Villamanta
DISABILITY RIGHTS LEGAL SERVICE

Submissions in relation to the

State Disability Plan 2027-31

17 July 2026

Introduction

We thank the Victorian government for the opportunity to have input into the *State Disability Plan 2027-31.*

Villamanta Disability Rights Legal Service Inc (**Villamanta**) is a statewide community legal services assisting people with their disability related justice issues. We specialise in a number of areas of law which are directly relevant to the State Disability Plan, including:

- Guardianship and administration (and prevention of financial abuse and family violence)
- Specialist Disability Accommodation tenancy rights
- Restrictive practices, including Supervised Treatment Orders under the *Disability Act 2006*
- Prisoners rights for people with cognitive impairment

Since the launch of the 2022-2026 State Disability Plan, we have had the benefit of the 222 recommendations of the Commonwealth *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (**Disability Royal Commission** or **DRC**), with a significant number of these recommendations being relevant to the Victorian state government.

We provide the following submissions on the basis:

- The 2022-2026 State Disability Plan and the progress reported against this; and
- The DRC recommendations; and
- Our experience working in these spaces, and the experiences of our clients.

ABOUT VILLAMANTA DISABILITY RIGHTS LEGAL SERVICE INC.

Villamanta Disability Rights Legal Service Inc has been providing advocacy and legal services to people with disability since 1990.

We want an equal Victorian community for people with disability. We promote laws and systems that protect human rights. We work alongside people with disability to advocate on legal problems.

We want to see these outcomes.

- More people with disability, especially those with cognitive impairment, get legal advocacy.
- People with disability feel more confident to self-advocate.
- Legal services get better at being easy to use.
- Laws and systems do a better job at making the community equal for people with disability.

We are funded to provide advocacy under the National Disability Advocacy Program; NDIS Appeals and the National Legal Assistance Partnership Agreement.

We currently receive time limited funding for the following specific programs of work:

- Housing Justice for People in Disability Accommodation, with the support of the Victorian Legal Services Board and Commissioner
- Prisoners Rights program for people with cognitive impairments in corrections facilities, with the support of the Department of Justice and Community Safety
- Addressing service gaps for people with disability in four catchment areas of the North Grampians, Inner and Outer West and Hume, with the support of the Department of Justice and Community Safety

Transparent , Fair and Rights based Administrative Process

A number of our recommendations in this document refer to Transparent, Fair and Rights based Administrative Processes (**TFRAP**).

What do we mean by this?

In a range of areas our clients tell us about an administrative decision which they believe there is a process for, but they can't actually see how the process works. There is no online information, there is no procedure, there are no clear review rights, and there is no clarity around who to contact.

This is not sound administrative decision making, and entrenches disadvantage for people with disability trying to engage with government agencies and other entities tasked with delivering public services. An absence of reasonable adjustments can be disability discrimination at law, but the absence of transparent, fair and rights based administrative decisions is a barrier to justice at a far more basic level.

Transparent

If a member of the community has a right to ask for adjustments due to their disability, the process for making such requests needs to be documented and published online.

The steps to be taken need to be clear, and the method of contact both publicly available, but also providing multiple contact channels.

The published process needs to include timeframes for expecting a response, review and appeal rights, and escalation options if the situation is an emergency.

Fair

Review rights are fundamental to fair administrative decision making. A review right being theoretically available is not the same as a published process for requesting a review and a timeframe for response. Further, an appeal of this decision must be available to ensure that the individual can ultimately seek recourse outside of the agency or organisation making the decision, and to ensure consistency with the intention of parliament or government policy which is being implemented.

Rights Based

A statement of rights, including the rights of people with disability to equality of opportunity under Victorian legislation is a fundamental aspect of contextualising administrative decision making to focus on human rights and not procedural or organisational efficiency.

Wherever we refer to a requirement for TFRAP in this document, we refer to the above principles.

Inclusive communities

COMMUNITY ATTITUDES

We commend the governments goal to develop a social marketing behaviour change campaign in relation to family violence against people with disabilities, as articulated in the 2022-2026 State Disability Plan.

We do not see any update on this item in the Engagement Paper for the future plan and submit that this should continue to remain a priority for the state government going forward. We continue to see family violence against our clients including, but not limited to:

- Outright physical violence; and
- Coercive control and financial abuse; and
- Controlling access to disability supports including support workers and equipment; and
- Controlling access to the broader community for purposes of social interaction, community involvement and access to advocacy.

We note that disability support workers do not always recognise these behaviours as family violence, and so the only people who have contact with individuals being treated in this way do not always help them find their way to support services.

We further note that we continue to see family violence against people with disability in the context of guardianship and administration hearings at the Victorian Civil and Administrative Tribunal (**VCAT**), which we discuss further below under the Family and Sexual Violence subsection.

TRANSPORT

We note the intent to develop and publicly release an overarching transport accessibility strategy to identify the most significant barriers to universal accessibility in the transport system and prioritise responses that remove these barriers in the 2022-2026 plan.

We request the government release this work, given the significant disadvantages which people with disability experience when seeking to access public transport. This accessibility impacts all aspects of their life, including access to education, employment, healthcare, social and community involvement, housing options and access to shops and services to meet essential needs.

DIGITAL INCLUSION

We note the intention to foster a more inclusive digital economy, and we look forward to improvements to the telephone and internet connectivity in the geographic area between Geelong and Melbourne, especially on Vline train services.

Our staff regularly make this commute to attend court or meet with clients, and lose almost the full journey to connectivity issues. While frustrating for us, this is nothing compared to the loss for people with disability reliant on access to the internet for communication. The overall loss of productivity for the many thousands of passengers on this transport every day should make this a priority for government to resolve.

Further, we encourage the government to consider ways in which members of the community who have no digital access can be assisted to engage with services that rely exclusively on digital access. From our own perspective, many third parties still require a physical signature as evidence of client consent.

As a statewide service working with clients who may be experiencing quite urgent legal issues, such as a pending eviction, the most efficient means of sending the relevant forms to a client is electronic. Many of our clients have very limited access to email, mostly by their mobile phone alone, and cannot sign and return a document in this way. Some clients have no access to email at all. Community services which can assist such individuals with the digital administrative requirements of seeking help from remote services would be invaluable.

Health, housing and wellbeing

HEALTH

We acknowledge the intent in the 2022-2026 plan in relation to Disability Liaison Officers (**DLO**) in health services including hospitals and mental health services.

We recommend the government seek feedback from the disability community about the effectiveness of these roles, and the disability accessibility of public hospitals in particular.

Anecdotally the feedback we have had is that:

- DLOs are not easily located or accessed, and are often quite part time;
- DLOs do not have a great deal of authority in the hospital hierarchy, undermining the efficacy of the role;
- There is no mechanism for providing feedback about the DLO program (rather than an interaction with an individual DLO, who may be well meaning but powerless) and the overall experience of disabled people in a public hospital.

We recommend that disability rights training conducted by people with disabilities be considered as an accreditation requirement for key staff in public hospital departments.

We also recommend that as part of their Disability Action Plans, public hospitals be required to acknowledge specific health services and programs under their oversight which are inaccessible to disabled people and the adjustments they have implemented to ensure that people with disability in their catchment are able to receive these services (for example a working agreement with another hospital and provision of patient transport). Patient feedback would be required to be collected to inform such work.

We note the following relevant Disability Royal Commission recommendations:

- Recommendation 6.26 Expand the role of the Health Ministers Meeting to monitor health workforce capability development
- Recommendation 6.31 Embed the right to equitable access to health services in key policy instruments
- Recommendation 6.32 Increase capacity to provide supports and adaptations through improved guidance, funding and accessible information
- Recommendation 6.33 Develop specialised health and mental health services for people with cognitive disability

HOUSING

We acknowledge the intent in the 2022-2026 plan in relation to a significant increase in accessible housing, however we see no evidence of the effectiveness of these goals, and request that the government publish data about the progress in increasing the proportion of accessible homes, particularly in community and public housing.

We note with concern the impacts of organisations providing community housing enrolling these properties as Specialist Disability Accommodation (**SDA**) under the National Disability Insurance Scheme (**NDIS**), and then informing their long term residents that they must seek SDA funding from the NDIS or face eviction. We recommend the state government regulate against such practices, which allow organisations to effectively profit off pre-existing community housing, and to undermine the tenancy rights of existing residents.

We commend the Victorian government for changes to the *Residential Tenancies Act 1997* (**RTA**) which include other forms of tenancy under the Part 12A definition of “SDA dwelling” but note that only person resident who “was a resident of specialist disability accommodation (SDA) who is funded to reside in an SDA dwelling enrolled through the National Disability Insurance Scheme (NDIS)” is a

reportable death for the Coroner. We discuss this further below, in the subsection about data collection, but recommend that the Victorian government extend the reach of reportable deaths to include those occurring in any SDA dwelling under the RTA.

We also note that the experience of NDIS participants in SDA dwellings that are not SDA enrolled dwellings is made more precarious by the following:

- Disability service providers take advantage of the housing insecurity of participants by offering tenancy associated with a service contract for NDIS supports; and
- These are often unlawful sublets and if the NDIS participant is subsequently unhappy with the NDIS supports being provided and ends the service agreement, the provider simply stops paying rent; and
- The NDIS participant can then find themselves without any tenancy rights and facing eviction from a property they cannot afford to rent personally.

Villamanta is the only service in the state that has the tenancy and NDIS expertise to assist people affected by this practice, and the only resourcing we have to provide this crucial work is through a time limited project funded by the Legal Services Board and Commissioner. The recent Renter Rights Program funding opportunity through Consumer Affairs Victoria specifically did not provide any funding for renters under Part 12A.

Eviction is incredibly stressful and expensive for anybody. For people with disability this is compounded by the shortage of accessible housing and transport, reliance on local support relationships and low incomes. We urge the Victorian government to take stronger action in this space to:

- Prohibit disability service providers from creating unlawful sublets for the purpose of accessing NDIS funding for in person supports; and
- Properly fund legal assistance for people facing eviction or other breach of their tenancy rights.
- Consider a social media campaign to educate the public about the tenancy rights of people with disabilities in these types of settings.

We are also seeing people with disabilities housed in arrangements established by charitable organisations[1] which do not afford their residents with relevant rights under the RTA. While these appear to be relics from a past where charities were the only options for many people to find housing and support, they have now evolved to be commercial service providers receiving funding under the NDIS whilst not recognising tenancy rights for their residents. It is not clear that the community visitors are able to attend these properties.

We recommend the Victorian government investigate these arrangements and consider law reform to ensure residents are not left without appropriate protections.

We acknowledge the shift in regulation for Supported Residential Services (**SRS**) to the new Social Services Regulator. We raise with concern the minimal safeguards available to residents of these privately owned facilities including:

- No accessible complaints mechanism for residents whatsoever, even when there are serious safety concerns; and
- No requirement for proprietors to have insurance, with residents therefore unable to take any legal action even in the worst cases of negligence or failure to provide safe conditions; and
- No mechanism to ensure timely response to health concerns such as bed bug infestation.

[1] For example, ABOUT US | Abbeyfield Australia and Foley House | The Salvation Army Australia, but we assume there are many others

We recommend the Victorian government consider considerable strengthening of safeguards for the vulnerable people living in SRSs in Victoria.

We also raise our concerns about the failure to provide accessible housing which is appropriate for people requiring disability support services when transitioning from prison to the community. We continue to see NDIS participants remain in prison longer than necessary due to an absence of a plan for where they will reside post-release. We recommend that improvement of this process be included in the State Disability plan for the coming period.

Further issues we see in relation to housing rights for people with disability include:

- The absence of a TFRAP[2]for community and public housing residents to request disability modifications to their housing; and
- The absence of a TFRAP for community and public housing residents to request a transfer to a more accessible property.

We note the following relevant recommendations from the Disability Royal Commission and request the government include these as relevant in the State Disability Plan 2027-31:

- Recommendation 7.34 Including homelessness in relevant disability strategies
- Recommendation 7.36 Improve social housing operational policy and processes
- Recommendation 7.37 Increase tenancy and occupancy protections for people with disability
- Recommendation 7.38 Minimum service standards and monitoring and oversight of Supported Residential Services and the equivalents
- Recommendation 7.39 Preventing homelessness when people with disability transition from service or institutional settings
- Recommendation 7.42 Improve access to alternative housing options
- Recommendation 7.43 A roadmap to phase out group homes within 15 years
- Recommendation 7.44 A roadmap to phase out group homes over a generational timeframe

SUPPORTING A HIGH-QUALITY NDIS

We recognise the importance of state government advocacy to the Commonwealth in relation to the future of the NDIS. We thank the state government for the joint submissions of state and territory governments in relation to the "*National Disability Insurance Scheme Amendment (Securing the NDIS for Future Generations) Bill 2026*".

We raise our concerns about the future of the NDIS in relation to people in Victorian prisons, as discussed below.

We also have concerns about the limitations on access to NDIS supports for people who are being treated in Victorian public hospitals. A nurse is not a disability support worker, and the simple fact of an NDIS participant being in a hospital rather than at home does not make their disability support needs the sole responsibility of the healthcare setting. We call for more clarity in this space, and a commitment to agreement between the NDIS and state-based health services to reduce the burden on NDIS participants to resolve this tension.

We further highlight our concerns that significant cuts to the NDIS will result in Victorian NDIS participants being warehoused in public hospitals for months at a time. We urge the Victorian government to continue their advocacy to support a functioning and safe NDIS for all Victorians who need it.

[2] See Transparent , Fair and Rights based Administrative Process section above

Fairness and safety

Disability Advocacy

We acknowledge the work done to develop a framework to measure advocacy outcomes for people with disability under the State Disability Plan 2022-26. We note the absence of state based disability advocacy funding for legal assistance in relation to the following Victorian legislative regimes:

- *Guardianship and Administration Act 2019*
- *Disability Act 2006*
- *Residential Tenancies Act 1997 (Part 12A)*

Legal assistance in these spaces is available through Victoria Legal Aid, and some individual grants of assistance are available. However in our experience, providing accessible legal assistance and achieving fully informed consent for a person with cognitive impairment in closed settings such a group homes and in custody, requires flexible, in person and regionally available support from a disability trained legal practitioner. Further, the use of self-advocates to provide peer support in these contexts would be highly valued and achieve significant opportunities for peer led capacity building. Current funding constraints prevent this from occurring.

We recommend the Victorian government consider addressing this gap in the State Disability Plan 2027-31.

We note the ongoing shortage of AUSLAN interpreters which provides significant challenges when we are seeking to provide accessible community education. We recommend the Victorian government continue to consider workforce development in this space in the coming plan.

We also note that VCAT is currently experiencing significant backlogs in responding to requests for information about matters on the guardianship and administration list. We are not receiving responses to requests made five months ago. Where people are alleging their rights are being infringed, and their wellbeing jeopardised by the operation of a guardianship or administration order, we need access to the file to be able to appropriately advise them as to their options. Over five months is far too long for people whose rights are being restricted. We recommend that the Victorian government investigate the issues preventing speedy turnaround of records and take steps to reduce this backlog.

We note the following relevant recommendations from the Disability Royal Commission and request the Victorian government update the community on progress:

- Recommendation 6.19 Data collection on support and representation arrangements
- Recommendation 6.21 Additional funding for advocacy programs
- Recommendation 6.22 Improved data collection and reporting on met and unmet demand for disability advocacy

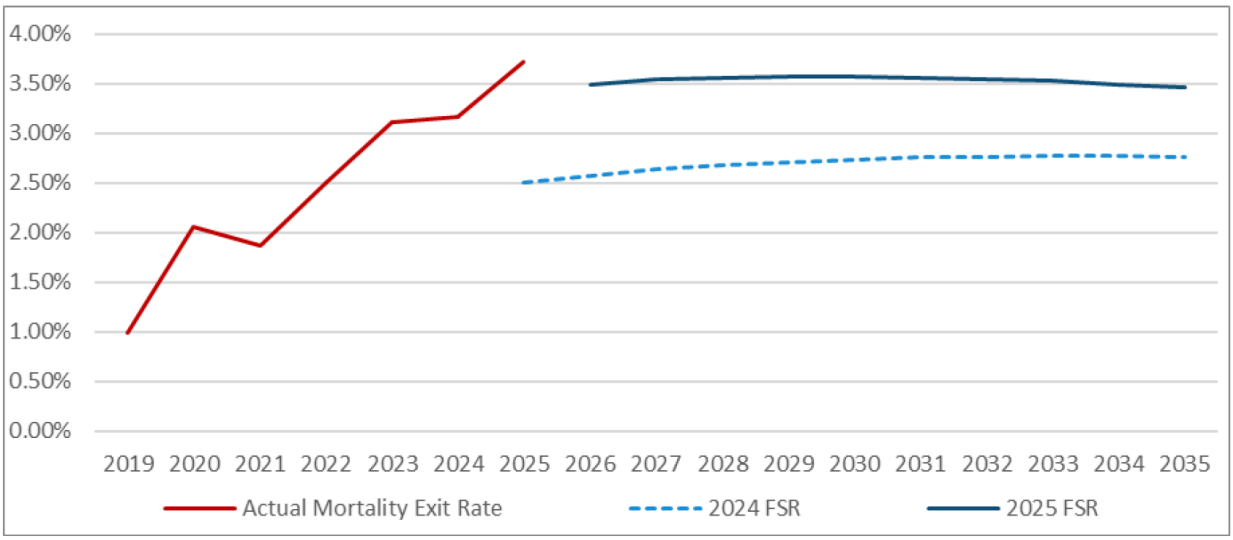
Preventing Abuse and Neglect

We acknowledge the implementation of the new Social Services Regulator, but reiterate our concerns about the safeguards for people in SRSs and housing provided by charitable organisations described above.

We also note the gap in safeguards and monitoring for people in SDA dwellings which are not enrolled SDA dwellings under the RTA. The NDIA have recently released data that indicates that the mortality rate amongst people with high support needs is exceeding expectations, and has done for a number of years (see Figure[3] below).

[3] https://ndis.gov.au/media/8187/download?attachment, page 24

Figure 16: Actual and projected crude mortality rate for SIL participants



Some of these NDIS participants will be living in SDA enrolled dwellings, and their deaths reported to the coroner. Many will not.

This disconnect between Commonwealth funding and state coronial enquiry, and reportable deaths being restricted to those where the SDA dwelling is enrolled, prevents visibility of any mechanism which could provide meaningful insights as to the causes of this increased mortality.

Further, approximately 30-35% of all coronial inquiries[4] are of people with disability living in enrolled SDA. The vast majority of these reports are 6 pages long and provide minimal insight into the mechanisms which lead to premature death. In those where more insight is available there is at least anecdotal evidence that NDIS funding cuts and service delivery issues over an extended period of time have lead to a decline in the health and wellbeing of the individual, which ultimately resulted in death.

There are no observations about any changes in mortality of people with disability in the annual report of the coroner, despite the high prevalence of people with disability in their work.

We recommend the Victorian government consider a stronger focus on the data which could be available through the coronial mechanism to identify emerging risks and concerns in the safety of people with disability in Victoria.

We note the following relevant recommendations from the Disability Royal Commission and request the Victorian government update the community on progress:

- Recommendation 10.10 Provider of last resort
- Recommendation 10.28 Information sharing between prescribed bodies
- Recommendation 11.1 Nationally consistent adult safeguarding functions
- Recommendation 11.2 An integrated national adult safeguarding framework
- Recommendation 11.3 ‘One-stop shop’ complaint reporting, referral and support
- Recommendation 11.4 Creating accessible complaint pathways
- Recommendation 11.5 Complaint handling and investigative practice guidelines
- Recommendation 11.13 Integration of community visitor schemes with the NDIS

[4] Based on our calculations over the past 4 years, from publicly available data

- Recommendation 11.14 Establishing disability death review schemes
- Recommendation 11.15 Disability death review scheme requirements
- Recommendation 11.16 National agreement on disability death reviews
- Recommendation 11.17 Nationally consistent reportable conduct schemes
- Recommendation 11.18 Dual oversight of reportable conduct and incidents

FAMILY AND SEXUAL VIOLENCE

We have ongoing concerns about the incidence of family violence in VCAT proceedings about guardianship and administration. Once a family member has made an application or been a party to an application to VCAT, they remain a party indefinitely with limited transparency about how this process works and limited protection for the person with disability to seek to exclude family violence perpetrators from future proceedings.

We recommend the Victorian government consider a TFRAP[5] for providing accessible protections from family violence perpetrators on the guardianship list at VCAT. This would allow a separate decision to be made about whether a family violence perpetrator should be able to attend and speak at a guardianship hearing, rather than expecting the Affected Family Member to make this request at the start of the hearing when the person is already there.

We acknowledge the importance of the work in relation to family and sexual violence for people with disability and encourage the continuation of this work, subject to the concerns raised above about poor public recognition of the specific facets of family violence that apply to people with disability.

JUSTICE SYSTEM

We acknowledge the Victorian Government's commitment to making the justice system more accessible, safe and inclusive for people with disability, including through improved disability supports, workforce capability, diversion pathways, culturally safe and increased involvement of people with disability in service design.

We welcome initiatives including the Disability Advice and Response Team (DART), the Intermediary Program, Youth Justice Specialist Disability Advisors and Victoria Police Disability Liaison Officers. However, it is difficult to assess the effectiveness of many of these initiatives due to the limited publicly available information regarding outcomes for people with disability.

We continue to see people with disability experience significant barriers throughout the criminal justice system. Many of these barriers arise because disability is not identified early, communication supports are unavailable or responsibility for providing disability supports is disputed between service systems.

We are particularly concerned about the experiences of people with cognitive disability, acquired brain injury, neurodivergence and psychosocial disability in custodial settings. Many people entering prison have never received a formal diagnosis despite extensive involvement with schools, health services, community services and the justice system. As a result, disability often remains unidentified until a person is already in prison, limiting their access to appropriate supports, adjustments and pathways to the NDIS.

Villamanta regularly assists prisoners to access the NDIS. In many cases, access to the Scheme is not pursued until after imprisonment despite evidence of longstanding and significant impairment. We therefore welcome commitments relating to disability screening and assessment but note that comprehensive disability screening processes within adult custodial settings remain under development. Our experience is consistent with the findings of the Victorian Auditor-General's Office, which identified significant shortcomings in the identification of prisoners with intellectual disability and acquired brain injury and recommended strengthened screening, monitoring and information systems.

[5] See Transparent , Fair and Rights based Administrative Process section above

We would welcome greater transparency regarding:

- the number of prisoners screened for disability;
- the number of prisoners referred for specialist assessment;
- the number of prisoners assisted to access the NDIS;
- NDIS access request success rates for prisoners;
- waiting times for disability-related therapeutic services; and
- the average time between identification of disability and access to supports.

We also continue to see significant barriers for people who enter prison already receiving disability supports through the NDIS.

Funding for many NDIS disability supports cease upon entry to custody because prisons are expected to provide equivalent services, the reality is often very different.[6] Most people with a disability who enter custody have very little idea of what supports are available, who is eligible or how to request access to these supports. Furthermore, people in custody are often not given a formal response to their requests for supports and as such are not able to request a review of the decision or an external appeal.

We regularly hear from people who lose access to allied health professionals and therapeutic supports with whom they have established trusted relationships in the community. For example, people who had been making progress through ongoing psychological therapy may lose access to that psychologist when they enter prison due to inappropriate funding cuts by the NDIS.

We are concerned that interruption of established therapeutic relationships can undermine capacity building in relation to emotional regulation, conflict solving and alternative responses to stress, resulting in isolation of prisoners, worsened mental health and increased barriers to successful transition back into the community.

We are also concerned about the lack of transparency regarding how disability support needs are identified and responded to once a person enters custody. Many NDIS participants enter prison with existing behaviour support plans, therapeutic reports and practitioners who have developed a detailed understanding of their disability-related support needs. These documents frequently contain important information about communication preferences, behavioural triggers, trauma histories, environmental factors and strategies that reduce the likelihood of behaviours of concern.

It is unclear how consistently this information is incorporated into custodial practice, support planning and day-to-day interactions with prison staff. From a rights-based perspective, we are concerned that entry into custody can result in people losing not only their funded supports, but also the benefit of the expertise and established relationships that underpin those supports.

We would welcome greater transparency regarding how information contained in behaviour support plans is used within custodial settings and whether there are opportunities for behaviour support practitioners to contribute to support planning, staff education and transition planning. We are also concerned by the absence of clear pathways for prisoners with disability to request supports, obtain reasons for decisions affecting them or seek review of decisions where supports are refused.

Consistent with the principles of choice, control and supported decision-making, people with disability should be able to understand what supports are available in custody, how decisions regarding those supports are made and what options exist if they disagree with those decisions.

[6] The Victorian Auditor-General's Office similarly identified concerns regarding access to disability specific services and programs within custodial settings, including whether existing services are meeting the needs of prisoners with intellectual disability and acquired brain injury.

We recommend that the Victorian government advocate for the NDIA to improve continuity of disability-related supports for NDIS participants in custody. We also recommend the Victorian government legislate for appropriate reasonable adjustments for prisoners with disability, including a TFRAP[7] around:

- Access to disability supports in prison, provided by the correctional facility and funded by the state; and
- Involvement of NDIS funded therapeutic supports with prison staff for example for behavioural support purposes, to improve the understanding of working with people with cognitive impairment or acquired brain injury; and
- Access to diagnostic services for the purposes of making an application for access to the NDIS.

We also raise concerns regarding the ongoing lack of appropriate housing, accommodation and disability supports when people transition from custody to the community. As discussed in the Housing section of this submission, Villamanta continues to see NDIS participants remain in prison longer than necessary because appropriate accommodation, disability supports or service arrangements have not been secured prior to release. This reflects broader concerns identified by the Victorian Auditor-General's Office regarding unmet demand for specialist disability services, accommodation and support pathways for people with intellectual disability and acquired brain injury.

We acknowledge the Victorian Government's commitment to improving integration between corrections services, the Forensic Disability Program and the NDIS. However, we continue to see people disadvantaged by uncertainty regarding responsibility for funding supports, accommodation and transition services. Delays in resolving these issues can result in people remaining unnecessarily in restrictive environments or leaving custody without the supports required to live safely in the community.

We note the findings of the Victorian Auditor-General's Office that demand for specialist disability supports, accommodation and adapted offending behaviour programs is not adequately understood, that waiting lists are not consistently monitored and that the impact of people missing out on services is not being adequately measured. From a disability rights perspective, it is difficult to assess whether people with disability are receiving the supports they need when information regarding unmet demand, service access and outcomes is not publicly available.

We recommend improved public reporting regarding:

- waiting lists for specialist disability supports and programs in custodial settings;
- waiting lists for forensic disability accommodation and treatment services;
- the number of people delayed in leaving custody due to the absence of disability supports or accommodation;
- unmet demand for disability services in custodial settings; and
- outcomes following transition from custody to the community.

We welcome commitments relating to access to justice, including the Intermediary Program and Disability Advice and Response Team. Many people with disability continue to experience barriers understanding legal processes, communicating effectively with police and legal professionals, and participating meaningfully in court proceedings.

We support continued investment in these initiatives. However, we have been unable to identify publicly available evaluations demonstrating their effectiveness or the extent to which they are improving outcomes for people with disability. We recommend regular publication of evaluation findings and outcome data for disability-specific justice initiatives.

[7] See Transparent , Fair and Rights based Administrative Process section above

We also welcome Victoria Police's commitment to improving disability awareness and the establishment of Disability Liaison Officers across the state. However, it remains unclear whether these reforms have resulted in improved experiences for people with disability interacting with police. We recommend public reporting regarding the utilisation and effectiveness of Disability Liaison Officers, disability-related police training initiatives and outcomes for people with disability engaging with police.

We acknowledge commitments relating to culturally safe responses for First Nations people with disability. However, many of these commitments remain framed around consultation, planning and future development. Given the overrepresentation of First Nations people with disability throughout the criminal justice system, we would welcome stronger accountability measures and public reporting regarding outcomes for First Nations people with disability interacting with justice services.

We further note the importance of recommendations relating to restrictive practices, detention conditions, disability screening, diversion and forensic systems. While Victoria has accepted or partially accepted many of these recommendations, it remains difficult for the community to assess progress due to limited publicly available reporting on implementation and outcomes.

We note the following relevant recommendations from the Disability Royal Commission and request the Government include these as relevant in the State Disability Plan 2027-31:

- Recommendation 8.1 Conditions in custody for people with disability
- Recommendation 8.11 Information for courts and legal practitioners
- Recommendation 8.12 Implementation of the National Principles
- Recommendation 8.13 Data about people detained in forensic systems
- Recommendation 8.14 National practice guidelines for screening in custody
- Recommendation 8.15 Policies and practices on screening, identifying and diagnosing disability in custody
- Recommendation 8.16 Support by First Nations organisations to people in custody
- Recommendation 8.17 NDIS Applied Principles and Tables of Support concerning the justice system
- Recommendation 8.20 Improving police responses to people with disability
- Recommendation 8.21 Diversion of people with cognitive disability from criminal proceedings
- Recommendation 9.3 Cultural safety of First Nations people with disability in criminal justice settings

Finally, we request the Victorian government urgently investigate the use of restrictive practices on people with disability in the criminal justice system, especially where they are being restrained due to behaviours which result from their disability.

We have had too many reports of people with acquired brain injuries and other cognitive impairments who are secluded for extended periods due to behavioural responses to stressors. It is quite clear that custodial staff are not trained in recognising these behaviours and de-escalating, and certainly not supporting the prisoner engage more appropriate responses. This is not good for anybody and creates an inherently stressful situation for all concerned with no off ramp.

We would strongly urge the Victorian government to consider the commitments to reduce restrictive practice and to investigate how correctional facilities can be regulated to report on restrictive practices and implement plans to reduce and eliminate them.

We also recommend the Victorian government consider providing the community visitors with access to the specialist disability facilities within the correctional system for external oversight and problem solving.

We note the following relevant recommendations of the DRC:

- Recommendation 6.35 Legal frameworks for the authorisation, review and oversight of restrictive practices
- Recommendation 6.36 Immediate action to provide that certain restrictive practices must not be used
- Recommendation 6.39 Improving collection and reporting of restrictive practices data
- Recommendation 6.40 Targets and performance indicators to drive the reduction and elimination of restrictive practices

Opportunity and disability pride

Employment and Economic Participation

We note the limitations on economic participation of people subject to administration orders and recommend the Victorian government investigate the effectiveness of the current financial skills development programs for this population, many of whom have never been allowed to have any type of ownership of their own finances. We note the program available through State Trustees but have concerns that this program:

- Has very limited availability and many clients have been unable to access it;
- Has a discretionary access pathway, with some clients given absurd reasons for their exclusion (such as being subject to family violence in the past); and
- Assumes a relatively high level of skill to begin with; and
- Does not make use of tools available to the broader community such as Centrepay, which reduce the burden on the individual; and
- Do not use modern technology such as apps to assist the individual, rather relying on quite antiquated bill paying processes.

We recommend a TFRAP[8] for access to the Financial Intermediary Program of State Trustees.

We note the following relevant DRC recommendations:

- Recommendation 6.16 Financial skills development programs

Voice and Leadership

We acknowledge the employment of people with disability as Democracy Ambassadors ahead of the 2022 election. Participation in democracy matters.

However we struggle to reconcile the focus on voice an leadership with the failure to take action on the gag laws which silence people involved in guardianship and administration proceedings from talking about their experience and their own lives. We urge the government to make this a priority for the coming period.

We note the following relevant recommendations from the Disability Royal Commission:

- Recommendation 6.12 Public disclosure and confidentiality restrictions

[8] See Transparent , Fair and Rights based Administrative Process section above