

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

Response to Recommendations



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1 Acknowledgment

Court Services Victoria acknowledges Aboriginal and Torres Strait Islander peoples as the First Peoples and Traditional Owners and Custodians of the land and waterways upon which our lives depend. Court Services Victoria acknowledges and pays respects to ancestors of this country, Elders, knowledge holders and leaders – past and present. Court Services Victoria extends that respect to all Aboriginal and Torres Strait Islander Peoples. Court Services Victoria acknowledges the ongoing leadership of Aboriginal communities across Victoria in striving to build on these strengths to address inequalities and improve Aboriginal justice outcomes.

2 Background

The Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability (Disability Royal Commission) was established to address significant concerns about the treatment of people with disabilities across various settings. Initiated in April 2019, the Commission's extensive investigation revealed widespread issues, including high rates of violence and systemic neglect in education, healthcare, justice, and home environments. The final report, delivered in September 2023, made 222 recommendations aimed at improving laws, policies, and practices to create a more inclusive and just society.

Key findings include the need for stronger legal frameworks, such as the proposed Disability Rights Act, to protect and fulfill the rights of individuals with disabilities. The report highlights significant gaps in awareness and understanding of disability rights, contributing to ongoing violence and exploitation.

The Commission's work underscores the necessity of comprehensive data collection, improved support services, and inclusive policy-making to ensure that the rights of people with disabilities are respected and upheld across Australia.

The report is available here: <https://disability.royalcommission.gov.au/publications/final-report>.

3 Introduction

In performing its functions, Court Services Victoria serves the Victorian community through the efficient and effective delivery of court and tribunal services.

CSV's functions are to provide or arrange for the provision of the administrative services and facilities necessary to support the performance of the judicial, quasi-judicial, and administrative functions of the Victorian Courts and VCAT and to enable the Judicial College of Victoria and the Judicial Commission of Victoria to perform their functions.

Courts and Tribunals

All jurisdictions are established by specific legislation, which provides for the composition and scope of that jurisdiction. Each Court and tribunal is comprised of its judicial members, has its own internal governance mechanisms, and is responsible for establishing how the judicial business of the Court or tribunal is managed in accordance with law.

The Head of each Court and VCAT is accountable for the administration of their court. . The court CEO. manages the staff and administrative services of their jurisdiction and contributes to the operations of CSV by ensuring that appropriate administrative and support services are provided to their jurisdiction.

The Courts Council on the nomination of the relevant Head of Jurisdiction appoints Court CEOs. Court CEOs are responsible to their Head of Jurisdiction for the operation of their jurisdiction and to the CSV CEO with respect to all other matters.

4 Response to recommendations

The below sets out Court Services Victoria's response to the recommendations in the Disability Royal Commission.

There are five recommendations in the Royal Commission's report that apply to the Victorian Courts and Tribunals:

Recommendation 6.41 Legislative prohibition of non-therapeutic sterilisation

c. The Australian Guardianship and Administrative Council (AGAC) should expand its annual collation and publication of data on the sterilisation of people with disability. This data should include the number of applications, reasons for applications, reasons for the outcomes of applications and the number of approvals to conduct a sterilisation procedure.

Where this does not already occur, the data should be collected and provided to AGAC annually by:

- the Federal Circuit and Family Court of Australia
- state and territory superior courts
- state and territory guardianship and administration bodies.

The data should be de-identified, as appropriate. It should be disaggregated, to the greatest extent possible, by:

- disability status
- types of impairment
- age
- gender
- First Nations people
- culturally and linguistically diverse people
- people who identify as LGBTIQA+.

The *Guardianship and Administration Act 2019 (Vic)* empowers the Victorian Civil and Administrative Tribunal (VCAT) to issue an order granting consent for special (medical) treatment for individuals aged 18 or older who are unable to consent to the proposed treatment. A person is deemed incapable of providing consent if they are unable to understand the general nature and effect of the proposed procedure or treatment, or if they cannot communicate whether they agree or disagree to the procedure or treatment being carried out.

A 'special procedure' is defined as any procedure that is intended to, or is reasonably likely to, result in a person becoming permanently infertile.

VCAT deals with very few sterilisation cases and produces written reasons only on request of a party or when VCAT considers the particular application has a point of interest warranting written

reasons. The role of the Courts in the collection and use of data reflects their function as an informed, independent and impartial forum. Their role is the determination of individual cases.

In 2023, 11 applications were made and this information was provided to the Australian Guardianship and Administration Council. VCAT does not capture details regarding outcomes on its case management system. VCAT is in the process of implementing a new case management system for all of its lists and data capture will be considered as part of that process.

Victoria has not expressly conferred jurisdiction to hear child sterilisation cases on any Victorian court or tribunal. While the Victorian courts retain *parens patriae* common law jurisdiction, it is rarely invoked given the alternative avenues (i.e. Family Court).

Recommendation 8.11 Information for courts & legal practitioners

The Commonwealth, state and territory criminal justice systems should provide information about seeking or making adjustments and supports and services for people with disability, and the circumstances in which they may be required. This information should be made available to judicial officers, legal practitioners and court staff, including through practice notes or bench books.

Disability Access bench book

The Judicial College of Victoria has published a Disability Access Bench Book, which provides information and guidance for judicial officers on their role in making Victorian courts accessible for people with disabilities. It provides technical assistance to promote access to justice and respect for the rights of people with disabilities.

The Bench Book is comprehensive. It has a particular focus on what adjustments judicial officers can make – including adjustments to communication and in directing hearings – where people with disability are complainants, defendants, witnesses or otherwise participating in hearings (including before, during and after hearings). The Bench book was last updated in May 2024 to include material on supportive guardianship and administration orders, presumption of capacity, and Long Term Care orders following legislative changes, and to update language and terminology. The Judicial College developed these updates in close collaboration with the Victorian Equal Opportunity and Human Rights Commission, who led comprehensive consultations with peak disability organisations. The language and terminology used throughout the revised bench book incorporates the social model of disability and emphasises lived experience of disability. This revised resource supports judicial officers to use modern, respectful, and inclusive practices in their courtrooms.

The Bench book is available on the Judicial College's website:

<https://resources.judicialcollege.vic.edu.au/article/1053839>

Training for judicial and administrative staff

The Judicial College has delivered training and developed a range of educational resources on:

- conducting ground rules hearings
- working with intermediaries
- questioning of and communication with vulnerable witnesses
- skills and strategies for managing self-represented litigants in the courtroom who have cognitive impairments and/or mental illness
- motivational interviewing and

- trauma-informed courtroom practice.

Each year the College also offers training on diverse issues adjacent to disabilities, including cognitive disability and forensic disability services, autism, other mental disorders such as personality disorders, mental illness and substance abuse, which often have comorbid presentations with disability.

In addition to a public-facing [victims and witnesses resource page](#), the College also has a library of enduring resources including videos of past education seminars and podcasts that only judicial officers can access.

Further training for judicial staff, court administrative staff and the wider legal profession is critical to improve the Court's ability to appropriately respond to the issues experienced by people with disability.

Each jurisdiction has information regarding support services and accessibility on its website, however further work needs to be undertaken to refine this information and make it consistent across the Courts and Tribunals.'

The Assessment and Referral Court (ARC)

The ARC is currently available at Melbourne, Frankston, Moorabbin, Latrobe Valley, Bendigo (as of July 2023), Ballarat (as of February 2024), Heidelberg (as of May 2024) and Dandenong (as of October 2024) Magistrates' Courts. ARC is due to commence at Shepparton Magistrates' Court in February 2025. By 30 June 2026, the ARC will be available at a total of 13 Magistrates' Courts.

Making adjustments and providing supports and services for people with disability is a foundational aspect of court practice for judicial officers, legal practitioners and court staff in the Magistrates' Court of Victoria's (MCV) ARC. The ARC provides detailed induction, training, professional supervision, practice direction and on-going support for Magistrates, registry and program staff who support accused individuals experiencing complex mental illness and/or cognitive impairment, such as an intellectual disability, autism or brain injury.

Induction and onboarding for judicial officers and other court staff in ARC includes an introduction to the ARC Manual, additional operations guidance and shadowing of those already trained in making adjustments and providing supports for people with a disability. ARC program staff receive further support and training through monthly practice development and training sessions, tailored reflective practice and specific case management support to ensure improved support services and outcomes for participants who have a mental illness and/or cognitive impairment.

Case management support for people with disabilities, mental health issues, or cognitive impairments is also available to people coming before the Court for matters involving family violence, child protection or drug misuse. For eligible court users with these needs, MCV can provide complex case management support, delivered by multi-disciplinary internal and external practice experts including Drug Court Clinical Advisors, Family Violence Practitioners or Child Protection Practitioners.

Recommendation 8.13 Data about people detained in forensic systems

The Australian Government and state and territory governments should support legislation requiring the annual collection and publication of data relating to people found unfit to plead or not guilty by reason of cognitive or mental health impairment. The data collected should include:

- the number of people under forensic orders in their jurisdiction
- the number of people under orders for detention and the numbers subject to:
 - indefinite periods of detention
 - limiting terms (or equivalent)
 - orders extending their order for detention
- the number of people under orders for detention by sex, disability, disability type and First Nations status
- the number of such people detained in:
 - an adult correctional facility
 - a youth detention facility
 - a forensic mental health or forensic disability facility
 - a general psychiatric unit.

The Higher Courts Sentencing Database (which covers the Supreme and County Courts of Victoria) captures the number of people under forensic orders and the number of people under orders for detention and the numbers subject to indefinite periods of detention or limiting terms (or equivalent).

At this stage the Victorian Courts do not capture:

- the number of people under orders for detention and numbers subject to orders extending their order for detention
- the number of people under orders for detention by sex, disability, disability type and First Nations status
- the number of such people detained in:
 - an adult correctional facility
 - a youth detention facility
 - a forensic mental health or forensic disability facility
 - a general psychiatric unit.

It should be noted that while the Courts operate on an open and public basis in relation to their judicial functions, there are legal restrictions that apply to the disclosure of information. Some of those have the aim of protecting the fair trial of an accused. Others are aimed at creating an environment where individuals are not discouraged from engaging with the court system (such as prohibitions on identification of victims). Some have the aim of promoting rehabilitation (such as restrictions on naming young offenders or disclosing spent convictions). Others aim to protect the safety of individuals (individual suppression orders).

Data sharing is a complex issue for the Courts in that environment. The Courts are also mindful of broader privacy principles and obligations. The Courts are exempted from these in relation to their judicial functions but are conscious that exemption is made for a particular purpose.

The primary purpose of data collection by courts is to support case management and independent judicial decision-making.

There are system limitations for the courts which currently operate on a number of different case management systems. Some of these are legacy systems not designed for extensive data reporting. Reporting from these systems can be resource intensive.

The logistics and legal framework for the collection, sharing and analysis of data needs to be carefully considered. The Courts will consider a contribution to data sharing, within the limits of their role, functions and resources.

Recommendation 8.21 Diversion of people with cognitive disability from criminal proceedings

The New South Wales, South Australian, Victorian and Western Australian governments should review and fund their existing court-based diversion programs for people with cognitive disability charged with offences that can be heard in local or magistrates' courts to ensure the programs:

- are accessible and culturally appropriate, particularly in regional and remote areas
- provide support for defendants to access the National Disability Insurance Scheme (NDIS)
- satisfy service needs, including connecting defendants to appropriate education, housing, employment and other services.

Victorian Criminal Justice Diversion Program

The Victorian Criminal Justice Diversion Program (CJDP) is available at all Victorian Magistrates' Courts. The CJDP operates under Section 59 of the *Criminal Procedure Act (2009)* Vic which enables a proceeding to be adjourned while an accused participates in a diversion program. CJDP is primarily (but not exclusively) aimed at first-time offenders. It involves adjourning proceedings for up to 12 months so that the person can complete a diversion plan, which will involve certain conditions which can include apologising to the victim, undertaking counselling or engaging in treatment. CJDP participants avoid a criminal record if the conditions of their plan are met.

The Assessment and Referral Court (ARC)

The MCV's ARC (as mentioned above in CSV's response to Recommendation 8.11) enables accused persons to have their case adjourned for up to 12 months, allowing them to remain in the community and receive psychological, health, disability, housing, or drug and alcohol treatment services, prior to sentencing.

ARC is a specialist pre-sentence court for accused persons with complex mental illness and/or cognitive impairment, such as an intellectual disability, autism or brain injury. As with successful completion of a CJDP diversion plan, successful participation in an ARC plan allows the Court to discharge the accused without making a finding of guilt.

Youth, Disability, Cautioning and Diversion Pilot

Court Services Victoria, in conjunction with Victoria Police, is in the process of establishing a Youth, Disability, Cautioning and Diversion Pilot Program in Geelong, funded by the Victorian Legal Services Board and Commissioner.

The program builds on evidence gained from a pilot conducted in Colac in 2021-23, which indicated that young people with a disability, who are either first-time offenders or those exhibiting

minor offending behaviours, will experience better outcomes via programs that help reduce recidivism by addressing the underlying causes of offending behaviour, such as lack of education, family issues, or substance abuse, through tailored support services.

The pilot supports youth aged between 12 and 20, including young persons with intellectual disability; that have been identified by police and courts as ready to participate in the pilot; to be engaged in education, work experience, employment, and other community-based activities. The pilot also links a young person with skilled mental health professionals to treat underlying issues and to collaborate with them to address their offending behaviours.

It is anticipated that the pilot will result in a reduction of young people with repeated interactions with the justice system, reducing the need for court resources and custodial sentences, allowing resources to be allocated more efficiently – freeing up police and legal services and reducing delays in the court system.

Recommendation 9.3 Cultural safety of First Nations people in criminal justice settings

By the end of 2024, state and territory governments should review the effectiveness of their strategies, if any, directed to providing and ensuring the cultural safety of First Nations people with disability in criminal justice settings and in doing so take into consideration what the Royal Commission has heard about that issue.

The review findings and recommendations should be made public.

The supports the Courts provide to ensure the cultural safety of First nations People with disability are outlined in more detail in the following Chapter (5 – Investment and Action) and include:

- the Disability Advice Response Team (DART)
- The Assessment and Referral Court (ARC)
- The Court Integrated Services Program (CISP)
- Drug and Alcohol Treatment Court (DATC).

5 Investment and action

5.1 Specialist Courts and Programs

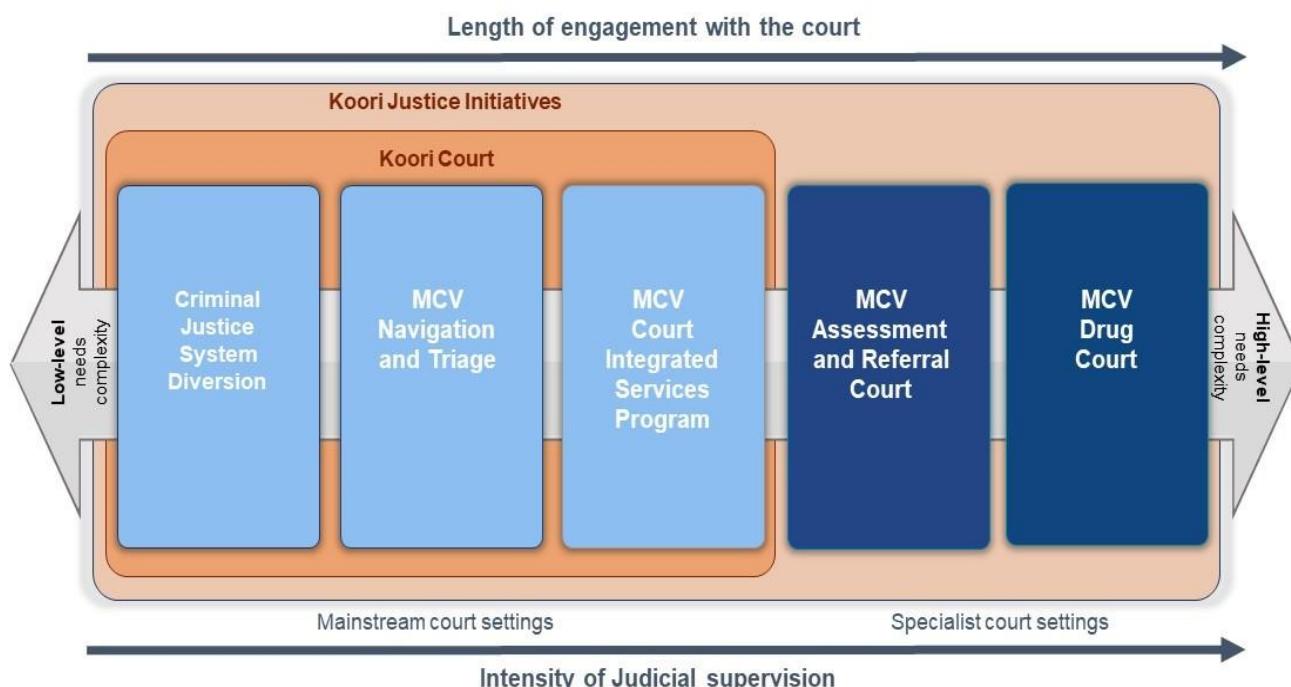
There are a suite of specialist courts and programs designed to respond to user needs and divert participants to appropriate treatment, support programs and services, and encourage positive behavioural change. Specialist Courts and programs provide means of supporting people with disability by linking participants into relevant services that help address their dynamic criminogenic risk factors as well as overall well-being. Participants of the specialist courts can also be referred to National Disability Insurance Scheme (NDIS) based services to ensure the provision of appropriate supports

5.1.1 MCV Therapeutic Justice

Therapeutic Justice at MCV is an approach that, where appropriate and within the boundaries of the law and due process, seeks to maximise the wellbeing of people involved in the justice system and improve community wellbeing and safety. The overarching principle underpinning the MCV's Therapeutic Justice approach is to provide the right support at the right time, balancing individual need, level of intervention and engagement length.

Victoria's Magistrates' Courts offer a suite of specialist courts and programs designed to support accused persons with complex underlying needs including cognitive disability and mental health issues, and divert them to appropriate treatment, support programs and services. When considered collectively this suite forms a continuum of Therapeutic Justice. Each initiative or program serves distinct cohorts, with substantially different treatment and intervention needs, ensuring that interventions are targeted, effective and efficient.

The diagram below provides a visual overview of the MCV Therapeutic Justice Continuum.



5.1.2 MCV Specialist Courts and Programs

MCV's Therapeutic Justice initiatives are available across mainstream court lists and the specialist court lists. These initiatives enable individuals to address key risk factors during their period of contact with the Court to prevent further engagement with the criminal justice system.

Assessment and Referral Court (ARC)

As outlined above, ARC is a specialist court for accused individuals experiencing complex mental illness and/or cognitive impairment, such as an intellectual disability, autism or brain injury. ARC focuses on supporting accused persons for whom unmanaged mental impairment has contributed to their offending.

ARC participants have their sentence diverted while they receive case management support, and access programs and services identified through their 'individual support plan'. ARC supports participants to remain in the community to address underlying causes contributing to their offending, address their health and social needs and to reduce their risk of re-offending.

ARC aims to motivate participants to engage with the Court as well as achieve their individual goals. Participants are supervised by a Magistrate who regularly hears their matters and reviews their progress in a less formal setting than a traditional court hearing.

ARC is a pre-sentence program of support and judicial engagement for up to one year.

Family Violence Supports

MCV also provides support through Specialist Family Violence Courts (SFVCs) at all headquarter courts. The Remote Hearing Support Service (RHSS), has proved to be an important initiative to enable affected family members (AFMs) with higher needs, including those with disabilities, to effectively participate in their FVIO proceedings.

Through the RHSS, family violence intervention order (FVIO) applicants and AFMs can take part in their FVIO hearing online from a secure, confidential, non-court location. Each remote hearing location has a dedicated remote hearing practitioner. Remote hearing practitioners support AFMs before, during and after court hearings. The program aims to enhance safety, provide trauma-informed assistance and give people affected by family violence choice in how they take part in their hearing.

5.1.3 MCV Mainstream Court Supports

The MCV Criminal Justice Diversion Program (CJDP)

This program provides primarily (but not exclusively) first-time offenders with the opportunity to participate in a diversion program. For further detail about the CJDP, please refer to Section 4 of this document.

The Mental Health Advice and Response Service (MHARS)

The MHARS commenced operation in May 2019 and is available at all MCV headquarter court locations. The Service is provided by Forensicare – Victorian Institute of Forensic Mental Health at court sites, and supports people involved in the court system who need mental health advice, treatment or support.

5.1.4 Children's Court of Victoria Services and Programs

Children's Court Support Coordinators/ Concierge Service

The Children's Court of Victoria (ChCV) has Court Support Coordinators (CSCs), located at Melbourne, Moorabbin, Dandenong and Broadmeadows courts. The CSCs primarily focus on providing information and support to court users on the day of hearings, and to assist them in navigating the court process. The court environment and processes can often be daunting and confusing for people without disabilities, let alone children and young persons who are mentally unwell or have a cognitive impairment. CSCs provide critical support to vulnerable court users attending at the ChCV and try to minimise the barriers that may impact their ability to engage in the court process. CSCs also facilitate referrals to a range of services including disability services and develop and maintain linkages with community support organisations and treatment agencies.

In addition to the CSC roles, the ChCV established a concierge service in February 2019 to ensure court users are welcomed by concierge staff when they enter the court building and have assistance navigating the court. ChCV staff undertake proactive ways to engage with vulnerable court users, for example, they may approach self-represented litigants and where the ChCV has advance notice that a person with a disability has attended court those connections are made through ChCV registry and/or any relevant legal practitioners.

Melbourne Children's Court Family Violence Practitioners

ChCV has a dedicated family violence practitioner (FVP) who can assist individuals participating in family violence related proceedings at specialist venues of the Children's Court, be they conducted in-person or online, through provision of non-legal support, completion of risk assessments, development of safety plans and making of warm referrals to legal and community support services. The FVP can help prioritise safety of court users participating in physical, hybrid and/or online intervention order hearings by promoting awareness of, and enabling access

to, separate entrances, secure safe waiting areas and dedicated remote witness facilities available to victim-survivors and vulnerable children physically attending specialist Children's Court venues for family violence related proceedings.

Mental Health Advice and Response Service

The Mental Health Advice and Response Service (MHARS) commenced operation in May 2019 and is currently available at the ChCV in Melbourne. MHARS is a specialist mental health service delivered by Oxygen Youth Health. The MHARS clinician provides mental health assessments for children and young people appearing before the ChCV who present with suicidality, acute mental health concerns and/or distress while awaiting their court appearance in the Criminal Division.

The MHARS clinician also advises the court as to whether mental health concerns are present or whether factors related to mental health may have a bearing on the proceedings; and where possible the clinician also facilitates timely access to appropriate treatment and mental health support services. Where any child's behaviour requires assessment, that will be undertaken by the MHARS clinician. Given the significant link between mental health and disability, the MHARS clinician plays a fundamental role in the initial assessment and support of children with a disability whilst they are at the ChCV. The MHARS clinician can link young people identified as having a possible disability with appropriate services, where comprehensive assessment can be undertaken, and tailored support services provided.

MHARS is also available for children and young people in the Family Division (secure welfare only) presenting with suicidality, acute mental health and/or distress whilst awaiting their court appearance.

Disability Advice Response Team (DART)

The Disability Advice Response Team (DART) is a disability service being delivered by Melbourne City Mission (MCM) and Victorian Aboriginal Legal Service (VALS) in select locations of the Children's Court. DART aims to identify and support young people with disability in the justice system via early intervention at point of entry to the Children's Court.

DART workers can assist eligible young people by:

- Screening for disability and providing advice on the young person's disability related support needs to Court and relevant supporting staff and family.
- Providing advice on the young person's disability related support needs to those who are representing, adjudicating or working with a young person at an eligible Children's Court location (separate to the Children's Court Clinic).
- Assisting the Court to consider how to make reasonable adjustments to Court Processes to respond to the disability related access needs of the young person (where appropriate).
- DART workers are also available when needed to provide short term support assisting with linking young people to disability supports including the NDIS, and engaging other related community-based disability supports.

DART does not provide legal advice, advise on sentencing options, direct treatment or long-term case-management support

Before consenting to a referral to DART, the young person is advised to consult with their legal representative. DART referrals are accepted from anyone working with or familiar with a young person attending the Dandenong, Geelong, or Melbourne Children's Court Criminal Division and can be made in-person, via email or phone at any stage of the court process.

5.1.5 County Court of Victoria Services and Programs

Drug and Alcohol Treatment Court

The DATC promotes recovery through a specialised, coordinated and tailored treatment and supervision regime for its participants. The DATC focusses on targeting the underlying causes of offending behaviour to break the cycle of offending. While on a Drug and Alcohol Treatment Order (DATO), participants receive regular judicial supervision alongside other therapeutically oriented, intensive, and integrated supervision conditions.

It is anticipated that referrals to the DATC and people accepted onto the DATC program will have high levels of complexity which may include mental illness and/or a range of cognitive impairments or other physical disabilities. The flexible nature of a DATO means that the DATC is uniquely placed to respond to the individual circumstances of these participants through appropriate treatment and support services specific to their illness and/or disability and to address the underlying causes of their offending.

Increased specialist drug and alcohol services would benefit the complex needs of many participants with disability.

5.1.6 Cross-jurisdictional services and Programs

Court Integrated Services Program (MCV and CCV)

CISP can provide referral, brokerage and regular monitoring for housing, targeted case management, clinical and alcohol and other drug treatment services.

CISP programs regularly support people who have disabilities in accessing housing services, both emergency and ongoing, in the very tight housing market. CISP staff advocate with those services for people to receive housing. The Drug Court model has adopted a supported tenancy approach to housing, supporting better housing outcomes.

Appropriate crisis support and housing is required for people with disability. Safe and secure accommodation is a significant issue facing people with disabilities, both obtaining it and maintaining it over time. The layered barriers for people with disabilities accelerates their trajectory into the justice system, slows and inhibits pathways out of custody, limits access to the few options available in terms of service and housing access, leaving them highly vulnerable to poor justice and psychosocial outcomes in the community.

Support workers at Court (Court Network)

Partly funded by CSV in Victoria, Court Network offers personal support, information and referral to people going to court. The service is provided by highly trained volunteers working in the courts, managed by professional program managers.

Court Network's service is an important component of accessing justice. People may feel vulnerable or disadvantaged; they may be attending court for the first time; be unfamiliar with court rules and processes; lack knowledge of what is expected of them; feel frightened and unsafe; or be representing themselves in a matter. Court Network provides support and assist them in navigating the court system by providing information about court procedure, legal services and community resources, and help finding interpreters, childcare and disability access.

5.2 Funds in Court

Funds in Court (FIC) is an office of the Supreme Court that assists the Senior Master, Associate Justice Steffensen, to administer funds paid into Court by orders of all Victorian courts. The majority of funds managed by FIC are paid into court for people who are under a legal disability including children (beneficiaries), but many also have disabilities. As part of its administration of those funds, FIC not only authorises payments on behalf of beneficiaries but also arranges for

provision of services. Each beneficiary is assigned a trust officer who regularly checks in with them as well as responding to their requests.

A significant cohort of beneficiaries are victims of crime who have received state-based compensation. The services provided to this group include authorising payments for actions designed to address the trauma and impact of crime. In addition to medical treatment and mental health services FIC will, for example, arrange for advice on adjustments to the individual's environment and circumstances that can assist their recovery and authorise payments for those adjustments to be made.

FIC, therefore, has a strong understanding of service provision to individuals with a disability and victims of crime.

The function of the Senior Master in administering these funds is part of the protective jurisdiction of the Court in relation to vulnerable individuals (in legal terms *parens patriae*). The administration of funds by the Senior Master has the primary purpose of protecting the financial interests of the individual, but it can also serve as a protective measure in relation to abuse, with financial and physical abuse often having a connection.

Individuals can be isolated by their disability, which can place them at greater risk of abuse. FIC provides a regular connection to an independent third party which helps to combat that isolation. FIC has a strong emphasis on continuity of engagement and acts as a hub for joined-up service provision to beneficiaries, lessening the risk that abuse could go unnoticed.

Should a beneficiary experience abuse, FIC has systems in place to assist in responding to their needs and take immediate action in an emergency. It can provide information on options available to them, including changes in accommodation and connecting them with supports.

5.3 Victims of Crimes Assistance Tribunal

The new Financial Assistance Scheme (FAS) commenced on 18 November 2024 and replaced the Victims of Crime Assistance Tribunal (VOCAT).

5.4 CSV's Built Environment

CSV is committed to ensuring its facilities and services are inclusive and accessible for all court users. CSV is continuing to deliver *Disability Discrimination Act 1992* (DDA) accessible infrastructure compliance upgrades across ten regional courts:

- Colac
- Hamilton
- Robinvale
- Benalla,
- Cobram,
- St Arnaud,
- Castlemaine
- Wangaratta
- Bacchus Marsh, and
- Sale.

In addition, CSV is ensuring that new capital projects in Victoria are DDA compliant and adhere to the seven Universal Design Principles at the outset to create Courts and workspaces that are accessible and usable by all people, regardless of ability. Examples include:

- a new ramp at the William Cooper Justice Centre;
- improved accessibility for the laneway gates between the Supreme Court Trial Division and Old High Court;
- the development of a new location and refurbishments for the Victorian Civil and Administrative Tribunal (VCAT) at 300 La Trobe Street and the development of the new Wyndham Law Courts – a new state-of-the- Court facility for Melbourne's rapidly growing west.

CSV has engaged with key disability organisations in developing the Wyndham Law Courts and is working with persons with disability in the design of the interior, including a sensory room and facilities and providing for those who have a disability and are hearing and vision impaired.

The upgrades include constructing wheelchair-accessible ramps at court entrances, building new accessible and ambulant toilets, and modifying registry desks.

5.5 Technology

Digital technology provides the opportunity to improve the experience for all court users, particularly those for which assistive technologies are essential to participation. It also provides the opportunity to share information as appropriate to ensure accommodations are made, streamline processes and inform change.

Websites

The courts support access by court users to vital information through maintaining compliance with the relevant World Wide Web Consortium's Web Content Accessibility Guidelines, required for all government agencies, and following the Victorian Government's Digital Standards in relation to disability accessibility.

Electronic hearings

Electronic hearings also allow for increased inclusivity by providing a variety of settings from which a person with disability can engage with the courts. However, this may not be a suitable vehicle for all persons with disability, such as those with a cognitive disability that may have difficulty operating technology independently, or do not have access to the technology required to facilitate a remote appearance.

The use of electronic hearings is often determined on a case-by-case basis, with consideration given to the nature of a person's disability and their personal limitations/challenges.

Case Management System

A new Case Management System (CMS) is being implemented for MCV and ChCV, providing the opportunity to enhance access to justice for Victorians, including through stronger information sharing and improving court processes. It will streamline how the courts capture and record data and will support greater integration and connectivity for the whole of justice system, including strengthening the ability to capture and share appropriate critical information in individual cases across jurisdictions and courts, and with external parties to ensure user needs are met.

5.6 Human Rights References Committee

CSV has established a Human Rights References Committee which provides advice on CSV's obligations under the *Charter of Human Rights and Responsibilities Act 2006*, as well as address any systemic issues that may arise across the Courts and Tribunals.

The Committee provided oversight for the development of the Youth, Disability, Cautioning and Diversion Pilot Program, as well as the Charter of Rights for parents and carers with disabilities involved in Child Protection in Victoria