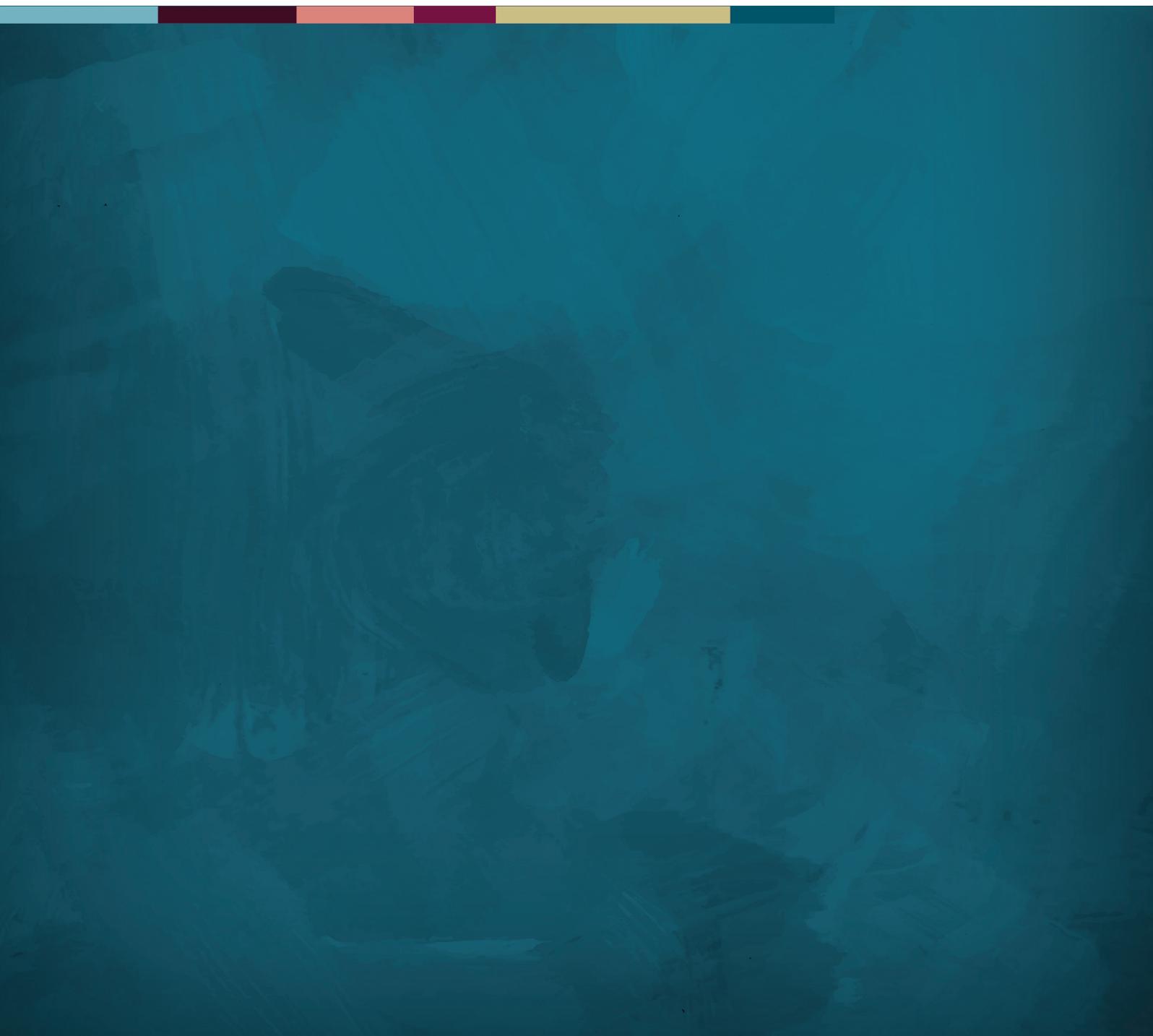




Australian Government

Australian Government Progress Update on the **Disability Royal Commission**



ISBN: 978-1-921380-29-7 (Online)

ISBN: 978-1-921380-18-1 (Print)

Copyright notice



This document, *Australian Government Progress Update on the Disability Royal Commission*, is licensed under the [Creative Commons Attribution 4.0 International Licence](https://creativecommons.org/licenses/by/4.0/legalcode)

Licence URL: <https://creativecommons.org/licenses/by/4.0/legalcode>

Please attribute: © Commonwealth of Australia (Department of Social Services) 2023

Notice:

- 1 If you create a derivative of this document, the Department of Social Services requests the following notice be placed on your derivative: Based on Commonwealth of Australia (Department of Social Services) data.
- 2 Inquiries regarding this licence or any other use of this document are welcome. Please contact: Branch Manager, Corporate Communication and Media Relations Branch, Department of Social Services. Phone: 1300 653 227. Email: communications@dss.gov.au

Notice identifying other material or rights in this publication:

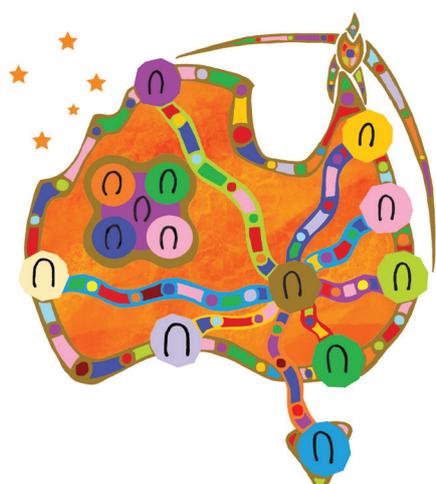
- 3 Australian Commonwealth Coat of Arms — not Licensed under Creative Commons, see <https://www.itsanhonour.gov.au/coat-arms/index.cfm>

If you are deaf or have a hearing or speech impairment, you can use the National Relay Service to contact any of the Department of Social Services listed phone numbers.

TTY users — phone 133 677 and ask for the phone number you wish to contact.

Speak and Listen users — phone 1300 555 727 and ask for the phone number you wish to contact.

Internet relay users — visit the National Relay Service at <https://www.communications.gov.au/what-we-do/phone/services-people-disability/accesshub/national-relay-service>



Acknowledgment of Country

The Australian Government acknowledges the traditional owners of Country throughout Australia on which we gather, live and work. We acknowledge all traditional custodians, their Elders past, present and emerging, and we pay our respects to their continuing connection to their culture, community, land, sea and water.

Support Services

National Disability Abuse and Neglect Hotline: 1800 880 052

The National Disability Abuse and Neglect Hotline is a free, independent and confidential service for reporting abuse and neglect of people with disability. The Hotline works with callers to find appropriate ways of dealing with reports of abuse or neglect through referral, information and support.

1800RESPECT: Call 1800 737 732, Text 0458 737 732

1800RESPECT is Australia's national counselling, information and support service for anyone affected by domestic, family and sexual violence. It is available, 24 hours a day, 7 days a week.

Disability Advocacy Support Helpline: 1800 643 787

The Disability Advocacy Support Helpline (the Helpline) is a pilot initiative announced as part of Australia's Disability Strategy 2021–2031, designed to improve access to individual advocacy support. The Helpline is a phone-based service that is delivered by Advocacy Law Alliance and accessed through the Disability Gateway. The Helpline is a free service for people with disability, their families and carers, who require short-term individual disability advocacy support.

Disability Advocacy Finder:

The National Disability Advocacy Program provides people with disability access to effective advocacy support. The Department of Social Services funds 59 advocacy organisations across Australia to protect and promote the rights of people with disability. Services can be found through the Disability Advocacy Finder at the Ask Izzy website: www.askizzy.org.au/disability-advocacy-finder.

Table of contents

Ministerial Foreword	5
Part 1:	
Overview of the Disability Royal Commission and its significance	7
<hr/>	
Introduction	8
The need for change	8
Key themes	9
Part 2:	
Update on the Australian Government's consideration of the Royal Commission's Final Report	11
<hr/>	
Establishment of the Commonwealth Disability Royal Commission Taskforce	12
Consultation to inform the Australian Government response	14
A national approach: working with states and territories	16
Part 3:	
Building on existing reform to implement lasting change	17
<hr/>	
Part 3 overview	18
Strengthening outcomes under Australia's Disability Strategy 2021-2031	19
Getting the NDIS back on track	20
Human rights of people with disability	22
Safeguarding	25
Inclusive education, employment and housing	27
Quality and accessible disability and mainstream services for all people with disability	32

Ministerial Foreword

I am pleased to present the Australian Government Progress Update on the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Royal Commission).

The Royal Commission was the result of many years of tireless advocacy. Through grassroots movements, people with disability and their supporters played a pivotal role in initiating this historic commission, turning their shared experiences into a powerful force for change.

We thank the nearly 10,000 people with disability, their families, friends, representatives, supporters and carers who shared their experiences. Your contributions have already made a difference, and will continue to be the driving force behind national change towards a safe, accessible and inclusive Australia.

The Royal Commission proposes a vision for an inclusive Australia, where people with disability live free from harm; where human rights are protected; and where individuals live with dignity, equality and respect, can take risks, and develop and fulfil their potential. The Australian Government supports this vision.

The Final Report includes 12 volumes and 222 recommendations. It represents the most extensive examination of matters affecting the lives and experiences of Australians with disability in our nation's history. It highlights the shortcomings across all layers of Australian society that contribute to the harm and exclusion of people with disability. The Royal Commission's recommendations are a call to action for all governments, as well as the wider community.

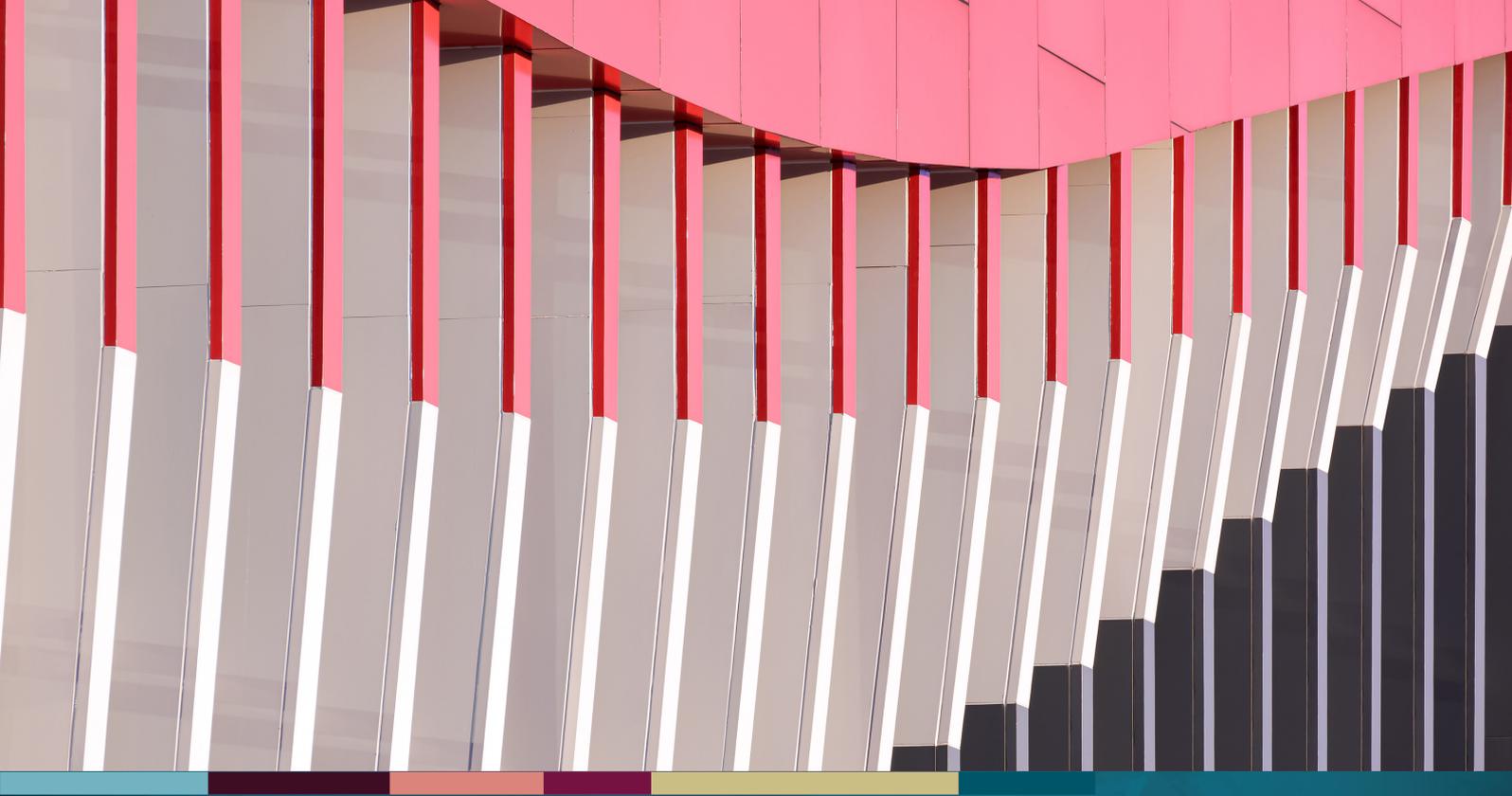
This Progress Update provides an overview of how the Australian Government is considering the Final Report, and what processes and consultations we are undertaking prior to formally responding to recommendations. It also outlines some of the key actions we have already taken to address issues raised during the Royal Commission's inquiry.

The Australian Government will formally respond to the Royal Commission's Final Report by mid-2024. This will ensure there is appropriate time to continue consultation with people with disability, their families, carers, representative organisations, state and territory governments, service providers, unions and the broader community to inform a response that will drive meaningful and lasting change to make Australia safe, accessible and inclusive for all people with disability.



The Hon Amanda Rishworth MP
Minister for Social Services

This page intentionally left blank



Part 1:

Overview of the Disability Royal Commission and its significance

Introduction

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Royal Commission) was established in April 2019 in response to community concern about widespread reports of violence, abuse, neglect and exploitation of people with disability.

In accordance with its terms of reference, the Royal Commission investigated what governments, institutions and the community should do to:

- ▶ Prevent and better protect people with disability from experiencing violence, abuse, neglect and exploitation.
- ▶ Achieve best practice in reporting, investigating and responding to violence, abuse, neglect and exploitation of people with disability.
- ▶ Promote a more inclusive society that supports people with disability to be independent and live free from violence, abuse, neglect and exploitation.

Over four and a half years of inquiry, the Royal Commission heard from people with disability, their families, organisations and government officials through 32 substantive public hearings, 1,785 private sessions, 7,944 submissions, and more than 700 community engagements.

The Final Report comprises 12 volumes, 6,788 pages and 222 recommendations. It is a critical living resource for governments, organisations and the wider community to access and engage with into the future. It lays the foundations for a more just and equitable society – one that recognises and values the diverse contributions of people with disability.

The need for change

The Royal Commission shone a light on the violence, abuse and neglect that people with disability have suffered and continue to experience, and the role government, public and private institutions, service providers, as well as individuals, have played in causing, accepting or overlooking harm and maltreatment.

Volume 3 of the Final Report discusses the nature and extent of abuse people with disability experience in different settings and contexts, and in different life stages. The report highlights that men and women with disability experience violence and abuse differently. It details confronting data illustrating the scale and impact of violence, abuse, neglect and exploitation of people with disability in Australia, including:

- ▶ **55 per cent** of people with disability aged between 18 and 64 have been **physically or sexually abused** since the age of 15. This is significantly higher than the 38 per cent of adults without disability in that age group.
- ▶ **Life trajectories and life outcomes** of people with disability can be significantly influenced by violence, abuse, neglect and exploitation.
- ▶ **72 per cent of women with psychological or intellectual disability** have experienced violence or abuse since the age of 15.
- ▶ **47 per cent of people with disability who are of working age are not in the labour force**, a rate that has not substantially changed in 25 years.
- ▶ There are an estimated **400 potentially avoidable deaths each year** of people with disability aged 20 or above.
- ▶ The Royal Commission has identified that violence against, and abuse, neglect or exploitation of people with disability is **estimated to cost the Australian economy at least \$46 billion annually**.

Harm and exclusion has occurred and continues to occur across a broad range of settings, including disability services both within and outside the National Disability Insurance Scheme (NDIS), schools, healthcare, courts and custodial settings, workplaces, and home and living settings. The Royal Commission outlined the need for change across all of these settings, as well as the importance of removing systemic barriers that prevent autonomy, choice and control.

The Royal Commission also heard accounts of violence, abuse, neglect and exploitation of people with disability in the general community, including occasions where the needs of people with disability have not been met or have been regarded as an inconvenience. These attitudes serve as an ongoing barrier preventing people with disability from full and equal social and economic participation. These experiences highlight the need to change community attitudes towards disability in order to facilitate a more inclusive Australia.

The Government takes the reported experiences of violence, abuse, neglect and exploitation of people with disability very seriously. We are committed to protecting the rights and safety of people with disability, improving their lives and enabling better outcomes, along with the full participation of all people with disability in our society.

We as a nation must listen, learn and act. This requires a national effort involving all levels of government, non-government organisations, private entities and the broader community. We must work together to create a safe and inclusive society where all people, regardless of disability, gender, age, race, culture, religion, or sexual orientation, can thrive.

Throughout the reform process, the Government will continue to have people with disability, their families, carers and representatives at the centre of government decisions that affect them. We will work to ensure the views and preferences of people with disability are heard and respected, and that those preferences inform decision-making and service delivery.

Key themes

- ▶ **Realising the human rights of people disability**, including by strengthening human rights and anti-discrimination legislative and policy frameworks, and embedding human rights in the design and delivery of disability services.
- ▶ **Safeguarding people with disability from violence, abuse neglect and exploitation**, including through strong Commonwealth, state and territory collaboration and coordination to ensure the quality of supports and services, and safeguarding mechanisms and processes, for people with disability across all service settings and life stages.
- ▶ **Achieving an inclusive Australia**, with a particular focus on inclusive education, employment and housing.
- ▶ **Enabling autonomy and access for people with disability**, including by ensuring the availability of accessible material and communication, increasing culturally appropriate and accessible advocacy services, improving access to quality healthcare, and elevating First Nations disability policy.
- ▶ **Improving data and research**, including by developing nationally consistent approaches to disability data collection, use and reporting.

This page intentionally left blank



Part 2:

Update on the Australian Government's consideration of the Royal Commission's Final Report

Establishment of the Commonwealth Disability Royal Commission Taskforce

In recognition of the significant scale of reform recommended by the Royal Commission, the Government has established a Commonwealth Disability Royal Commission Taskforce (Taskforce) within the Department of Social Services (DSS) to support the Government's consideration of, and response to, the Final Report.

The Taskforce's purpose is to:

- ▶ Support coordinated consideration of the Final Report across Commonwealth departments and agencies.
- ▶ Engage and consult with people with disability, their families, carers, representative organisations, service providers, unions, employers and the broader community to inform Government decision-making on reform and change.
- ▶ Work with state and territory officials to consider recommendations of joint Commonwealth, state and territory responsibility.

Relevant Commonwealth ministers and their departments are responsible for considering individual recommendations within their policy responsibility. The Taskforce is contributing to this by bringing agencies together to support an integrated approach to reform that supports a safer and more inclusive Australia for people with disability, their families and carers. The Australian Government Cabinet will determine the Government's overall response to the Royal Commission.

Taskforce operating arrangements

The Taskforce reports to the Minister for Social Services, the Hon Amanda Rishworth MP, through DSS reporting structures.

The Taskforce is expected to operate until 30 June 2025, or as otherwise determined by the Government. It will support the Government's consideration of, and response to, the Royal Commission's recommendations, and the establishment of arrangements to monitor and report on implementation.

Taskforce composition

The Taskforce is a business unit of around 15 people within the Department of Social Services. The Group Manager, Disability Reforms and Royal Commission leads it.

The Taskforce comprises Department of Social Services staff, and staff seconded or transferred from the Attorney-General's Department, the Department of Education, the Department of Health and Aged Care, the National Indigenous Australians Agency, and the National Disability Insurance Agency (NDIA). This includes a combination of people with disability, carers of people with disability and people with relevant experience to meet the business requirements of the Taskforce.

Taskforce members are required to complete disability awareness training.

Governance

Disability Royal Commission Commonwealth Working Group

The Taskforce works closely with all relevant Commonwealth departments and agencies through both informal day-to-day interactions and a formal Disability Royal Commission Commonwealth Working Group (Commonwealth Working Group).

The Commonwealth Working Group meets regularly, and includes core representatives from the following Commonwealth departments and agencies:

- ▶ Department of Social Services (Chair)
- ▶ Department of the Prime Minister and Cabinet, including the Office for Women
- ▶ Department of Finance
- ▶ Treasury
- ▶ Attorney-General's Department
- ▶ Office of the Commonwealth Ombudsman
- ▶ National Disability Insurance Agency
- ▶ NDIS Quality and Safeguards Commission
- ▶ Department of Education
- ▶ Department of Health and Aged Care
- ▶ National Indigenous Australians Agency
- ▶ Department of Employment and Workplace Relations
- ▶ Department of Home Affairs
- ▶ Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- ▶ Department of Industry, Science and Resources

Representatives from the following agencies participate as required:

- ▶ Hearing Australia
- ▶ Australian Bureau of Statistics
- ▶ Australian Institute of Health and Welfare
- ▶ Australian Public Service Commission
- ▶ Fair Work Commission

In addition, given the strong focus of the Disability Royal Commission on human rights, the Taskforce has ongoing consultation arrangements with the Australian Human Rights Commission to enable appropriate input.

Disability Royal Commission Inter-Jurisdictional Committee

The Taskforce also chairs a Disability Royal Commission Inter-Jurisdictional Committee to provide a forum for Commonwealth, state and territory officials to engage on recommendations of joint responsibility. The Committee includes representatives from the Commonwealth and all states and territories.

Consultation to inform the Australian Government response

The Government is consulting and engaging with people with disability, their families, carers, representative organisations, service providers, unions and the broader community to inform decision-making on reform in response to the Royal Commission's Final Report and recommendations.

We acknowledge the Royal Commission's comprehensive outreach and community engagement over the past four and a half years, and the extensive input of people with disability, their families, carers, advocates and supporters. We also recognise the hurt and trauma associated with sharing these experiences.

We are not repeating the work of the Royal Commission or asking people with disability to tell their stories again during this consultation process. Rather, the purpose of this process is to better understand views and perspectives on the Royal Commission's specific recommendations to inform government responses and reform.

We are engaging with stakeholders and the community through a combination of high-level roundtables, forums, workshops, and individual meetings. A public questionnaire and submission process was also open from 28 November 2023 until 19 January 2024. 335 responded to the questionnaire and 117 submissions were received from organisations and individuals. Consultation and engagement activities will continue throughout 2024. Further information is available on the Department of Social Services' engagement website at: www.engage.dss.gov.au/drcausgovresponse/.

What we have heard so far:

- ▶ The Australian community overwhelmingly welcomes the Royal Commission's Final Report and appreciates the input of the almost 10,000 people who shared their experiences and views.
- ▶ Stakeholders want strategic reform to better protect the rights of people with disability, as well as timely tangible action to end violence and maltreatment across all settings, and make Australia more accessible and inclusive.
- ▶ The vision for an inclusive Australia as proposed in the Royal Commission's Final Report is broadly supported and should be adopted.
- ▶ People with disability, their families, carers, supporters and representatives have indicated particularly strong interest in recommendations around human rights, education, employment, housing, autonomy and control, and the importance of ensuring reform is culturally appropriate, gender responsive, trauma informed and works for all Australians with disability.
- ▶ Service providers and their peak body representatives have welcomed the Royal Commission's Final Report and expressed commitment to delivering high-quality and safe supports.
- ▶ While there is unequivocal support for upholding human rights, there are diverging views on how this is best achieved. Some stakeholders support the Royal Commission's proposed standalone Disability Rights Act to protect the rights of people with disability. Others support the enactment of a broader, intersectional Human Rights Act that would protect the rights of all Australians, including people with disability.

- ▶ While acknowledging the breadth of issues canvassed in the Final Report, stakeholders have also raised concerns about areas of disability reform where the Royal Commission did not make recommendations or only briefly canvassed issues in the Final Report.

This includes, but is not limited to, lack of recommendations on transport including air travel, the Disability Support Pension, recommendations specific to very young children and early childhood, child protection matters (beyond those identified in relation to First Nations children), matters of forced contraception, menstrual suppression, removal of children from parents with disability, or specific reference to psychosocial disability in the recommendations.

The Government will continue listening to the views of people with disability to inform formal responses to the Royal Commission's recommendations. It also acknowledges the effort and active engagement from stakeholders and the community during this period of significant inquiry and disability reform.

The breadth of the reform required is also being carefully considered by Government, both in terms of prioritisation of the reform activity and timing of implementation. This will ensure that necessary changes are delivered in a staged and sustainable manner that enables them to be embedded, including the requirement for deeper consultation and design with the disability community as agreed recommendations are implemented.

A national approach: working with states and territories

The Royal Commission was a truly national inquiry, involving the Australian Government and all state and territory governments.

Its recommendations are divided into those directed to the Commonwealth, those directed solely to states and territories, and those which are the joint responsibility of the Commonwealth with states and territories. A small number of recommendations are directed to non-government agencies.

On 3 November 2023, the Disability Reform Ministerial Council (DRMC) – which includes Commonwealth, state and territory ministers with responsibility for disability policy – agreed in-principle the allocation of primary responsibility for recommendations as follows:

- ▶ **Joint Commonwealth, states and territories: 85 recommendations**
- ▶ **Commonwealth: 84 recommendations**
- ▶ **States and territories: 50 recommendations**
- ▶ **Joint non-government and Commonwealth: 3 recommendations**

Disability Ministers committed to work collaboratively to progress the necessary reform to make Australia safe and inclusive for all people with disability and noted that addressing the issues highlighted by the Royal Commission requires a national effort, including all governments and all parts of our community.

Disability Ministers also agreed to include consideration and implementation of responses to the Royal Commission as a standing agenda item on all future DRMC meetings until further notice. This illustrates all governments' commitment to working in a nationally coordinated way to progress integrated reform to enhance the quality and availability of disability and mainstream supports and services, improve safeguarding across all settings, and advance the rights of all people with disability.

Stopping harm, driving inclusion, and improving access is a shared responsibility across governments and society. It will not be the sole responsibility of Disability Ministers to implement the Royal Commission's recommendations. All Commonwealth, state and territory departments, agencies and ministerial portfolios have a role in making Australia more inclusive.

In addition to Disability Ministers, the following ministerial councils and forums have a particular interest in considering and responding to Royal Commission recommendations: Standing Council of Attorneys-General; Joint Council on Closing the Gap; the Women and Women's Safety Ministerial Council; Housing and Homelessness Ministerial Council; Education Ministers; Health Ministers; Police Ministers; Data and Digital Ministers; and Building Ministers.

Joint Commonwealth, state and territory action in response to the Royal Commission will build on National Cabinet's historic agreement of 6 December 2023 to secure the future of the NDIS, including through jointly designing additional foundational supports for people with disability.



Part 3:

Building on existing reform to implement lasting change

Part 3 overview

The Government did not wait for the Royal Commission's Final Report before progressing a range of important initiatives dedicated to improving support for, and inclusion of, people with disability. The Government's formal response to the Royal Commission will build on this existing reform to implement lasting change.

Part 3 of this Progress Update outlines some of the key initiatives the Government commenced while the Royal Commission was still running that will support a safer and more inclusive Australia that advances the rights of people with disability.

The activities outlined in this Progress Update are not exhaustive and the work does not stop here. The Government is carefully considering the recommendations of the Royal Commission and NDIS Review before providing a formal response. Given the breadth and scope of the Royal Commission and NDIS Review, the Government will take a considered and staged approach in responding to recommendations and implementing reform.

The Government is also committed to undertaking gender impact assessment and analysis to ensure changes are responsive to the different experiences of men and women with disability. We will also ensure that actions are culturally safe and responsive to the needs of First Nations people with disability and other people with disability that experience intersectional impacts. Our responses to both the Royal Commission and NDIS Review will build on the existing reform outlined in this Progress Update to make lasting change to the lives and experiences of people with disability, their families and carers.

Strengthening outcomes under Australia's Disability Strategy 2021-2031

Australia's Disability Strategy 2021-2031 (ADS) was developed and agreed by all levels of government during the course of the Royal Commission. Launched in December 2021, ADS is Australia's national framework for disability policy. The Royal Commission stressed the importance of strengthening ADS to ensure it supports an inclusive Australia, advances the rights of people with disability, and can support nationally coordinated implementation of the Royal Commission's recommendations.

Through extensive consultations and engagement, people with disability and the disability community shared their experiences to develop a strategy that would deliver change for an inclusive and accessible Australia over a ten-year period to 2031. ADS provides a national disability policy framework through seven Outcome Areas and their underpinning policy priorities.

ADS vision for an inclusive Australian society that ensures people with disability can fulfil their potential as equal members of the community strongly aligns with the Royal Commission's vision for an inclusive Australia. Similarly, the seven ADS Outcome Areas of Employment and Financial Security; Inclusive Homes and Communities; Safety, Rights and Justice; Personal and Community Support; Education and Learning; Health and Wellbeing; and Community Attitudes connect with the key issues and themes of the Royal Commission.

The first **ADS Implementation Report** was published in December 2023. The Report outlines the progress made against disability initiatives under ADS at all levels of government from 3 December 2021 to 30 June 2023 and is available online in multiple accessible formats at www.disabilitygateway.gov.au/ads/reporting-ads.

The strong commitment of all governments to ADS, and its alignment with focus areas of the Royal Commission, position it well as a key driver for delivering national change in response to the Royal Commission. As a first step, the **Australian Government and all state and territory governments have committed to review ADS in 2024**.

A review of ADS will build on existing work to strengthen, and better measure, outcomes under ADS, such as:

- ▶ **Central Coordination of Disability Policy:** At the 2023-24 Budget, the Government committed \$10.2 million over four years to establish the Central Coordination of Disability Policy to drive whole-of-government action under ADS and lift the knowledge and capability of the APS in relation to disability.
- ▶ **Outcomes Framework reporting and data improvement:** In the 2021-22 Mid-Year Economic and Fiscal Outlook, the Government allocated \$19.5 million for better reporting and measurement over the life of ADS to enhance government accountability.
- ▶ **National Disability Data Asset:** In the October 2022-23 Budget, the Government committed \$68.3 million for the analysis, research and delivery of the National Disability Data Asset. It will bring together de-identified information from different government agencies about Australians with and without disability. This will help create a better understanding of the experiences of people with disability to inform evidenced base reform.
- ▶ **Targeted Action Plans (TAPs):** All Australian governments will continue reporting on the progress of actions under TAPs, and have commenced considering focus areas for future TAPs.
- ▶ **Good Practice Guidelines for Engaging with People with Disability:** Published in 2023, the Guidelines aim to support government, private and non-government organisations to engage with and include people with disability in community consultation, decision making and policy and product development.

Getting the NDIS back on track

The NDIS is a transformative scheme supporting more than 600,000 Australians with disability. The scheme is a life-changing piece of economic and social policy. As highlighted in the final reports of both the NDIS Review and the Royal Commission, there is work to be done to get the NDIS back on track and ensure it delivers positive outcomes for participants for generations to come.

During the course of the Royal Commission, the Government commenced a significant reform process to deliver an NDIS that works for people with disability.

- ▶ **Commissioning an Independent Review of the NDIS:** The Minister for the NDIS, the Hon Bill Shorten MP, announced a review of the NDIS on 18 October 2022. The Review looked at the design, operations and sustainability of the NDIS and considered ways to make the market and workforce more responsive. Its final report was released on 7 December 2023.
- ▶ **Improving effectiveness of the NDIS:** At the 2023-24 Budget, the Government committed \$910 million over four years to improve the effectiveness and delivery of the NDIS. This included, among other commitments, \$429.5 million towards the NDIA's workforce capability and systems resulting in better consistency and equity in decision-making.
- ▶ **Initial, immediate steps to take action in response to the historic Review:** The Government has made a significant investment to support design and consultation on key reforms to improve the participant experience and secure the future of the NDIS in line with the Review. This includes \$11.6 million over two years to support work to develop and implement the Foundational Supports Strategy; \$54.6 million for fairer and better ways to access an NDIS Budget; \$49.7 million for improved home and living options; \$10.2 million to repair the market for better ways to access and pay for supports; and \$3.6 million to undertake design and consultation work on a system of best practice early childhood supports.
- ▶ **New Supported Decision Making Policy:** Released in May 2023, the NDIA's new Supported Decision Making Policy will support and empower participants to make decisions. The policy was developed in close collaboration with people with disability who will benefit most from supported decision-making.
- ▶ **Cracking down on fraud:** The Government established the Fraud Fusion Taskforce in November 2022 to support the safety and wellbeing of NDIS participants, and ensure NDIS funding is used appropriately.
- ▶ **Administrative Appeals Tribunal caseload:** The Government has reduced the backlog of NDIS legacy AAT cases by 90 per cent since May 2022.
- ▶ **Unreasonable price differentiation:** The Government is progressing a range of measures, including legislative, to stop NDIS participants being over-charged when purchasing supports.
- ▶ **Improved hospital discharge for NDIS participants:** The NDIA has been working closely with jurisdictions to make a range of improvements to support participants' safe and timely exit from hospital, including increasing the number of hospital liaison officers and specialised discharge planners.

Final Report of the Independent NDIS Review

The Independent NDIS Review released its final report on 7 December 2023, including 26 recommendations and 139 supporting actions designed to restore trust, ensure sustainability, and deliver a better NDIS experience for participants.

Led by co-chairs Professor Bruce Bonyhady AM and Ms Lisa Paul AO PSM, the Review Panel examined the design, operations, and sustainability of the NDIS.

The Review Panel travelled to every state and territory, including regional and remote communities. It heard directly from more than 10,000 Australians, worked with disability organisations to reach out and listened to more than 1,000 people with disability and their families, recorded more than 2,000 personal experiences, and received almost 4,000 submissions. The Review recommended:

- ▶ Recommendation 1: Invest in **foundational supports** to bring fairness, balance and sustainability to the ecosystem supporting people with disability
- ▶ Recommendation 2: Increase the scale and pace of change in **mainstream and community inclusion and accessibility** and improve the connection between mainstream services and the NDIS
- ▶ Recommendation 3: Provide a fairer and more consistent **participant pathway**
- ▶ Recommendation 4: Support all people with disability to **navigate** mainstream, foundational and NDIS service systems
- ▶ Recommendation 5: Provide better support for people with disability to **make decisions** about their lives
- ▶ Recommendation 6: Create a **continuum of support for children** under the age of 9 and their families
- ▶ Recommendation 7: Introduce a new approach to NDIS supports for **psychosocial disability**, focused on personal recovery, and develop mental health reforms to better support people with severe mental illness
- ▶ Recommendation 8: Fund **housing and living supports** that are fair and consistent, and support participants to exercise genuine choice and control over their living arrangement
- ▶ Recommendation 9: Deliver a diverse and innovative range of **inclusive housing and living supports**

As an initial response to key aspects of the report, all Australian governments, through National Cabinet, have committed to

- ▶ Implementing legislative and other changes to the NDIS to improve the experience of participants and restore the original intent of the scheme to support people with permanent and significant disability, within a broader ecosystem of supports and services.
- ▶ The Commonwealth and states and territories jointly designing and funding additional foundational supports.

The Government will release a formal response to the NDIS Review in 2024.

Human rights of people with disability

The Royal Commission took a rights-based approach to its inquiry, with strong emphasis on Australia's full implementation of the United Nations Convention on the Rights of Persons with Disabilities. The Final Report recommends changes to Australia's legislative, policy and governance structures to achieve equality and inclusion, and advance the human rights of people with disability – including the right to live free from violence, abuse, neglect and exploitation.

Australia was one of the first countries to ratify the United Nations Convention on the Rights of Persons with Disabilities (CRPD) on 17 July 2008. The CRPD aims to enhance opportunities for people with disability to participate in all aspects of social and political life, including access to employment, education, health care, information, justice, public transport and the built environment.

Australia implements the CRPD through laws, policies and programs at all levels of government. This includes, for example, the *Disability Discrimination Act 1992*; the recently enacted *Disability Services and Inclusion Act 2023* (which replaces the *Disability Services Act 1986*); the *National Disability Insurance Scheme Act 2013*; the *Australian Human Rights Commission Act 1986*; state and territory human rights charters, equal opportunity legislation and anti-discrimination laws; Australia's Disability Strategy 2021-2023; and state, territory and local government disability strategies and inclusion plans. A Joint Statement on the Australian Government Implementation of Article 33(1) of the CRPD, including an Easy Read version, has been published on the Attorney-General's website and linked on the Department of Social Services website.

In addition to the Royal Commission's inquiry and Final Report, the Parliamentary Joint Committee on Human Rights (PJCHR) and the Australian Human Rights Commission have been investigating the adequacy of existing federal mechanisms to protect the human rights of all Australians, including people with disability.

- ▶ **Parliamentary Joint Committee on Human Rights: Inquiry into Australia's Human Rights Framework:** In March 2023, the Attorney-General, the Hon Mark Dreyfus KC MP, referred Australia's Human Rights Framework and the National Human Rights Action Plan to the PJCHR. The PJCHR is considering whether the Framework remains fit for purpose, if improvements can be made, and whether the Australian Parliament should enact a federal Human Rights Act. It is due to report by 31 March 2024.
- ▶ **Revitalising Australia's Commitment to Human Rights: Free & Equal Final Report 2023:** In December 2023, the Australian Human Rights Commission released the final report to its Free & Equal project, which involved comprehensive research and consultation on the adequacy of Australia's national protections for human rights and anti-discrimination. The Free & Equal Final Report calls for a renewed National Human Rights Framework and National Human Rights Act to better protect the human rights of all people in Australia.

The Government welcomes the Royal Commission's rights-based approach to its inquiry and Final Report, and is committed to advancing the human rights of people with disability. The Government is considering the Royal Commission's recommendations regarding the human rights of people with disability alongside the PJCHR inquiry, the Free & Equal Final Report, and the NDIS Review Final Report.

In addition to the Government's support for, and participation in, the Royal Commission and the PJCHR inquiry, the Government has continued to progress a range of reforms and measures that will better protect and advance the human rights of people with disability.

A New Disability Services and Inclusion Act

On 1 January 2024, the ***Disability Services and Inclusion Act 2023*** (the Act) commenced.

The Act replaces the ***Disability Services Act 1986***, which was no longer fit to protect the human rights and meet the needs of people with disability. The new Act strengthens quality and safeguard arrangements for people with disability outside the NDIS, including by:

- ▶ Providing a more agile way to fund disability services and supports.
- ▶ Introducing quality and safeguard requirements for supports provided outside the NDIS through a mandatory code of conduct and certification where required.
- ▶ In conjunction with other laws, giving effect to Australia's obligations under the CRPD.
- ▶ Introducing a modern, inclusive legislative framework to enable responses to the Royal Commission.
- ▶ Supporting people with disability to participate in the development and review of services and supports.

The Act was developed through extensive consultation with people with disability and seeks to embed human rights principles. Key objects of the Act include, among others things, advancing the inclusion and social and economic participation of people with disability; promoting respect for the inherent dignity, difference and individual autonomy of people with disability; and raising community understanding of barriers to the inclusion and participation of people with disability.

Other key existing work to advance the rights of people with disability include:

- ▶ **International Day of People with Disability (IDPwD):** IDPwD is on 3 December each year. The Government funds activities each year to help the community learn more about people with disability.
- ▶ **Disability advocacy services and funding:** The Government continues to support individual and systemic advocacy programs and services to promote the human rights of people with disability. At the 2022-23 October Budget, an additional \$11.2 million over four years was allocated to systemic advocacy through the Disability Representative Organisations Program, and \$21.2 million over three years to support individual advocacy through the NDIS Appeals program.

In April 2023, Disability Ministers endorsed the new National Disability Advocacy Framework 2023-2025 and associated Work Plan to improve national consistency and access to advocacy services. In June 2023, the Government invested an additional \$4.5 million to improve access to disability advocacy services, including funding to pilot Indigenous Community Advocates through the National Disability Advocacy Program, and additional funding to boost the capacity of the Disability Advocacy Support Helpline.
- ▶ **New International Disability Equity and Rights Strategy:** The Government is developing a new International Disability Equity and Rights Strategy to ensure Australia remains a strong and consistent global leader in advancing equity and human rights for persons with disabilities.
- ▶ **Supporting participation at the Conference of States Parties (COSP) to the CRPD:** COSP is the most significant and diverse meeting of people with disability in the world. In 2023, the Government supported 14 Australians representing the disability community to attend the 16th COSP at the United Nations headquarters in New York.
- ▶ **Information, Linkages and Capacity Building (ILC) Program:** The Government is committed to providing information and capacity building supports for all people with disability, regardless of whether they are NDIS participants. The ILC program also helps people with disability benefit from a more inclusive, accessible and connected Australia. In October 2022, funding of \$139.9 million was announced to extend 389 projects aimed at building the individual capacity and increasing the social, economic and community participation of people with disability.
- ▶ **Costs in discrimination proceedings:** In November 2023, the Government introduced the Australian Human Rights Commission Amendment (Costs Protection) Bill 2023 to Parliament, which would introduce a new costs model for federal discrimination proceedings to reduce the risk of costs orders being made against applicants, including people with disability. This proposed reform will be further considered in the context of establishing Foundational Supports.

Safeguarding

Consistent with its terms of reference, one of the Royal Commission's key areas of focus was examining and understanding the nature and extent of harm experienced by people with disability, and exploring ways to prevent and better protect people with disability from experiencing violence, abuse, neglect and exploitation.

The Royal Commission highlighted the importance of safeguarding and protection measures to prevent violence, abuse, neglect and exploitation of people with disability. The Final Report outlined the need to strengthen safety and protection practices and frameworks across public, non-government and community systems. It recommended simpler and more accessible pathways for reporting violence, abuse or neglect, and more efficient oversight functions for responding to harm.

The Government takes the safety and protection of people with disability seriously. Our systems, structures, legislation, policies and services must be strong, robust and responsive to safeguard and protect all people with disability from all forms of maltreatment. The Government has made a number of significant commitments to strengthen safeguarding arrangements. Key existing commitments include:

- ▶ **Quality and safety in the NDIS:** In the 2023-24 Budget, the Government committed \$142.6 million to support the NDIS Quality and Safeguards Commission in safeguarding NDIS participants. This additional funding is supporting the NDIS Commission to assist participants, minimise the risk of violence, abuse, neglect and exploitation, improve market quality and participant experience, complete outstanding casework, and improve the NDIS Commission's internal ICT capability.
- ▶ **New National Disability Insurance Agency Participant Safeguarding Policy:** The NDIA released a new NDIA Participant Safeguarding Policy and Implementation Plan in April 2023. The Policy outlines the NDIA's commitment to build or enhance safeguards that will improve the safety of participants and minimise the risk of violence, abuse, neglect and exploitation. The Policy will be rolled out over five years and will be responsive to Royal Commission and NDIS Review recommendations.
- ▶ **Safeguarding in disability services outside the NDIS:** As noted in this Progress Update, on 1 January 2024, the *Disability Services and Inclusion Act 2023* (the Act) commenced. The Act replaces the *Disability Services Act 1986* and features stronger and more fit-for-purpose safeguards, while also ensuring continuity of existing supports for people with disability outside the NDIS. The Act includes a code of conduct and compliance standards as well as complaints management requirements for service providers.
- ▶ **NDIS Provider and Worker Registration Taskforce:** The taskforce will consult with the disability community on the design and implementation of the new graduated risk-proportionate regulatory model proposed in the NDIS Review. The taskforce will provide the Minister with a report in 2024 setting out advice on: the design and implementation of the graduated risk-proportionate regulatory model; a Provider Risk Framework; and arrangements for platform providers and circumstances where participants directly employ their workers.

Family, domestic and sexual violence

The Government is committed to ensuring that women and children with disability live free from violence. The Government is taking action to reduce the service gaps and barriers for people with disability who experience violence, informed by the hearings and evidence given throughout the Royal Commission, and the September 2021 National Summit on Women's Safety.

In October 2022, Australian, state and territory governments released the **National Plan to End Violence against Women and Children 2022-2032** (National Plan). The Government has invested \$2.3 billion towards achieving the outcomes of the National Plan across the 2022-23 and 2023-24 Budgets.

The National Plan is an overarching policy framework that is guiding actions to reduce violence against women and children. It sets an ambitious target to end gender-based violence in Australia in one generation through prevention, early intervention, better responses to violence, and recovery and healing processes.

The National Plan recognises women and children with disability often experience violence that is more severe and more frequent than women and children without disability. It seeks to address the increased risk and specific forms of violence experienced by women and children with disability.

On 16 August 2023, the Government launched the dedicated Aboriginal and Torres Strait Islander Action Plan 2023-25, the First Action Plan 2023-2027, the Outcomes Framework, and the Theory of Change, setting the roadmap for how we will work to address violence against women and children in Australia for the next 10 years.

The Aboriginal and Torres Strait Islander Action Plan will work in alignment with policy priorities under ADS. Truth-telling through the Royal Commission will also guide future work under this Action Plan. To ensure a holistic, community approach to ending violence, the Action Plan focuses on key priority groups, including those with disability.

The First Action Plan 2023-2027 will more broadly help direct funding towards areas of greatest need in a coordinated and integrated way for all victim-survivors. It sets out specific actions and activities the Australian and state and territory governments will take over the next five years to achieve the objectives of the National Plan.

Development of the First Action Plan drew on the extensive consultation undertaken with stakeholders representing diverse cohorts to inform the National Plan. The First Action Plan recognises the diverse and intersectional needs of victim-survivors, including people with disability. Intersectionality and person-centred coordination are two of the six cross-cutting principles underpinning the First Action Plan. All actions under the First Action Plan include a focus on ensuring all people experiencing gender-based violence can access effective intersectional support. Further, whilst all six outcomes of the Outcomes Framework are inclusive of people with disability, one of the six outcomes specifically drives effective, culturally responsive, intersectional and accessible services and programs.

Inclusive education, employment and housing

The Royal Commission envisages a future where people with and without disability live, learn, work, play, create and engage together in safe and diverse communities. A significant focus of the Royal Commission's inquiry was education, employment and housing, with nine of the Royal Commission's 32 substantive public hearings dedicated to examining the experiences of people with disability in these settings and life stages. Volume 7 of the Final Report includes 44 recommendations on how to remove systemic barriers to inclusive education, employment and housing.

The Government acknowledges and recognises the complexities and diverse views associated with some of the Royal Commission's recommendations and commentary on education, employment and housing, particularly around segregated settings.

The Government is carefully considering the Royal Commission's education, employment and housing recommendations and consulting people with disability, their families, parents and carers, and relevant stakeholder groups.

During the course of the Royal Commission, the Government continued to progress a range of initiatives to improve inclusion of students with disability in education settings, accessibility of education and housing, and remove barriers to employment for people with disability.

Education

The Government supports students with disability to access and participate in education through a range of measures, including:

- ▶ **Regulations that support inclusion and adjustments for students with disability:** The Government administers the *Disability Discrimination Act 1992* (DDA) and *Disability Standards for Education 2005* (Standards). The Standards are made under the DDA and provide that all education providers must make reasonable adjustments for students with disability to enable them to access and participate in education on the same basis as their peers.
- ▶ **Funding to support schools to deliver inclusive education for students with disability:** To support schools to implement reasonable adjustments, the Government provides funding through the Schooling Resource Standard students with disability loading. In 2024, the Government is providing an estimated \$3.6 billion under the students with disability loading.
- ▶ **Information resources for students with disability and their parents and carers:** The Government has produced information products to support students with disability and their parents and carers to understand and exercise their rights. This includes practical and easy-to-use resources co-designed with young people with disability and their families with the help of Children and Young People with Disability Australia.
- ▶ **Resources for teachers and school leaders to strengthen capability in supporting students with disability:** Teachers in Australia must meet requirements outlined in the national professional standards for teaching, which include a broad knowledge and understanding of legislative requirements and teaching strategies that support the participation and learning of students with disability. The Government has developed resources to support teachers and school leaders to better understand and apply their obligations under the Standards.

- ▶ **Funding the Positive Partnerships program to strengthen positive outcomes for young people on the autism spectrum:** The Government funds the Positive Partnerships program which provides professional development for teachers, principals, and other school staff to build their understanding, skills, and experience in working with children and young people on the autism spectrum.
- ▶ **Funding to assist universities to support students with disability to access, participate and succeed in higher education:** The Government provides funding through the Higher Education Disability Support Program to assist universities to support students with disability. Universities may use this funding for staff training, to better support students with disability, and to modify course content, teaching materials and delivery methods to better meet the needs of students with disability.

Segregated Education

Commissioners Bennett, Galbally and McEwin recommended that Australian and state and territory education ministers should agree to the phasing out of special/ segregated education. The Chair and Commissioners Mason and Ryan recommended an alternative approach including governments locating non-mainstream schools in close proximity to mainstream schools where practicable, and creating partnerships and increased interaction between mainstream and non-mainstream schools. All governments are carefully considering these recommendations.

Employment

The Government supports the development of a dynamic and inclusive labour market. It is committed to boosting workforce participation and opportunities for people with disability and stamping out discrimination in the workplace. The Government continues to prioritise reform to ensure all Australians have the opportunity to access secure work. Key existing initiatives and commitments include:

- ▶ **Jobs and Skills Summit:** The Government hosted a Jobs and Skills Summit in September 2022 to explore avenues to achieve full employment, productivity growth and equal opportunities in the workforce, including for people with disability. More than 100 roundtables were held leading up to the summit, and 36 immediate initiatives were agreed to by Summit attendees, which included industry representatives, unions and other stakeholders.
- ▶ **Employment White Paper:** Following the Summit, the Government released the Employment White Paper, which outlines a vision for a dynamic and inclusive labour market in which everyone has the opportunity for secure, fairly paid work and which will allow people, businesses and communities to thrive. This is underpinned by five ambitious objectives, including sustained and inclusive full employment; job security and sustainable wage growth; reigniting productivity growth; filling skills needs and building our future workforce; and overcoming barriers to employment opportunities.
- ▶ **Career Pathways Pilot:** Another outcome from the Jobs and Skills Summit included the Business Council of Australia and the Australian Network on Disability partnering with the Commonwealth and four large employers to deliver an 18-month Career Pathways Pilot. The pilot aimed at increasing understanding across all levels of management of the barriers to career advancement that employees with disability face, along with ways to support them to take action to reduce those barriers. A total of \$3.3 million in Commonwealth funding has been allocated for the pilot.

- ▶ **Disability Employment Services reform:** The Government is developing a new specialist Disability Employment Services (DES) model to replace the current DES program from 1 July 2025. The new model is being developed based on ongoing consultation with people with disability, representative groups, current DES providers and other organisations in the disability sector. The new program will provide more opportunities for people with disability in open employment markets and have greater integration with other programs and services, such as Workforce Australia and the NDIS.
- ▶ **NDIS Participant Employment Strategy 2024-26:** The NDIA is refreshing its Participant Employment Strategy. The new Strategy is being developed in consultation with Disability Representative Organisations and participants, and will outline the agency's commitment to deliver quality planning for employment, and provide support to employers engaging with NDIS participants.
- ▶ **Strengthened right to request flexible working arrangements in the Fair Work Act:** In 2022, the Government amended the *Fair Work Act 2009* to provide greater scope for employees to request flexible work and made the right to request flexible work arrangements an enforceable right. This change will benefit all workers including workers with disability.
- ▶ **Employment of people with disability in the Australian Public Service (APS):** The Australian Public Service Commission is continuing to develop and implement initiatives to support APS agencies to create and maintain an inclusive culture. This includes establishing a Disability Contact Officer model and Affirmative Measures Disability Recruitment Hub; improving learning offerings and cross-agency engagement; undertaking a review to highlight barriers to accessibility in office accommodation; and improving disability identification in the APS.
- ▶ **Disability Leadership Program:** Funded by the Government, the Program is a pilot offered through the Australian Institute of Company Directors for people living with disability to boost their leadership and senior executive skills to undertake board positions. The Government has awarded 100 scholarships as part of its \$2 million investment to develop disability leaders across the country.
- ▶ **Disability Employment Centre of Excellence:** The Department of Social Services is undertaking consultation and design activities to establish a Disability Employment Centre of Excellence (the Centre). This preparatory work was funded through the 2023-24 Federal Budget, and will progress the Australian Government's 2022 election commitment to establish the Centre.

Supported Employment

In the 2023-24 Budget, the Government committed an additional \$57 million to help strengthen the supported employment sector. Supported employment services support the paid employment of people with disability. They play a vital role in supporting approximately 16,000 people with disability to contribute and connect to their local community through employment. The additional funding will increase the capability of the sector to provide people with disability with high support needs access to a wider range of employment opportunities with appropriately targeted supports. It will also provide access to advocacy support and information for people with disability and their families to build confidence and understanding about rights and options at work.

The Government has also worked with states and territories to develop a supported employment plan (the plan). The plan includes a range of practical initiatives and actions, with a specific focus on employment for people with disability with high support needs.

The Government acknowledges the significant community interest around the Royal Commission's recommendations on supported employment. Commissioners Bennett, Galbally, Mason and McEwin recommended the Government develop a National Inclusive Employment Roadmap to transform Australian Disability Enterprises (ADEs) and end segregated employment by 2034. While the Chair and Commissioner Ryan have no issue with the Government implementing a plan to guide changes that should occur in the operation of ADEs and similar workplaces, they do not describe this process as ending segregated employment. The Chair and Commissioner Ryan do not consider every workplace established exclusively for people with disability should be characterised as segregated in the pejorative sense in which the word is typically understood. They consider workplaces exclusively for people with disability may have a continuing, albeit diminishing, role in providing employment opportunities, especially for people with intellectual or cognitive disability.

The Government is carefully considering these recommendations and will continue consulting with people with disability, their families, carers and representatives to understand the diverse views on these matters before formally responding.

Housing

Safe and affordable housing is central to the security and dignity of all Australians. The Government has committed to an ambitious housing reform agenda to boost the supply of all housing, and increase housing and homelessness supports for vulnerable communities. Key measures include:

- ▶ The \$10 billion **Housing Australia Future Fund** to support 30,000 new social and affordable rental homes over its first five years.
- ▶ Federal funding of \$2 billion through the **Social Housing Accelerator** to deliver thousands of social homes across Australia.
- ▶ The **National Housing Accord**, investing \$350 million in additional federal funding to deliver 10,000 affordable rental homes over five years from 2024 – matched by states and territories.
- ▶ The **New Homes Bonus**, investing \$3 billion to incentivise states to build more to meet a national target of 1.2 million new homes over five years.
- ▶ **A Better Deal for Renters** to harmonise and strengthen renters' rights across Australia.
- ▶ Federal funding of around \$1.7 billion for a one-year extension of the **National Housing and Homelessness Agreement**. The Government is working with states and territories to develop a new funding arrangement to replace the National Housing and Homelessness Agreement by 30 June 2024.
- ▶ A **National Housing and Homelessness Plan** is being developed in collaboration with states and territories. The National Plan will provide a shared national vision for tackling Australia's housing challenges and support those experiencing housing stress and homelessness.
- ▶ Expanding the **National Housing Infrastructure Facility (NHIF)**, making up to \$575 million available to invest in social and affordable rental homes, with projects already under construction. The NHIF will also receive an additional \$1 billion to support more social housing.
- ▶ The NDIA has invested \$1.02 million in grant funding for **Home and Living Demonstration Projects** that focus on empowering participants. The Project works with four organisations to test different ways of delivering high quality information, assistance and connections support to NDIS participants looking to explore home and living options.

Supported Accommodation

The Government has been working to improve supported accommodation, which includes group homes. In January 2023, the NDIS Commission completed an own motion inquiry into aspects of supported accommodation in the NDIS.

An Action Plan was developed in response to the inquiry, focusing on elevating the quality and safety of supported independent living (SIL) services; amplifying the voices of people with disability living in supported accommodation; and improving the NDIS to maximise the choice, control and experience of participants living in supported accommodation – including the interaction between SIL and specialist disability accommodation (SDA).

The Government acknowledges the two significant recommendations the Royal Commission made around phasing out group homes within 15 years (Commissioners Bennett, Galbally, Mason and McEwin) or over a generational timeframe (Commissioner Ryan) and is carefully considering these recommendations.

Quality and accessible disability and mainstream services for all people with disability

The Royal Commission set out a vision for a safe and inclusive Australia where all people with disability are supported to thrive. To achieve this, systems and services must be universally accessible and responsive to the diverse experiences, circumstances and needs of all people with disability.

The Government is committed to recognising and responding to the intersectional and diverse experiences of people with disability and their carers at all life stages.

Disability and mainstream supports and services across all systems must be accessible and meet the needs of the disability community in all its diversity – including children and young people with disability; First Nations people and communities; women with disability; people from culturally and linguistically diverse backgrounds; LGBTIQ+ people with disability; and older Australians. Supports and services must also be accessible and responsive to different disabilities, including physical, neurological, neurodevelopmental, psychosocial, sensory, intellectual, cognitive, and communication. They must acknowledge the coexisting, episodic, fluctuating nature and severity of an individual's experience with disability.

A skilled, capable, disability aware and trauma informed workforce is critical to achieving this. The Government also recognises the integral role carers play in supporting the disability community. The Government is developing and progressing a range of comprehensive initiatives and strategies that will better support our diverse community. Key examples include:

- ▶ **Foundational Supports:** The National Cabinet has agreed that the Commonwealth and states and territories will work together to co-fund and co-commission the establishment of foundational supports for Australians with a disability aged under 65 outside the NDIS.
- ▶ **National Strategy for the Care and Support Economy:** The Government is developing a National Strategy that sets a roadmap of action to a sustainable and productive care and support economy that delivers quality care with decent jobs.
- ▶ **National Carer Strategy:** Almost 2.65 million Australians care for someone with disability, a medical condition, mental illness or older Australians. In October 2023, the Government announced the development of a National Carer Strategy to better support carers.
- ▶ **National Mental Health Workforce Strategy:** The Commonwealth and state and territory governments have committed to a 10-year Strategy to guide co-ordinated actions to ensure Australians can get the mental health care they need when they need it.
- ▶ **The Early Years Strategy:** The Government is developing a whole-of Commonwealth Strategy to set out the vision to best support Australia's children and their families in the early years. The Strategy recognises how critical the early years are for children's development and continued success over their lifetime.
- ▶ **National Strategy to Achieve Gender Equality:** The Government is developing a strategy that will set out the Government's actions and priorities to drive gender equality in Australia.

- ▶ **National Autism Strategy:** The Government is developing a National Autism Strategy which will provide a framework for improving the life outcomes for Autistic people. It will cover key reform areas including access to services, healthcare, education, and employment. It will help to guide a more coordinated, national approach supporting Autistic people at each stage of life.
- ▶ **National Mental Health and Suicide Prevention Agreement:** Signed by the Commonwealth and all states and territories in March 2022, the National Agreement commits to improving mental health and wellbeing outcomes and reducing suicide – with a focus on improving outcomes for priority population groups, including people with disability.
- ▶ **Reform and Review of the Disability Standards for Accessible Public Transport 2022 (Transport Standards):** A reform process commenced in 2019 to address shortcomings in the Transport Standards identified by people with disability and the public transport industry. The outcomes of the reform process will be made publicly available in due course. A separate statutory review commenced in late-2022 to review the efficiency and effectiveness of the Transport Standards. The review report will be publicly released in 2024.
- ▶ **Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031:** Safe and Supported aims to ensure children and young people in Australia grow up in safe, nurturing and culturally appropriate environments, free from harm and neglect. The framework is designed to make significant, sustained progress to reduce child abuse and neglect and its intergenerational impacts. Children and young people and/or parents/ carers with disability or developmental concerns are a priority group under Safe and Supported. Activities are focused on child protection services, family support services, universal services and the NDIS working together to ensure services are family-centred and culturally safe.
- ▶ **Delivering aged care that is equitable, sustainable and trusted:** The Government is restoring dignity to aged care and ensuring older people are treated with the respect they deserve, to secure a strong and valued aged care workforce, design a new regulatory model, and embed new aged care assessment arrangements. The Government has also allocated \$487 million to extend, and make ongoing, the Disability Support for Older Australians Program.
- ▶ **Aviation White Paper:** The Government has committed to delivering an Aviation White Paper to set the scene for the next generation of growth across the aviation sector. The White Paper is considering as a priority consumer protection issues and improving accessibility for consumers living with disability.

First Nations people with disability

The Australian Bureau of Statistics *National Aboriginal and Torres Strait Islander Health Survey 2018–19* identifies around 35 per cent (274,400) of First Nations people under 65 years of age have a disability, nearly three times the rate of disability in the general population (12 per cent). Further, around 79 per cent of First Nations people aged 65 and over have a disability; and around 22 per cent of First Nations children (under the age of 18) have a disability.

The Government acknowledges the strength and resilience of First Nations people with disability, their families, communities and their commitment to truth-telling through contributions to the Royal Commission.

Cultural safety is critical for the development of an inclusive Australia. It is especially important for First Nations people with disability. The Royal Commission heard that First Nations cultural understandings of disability focus on the strengths and collective wellbeing of community. This approach recognises that inclusion in culture and community has a positive impact on social health and wellbeing.

The Royal Commission found that policy frameworks and service delivery are failing to recognise and respond to the distinct needs of First Nations people with disability, resulting in poorer outcomes across multiple areas. Witness accounts stated that some First Nations people avoid disability supports and other services because they do not trust government authorities or services are not culturally safe.

All levels of government must do more to support First Nations people with disability and address the disparity in outcomes. The Government is committed to a practical and positive agenda based on listening to First Nations people; and is committed to partnering in decision-making with the First Nations people most affected by policy and program approaches. While the Government is considering the recommendations of the Final Report carefully, a number of actions are already underway to drive better outcomes for First Nations people with disability.

The **National Agreement on Closing the Gap (National Agreement)** and **Australia's Disability Strategy** provide the overarching policy frameworks that outline the expectations for transformative change at all levels of government for First Nations people with disability. Disability is recognised as a cross cutting outcome under the National Agreement. Both frameworks seek to embed a strengths-based approach. The Government is progressing a range of activities supporting outcomes for First Nations people with disability under the National Agreement and ADS, including:

- ▶ **Disability Sector Strengthening Plan (DSSP) and the National Disability Footprint:** The DSSP, endorsed by the Joint Council on Closing the Gap, supports implementation of Priority Reform Two under the National Agreement to build the community-controlled disability sector. In 2022, the National Indigenous Australians Agency supported First Peoples Disability Network (FPDN) to implement the National Disability Footprint as a key action under the DSSP. The Disability Footprint increases FPDN's capacity to improve systems and processes for First Nations people with disability, through national engagement with governments, service providers, educators and the disability community. The Government is considering the Royal Commission's recommendations regarding the DSSP.
- ▶ **Safe and Supported – Aboriginal and Torres Strait Islander First Action Plan:** This plan, which sits under the already mentioned Safe and Supported, will improve effective and timely responses for intersecting priority groups including First Nations children, young people, parents and carers with disability who are at risk of or are engaging with child protection systems.
- ▶ **Replacing the Community Development Program:** The Australian Government is investing \$707 million to deliver a new Remote Jobs and Economic Development Program (RJED) in the second half of 2024 that provides people in remote communities with real jobs, proper wages and decent conditions. The RJED program is being developed in partnership with First Nations people and will fund 3,000 jobs over three years. It will support remote communities to determine local projects and job priorities to increase economic opportunities in their areas.
- ▶ **Indigenous Community Advocates:** The Government is funding the Indigenous Community Advocates (ICAs) pilot, through the National Disability Advocacy Program. ICAs deliver tailored, culturally safe, individual advocacy support for First Nations people with disability. The 12-month pilot commenced on 1 July 2023. Findings from the pilot will inform longer-term planning to improve advocacy outcomes.

Health

The Government is progressing a number of initiatives to build a more inclusive and accessible healthcare system that supports the health and wellbeing of people with disability and promotes autonomy, choice and control. These initiatives support progress under ADS Health and Wellbeing Outcome Area.

- ▶ **Analysing unmet need for psychosocial supports outside the NDIS:** All Governments have committed to undertaking further analysis of unmet need for psychosocial supports outside the NDIS. The unmet need analysis is due to be completed by March 2024. Following completion of the analysis, all Governments have committed to working together to develop and agree future psychosocial support arrangements for people who are not supported through the NDIS.
- ▶ **Investing in psychosocial supports:** The Government has invested \$260.2 million in psychosocial supports for people with severe mental illness and associated psychosocial disability, including \$251.9 million to extend the Commonwealth Psychosocial Support Program until 30 June 2025. This investment ensures that more than 18,000 people will continue to receive support while a regional-level analysis of unmet need is completed and roles and responsibilities for the future provision of psychosocial supports are determined.
- ▶ **Improving palliative care services for people with intellectual disability:** The Commonwealth Department of Health and Aged Care is funding NSW to conduct a project to improve palliative care services for people with intellectual disability.
- ▶ **Building capacity in the mental health workforce:** The Government has allocated \$1 million to support the Chair of Intellectual Disability Mental Health at the University of New South Wales (UNSW) to build the capacity of the mental health workforce to address the complex needs of people with intellectual or developmental disability through education, training and health promotion. The Government is also investing \$1.4 million over three years to develop a mental health curriculum framework to ensure nursing, midwifery and allied health students receive contemporary training in mental health, and an additional \$9.2 million over three years for online training, resources and professional development.
- ▶ **Specialised digital mental health services and interventions pilot:** The Government provided over \$15 million to SANE Australia for a pilot of specialised digital mental health services and interventions. The pilot aims to improve access to mental health services for people for whom mainstream services may be challenging, including those with co-occurring conditions such as intellectual disability and autism.
- ▶ **Responding to and learning from COVID-19:** The Government is progressing a range of initiatives in response to the COVID-19 pandemic, including implementing measures to improve the accessibility of information for people with a disability.

► **Intellectual Disability Health Roadmap:**

The Government has committed \$43.3 million to fund five priority actions under the National Roadmap for Improving the Health of People with Intellectual Disability. This includes: developing a Primary Care Enhancement Program for people with intellectual disability in four pilot Primary Health Networks; developing intellectual disability health capabilities, tools and resources to support universities and accreditation authorities to improve university education for health professionals; improving uptake of annual health assessments for people with intellectual disability; scoping, co-design, and establishment of a National Centre of Excellence in Intellectual Disability Health.

► **Autism and Mental Health Roadmap:**

The Government has allocated \$1.54 million to develop the National Roadmap to Improve the Health and Mental Health of Autistic People, which will address the issues faced by people with Autism Spectrum Disorder in the health care system and set out actions to improve their health and mental health outcomes.

Justice

People with disability are overrepresented in the criminal justice system as complainants, defendants and witnesses, particularly First Nations people with disability and people with cognitive disability. The Royal Commission raised concerns around access to disability supports and services for people in contact with the criminal justice system; the treatment of people with disability in places of detention; and disability confidence, awareness and capacity in the justice system. The Royal Commission also highlighted the need for better supports and services for people with disability transitioning out of custodial settings.

The Government is working with states and territories to consider and respond to the Royal Commission's recommendations around justice, and on justice issues more broadly. This includes working with state and territory governments on minimum age of criminal responsibility reform through the Standing Council of Attorneys-General.

Work has also continued to improve access to supports and services for people with disability in contact with the criminal justice system through a range of measures relating to the NDIS, the National Agreement on Closing the Gap and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment including:

Supporting NDIS participants in custody and when transitioning into the community

- ▶ The NDIA has been working closely with all states and territories to make improvements at the interface between the NDIS and the criminal justice system, including through the introduction of **Justice Liaison Officers** as the conduit between the NDIA and state and territory justice systems.
- ▶ The NDIA also recently concluded its 12-month **Justice Transition Project** which explored ways to improve the experience of NDIS participants in custody and forensic settings who are transitioning to the community. The project has made 13 improvement recommendations that align both explicitly and indirectly with Royal Commission recommendations. As a proactive initiative and in response to stakeholder feedback, in August 2023, the NDIA introduced the Justice Planning Team to provide specialised planning support to participants involved in the justice system.

Reducing incarceration rates of First Nations people

- ▶ Through the **Indigenous Advancement Strategy**, the National Indigenous Australians Agency funds a range of programs that aim to reduce rates of incarceration for First Nations people, including adult and youth through-care programs, community safety patrols, youth support, custody notification services and diversion activities.

Justice Policy Partnership

- ▶ Established under the National Agreement on Closing the Gap, the **Justice Policy Partnership (JPP)** is a shared decision-making mechanism with Government and First Nations people, bringing a joined-up approach to First Nations justice policy with a focus on reducing adult and youth incarceration. The JPP agreement highlights the importance of First Nations people being heard through this mechanism, including First Nations people with disability.

