



# Disability Royal Commission Australian Government Response: Volume 11

## Independent oversight and complaint mechanisms

Volume 11 proposes strengthened independent oversight and complaint mechanisms and pathways across six areas. It includes 18 recommendations, 12 of which are within the Australian Government’s primary or shared responsibility.

Independent oversight and complaint mechanisms	
Recommendation	Australian Government Response
11.1: Nationally consistent adult safeguarding functions	Subject to further consideration
11.2: An integrated national adult safeguarding framework	Subject to further consideration
11.4: Creating accessible complaint pathways	Accept in principle
11.5: Complaint handling and investigative practice guidelines	Accept in principle
11.6: Enshrining key provisions of OPCAT in legislation	Accept in principle
11.7: Resourcing and wider definition of places of detention	Accept in principle
11.10: Improved consistency and coordination	Accept in principle
11.11: Disability inclusive approach to implementing OPCAT	Accept in principle
11.12: Consistent community visitor schemes	Accept in principle
11.13: Integration of community visitor schemes with the NDIS	Accept in principle
11.16: National agreement on disability death reviews	Subject to further consideration
11.18: Dual oversight of reportable conduct and incidents	Accept in principle

## Key actions and initiatives

All Governments will work together through the Disability Reform Ministerial Council to consider reform options to develop a nationally consistent and unified approach to disability quality and safeguarding arrangements for people with disability across Australia.

The Commonwealth will work with states and territories to develop a framework that sets out the standards and culture of how the disability ecosystem will work to strengthen safeguarding for people with disability.

All governments will work together through the Disability Reform Ministerial Council to consider a coordinated approach to creating accessible complaint pathways.

The Australian Government will continue to operate the existing National Disability Abuse and Neglect Hotline and will work with states and territories as they consider complementary approaches to ensuring people with disability can assess help when they need it the most.

The Australian Government is committed to working with states and territories towards full implementation of Optional Protocol to the Convention against Torture (OPCAT).

The Attorney-General's Department will continue to facilitate the national coordination of OPCAT implementation in Australia. This includes working with states and territories to ensure that all parts of the Australian National Preventative Mechanism (NPM) have appropriate legislative authority to fulfil their mandate.

NPMs have been nominated in the Commonwealth, Australian Capital Territory, Northern Territory, South Australia, Tasmania and Western Australia. Legislation in the Commonwealth, Tasmania and the Northern Territory already enable NPM access to places of detention covered by OPCAT.

The Commonwealth Ombudsman established the civil society OPCAT Advisory Group to provide the Ombudsman with expert advice and guidance about the implementation of OPCAT. The OPCAT Advisory Group includes representation from people with lived experience of disability.

The Commonwealth Ombudsman is actively considering whether additional mechanisms are required to effectively engage with civil society in its role as NPM.

All governments will continue to work together collaboratively to ensure NPMs implement their functions in a disability-inclusive way.

All governments support the intent of a nationally consistent approach to Community Visitor Schemes (CVS). They will work together to consider the best approach to ensuring people with disability have access to CVS as a safeguarding mechanism.

All governments will work together to further consider the appropriateness of a national agreement on disability death reviews. This will be done alongside state and territory consideration and development of disability death review schemes consistent with recommendations 11.14 and 11.15.

All governments will work together with the NDIS Quality and Safeguards Commission to develop consistent processes that support the efficient and effective handling of reportable incidents.

# Government investment

- As part of its initial response to the Disability Royal Commission, the Australian Government has committed **\$15.6 million** to establish a Quality and Safeguarding Framework and Disability Support Ecosystem Safeguarding Strategy to unify disability quality and safeguarding arrangements for people with disability across Australia.
- At the 2024-25 Budget, the Australian Government committed an additional **\$2.6 million** for the continued delivery of the National Disability Abuse and Neglect Hotline and the Complaints Resolution and Referral Service.
- **\$1.2 million** towards a whole-of-government approach to reduce and eliminate the use of restrictive practices, through establishing targets and performance indicators within the NDIS and developing a joint action plan with states and territories.
- The Australian Government is committing **\$4.4 million** to drive a nationally consistent approach to state and territory operated disability Community Visitor Schemes to ensure people with disability have equitable and consistent access to community visitors as a safeguarding mechanism. This will help prevent and better respond to instances of violence, abuse, neglect and exploitation in congregate disability settings and influence the provision of high quality and accountable disability support and service delivery.
- **\$160.7 million** through the 2024-25 Budget to transform the NDIS Quality and Safeguards Commission's ability to protect people with disability from abuse, violence and neglect, and to detect and prevent fraud through the Data and Regulatory Transformation Program (DART).
- **\$142.6 million** through the 2023-24 Budget to support the NDIS Quality and Safeguards Commission in safeguarding NDIS participants.