



# Disability Royal Commission Australian Government Response: Volume 8

## Criminal justice and people with disability

Volume 8 considers the experience of people with disability in contact with the criminal justice system. It includes 24 recommendations, 10 of which are within the Australian Government's primary or shared responsibility.

Criminal justice and people with disability	
Recommendation	Australian Government Response
8.2: Disability awareness in OPCAT monitoring	Accept in principle
8.11: Information for courts and legal practitioners	Accept in principle
8.12: Implementation of the National Principles	Accept in principle
8.13: Data about people detained in forensic systems	Accept in principle
8.17: NDIS Applied Principles and Tables of Support concerning the justice system	Subject to further consideration
8.18: Timing of NDIA-funded transition supports	Accept
8.19: Amendment of the Disability Discrimination Act 1992 (Cth) to cover police provision of 'services'	Accept in principle
8.20: Improving police responses to people with disability	Accept in principle
8.23: Action plan to end violence against women and children with disability	Accept in principle
8.24: Disability-inclusive definition of family and domestic violence	Accept in principle

## Key actions and initiatives

All governments are committed to progressing reform to better protect the human rights of people with disability in places of detention, including:

- Working towards implementation of OPCAT (Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment).
- Supporting education to better protect the human rights of people with disability in places of detention.

The Australian Government and state and territory governments are committed to ensuring that people with disability have equal access to justice. All governments have committed to review the *National Statement of Principles Relating to Persons Unfit to Plead or Not Guilty by Reason of Cognitive or Mental Health Impairment*.

All governments are committed to working together to clarify roles and responsibilities at the interface between the National Disability Insurance Scheme (NDIS) and justice services.

Work over the past five years at the justice/NDIS interface has included the introduction of Justice Liaison Officers; increasing awareness of the roles and responsibilities of the NDIS and justice systems; implementing formal information sharing arrangements; and strengthening relationships between the NDIS and Aboriginal and Torres Strait Islander justice settings.

The National Disability Insurance Agency (NDIA) will establish a publicly available framework that clearly explains how the NDIS and other service systems will work together, supporting people entering custody and transitioning back to the community. This framework will be embedded into existing NDIA guidelines.

The Australian Federal Police (AFP) is developing a Disability Action Plan to continuously improve its approach to people with disability and mental illness. The AFP has also made improvements on its website and online reporting mechanisms to ensure these are accessible for people with disability.

Through the *National Plan to End Violence against Women and Children 2022–2032*, all governments agreed that the findings of the Disability Royal Commission would guide future work to end violence against women and girls with disability.

All governments are committed to applying a disability lens to the implementation of the 10 actions within the *First Action Plan 2023–2027*, including ensuring that policy, program and service reform and change is responsive to the needs of women and girls with disability and that associated communication material and resources are accessible.