



DISABILITY JUSTICE STRATEGY 2019-2029

A STRATEGY TO ADDRESS UNEQUAL ACCESS TO JUSTICE IN THE ACT



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Minister for Disability
Rachel Stephen-Smith MLA



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DISABILITY JUSTICE STRATEGY 2019–2029: A STRATEGY TO ADDRESS UNEQUAL ACCESS TO JUSTICE IN THE ACT

Equity and inclusion are cornerstone values of the ACT Government. Our vision is for the ACT to be an inclusive, welcoming society where everyone has the opportunity to reach their full potential.

The *Disability Justice Strategy 2019–2029* aims to achieve equity and inclusion for people with disability in the justice system. In doing so, it recognises that equality before the law is not the current reality for too many ACT residents with disability.

In developing this strategy, we have looked at the evidence available through research, talked with people with disability, their families and carers, and heard from people working in both the justice and service sectors. It is clear that people with disability face many barriers to accessing justice and that improvements are needed to address this inequality.

The justice system can be complex and difficult to navigate for many people. For people with disability those challenges can be made harder by information and advice not being available in ways they can access. If we can improve the justice system for people with disability, it will be better for everyone. In particular, it will be better for other over-represented groups who experience discrimination and barriers to access, including Aboriginal and Torres Strait Islander Canberrans.

We know that people with disability experience a greater need for legal support than many other people in society. People with disability face a range of disadvantages that result in them being more likely to come into contact with the justice system. If we can provide supports that reduce this level of legal need then the benefits will be felt not only for people with disability but through a reduction in demand on the justice system as a whole.

The three goals of the Disability Justice Strategy focus on the safety and rights of people with disability, the responsiveness of the justice system and how we achieve and measure change.

We thank everyone who has contributed to this very important work. The Disability Justice Reference Group has been an invaluable source of expertise and we are grateful for the members' commitment. We wish to acknowledge people with disability, their families and carers, who shared their experiences of the justice system. Their stories and experiences have shaped the strategy and will continue to drive the ACT Government's work to improve access to justice for all people now and into the future.



Dougie Herd,
Co-Chair, Disability
Reference Group

INTRODUCTION

WHAT IS THE DISABILITY JUSTICE STRATEGY?

The Disability Justice Strategy is a ten-year plan which aims to ensure people with disability in the ACT have equal access to justice. It is part of the ACT Government's vision for an inclusive society that gives everyone the chance to participate in community life and leaves no-one behind.

The plan is underpinned by the following principles:

- equality before the law and access to justice are fundamental human rights (as expressed in Articles 12 and 13 of the *Convention on the Rights of Persons with Disability* (CRPD) and section 8 of the *Human Rights Act 2004* (ACT))
- people with disability are significantly disadvantaged members of society in being able to access justice
- an ACT justice system which provides equal access to justice for people with disability will be a better justice system for everyone.

WHO IS IT FOR?

The Disability Justice Strategy is for:

- **people with disability, their families and carers** — to support the right to equality before the law and access to justice
- **the justice system** — to help the system build capability to provide a better response to people with disability including through the provision of reasonable adjustments
- **the service system** — to assist the service sector identify the needs of people with disability, recognise that early support can prevent future contact with the justice system, and promote the creation of services which prevent, reduce and break the cycle of contact with the justice system.

People with disability are those who have 'long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others'. (CRPD)

The justice system is the combination of courts, tribunals and legal processes that deal with criminal, civil and other legal issues.



Heidi Yates, Victims of Crime Commissioner, and her daughter Harper

“We just want access to justice like everyone else.”

Consultation participant

The service system is the wide range of human and legal services that engage with people with disability such as health, education, housing, disability services (including advocacy services), regulatory services, police, and legal advice and representation.

WHY IS IT NEEDED?

In the ACT, there are approximately 62,000 people who identify as having a disability. While we do not have clear ACT data, we know from national and international research that:

- people with disability are over-represented in the criminal justice system and are estimated to constitute up to 50 per cent of detainees¹
- forty-nine per cent (49%) of women with intellectual disability report experiencing sexual violence²

- people with disability are 10 times more likely to be subject to violence³
- people with disability are 2.2 times more likely to have legal issues and 1.4 times more likely to be victims of property crime⁴
- people with disability have the greatest increased occurrence of legal issues of any disadvantaged group and less satisfactory resolution of legal issues.⁵

This data shows that people with disability face a range of disadvantages which lead to an increased level of contact with the justice system and a greater level of legal need than a person without disability. In fact, of all the groups of people in society who are disadvantaged it is people with disability who experience the greatest occurrence of legal issues including: accidents; consumer issues; credit/debit; crime; employment; family; government; health; housing; money; personal injury and rights.⁶

1 Human Rights Watch 2018, *I Needed Help, Instead I Was Punished: Abuse and Neglect of Prisoners with Disabilities in Australia*.

2 Australian Bureau of Statistics 2016, Personal Safety Survey 5.

3 Emerson, E. et al, *Physical Violence and Property Crims Reported by People with and without Disability in New South Wales 2002–2015*, University of Sydney, Centre of Disability Research and Policy.

4 Law and Justice Foundation of NSW 2012, *Legal Australia-wide survey legal needs in Australia*.

5 Law Council of Australia 2018, *The Justice Project Final Report Part 1 – People with Disability* p. 10.

6 Law and Justice Foundation of NSW 2012, *Legal Australia-Wide Survey, Legal Need in Australia*.

These legal issues often occur because of the compounding disadvantage experienced by people with disability including: poverty; poor educational outcomes; isolation; poor connections; poor health; reduced life expectancy; and increased risk of being subject to violence and crime. There are a range of ACT Government strategies under development or in the early stages of implementation which seek to address some of these areas of disadvantage early. These initiatives include: the *Blueprint for Youth Justice 2012–22* (revised); Early Support by Design; the Future of Education: An ACT Education Strategy for the Next Ten Years; a Charter of Rights for Victims of Crimes; the Early Childhood Strategy; the Housing Strategy; the Family Safety Hub; Justice Reinvestment; and Building Communities, Not Prisons.

The Disability Justice Strategy acknowledges and supports the invaluable role these initiatives will play in addressing compounding disadvantage before it leads to contact with the justice system. The strategy's role is to focus on improving access to justice for people with disability who are engaged with the justice system.

The two key initiatives being led by the Education Directorate, development of a territory-wide Early Childhood Strategy and implementation of the Future of Education ten-year roadmap of reform, align neatly with the Disability Justice Strategy. The Early Childhood Strategy, and the rollout of the universal access to preschool for three-year-old children, will support earlier identification of disability through earlier access to preschool so these children receive the adjustments needed to support their effective engagement with learning. A focus on more effective transitions for children from early childhood education and care to preschool will also support better information sharing in relation to their adjustment needs, enabling coordinated and responsive supports. As children with disability move into their formal years of schooling, a greater focus on inclusion, student wellbeing and strong communities for learning through the Future of Education Strategy will support improved outcomes for all children and young people.

The Australian Human Rights Commission's report *Equal before the Law: Towards Disability Justice Strategies* (2014) states that there are five barriers experienced by people with disability who seek access to justice.

- 1 Community support, programs and assistance to prevent violence and disadvantage and address a range of health and social risk factors may not be available to some people with disabilities.

- 2 People with disabilities do not receive the support, adjustments or aids they need to access protections, to begin or defend criminal matters, or to participate in criminal justice processes.
- 3 Negative attitudes and assumptions about people with disabilities often result in people with disabilities being viewed as unreliable, not credible or not capable of giving evidence, making legal decisions or participating in legal proceedings.
- 4 Specialist support, accommodation and programs may not be provided to people with disabilities when they are considered unable to understand or respond to criminal charges made against them ('unfit to plead').
- 5 Support, adjustments and aids may not be provided to prisoners with disabilities so that they can meet basic human needs and participate in prison life.

The aim of the Disability Justice Strategy is to address these barriers because they mean that often the people with greatest need are not able to access justice in a fair and equitable way. The removal of barriers will require cultural change and systemic improvements in the justice system.

WHAT NEEDS TO CHANGE?

Table 1 (page 5) provides examples of shifts in the justice and services systems that would address the barriers and change the experiences of people with disability:

Achieving shifts in the justice and services systems will create a range of social and economic benefits including:

- preventing legal issues from developing will minimise contact with the justice system
- meeting the legal needs of people with disability early in their lives *and* early in the life of the issues will avoid the stress and expense of proceedings in courts and tribunal
- swifter resolution of legal issues and earlier intervention in the circumstances surrounding those legal issues will avert the recurrence of contact with the justice system
- making the justice system fit for purpose for people with disability will make the justice system more accessible for everyone
- the justice system will be truly the service of 'last resort' leading to reduced costs.

It is important to note that the range of disadvantages experienced by people with disability are best addressed early in the life of a person with disability, as well as early intervention in the development stages of legal needs will lead to better outcomes. If the human services system works effectively to identify needs and provide supports at an early stage this can work to reduce the level of future contact with the justice system.

HOW HAS THE STRATEGY BEEN DEVELOPED?

People with disability in the ACT have clearly stated a need for equal access to justice and the ACT Government responded through a commitment to a Disability Justice Strategy. The development of the strategy has been a collaboration between the Community Services and the Justice and Community Safety Directorates (the Disability Justice Strategy Team) guided by the Disability Justice Reference Group. The membership of the reference group includes people with disability, lived experience of the justice system, and representatives from government and

non-government organisations across the justice, disability and human services sectors.

Public consultation took place through the ACT Government's Your Say webpage, through online surveys supported by discussion papers and four public conversations held in a variety of venues across Canberra. The Disability Justice Strategy team also met with key stakeholders across the disability and justice sectors, and members of the public individually. These conversations, together with research conducted by the Disability Justice Strategy team, have informed the development of the Disability Justice Strategy. The *What We Heard Report* and discussion paper can all be accessed at: www.yoursay.act.gov.au/disability-justice-strategy.

Further detail can be found in *Towards Disability Justice for the ACT* which discusses what we know about the issues faced by people with disability, what we heard during consultations, and suggestions for action: www.communityservices.act.gov.au/disability_act/disability-justice-strategy

Table 1 State of the ACT justice and services systems

| CURRENT | FUTURE |
|---|--|
| People with disability are not always able to receive legal information in accessible ways and have their rights upheld | Legal information is accessible and available across all areas of legal need and people with disability understand their rights |
| Limited awareness and understanding in the justice system of the needs of people with disability | Organisations and workers understand the needs of people with disability and are given the tools to make reasonable adjustments for those needs |
| People with disability are often invisible in the justice system because they are not identified | There are multiple opportunities to identify the needs of people with disability in the justice system |
| Services are disjointed with gaps in service provision and few reasonable adjustments are made | Services are informed and skilled and provide coordinated and responsive supports to people with disability |
| People with disability are over-represented in the justice system | Services and supports are in place early to divert people with disability away from contact with the justice system |
| Data gathering and information sharing is limited | Services ask if people have adjustment needs and can share information, with consent, to allow reasonable adjustments to be made throughout the system and to support improved data collection for analytical purposes |



Justin Ray, advocate and person with disability

BACKGROUND

INTERNATIONAL, NATIONAL AND ACT CONTEXT

The ACT's Disability Justice Strategy is set against the background of a large and significant body of work that promotes the need to develop policies and approaches that address the serious and multiple disadvantages faced by people with disability in accessing justice.

INTERNATIONAL

Australia ratified the *United Nations Convention on the Rights of Persons with Disabilities* (CRPD) in 2008. The purpose of the CRPD is to 'promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity'.

The CRPD requires the signatory states to 'ensure access to justice for persons with disabilities on an equal basis with others...' (Article 13.1). It also requires the promotion of 'appropriate training for those working in the field of administration of justice, including police and prison staff' (Article 13.2).

NATIONAL

A series of reports, research projects and community consultation processes at national level have recommended that all states and territories develop disability justice strategies to drive reform and cultural change to address the barriers to accessing justice for people with disability. Of note are *Equal Before the Law – Toward Disability Justice Strategies* 2014, Australian Human Rights Commission, *The Justice Report* released by the Law Council of Australia in 2018 and *I Needed Help, Instead I was Punished: Abuse and Neglect of Prisoners with Disabilities in Australia*, Human Rights Watch 2018.

The *National Disability Strategy 2010–2020* (NDS), developed by the Council of Australian Governments and endorsed by the Commonwealth and all state and territory governments, sets out a ten-year national plan for improving life for Australians with disability, their families and carers. One of the six policy areas of the NDS is 'rights protection, justice and legislation' which includes seeking to improve responses to people with disability in the justice system.

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

On 5 April 2019, the Commonwealth Government formally announced the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission). The Royal Commission's Terms of Reference are broad in scope and cover what should be done to:

- prevent, and better protect, people with disability from experiencing violence, abuse, neglect and exploitation
- achieve best practice in reporting and investigating of, and responding to violence, abuse, neglect and exploitation
- promote a more inclusive society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation.

The Royal Commission will be running over the period of the First Action Plan. It is likely that the Royal Commission will make interim recommendations regarding issues that arise over the three years of its operation. The Disability Justice Strategy will provide a vehicle for the ACT Government to respond to those recommendations.

ACT

The ACT *Human Rights Act 2004* (HRA) states that 'Everyone is equal before the law and is entitled to the protection of the law without discrimination. Everyone has the right to equal and effective protection against discrimination on any ground' (Section 8 (3)). The example contained in the HRA includes discrimination because of disability.

The development of a Disability Justice Strategy is an election commitment by the ACT Government and reflects that:

Equity and inclusion are the cornerstones of the ACT Government and reflect the values of Canberrans.

Canberra: A statement of ambition, p. 12

The ACT Government's commitment to inclusion recognises that people with disability have a great deal to offer the Canberra community and that an inclusive society is a vibrant, diverse and stronger community.

The Disability Justice Strategy has significant cross-overs with other initiatives across the ACT Government including: Early Support by Design; criminal justice reforms arising from the Royal Commission on Institutional Responses to Child Sexual Abuse; the Family Safety Hub; the Future of Education: An ACT Education Strategy for the Next Ten Years; the Early Childhood Strategy; the Charter of Rights for Victims of Crime; the Youth Justice Blueprint; Building Communities not Prisons; and the commitment to reduce recidivism by 25 per cent by 2025.



Rona Lazo,
deaf sportswoman

THE STRATEGY—AN OVERVIEW

The Disability Justice Strategy is a ten-year strategy. The strategy is an overarching plan, designed to inform and guide how more detailed work is formulated and acted on. It has three goals and five focus areas aimed at achieving those goals.

The three goals are:

1 People with disability are safe and their rights are respected:



- people with disability understand their rights
- people with disability can participate in decision making and have their wishes and preferences respected
- people with disability are protected from violence and neglect
- people with disability have the appropriate adjustments and supports to access justice and navigate the justice system.

2 The ACT has a disability responsive justice system:



- the civil and criminal justice system is aware and responds appropriately to disability, including making reasonable adjustments
- people with disability have access to legal services and supports
- the support needs of people with disability are recognised and reasonable adjustments are made
- people with disability have supports to avoid contact with the criminal justice system as early as possible.

3 Change is measured and achieved:



- systems and services recognise the need to consistent data collection
- data is collected and used to monitor improvement
- goals, priorities and activities of the strategy are evaluated, tracked and measured for outcomes
- data and evaluation are used to measure cultural change.

The goals of the Disability Justice Strategy reflect what we heard from consultations, particularly from people with disability, about their experiences with the justice system and what they thought would have made that experience better. The goals are aimed at changing the experience of people with disability, the justice system and how we measure success.

The strategy has five focus areas which have been identified as being critical to the achievement of the goals. These are:

- 1 Information and communication
- 2 Education and guidance
- 3 Identification, screening and assessment
- 4 Better service delivery
- 5 Data, research and review.

The five focus areas are described in more detail later in the strategy.

Underneath the strategy will sit a series of action plans and review points. The action plans will contain specific activities which will fulfil the requirements of a focus area. The review points will ensure that the success (or otherwise) of the action plans is evaluated and outcomes inform the next stage of work.

Through pursuing the goals, focus areas and action plans the Disability Justice Strategy aims to change how the justice system responds to people with disability who seek access to justice.

GOVERNANCE AND IMPLEMENTATION

The Disability Justice Strategy will be put into effect through the action plans which will be formulated as part of the work of the strategy.

The strategic approach of the Disability Justice Strategy will be overseen at Director-General level through the Human Services Cluster Inter-Directorate Committee (IDC). The cluster comprises the Community Services, Health, Education, Chief Minister, Treasury and Economic Development and Justice and Community Safety Directorates.

Tasks which need to occur to implement the strategy are to:

- formulate, undertake and/or oversee the actions under the strategy and review progress
- ensure that ACT Government initiatives and policies consider and take into account the needs of people with disability where they impact on access to justice
- noting that other government initiatives are addressing disability justice related issues, ensure that those initiatives align with the strategy.

Formulating clear action plans with initiatives that can be operationalised will be key to the success of the Disability Justice Strategy. The voices and perspectives of people with disability will be critical in the design, implementation and review of those initiatives.

Oversight of the strategy at an appropriate level will ensure that initiatives being undertaken across government will consider disability issues during the development, implementation and evaluation of those initiatives. Business units across government will need to consider the issue of access to justice for people with disability including through the provision of information and training. It will also ensure that work to develop initiatives will not be duplicated.

It is important that there be a central information point with a clear view of the range of disability justice-related activities already taking place and planned for future implementation. The development of the Disability Justice Strategy identified many examples of good practice and innovative approaches to improving access to justice for people with disability, yet these tended to occur in isolation. By establishing an overarching vision with action plans that reach across government and community we can develop a cohesive and transparent approach to better justice outcomes.



*Sharon Ding, Disability
Reference Group member*

PATHWAYS TO CHANGE: THE FOCUS AREAS

Five areas of focus for the Disability Justice Strategy have been identified as being critical to improvement and change. Case studies are given to provide context and to demonstrate the need for reform. All case studies are based on real events as described by either individuals or stakeholders and have been de-identified.

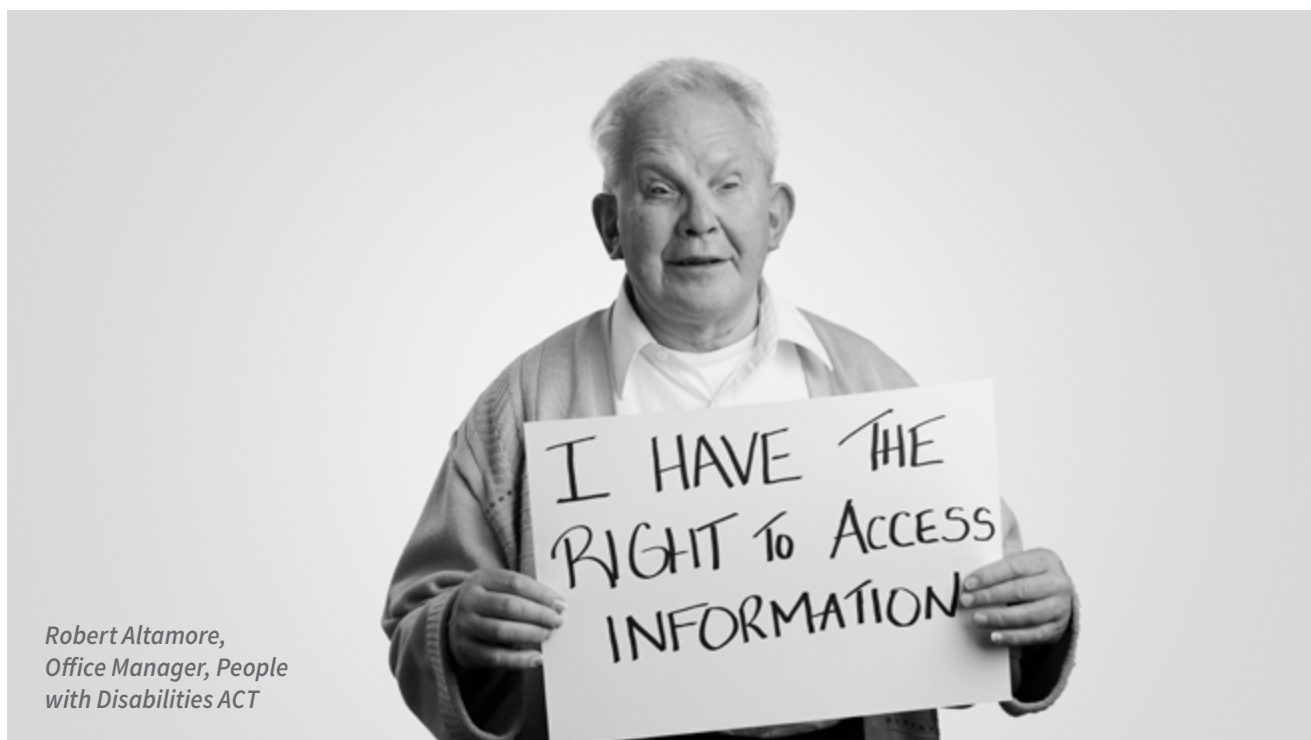
**FOCUS AREA 1
INFORMATION AND COMMUNICATION**

**FOCUS AREA 2
EDUCATION AND GUIDANCE**

**FOCUS AREA 3
IDENTIFICATION, SCREENING
AND ASSESSMENT**

**FOCUS AREA 4
BETTER SERVICE DELIVERY**

**FOCUS AREA 5
DATA, RESEARCH AND REVIEW**



Robert Altamore,
Office Manager, People
with Disabilities ACT

FOCUS AREA 1 INFORMATION AND COMMUNICATION

This focus area is about people with disability knowing their rights and being able to express their views. It is also about ensuring that information is shared effectively through the justice and services systems. Effective communication where information is heard and understood — both by the person with disability and by the justice system players — is vital to achieving equality before the law.

WHY IS THIS NEEDED?

EXPERIENCE 1

C was aged six when he disclosed he had been sexually abused by a carer who came into the family home to provide respite support for the family as two of his siblings have a disability. One of his brothers (D) was present when the abuse occurred. D has autism and is mostly non-verbal. The police tried to interview D to collect any evidence but were unable to communicate effectively with him verbally and did not pursue other options such as asking questions in writing or using a speech device (which D had used previously). D's parents did not know they could suggest to the police other ways to communicate with D and the police did not know of other ways to communicate. As a result, D did not become a prosecution witness in the court proceedings.

This case study is an ACT case referenced in the Criminal Justice Report of the *Royal Commission into Institutional Responses to Child Sexual Abuse*. It is an example of a person with disability being unable to participate in the justice system because of communication issues which may have been overcome if more information had been available about alternative methods of communication or alternate structures of support in place. It also highlights the vulnerability of people with disability and their families.

EXPERIENCE 2

M lives with chronic pain and mental ill health. He was charged with assaulting his partner and could understand the charge but was not provided with any supports to participate in the justice process. This meant he was interviewed by police but could not make decisions about that process, he could not understand why he had been charged yet his partner had not been charged with assaulting him (he alleged frequent assaults) and could not understand the consequences of failure to appear in court.

This case study illustrates the need to ensure that people with disability are supported to understand what is happening to them and to participate in the justice system fully.

“If you don’t know information you can’t act.”

Consultation participant

The provision of information is important so that people with disability can identify that they have a legal issue, what their rights are and where they can go for advice and assistance. It will assist people with disability, their families and carers to navigate a complex justice system. Access to information is also critical to supporting people with disability to make their own decisions to the best of their ability. Appropriate sharing of information is critical to allow the justice and service systems to work effectively together recognising that people with disability are often interacting with multiple organisations. It is less burdensome not to have to tell very personal information repeatedly and allows the justice and services systems to work in a more informed and efficient way. People with disability who were consulted said that they wanted their information shared, along with clear controls to ensure their personal information is collected and handled appropriately. At present we know that people experience issues relating to information and communication and this is a barrier to accessing justice. The strategy seeks to change this by improving the availability and accessibility of information about the justice system, people’s rights and how to receive assistance in accessible formats.

“There is an assumption we know how to complain and can collect documents to support it.”

Consultation participant

There are steps that have already been taken or are in progress to achieve improvements in information and communication. The work undertaken under the strategy will seek to support ongoing efforts across government without duplication. These steps include the actions below.

The ACT Government has accepted in principle the recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse that all states and territories should implement an intermediary scheme. Intermediaries are communication specialists whose role it is to assist a person with communication difficulties to communicate their best evidence to the police and the courts. The intermediary scheme will commence in January 2020 with a view to expanding in its scope in the third year, to include adults with a communication difficulty.

Recent amendments to the *Juries Act 1967* ensure that judges must consider the provision of reasonable supports to people with disability to allow them to discharge the duties of a juror. For example, the provision of an Auslan interpreter may enable a person with disability to participate in jury service.

In the ACT, we are already providing training to several justice organisations in the preparation of Easy English material to improve the information provided to people with disability.

However, further steps need to be taken to improving information and communication for people with disability in contact with the justice system.

We want to see that people with disability:

- are supported by the justice and service sectors so that their individual needs are met, and system issues are addressed
- have access to information, know their rights and are supported to make their own decisions
- are provided with early supports that prevent legal issues from developing
- are able to communicate effectively with the justice system
- are able to access supports for specific areas of need such as family violence and care and protection.

HOW WILL WE KNOW THE STRATEGY IS WORKING?

People with disability, their families and carers will tell us that they know what their rights are, where to find information, that the information is presented in a way that they can understand, and that the necessary supports (including communication supports) and adjustments are available to them to allow them to participate effectively in the justice system.

We will hear that people with disability feel supported to make decisions.

We will also be told by both people with disability and the justice and services sectors that information is being exchanged appropriately and effectively.

We will also hear that services have the skills to enhance supports and that reasonable adjustments are being made for people with disability.

Both government and non-government agencies will have in place plans that support disability access and inclusion to address barriers to inclusion for people with disability.



Sue Salthouse,
Chair, Women with
Disabilities ACT

FOCUS AREA 2 EDUCATION AND GUIDANCE

This focus area is about developing a justice system which can notice disability, provide supports to people with disability and have the justice system work to deliver equal access to justice.

WHY IS THIS NEEDED?

EXPERIENCE 3

S has several co-existing mental and physical disabilities and a history of trauma and domestic violence which make her particularly vulnerable. During a family law dispute, S had to answer repeated questions about the history of her relationship including from her legal advisors. She re-lived the distress and trauma repeatedly as a result and no supports were identified to mitigate the impact.

This case study demonstrates the need to provide education to services seeking to help people with disability both in terms of understanding the impact on them and how this could be avoided and/or lessened.

EXPERIENCE 4

P has an intellectual disability. He was 'befriended' by a person on a bus who claimed he had known him at school. This person stole from him and was reported to the police, with the allocated officer spending a long time with P taking a statement for use in a prosecution. However, the person (whose identity was known) was never charged and no explanation was given to P or his parents for this decision.

This case study illustrates that without clear training and guidance of justice system actors, people with disability are not participating fully in the justice system.

"We need to understand disability better and have better skills. Our default to behaviour issues is to call the police."

Consultation participant

People with disability will not receive equal access to justice if the legal/justice and services sectors are not skilled in recognising the indicators that someone may be a person with disability with additional needs or are trained in how to respond appropriately, what the person's rights are, and what reasonable adjustments and supports are available.

“Police are good people, but they speak a different language.”

Consultation participant

The provision of education and guidance resources for frontline workers in the legal and services sectors on issues relating to living with disability would make a significant difference. It would also assist the frontline workers who are endeavouring to provide a good level of service but feel constrained by a lack of knowledge, training and resources.

Building capability in both the legal and disability service sectors will make the justice system much more responsive to people with disability.

The work under the strategy will seek to increase the availability of education for organisations working in the justice arena including the legal profession resulting in a disability-informed sector. Training is already being offered through the Community Services Directorate (Office for Disability) and the strategy will seek to continue and expand the education opportunities available.

ACT Courts and Tribunal has appointed its first Courts and Tribunal Assistance Officer, focused on ensuring the courts and tribunal are more accessible to people with disability.

In terms of future direction, we want to see that:

- the justice system is disability-aware and able to respond to the needs of people with disability through the provision of reasonable adjustments
- tools, resources and guidelines are being used to inform the practices of the justice system when responding to people with disability.

HOW WILL WE KNOW THE STRATEGY IS WORKING?

The justice and disability service sectors will tell us that they have improved levels of confidence that they have the necessary levels of knowledge and expertise when engaging with people with disability.

Organisations will also report improved skills in developing accessible information. This knowledge and expertise will be supported by resources such as: handbooks; guidelines; continuing professional development; and training opportunities. People with disability will report a more skilled disability-informed sector.



Yenn Purkis, autistic
author and advocate

FOCUS AREA 3 IDENTIFICATION, SCREENING AND ASSESSMENT

This focus area is about the need to identify possible disability and take further action where required. While many people with disability are willing to self-identify, others are not due to concern about stigmatisation. This means it is important that the justice and services systems are capable of recognising disability support needs and making practical adjustments.

WHY IS THIS NEEDED?

EXPERIENCE 5

J has an intellectual disability and speech impediment. He was threatened with assault at a shopping centre and reported the incident to both the shopping centre and police. Both stated they could not assist him. He was supported by a legal services provider to make a disability discrimination complaint against the shopping centre. At a conciliation meeting the shopping centre management stated they were unaware of J's disability and apologised. They agreed to introduce him to their staff to prevent him being refused assistance in the future and asked to use his Easy English statement to train staff on how to respond better to people with disability.

This case study demonstrates that when disability is not identified, access to justice can be impeded and that by improving identification and understanding this can be overcome.

EXPERIENCE 6

K requires support to participate in daily activities including management of vital medications, transport and therapy to build skill in domestic and community activities. These support needs were identified during time in detention and he was referred to the National Disability Insurance Agency prior to his release. Access to the scheme was denied and he was released without supports in place. Crisis response and informal family support were not sufficient to meet his needs. He offended and was imprisoned again.

There is very little data collected in the ACT about people with disability and the justice system. While there is relevant national data which provides some insights into the likely position in the ACT, it is important ongoing work is informed by accurate data and evidence.

We need to improve the ways we identify people in contact with the justice system who have disability because:

- a coherent picture with enough detail will ensure we focus our main efforts where there is greatest need
- it will allow us to assist people with disability at an individual level and by meeting their needs reduce their contact with the justice system
- it will help the justice system provide appropriate solutions.

Identification can occur through people working in the justice and services sectors noticing characteristics or traits which would indicate a need for reasonable adjustments to be made.

In some circumstances using a screening tool would provide an indication of disability warranting reasonable adjustment, otherwise the need for adjustments may be missed or overlooked. For example, screening a person who has been arrested for an alleged offence or on admission to detention would not only assist in supporting and responding to the

person appropriately, it would provide useful data to develop trend indicators.

Conducting a more in-depth assessment of need allows for a more comprehensive understanding of what reasonable adjustments can be made.

Advocacy for Inclusion has developed police wallet cards designed for people with disability, in consultation with the Australian Federal Police. The card is to assist people with disability in contact with the police, support the person to explain their situation and provide the police with awareness to make reasonable adjustment.

HOW WILL WE KNOW THE STRATEGY IS WORKING?

We will see more identification, screening and assessment points in the justice and services systems being created and operating effectively. People with disability will report receiving appropriate supports during their interactions with the justice system.

Jamelle Boettcher, Senior
Human Rights Advocate
and Bonnie Millen, Senior
Human Rights Policy Advisor,
Advocacy for Inclusion



FOCUS AREA 4 BETTER SERVICE DELIVERY

This focus area is about how services for people with disability could be improved and the ‘dots are joined’ to allow for a complete picture of service and support needs to be created for a person with disability.

WHY IS THIS NEEDED?

EXPERIENCE 7

F is a former paramedic who acquired a brain injury. He lived with his wife but received no supports for his disability and rarely left his bedroom. His wife struggled to cope with his behaviour and following an assault on her, F was charged. He was remanded in custody in large part because no alternative accommodation was available. While at the Alexander Maconochie Centre, a range of supports were provided which allowed him to participate in activities resulting in improved mood and self-care. On his release from detention he went to live in supported accommodation and receives ongoing supports including the assistance of an occupational therapist to provide a structured environment and living plan. He has not committed any further offences.

This case study demonstrates that if needs are identified and the right services provided a person with disability can avoid contact with the justice system.

EXPERIENCE 8

A and B are a couple, one of whom has a mild intellectual disability. A was expecting a child and concerns were held about her and her partner’s ability to parent. An advocacy service became involved and was able to liaise extensively with the couple and their extended family, assist them to enrol in parenting classes and advocate for them at meetings with Child and Youth Protection Services (Child and Youth Protection Services). A restorative practice approach was proposed to formalise how the extended family could support the couple and the advocate worked with the family to come up with a written plan. Child and Youth Protection Services has concluded the case because they are satisfied that the parents are willing and able to care for their child.

This case study illustrates that by taking an innovative approach services can work together to achieve a positive outcome for people with disability and their families.

In order to achieve equal access to justice for people with disability, it is necessary to:

- intervene early in the life of a person and/or the life of a legal issue
- have a justice and service system which identifies need and authorises the delivery of services to meet that need
- ensure the right services exist to meet the needs of people with disability in contact with the justice system
- link the justice system and services to allow for effective communication between the justice system and services and also between services.

Since the roll-out of the National Disability Insurance Scheme (NDIS) in the ACT, there has been a shift to the provision of individualised supports for people with disability rather than a service system. While the person-centred approach of the NDIS has benefitted more than 6,000 people with disability in the ACT, it has changed the viability of some block-funded programs that existed just in case they were required. This is particularly problematic for the more than 55,000 people with disability in the ACT who do not qualify for NDIS assistance.

There are services in the ACT which seek to assist people with disability in contact with the justice system. However, consultation indicated that there are gaps in the services being provided and indicators that existing services have insufficient capacity to meet the legal/ justice needs of people with disability.

Effective links between the justice system and human services are key to ensuring information is shared

(where appropriate) and the 'dots are joined' to allow for a complete picture of service and support needs to be created for a person with disability.

The strategy will build greater coordination and collaboration across systems to the benefit of individuals.

In the ACT we are already holding ACT Civil and Administrative Tribunal guardianship hearings at hospitals allowing people with psychosocial and mental health disabilities to attend hearings where they are discussed.

In the future we want to see that:

- the justice and services systems work in a coordinated, cohesive way to support people with disability to navigate the justice system and achieve long-term cultural change
- the justice system is able to respond to people with disability from vulnerable groups such as Aboriginal and Torres Strait Islander people, children, women, victims and detainees
- services are available to meet the needs of people with disability in contact with the justice system.

HOW WILL WE KNOW THE STRATEGY IS WORKING?

We will have effective systems and services in place to ensure the needs of people with disability in contact with the justice system are met. There will be a positive authorising environment where all organisations have a clear mandate for their role and are supported by people who work collaboratively to achieve better outcomes for people with disability.



*Helen Connolly, Manager,
Supported Decision Making,
ACT Disability Aged Carer
Advocacy Service*



Deborah Eades,
Disability Reference
Group member, and
her son, Sam

FOCUS AREA 5 DATA, RESEARCH AND REVIEW

This focus area is about knowing what success looks like for the Disability Justice Strategy. The strategy will need to consider how systems can be created or adapted to collect and hold data and how information held about people with disability can be appropriately and safely shared to allow the justice system to work more effectively.

WHY IS THIS NEEDED?

EXPERIENCE 9

D lives with enduring mental ill health and experiences significant impairment to participating in daily activities. He was assaulted by a neighbour and complained to the police and other agencies. He found none were able to respond to the needs he expressed. The only solution D could see was to move but he does not have the resources to do so. He remains in his house, feeling trapped and increasingly disconnected from services. He is vulnerable to crime and behaviours which express his frustration. He feels the justice system has, perhaps unconsciously, diminished his legitimate concerns because of his psychosocial disability.

This case study illustrates the importance of gathering and sharing data/information. If the system had worked effectively to collate incidents and make reasonable adjustments, the situation may have been resolved rather than D now perceiving that the system has failed him.

As already stated, there is a lack of data about people with disability in contact with the justice system. By collecting and analysing data, we will be able to create an accurate picture of the needs of people with disability specifically in the context of the ACT. This will allow actions and resources to be directly effectively to achieve maximum impact. It will also mean that we will be able to measure success both internally in the ACT and against other jurisdictions. We will be able to use the data for research purposes to inform future actions under the strategy.

Reviewing progress under the strategy is critical to understanding whether initiatives are achieving their goals and whether adjustments or larger-scale changes need to be made. It is also important to inform the development of new initiatives over the life-time of the strategy. Reviews will take place in years 3 and 7, with a final review at the end of the strategy in year 10.

In addition to specific review points, ongoing oversight of work being done under the Disability Justice Strategy will ensure a coordinated approach and that consistent momentum is maintained to achieve change.

We want to see that:

- data gathering is happening across the system
- data is being used to inform future policy development
- data is being used to assess the effectiveness of initiatives under the strategy.

HOW WILL WE KNOW THE STRATEGY IS WORKING?

We will have an improved picture of how many people with a disability are in contact with the justice system and the reasons for that contact. Information will be held and shared appropriately within and between the justice system and services and the justice system will work more effectively as a consequence.

The reviews will demonstrate positive progress in achieving equal access to justice for people with disability, and the strategy will evolve as a result of a strong evidence base.

THE NEXT TEN YEARS

Over the next ten years the Disability Justice Strategy will guide an important shift in how the justice system interacts with people with disability. In order to be effective, the approach under the strategy will need to be innovative, consultative and responsive to changing circumstances. The strategy will be a ‘living document’, as opposed to a static one, driven by the action plans, so that as we learn new things adaptations can be made.

It is particularly important that we continue to listen to people with disability, their carers and families and involve them at every stage over the lifetime of the Disability Justice Strategy.



*Louise Bannister, Disability
Reference Group member*

FIRST ACTION PLAN 2019–2023

The Disability Justice Strategy is a ten-year strategy. The strategy is an overarching plan, designed to inform and guide how more detailed work is formulated and acted on. It has three key goals (Figure 1) and five focus areas aimed at achieving those goals.

Figure 1 Goals of the Disability Justice Strategy



THE FIVE FOCUS AREAS IDENTIFIED AS CRITICAL TO ACHIEVE THESE GOALS ARE:

| FOCUS AREA 1 | FOCUS AREA 2 | FOCUS AREA 3 | FOCUS AREA 4 | FOCUS AREA 5 |
|-------------------------------|------------------------|--|-------------------------|---------------------------|
| Information and communication | Education and guidance | Identification, screening and assessment | Better service delivery | Data, research and review |

This First Action Plan sits under the Disability Justice Strategy and describes the first four years of work and the commitments made by stakeholders to ensure the ACT provides equal access to justice for people with disability.

This plan has been developed as a result of public consultation, research into best practise and advice provided through the Disability Justice Reference Group.

The action plan contains specific activities which fulfil the requirements of each of the five focus areas. At year three, this action plan will be reviewed to ensure the impact of the action plan is evaluated and outcomes of the review will inform and commence the development of the Second Action Plan.

Through pursuing the goals and focus areas of the Disability Justice Strategy this action plan will begin to change how the justice system responds to people with disability who seek access to justice.

STRUCTURE OF THE FIRST ACTION PLAN

The structure of the First Action Plan is based on a series of commitments and engagements made by agencies across the Territory to move towards equality before the law for people with disability. All agencies recognise the importance of access to the law and the importance of intervening early in the life of a person or an issue to prevent long-term complexity. This action plan is structured to include the outcome we are seeking, what it will look like for people with disability (including how it will address the Goals) and a break-down of activities that will be undertaken over the first four years of the Disability Justice Strategy.

The Disability Justice Strategy is one of a suite of inter-related strategies and initiatives to work to create a safer community, reduce engagement with the justice system and ensure that the vulnerabilities of those who do interact with the system are recognised and addressed. The final section of the action plan therefore details the mutually enabling reforms that are already underway and how they will help to address the strategy's goals.



*Geoffrey McCarthy,
Presidential Member, ACT Civil
and Administrative Tribunal*



*Rachel Stephen-Smith MLA,
Minister for Disability*

FOCUS AREA 1 INFORMATION AND COMMUNICATION

People with disability know their rights and are able to express their views

Information is shared effectively and appropriately through the system

HOW WILL WE KNOW IF THE STRATEGY IS WORKING?



People with disability, their families and carers will tell us that they know what their rights are. They will know where to find information and the information will be presented in a way that can be understood. Necessary supports (including communication supports) and other adjustments will be available to people to enable them to participate effectively in the justice system.



We will hear that people with disability feel supported to make decisions.

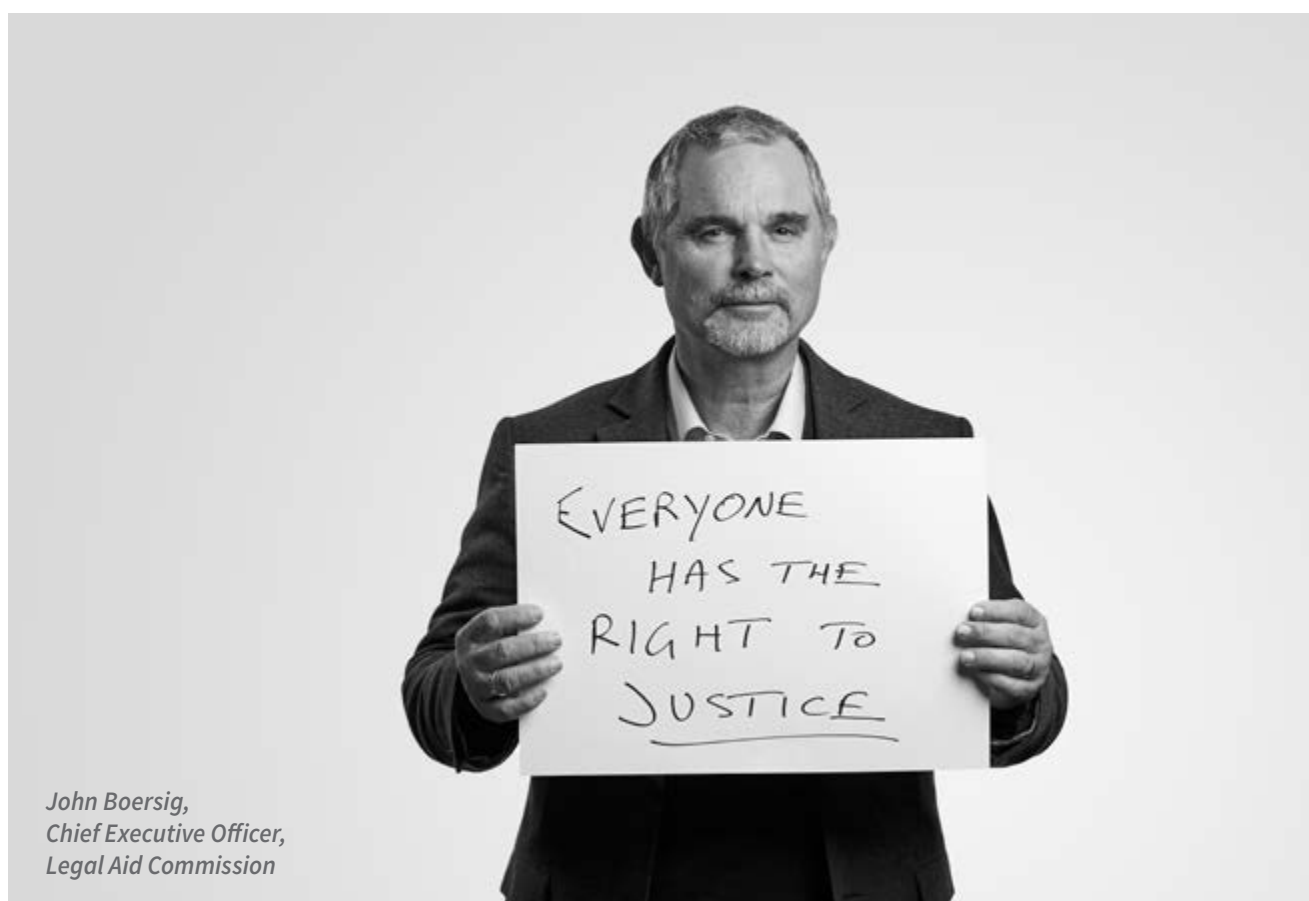
We will be told by both people with disability and the justice and services sector that information is being exchanged appropriately and effectively.

We will also hear that services have the skills to enhance supports and that reasonable adjustments are being made for people with disability.

Both government and non-government agencies will have plans in place that support disability access and inclusion to address barriers to inclusion for people with disability.

| Goal | Action | Outcome | Commitments |
|---|---|---|---|
|  | 1.1 Community of practice A community of practice will be created through the phased introduction of disability justice support workers in key agencies. The networked members employed by a range of justice agencies will provide direct one to one navigation and support to individuals in those services and foster cultural change through internal expertise and advocacy. | People with disability will experience the provision of practical supports and reasonable adjustments as they engage with justice agencies, to support them to navigate the system. Justice agencies will have increased confidence in supporting people with disability and making reasonable adjustment to enable access to justice. Community of practice designed and established with two (2) dedicated justice agency staff in early 2020 building to eight (8) dedicated staff by 2023. | Lead: Community Services Directorate and Justice and Community Safety Directorate. Includes: Partnership with relevant agencies and organisations including commitments from: <ul style="list-style-type: none"> • Office of the Director of Public Prosecutions • Legal Aid • ACT Policing • ACT Corrections • Child and Youth Protection Services • ACT Courts and Tribunal • Community Legal Sector. |
| |  1.2 Accessible information All government agencies develop accessible information through a variety of formats to ensure people with disability are able to understand their rights, access information and better understand the justice system. | People with disability, their carers and supporters have accessible information to enable equal access to justice in ways meaningful to them. Accessible information will help to ensure that people with disability understand their rights and their responsibilities and have them respected. First round of accessible information completed by June 2020. First workshops on accessible information September 2019. | Lead: All ACT Government agencies. Includes: <ul style="list-style-type: none"> • Legal Aid • Office of the Director of Public Prosecutions • ACT Courts and Tribunal • Public Trustee and Guardian • Justice and Community Safety Directorate • ACT Corrections • Child and Youth Protection Services • Canberra Community Law • Housing ACT • Community Legal Sector. |
|  | 1.3 Supported decision making Supported decision making is understood and promoted across community and justice agencies. Supported decision making provides an alternative way of ensuring a person retains autonomy and independence in their lives. It provides an alternative to substitute decision makers and guardians. | People with disability are given the greatest decision making autonomy and support possible to make decisions affecting their lives. This occurs by creating a cultural shift where supported decision is recognised as a preferred and achievable alternative to guardianship by community, service providers and the justice sector. Supported decision making program is delivered from year 1 of the strategy. | Lead: Office for Disability, Community Services Directorate. Delivered by: Community disability advocacy partners and the Public Trustee and Guardian. |

| Goal | Action | Outcome | Commitments |
|--|--|--|---|
| GOAL 1  | 1.4 Identification of intervention points <p>Intervention points for information are identified and advice is given to problem noticers. Problem noticers are individuals and systems that are uniquely placed to engage early or proactively in the life of an issue.</p> | <p>This action will increase understanding of the most accessible and appropriate ways and places to provide people with disability, their carers and supporters, with information to ensure they have access to legal and other services on an equal basis with others.</p> <p>Mapping of intervention points commences in early 2020.</p> | <p>Lead: Community Services Directorate and Justice and Community Safety Directorate.</p> <p>Includes:</p> <ul style="list-style-type: none"> • ACT Health Directorate • Education Directorate • Justice and Community Safety Directorate • Community Services Directorate • Community sector. |
| GOAL 3  | 1.5 Community engagement and consultation with people with disability <p>Ongoing consultation is undertaken with people with disability and the community sector on the issues that impact their experience and ability to contribute as citizens.</p> | <p>People with disability are central to the ongoing development of the Disability Justice Strategy. Formal and informal engagement throughout this action plan will ensure people with disability have their voices heard.</p> <p>Regular communication on progress of the strategy and consultation on evaluation in 2022.</p> | <p>Lead: Community Services Directorate and Justice and Community Safety Directorate.</p> <p>Includes: All ACT Government agencies.</p> |





*Shane Drumgold,
Director of Public
Prosecutions*

FOCUS AREA 2 **EDUCATION AND GUIDANCE**


Developing a justice system that notices disability, provides supports to people with disability and works to deliver equal access to justice





HOW WILL WE KNOW THE STRATEGY IS WORKING?

The justice and disability service sectors will tell us that they have improved levels of confidence that they have the necessary levels of knowledge and expertise when dealing with people with disability.

Organisations will also report improved skills in developing accessible information. This knowledge and expertise will be supported by resources such as: handbooks, guidelines, continuing professional development and training opportunities.

People with disability will report a more skilled disability-informed sector.

| Goal | Actions | Outcome | Commitments |
|--|--|--|---|
| GOAL 2  | 2.1 Justice sector education and guidance Disability justice specific ACT training resources are developed. Justice organisations undertake training and utilise resources developed. | This action will foster a disability informed and responsive legal and justice sector so that people with disability receive information, services and reasonable adjustments when they need them. Training packages and modules are developed and tested throughout 2019–20. Training commences in 2019 with an ongoing schedule of training over the life of the plan. | Participation from relevant agencies and community sector: <ul style="list-style-type: none"> • Office of the Director of Public Prosecutions • Legal Aid • ACT Policing • ACT Corrections • Child and Youth Protection Services • ACT Courts and Tribunal • Victims of Crime Commissioner • Community Legal Sector • Bimberi Youth Justice Centre • Alexander Maconochie Centre • Justice Health • PCYC • OneLink • community disability advocacy partners. |
| | 2.2 Best practice guide for ACT police A guide to assist ACT Policing in interacting with people with disability. | A best practice guide is developed in partnership with ACT Policing. This will provide practical guidance to police in their interactions with people with disability to enable people with disability to understand and exercise their rights and have reasonable adjustments made. Best practice guide is developed in 2021 and tested in 2022. | Lead: ACT Victims of Crime Commissioner. Supported by: <ul style="list-style-type: none"> • Justice and Community Safety Directorate and Community Services Directorate. |
| | 2.3 Supporting victims to give evidence guidelines Guidelines on supporting victims with disability giving evidence are developed, disseminated and utilised. | Developed in partnership with the Victims of Crime Commissioner and the Director of Public Prosecutions these guidelines will provide guidance to members of the justice system, including ACT Policing, on how to support victims of crime and witnesses to provide evidence and have equal access to justice. Guidelines are developed and tested in 2021. | Lead: Office for Disability, Community Services Directorate. Delivered by: Community disability advocacy partners and the Public Trustee and Guardian. |

| Goal | Actions | Outcome | Commitments |
|--|--|--|---|
| GOAL 2  | 2.4 Legal capacity guidance for legal profession 'Legal capacity guidelines' are developed for legal practitioners to assist in identification of clients who may need additional supports. | Developed in partnership with Legal Aid, this action will support the legal profession to better understand the capabilities, strengths and needs of people with disability in their interaction with legal issues and decision making. Guidelines are developed and tested in 2020. | Lead: Legal Aid ACT. Supported by: <ul style="list-style-type: none"> Justice and Community Safety Directorate Community Services Directorate Public Trustee and Public Guardian. |
| GOAL 1  | 2.5 Education outreach on rights of people with disability Disability focused rights outreach from the Human Rights Commission is undertaken, targeting people with disability and the non-government sector. | Developed in partnership with the Human Rights Commission, this action will promote the understanding of the rights of people with disability to the general community and the justice system to improve responsiveness to people with disability. | Lead: ACT Human Rights Commission. Supported by: Community Services Directorate and Justice and Community Safety Directorate. |
| GOAL 2  | 2.6 Implementation of ACT Courts and Tribunal training tool Provide training for ACT Courts and Tribunal staff to improve their awareness of disability. | Staff will be able to better support people with disability to access ACT Courts and Tribunal on an equal basis with others, including by identifying the best ways to provide assistance. Training commences in 2019. | Lead: ACT Courts and Tribunal and People and Workplace Strategy (Justice and Community Safety Directorate). |
| GOAL 2  | 2.7 Development of best practice guide for Child and Youth Protection Services Child and Youth Protection Services develop a best practice guide for frontline workers. The guide includes best practice for how to support people with disability engaged with Child and Youth Protection Services. | Frontline child protection and youth justice workers know how to better support the people with disability they work with, including how to make reasonable adjustments and referrals to appropriate agencies. Best practice guide in development 2019. | Lead: Child and Youth Protection Services. Supported by: Office for Disability, Community Services Directorate. |



*Genevieve Bolton,
Executive Director and
Principal, Canberra
Community Law*

FOCUS AREA 3 IDENTIFICATION, SCREENING AND ASSESSMENT

Identifying disability and taking action where required.

HOW WILL WE KNOW THE STRATEGY IS WORKING?

We will see more identification, screening and assessment points in the justice and services systems being created and operating effectively. People with disability will report receiving appropriate supports during their interactions with the justice system.

| Goal | Actions | Outcome | Commitments |
|---|---|--|--|
|  | 3.1 Screening and identification of disability for reasonable adjustments Screening and assessment tools are sourced for use in both the services and justice systems. | This action will enable service providers and justice agencies to better identify people with disability to provide reasonable adjustments to support people with disability to access services and be treated equally. Workshops to identify tools in 2020. Trial of screening tools across settings in 2021. | Lead: Office for Disability, Community Services Directorate. Includes: Justice agencies and legal service providers including: <ul style="list-style-type: none"> • ACT Corrections • ACT Policing • Child and Youth Protection Services • Housing ACT • Legal Aid • Education Directorate • Canberra Community Law • community legal sector. |
| | 3.2 Referral for functional assessment A process for justice agencies to have ready access to functional assessments is established to inform service responses to people with disability through funding administered by Community Services Directorate. | This action will ensure that appropriate supports and adjustments are based on professional advice (where required) and made in a timely way to assist people with disability in their interaction with the justice system. Referral process trialled in 2021. | Lead: Office for Disability, Community Services Directorate. Referral Agencies: <ul style="list-style-type: none"> • ACT Corrections • Child and Youth Protection Services • Legal Aid • Office of the Director of Public Prosecutions • Victims of Crime Commissioner • ACT Policing • community legal sector. |
| | 3.3 Therapeutic assessment for children in out of home care Therapeutic assessments are undertaken for children and young people engaged with Child and Youth Protection Services. | Children and young people in out of home care will have disability included as part of their therapeutic assessment. This will help to identify early necessary supports and avoid or mitigate the risk of contact with the youth justice system. Commence in 2019. | Lead: Child and Youth Protection Services and Community Services Directorate. Supported by: Education Directorate. |







*Rebecca Cross,
Director-General
Community Services Directorate*

FOCUS AREA 4 **BETTER SERVICE DELIVERY**

Improving services for people with disability in contact with the justice system




HOW WILL WE KNOW THE STRATEGY IS WORKING?

We will have effective systems and services in place to ensure the needs of people with disability in contact with the justice system are met. In particular, there will be a positive authorising environment where all organisations have a clear mandate for their role and are supported by people who work collaboratively to achieve better outcomes for people with disability.

| Goal | Action | Outcome | Commitments |
|---|---|--|---|
|  | 4.1 Community of practice (service delivery) A community of practice will be created through the phased introduction of disability justice support workers in key agencies. The community of practice will provide direct one to one navigation of the justice system, provide support to individuals and foster cultural change through internal expertise and advocacy. | This action will mean that there will be a core network of dedicated disability justice workers to support people with disability, their carers and supporters to navigate the justice system and receive necessary adjustments. Community of practice designed and established with two (2) dedicated justice agency staff in early 2020 building to eight (8) dedicated staff by 2023. | Lead: Community Services Directorate and Justice and Community Safety Directorate. Includes: <ul style="list-style-type: none"> • ACT Policing • ACT Corrections • Legal Aid • Office of the Director of Public Prosecutions • ACT Courts and Tribunal • Canberra Community Law. |
|  | 4.2 Disability action and inclusion plans (DAIPs) DAIPs are developed and implemented to improve access and participation of people with disability. DAIPs are active plans written by an organisation as a commitment to improve access and participation for people with disability. | This action will enable services to identify where people with disability come into contact with their systems and means that ACT Government agencies and the justice sector will focus on the needs of people with disability within their service delivery, reasonable adjustments needed to be made and information that should be made more accessible. A DAIP also ensures the engagement of people with disability in the development of the plan. DAIPs are in place by 2022. | Lead: All directorates. Commitments from: <ul style="list-style-type: none"> • Public Trustee and Guardian • ACT Courts and Tribunal • Office of the Director of Public Prosecutions • Legal Aid • Canberra Community Law • Child and Youth Protection Services • Community Legal Sector. |
|  | 4.3 Third person support trial A trial providing a third person independent advocate for individuals with disability when interacting with the justice system is implemented. | This trial will test providing a community advocate/support person to individual people with disability to assist them to navigate the system, be listened to and communicate when involved in legal issues or proceedings such as a court or tribunal. Trial commences mid-2020. | Lead: Community Services Directorate and Justice and Community Safety Directorate. Includes: Community sector and justice agencies. |
|  | 4.4 Specialist disability legal and forensic services An examination is undertaken of the necessity and feasibility of specialist disability services for legal issues and supports to people in the criminal justice system. | This action will identify any gaps in services which may need to be addressed by new or specialist services to ensure equal access to justice. The review will inform the second action plan. Workshop to examine need and options 2020. | Lead: Community Services Directorate and Justice and Community Safety Directorate. Includes: Justice agencies and legal service providers. |



Detective Superintendent
Jamey Bellicanta, Coordinator
Intelligence and Community
Safety, Education and
Diversion, ACT Policing





| Goal | Action | Outcome | Commitments |
|---|---|--|---|
| GOAL 2  | 4.5 Intermediary scheme The intermediary scheme will commence in January 2020 with a view to expanding in its scope in the third year, to include adults with a communication difficulty. | This action will improve access to justice for people with disability in the criminal justice system. Engagement with witness intermediary scheme from commencement in 2020. | Lead: Victims of Crime Commissioner, Justice and Community Safety Directorate and Community Services Directorate. |
| GOAL 2  | 4.6 ACT Corrections disability framework An ACT Corrections disability framework is developed and implemented. | This action will ensure that people with disability in custody or under supervision have access to supports and adjustments that enable them to be safe, participate in programs and reduce recidivism. Development of framework in 2020. | Lead: ACT Corrections and Justice and Community Safety Directorate. |
| GOAL 2  | 4.7 Information sharing The collection and sharing of personal information of people with disability, with consent, is improved to ensure relevant information is available in a timely way to better support people with disability. | This action will mean that where appropriate (and not subject to legislative or other constraints), people with disability will be able to have their relevant information follow them across the system. This action will also enhance the likelihood of individual adjustments being made, reduce the trauma of re-identifying and ensure the system is ready to act in their support. Workshops to commence 2020. | Lead: Community Services Directorate and Justice and Community Safety Directorate. Includes: <ul style="list-style-type: none"> • directorates • justice agencies • community sector. |



David Pryce, Deputy Director-General,
Community Safety, Justice and
Community Safety Directorate

| Goal | Action | Outcome | Commitments |
|--|--|---|---|
| GOAL 1  | 4.8 Guardianship reform: explore opportunities to reform decision making laws in the ACT to provide greater options for supported decision making by people with disability | <p>This action will enhance the ability of people with disability to exercise decision making autonomy, consistent with their human rights, rather than experiencing ongoing substitute decision making arrangements.</p> <p>Legal reform implemented by 2022.</p> | <p>Lead: Justice and Community Safety Directorate.</p> <p>Includes:</p> <ul style="list-style-type: none"> • ACT Courts and Tribunal • ACT Health Directorate • Public Trustee and Guardian. |
| GOAL 2  | 4.9 Criminal justice diversion project <p>An examination is undertaken of options for diversion from the criminal justice system for people with disability.</p> | <p>This action acknowledges the lack of diversionary options for people with disability from the criminal justice system and commits to examining best practice options for diversion and recommend to government actions to be undertaken.</p> <p>Review of action will be undertaken to inform the Second Action Plan.</p> | <p>Lead: Community Services Directorate and Justice and Community Safety Directorate.</p> <p>Includes: Justice agencies.</p> |

| Goal | Action | Outcome | Commitments |
|---|---|---|--|
|  GOAL 1 | 4.10 Cognitive impairment and mental health review Given co-morbidity of mental health and disability a review is undertaken of current arrangements and options for reform and service delivery improvements are identified. | This action will identify the gaps and synergies between systems and make recommendations for change. ACT Health Directorate is leading the development of a strategic direction for mental health services for people with intellectual disability which will be available in 2019 to inform this action. | Lead: ACT Health Directorate supported by Justice and Community Safety Directorate. Includes: <ul style="list-style-type: none"> • ACT Health Directorate • Office for Mental Health and Wellbeing • Canberra Health Services • justice agencies • community sector. |
|  GOAL 2 | 4.11 Continuation of Canberra Community Law's Socio-Legal Practice Clinic The clinic will continue to provide socio-legal services to residents in the ACT and surround who have public housing, social security or disability discrimination problems. | Social barriers which impact on the resolution of legal problems are identified and a resolution is facilitated. It will also help people with disability to overcome the barriers to accessing justice and services and connect them with appropriate community support. Ongoing support identified and funded through the 2018–19 budget. | Lead: Canberra Community Law. |





*Gordon Ramsay MLA,
ACT Attorney-General*



FOCUS AREA 5 DATA, RESEARCH AND REVIEW

Knowing what success looks like for the Disability Justice Strategy

HOW WILL WE KNOW THE STRATEGY IS WORKING?

We will have an improved picture of how many people with disability are in contact with the justice system and the reasons for that contact. Information will be held and shared appropriately within and between the justice system and services, and the justice system will work more effectively for people with disability.

The reviews will demonstrate positive progress in achieving equal access to justice for people with disability, and the strategy will evolve as a result of a strong evidence base.

| Goal | Action | Outcome | Commitments |
|--|--|--|---|
| GOAL 3  | 5.1 Data collection and publication project Data collection points and collection methods are examined and mapped to improve data capture and reporting with a view to annual statistical collation. | This action will enable the ACT to gather clear data on who and how people with disability are interacting with justice systems. This will provide the information to measure quantitative progress and to assist in evaluating other outcomes, as well as guide future actions. Mapping and identification to commence in 2020. | Lead: Community Services Directorate and Justice and Community Safety Directorate. Includes: <ul style="list-style-type: none"> • Community Services Directorate • justice agencies • Chief Digital Office. |
| | 5.2 Evaluation A formal evaluation of the strategy and the First Action Plan is undertaken in year 3 to inform strategy direction and Second Action Plan. | This action will evaluate whether the strategy measures and actions are on track and delivering change. Evaluation to be undertaken in year 3 2022. | Lead: Community Services Directorate and Justice and Community Safety Directorate. Includes: external evaluator. |
| | 5.3 Governance and oversight Oversight of the strategy implementation and outcomes is undertaken by the Disability Justice Working Group. Government oversight will be provided by the senior leadership of the Human Services Cluster comprising the Directors-General of the ACT Health Directorate, Justice and Community Safety Directorate, Education Directorate and Community Services Directorate. | This action will ensure the active engagement of stakeholders including government, non-government and community members through the Disability Justice Reference Group, as well as oversight and accountability through cross-government collaboration. The Disability Justice Strategy team established in 2018 will be maintained throughout the life of the action plan. | Lead: Community Services Directorate and Justice and Community Safety Directorate. Includes justice agencies, relevant directorates and community sector: <ul style="list-style-type: none"> • Public Trustee and Guardian • ACT Courts and Tribunal • Office of the Director of Public Prosecutions • Legal Aid • Aboriginal and Torres Strait Islander Elected Body • ACT Health Directorate • Education Directorate • Aboriginal Legal Service. |
| GOAL 2  | 5.4 Ongoing development of the Disability Justice Strategy and action plans The Disability Justice Strategy and actions under the First Action Plan will be monitored and reviewed. This will inform the development of the Second Action Plan. | This action will enable government to maintain momentum on development of policy and operational procedures and ensure they are best placed to both identify and meet the needs of people with disability. The strategy team established in 2018 will be maintained throughout the life of the action plan. | Lead: Justice and Community Safety Directorate and Community Services Directorate. |



*Helen Watchirs,
Human Rights Commissioner*

INTEGRATION WITH CORE INITIATIVES: MUTUALLY ENABLING REFORMS

The Disability Justice Strategy is one part of a comprehensive set of government initiatives which seek to improve the situation of disadvantaged people and make Canberra a truly inclusive city. Each of these initiatives will have disability as one of their focus areas.

| Action | Outcome/Explanation | Commitments |
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| <p>Future of Education: The ACT Government's Future of Education Strategy, released in August 2018, provides a ten-year framework of progressive reform in education with a central focus on redressing current inequities.</p> | <p>The strategy directly supports the Disability Justice Strategy by acting as a protective factor, responding directly to the needs of individuals and aiming to ensure that every child is set up for success from the beginning of life.</p> | <p>Lead: Education Directorate.</p> |
| <p>Early Childhood Strategy: The aim of the strategy is to enable every child to participate in quality early childhood education and care prior to school. This initiative will roll-out in phases, starting in the 2020 calendar year and will be targeting children who experience vulnerability and disadvantage including children with a disability.</p> <p>As identified in the Minister's discussion paper, the strategy will focus on four key elements:</p> <ul style="list-style-type: none"> • increasing access, equity and affordability • enhancing workforce and qualifications • ensuring seamless transitions from education and care to school • maximising the benefit to children from money spent. <p>From an educational perspective we know that children who participate in high quality early childhood education are more likely to complete Year 12 and are less likely to repeat grades or require additional support.</p> <p>Early childhood education results in a broader range of benefits for individuals and society including; higher levels of employment, income and financial security, reduced crime rates and improved health outcomes.</p> | <p>This will support the Disability Justice Strategy by providing families and children with a disability access to two years of quality early childhood education. Access to quality early childhood education can also provide additional support and referral pathways to early intervention programs. Established research evidence has shown that two years of quality early childhood education results in positive social, educational and developmental outcomes for children and reduces probability of contact with the criminal justice system in teenage years.</p> | <p>Lead: Education Directorate.</p> |
| <p>Early Support by Design: is a ten-year reform to fundamentally change the DNA of the ACT human services system to a wellbeing, early support focus. Implementation will commence from 1 July 2019 and span two horizons of work:</p> <ul style="list-style-type: none"> • in the immediate term, enhancing early support capacity through four implementation initiatives • a longer-term horizon to shift the human services system to a commissioning for outcomes environment. <p>Early Support brings together collaborative action across the ACT Health Directorate, Education Directorate, Justice and Community Safety Directorate and Community Services Directorate, and their funded services. The initiative is focusing on three priority groups:</p> <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander families • vulnerable children and families (with a focus on the early years, 0–8) • families experiencing domestic and family violence. | <p>This will support the Disability Justice Strategy by driving a shift from a heavy focus on crisis-driven responses, where service impacts are less effective in achieving positive intergenerational change, to a system focused on early support.</p> <p>In the shorter term the four implementation initiatives will support key priority groups and areas of focus identified the Disability Justice Strategy through:</p> <ul style="list-style-type: none"> • diversionary responses for Aboriginal and Torres Strait Islander families from the child protection system that will support Aboriginal and Torres Strait Islander community-led solutions • alternative pathways for young people at risk of contact with the youth justice system, targeting the middle years • sustained nurse home visiting program utilising a multidisciplinary approach to support children and families. • place-based collective impact. | <p>Lead: Community Services Directorate in partnership with the ACT Health Directorate, Justice and Community Safety Directorate and Education Directorate.</p> |

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| <p>Blueprint for Youth Justice in the ACT 2012–2022: The Blueprint will seek to address goals/priorities including a specific focus area titled ‘Deliver support for young people with disability and/or mental health concerns in detention’. This focus area aims to improve service delivery and the capability of the youth justice system to use a ‘disability lens’ to better respond to young people’s needs, in addition to the ‘trauma lens’ that is currently embedded in the system.</p> <p>As identified through work to develop the Disability Justice Strategy, implementing effective services and supports for children and young people involved in the youth justice system requires consideration of intellectual and cognitive disabilities, which can sometimes be hidden. There is also a strong relationship between trauma and intellectual and cognitive disabilities that impact disproportionately on children and young people who have been involved with the care and protection and youth justice systems.</p> | <p>The Blueprint will align with and support the Disability Justice Strategy by:</p> <ul style="list-style-type: none"> • supporting actions of the Disability Justice Strategy and ensure learnings from youth justice initiatives inform ongoing implementation of the strategy • improving capability of staff in the youth justice sector to identify, understand and respond to the needs of young people with disability • ensuring better data capture of disability issues • ensure all information provided to young people before, during and after a period of custody is accessible for people with disability. | <p>Lead: Community Services Directorate.</p> <p>ACT Health Directorate, Canberra Health Services and young people.</p> |
| <p>Drug and Alcohol Court: The Parliamentary Agreement for the 9th Assembly commits to establishing a Drug and Alcohol Court (DAC) and associated support programs as part of a goal to reduce recidivism by 25 per cent by 2025. The DAC and associated support programs aim to reduce the criminogenic risks of drug and alcohol dependence within a therapeutic framework that promotes and sustains recovery.</p> | <p>The DAC is proposed to include a court-based forum for selecting program participants, making Drug Treatment Orders (DTO) and monitoring compliance.</p> <p>This will require significant work to coordinate between the Court itself and the case management, treatment and broader social service team required to support the offender’s compliance with their DTO.</p> <p>Alcohol and drug treatment services (and related social services necessary to support recovery) will be provided in the community, through programs facilitated between the ACT Health Directorate and the broader Alcohol and Drug service sector. It is expected that some of the participants may have experienced a drug-dependence related disability.</p> | <p>Lead: Justice and Community Safety Directorate and the ACT Health Directorate.</p> |
| <p>Therapeutic Care Court — Childrens Court: The government will establish a Therapeutic Care Court for care and protection matters heard within the Childrens Court. This will provide court-led interventions for parents whose children have been removed from their care, or are at risk of being removed, and seek to achieve re-unification and address parental substance abuse issues, parenting capacity issues, family violence, and mental health issues.</p> | <p>The allocated funding will explore the setup of a Therapeutic court for care and protection matters in the Childrens Court. This will potentially support the Disability Justice Strategy by providing support to parents and/or children with disability.</p> | <p>Lead: Childrens Court.</p> |

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| <p>Legal Aid duty officer at Childrens Court: The government will provide funding for Legal Aid ACT to deliver a new duty solicitor service in the Childrens Court, which will provide extended services to parents and grandparents who are involved in care and protection proceedings.</p> | <p>A duty solicitor position will support the Disability Justice Strategy by providing improved legal support to parents, grandparents and/or children with disability involved in Childrens Court proceedings.</p> | <p>Lead: Legal Aid.</p> |
| <p>Family Safety Hub: Current initiatives include a health/justice partnership and focus on women with disability.</p> <p>The Family Safety Hub applies the principles of co-design to design and deliver new or improved service pathways to meet the needs of people affected by domestic and family violence.</p> | <p>During the collection of key research insights to better understand how services can be more accessible, responsive and effective for everyone, women with disability were identified as being one of the least likely groups to access domestic and family violence services. These insights inform the Family Safety Hub's work which is focussed on increasing understanding of domestic violence and it's impacts across the system, co-designing and piloting new pathways to safety for people experiencing violence, considering innovative solutions to needs and reforming the broader system by identifying opportunities for increasing integration and cohesion across the service system.</p> | <p>Lead: Office of the Coordinator-General for Family Safety.</p> |
| <p>Frontline Worker Training: The ACT Government is committed to providing a skilled and educated workforce equipped to recognise and respond to the needs of all adults and children experiencing domestic and family violence (DFV).</p> | <p>All ACTPS staff will be trained to recognise and respond to DFV via the ACT Government Domestic and Family Violence Training Strategy.</p> | <p>Lead: Office of the Coordinator-General for Family Safety.</p> |



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| <p>ACT Aboriginal and Torres Strait Islander Agreement 2019–2028: The Agreement sets the long-term direction in Aboriginal and Torres Strait Islander affairs in the ACT. It outlines how the ACT Government, the Aboriginal and Torres Strait Islander community and our community partners will work together to meet the social, cultural and economic needs of Aboriginal and Torres Strait Islander people.</p> <p>The Agreement includes self-determination as the underlying principle that Aboriginal and Torres Strait Islander peoples have distinct cultural rights embedded in legislation and that the ACT will support the exercising of those rights.</p> <p>The Agreement is designed to ensure that directorates work together to achieve holistic program and service delivery.</p> | <p>The Agreement is accompanied by Focus Area Action Plans describing how we will deliver on the core and significant focus areas of the Agreement. The four core focus areas include:</p> <p>Children and Young People, Inclusive Community, Community Leadership, and Cultural Integrity.</p> <p>The six significant focus areas include: Connecting the Community, Life Long Learning, Economic Participation, Health and Wellbeing, Housing, and Justice.</p> <p>Justice is a significant focus area that aims for Aboriginal and Torres Strait Islander peoples, their families and community thrive in safe environment and have equitable access to justice and culturally safe restorative justice, prevention and diversion programs.</p> <p>The government will achieve these outcomes by focusing on:</p> <ul style="list-style-type: none"> • supporting Aboriginal and Torres Strait young people who come to the attention of the juvenile justice system through diversionary program assistance or access to individualised support as required • providing social and emotional supports for Aboriginal and Torres Strait Islander children and young people who have a parent (s) who is incarcerated • demonstrating increased opportunities for all Aboriginal and Torres Strait Islander people to under activities on Country to promote health and wellbeing and improve justice outcomes. <p>Actions under the other Core Focus Areas, together, work to deliver equitable outcomes for Aboriginal and Torres Strait Islander peoples and foster strong families.</p> | <p>Lead: Community Services Directorate.</p> <p>Justice Action Plan — Justice and Community Safety Directorate.</p> <p>All directorates.</p> |

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| <p>Housing Strategy: The ACT Housing Strategy recognises the central role that adequate and affordable housing plays for the lives of individuals, as well as the importance of intersections between housing, health, mental health, disability, family safety and justice services.</p> | <p>The Housing Strategy commits to:</p> <ul style="list-style-type: none"> • cross-government collaboration to explore new and effective models of transitional or long-term accommodation support. As part of this work, the ACT Government is currently designing and building a bespoke supported accommodation property to transition clients who are currently in the ACT mental health system into longer term supported accommodation. <p>On 30 June 2018, 51 per cent of public housing tenancies (5,415 tenancies) were households where at least one member was a person with disability. Allocation of public housing is prioritised to support people who demonstrate high or immediate need including for people with disability, mental health illness, or who are homeless.</p> <p>Housing ACT builds all dwellings to high accessibility and adaptability standards (Class C adaptable and Gold Liveable). The renewal and growth of public housing properties, including those head leased to community organisations, will increase the number of buildings that have high standards of adaptability and accessibility, better supporting people living with disability and giving individuals the option to age in place.</p> | <p>Lead: Community Services Directorate.</p> |
| <p>Canberra as a Restorative City initiative: This is an ACT Government commitment that builds on the success of the ACT Government's Restorative Justice Scheme (which commenced in 2005) and receives significant community support through the Canberra Restorative Community Network.</p> | <p>The Canberra as a Restorative City initiative works to expand the benefits of a restorative approach outside the criminal justice system and into other areas of Canberra life. Promoting Canberra as a Restorative City will provide benefits through a safer, more connected, and inclusive community. At present, people with disability are over-represented in the criminal justice system and a restorative approach can contribute to the provision of better support to people with a disability.</p> | <p>Lead: Justice and Community Safety Directorate.</p> |
| <p>Restorative Justice: This is a process that responds to the unique needs of individuals whose matters are referred by the criminal justice system. It is acknowledged that there may still be areas of 'invisibility' to the experience of people with disabilities in the process.</p> | <p>Improving access to restorative justice and ensuring the quality of the experience in the restorative justice process for people with disabilities.</p> <p>The Restorative Justice Unit will continue to access disability awareness training for staff and use this awareness to be as responsive as possible to the needs of people with disability in restorative justice processes and communications.</p> | <p>Lead: Justice and Community Safety Directorate.</p> |

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| <p>Office for Mental Health and Wellbeing: The office has been established to provide leadership for a sustainable, effective and coordinated whole of government and community approach that promotes mental health and wellbeing and addresses mental ill-health.</p> <p>The office has overseen the development of a vision for mental health and wellbeing in the ACT and released a work plan.</p> | <p>The work plan has been co-designed with the community and sector. It sets out deliverables which aim for change across three themes:</p> <ul style="list-style-type: none"> mentally healthy communities and workplaces support for individuals, families and carers system capacity and workforce. <p>The deliverables will be undertaken through government, non-government and community sector collaboration.</p> <p>The work plan and the Disability Justice Strategy are inter-connected through addressing the needs people with mental illness and considering broader strategies that impact on their involvement in the criminal justice system.</p> | <p>Lead: Office of the Coordinator-General for Mental Health and Wellbeing.</p> |
| <p>Charter of Rights for Victims of Crime: The Charter will ensure that victims of crime have a clear understanding of their rights, are treated with respect and have access to complaints resolution and remedy if their rights are breached.</p> | <p>This will support the Disability Justice Strategy by providing a right for victims of crime, including people with disability, to access the necessary adjustments that are required for a person to participate in the justice process. If a Charter right is breached, a victim can access a restorative complaints process that ensures justice agencies are accountable.</p> <p>The Charter will also provide rights so that people who have experienced crime can be kept informed, better choose what support they want and how they want to interact with the justice process and be heard when key decisions are being made.</p> | <p>Lead: Justice and Community Safety Directorate.</p> |
| <p>Implementation of criminal justice reforms arising from the Royal Commission into Institutional Responses to Child Sexual Abuse.</p> | <p>This will support the Disability Justice Strategy by developing an evidence base to potentially support expansion of the Intermediary Scheme and improving access to justice for individuals with a communication difficulty who have been subjected to a sexual assault.</p> | <p>Lead: Justice and Community Safety Directorate.</p> |
| <p>Royal Commission into Violence, Abuse and Neglect of People with Disability: Monitor progress, findings and outcomes from the Royal Commission to inform action.</p> | <p>Support the Canberra community to engage in the Royal Commission and access the provided supports to enable engagement around the issues of abuse, violence and neglect of people with disability in Canberra.</p> | <p>Lead: Community Services Directorate.</p> |

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The Disability Justice Strategy Project Team, on behalf of the ACT Government, would like to thank all the people who gave their time, experiences and ideas to create this strategy.

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www.communityservices.act.gov.au/disability_act/disability-justice-strategy

