

Disability Action Plan

2012-2016

Department of Justice

This Plan is downloadable from www.justice.vic.gov.au.

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Contents

Message from the Acting Secretary, Department of Justice.....	5
Department of Justice Organisational Chart.....	6
Introduction.....	7
The Department of Justice Diversity Statement	7
Principles that underpin the Department’s Disability Action Plan	7
Goals	7
Outcomes and Priorities	8
Implementation and Oversight.....	8
Department of Justice Disability Action Plans	8
The National Disability Strategy 2010-2020	9
Victorian State Disability Plan (SDP).....	9
How we developed the Justice Disability Action Plan 2012-2016.....	9
What this Plan aims to achieve	10
Department of Justice Diversity – Policy and Legislative Context	11
Department of Justice Disability Action Plan 2012-2016 – Framework	12
Disability in Victoria	13
What is a disability?.....	13
Recognising outcomes for all	14
Goal 1: A strong foundation for learning, and obtaining and maintaining employment	14
Goal 2: Protecting rights and promoting full participation	15
Goal 3: Access to justice information, goods, services, programs and facilities	17
Goal 4: Inclusive and responsive justice systems	18
Monitoring and Evaluating the Implementation of the DAP	20
Governance Structures	21
Glossary	22

Message from the Acting Secretary, Department of Justice

The Victorian community is characterised by a rich diversity. It is a community with varied needs for cultural, social, political, recreational, educational, spiritual and economic inclusiveness.

There are one million Victorians with a significant disability which may include a range of neurological, physical, sensory and cognitive conditions. Three hundred and forty thousand Victorians have a profound or severe core activity limitation, requiring some form of daily assistance.

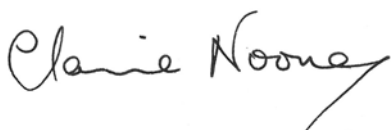
Access to, and participation in, the justice system are considered central to the notion of citizenship. We developed the Justice Disability Action Plan (DAP) 2012-2016 in recognition that all Victorians have a right to access the justice system. Its development was guided by our obligations under the Disability Act 2006, the National Disability Strategy, and the Victorian State Disability Plan. Above all this, however, we are committed to the Justice DAP because reducing barriers for people with a disability is essential to building an inclusive community.

We are also well aware that people with a disability are significantly overrepresented in our criminal justice system. In particular, we know that prisoners are more likely to have a serious mental illness or an acquired brain injury than other members of the Victorian community.¹

There is still more work ahead of us to break down the barriers to information, advice and support faced by people with a disability across the system. Some barriers are posed by physical environments, but others can stem from the policies and practices of justice agencies that inadvertently compound the difficulties experienced by people with disabilities.

We are proud of our achievements under the previous Justice DAPs, such as the establishment and implementation of the department's Disability Scholarship Program; training programs for justice staff to increase awareness of disability and mental health issues; and bi-annual Disability Stakeholder Forums. The department also undertook access appraisals of the buildings we own and lease, including prisons. We are using these appraisals to prioritise future work to ensure that major refits or renovations meet the requirements of the Disability Discrimination Act Building Standards.

This, our third iteration of the Justice DAP, is a further demonstration of the department's continued commitment to enhance the participation of people with disabilities as valued members of our diverse community.



Dr Claire Noone
Acting Secretary
Department of Justice
December 2012

¹ Department of Justice, Corrections Research Paper Series, Paper No 4, April 2011 and Forensicare (2009), 'Submission: National Human Rights Consultation Committee'.

Secretary

Community Operations & Strategy

Executive Director

Director
Community Operations & Victims Support

Director
Enforcement Services

Director
Infringement Management & Enforcement Services

Director
Koori Justice Unit

Director
Office of Correctional Services Review

Director Registrar
Registry of Births, Deaths & Marriages

Corrections, Health & Crime Prevention

Executive Director

Director
Community Crime Prevention

Commissioner
Corrections Victoria

Director
Justice Health

Courts & Tribunal Service

Executive Director

Chief Executive Officer
Coroners Court

Chief Executive Officer
County Court

Director
Court Services

Chief Executive Officer
Magistrates' Court

Director
Neighbourhood Justice Centre

Chief Executive Officer
Supreme Court

Chief Executive Officer
Victorian Civil & Administrative Tribunal

Liquor, Gambling & Racing

Executive Director

Director
Gambling Licence Transition

Director
Liquor Gambling & Policy

Manager
Office of Racing

Police & Emergency Management

Executive Director

Manager
Business Support

Director
Emergency Management Policy & Legislation

Director
Emergency Management Programs & Resources

Commissioner
Office of Emergency Services Commission

Director
Police Resources & Governance

Regional & Executive Services

Executive Director

Regional Director
Barwon South West

Regional Director
Gippsland

Regional Director
Grampians

Regional Director
Hume

Regional Director
Loddon Malley

Regional Director
North Metropolitan

Regional Director
West Metropolitan

Director
Executive Services

Director
People & Culture

Director
Strategic Communications

Director
Working With Children Check

Strategic Policy & Legislation

Executive Director

Director
Civil Law Policy

Director
Criminal Law Policy

Assistant Director
Courts Policy

Director
Dispute Settlement Centre Victoria

Manager
Human Rights Unit

Manager
Native Title Unit

Director
Police Policy & Legislation

Manager
Strategic Policy & Legislation Operations

Strategic Projects & Planning

Executive Director

Chief Finance Officer

Director
Built Environment & Business Sustainability

Director
Innovation & Strategy

Chief Information Officer
Knowledge Information & Technology Services

Director
Major Procurement Program Office

Director
Planning, Performance & Projects

Director
Risk & Audit

Introduction

The Department of Justice strives towards:

“An inclusive justice system that enables people with a disability, their families and carers to fulfil their potential as equal citizens”

The Department of Justice Diversity Statement

The department is committed to embracing and encouraging diversity among its staff and across Victoria by:

- recognising that differences – whether in gender, age, race, ethnicity, culture, disability, sexual orientation, education, experience, skills or beliefs – encourage value and strength
- respecting the rights, dignity, worth and property of all people
- engaging in recruitment and staffing practices that reflect the diverse nature of our business and the community
- fostering a culture that honours each individual’s unique ideas, experiences and skills
- creating an inclusive work environment that values diversity.

Principles that underpin the Department’s Disability Action Plan

The following principles underpin the department’s DAP:

- **Fairness**
Equity and accessibility considerations are recognised as the basis of the action plan.
- **Community safety**
Victorian communities are safe and citizens feel confident about their safety.
- **Human Rights and social justice**
The legal rights of all citizens with a disability are protected through a just, responsive and accessible legal system in which the Victorian community has confidence and the rights of justice employees with a disability are recognised, protected and promoted.
- **Self determination**
Victorian citizens with a disability are empowered to freely make decisions about their lives.
- **Choice**
People with a disability are consulted on policies and decisions that affect them and the needs of the individual and their carers are the focus of service provision.

The Justice DAP contains Goals, Outcomes, Priorities, and includes an Implementation Plan.

Goals

The goals of the department’s DAP are:

- a strong foundation for learning, and obtaining and maintaining employment
- protecting rights and promoting full participation
- access to justice information, goods, services, programs and facilities
- inclusive and responsive justice systems.

Outcomes and Priorities

The Justice DAP goals are underpinned by corresponding outcomes, and in turn, priorities.

Outcomes articulate in broad terms *what* we want to achieve through the DAP, and Priorities establish in more detail, *how* the department's response to disability related issues will be delivered.

Implementation and Oversight

The Justice DAP 2012-2016 is accompanied by an Implementation Plan which presents greater detail in relation to strategies identified in the DAP, along with measures, timelines and targets.

The DAP will be monitored through the following structures:

- the department's Diversity Issues Unit,
- the department's Diversity Committee, and
- the department's Justice Executive Committee.

Department of Justice Disability Action Plans

Each of the department's DAPs have focused on reducing barriers faced by people with a disability.

The first DAP (2005-2008) contained the following major themes:

- **access to services and programs** – including access to the built environment, access to information and strengthening partnerships with the disability sector
- **access to the justice system** – including support for people with cognitive disability in contact with the criminal justice system and promoting the rights of people with a disability
- **access to employment** – including development of a scholarship program unique to the Victorian Public Sector, and the development of a disability employment strategy, and
- **implementation and accountability** – including embedding the implementation of the DAP outcomes in Executive Officers' performance plans.

The next DAP (2009-2011) focussed on providing improved access to people with a disability in relation to:

- Department of Justice goods, services, programs and facilities
- obtaining and maintaining employment in the department
- promoting the right of all Victorians including people with a disability to be included and to participate in Victorian life
- achieving awareness and tangible changes in attitudes and practices that discriminate against people with a disability, and
- the implementation and monitoring of our disability action plan.

The current DAP 2012-2016 is aligned with the Victorian State Disability Plan (SDP) 2013-2016 and the implementation plan of the National Disability Strategy 2010-2020. It is consistent with the Commonwealth *Disability Discrimination Act 1992* and Victorian government policy.

It is also a requirement of the State *Disability Act 2006* Section 38(1) that all public bodies develop a disability action plan.

The DAP seeks to reduce barriers to employment, information, programs, and justice services and is a continuing theme in all department's disability action plans. We recognise these barriers for people with a disability and we have tailored the current Plan to provide equity for Victorians who have a right to access all aspects of Victorian life including the justice system.

The National Disability Strategy 2010-2020

The Victorian Government is a signatory to the National Disability Strategy 2010-2020 (NDS). The Commonwealth, State and Territory governments have developed the NDS under the auspices of the Council of Australian Governments (COAG). The NDS shared vision is for "an inclusive Australian society that enables people with a disability to fulfil their potential as equal citizens."²

The NDS presents six priority areas for action to improve the lives of people with disabilities, their families and carers:

1. Inclusive and accessible communities
2. Rights protection, justice and legislation
3. Economic security
4. Personal and community support
5. Learning and skills
6. Health and wellbeing.

Victorian State Disability Plan (SDP)

The SDP 2013-2016 sets out how the Victorian Government will work with the disability sector and the broader community to break down the barriers faced by people with a disability.³

The SDP is the significant state-wide policy document guiding the Government's approach to issues of disability as they impact on Victorian citizens. The SDP has four high level goals:

- Goal 1: A strong foundation in life
- Goal 2: Upholding rights and promoting participation
- Goal 3: Accessing information, transport, buildings and place
- Goal 4: A contemporary approach through disability system reform.

The development of the DAP has been based on the framework structure of the SDP, reflecting common themes and approaches. Where required, the DAP modifies areas of general focus in the SDP to reflect the department's work in justice-specific areas.

How we developed the Justice Disability Action Plan 2012-2016

The 2012-2016 Justice DAP responds to the issues faced by those who come into contact with the justice system. It seeks to meet the needs of Victorians with disabilities and all stakeholders.

² National Disability Strategy 2010-2020.

³ Victorian State Disability Plan 2013-2016.

Evaluation

An external evaluation of the DAP 2009-2011 considered the responses of external stakeholders and provided valuable information for the development of the new DAP.

The evaluation identified strengths and challenges in the delivery of DAP initiatives through the eyes of internal and external stakeholders. A key strength was the department's willingness to make adjustments that facilitated people with disabilities to work safely and productively and Disability and Mental Health Awareness Training that significantly enhanced the capacities of our front-line staff.

The evaluation identified challenges including inconsistencies across the organisation in the production of accessible communications and the continued barriers faced by people with a disability in accessing employment in the department.

The 2012-2016 DAP responds to these findings.

What this Plan aims to achieve

The new four-year DAP articulates the department's response to issues impacting on people with a disability in the justice context. It recognises issues encountered by the Victorian community as it engages with the justice system and services as well as addresses issues that may present for people with a disability who work in the department.

Consistent with the requirements of the *Disability Act 2006*, the DAP has a focus on:

- reducing barriers to persons with a disability accessing goods, services and facilities
- reducing barriers to persons with a disability obtaining and maintaining employment
- promoting inclusion and participation in the community of persons with a disability, and
- achieving tangible changes in attitudes and practices that discriminate against persons with a disability.

Department of Justice Diversity – Policy and Legislative Context

Commonwealth Legislation, COAG Agreements and International Obligations

<p>Disability Discrimination Act 1992 - provides protection for everyone in Australia against discrimination based on disability.</p>	<p>National Disability Strategy 2010-2020 An initiative of the Council of Australian Governments – endorsed by all State and Territory leaders. The NDS has been endorsed by the Victorian Government.</p>	<p>The United Nations International Convention on the Rights of Persons with Disabilities – of which Australia is a signatory.</p>
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Victorian Legislation

<p>Charter of Human Rights and Responsibilities Act 2006 Sets out freedoms, rights and responsibilities for all people in Victoria.</p>	<p>Victorian Equal Opportunity Act 2010 Legislation that encourages the identification and elimination of discrimination and to promote equality of opportunity in Victoria.</p>	<p>Disability Act 2006 The Act requires the department to have a Disability Action Plan which addresses barriers to accessing goods and services, employment opportunities, promoting inclusion and participation and achieving tangible change in attitude and practices.</p>
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Victorian Government Policy

<p>Victorian Families Statement – The 2011 Statement is the first instalment of what will be an ongoing annual statement. It marks the start of a discussion between Government and the public on how best to help Victorian families. 2012-13 Victorian Families Budget information Paper No 2 – Reiterates the government’s support of people with a disability, their families and carers, and commits to leading and driving the implementation of the NDIS.</p>	<p>The Victorian State Disability Plan 2013-2016 outlines a vision for the future that includes being a stronger and more inclusive community – a place where diversity is embraced and where people with a disability as citizens of Victoria, should enjoy the same rights, opportunities and responsibilities as all other citizens, fully and equally participating in community life.</p>
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Department of Justice

<p>Department of Justice Vision: A stronger, safer, more just Victoria.</p>	<p>Department of Justice Purpose: The Justice Portfolio brings together government activities concerned with community safety, a just and fair society and the reform, administration and enforcement of Law in Victoria.</p>	<p>Department of Justice Diversity Statement: A commitment to embracing and encouraging diversity.</p>	<p>Department of Justice Objectives:</p> <ul style="list-style-type: none"> • Lead whole of government Policing and Community Safety • Manage correctional facilities and programs to rehabilitate prisoners and offenders and increase the safety of individuals and families • Lead whole of government emergency management to minimise adverse effect to the community • Provide excellence in service delivery • Ensure responsible regulation • Support the Justice System • Ensure the integrity of the Public Sector.
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Department of Justice Diversity Framework - Disability Action Plan

<p>Justice Disability Action Plan Vision: An inclusive justice system that enables people with a disability, their families and carers to fulfil their potential as equal citizens.</p>	<p>Policy Directions for Disability</p> <ul style="list-style-type: none"> • A strong foundation for learning and obtaining and maintaining employment • Protecting rights and promoting full participation • Access to justice information, goods, services, programs and facilities • Inclusive and responsive justice systems. 	<p>Implementation and evaluation</p> <p>The Implementation Plan provides further details of initiatives to be undertaken as part of the DAP. Where applicable, it identifies leads in the delivery of initiatives, and attaches specific measures by which progress in the delivery of DAP initiatives may be gauged.</p> <p>The delivery of DAP and Implementation Plan initiatives will be subject to oversight and periodic review through the department’s DAP Review Committee, the department’s Diversity Committee and the department’s Executive Committee.</p>
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Department of Justice Disability Action Plan 2012-2016 – Framework

Vision	An inclusive justice system that enables people with a disability, their families and carers to fulfil their potential as equal citizens			
Principles	Fairness – Safety – Justice – Self determination - Choice			
Goals	A strong foundation for learning, and obtaining and maintaining employment	Protecting rights and promoting full participation	Access to justice information, goods, services, programs and facilities	Inclusive and responsive justice systems
Outcomes	Access to and outcomes in development, training and employment	A justice system that promotes and protects the rights of people with a disability and actively supports their participation and engagement in Victorian life	Planning, design and delivery of a justice system that is accessible to people with a disability	A justice system that promotes inclusion and participation for all Victorians
Priorities	<ol style="list-style-type: none"> 1.1 Strengthen processes and programs that represent pathways to employment for people with a disability. 1.2 Strengthen the department's capacities in the employment of people with a disability. 1.3 Strengthen the department's approach to sustaining employment for people with a disability. 1.4 Create opportunities for the development of staff with a disability. 	<ol style="list-style-type: none"> 2.1 Strengthen and promote access to rights and justice. 2.2 Develop a targeted Justice approach to enhance community understanding and positive attitudes towards people with a disability. 2.3 Work with people with a disability, their families and carers and disability stakeholder groups to enhance the accessibility of, and their participation in the justice system. 2.4 Adopt a comprehensive approach to improving the experience of people with a disability, their families and carers in the justice system. 	<ol style="list-style-type: none"> 3.1 Continue to improve the accessibility of the department's built environment. 3.2 Ensure that the department's systems and processes are accessible to people with a disability. 3.3 Ensure that communications and events are accessible to people with a disability. 	<ol style="list-style-type: none"> 4.1 Integrate disability related content into mainstream departmental planning processes. 4.2 Ensure that justice systems respond to the diversity of needs amongst people with a disability. 4.3 Draw on the advice of internal and external disability specialists to shape departmental approach.

Disability in Victoria

Some key facts

- Approximately one in five Victorians has a disability.
- An estimated 430,332 Victorians have a profound/severe or moderate/mild disability that restricts them from performing basic daily living activities such as self-care, mobility and communication.
- The Australian Bureau of Statistics estimates that nearly two million Australians aged from birth to 64 years have a profound/severe or moderate/mild disability.
- As people are generally living longer and acquiring disabilities as they age, the number of people with a disability has increased over time.

These facts play out in a variety of ways:

- Families and carers of people with a disability contribute to the total number of people in our community who are impacted by issues of disability.
- The impact of a disability on the life of a person may escalate or reduce from time to time depending on any number of factors. A person may not have a disability today, but may have one tomorrow. A person may have more than one disability, or may not consider that they have a disability at all.
- Attitudes play a key part in the way we engage with people with a disability and the way that people with a disability engage with their community. While some face attitudinal barriers, felt as stigma, prejudice and discrimination, others may be confronted by educational, employment, communication, and physical barriers.

What is a disability?

A strict definition of 'disability' risks limiting the ways in which disability is understood and responded to.

Disability may be permanent or it may be temporary. It may be visible or hidden.

Disability may also be described by levels of severity. Generally, there are four levels of limitation:

- **profound:** the person is unable to do, or always needs help with everyday core activity areas eg self-care, mobility and communication
- **severe:** the person sometimes needs help with a core activity task
- **moderate:** the person needs no help, but has difficulty with a core activity task
- **mild:** the person needs no help and has no difficulty with any of the core activity tasks but uses aids and equipment, cannot easily walk 200 metres, cannot easily bend to pick up an object from the floor and cannot use public transport.⁴

The Department of Justice DAP 2012-2016 adopts the definition of 'disability' in the *Disability Discrimination Act 1992*.⁵

⁴ Australian Bureau of Statistics – Survey of Disability, Ageing and Carers (SDAC).

⁵ (a) total or partial loss of the person's bodily or mental functions or
(b) total or partial loss of a part of the body or

Recognising outcomes for all

The constructive engagement of people with a disability presents many possibilities for the Department of Justice.

From a functional point of view, it is widely recognised that the constructive and creative engagement of people with a disability has many positive outcomes in terms of productivity, output and participation.

From an organisational growth point of view, inclusive approaches and operations bring significant benefits in terms of tolerance, appreciation of diversity and increased community relevance.

The department recognises the benefits of fully engaging in issues relevant to people with a disability. In so doing, we aspire to capitalise on the many benefits afforded our organisation by a more considered, inclusive and contemporary approach to the community of which we are a part, and which we are charged to serve.

Goal 1: A strong foundation for learning, and obtaining and maintaining employment

Preamble

According to the Australian Bureau of Statistics, among Australians aged 15-64 years in 2003, those with a disability had a lower labour force participation rate (53%), and a higher unemployment rate (8.6%) than other Australians of the same age (81% and 5%, respectively). Women with a disability were less likely to participate in the labour force (47%) than men (59%).⁶

The right to engage in employment remains a natural part of meaningful participation in the Victorian community. Recognition of this right sees employment highlighted in the National Disability Strategy, the State Disability Plan, and every departmental DAP.

Establishing and consolidating processes that encourage the employment of people with a disability remains a priority for the department. Through this Plan, the department will continue to reduce barriers for people with a disability obtaining and maintaining employment.

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- (c) the presence in the body of organisms causing disease or illness or
 - (d) the presence in the body of organisms capable of causing disease or illness or
 - (e) the malfunction, malformation or disfigurement of a part of the person's body or
 - (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction or
 - (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour. It also includes a disability that:
 - (h) presently exists or
 - (i) previously existed but no longer exists or
 - (j) may exist in the future (including because of a genetic predisposition to that disability) or
 - (k) is imputed to a person

⁶ Australian Bureau of Statistics 1370.0 Measures of Australia's Progress 2010. (cat no 4430.0)

Goal 1	A strong foundation for learning, and obtaining and maintaining employment
Outcome	Access to and outcomes in development, training and employment
Priority	Strategies
1.1 Strengthen processes and programs that represent pathways to employment for people with a disability.	<ul style="list-style-type: none"> • Strengthen pathways to employment for young people with a disability through available traineeship programs • Participate in WoVG disability recruitment, employment and retention strategies • Provide annual scholarships for tertiary students with a disability and create linkages to the VPS Graduate Recruitment Scheme • Explore options for the administration of a formal mentoring process for department staff and/or scholarship recipients with a disability • Train and resource recruiting staff with a view to reducing barriers to the employment of people with a disability.
1.2 Strengthen the department's capacities in the employment and retention of people with a disability.	<ul style="list-style-type: none"> • Increase the opportunities for employment, retention and professional development for people with a disability in the Victorian public sector • Train justice staff and managers in issues relevant to the retention of people with a disability • Capitalise on the services of a WoVG disability employment service • Administer periodic surveys to monitor the response of the department to issues relevant to people with a disability • Promote the department's Reasonable Adjustment policy across the department.
1.3 Strengthen the department's approach to sustaining employment for people with a disability.	<ul style="list-style-type: none"> • Provide opportunities for people with a disability to participate in training/work experience and other activities to develop skills and abilities, including access to the annual scholarship program for students with a disability undertaking tertiary studies • Promote the availability of flexible working arrangements for the department's staff with disabilities, or staff who are carers of people with disabilities.
1.4 Create opportunities for the development of staff with a disability.	<ul style="list-style-type: none"> • Build the capacity of the department to deliver accessible learning and development activities • Collaborate with Learning and Development in the promotion of learning and development opportunities for staff with a disability • Encourage justice managers to provide development opportunities for staff with a disability.

Goal 2: Protecting rights and promoting full participation

Preamble

It is a strong focus of government to ensure that all Victorians have the opportunity to participate as citizens in the life of the State.

This DAP identifies activities required of the department's Business Units and justice services to improve accessibility and responsiveness as it applies to Victorians with a disability, their families and carers.

The department recognises that people with a disability, their families and carers represent a large and potentially vulnerable portion of the population at risk of isolation in the community. There is much work to be done to ensure that rights are protected and participation enabled.

We will consult with the disability sector to improve existing systems and formulate new ones and we will strive to ensure that the issues relevant to people with a disability are incorporated into mainstream dialogue.

Goal 2	
Protecting rights and promoting full participation	
Outcome	A justice system that promotes and protects the rights of people with a disability and actively supports their participation and engagement in Victorian life
Priority	Strategies
2.1 Strengthen and promote access to rights and justice.	<ul style="list-style-type: none"> • Support and collaborate with the department’s business units and justice providers in the delivery of operations that respond appropriately to the requirements of Victorians with a disability who access justice services⁷ • Collaborate with the department’s Business Units and justice providers in the protection of rights for CALD Victorians with a disability • Examine the department’s internal and external grievance mechanisms to ensure they are accessible to people with a disability.
2.2 Develop a targeted approach to enhance understanding and positive attitudes towards people with a disability.	<ul style="list-style-type: none"> • Promote awareness and inclusion of people with a disability through mainstream departmental publications • Deliver training in Disability Awareness and Mental Health Awareness to the department’s managers and staff • Where applicable, deliver focussed disability training that responds to specific areas of need in the justice portfolio • Promote the DAP to staff and make it available to the community.
2.3 Work with people with a disability, their families and carers and disability stakeholder groups to enhance the accessibility of, and their participation in the justice system.	<ul style="list-style-type: none"> • Convene a Department of Justice Disability Action Plan Stakeholder Forum bi-annually to consult with consumer groups, advocacy agencies and people with a disability • Work with Knowledge, Information and Technology Service (KITS) and the department’s Strategic Communications Branch in the provision of accessible justice specific online and technology based tools.
2.4 Adopt a comprehensive approach to improving the experience of people with a disability, their families and carers in the justice system.	<ul style="list-style-type: none"> • Improve outcomes for people with a disability who are the victims of family violence, sexual assault or abuse • Enable people with a disability who are victims of crime to exercise their rights in the criminal justice system • Provide professional development for workers in disability services and agencies about the rights and services available to people with a disability who are victims of crime • Continue to develop the capacity of the justice system to respond to diversity among people with a disability • Participate in the enhancement of appropriate services for prisoners and clients with a disability • Improve and promote accessibility of court services/processes • Consolidate justice networking processes to shape accessible, contemporary and effective justice processes as they relate to people with a disability.

⁷ Justice providers include, but are not limited to, Court Services, Corrections Victoria, Consumer Affairs Victoria, Victims Support Agency and other agencies of the Department of Justice. Details of specific tasks are contained in the SDP and in the DAP Implementation Plan.

Goal 3: Access to justice information, goods, services, programs and facilities

Preamble

Participation as a citizen in the life of Victoria is something that many people take for granted.

The Department of Justice recognises, however, that for various reasons, people with a disability, their families and carers often face barriers that preclude them from enjoying access to aspects of Victorian life available to others.

Access extends well beyond just entry to buildings, the built environment and the obvious visible things we move around, work and play in. It encompasses the processes we use to deliver a justice service. It refers to the provision of information to our staff and to the public. It includes access to information, goods, services and programs offered by the justice system. It also refers to the events we hold and the customers and clients that we serve.

This DAP presents a range of initiatives specifically targeting access issues, with the intention of making our organisation suitably accessible to people with a disability, their families and carers.

Consistent with the National Disability Strategy and the State Disability Plan, we are placing an emphasis on the promotion and application of universal design principles.

We acknowledge the opportunity to build a responsive and sustainable organisational culture that ensures that access issues for people with a disability are taken into account in the planning and development of our goods and services.

Part of the challenge will be to examine new and emerging technologies to ensure that we remain relevant to the community as a contemporary and responsive provider of justice services.

Goal 3	Access to justice information, goods, services, programs and facilities
Outcome	Planning, design and delivery of a justice system that is accessible to people with a disability
Priority	Strategies
<p>3.1 Continue to improve the accessibility of the department's built environment.</p>	<ul style="list-style-type: none"> Using reports from the Access Appraisals process as a reference, continue processes aimed at making justice buildings and facilities accessible to people with a disability Ensure that all of the department's facilities incorporate awareness of issues encountered by people with a disability in emergency evacuation procedures Incorporate issues of access to the built environment into disability awareness training Publish information that raises awareness of issues encountered by people with a disability in the context of the built environment.
<p>3.2 Ensure that the department's systems, programs and processes are accessible to people with a disability.</p>	<ul style="list-style-type: none"> Ensure that policy makers and planners are conversant with, and take into account issues relevant to people with a disability Publish articles that promote the principles of 'universal design' Share examples of good practice in accessible design across departmental processes

	<ul style="list-style-type: none"> • Provide accessible consumer information for people with a disability.
3.3 Ensure that communications and events are accessible to people with a disability.	<ul style="list-style-type: none"> • Incorporate issues of communications and events accessibility for people with a disability into disability and mental health awareness training exercises • Provide accessible justice and consumer related information for people with a disability • Collaborate with Learning and Development to promote accessible learning programs • Collaborate with Office of the Emergency Services Commissioner to ensure that people with a disability are accounted for in emergency preparedness messaging • Ensure that the department complies with the WoVG Communications Access Policy (CAP) including meeting standards in the creation and maintenance of websites and online tools and resources.

Goal 4: Inclusive and responsive justice systems

Preamble

A key area of focus in the State Disability Plan 2013-2016 refers to system reform, requiring administrators to ensure that services are relevant and accessible to system users.⁸

Justice service providers and planners are charged with ensuring that:

- disability related issues are included as mainstream
- the wide diversity of justice system users with a disability is recognised, and
- disability sector experts and stakeholders are consulted as part of an ongoing planning process.

Responding to challenges presents an opportunity for the department to more effectively serve the community and build on its own capabilities. In meeting challenges, the department stands to improve the experience of life in this State for all Victorians.

Goal 4	Inclusive and responsive justice systems
Outcome	A justice system that promotes inclusion and participation for all Victorians
Priority	Strategies
4.1 Integrate disability related content into the department's mainstream planning processes.	<ul style="list-style-type: none"> • Promote the presence of disability content into the department's business planning processes and templates • Promote the consideration of issues encountered by people with a disability, their families and carers in the formulation of the department's processes and policy • Ensure that CALD Victorians with a disability are accounted for in policy and planning • Promote opportunities for the inclusion of people with a disability on departmental boards and other decision-making bodies.
4.2 Ensure that justice systems respond to the diversity of needs amongst people with a disability.	<ul style="list-style-type: none"> • Provide people with disability who are vulnerable to abuse or who are victims of crime with access to all the rights and protections afforded by the equal opportunity and justice systems

⁸ Goal 4: A contemporary approach through disability system reform - State Disability Plan 2013-2016

	<ul style="list-style-type: none"> • Provide appropriate services for alleged and convicted offenders who have a disability • Provide specialised and community based programs for people with a disability to address their offending behaviour • Continue and further develop specialised services to offenders with an acquired brain injury • Deliver focussed training to the department's front line staff to ensure that services provided respond appropriately to the experience of clients with a disability • Respond as required, to disability issues as they relate to justice systems.
<p>4.3 Draw on the advice of internal and external disability specialists to shape departmental approach.</p>	<ul style="list-style-type: none"> • Participate in internal and external disability networks to inform policy and approach • Promote opportunities to engage in dialogue and exchange between the Disability Sector and the department • Consult specialist providers and people with a disability, their families and carers in the formulation of policies, programs and processes.

Monitoring and Evaluating the Implementation of the DAP

Executive Oversight	
The department's Diversity Committee	The Justice Executive Committee

Department of Justice DAP: the department's primary policy document outlining broad principles, goals and outcomes in the provision of justice services to Victorians with a disability for the period 2012 to 2016.

Implementation Plan: Consistent with the State Disability Plan, the term of the department's DAP will be split into two, two-year terms. The first Implementation Plan will be reviewed at the end of the second year.

2012

Years 1 & 2

↓

The First Implementation Plan (2012–2014) provides details of initiatives to be undertaken as part of the DAP. Where applicable, it identifies 'leads' in the delivery of initiatives, and attaches specific measures and timelines by which progress in the delivery of DAP initiatives may be monitored.

2014

Mid-term review

→

Mid-term Review

Impact Evaluation: The impact evaluation will cover the activities in the first implementation plan. Two types of impact are evaluated:

- The impact of the department's DAP on people with a disability that is further divided into direct and indirect impacts.
- The impact of the DAP on the work of the department that is also divided into direct and indirect impacts.

The information from the impact evaluation will inform the development of the second implementation plan.

Outcome Evaluation: The outcome evaluation focuses on two outcomes:

- The effect of work undertaken by the department in addressing issues for staff with a disability, and
- The effect of work undertaken by the department in addressing issues in the lives of Victorians with a disability coming into contact with the justice system.

Years 3 & 4

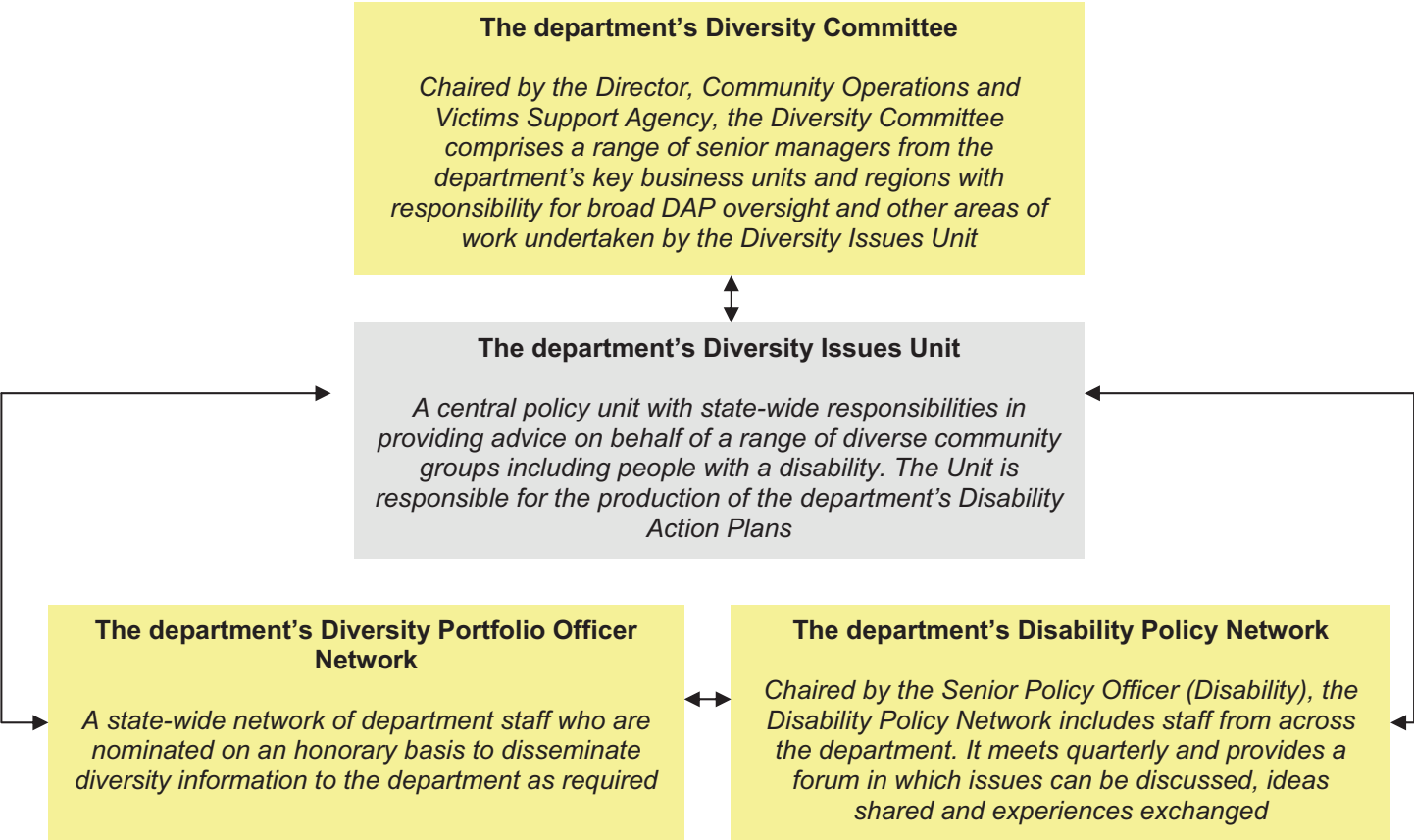
↓

The Second Implementation Plan (2014–2016) The information from the impact evaluation will inform the development of the Second Implementation Plan.

2016 – Evaluation of the DAP 2012-2016 and development of the DAP 2017-2021

Governance Structures

The delivery of Justice DAP initiatives and outcomes is supported by a number of internal and external committees, groups and networks:



Glossary

A

ABI: Acquired Brain Injury (ABI) is an injury to the brain which results in deterioration in cognitive, physical, emotional or independent functioning. ABI can occur as a result of trauma, hypoxia (lack of oxygen to the brain), infection, tumour, substance abuse, degenerative neurological diseases or stroke. The impairments to cognitive abilities may be either temporary or permanent and may cause partial or total disability or psychosocial maladjustment (Department of Human Services and Health, 1994).

Access: Refers to the ease with which people are able to use services and/or resources. In the department's Disability Action Plan access is used to refer to a whole range of things such as buildings, car park spaces, facilities, resources, services and programs, equipment, signs, information, training programs and employment.

Aids and equipment: Refers to any device used by persons with one or more disabilities to assist them with performing tasks, but does not include help provided by another person or an organisation.

Alternate formats: Refers to different ways of presenting information. For example, information that can be printed can also be produced in Braille, electronically or in a picture form.

Anti-discrimination legislation: This is legislation designed to protect people from discrimination on the basis of such factors as race, gender, disability, age, religion or marital status. There are three laws which make disability discrimination unlawful in Victoria: the *Commonwealth Disability Discrimination Act 1992*, the *Victorian Equal Opportunity Act 2010* and the *Victorian Disability Act 2006*.

Assistive technology: Refers to a product, item or piece of equipment that is used by a person with a disability to maintain or increase access in a wide range of situations. Examples of areas assistive technology can be used are: for mobility, communicating, using a computer or daily living.

B

Built environment: Refers to buildings, roads, footpaths and other human built structures.

Business unit: In the Department of Justice, this term refers to a work unit which has responsibility for a particular area of the Department's work. Examples of the department's business units are People and Culture, Civil Law Policy and Koori justice Unit. For more detail see the Department of Justice organisational chart.

C

Carer: Refers to a person of any age who provides any informal assistance, in terms of help or supervision, to persons with disabilities or long-term conditions.

Civil justice system: This term refers to the administration of the law that does not involve criminal offences. Civil cases are dealt with in civil courts and tribunals, for example, the Victorian Civil and Administrative Appeals Tribunal. Examples of civil law are commercial law, discrimination law and property law (See also 'criminal justice system' and 'justice system').

Cognitive disability: The concept of cognitive disability is extremely broad and not always well defined. In general terms, cognitive disability refers to a disability that affects the way a person thinks, reacts to emotions, and/or behaves. The most common cognitive disabilities are intellectual disability, acquired brain injury and some learning disorders. Some psychiatric disability can also be considered a cognitive disability. As with all disabilities it is important not to make assumptions about people with a cognitive disability. Some people with a cognitive disability may need assistance with nearly every

aspect of daily life, while others may go through life without their disability ever being 'discovered' or 'diagnosed'.

Communication: Refers to the way we give and receive information. Communication can be through speech, writing and touch, or can be visual.

Criminal justice system: This term refers to the police and legal system which investigates crimes and prosecutes people who break the law. In Victoria, the Police, Courts and Corrections are some of the important parts of the criminal justice system. (See also 'civil justice system' and 'justice system')

D

Disability: A disability can result from a number of causes including an accident, illness or genetic disorder. The definition of 'disability' in the *Disability Discrimination Act* is very broad and is designed to ensure that everyone with a disability is protected from discrimination because of their disability.

Disability is often described in terms of disability types, commonly these include:

- physical disability
- sensory disability
- neurological disability
- intellectual disability
- acquired brain injury
- psychiatric disability.

Defining or recognising disability is not always straightforward. Some disabilities (such as HIV/AIDS) are not obvious, in the way for example that seeing someone with a guide dog is. Nor does everyone who would be commonly thought of as having a disability accept what they see as a 'label'. For example many people who are deaf reject the term and instead see themselves as belonging to the deaf community, with its own language and culture.

Disability action plan: A tool for planning and making changes to organisations so they become more inclusive of people with a disability.

Disability Act: The Victorian *Disability Act 2006* (s 38) states that a Disability Action Plan is prepared for the purpose of:

- (a) 'reducing barriers to persons with a disability accessing goods, services and facilities
- (b) reducing barriers to persons with a disability obtaining and maintaining employment
- (c) promoting inclusion and participating in the community of persons with a disability
- (d) achieving tangible changes in attitudes and practices which discriminate against persons with a disability'.

Disability Discrimination Act: The Commonwealth *Disability Discrimination Act 1992* states that discrimination on the basis of disability is unlawful. The Act:

- covers everyone with a disability
- protects relatives, friends and carers of people with a disability if they are discriminated against
- aims to remove barriers that prevent people with a disability taking part in many areas of community life
- is complaints-based legislation. This allows a person with a disability, or somebody acting on their behalf, to lodge a discrimination complaint with the Human Rights and Equal Opportunity Commission (HREOC).

Discrimination: Discrimination is when a person is treated less favourably than others because they are part of a particular group. Discrimination may occur for many reasons such as (but not limited to) a person's race, gender, disability, age, religion or marital status.

The *Disability Discrimination Act*, the *Equal Opportunity Act* and the *Disability Act* make it clear that discrimination can occur because of disabilities that currently exist, disabilities have existed in the past,

that may exist in the future or because a person is thought to have a disability. Discrimination can also happen because of a person's relationship to someone who has a disability.

The Disability Discrimination Act, Equal Opportunity Act and the Disability Act refer to two types of discrimination: 'direct' and 'indirect' discrimination. An example of 'direct' discrimination is where a person is refused a job because they have a disability. 'Indirect' discrimination is discrimination by the 'same treatment' or failing to make accommodations for certain groups of people; for example, a person who uses a wheelchair being required to enter a building that is not wheelchair accessible.

Diversity: Diversity, in simple terms, means 'difference'. People are different in many ways including race, culture, religion, gender, disability and age. Embracing diversity is about inclusiveness and making the most of differences in the workplace and the community. Diversity management in the workplace means creating an inclusive environment that respects, values and utilises the contributions of people of different backgrounds, experiences and perspectives. The principles involved in achieving the most of people's diversity are that we all act in ways that:

- recognise and value the differences in culture, experience and background of others
- treat others with respect and as equals
- encourage participation and co-operation, and
- eliminate discrimination.

E

Equal Opportunity Act: The Victorian *Equal Opportunity Act 2010* makes it unlawful to discriminate against people, including people with disabilities, in certain areas of public life. These areas include access to places and facilities, the provision of goods and services and employment. Under the Act, disability is referred to as 'impairment'.

G

Generic information: This term is used in the Disability Action Plan to describe personal information collected by the Department of Justice. Because of the way the information is collected and used, generic information cannot be used to identify individual people.

I

Inclusive: Refers to having the opportunity to take part or 'being included in'.

Inherent requirements: A term that is sometimes used in employment. Simply put, it means that each job has required outcomes or products which are the 'inherent requirements' of the job. Under the Equal Opportunity Act, the Disability Discrimination Act and the Disability Act it is not unlawful for an employer to deny employment to a person or group of persons where the person cannot meet the 'inherent requirements' of the job.

For example if the job is to produce statistical reports the inherent requirements of the job may be knowledge of statistics, the ability to write reports and/or other appropriate research skills. How a person goes about doing the job, however, is not important. For example, it does not matter if a person drives a car to meetings, catches public transport or uses a taxi. If a person with a disability was the best person for a job but was not employed because as a result of their disability they did not have a drivers licence, then they would have been discriminated against, as the ability to drive would not be considered an 'inherent requirement'.

J

Justice portfolio: Refers to the Department of Justice and a number of other independent authorities and agencies. Some examples of authorities that are part of the Justice portfolio but not directly part of the Department of Justice are Victoria Police; the Human Rights and Equal Opportunity Commission; the Office of the Public Advocate and the Office of Public Prosecutions.

Justice system: This term refers to the administration of the law and covers both the criminal justice system and the civil justice system. An important role of the justice system is to ensure that people's rights are respected, protected and promoted. (See also 'civil justice system', 'criminal justice system' and 'juvenile justice system').

Juvenile justice system: This term refers to the administration of the law involving young people. The juvenile justice system is administered by the Department of Human Services.

R

Reasonable adjustment: A term used to describe any reasonable change that needs to be made so that a person with a disability can have equality of access. It is a term that is often used in employment. Examples of reasonable adjustment in employment are changes needed to ensure that someone in a wheelchair can use a work-station, someone who is blind can use a computer, or someone who is deaf can use a telephone. This can involve finding different ways of working or having different working hours. (See also 'inherent requirements' and 'unjustifiable hardship').

S

Stakeholders: People or organisations that have a direct interest in the Disability Action Plan. This includes people with a disability as well as organisations that advocate for people with a disability and organisations that are affected by the Disability Action Plan.

U

Universal design: This term means designing products, places, programs and services in a way that allows all people to use them, as far as possible, without having to make changes. However, assistive devices for particular groups of people with disability can be made where needed.

Unjustifiable hardship: A term used in the *Disability Discrimination Act*. The term is used to describe a test to determine whether an 'adjustment' is 'reasonable'. (See 'reasonable adjustment'). The reason for the test is to ensure that employers, business and service providers only have to provide adjustments that are affordable and useful. The test requires that 'all relevant circumstances' need to be looked at, but the three key elements are:

- the benefits and cost
- the effect of the person's disability
- the financial position of the employer, business or service provider.

One of the problems with this term, as with 'reasonable adjustment' and 'inherent requirements', is that there are no easy answers, with every case looked at as a set of individual circumstances.

W

W3C: W3C stands for the World Wide Web Consortium. The Consortium is an international group of organisations and people who work together to develop guidelines and standards about the internet and websites. The W3C has done significant work in the development of standards to ensure that people with a disability can access the internet.

WoVG: 'Whole-of-Victorian-Government' is used to describe the way government departments work together to develop policies.

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