presence of a person with a cognitive disability while the Justice Connect program is developed, the TPS has implemented an excel spreadsheet.
- As at 4 May 2020, there were 41 people in custody on the database, 36 of whom had a confirmed diagnosis of an acquired brain injury, intellectual disability, psychosocial disability, autism spectrum disorder or foetal alcohol syndrome disorder. The remaining five have suspected disability (based on screening assessments).
- Of the 41, 18 were current National Disability Insurance Scheme (NDIS) participants, four of whom were supported to access the scheme while in prison. For another four people, the TPS was gathering the evidence required to support an Access Request Form and another five have indicated a potential interest in applying for the scheme.

- TPS Integrated Offender Management Unit staff continue to work with these individuals to assess the impact of their disability and to gain evidence to support the presence of disability.
- CPHS works closely with the TPS Therapeutic Services Unit during screening and assessments of prisoners to identify the presence of disability and to ensure those identified are actively supported and referred to appropriate services when required.
- Multidisciplinary team meetings occur with essential services to monitor prisoners' progress and to ensure appropriate referrals are made and followed through.
- CPHS provides supplementary documentation required to support prisoners' NDIS applications and works closely with TPS Integrated Offender Management staff who manage NDIS for prisoners.

Implementation status

- Generally on Track – Minor Issues / Risks

Emerging issues / Risks

- An ongoing issue remains the sharing of information between existing systems and development of an encompassing disability management system. Lack of progress in this area is noted and has been impacted by the response to COVID-19 as well as by limited general resources.

Outcomes for Tasmanians with disability

- Improved screening and assessment is ensuring that supports and adjustments are provided to people with disability in custody as soon as possible.

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

Agencies reporting

- Tasmania Prison Service (TPS), Correctional Primary Health Services (CPHS)

Update on initiatives underway from 2018-19

- Monthly Disability Case Management Forum meetings are held with services including CPHS, TPS Therapeutic Services, Integrated Offender Management and Chaplaincy Services to collaboratively manage prisoners with disability engaging with prison services.
- Prisoners identified with disability have access to established internal and community-based services such as physiotherapy, occupational therapy, optometry, dentistry including the in-reach program within the Royal Hobart Hospital (RHH) speciality care unit and outpatient care provided through the RHH.
- CPHS provides recommendations to the TPS in relation to prisoners who require access to aids such as hearing aids and walking aids.
- A Clinical Nurse Consultant, in consultation with a CPHS Medical Officer, establishes Goals of Care documents for prisoners with disability, and coordinates reviews of the Goals of Care documents on a 12-monthly basis and whenever there is a change in clinical status. Details of prisoners with Goals of Care are included on daily handover records with hyperlinks to the Goals of Care document.
- CPHS works collaboratively with the TPS in Division 7 End of Life Care meetings, relating to end of life care for prisoners and those engaged in support from the Aged and Frail Unit. For an update in relation to the Director's Standing Order relating to prisoners with disability, please see Action 29.

New initiatives during 2019-20

- The Custodial Inspector's [Custody Inspection Report](#) was referred to as an emerging issue in the 2019 Report and was tabled in Parliament in October 2019. The Inspector's Report noted that all custodial centres have provision for disability access cells. However, the Inspector also noted:
 - That at the Mary Hutchinson Women's Prison, there is a disability access cell in the maximum-security unit, however, there is no specific disability access cell in minimum-security (which is located upstairs) or medium-security. At the time of the inspection, there was a minimum-security classified prisoner requiring a wheelchair accommodated in the separate mother-baby unit.
 - At the time of the inspection there were two disability/wheelchair friendly cells in Division 4 of Ron Barwick Prison. The inspection team was advised that the renovation works being undertaken in Division 7 will result in three more disability access cells.

- The library and education area, however, are located upstairs which is not ideal for mobility-impaired prisoners. Likewise, there are a number of rooms that are used for programs and prisoner interviews that are located upstairs, with no alternate access for mobility-impaired prisoners. This was identified as a particular issue that potentially has an impact on the ability of some elderly prisoners attending group criminogenic programs.
- The Inspector recommended that the TPS considers options for providing prisoners with a general induction to the prison and its services in an audio/visual format to assist prisoners with low levels of literacy. The Inspector made a similar recommendation in relation to the provision of information about the complaints and grievances process.
- It is noted that the inspections for the Custody Report were undertaken in February and March 2018. As the Premier's Disability Advisory Council is aware, Division 7 is now the Aged and Frail Unit and there are now three disabled cells in Division 7 which also has lift access. The Vanessa Goodwin Cottages at the Mary Hutchinson Women's Prison officially opened in October 2018 and are suitable for prisoners with disabilities. Library services are delivered to prisoners with mobility issues including those in Division 7 of Ron Barwick Prison. There is also a small Programs/Education room available for use.
- The TPS continues to support prisoners on an as needs basis. For the provision of criminogenic programs, for example, this might include support on an individual basis as well as group participation or one to one program facilitation.
- The Custodial Inspector's recommendations in relation to the provision of information on induction in an audio/visual format was supported in principle by the TPS. The TPS will explore the feasibility of using an iPad to facilitate the induction process and notes that the draft operating model for the new Southern Remand Centre includes a requirement for inductions to be delivered to remandees via a range of communication styles, including oral, written and visual media, as well as a physical orientation of the facilities. The TPS also supported the recommendation in relation to the complaints and grievances process and will explore options further as part of the development of a new model.

Implementation status

- On Track – Progressing Well

Emerging issues / Risks

- Nil.

Outcomes for Tasmanians with disability

- Prisoners with disabilities are being provided with opportunity to engage in all Prison and Health services. With services collaboratively managing prisoners with disability, appropriate supports and adjustments are identified, increasing participation in rehabilitation activities.

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

Agencies reporting

- Tasmania Prison Service (TPS), Correctional Primary Health Services (CPHS)

Update on initiatives underway from 2018-19

- At the beginning of 2020, all staff working at the Mary Hutchinson Women's Prison were trained in Trauma Informed Practices and some work had been undertaken to increase the use of these practices. However, staff movements and the response to COVID-19 have meant that not all staff working in the facility are trained and the project has been placed on hold.
- A final draft of the TPS Director's Standing Order relating to prisoners with disability was circulated to all Prison staff for consultation, with a closing date for feedback of 17 July 2020. The final Standing Order was issued on 17 August 2020.
- Criminogenic programs and Education continue to be provided in a supported manner to people with disability. This can include individual sessions and additional tutoring.
- Activities and supports in Division 7 of Ron Barwick Prison are regularly reviewed and discussed as part of the monthly case management discussions for that population. Prisoners accommodated in Division 7 currently have access to employment (through a number of projects run in that area) as well as regular sport and recreation activities.

New initiatives during 2019-20

- CPHS and Forensic Mental Health Services (FMHS) have finished updating Models of Care that incorporate current and projected demand for mental health services from the prison population. The Models of Care are subject to approval by the State-wide Mental Health Services Executive Meeting.
- As part of the development of a new Model of Care for CPHS, work is underway to guide the initial and subsequent prioritisation of appointments for prisoners and detainees who self-refer, or who are referred for an appointment with CPHS. An audit tool to test compliance is also under development. In the interim, work is occurring to document the process used to triage appointments at daily clinics, which involves a five-point triage system.
- The TPS and CPHS have also been exploring options for recording matters associated with referrals, including the number of referrals made, the number of appointments made and attended and the time between referrals and appointments. A new audit process in CPHS is under consideration. This audit process will seek to capture and monitor the number of referrals and waiting times.
- A joint CPHS and TPS working group has been established to identify and implement referral pathways that are comprehensive and coordinated and that allow prisoners and detainees to convey information about their health directly to CPHS staff. This group

meets monthly to discuss all common CPHS and TPS issues, including the mapping of referral pathways and the implementation of agreed strategies.

- A post-box setup is now in use at the Ron Barwick Prison, Mary Hutchinson Women's Prison and in Risdon Prison Complex Medium, allowing prisoners to post their own referrals. This enables forms to be provided directly to CPHS staff without the need for handling by correctional staff. Where post-box setups are not available, envelopes are provided to ensure confidentiality. CPHS is also investigating opportunities to move away from the use of paper forms.
- The Government has invested in Connecting with People (CwP) training as part of the Tasmania Suicide Prevention Workforce Development and Training Plan for Tasmania. The THS is committed to delivering CwP training to CPHS and Forensic Mental Health Services staff. To date, six CPHS staff members have completed the training with the roll-out continuing. CwP is also now available on the Tasmanian Health Education Online system for all staff state-wide.

Implementation status

- On Track – Progressing Well

Emerging issues / Risks

- Although a number of initiatives outlined throughout this report and achieved over the last three years have contributed to the implementation of this Action, further specialist services and interventions is dependent on additional resources.

Outcomes for Tasmanians with disability

- The improved screening and assessment tools are resulting in greater identification of disabilities and early engagement with support services; ensuring prisoners with disability have access to high-quality care and treatment that is of an equivalent standard to that provided in the community; and ensuring that special care and considerations are implemented as soon as practical.

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

Agencies reporting

- Tasmania Prison Service (TPS), Tasmania Health Service (THS), Correctional Primary Health Services (CPHS), Department of Communities Tasmania (CT)

Update on initiatives underway from 2018-19

- Following full transition to the National Disability Insurance Scheme (NDIS), CT is no longer a direct provider of disability supports. A NDIS Justice Liaison Officer role has now been established to facilitate the planning of supports required by prisoners with disability to assist with reintegration. For information in relation to the Justice Liaison Officer role, please see Action 34.
- For an update in relation to the Justice Connect program, please see Action 2.
- The Memorandum of Understanding flagged in last year's report to the Premier's Disability Advisory Council has been agreed in draft form and will be presented to respective departmental Secretaries for final approval.

New initiatives during 2019-20

- Access has been improved for Mental Health Teams which are now able to access the prison during general lockdowns without escort. The Directors' Standing Orders have been modified to allow access for identified specialist CPHS staff.
- A priority triage system has been established to monitor mentally ill prisoners and the capacity to request admission into Wilfred Lopes Centre (WLC).
- Weekly mental health multidisciplinary meetings are held to monitor a list of triaged prisoners for admission into WLC. Membership of the mental health multidisciplinary group includes WLC, CPHS, Therapeutic Services, Community Forensic Mental Health Services, the Court Liaison Officer and psychiatrist(s). The outcomes from these meetings are communicated with the Department of Health's Mental Health, Alcohol and Drug Directorate, the Chief Psychiatrist and the Mental Health Tribunal.
- The multidisciplinary meetings are intended to ensure all care needs identified are transferred with the person upon release into the community. These care needs may assist the person to engage in a better quality of life and may decrease their risk of reoffending.
- The TPS and THS continue to investigate options for the accommodation of prisoners and detainees with mental health needs who do not meet the criteria for transfer to the WLC and additional infrastructure from which to deliver health services to prisoners and detainees. The new Southern Remand Centre is scheduled to commence operation in late 2021 and will significantly increase the capacity of the prison system. Appropriate outdoor facilities will be included, as well as four additional high-risk single occupancy

observation cells for those who do not meet the threshold for admission to the WLC. The THS is working on a business case to staff the facility from a health perspective.

- Initiatives under *Tasmania's Affordable Housing Strategy 2015-2025* are also relevant to this Action. Those initiatives are resulting in the identification of vulnerable households at greater risk of housing insecurity as they transition from one housing situation to another, including people living with disability and people leaving prison without a home and greater information sharing between providers, raised awareness and early referrals for housing support. Key agencies engaged include the NDIS, children and youth services, hospitals and community health centres, mental health services, alcohol and drug services, child and family centres, Neighbourhood Houses, justice services, the TPS and Centrelink.
- Please see Action 2 for additional information in relation to *Tasmania's Affordable Housing Strategy 2015-2025*.

Implementation status

- Generally on Track – Minor Issues / Risks

Emerging issues / Risks

- The Tasmanian Government continues to monitor implementation of the NDIS and participate in implementation of the national reform agenda. This ensures that Tasmania, as a significant stakeholder in the NDIS, can ensure that the scheme is delivering outcomes for people with disability as intended.

Outcomes for Tasmanians with disability

- Improved partnerships are ensuring that the planning of supports required by prisoners with disability is undertaken and that care needs are identified and transferred with the person upon release. Increased health services are being delivered to prisoners as a result of changes to enhance access.
- Initiatives under *Tasmania's Affordable Housing Strategy* are resulting in greater information sharing and early engagement with vulnerable tenants.

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

Agencies reporting

- Tasmania Prison Service (TPS), Tasmanian Health Service (THS), Correctional Primary Health Services (CPHS)

Update on initiatives underway from 2018-19

- Attending to all prisoners with screening and assessment tools is embedded into practice. Through the use of the Registered Nurse Tier I Assessment screening tool, approximately 34 per cent of admissions indicated disability.
- CPHS contributes to regular reporting within the Prisoner Health Pro system, which monitors the incoming and outgoing transition of prisoners between engaged services.
- Manual reporting and monitoring of prisoners with one or more disability currently categorises the following conditions: eye/ear, musculoskeletal, learning disability, head injury, acquired brain injury, drug and alcohol brain damage, mental health disability, childhood disability, other disability, disability support pension and NDIS or other support.

New initiatives during 2019-20

- The Disability Questions for Health Registered Nurse Tier I Assessment Correctional Health Services form has been improved to capture relevant and vital information pertaining to each individual prisoner.
- The regular reporting within the Prisoner Health Pro system has been updated as part of the revised Disability for Health Registered Nurse Tier I Assessment Correctional Health Services questionnaire.
- CPHS has continued to screen for intellectual disabilities and acquired brain injuries. A review of the screen was set to occur earlier this year but has been delayed while CPHS focus on the COVID-19 response.
- Verso has approached the TPS and invited it to join a project with Synapse and Griffith University to identify functional impacts of acquired brain injuries using the “guddi” way. This project would screen 10 Aboriginal prisoners in a pilot project. The project is current on hold due to COVID-19 as the researchers are located interstate and are unable to access prisoners in person at this time.

Implementation status

- Completed (subject to ongoing monitoring).

Emerging issues / Risks

- Delays due to COVID-19 response.

Outcomes for Tasmanians with disability

- Improved reporting is allowing CPHS to monitor engagement with associated support services more frequently and actively allowing professional development of staff to assist prisoners with disability. Identification is leading to earlier individual based interventions, supporting the needs of prisoners from reception onwards.

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

Agencies reporting

- Tasmania Prison Service (TPS), Community Corrections (COMCOR), Tasmanian Health Service (THS), Correctional Primary Health Services (CPHS), Department of Communities Tasmania (CT)

Update on initiatives underway from 2018-19

- Following full transition to the National Disability Insurance Scheme (NDIS), CT is no longer a direct provider of disability supports. A NDIS Justice Liaison Officer (JLO) position has now been established to facilitate the planning of supports required by prisoners with disability to assist with reintegration. Please see Action 34 for information in relation to the Justice Liaison Officer role.
- CPHS and the TPS jointly monitor and coordinate prisoner discharges and engage actively with treating community teams and hospital-based support upon release.
- Discharge summaries are provided with referrals to ensure optimal transition into the community by both mental health and general disability through-care.
- For prisoners who require ongoing mental health treatment once they are released from prison, CPHS liaises with the Adult Community Mental Health Service to take over their mental health care.
- As noted in the 2019 Report to the Premier's Disability Advisory Council, in September 2018, the Departments of Justice and Health established a Prisoner Mental Health Care Task Force (the Task Force). The Task Force undertook a robust review of processes and procedures relating to prisoner psychiatric care and assessments and prisoner discharges to identify options for ensuring that these processes are as rigorous as they can be. The Final Report of the Task Force was received by Government in March 2019. The Report made 19 recommendations relating to resources, information management, the need for improved infrastructure, data collection and information sharing, among other issues.
- As a result of the continued work of the Task Force, implementation of the 19 recommendations is well underway, with many in the final stages of implementation. Much of the work is outlined in this Report. The Final Report of the Task Force has not been publically released.
- The Adult Through-Care Model for Aboriginal and Torres Strait Islander People was released by the Australian Government in late 2019. The TPS is now working closely with the Circular Head Aboriginal Corporation, which is funded by the Australian Government, to implement the model in Tasmania. COMCOR will also be engaged where community based orders are in place.

- The Model provides practical guidance in the delivery and monitoring of appropriate and effective adult through-care for Aboriginal and Torres Strait Islander males and females with high needs and complex issues and details the minimum requirements for delivering and monitoring adult through-care. The minimum standards include consideration of disability in relation to initial engagement and assessment, service delivery standards, including pre-release casework and client support, data sets and supported referral pathways.
- The TPS, CPHS and JLO have regular case management discussions to ensure relevant needs are identified and supports are provided to prisoners with disability

New initiatives during 2019-20

- Processes have been improved with a greater frequency of clinical review meetings and an increased focus on discharges, community follow-up and clinical care. The TPS and CPHS now meet weekly to discuss prisoners with major mental illnesses. This discussion includes consideration of supports required upon release and supports required in prison.
- The TPS and CPHS are committed to a shared approach to the management of prisoners with mental illness, and admissions to and discharges from the Wilfred Lopes Centre. A new multidisciplinary model is now in place to address higher profile prisoners. In October 2019, the Terms of Reference of the multidisciplinary meetings were revised to reflect and clarify the roles and responsibilities of each agency.
- A psychiatrist is currently based at the Risdon Prison Complex on a fulltime basis. This is a temporary arrangement that may last a few months. During that time an expanded approach to supporting people with mental health issues will be trialled by CPHS.
- Initiatives under *Tasmania's Affordable Housing Strategy 2015-2025* are also relevant to this Action and are outlined in further detail under Action 2.

Implementation status

- On Track – Progressing Well

Emerging issues / Risks

- Timeframes surrounding notification of a prisoner's release date can be limited, making it difficult to provide discharge summaries to ensure a positive transition into the community. CPHS will collaborate with the TPS to identify a notification system between the two services to advise of new release dates as and when they change.

Outcomes for Tasmanians with disability

- The increased focus on discharges is ensuring appropriate care and support is provided to prisoners with disability in order to assist with reintegration, including engagement with treating community teams.
- Initiatives under *Tasmania's Affordable Housing Strategy* are resulting in greater information sharing and early engagement with vulnerable tenants.

33. Address the needs of people with disability on remand.

Agencies reporting

- Tasmania Prison Service (TPS), Department of Justice (Strategic Infrastructure Projects)

Update on initiatives underway from 2018-19

- The TPS continues to flag people with disability and work with them regardless of legal status.
- Construction of the new Southern Remand Centre is underway and operations are scheduled to commence in late 2021.
- The Southern Remand Centre will provide appropriate outdoor facilities, as well as four additional high-risk single occupancy observation cells for those that do not meet the threshold for admission to the Wilfred Lopes Centre. The THS is working on a business case to staff the facility from a health perspective.
- As previously reported to the Premier's Disability Advisory Council, the new Southern Remand Centre facilities have been designed to enable full disability and geriatric access, with four single occupancy disability-accessible cells on the ground floor. The disability-accessible cells are larger than standard cells to facilitate access for walkers or wheelchairs. The cells will also be fitted with grab rails and appropriately adjusted fixtures such as shower controls and hand basins.
- Plans for the Southern Remand Centre include an electronic interface, provided as part of the Justice Connect program of work, to enable people on remand to book their own health appointments. This will eliminate the need for paper-based referrals and facilitate an improved auditing process of the referral system. If successful, this system will be extended to other areas of the TPS.
- The draft operating model for the new Southern Remand Centre also includes a requirement for inductions to be delivered via a range of communication styles, including oral, written and visual media, as well as a physical orientation of the facilities.
- Due consideration has also been given to the needs of prisoners with disability in a State-wide Transfers and Transportation Feasibility Study in terms of transportation and vehicle type.

New initiatives during 2019-20

- The new Justice Liaison Officer role outlined under Action 34 is also relevant to this Action.

Implementation status

- On Track – Progressing Well

Emerging issues / Risks

- As per information outlined in Action 2, some delays have been encountered with the Justice Connect works due to the impact of COVID-19. It is unknown at this stage whether the electronic interface system planned for the Southern Remand Centre will be available prior to the opening of the Centre in late 2021.

Outcomes for Tasmanians with disability

- The increased focus on remandees and advice to staff around the NDIS is ensuring that appropriate care and support is provided to prisoners with disability to assist with reintegration on release.
- Completion of the Southern Remand Centre will introduce new services and facilities for all people on remand and will provide increased accommodation options for people with disability.

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.

Agencies reporting

- Tasmania Prison Service (TPS)

Update on initiatives underway from 2018-19

- The TPS is now working well with the National Disability Insurance Agency (NDIA). Please refer to the New Initiatives section following.
- The TPS continues to contribute to the National Working Group examining the interface between Justice and the NDIA.
- Please refer to Action 27 for information in relation to screening and assessment and for available data.

New initiatives during 2019-20

- In late 2019 the Disability Reform Council identified the need for dedicated liaison officers to help address critical areas of improvements for participants in custodial settings. In the first half of 2020, Justice Liaison Officers (JLOs) were appointed to work in all states and territories. One JLO position has been allocated to Tasmania.
- In Tasmania, the JLO commenced in February 2020. JLOs are helping people working in correctional facilities to understand the National Disability Insurance Scheme (NDIS) pathway. They work with staff to ensure potential and existing NDIS participants who are approaching release have appropriate NDIS supports in place when they transition back to the community. JLOs also provide assistance to build capacity in forensic facilities, youth justice facilities and remand centres.
- JLOs:
 - provide guidance and advice on the NDIS access and planning processes
 - provide information on how to submit an NDIS access request form
 - provide advice if an NDIS participant in custody has a significant change in disability-related support needs
 - provide clear and regular communications to promote understanding of the NDIS to stakeholders who are supporting participants on the NDIS pathway
 - liaise between relevant correctional staff and the NDIA to address challenges or delays and ensure a timely and safe transition
- When a person with disability is in a correctional facility, the justice system is responsible for providing reasonable adjustments and supports. If a participant in custody requests NDIS funded supports, consideration is given to whether they are the responsibility of

the facility as a reasonable adjustment or whether the participant may have disability support needs in excess of reasonable adjustment that then become the responsibility of the NDIS. Examples of supports that may be considered beyond reasonable and necessary include:

- specialised assistive technology, such as prosthetic limbs or an electric wheelchair
- allied health and other therapy directly relating to a person's disability, assessed on an individual basis.
- If someone has not met the NDIS access criteria, NDIS Local Area Coordinators (LACs) provide support to people with disability to access supports and services provided by the government and the community sector, regardless of whether or not they are an NDIS participant. The JLO also provides advice as to whether a referral to an LAC is appropriate.
- The JLO/TPS relationship is working well to support participants. Communication channels have been established between Justice staff, the JLO and National Service Delivery team, NDIA planners and Support Coordinators. These relationships are assisting with enquiries and processes relating to NDIS plan access and supports required by participants as they transition to release.
- Face to face meetings with staff have now commenced in accordance with arrangements made prior to COVID-19 restrictions being introduced.
- New Consent to Share Information forms are also in place.

Implementation status

- On Track – Progressing Well
- The initial work of the JLO was impacted by COVID-19.

Emerging issues / Risks

- Nil.

Outcomes for Tasmanians with disability

- The introduction of the JLO is now ensuring that prisoners with disability are supported to access disability services within prison and following release.
- Staff awareness of the role of the JLO has already increased.

Action: Safeguarding the rights of forensic mental health patients

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

Agencies reporting

- Mental Health Tribunal (MHT), Tasmania Legal Aid (TLA)

Update on initiatives underway from 2018-19

- Essentially the material reported in the 2019 Report for the MHT remains ongoing except for the web accessibility project and hearing loops which remain outstanding.
- As detailed in earlier Actions, there are hearing loops available at the new premises at Barrack Street and a decision was taken to await the relocation and whole of Tasmanian Civil and Administrative Tribunal website development.
- The MHT arranges for information pamphlets in relation to legal and advocacy supports to be available at Secure Mental Health Units. This information is also accessible from the website or the MHT office and is sent to patients with their hearing notifications.
- Tribunal members are educated as to the Tribunal's obligation under the *Mental Health Act 2013* to appoint legal representation and advocacy where it deems the patient should have representation.
- MHT Registry staff continue to review the Tasmania Prison Service daily receptions and releases list. If staff identify that someone has been remanded in custody, the Tribunal notifies Forensic Mental Health Services and provides a copy of the current order. This helps ensure that the rights of those patients can be met.
- 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. Of note, the TLRI recommended, inter alia, that:
 - the test of 'fitness to stand trial' takes a more supportive approach and shifts from the current focus on cognitive capacity to a supported decision-making approach.
 - the 'defence of insanity' should be renamed the 'defence of mental or cognitive impairment' to fit current medical knowledge and language.
- The report's recommendations are being considered by the Government.

New initiatives during 2019-20

- In the period 1 March 2019 to 30 April 2020, TLA represented 369 clients with disabilities on applications before the MHT, Guardianship Board and Supreme Court (SUPCRT). All of these matters involved assisting these clients to exercise their rights and participate in the legal process.

- In 2019-20, there were 87 forensic hearings and 38 per cent of those matters had legal representation. TLA mental health lawyers represent clients on the majority of these matters. Mental health advocates do not appear on forensic matters. TLA mental health lawyers also represent clients on applications to the SUPCRT for revocation and variation of forensic orders including restriction and supervision orders.

Implementation status

- Generally on Track – Minor Issues / Risks

Emerging issues / Risks

- Forensic patients all live with disability and are most vulnerable due to the significant restrictions on their rights from their forensic orders. TLA Mental Health Lawyer positions are funded to 31 December 2020 and will require additional funding if this service is to continue. Part of the cost of providing this service is met from a grant from the Solicitors' Guarantee Fund, with the remainder covered from core funding.

Outcomes for Tasmanians with disability

- Ensuring forensic patients have access to legal and advocacy services will provide safeguards in relation to their treatment, care, detention and inherent human rights.

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

Agencies reporting

- Tasmania Law Reform Institute (TLRI)

Update on initiatives underway from 2018-19

- Please see below.

New initiatives during 2019-20

- The TLRI completed a Final Report on Insanity and Fitness to Plead making recommendations for reform based on the community consultation conducted and empirical research undertaken.
- The Final Report was provided to the Attorney-General on 30 October 2019 and published and launched to the public on 10 December 2019.
- The Government is considering the recommendations made in the TLRI's Final Report.

Implementation status

- Completed

Emerging issues / Risks

- The TLRI has noted that the non-implementation of the Final Report recommendations would result in the problems identified with the defence of insanity and the statutory provisions relating to fitness to plead continuing to produce inequities in access to justice for those to whom they may apply.

Outcomes for Tasmanians with disability

- If implemented, the recommendations in the TLRI Final Report will remedy problems in the law relating to the defence of insanity and fitness to plead and so improve the legal position of Tasmanians with disability to whom these laws may apply.

Action: Continuously monitor and improve performance

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

Agencies reporting

- Department of Justice (DoJ)

Update on initiatives underway from 2018-19

- Updates on the emerging issues and priority areas identified in last year's Report to the Premier's Disability Advisory Council have been included throughout this Report.
- A review of the reporting process against the Disability Justice Plan was undertaken during early 2020. Additional information is outlined in the opening pages of this Report.

New initiatives during 2019-20

- New initiatives are included throughout this Report.

Implementation status

- Generally on Track – Minor Issues / Risks

Emerging issues / Risks

- As noted in the opening pages, COVID-19 has diverted the resources of agencies and has impacted reporting.
- A summary of ongoing or new emerging issues is noted below from the reporting process for the Third Annual Report:

Action 1

- Budgetary constraints are an ongoing risk regarding recommended physical accessibility improvements as implementation requires significant building alteration and development and a staged approach.

Action 2

- The lack of targeted resources available to direct to improvements to data management systems and website improvements limits the progress made to promote better information sharing between service providers.
- Additional adjustments made to court processes and data collection in response to COVID-19 will need to be considered to determine how these changes may need to be incorporated in the overall data management system moving forward.
- The Family Violence Management System does not have an automated function to extract data regarding disability status and is limited to minimal yes/no criteria. The only method to extract more than the minimal data is for a narrative search to be done on

each incident. Data included in the Family Violence Management System is also dependent on input by attending officers at that point in time.

- Lack of funding for service providers in the disability sector that provide advocacy support to Equal Opportunity Tasmania (EOT) clients/complainants.

Action 3

- Capacity to access resources to facilitate the assessment and implementation of virtual technology alternatives in Court operations.
- There is uncertainty in relation to ongoing funding for two contract Witness Assistance Service (WAS) positions. These positions have been funded by the Solicitors' Guarantee Fund for the last three years, with the Office of the Director of Public Prosecutions (ODPP) applying for funding each year. These positions make up one third of the WAS staffing.

Action 4

- The Royal Commission into Violence, Abuse, Neglect and Exploitation of People With Disability is a significant opportunity to acknowledge the past and put in place improvements where recommended. However, given the breadth of the Commission's remit, there is significant potential for unknown issues to emerge during the proceedings.
- There is no current mechanism to record data or feedback for the Tasmania Police SMS service.

Action 5

- Communities Tasmania notes that while funding and the current advocacy delivery model have been extended for a further year, there is future uncertainty arising from work at a National level. The Tasmanian Government maintains a commitment to the future of individual disability advocacy.
- Disability continues to be the highest attribute complained about in complaints lodged with EOT.

Action 6

- Tasmania's restrictive practice regulatory framework does not include or define chemical restraint. This is a notable variation from the National Disability Insurance Scheme (NDIS) Rules. A comprehensive review of the Tasmanian *Disability Services Act 2011* is planned to occur during 2021-22. This review will provide the opportunity to consider aligning Tasmania's legislative requirements and definitions with the NDIS, particularly in relation to chemical restraint.
- Tasmania has a thin market of behaviour support practitioners which impacts on the market's capacity to meet demand to develop behaviour support plans. This is a recognised issue and a collaborative effort, involving State and Commonwealth stakeholders, to further support and develop the market both in the short and longer term is occurring.

- Tasmania Legal Aid (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 has noted 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 TLA service or the successful outcomes for the people assisted.

Action 7

- The DoJ is on track progressing the system integration required to implement NDIS specific worker screening. However, it remains dependent upon the NDIS Commission to fulfil all obligations to be operationally ready by 1 February 2021.

Action 8

- Currently relationships between agencies are largely informal and could benefit from set policy being developed around supporting victims and witnesses with disability.
- Successful and timely recruitment of appropriately skilled individuals to train as intermediaries.
- Delivery of effective training of intermediaries in the context of COVID-19 travel and social distancing restrictions.
- TLA Senior Assist staff are based in Launceston and Hobart and focus on service provision in these areas. They have limited capacity to meet the needs of people in the North West and other rural and remote areas of Tasmania.
- TLA'S older clients often have disabilities that are barriers to them accessing court processes where they are applicants or witnesses. While Legal Aid can provide case management support and assistance, it does not have the capacity to represent clients at court apart from through existing programs. For example, representation on restraint orders for people experiencing elder abuse is restricted to the most serious matters on a case by case basis.

Action 9

- The Tasmania Law Reform Institute (TLRI) notes that there is a pressing need for an intermediary/communication assistant scheme for Tasmania and that any scheme should operate across the entire criminal justice process, including during interactions with the police, legal counsel, courts and at trial. The Institute is also of the view that such a scheme should apply to suspects, defendants, witnesses and complainants.
- The review of pre-trial recordings has been delayed pending resolution of discussions with the TLRI on appropriate parameters and scope of their review and ethics approval, so that formal approval may be given by Government. The DoJ is engaged with the TLRI on the development of appropriate conditions to ensure confidentiality of vulnerable witnesses to progress these steps.

Action 10

- TLA has noted that Tasmania's family violence legislation, unlike that in many other states, does not apply to relationships other than intimate partner relationships. The most common type of abuse of seniors is financial combined with emotional and/or physical abuse. Abuse is most commonly perpetrated by an adult child of the older person.
- The remedies, supports and collaborative resources available to victims of family violence are not available for people who are experiencing abuse perpetrated by someone who is not an intimate partner. This leaves the option of applying for a restraint order and the process is often too difficult or overwhelming for people to navigate themselves. There is no specific funding for these applications, and assistance can only be provided in the most serious cases.
- The Family Violence Management System has a tick box to indicate a known disability. However, there is no additional capacity to provide data to demonstrate an improved response. The Safe Families Coordination Unit will manually collect information to identify a case study to demonstrate the progress made on this action.
- The OPG has noted that while people with disability are at an increased risk of experiencing family violence, the *Guardianship and Administration Act 1995* gives the Public Guardian very limited powers to investigate allegations and concerns.

Action 11

- TLA Mental Health lawyer positions are funded to 31 December 2020 and will require additional funding if this service is to continue. Part of the cost of providing this service is met from a grant from the Solicitors' Guarantee Fund, with the remainder covered from core funding.

Action 12

- COVID-19 changes to Court process, the introduction of Zoom etc., may make it more difficult but can also facilitate better access by persons with disability. These issues will be considered for ongoing implementation to allow expanded communication options for court users.
- Successful and timely recruitment of appropriately skilled individuals to train as intermediaries.
- Delivery of effective training of intermediaries in the context of COVID-19 travel and social distancing restrictions.
- While funding and the current advocacy delivery model have been extended for a further year there is ongoing uncertainty arising from work at a national level. The Tasmanian Government maintains a commitment to the future of individual disability advocacy.
- The uncertainty of funding for Community Legal Services is an ongoing concern for EOT. These services are vitally important for people with disability wishing to seek legal advice when pursuing a discrimination complaint.

Action 13

- Nil.

Action 14

- Nil.

Action 15

- Nil.

Action 16

- Nil.

Action 17

- Nil.

Action 18

- Further consideration of how notifications of witnesses/complainants with disability can be formalised.

Action 19

- A number of barriers have been identified relating to the use of technology in court proceedings.

Action 20

- Nil.

Action 21

- Successful and timely recruitment of appropriately skilled individuals to train as intermediaries.
- Delivery of effective training of intermediaries in the context of COVID-19 travel and social distancing restrictions.

Action 22

- Nil.

Action 23

- Nil.

Action 24

- Nil.

Action 25

- Nil.

Action 26

- Nil.

Action 27

- An ongoing issue remains the sharing of information between existing systems and development of an encompassing disability management system. Lack of progress in this area is noted and has been impacted by the response to COVID-19 as well as limited general resources.

Action 28

- Nil.

Action 29

- Further specialist services and interventions to address the needs of prisoners with disability is dependent on additional resources.

Action 30

- The Tasmanian Government continues to monitor implementation of the NDIS and participate in implementation of the national reform agenda. This ensures that Tasmania, as a significant stakeholder in the NDIS, can ensure that the scheme is delivering outcomes for people with disability as intended.

Action 31

- The review of the tool used to screen prisoners for intellectual disability and ABIs has been delayed due to the response to COVID-19.

Action 32

- Timeframes surrounding notification of a prisoner's release date can be limited, making it difficult to provide discharge summaries to ensure a positive transition into the community. Correctional Primary Health Services will collaborate with the TPS to identify a notification system between the two services to advise of new release dates as and when they change.

Action 33

- Some delays with the Justice Connect works have been encountered due to the impact of COVID-19. It is unknown at this stage whether the electronic interface system planned for the Southern Remand Centre will be available prior to the opening of the Centre in late 2021.

Action 34

- Nil.

Action 35

- Forensic patients all live with disability and are most vulnerable due to the significant restrictions on their rights from their forensic orders. TLA Mental Health Lawyer positions are funded to 31 December 2020 and will require additional funding if this service is to continue. Part of the cost of providing this service is met from a grant from the Solicitors' Guarantee Fund, with the remainder covered from core funding.

Action 36

- The TLRI has flagged that the non-implementation of the Final Report recommendations on Insanity and Fitness to Plead would result in the problems identified with the defence of insanity and the statutory provisions relating to fitness to plead continuing to produce inequities in access to justice for those to whom they may apply.

Outcomes for Tasmanians with disability

- Ongoing monitoring of emerging issues will ensure roadblocks are removed for people with disability.