



Australian Government

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

Summary

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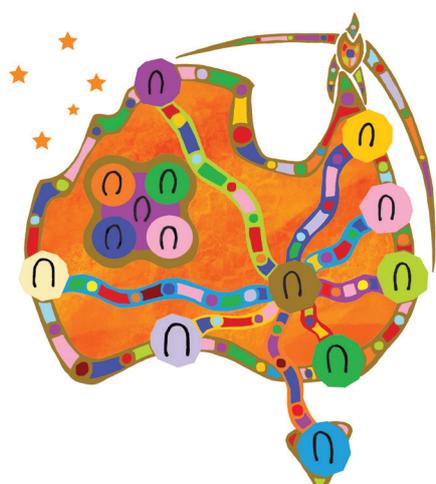
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Acknowledgment of Country

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.

Introduction

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

The Australian Government thanks 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.

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

Part 1: Overview of the Disability Royal Commission and its significance

About the Royal Commission

The Royal Commission was established in April 2019 in response to community concern about violence, abuse, neglect and exploitation of people with disability.

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.

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.

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.

The Government takes the reported experiences of violence, abuse, neglect and exploitation of people with disability very seriously. The Government is committed to protecting the rights and safety of people with disability, 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 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.

Part 2: Update on the Australian Government's consideration of the Royal Commission's Final Report

Establishment of the Commonwealth Disability Royal Commission Taskforce

The Government has established a Commonwealth Disability Royal Commission Taskforce (Taskforce) within the Department of Social Services to support the Government's consideration of, and response to, the Final Report.

The Taskforce's purpose is to:

- ▶ Support coordinated consideration of the Disability Royal Commission's 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.
- ▶ Work with state and territory officials to consider recommendations of joint Commonwealth, state and territory responsibility.

Consultation

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.

This includes 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. Consultation and engagement activities will continue in 2024. Further information is available on the Department of Social Services' consultation and engagement website at: www.engage.dss.gov.au/drcausgovresponse/.

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. Of the Royal Commission's 222 recommendations, 85 are the joint responsibility of the Commonwealth, states and territories; 84 are the sole responsibility of the Commonwealth; 50 are the sole responsibility of states and territories; and three are the joint responsibility of the Commonwealth and non-government entities.

Addressing the issues highlighted by the Royal Commission requires a national effort, and all governments have committed to working together to progress integrated reform.

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

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 the 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 the 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 the 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

Australia's Disability Strategy 2021-2031 (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.

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**. The review of ADS will build on existing work to strengthen and better measures outcomes under ADS, such as the establishment of a Central Coordination of Disability Policy in the Australian Government; investment in the National Disability Data Asset; and Targeted Action Plans under ADS.

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.

The Government has commenced a significant reform process to deliver an NDIS that works for people with disability, including, for example:

- ▶ **Commissioning an Independent Review of the NDIS and taking immediate steps in response**
- ▶ **Cracking down on fraud to support the safety and wellbeing of NDIS participants and make sure NDIS funding is used appropriately**
- ▶ **The NDIA releasing a new Supported Decision Making Policy**
- ▶ **Investing \$910 million over four years at 2023-24 Budget to improve the effectiveness and delivery of the NDIS**
- ▶ **Reducing the backlog of NDIS legacy Administrative Appeals Tribunal cases**
- ▶ **Progressing a range of initiatives to stop NDIS participants being over-charged when purchasing supports**

The Government is also considering the final report of the Independent NDIS Review, released on 7 December 2023. The NDIS Review included 26 recommendations and 139 supporting actions designed to restore trust, ensure sustainability, and deliver a better NDIS experience for participants. All Australian governments have committed to making legislative and other changes to the NDIS to improve the experience of participants and restore the original intent of the scheme.

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.

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

The Government welcomes the Royal Commission's rights-based approach to its 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 AHRC's 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, including, for example:

- ▶ Repealing and replacing the *Disability Services Act 1986* with the new ***Disability Services and Inclusion Act 2023***. The new Act commenced on 1 January 2024 and strengthens the quality and safeguard arrangements for people with disability outside the NDIS. The Act was developed through extensive consultation with people with disability and seeks to embed human rights principles.
- ▶ 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.

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 Final Report outlined the need to strengthen safety and protection practices and frameworks across public, non-government and community systems.

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, including, for example:

- ▶ Committing **\$142.6 million** at the 2023-24 Budget to support the **NDIS Quality and Safeguards Commission** in safeguarding NDIS participants.
- ▶ Releasing a new **NDIA Participant Safeguarding Policy and Implementation Plan** to build or enhance safeguards that will improve the safety of participants and minimise the risk of violence, abuse, neglect or exploitation.
- ▶ Establishing an **NDIS Provider and Worker Registration Taskforce** to consult with the disability community on the design and implementation of the new graduated risk-proportionate regulatory model proposed in the NDIS Review.
- ▶ Releasing the **National Plan to End Violence against Women and Children 2022-2032**, which includes specific focus to address the increase risk and specific forms of violence experienced by women and children with disability.

Inclusion

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 these 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. Key examples are outlined below.

Education

- ▶ 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.
- ▶ The Government has produced information products to support students with disability and their parents and carers to understand and exercise their rights. The Government has also developed resources to support teachers and school leaders to better understand and apply their obligations.

Employment

- ▶ The **Employment White Paper**, released after the Jobs and Skills Summit in September 2022, outlines a vision for a dynamic and inclusive labour market in which everyone has the opportunity for secure, fairly paid work. Inclusive employment and overcoming barriers to employment opportunities are among the objectives of the Government's plan.
- ▶ 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, providers and the disability sector.
- ▶ In the 2023-24 Budget, the Government committed an **additional \$57 million** to help strengthen the supported employment sector. 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.

Housing

- ▶ The \$10 billion **Housing Australia Future Fund** will support 30,000 new social and affordable rental homes over its first five years, while \$2 billion of funding through the **Social Housing Accelerator** will deliver thousands of social homes across Australia.
- ▶ Funding of \$1.7 billion to extend the **National Housing and Homelessness Agreement** for a further year. A National Housing and Homelessness Plan is being developed in collaboration with states and territories and will provide a shared national vision for tackling Australia's housing challenges and support those experiencing housing stress and homelessness.
- ▶ The NDIS Quality and Safeguards Commission has developed an action plan focusing on elevating the quality and safety of supported independent living 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.

Quality and accessible 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. 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 establishing foundational supports for Australians with disability aged under 65 outside the NDIS; developing the Early Years Strategy; the National Strategy for the Care and Support Economy; the National Mental Health Workforce Strategy; National Carer Strategy; National Autism Strategy; and Safe and Supported: The National Framework for Protecting Australia's Children.

First Nations people with disability

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.

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.

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, for example:

- ▶ The Disability Sector Strengthening Plan (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.

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.

This includes analysing unmet need for psychosocial supports outside the NDIS; investment in psychosocial supports; building capacity in the mental health workforce; committing \$43.3 million to fund five priority actions under the Roadmap for Improving the Health of People with Intellectual Disability; and improving palliative care services for people with intellectual disability.

Justice

People with disability are overrepresented in the criminal justice, particularly First Nations people with disability and people with cognitive disability.

The Government is working with states and territories to consider recommendations around justice. It is also working 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, for example:

- ▶ Introducing Justice Liaison Officers to improve the interface between the NDIS and the criminal justice system, and improving the experience of NDIS participants transitioning from custodial or forensic settings to the community.
- ▶ Continuing to fund a range of programs through the Indigenous Advancement Strategy 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.
- ▶ Establishing the Justice Policy Partnership under the National Agreement on Closing the Gap with a focus on reducing adult and youth incarceration.

The Government will continue to consult with people with disability, their families, carers, representative organisations, state and territory governments, service providers, unions and the broader community to inform responses to the Royal Commission.

